

As Passed by the House

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 33

Representative Edwards

Representatives Abdullahi, Abrams, Baker, Brennan, Brent, Brewer, Brown,
Callender, Carruthers, Cutrona, Dell'Aquila, Denson, Dobos, Galonski,
Ghanbari, Grim, Hillyer, Humphrey, Jones, LaRe, Liston, Loychik, Miranda,
Mohamed, Oelslager, Pavliga, Richardson, Robb Blasdel, Robinson, Rogers,
Schmidt, Somani, Stein, Swearingen, Sweeney, Thomas, C., Troy, Upchurch,
Weinstein, Williams, Young, B.

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5726.041, 6133.15, and 6301.12 of the Revised Code; to amend Section 3 of S.B. 166 of the 134th General Assembly and codify it as section 4123.345 of the Revised Code; to amend Section 5 of H.B. 123 of the 133rd General Assembly as subsequently amended and codify it as section 3317.22 of the Revised Code; to amend the versions of sections 173.21, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, and the versions of sections 111.15, 3701.83, 3702.52, 3702.55, and 3711.14 of the Revised Code that are scheduled to take effect September 30, 2024, to continue the changes on and after those effective dates; to amend the version of section 4717.09 of the Revised Code that is scheduled to take effect on December 31, 2024; to repeal the versions of sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that are scheduled to take effect on December 31, 2024; to repeal sections 4723.89, 4723.90, 5120.658, and 5164.071 of the Revised Code five years after those sections take effect, to abolish those provisions on that date; to amend sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 and to enact sections 5180.01 5180.02 of the Revised Code and, on January 1, 2025, to amend sections 9.55, 103.60, 109.65, 109.746, 121.37,

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5166.01, and 5167.16; to amend, for the purpose of 355
adopting new section numbers as indicated in 356
parentheses, sections 3301.90 (5104.50), 3701.61 357
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(5180.32), 5123.0422 (5180.34), and 5123.0423 365
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5733.38, and 6109.121 of the Revised Code and to 388
amend the versions of sections 921.06, 3737.83, 389
and 3781.10 of the Revised Code that are scheduled 390
to take effect December 29, 2023, and the version 391
of section 3701.63 of the Revised Code that is 392
scheduled to take effect September 30, 2024, to 393
continue the changes on and after those effective 394
dates; to amend sections 127.15, 173.03, 753.19, 395
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5751.40; to enact sections 1509.031 and 3745.019; 412
to repeal section 5123.195 of the Revised Code and 413
to amend the versions of sections 3772.13 and 414

3772.131 of the Revised Code that are scheduled to 415
take effect December 29, 2023, to continue the 416
changes on and after that effective date; to amend 417
sections 2925.01, 3701.33, 3701.83, 3717.27, 418
3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 419
4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 420
4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 421
4743.05, 4776.20, and 5903.12; to amend, for the 422
purpose of adopting new section numbers as 423
indicated in parentheses, sections 4736.01 424
(3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 425
4736.07 (3776.04), 4736.08 (3776.05), 4736.09 426
(3776.06), 4736.11 (3776.07), 4736.12 (3776.08), 427
4736.13 (3776.09), 4736.14 (3776.10), 4736.15 428
(3776.11), 4736.17 (3776.12), and 4736.18 429
(3776.13); to repeal sections 4736.05, 4736.06, 430
and 4736.10 of the Revised Code; to amend the 431
version of section 3701.83 of the Revised Code 432
that is scheduled to take effect September 30, 433
2024; to amend the version of section 4736.14 of 434
the Revised Code that is scheduled to take effect 435
December 29, 2023; to amend the version of section 436
4736.14 (3776.10) of the Revised Code that is 437
scheduled to take effect December 29, 2023, for 438
the purpose of adopting a new section number as 439
indicated in parentheses; and to repeal the 440
version of section 4736.10 of the Revised Code 441
that is scheduled to take effect December 29, 442
2023; and to amend the version of section 3701.351 443
that is scheduled to take effect September 30, 444
2024; to repeal the versions of sections 3727.70 445
and 4723.431 of the Revised Code that are 446
scheduled to take effect September 30, 2024; to 447

amend Section 5 of H.B. 29 of the 134th General 448
Assembly; to amend Sections 130.11 and 130.12 as 449
subsequently amended of H.B. 110 of the 134th 450
General Assembly; to amend sections 128.01, 451
128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 452
128.08, 128.12, 128.18, 128.22, 128.32, 128.34, 453
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128.60, 128.63, 128.99, 149.43, 2913.01, 4776.20, 456
5703.052, 5733.55, and 5751.01; to amend, for the 457
purpose of adopting new section numbers as 458
indicated in parentheses, sections 128.18 459
(128.33), 128.22 (128.35), 128.32 (128.96), 128.34 460
(128.98), 128.40 (128.20), 128.42 (128.40), and 461
128.45 (128.451); to enact new sections 128.22, 462
128.25, 128.26, 128.27, 128.42, and 128.45 and 463
sections 128.05, 128.21, 128.211, 128.212, 464
128.221, 128.23, 128.24, 128.241, 128.242, 465
128.243, 128.28, 128.41, 128.411, 128.412, 466
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128.421, 128.422, and 128.43; and to repeal 468
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128.27, 128.571, 4742.01, 4742.02, 4742.03, 470
4742.04, 4742.05, 4742.06, and 4742.07 of the 471
Revised Code; to amend Sections 2, 3, and 8 of 472
H.B. 509 of the 134th General Assembly; to amend 473
Section 207.14 of H.B. 597 of the 134th General 474
Assembly; to amend Sections 213.10, 237.10 as 475
subsequently amended, 237.13 as subsequently 476
amended, 237.15, and 237.30 of H.B. 687 of the 477
134th General Assembly; to amend Sections 280.12, 478
280.28, and 285.12 of H.B. 45 of the 134th General 479
Assembly; to amend Sections 125.10 and 125.11 of 480

H.B. 59 of the 130th General Assembly, as 481
subsequently amended; and to repeal Section 5 of 482
H.B. 371 of the 134th General Assembly; to repeal 483
Section 3 of H.B. 669 of the 133rd General 484
Assembly; and to repeal Section 21 of H.B. 790 of 485
the 120th General Assembly to make operating 486
appropriations for the biennium beginning July 1, 487
2023, and ending June 30, 2025, to levy taxes, and 488
to provide authorization and conditions for the 489
operation of state programs. 490

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

Section 101.01. That sections 101.35, 101.352, 101.353, 491
101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 106.031, 492
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5751.01, 5751.02, 5751.033, 5751.06, 5751.51, 5753.031, 5910.01, 615
5913.01, 5919.34, 5922.01, 5923.12, 6119.10, 6121.02, and 6131.43 616
be amended; that sections 113.41 (125.903), 125.22 (126.42), 617
2151.3534 (2151.3527), 3333.03 (3333.01), and 5103.422 (5103.42) 618
be amended, for the purpose of adopting new section numbers as 619
indicated in parentheses; and sections 5.2320, 5.55, 9.17, 119.05, 620
121.376, 125.183, 135.98, 135.981, 135.982, 135.983, 135.984, 621
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5709.56, 5713.031, 5725.36, 5726.58, 5728.16, 5729.19, 5739.093, 662
5743.06, 5747.64, 5747.83, 5747.84, 5913.012, and 6301.113 of the 663
Revised Code be enacted to read as follows: 664

Sec. 5.2320. The twenty-sixth day of October is designated as 665
"Sudden Unexpected Death in Epilepsy Awareness Day." Sudden 666
unexpected death in epilepsy (SUDEP) is the sudden, unexpected 667
death of someone with epilepsy who was otherwise healthy. 668

Sec. 5.55. The month of April is designated as the "Month of
the Military Child." 669
670

Sec. 9.17. (A) The amount for purposes of a provision of the
Revised Code that references this section shall be as follows: 671
672

(1) Beginning on the effective date of this section through
calendar year 2024, seventy-five thousand dollars; 673
674

(2) For each calendar year thereafter, the amount for the
previous calendar year increased by three per cent as determined
and published by the director of commerce. 675
676
677

Sec. 101.35. There is hereby created in the general assembly 678
the joint committee on agency rule review. The committee shall 679
consist of five members of the house of representatives and five 680
members of the senate. Within fifteen days after the commencement 681
of the first regular session of each general assembly, the speaker 682
of the house of representatives shall appoint the members of the 683
committee from the house of representatives, and the president of 684
the senate shall appoint the members of the committee from the 685
senate. Not more than three of the members from each house shall 686
be of the same political party. ~~In the first regular session of a~~ 687
~~general assembly, the chairperson of the committee shall be~~ 688
~~appointed by the~~ The speaker of the house shall appoint a house 689
chairperson from among the house members of the committee, and the 690
~~vice chairperson shall be appointed by the president of the senate~~ 691
~~shall appoint a senate chairperson~~ from among the senate members 692
of the committee. ~~In~~ During the first regular session of a general 693
assembly, the committee shall meet at the call of the house 694
chairperson, and the house chairperson shall conduct each meeting. 695
During the second regular session of a general assembly, the 696
committee shall meet at the call of the senate chairperson, and 697
the senate chairperson shall be appointed by the president of the 698

~~senate from among the senate members of the committee, and the~~ 699
~~vice chairperson shall be appointed by the speaker of the house~~ 700
~~from among the house members of the committee~~ conduct each 701
meeting. If the chairperson responsible for calling and conducting 702
committee meetings is absent or otherwise temporarily unable to 703
perform the chairperson's duties, the other chairperson shall act 704
as a substitute. The ~~chairperson, vice chairperson,~~ chairpersons 705
and members of the committee shall serve until their respective 706
successors are appointed or until they are no longer members of 707
the general assembly. When a vacancy occurs among the officers or 708
members of the committee, it shall be filled in the same manner as 709
the original appointment. 710

Notwithstanding section 101.26 of the Revised Code, the 711
members, when engaged in their duties as members of the committee 712
on days when there is not a voting session of the member's house 713
of the general assembly, shall be paid at the per diem rate of one 714
hundred fifty dollars, and their necessary traveling expenses, 715
which shall be paid from the funds appropriated for the payment of 716
expenses of legislative committees. 717

The committee has the same powers as other standing or select 718
committees of the general assembly. Six members constitute a 719
quorum. The concurrence of six members is required for the 720
recommendation of a concurrent resolution invalidating a proposed 721
rule under section 106.021 of the Revised Code. The concurrence of 722
seven members is required for the recommendation of a concurrent 723
resolution invalidating an existing rule under section 106.031 of 724
the Revised Code. 725

When a member of the committee is absent, the president or 726
speaker, as the case may be, may designate a substitute from the 727
same house and political party as the absent member. The 728
substitute shall serve on the committee in the member's absence, 729

and is entitled to perform the duties of a member of the 730
committee. For serving on the committee, the substitute shall be 731
paid the same per diem and necessary traveling expenses as the 732
substitute would be entitled to receive if the substitute were a 733
member of the committee. 734

The president or speaker shall inform the executive director 735
of the committee of a substitution. If the executive director 736
learns of a substitution sufficiently in advance of the meeting of 737
the committee the substitute is to attend, the executive director 738
shall publish notice of the substitution on the internet, make 739
reasonable effort to inform of the substitution persons who are 740
known to the executive director to be interested in rules that are 741
scheduled for review at the meeting, and inform of the 742
substitution persons who inquire of the executive director 743
concerning the meeting. 744

The committee may meet during periods in which the general 745
assembly has adjourned. 746

At meetings of the committee, the committee may request an 747
agency, as defined in section 106.01 of the Revised Code, to 748
provide information relative to the agency's implementation of its 749
statutory authority. 750

A member of the committee, and the executive director and 751
staff of the committee, are entitled in their official capacities 752
to attend, but not in their official capacities to participate in, 753
a public hearing conducted by an agency on a proposed rule. 754

The executive director serves at the pleasure of the 755
president and speaker by mutual consensus. The executive director 756
may employ such technical, professional, and clerical employees as 757
are necessary to carry out the powers and administrative duties of 758
the committee. 759

Sec. 101.352. If the joint committee on agency rule review 760
becomes aware that an agency subject to its jurisdiction is 761
relying upon a principle of law or policy that, under section 762
121.93 of the Revised Code, should have been supplanted by its 763
restatement in a rule, the chairperson of the joint committee 764
responsible for calling and conducting meetings under section 765
101.35 of the Revised Code, in ~~the~~ that chairperson's sole 766
discretion, may request the agency to appear before the joint 767
committee to address why, notwithstanding section 121.93 of the 768
Revised Code, it is so relying. The request shall specify the time 769
and place at which a designee of the agency is to appear before 770
the joint committee to address, and to answer the joint 771
committee's questions concerning, the agency's reliance. The date 772
set for the appearance shall be not earlier than thirty days after 773
the joint committee transmits the request to the agency. The joint 774
committee shall transmit the request to the agency electronically. 775
The joint committee also shall publish the request on its web 776
site, as part of the relevant meeting agenda, and shall indicate 777
in conjunction with the published request that any person is 778
invited to appear before the joint committee when the agency 779
appears to offer and make comments to the joint committee 780
concerning the agency's reliance. 781

Upon receiving the request, the agency shall designate a 782
suitable agency officer or employee to appear on behalf of the 783
agency before the joint committee as directed in the request. The 784
agency electronically shall notify the joint committee of the 785
name, title, telephone number, and electronic mail address of the 786
officer or employee who has been designated to appear before the 787
joint committee in response to the request. 788

Upon appearing before the joint committee, the agency's 789
designee shall address why the agency is relying upon a principle 790
of law or policy that, notwithstanding section 121.93 of the 791

Revised Code, has not been supplanted by its restatement in a 792
rule. The members of the joint committee may question the agency's 793
designee concerning the agency's reliance. Any person may offer 794
and make comments to the joint committee concerning the agency's 795
reliance. 796

After the appearance has concluded, the joint committee, by 797
vote of a majority of its members, in writing may recommend to the 798
agency that it supplant the principle of law or policy that it is 799
relying upon by its restatement in a rule. The joint committee 800
shall support its recommendation with a brief rationale of why, 801
under section 121.93 of the Revised Code, the principle of law or 802
policy should be supplanted by its restatement in a rule. The 803
joint committee shall transmit the recommendation electronically 804
to the agency. 805

After receiving the recommendation from the joint committee, 806
the agency shall commence the rule-making process as soon as it is 807
reasonably feasible to do so, but not later than the date that is 808
six months after the recommendation was received. The principle of 809
law or policy as it is restated in a rule does not need to be 810
wholly congruent with the supplanted principle of law or policy. 811
The agency lawfully may improve or develop further the supplanted 812
principle of law or policy as it is restated in a rule. 813

The agency may continue to rely upon the principle of law or 814
policy, but only while it is complying with the preceding 815
paragraph. The agency may not rely upon the principle of law or 816
policy in advising with regard to or in determining the rights or 817
liabilities of a person if the agency fails to commence the 818
rule-making process by the deadline specified in the preceding 819
paragraph, or if, after commencing the rule-making process, the 820
agency neglects or abandons the rule-making process before it is 821
completed. 822

Sec. 101.353. If the joint committee on agency rule review 823
becomes aware, such as through its own inquiries or by receiving 824
complaints from interested parties or stakeholders, that an agency 825
subject to its jurisdiction is required expressly or impliedly by 826
a statute to adopt a rule but appears neither to have done so nor 827
to have commenced the rule-making process, the chairperson of the 828
joint committee responsible for calling and conducting meetings 829
under section 101.35 of the Revised Code, in ~~the~~ that 830
chairperson's sole discretion, may request the agency to appear 831
before the joint committee to address its apparent dereliction. 832
The request shall specify the time and place at which a designee 833
of the agency is to appear before the joint committee to address, 834
and answer the joint committee's questions concerning, the 835
agency's apparent dereliction. The request shall identify the 836
statute that expressly or impliedly requires rule-making and that 837
apparently has not been complied with. The joint committee shall 838
transmit the request to the agency electronically. The joint 839
committee also shall publish the request on its web site, and 840
shall indicate in conjunction with the published request that any 841
person is invited to appear before the joint committee when the 842
agency appears to offer and make comments to the joint committee 843
concerning the agency's apparent dereliction. 844

Upon receiving the request, the agency shall designate a 845
suitable agency officer or employee to appear on behalf of the 846
agency before the joint committee as directed in the request. The 847
agency electronically shall notify the joint committee of the 848
name, title, telephone number, and electronic mail address of the 849
officer or employee who has been designated to appear before the 850
joint committee in response to the request. 851

Upon appearing before the joint committee, the agency's 852
designee shall address why the agency apparently has neither 853
adopted a rule nor commenced the rule-making process as expressly 854

or impliedly required by the statute. The members of the joint 855
committee may question the agency's designee concerning the 856
agency's apparent dereliction. Any person may offer and make 857
comments to the joint committee concerning the agency's apparent 858
dereliction. 859

After the appearance has concluded, the joint committee, by 860
vote of a majority of its members, in writing may advise the 861
agency to commence rule-making proceedings under the statute, as 862
soon as it is reasonably feasible for the agency to do so. The 863
joint committee shall transmit the advisory electronically to the 864
agency. The joint committee also shall publish the advisory on its 865
web site. 866

Sec. 101.354. (A) The joint committee on agency rule review 867
shall advise and assist state agencies in preparing revised 868
inventories of regulatory restrictions and shall advise and assist 869
state agencies in achieving specified percentage reductions in 870
regulatory restrictions in the Administrative Code in accordance 871
with sections 121.95, 121.951, 121.952, and 121.953, ~~and 121.954~~ 872
of the Revised Code. 873

(B)(1) Not later than June 15, 2022, the executive director 874
of the joint committee shall prepare a report aggregating the base 875
inventories received from state agencies under section 121.95 of 876
the Revised Code. 877

(2) Beginning in 2023, not later than the fifteenth day of 878
December each year, the executive director of the joint committee 879
shall prepare an historical report aggregating the reports 880
received from state agencies for the preceding fiscal year. In the 881
report, the executive director also shall describe the work of the 882
joint committee over the preceding fiscal year with respect to 883
reduction of regulatory restrictions and shall indicate, out of 884
the total number of regulatory restrictions inventoried by state 885

agencies, the percentage by which state agencies have reduced 886
those regulatory restrictions. The report also shall provide 887
recommendations for statutory changes, where appropriate, brought 888
to the attention of the joint committee as contributing to the 889
adoption of regulatory restrictions. 890

(3) The executive director shall submit the report required 891
under divisions (B)(1) and (2) of this section to the members of 892
the joint committee, which shall publish the report on its web 893
site and transmit copies of the report electronically to the 894
speaker of the house of representatives and the president of the 895
senate. 896

Sec. 101.38. (A) As used in this section, "relative" means a 897
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 898
child-in-law, grandparent, aunt, or uncle. 899

(B) There is hereby created the Ohio cystic fibrosis 900
legislative task force to study and make recommendations on issues 901
pertaining to the care and treatment of individuals with cystic 902
fibrosis. The task force shall study and make recommendations on 903
the following issues: 904

(1) Use of prescription drug and innovative therapies under 905
the program for ~~medically handicapped~~ children and youth with 906
special health care needs established under section 3701.023 of 907
the Revised Code and the program for adults with cystic fibrosis 908
administered by the department of health under division (G) of 909
that section; 910

(2) Screening of newborn children for the presence of genetic 911
disorders, as required under section 3701.501 of the Revised Code; 912

(3) Any other issues the task force considers appropriate. 913

(C) The task force shall consist of the following members, 914
each with the authority to vote on matters before the task force: 915

(1) Three members of the senate: two appointed by the 916
president of the senate from the majority party and one appointed 917
by the minority leader of the senate; 918

(2) Three members of the house of representatives: two 919
appointed by the speaker of the house of representatives from the 920
majority party and one appointed by the minority leader of the 921
house of representatives; 922

(3) Three members, at least two of whom have been diagnosed 923
with cystic fibrosis or are relatives of individuals who have been 924
diagnosed with cystic fibrosis, appointed by the president of the 925
senate; 926

(4) Three members, at least two of whom have been diagnosed 927
with cystic fibrosis or are relatives of individuals who have been 928
diagnosed with cystic fibrosis, appointed by the speaker of the 929
house of representatives. 930

Appointments to the task force shall be made within 931
forty-five days after the commencement of the first regular 932
session of each general assembly in the manner prescribed in this 933
division. 934

(D) Members of the task force shall serve on the task force 935
until the appointments are made in the first regular session of 936
the following general assembly or, in the case of task force 937
members who also are general assembly members when appointed, 938
until they are no longer general assembly members. 939

(E) A vacancy shall be filled in the same manner as the 940
original appointment. Any member appointed to fill a vacancy 941
occurring prior to the expiration date of the term for which the 942
member's predecessor was appointed shall hold office as a member 943
for the remainder of that term. 944

(F) Members of the task force shall elect a chair. A vacancy 945
of the chair position shall be filled by election. 946

(G) Members of the task force shall receive no compensation, 947
except to the extent that serving as a member is part of the 948
individual's regular duties of employment and except for the 949
reimbursement of expenses that may be provided under division (H) 950
of this section. 951

(H) The task force may solicit and accept grants from public 952
and private sources. Grant funds may be used to reimburse members 953
for expenses incurred in the performance of official task force 954
duties and to pursue initiatives pertaining to the care and 955
treatment of individuals with cystic fibrosis. 956

(I) A majority of the members of the task force constitutes a 957
quorum for the conduct of task force meetings. 958

Sec. 103.0521. If a rule currently in effect is obsolete 959
because the rule was adopted by an agency that is no longer in 960
existence and jurisdiction over the rule has not been transferred 961
to another agency, and if that status is verified by the executive 962
director of the joint committee on agency rule review, the 963
executive director shall prepare, for consideration of the joint 964
committee, a motion that the director of the legislative service 965
commission remove the obsolete rule from the Administrative Code. 966
The executive director shall transmit a copy of the motion to the 967
common sense initiative office before the next meeting of the 968
joint committee. 969

The chairperson of the joint committee responsible for 970
calling and conducting meetings under section 101.35 of the 971
Revised Code, or another member of the joint committee delegated 972
by ~~the~~ that chairperson, shall offer the motion at the next 973
meeting of the joint committee. If the motion is agreed to by the 974
joint committee, the executive director shall transmit a copy of 975
the motion to the director of the legislative service commission. 976
The executive director shall certify on the copy transmitted that 977

the motion was agreed to by the joint committee. 978

Upon receiving the certified motion, the director of the 979
legislative service commission shall remove the obsolete rule from 980
the Administrative Code as directed in the motion. The director 981
thereafter shall maintain the removed obsolete rule in a file of 982
obsolete rules. The file of obsolete rules may be maintained in 983
electronic form. 984

Sec. 103.414. Not later than the first day of October of 985
every even-numbered calendar year, the department of medicaid 986
shall submit to JMOC a report of the department's historical and 987
projected medicaid program expenditure and utilization trend rates 988
by medicaid program and service category, for each year of the 989
upcoming fiscal biennium. The report shall include all actuarial 990
data the department used in producing the trends. The report also 991
shall detail interventions taken by the department to restrain the 992
growth in the per member per month cost of the medicaid program, 993
as required by section 5162.70 of the Revised Code. 994

Before the beginning of each fiscal biennium, JMOC shall 995
contract with an actuary to determine the projected medical 996
inflation rate for the upcoming fiscal biennium. The contract 997
shall require the actuary to make the determination using the same 998
types of classifications and sub-classifications of medical care 999
that the United States bureau of labor statistics uses in 1000
determining the inflation rate for medical care in the consumer 1001
price index. The contract also shall require the actuary to 1002
provide JMOC a report with its determination at least one hundred 1003
twenty days before the governor is required to submit a state 1004
budget for the fiscal biennium to the general assembly under 1005
section 107.03 of the Revised Code. 1006

On receipt of the actuary's report, JMOC shall determine 1007
whether it agrees with the actuary's projected medical inflation 1008

rate. If JMOC disagrees with the actuary's projected medical 1009
inflation rate, JMOC shall determine a different projected medical 1010
inflation rate for the upcoming fiscal biennium. 1011

The actuary and, if JMOC determines a different projected 1012
medical inflation rate, JMOC shall determine the projected medical 1013
inflation rate for the state unless that is not practicable in 1014
which case the determination shall be made for the midwest region. 1015

Regardless of whether it agrees with the actuary's projected 1016
medical inflation rate or determines a different projected medical 1017
inflation rate, JMOC shall complete a report regarding the 1018
projected medical inflation rate. JMOC shall include a copy of the 1019
actuary's report in JMOC's report. JMOC's report shall state 1020
whether JMOC agrees with the actuary's projected medical inflation 1021
rate and, if JMOC disagrees, the reason why JMOC disagrees and the 1022
different medical inflation rate JMOC determined. At least ninety 1023
days before the governor is required to submit a state budget for 1024
the upcoming fiscal biennium to the general assembly under section 1025
107.03 of the Revised Code, JMOC shall submit a copy of the report 1026
to the general assembly in accordance with section 101.68 of the 1027
Revised Code and to the governor and medicaid director. 1028

Sec. 103.60. (A) As used in this section, "rare disease" 1029
means a disease or condition that affects fewer than 200,000 1030
people living in the United States. 1031

(B) There is hereby created the rare disease advisory 1032
council. The purpose of the council is to advise the general 1033
assembly regarding research, diagnosis, and treatment efforts 1034
related to rare diseases across the state. 1035

(C) The council shall consist of the following thirty-one 1036
members: 1037

(1) The following members appointed by the governor: 1038

(a) One individual who is a medical researcher with	1039
experience researching rare diseases;	1040
(b) One individual who represents an academic research	1041
institution in this state that receives funding for rare disease	1042
research;	1043
(c) One individual authorized under Chapter 4731. of the	1044
Revised Code to practice medicine and surgery or osteopathic	1045
medicine and surgery who has experience researching, diagnosing,	1046
and treating rare diseases;	1047
(d) One individual authorized under Chapter 4723. of the	1048
Revised Code to practice nursing as a registered nurse who has	1049
experience providing nursing care to patients with rare diseases;	1050
(e) One individual authorized under Chapter 4778. of the	1051
Revised Code to practice as a genetic counselor who is currently	1052
practicing at a children's hospital;	1053
(f) Three members of the public who are living with a rare	1054
disease or represent an individual living with a rare disease;	1055
(g) One representative of a national organization	1056
representing patients with a rare disease;	1057
(h) One representative of a rare disease foundation operating	1058
in this state;	1059
(i) Two representatives of the department of health, one of	1060
whom is a representative of the <u>program for children and youth</u>	1061
with medical handicaps program <u>special health care needs</u> ;	1062
(j) One representative of the department of medicaid;	1063
(k) One representative of the department of insurance;	1064
(l) One representative of the commission on minority health;	1065
(m) One representative of the Ohio hospital association;	1066
(n) One representative of Ohio health insurers;	1067

(o) One representative of bioOhio;	1068
(p) One representative of the association of Ohio health commissioners;	1069 1070
(q) One representative of the pharmaceutical research and manufacturers of America.	1071 1072
(2) The following members appointed by the president of the senate:	1073 1074
(a) Two members of the senate, one from the majority party and one from the minority party;	1075 1076
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	1077 1078
(3) The following members appointed by the speaker of the house of representatives:	1079 1080
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	1081 1082
(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.	1083 1084
(4) The governor or the governor's designee.	1085
(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.	1086 1087 1088 1089 1090
(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.	1091 1092 1093 1094
(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the	1095 1096

following: 1097

(1) The coordination of statewide efforts for studying the 1098
incidence of rare diseases in this state; 1099

(2) The council's findings and recommendations regarding rare 1100
disease research and care in this state; 1101

(3) Efforts to promote collaboration among rare disease 1102
organizations, clinicians, academic research institutions, and the 1103
general assembly to better understand the incidence of rare 1104
diseases in this state. 1105

(F) The council shall annually select from among its members 1106
a chairperson or co-chairpersons. 1107

(G) The council shall meet at the call of the chairperson, 1108
but not less than quarterly. A majority of the members of the 1109
council shall constitute a quorum. The chairperson shall provide 1110
members with at least five days written notice of all meetings. 1111

(H) Members shall serve without compensation except to the 1112
extent that serving on the council is considered part of the 1113
member's regular duties of employment. The council shall reimburse 1114
each member for actual and necessary expenses incurred in the 1115
performance of the member's official duties. 1116

Sec. 106.02. ~~When~~ (A) Subject to division (B) of this 1117
section, when an agency files a proposed rule and rule summary and 1118
fiscal analysis with the joint committee on agency rule review, 1119
the joint committee shall review the proposed rule and rule 1120
summary and fiscal analysis, and an invalidating concurrent 1121
resolution may be adopted, not later than the sixty-fifth day 1122
after the day on which the proposed rule was filed with the joint 1123
committee. If, after filing the original version of a proposed 1124
rule, the agency makes a revision in the proposed rule, the agency 1125
shall file the revised proposed rule and a revised rule summary 1126

and fiscal analysis with the joint committee. If the revised 1127
proposed rule is filed thirty-five or fewer days after the 1128
original version of the proposed rule was filed, the joint 1129
committee shall review the revised proposed rule and revised rule 1130
summary and fiscal analysis, and an invalidating concurrent 1131
resolution may be adopted, not later than the sixty-fifth day 1132
after the original version of the proposed rule was filed. If, 1133
however, the revised proposed rule is filed more than thirty-five 1134
days after the original version of the proposed rule was filed, 1135
the joint committee shall review the revised proposed rule and 1136
revised rule summary and fiscal analysis, and an invalidating 1137
concurrent resolution may be adopted, not later than the thirtieth 1138
day after the revised proposed rule was filed with the joint 1139
committee. 1140

(B) If, after filing a proposed rule and rule summary and 1141
fiscal analysis with the joint committee, an agency determines 1142
that it needs additional time to consider the proposed rule and 1143
possibly file a revised proposed rule, the agency may notify the 1144
joint committee of the agency's intention to file a revised 1145
proposed rule. When the agency notifies the joint committee of its 1146
intention to file a revised proposed rule, the running of the time 1147
within which an invalidating concurrent resolution may be adopted 1148
is tolled. 1149

If, after notifying the joint committee of the agency's 1150
intention to file a revised proposed rule, the agency makes a 1151
revision in the proposed rule, the agency shall file the revised 1152
proposed rule and a revised rule summary and fiscal analysis with 1153
the joint committee. If the revised proposed rule is filed 1154
thirty-five or fewer days after the agency filed the original 1155
version of the proposed rule, the joint committee shall review the 1156
revised proposed rule and revised rule summary and fiscal 1157
analysis, and an invalidating concurrent resolution may be 1158

adopted, not later than the sixty-fifth day after the agency filed 1159
the original version of the proposed rule. If, however, the 1160
revised proposed rule is filed more than thirty-five days after 1161
the agency filed the original version of the proposed rule, the 1162
joint committee shall review the revised proposed rule and revised 1163
rule summary and fiscal analysis, and an invalidating concurrent 1164
resolution may be adopted, not later than the thirtieth day after 1165
the revised proposed rule is filed with the joint committee. 1166

(C) When ~~the~~ an original or revised version of a proposed 1167
rule and rule summary and fiscal analysis is filed with the joint 1168
committee in December or in the following January before the first 1169
day of the legislative session, the joint committee shall review 1170
the proposed rule and rule summary and fiscal analysis, and an 1171
invalidating concurrent resolution may be adopted, as if the 1172
original version of the proposed rule and rule summary and fiscal 1173
analysis had been filed with the joint committee on the first day 1174
of the legislative session in the following January. If, however, 1175
the original version of a proposed rule and rule summary and 1176
fiscal analysis have been pending before the joint committee for 1177
more than thirty-five days, and the proposed rule and rule summary 1178
and fiscal analysis are revised in December or in the following 1179
January before the first day of the legislative session, the joint 1180
committee shall review the revised proposed rule and revised rule 1181
summary and fiscal analysis, and an invalidating concurrent 1182
resolution may be adopted, not later than the thirtieth day after 1183
the first day of the legislative session in the following January. 1184

(D) A revised proposed rule supersedes each earlier version 1185
of the same proposed rule. 1186

(E) The joint committee shall endeavor not to hold its public 1187
hearing on a proposed rule earlier than the forty-first day after 1188
the proposed rule was filed with the joint committee. The 1189
chairperson of the joint committee responsible for calling and 1190

conducting meetings under section 101.35 of the Revised Code may 1191
select a date for the committee's public hearing on a proposed 1192
rule that is earlier than the forty-first day after the proposed 1193
rule was filed. 1194

Sec. 106.031. If an agency, on the basis of its review of a 1195
rule under section 106.03 of the Revised Code, determines that the 1196
rule does not need to be amended or rescinded, proceedings shall 1197
be had as follows: 1198

(A)(1) If, considering only the standard of review specified 1199
in division (A)(7) of section 106.03 of the Revised Code, the rule 1200
has an adverse impact on businesses, the agency shall prepare a 1201
business impact analysis that describes its review of the rule 1202
under that division and that explains why the regulatory intent of 1203
the rule justifies its adverse impact on businesses. If the rule 1204
does not have an adverse impact on businesses, the agency may 1205
proceed under division (B) of this section. 1206

(2) The agency shall transmit a copy of the full text of the 1207
rule and the business impact analysis electronically to the common 1208
sense initiative office. The office shall make the rule and 1209
analysis available to the public on its web site under section 1210
107.62 of the Revised Code. 1211

(3) The agency shall consider any recommendations made by the 1212
office. 1213

(4) Not earlier than the sixteenth business day after 1214
transmitting the rule and analysis to the office, the agency shall 1215
either (a) proceed under divisions (A)(5) and (B) of this section 1216
or (b) commence, under division (B)(1) of section 106.03 of the 1217
Revised Code, the process of rescinding the rule or of amending 1218
the rule to incorporate into the rule features the recommendations 1219
suggest will eliminate or reduce the adverse impact the rule has 1220
on businesses. If the agency determines to amend or rescind the 1221

rule, the agency is not subject to the time limit specified in 1222
division (B)(1) of section 106.03 of the Revised Code. 1223

(5) If the agency receives recommendations from the office, 1224
and determines not to amend or rescind the rule, the agency shall 1225
prepare a memorandum of response that explains why the rule is not 1226
being rescinded or why the recommendations are not being 1227
incorporated into the rule. 1228

(B) The agency shall assign a new review date to the rule. 1229
The review date assigned shall be not later than five years after 1230
the immediately preceding review date pertaining to the rule. If 1231
the agency assigns a review date that exceeds the five-year 1232
maximum, the review date is five years after the immediately 1233
preceding review date. The immediately preceding review date 1234
includes the date of the review of a rule under section 106.032 of 1235
the Revised Code. 1236

~~(C)(1)~~(C) The agency shall file all the following, in 1237
electronic form, with the joint committee on agency rule review, 1238
the secretary of state, and the director of the legislative 1239
service commission: a copy of the rule specifying its new review 1240
date, a complete and accurate rule summary and fiscal analysis, 1241
and, if relevant, a business impact analysis of the rule, any 1242
recommendations received from the common sense initiative office, 1243
and any memorandum of response. 1244

~~(2) Subject to section 106.05 of the Revised Code, the joint 1245
committee does not have jurisdiction to review, and shall reject, 1246
the filing of a rule under division (C)(1) of this section if, at 1247
any time while the rule is in its possession, it discovers that 1248
the rule has an adverse impact on businesses and the agency has 1249
not complied with division (A) of this section. The joint 1250
committee shall electronically return a rule that is rejected to 1251
the agency, together with any documents that were part of the 1252
filing. Such a rejection does not preclude the agency from 1253~~

~~refiling the rule under division (C)(1) of this section after 1254
complying with division (A) of this section. When the filing of a 1255
rule is rejected under this division, it is as if the filing had 1256
not been made. 1257~~

(D) The joint committee shall publish notice of the agency's 1258
determination not to amend or rescind the rule in the register of 1259
Ohio for four consecutive weeks after the rule is filed under 1260
division (C) of this section. 1261

(E) During the ninety-day period after a rule is filed under 1262
division (C) of this section, but after the four-week notice 1263
period required by division (D) of this section has ended, the 1264
joint committee may recommend to the senate and house of 1265
representatives the adoption of a concurrent resolution 1266
invalidating the rule if the joint committee finds any of the 1267
following: 1268

(1) The agency improperly applied the standards in division 1269
(A) of section 106.03 of the Revised Code in reviewing the rule 1270
and in determining that the rule did not need amendment or 1271
rescission. 1272

(2) The rule has an adverse impact on businesses, and the 1273
agency has failed to demonstrate through a business impact 1274
analysis, recommendations from the common sense initiative office, 1275
and a memorandum of response that the regulatory intent of the 1276
rule justifies its adverse impact on businesses. 1277

(3) If the rule incorporates a text or other material by 1278
reference, any of the following applies: 1279

(a) The citation accompanying the incorporation by reference 1280
is not such as reasonably would enable a reasonable person to whom 1281
the rule applies readily and without charge to find and inspect 1282
the incorporated text or other material; 1283

(b) The citation accompanying the incorporation by reference 1284

is not such as reasonably would enable the joint committee readily 1285
and without charge to find and inspect the incorporated text or 1286
other material; or 1287

(c) The rule has been exempted in whole or in part from 1288
sections 121.71 to 121.74 of the Revised Code on grounds the 1289
incorporated text or other material has one or more of the 1290
characteristics described in division (B) of section 121.75 of the 1291
Revised Code, but the incorporated text or other material actually 1292
does not have any of those characteristics. 1293

(4) If the agency is subject to sections 121.95, 121.951, 1294
121.952, and 121.953 of the Revised Code, the agency has failed to 1295
justify the retention of a rule containing a regulatory 1296
restriction. 1297

(5) The rule implements a federal law or rule in a manner 1298
that is more stringent or burdensome than the federal law or rule 1299
requires. 1300

If the agency fails to comply with section 106.03 or 106.031 1301
of the Revised Code, the joint committee shall afford the agency 1302
an opportunity to appear before the joint committee to show cause 1303
why the agency has not complied with either or both of those 1304
sections. If the agency appears before the joint committee at the 1305
time scheduled for the agency to show cause, and fails to do so, 1306
the joint committee, by vote of a majority of its members present, 1307
may recommend the adoption of a concurrent resolution invalidating 1308
the rule for the agency's failure to show cause. Or if the agency 1309
fails to appear before the joint committee at the time scheduled 1310
for the agency to show cause, the joint committee, by vote of a 1311
majority of its members present, may recommend adoption of a 1312
concurrent resolution invalidating the rule for the agency's 1313
default. 1314

When the joint committee recommends that a rule be 1315

invalidated, the recommendation does not suspend operation of the 1316
rule, and the rule remains operational pending action by the 1317
senate and house of representatives on the concurrent resolution 1318
embodying the recommendation. If the senate and house of 1319
representatives adopt the concurrent resolution, the rule is 1320
invalid. If, however, the senate and house of representatives do 1321
not adopt the resolution, the rule continues in effect, and shall 1322
next be reviewed according to the new review date assigned to the 1323
rule. 1324

Sec. 106.032. If the chairperson of the joint committee on 1325
agency rule review responsible for calling and conducting meetings 1326
under section 101.35 of the Revised Code becomes aware that an 1327
existing rule has had or is having an unintended or unexpected 1328
effect on businesses that is not reasonably within the express or 1329
implied scope of the statute under which the existing rule 1330
purportedly was adopted, ~~the~~ that chairperson may move that the 1331
joint committee order the agency that is administering the 1332
existing rule to submit the existing rule for review under section 1333
106.031 of the Revised Code, the same as if the agency had made a 1334
determination with regard to the existing rule under division 1335
(B)(2) of section 106.03 of the Revised Code. The joint committee 1336
may adopt the motion by vote of a majority of its members. The 1337
joint committee shall not adopt a motion under this paragraph for 1338
a rule if the joint committee previously has adopted a motion 1339
under this paragraph for the same rule within the immediately 1340
preceding five-year period. 1341

The joint committee shall prepare the order in writing, and 1342
shall transmit the order electronically to the agency. The joint 1343
committee also shall transmit a copy of the order electronically 1344
to the director of the legislative service commission and to the 1345
common sense initiative office. The joint committee shall indicate 1346
in the order the date on which the order is transmitted. The 1347

director shall publish the order in the register of Ohio. 1348

Upon receiving the order, the agency shall comply with the 1349
order as soon as reasonably possible, but shall commence 1350
compliance with the order not later than thirty days after the 1351
date on which the order was transmitted. 1352

When an agency complies with the order, proceedings are to be 1353
had with regard to the existing rule under section 106.031 of the 1354
Revised Code, the same as if the agency had made a determination 1355
with regard to the existing rule under division (B)(2) of section 1356
106.03 of the Revised Code. In addition to the standards of review 1357
stated in division (E) of section 106.031 of the Revised Code, the 1358
joint committee may recommend to the senate and house of 1359
representatives the adoption of a concurrent resolution 1360
invalidating the existing rule if the joint committee finds that 1361
the existing rule has an unintended or unexpected effect on 1362
businesses that is not reasonably within the express or implied 1363
scope of the statute under which the agency purportedly adopted 1364
the existing rule. 1365

Sec. 106.04. When the joint committee on agency rule review 1366
recommends invalidation of a proposed or existing rule under 1367
section 106.021 or 106.031 of the Revised Code, the chairperson of 1368
the joint committee responsible for calling and conducting 1369
meetings under section 101.35 of the Revised Code, or another 1370
member of the joint committee designated by ~~the~~ that chairperson, 1371
shall prepare the recommendation of invalidation in writing. The 1372
recommendation shall identify the proposed or existing rule, the 1373
agency that proposed or submitted the proposed or existing rule, 1374
and the finding that caused the joint committee to make the 1375
recommendation. The recommendation briefly shall explain the 1376
finding. 1377

The chairperson of the joint committee responsible for 1378

calling and conducting meetings under section 101.35 of the 1379
Revised Code shall request the legislative service commission to 1380
prepare a concurrent resolution to invalidate the proposed or 1381
existing rule according to the recommendation. The concurrent 1382
resolution shall state the finding that caused the joint committee 1383
to recommend invalidation of the rule. 1384

Sec. 106.041. The chairperson of the joint committee on 1385
agency rule review responsible for calling and conducting meetings 1386
under section 101.35 of the Revised Code, or another member of the 1387
joint committee designated by ~~the~~ that chairperson, shall submit a 1388
concurrent resolution to invalidate a proposed or existing rule to 1389
the clerk of either house of the general assembly. The 1390
recommendation of invalidation and a copy of the proposed or 1391
existing rule also shall be submitted to the clerk along with the 1392
concurrent resolution. 1393

Sec. 107.51. As used in sections 107.51 to 107.55 of the 1394
Revised Code, "agency" and "draft rule" have the meanings defined 1395
in section 121.81 of the Revised Code. 1396

Sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised 1397
Code are complementary to sections 121.81 to ~~121.83~~ 121.82 of the 1398
Revised Code. 1399

Sec. 107.63. As used in this section, "small business" means 1400
an independently owned and operated for-profit or nonprofit 1401
business entity, including affiliates, that has fewer than five 1402
hundred full time employees or gross annual sales of less than six 1403
million dollars, and has operations located in the state. 1404

The small business advisory council is established in the 1405
office of the governor. The council shall advise the governor, the 1406
lieutenant governor, and the common sense initiative office on the 1407
adverse impact draft and existing rules might have on small 1408

businesses. The council shall meet at ~~least quarterly~~ the 1409
discretion of the director of the common sense initiative office. 1410

The council consists of nine members. The governor, or the 1411
person to whom the governor has delegated responsibilities for the 1412
common sense initiative office under section 107.61 of the Revised 1413
Code, shall appoint five members, the president of the senate 1414
shall appoint two members, and the speaker of the house of 1415
representatives shall appoint two members. A member serves at the 1416
pleasure of the member's appointing authority. The appointing 1417
authorities shall consult with each other and appoint only 1418
individuals who are representative of small businesses, and shall 1419
do so in such a manner that the membership of the council is 1420
composed of representatives of small businesses that are of 1421
different sizes, engaged in different lines of business, and 1422
located in different parts of the state. 1423

Sec. 109.42. (A) The attorney general shall prepare and have 1424
printed a pamphlet that contains a compilation of all 1425
constitutional provisions and statutes relative to victim's rights 1426
in which the attorney general lists and explains the 1427
constitutional provisions and statutes in the form of a victim's 1428
bill of rights. The attorney general shall make the pamphlet 1429
available to all sheriffs, marshals, municipal corporation and 1430
township police departments, constables, and other law enforcement 1431
agencies, to all prosecuting attorneys, city directors of law, 1432
village solicitors, and other similar chief legal officers of 1433
municipal corporations, and to organizations that represent or 1434
provide services for victims of crime. The victim's bill of rights 1435
set forth in the pamphlet shall contain a description of all of 1436
the rights of victims that are provided for in the Ohio 1437
Constitution, or in Chapter 2930. or any other section of the 1438
Revised Code and shall include, but not be limited to, all of the 1439
following: 1440

(1) The right of a victim and a victim's representative, if 1441
applicable, to attend a proceeding before a grand jury, in a 1442
juvenile delinquency case, or in a criminal case without being 1443
discharged from the victim's or victim's representative's 1444
employment, having the victim's or victim's representative's 1445
employment terminated, having the victim's or victim's 1446
representative's pay decreased or withheld, or otherwise being 1447
punished, penalized, or threatened as a result of time lost from 1448
regular employment because of the victim's or victim's 1449
representative's attendance at the proceeding, as set forth in 1450
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 1451
Code; 1452

(2) The potential availability pursuant to section 2151.359 1453
or 2152.61 of the Revised Code of a forfeited recognizance to pay 1454
damages caused by a child when the delinquency of the child or 1455
child's violation of probation or community control is found to be 1456
proximately caused by the failure of the child's parent or 1457
guardian to subject the child to reasonable parental authority or 1458
to faithfully discharge the conditions of probation or community 1459
control; 1460

(3) The availability of awards of reparations pursuant to 1461
sections 2743.51 to 2743.72 of the Revised Code for injuries 1462
caused by criminal offenses; 1463

(4) The opportunity to obtain a court order, pursuant to 1464
section 2945.04 of the Revised Code, to prevent or stop the 1465
commission of the offense of intimidation of a crime victim or 1466
witness or an offense against the person or property of the 1467
complainant, or of the complainant's ward or child; 1468

(5) The right of the victim and the victim's representative 1469
pursuant to the Ohio Constitution and sections 2151.38, 2929.20, 1470
2930.10, 2930.16, and 2930.17 of the Revised Code to receive 1471
notice of a pending motion for judicial release or other early 1472

release of the person who committed the offense against the 1473
victim, to make a statement orally, in writing, or both at the 1474
court hearing on the motion, and to be notified of the court's 1475
decision on the motion; 1476

(6) The right of the victim and the victim's representative, 1477
if applicable, pursuant to the Ohio Constitution and section 1478
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 1479
Code to receive notice of any pending commutation, pardon, parole, 1480
transitional control, discharge, other form of authorized release, 1481
post-release control, or supervised release for the person who 1482
committed the offense against the victim or any application for 1483
release of that person and to send a written statement relative to 1484
the victimization and the pending action to the adult parole 1485
authority or the release authority of the department of youth 1486
services; 1487

(7) The right of the victim to bring a civil action pursuant 1488
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 1489
from the offender's profit fund; 1490

(8) The right, pursuant to section 3109.09 of the Revised 1491
Code, to maintain a civil action to recover compensatory damages 1492
not exceeding ten thousand dollars and costs from the parent of a 1493
minor who willfully damages property through the commission of an 1494
act that would be a theft offense, as defined in section 2913.01 1495
of the Revised Code, if committed by an adult; 1496

(9) The right, pursuant to section 3109.10 of the Revised 1497
Code, to maintain a civil action to recover compensatory damages 1498
not exceeding ten thousand dollars and costs from the parent of a 1499
minor who willfully and maliciously assaults a person; 1500

(10) The right of the victim, pursuant to section 2152.20, 1501
2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to 1502
receive restitution from an offender or a delinquent child; 1503

(11) The right of a victim of domestic violence, including 1504
domestic violence in a dating relationship as defined in section 1505
3113.31 of the Revised Code, to seek the issuance of a civil 1506
protection order pursuant to that section, the right of a victim 1507
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 1508
2911.211, or 2919.22 of the Revised Code, a violation of a 1509
substantially similar municipal ordinance, or an offense of 1510
violence who is a family or household member of the offender at 1511
the time of the offense to seek the issuance of a temporary 1512
protection order pursuant to section 2919.26 of the Revised Code, 1513
and the right of both types of victims to be accompanied by a 1514
victim advocate during court proceedings; 1515

(12) The right of a victim of a sexually oriented offense or 1516
of a child-victim oriented offense that is committed by a person 1517
who is convicted of, pleads guilty to, or is adjudicated a 1518
delinquent child for committing the offense and who is in a 1519
category specified in division (B) of section 2950.10 of the 1520
Revised Code to receive, pursuant to that section, notice that the 1521
person has registered with a sheriff under section 2950.04, 1522
2950.041, or 2950.05 of the Revised Code and notice of the 1523
person's name, the person's residence that is registered, and the 1524
offender's school, institution of higher education, or place of 1525
employment address or addresses that are registered, the person's 1526
photograph, and a summary of the manner in which the victim must 1527
make a request to receive the notice. As used in this division, 1528
"sexually oriented offense" and "child-victim oriented offense" 1529
have the same meanings as in section 2950.01 of the Revised Code. 1530

(13) The right of a victim of certain sexually violent 1531
offenses committed by an offender who also is convicted of or 1532
pleads guilty to a sexually violent predator specification and who 1533
is sentenced to a prison term pursuant to division (A)(3) of 1534
section 2971.03 of the Revised Code, of a victim of a violation of 1535

division (A)(1)(b) of section 2907.02 of the Revised Code 1536
committed on or after January 2, 2007, by an offender who is 1537
sentenced for the violation pursuant to division (B)(1)(a), (b), 1538
or (c) of section 2971.03 of the Revised Code, of a victim of an 1539
attempted rape committed on or after January 2, 2007, by an 1540
offender who also is convicted of or pleads guilty to a 1541
specification of the type described in section 2941.1418, 1542
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 1543
the violation pursuant to division (B)(2)(a), (b), or (c) of 1544
section 2971.03 of the Revised Code, and of a victim of an offense 1545
that is described in division (B)(3)(a), (b), (c), or (d) of 1546
section 2971.03 of the Revised Code and is committed by an 1547
offender who is sentenced pursuant to one of those divisions to 1548
receive, pursuant to section 2930.16 of the Revised Code, notice 1549
of a hearing to determine whether to modify the requirement that 1550
the offender serve the entire prison term in a state correctional 1551
facility, whether to continue, revise, or revoke any existing 1552
modification of that requirement, or whether to terminate the 1553
prison term. As used in this division, "sexually violent offense" 1554
and "sexually violent predator specification" have the same 1555
meanings as in section 2971.01 of the Revised Code. 1556

(14) The right of a victim of a sexually oriented offense to 1557
information regarding the status of the sexual assault examination 1558
kit collected from the victim pursuant to section 109.68 of the 1559
Revised Code. 1560

(B)(1)(a) A prosecuting attorney, assistant prosecuting 1561
attorney, city director of law, assistant city director of law, 1562
village solicitor, assistant village solicitor, or similar chief 1563
legal officer of a municipal corporation or an assistant of any of 1564
those officers who prosecutes an offense committed in this state, 1565
upon first contact with the victim of the offense, the victim's 1566
family, or the victim's dependents, shall give the victim, the 1567

victim's family, or the victim's dependents a copy of the victim's 1568
rights request form created under section 2930.04 of the Revised 1569
Code, or a similar form that, at a minimum, contains all the 1570
required information listed in that section, and the pamphlet 1571
prepared pursuant to division (A) of this section and explain, 1572
upon request, the information in the form and pamphlet to the 1573
victim, the victim's family, or the victim's dependents. The 1574
victim may receive either through the online version of the 1575
pamphlet published to the attorney general's web site, or as a 1576
paper copy, upon request. 1577

(b) A law enforcement agency that investigates a criminal 1578
offense or delinquent act committed in this state shall give the 1579
victim of the criminal offense or delinquent act, the victim's 1580
family, or the victim's dependents a copy of the form and pamphlet 1581
prepared pursuant to division (A) of this section at one of the 1582
following times: 1583

(i) Upon first contact with the victim, the victim's family, 1584
or the victim's dependents, a peace officer from the law 1585
enforcement agency investigating the criminal offense or 1586
delinquent act against the victim shall determine whether the 1587
victim has access to the internet and whether the victim would 1588
prefer to access the victim's rights pamphlet online or if the 1589
victim requires a paper copy. The peace officer may give the 1590
victim a paper copy upon first contact, if requested, or the peace 1591
officer may provide the victim with the attorney general's 1592
telephone number to access the pamphlet at a later time. The 1593
attorney general shall provide a web site address at which a 1594
printable version of the victim's rights pamphlet that can be 1595
downloaded and printed locally may be found. The attorney general 1596
shall provide limited paper copies of the victim's rights 1597
pamphlets upon request to law enforcement agencies that order 1598
copies directly from the attorney general and to law enforcement 1599

agencies and prosecutors to provide to victims who do not have 1600
internet access or who would prefer a paper copy. The attorney 1601
general shall create a page within the attorney general's web site 1602
that is easy to access and navigate that contains the entire 1603
content of the victim's rights pamphlet and a link to the web site 1604
address at which a printable version of the victim's rights 1605
pamphlet may be found. 1606

(ii) If the circumstances of the criminal offense or 1607
delinquent act and the condition of the victim, the victim's 1608
family, or the victim's dependents indicate that the victim, the 1609
victim's family, or the victim's dependents will not be able to 1610
understand the significance of the form and pamphlet upon first 1611
contact with the agency, and if the agency anticipates that it 1612
will have an additional contact with the victim, the victim's 1613
family, or the victim's dependents, upon the agency's second 1614
contact with the victim, the victim's family, or the victim's 1615
dependents. 1616

If the agency does not give the victim, the victim's family, 1617
or the victim's dependents a copy of the form and pamphlet upon 1618
first contact with them and does not have a second contact with 1619
the victim, the victim's family, or the victim's dependents, the 1620
agency shall mail a copy of the form and pamphlet to the victim, 1621
the victim's family, or the victim's dependents at their last 1622
known address. 1623

(c)(i) The attorney general shall create an information card 1624
which contains all of the following: 1625

(I) An outline list of victim's rights contained in the Ohio 1626
Constitution and Revised Code; 1627

(II) A reference to the victim's rights request form; 1628

(III) The attorney general's crime victim's services office 1629
telephone number, electronic mailing address, web site address, 1630

and contact address, and a description of how to access victim's
rights information;

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

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

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

(C) The cost of printing and distributing the form and
pamphlet prepared pursuant to division (A) of this section shall
be paid out of the reparations fund, created pursuant to section
2743.191 of the Revised Code, in accordance with division (D) of
that section.

(D) As used in this section:

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

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

Sec. 109.57. (A)(1) The superintendent of the bureau of
criminal identification and investigation shall procure from

wherever procurable and file for record photographs, pictures, 1661
descriptions, fingerprints, measurements, and other information 1662
that may be pertinent of all persons who have been convicted of 1663
committing within this state a felony, any crime constituting a 1664
misdemeanor on the first offense and a felony on subsequent 1665
offenses, or any misdemeanor described in division (A)(1)(a), 1666
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 1667
all children under eighteen years of age who have been adjudicated 1668
delinquent children for committing within this state an act that 1669
would be a felony or an offense of violence if committed by an 1670
adult or who have been convicted of or pleaded guilty to 1671
committing within this state a felony or an offense of violence, 1672
and of all well-known and habitual criminals. The person in charge 1673
of any county, multicounty, municipal, municipal-county, or 1674
multicounty-municipal jail or workhouse, community-based 1675
correctional facility, halfway house, alternative residential 1676
facility, or state correctional institution and the person in 1677
charge of any state institution having custody of a person 1678
suspected of having committed a felony, any crime constituting a 1679
misdemeanor on the first offense and a felony on subsequent 1680
offenses, or any misdemeanor described in division (A)(1)(a), 1681
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 1682
having custody of a child under eighteen years of age with respect 1683
to whom there is probable cause to believe that the child may have 1684
committed an act that would be a felony or an offense of violence 1685
if committed by an adult shall furnish such material to the 1686
superintendent of the bureau. Fingerprints, photographs, or other 1687
descriptive information of a child who is under eighteen years of 1688
age, has not been arrested or otherwise taken into custody for 1689
committing an act that would be a felony or an offense of violence 1690
who is not in any other category of child specified in this 1691
division, if committed by an adult, has not been adjudicated a 1692

delinquent child for committing an act that would be a felony or 1693
an offense of violence if committed by an adult, has not been 1694
convicted of or pleaded guilty to committing a felony or an 1695
offense of violence, and is not a child with respect to whom there 1696
is probable cause to believe that the child may have committed an 1697
act that would be a felony or an offense of violence if committed 1698
by an adult shall not be procured by the superintendent or 1699
furnished by any person in charge of any county, multicounty, 1700
municipal, municipal-county, or multicounty-municipal jail or 1701
workhouse, community-based correctional facility, halfway house, 1702
alternative residential facility, or state correctional 1703
institution, except as authorized in section 2151.313 of the 1704
Revised Code. 1705

(2) Every clerk of a court of record in this state, other 1706
than the supreme court or a court of appeals, shall send to the 1707
superintendent of the bureau a weekly report containing a summary 1708
of each case involving a felony, involving any crime constituting 1709
a misdemeanor on the first offense and a felony on subsequent 1710
offenses, involving a misdemeanor described in division (A)(1)(a), 1711
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 1712
involving an adjudication in a case in which a child under 1713
eighteen years of age was alleged to be a delinquent child for 1714
committing an act that would be a felony or an offense of violence 1715
if committed by an adult. The clerk of the court of common pleas 1716
shall include in the report and summary the clerk sends under this 1717
division all information described in divisions (A)(2)(a) to (f) 1718
of this section regarding a case before the court of appeals that 1719
is served by that clerk. The summary shall be written on the 1720
standard forms furnished by the superintendent pursuant to 1721
division (B) of this section and shall include the following 1722
information: 1723

(a) The incident tracking number contained on the standard 1724

forms furnished by the superintendent pursuant to division (B) of	1725
this section;	1726
(b) The style and number of the case;	1727
(c) The date of arrest, offense, summons, or arraignment;	1728
(d) The date that the person was convicted of or pleaded	1729
guilty to the offense, adjudicated a delinquent child for	1730
committing the act that would be a felony or an offense of	1731
violence if committed by an adult, found not guilty of the	1732
offense, or found not to be a delinquent child for committing an	1733
act that would be a felony or an offense of violence if committed	1734
by an adult, the date of an entry dismissing the charge, an entry	1735
declaring a mistrial of the offense in which the person is	1736
discharged, an entry finding that the person or child is not	1737
competent to stand trial, or an entry of a nolle prosequi, or the	1738
date of any other determination that constitutes final resolution	1739
of the case;	1740
(e) A statement of the original charge with the section of	1741
the Revised Code that was alleged to be violated;	1742
(f) If the person or child was convicted, pleaded guilty, or	1743
was adjudicated a delinquent child, the sentence or terms of	1744
probation imposed or any other disposition of the offender or the	1745
delinquent child.	1746
If the offense involved the disarming of a law enforcement	1747
officer or an attempt to disarm a law enforcement officer, the	1748
clerk shall clearly state that fact in the summary, and the	1749
superintendent shall ensure that a clear statement of that fact is	1750
placed in the bureau's records.	1751
(3) The superintendent shall cooperate with and assist	1752
sheriffs, chiefs of police, and other law enforcement officers in	1753
the establishment of a complete system of criminal identification	1754
and in obtaining fingerprints and other means of identification of	1755

all persons arrested on a charge of a felony, any crime 1756
constituting a misdemeanor on the first offense and a felony on 1757
subsequent offenses, or a misdemeanor described in division 1758
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 1759
Revised Code and of all children under eighteen years of age 1760
arrested or otherwise taken into custody for committing an act 1761
that would be a felony or an offense of violence if committed by 1762
an adult. The superintendent also shall file for record the 1763
fingerprint impressions of all persons confined in a county, 1764
multicounty, municipal, municipal-county, or multicounty-municipal 1765
jail or workhouse, community-based correctional facility, halfway 1766
house, alternative residential facility, or state correctional 1767
institution for the violation of state laws and of all children 1768
under eighteen years of age who are confined in a county, 1769
multicounty, municipal, municipal-county, or multicounty-municipal 1770
jail or workhouse, community-based correctional facility, halfway 1771
house, alternative residential facility, or state correctional 1772
institution or in any facility for delinquent children for 1773
committing an act that would be a felony or an offense of violence 1774
if committed by an adult, and any other information that the 1775
superintendent may receive from law enforcement officials of the 1776
state and its political subdivisions. 1777

(4) The superintendent shall carry out Chapter 2950. of the 1778
Revised Code with respect to the registration of persons who are 1779
convicted of or plead guilty to a sexually oriented offense or a 1780
child-victim oriented offense and with respect to all other duties 1781
imposed on the bureau under that chapter. 1782

(5) The bureau shall perform centralized recordkeeping 1783
functions for criminal history records and services in this state 1784
for purposes of the national crime prevention and privacy compact 1785
set forth in section 109.571 of the Revised Code and is the 1786
criminal history record repository as defined in that section for 1787

purposes of that compact. The superintendent or the 1788
superintendent's designee is the compact officer for purposes of 1789
that compact and shall carry out the responsibilities of the 1790
compact officer specified in that compact. 1791

(6) The superintendent shall, upon request, assist a county 1792
coroner in the identification of a deceased person through the use 1793
of fingerprint impressions obtained pursuant to division (A)(1) of 1794
this section or collected pursuant to section 109.572 or 311.41 of 1795
the Revised Code. 1796

(B) The superintendent shall prepare and furnish to every 1797
county, multicounty, municipal, municipal-county, or 1798
multicounty-municipal jail or workhouse, community-based 1799
correctional facility, halfway house, alternative residential 1800
facility, or state correctional institution and to every clerk of 1801
a court in this state specified in division (A)(2) of this section 1802
standard forms for reporting the information required under 1803
division (A) of this section. The standard forms that the 1804
superintendent prepares pursuant to this division may be in a 1805
tangible format, in an electronic format, or in both tangible 1806
formats and electronic formats. 1807

(C)(1) The superintendent may operate a center for 1808
electronic, automated, or other data processing for the storage 1809
and retrieval of information, data, and statistics pertaining to 1810
criminals and to children under eighteen years of age who are 1811
adjudicated delinquent children for committing an act that would 1812
be a felony or an offense of violence if committed by an adult, 1813
criminal activity, crime prevention, law enforcement, and criminal 1814
justice, and may establish and operate a statewide communications 1815
network to be known as the Ohio law enforcement gateway to gather 1816
and disseminate information, data, and statistics for the use of 1817
law enforcement agencies and for other uses specified in this 1818
division. The superintendent may gather, store, retrieve, and 1819

disseminate information, data, and statistics that pertain to 1820
children who are under eighteen years of age and that are gathered 1821
pursuant to sections 109.57 to 109.61 of the Revised Code together 1822
with information, data, and statistics that pertain to adults and 1823
that are gathered pursuant to those sections. 1824

(2) The superintendent or the superintendent's designee shall 1825
gather information of the nature described in division (C)(1) of 1826
this section that pertains to the offense and delinquency history 1827
of a person who has been convicted of, pleaded guilty to, or been 1828
adjudicated a delinquent child for committing a sexually oriented 1829
offense or a child-victim oriented offense for inclusion in the 1830
state registry of sex offenders and child-victim offenders 1831
maintained pursuant to division (A)(1) of section 2950.13 of the 1832
Revised Code and in the internet database operated pursuant to 1833
division (A)(13) of that section and for possible inclusion in the 1834
internet database operated pursuant to division (A)(11) of that 1835
section. 1836

(3) In addition to any other authorized use of information, 1837
data, and statistics of the nature described in division (C)(1) of 1838
this section, the superintendent or the superintendent's designee 1839
may provide and exchange the information, data, and statistics 1840
pursuant to the national crime prevention and privacy compact as 1841
described in division (A)(5) of this section. 1842

(4) The Ohio law enforcement gateway shall contain the name, 1843
confidential address, and telephone number of program participants 1844
in the address confidentiality program established under sections 1845
111.41 to 111.47 of the Revised Code. 1846

(5) The attorney general may adopt rules under Chapter 119. 1847
of the Revised Code establishing guidelines for the operation of 1848
and participation in the Ohio law enforcement gateway. The rules 1849
may include criteria for granting and restricting access to 1850
information gathered and disseminated through the Ohio law 1851

enforcement gateway. The attorney general shall adopt rules under 1852
Chapter 119. of the Revised Code that grant access to information 1853
in the gateway regarding an address confidentiality program 1854
participant under sections 111.41 to 111.47 of the Revised Code to 1855
only chiefs of police, village marshals, county sheriffs, county 1856
prosecuting attorneys, and a designee of each of these 1857
individuals. The attorney general shall permit an office of a 1858
county coroner, the state medical board, and board of nursing to 1859
access and view, but not alter, information gathered and 1860
disseminated through the Ohio law enforcement gateway. 1861

The attorney general may appoint a steering committee to 1862
advise the attorney general in the operation of the Ohio law 1863
enforcement gateway that is comprised of persons who are 1864
representatives of the criminal justice agencies in this state 1865
that use the Ohio law enforcement gateway and is chaired by the 1866
superintendent or the superintendent's designee. 1867

(D)(1) The following are not public records under section 1868
149.43 of the Revised Code: 1869

(a) Information and materials furnished to the superintendent 1870
pursuant to division (A) of this section; 1871

(b) Information, data, and statistics gathered or 1872
disseminated through the Ohio law enforcement gateway pursuant to 1873
division (C)(1) of this section; 1874

(c) Information and materials furnished to any board or 1875
person under division (F) or (G) of this section. 1876

(2) The superintendent or the superintendent's designee shall 1877
gather and retain information so furnished under division (A) of 1878
this section that pertains to the offense and delinquency history 1879
of a person who has been convicted of, pleaded guilty to, or been 1880
adjudicated a delinquent child for committing a sexually oriented 1881
offense or a child-victim oriented offense for the purposes 1882

described in division (C)(2) of this section. 1883

(E)(1) The attorney general shall adopt rules, in accordance 1884
with Chapter 119. of the Revised Code and subject to division 1885
(E)(2) of this section, setting forth the procedure by which a 1886
person may receive or release information gathered by the 1887
superintendent pursuant to division (A) of this section. A 1888
reasonable fee may be charged for this service. If a temporary 1889
employment service submits a request for a determination of 1890
whether a person the service plans to refer to an employment 1891
position has been convicted of or pleaded guilty to an offense 1892
listed or described in division (A)(1), (2), or (3) of section 1893
109.572 of the Revised Code, the request shall be treated as a 1894
single request and only one fee shall be charged. 1895

(2) Except as otherwise provided in this division or division 1896
(E)(3) or (4) of this section, a rule adopted under division 1897
(E)(1) of this section may provide only for the release of 1898
information gathered pursuant to division (A) of this section that 1899
relates to the conviction of a person, or a person's plea of 1900
guilty to, a criminal offense or to the arrest of a person as 1901
provided in division (E)(3) of this section. The superintendent 1902
shall not release, and the attorney general shall not adopt any 1903
rule under division (E)(1) of this section that permits the 1904
release of, any information gathered pursuant to division (A) of 1905
this section that relates to an adjudication of a child as a 1906
delinquent child, or that relates to a criminal conviction of a 1907
person under eighteen years of age if the person's case was 1908
transferred back to a juvenile court under division (B)(2) or (3) 1909
of section 2152.121 of the Revised Code and the juvenile court 1910
imposed a disposition or serious youthful offender disposition 1911
upon the person under either division, unless either of the 1912
following applies with respect to the adjudication or conviction: 1913

(a) The adjudication or conviction was for a violation of 1914

section 2903.01 or 2903.02 of the Revised Code. 1915

(b) The adjudication or conviction was for a sexually 1916
oriented offense, the juvenile court was required to classify the 1917
child a juvenile offender registrant for that offense under 1918
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1919
classification has not been removed, and the records of the 1920
adjudication or conviction have not been sealed or expunged 1921
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 1922
pursuant to section 2953.32 of the Revised Code. 1923

(3) A rule adopted under division (E)(1) of this section may 1924
provide for the release of information gathered pursuant to 1925
division (A) of this section that relates to the arrest of a 1926
person who is eighteen years of age or older when the person has 1927
not been convicted as a result of that arrest if any of the 1928
following applies: 1929

(a) The arrest was made outside of this state. 1930

(b) A criminal action resulting from the arrest is pending, 1931
and the superintendent confirms that the criminal action has not 1932
been resolved at the time the criminal records check is performed. 1933

(c) The bureau cannot reasonably determine whether a criminal 1934
action resulting from the arrest is pending, and not more than one 1935
year has elapsed since the date of the arrest. 1936

(4) A rule adopted under division (E)(1) of this section may 1937
provide for the release of information gathered pursuant to 1938
division (A) of this section that relates to an adjudication of a 1939
child as a delinquent child if not more than five years have 1940
elapsed since the date of the adjudication, the adjudication was 1941
for an act that would have been a felony if committed by an adult, 1942
the records of the adjudication have not been sealed or expunged 1943
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1944
the request for information is made under division (F) of this 1945

section or under section 109.572 of the Revised Code. In the case 1946
of an adjudication for a violation of the terms of community 1947
control or supervised release, the five-year period shall be 1948
calculated from the date of the adjudication to which the 1949
community control or supervised release pertains. 1950

(F)(1) As used in division (F)(2) of this section, "head 1951
start agency" means an entity in this state that has been approved 1952
to be an agency for purposes of subchapter II of the "Community 1953
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1954
as amended. 1955

(2)(a) In addition to or in conjunction with any request that 1956
is required to be made under section 109.572, 2151.86, 3301.32, 1957
3301.541, division (C) of section 3310.58, or section 3319.39, 1958
3319.391, 3327.10, 3740.11, 5103.251, 5103.252, 5103.253, 1959
5104.013, 5123.081, or 5153.111 of the Revised Code or that is 1960
made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 1961
Revised Code, the board of education of any school district; the 1962
director of developmental disabilities; any county board of 1963
developmental disabilities; the director of job and family 1964
services; any provider or subcontractor as defined in section 1965
5123.081 of the Revised Code; the chief administrator of any 1966
chartered nonpublic school; the chief administrator of a 1967
registered private provider that is not also a chartered nonpublic 1968
school; the chief administrator of any home health agency; the 1969
chief administrator of or person operating any child day-care 1970
center, type A family day-care home, or type B family day-care 1971
home licensed under Chapter 5104. of the Revised Code; the chief 1972
administrator of any head start agency; the executive director of 1973
a public children services agency; a private company described in 1974
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1975
Code; or an employer described in division (J)(2) of section 1976
3327.10 of the Revised Code may request that the superintendent of 1977

the bureau investigate and determine, with respect to any 1978
individual who has applied for employment in any position after 1979
October 2, 1989, or any individual wishing to apply for employment 1980
with a board of education may request, with regard to the 1981
individual, whether the bureau has any information gathered under 1982
division (A) of this section that pertains to that individual. On 1983
receipt of the request, subject to division (E)(2) of this 1984
section, the superintendent shall determine whether that 1985
information exists and, upon request of the person, board, or 1986
entity requesting information, also shall request from the federal 1987
bureau of investigation any criminal records it has pertaining to 1988
that individual. The superintendent or the superintendent's 1989
designee also may request criminal history records from other 1990
states or the federal government pursuant to the national crime 1991
prevention and privacy compact set forth in section 109.571 of the 1992
Revised Code. Within thirty days of the date that the 1993
superintendent receives a request, subject to division (E)(2) of 1994
this section, the superintendent shall send to the board, entity, 1995
or person a report of any information that the superintendent 1996
determines exists, including information contained in records that 1997
have been sealed under section 2953.32 of the Revised Code, and, 1998
within thirty days of its receipt, subject to division (E)(2) of 1999
this section, shall send the board, entity, or person a report of 2000
any information received from the federal bureau of investigation, 2001
other than information the dissemination of which is prohibited by 2002
federal law. 2003

(b) When a board of education or a registered private 2004
provider is required to receive information under this section as 2005
a prerequisite to employment of an individual pursuant to division 2006
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2007
may accept a certified copy of records that were issued by the 2008
bureau of criminal identification and investigation and that are 2009
presented by an individual applying for employment with the 2010

district in lieu of requesting that information itself. In such a 2011
case, the board shall accept the certified copy issued by the 2012
bureau in order to make a photocopy of it for that individual's 2013
employment application documents and shall return the certified 2014
copy to the individual. In a case of that nature, a district or 2015
provider only shall accept a certified copy of records of that 2016
nature within one year after the date of their issuance by the 2017
bureau. 2018

(c) Notwithstanding division (F)(2)(a) of this section, in 2019
the case of a request under section 3319.39, 3319.391, or 3327.10 2020
of the Revised Code only for criminal records maintained by the 2021
federal bureau of investigation, the superintendent shall not 2022
determine whether any information gathered under division (A) of 2023
this section exists on the person for whom the request is made. 2024

(3) The state board of education may request, with respect to 2025
any individual who has applied for employment after October 2, 2026
1989, in any position with the state board or the department of 2027
education, any information that a school district board of 2028
education is authorized to request under division (F)(2) of this 2029
section, and the superintendent of the bureau shall proceed as if 2030
the request has been received from a school district board of 2031
education under division (F)(2) of this section. 2032

(4) When the superintendent of the bureau receives a request 2033
for information under section 3319.291 of the Revised Code, the 2034
superintendent shall proceed as if the request has been received 2035
from a school district board of education and shall comply with 2036
divisions (F)(2)(a) and (c) of this section. 2037

(G) In addition to or in conjunction with any request that is 2038
required to be made under section 3712.09, 3721.121, or 3740.11 of 2039
the Revised Code with respect to an individual who has applied for 2040
employment in a position that involves providing direct care to an 2041
older adult or adult resident, the chief administrator of a home 2042

health agency, hospice care program, home licensed under Chapter 2043
3721. of the Revised Code, or adult day-care program operated 2044
pursuant to rules adopted under section 3721.04 of the Revised 2045
Code may request that the superintendent of the bureau investigate 2046
and determine, with respect to any individual who has applied 2047
after January 27, 1997, for employment in a position that does not 2048
involve providing direct care to an older adult or adult resident, 2049
whether the bureau has any information gathered under division (A) 2050
of this section that pertains to that individual. 2051

In addition to or in conjunction with any request that is 2052
required to be made under section 173.27 of the Revised Code with 2053
respect to an individual who has applied for employment in a 2054
position that involves providing ombudsman services to residents 2055
of long-term care facilities or recipients of community-based 2056
long-term care services, the state long-term care ombudsman, the 2057
director of aging, a regional long-term care ombudsman program, or 2058
the designee of the ombudsman, director, or program may request 2059
that the superintendent investigate and determine, with respect to 2060
any individual who has applied for employment in a position that 2061
does not involve providing such ombudsman services, whether the 2062
bureau has any information gathered under division (A) of this 2063
section that pertains to that applicant. 2064

In addition to or in conjunction with any request that is 2065
required to be made under section 173.38 of the Revised Code with 2066
respect to an individual who has applied for employment in a 2067
direct-care position, the chief administrator of a provider, as 2068
defined in section 173.39 of the Revised Code, may request that 2069
the superintendent investigate and determine, with respect to any 2070
individual who has applied for employment in a position that is 2071
not a direct-care position, whether the bureau has any information 2072
gathered under division (A) of this section that pertains to that 2073
applicant. 2074

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

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to the applicant. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, subject to division (E)(2) of this section, the superintendent shall send to the requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

(I) The superintendent may charge a reasonable fee for

providing information or criminal records under division (F)(2) or 2107
(G) of this section. 2108

(J) As used in this section: 2109

(1) "Pediatric respite care program" and "pediatric care 2110
patient" have the same meanings as in section 3712.01 of the 2111
Revised Code. 2112

(2) "Sexually oriented offense" and "child-victim oriented 2113
offense" have the same meanings as in section 2950.01 of the 2114
Revised Code. 2115

(3) "Registered private provider" means a nonpublic school or 2116
entity registered with the superintendent of public instruction 2117
under section 3310.41 of the Revised Code to participate in the 2118
autism scholarship program or section 3310.58 of the Revised Code 2119
to participate in the Jon Peterson special needs scholarship 2120
program. 2121

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2122
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2123
a completed form prescribed pursuant to division (C)(1) of this 2124
section, and a set of fingerprint impressions obtained in the 2125
manner described in division (C)(2) of this section, the 2126
superintendent of the bureau of criminal identification and 2127
investigation shall conduct a criminal records check in the manner 2128
described in division (B) of this section to determine whether any 2129
information exists that indicates that the person who is the 2130
subject of the request previously has been convicted of or pleaded 2131
guilty to any of the following: 2132

(a) A violation of section 2903.01, 2903.02, 2903.03, 2133
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2134
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2135
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2136

2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2137
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2138
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2139
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2140
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2141
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 2142
Revised Code, felonious sexual penetration in violation of former 2143
section 2907.12 of the Revised Code, a violation of section 2144
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2145
violation of section 2919.23 of the Revised Code that would have 2146
been a violation of section 2905.04 of the Revised Code as it 2147
existed prior to July 1, 1996, had the violation been committed 2148
prior to that date, or a violation of section 2925.11 of the 2149
Revised Code that is not a minor drug possession offense; 2150

(b) A violation of an existing or former law of this state, 2151
any other state, or the United States that is substantially 2152
equivalent to any of the offenses listed in division (A)(1)(a) of 2153
this section; 2154

(c) If the request is made pursuant to section 3319.39 of the 2155
Revised Code for an applicant who is a teacher, any offense 2156
specified under section 9.79 of the Revised Code or in section 2157
3319.31 of the Revised Code. 2158

(2) On receipt of a request pursuant to section 3712.09 or 2159
3721.121 of the Revised Code, a completed form prescribed pursuant 2160
to division (C)(1) of this section, and a set of fingerprint 2161
impressions obtained in the manner described in division (C)(2) of 2162
this section, the superintendent of the bureau of criminal 2163
identification and investigation shall conduct a criminal records 2164
check with respect to any person who has applied for employment in 2165
a position for which a criminal records check is required by those 2166
sections. The superintendent shall conduct the criminal records 2167
check in the manner described in division (B) of this section to 2168

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in

the case of a request pursuant to section 5164.34, 5164.341, or 2201
5164.342 of the Revised Code) the date the person was found 2202
eligible for intervention in lieu of conviction: 2203

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2204
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2205
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2206
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2207
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2208
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2209
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2210
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2211
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2212
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2213
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2214
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2215
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2216
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2217
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2218
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2219
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2220
2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2221
2927.12, or 3716.11 of the Revised Code; 2222

(b) Felonious sexual penetration in violation of former 2223
section 2907.12 of the Revised Code; 2224

(c) A violation of section 2905.04 of the Revised Code as it 2225
existed prior to July 1, 1996; 2226

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2227
the Revised Code when the underlying offense that is the object of 2228
the conspiracy, attempt, or complicity is one of the offenses 2229
listed in divisions (A)(3)(a) to (c) of this section; 2230

(e) A violation of an existing or former municipal ordinance 2231

or law of this state, any other state, or the United States that 2232
is substantially equivalent to any of the offenses listed in 2233
divisions (A)(3)(a) to (d) of this section. 2234

(4) On receipt of a request pursuant to section 2151.86 ~~or~~, 2235
2151.904, 5103.251, 5103.252, or 5103.253 of the Revised Code, a 2236
completed form prescribed pursuant to division (C)(1) of this 2237
section, and a set of fingerprint impressions obtained in the 2238
manner described in division (C)(2) of this section, the 2239
superintendent of the bureau of criminal identification and 2240
investigation shall conduct a criminal records check in the manner 2241
described in division (B) of this section to determine whether any 2242
information exists that indicates that the person who is the 2243
subject of the request previously has been convicted of or pleaded 2244
guilty to any of the following: 2245

(a) A violation of section 959.13, 2151.421, 2903.01, 2246
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2247
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2248
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2249
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2250
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2251
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2252
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2253
2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2254
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2255
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2256
2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the Revised 2257
Code, a violation of section 2905.04 of the Revised Code as it 2258
existed prior to July 1, 1996, a violation of section 2919.23 of 2259
the Revised Code that would have been a violation of section 2260
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2261
had the violation been committed prior to that date, a violation 2262
of section 2925.11 of the Revised Code that is not a minor drug 2263

possession offense, two or more OVI or OVUAC violations committed 2264
within the three years immediately preceding the submission of the 2265
application or petition that is the basis of the request, or 2266
felonious sexual penetration in violation of former section 2267
2907.12 of the Revised Code, or a violation of Chapter 2919. of 2268
the Revised Code that is a felony; 2269

(b) A violation of an existing or former law of this state, 2270
any other state, or the United States that is substantially 2271
equivalent to any of the offenses listed in division (A)(4)(a) of 2272
this section. 2273

(5) Upon receipt of a request pursuant to section 5104.013 of 2274
the Revised Code, a completed form prescribed pursuant to division 2275
(C)(1) of this section, and a set of fingerprint impressions 2276
obtained in the manner described in division (C)(2) of this 2277
section, the superintendent of the bureau of criminal 2278
identification and investigation shall conduct a criminal records 2279
check in the manner described in division (B) of this section to 2280
determine whether any information exists that indicates that the 2281
person who is the subject of the request has been convicted of or 2282
pleaded guilty to any of the following: 2283

(a) A violation of section 2151.421, 2903.01, 2903.02, 2284
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2285
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2286
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2287
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2288
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2289
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2290
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2291
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2292
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2293
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2294
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2295

2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2296
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2297
Revised Code, felonious sexual penetration in violation of former 2298
section 2907.12 of the Revised Code, a violation of section 2299
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2300
violation of section 2919.23 of the Revised Code that would have 2301
been a violation of section 2905.04 of the Revised Code as it 2302
existed prior to July 1, 1996, had the violation been committed 2303
prior to that date, a violation of section 2925.11 of the Revised 2304
Code that is not a minor drug possession offense, a violation of 2305
section 2923.02 or 2923.03 of the Revised Code that relates to a 2306
crime specified in this division, or a second violation of section 2307
4511.19 of the Revised Code within five years of the date of 2308
application for licensure or certification. 2309

(b) A violation of an existing or former law of this state, 2310
any other state, or the United States that is substantially 2311
equivalent to any of the offenses or violations described in 2312
division (A)(5)(a) of this section. 2313

(6) Upon receipt of a request pursuant to section 5153.111 of 2314
the Revised Code, a completed form prescribed pursuant to division 2315
(C)(1) of this section, and a set of fingerprint impressions 2316
obtained in the manner described in division (C)(2) of this 2317
section, the superintendent of the bureau of criminal 2318
identification and investigation shall conduct a criminal records 2319
check in the manner described in division (B) of this section to 2320
determine whether any information exists that indicates that the 2321
person who is the subject of the request previously has been 2322
convicted of or pleaded guilty to any of the following: 2323

(a) A violation of section 2903.01, 2903.02, 2903.03, 2324
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2325
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2326
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2327

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2328
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2329
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2330
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2331
felonious sexual penetration in violation of former section 2332
2907.12 of the Revised Code, a violation of section 2905.04 of the 2333
Revised Code as it existed prior to July 1, 1996, a violation of 2334
section 2919.23 of the Revised Code that would have been a 2335
violation of section 2905.04 of the Revised Code as it existed 2336
prior to July 1, 1996, had the violation been committed prior to 2337
that date, or a violation of section 2925.11 of the Revised Code 2338
that is not a minor drug possession offense; 2339

(b) A violation of an existing or former law of this state, 2340
any other state, or the United States that is substantially 2341
equivalent to any of the offenses listed in division (A)(6)(a) of 2342
this section. 2343

(7) On receipt of a request for a criminal records check from 2344
an individual pursuant to section 4749.03 or 4749.06 of the 2345
Revised Code, accompanied by a completed copy of the form 2346
prescribed in division (C)(1) of this section and a set of 2347
fingerprint impressions obtained in a manner described in division 2348
(C)(2) of this section, the superintendent of the bureau of 2349
criminal identification and investigation shall conduct a criminal 2350
records check in the manner described in division (B) of this 2351
section to determine whether any information exists indicating 2352
that the person who is the subject of the request has been 2353
convicted of or pleaded guilty to any criminal offense in this 2354
state or in any other state. If the individual indicates that a 2355
firearm will be carried in the course of business, the 2356
superintendent shall require information from the federal bureau 2357
of investigation as described in division (B)(2) of this section. 2358
Subject to division (F) of this section, the superintendent shall 2359

report the findings of the criminal records check and any 2360
information the federal bureau of investigation provides to the 2361
director of public safety. 2362

(8) On receipt of a request pursuant to section 1321.37, 2363
1321.53, or 4763.05 of the Revised Code, a completed form 2364
prescribed pursuant to division (C)(1) of this section, and a set 2365
of fingerprint impressions obtained in the manner described in 2366
division (C)(2) of this section, the superintendent of the bureau 2367
of criminal identification and investigation shall conduct a 2368
criminal records check with respect to any person who has applied 2369
for a license, permit, or certification from the department of 2370
commerce or a division in the department. The superintendent shall 2371
conduct the criminal records check in the manner described in 2372
division (B) of this section to determine whether any information 2373
exists that indicates that the person who is the subject of the 2374
request previously has been convicted of or pleaded guilty to any 2375
criminal offense in this state, any other state, or the United 2376
States. 2377

(9) On receipt of a request for a criminal records check from 2378
the treasurer of state under section 113.041 of the Revised Code 2379
or from an individual under section 928.03, 4701.08, 4715.101, 2380
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 2381
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 2382
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2383
4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 2384
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 2385
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, ~~or~~ 2386
4783.04, or 4787.05 of the Revised Code, accompanied by a 2387
completed form prescribed under division (C)(1) of this section 2388
and a set of fingerprint impressions obtained in the manner 2389
described in division (C)(2) of this section, the superintendent 2390
of the bureau of criminal identification and investigation shall 2391

conduct a criminal records check in the manner described in 2392
division (B) of this section to determine whether any information 2393
exists that indicates that the person who is the subject of the 2394
request has been convicted of or pleaded guilty to any criminal 2395
offense in this state or any other state. Subject to division (F) 2396
of this section, the superintendent shall send the results of a 2397
check requested under section 113.041 of the Revised Code to the 2398
treasurer of state and shall send the results of a check requested 2399
under any of the other listed sections to the licensing board 2400
specified by the individual in the request. 2401

(10) On receipt of a request pursuant to section 124.74, 2402
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 2403
Code, a completed form prescribed pursuant to division (C)(1) of 2404
this section, and a set of fingerprint impressions obtained in the 2405
manner described in division (C)(2) of this section, the 2406
superintendent of the bureau of criminal identification and 2407
investigation shall conduct a criminal records check in the manner 2408
described in division (B) of this section to determine whether any 2409
information exists that indicates that the person who is the 2410
subject of the request previously has been convicted of or pleaded 2411
guilty to any criminal offense under any existing or former law of 2412
this state, any other state, or the United States. 2413

(11) On receipt of a request for a criminal records check 2414
from an appointing or licensing authority under section 3772.07 of 2415
the Revised Code, a completed form prescribed under division 2416
(C)(1) of this section, and a set of fingerprint impressions 2417
obtained in the manner prescribed in division (C)(2) of this 2418
section, the superintendent of the bureau of criminal 2419
identification and investigation shall conduct a criminal records 2420
check in the manner described in division (B) of this section to 2421
determine whether any information exists that indicates that the 2422
person who is the subject of the request previously has been 2423

convicted of or pleaded guilty or no contest to any offense under 2424
any existing or former law of this state, any other state, or the 2425
United States that makes the person ineligible for appointment or 2426
retention under section 3772.07 of the Revised Code or that is a 2427
disqualifying offense as defined in that section or substantially 2428
equivalent to a disqualifying offense, as applicable. 2429

(12) On receipt of a request pursuant to section 2151.33 or 2430
2151.412 of the Revised Code, a completed form prescribed pursuant 2431
to division (C)(1) of this section, and a set of fingerprint 2432
impressions obtained in the manner described in division (C)(2) of 2433
this section, the superintendent of the bureau of criminal 2434
identification and investigation shall conduct a criminal records 2435
check with respect to any person for whom a criminal records check 2436
is required under that section. The superintendent shall conduct 2437
the criminal records check in the manner described in division (B) 2438
of this section to determine whether any information exists that 2439
indicates that the person who is the subject of the request 2440
previously has been convicted of or pleaded guilty to any of the 2441
following: 2442

(a) A violation of section 2903.01, 2903.02, 2903.03, 2443
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2444
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2445
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2446
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2447
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2448
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2449
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2450
2925.22, 2925.23, or 3716.11 of the Revised Code; 2451

(b) An existing or former law of this state, any other state, 2452
or the United States that is substantially equivalent to any of 2453
the offenses listed in division (A)(12)(a) of this section. 2454

(13) On receipt of a request pursuant to section 3796.12 of 2455

the Revised Code, a completed form prescribed pursuant to division 2456
(C)(1) of this section, and a set of fingerprint impressions 2457
obtained in a manner described in division (C)(2) of this section, 2458
the superintendent of the bureau of criminal identification and 2459
investigation shall conduct a criminal records check in the manner 2460
described in division (B) of this section to determine whether any 2461
information exists that indicates that the person who is the 2462
subject of the request previously has been convicted of or pleaded 2463
guilty to ~~the following~~: 2464

~~(a) A a disqualifying offense as specified in rules adopted 2465
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2466
the Revised Code if the person who is the subject of the request 2467
is an administrator or other person responsible for the daily 2468
operation of, or an owner or prospective owner, officer or 2469
prospective officer, or board member or prospective board member 2470
of, an entity seeking a license from the department of commerce 2471
under Chapter 3796. of the Revised Code~~: 2472

~~(b) A disqualifying offense as specified in rules adopted 2473
under section 9.79 and division (B)(2)(b) of section 3796.04 of 2474
the Revised Code if the person who is the subject of the request 2475
is an administrator or other person responsible for the daily 2476
operation of, or an owner or prospective owner, officer or 2477
prospective officer, or board member or prospective board member 2478
of, an entity seeking a license from the state board of pharmacy 2479
under Chapter 3796. of the Revised Code. 2480~~

(14) On receipt of a request required by section 3796.13 of 2481
the Revised Code, a completed form prescribed pursuant to division 2482
(C)(1) of this section, and a set of fingerprint impressions 2483
obtained in a manner described in division (C)(2) of this section, 2484
the superintendent of the bureau of criminal identification and 2485
investigation shall conduct a criminal records check in the manner 2486
described in division (B) of this section to determine whether any 2487

information exists that indicates that the person who is the 2488
subject of the request previously has been convicted of or pleaded 2489
guilty to ~~the following~~: 2490

~~(a) A a disqualifying offense as specified in rules adopted 2491
under division ~~(B)(8)(a)~~(B)(14)(a) of section 3796.03 of the 2492
Revised Code if the person who is the subject of the request is 2493
seeking employment with an entity licensed by the department of 2494
commerce under Chapter 3796. of the Revised Code;~~ 2495

~~(b) A disqualifying offense as specified in rules adopted 2496
under division ~~(B)(14)(a)~~ of section 3796.04 of the Revised Code 2497
if the person who is the subject of the request is seeking 2498
employment with an entity licensed by the state board of pharmacy 2499
under Chapter 3796. of the Revised Code. 2500~~

(15) On receipt of a request pursuant to section 4768.06 of 2501
the Revised Code, a completed form prescribed under division 2502
(C)(1) of this section, and a set of fingerprint impressions 2503
obtained in the manner described in division (C)(2) of this 2504
section, the superintendent of the bureau of criminal 2505
identification and investigation shall conduct a criminal records 2506
check in the manner described in division (B) of this section to 2507
determine whether any information exists indicating that the 2508
person who is the subject of the request has been convicted of or 2509
pleaded guilty to any criminal offense in this state or in any 2510
other state. 2511

(16) On receipt of a request pursuant to division (B) of 2512
section 4764.07 or division (A) of section 4735.143 of the Revised 2513
Code, a completed form prescribed under division (C)(1) of this 2514
section, and a set of fingerprint impressions obtained in the 2515
manner described in division (C)(2) of this section, the 2516
superintendent of the bureau of criminal identification and 2517
investigation shall conduct a criminal records check in the manner 2518
described in division (B) of this section to determine whether any 2519

information exists indicating that the person who is the subject 2520
of the request has been convicted of or pleaded guilty to any 2521
criminal offense in any state or the United States. 2522

(17) On receipt of a request for a criminal records check 2523
under section 147.022 of the Revised Code, a completed form 2524
prescribed under division (C)(1) of this section, and a set of 2525
fingerprint impressions obtained in the manner prescribed in 2526
division (C)(2) of this section, the superintendent of the bureau 2527
of criminal identification and investigation shall conduct a 2528
criminal records check in the manner described in division (B) of 2529
this section to determine whether any information exists that 2530
indicates that the person who is the subject of the request 2531
previously has been convicted of or pleaded guilty or no contest 2532
to any criminal offense under any existing or former law of this 2533
state, any other state, or the United States. 2534

(18) Upon receipt of a request pursuant to division (F) of 2535
section 2915.081 or division (E) of section 2915.082 of the 2536
Revised Code, a completed form prescribed under division (C)(1) of 2537
this section, and a set of fingerprint impressions obtained in the 2538
manner described in division (C)(2) of this section, the 2539
superintendent of the bureau of criminal identification and 2540
investigation shall conduct a criminal records check in the manner 2541
described in division (B) of this section to determine whether any 2542
information exists indicating that the person who is the subject 2543
of the request has been convicted of or pleaded guilty or no 2544
contest to any offense that is a violation of Chapter 2915. of the 2545
Revised Code or to any offense under any existing or former law of 2546
this state, any other state, or the United States that is 2547
substantially equivalent to such an offense. 2548

(19) On receipt of a request pursuant to section 3775.03 of 2549
the Revised Code, a completed form prescribed under division 2550
(C)(1) of this section, and a set of fingerprint impressions 2551

obtained in the manner described in division (C)(2) of this 2552
section, the superintendent of the bureau of criminal 2553
identification and investigation shall conduct a criminal records 2554
check in the manner described in division (B) of this section and 2555
shall request information from the federal bureau of investigation 2556
to determine whether any information exists indicating that the 2557
person who is the subject of the request has been convicted of any 2558
offense under any existing or former law of this state, any other 2559
state, or the United States that is a disqualifying offense as 2560
defined in section 3772.07 of the Revised Code. 2561

(B) Subject to division (F) of this section, the 2562
superintendent shall conduct any criminal records check to be 2563
conducted under this section as follows: 2564

(1) The superintendent shall review or cause to be reviewed 2565
any relevant information gathered and compiled by the bureau under 2566
division (A) of section 109.57 of the Revised Code that relates to 2567
the person who is the subject of the criminal records check, 2568
including, if the criminal records check was requested under 2569
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2570
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2571
2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 2572
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2573
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5103.251, 2574
5103.252, 5103.253, 5104.013, 5164.34, 5164.341, 5164.342, 2575
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 2576
information contained in records that have been sealed under 2577
section 2953.32 of the Revised Code; 2578

(2) If the request received by the superintendent asks for 2579
information from the federal bureau of investigation, the 2580
superintendent shall request from the federal bureau of 2581
investigation any information it has with respect to the person 2582
who is the subject of the criminal records check, including 2583

fingerprint-based checks of national crime information databases 2584
as described in 42 U.S.C. 671 if the request is made pursuant to 2585
section 2151.86, 5103.251, 5103.252, 5103.253, or 5104.013 of the 2586
Revised Code or if any other Revised Code section requires 2587
fingerprint-based checks of that nature, and shall review or cause 2588
to be reviewed any information the superintendent receives from 2589
that bureau. If a request under section 3319.39 of the Revised 2590
Code asks only for information from the federal bureau of 2591
investigation, the superintendent shall not conduct the review 2592
prescribed by division (B)(1) of this section. 2593

(3) The superintendent or the superintendent's designee may 2594
request criminal history records from other states or the federal 2595
government pursuant to the national crime prevention and privacy 2596
compact set forth in section 109.571 of the Revised Code. 2597

(4) The superintendent shall include in the results of the 2598
criminal records check a list or description of the offenses 2599
listed or described in the relevant provision of division (A) of 2600
this section. The superintendent shall exclude from the results 2601
any information the dissemination of which is prohibited by 2602
federal law. 2603

(5) The superintendent shall send the results of the criminal 2604
records check to the person to whom it is to be sent not later 2605
than the following number of days after the date the 2606
superintendent receives the request for the criminal records 2607
check, the completed form prescribed under division (C)(1) of this 2608
section, and the set of fingerprint impressions obtained in the 2609
manner described in division (C)(2) of this section: 2610

(a) If the superintendent is required by division (A) of this 2611
section (other than division (A)(3) of this section) to conduct 2612
the criminal records check, thirty; 2613

(b) If the superintendent is required by division (A)(3) of 2614

this section to conduct the criminal records check, sixty. 2615

(C)(1) The superintendent shall prescribe a form to obtain 2616
the information necessary to conduct a criminal records check from 2617
any person for whom a criminal records check is to be conducted 2618
under this section. The form that the superintendent prescribes 2619
pursuant to this division may be in a tangible format, in an 2620
electronic format, or in both tangible and electronic formats. 2621

(2) The superintendent shall prescribe standard impression 2622
sheets to obtain the fingerprint impressions of any person for 2623
whom a criminal records check is to be conducted under this 2624
section. Any person for whom a records check is to be conducted 2625
under this section shall obtain the fingerprint impressions at a 2626
county sheriff's office, municipal police department, or any other 2627
entity with the ability to make fingerprint impressions on the 2628
standard impression sheets prescribed by the superintendent. The 2629
office, department, or entity may charge the person a reasonable 2630
fee for making the impressions. The standard impression sheets the 2631
superintendent prescribes pursuant to this division may be in a 2632
tangible format, in an electronic format, or in both tangible and 2633
electronic formats. 2634

(3) Subject to division (D) of this section, the 2635
superintendent shall prescribe and charge a reasonable fee for 2636
providing a criminal records check under this section. The person 2637
requesting the criminal records check shall pay the fee prescribed 2638
pursuant to this division. In the case of a request under section 2639
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2640
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2641
the manner specified in that section. 2642

(4) The superintendent of the bureau of criminal 2643
identification and investigation may prescribe methods of 2644
forwarding fingerprint impressions and information necessary to 2645
conduct a criminal records check, which methods shall include, but 2646

not be limited to, an electronic method. 2647

(D) The results of a criminal records check conducted under 2648
this section, other than a criminal records check specified in 2649
division (A)(7) of this section, are valid for the person who is 2650
the subject of the criminal records check for a period of one year 2651
from the date upon which the superintendent completes the criminal 2652
records check. If during that period the superintendent receives 2653
another request for a criminal records check to be conducted under 2654
this section for that person, the superintendent shall provide the 2655
results from the previous criminal records check of the person at 2656
a lower fee than the fee prescribed for the initial criminal 2657
records check. 2658

(E) When the superintendent receives a request for 2659
information from a registered private provider, the superintendent 2660
shall proceed as if the request was received from a school 2661
district board of education under section 3319.39 of the Revised 2662
Code. The superintendent shall apply division (A)(1)(c) of this 2663
section to any such request for an applicant who is a teacher. 2664

(F)(1) Subject to division (F)(2) of this section, all 2665
information regarding the results of a criminal records check 2666
conducted under this section that the superintendent reports or 2667
sends under division (A)(7) or (9) of this section to the director 2668
of public safety, the treasurer of state, or the person, board, or 2669
entity that made the request for the criminal records check shall 2670
relate to the conviction of the subject person, or the subject 2671
person's plea of guilty to, a criminal offense. 2672

(2) Division (F)(1) of this section does not limit, restrict, 2673
or preclude the superintendent's release of information that 2674
relates to the arrest of a person who is eighteen years of age or 2675
older, to an adjudication of a child as a delinquent child, or to 2676
a criminal conviction of a person under eighteen years of age in 2677
circumstances in which a release of that nature is authorized 2678

under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

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

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

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

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

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

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

available to the attorney general. 2709

~~(B)~~(C) The attorney general may contract with state or 2710
private entities, including private software and technology 2711
providers, for the creation, operation, and maintenance of the 2712
statewide tracking system. The tracking system shall do all of the 2713
following: 2714

(1) Track the status of sexual assault examination kits from 2715
the collection site through the criminal justice process, 2716
including the initial collection at medical facilities, inventory 2717
and storage by law enforcement agencies, analysis at crime 2718
laboratories, and storage or destruction after completion of 2719
analysis; 2720

(2) Allow all entities that receive, maintain, store, or 2721
preserve sexual assault examination kits to update the status and 2722
location of the kits; 2723

(3) Allow individuals to anonymously access the statewide 2724
tracking system regarding the location and status of their sexual 2725
assault examination kit. 2726

~~(C)~~(D)(1) A victim may request the following from the 2727
appropriate official with custody of the kit: 2728

(a) Information regarding the testing date and results of the 2729
kit; 2730

(b) Whether a DNA profile was obtained from the kit; 2731

(c) Whether a match was found to that DNA profile in state or 2732
federal databases; 2733

(d) The estimated destruction date of the kit. 2734

The victim is entitled to receive this information in 2735
writing, by electronic mail, or by telephone, as designated by the 2736
victim. 2737

(2) A victim who has requested information regarding the 2738

tracking of the victim's sexual assault examination kit shall be 2739
informed by the appropriate official with custody of the kit when 2740
there is any change in the status of the case, including if the 2741
case has been closed or reopened. 2742

(3) A victim may request written notification from the 2743
appropriate official with custody of the kit notice of the 2744
destruction or disposal date of the kit and shall receive that 2745
notice not later than sixty days before the date of the intended 2746
destruction or disposal. 2747

(4) A victim may request further preservation of the sexual 2748
assault examination kit or its probative contents beyond the 2749
intended destruction or disposal date as provided under section 2750
2933.82 of the Revised Code, for a period of up to thirty years. 2751

(5) In responding to a victim's request under divisions 2752
(D)(1) to (4) of this section, the appropriate official with 2753
custody of the kit also shall provide the victim with information 2754
about the victim's right to apply for an award of reparations 2755
pursuant to section 2743.56 of the Revised Code. 2756

(E) Not later than one year after creation of the statewide 2757
tracking system, all entities in the chain of custody of sexual 2758
assault examination kits shall participate in the system. 2759

~~(D)~~(F) The attorney general may adopt rules under Chapter 2760
119. of the Revised Code to facilitate the implementation of the 2761
statewide sexual assault examination kit tracking system pursuant 2762
to this section. Except as provided in division (B)(3) of this 2763
section, information contained in the statewide tracking system is 2764
confidential and not subject to public disclosure. 2765

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of 2766
this section, every appointing authority shall require each of its 2767
appointed peace officers and troopers to complete up to 2768

twenty-four hours of continuing professional training each 2769
calendar year, ~~as directed by the Ohio peace officer training~~ 2770
~~commission. The number of hours directed by the commission, up to~~ 2771
~~twenty-four~~ Twenty-four hours, is intended to be a minimum 2772
requirement, and appointing authorities are encouraged to exceed 2773
~~the number of hours the commission directs as the~~ twenty-four hour 2774
~~minimum. The commission shall set the required minimum number of~~ 2775
~~hours based upon available funding for reimbursement as described~~ 2776
~~in this division. If no funding for the reimbursement is~~ 2777
~~available, no continuing professional training will be required~~ A 2778
minimum of twenty-four hours of continuing professional training 2779
shall be reimbursed each calendar year and a maximum of forty 2780
hours of continuing professional training may be reimbursed each 2781
calendar year. 2782

(2) An appointing authority may submit a written request to 2783
the peace officer training commission that requests for a calendar 2784
year because of emergency circumstances an extension of the time 2785
within which one or more of its appointed peace officers or 2786
troopers must complete the required minimum number of hours of 2787
continuing professional training set by the commission, as 2788
described in division (A)(1) of this section. A request made under 2789
this division shall set forth the name of each of the appointing 2790
authority's peace officers or troopers for whom an extension is 2791
requested, identify the emergency circumstances related to that 2792
peace officer or trooper, include documentation of those emergency 2793
circumstances, and set forth the date on which the request is 2794
submitted to the commission. A request shall be made under this 2795
division not later than the fifteenth day of December in the 2796
calendar year for which the extension is requested. 2797

Upon receipt of a written request made under this division, 2798
the executive director of the commission shall review the request 2799
and the submitted documentation. If the executive director of the 2800

commission is satisfied that emergency circumstances exist for any 2801
peace officer or trooper for whom a request was made under this 2802
division, the executive director may approve the request for that 2803
peace officer or trooper and grant an extension of the time within 2804
which that peace officer or trooper must complete the required 2805
minimum number of hours of continuing professional training set by 2806
the commission. An extension granted under this division may be 2807
for any period of time the executive director believes to be 2808
appropriate, and the executive director shall specify in the 2809
notice granting the extension the date on which the extension 2810
ends. Not later than thirty days after the date on which a request 2811
is submitted to the commission, for each peace officer and trooper 2812
for whom an extension is requested, the executive director either 2813
shall approve the request and grant an extension or deny the 2814
request and deny an extension and shall send to the appointing 2815
authority that submitted the request written notice of the 2816
executive director's decision. 2817

If the executive director grants an extension of the time 2818
within which a particular appointed peace officer or trooper of an 2819
appointing authority must complete the required minimum number of 2820
hours of continuing professional training set by the commission, 2821
the appointing authority shall require that peace officer or 2822
trooper to complete the required minimum number of hours of 2823
training not later than the date on which the extension ends. 2824

(B) With the advice of the Ohio peace officer training 2825
commission, the attorney general shall adopt in accordance with 2826
Chapter 119. of the Revised Code rules setting forth minimum 2827
standards for continuing professional training for peace officers 2828
and troopers and governing the administration of continuing 2829
professional training programs for peace officers and troopers. 2830
The rules adopted by the attorney general under division (B) of 2831
this section shall do all of the following: 2832

(1) Allow peace officers and troopers to earn credit for up to four hours of continuing professional training for time spent while on duty providing drug use prevention education training that utilizes evidence-based curricula to students in school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code.	2833 2834 2835 2836 2837 2838 2839 2840
(2) Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.	2841 2842 2843 2844 2845 2846 2847 2848 2849
(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.	2850 2851 2852
(4) Require a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters, which training shall have an online offering and shall include all of the following topics:	2853 2854 2855 2856
(a) A person's rights during an interaction with a peace officer, including all of the following:	2857 2858
(i) When a peace officer may require a person to exit a vehicle;	2859 2860
(ii) Constitutional protections from illegal search and seizure;	2861 2862
(iii) The rights of a passenger in a vehicle who has been	2863

pulled over for a traffic stop;	2864
(iv) The right for a citizen to record an encounter with a peace officer.	2865 2866
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	2867 2868
(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;	2869 2870 2871 2872
(d) Any other requirements and procedures necessary for the proper implementation of this section.	2873 2874
(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.	2875 2876
(D) As used in this section:	2877
(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.	2878 2879
(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.	2880 2881
(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.	2882 2883
Sec. 111.15. (A) As used in this section:	2884
(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to	2885 2886 2887 2888 2889 2890 2891 2892

Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

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

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

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

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

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

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum,

the review date for the rule is five years after its effective 2924
date. A rule with a review date is subject to review under section 2925
106.03 of the Revised Code. ~~This paragraph does not apply to a 2926
rule of a state college or university, community college district, 2927
technical college district, or state community college. 2928~~

If an agency in adopting a rule designates an effective date 2929
that is later than the effective date provided for by division 2930
(B)(1) of this section, the rule if filed as required by such 2931
division shall become effective on the later date designated by 2932
the agency. 2933

Any rule that is required to be filed under division (B)(1) 2934
of this section is also subject to division (D) of this section if 2935
not exempted by that division. 2936

If a rule incorporates a text or other material by reference, 2937
the agency shall comply with sections 121.71 to 121.75 of the 2938
Revised Code. 2939

(2) A rule of an emergency nature necessary for the immediate 2940
preservation of the public peace, health, or safety shall state 2941
the reasons for the necessity. The emergency rule, in final form 2942
and in compliance with division (B)(3) of this section, shall be 2943
filed in electronic form with the secretary of state, the director 2944
of the legislative service commission, and the joint committee on 2945
agency rule review. The emergency rule is effective immediately 2946
upon completion of the latest filing, except that if the agency in 2947
adopting the emergency rule designates an effective date, or date 2948
and time of day, that is later than the effective date and time 2949
provided for by division (B)(2) of this section, the emergency 2950
rule if filed as required by such division shall become effective 2951
at the later date, or later date and time of day, designated by 2952
the agency. 2953

Except as provided in section 107.43 of the Revised Code, an 2954

emergency rule becomes invalid at the end of the one hundred 2955
twentieth day it is in effect. Prior to that date, the agency may 2956
file the emergency rule as a nonemergency rule in compliance with 2957
division (B)(1) of this section. The agency may not refile the 2958
emergency rule in compliance with division (B)(2) of this section 2959
so that, upon the emergency rule becoming invalid under such 2960
division, the emergency rule will continue in effect without 2961
interruption for another one hundred twenty-day period. 2962

The adoption of an emergency rule under division (B)(2) of 2963
this section in response to a state of emergency, as defined under 2964
section 107.42 of the Revised Code, may be invalidated by the 2965
general assembly, in whole or in part, by adopting a concurrent 2966
resolution in accordance with section 107.43 of the Revised Code. 2967

(3) An agency shall file a rule under division (B)(1) or (2) 2968
of this section in compliance with the following standards and 2969
procedures: 2970

(a) The rule shall be numbered in accordance with the 2971
numbering system devised by the director for the Ohio 2972
administrative code. 2973

(b) The rule shall be prepared and submitted in compliance 2974
with the rules of the legislative service commission. 2975

(c) The rule shall clearly state the date on which it is to 2976
be effective and the date on which it will expire, if known. 2977

(d) Each rule that amends or rescinds another rule shall 2978
clearly refer to the rule that is amended or rescinded. Each 2979
amendment shall fully restate the rule as amended. 2980

If the director of the legislative service commission or the 2981
director's designee gives an agency notice pursuant to section 2982
103.05 of the Revised Code that a rule filed by the agency is not 2983
in compliance with the rules of the legislative service 2984
commission, the agency shall within thirty days after receipt of 2985

the notice conform the rule to the rules of the commission as 2986
directed in the notice. 2987

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 2988
of this section shall be recorded by the secretary of state and 2989
the director under the title of the agency adopting the rule and 2990
shall be numbered according to the numbering system devised by the 2991
director. The secretary of state and the director shall preserve 2992
the rules in an accessible manner. Each such rule shall be a 2993
public record open to public inspection and may be transmitted to 2994
any law publishing company that wishes to reproduce it. 2995

(D) At least sixty-five days before a board, commission, 2996
department, division, or bureau of the government of the state 2997
files a rule under division (B)(1) of this section, it shall file 2998
the full text of the proposed rule in electronic form with the 2999
joint committee on agency rule review, and the proposed rule is 3000
subject to legislative review and invalidation under section 3001
106.021 of the Revised Code. If a state board, commission, 3002
department, division, or bureau makes a revision in a proposed 3003
rule after it is filed with the joint committee, the state board, 3004
commission, department, division, or bureau shall promptly file 3005
the full text of the proposed rule in its revised form in 3006
electronic form with the joint committee. A state board, 3007
commission, department, division, or bureau shall also file the 3008
rule summary and fiscal analysis prepared under section 106.024 of 3009
the Revised Code in electronic form along with a proposed rule, 3010
and along with a proposed rule in revised form, that is filed 3011
under this division. If a proposed rule has an adverse impact on 3012
businesses, the state board, commission, department, division, or 3013
bureau also shall file the business impact analysis, any 3014
recommendations received from the common sense initiative office, 3015
and the associated memorandum of response, if any, in electronic 3016
form along with the proposed rule, or the proposed rule in revised 3017

form, that is filed under this division. 3018

A proposed rule that is subject to legislative review under 3019
this division may not be adopted and filed in final form under 3020
division (B)(1) of this section unless the proposed rule has been 3021
filed with the joint committee on agency rule review under this 3022
division and the time for the joint committee to review the 3023
proposed rule has expired without recommendation of a concurrent 3024
resolution to invalidate the proposed rule. 3025

If a proposed rule that is subject to legislative review 3026
under this division implements a federal law or rule, the agency 3027
shall provide to the joint committee a citation to the federal law 3028
or rule the proposed rule implements and a statement as to whether 3029
the proposed rule implements the federal law or rule in a manner 3030
that is more or less stringent or burdensome than the federal law 3031
or rule requires. 3032

As used in this division, "commission" includes the public 3033
utilities commission when adopting rules under a federal or state 3034
statute. 3035

This division does not apply to any of the following: 3036

(1) A proposed rule of an emergency nature; 3037

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 3038
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 3039
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 3040
Code; 3041

(3) A rule proposed by an agency other than a board, 3042
commission, department, division, or bureau of the government of 3043
the state; 3044

(4) A proposed internal management rule of a board, 3045
commission, department, division, or bureau of the government of 3046
the state; 3047

(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

(a) A statement that it is proposed for the purpose of complying with a federal law or rule;

(b) A citation to the federal law or rule that requires verbatim compliance.

(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

(7) A rule of the state lottery commission pertaining to instant game rules.

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

Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code

in electronic form along with a proposed rule or proposed rule in 3079
revised form that is filed with the secretary of state or the 3080
director of the legislative service commission. 3081

Sec. 113.60. (A) As used in this section and sections 113.61 3082
and 113.62 of the Revised Code: 3083

(1) "Service intermediary" means a person or entity that 3084
enters into a pay for success contract under this section and 3085
sections 113.61 and 113.62 of the Revised Code. The service 3086
intermediary may act as the service provider that delivers the 3087
services specified in the contract or may contract with a separate 3088
service provider to deliver those services. 3089

(2) "State agency" and "political subdivision" have the same 3090
meanings as in section 9.23 of the Revised Code. 3091

(B) The treasurer of state shall administer the pay for 3092
success contracting program, shall develop procedures for awarding 3093
pay for success contracts, and may take any action necessary to 3094
implement and administer the program. Under the program, the 3095
treasurer of state may enter into a pay for success contract with 3096
a service intermediary for the delivery of specified services that 3097
benefit the state, a political subdivision, or a group of 3098
political subdivisions, such as programs addressing education, 3099
public health, criminal justice, or natural resource management. 3100
In the case of a contract for the delivery of services that 3101
benefit the state, the treasurer of state shall enter into the 3102
contract jointly with the director of administrative services. The 3103
treasurer of state and, as applicable, the director of 3104
administrative services, may enter into a pay for success contract 3105
under either of the following circumstances: 3106

(1) Upon receiving an appropriation from the general assembly 3107
for the purpose of entering into a pay for success contract; 3108

(2)(a) At the request of a state agency, a political 3109
subdivision, or a group of state agencies or political 3110
subdivisions that the treasurer of state and, as applicable, the 3111
director of administrative services, enter into a pay for success 3112
contract on behalf of the requesting state agency, political 3113
subdivision, or group. The requesting state agency, political 3114
subdivision, or group shall deposit the cost of the contract with 3115
the treasurer of state in the appropriate fund established in 3116
section 113.62 of the Revised Code. 3117

(b) A political subdivision or group of political 3118
subdivisions that requests the treasurer of state to enter into a 3119
pay for success contract on behalf of the political subdivision or 3120
group shall not use state funds to pay the cost of the contract. 3121

(c) The treasurer of state may apply for federal grant moneys 3122
on behalf of a requesting state agency, political subdivision, or 3123
group to pay the cost of all or part of the contract. The 3124
treasurer of state shall not apply for federal grant moneys for 3125
the purpose of entering into a pay for success contract without 3126
first entering into an agreement with a requesting state agency, 3127
political subdivision, or group for the treasurer of state to 3128
apply for those moneys. 3129

(C) The treasurer of state may adopt rules in accordance with 3130
Chapter 119. of the Revised Code to administer the pay for success 3131
contracting program, including rules concerning ~~both of~~ the 3132
following: 3133

(1) The procedure for a state agency, political subdivision, 3134
or group of state agencies or political subdivisions to request 3135
the treasurer of state and, as applicable, the director of 3136
administrative services to enter into a pay for success contract 3137
and to deposit the cost of the contract with the treasurer of 3138
state; 3139

(2) The types of services that are appropriate for a service provider to provide under a pay for success contract; 3140
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(3) Any other rule necessary for the implementation and administration of section 113.60 to 113.62 of the Revised Code. 3142
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~~(D) The rules of the treasurer of state shall include both of the following;~~ 3144
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~~(1) A requirement that for not less than seventy five per cent of the pay for success contracts entered into under this section, the performance targets specified in the contract require that, based on available regional or national data, the improvement in the status of this state or the relevant area of this state with respect to the issue the contract is meant to address be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract;~~ 3146
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~~(2) A process to ensure that any regional or national data used to determine whether a service provider has met its performance targets under a pay for success contract are scientifically valid.~~ 3155
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Sec. 117.34. No cause of action on any matter set forth in any report of the auditor of state made under this chapter shall accrue until the report is filed with the officer or legal counsel whose duty it is to institute civil actions for enforcement. No statutes of limitations otherwise applicable to the cause of action shall begin to run until the date of filing. Once a report is submitted to the attorney general under this chapter, the amount payable shall be a final, certified claim under section 131.02 of the Revised Code. The amount payable may be satisfied under the process provided in section 5747.12 of the Revised Code. 3159
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Sec. 117.46. Each biennium the auditor of state shall conduct 3169

a minimum of four performance audits under this section. Except as 3170
otherwise provided in this section, at least two of the audits 3171
shall be of state agencies selected from a list comprised of the 3172
administrative departments listed in section 121.02 of the Revised 3173
Code and the department of education and at least two of the 3174
audits shall be of other state agencies. At the auditor of state's 3175
discretion, the auditor of state may also conduct performance 3176
audits of state institutions of higher education. The offices of 3177
the attorney general, auditor of state, governor, secretary of 3178
state, and treasurer of state and agencies of the legislative and 3179
judicial branches are not subject to an audit under this section. 3180

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The auditor shall select each agency or institution to be 3182
audited and shall determine whether to audit the entire agency or 3183
institution or a portion of the agency or institution by auditing 3184
one or more programs, offices, boards, councils, or other entities 3185
within that agency or institution. The auditor shall make the 3186
selection and determination in consultation with the governor and 3187
the speaker and minority leader of the house of representatives 3188
and president and minority leader of the senate. 3189

An audit of a portion of an agency or institution shall be 3190
considered an audit of one agency or institution. The authority to 3191
audit a portion of an agency or institution in no way limits the 3192
auditor's ability to audit an entire agency or institution if it 3193
is in the best interest of the state. 3194

The performance audits under this section shall be conducted 3195
pursuant to sections 117.01 and 117.13 of the Revised Code. In 3196
conducting a performance audit, the auditor of state shall 3197
determine the scope of the audit, but shall consider, if 3198
appropriate, supervisory and subordinate level operations in the 3199
agency or institution. A performance audit under this section 3200

shall not include review or evaluation of an institution's 3201
academic performance. 3202

As used in this section and in sections 117.461, 117.462, 3203
117.463, and 117.47, ~~117.471, and 147.472~~ of the Revised Code, 3204
"state institution of higher education" has the meaning defined in 3205
section 3345.011 of the Revised Code. 3206

Sec. 117.47. There is hereby created in the state treasury 3207
the ~~leverage for efficiency, accountability, and performance~~ 3208
auditor's innovation fund. The auditor of state ~~shall~~ may use the 3209
fund ~~to:~~ 3210

~~(A) Make loans to state agencies, local public offices, and 3211
state institutions of higher education that have applied to and 3212
been approved by the auditor of state to receive the loans and to 3213
pay the costs of conducting performance audits incurred by the 3214
auditor of state; or 3215~~

~~(B) Pay the costs the auditor of state or the auditor's 3216
auditing team incurs to conduct a feasibility study requested 3217
under section 117.473 of the Revised Code for innovative audit, 3218
accounting, or local government assistance services that improve 3219
the quality or increase the range of services offered to local 3220
governments and school districts. 3221~~

The fund shall consist of money appropriated to it ~~plus the 3222
repayments of principal and interest on loans made from the fund. 3223
Interest earned on money in the fund shall be credited to the 3224
fund.~~ 3225

~~During a fiscal year, the auditor of state shall use not more 3226
than fifty per cent of the fund to make loans under division (A) 3227
of this section and not more than fifty per cent to pay costs 3228
under division (B) of this section. 3229~~

Sec. 117.473. A state agency or local public office may 3230

request that the auditor of state conduct a feasibility study to 3231
determine if greater efficiency or cost savings could be realized 3232
by the state agency or local public office sharing services or 3233
facilities with other state agencies or local public offices. In 3234
the request, the requesting state agency or local public office 3235
shall identify for the auditor of state the specific state 3236
agencies or local public offices that may be included within the 3237
proposed plan for sharing services or facilities. The auditor of 3238
state may proceed with a requested feasibility study at the 3239
discretion of the auditor of state. 3240

The auditor of state shall provide written notification to 3241
each state agency and local public office that is identified in a 3242
request. The auditor of state may review only those identified 3243
state agencies or local public offices that do not opt out. To opt 3244
out, a state agency or local public office shall provide an opt 3245
out notice to the auditor of state within sixty days of the date 3246
on which the auditor's notification to the state agency or local 3247
public office is postmarked. If a state agency or local public 3248
office opts out of a requested feasibility study, the auditor of 3249
state, at the auditor's discretion, may cancel the feasibility 3250
study or may proceed to conduct the feasibility study considering 3251
only the identified state agencies and local public offices that 3252
have not opted out. 3253

~~The auditing team that conducts performance audits shall 3254
conduct the feasibility study requested by a state agency or local 3255
public office as funds are allowed and available under section 3256
117.47 of the Revised Code.~~ 3257

Not later than ten days before commencing a feasibility study 3258
requested under this section, the auditor of state shall provide 3259
written notice to the requesting state agency or local public 3260
office, and any other state agency or local public office that 3261

consented to being reviewed, of the date the study will be 3262
commenced. 3263

The auditor of state shall pay the costs incurred by the 3264
auditor or the auditing team in conducting feasibility studies 3265
under this section. 3266

Not later than one hundred eighty days after completing a 3267
feasibility study, the auditor of state shall conduct a public 3268
hearing on the feasibility study findings. Not later than ten days 3269
before the date of the public hearing, the auditor shall give 3270
notice of the date, time, and location of the public hearing in 3271
writing to the state agency or local public office that requested 3272
the feasibility study, to any other state agency or local public 3273
office that consented to being reviewed, and on the auditor's web 3274
site. 3275

Sec. 119.01. As used in sections 119.01 to 119.13 of the 3276
Revised Code: 3277

(A)(1) "Agency" means, except as limited by this division, 3278
any official, board, or commission having authority to promulgate 3279
rules or make adjudications in the civil service commission, the 3280
division of liquor control, the department of taxation, the 3281
industrial commission, the bureau of workers' compensation, the 3282
functions of any administrative or executive officer, department, 3283
division, bureau, board, or commission of the government of the 3284
state specifically made subject to sections 119.01 to 119.13 of 3285
the Revised Code, and the licensing functions of any 3286
administrative or executive officer, department, division, bureau, 3287
board, or commission of the government of the state having the 3288
authority or responsibility of issuing, suspending, revoking, or 3289
canceling licenses. 3290

Sections 119.01 to 119.13 of the Revised Code do not apply to 3291
the public utilities commission. Sections 119.01 to 119.13 of the 3292

Revised Code do not apply to the utility radiological safety 3293
board; to the controlling board; to actions of the superintendent 3294
of financial institutions and the superintendent of insurance in 3295
the taking possession of, and rehabilitation or liquidation of, 3296
the business and property of banks, savings and loan associations, 3297
savings banks, credit unions, insurance companies, associations, 3298
reciprocal fraternal benefit societies, and bond investment 3299
companies; to any action taken by the division of securities under 3300
section 1707.201 of the Revised Code; or to any action that may be 3301
taken by the superintendent of financial institutions under 3302
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 3303
1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised 3304
Code. 3305

Sections 119.01 to 119.13 of the Revised Code do not apply to 3306
actions of the industrial commission or the bureau of workers' 3307
compensation under sections 4123.01 to 4123.94 of the Revised Code 3308
with respect to all matters of adjudication, or to the actions of 3309
the industrial commission, bureau of workers' compensation board 3310
of directors, and bureau of workers' compensation under division 3311
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 3312
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, 3313
divisions (B), (C), and (E) of section 4131.04, and divisions (B), 3314
(C), and (E) of section 4131.14 of the Revised Code with respect 3315
to all matters concerning the establishment of premium, 3316
contribution, and assessment rates. 3317

(2) "Agency" also means any official or work unit having 3318
authority to promulgate rules or make adjudications in the 3319
department of job and family services, but only with respect to 3320
both of the following: 3321

(a) The adoption, amendment, or rescission of rules that 3322
section 5101.09 of the Revised Code requires be adopted in 3323
accordance with this chapter; 3324

(b) The issuance, suspension, revocation, or cancellation of licenses. 3325
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(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person or government entity furnishes medicaid services under a provider agreement with the department of medicaid. 3327
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(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code. 3332
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(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature. 3340
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(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code. 3346
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(F) "Person" means a person, firm, corporation, association, or partnership. 3349
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(G) "Party" means the person whose interests are the subject of an adjudication by an agency. 3351
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(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court. 3353
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(I) "Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and operations within an agency.

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

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

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

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

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

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

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

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

(C) Service of a document using a method listed in division

(B) of this section is complete on the following dates:

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

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

(3) For traceable delivery service, the date of delivery indicated on the notice of completed delivery provided to the agency by the United States postal service or domestic commercial delivery service. 3385
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(4) For personal service, the date indicated on a document confirming physical delivery signed by either the intended recipient, an adult located at the intended recipient's address, or delivery personnel. 3389
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(D) If an agency fails to complete service under division (C) of this section using a party's last known address or facsimile number, the agency may complete service by any method described in division (B) of this section at an alternative address or facsimile number. The agency shall verify the alternative address or number as current before service. If an agency completes service at an alternative address, the agency is not required to complete service under division (E) of this section. 3393
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(E) If an agency is unable to complete service using a method described in division (B) of this section, the agency shall publish a summary of the notice's substantive provisions in a newspaper of general circulation in the county where the last known address of the party is located. Notice by publication under this division is complete on the date of publication. An agency that completes service by publication under this division shall send a proof of publication affidavit, with the publication of the notice set forth in the affidavit, to the party by ordinary mail at the party's last known address. 3401
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Sec. 119.06. No adjudication order of an agency shall be valid unless the agency is specifically authorized by law to make such order. 3411
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No adjudication order shall be valid unless an opportunity for a hearing is afforded in accordance with sections 119.01 to 3414
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119.13 of the Revised Code. Such opportunity for a hearing shall 3416
be given before making the adjudication order except in those 3417
situations where this section provides otherwise. 3418

The following adjudication orders shall be effective without 3419
a hearing: 3420

(A) Orders revoking a license in cases where an agency is 3421
required by statute to revoke a license pursuant to the judgment 3422
of a court; 3423

(B) Orders suspending a license where a statute specifically 3424
permits the suspension of a license without a hearing; 3425

(C) Orders or decisions of an authority within an agency if 3426
the rules of the agency or the statutes pertaining to such agency 3427
specifically give a right of appeal to a higher authority within 3428
such agency, to another agency, or to the board of tax appeals, 3429
and also give the appellant a right to a hearing on such appeal. 3430

When a statute permits the suspension of a license without a 3431
prior hearing, any agency issuing an order pursuant to such 3432
statute shall afford the person to whom the order is issued a 3433
hearing upon request. 3434

Whenever an agency claims that a person is required by 3435
statute to obtain a license, it shall afford a hearing upon the 3436
request of a person who claims that the law does not impose such a 3437
requirement. 3438

Every agency shall afford a hearing upon the request of any 3439
person who has been refused admission to an examination where such 3440
examination is a prerequisite to the issuance of a license unless 3441
a hearing was held prior to such refusal. 3442

Unless a hearing was held prior to the refusal to issue the 3443
license, every agency shall afford a hearing upon the request of a 3444
person whose application for a license has been rejected and to 3445

whom the agency has refused to issue a license, whether it is a 3446
renewal or a new license, except that the following are not 3447
required to afford a hearing to a person to whom a new license has 3448
been refused because the person failed a licensing examination: 3449
the state medical board, state chiropractic board, architects 3450
board, Ohio landscape architects board, and any section of the 3451
Ohio occupational therapy, physical therapy, and athletic trainers 3452
board. 3453

When periodic registration of licenses is required by law, 3454
the agency shall afford a hearing upon the request of any licensee 3455
whose registration has been denied, unless a hearing was held 3456
prior to such denial. 3457

When periodic registration of licenses or renewal of licenses 3458
is required by law, a licensee who has filed an application for 3459
registration or renewal within the time and in the manner provided 3460
by statute or rule of the agency shall not be required to 3461
discontinue a licensed business or profession merely because of 3462
the failure of the agency to act on the licensee's application. 3463
~~Action of an agency rejecting any such~~ An agency's rejection of an 3464
application for registration or renewal shall not be effective 3465
~~prior to fifteen days until the fifteenth day~~ after the notice of 3466
the rejection is mailed to the licensee. 3467

Sec. 119.062. (A) Notwithstanding section 119.06 of the 3468
Revised Code, the registrar of motor vehicles is not required to 3469
hold any hearing in connection with an order canceling or 3470
suspending a motor vehicle driver's or commercial driver's license 3471
pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 4549.021, 3472
or 5743.99 or any provision of Chapter 2925., 4509., 4510., or 3473
4511. of the Revised Code or in connection with an out-of-service 3474
order issued under Chapter 4506. of the Revised Code. 3475

(B) Notwithstanding section 119.07 of the Revised Code, the 3476

registrar is not required to ~~use registered mail, return receipt requested,~~ comply with section 119.05 of the Revised Code in connection with an order canceling or suspending a motor vehicle driver's or commercial driver's license or a notification to a person to surrender a certificate of registration and registration plates.

Sec. 119.07. Except when a statute prescribes a notice and the persons to whom it shall be given, in all cases in which section 119.06 of the Revised Code requires an agency to afford an opportunity for a hearing prior to the issuance of an order, the agency shall give notice to the party informing the party of the party's right to a hearing. Notice shall be ~~given by registered mail, return receipt requested,~~ served in accordance with section 119.05 of the Revised Code and shall include the charges or other reasons for the proposed action, the law or rule directly involved, and a statement informing the party that the party is entitled to a hearing if the party requests it within thirty days of the time of ~~mailing the notice~~ service. The notice shall also inform the party that at the hearing the party may appear in person, by the party's attorney, or by such other representative as is permitted to practice before the agency, or may present the party's position, arguments, or contentions in writing and that at the hearing the party may present evidence and examine witnesses appearing for and against the party. A copy of the notice shall be ~~mailed~~ provided to attorneys or other representatives of record representing the party. This paragraph does not apply to situations in which such section provides for a hearing only when it is requested by the party.

When a statute specifically permits the suspension of a license without a prior hearing, notice of the agency's order shall be ~~sent to~~ served on the party ~~by registered mail, return receipt requested,~~ in accordance with section 119.05 of the

Revised Code not later than the business day next succeeding such 3509
order. The notice shall state the reasons for the agency's action, 3510
cite the law or rule directly involved, and state that the party 3511
will be afforded a hearing if the party requests it within thirty 3512
days of the ~~time of mailing the~~ date on which notice is served. A 3513
copy of the notice shall be ~~mailed~~ provided to attorneys or other 3514
representatives of record representing the party. 3515

Whenever a party requests a hearing in accordance with this 3516
section and section 119.06 of the Revised Code, the agency shall 3517
immediately set the date, time, and place for the hearing and 3518
~~forthwith notify~~ serve the party ~~thereof~~ with notice of the 3519
hearing. The date set for the hearing shall be within fifteen 3520
days, but not earlier than seven days, after the party has 3521
requested a hearing, unless otherwise agreed to by both the agency 3522
and the party. 3523

~~When any notice sent by registered mail, as required by~~ 3524
~~sections 119.01 to 119.13 of the Revised Code, is returned because~~ 3525
~~the party fails to claim the notice, the agency shall send the~~ 3526
~~notice by ordinary mail to the party at the party's last known~~ 3527
~~address and shall obtain a certificate of mailing. Service by~~ 3528
~~ordinary mail is complete when the certificate of mailing is~~ 3529
~~obtained unless the notice is returned showing failure of~~ 3530
~~delivery.~~ 3531

~~If any notice sent by registered or ordinary mail is returned~~ 3532
~~for failure of delivery, the agency either shall make personal~~ 3533
~~delivery of the notice by an employee or agent of the agency or~~ 3534
~~shall cause a summary of the substantive provisions of the notice~~ 3535
~~to be published once a week for three consecutive weeks in a~~ 3536
~~newspaper of general circulation in the county where the last~~ 3537
~~known address of the party is located. When notice is given by~~ 3538
~~publication, a proof of publication affidavit, with the first~~ 3539
~~publication of the notice set forth in the affidavit, shall be~~ 3540

~~mailed by ordinary mail to the party at the party's last known
address and the notice shall be deemed received as of the date of
the last publication. An employee or agent of the agency may make
personal delivery of the notice upon a party at any time.~~

~~Refusal of delivery by personal service or by mail is not
failure of delivery and service is deemed to be complete. Failure
of delivery occurs only when a mailed notice is returned by the
postal authorities marked undeliverable, address or addressee
unknown, or forwarding address unknown or expired. A party's last
known address is the mailing address of the party appearing in the
records of the agency.~~

The failure of an agency to ~~give~~ serve the notices for any
hearing required by sections 119.01 to 119.13 of the Revised Code
in the manner provided in ~~this~~ section 119.05 of the Revised Code
shall invalidate any order entered pursuant to the hearing.

Sec. 119.09. As used in this section "stenographic record"
means a record provided by stenographic means or by the use of
audio electronic recording devices, as the agency determines.

For the purpose of conducting any adjudication hearing
required by sections 119.01 to 119.13 of the Revised Code, the
agency may require the attendance of such witnesses and the
production of such books, records, and papers as it desires, and
it may take the depositions of witnesses residing within or
without the state in the same manner as is prescribed by law for
the taking of depositions in civil actions in the court of common
pleas, and for that purpose the agency may, and upon the request
of any party receiving notice of the hearing as required by
section 119.07 of the Revised Code shall, issue a subpoena for any
witness or a subpoena duces tecum to compel the production of any
books, records, or papers, directed to the sheriff of the county
where such witness resides or is found, which shall be served and

returned in the same manner as a subpoena in a criminal case is 3572
served and returned. The sheriff shall be paid the same fees for 3573
services as are allowed in the court of common pleas in criminal 3574
cases. Witnesses shall be paid the fees and mileage provided for 3575
under section 119.094 of the Revised Code. Fees and mileage shall 3576
be paid from the fund in the state treasury for the use of the 3577
agency in the same manner as other expenses of the agency are 3578
paid. 3579

An agency may postpone or continue any adjudication hearing 3580
upon the application of any party or upon its own motion. 3581

In any case of disobedience or neglect of any subpoena served 3582
on any person or the refusal of any witness to testify to any 3583
matter regarding which the witness may lawfully be interrogated, 3584
the court of common pleas of any county where such disobedience, 3585
neglect, or refusal occurs or any judge thereof, on application by 3586
the agency shall compel obedience by attachment proceedings for 3587
contempt, as in the case of disobedience of the requirements of a 3588
subpoena issued from such court, or a refusal to testify therein. 3589

At any adjudication hearing required by sections 119.01 to 3590
119.13 of the Revised Code, the record of which may be the basis 3591
of an appeal to court, a stenographic record of the testimony and 3592
other evidence submitted shall be taken at the expense of the 3593
agency. Such record shall include all of the testimony and other 3594
evidence, and rulings on the admissibility thereof presented at 3595
the hearing. This paragraph does not require a stenographic record 3596
at every adjudication hearing. In any situation where an 3597
adjudication hearing is required by sections 119.01 to 119.13 of 3598
the Revised Code, if an adjudication order is made without a 3599
stenographic record of the hearing, the agency shall, on request 3600
of the party, afford a hearing or rehearing for the purpose of 3601
making such a record which may be the basis of an appeal to court. 3602
The rules of an agency may specify the situations in which a 3603

stenographic record will be made only on request of the party; 3604
otherwise such a record shall be made at every adjudication 3605
hearing from which an appeal to court might be taken. 3606

The agency shall pass upon the admissibility of evidence, but 3607
a party may at the time make objection to the rulings of the 3608
agency thereon, and if the agency refuses to admit evidence, the 3609
party offering the same shall make a proffer thereof, and such 3610
proffer shall be made a part of the record of such hearing. 3611

In any adjudication hearing required by sections 119.01 to 3612
119.13 of the Revised Code, the agency may call any party to 3613
testify under oath as upon cross-examination. 3614

The agency, or any one delegated by it to conduct an 3615
adjudication hearing, may administer oaths or affirmations. 3616

In any adjudication hearing required by sections 119.01 to 3617
119.13 of the Revised Code, the agency may appoint a referee or 3618
examiner to conduct the hearing. The referee or examiner shall 3619
have the same powers and authority in conducting the hearing as is 3620
granted to the agency. Such referee or examiner shall have been 3621
admitted to the practice of law in the state and be possessed of 3622
such additional qualifications as the agency requires. The referee 3623
or examiner shall submit to the agency a written report setting 3624
forth the referee's or examiner's findings of fact and conclusions 3625
of law and a recommendation of the action to be taken by the 3626
agency. A copy of such written report and recommendation of the 3627
referee or examiner shall within five days of the date ~~of filing~~ 3628
~~thereof~~ it is submitted to the agency, be served upon the party or 3629
the party's attorney or other representative of record, ~~by~~ 3630
~~certified mail~~ in accordance with section 119.05 of the Revised 3631
Code. The party may, within ten days of ~~receipt of such copy~~ 3632
service of such written report and recommendation, file with the 3633
agency written objections to the report and recommendation, which 3634
objections shall be considered by the agency before approving, 3635

modifying, or disapproving the recommendation. The agency may 3636
grant extensions of time to the party within which to file such 3637
objections. No recommendation of the referee or examiner shall be 3638
approved, modified, or disapproved by the agency until after ten 3639
days after service of such report and recommendation ~~as provided~~ 3640
~~in this section~~. The agency may order additional testimony to be 3641
taken or permit the introduction of further documentary evidence. 3642
The recommendation of the referee or examiner may be approved, 3643
modified, or disapproved by the agency, and the order of the 3644
agency based on such report, recommendation, transcript of 3645
testimony and evidence, or objections of the parties, and 3646
additional testimony and evidence shall have the same effect as if 3647
such hearing had been conducted by the agency. No such 3648
recommendation shall be final until confirmed and approved by the 3649
agency as indicated by the order entered on its record of 3650
proceedings, and if the agency modifies or disapproves the 3651
recommendations of the referee or examiner it shall include in the 3652
record of its proceedings the reasons for such modification or 3653
disapproval. 3654

After such order is entered on its journal, the agency shall, 3655
in accordance with section 119.05 of the Revised Code, serve ~~by~~ 3656
~~certified mail, return receipt requested, upon~~ the party affected 3657
thereby, a certified copy of the order and a statement of the time 3658
and method by which an appeal may be perfected. A copy of such 3659
order shall be ~~mailed~~ provided to the attorneys or other 3660
representatives of record representing the party. 3661

Sec. 119.092. (A) As used in this section: 3662

(1) "Eligible party" means a party to an adjudication hearing 3663
other than the following: 3664

(a) The agency; 3665

(b) An individual whose net worth exceeded one million 3666

dollars at the time ~~he~~ the individual received notification of the 3667
hearing; 3668

(c) A sole owner of an unincorporated business that had, or a 3669
partnership, corporation, association, or organization that had, a 3670
net worth exceeding five million dollars at the time the party 3671
received notification of the hearing, except that an organization 3672
that is described in subsection 501(c)(3) and is tax exempt under 3673
subsection 501(a) of the Internal Revenue Code, shall not be 3674
excluded as an eligible party under this division because of its 3675
net worth; 3676

(d) A sole owner of an unincorporated business that employed, 3677
or a partnership, corporation, association, or organization that 3678
employed, more than five hundred persons at the time the party 3679
received notification of the hearing. 3680

(2) "Fees" means reasonable attorney's fees, in an amount not 3681
to exceed seventy-five dollars per hour or a higher hourly fee 3682
that the agency establishes by rule and that is applicable under 3683
the circumstances. 3684

(3) "Internal Revenue Code" means the "Internal Revenue Code 3685
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 3686

(4) "Prevailing eligible party" means an eligible party that 3687
prevails after an adjudication hearing, as reflected in an order 3688
entered in the journal of the agency. 3689

(B)(1) Except as provided in divisions (B)(2) and (F) of this 3690
section, if an agency conducts an adjudication hearing under this 3691
chapter, the prevailing eligible party is entitled, upon filing a 3692
motion in accordance with this division, to compensation for fees 3693
incurred by that party in connection with the hearing. A 3694
prevailing eligible party that desires an award of compensation 3695
for fees shall file a motion requesting the award with the agency 3696
within thirty days after the date that the order of the agency is 3697

entered in its journal. The motion shall do all of the following: 3698

(a) Identify the party; 3699

(b) Indicate that the party is the prevailing eligible party 3700
and is entitled to receive an award of compensation for fees; 3701

(c) Include a statement that the agency's position in 3702
initiating the matter in controversy was not substantially 3703
justified; 3704

(d) Indicate the amount sought as an award; 3705

(e) Itemize all fees sought in the requested award. This 3706
itemization shall include a statement from any attorney who 3707
represented the prevailing eligible party, that indicates the fees 3708
charged, the actual time expended, and the rate at which the fees 3709
were calculated. 3710

(2) Upon the filing of a motion under this section, the 3711
request for the award shall be reviewed by the referee or examiner 3712
who conducted the adjudication hearing or, if none, by the agency 3713
involved. In the review, the referee, examiner, or agency shall 3714
determine whether the fees incurred by the prevailing eligible 3715
party exceeded one hundred dollars, whether the position of the 3716
agency in initiating the matter in controversy was substantially 3717
justified, whether special circumstances make an award unjust, and 3718
whether the prevailing eligible party engaged in conduct during 3719
the course of the hearing that unduly and unreasonably protracted 3720
the final resolution of the matter in controversy. The referee, 3721
examiner, or agency shall issue a determination, in writing, on 3722
the motion of the prevailing eligible party, which determination 3723
shall include a statement indicating whether an award has been 3724
granted, the findings and conclusions underlying it, the reasons 3725
or bases for the findings and conclusions, and, if an award has 3726
been granted, its amount. The determination shall be entered in 3727
the record of the prevailing eligible party's case, and a copy of 3728

it ~~mailed to~~ served on the prevailing eligible party in accordance 3729
with section 119.05 of the Revised Code. 3730

With respect to a motion under this section, the agency 3731
involved, through any representative it designates, has the burden 3732
of proving that its position in initiating the matter in 3733
controversy was substantially justified, that special 3734
circumstances make an award unjust, or that the prevailing 3735
eligible party engaged in conduct during the course of the hearing 3736
that unduly and unreasonably protracted the final resolution of 3737
the matter in controversy. A referee, examiner, or agency 3738
considering a motion under this section may deny an award 3739
entirely, or reduce the amount of an award that otherwise would be 3740
payable, to a prevailing eligible party only as follows: 3741

(a) If the determination is that the agency has sustained its 3742
burden of proof that its position in initiating the matter in 3743
controversy was substantially justified or that special 3744
circumstances make an award unjust, the motion shall be denied; 3745

(b) If the determination is that the agency has sustained its 3746
burden of proof that the prevailing eligible party engaged in 3747
conduct during the course of the hearing that unduly and 3748
unreasonably protracted the final resolution of the matter in 3749
controversy, the referee, examiner, or agency may reduce the 3750
amount of an award, or deny an award, to that party to the extent 3751
of that conduct; 3752

(c) If the determination is that the fees of the prevailing 3753
eligible party were not in excess of one hundred dollars, the 3754
referee, agency, or examiner shall deny the motion. 3755

(3) For purposes of this section, decisions by referees or 3756
examiners upon motions are final and are not subject to review and 3757
approval by an agency. These decisions constitute final 3758
determinations of the agency for purposes of appeals under 3759

division (C) of this section. 3760

(C) A prevailing eligible party that files a motion for an 3761
award of compensation for fees under this section and that is 3762
denied an award or receives a reduced award may appeal the 3763
determination of the referee, examiner, or agency to the same 3764
court, as determined under section 119.12 of the Revised Code, as 3765
the party could have appealed the adjudication order of the agency 3766
had the party been adversely affected by it. An agency may appeal 3767
the grant of an award to this same court if a referee or examiner 3768
made the final determination pursuant to division (B)(3) of this 3769
section. Notices of appeal shall be filed in the manner and within 3770
the period specified in section 119.12 of the Revised Code. 3771

Upon the filing of an appeal under this division, the agency 3772
shall prepare and certify to the court involved a complete record 3773
of the case, and the court shall conduct a hearing on the appeal. 3774
The agency and the court shall do so in accordance with the 3775
procedures established in section 119.12 of the Revised Code for 3776
appeals pursuant to that section, unless otherwise provided in 3777
this division. 3778

The court hearing an appeal under this division may modify 3779
the determination of the referee, examiner, or agency with respect 3780
to the motion for compensation for fees only if the court finds 3781
that the failure to grant an award, or the calculation of the 3782
amount of an award, involved an abuse of discretion. The judgment 3783
of the court is final and not appealable, and a copy of it shall 3784
be certified to the agency involved and the prevailing eligible 3785
party. 3786

(D) Compensation for fees awarded to a prevailing eligible 3787
party under this section may be paid by an agency from any funds 3788
available to it for payment of such compensation. If an agency 3789
does not pay compensation from such funds or no such funds are 3790
available, upon the filing of a referee's, examiner's, agency's, 3791

or court's determination or judgment in favor of the prevailing 3792
eligible party with the clerk of the court of claims, the 3793
determination or judgment awarding compensation for fees shall be 3794
treated as if it were a judgment under Chapter 2743. of the 3795
Revised Code and be payable in accordance with the procedures 3796
specified in section 2743.19 of the Revised Code, except that 3797
interest shall not be paid in relation to the award. 3798

(E) Each agency that is required to pay compensation for fees 3799
to a prevailing eligible party pursuant to this section during any 3800
fiscal year shall prepare a report for that year. The report shall 3801
be completed no later than the first day of October of the fiscal 3802
year following the fiscal year covered by the report, and copies 3803
of it shall be filed with the general assembly. It shall contain 3804
the following information for the covered fiscal year: 3805

(1) The total amount and total number of the awards of 3806
compensation for fees required to be paid by the agency; 3807

(2) The amount and nature of each individual award that the 3808
agency was required to pay; 3809

(3) Any other relevant information that may aid the general 3810
assembly in evaluating the scope and impact of awards of 3811
compensation for fees. 3812

(F) The provisions of this section do not apply when any of 3813
the following circumstances are involved: 3814

(1) An adjudication hearing was conducted for the purpose of 3815
establishing or fixing a rate; 3816

(2) An adjudication hearing was conducted for the purpose of 3817
determining the eligibility or entitlement of any individual to 3818
benefits; 3819

(3) A prevailing eligible party was represented in an 3820
adjudication hearing by an attorney who was paid pursuant to an 3821

appropriation by the federal or state government or a local government; 3822
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(4) An adjudication hearing was conducted by the state personnel board of review pursuant to authority conferred by section 124.03 of the Revised Code, or by the state employment relations board pursuant to authority conferred by Chapter 4117. of the Revised Code. 3824
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Sec. 119.12. (A)(1) Except as provided in division (A)(2) or (3) of this section, any party adversely affected by any order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a licensee, or revoking or suspending a license, or allowing the payment of a forfeiture under section 4301.252 of the Revised Code may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. 3829
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(2) An appeal from an order described in division (A)(1) of this section issued by any of the following agencies shall be made to the court of common pleas of Franklin county: 3839
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3841

(a) The liquor control commission; 3842

(b) The Ohio casino control commission; 3843

(c) The state medical board; 3844

~~(e)~~(d) The state chiropractic board; 3845

~~(d)~~(e) The board of nursing; 3846

~~(e)~~(f) The bureau of workers' compensation regarding participation in the health partnership program created in sections 4121.44 and 4121.441 of the Revised Code. 3847
3848
3849

(3) If any party appealing from an order described in 3850

division (A)(1) of this section is not a resident of and has no 3851
place of business in this state, the party may appeal to the court 3852
of common pleas of Franklin county. 3853

(B) Any party adversely affected by any order of an agency 3854
issued pursuant to any other adjudication may appeal to the court 3855
of common pleas of Franklin county, except that appeals from 3856
orders of the fire marshal issued under Chapter 3737. of the 3857
Revised Code may be to the court of common pleas of the county in 3858
which the building of the aggrieved person is located and except 3859
that appeals under division (B) of section 124.34 of the Revised 3860
Code from a decision of the state personnel board of review or a 3861
municipal or civil service township civil service commission shall 3862
be taken to the court of common pleas of the county in which the 3863
appointing authority is located or, in the case of an appeal by 3864
the department of rehabilitation and correction, to the court of 3865
common pleas of Franklin county. 3866

(C) This section does not apply to appeals from the 3867
department of taxation. 3868

(D) Any party desiring to appeal shall file a notice of 3869
appeal with the agency setting forth the order appealed from and 3870
stating that the agency's order is not supported by reliable, 3871
probative, and substantial evidence and is not in accordance with 3872
law. The notice of appeal may, but need not, set forth the 3873
specific grounds of the party's appeal beyond the statement that 3874
the agency's order is not supported by reliable, probative, and 3875
substantial evidence and is not in accordance with law. The notice 3876
of appeal shall also be filed by the appellant with the court. In 3877
filing a notice of appeal with the agency or court, the notice 3878
that is filed may be either the original notice or a copy of the 3879
original notice. Unless otherwise provided by law relating to a 3880
particular agency, notices of appeal shall be filed within fifteen 3881
days after the ~~mailing~~ service of the notice of the agency's order 3882

as provided in ~~this~~ section 119.05 of the Revised Code. For 3883
purposes of this paragraph, an order includes a determination 3884
appealed pursuant to division (C) of section 119.092 of the 3885
Revised Code. The amendments made to this paragraph by Sub. H.B. 3886
215 of the 128th general assembly are procedural, and this 3887
paragraph as amended by those amendments shall be applied 3888
retrospectively to all appeals pursuant to this paragraph filed 3889
before September 13, 2010, but not earlier than May 7, 2009, which 3890
was the date the supreme court of Ohio released its opinion and 3891
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 3892
(2009), 121 Ohio St.3d 622. 3893

(E) The filing of a notice of appeal shall not automatically 3894
operate as a suspension of the order of an agency. If it appears 3895
to the court that an unusual hardship to the appellant will result 3896
from the execution of the agency's order pending determination of 3897
the appeal, the court may grant a suspension and fix its terms. If 3898
an appeal is taken from the judgment of the court and the court 3899
has previously granted a suspension of the agency's order as 3900
provided in this section, the suspension of the agency's order 3901
shall not be vacated and shall be given full force and effect 3902
until the matter is finally adjudicated. No renewal of a license 3903
or permit shall be denied by reason of the suspended order during 3904
the period of the appeal from the decision of the court of common 3905
pleas. In the case of an appeal from the Ohio casino control 3906
commission, the state medical board, or the state chiropractic 3907
board, the court may grant a suspension and fix its terms if it 3908
appears to the court that an unusual hardship to the appellant 3909
will result from the execution of the agency's order pending 3910
determination of the appeal and the health, safety, and welfare of 3911
the public will not be threatened by suspension of the order. This 3912
provision shall not be construed to limit the factors the court 3913
may consider in determining whether to suspend an order of any 3914
other agency pending determination of an appeal. 3915

(F) The final order of adjudication may apply to any renewal 3916
of a license or permit which has been granted during the period of 3917
the appeal. 3918

(G) Notwithstanding any other provision of this section, any 3919
order issued by a court of common pleas or a court of appeals 3920
suspending the effect of an order of the liquor control commission 3921
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3922
suspends, revokes, or cancels a permit issued under Chapter 4303. 3923
of the Revised Code or that allows the payment of a forfeiture 3924
under section 4301.252 of the Revised Code shall terminate not 3925
more than six months after the date of the filing of the record of 3926
the liquor control commission with the clerk of the court of 3927
common pleas and shall not be extended. The court of common pleas, 3928
or the court of appeals on appeal, shall render a judgment in that 3929
matter within six months after the date of the filing of the 3930
record of the liquor control commission with the clerk of the 3931
court of common pleas. A court of appeals shall not issue an order 3932
suspending the effect of an order of the liquor control commission 3933
that extends beyond six months after the date on which the record 3934
of the liquor control commission is filed with a court of common 3935
pleas. 3936

(H) Notwithstanding any other provision of this section, any 3937
order issued by a court of common pleas or a court of appeals 3938
suspending the effect of an order of the Ohio casino control 3939
commission issued under Chapter 3772. of the Revised Code that 3940
limits, conditions, restricts, suspends, revokes, denies, not 3941
renews, fines, or otherwise penalizes an applicant, licensee, or 3942
person excluded or ejected from a casino facility in accordance 3943
with section 3772.031 of the Revised Code shall terminate not more 3944
than six months after the date of the filing of the record of the 3945
Ohio casino control commission with the clerk of the court of 3946
common pleas and shall not be extended. The court of common pleas, 3947

or the court of appeals on appeal, shall render a judgment in that matter within six months after the date of the filing of the record of the Ohio casino control commission with the clerk of the court of common pleas. A court of appeals shall not issue an order suspending the effect of an order of the Ohio casino control commission that extends beyond six months after the date on which the record of the Ohio casino control commission is filed with the clerk of a court of common pleas.

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

~~(I)~~(J) Within thirty days after receipt of a notice of appeal from an order in any case in which a hearing is required by sections 119.01 to 119.13 of the Revised Code, the agency shall prepare and certify to the court a complete record of the proceedings in the case. Failure of the agency to comply within the time allowed, upon motion, shall cause the court to enter a finding in favor of the party adversely affected. Additional time, however, may be granted by the court, not to exceed thirty days, when it is shown that the agency has made substantial effort to comply. The record shall be prepared and transcribed, and the expense of it shall be taxed as a part of the costs on the appeal. The appellant shall provide security for costs satisfactory to the court of common pleas. Upon demand by any interested party, the agency shall furnish at the cost of the party requesting it a copy

of the stenographic report of testimony offered and evidence 3980
submitted at any hearing and a copy of the complete record. 3981

~~(J)~~(K) Notwithstanding any other provision of this section, 3982
any party desiring to appeal an order or decision of the state 3983
personnel board of review shall, at the time of filing a notice of 3984
appeal with the board, provide a security deposit in an amount and 3985
manner prescribed in rules that the board shall adopt in 3986
accordance with this chapter. In addition, the board is not 3987
required to prepare or transcribe the record of any of its 3988
proceedings unless the appellant has provided the deposit 3989
described above. The failure of the board to prepare or transcribe 3990
a record for an appellant who has not provided a security deposit 3991
shall not cause a court to enter a finding adverse to the board. 3992

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 3993
the appeal, the court is confined to the record as certified to it 3994
by the agency. Unless otherwise provided by law, the court may 3995
grant a request for the admission of additional evidence when 3996
satisfied that the additional evidence is newly discovered and 3997
could not with reasonable diligence have been ascertained prior to 3998
the hearing before the agency. 3999

~~(L)~~(M) The court shall conduct a hearing on the appeal and 4000
shall give preference to all proceedings under sections 119.01 to 4001
119.13 of the Revised Code, over all other civil cases, 4002
irrespective of the position of the proceedings on the calendar of 4003
the court. An appeal from an order of the state medical board 4004
issued pursuant to division (G) of either section 4730.25 or 4005
4731.22 of the Revised Code, the state chiropractic board issued 4006
pursuant to section 4734.37 of the Revised Code, the liquor 4007
control commission issued pursuant to Chapter 4301. or 4303. of 4008
the Revised Code, or the Ohio casino control commission issued 4009
pursuant to Chapter 3772. of the Revised Code shall be set down 4010
for hearing at the earliest possible time and takes precedence 4011

over all other actions. The hearing in the court of common pleas 4012
shall proceed as in the trial of a civil action, and the court 4013
shall determine the rights of the parties in accordance with the 4014
laws applicable to a civil action. At the hearing, counsel may be 4015
heard on oral argument, briefs may be submitted, and evidence may 4016
be introduced if the court has granted a request for the 4017
presentation of additional evidence. 4018

~~(M)~~(N) The court may affirm the order of the agency 4019
complained of in the appeal if it finds, upon consideration of the 4020
entire record and any additional evidence the court has admitted, 4021
that the order is supported by reliable, probative, and 4022
substantial evidence and is in accordance with law. In the absence 4023
of this finding, it may reverse, vacate, or modify the order or 4024
make such other ruling as is supported by reliable, probative, and 4025
substantial evidence and is in accordance with law. The court 4026
shall award compensation for fees in accordance with section 4027
2335.39 of the Revised Code to a prevailing party, other than an 4028
agency, in an appeal filed pursuant to this section. 4029

~~(N)~~(O) The judgment of the court shall be final and 4030
conclusive unless reversed, vacated, or modified on appeal. These 4031
appeals may be taken either by the party or the agency, shall 4032
proceed as in the case of appeals in civil actions, and shall be 4033
pursuant to the Rules of Appellate Procedure and, to the extent 4034
not in conflict with those rules, Chapter 2505. of the Revised 4035
Code. An appeal by the agency shall be taken on questions of law 4036
relating to the constitutionality, construction, or interpretation 4037
of statutes and rules of the agency, and, in the appeal, the court 4038
may also review and determine the correctness of the judgment of 4039
the court of common pleas that the order of the agency is not 4040
supported by any reliable, probative, and substantial evidence in 4041
the entire record. 4042

The court shall certify its judgment to the agency or take 4043

any other action necessary to give its judgment effect. 4044

Sec. 120.04. (A) The state public defender shall serve at the 4045
pleasure of the Ohio public defender commission and shall be an 4046
attorney with a minimum of four years of experience in the 4047
practice of law and be admitted to the practice of law in this 4048
state at least one year prior to appointment. 4049

(B) The state public defender shall do all of the following: 4050

(1) Maintain a central office in Columbus. The central office 4051
shall be provided with a library of adequate size, considering the 4052
needs of the office and the accessibility of other libraries, and 4053
other necessary facilities and equipment. 4054

(2) Appoint assistant state public defenders, all of whom 4055
shall be attorneys admitted to the practice of law in this state, 4056
and other personnel necessary for the operation of the state 4057
public defender office. Assistant state public defenders shall be 4058
appointed on a full-time basis. The state public defender, 4059
assistant state public defenders, and employees appointed by the 4060
state public defender shall not engage in the private practice of 4061
law. 4062

(3) Supervise the compliance of county public defender 4063
offices, joint county public defender offices, and county 4064
appointed counsel systems with standards established by rules of 4065
the Ohio public defender commission pursuant to division (B) of 4066
section 120.03 of the Revised Code; 4067

(4) Keep and maintain financial records of all cases handled 4068
and develop records for use in the calculation of direct and 4069
indirect costs, in the operation of the office, and report 4070
periodically, but not less than annually, to the commission on all 4071
relevant data on the operations of the office, costs, projected 4072
needs, and recommendations for legislation or amendments to court 4073

rules, as may be appropriate to improve the criminal justice system; 4074
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(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and section 2941.51 of the Revised Code shall be deposited in the state treasury to the credit of the client payment fund, which is hereby created. All moneys credited to the fund shall be used by the state public defender to appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the state public defender office, to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code, or to provide assistance to counties in the operation of county indigent defense systems. 4076
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(6) With respect to funds appropriated to the commission to pay criminal costs, perform the duties imposed by sections 2949.19 and 2949.201 of the Revised Code; 4094
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(7) Establish standards and guidelines for the reimbursement, pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code, of counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems and for other costs related to felony prosecutions; 4097
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(8) Establish maximum amounts that the state will reimburse the counties pursuant to sections 120.18, 120.28, 120.33, and 2941.51 of the Revised Code; 4103
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(9) Establish maximum amounts that the state will reimburse 4106
the counties pursuant to section 120.33 of the Revised Code for 4107
each specific type of legal service performed by a county 4108
appointed counsel system; 4109

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 4110
2949.19 of the Revised Code and make reimbursements pursuant to 4111
those sections; 4112

(11) Administer the program established pursuant to sections 4113
120.51 to 120.55 of the Revised Code for the charitable public 4114
purpose of providing financial assistance to legal aid societies. 4115
Neither the state public defender nor any of the state public 4116
defender's employees who is responsible in any way for the 4117
administration of that program and who performs those 4118
administrative responsibilities in good faith is in any manner 4119
liable if a legal aid society that is provided financial 4120
assistance under the program uses the financial assistance other 4121
than in accordance with sections 120.51 to 120.55 of the Revised 4122
Code or fails to comply with the requirements of those sections. 4123

(12) Establish an office for the handling of appeal and 4124
postconviction matters; 4125

(13) Provide technical aid and assistance to county public 4126
defender offices, joint county public defender offices, and other 4127
local counsel providing legal representation to indigent persons, 4128
including representation and assistance on appeals. 4129

(C) The state public defender may do any of the following: 4130

(1) In providing legal representation, conduct 4131
investigations, obtain expert testimony, take depositions, use 4132
other discovery methods, order transcripts, and make all other 4133
preparations which are appropriate and necessary to an adequate 4134
defense or the prosecution of appeals and other legal proceedings; 4135

(2) Seek, solicit, and apply for grants for the operation of 4136

programs for the defense of indigent persons from any public or 4137
private source, and may receive donations, grants, awards, and 4138
similar funds from any lawful source. Such funds shall be 4139
deposited in the state treasury to the credit of the public 4140
defender gifts and grants fund, which is hereby created. 4141

(3) Make all the necessary arrangements to coordinate the 4142
services of the office with any federal, county, or private 4143
programs established to provide legal representation to indigent 4144
persons and others, and to obtain and provide all funds allowable 4145
under any such programs; 4146

(4) Consult and cooperate with professional groups concerned 4147
with the causes of criminal conduct, the reduction of crime, the 4148
rehabilitation and correction of persons convicted of crime, the 4149
administration of criminal justice, and the administration and 4150
operation of the state public defender's office; 4151

(5) Accept the services of volunteer workers and consultants 4152
at no compensation other than reimbursement for actual and 4153
necessary expenses; 4154

(6) Prescribe any forms that are necessary for the uniform 4155
operation of this chapter; 4156

(7) Contract with a county public defender commission or a 4157
joint county public defender commission to provide all or any part 4158
of the services that a county public defender or joint county 4159
public defender is required or permitted to provide by this 4160
chapter, or contract with a board of county commissioners of a 4161
county that is not served by a county public defender commission 4162
or a joint county public defender commission for the provision of 4163
services in accordance with section 120.33 of the Revised Code. 4164
All money received by the state public defender pursuant to such a 4165
contract shall be credited to ~~either the multicounty: county share~~ 4166
~~fund or, if received as a result of a contract with Trumbull~~ 4167

~~county, the Trumbull county: county share fund the indigent~~ 4168
~~defense support fund created in section 120.08 of the Revised~~ 4169
~~Code. The state public defender shall pay one hundred per cent of~~ 4170
~~the eligible costs of indigent defense in counties that contract~~ 4171
~~with the state public defender pursuant to this division.~~ 4172

(8) Authorize persons employed as criminal investigators to 4173
attend the Ohio peace officer training academy or any other peace 4174
officer training school for training; 4175

(9) Procure a policy or policies of malpractice insurance 4176
that provide coverage for the state public defender and assistant 4177
state public defenders in connection with malpractice claims that 4178
may arise from their actions or omissions related to 4179
responsibilities derived pursuant to this chapter; 4180

(10) Enter into agreements to license, lease, sell, and 4181
market for sale intellectual property owned by the office and 4182
receive payments from those agreements for use in the operation of 4183
the office and programs for the defense of indigent persons. All 4184
funds received by the state public defender pursuant to such 4185
agreements shall be deposited in the state treasury to the credit 4186
of the public defender gifts and grants fund. 4187

(D) No person employed by the state public defender as a 4188
criminal investigator shall attend the Ohio peace officer training 4189
academy or any other peace officer training school unless 4190
authorized to do so by the state public defender. 4191

Sec. 120.06. (A)(1) The state public defender, when 4192
designated by the court or requested by a county public defender 4193
or joint county public defender, may provide legal representation 4194
in all courts throughout the state to indigent adults and 4195
juveniles who are charged with the commission of an offense or act 4196
for which the penalty or any possible adjudication includes the 4197
potential loss of liberty. 4198

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

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

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

~~(5) The (5)(a) Except as provided in division (A)(5)(b) of this section, the state public defender, when designated by the court or requested by a county public defender, joint county public defender, or the director of rehabilitation and correction, shall provide legal representation in parole and probation revocation matters or matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction, unless the state public defender finds that the alleged parole or probation violator or alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator's own counsel.~~

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

(A)(5)(a) of this section. 4231

~~(6)~~(6)(a) Except as provided in division (A)(6)(b) of this 4232
section, the state public defender may provide legal 4233
representation in full board hearings pursuant to section 5149.101 4234
of the Revised Code or parole eligibility hearings pursuant to 4235
section 2967.132 of the Revised Code unless the state public 4236
defender finds that the person subject to the full board hearing 4237
or parole eligibility hearing has the financial capacity to retain 4238
the person's own counsel. 4239

(b) If the state public defender decides to provide the legal 4240
representation described in division (A)(6)(a) of this section, 4241
but determines that it does not have the capacity to provide the 4242
legal representation described in division (A)(6)(a) of this 4243
section, the state public defender may contract with private 4244
counsel to provide the legal representation described in division 4245
(A)(6)(a) of this section. 4246

(7) If the state public defender contracts with a county 4247
public defender commission, a joint county public defender 4248
commission, or a board of county commissioners for the provision 4249
of services, under authority of division (C)(7) of section 120.04 4250
of the Revised Code, the state public defender shall provide legal 4251
representation in accordance with the contract. The state public 4252
defender shall reimburse one hundred per cent of the eligible 4253
costs of indigent defense for counties that contract with the 4254
state public defender pursuant to that section that are not 4255
directly provided by the state public defender. 4256

(B) The state public defender shall not be required to 4257
prosecute any appeal, postconviction remedy, or other proceeding 4258
pursuant to division (A)(3), (4), or (5) of this section, unless 4259
the state public defender first is satisfied that there is 4260
arguable merit to the proceeding. 4261

(C) A court may appoint counsel or allow an indigent person 4262
to select the indigent's own personal counsel to assist the state 4263
public defender as co-counsel when the interests of justice so 4264
require. When co-counsel is appointed to assist the state public 4265
defender, the co-counsel shall receive any compensation that the 4266
court may approve, not to exceed the amounts provided for in 4267
section 2941.51 of the Revised Code. 4268

(D)(1) When the state public defender is designated by the 4269
court or requested by a county public defender or joint county 4270
public defender to provide legal representation for an indigent 4271
person in any case, other than pursuant to a contract entered into 4272
under authority of division (C)(7) of section 120.04 of the 4273
Revised Code, the state public defender shall send to the county 4274
in which the case is filed a bill detailing the actual cost of the 4275
representation that separately itemizes legal fees and expenses. 4276
The county, upon receipt of an itemized bill from the state public 4277
defender pursuant to this division, shall pay the state public 4278
defender one hundred per cent of the amount identified as legal 4279
fees and expenses in the itemized bill. 4280

(2) Upon payment of the itemized bill under division (D)(1) 4281
of this section, the county may submit the cost of the legal fees 4282
and expenses to the state public defender for reimbursement 4283
pursuant to section 120.33 of the Revised Code. 4284

(3) When the state public defender provides investigation or 4285
mitigation services to private appointed counsel or to a county or 4286
joint county public defender as approved by the appointing court, 4287
other than pursuant to a contract entered into under authority of 4288
division (C)(7) of section 120.04 of the Revised Code, the state 4289
public defender shall send to the county in which the case is 4290
filed a bill itemizing the actual cost of the services provided. 4291
The county, upon receipt of an itemized bill from the state public 4292
defender pursuant to this division, shall pay one hundred per cent 4293

of the amount as set forth in the itemized bill. Upon payment of 4294
the itemized bill received pursuant to this division, the county 4295
may submit the cost of the investigation and mitigation services 4296
to the state public defender for reimbursement pursuant to section 4297
120.33 of the Revised Code. 4298

(4) When the state public defender decides to provide the 4299
legal representation described in division (A)(5)(a) or (6)(a) of 4300
this section, but does not have the capacity to provide the legal 4301
representation described in division (A)(5)(a) or (6)(a) of this 4302
section and the state public defender contracts with private 4303
counsel to provide the legal representation described in division 4304
(A)(5)(a) or (6)(a) of this section, the state public defender 4305
shall directly pay private counsel's legal fees and expenses from 4306
the indigent defense support fund pursuant to section 120.08 of 4307
the Revised Code. 4308

(5) There is hereby created in the state treasury the county 4309
representation fund for the deposit of moneys received from 4310
counties under this division. All moneys credited to the fund 4311
shall be used by the state public defender to provide legal 4312
representation for indigent persons when designated by the court 4313
or requested by a county or joint county public defender or to 4314
provide investigation or mitigation services, including 4315
investigation or mitigation services to private appointed counsel 4316
or a county or joint county public defender, as approved by the 4317
court. 4318

(E)(1) Notwithstanding any contrary provision of sections 4319
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 4320
that pertains to representation by the attorney general, an 4321
assistant attorney general, or special counsel of an officer or 4322
employee, as defined in section 109.36 of the Revised Code, or of 4323
an entity of state government, the state public defender may elect 4324
to contract with, and to have the state pay pursuant to division 4325

(E)(2) of this section for the services of, private legal counsel 4326
to represent the Ohio public defender commission, the state public 4327
defender, assistant state public defenders, other employees of the 4328
commission or the state public defender, and attorneys described 4329
in division (C) of section 120.41 of the Revised Code in a 4330
malpractice or other civil action or proceeding that arises from 4331
alleged actions or omissions related to responsibilities derived 4332
pursuant to this chapter, or in a civil action that is based upon 4333
alleged violations of the constitution or statutes of the United 4334
States, including section 1983 of Title 42 of the United States 4335
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 4336
arises from alleged actions or omissions related to 4337
responsibilities derived pursuant to this chapter, if the state 4338
public defender determines, in good faith, that the defendant in 4339
the civil action or proceeding did not act manifestly outside the 4340
scope of the defendant's employment or official responsibilities, 4341
with malicious purpose, in bad faith, or in a wanton or reckless 4342
manner. If the state public defender elects not to contract 4343
pursuant to this division for private legal counsel in a civil 4344
action or proceeding, then, in accordance with sections 109.02, 4345
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 4346
attorney general shall represent or provide for the representation 4347
of the Ohio public defender commission, the state public defender, 4348
assistant state public defenders, other employees of the 4349
commission or the state public defender, or attorneys described in 4350
division (C) of section 120.41 of the Revised Code in the civil 4351
action or proceeding. 4352

(2)(a) Subject to division (E)(2)(b) of this section, payment 4353
from the state treasury for the services of private legal counsel 4354
with whom the state public defender has contracted pursuant to 4355
division (E)(1) of this section shall be accomplished only through 4356
the following procedure: 4357

(i) The private legal counsel shall file with the attorney 4358
general a copy of the contract; a request for an award of legal 4359
fees, court costs, and expenses earned or incurred in connection 4360
with the defense of the Ohio public defender commission, the state 4361
public defender, an assistant state public defender, an employee, 4362
or an attorney in a specified civil action or proceeding; a 4363
written itemization of those fees, costs, and expenses, including 4364
the signature of the state public defender and the state public 4365
defender's attestation that the fees, costs, and expenses were 4366
earned or incurred pursuant to division (E)(1) of this section to 4367
the best of the state public defender's knowledge and information; 4368
a written statement whether the fees, costs, and expenses are for 4369
all legal services to be rendered in connection with that defense, 4370
are only for legal services rendered to the date of the request 4371
and additional legal services likely will have to be provided in 4372
connection with that defense, or are for the final legal services 4373
rendered in connection with that defense; a written statement 4374
indicating whether the private legal counsel previously submitted 4375
a request for an award under division (E)(2) of this section in 4376
connection with that defense and, if so, the date and the amount 4377
of each award granted; and, if the fees, costs, and expenses are 4378
for all legal services to be rendered in connection with that 4379
defense or are for the final legal services rendered in connection 4380
with that defense, a certified copy of any judgment entry in the 4381
civil action or proceeding or a signed copy of any settlement 4382
agreement entered into between the parties to the civil action or 4383
proceeding. 4384

(ii) Upon receipt of a request for an award of legal fees, 4385
court costs, and expenses and the requisite supportive 4386
documentation described in division (E)(2)(a)(i) of this section, 4387
the attorney general shall review the request and documentation; 4388
determine whether any of the limitations specified in division 4389
(E)(2)(b) of this section apply to the request; and, if an award 4390

of legal fees, court costs, or expenses is permissible after 4391
applying the limitations, prepare a document awarding legal fees, 4392
court costs, or expenses to the private legal counsel. The 4393
document shall name the private legal counsel as the recipient of 4394
the award; specify the total amount of the award as determined by 4395
the attorney general; itemize the portions of the award that 4396
represent legal fees, court costs, and expenses; specify any 4397
limitation applied pursuant to division (E)(2)(b) of this section 4398
to reduce the amount of the award sought by the private legal 4399
counsel; state that the award is payable from the state treasury 4400
pursuant to division (E)(2)(a)(iii) of this section; and be 4401
approved by the inclusion of the signatures of the attorney 4402
general, the state public defender, and the private legal counsel. 4403

(iii) The attorney general shall forward a copy of the 4404
document prepared pursuant to division (E)(2)(a)(ii) of this 4405
section to the director of budget and management. The award of 4406
legal fees, court costs, or expenses shall be paid out of the 4407
state public defender's appropriations, to the extent there is a 4408
sufficient available balance in those appropriations. If the state 4409
public defender does not have a sufficient available balance in 4410
the state public defender's appropriations to pay the entire award 4411
of legal fees, court costs, or expenses, the director shall make 4412
application for a transfer of appropriations out of the emergency 4413
purposes account or any other appropriation for emergencies or 4414
contingencies in an amount equal to the portion of the award that 4415
exceeds the sufficient available balance in the state public 4416
defender's appropriations. A transfer of appropriations out of the 4417
emergency purposes account or any other appropriation for 4418
emergencies or contingencies shall be authorized if there are 4419
sufficient moneys greater than the sum total of then pending 4420
emergency purposes account requests, or requests for releases from 4421
the other appropriation. If a transfer of appropriations out of 4422
the emergency purposes account or other appropriation for 4423

emergencies or contingencies is made to pay an amount equal to the 4424
portion of the award that exceeds the sufficient available balance 4425
in the state public defender's appropriations, the director shall 4426
cause the payment to be made to the private legal counsel. If 4427
sufficient moneys do not exist in the emergency purposes account 4428
or other appropriation for emergencies or contingencies to pay an 4429
amount equal to the portion of the award that exceeds the 4430
sufficient available balance in the state public defender's 4431
appropriations, the private legal counsel shall request the 4432
general assembly to make an appropriation sufficient to pay an 4433
amount equal to the portion of the award that exceeds the 4434
sufficient available balance in the state public defender's 4435
appropriations, and no payment in that amount shall be made until 4436
the appropriation has been made. The private legal counsel shall 4437
make the request during the current biennium and during each 4438
succeeding biennium until a sufficient appropriation is made. 4439

(b) An award of legal fees, court costs, and expenses 4440
pursuant to division (E) of this section is subject to the 4441
following limitations: 4442

(i) The maximum award or maximum aggregate of a series of 4443
awards of legal fees, court costs, and expenses to the private 4444
legal counsel in connection with the defense of the Ohio public 4445
defender commission, the state public defender, an assistant state 4446
public defender, an employee, or an attorney in a specified civil 4447
action or proceeding shall not exceed fifty thousand dollars. 4448

(ii) The private legal counsel shall not be awarded legal 4449
fees, court costs, or expenses to the extent the fees, costs, or 4450
expenses are covered by a policy of malpractice or other 4451
insurance. 4452

(iii) The private legal counsel shall be awarded legal fees 4453
and expenses only to the extent that the fees and expenses are 4454
reasonable in light of the legal services rendered by the private 4455

legal counsel in connection with the defense of the Ohio public 4456
defender commission, the state public defender, an assistant state 4457
public defender, an employee, or an attorney in a specified civil 4458
action or proceeding. 4459

(c) If, pursuant to division (E)(2)(a) of this section, the 4460
attorney general denies a request for an award of legal fees, 4461
court costs, or expenses to private legal counsel because of the 4462
application of a limitation specified in division (E)(2)(b) of 4463
this section, the attorney general shall notify the private legal 4464
counsel in writing of the denial and of the limitation applied. 4465

(d) If, pursuant to division (E)(2)(c) of this section, a 4466
private legal counsel receives a denial of an award notification 4467
or if a private legal counsel refuses to approve a document under 4468
division (E)(2)(a)(ii) of this section because of the proposed 4469
application of a limitation specified in division (E)(2)(b) of 4470
this section, the private legal counsel may commence a civil 4471
action against the attorney general in the court of claims to 4472
prove the private legal counsel's entitlement to the award sought, 4473
to prove that division (E)(2)(b) of this section does not prohibit 4474
or otherwise limit the award sought, and to recover a judgment for 4475
the amount of the award sought. A civil action under division 4476
(E)(2)(d) of this section shall be commenced no later than two 4477
years after receipt of a denial of award notification or, if the 4478
private legal counsel refused to approve a document under division 4479
(E)(2)(a)(ii) of this section because of the proposed application 4480
of a limitation specified in division (E)(2)(b) of this section, 4481
no later than two years after the refusal. Any judgment of the 4482
court of claims in favor of the private legal counsel shall be 4483
paid from the state treasury in accordance with division (E)(2)(a) 4484
of this section. 4485

(F) If a court appoints the office of the state public 4486
defender to represent a petitioner in a postconviction relief 4487

proceeding under section 2953.21 of the Revised Code, the 4488
petitioner has received a sentence of death, and the proceeding 4489
relates to that sentence, all of the attorneys who represent the 4490
petitioner in the proceeding pursuant to the appointment, whether 4491
an assistant state public defender, the state public defender, or 4492
another attorney, shall be certified under Rule 20 of the Rules of 4493
Superintendence for the Courts of Ohio to represent indigent 4494
defendants charged with or convicted of an offense for which the 4495
death penalty can be or has been imposed. 4496

(G)(1) The state public defender may conduct a legal 4497
assistance referral service for children committed to the 4498
department of youth services relative to conditions of confinement 4499
claims. If the legal assistance referral service receives a 4500
request for assistance from a child confined in a facility 4501
operated, or contracted for, by the department of youth services 4502
and the state public defender determines that the child has a 4503
conditions of confinement claim that has merit, the state public 4504
defender may refer the child to a private attorney. If no private 4505
attorney who the child has been referred to by the state public 4506
defender accepts the case within a reasonable time, the state 4507
public defender may prepare, as appropriate, pro se pleadings in 4508
the form of a complaint regarding the conditions of confinement at 4509
the facility where the child is confined with a motion for 4510
appointment of counsel and other applicable pleadings necessary 4511
for sufficient pro se representation. 4512

(2) Division (G)(1) of this section does not authorize the 4513
state public defender to represent a child committed to the 4514
department of youth services in general civil matters arising 4515
solely out of state law. 4516

(3) The state public defender shall not undertake the 4517
representation of a child in court based on a conditions of 4518
confinement claim arising under this division. 4519

(H) A child's right to representation or services under this 4520
section is not affected by the child, or another person on behalf 4521
of the child, previously having paid for similar representation or 4522
services or having waived legal representation. 4523

(I) The state public defender shall have reasonable access to 4524
any child committed to the department of youth services, 4525
department of youth services institution, and department of youth 4526
services record as needed to implement this section. 4527

(J) As used in this section: 4528

(1) "Community control sanction" has the same meaning as in 4529
section 2929.01 of the Revised Code. 4530

(2) "Conditions of confinement" means any issue involving a 4531
constitutional right or other civil right related to a child's 4532
incarceration, including, but not limited to, actions cognizable 4533
under 42 U.S.C. 1983. 4534

(3) "Post-release control sanction" has the same meaning as 4535
in section 2967.01 of the Revised Code. 4536

Sec. 120.08. (A) There is hereby created in the state 4537
treasury the indigent defense support fund, consisting of money 4538
paid into the fund pursuant to sections 120.04, 4507.45, 4509.101, 4539
4510.22, and 4511.19 of the Revised Code and pursuant to sections 4540
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 4541
additional court costs imposed under those sections. ~~The~~ 4542

(B) Except as provided in division (E) of this section, the 4543
state public defender shall use at least eighty-three per cent of 4544
the money in the fund for the following purposes ~~of reimbursing:~~ 4545

(1) ~~Reimbursing~~ county governments for expenses incurred 4546
pursuant to sections 120.18, 120.28, and 120.33 of the Revised 4547
Code ~~and operating;~~ 4548

(2) ~~Operating~~ its system pursuant to division (C)(7) of 4549

section 120.04 of the Revised Code and division (B) of section 4550
120.33 of the Revised Code; 4551

(3) Directly paying private counsel's legal fees and expenses 4552
pursuant to division (D)(4) of section 120.06 of the Revised Code. 4553
Disbursements 4554

(C) Disbursements from the fund to county governments shall 4555
be made at least once per year and shall be allocated 4556
proportionately so that each county receives an equal percentage 4557
of its cost for operating its county public defender system, its 4558
joint county public defender system, its county appointed counsel 4559
system, or its system operated under division (C)(7) of section 4560
120.04 of the Revised Code and division (B) of section 120.33 of 4561
the Revised Code. ~~The~~ 4562

(D) Except as provided in division (F) of this section, the 4563
state public defender may use not more than seventeen per cent of 4564
the money in the fund for the purposes of appointing assistant 4565
state public defenders, providing other personnel, equipment, and 4566
facilities necessary for the operation of the state public 4567
defender office, and providing training, developing and 4568
implementing electronic forms, or establishing and maintaining an 4569
information technology system used for the uniform operation of 4570
this chapter. 4571

(E) From the portion of the fund allotted to reimbursing 4572
county governments, the state public defender shall first pay one 4573
hundred per cent of the eligible costs of indigent defense in 4574
counties that contract with the state public defender pursuant to 4575
division (C)(7) of section 120.04 of the Revised Code or division 4576
(B) of section 120.33 of the Revised Code. Reimbursement to 4577
counties that do not contract with the state public defender 4578
pursuant to either of those sections shall be made from the 4579
remaining funds at least once per year and shall be allocated 4580
proportionately so that each county receives an equal proportion 4581

of its cost for operating its county public defender system, its 4582
joint county public defender system, or its county appointed 4583
counsel system. 4584

(F) Regardless of the distribution outlined in division (A) 4585
of this section, the state public defender may use up to ten per 4586
cent of any amount credited to the indigent defense support fund 4587
pursuant to a contract under division (C)(7) of section 120.04 of 4588
the Revised Code for the purposes of providing administrative or 4589
other personnel, equipment, and facilities necessary to support 4590
the state public defender office in that county or region. 4591

Sec. 120.33. (A) In lieu of using a county public defender or 4592
joint county public defender to represent indigent persons in the 4593
proceedings set forth in division (A) of section 120.16 of the 4594
Revised Code, the board of county commissioners of any county may 4595
adopt a resolution to pay counsel who are either personally 4596
selected by the indigent person or appointed by the court. The 4597
resolution shall include those provisions the board of county 4598
commissioners considers necessary to provide effective 4599
representation of indigent persons in any proceeding for which 4600
counsel is provided under this section. The resolution shall 4601
include provisions for contracts with any municipal corporation 4602
under which the municipal corporation shall reimburse the county 4603
for counsel appointed to represent indigent persons charged with 4604
violations of the ordinances of the municipal corporation. 4605

(1) In a county that adopts a resolution to pay counsel, an 4606
indigent person shall have the right to do either of the 4607
following: 4608

(a) To select the person's own personal counsel to represent 4609
the person in any proceeding included within the provisions of the 4610
resolution; 4611

(b) To request the court to appoint counsel to represent the 4612

person in such a proceeding. 4613

(2) The court having jurisdiction over the proceeding in a 4614
county that adopts a resolution to pay counsel shall, after 4615
determining that the person is indigent and entitled to legal 4616
representation under this section, do either of the following: 4617

(a) By signed journal entry recorded on its docket, enter the 4618
name of the lawyer selected by the indigent person as counsel of 4619
record; 4620

(b) Appoint counsel for the indigent person if the person has 4621
requested the court to appoint counsel and, by signed journal 4622
entry recorded on its dockets, enter the name of the lawyer 4623
appointed for the indigent person as counsel of record. 4624

(3) The board of county commissioners shall establish a 4625
schedule of fees by case or on an hourly basis to be paid to 4626
counsel for legal services provided pursuant to a resolution 4627
adopted under this section. Prior to establishing the schedule, 4628
the board of county commissioners shall request the bar 4629
association or associations of the county to submit a proposed 4630
schedule for cases other than capital cases. The schedule 4631
submitted shall be subject to the review, amendment, and approval 4632
of the board of county commissioners, except with respect to 4633
capital cases. With respect to capital cases, the schedule shall 4634
provide for fees by case or on an hourly basis to be paid to 4635
counsel in the amount or at the rate set by the capital case 4636
attorney fee council pursuant to division (D) of this section, and 4637
the board of county commissioners shall approve that amount or 4638
rate. 4639

(4) Counsel selected by the indigent person or appointed by 4640
the court at the request of an indigent person in a county that 4641
adopts a resolution to pay counsel, except for counsel appointed 4642
to represent a person charged with any violation of an ordinance 4643

of a municipal corporation that has not contracted with the county 4644
commissioners for the payment of appointed counsel, shall be paid 4645
by the county and shall receive the compensation and expenses the 4646
court approves. With respect to capital cases, the court shall 4647
approve compensation and expenses in accordance with the amount or 4648
at the rate set by the capital case attorney fee council pursuant 4649
to division (D) of this section. Each request for payment shall 4650
include a financial disclosure form completed by the indigent 4651
person on a form prescribed by the state public defender. 4652
Compensation and expenses shall not exceed the amounts fixed by 4653
the board of county commissioners in the schedule adopted pursuant 4654
to division (A)(3) of this section. No court shall approve 4655
compensation and expenses that exceed the amount fixed pursuant to 4656
division (A)(3) of this section. 4657

The fees and expenses approved by the court shall not be 4658
taxed as part of the costs and shall be paid by the county. 4659
However, if the person represented has, or may reasonably be 4660
expected to have, the means to meet some part of the cost of the 4661
services rendered to the person, the person shall pay the county 4662
an amount that the person reasonably can be expected to pay. 4663
Pursuant to section 120.04 of the Revised Code, the county shall 4664
pay to the state public defender a percentage of the payment 4665
received from the person in an amount proportionate to the 4666
percentage of the costs of the person's case that were paid to the 4667
county by the state public defender pursuant to this section. The 4668
money paid to the state public defender shall be credited to the 4669
client payment fund created pursuant to division (B)(5) of section 4670
120.04 of the Revised Code. 4671

The county auditor shall draw a warrant on the county 4672
treasurer for the payment of counsel in the amount fixed by the 4673
court, plus the expenses the court fixes and certifies to the 4674
auditor. The county auditor shall report periodically, but not 4675

less than annually, to the board of county commissioners and to 4676
the state public defender the amounts paid out pursuant to the 4677
approval of the court. The board of county commissioners, after 4678
review and approval of the auditor's report, or the county 4679
auditor, with permission from and notice to the board of county 4680
commissioners, may then certify it to the state public defender 4681
for reimbursement. The state public defender may pay a requested 4682
reimbursement only if the request for reimbursement includes a 4683
financial disclosure form completed by the indigent person on a 4684
form prescribed by the state public defender or if the court 4685
certifies by electronic signature as prescribed by the state 4686
public defender that a financial disclosure form has been 4687
completed by the indigent person and is available for inspection. 4688
If a request for the reimbursement of the cost of counsel in any 4689
case is not received by the state public defender within ninety 4690
days after the end of the calendar month in which the case is 4691
finally disposed of by the court, unless the county has requested 4692
and the state public defender has granted an extension of the 4693
ninety-day limit, the state public defender shall not pay the 4694
requested reimbursement. The state public defender shall also 4695
review the report and, in accordance with the standards, 4696
guidelines, and maximums established pursuant to divisions (B)(7) 4697
and (8) of section 120.04 of the Revised Code and the payment 4698
determination provisions of section 120.34 of the Revised Code, 4699
prepare a voucher for the cost of each county appointed counsel 4700
system in the period of time covered by the certified report and a 4701
voucher for the costs and expenses that are reimbursable under 4702
section 120.35 of the Revised Code, if any. The amount of payments 4703
to be included in and made under the voucher shall be determined 4704
as specified in section 120.34 of the Revised Code. 4705

(5) If any county appointed counsel system fails to maintain 4706
the standards for the conduct of the system established by the 4707
rules of the Ohio public defender commission pursuant to divisions 4708

(B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the board of county commissioners of the county that the county appointed counsel system has failed to comply with its rules or the standards of the state public defender. Unless the board of county commissioners corrects the conduct of its appointed counsel system to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in division (A)(4) of this section.

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a per case, hourly, or fixed contract basis. For a county that has entered into a contract with the state public defender under this division, the state public defender shall reimburse one hundred per cent of the eligible costs of the remaining indigent defense needs of that county that are not covered by the contract.

(C) If a court appoints an attorney pursuant to this section to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, the attorney who represents the petitioner in the proceeding pursuant to the appointment shall be certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio to

represent indigent defendants charged with or convicted of an 4741
offense for which the death penalty can be or has been imposed. 4742

(D)(1) There is hereby created the capital case attorney fee 4743
council, appointed as described in division (D)(2) of this 4744
section. The council shall set an amount by case, or a rate on an 4745
hourly basis, to be paid under this section to counsel in a 4746
capital case. 4747

(2) The capital case attorney fee council shall consist of 4748
five members, all of whom shall be active judges serving on one of 4749
the district courts of appeals in this state. Terms for council 4750
members shall be the lesser of three years or until the member 4751
ceases to be an active judge of a district court of appeals. The 4752
initial terms shall commence ninety days after September 28, 2016. 4753
The chief justice of the supreme court shall appoint the members 4754
of the council, and shall make all of the appointments not later 4755
than sixty days after September 28, 2016. When any vacancy occurs, 4756
the chief justice shall appoint an active judge of a district 4757
court of appeals in this state to fill the vacancy for the 4758
unexpired term, in the same manner as prescribed in this division. 4759
The chief justice shall designate a chairperson from the appointed 4760
members of the council. Members of the council shall receive no 4761
additional compensation for their service as a member, but may be 4762
reimbursed for expenses reasonably incurred in service to the 4763
council, to be paid by the supreme court. The supreme court may 4764
provide administrative support to the council. 4765

(3) The capital case attorney fee council initially shall 4766
meet not later than one hundred twenty days after September 28, 4767
2016. Thereafter, the council shall meet not less than annually. 4768

(4) Upon setting the amount or rate described in division 4769
(D)(1) of this section, the chairperson of the capital case 4770
attorney fee council promptly shall provide written notice to the 4771
state public defender of the amount or rate so set. The amount or 4772

rate so set shall become effective ninety days after the date on 4773
which the chairperson provides that written notice to the state 4774
public defender. The council shall specify that effective date in 4775
the written notice provided to the state public defender. All 4776
amounts or rates set by the council shall be final, subject to 4777
modification as described in division (D)(5) of this section, and 4778
not subject to appeal. 4779

(5) The capital case attorney fee council may modify an 4780
amount or rate set as described in division (D)(4) of this 4781
section. The provisions of that division apply with respect to any 4782
such modification of an amount or rate. 4783

Sec. 120.34. (A) The total amount of money paid to counties 4784
in any fiscal year pursuant to sections 120.08, 120.18, 120.28, 4785
120.33, 120.35, and 2941.51 of the Revised Code for the 4786
reimbursement of the counties' cost of operating county public 4787
defender offices, joint county public defender offices, and county 4788
appointed counsel systems, the counties' costs and expenses of 4789
conducting the defense in capital cases, and the counties' costs 4790
and expenses of appointed counsel covered by section 2941.51 of 4791
the Revised Code shall be determined as specified in this section. 4792

(B) Except as provided in division (F) of this section, the 4793
state public defender shall first pay one hundred per cent of the 4794
eligible costs of indigent defense in counties that contract with 4795
the state public defender pursuant to division (C)(7) of section 4796
120.04 of the Revised Code or division (B) of section 120.33 of 4797
the Revised Code. 4798

(C) Except as provided in division (F) of this section, the 4799
total amount of money paid to ~~all~~ counties not reimbursed under 4800
division (B) of this section in any fiscal year pursuant to 4801
sections 120.08, 120.18, 120.28, 120.33, 120.35, and 2941.51 of 4802
the Revised Code for the reimbursement of the counties' cost of 4803

operating county public defender offices, joint county public 4804
defender offices, and county appointed counsel systems, the 4805
counties' costs and expenses of conducting the defense in capital 4806
cases, and the counties' costs and expenses of appointed counsel 4807
covered by section 2941.51 of the Revised Code shall not exceed 4808
the total amount appropriated for that fiscal year by the general 4809
assembly for the reimbursement of the counties for the operation 4810
of the offices and systems and for those appointed counsel costs 4811
and expenses, ~~and shall be determined as specified in this~~ 4812
~~section.~~ If the amount appropriated by the general assembly in any 4813
fiscal year is insufficient to pay the cost in the fiscal year of 4814
all county public defender offices, all joint county public 4815
defender offices, all county appointed counsel systems, and all 4816
costs and expenses of appointed counsel covered by section 2941.51 4817
of the Revised Code, the amount of money paid in that fiscal year 4818
pursuant to sections 120.18, 120.28, 120.33, 120.35, and 2941.51 4819
of the Revised Code to each county for the fiscal year shall be 4820
reduced proportionately so that each county is paid an equal 4821
percentage of its cost in the fiscal year for operating its county 4822
public defender system, its joint county public defender system, 4823
and its county appointed counsel system, an equal percentage of 4824
its costs and expenses of conducting the defense in capital cases 4825
in the fiscal year, and an equal percentage of its costs and 4826
expenses of appointed counsel covered by section 2941.51 of the 4827
Revised Code. 4828

(D) If any county receives an amount of money pursuant to 4829
section 120.08, 120.18, 120.28, 120.33, 120.35, or 2941.51 of the 4830
Revised Code that is in excess of the amount of reimbursement it 4831
is entitled to receive pursuant to this section, the state public 4832
defender shall request the board of county commissioners to return 4833
the excess payment and the board of county commissioners, upon 4834
receipt of the request, shall direct the appropriate county 4835
officer to return the excess payment to the state. 4836

(E) Within thirty days of the end of each fiscal quarter, the 4837
state public defender shall provide to the office of budget and 4838
management and the legislative service commission an estimate of 4839
the amount of money that will be required for the balance of the 4840
fiscal year to make the payments required by sections 120.08, 4841
120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code. 4842

(F) No reimbursement shall be made under this section for 4843
costs of indigent defense to the extent that those costs exceed 4844
the hourly rate, if any, established by the general assembly. 4845

Sec. 121.031. The administrative department head of an 4846
administrative department created under section 121.02 of the 4847
Revised Code or an administrative department head appointed under 4848
section 121.03 of the Revised Code may direct an otherwise 4849
independent official or state agency that is organized under the 4850
administrative department or administrative department head as 4851
necessary to achieve reductions in regulatory restrictions in 4852
rules in compliance with sections 121.95, 121.951, 121.952, and 4853
121.953, ~~and 121.954~~ of the Revised Code. 4854

Sec. 121.04. Offices are created within the several 4855
departments as follows: 4856

In the department of commerce: 4857
 Commissioner of securities; 4858
 Superintendent of real estate and professional 4859
 licensing;
 Superintendent of financial institutions; 4860
 State fire marshal; 4861
 Superintendent of industrial compliance; 4862
 Superintendent of liquor control; 4863
 Superintendent of unclaimed funds; 4864
 Superintendent of marijuana control. 4865

In the department of administrative services:	4866
Equal employment opportunity coordinator.	4867
In the department of agriculture:	4868
Chiefs of divisions as follows:	4869
Administration;	4870
Animal health;	4871
Livestock environmental permitting;	4872
Soil and water conservation;	4873
Dairy;	4874
Food safety;	4875
Plant health;	4876
Markets;	4877
Meat inspection;	4878
Consumer protection laboratory;	4879
Amusement ride safety;	4880
Enforcement;	4881
Weights and measures.	4882
In the department of natural resources:	4883
Chiefs of divisions as follows:	4884
Mineral resources management;	4885
Oil and gas resources management;	4886
Forestry;	4887
Natural areas and preserves;	4888
Wildlife;	4889
Geological survey;	4890
Parks and	4891
watercraft;	4892
Water resources;	4893
Engineering.	4894
In the department of insurance:	4895
Deputy superintendent of insurance;	4896

Assistant superintendent of insurance, technical; 4897
Assistant superintendent of insurance, administrative; 4898
Assistant superintendent of insurance, research. 4899

Sec. 121.08. (A) There is hereby created in the department of 4900
commerce the position of deputy director of administration. This 4901
officer shall be appointed by the director of commerce, serve 4902
under the director's direction, supervision, and control, perform 4903
the duties the director prescribes, and hold office during the 4904
director's pleasure. The director of commerce may designate an 4905
assistant director of commerce to serve as the deputy director of 4906
administration. The deputy director of administration shall 4907
perform the duties prescribed by the director of commerce in 4908
supervising the activities of the division of administration of 4909
the department of commerce. 4910

(B) Except as provided in section 121.07 of the Revised Code, 4911
the department of commerce shall have all powers and perform all 4912
duties vested in the deputy director of administration, the state 4913
fire marshal, the superintendent of financial institutions, the 4914
superintendent of real estate and professional licensing, the 4915
superintendent of liquor control, the superintendent of industrial 4916
compliance, the superintendent of unclaimed funds, the 4917
superintendent of marijuana control, and the commissioner of 4918
securities, and shall have all powers and perform all duties 4919
vested by law in all officers, deputies, and employees of those 4920
offices. Except as provided in section 121.07 of the Revised Code, 4921
wherever powers are conferred or duties imposed upon any of those 4922
officers, the powers and duties shall be construed as vested in 4923
the department of commerce. 4924

(C)(1) There is hereby created in the department of commerce 4925
a division of financial institutions, which shall have all powers 4926
and perform all duties vested by law in the superintendent of 4927
financial institutions. Wherever powers are conferred or duties 4928

imposed upon the superintendent of financial institutions, those 4929
powers and duties shall be construed as vested in the division of 4930
financial institutions. The division of financial institutions 4931
shall be administered by the superintendent of financial 4932
institutions. 4933

(2) All provisions of law governing the superintendent of 4934
financial institutions shall apply to and govern the 4935
superintendent of financial institutions provided for in this 4936
section; all authority vested by law in the superintendent of 4937
financial institutions with respect to the management of the 4938
division of financial institutions shall be construed as vested in 4939
the superintendent of financial institutions created by this 4940
section with respect to the division of financial institutions 4941
provided for in this section; and all rights, privileges, and 4942
emoluments conferred by law upon the superintendent of financial 4943
institutions shall be construed as conferred upon the 4944
superintendent of financial institutions as head of the division 4945
of financial institutions. The director of commerce shall not 4946
transfer from the division of financial institutions any of the 4947
functions specified in division (C)(2) of this section. 4948

(D) There is hereby created in the department of commerce a 4949
division of liquor control, which shall have all powers and 4950
perform all duties vested by law in the superintendent of liquor 4951
control. Wherever powers are conferred or duties are imposed upon 4952
the superintendent of liquor control, those powers and duties 4953
shall be construed as vested in the division of liquor control. 4954
The division of liquor control shall be administered by the 4955
superintendent of liquor control. 4956

(E) The director of commerce shall not be interested, 4957
directly or indirectly, in any firm or corporation which is a 4958
dealer in securities as defined in sections 1707.01 and 1707.14 of 4959
the Revised Code, or in any firm or corporation licensed under 4960

sections 1321.01 to 1321.19 of the Revised Code. 4961

(F) The director of commerce shall not have any official 4962
connection with a savings and loan association, a savings bank, a 4963
bank, a bank holding company, a savings and loan association 4964
holding company, a consumer finance company, or a credit union 4965
that is under the supervision of the division of financial 4966
institutions, or a subsidiary of any of the preceding entities, or 4967
be interested in the business thereof. 4968

(G) There is hereby created in the state treasury the 4969
division of administration fund. The fund shall receive 4970
assessments on the operating funds of the department of commerce 4971
in accordance with procedures prescribed by the director of 4972
commerce. All operating expenses of the division of administration 4973
shall be paid from the division of administration fund. 4974

(H) There is hereby created in the department of commerce a 4975
division of real estate and professional licensing, which shall be 4976
under the control and supervision of the director of commerce. The 4977
division of real estate and professional licensing shall be 4978
administered by the superintendent of real estate and professional 4979
licensing. The superintendent of real estate and professional 4980
licensing shall exercise the powers and perform the functions and 4981
duties delegated to the superintendent under Chapters 4735., 4982
4763., 4764., 4767., and 4768. of the Revised Code. 4983

(I) There is hereby created in the department of commerce a 4984
division of industrial compliance, which shall have all powers and 4985
perform all duties vested by law in the superintendent of 4986
industrial compliance. Wherever powers are conferred or duties 4987
imposed upon the superintendent of industrial compliance, those 4988
powers and duties shall be construed as vested in the division of 4989
industrial compliance. The division of industrial compliance shall 4990
be under the control and supervision of the director of commerce 4991
and be administered by the superintendent of industrial 4992

compliance. 4993

(J) There is hereby created in the department of commerce a 4994
division of unclaimed funds, which shall have all powers and 4995
perform all duties delegated to or vested by law in the 4996
superintendent of unclaimed funds. Wherever powers are conferred 4997
or duties imposed upon the superintendent of unclaimed funds, 4998
those powers and duties shall be construed as vested in the 4999
division of unclaimed funds. The division of unclaimed funds shall 5000
be under the control and supervision of the director of commerce 5001
and shall be administered by the superintendent of unclaimed 5002
funds. The superintendent of unclaimed funds shall exercise the 5003
powers and perform the functions and duties delegated to the 5004
superintendent by the director of commerce under section 121.07 5005
and Chapter 169. of the Revised Code, and as may otherwise be 5006
provided by law. 5007

(K) There is hereby created in the department of commerce a 5008
division of marijuana control, which shall have all powers and 5009
perform all duties vested by law in the superintendent of 5010
marijuana control. Wherever powers are conferred or duties are 5011
imposed upon the superintendent of marijuana control, those powers 5012
and duties shall be construed as vested in the division of 5013
marijuana control. The division of marijuana control shall be 5014
under the control and supervision of the director of commerce and 5015
be administered by the superintendent of marijuana control. 5016

(L) The department of commerce or a division of the 5017
department created by the Revised Code that is acting with 5018
authorization on the department's behalf may request from the 5019
bureau of criminal identification and investigation pursuant to 5020
section 109.572 of the Revised Code, or coordinate with 5021
appropriate federal, state, and local government agencies to 5022
accomplish, criminal records checks for the persons whose 5023
identities are required to be disclosed by an applicant for the 5024

issuance or transfer of a permit, license, certificate of 5025
registration, or certification issued or transferred by the 5026
department or division. At or before the time of making a request 5027
for a criminal records check, the department or division may 5028
require any person whose identity is required to be disclosed by 5029
an applicant for the issuance or transfer of such a license, 5030
permit, certificate of registration, or certification to submit to 5031
the department or division valid fingerprint impressions in a 5032
format and by any media or means acceptable to the bureau of 5033
criminal identification and investigation and, when applicable, 5034
the federal bureau of investigation. The department or division 5035
may cause the bureau of criminal identification and investigation 5036
to conduct a criminal records check through the federal bureau of 5037
investigation only if the person for whom the criminal records 5038
check would be conducted resides or works outside of this state or 5039
has resided or worked outside of this state during the preceding 5040
five years, or if a criminal records check conducted by the bureau 5041
of criminal identification and investigation within this state 5042
indicates that the person may have a criminal record outside of 5043
this state. 5044

In the case of a criminal records check under section 109.572 5045
of the Revised Code, the department or division shall forward to 5046
the bureau of criminal identification and investigation the 5047
requisite form, fingerprint impressions, and fee described in 5048
division (C) of that section. When requested by the department or 5049
division in accordance with this section, the bureau of criminal 5050
identification and investigation shall request from the federal 5051
bureau of investigation any information it has with respect to the 5052
person who is the subject of the requested criminal records check 5053
and shall forward the requisite fingerprint impressions and 5054
information to the federal bureau of investigation for that 5055
criminal records check. After conducting a criminal records check 5056
or receiving the results of a criminal records check from the 5057

federal bureau of investigation, the bureau of criminal 5058
identification and investigation shall provide the results to the 5059
department or division. 5060

The department or division may require any person about whom 5061
a criminal records check is requested to pay to the department or 5062
division the amount necessary to cover the fee charged to the 5063
department or division by the bureau of criminal identification 5064
and investigation under division (C)(3) of section 109.572 of the 5065
Revised Code, including, when applicable, any fee for a criminal 5066
records check conducted by the federal bureau of investigation. 5067

~~(L)~~(M) The director of commerce, or the director's designee, 5068
may adopt rules to enhance compliance with statutes pertaining to, 5069
and rules adopted by, divisions under the direction, supervision, 5070
and control of the department or director by offering 5071
incentive-based programs that ensure safety and soundness while 5072
promoting growth and prosperity in the state. 5073

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5074
and children first cabinet council. The council shall be composed 5075
of the superintendent of public instruction, the executive 5076
director of the opportunities for Ohioans with disabilities 5077
agency, the medicaid director, and the directors of youth 5078
services, job and family services, mental health and addiction 5079
services, health, developmental disabilities, aging, 5080
rehabilitation and correction, and budget and management. The 5081
chairperson of the council shall be the governor or the governor's 5082
designee and shall establish procedures for the council's internal 5083
control and management. 5084

The purpose of the cabinet council is to help families 5085
seeking government services. This section shall not be interpreted 5086
or applied to usurp the role of parents, but solely to streamline 5087
and coordinate existing government services for families seeking 5088

assistance for their children. 5089

(2) In seeking to fulfill its purpose, the council may do any 5090
of the following: 5091

(a) Advise and make recommendations to the governor and 5092
general assembly regarding the provision of services to children; 5093

(b) Advise and assess local governments on the coordination 5094
of service delivery to children; 5095

(c) Hold meetings at such times and places as may be 5096
prescribed by the council's procedures and maintain records of the 5097
meetings, except that records identifying individual children are 5098
confidential and shall be disclosed only as provided by law; 5099

(d) Develop programs and projects, including pilot projects, 5100
to encourage coordinated efforts at the state and local level to 5101
improve the state's social service delivery system; 5102

(e) Enter into contracts with and administer grants to county 5103
family and children first councils, as well as other county or 5104
multicounty organizations to plan and coordinate service delivery 5105
between state agencies and local service providers for families 5106
and children; 5107

(f) Enter into contracts with and apply for grants from 5108
federal agencies or private organizations; 5109

(g) Enter into interagency agreements to encourage 5110
coordinated efforts at the state and local level to improve the 5111
state's social service delivery system. The agreements may include 5112
provisions regarding the receipt, transfer, and expenditure of 5113
funds; 5114

(h) Identify public and private funding sources for services 5115
provided to alleged or adjudicated unruly children and children 5116
who are at risk of being alleged or adjudicated unruly children, 5117
including regulations governing access to and use of the services; 5118

(i) Collect information provided by local communities 5119
regarding successful programs for prevention, intervention, and 5120
treatment of unruly behavior, including evaluations of the 5121
programs; 5122

(j) Identify and disseminate publications regarding alleged 5123
or adjudicated unruly children and children who are at risk of 5124
being alleged or adjudicated unruly children and regarding 5125
programs serving those types of children; 5126

(k) Maintain an inventory of strategic planning facilitators 5127
for use by government or nonprofit entities that serve alleged or 5128
adjudicated unruly children or children who are at risk of being 5129
alleged or adjudicated unruly children. 5130

(3) The cabinet council shall provide for the following: 5131

(a) Reviews of service and treatment plans for children for 5132
which such reviews are requested; 5133

(b) Assistance as the council determines to be necessary to 5134
meet the needs of children referred by county family and children 5135
first councils; 5136

(c) Monitoring and supervision of a statewide, comprehensive, 5137
coordinated, multi-disciplinary, interagency system for infants 5138
and toddlers with developmental disabilities or delays and their 5139
families, as established pursuant to federal grants received and 5140
administered by the department of health developmental 5141
disabilities for early intervention services under the 5142
"Individuals with Disabilities Education Act of 2004," 118 Stat. 5143
2744, 20 U.S.C.A. 1400, as amended; 5144

(d) Establishing and maintaining the Ohio automated service 5145
coordination system pursuant to section 121.376 of the Revised 5146
Code. 5147

(4) The cabinet council shall develop and implement the 5148

following: 5149

(a) An interagency process to select the indicators that will 5150
be used to measure progress toward increasing child well-being in 5151
the state and to update the indicators on an annual basis. ~~The~~ 5152
~~indicators shall focus on expectant parents and newborns thriving;~~ 5153
~~infants and toddlers thriving; children being ready for school;~~ 5154
~~children and youth succeeding in school; youth choosing healthy~~ 5155
~~behaviors; and youth successfully transitioning into adulthood.~~ 5156

(b) An interagency system to offer guidance and monitor 5157
progress toward increasing child well-being in the state and in 5158
each county; 5159

(c) An annual plan that identifies state-level agency efforts 5160
taken to ensure progress towards increasing child well-being in 5161
the state; 5162

(d) A state appeals process to resolve disputes among the 5163
members of a county council, established under division (B) of 5164
this section, concerning whether reasonable responsibilities are 5165
being shared. The appeals process may be accessed only by a 5166
majority vote of the council members who are required to serve on 5167
the council. Upon appeal, the cabinet council may order that state 5168
funds for services to children and families be redirected to a 5169
county's board of county commissioners. 5170

(5) On an annual basis, the cabinet council shall submit to 5171
the governor and the general assembly a report on the status of 5172
efforts to increase child well-being in the state. This report 5173
shall be made available to any other person on request. 5174

(6) The cabinet council state office may adopt rules 5175
governing the responsibilities of county family and children first 5176
councils established in division (B)(3) of this section. 5177

(B)(1) Each board of county commissioners shall establish a 5178
county family and children first council. The board may invite any 5179

local public or private agency or group that funds, advocates, or 5180
provides services to children and families to have a 5181
representative become a permanent or temporary member of its 5182
county council. Each county council must include the following 5183
individuals: 5184

(a) At least three individuals who are not employed by an 5185
agency represented on the council and whose families are or have 5186
received services from an agency represented on the council or 5187
another county's council. Where possible, the number of members 5188
representing families shall be equal to twenty per cent of the 5189
council's membership. 5190

(b) The director of the board of alcohol, drug addiction, and 5191
mental health services that serves the county, or, in the case of 5192
a county that has a board of alcohol and drug addiction services 5193
and a community mental health board, the directors of both boards. 5194
If a board of alcohol, drug addiction, and mental health services 5195
covers more than one county, the director may designate a person 5196
to participate on the county's council. 5197

(c) The health commissioner, or the commissioner's designee, 5198
of the board of health of each city and general health district in 5199
the county. If the county has two or more health districts, the 5200
health commissioner membership may be limited to the commissioners 5201
of the two districts with the largest populations. 5202

(d) The director of the county department of job and family 5203
services; 5204

(e) The executive director of the public children services 5205
agency; 5206

(f) The superintendent of the county board of developmental 5207
disabilities or, if the superintendent serves as superintendent of 5208
more than one county board of developmental disabilities, the 5209
superintendent's designee; 5210

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;

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

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

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

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

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

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

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

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

~~The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council~~

~~concerning whether reasonable responsibilities as members are 5241
being shared. The appeals process may be accessed only by a 5242
majority vote of the council members who are required to serve on 5243
the council. Upon appeal, the cabinet council may order that state 5244
funds for services to children and families be redirected to a 5245
county's board of county commissioners. 5246~~

The county's juvenile court judge senior in service or 5247
another judge of the juvenile court designated by the 5248
administrative judge or, where there is no administrative judge, 5249
by the judge senior in service shall serve as the judicial advisor 5250
to the county family and children first council. The judge may 5251
advise the county council on the court's utilization of resources, 5252
services, or programs provided by the entities represented by the 5253
members of the county council and how those resources, services, 5254
or programs assist the court in its administration of justice. 5255
Service of a judge as a judicial advisor pursuant to this section 5256
is a judicial function. 5257

(2) The purpose of the county council is to streamline and 5258
coordinate existing government services for families seeking 5259
services for their children. In seeking to fulfill its purpose, a 5260
county council shall provide for the following: 5261

(a) Referrals to the cabinet council of those children for 5262
whom the county council cannot provide adequate services; 5263

(b) Development and implementation of a process that annually 5264
evaluates and prioritizes services, fills service gaps where 5265
possible, and invents new approaches to achieve better results for 5266
families and children; 5267

(c) Participation in the development of a countywide, 5268
comprehensive, coordinated, multi-disciplinary, interagency system 5269
for infants and toddlers with developmental disabilities or delays 5270
and their families, as established pursuant to federal grants 5271

received and administered by the department of ~~health~~ 5272
developmental disabilities for early intervention services under 5273
the "Individuals with Disabilities Education Act of 2004"; 5274

(d) Maintenance of an accountability system to monitor the 5275
county council's progress in achieving results for families and 5276
children; 5277

(e) Establishment of a mechanism to ensure ongoing input from 5278
a broad representation of families who are receiving services 5279
within the county system. 5280

(3) A county council shall develop and implement the 5281
following: 5282

(a) An interagency process to establish local indicators and 5283
monitor the county's progress toward increasing child well-being 5284
in the county; 5285

(b) An interagency process to identify local priorities to 5286
increase child well-being. ~~The local priorities shall focus on~~ 5287
~~expectant parents and newborns thriving; infants and toddlers~~ 5288
~~thriving; children being ready for school; children and youth~~ 5289
~~succeeding in school; youth choosing healthy behaviors; and youth~~ 5290
~~successfully transitioning into adulthood and take into account~~ 5291
~~the indicators established by the cabinet council under division~~ 5292
~~(A)(4)(a) of this section.~~ 5293

(c) An annual plan that identifies the county's interagency 5294
efforts to increase child well-being in the county. 5295

On an annual basis, the county council shall submit a report 5296
on the status of efforts by the county to increase child 5297
well-being in the county to the county's board of county 5298
commissioners and the cabinet council. This report shall be made 5299
available to any other person on request. 5300

(4)(a) Except as provided in division (B)(4)(b) of this 5301

section, a county council shall comply with the policies, 5302
procedures, and activities prescribed by the rules or interagency 5303
agreements of a state department participating on the cabinet 5304
council whenever the county council performs a function subject to 5305
those rules or agreements. 5306

(b) On application of a county council, the cabinet council 5307
may grant an exemption from any rules or interagency agreements of 5308
a state department participating on the council if an exemption is 5309
necessary for the council to implement an alternative program or 5310
approach for service delivery to families and children. The 5311
application shall describe the proposed program or approach and 5312
specify the rules or interagency agreements from which an 5313
exemption is necessary. The cabinet council shall approve or 5314
disapprove the application in accordance with standards and 5315
procedures it shall adopt. If an application is approved, the 5316
exemption is effective only while the program or approach is being 5317
implemented, including a reasonable period during which the 5318
program or approach is being evaluated for effectiveness. 5319

(5)(a) Each county council shall designate an administrative 5320
agent for the council from among the following public entities: 5321
the board of alcohol, drug addiction, and mental health services, 5322
including a board of alcohol and drug addiction or a community 5323
mental health board if the county is served by separate boards; 5324
the board of county commissioners; any board of health of the 5325
county's city and general health districts; the county department 5326
of job and family services; the county agency responsible for the 5327
administration of children services pursuant to section 5153.15 of 5328
the Revised Code; the county board of developmental disabilities; 5329
any of the county's boards of education or governing boards of 5330
educational service centers; or the county's juvenile court. Any 5331
of the foregoing public entities, other than the board of county 5332
commissioners, may decline to serve as the council's 5333

administrative agent. 5334

A county council's administrative agent shall serve as the 5335
council's appointing authority for any employees of the council. 5336
The council shall file an annual budget with its administrative 5337
agent, with copies filed with the county auditor and with the 5338
board of county commissioners, unless the board is serving as the 5339
council's administrative agent. The council's administrative agent 5340
shall ensure that all expenditures are handled in accordance with 5341
policies, procedures, and activities prescribed by state 5342
departments in rules, grant agreements, or interagency agreements 5343
that are applicable to the council's functions. 5344

The administrative agent of a county council shall send 5345
notice of a member's absence if a member listed in division (B)(1) 5346
of this section has been absent from either three consecutive 5347
meetings of the county council or a county council subcommittee, 5348
or from one-quarter of such meetings in a calendar year, whichever 5349
is less. The notice shall be sent to the board of county 5350
commissioners that establishes the county council and, for the 5351
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5352
section, to the governing board overseeing the respective entity; 5353
for the member listed in division (B)(1)(f) of this section, to 5354
the county board of developmental disabilities that employs the 5355
superintendent; for a member listed in division (B)(1)(g) or (h) 5356
of this section, to the school board that employs the 5357
superintendent; for the member listed in division (B)(1)(i) of 5358
this section, to the mayor of the municipal corporation; for the 5359
member listed in division (B)(1)(k) of this section, to the 5360
director of youth services; and for the member listed in division 5361
(B)(1)(n) of this section, to that member's board of trustees. 5362

The administrative agent for a county council may do any of 5363
the following on behalf of the council: 5364

(i) Enter into agreements or administer contracts with public 5365

or private entities to fulfill specific council business. Such 5366
agreements and contracts are exempt from the competitive bidding 5367
requirements of section 307.86 of the Revised Code if they have 5368
been approved by the county council and they are for the purchase 5369
of ~~family and child welfare or child protection services or other~~ 5370
~~social or job and family~~ services for families and children. The 5371
approval of the county council is not required to exempt 5372
agreements or contracts entered into under section 5139.34, 5373
5139.41, or 5139.43 of the Revised Code from the competitive 5374
bidding requirements of section 307.86 of the Revised Code. 5375

(ii) As determined by the council, provide financial 5376
stipends, reimbursements, or both, to family representatives for 5377
expenses related to council activity; 5378

(iii) Receive by gift, grant, devise, or bequest any moneys, 5379
lands, or other property for the purposes for which the council is 5380
established. The agent shall hold, apply, and dispose of the 5381
moneys, lands, or other property according to the terms of the 5382
gift, grant, devise, or bequest. Any interest or earnings shall be 5383
treated in the same manner and are subject to the same terms as 5384
the gift, grant, devise, or bequest from which it accrues. 5385

(b)(i) If the county council designates the board of county 5386
commissioners as its administrative agent, the board may, by 5387
resolution, delegate any of its powers and duties as 5388
administrative agent to an executive committee the board 5389
establishes from the membership of the county council. The board 5390
shall name to the executive committee at least the individuals 5391
described in divisions (B)(1)(b) to (h) of this section and may 5392
appoint the president of the board or another individual as the 5393
chair of the executive committee. The executive committee must 5394
include at least one family county council representative who does 5395
not have a family member employed by an agency represented on the 5396
council. 5397

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

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

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

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

Not later than fifteen days after the board receives the statement, it shall, by resolution approved by a majority of its members, approve or disapprove the agreement, plan, or decision.

Failure of the board to pass a resolution during that time period 5430
shall be considered approval of the agreement, plan, or decision. 5431

An agreement, plan, or decision for which a statement is 5432
required to be submitted to the board shall be implemented only if 5433
it is approved by the board. 5434

(C) Each county shall develop a county service coordination 5435
mechanism. The county service coordination mechanism shall serve 5436
as the guiding document for coordination of services in the 5437
county. For children who also receive services under the ~~help-me~~ 5438
~~grow program~~ early intervention program, the main provider of 5439
service coordination ~~mechanism~~ shall be ~~consistent with rules~~ 5440
~~adopted by the department of health under~~ an early intervention 5441
service coordinator to ensure compliance with section ~~3701.61~~ 5442
5123.02 of the Revised Code. All family service coordination plans 5443
shall be developed in accordance with the county service 5444
coordination mechanism. The mechanism shall be developed and 5445
approved with the participation of the county entities 5446
representing child welfare; developmental disabilities; alcohol, 5447
drug addiction, and mental health services; health; juvenile 5448
judges; education; the county family and children first council; 5449
and the county early intervention collaborative established 5450
pursuant to the federal early intervention program operated under 5451
the "Individuals with Disabilities Education Act of 2004." The 5452
county shall establish an implementation schedule for the 5453
mechanism. The cabinet council may monitor the implementation and 5454
administration of each county's service coordination mechanism. 5455

Each mechanism shall include all of the following: 5456

(1) A procedure for an agency, including a juvenile court, or 5457
a family voluntarily seeking service coordination, to refer the 5458
child and family to the county council for service coordination in 5459
accordance with the mechanism; 5460

(2) A procedure ensuring that a family and all appropriate staff from involved agencies, including a representative from the appropriate school district, are notified of and invited to participate in all family service coordination plan meetings;

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

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

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

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

(7) A procedure for assessing the needs and strengths of any

child or family that has been referred to the council for service 5492
coordination, including a child whose parent or custodian is 5493
voluntarily seeking services, and for ensuring that parents and 5494
custodians are afforded the opportunity to participate; 5495

(8) A procedure for development of a family service 5496
coordination plan described in division (D) of this section; 5497

(9) A local dispute resolution process to serve as the 5498
process that must be used first to resolve disputes among the 5499
agencies represented on the county council concerning the 5500
provision of services to children, including children who are 5501
abused, neglected, dependent, unruly, alleged unruly, or 5502
delinquent children and under the jurisdiction of the juvenile 5503
court and children whose parents or custodians are voluntarily 5504
seeking services. The local dispute resolution process shall 5505
comply with sections 121.38, 121.381, and 121.382 of the Revised 5506
Code. The local dispute resolution process shall be used to 5507
resolve disputes between a child's parents or custodians and the 5508
county council regarding service coordination. The county council 5509
shall inform the parents or custodians of their right to use the 5510
dispute resolution process. Parents or custodians shall use 5511
existing local agency grievance procedures to address disputes not 5512
involving service coordination. The dispute resolution process is 5513
in addition to and does not replace other rights or procedures 5514
that parents or custodians may have under other sections of the 5515
Revised Code. 5516

The cabinet council shall adopt rules in accordance with 5517
Chapter 119. of the Revised Code establishing an administrative 5518
review process to address problems that arise concerning the 5519
operation of a local dispute resolution process. 5520

Nothing in division (C)(4) of this section shall be 5521
interpreted as overriding or affecting decisions of a juvenile 5522
court or public children services agency regarding an out-of-home 5523

placement, long-term placement, or emergency out-of-home placement. 5524
5525

(D) Each county shall develop a family service coordination plan that does all of the following: 5526
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(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services; 5528
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(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process; 5534
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(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible. 5538
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(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system; 5544
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(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals; 5547
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(6) Includes a plan for dealing with short-term crisis situations and safety concerns. 5550
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(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following: 5552
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(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;

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

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

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

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

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

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

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

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

(f) An alternative school program for children who are truant 5584
from school, repeatedly disruptive in school, or suspended or 5585
expelled from school; 5586

(g) Other appropriate measures, including, but not limited 5587
to, any alternative methods to divert a child from the juvenile 5588
court system that are identified by the Ohio family and children 5589
first cabinet council. 5590

(F) Each county may review and revise the service 5591
coordination process described in division (D) of this section 5592
based on the availability of funds under Title IV-A of the "Social 5593
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 5594
or to the extent resources are available from any other federal, 5595
state, or local funds. 5596

(G) As used in this section, "early intervention service 5597
coordinator" means a person who holds an early intervention 5598
service coordinator credential or an early intervention service 5599
coordination supervisor credential issued by the department of 5600
developmental disabilities and who assists and enables an infant 5601
or toddler with a developmental delay or disability and the 5602
child's family to receive the services and rights, including 5603
procedural safeguards, required under part C of the "Individuals 5604
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 5605
amended. 5606

Sec. 121.376. (A) The Ohio family and children first cabinet 5607
council state office shall establish and maintain the Ohio 5608
automated service coordination information system. The information 5609
system shall contain county family and children first council 5610
records detailing funding sources and information regarding 5611
families seeking services from a county council including: 5612

(1) Demographics including: 5613

<u>(a) Number and relationship of family members;</u>	5614
<u>(b) Genders of youth;</u>	5615
<u>(c) Ages of youth;</u>	5616
<u>(d) Races of youth;</u>	5617
<u>(e) Education of youth.</u>	5618
<u>(2) Youth financial resource eligibility information;</u>	5619
<u>(3) History and desired outcomes;</u>	5620
<u>(4) Youth's physical and behavioral health histories, when available;</u>	5621 5622
<u>(5) Names of youth's insurers and physicians, when available;</u>	5623
<u>(6) Individualized plans including:</u>	5624
<u>(a) Referrals made to services;</u>	5625
<u>(b) Services and supports received;</u>	5626
<u>(c) Crisis plans;</u>	5627
<u>(d) Safety plans.</u>	5628
<u>(7) All relevant case file documents;</u>	5629
<u>(8) Any other information related to families served, services provided, or the financial resources used to provide the services.</u>	5630 5631 5632
<u>(B) Each county family and children first council shall enter and update information in the Ohio automated service coordination information system as information becomes available or within five business days of acquiring new information. Failure to enter information may result in the withholding of state funding.</u>	5633 5634 5635 5636 5637
<u>(C) The data in the Ohio automated service coordination information system is confidential, and release of information is limited to those with whom the county family and children first council is permitted by law to share the information. Access to</u>	5638 5639 5640 5641

and use of data in the Ohio automated service coordination 5642
information system shall be limited to the extent necessary to 5643
carry out the duties of the family and children first cabinet 5644
council and the county family and children first councils 5645
established in section 121.37 of the Revised Code. 5646

(D) Personnel having access to the Ohio automated service 5647
coordination information system shall be limited to those 5648
individuals who have been educated on the confidentiality 5649
requirements of the Ohio automated service coordination 5650
information system, who are informed of all penalties, who have 5651
been educated in security procedures, and who have provided 5652
acknowledgement of rules developed by the Ohio family and children 5653
first cabinet council. 5654

(E) Each county family and children first council shall do 5655
both of the following: 5656

(1) Establish and implement a policy establishing 5657
administrative penalties, up to and including dismissal from 5658
employment, for unauthorized access to, disclosure of, or use of 5659
data in the Ohio automated service coordination information 5660
system; 5661

(2) Monitor access to and use of the Ohio automated service 5662
coordination information system to prevent and identify 5663
unauthorized use of the system. 5664

(F) No direct access to the Ohio automated service 5665
coordination information system shall be requested by or on behalf 5666
of, nor approved for or granted to, any researcher conducting 5667
research. 5668

(G) The Ohio family and children first cabinet council state 5669
office may adopt rules, in accordance with Chapter 119. Of the 5670
Revised Code, governing county family and children first councils' 5671
access to, entry of, and use of information in the Ohio automated 5672

service coordination information system. 5673

Sec. 121.381. A parent or custodian who disagrees with a 5674
decision rendered by a county family and children first council 5675
regarding services for a child may initiate the dispute resolution 5676
process established in the county service coordination mechanism 5677
pursuant to division ~~(C)(10)~~(C)(9) of section 121.37 of the 5678
Revised Code. 5679

Not later than sixty days after the parent or custodian 5680
initiates the dispute resolution process, the council shall make 5681
findings regarding the dispute and issue a written determination 5682
of its findings. 5683

Sec. 121.49. (A) Subject to division (B) of this section, 5684
only an individual who meets one or more of the following 5685
qualifications is eligible to be appointed inspector general: 5686

(1) At least five years experience as a law enforcement 5687
officer in this or any other state; 5688

(2) Admission to the bar of this or any other state; 5689

(3) Certification as a certified public accountant in this or 5690
any other state; 5691

(4) At least five years service as the comptroller or similar 5692
officer of a public or private entity in this or any other state; 5693

(5) At least five years service as a deputy inspector general 5694
in this or any other state. 5695

(B) No individual who has been convicted, in this or any 5696
other state, of a felony or of any crime involving fraud, 5697
dishonesty, or moral turpitude shall be appointed inspector 5698
general. 5699

Sec. 121.81. As used in sections 121.81 to ~~121.83~~ 121.82 of 5700

the Revised Code: 5701

(A) "Agency" means a state agency that is required to file 5702
proposed rules for legislative review under division (D) of 5703
section 111.15 or division (C) of section 119.03 of the Revised 5704
Code. 5705

(B) "Draft rule" means any newly proposed rule and any 5706
proposed amendment, adoption, or rescission of a rule prior to the 5707
filing of that rule for legislative review under division (D) of 5708
section 111.15 or division (C) of section 119.03 of the Revised 5709
Code and includes a proposed amendment, adoption, or rescission of 5710
a rule in both its original and any revised form. "Draft rule" 5711
does not include an emergency rule adopted under division (B)(2) 5712
of section 111.15 or division (G) of section 119.03 of the Revised 5713
Code, but does include a rule that is proposed to replace an 5714
emergency rule that expires under those divisions. 5715

Sections 121.81 to ~~121.83~~ 121.82 and 121.91 of the Revised 5716
Code are complementary to sections 107.51 to 107.55 and 107.61 to 5717
107.63 of the Revised Code. 5718

Sec. 121.811. The offices of the governor, lieutenant 5719
governor, auditor of state, secretary of state, treasurer of 5720
state, and attorney general shall comply with the business review 5721
provisions of sections 106.03 and 106.031 and 121.81 to ~~121.83~~ 5722
121.82 of the Revised Code, but are not required to submit any 5723
document to the common sense initiative office or to prepare any 5724
document that would have been prepared in response to 5725
recommendations of the common sense initiative office, but rather 5726
shall prepare all other documents required under the business 5727
review provisions and submit them directly to the joint committee 5728
on agency rule review along with the proposed or existing rule. 5729
The offices of the governor, lieutenant governor, auditor of 5730
state, secretary of state, treasurer of state, and attorney 5731

general are subject, however, to section 106.05 of the Revised Code. 5732
5733

Sec. 121.93. (A) ~~An~~ Except as provided in division (E) of 5734
this section, an agency shall review its operations to identify 5735
principles of law or policy that have not been stated in a rule 5736
and that the agency is relying upon in conducting adjudications or 5737
other determinations of rights and liabilities or in issuing 5738
writings and other materials, such as instructions, directives, 5739
policy statements, guidelines, handbooks, manuals, advisories, 5740
notices, circulars, advertisements, forms, letters, and opinions. 5741
An agency is not required to identify principles of law or policy 5742
relied upon in issuing internal management rules as defined n 5743
section 111.15 of the Revised Code. The agency shall complete at 5744
least one of the reviews during a governor's term. 5745

Within ~~three~~ six months after the expiration of a governor's 5746
term, the agency electronically shall transmit a report to the 5747
joint committee on agency rule review containing the following: 5748

(1) A statement that the agency has completed one or more of 5749
the reviews, specifying the exact number of reviews completed 5750
during the governor's expired term; 5751

(2) The principles of law or policies identified under this 5752
division; 5753

(3) The agency's considerations regarding the identified 5754
principles of law or policies under division (B) of this section; 5755

(4) Any principles of law or policies for which the agency 5756
determines rulemaking is indicated or for which the agency has 5757
commenced the rule-making process under division (C) of this 5758
section. 5759

The joint committee on agency rule review shall make the 5760
reports available on its web site. 5761

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

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

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

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

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

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

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

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

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

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

the existing rule or statute. If the principle of law or policy 5792
can be so characterized, the agency shall consider whether the 5793
principle of law or policy should be supplanted by its restatement 5794
in an interpretive rule. The agency may not presume that a 5795
principle of law or policy that aids in the interpretation of an 5796
existing rule or statute is simply a reiteration of the existing 5797
rule or statute. 5798

(C) If the agency determines, in light of the foregoing 5799
standards, that rulemaking is indicated, the agency shall commence 5800
the rule-making process as soon as it is reasonably feasible to do 5801
so, but not later than the date that is six months after the 5802
determination was made. The principle of law or policy as it is 5803
restated in a rule does not need to be wholly congruent with the 5804
supplanted principle of law or policy. The agency lawfully may 5805
improve or develop further the supplanted principle of law or 5806
policy as it is restated in a rule. 5807

The agency may continue to rely upon the principle of law or 5808
policy, but only while it is complying with the preceding 5809
paragraph. The agency may not rely upon the principle of law or 5810
policy in advising with regard to or in determining the rights or 5811
liabilities of a person if the agency fails to commence the 5812
rule-making process by the deadline specified in the preceding 5813
paragraph, or if, after commencing the rule-making process, the 5814
agency neglects or abandons the rule-making process before it is 5815
completed. 5816

(D) A principle of law or policy that is relied upon directly 5817
or by clear implication from a statute applying to the agency does 5818
not need to be supplanted by rule. 5819

(E) This section does not apply to an agency, commission, or 5820
committee created in the legislative branch of government or to 5821
serve the general assembly including, but not limited to, all of 5822
the following: 5823

- (1) The joint legislative ethics committee; 5824
- (2) The joint medicaid oversight committee; 5825
- (3) The correctional institution inspection committee; 5826
- (4) The legislative service commission; 5827
- (5) The legislative information services; 5828
- (6) The capitol square review and advisory board. 5829

Sec. 121.95. (A) As used in sections 121.95, 121.951, 5830
121.952, and 121.953, ~~and 121.954~~ of the Revised Code, "state 5831
agency" means an administrative department created under section 5832
121.02 of the Revised Code, an administrative department head 5833
appointed under section 121.03 of the Revised Code, and a state 5834
agency organized under an administrative department or 5835
administrative department head. "State agency" also includes the 5836
department of education, the state lottery commission, the Ohio 5837
casino control commission, the state racing commission, and the 5838
public utilities commission of Ohio. Rules adopted by an otherwise 5839
independent official or entity organized under a state agency 5840
shall be attributed to the agency under which the official or 5841
entity is organized for the purposes of sections 121.95, 121.951, 5842
121.952, and 121.953 ~~, and 121.954~~ of the Revised Code. 5843

(B) Not later than December 31, 2019, a state agency shall 5844
review its existing rules to identify rules having one or more 5845
regulatory restrictions that require or prohibit an action and 5846
prepare a base inventory of the regulatory restrictions in its 5847
existing rules. Rules that include the words "shall," "must," 5848
"require," "shall not," "may not," and "prohibit" shall be 5849
considered to contain regulatory restrictions. 5850

(C) In the base inventory, the state agency shall indicate 5851
all of the following concerning each regulatory restriction: 5852

- (1) A description of the regulatory restriction; 5853

(2) The rule number of the rule in which the regulatory restriction appears;	5854 5855
(3) The statute under which the regulatory restriction was adopted;	5856 5857
(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;	5858 5859 5860 5861
(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;	5862 5863 5864 5865 5866
(6) Any other information the joint committee on agency rule review considers necessary.	5867 5868
(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.	5869 5870 5871 5872 5873 5874 5875
(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions <u>subject to this section or sections 121.951 to 121.953 of the Revised Code:</u>	5876 5877 5878 5879
(1) An internal management rule;	5880
(2) An emergency rule;	5881
(3) A rule that state or federal law requires the state agency to adopt verbatim;	5882 5883

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

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

(6) A rule concerning instant lottery games;

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

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

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

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

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

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

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

governor, the speaker and minority leader of the house of 5914
representatives, and the president and minority leader of the 5915
senate. The report shall also be made available to the public. 5916

Sec. 122.072. There is hereby created in the state treasury 5917
the tourism fund consisting of money credited or transferred to it 5918
and grants, gifts, and contributions made directly to it. Money in 5919
the fund shall be used to defray costs incurred by the office of 5920
TourismOhio in promoting this state ~~as a travel destination.~~ 5921

Sec. 122.17. (A) As used in this section: 5922

(1) "Payroll" means the total taxable income paid by the 5923
employer during the employer's taxable year, or during the 5924
calendar year that includes the employer's tax period, to each 5925
employee or each home-based employee employed in the project to 5926
the extent such payroll is not used to determine the credit under 5927
section 122.171 of the Revised Code. "Payroll" excludes amounts 5928
paid before the day the taxpayer becomes eligible for the credit 5929
and retirement or other benefits paid or contributed by the 5930
employer to or on behalf of employees. 5931

(2) "Baseline payroll" means Ohio employee payroll, except 5932
that the applicable measurement period is the twelve months 5933
immediately preceding the date the tax credit authority approves 5934
the taxpayer's application or the date the tax credit authority 5935
receives the recommendation described in division (C)(2)(a) of 5936
this section, whichever occurs first, multiplied by the sum of one 5937
plus an annual pay increase factor to be determined by the tax 5938
credit authority. 5939

(3) "Ohio employee payroll" means the amount of compensation 5940
used to determine the withholding obligations in division (A) of 5941
section 5747.06 of the Revised Code and paid by the employer 5942
during the employer's taxable year, or during the calendar year 5943

that includes the employer's tax period, to the following: 5944

(a) An employee employed in the project who is a resident of 5945
this state including a qualifying work-from-home employee not 5946
designated as a home-based employee by an applicant under division 5947
(C)(1) of this section; 5948

(b) An employee employed at the project location who is not a 5949
resident and whose compensation is not exempt from the tax imposed 5950
under section 5747.02 of the Revised Code pursuant to a 5951
reciprocity agreement with another state under division (A)(3) of 5952
section 5747.05 of the Revised Code; 5953

(c) A home-based employee employed in the project. 5954

"Ohio employee payroll" excludes any such compensation to the 5955
extent it is used to determine the credit under section 122.171 of 5956
the Revised Code, and excludes amounts paid before the day the 5957
taxpayer becomes eligible for the credit under this section. 5958

(4) "Excess payroll" means Ohio employee payroll minus 5959
baseline payroll. 5960

(5) "Home-based employee" means an employee whose services 5961
are performed primarily from the employee's residence in this 5962
state exclusively for the benefit of the project and whose rate of 5963
pay is at least one hundred thirty-one per cent of the federal 5964
minimum wage under 29 U.S.C. 206. 5965

(6) "Full-time equivalent employees" means the quotient 5966
obtained by dividing the total number of hours for which employees 5967
were compensated for employment in the project by two thousand 5968
eighty. "Full-time equivalent employees" excludes hours that are 5969
counted for a credit under section 122.171 of the Revised Code. 5970

(7) "Metric evaluation date" means the date by which the 5971
taxpayer must meet all of the commitments included in the 5972
agreement. 5973

(8) "Qualifying work-from-home employee" means an employee 5974
who is a resident of this state and whose services are supervised 5975
from the employer's project location and performed primarily from 5976
a residence of the employee located in this state. 5977

(9) "Resident" or "resident of this state" means an 5978
individual who is a resident as defined in section 5747.01 of the 5979
Revised Code. 5980

(10) "Reporting period" means a period corresponding to the 5981
annual report required under division (D)(6) of this section. 5982

(11) "Megaproject" means a project in this state that meets 5983
all of the following requirements: 5984

(a) At least one of the following applies: 5985

(i) The project requires unique sites, extremely robust 5986
utility service, and a technically skilled workforce. 5987

(ii) The megaproject operator of the project has its 5988
corporate headquarters in the United States, incurs more than 5989
fifty per cent of its research and development expenses in the 5990
United States in the year preceding the date the tax credit 5991
authority approves the project for a credit under this section, 5992
and builds and operates semiconductor wafer manufacturing 5993
factories in this state or intends to do so by the metric 5994
evaluation date applicable to the megaproject operator. 5995

(b) The megaproject operator of the project agrees, in an 5996
agreement with the tax credit authority under division (D) of this 5997
section, that, on and after the metric evaluation date applicable 5998
to the megaproject operator and until the end of the last year for 5999
which the megaproject qualifies for the credit authorized under 6000
this section, the megaproject operator will compensate the 6001
project's employees at an average hourly wage of at least three 6002
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 6003
exclusive of employee benefits, as determined at the time the tax 6004

credit authority approves the project for a credit under this 6005
section. 6006

(c) The megaproject operator agrees, in an agreement with the 6007
tax credit authority under division (D) of this section, to 6008
satisfy either of the following by the metric evaluation date 6009
applicable to the project: 6010

(i) The megaproject operator makes at least one billion 6011
dollars, as adjusted under division (V)(1) of this section, in 6012
fixed-asset investments in the project. 6013

(ii) The megaproject operator creates at least seventy-five 6014
million dollars, as adjusted under division (V)(1) of this 6015
section, in Ohio employee payroll at the project. 6016

(d) The megaproject operator agrees, in an agreement with the 6017
tax credit authority under division (D) of this section, that if 6018
the project satisfies division (A)(11)(c)(ii) of this section, 6019
then, on and after the metric evaluation date and until the end of 6020
the last year for which the megaproject qualifies for the credit 6021
authorized under this section, the megaproject operator will 6022
maintain at least the amount in Ohio employee payroll at the 6023
project required under that division for each year in that period. 6024

(12) "Megaproject operator" means a taxpayer that, separately 6025
or collectively with other taxpayers, undertakes and operates a 6026
megaproject. Such a taxpayer becomes a megaproject operator 6027
effective the first day of the calendar year in which the taxpayer 6028
and the tax credit authority enter into an agreement under 6029
division (D) of this section with respect to the megaproject. More 6030
than one taxpayer may be designated by the tax credit authority as 6031
a megaproject operator for the same megaproject. 6032

(13) "Megaproject supplier" means a supplier in this state 6033
that meets either or both of the following requirements: 6034

(a) The supplier sells tangible personal property directly to 6035

a megaproject operator of a megaproject that satisfies the 6036
criteria described in division (A)(11)(a)(ii) of this section for 6037
use at a megaproject site, provided that such property was subject 6038
to substantial manufacturing, assembly, or processing in this 6039
state at a facility owned or operated by the supplier; 6040

(b) The supplier sells tangible personal property directly to 6041
a megaproject operator for use at a megaproject site, provided 6042
that the supplier agrees, in an agreement with the tax credit 6043
authority under division (D) of this section, to meet all of the 6044
following requirements: 6045

(i) By the metric evaluation date applicable to the supplier, 6046
makes at least one hundred million dollars, as adjusted under 6047
division (V)(2) of this section, in fixed-asset investments in 6048
this state; 6049

(ii) By the metric evaluation date applicable to the 6050
supplier, creates at least ten million dollars, as adjusted under 6051
division (V)(2) of this section, in Ohio employee payroll; 6052

(iii) On and after the metric evaluation date applicable to 6053
the supplier, until the end of the last year for which the 6054
supplier qualifies for the credit authorized under this section, 6055
maintains at least the amount in Ohio employee payroll required 6056
under division (A)(13)(b)(ii) of this section for each year in 6057
that period. 6058

(B) The tax credit authority may make grants under this 6059
section to foster job creation in this state. Such a grant shall 6060
take the form of a refundable credit allowed against the tax 6061
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 6062
5747.02 or levied under Chapter 5751. of the Revised Code. The 6063
credit shall be claimed for the taxable years or tax periods 6064
specified in the taxpayer's agreement with the tax credit 6065
authority under division (D) of this section. With respect to 6066

taxes imposed under section 5726.02, 5733.06, or 5747.02 or 6067
Chapter 5751. of the Revised Code, the credit shall be claimed in 6068
the order required under section 5726.98, 5733.98, 5747.98, or 6069
5751.98 of the Revised Code. The amount of the credit available 6070
for a taxable year or for a calendar year that includes a tax 6071
period equals the excess payroll for that year multiplied by the 6072
percentage specified in the agreement with the tax credit 6073
authority. 6074

(C)(1) A taxpayer or potential taxpayer who proposes a 6075
project to create new jobs in this state may apply to the tax 6076
credit authority to enter into an agreement for a tax credit under 6077
this section. 6078

An application shall not propose to include both home-based 6079
employees and employees who are not home-based employees in the 6080
computation of Ohio employee payroll for the purposes of the same 6081
tax credit agreement, except that a qualifying work-from-home 6082
employee shall not be considered to be a home-based employee 6083
unless so designated by the applicant. If a taxpayer or potential 6084
taxpayer employs both home-based employees and employees who are 6085
not home-based employees in a project, the taxpayer shall submit 6086
separate applications for separate tax credit agreements for the 6087
project, one of which shall include home-based employees in the 6088
computation of Ohio employee payroll and one of which shall 6089
include all other employees in the computation of Ohio employee 6090
payroll. 6091

The director of development shall prescribe the form of the 6092
application. After receipt of an application, the authority may 6093
enter into an agreement with the taxpayer for a credit under this 6094
section if it determines all of the following: 6095

(a) The taxpayer's project will increase payroll; 6096

(b) The taxpayer's project is economically sound and will 6097

benefit the people of this state by increasing opportunities for 6098
employment and strengthening the economy of this state; 6099

(c) Receiving the tax credit is a major factor in the 6100
taxpayer's decision to go forward with the project. 6101

(2)(a) A taxpayer that chooses to begin the project prior to 6102
receiving the determination of the authority may, upon submitting 6103
the taxpayer's application to the authority, request that the 6104
chief investment officer of the nonprofit corporation formed under 6105
section 187.01 of the Revised Code and the director review the 6106
taxpayer's application and recommend to the authority that the 6107
taxpayer's application be considered. As soon as possible after 6108
receiving such a request, the chief investment officer and the 6109
director shall review the taxpayer's application and, if they 6110
determine that the application warrants consideration by the 6111
authority, make that recommendation to the authority not later 6112
than six months after the application is received by the 6113
authority. 6114

(b) The authority shall consider any taxpayer's application 6115
for which it receives a recommendation under division (C)(2)(a) of 6116
this section. If the authority determines that the taxpayer does 6117
not meet all of the criteria set forth in division (C)(1) of this 6118
section, the authority and the department of development shall 6119
proceed in accordance with rules adopted by the director pursuant 6120
to division (I) of this section. 6121

(D) An agreement under this section shall include all of the 6122
following: 6123

(1) A detailed description of the project that is the subject 6124
of the agreement; 6125

(2)(a) The term of the tax credit, which, except as provided 6126
in division (D)(2)(b) or (C) of this section, shall not exceed 6127
fifteen years, and the first taxable year, or first calendar year 6128

that includes a tax period, for which the credit may be claimed; 6129

(b) If the tax credit is computed on the basis of home-based 6130
employees, the term of the credit shall expire on or before the 6131
last day of the taxable or calendar year ending before the 6132
beginning of the seventh year after September 6, 2012, the 6133
effective date of H.B. 327 of the 129th general assembly. 6134

(c) If the taxpayer is a megaproject operator or a 6135
megaproject supplier that meets the requirements described in 6136
division (A)(13)(b) of this section, the term of the tax credit 6137
shall not exceed thirty years. 6138

(3) A requirement that the taxpayer shall maintain operations 6139
at the project location for at least the greater of seven years or 6140
the term of the credit plus three years; 6141

(4) The percentage, as determined by the tax credit 6142
authority, of excess payroll that will be allowed as the amount of 6143
the credit for each taxable year or for each calendar year that 6144
includes a tax period; 6145

(5) The pay increase factor to be applied to the taxpayer's 6146
baseline payroll; 6147

(6) A requirement that the taxpayer annually shall report to 6148
the director of development full-time equivalent employees, 6149
payroll, Ohio employee payroll, investment, the provision of 6150
health care benefits and tuition reimbursement if required in the 6151
agreement, and other information the director needs to perform the 6152
director's duties under this section; 6153

(7) A requirement that the director of development annually 6154
review the information reported under division (D)(6) of this 6155
section and verify compliance with the agreement; if the taxpayer 6156
is in compliance, a requirement that the director issue a 6157
certificate to the taxpayer stating that the information has been 6158
verified and identifying the amount of the credit that may be 6159

claimed for the taxable or calendar year. If the taxpayer is a 6160
megaproject supplier, the director shall issue such a certificate 6161
to the megaproject supplier and to any megaproject operator (a) to 6162
which the megaproject supplier directly sells tangible personal 6163
property and (b) that is authorized to claim the credit pursuant 6164
to division (D)(10) of this section. 6165

(8) A provision providing that the taxpayer may not relocate 6166
a substantial number of employment positions from elsewhere in 6167
this state to the project location unless the director of 6168
development determines that the legislative authority of the 6169
county, township, or municipal corporation from which the 6170
employment positions would be relocated has been notified by the 6171
taxpayer of the relocation. 6172

For purposes of this section, the movement of an employment 6173
position from one political subdivision to another political 6174
subdivision shall be considered a relocation of an employment 6175
position unless the employment position in the first political 6176
subdivision is replaced. The movement of a qualifying 6177
work-from-home employee to a different residence located in this 6178
state or to the project location shall not be considered a 6179
relocation of an employment position. 6180

(9) If the tax credit is computed on the basis of home-based 6181
employees, that the tax credit may not be claimed by the taxpayer 6182
until the taxable year or tax period in which the taxpayer employs 6183
at least two hundred employees more than the number of employees 6184
the taxpayer employed on June 30, 2011; 6185

(10) If the taxpayer is a megaproject supplier, the 6186
percentage of the annual tax credit certified under division 6187
(D)(7) of this section, up to one hundred per cent, that may be 6188
claimed by each megaproject operator to which the megaproject 6189
supplier directly sells tangible personal property, rather than by 6190
that megaproject supplier, on the condition that the megaproject 6191

operator continues to qualify as a megaproject operator; 6192

(11) If the taxpayer is a megaproject operator or megaproject 6193
supplier, a requirement that the taxpayer meet and maintain 6194
compliance with all thresholds and requirements to which the 6195
taxpayer agreed, pursuant to division (A)(11) or (13) of this 6196
section, respectively, as a condition of the operator's project 6197
qualifying as a megaproject or the supplier qualifying as a 6198
megaproject supplier until the end of the last year for which the 6199
taxpayer qualifies for the credit authorized under this section. 6200
In each year that a megaproject operator or megaproject supplier 6201
is subject to an agreement with the tax credit authority under 6202
this section and meets the requirements of this division, the 6203
director of development shall issue a certificate to the 6204
megaproject operator or megaproject supplier stating that the 6205
megaproject operator or megaproject supplier continues to meet 6206
those requirements. 6207

(12) If the taxpayer is a megaproject operator, a requirement 6208
that the megaproject operator submit, in a form acceptable to the 6209
director of development, an economic impact report with respect to 6210
each megaproject for which the megaproject operator is designated, 6211
summarizing all of the following for the reporting year: 6212

(a) The aggregate amount of purchases made by the megaproject 6213
operator for such megaproject from megaproject suppliers; 6214

(b) The aggregate amount of purchases made by the megaproject 6215
operator for such megaproject from suppliers other than 6216
megaproject suppliers; 6217

(c) A summary of the construction activity for any facilities 6218
at the site of the megaproject in that year; 6219

(d) The aggregate amount expended by the megaproject operator 6220
on research and development at the site of the megaproject in that 6221
year; 6222

(e) The number of employees working at the site of the megaproject and the counties in which those employees reside;

(f) A summary of the supply chain activity in support of the megaproject, including a list of the twenty-five suppliers with a physical presence in Ohio from which the megaproject operator made the most purchases in that year.

The economic impact report shall be due on or before the first day of July of each year, beginning in the year specified in the agreement with the tax credit authority. The information required in the report shall be certified as true and correct by an officer of the megaproject operator. If there is more than one megaproject operator designated for a single megaproject, all of the megaproject operators designated for the megaproject may jointly submit a single report. Any information contained in the report is a public record for purposes of section 149.43 of the Revised Code and shall be published on the department of development's web site.

(E)(1) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term may take effect in the current taxable or calendar year.

(2) If the tax credit authority determines that a taxpayer that is a megaproject operator of a megaproject described in division (A)(11)(a)(ii) of this section is not fully compliant with the requirements of the agreement, the authority may impose a recoupment payment on the taxpayer in accordance with the following:

(a) If, on the metric evaluation date, the taxpayer fails to substantially meet the capital investment, full-time equivalent

employee, or payroll requirements included in the agreement, an 6254
amount determined at the discretion of the authority, not to 6255
exceed the sum of the following for all years prior to the metric 6256
evaluation date: (i) the amount of taxes that would have been 6257
imposed under Chapters 5739. and 5741. of the Revised Code in the 6258
absence of the agreement, and (ii) the amount of taxes that would 6259
have been imposed under Chapter 5751. of the Revised Code on 6260
receipts realized from sales to the taxpayer in the absence of the 6261
agreement; 6262

(b) If the taxpayer fails to substantially maintain the 6263
capital investment, full-time equivalent employee, or payroll 6264
requirements included in the agreement in any year after the 6265
metric evaluation date, an amount determined at the discretion of 6266
the authority, not to exceed the sum of the following for the 6267
calendar year in which taxpayer failed to meet the requirements: 6268
(i) the amount of taxes that would have been imposed under 6269
Chapters 5739. and 5741. of the Revised Code in the absence of the 6270
agreement, and (ii) the amount of taxes that would have been 6271
imposed under Chapter 5751. of the Revised Code on receipts 6272
realized from sales to the taxpayer in the absence of the 6273
agreement. 6274

(3) The tax credit authority may, subject to any requirements 6275
of the tax credit agreement, take into consideration the 6276
taxpayer's prior performance and any market conditions impacting 6277
the taxpayer when determining the amount of the recoupment payment 6278
described in division (E)(2) of this section. 6279

(F) Projects that consist solely of point-of-final-purchase 6280
retail facilities are not eligible for a tax credit under this 6281
section. If a project consists of both point-of-final-purchase 6282
retail facilities and nonretail facilities, only the portion of 6283
the project consisting of the nonretail facilities is eligible for 6284
a tax credit and only the excess payroll from the nonretail 6285

facilities shall be considered when computing the amount of the 6286
tax credit. If a warehouse facility is part of a 6287
point-of-final-purchase retail facility and supplies only that 6288
facility, the warehouse facility is not eligible for a tax credit. 6289
Catalog distribution centers are not considered 6290
point-of-final-purchase retail facilities for the purposes of this 6291
division, and are eligible for tax credits under this section. 6292

(G) Financial statements and other information submitted to 6293
the department of development or the tax credit authority by an 6294
applicant or recipient of a tax credit under this section, and any 6295
information taken for any purpose from such statements or 6296
information, are not public records subject to section 149.43 of 6297
the Revised Code. However, the chairperson of the authority may 6298
make use of the statements and other information for purposes of 6299
issuing public reports or in connection with court proceedings 6300
concerning tax credit agreements under this section. Upon the 6301
request of the tax commissioner or, if the applicant or recipient 6302
is an insurance company, upon the request of the superintendent of 6303
insurance, the chairperson of the authority shall provide to the 6304
commissioner or superintendent any statement or information 6305
submitted by an applicant or recipient of a tax credit in 6306
connection with the credit. The commissioner or superintendent 6307
shall preserve the confidentiality of the statement or 6308
information. 6309

(H) A taxpayer claiming a credit under this section shall 6310
submit to the tax commissioner or, if the taxpayer is an insurance 6311
company, to the superintendent of insurance, a copy of the 6312
director of development's certificate of verification under 6313
division (D)(7) of this section with the taxpayer's tax report or 6314
return for the taxable year or for the calendar year that includes 6315
the tax period. Failure to submit a copy of the certificate with 6316
the report or return does not invalidate a claim for a credit if 6317

the taxpayer submits a copy of the certificate to the commissioner 6318
or superintendent within the time prescribed by section 5703.0510 6319
of the Revised Code or within thirty days after the commissioner 6320
or superintendent requests it. 6321

(I) The director of development, after consultation with the 6322
tax commissioner and the superintendent of insurance and in 6323
accordance with Chapter 119. of the Revised Code, shall adopt 6324
rules necessary to implement this section, including rules that 6325
establish a procedure to be followed by the tax credit authority 6326
and the department of development in the event the authority 6327
considers a taxpayer's application for which it receives a 6328
recommendation under division (C)(2)(a) of this section but does 6329
not approve it. The rules may provide for recipients of tax 6330
credits under this section to be charged fees to cover 6331
administrative costs of the tax credit program. For the purposes 6332
of these rules, a qualifying work-from-home employee shall be 6333
considered to be an employee employed at the applicant's project 6334
location. The fees collected shall be credited to the tax 6335
incentives operating fund created in section 122.174 of the 6336
Revised Code. At the time the director gives public notice under 6337
division (A) of section 119.03 of the Revised Code of the adoption 6338
of the rules, the director shall submit copies of the proposed 6339
rules to the chairpersons of the standing committees on economic 6340
development in the senate and the house of representatives. 6341

(J) For the purposes of this section, a taxpayer may include 6342
a partnership, a corporation that has made an election under 6343
subchapter S of chapter one of subtitle A of the Internal Revenue 6344
Code, or any other business entity through which income flows as a 6345
distributive share to its owners. A partnership, S-corporation, or 6346
other such business entity may elect to pass the credit received 6347
under this section through to the persons to whom the income or 6348
profit of the partnership, S-corporation, or other entity is 6349

distributed. The election shall be made on the annual report 6350
required under division (D)(6) of this section. The election 6351
applies to and is irrevocable for the credit for which the report 6352
is submitted. If the election is made, the credit shall be 6353
apportioned among those persons in the same proportions as those 6354
in which the income or profit is distributed. 6355

(K)(1) If the director of development determines that a 6356
taxpayer who has received a credit under this section is not 6357
complying with the requirements of the agreement, the director 6358
shall notify the tax credit authority of the noncompliance. After 6359
receiving such a notice, and after giving the taxpayer an 6360
opportunity to explain the noncompliance, the tax credit authority 6361
may require the taxpayer to refund to this state a portion of the 6362
credit in accordance with the following: 6363

(a) If the taxpayer fails to comply with the requirement 6364
under division (D)(3) of this section, an amount determined in 6365
accordance with the following: 6366

(i) If the taxpayer maintained operations at the project 6367
location for a period less than or equal to the term of the 6368
credit, an amount not exceeding one hundred per cent of the sum of 6369
any credits allowed and received under this section; 6370

(ii) If the taxpayer maintained operations at the project 6371
location for a period longer than the term of the credit, but less 6372
than the greater of seven years or the term of the credit plus 6373
three years, an amount not exceeding seventy-five per cent of the 6374
sum of any credits allowed and received under this section. 6375

(b) If, on the metric evaluation date, the taxpayer fails to 6376
substantially meet the job creation, payroll, or investment 6377
requirements included in the agreement, an amount determined at 6378
the discretion of the authority; 6379

(c) If the taxpayer fails to substantially maintain the 6380

number of new full-time equivalent employees or amount of payroll 6381
required under the agreement at any time during the term of the 6382
agreement after the metric evaluation date, an amount determined 6383
at the discretion of the authority. 6384

(2) If a taxpayer files for bankruptcy and fails as described 6385
in division (K)(1)(a), (b), or (c) of this section, the director 6386
may immediately commence an action to recoup an amount not 6387
exceeding one hundred per cent of the sum of any credits received 6388
by the taxpayer under this section. 6389

(3) In determining the portion of the tax credit to be 6390
refunded to this state, the tax credit authority shall consider 6391
the effect of market conditions on the taxpayer's project and 6392
whether the taxpayer continues to maintain other operations in 6393
this state. After making the determination, the authority shall 6394
certify the amount to be refunded to the tax commissioner or 6395
superintendent of insurance, as appropriate. If the amount is 6396
certified to the commissioner, the commissioner shall make an 6397
assessment for that amount against the taxpayer under Chapter 6398
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 6399
amount is certified to the superintendent, the superintendent 6400
shall make an assessment for that amount against the taxpayer 6401
under Chapter 5725. or 5729. of the Revised Code. The time 6402
limitations on assessments under those chapters do not apply to an 6403
assessment under this division, but the commissioner or 6404
superintendent, as appropriate, shall make the assessment within 6405
one year after the date the authority certifies to the 6406
commissioner or superintendent the amount to be refunded. Within 6407
ninety days after certifying the amount to be refunded, if 6408
circumstances have changed, the authority may adjust the amount to 6409
be refunded and certify the adjusted amount to the commissioner or 6410
superintendent. The authority may only adjust the amount to be 6411
refunded one time and only if the amount initially certified by 6412

the authority has not been repaid, in whole or in part, by the 6413
taxpayer or certified to the attorney general for collection under 6414
section 131.02 of the Revised Code. 6415

(L) On or before the first day of August each year, the 6416
director of development shall submit a report to the governor, the 6417
president of the senate, and the speaker of the house of 6418
representatives on the tax credit program under this section. The 6419
report shall include information on the number of agreements that 6420
were entered into under this section during the preceding calendar 6421
year, a description of the project that is the subject of each 6422
such agreement, and an update on the status of projects under 6423
agreements entered into before the preceding calendar year. 6424

(M) There is hereby created the tax credit authority, which 6425
consists of the director of development and four other members 6426
appointed as follows: the governor, the president of the senate, 6427
and the speaker of the house of representatives each shall appoint 6428
one member who shall be a specialist in economic development; the 6429
governor also shall appoint a member who is a specialist in 6430
taxation. Terms of office shall be for four years. Each member 6431
shall serve on the authority until the end of the term for which 6432
the member was appointed. Vacancies shall be filled in the same 6433
manner provided for original appointments. Any member appointed to 6434
fill a vacancy occurring prior to the expiration of the term for 6435
which the member's predecessor was appointed shall hold office for 6436
the remainder of that term. Members may be reappointed to the 6437
authority. Members of the authority shall receive their necessary 6438
and actual expenses while engaged in the business of the 6439
authority. The director of development shall serve as chairperson 6440
of the authority, and the members annually shall elect a 6441
vice-chairperson from among themselves. Three members of the 6442
authority constitute a quorum to transact and vote on the business 6443
of the authority. The majority vote of the membership of the 6444

authority is necessary to approve any such business, including the 6445
election of the vice-chairperson. 6446

The director of development may appoint a professional 6447
employee of the department of development to serve as the 6448
director's substitute at a meeting of the authority. The director 6449
shall make the appointment in writing. In the absence of the 6450
director from a meeting of the authority, the appointed substitute 6451
shall serve as chairperson. In the absence of both the director 6452
and the director's substitute from a meeting, the vice-chairperson 6453
shall serve as chairperson. 6454

(N) For purposes of the credits granted by this section 6455
against the taxes imposed under sections 5725.18 and 5729.03 of 6456
the Revised Code, "taxable year" means the period covered by the 6457
taxpayer's annual statement to the superintendent of insurance. 6458

(O) On or before the first day of March of each of the five 6459
calendar years beginning with 2014, each taxpayer subject to an 6460
agreement with the tax credit authority under this section on the 6461
basis of home-based employees shall report the number of 6462
home-based employees and other employees employed by the taxpayer 6463
in this state to the department of development. 6464

(P) On or before the first day of January of 2019, the 6465
director of development shall submit a report to the governor, the 6466
president of the senate, and the speaker of the house of 6467
representatives on the effect of agreements entered into under 6468
this section in which the taxpayer included home-based employees 6469
in the computation of income tax revenue, as that term was defined 6470
in this section prior to the amendment of this section by H.B. 64 6471
of the 131st general assembly. The report shall include 6472
information on the number of such agreements that were entered 6473
into in the preceding six years, a description of the projects 6474
that were the subjects of such agreements, and an analysis of 6475
nationwide home-based employment trends, including the number of 6476

home-based jobs created from July 1, 2011, through June 30, 2017, 6477
and a description of any home-based employment tax incentives 6478
provided by other states during that time. 6479

(Q) The director of development may require any agreement 6480
entered into under this section for a tax credit computed on the 6481
basis of home-based employees to contain a provision that the 6482
taxpayer makes available health care benefits and tuition 6483
reimbursement to all employees. 6484

(R) Original agreements approved by the tax credit authority 6485
under this section in 2014 or 2015 before September 29, 2015, may 6486
be revised at the request of the taxpayer to conform with the 6487
amendments to this section and sections 5733.0610, 5736.50, 6488
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 6489
general assembly, upon mutual agreement of the taxpayer and the 6490
department of development, and approval by the tax credit 6491
authority. 6492

(S)(1) As used in division (S) of this section: 6493

(a) "Eligible agreement" means an agreement approved by the 6494
tax credit authority under this section on or before December 31, 6495
2013. 6496

(b) "Income tax revenue" has the same meaning as under this 6497
section as it existed before September 29, 2015, the effective 6498
date of the amendment of this section by H.B. 64 of the 131st 6499
general assembly. 6500

(2) In calendar year 2016 and thereafter, the tax credit 6501
authority shall annually determine a withholding adjustment factor 6502
to be used in the computation of income tax revenue for eligible 6503
agreements. The withholding adjustment factor shall be a numerical 6504
percentage that equals the percentage that employer income tax 6505
withholding rates have been increased or decreased as a result of 6506
changes in the income tax rates prescribed by section 5747.02 of 6507

the Revised Code by amendment of that section taking effect on or 6508
after June 29, 2013. 6509

(3) Except as provided in division (S)(4) of this section, 6510
for reporting periods ending in 2015 and thereafter for taxpayers 6511
subject to eligible agreements, the tax credit authority shall 6512
adjust the income tax revenue reported on the taxpayer's annual 6513
report by multiplying the withholding adjustment factor by the 6514
taxpayer's income tax revenue and doing one of the following: 6515

(a) If the income tax rates prescribed by section 5747.02 of 6516
the Revised Code have decreased by amendment of that section 6517
taking effect on or after June 29, 2013, add the product to the 6518
taxpayer's income tax revenue. 6519

(b) If the income tax rates prescribed by section 5747.02 of 6520
the Revised Code have increased by amendment of that section 6521
taking effect on or after June 29, 2013, subtract the product from 6522
the taxpayer's income tax revenue. 6523

(4) Division (S)(3) of this section shall not apply unless 6524
all of the following apply for the reporting period with respect 6525
to the eligible agreement: 6526

(a) The taxpayer has achieved one hundred per cent of the new 6527
employment commitment identified in the agreement. 6528

(b) If applicable, the taxpayer has achieved one hundred per 6529
cent of the new payroll commitment identified in the agreement. 6530

(c) If applicable, the taxpayer has achieved one hundred per 6531
cent of the investment commitment identified in the agreement. 6532

(5) Failure by a taxpayer to have achieved any of the 6533
applicable commitments described in divisions (S)(4)(a) to (c) of 6534
this section in a reporting period does not disqualify the 6535
taxpayer for the adjustment under division (S) of this section for 6536
an ensuing reporting period. 6537

(T) For reporting periods ending in calendar year 2020 or 6538
thereafter, any taxpayer may include qualifying work-from-home 6539
employees in its report required under division (D)(6) of this 6540
section, and the compensation of such employees shall qualify as 6541
Ohio employee payroll under division (A)(3)(a) of this section, 6542
even if the taxpayer's application to the tax credit authority to 6543
enter into an agreement for a tax credit under this section was 6544
approved before September 29, 2017, the effective date of the 6545
amendment of this section by H.B. 49 of the 132nd general 6546
assembly. 6547

(U) The director of development ~~services~~ shall notify the tax 6548
commissioner if the director determines that a megaproject 6549
operator or megaproject supplier is not in compliance with the 6550
agreement pursuant to a review conducted under division (D)(11) of 6551
this section. 6552

(V) Beginning in 2025 and in each fifth calendar year 6553
thereafter, the tax commissioner shall adjust the following 6554
amounts in September of that year: 6555

(1) The fixed-asset investment threshold described in 6556
division (A)(11)(c)(i) of this section and the Ohio employee 6557
payroll threshold described in division (A)(11)(c)(ii) of this 6558
section by completing the following calculations: 6559

(a) Determine the percentage increase in the gross domestic 6560
product deflator determined by the bureau of economic analysis of 6561
the United States department of commerce from the first day of 6562
January of the fifth preceding calendar year to the last day of 6563
December of the preceding calendar year; 6564

(b) Multiply that percentage increase by the fixed-asset 6565
investment threshold and the Ohio employee payroll threshold for 6566
the current year; 6567

(c) Add the resulting products to the corresponding 6568

fixed-asset investment threshold and Ohio employee payroll 6569
threshold for the current year; 6570

(d) Round the resulting fixed-asset investment sum to the 6571
nearest multiple of ten million dollars and the Ohio employee 6572
payroll sum to the nearest multiple of one million dollars. 6573

(2) The fixed-asset investment threshold described in 6574
division (A)(13)(b)(i) of this section and the Ohio employee 6575
payroll threshold described in division (A)(13)(b)(ii) of this 6576
section by completing the calculations described in divisions 6577
(V)(1)(a) to (c) of this section and rounding the resulting 6578
fixed-asset investment sum to the nearest multiple of one million 6579
dollars and the Ohio employee payroll sum to the nearest multiple 6580
of one hundred thousand dollars. 6581

The commissioner shall certify the amount of the adjustments 6582
under divisions (V)(1) and (2) of this section to the director of 6583
development ~~services~~ and to the tax credit authority not later 6584
than the first day of December of the year the commissioner 6585
computes the adjustment. Each certified amount applies to the 6586
ensuing calendar year and each calendar year thereafter until the 6587
tax commissioner makes a new adjustment. The tax commissioner 6588
shall not calculate a new adjustment in any year in which the 6589
resulting amount from the adjustment would be less than the 6590
corresponding amount for the current year. 6591

Sec. 122.171. (A) As used in this section: 6592

(1) "Capital investment project" means a plan of investment 6593
at a project site for the acquisition, construction, renovation, 6594
or repair of buildings, machinery, or equipment, or for 6595
capitalized costs of basic research and new product development 6596
determined in accordance with generally accepted accounting 6597
principles, but does not include any of the following: 6598

(a) Payments made for the acquisition of personal property	6599
through operating leases;	6600
(b) Project costs paid before January 1, 2002;	6601
(c) Payments made to a related member as defined in section	6602
5733.042 of the Revised Code or to a consolidated elected taxpayer	6603
or a combined taxpayer as defined in section 5751.01 of the	6604
Revised Code.	6605
(2) "Eligible business" means a taxpayer and its related	6606
members with Ohio operations that had a capital investment project	6607
reviewed and approved by the tax credit authority as provided in	6608
divisions (C), (D), and (E) of this section and that satisfies	6609
either of the following requirements:	6610
(a) If engaged at the project site primarily in significant	6611
corporate administrative functions, as defined by the director of	6612
development by rule, the taxpayer meets both of the following	6613
criteria:	6614
(i) The taxpayer either is located in a foreign trade zone,	6615
employs at least five hundred full-time equivalent employees, or	6616
has an annual Ohio employee payroll of at least thirty-five	6617
million dollars at the time the tax credit authority grants the	6618
tax credit under this section;	6619
(ii) The taxpayer makes or causes to be made payments for the	6620
capital investment project of at least twenty million dollars in	6621
the aggregate at the project site during a period of three	6622
consecutive calendar years including the calendar year that	6623
includes a day of the taxpayer's taxable year or tax period with	6624
respect to which the credit is granted.	6625
(b) If engaged at the project site primarily as a	6626
manufacturer, the taxpayer makes or causes to be made payments for	6627
the capital investment project at the project site during a period	6628
of three consecutive calendar years, including the calendar year	6629

that includes a day of the taxpayer's taxable year or tax period 6630
with respect to which the credit is granted, in an amount that in 6631
the aggregate equals or exceeds the lesser of the following: 6632

(i) Fifty million dollars; 6633

(ii) Five per cent of the net book value of all tangible 6634
personal property used at the project site as of the last day of 6635
the three-year period in which the capital investment payments are 6636
made. 6637

(3) "Full-time equivalent employees" means the quotient 6638
obtained by dividing the total number of hours for which employees 6639
were compensated for employment in the project by two thousand 6640
eighty. "Full-time equivalent employees" shall exclude hours that 6641
are counted for a credit under section 122.17 of the Revised Code. 6642

(4) "Ohio employee payroll" has the same meaning as in 6643
section 122.17 of the Revised Code. 6644

(5) "Manufacturer" has the same meaning as in section 6645
5739.011 of the Revised Code. 6646

(6) "Project site" means an integrated complex of facilities 6647
in this state, as specified by the tax credit authority under this 6648
section, within a fifteen-mile radius where a taxpayer is 6649
primarily operating as an eligible business. 6650

(7) "Related member" has the same meaning as in section 6651
5733.042 of the Revised Code as that section existed on the 6652
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6653
general assembly, September 29, 1997. 6654

(8) "Taxable year" includes, in the case of a domestic or 6655
foreign insurance company, the calendar year ending on the 6656
thirty-first day of December preceding the day the superintendent 6657
of insurance is required to certify to the treasurer of state 6658
under section 5725.20 or 5729.05 of the Revised Code the amount of 6659

taxes due from insurance companies. 6660

(9) "Foreign trade zone" means a general purpose foreign 6661
trade zone or a special purpose subzone for which, pursuant to 19 6662
U.S.C. 81a, as amended, a permit for foreign trade zone status has 6663
been granted and remains active, including special purpose 6664
subzones for which a permit has been granted and remains active. 6665

(B) The tax credit authority created under section 122.17 of 6666
the Revised Code may grant a nonrefundable tax credit to an 6667
eligible business under this section for the purpose of fostering 6668
job retention in this state. Upon application by an eligible 6669
business and upon consideration of the determination of the 6670
director of budget and management, tax commissioner, and the 6671
superintendent of insurance in the case of an insurance company, 6672
the recommendation and determination of the director of 6673
development under division (C)(1) of this section, and a review of 6674
the criteria described in division (C)(2) of this section, the tax 6675
credit authority may grant the credit against the tax imposed by 6676
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 6677
5751.02 of the Revised Code. 6678

The credit authorized in this section may be granted for a 6679
period up to fifteen taxable years or, in the case of the tax 6680
levied by section 5736.02 or 5751.02 of the Revised Code, for a 6681
period of up to fifteen calendar years. The credit amount for a 6682
taxable year or a calendar year that includes the tax period for 6683
which a credit may be claimed equals the Ohio employee payroll for 6684
that year multiplied by the percentage specified in the agreement 6685
with the tax credit authority. The credit shall be claimed in the 6686
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 6687
5747.98, or 5751.98 of the Revised Code. In determining the 6688
percentage and term of the credit, the tax credit authority shall 6689
consider both the number of full-time equivalent employees and the 6690
value of the capital investment project. The credit amount may not 6691

be based on the Ohio employee payroll for a calendar year before 6692
the calendar year in which the tax credit authority specifies the 6693
tax credit is to begin, and the credit shall be claimed only for 6694
the taxable years or tax periods specified in the eligible 6695
business' agreement with the tax credit authority. In no event 6696
shall the credit be claimed for a taxable year or tax period 6697
terminating before the date specified in the agreement. 6698

If a credit allowed under this section for a taxable year or 6699
tax period exceeds the taxpayer's tax liability for that year or 6700
period, the excess may be carried forward for the three succeeding 6701
taxable or calendar years, but the amount of any excess credit 6702
allowed in any taxable year or tax period shall be deducted from 6703
the balance carried forward to the succeeding year or period. 6704

(C)(1) A taxpayer that proposes a capital investment project 6705
to retain jobs in this state may apply to the tax credit authority 6706
to enter into an agreement for a tax credit under this section. 6707
The director of development shall prescribe the form of the 6708
application. After receipt of an application, the authority shall 6709
forward copies of the application to the director of budget and 6710
management, the tax commissioner, and the superintendent of 6711
insurance in the case of an insurance company, each of whom shall 6712
review the application to determine the economic impact the 6713
proposed project would have on the state and the affected 6714
political subdivisions and shall submit a summary of their 6715
determinations to the authority. The authority shall also forward 6716
a copy of the application to the director of development, who 6717
shall review the application to determine the economic impact the 6718
proposed project would have on the state and the affected 6719
political subdivisions and shall submit a summary of the 6720
director's determinations and recommendations to the authority. 6721

(2) The director of development, in reviewing applications 6722
and making recommendations to the tax credit authority, and the 6723

authority, in selecting taxpayers with which to enter into an 6724
agreement under division (D) of this section, shall give priority 6725
to applications that meet one or more of the following criteria, 6726
with greater priority given to applications that meet more of the 6727
criteria: 6728

(a) Within the preceding five years, the applicant has not 6729
received a credit under this section or section 122.17 of the 6730
Revised Code for a project at the same project site as that 6731
proposed in the application. 6732

(b) The applicant is not currently receiving a credit under 6733
this section or section 122.17 of the Revised Code. 6734

(c) The applicant has operated at the project site for at 6735
least the preceding ten years. 6736

(d) The project involves a significant upgrade of the project 6737
site, rather than only routine maintenance of existing facilities, 6738
such as an increase in capacity of a facility, new product 6739
development, or technology upgrades or other facility 6740
modernization. 6741

(e) The applicant intends to use machinery, equipment, and 6742
materials supplied by Ohio businesses in the project when 6743
possible. 6744

(D) Upon review and consideration of the determinations, 6745
recommendations, and criteria described in division (C) of this 6746
section, the tax credit authority may enter into an agreement with 6747
the taxpayer for a credit under this section if the authority 6748
determines all of the following: 6749

(1) The taxpayer's capital investment project will result in 6750
the retention of employment in this state. 6751

(2) The taxpayer is economically sound and has the ability to 6752
complete the proposed capital investment project. 6753

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.

(E) An agreement under this section shall include all of the following:

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated Ohio employee payroll to be generated.

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed.

(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4)(a) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, a requirement that the taxpayer either retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, maintain an annual Ohio employee payroll of at least thirty-five million dollars for the entire term of the credit, or remain located in a foreign trade zone for the entire term of the credit;

(b) If the taxpayer is engaged at the project site primarily as a manufacturer, a requirement that the taxpayer maintain at least the number of full-time equivalent employees specified in the agreement pursuant to division (E)(1) of this section at the project site and within this state for the entire term of the

credit. 6785

(5) A requirement that the taxpayer annually report to the 6786
director of development full-time equivalent employees, Ohio 6787
employee payroll, capital investment, and other information the 6788
director needs to perform the director's duties under this 6789
section. 6790

(6) A requirement that the director of development annually 6791
review the annual reports of the taxpayer to verify the 6792
information reported under division (E)(5) of this section and 6793
compliance with the agreement. Upon verification, the director 6794
shall issue a certificate to the taxpayer stating that the 6795
information has been verified and identifying the amount of the 6796
credit for the taxable year or calendar year that includes the tax 6797
period. In determining the number of full-time equivalent 6798
employees, no position shall be counted that is filled by an 6799
employee who is included in the calculation of a tax credit under 6800
section 122.17 of the Revised Code. 6801

(7) A provision providing that the taxpayer may not relocate 6802
a substantial number of employment positions from elsewhere in 6803
this state to the project site unless the director of development 6804
determines that the taxpayer notified the legislative authority of 6805
the county, township, or municipal corporation from which the 6806
employment positions would be relocated. 6807

For purposes of this section, the movement of an employment 6808
position from one political subdivision to another political 6809
subdivision shall be considered a relocation of an employment 6810
position unless the movement is confined to the project site. The 6811
transfer of an employment position from one political subdivision 6812
to another political subdivision shall not be considered a 6813
relocation of an employment position if the employment position in 6814
the first political subdivision is replaced by another employment 6815
position. 6816

(8) A waiver by the taxpayer of any limitations periods 6817
relating to assessments or adjustments resulting from the 6818
taxpayer's failure to comply with the agreement. 6819

(F) If a taxpayer fails to meet or comply with any condition 6820
or requirement set forth in a tax credit agreement, the tax credit 6821
authority may amend the agreement to reduce the percentage or term 6822
of the credit. The reduction of the percentage or term may take 6823
effect in the current taxable or calendar year. 6824

(G) Financial statements and other information submitted to 6825
the department of development or the tax credit authority by an 6826
applicant for or recipient of a tax credit under this section, and 6827
any information taken for any purpose from such statements or 6828
information, are not public records subject to section 149.43 of 6829
the Revised Code. However, the chairperson of the authority may 6830
make use of the statements and other information for purposes of 6831
issuing public reports or in connection with court proceedings 6832
concerning tax credit agreements under this section. Upon the 6833
request of the tax commissioner, or the superintendent of 6834
insurance in the case of an insurance company, the chairperson of 6835
the authority shall provide to the commissioner or superintendent 6836
any statement or other information submitted by an applicant for 6837
or recipient of a tax credit in connection with the credit. The 6838
commissioner or superintendent shall preserve the confidentiality 6839
of the statement or other information. 6840

(H) A taxpayer claiming a tax credit under this section shall 6841
submit to the tax commissioner or, in the case of an insurance 6842
company, to the superintendent of insurance, a copy of the 6843
director of development's certificate of verification under 6844
division (E)(6) of this section with the taxpayer's tax report or 6845
return for the taxable year or for the calendar year that includes 6846
the tax period. Failure to submit a copy of the certificate with 6847
the report or return does not invalidate a claim for a credit if 6848

the taxpayer submits a copy of the certificate to the commissioner 6849
or superintendent within the time prescribed by section 5703.0510 6850
of the Revised Code or within thirty days after the commissioner 6851
or superintendent requests it. 6852

(I) For the purposes of this section, a taxpayer may include 6853
a partnership, a corporation that has made an election under 6854
subchapter S of chapter one of subtitle A of the Internal Revenue 6855
Code, or any other business entity through which income flows as a 6856
distributive share to its owners. A partnership, S-corporation, or 6857
other such business entity may elect to pass the credit received 6858
under this section through to the persons to whom the income or 6859
profit of the partnership, S-corporation, or other entity is 6860
distributed. The election shall be made on the annual report 6861
required under division (E)(5) of this section. The election 6862
applies to and is irrevocable for the credit for which the report 6863
is submitted. If the election is made, the credit shall be 6864
apportioned among those persons in the same proportions as those 6865
in which the income or profit is distributed. 6866

(J)(1) If the director of development determines that a 6867
taxpayer that received a certificate under division (E)(6) of this 6868
section is not complying with the requirements of the agreement, 6869
the director shall notify the tax credit authority of the 6870
noncompliance. After receiving such a notice, and after giving the 6871
taxpayer an opportunity to explain the noncompliance, the 6872
authority may terminate the agreement and require the taxpayer, or 6873
any related member or members that claimed the tax credit under 6874
division (N) of this section, to refund to the state all or a 6875
portion of the credit claimed in previous years, as follows: 6876

(a) If the taxpayer fails to comply with the requirement 6877
under division (E)(3) of this section, an amount determined in 6878
accordance with the following: 6879

(i) If the taxpayer maintained operations at the project site 6880

for less than or equal to the term of the credit, an amount not to 6881
exceed one hundred per cent of the sum of any tax credits allowed 6882
and received under this section. 6883

(ii) If the taxpayer maintained operations at the project 6884
site longer than the term of the credit, but less than the greater 6885
of seven years or the term of the credit plus three years, the 6886
amount required to be refunded shall not exceed seventy-five per 6887
cent of the sum of any tax credits allowed and received under this 6888
section. 6889

(b) If the taxpayer fails to substantially, satisfy the 6890
employment, payroll, or location requirements required under the 6891
agreement, as prescribed under division (E)(4)(a) or (b), as 6892
applicable to the taxpayer, at any time during the term of the 6893
agreement or during the post-term reporting period, an amount 6894
determined at the discretion of the authority. 6895

(2) If a taxpayer files for bankruptcy and fails as described 6896
in division (J)(1)(a) or (b) of this section, the director may 6897
immediately commence an action to recoup an amount not exceeding 6898
one hundred per cent of the sum of any credits received by the 6899
taxpayer under this section. 6900

(3) In determining the portion of the credit to be refunded 6901
to this state, the authority shall consider the effect of market 6902
conditions on the taxpayer's project and whether the taxpayer 6903
continues to maintain other operations in this state. After making 6904
the determination, the authority shall certify the amount to be 6905
refunded to the tax commissioner or the superintendent of 6906
insurance. If the taxpayer, or any related member or members who 6907
claimed the tax credit under division (N) of this section, is not 6908
an insurance company, the commissioner shall make an assessment 6909
for that amount against the taxpayer under Chapter 5726., 5733., 6910
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6911
any related member or members that claimed the tax credit under 6912

division (N) of this section, is an insurance company, the 6913
superintendent of insurance shall make an assessment under section 6914
5725.222 or 5729.102 of the Revised Code. The time limitations on 6915
assessments under those chapters and sections do not apply to an 6916
assessment under this division, but the commissioner or 6917
superintendent shall make the assessment within one year after the 6918
date the authority certifies to the commissioner or superintendent 6919
the amount to be refunded. Within ninety days after certifying the 6920
amount to be refunded, if circumstances have changed, the 6921
authority may adjust the amount to be refunded and certify the 6922
adjusted amount to the commissioner or superintendent. The 6923
authority may only adjust the amount to be refunded one time and 6924
only if the amount initially certified by the authority has not 6925
been repaid, in whole or in part, by the taxpayer or certified to 6926
the attorney general for collection under section 131.02 of the 6927
Revised Code. 6928

(K) The director of development, after consultation with the 6929
tax commissioner and the superintendent of insurance and in 6930
accordance with Chapter 119. of the Revised Code, shall adopt 6931
rules necessary to implement this section. The rules may provide 6932
for recipients of tax credits under this section to be charged 6933
fees to cover administrative costs of the tax credit program. The 6934
fees collected shall be credited to the tax incentives operating 6935
fund created in section 122.174 of the Revised Code. At the time 6936
the director gives public notice under division (A) of section 6937
119.03 of the Revised Code of the adoption of the rules, the 6938
director shall submit copies of the proposed rules to the 6939
chairpersons of the standing committees on economic development in 6940
the senate and the house of representatives. 6941

(L) On or before the first day of August of each year, the 6942
director of development shall submit a report to the governor, the 6943
president of the senate, and the speaker of the house of 6944

representatives on the tax credit program under this section. The 6945
report shall include information on the number of agreements that 6946
were entered into under this section during the preceding calendar 6947
year, a description of the project that is the subject of each 6948
such agreement, and an update on the status of projects under 6949
agreements entered into before the preceding calendar year. 6950

(M) The aggregate amount of nonrefundable tax credits issued 6951
under this section during any calendar year for capital investment 6952
projects reviewed and approved by the tax credit authority may not 6953
exceed the following amounts: 6954

(1) For 2010, thirteen million dollars; 6955

(2) For 2011 through 2023, the amount of the limit for the 6956
preceding calendar year plus thirteen million dollars; 6957

(3) For 2024 and each year thereafter, one hundred 6958
ninety-five million dollars. 6959

The limitations in division (M) of this section do not apply 6960
to credits for capital investment projects approved by the tax 6961
credit authority before July 1, 2009. 6962

(N) This division applies only to an eligible business that 6963
is part of an affiliated group that includes a diversified savings 6964
and loan holding company or a grandfathered unitary savings and 6965
loan holding company, as those terms are defined in section 6966
5726.01 of the Revised Code. Notwithstanding any contrary 6967
provision of the agreement between such an eligible business and 6968
the tax credit authority, any credit granted under this section 6969
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6970
5747.02, or 5751.02 of the Revised Code to the eligible business, 6971
at the election of the eligible business and without any action by 6972
the tax credit authority, may be shared with any member or members 6973
of the affiliated group that includes the eligible business, which 6974
member or members may claim the credit against the taxes imposed 6975

by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6976
of the Revised Code. Credits shall be claimed by the eligible 6977
business in sequential order, as applicable, first claiming the 6978
credits to the fullest extent possible against the tax that the 6979
certificate holder is subject to, then against the tax imposed by, 6980
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6981
lastly 5726.02 of the Revised Code. The credits may be allocated 6982
among the members of the affiliated group in such manner as the 6983
eligible business elects, but subject to the sequential order 6984
required under this division. This division applies to credits 6985
granted before, on, or after March 27, 2013, the effective date of 6986
H.B. 510 of the 129th general assembly. Credits granted before 6987
that effective date that are shared and allocated under this 6988
division may be claimed in those calendar years in which the 6989
remaining taxable years specified in the agreement end. 6990

As used in this division, "affiliated group" means a group of 6991
two or more persons with fifty per cent or greater of the value of 6992
each person's ownership interests owned or controlled directly, 6993
indirectly, or constructively through related interests by common 6994
owners during all or any portion of the taxable year, and the 6995
common owners. "Affiliated group" includes, but is not limited to, 6996
any person eligible to be included in a consolidated elected 6997
taxpayer group under section 5751.011 of the Revised Code or a 6998
combined taxpayer group under section 5751.012 of the Revised 6999
Code. 7000

(O)(1) As used in division (O) of this section: 7001

(a) "Eligible agreement" means an agreement approved by the 7002
tax credit authority under this section on or before December 31, 7003
2013. 7004

(b) "Reporting period" means a period corresponding to the 7005
annual report required under division (E)(5) of this section. 7006

(c) "Income tax revenue" has the same meaning as under 7007
division (S) of section 122.17 of the Revised Code. 7008

(2) In calendar year 2016 and thereafter, the tax credit 7009
authority shall annually determine a withholding adjustment factor 7010
to be used in the computation of income tax revenue for eligible 7011
agreements. The withholding adjustment factor shall be a numerical 7012
percentage that equals the percentage that employer income tax 7013
withholding rates have been increased or decreased as a result of 7014
changes in the income tax rates prescribed by section 5747.02 of 7015
the Revised Code by amendment of that section taking effect on or 7016
after June 29, 2013. 7017

(3) Except as provided in division (O)(4) of this section, 7018
for reporting periods ending in 2015 and thereafter for taxpayers 7019
subject to eligible agreements, the tax credit authority shall 7020
adjust the income tax revenue reported on the taxpayer's annual 7021
report by multiplying the withholding adjustment factor by the 7022
taxpayer's income tax revenue and doing one of the following: 7023

(a) If the income tax rates prescribed by section 5747.02 of 7024
the Revised Code have decreased by amendment of this section 7025
taking effect on or after June 29, 2013, add the product to the 7026
taxpayer's income tax revenue. 7027

(b) If the income tax rates prescribed by section 5747.02 of 7028
the Revised Code have increased by amendment of this section 7029
taking effect on or after June 29, 2013, subtract the product from 7030
the taxpayer's income tax revenue. 7031

(4) Division (O)(3) of this section shall not apply unless 7032
all of the following apply with respect to the eligible agreement: 7033

(a) If applicable, the taxpayer has achieved one hundred per 7034
cent of the job retention commitment identified in the agreement. 7035

(b) If applicable, the taxpayer has achieved one hundred per 7036
cent of the payroll retention commitment identified in the 7037

agreement." 7038

(c) If applicable, the taxpayer has achieved one hundred per 7039
cent of the investment commitment identified in the agreement. 7040

(5) Failure by a taxpayer to have achieved any of the 7041
applicable commitments described in divisions (O)(4)(a) to (c) of 7042
this section in a reporting period does not disqualify the 7043
taxpayer for the adjustment under division (O) of this section for 7044
an ensuing reporting period. 7045

Sec. 122.1710. (A) As used in this section: 7046

(1) "Low-income individual" has the same meaning as 7047
"low-income person" in section 122.66 of the Revised Code. 7048

(2) "Microcredential" has the same meaning as in section 7049
122.178 of the Revised Code. 7050

(3) "OhioMeansJobs web site" has the same meaning as in 7051
section 6301.01 of the Revised Code. 7052

(4) "Partially unemployed" and "totally unemployed" have the 7053
same meanings as in section 4141.01 of the Revised Code. 7054

(5) "Training provider" means all of the following: 7055

(a) A state institution of higher education as defined in 7056
section 3345.011 of the Revised Code; 7057

(b) An Ohio technical center as defined in section 3333.94 of 7058
the Revised Code; 7059

(c) A private business or institution that offers training to 7060
allow an individual to earn one or more microcredentials. 7061

(B) There is hereby created the individual microcredential 7062
assistance program to reimburse training providers for training 7063
costs for individuals to earn a microcredential. The department of 7064
development ~~services agency~~, in consultation with the governor's 7065
office of workforce transformation, shall administer the program. 7066

(C) A training provider seeking to participate in the program 7067
shall submit an application to the director of development 7068
~~services~~. The training provider shall include in the application 7069
all of the following information: 7070

(1) The number of microcredentials the training provider will 7071
seek a reimbursement for and the names of the microcredentials; 7072

(2) The cost of the training for each microcredential; 7073

(3) The total amount of the reimbursement the training 7074
provider will seek; 7075

(4) The training provider's plan to provide opportunities for 7076
individuals who are low income, partially unemployed, or totally 7077
unemployed to participate in a training program and receive a 7078
microcredential; 7079

(5) Any other information the director requires. 7080

(D)(1) The director shall consider the following factors in 7081
determining whether to approve an application submitted under 7082
division (C) of this section: 7083

(a) The duration of the training program; 7084

(b) The cost of the training; 7085

(c) Whether approving an application will promote regional 7086
diversity in apportioning reimbursements uniformly across the 7087
state; 7088

(d) The training provider's commitment to providing 7089
opportunities for individuals who are low income, partially 7090
unemployed, or totally unemployed to participate in a training 7091
program and receive a microcredential. 7092

(2) In determining regional diversity under division 7093
(D)(1)(c) of this section, the director shall use the regions 7094
established under division (G) of section 122.178 of the Revised 7095
Code. 7096

(3) The director shall not approve an application submitted under this section if either of the following apply:

(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code.

(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.

(4) The director shall notify a training provider in writing of the director's decision to approve or deny the training provider's application to participate in the program.

(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:

(1) Any costs associated with the individual's participation in the training program;

(2) Any costs to the training provider resulting from an individual not completing the training program.

(F)(1) Each participating training provider seeking reimbursement for training costs for one or more microcredentials earned by one or more individuals in a training program shall submit an application to the director after the individual or individuals have earned a microcredential. The training provider shall include in the reimbursement application all of the following information:

(a) The actual cost for the training provider to provide each individual with the training;

(b) Evidence that each individual earned a microcredential;

(c) Any demographic information of each individual that the

individual provides to the training provider, including race and gender. 7127
7128

(2) The amount of the reimbursement shall be not more than 7129
three thousand dollars for each microcredential an individual 7130
receives. A participating training provider may not receive a 7131
reimbursement for any additional individual who earns a 7132
microcredential beyond the number of microcredentials included in 7133
the application under division (C) of this section. A 7134
participating training provider may receive a total reimbursement 7135
of ~~two~~ five hundred ~~fifty~~ thousand dollars in a fiscal year. 7136

(3) A training provider may request that an individual 7137
participating in the training provider's program provide 7138
demographic information to the training provider, including race 7139
and gender. An individual is not required to provide that 7140
information. 7141

(G) The director shall do both of the following regarding the 7142
operation of the program: 7143

(1) Create an application to participate in the program and 7144
an application for reimbursement; 7145

(2) Create and distribute a survey to each individual who 7146
successfully earned a microcredential because of a reimbursement 7147
to a training provider under this section inquiring as to the 7148
individual's occupation and wages at the time of completing the 7149
survey. 7150

(H) The director shall include on the internet web site 7151
maintained by the ~~development services agency~~ department, and the 7152
governor's office of workforce transformation shall include on the 7153
office's internet web site and the OhioMeansJobs web site, all of 7154
the content created under division (G) of this section. 7155

(I) The director may adopt rules in accordance with Chapter 7156
119. of the Revised Code as the director considers necessary to 7157

implement this section, including establishing priority guidelines 7158
for approving applications under division (D) of this section. 7159

(J) Any personal information of an individual the director 7160
receives in connection with the individual microcredential 7161
assistance program created under this section is not a public 7162
record for purposes of section 149.43 of the Revised Code. 7163
However, the director may use the information as necessary to 7164
complete the reports required under section 122.1711 of the 7165
Revised Code. 7166

Sec. 122.23. As used in sections 122.23 to 122.27 of the 7167
Revised Code: 7168

(A) "Distressed area" means a county with a population of 7169
less than one hundred twenty-five thousand that meets at least two 7170
of the following criteria of economic distress: 7171

(1) Its average rate of unemployment, during the most recent 7172
five-year period for which data are available, is equal to at 7173
least one hundred twenty-five per cent of the average rate of 7174
unemployment for the United States for the same period. 7175

(2) It has a per capita income equal to or below eighty per 7176
cent of the median county per capita income of the United States 7177
as determined by the most recently available figures from the 7178
United States census bureau. 7179

(3) In intercensal years, the county has a ratio of transfer 7180
payment income to total county income equal to or greater than 7181
twenty-five per cent. 7182

(B) "Eligible applicant" means any of the following that is 7183
designated by the governing body of an eligible area as provided 7184
in division (B)(1) of section 122.27 of the Revised Code: 7185

(1) A port authority as defined in division (A) of section 7186
4582.01 or division (A) of section 4582.21 of the Revised Code; 7187

(2) A community improvement corporation as defined in section 1724.01 of the Revised Code;	7188 7189
(3) A community-based organization or action group that provides social services and has experience in economic development;	7190 7191 7192
(4) Any other nonprofit economic development entity;	7193
(5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code <u>in the current biennium</u> and that has experience and a successful history in industrial development.	7194 7195 7196 7197
(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code.	7198 7199 7200 7201
(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.	7202 7203
(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.	7204 7205
(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:	7206 7207 7208 7209 7210 7211 7212 7213 7214 7215
(1) The number of jobs lost by the closing or downsizing;	7216
(2) The impact that the job loss has on the county's or	7217

municipal corporation's unemployment rate as measured by the	7218
director of job and family services;	7219
(3) The annual payroll associated with the job loss;	7220
(4) The amount of state and local taxes associated with the	7221
job loss;	7222
(5) The impact that the closing or downsizing has on the	7223
suppliers located in the rural county or municipal corporation.	7224
(G) "Governing body" means, in the case of a county, the	7225
board of county commissioners; in the case of a municipal	7226
corporation, the legislative authority; and in the case of a	7227
township, the board of township trustees.	7228
(H) "Infrastructure improvements" includes site preparation,	7229
including building demolition and removal; retention ponds and	7230
flood and drainage improvements; streets, roads, bridges, and	7231
traffic control devices; parking lots and facilities; water and	7232
sewer lines and treatment plants; gas, electric, and	7233
telecommunications hook-ups; and waterway and railway access	7234
improvements.	7235
(I) "Private developer" means any individual, firm,	7236
corporation, or entity, other than a nonprofit entity, limited	7237
profit entity, or governmental entity.	7238
(J) "Rural area" means any Ohio county that was an eligible	7239
area immediately prior to the effective date of this amendment	7240
<u>September 30, 2021</u> , and any other Ohio county that is not	7241
designated as part of a metropolitan statistical area by the	7242
United States office of management and budget.	7243
Sec. 122.27. (A) In order to be eligible for financial	7244
assistance under section 122.24 of the Revised Code, an applicant	7245
shall demonstrate to the director of development the applicant's	7246
capacity to undertake and oversee the project, as evidenced by	7247

documentation of the applicant's past performance in economic 7248
development projects. 7249

(B) In order for an applicant to be eligible for financial 7250
assistance under section 122.24 of the Revised Code, both of the 7251
following apply: 7252

(1) The governing body of the entity that has been designated 7253
as an eligible area by the director of development under division 7254
(A) of section 122.25 of the Revised Code, by resolution or 7255
ordinance, shall designate the applicant that will carry out the 7256
project for the purposes described in section 122.24 of the 7257
Revised Code and specify the eligible area's financial 7258
participation in the project. 7259

(2) The board of county commissioners of a county that has 7260
been designated as an eligible area by the director of development 7261
under division (A)(1) of section 122.25 of the Revised Code shall 7262
certify, by resolution, that no existing industrial park is 7263
located in the county that would compete against an industrial 7264
park that would be developed and improved in the county through 7265
the use of financial assistance provided to the applicant under 7266
the rural industrial park loan program. Guidelines regarding 7267
situations in which industrial parks would be considered to 7268
compete against one another shall be established by rule in 7269
accordance with division (A)(8)(d) of section 122.25 of the 7270
Revised Code. However, an existing industrial park owner's consent 7271
to the new industrial park is sufficient to demonstrate 7272
noncompetition. 7273

(C) Solely for the purpose of applying for assistance for 7274
infrastructure improvements, a governing body may designate itself 7275
as an eligible applicant. 7276

Sec. 122.4017. (A) The broadband expansion program authority 7277
shall award program grants under the Ohio residential broadband 7278

expansion grant program using funds from the Ohio residential 7279
broadband expansion grant program fund created in section 122.4037 7280
of the Revised Code and other funds appropriated by the general 7281
assembly. 7282

(B) If an appropriation for the program includes funds that 7283
are not state funds or if the director of development receives 7284
funds that are in the form of a gift, grant, or contribution to 7285
the broadband expansion grant program fund, the broadband 7286
expansion program authority shall award those funds as described 7287
in sections 122.40 to 122.4077 of the Revised Code, except as 7288
provided in division (C) of this section. 7289

(C) If the use of the funds described in division (B) of this 7290
section is contingent upon meeting application, scoring, or other 7291
requirements that are different from program requirements under 7292
sections 122.40 to 122.4077 of the Revised Code, the department of 7293
development shall adopt the requirements and publish a description 7294
of the different requirements with the program application as 7295
required under section 122.4040 of the Revised Code. 7296

Sec. 122.4037. Any gift, grant, and contribution received by 7297
the director of development for the Ohio residential broadband 7298
expansion grant program and any money collected under section 7299
122.4036 of the Revised Code shall be deposited into the Ohio 7300
residential broadband expansion grant program fund, which is 7301
hereby created in the state treasury. All amounts in the fund, 7302
including interest earned on those amounts, shall be used by the 7303
department of development ~~services agency~~ exclusively for grants 7304
under sections 122.40 to 122.4077 of the Revised Code. 7305

Sec. 122.4040. The department of development ~~services agency~~, 7306
in consultation with the broadband expansion program authority, 7307
shall establish a weighted scoring system to evaluate and select 7308

applications for program grants. The scoring system shall be 7309
available on the ~~agency's~~ department's web site at least thirty 7310
days before the beginning of the application submission period set 7311
by the ~~agency~~ department by rule. A description of any differences 7312
in application, scoring system, or other program requirements 7313
adopted under division (C) of section 122.4017 of the Revised Code 7314
shall be available with the application on the department's web 7315
site at least thirty days before the beginning of the application 7316
submission period. 7317

Sec. 122.60. As used in sections 122.60 to 122.605 of the 7318
Revised Code: 7319

(A) "Capital access loan" means a loan made by a 7320
participating financial institution to an eligible business that 7321
may be secured by a deposit of money from the fund into the 7322
participating financial institution's program reserve account. 7323

(B) "Eligible business" means a for-profit business entity, 7324
or a nonprofit entity, that had total annual sales in its most 7325
recently completed fiscal year of less than ten million dollars 7326
and that has a principal place of for-profit business or nonprofit 7327
entity activity within the state, the operation of which, alone or 7328
in conjunction with other facilities, will create new jobs or 7329
preserve existing jobs and employment opportunities and will 7330
improve the economic welfare of the people of the state. As used 7331
in this division, "new jobs" does not include existing jobs 7332
transferred from another facility within the state, and "existing 7333
jobs" means only existing jobs at facilities within the same 7334
municipal corporation or township in which the project, activity, 7335
or enterprise that is the subject of a capital access loan is 7336
located. 7337

(C) "Financial institution" means any bank, credit union, 7338

trust company, savings bank, or savings and loan association that 7339
is chartered by and has a significant presence in the state, or 7340
any national bank, federally chartered credit union, federal 7341
savings and loan association, or federal savings bank that has a 7342
significant presence in the state. 7343

(D) "Fund" means the capital access loan program fund. 7344

(E) "Minority business supplier development council" has the 7345
same meaning as in section 122.71 of the Revised Code. 7346

(F) "Participating financial institution" means a financial 7347
institution that has a valid, current participation agreement with 7348
the department of development. 7349

(G) "Participation agreement" means the agreement between a 7350
financial institution and the department under which a financial 7351
institution may participate in the program. 7352

(H) "Passive real estate ownership" means the ownership of 7353
real estate for the sole purpose of deriving income from it by 7354
speculation, trade, or rental. 7355

(I) "Program" means the capital access loan program created 7356
under section 122.602 of the Revised Code. 7357

(J) "Program reserve account" means a dedicated account at 7358
each participating financial institution that is the property of 7359
the state and may be used by the participating financial 7360
institution only for the purpose of recovering a claim under 7361
section 122.604 of the Revised Code arising from a default on a 7362
loan made by the participating financial institution under the 7363
program. 7364

Sec. 122.6511. (A) As used in this section and section 7365
122.6512 of the Revised Code, "brownfield" and "remediation" have 7366
the same meanings as in section 122.65 of the Revised Code. 7367

(B)(1) There is hereby created the brownfield remediation 7368

program to award grants for the remediation of brownfield sites 7369
throughout Ohio. The program shall be administered by the director 7370
of development pursuant to this section and rules adopted pursuant 7371
to division (B)(2) of this section. 7372

(2) The director shall adopt rules, under Chapter 119. of the 7373
Revised Code, for the administration of the program. The rules 7374
shall include provisions for determining project and project 7375
sponsor eligibility, program administration, and any other 7376
provisions the director finds necessary. 7377

(3) The director shall ensure that the program is operational 7378
and accepting proposals for grants not later than ninety days 7379
after ~~the effective date of this section~~ September 30, 2021. 7380

(C)(1) There is hereby created in the state treasury the 7381
brownfield remediation fund. The fund shall consist of moneys 7382
appropriated to it by the general assembly, and investment 7383
earnings on moneys in the fund shall be credited to the fund. 7384

(2) The director shall reserve funds from ~~each~~ the 7385
appropriation to the fund made in the first fiscal year from the 7386
biennial operating appropriations act to each county in the state. 7387
The amount reserved shall be one million dollars per county, or, 7388
if an appropriation is less than eighty-eight million dollars, a 7389
proportionate amount to each county. Amounts reserved pursuant to 7390
this section are reserved for one calendar year from the date of 7391
the appropriation. After one calendar year, the funds shall be 7392
available pursuant to division (C)(3) of this section. 7393

(3) Funds from an appropriation not reserved under division 7394
(C)(2) of this section shall be available for grants to projects 7395
located anywhere in the state, and grants from those funds shall 7396
be awarded to qualifying projects on a first-come, first-served 7397
basis. Grants awarded pursuant to this division shall be limited 7398
to seventy-five per cent of a project's total cost. 7399

Sec. 122.6512. (A)(1) There is hereby created the building 7400
demolition and site revitalization program to award grants for the 7401
demolition of commercial and residential buildings and 7402
revitalization of surrounding properties on sites that are not 7403
brownfields. The program shall be administered by the director of 7404
development pursuant to this section and rules adopted pursuant to 7405
division (A)(2) of this section. 7406

(2) The director shall adopt rules, under Chapter 119. of the 7407
Revised Code, for the administration of the program. The rules 7408
shall include provisions for determining project and project 7409
sponsor eligibility, program administration, and any other 7410
provisions the director finds necessary. 7411

(3) The director shall ensure that the program is operational 7412
and accepting proposals for grants not later than ninety days 7413
after ~~the effective date of this section~~ September 30, 2021. 7414

(B)(1) There is hereby created in the state treasury the 7415
building demolition and site revitalization fund. The fund shall 7416
consist of moneys appropriated to it by the general assembly, and 7417
investment earnings on moneys in the fund shall be credited to the 7418
fund. 7419

(2) The director shall reserve funds from ~~each~~ the 7420
appropriation to the fund made in the first fiscal year from the 7421
biennial operating appropriations act to each county in the state. 7422
The amount reserved shall be five hundred thousand dollars per 7423
county, or, if an appropriation is less than forty-four million 7424
dollars, a proportionate amount to each county. Amounts reserved 7425
pursuant to this section are reserved for one calendar year from 7426
the date of the appropriation. After one calendar year, the funds 7427
shall be available pursuant to division (B)(3) of this section. 7428

(3) Funds from an appropriation not reserved under division 7429
(B)(2) of this section shall be available for grants to projects 7430

located anywhere in the state, and grants from those funds shall 7431
be awarded to qualifying projects on a first-come, first-served 7432
basis. Grants awarded pursuant to this division shall be limited 7433
to seventy-five per cent of a project's total cost. 7434

Sec. 122.85. (A) As used in this section and in sections 7435
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 7436

(1) "Tax credit-eligible production" means a motion picture 7437
or Broadway theatrical production certified by the director of 7438
development under division (B) of this section as qualifying the 7439
production company for a tax credit under section 5726.55, 7440
5733.59, 5747.66, or 5751.54 of the Revised Code. 7441

(2) "Certificate owner" means a production company to which a 7442
tax credit certificate is issued. 7443

(3) "Production company" means an individual, corporation, 7444
partnership, limited liability company, or other form of business 7445
association that is registered with the secretary of state and 7446
that is producing a motion picture or Broadway theatrical 7447
production. 7448

(4) "Eligible expenditures" means expenditures made after 7449
June 30, 2009, for goods or services purchased and consumed in 7450
this state by a production company directly for the production of 7451
a tax credit-eligible production, for postproduction activities, 7452
or for advertising and promotion of the production. 7453

"Eligible expenditures" include expenditures for cast and 7454
crew wages, accommodations, costs of set construction and 7455
operations, editing and related services, photography, sound 7456
synchronization, lighting, wardrobe, makeup and accessories, film 7457
processing, transfer, sound mixing, special and visual effects, 7458
music, location fees, and the purchase or rental of facilities and 7459
equipment. 7460

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which records are required to be maintained under 18 U.S.C. 2257 with respect to sexually explicit content.

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's Broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's Broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production that

is scheduled to be performed at a qualified production facility 7493
for more than five weeks, with an average of at least six 7494
performances per week. 7495

(9) "Tour launch" means a live stage production for which the 7496
activities comprising the technical period are conducted at a 7497
qualified production facility before a tour of the original or 7498
adaptive version of the production begins. 7499

(10) "Qualified production facility" means a facility located 7500
in this state that is used in the development or presentation to 7501
the public of theater productions. 7502

(B) For the purpose of encouraging and developing strong film 7503
and theater industries in this state, the director of development 7504
may certify a motion picture or Broadway theatrical production 7505
produced by a production company as a tax credit-eligible 7506
production. In the case of a television series, the director may 7507
certify the production of each episode of the series as a separate 7508
tax credit-eligible production. A production company shall apply 7509
for certification of a motion picture or Broadway theatrical 7510
production as a tax credit-eligible production on a form and in 7511
the manner prescribed by the director. Each application shall 7512
include the following information: 7513

(1) The name and telephone number of the production company; 7514

(2) The name and telephone number of the company's contact 7515
person; 7516

(3) A list of the first preproduction date through the last 7517
production and postproduction dates in Ohio and, in the case of a 7518
Broadway theatrical production, a list of each scheduled 7519
performance in a qualified production facility; 7520

(4) The Ohio production office or qualified production 7521
facility address and telephone number; 7522

(5) The total production budget;	7523
(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or Broadway theatrical production;	7524 7525 7526
(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	7527 7528
(8) The level of employment of cast and crew who reside in Ohio;	7529 7530
(9) A synopsis of the script;	7531
(10) In the case of a motion picture, the shooting script;	7532
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	7533 7534
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	7535 7536 7537 7538 7539
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	7540 7541
(14) Estimated amount of state and local taxes to be generated in this state from the production;	7542 7543
(15) Estimated economic impact of the production in this state;	7544 7545
(16) Any other information considered necessary by the director.	7546 7547
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director	7548 7549 7550 7551

sufficient evidence of reviewable progress. If the production 7552
company fails to present sufficient evidence, the director may 7553
rescind the certification. If the production of a motion picture 7554
or Broadway theatrical production does not begin within ninety 7555
days after the date it is certified as a tax credit-eligible 7556
production, the director shall rescind the certification unless 7557
the director finds that the production company shows good cause 7558
for the delay, meaning that the production was delayed due to 7559
unforeseeable circumstances beyond the production company's 7560
control or due to action or inaction by a government agency. Upon 7561
rescission, the director shall notify the applicant that the 7562
certification has been rescinded. Nothing in this section 7563
prohibits an applicant whose tax credit-eligible production 7564
certification has been rescinded from submitting a subsequent 7565
application for certification. 7566

(C)(1) A production company whose motion picture or Broadway 7567
theatrical production has been certified as a tax credit-eligible 7568
production may apply to the director of development on or after 7569
July 1, 2009, for a refundable credit against the tax imposed by 7570
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 7571
The director in consultation with the tax commissioner shall 7572
prescribe the form and manner of the application and the 7573
information or documentation required to be submitted with the 7574
application. 7575

The credit is determined as follows: 7576

(a) If the total budgeted eligible expenditures stated in the 7577
application submitted under division (B) of this section or the 7578
actual eligible expenditures as finally determined under division 7579
(D) of this section, whichever is least, is less than or equal to 7580
three hundred thousand dollars, no credit is allowed; 7581

(b) If the total budgeted eligible expenditures stated in the 7582
application submitted under division (B) of this section or the 7583

actual eligible expenditures as finally determined under division 7584
(D) of this section, whichever is least, is greater than three 7585
hundred thousand dollars, the credit equals thirty per cent of the 7586
least of such budgeted or actual eligible expenditure amounts. 7587

(2) Except as provided in division (C)(4) of this section, if 7588
the director of development approves a production company's 7589
application for a credit, the director shall issue a tax credit 7590
certificate to the company. The director in consultation with the 7591
tax commissioner shall prescribe the form and manner of issuing 7592
certificates. The director shall assign a unique identifying 7593
number to each tax credit certificate and shall record the 7594
certificate in a register devised and maintained by the director 7595
for that purpose. The certificate shall state the amount of the 7596
eligible expenditures on which the credit is based and the amount 7597
of the credit. Upon the issuance of a certificate, the director 7598
shall certify to the tax commissioner the name of the production 7599
company to which the certificate was issued, the amount of 7600
eligible expenditures shown on the certificate, the amount of the 7601
credit, and any other information required by the rules adopted to 7602
administer this section. 7603

(3) The amount of eligible expenditures for which a tax 7604
credit may be claimed is subject to inspection and examination by 7605
the tax commissioner or employees of the commissioner under 7606
section 5703.19 of the Revised Code and any other applicable law. 7607
Once the eligible expenditures are finally determined under 7608
section 5703.19 of the Revised Code and division (D) of this 7609
section, the credit amount is not subject to adjustment unless the 7610
director determines an error was committed in the computation of 7611
the credit amount. 7612

(4) No tax credit certificate may be issued before the 7613
completion of the tax credit-eligible production. Not more than 7614
~~forty~~ seventy-five million dollars of tax credit may be allowed 7615

per fiscal year provided that, for any fiscal year in which the 7616
amount of tax credits allowed under this section is less than that 7617
maximum annual amount, the amount not allowed for that fiscal year 7618
shall be added to the maximum annual amount that may be allowed 7619
for the following fiscal year. 7620

(5) The director shall review and approve applications for 7621
tax credits in two rounds each fiscal year. The first round of 7622
credits shall be awarded not later than the last day of July of 7623
the fiscal year, and the second round of credits shall be awarded 7624
not later than the last day of the ensuing January. The amount of 7625
credits awarded in the first round of applications each fiscal 7626
year shall not exceed ~~twenty~~ thirty-seven million five hundred
thousand dollars plus any credit allotment that was not awarded in 7627
the preceding fiscal year and carried over under division (C)(4) 7628
of this section. For each round, the director shall rank 7629
applications on the basis of the extent of positive economic 7630
impact each tax credit-eligible production is likely to have in 7631
this state and the effect on developing a permanent workforce in 7632
motion picture or theatrical production industries in the state. 7633
For the purpose of such ranking, the director shall give priority 7634
to tax-credit eligible productions that are television series or 7635
miniseries due to the long-term commitment typically associated 7636
with such productions. The economic impact ranking shall be based 7637
on the production company's total expenditures in this state 7638
directly associated with the tax credit-eligible production. The 7639
effect on developing a permanent workforce in the motion picture 7640
or theatrical production industries shall be evaluated first by 7641
the number of new jobs created and second by amount of payroll 7642
added with respect to employees in this state. 7643
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The director shall approve productions in the order of their 7645
ranking, from those with the greatest positive economic impact and 7646
workforce development effect to those with the least positive 7647

economic impact and workforce development effect. 7648

(D) A production company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit. 7649
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(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section. 7669
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(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any Broadway theatrical production. 7673
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(G)(1) The director of development in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria 7677
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7679

for determining whether a motion picture or Broadway theatrical 7680
production is a tax credit-eligible production; activities that 7681
constitute the production or postproduction of a motion picture or 7682
Broadway theatrical production; reporting sufficient evidence of 7683
reviewable progress; expenditures that qualify as eligible 7684
expenditures; a schedule and deadlines for applications to be 7685
submitted and reviewed; a competitive process for approving 7686
credits based on likely economic impact in this state and 7687
development of a permanent workforce in motion picture or 7688
theatrical production industries in this state; consideration of 7689
geographic distribution of credits; and implementation of the 7690
program described in division (H) of this section. The rules shall 7691
be adopted under Chapter 119. of the Revised Code. 7692

(2) To cover the administrative costs of the program, the 7693
director shall require each applicant to pay an application fee 7694
equal to the lesser of ten thousand dollars or one per cent of the 7695
estimated value of the tax credit as stated in the application. 7696
The fees collected shall be credited to the tax incentives 7697
operating fund created in section 122.174 of the Revised Code. All 7698
grants, gifts, fees, and contributions made to the director for 7699
marketing and promotion of the motion picture industry within this 7700
state shall also be credited to the fund. 7701

(H) The director of development shall establish a program for 7702
the training of Ohio residents who are or wish to be employed in 7703
the film or multimedia industry. Under the program, the director 7704
shall: 7705

(1) Certify individuals as film and multimedia trainees. In 7706
order to receive such a certification, an individual must be an 7707
Ohio resident, have participated in relevant on-the-job training 7708
or have completed a relevant training course approved by the 7709
director, and have met any other requirements established by the 7710
director. 7711

(2) Accept applications from production companies that intend 7712
to hire and provide on-the-job training to one or more certified 7713
film and multimedia trainees who will be employed in the company's 7714
tax credit-eligible production-i 7715

(3) Upon completion of a tax-credit eligible production, and 7716
upon the receipt of any salary information and other documentation 7717
required by the director, authorize a reimbursement payment to 7718
each production company whose application was approved under 7719
division (H)(2) of this section. The payment shall equal fifty per 7720
cent of the salaries paid to film and multimedia trainees employed 7721
in the production. 7722

Sec. 123.211. (A) Notwithstanding any contrary provision of 7723
section 123.21 of the Revised Code, the executive director of the 7724
Ohio facilities construction commission may authorize any of the 7725
following agencies to administer any capital facilities project, 7726
the estimated cost of which, including design fees, construction, 7727
equipment, and contingency amounts, is less than three million 7728
dollars: 7729

- (1) The department of mental health and addiction services; 7730
- (2) The department of developmental disabilities; 7731
- (3) The department of agriculture; 7732
- (4) The department of job and family services; 7733
- (5) The department of rehabilitation and correction; 7734
- (6) The department of youth services; 7735
- (7) The department of public safety; 7736
- (8) The department of transportation; 7737
- (9) The department of veterans services; 7738
- (10) The bureau of workers' compensation; 7739

(11) The department of administrative services;	7740
(12) The state school for the deaf;	7741
(13) The state school for the blind <u>Ohio deaf and blind</u> <u>education services.</u>	7742 7743
(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization through the Ohio administrative knowledge system capital improvements application. Upon the release of funds for the projects by the controlling board or the director of budget and management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the executive director of the Ohio facilities construction commission.	7744 7745 7746 7747 7748 7749 7750 7751 7752
(C) A state agency authorized by the executive director of the Ohio facilities construction commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital improvements application pursuant to Ohio facilities construction commission guidelines.	7753 7754 7755 7756 7757 7758 7759 7760
Sec. 124.136. (A) As used in this section:	7761
(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.	7762 7763
(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.	7764 7765
(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours	7766 7767 7768 7769

per week, and who meets the requirement of division (B)(2)(a) of 7770
this section is eligible, upon the birth, stillbirth, or adoption 7771
of a child, for a parental leave of absence and parental leave 7772
benefits under this section. If the employee takes leave under 7773
this section for a stillbirth, the employee is ineligible for 7774
leave under section 124.387 of the Revised Code. 7775

(2)(a) To be eligible for leave and benefits under this 7776
section, an employee must be one of the following: 7777

(i) A parent, as listed on the birth certificate, of a newly 7778
born child; 7779

(ii) A parent, as listed on the fetal death certificate, of a 7780
stillborn child; 7781

(iii) A legal guardian of ~~and reside~~ a newly adopted child 7782
who resides in the same household as ~~a newly adopted~~ that child. 7783

(b) Employees may elect to receive five thousand dollars for 7784
adoption expenses in lieu of receiving the paid leave benefit 7785
provided under this section. Such payment may be requested upon 7786
placement of the child in the employee's home. If the child is 7787
already residing in the home, payment may be requested at the time 7788
the adoption is approved. 7789

(3) The average number of regular hours worked, which shall 7790
include all hours of holiday pay and other types of paid leave, 7791
during the three-month period immediately preceding the day 7792
parental leave of absence begins shall be used to determine 7793
eligibility and benefits under this section for part-time 7794
employees, but such benefits shall not exceed forty hours per 7795
week. If an employee has not worked for a three-month period, the 7796
number of hours for which the employee has been scheduled to work 7797
per week during the employee's period of employment shall be used 7798
to determine eligibility and benefits under this section. 7799

(C) Parental leave granted under this section shall not 7800

exceed ~~six~~ twelve consecutive weeks, which shall include four 7801
~~weeks or one~~ hundred ~~sixty~~ eighty hours of paid leave for 7802
permanent full-time employees and a prorated number of hours of 7803
paid leave for permanent part-time employees. Parental leave shall 7804
be taken within one year of the birth of the child, delivery of 7805
the stillborn child, or placement of the child for adoption. ~~All~~ 7806
~~employees granted parental leave shall serve a waiting period of~~ 7807
~~fourteen days that begins on the day parental leave begins and~~ 7808
~~during which they shall not receive paid leave under this section.~~ 7809
~~Employees may choose to work during the waiting period.~~ During the 7810
~~remaining four weeks of the~~ leave period, employees shall receive 7811
paid leave equal to seventy per cent of their base rate of pay. 7812
All of the following apply to employees granted parental leave: 7813

(1) They remain eligible to receive all employer-paid 7814
benefits and continue to accrue all other forms of paid leave as 7815
if they were in active pay status. 7816

(2) They are ineligible to receive overtime pay, and no 7817
portion of their parental leave shall be included in calculating 7818
their overtime pay. 7819

(3) They are ineligible to receive holiday pay. A holiday 7820
occurring during the leave period shall be counted as one day of 7821
parental leave and be paid as such. 7822

(D) Employees receiving parental leave may utilize available 7823
sick leave, personal leave, vacation leave, or compensatory time 7824
balances in order to ~~be paid during the fourteen-day waiting~~ 7825
~~period and to~~ supplement the seventy per cent of their base rate 7826
of pay received during the ~~remaining part of their~~ parental leave 7827
period, in an amount sufficient to give them up to one hundred per 7828
cent of their pay for time on parental leave. 7829

Use of parental leave does not affect an employee's 7830
eligibility for other forms of paid leave granted under this 7831

chapter and does not prohibit an employee from taking leave under 7832
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 7833
U.S.C.A. 2601, except that parental leave shall be included in any 7834
leave time provided under that act. An employee may not receive 7835
parental leave under this section after exhausting leave under the 7836
Family and Medical Leave Act of 1993 for the birth of the child, 7837
delivery of the stillborn child, or placement of the child for 7838
adoption. 7839

(E) Employees receiving disability leave benefits under 7840
section 124.385 of the Revised Code prior to becoming eligible for 7841
parental leave shall continue to receive disability leave benefits 7842
for the duration of their disabling condition or as otherwise 7843
provided under the disability leave benefits program. If an 7844
employee is receiving disability leave benefits because of 7845
pregnancy and these benefits expire prior to the expiration date 7846
of any benefits the employee would have been entitled to receive 7847
under this section, the employee shall receive parental leave for 7848
such additional time ~~without being required to serve an additional~~ 7849
~~waiting period if the parental leave is contiguous to the~~ 7850
~~disability leave.~~ 7851

Sec. 124.14. (A)(1) The director of administrative services 7852
shall establish, and may modify or rescind, a job classification 7853
plan for all positions, offices, and employments in the service of 7854
the state. The director shall group jobs within a classification 7855
so that the positions are similar enough in duties and 7856
responsibilities to be described by the same title, to have the 7857
same pay assigned with equity, and to have the same qualifications 7858
for selection applied. The director shall assign a classification 7859
title to each classification within the classification plan. 7860
However, the director shall consider in establishing 7861
classifications, including classifications with parenthetical 7862
titles, and assigning pay ranges such factors as duties performed 7863

only on one shift, special skills in short supply in the labor 7864
market, recruitment problems, separation rates, comparative salary 7865
rates, the amount of training required, and other conditions 7866
affecting employment. The director shall describe the duties and 7867
responsibilities of the class, establish the qualifications for 7868
being employed in each position in the class, and file with the 7869
secretary of state a copy of specifications for all of the 7870
classifications. The director shall file new, additional, or 7871
revised specifications with the secretary of state before they are 7872
used. 7873

The director shall assign each classification, either on a 7874
statewide basis or in particular counties or state institutions, 7875
to a pay range established under section 124.15 or section 124.152 7876
of the Revised Code. The director may assign a classification to a 7877
pay range on a temporary basis for a period of six months. The 7878
director may establish experimental classification plans for some 7879
or all employees paid directly by warrant of the director of 7880
budget and management. Any such experimental classification plan 7881
shall include specifications for each classification within the 7882
plan and shall specifically address compensation ranges, and 7883
methods for advancing within the ranges, for the classifications, 7884
which may be assigned to pay ranges other than the pay ranges 7885
established under section 124.15 or 124.152 of the Revised Code. 7886

(2) The director of administrative services may reassign to a 7887
proper classification those positions that have been assigned to 7888
an improper classification. If the compensation of an employee in 7889
such a reassigned position exceeds the maximum rate of pay for the 7890
employee's new classification, the employee shall be placed in pay 7891
step X and shall not receive an increase in compensation until the 7892
maximum rate of pay for that classification exceeds the employee's 7893
compensation. 7894

(3) The director may reassign an exempt employee, as defined 7895

in section 124.152 of the Revised Code, to a bargaining unit 7896
classification if the director determines that the bargaining unit 7897
classification is the proper classification for that employee. 7898
Notwithstanding Chapter 4117. of the Revised Code or instruments 7899
and contracts negotiated under it, these placements are at the 7900
director's discretion. 7901

(4) The director shall assign related classifications, which 7902
form a career progression, to a classification series. The 7903
director shall assign each classification in the classification 7904
plan a five-digit number, the first four digits of which shall 7905
denote the classification series to which the classification is 7906
assigned. When a career progression encompasses more than ten 7907
classifications, the director shall identify the additional 7908
classifications belonging to a classification series. The 7909
additional classifications shall be part of the classification 7910
series, notwithstanding the fact that the first four digits of the 7911
number assigned to the additional classifications do not 7912
correspond to the first four digits of the numbers assigned to 7913
other classifications in the classification series. 7914

(B) Division (A) of this section and sections 124.15 and 7915
124.152 of the Revised Code do not apply to the following persons, 7916
positions, offices, and employments: 7917

(1) Elected officials; 7918

(2) Legislative employees, employees of the legislative 7919
service commission, employees in the office of the governor, 7920
employees who are in the unclassified civil service and exempt 7921
from collective bargaining coverage in the office of the secretary 7922
of state, auditor of state, treasurer of state, and attorney 7923
general, and employees of the supreme court; 7924

(3) Any position for which the authority to determine 7925
compensation is given by law to another individual or entity; 7926

(4) Employees of the bureau of workers' compensation whose 7927
compensation the administrator of workers' compensation 7928
establishes under division (B) of section 4121.121 of the Revised 7929
Code. 7930

(C) The director may employ a consulting agency to aid and 7931
assist the director in carrying out this section. 7932

(D)(1) When the director proposes to modify a classification 7933
or the assignment of classes to appropriate pay ranges, the 7934
director shall notify the appointing authorities of the affected 7935
employees before implementing the modification. The director's 7936
notice shall include the effective date of the modification. The 7937
appointing authorities shall notify the affected employees 7938
regarding the modification. 7939

(2) When the director proposes to reclassify any employee in 7940
the service of the state so that the employee is adversely 7941
affected, the director shall give to the employee affected and to 7942
the employee's appointing authority a written notice setting forth 7943
the proposed new classification, pay range, and salary. Upon the 7944
request of any classified employee in the service of the state who 7945
is not serving in a probationary period, the director shall 7946
perform a job audit to review the classification of the employee's 7947
position to determine whether the position is properly classified. 7948
The director shall give to the employee affected and to the 7949
employee's appointing authority a written notice of the director's 7950
determination whether or not to reclassify the position or to 7951
reassign the employee to another classification. An employee or 7952
appointing authority desiring a hearing shall file a written 7953
request for the hearing with the state personnel board of review 7954
within thirty days after receiving the notice. The board shall set 7955
the matter for a hearing and notify the employee and appointing 7956
authority of the time and place of the hearing. The employee, the 7957
appointing authority, or any authorized representative of the 7958

employee who wishes to submit facts for the consideration of the 7959
board shall be afforded reasonable opportunity to do so. After the 7960
hearing, the board shall consider anew the reclassification and 7961
may order the reclassification of the employee and require the 7962
director to assign the employee to such appropriate classification 7963
as the facts and evidence warrant. As provided in division (A)(1) 7964
of section 124.03 of the Revised Code, the board may determine the 7965
most appropriate classification for the position of any employee 7966
coming before the board, with or without a job audit. The board 7967
shall disallow any reclassification or reassignment classification 7968
of any employee when it finds that changes have been made in the 7969
duties and responsibilities of any particular employee for 7970
political, religious, or other unjust reasons. 7971

(E)(1) Employees of each county department of job and family 7972
services shall be paid a salary or wage established by the board 7973
of county commissioners. The provisions of section 124.18 of the 7974
Revised Code concerning the standard work week apply to employees 7975
of county departments of job and family services. A board of 7976
county commissioners may do either of the following: 7977

(a) Notwithstanding any other section of the Revised Code, 7978
supplement the sick leave, vacation leave, personal leave, and 7979
other benefits of any employee of the county department of job and 7980
family services of that county, if the employee is eligible for 7981
the supplement under a written policy providing for the 7982
supplement; 7983

(b) Notwithstanding any other section of the Revised Code, 7984
establish alternative schedules of sick leave, vacation leave, 7985
personal leave, or other benefits for employees not inconsistent 7986
with the provisions of a collective bargaining agreement covering 7987
the affected employees. 7988

(2) Division (E)(1) of this section does not apply to 7989
employees for whom the state employment relations board 7990

establishes appropriate bargaining units pursuant to section 7991
4117.06 of the Revised Code, except in either of the following 7992
situations: 7993

(a) The employees for whom the state employment relations 7994
board establishes appropriate bargaining units elect no 7995
representative in a board-conducted representation election. 7996

(b) After the state employment relations board establishes 7997
appropriate bargaining units for such employees, all employee 7998
organizations withdraw from a representation election. 7999

(F)(1) Notwithstanding any contrary provision of sections 8000
124.01 to 124.64 of the Revised Code, the board of trustees of 8001
each state university or college, as defined in section 3345.12 of 8002
the Revised Code, shall carry out all matters of governance 8003
involving the officers and employees of the university or college, 8004
including, but not limited to, the powers, duties, and functions 8005
of the department of administrative services and the director of 8006
administrative services specified in this chapter. Officers and 8007
employees of a state university or college shall have the right of 8008
appeal to the state personnel board of review as provided in this 8009
chapter. 8010

(2) Each board of trustees shall adopt rules ~~under section~~ 8011
~~111.15 of the Revised Code~~ to carry out the matters of governance 8012
described in division (F)(1) of this section. Until the board of 8013
trustees adopts those rules, a state university or college shall 8014
continue to operate pursuant to the applicable rules adopted by 8015
the director of administrative services under this chapter. 8016

(G)(1) Each board of county commissioners may, by a 8017
resolution adopted by a majority of its members, establish a 8018
county personnel department to exercise the powers, duties, and 8019
functions specified in division (G) of this section. As used in 8020
division (G) of this section, "county personnel department" means 8021

a county personnel department established by a board of county commissioners under division (G)(1) of this section. 8022
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(2)(a) Each board of county commissioners, by a resolution adopted by a majority of its members, may designate the county personnel department of the county to exercise the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county, except for the powers and duties of the state personnel board of review, which powers and duties shall not be construed as having been modified or diminished in any manner by division (G)(2) of this section, with respect to the employees for whom the board of county commissioners is the appointing authority or co-appointing authority. 8024
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(b) Nothing in division (G)(2) of this section shall be construed to limit the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 8035
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(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services. 8039
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(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of 8045
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that elected official, board, agency, or other appointing authority. 8054
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(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department. 8056
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(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate. 8059
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(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. 8064
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(H) County agencies may contract with the department of administrative services for any human resources services, including, but not limited to, establishment and modification of job classification plans, competitive testing services, and periodic audits and reviews of the county's uniform application of the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county. Nothing in this division modifies the powers and duties of the state personnel board of review with respect to employees in the service of the county. Nothing in this division limits the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 8072
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(I) The director of administrative services shall establish 8085
the rate and method of compensation for all employees who are paid 8086
directly by warrant of the director of budget and management and 8087
who are serving in positions that the director of administrative 8088
services has determined impracticable to include in the state job 8089
classification plan. This division does not apply to elected 8090
officials, legislative employees, employees of the legislative 8091
service commission, employees who are in the unclassified civil 8092
service and exempt from collective bargaining coverage in the 8093
office of the secretary of state, auditor of state, treasurer of 8094
state, and attorney general, employees of the courts, employees of 8095
the bureau of workers' compensation whose compensation the 8096
administrator of workers' compensation establishes under division 8097
(B) of section 4121.121 of the Revised Code, or employees of an 8098
appointing authority authorized by law to fix the compensation of 8099
those employees. 8100

(J) The director of administrative services shall set the 8101
rate of compensation for all intermittent, seasonal, temporary, 8102
emergency, and casual employees in the service of the state who 8103
are not considered public employees under section 4117.01 of the 8104
Revised Code. Those employees are not entitled to receive employee 8105
benefits, unless otherwise required by law. This rate of 8106
compensation shall be equitable in terms of the rate of employees 8107
serving in the same or similar classifications. This division does 8108
not apply to elected officials, legislative employees, employees 8109
of the legislative service commission, employees who are in the 8110
unclassified civil service and exempt from collective bargaining 8111
coverage in the office of the secretary of state, auditor of 8112
state, treasurer of state, and attorney general, employees of the 8113
courts, employees of the bureau of workers' compensation whose 8114
compensation the administrator establishes under division (B) of 8115
section 4121.121 of the Revised Code, or employees of an 8116
appointing authority authorized by law to fix the compensation of 8117

those employees. 8118

Sec. 124.15. (A) Board and commission members appointed prior 8119
to July 1, 1991, shall be paid a salary or wage in accordance with 8120
the following schedules of rates: 8121

Schedule B 8122

Pay Ranges and Step Values 8123

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	8124
Annually	11897.60	12292.80	12688.00	13124.80	8125
	Step 5	Step 6			8126
Hourly	6.52	6.75			8127
Annually	13561.60	14040.00			8128
	Step 1	Step 2	Step 3	Step 4	8129
24 Hourly	6.00	6.20	6.41	6.63	8130
Annually	12480.00	12896.00	13332.80	13790.40	8131
	Step 5	Step 6			8132
Hourly	6.87	7.10			8133
Annually	14289.60	14768.00			8134
	Step 1	Step 2	Step 3	Step 4	8135
25 Hourly	6.31	6.52	6.75	6.99	8136
Annually	13124.80	13561.60	14040.00	14539.20	8137
	Step 5	Step 6			8138
Hourly	7.23	7.41			8139
Annually	15038.40	15412.80			8140
	Step 1	Step 2	Step 3	Step 4	8141
26 Hourly	6.63	6.87	7.10	7.32	8142
Annually	13790.40	14289.60	14768.00	15225.60	8143
	Step 5	Step 6			8144
Hourly	7.53	7.77			8145
Annually	15662.40	16161.60			8146
	Step 1	Step 2	Step 3	Step 4	8147
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27	Hourly	6.99	7.23	7.41	7.64	8149
	Annually	14534.20	15038.40	15412.80	15891.20	8150
		Step 5	Step 6	Step 7		8151
	Hourly	7.88	8.15	8.46		8152
	Annually	16390.40	16952.00	17596.80		8153
		Step 1	Step 2	Step 3	Step 4	8154
28	Hourly	7.41	7.64	7.88	8.15	8155
	Annually	15412.80	15891.20	16390.40	16952.00	8156
		Step 5	Step 6	Step 7		8157
	Hourly	8.46	8.79	9.15		8158
	Annually	17596.80	18283.20	19032.00		8159
		Step 1	Step 2	Step 3	Step 4	8160
29	Hourly	7.88	8.15	8.46	8.79	8161
	Annually	16390.40	16952.00	17596.80	18283.20	8162
		Step 5	Step 6	Step 7		8163
	Hourly	9.15	9.58	10.01		8164
	Annually	19032.00	19926.40	20820.80		8165
		Step 1	Step 2	Step 3	Step 4	8166
30	Hourly	8.46	8.79	9.15	9.58	8167
	Annually	17596.80	18283.20	19032.00	19926.40	8168
		Step 5	Step 6	Step 7		8169
	Hourly	10.01	10.46	10.99		8170
	Annually	20820.80	21756.80	22859.20		8171
		Step 1	Step 2	Step 3	Step 4	8172
31	Hourly	9.15	9.58	10.01	10.46	8173
	Annually	19032.00	19962.40	20820.80	21756.80	8174
		Step 5	Step 6	Step 7		8175
	Hourly	10.99	11.52	12.09		8176
	Annually	22859.20	23961.60	25147.20		8177
		Step 1	Step 2	Step 3	Step 4	8178
32	Hourly	10.01	10.46	10.99	11.52	8179
	Annually	20820.80	21756.80	22859.20	23961.60	8180
		Step 5	Step 6	Step 7	Step 8	8181

	Hourly	12.09	12.68	13.29	13.94	8182
	Annually	25147.20	26374.40	27643.20	28995.20	8183
		Step 1	Step 2	Step 3	Step 4	8184
33	Hourly	10.99	11.52	12.09	12.68	8185
	Annually	22859.20	23961.60	25147.20	26374.40	8186
		Step 5	Step 6	Step 7	Step 8	8187
	Hourly	13.29	13.94	14.63	15.35	8188
	Annually	27643.20	28995.20	30430.40	31928.00	8189
		Step 1	Step 2	Step 3	Step 4	8190
34	Hourly	12.09	12.68	13.29	13.94	8191
	Annually	25147.20	26374.40	27643.20	28995.20	8192
		Step 5	Step 6	Step 7	Step 8	8193
	Hourly	14.63	15.35	16.11	16.91	8194
	Annually	30430.40	31928.00	33508.80	35172.80	8195
		Step 1	Step 2	Step 3	Step 4	8196
35	Hourly	13.29	13.94	14.63	15.35	8197
	Annually	27643.20	28995.20	30430.40	31928.00	8198
		Step 5	Step 6	Step 7	Step 8	8199
	Hourly	16.11	16.91	17.73	18.62	8200
	Annually	33508.80	35172.80	36878.40	38729.60	8201
		Step 1	Step 2	Step 3	Step 4	8202
36	Hourly	14.63	15.35	16.11	16.91	8203
	Annually	30430.40	31928.00	33508.80	35172.80	8204
		Step 5	Step 6	Step 7	Step 8	8205
	Hourly	17.73	18.62	19.54	20.51	8206
	Annually	36878.40	38729.60	40643.20	42660.80	8207
	Schedule C					8208
		Pay Range and Values				8209
	Range	Minimum		Maximum		8210
41	Hourly	10.44		15.72		8211
	Annually	21715.20		32697.60		8212
42	Hourly	11.51		17.35		8213
	Annually	23940.80		36088.00		8214

43 Hourly	12.68	19.12	8215
Annually	26374.40	39769.60	8216
44 Hourly	13.99	20.87	8217
Annually	29099.20	43409.60	8218
45 Hourly	15.44	22.80	8219
Annually	32115.20	47424.00	8220
46 Hourly	17.01	24.90	8221
Annually	35380.80	51792.00	8222
47 Hourly	18.75	27.18	8223
Annually	39000.00	56534.40	8224
48 Hourly	20.67	29.69	8225
Annually	42993.60	61755.20	8226
49 Hourly	22.80	32.06	8227
Annually	47424.00	66684.80	8228

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 8229
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 8231
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and 8234
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management, may establish payments to employees for uniforms, 8247
tools, equipment, and other requirements of the department and 8248
payments for the maintenance of them. 8249

The director of administrative services may review collective 8250
bargaining agreements entered into under Chapter 4117. of the 8251
Revised Code that cover employees in the service of the state and 8252
determine whether certain benefits or payments provided to the 8253
employees covered by those agreements should also be provided to 8254
employees in the service of the state who are exempt from 8255
collective bargaining coverage and are paid in accordance with 8256
section 124.152 of the Revised Code or are listed in division 8257
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 8258
the review, the director of administrative services, with the 8259
approval of the director of budget and management, may provide to 8260
some or all of these employees any payment or benefit, except for 8261
salary, contained in such a collective bargaining agreement even 8262
if it is similar to a payment or benefit already provided by law 8263
to some or all of these employees. Any payment or benefit so 8264
provided shall not exceed the highest level for that payment or 8265
benefit specified in such a collective bargaining agreement. The 8266
director of administrative services shall not provide, and the 8267
director of budget and management shall not approve, any payment 8268
or benefit to such an employee under this division unless the 8269
payment or benefit is provided pursuant to a collective bargaining 8270
agreement to a state employee who is in a position with similar 8271
duties as, is supervised by, or is employed by the same appointing 8272
authority as, the employee to whom the benefit or payment is to be 8273
provided. 8274

As used in this division, "payment or benefit already 8275
provided by law" includes, but is not limited to, bereavement, 8276
personal, vacation, administrative, and sick leave, disability 8277
benefits, holiday pay, and pay supplements provided under the 8278

Revised Code, but does not include wages or salary. 8279

(E) New employees paid in accordance with schedule B of 8280
division (A) of this section or schedule E-1 of section 124.152 of 8281
the Revised Code shall be employed at the minimum rate established 8282
for the range unless otherwise provided. Employees with 8283
qualifications that are beyond the minimum normally required for 8284
the position and that are determined by the director to be 8285
exceptional may be employed in, or may be transferred or promoted 8286
to, a position at an advanced step of the range. Further, in time 8287
of a serious labor market condition when it is relatively 8288
impossible to recruit employees at the minimum rate for a 8289
particular classification, the entrance rate may be set at an 8290
advanced step in the range by the director of administrative 8291
services. This rate may be limited to geographical regions of the 8292
state. Appointments made to an advanced step under the provision 8293
regarding exceptional qualifications shall not affect the step 8294
assignment of employees already serving. However, anytime the 8295
hiring rate of an entire classification is advanced to a higher 8296
step, all incumbents of that classification being paid at a step 8297
lower than that being used for hiring, shall be advanced beginning 8298
at the start of the first pay period thereafter to the new hiring 8299
rate, and any time accrued at the lower step will be used to 8300
calculate advancement to a succeeding step. If the hiring rate of 8301
a classification is increased for only a geographical region of 8302
the state, only incumbents who work in that geographical region 8303
shall be advanced to a higher step. When an employee in the 8304
unclassified service changes from one state position to another or 8305
is appointed to a position in the classified service, or if an 8306
employee in the classified service is appointed to a position in 8307
the unclassified service, the employee's salary or wage in the new 8308
position shall be determined in the same manner as if the employee 8309
were an employee in the classified service. When an employee in 8310
the unclassified service who is not eligible for step increases is 8311

appointed to a classification in the classified service under 8312
which step increases are provided, future step increases shall be 8313
based on the date on which the employee last received a pay 8314
increase. If the employee has not received an increase during the 8315
previous year, the date of the appointment to the classified 8316
service shall be used to determine the employee's annual step 8317
advancement eligibility date. In reassigning any employee to a 8318
classification resulting in a pay range increase or to a new pay 8319
range as a result of a promotion, an increase pay range 8320
adjustment, or other classification change resulting in a pay 8321
range increase, the director shall assign such employee to the 8322
step in the new pay range that will provide an increase of 8323
approximately four per cent if the new pay range can accommodate 8324
the increase. When an employee is being assigned to a 8325
classification or new pay range as the result of a class plan 8326
change, if the employee has completed a probationary period, the 8327
employee shall be placed in a step no lower than step two of the 8328
new pay range. If the employee has not completed a probationary 8329
period, the employee may be placed in step one of the new pay 8330
range. Such new salary or wage shall become effective on such date 8331
as the director determines. 8332

(F) If employment conditions and the urgency of the work 8333
require such action, the director of administrative services may, 8334
upon the application of a department head, authorize payment at 8335
any rate established within the range for the class of work, for 8336
work of a casual or intermittent nature or on a project basis. 8337
Payment at such rates shall not be made to the same individual for 8338
more than three calendar months in any one calendar year. Any such 8339
action shall be subject to the approval of the director of budget 8340
and management as to the availability of funds. This section and 8341
sections 124.14 and 124.152 of the Revised Code do not repeal any 8342
authority of any department or public official to contract with or 8343
fix the compensation of professional persons who may be employed 8344

temporarily for work of a casual nature or for work on a project 8345
basis. 8346

(G)(1) Except as provided in divisions (G)(2) and (3) of this 8347
section, each state employee paid in accordance with schedule B of 8348
this section or schedule E-1 of section 124.152 of the Revised 8349
Code shall be eligible for advancement to succeeding steps in the 8350
range for the employee's class or grade according to the schedule 8351
established in this division. Beginning on the first day of the 8352
pay period within which the employee completes the prescribed 8353
probationary period in the employee's classification with the 8354
state, each employee shall receive an automatic salary adjustment 8355
equivalent to the next higher step within the pay range for the 8356
employee's class or grade. 8357

Except as provided in divisions (G)(2) and (3) of this 8358
section, each employee paid in accordance with schedule E-1 of 8359
section 124.152 of the Revised Code shall be eligible to advance 8360
to the next higher step until the employee reaches the top step in 8361
the range for the employee's class or grade, if the employee has 8362
maintained satisfactory performance in accordance with criteria 8363
established by the employee's appointing authority. Those step 8364
advancements shall not occur more frequently than once in any 8365
twelve-month period. 8366

When an employee is promoted, the step entry date shall be 8367
set to account for a probationary period. When an employee is 8368
reassigned to a higher pay range, the step entry date shall be set 8369
to allow an employee who is not at the highest step of the range 8370
to receive a step advancement one year from the reassignment date. 8371
Step advancement shall not be affected by demotion. A promoted 8372
employee shall advance to the next higher step of the pay range on 8373
the first day of the pay period in which the required probationary 8374
period is completed. Step advancement shall become effective at 8375
the beginning of the pay period within which the employee attains 8376

the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 of section 124.152 of the Revised Code.

(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule.

An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at 8409
the minimum rate established for the pay range for their 8410
classification and are not eligible for step advancements. 8411

(H) Employees in appointive managerial or professional 8412
positions paid in accordance with schedule C of this section or 8413
schedule E-2 of section 124.152 of the Revised Code may be 8414
appointed at any rate within the appropriate pay range. This rate 8415
of pay may be adjusted higher or lower within the respective pay 8416
range at any time the appointing authority so desires as long as 8417
the adjustment is based on the employee's ability to successfully 8418
administer those duties assigned to the employee. Salary 8419
adjustments shall not be made more frequently than once in any 8420
six-month period under this provision to incumbents holding the 8421
same position and classification. 8422

(I) When an employee is assigned to duty outside this state, 8423
the employee may be compensated, upon request of the department 8424
head and with the approval of the director of administrative 8425
services, at a rate not to exceed fifty per cent in excess of the 8426
employee's current base rate for the period of time spent on that 8427
duty. 8428

(J) Unless compensation for members of a board or commission 8429
is otherwise specifically provided by law, the director of 8430
administrative services shall establish the rate and method of 8431
payment for members of boards and commissions pursuant to the pay 8432
schedules listed in section 124.152 of the Revised Code. 8433

(K) Regular full-time employees in positions assigned to 8434
classes within the instruction and education administration series 8435
under the job classification plans of the director of 8436
administrative services, except certificated employees on the 8437
instructional staff of ~~the state school for the blind or the state~~ 8438
~~school for the deaf~~ Ohio deaf and blind education services, whose 8439
positions are scheduled to work on the basis of an academic year 8440

rather than a full calendar year, shall be paid according to the 8441
pay range assigned by the applicable job classification plan, but 8442
only during those pay periods included in the academic year of the 8443
school where the employee is located. 8444

(1) Part-time or substitute teachers or those whose period of 8445
employment is other than the full academic year shall be 8446
compensated for the actual time worked at the rate established by 8447
this section. 8448

(2) Employees governed by this division are exempt from 8449
sections 124.13 and 124.19 of the Revised Code. 8450

(3) Length of service for the purpose of determining 8451
eligibility for step advancements as provided by division (G) of 8452
this section and for the purpose of determining eligibility for 8453
longevity pay supplements as provided by division (E) of section 8454
124.181 of the Revised Code shall be computed on the basis of one 8455
full year of service for the completion of each academic year. 8456

(L) The superintendent of ~~the state school for the deaf and~~ 8457
~~the superintendent of the state school for the blind~~ Ohio deaf and 8458
blind education services shall, subject to the approval of the 8459
superintendent of public instruction, carry out both of the 8460
following: 8461

(1) Annually, between the first day of April and the last day 8462
of June, establish for the ensuing fiscal year a schedule of 8463
hourly rates for the compensation of each certificated employee on 8464
the instructional staff of ~~that superintendent's respective school~~ 8465
Ohio deaf and blind education services constructed as follows: 8466

(a) Determine for each level of training, experience, and 8467
other professional qualification for which an hourly rate is set 8468
forth in the current schedule, the per cent that rate is of the 8469
rate set forth in such schedule for a teacher with a bachelor's 8470
degree and no experience. If there is more than one such rate for 8471

such a teacher, the lowest rate shall be used to make the 8472
computation. 8473

(b) Determine which six city, local, and exempted village 8474
school districts with territory in Franklin county have in effect 8475
on, or have adopted by, the first day of April for the school year 8476
that begins on the ensuing first day of July, teacher salary 8477
schedules with the highest minimum salaries for a teacher with a 8478
bachelor's degree and no experience; 8479

(c) Divide the sum of such six highest minimum salaries by 8480
ten thousand five hundred sixty; 8481

(d) Multiply each per cent determined in division (L)(1)(a) 8482
of this section by the quotient obtained in division (L)(1)(c) of 8483
this section; 8484

(e) One hundred five per cent of each product thus obtained 8485
shall be the hourly rate for the corresponding level of training, 8486
experience, or other professional qualification in the schedule 8487
for the ensuing fiscal year. 8488

(2) Annually, assign each certificated employee on the 8489
instructional staff of ~~the superintendent's respective school~~ Ohio 8490
deaf and blind education services to an hourly rate on the 8491
schedule that is commensurate with the employee's training, 8492
experience, and other professional qualifications. 8493

If an employee is employed on the basis of an academic year, 8494
the employee's annual salary shall be calculated by multiplying 8495
the employee's assigned hourly rate times one thousand seven 8496
hundred sixty. If an employee is not employed on the basis of an 8497
academic year, the employee's annual salary shall be calculated in 8498
accordance with the following formula: 8499

(a) Multiply the number of days the employee is required to 8500
work pursuant to the employee's contract by eight; 8501

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the ~~schools~~ state school for the deaf and the state school for the blind are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.387. (A) As used in this section, "stillborn" has 8533
the same meaning as in section 124.136 of the Revised Code. 8534

(B) Each full-time permanent and part-time permanent employee 8535
whose salary or wage is paid directly by warrant of the director 8536
of budget and management shall be granted three days of 8537
bereavement leave with pay ~~upon~~ due to the death of a member of 8538
the employee's immediate family. 8539

(C) Except as provided in division (E) of this section, an 8540
employee described in division (B) of this section may use 8541
bereavement leave under this section when the employee is the 8542
parent of a miscarried or stillborn child. An employee using 8543
bereavement leave based on a miscarriage shall provide appropriate 8544
medical documentation of the miscarriage. An employee using 8545
bereavement leave based on a stillbirth shall provide a copy of 8546
the fetal death certificate. 8547

(D) The bereavement leave described in this section begins 8548
within one of the following time periods: 8549

(1) Not more than five calendar days after the immediate 8550
family member's death; 8551

(2) Not more than five days before or five days after the 8552
date of the immediate family member's funeral. 8553

(E) An employee who takes bereavement leave granted under 8554
this section on the basis of a stillbirth is ineligible for 8555
parental leave or benefits under section 124.136 of the Revised 8556
Code based on the same stillbirth. 8557

(F) Compensation for bereavement leave shall be equal to the 8558
employee's base rate of pay. 8559

Sec. 125.01. As used in this chapter: 8560

(A) "Order" means a copy of a contract or a statement of the 8561

nature of a contemplated expenditure, a description of the 8562
property or supplies to be purchased or service to be performed, 8563
other than a service performed by officers and regular employees 8564
of the state, and per diem of the national guard, and the total 8565
sum of the expenditure to be made therefor, if the sum is fixed 8566
and ascertained, otherwise the estimated sum thereof, and an 8567
authorization to pay for the contemplated expenditure, signed by 8568
the person instructed and authorized to pay upon receipt of a 8569
proper invoice. 8570

(B) "Invoice" means an itemized listing showing delivery of 8571
the supplies or performance of the service described in the order 8572
including all of the following: 8573

(1) The date of the purchase or rendering of the service; 8574

(2) An itemization of the things done, material supplied, or 8575
labor furnished; 8576

(3) The sum due pursuant to the contract or obligation. 8577

(C) "Products" means materials, ~~manufacturer's~~ supplies, 8578
merchandise, goods, wares, and foodstuffs. 8579

(D) "Produced" means the manufacturing, processing, mining, 8580
developing, and making of a thing into a new article with a 8581
distinct character in use through the application of input, within 8582
the state or a state bordering Ohio, of Buy Ohio products, labor, 8583
skill, or other services. "Produced" does not include the mere 8584
assembling or putting together of ~~non-Ohio~~ products or materials 8585
from outside of Ohio or a state bordering Ohio. 8586

(E) "Buy Ohio products" means products that are mined, 8587
excavated, produced, manufactured, raised, or grown in the state 8588
~~by a person~~ or a state bordering Ohio where the input of Buy Ohio 8589
products, labor, skill, or other services constitutes no less than 8590
twenty-five per cent of the manufactured cost. With respect to 8591
mined products, such products shall be mined or excavated in this 8592

state or a state bordering Ohio. 8593

(F) "Purchase" means to buy, rent, lease, lease purchase, or 8594
otherwise acquire supplies or services. "Purchase" also includes 8595
all functions that pertain to the obtaining of supplies or 8596
services, including description of requirements, selection and 8597
solicitation of sources, preparation and award of contracts, all 8598
phases of contract administration, and receipt and acceptance of 8599
the supplies and services and payment for them. 8600

(G) "Services" means the furnishing of labor, time, or effort 8601
by a person, not involving the delivery of a specific end product 8602
other than a report which, if provided, is merely incidental to 8603
the required performance. "Services" does not include services 8604
furnished pursuant to employment agreements or collective 8605
bargaining agreements. 8606

(H) "Supplies" means all property, including, but not limited 8607
to, equipment, materials, and other tangible assets, ~~and~~ 8608
~~insurance,~~ but excluding real property or an interest in real 8609
property. 8610

(I) "Competitive selection" means any of the following 8611
procedures for making purchases: 8612

(1) Competitive sealed bidding under section 125.07 of the 8613
Revised Code; 8614

(2) Competitive sealed proposals under section 125.071 of the 8615
Revised Code; 8616

(3) Reverse auctions under section 125.072 of the Revised 8617
Code; 8618

(4) Electronic procurement under section 125.073 of the 8619
Revised Code. 8620

(J) "Direct purchasing authority" means the authority of a 8621
state agency to make a purchase without competitive selection 8622

pursuant to sections 125.05 and 127.16 of the Revised Code. 8623

Sec. 125.035. (A) Except as otherwise provided in the Revised 8624
Code, a state agency wanting to purchase supplies or services 8625
shall make the purchase subject to the requirements of an 8626
applicable first or second requisite procurement program described 8627
in this section, or obtain a determination ~~from the department of~~ 8628
~~administrative services~~ that the purchase is not subject to a 8629
first or second requisite procurement program. State agencies 8630
shall submit a purchase request ~~to~~ in a manner and form as 8631
prescribed by the department of administrative services ~~unless the~~ 8632
~~department has determined the request does not require a review.~~ 8633
The director of administrative services shall adopt rules under 8634
Chapter 119. of the Revised Code to provide for the manner of 8635
carrying out the function and the power and duties imposed upon 8636
and vested in the director by this section. 8637

(B) The following programs are first requisite procurement 8638
programs that shall be given preference in the following order in 8639
fulfilling a purchase request: 8640

(1) Ohio penal industries within the department of 8641
rehabilitation and correction; and 8642

(2) Community rehabilitation programs administered by the 8643
department of administrative services under sections 125.601 to 8644
125.6012 of the Revised Code. 8645

(C) The following programs are second requisite procurement 8646
programs that may be able to fulfill the purchase request if the 8647
first requisite procurement programs are unable to do so: 8648

(1) Business enterprise program at the opportunities for 8649
Ohioans with disabilities agency as prescribed in sections 3304.28 8650
to 3304.33 of the Revised Code; 8651

(2) Office of information technology at the department of 8652

administrative services as established in section 125.18 of the Revised Code; 8653
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 8655
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(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code; 8658
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 8661
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 8663
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(D) Upon receipt of a purchase request, the ~~department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the applicable representative of the first and second requisite procurement programs shall review the request to determine whether the request can be fulfilled based on the products and services the requisite procurement program can provide.~~ When the ~~department representative~~ has made ~~its~~ a determination, ~~it~~ the representative shall do one of the following: 8666
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper ~~first~~ requisite procurement program; 8678
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(2) Provide the agency with a waiver from the use of the applicable ~~first~~ requisite procurement ~~programs under sections 125.609 or 5147.07 of the Revised Code; or~~ 8681
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~~(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.~~ 8684
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~~(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.~~ 8687
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~~(F) Within five business days after receipt of a request, the department applicable representative of the requisite procurement program shall notify the requesting agency of its determination and provide any waiver under ~~divisions~~ division (D) ~~or (E)~~ of this section. If the ~~department~~ representative fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division ~~(G)~~(F) of this section, division ~~(E)~~(F) of section 125.05, and section 127.16 of the Revised Code.~~ 8702
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~~(G)~~(F) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a 8713
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release and permit to the agency to secure supplies or services. A 8716
release and permit shall specify the supplies or services to which 8717
it applies, the time during which it is operative, and the reason 8718
for its issuance. A release and permit for telephone, other 8719
telecommunications, and computer services shall be provided in 8720
accordance with section 125.18 of the Revised Code and shall 8721
specify the type of services to be rendered, the number and type 8722
of hardware to be used, and may specify the amount of such 8723
services to be performed. No requesting agency shall proceed with 8724
such purchase until it has received an approved release and permit 8725
from the director of administrative services or the director's 8726
designee. 8727

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 8728
125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of 8729
the Revised Code shall be construed as limiting the attorney 8730
general, auditor of state, secretary of state, or treasurer of 8731
state in any of the following: 8732

(1) Purchases for less than the dollar amounts for the 8733
purchase of supplies or services determined under section 125.05 8734
of the Revised Code; 8735

(2) Purchases that equal or exceed the dollar amounts for the 8736
purchase of supplies or services determined under section 125.05 8737
of the Revised Code with the approval of the controlling board, if 8738
that approval is required by section 127.16 of the Revised Code; 8739

(3) The final determination of the nature or quantity of any 8740
purchase of supplies or services under division (B) of section 8741
125.02 or under division ~~(G)~~(F) of section 125.035 of the Revised 8742
Code; 8743

(4) The final determination and disposal of excess and 8744
surplus supplies; 8745

(5) The inventory of state property; 8746

(6) The purchase of printing; 8747

(7) Activities related to information technology development 8748
and use; 8749

(8) The fleet management program. 8750

(B) Nothing in this section shall be construed as preventing 8751
the attorney general, auditor of state, secretary of state, or 8752
treasurer of state from complying with or participating in any 8753
aspect of Chapter 125. of the Revised Code through the department 8754
of administrative services. 8755

Sec. 125.05. ~~Except as provided in division (D) or (E) of~~ 8756
~~this section, no~~ No state agency shall purchase any supplies or 8757
services except as provided in ~~divisions (A) to (C) of this~~ 8758
section and section 127.16 of the Revised Code. When exercising 8759
direct purchasing authority the agency shall utilize a selection 8760
process that complies with all applicable laws, rules, or 8761
regulations of the department of administrative services. 8762

(A) A state agency may, without competitive selection, make 8763
any purchase of supplies or services that cost less than fifty 8764
thousand dollars after complying with divisions (A) to (E) of 8765
section 125.035 of the Revised Code. The agency may make the 8766
purchase directly or may make the purchase from or through the 8767
department of administrative services, whichever the agency 8768
determines. The agency shall adopt written procedures consistent 8769
with the department's purchasing procedures and shall use those 8770
procedures when making purchases under this division. 8771

Section 127.16 of the Revised Code does not apply to 8772
purchases made under this division. 8773

(B) A state agency shall make purchases of supplies and 8774
services that cost fifty thousand dollars or more through the 8775

department of administrative services and the process provided in 8776
section 125.035 of the Revised Code, unless the department grants 8777
a waiver ~~under division (D) or (E) of that section~~ and a release 8778
and permit under ~~division (G) of~~ that section. 8779

(C) An agency that has been granted a release and permit 8780
under ~~division (G) of~~ section 125.035 of the Revised Code to make 8781
a purchase may make the purchase without competitive selection if 8782
after making the purchase the cumulative purchase threshold as 8783
computed under division (E) of section 127.16 of the Revised Code 8784
would: 8785

(1) Be exceeded and the controlling board approves the 8786
purchase; 8787

(2) Not be exceeded and the department of administrative 8788
services approves the purchase. 8789

(D) An agency that has been granted a release and permit 8790
under division (G) of section 125.035 of the Revised Code to make 8791
a purchase may make the purchase by utilizing the electronic 8792
procurement system established by the department of administrative 8793
services under section 125.073 of the Revised Code. Such purchases 8794
constitute a competitive selection through the department. 8795

(E) If the department of education or the Ohio education 8796
computer network determines that it can purchase software services 8797
or supplies for specified school districts at a price less than 8798
the price for which the districts could purchase the same software 8799
services or supplies for themselves, the department or network 8800
shall certify that fact to the department of administrative 8801
services and, acting as an agent for the specified school 8802
districts, shall make that purchase without following the 8803
provisions in divisions (A) to (D) of this section. 8804

~~(E)~~(F) When the purchase cost of personal protective 8805
equipment is less than fifty thousand dollars, a state agency 8806

shall comply with ~~divisions (A) to (E)~~ of section 125.035 of the Revised Code. If the purchase is not subject to the requirements of an applicable first or second requisite procurement program, the agency shall apply the same preferences in section 125.09 of the Revised Code when making the purchase. As used in this division, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 125.071. (A) In accordance with rules the director of administrative services shall adopt, the director may make purchases by competitive sealed proposal whenever the director determines that the use of competitive sealed bidding is not possible or not advantageous to the state.

(B) Proposals shall be solicited through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. Notice of the request for proposals shall be given in accordance with rules the director shall adopt.

(C) Proposals shall be opened so as to avoid disclosure of contents to competing offerors.

In order to ensure fair and impartial evaluation, proposals and related documents submitted in response to a request for proposals are not available for public inspection and copying under section 149.43 of the Revised Code until after the award of the contract.

(D) As provided in the request for proposals, and under rules the director shall adopt, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of ensuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and

equal treatment with respect to any opportunity for discussion 8838
regarding any clarification, correction, or revision of proposals. 8839
No disclosure of any information derived from proposals submitted 8840
by competing offerors shall occur when discussions are conducted. 8841

(E) Award may be made to the ~~offeror~~ offerors whose ~~proposal~~ 8842
~~is~~ proposals are determined to be the most advantageous to this 8843
state, taking into consideration factors such as price and the 8844
evaluation criteria set forth in the request for proposals. The 8845
contract file shall contain the basis on which the award is made. 8846

Sec. 125.073. ~~(A)~~ The department of administrative services 8847
shall actively promote and accelerate the use of electronic 8848
procurement, including reverse auctions as defined by section 8849
125.072 of the Revised Code, ~~by implementing the relevant~~ 8850
~~recommendations concerning electronic procurement from the "2000~~ 8851
~~Management Improvement Commission Report to the Governor"~~ when 8852
exercising its statutory powers. 8853

~~(B) Beginning July 1, 2004, the department shall annually on~~ 8854
~~or before the first day of July report to the committees in each~~ 8855
~~house of the general assembly dealing with finance indicating the~~ 8856
~~effectiveness of electronic procurement.~~ 8857

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 8858
125.072 of the Revised Code, the department of administrative 8859
services may prescribe such conditions under which competitive 8860
sealed bids, competitive sealed proposals, and bids in reverse 8861
auctions will be received and terms of the proposed purchase as it 8862
considers necessary; provided, that all such conditions and terms 8863
shall be reasonable and shall not unreasonably restrict 8864
competition, and bidders may bid and offerors may propose upon all 8865
or any item of the products, ~~supplies,~~ or services listed in such 8866
notice. Those bidders and offerors claiming the preference 8867

outlined in this chapter shall designate in their bid or offer 8868
either that whether the product ~~or supply~~ is ~~produced or mined,~~ 8869
excavated, produced, manufactured, raised, or grown in the United 8870
States and is either ~~an~~ a Buy Ohio product or that the product, 8871
~~supply,~~ or service is provided by a bidder or offeror that 8872
qualifies as having a significant ~~Ohio~~ economic presence in the 8873
state or a state bordering Ohio, under the rules established by 8874
the director of administrative services, and whether the bidder or 8875
offeror is a certified veteran-friendly business enterprise under 8876
section 122.925 of the Revised Code. 8877

(B) ~~The department may require that each bidder or offeror~~ 8878
~~provide sufficient information about the energy efficiency or~~ 8879
~~energy usage of the bidder's or offeror's product, supply, or~~ 8880
~~service.~~ 8881

~~(C)~~ The director of administrative services shall, by rule 8882
adopted pursuant to Chapter 119. of the Revised Code, prescribe 8883
criteria and procedures for use by all state agencies in giving 8884
preference under this section as required by division (B) of 8885
section 125.11 of the Revised Code. The rules shall extend to: 8886

(1) Criteria for determining that a product is ~~produced or~~ 8887
mined, excavated, produced, manufactured, raised, or grown in the 8888
United States rather than in another country or territory; 8889

(2) Criteria for determining that a product is ~~produced or~~ 8890
mined in a Buy Ohio product; 8891

(3) Information to be submitted by bidders or offerors as to 8892
the nature of a product and the location where it is ~~produced or~~ 8893
mined, excavated, produced, manufactured, raised, or grown; 8894

(4) Criteria and procedures to be used by the director to 8895
qualify bidders or offerors located in states bordering Ohio who 8896
might otherwise be excluded from being awarded a contract by 8897
operation of this section and section 125.11 of the Revised Code. 8898

The criteria and procedures shall recognize the level and 8899
regularity of interstate commerce between Ohio and the border 8900
states and provide that the non-Ohio businesses may qualify for 8901
award of a contract as long as they are located in a state that 8902
imposes no greater restrictions than are contained in this section 8903
and section 125.11 of the Revised Code upon persons located in 8904
Ohio selling products or services to agencies of that state. The 8905
criteria and procedures shall also provide that a non-Ohio 8906
business shall not bid on a contract for state printing in this 8907
state if the business is located in a state that excludes Ohio 8908
businesses from bidding on state printing contracts in that state. 8909

(5) Criteria and procedures to be used to qualify bidders and 8910
offerors whose manufactured products, except for mined products, 8911
are produced in other states or in North America, but the bidders 8912
or offerors have a significant Ohio economic presence in terms of 8913
the number of employees or capital investment a bidder or offeror 8914
has in this state. Bidders and offerors with a significant Ohio 8915
economic presence shall qualify for award of a contract on the 8916
same basis as if their products were produced in this state or as 8917
if the bidder or offeror was domiciled in this state. 8918

(6) Criteria and procedures for the director to grant waivers 8919
of the requirements of division (B) of section 125.11 of the 8920
Revised Code on a contract-by-contract basis where compliance with 8921
those requirements would ~~result in the state agency paying an~~ 8922
~~excessive price for the product or acquiring a disproportionately~~ 8923
~~inferior product~~ not be in the best interest of the state or is 8924
otherwise prohibited; 8925

(7) Criteria for applying a preference to bids and offers 8926
received from a certified veteran-friendly business enterprise; 8927

(8) Such other requirements or procedures reasonably 8928
necessary to implement the system of preferences established 8929
pursuant to division (B) of section 125.11 of the Revised Code. 8930

In adopting the rules required under this division, the 8931
director shall, to the maximum extent possible, conform to the 8932
requirements of the federal "Buy ~~America~~ American Act," ~~47 Stat.~~ 8933
~~1520, (1933),~~ 41 U.S.C.A. ~~10a-10d~~ U.S.C. 8301-8305, as amended, 8934
and to the regulations adopted thereunder. 8935

Sec. 125.10. (A) The department of administrative services 8936
may require that all competitive sealed bids, competitive sealed 8937
proposals, and bids received in a reverse auction be accompanied 8938
by a performance bond or other financial assurance acceptable to 8939
the director of administrative services, in the sum and with the 8940
sureties it prescribes, payable to the state, and conditioned that 8941
the person submitting the bid or proposal, if that person's bid or 8942
proposal is accepted, will faithfully execute the terms of the 8943
contract and promptly make deliveries of the supplies purchased. 8944

(B) A sealed copy of each competitive sealed bid or 8945
competitive sealed proposal shall be filed with the department 8946
prior to the time specified in the notice for opening of the bids 8947
or proposals. All competitive sealed bids and competitive sealed 8948
proposals shall be ~~publicly~~ opened in the ~~office of~~ standardized 8949
system of electronic procurement by the department at the time 8950
specified in the notice. ~~A representative of the auditor of state~~ 8951
~~shall be present at the opening of all competitive sealed bids and~~ 8952
~~competitive sealed proposals, and shall certify the opening of~~ 8953
~~each competitive sealed bid and competitive sealed proposal. No~~ 8954
~~competitive sealed bid or competitive sealed proposal shall be~~ 8955
~~considered valid unless it is so certified.~~ 8956

Sec. 125.11. (A) Subject to division (B) of this section, 8957
contracts awarded pursuant to a reverse auction under section 8958
125.072 of the Revised Code or pursuant to competitive sealed 8959
bidding, including contracts awarded under section 125.081 of the 8960
Revised Code, shall be awarded to the lowest responsive and 8961

responsible bidder in accordance with section 9.312 of the Revised Code. ~~When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors under inspection of the United States department of agriculture or who are licensed by the Ohio department of agriculture shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the contract shall be awarded to that agency and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.~~

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to ~~divisions (C)(1) and (2)~~ division (B) of section 125.09 of the Revised Code for determining if a product is ~~produced or mined,~~ excavated, produced, manufactured, raised, or grown in the United States and, if a product is produced or mined in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. ~~The department or other state agency shall first consider bids that offer products that have been or that will be produced or mined in the United States. From among the remaining bids, the department or other state agency shall select the lowest responsive and responsible bid, in accordance with section 9.312 of the Revised~~

~~Code, from among the bids that offer products that have been~~ 8994
~~produced or mined in this state~~ These requirements shall be 8995
applied where sufficient competition can be generated ~~within this~~ 8996
~~state to ensure that compliance with these requirements will not~~ 8997
~~result in an excessive price for the product or acquiring a~~ 8998
~~disproportionately inferior product~~ be in the best interest of the 8999
state unless otherwise prohibited. 9000

(C) Division (B) of this section applies to contracts for 9001
which competitive ~~bidding~~ selection is waived by the controlling 9002
board. 9003

(D) Division (B) of this section does not apply to the 9004
purchase by the division of liquor control of spirituous liquor. 9005

~~(E) The director of administrative services shall publish in~~ 9006
~~the form of a model act for use by counties, townships, municipal~~ 9007
~~corporations, or any other political subdivision described in~~ 9008
~~division (B) of section 125.04 of the Revised Code, a system of~~ 9009
~~preferences for products mined and produced in this state and in~~ 9010
~~the United States and for Ohio based contractors. The model act~~ 9011
~~shall reflect substantial equivalence to the system of preferences~~ 9012
~~in purchasing and public improvement contracting procedures under~~ 9013
~~which the state operates pursuant to this chapter and section~~ 9014
~~153.012 of the Revised Code. To the maximum extent possible,~~ 9015
~~consistent with the Ohio system of preferences in purchasing and~~ 9016
~~public improvement contracting procedures, the model act shall~~ 9017
~~incorporate all of the requirements of the federal "Buy America~~ 9018
~~Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and~~ 9019
~~the rules adopted under that act.~~ 9020

~~Before and during the development and promulgation of the~~ 9021
~~model act, the director shall consult with appropriate statewide~~ 9022
~~organizations representing counties, townships, and municipal~~ 9023
~~corporations so as to identify the special requirements and~~ 9024
~~concerns these political subdivisions have in their purchasing and~~ 9025

~~public improvement contracting procedures. The director shall 9026
promulgate the model act by rule adopted pursuant to Chapter 119. 9027
of the Revised Code and shall revise the act as necessary to 9028
reflect changes in this chapter or section 153.012 of the Revised 9029
Code. 9030~~

~~The director shall make available copies of the model act, 9031
supporting information, and technical assistance to any township, 9032
county, or municipal corporation wishing to incorporate the 9033
provisions of the act into its purchasing or public improvement 9034
contracting procedure. 9035~~

Sec. 125.18. (A) There is hereby established the office of 9037
information technology within the department of administrative 9038
services. The office shall be under the supervision of a state 9039
chief information officer to be appointed by the director of 9040
administrative services and subject to removal at the pleasure of 9041
the director. The chief information officer is an assistant 9042
director of administrative services. 9043

(B) Under the direction of the director of administrative 9044
services, the state chief information officer shall lead, oversee, 9045
and direct state agency activities related to information 9046
technology development and use. In that regard, the state chief 9047
information officer shall do all of the following: 9048

(1) Coordinate and superintend statewide efforts to promote 9049
common use and development of technology by state agencies. The 9050
office of information technology shall establish policies and 9051
standards that govern and direct state agency participation in 9052
statewide programs and initiatives. 9053

(2) Coordinate with the office of procurement services to 9054
establish policies and standards for state agency acquisition of 9055
information technology supplies and services; 9056

(3) Establish policies and standards for the use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(4) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

(5) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(6) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(5) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(7) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

(8) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

(9) Establish policies for the reduction of printing and for

the increased use of electronic records by state agencies; 9088

(10) Establish policies for the reduction of energy 9089
consumption by state agencies; 9090

(11) Compute the amount of revenue attributable to the 9091
amortization of all equipment purchases and capitalized systems 9092
from information technology service delivery and major information 9093
technology purchases, MARCS administration, and enterprise 9094
applications, ~~and the professions licensing system~~ operating 9095
appropriation items and major computer purchases capital 9096
appropriation items that is recovered as part of the information 9097
technology services rates the department of administrative 9098
services charges and deposits into the information technology fund 9099
created in section 125.15 of the Revised Code, and the user fees 9100
the department of administrative services charges and deposits in 9101
the MARCS administration fund created in section 4501.29 of the 9102
Revised Code, the rates the department of administrative services 9103
charges to benefiting agencies for the operation and management of 9104
information technology applications and deposits in the enterprise 9105
applications fund, ~~and the rates the department of administrative~~ 9106
~~services charges for the cost of ongoing maintenance of the~~ 9107
~~professions licensing system and deposits in the professions~~ 9108
~~licensing system fund.~~ The enterprise applications fund is hereby 9109
created in the state treasury. 9110

(12) Regularly review and make recommendations regarding 9111
improving the infrastructure of the state's cybersecurity 9112
operations with existing resources and through partnerships 9113
between government, business, and institutions of higher 9114
education; 9115

(13) Assist, as needed, with general state efforts to grow 9116
the cybersecurity industry in this state. 9117

(C)(1) The chief information security officer shall assist 9118

each state agency with the development of an information 9119
technology security strategic plan and review that plan, and each 9120
state agency shall submit that plan to the state chief information 9121
officer. The chief information security officer may require that 9122
each state agency update its information technology security 9123
strategic plan annually as determined by the state chief 9124
information officer. 9125

(2) Prior to the implementation of any information technology 9126
data system, a state agency shall prepare or have prepared a 9127
privacy impact statement for that system. 9128

(D) When a state agency requests a purchase of information 9129
technology supplies or services under Chapter 125. of the Revised 9130
Code, the state chief information officer may review and reject 9131
the requested purchase for noncompliance with information 9132
technology direction, plans, policies, standards, or 9133
project-alignment criteria. 9134

(E) The office of information technology may operate 9135
technology services for state agencies in accordance with this 9136
chapter. 9137

Notwithstanding any provision of the Revised Code to the 9138
contrary, the office of information technology may assess a 9139
transaction fee on each license or registration issued as part of 9140
an electronic licensing system operated by the office in an amount 9141
determined by the office not to exceed three dollars and fifty 9142
cents. The transaction fee shall apply to all transactions, 9143
regardless of form, that immediately precede the issuance, 9144
renewal, reinstatement, reactivation of, or other activity that 9145
results in, a license or registration to operate as a regulated 9146
professional or entity. Each license or registration is a separate 9147
transaction to which a fee under this division applies. 9148
Notwithstanding any provision of the Revised Code to the contrary, 9149
if a fee is assessed under this section, no agency, board, or 9150

commission shall issue a license or registration unless a fee 9151
required by this division has been received. The director of 9152
administrative services may collect the fee or require a state 9153
agency, board, or commission for which the system is being 9154
operated to collect the fee. Amounts received under this division 9155
shall be deposited in or transferred to the ~~professions licensing~~ 9156
~~system~~ occupational licensing and regulatory fund created in 9157
~~division (H) of this~~ section 4743.05 or the Revised Code. 9158

(F) With the approval of the director of administrative 9159
services, the office of information technology may establish 9160
cooperative agreements with federal and local government agencies 9161
and state agencies that are not under the authority of the 9162
governor for the provision of technology services and the 9163
development of technology projects. 9164

(G) The office of information technology may operate a 9165
program to make information technology purchases. The director of 9166
administrative services may recover the cost of operating the 9167
program from all participating government entities by issuing 9168
intrastate transfer voucher billings for the procured technology 9169
or through any pass-through billing method agreed to by the 9170
director of administrative services, the director of budget and 9171
management, and the participating government entities that will 9172
receive the procured technology. 9173

If the director of administrative services chooses to recover 9174
the program costs through intrastate transfer voucher billings, 9175
the participating government entities shall process the intrastate 9176
transfer vouchers to pay for the cost. Amounts received under this 9177
section for the information technology purchase program shall be 9178
deposited to the credit of the information technology governance 9179
fund created in section 125.15 of the Revised Code. 9180

(H) Upon request from the director of administrative 9181
services, the director of budget and management may transfer cash 9182

from the information technology fund created in section 125.15 of 9183
the Revised Code, the MARCS administration fund created in section 9184
4501.29 of the Revised Code, or the enterprise applications fund 9185
created in division (B)(11) of this section, ~~or the professions~~ 9186
~~licensing system fund created in division (I) of this section to~~ 9187
the major information technology purchases fund in an amount not 9188
to exceed the amount computed under division (B)(11) of this 9189
section. The major information technology purchases fund is hereby 9190
created in the state treasury. 9191

~~(I) There is hereby created in the state treasury the 9192
professions licensing system fund. The fund shall be used to 9193
operate the electronic licensing system referenced in division (E)
of this section. 9194
9195~~

~~(J) As used in this section: 9196~~

(1) "Personal information" has the same meaning as in section 9197
149.45 of the Revised Code. 9198

(2) "State agency" means every organized body, office, or 9199
agency established by the laws of the state for the exercise of 9200
any function of state government, other than any state-supported 9201
institution of higher education, the office of the auditor of 9202
state, treasurer of state, secretary of state, or attorney 9203
general, the adjutant general's department, the bureau of workers' 9204
compensation, the industrial commission, the public employees 9205
retirement system, the Ohio police and fire pension fund, the 9206
state teachers retirement system, the school employees retirement 9207
system, the state highway patrol retirement system, the general 9208
assembly or any legislative agency, the capitol square review 9209
advisory board, or the courts or any judicial agency. 9210

Sec. 125.183. (A) As used in this section: 9211

(1) "Covered application" means all of the following: 9212

(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited; 9213
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(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited; 9216
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(c) Any application or service owned by an entity located in China, including QQ International (QQi), Ozone, Weibo, Xiao HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu. 9219
9220
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(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board. 9224
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(B) Subject to division (C) of this section, the state chief information officer shall adopt rules under Chapter 119. of the Revised Code to do all of the following: 9231
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9233

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 9234
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(2) Prohibit all of the following on equipment owned or leased by a state agency: 9236
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(a) The downloading, installation, or use of a covered application; 9238
9239

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 9240
9241
9242

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 9243
9244
9245

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section. 9246
9247
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(C) The rules adopted under division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or information technology security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so. 9249
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(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 9255
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Sec. 125.901. (A) There is hereby established the Ohio geographically referenced information program council within the department of administrative services to coordinate the property owned by the state. The department of administrative services shall provide administrative support for the council. 9259
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(B) The council shall consist of the following ~~fifteen~~ sixteen members: 9264
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(1) The state chief information officer, or the officer's designee, who shall serve as the council chair; 9266
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(2) The director of natural resources, or the director's designee; 9268
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(3) The director of transportation, or the director's designee; 9270
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(4) The director of environmental protection, or the 9272

director's designee;	9273
(5) The director of development services , or the director's designee;	9274 9275
(6) The treasurer of state, or the treasurer of state's designee;	9276 9277
(7) The attorney general, or the attorney general's designee;	9278
(8) <u>(7)</u> The chancellor of higher education or the chancellor's designee;	9279 9280
(9) <u>(8)</u> The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;	9281 9282 9283
(10) <u>(9)</u> The director of public safety or the director's designee;	9284 9285
(11) <u>(10)</u> The executive director of the county auditors' association or the executive director's designee;	9286 9287
(12) <u>(11)</u> The executive director of the county commissioners' association or the executive director's designee;	9288 9289
(13) <u>(12)</u> The executive director of the county engineers' association or the executive director's designee;	9290 9291
(14) <u>(13)</u> The executive director of the Ohio municipal league or the executive director's designee;	9292 9293
(15) <u>(14)</u> The executive director of the Ohio townships association or the executive director's designee;	9294 9295
<u>(15) A member of the senate, appointed by the president of the senate;</u>	9296 9297
<u>(16) A member of the house of representatives, appointed by the speaker of the house of representatives.</u>	9298 9299
(C) Members of the council shall serve without compensation.	9300

Sec. ~~113.41~~ 125.903. (A) The ~~treasurer~~ department of state 9301
administrative services shall develop and maintain a comprehensive 9302
and descriptive database of all real property under the custody 9303
and control of the state, except when otherwise required for 9304
reasons of homeland security. The database shall adequately 9305
describe, when known, the location, boundary, and acreage of the 9306
property, the use and name of the property, and the contact 9307
information and name of the state agency managing the property. 9308
The information in the database shall be available to the public 9309
free of charge through a searchable internet web site. ~~The~~ 9310
~~treasurer of state shall allow for public comment on property~~ 9311
~~owned by the state.~~ 9312

(B) ~~For purposes of the database, Each landholding state~~ 9313
agency shall collect and maintain a geographic information systems 9314
database of its respective landholdings, and shall provide the 9315
database to the Ohio geographically referenced information program 9316
council established in section 125.901 of the Revised Code ~~shall~~ 9317
~~provide to the treasurer of state, and the treasurer of state~~ 9318
~~shall collect, information, in a format prescribed by the~~ 9319
~~treasurer of state, that adequately describes, when known, the~~ 9320
~~location, acreage, and use of state owned property. The council~~ 9321
~~shall make its best efforts to obtain the required information on~~ 9322
~~the state owned property and shall submit updated information to~~ 9323
~~the treasurer of state as it becomes available.~~ 9324

(C) As used in this section, "state-owned property" does not 9325
include state property owned or under the control of the general 9326
assembly or any legislative agency, any court or judicial agency, 9327
the secretary of state, auditor of state, treasurer of state, or 9328
attorney general and their respective offices. 9329

Sec. 126.21. (A) The director of budget and management shall 9330
do all of the following: 9331

- (1) Keep all necessary accounting records; 9332
- (2) Prescribe and maintain the accounting system of the state 9333
and establish appropriate accounting procedures and charts of 9334
accounts; 9335
- (3) Establish procedures for the use of written, electronic, 9336
optical, or other communications media for approving and reviewing 9337
payment vouchers; 9338
- (4) Reconcile, in the case of any variation between the 9339
amount of any appropriation and the aggregate amount of items of 9340
the appropriation, with the advice and assistance of the state 9341
agency affected by it and the legislative service commission, 9342
totals so as to correspond in the aggregate with the total 9343
appropriation. In the case of a conflict between the item and the 9344
total of which it is a part, the item shall be considered the 9345
intended appropriation. 9346
- (5) Evaluate on an ongoing basis and, if necessary, recommend 9347
improvements to the internal controls used in state agencies; 9348
- (6) Authorize the establishment of petty cash accounts. The 9349
director may withdraw approval for any petty cash account and 9350
require the officer in charge to return to the state treasury any 9351
unexpended balance shown by the officer's accounts to be on hand. 9352
Any officer who is issued a warrant for petty cash shall render a 9353
detailed account of the expenditures of the petty cash and shall 9354
report when requested the balance of petty cash on hand at any 9355
time. 9356
- (7) Process orders, invoices, vouchers, claims, and payrolls 9357
and prepare financial reports and statements; 9358
- (8) Perform extensions, reviews, and compliance checks prior 9359
to or after approving a payment as the director considers 9360
necessary; 9361

(9) Issue the official annual comprehensive ~~annual~~ financial 9362
report of the state. The report shall cover all funds of the state 9363
reporting entity and shall include basic financial statements and 9364
required supplementary information prepared in accordance with 9365
generally accepted accounting principles and other information as 9366
the director provides. All state agencies, authorities, 9367
institutions, offices, retirement systems, and other component 9368
units of the state reporting entity as determined by the director 9369
shall furnish the director whatever financial statements and other 9370
information the director requests for the report, in the form, at 9371
the times, covering the periods, and with the attestation the 9372
director prescribes. The information for state institutions of 9373
higher education, as defined in section 3345.011 of the Revised 9374
Code, shall be submitted to the chancellor of higher education by 9375
the ~~Ohio board~~ department of ~~regents~~ higher education. The ~~board~~ 9376
chancellor shall establish a due date by which each such 9377
institution shall submit the information to the ~~board~~ department, 9378
but no such date shall be later than one hundred twenty days after 9379
the end of the state fiscal year unless a later date is approved 9380
by the director. 9381

(B) In addition to the director's duties under division (A) 9382
of this section, the director may establish and administer one or 9383
more payment card programs that permit state agencies and 9384
political subdivisions to use a payment card to purchase 9385
equipment, materials, supplies, or services in accordance with 9386
guidelines issued by the director. The chief administrative 9387
officer of a state agency or political subdivision that uses a 9388
payment card for such purposes shall ensure that purchases made 9389
with the card are made in accordance with the guidelines issued by 9390
the director. State agencies may participate in only those payment 9391
card programs that the director establishes pursuant to this 9392
section. 9393

(C) In addition to the director's duties under divisions (A) 9394
and (B) of this section, the director may enter into any contract 9395
or agreement necessary for and incidental to the performance of 9396
the director's duties or the duties of the office of budget and 9397
management. 9398

(D) In addition to the director's duties under divisions (A), 9399
(B), and (C) of this section, the director may operate a shared 9400
services center within the office of budget and management for the 9401
purpose of consolidating common business functions and 9402
transactional processes. The services offered by the shared 9403
services center may be provided to any state agency or political 9404
subdivision. In consultation with the director of administrative 9405
services, the director may appoint and fix the compensation of 9406
employees of the office whose primary duties include the 9407
consolidation of common business functions and transactional 9408
processes. 9409

(E) The director may transfer cash between funds other than 9410
the general revenue fund in order to correct an erroneous payment 9411
or deposit regardless of the fiscal year during which the 9412
erroneous payment or deposit occurred. 9413

(F) As used in divisions (B) and (D) of this section: 9414

(1) "Political subdivision" has the same meaning as in 9415
section 2744.01 of the Revised Code. 9416

(2) "State agency" has the same meaning as in section 9.482 9417
of the Revised Code. 9418

Sec. 126.25. The services provided by the director of budget 9419
and management under ~~section~~ sections 126.21 and 126.42 of the 9420
Revised Code shall be supported by charges. The director shall 9421
determine a rate that is sufficient to defray the expense of those 9422
services and the manner by which those charges shall be collected. 9423

All money collected from the charges shall be deposited in the 9424
state treasury to the credit of the accounting and budgeting fund, 9425
which is hereby created. Rebates or revenue shares received from 9426
any payment card program established under division (B) of section 9427
126.21 of the Revised Code and miscellaneous payments that 9428
reimburse expenses paid from the accounting and budgeting fund may 9429
be deposited into the accounting and budgeting fund and used to 9430
support the services provided by the director. 9431

Sec. 126.30. (A) Any state agency that purchases, leases, or 9432
otherwise acquires any equipment, materials, goods, supplies, or 9433
services from any person and fails to make payment for the 9434
equipment, materials, goods, supplies, or services by the required 9435
payment date shall pay an interest charge to the person in 9436
accordance with division (E) of this section, unless the amount of 9437
the interest charge is less than ten dollars. Except as otherwise 9438
provided in division (B), (C), or (D) of this section, the 9439
required payment date shall be the date on which payment is due 9440
under the terms of a written agreement between the state agency 9441
and the person or, if a specific payment date is not established 9442
by such a written agreement, the required payment date shall be 9443
thirty days after the state agency receives a proper invoice for 9444
the amount of the payment due. 9445

(B) If the invoice submitted to the state agency contains a 9446
defect or impropriety, the agency shall send written notification 9447
to the person within fifteen days after receipt of the invoice. 9448
The notice shall contain a description of the defect or 9449
impropriety and any additional information necessary to correct 9450
the defect or impropriety. If the agency sends such written 9451
notification to the person, the required payment date shall be 9452
thirty days after the state agency receives a proper invoice. 9453

(C) In applying this section to claims submitted to the 9454

department of job and family services by providers of equipment, 9455
materials, goods, supplies, or services, the required payment date 9456
shall be the date on which payment is due under the terms of a 9457
written agreement between the department and the provider. If a 9458
specific payment date is not established by a written agreement, 9459
the required payment date shall be thirty days after the 9460
department receives a proper claim. If the department determines 9461
that the claim is improperly executed or that additional evidence 9462
of the validity of the claim is required, the department shall 9463
notify the claimant in writing or by telephone within fifteen days 9464
after receipt of the claim. The notice shall state that the claim 9465
is improperly executed and needs correction or that additional 9466
information is necessary to establish the validity of the claim. 9467
If the department makes such notification to the provider, the 9468
required payment date shall be thirty days after the department 9469
receives the corrected claim or such additional information as may 9470
be necessary to establish the validity of the claim. 9471

(D) In applying this section to invoices submitted to the 9472
bureau of workers' compensation for equipment, materials, goods, 9473
supplies, or services provided to employees in connection with an 9474
employee's claim against the state insurance fund, the public 9475
work-relief employees' compensation fund, the coal-workers 9476
pneumoconiosis fund, or the marine industry fund as compensation 9477
for injuries or occupational disease pursuant to Chapter 4123., 9478
4127., or 4131. of the Revised Code, the required payment date 9479
shall be the date on which payment is due under the terms of a 9480
written agreement between the bureau and the provider. If a 9481
specific payment date is not established by a written agreement, 9482
the required payment date shall be thirty days after the bureau 9483
receives a proper invoice for the amount of the payment due or 9484
thirty days after the final adjudication allowing payment of an 9485
award to the employee, whichever is later. Nothing in this section 9486
shall supersede any faster timetable for payments to health care 9487

providers contained in sections 4121.44 and 4123.512 of the Revised Code. 9488
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For purposes of this division, a "proper invoice" includes the claimant's name, claim number and date of injury, employer's name, the provider's name and address, the provider's assigned payee number, a description of the equipment, materials, goods, supplies, or services provided by the provider to the claimant, the date provided, and the amount of the charge. If more than one item of equipment, materials, goods, supplies, or services is listed by a provider on a single application for payment, each item shall be considered separately in determining if it is a proper invoice. 9490
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If prior to a final adjudication the bureau determines that the invoice contains a defect, the bureau shall notify the provider in writing at least fifteen days prior to what would be the required payment date if the invoice did not contain a defect. The notice shall contain a description of the defect and any additional information necessary to correct the defect. If the bureau sends a notification to the provider, the required payment date shall be redetermined in accordance with this division after the bureau receives a proper invoice. 9500
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For purposes of this division, "final adjudication" means the later of the date of the decision or other action by the bureau, the industrial commission, or a court allowing payment of the award to the employee from which there is no further right to reconsideration or appeal that would require the bureau to withhold compensation and benefits, or the date on which the rights to reconsideration or appeal have expired without an application therefor having been filed or, if later, the date on which an application for reconsideration or appeal is withdrawn. If after final adjudication, the administrator of the bureau of workers' compensation or the industrial commission makes a 9509
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modification with respect to former findings or orders, pursuant 9520
to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant 9521
to court order, the adjudication process shall no longer be 9522
considered final for purposes of determining the required payment 9523
date for invoices for equipment, materials, goods, supplies, or 9524
services provided after the date of the modification when the 9525
propriety of the invoices is affected by the modification. 9526

(E) The interest charge on amounts due shall be paid to the 9527
person for the period beginning on the day after the required 9528
payment date and ending on the day that payment of the amount due 9529
is made. The amount of the interest charge that remains unpaid at 9530
the end of any thirty-day period after the required payment date, 9531
including amounts under ten dollars, shall be added to the 9532
principal amount of the debt and thereafter the interest charge 9533
shall accrue on the principal amount of the debt plus the added 9534
interest charge. The interest charge shall be at the rate per 9535
calendar month that equals one-twelfth of the rate per annum 9536
prescribed by section 5703.47 of the Revised Code for the calendar 9537
year that includes the month for which the interest charge 9538
accrues. 9539

(F) No appropriations shall be made for the payment of any 9540
interest charges required by this section. Any state agency 9541
required to pay interest charges under this section shall make the 9542
payments from moneys available for the administration of agency 9543
programs. 9544

If a state agency pays interest charges under this section, 9545
but determines that all or part of the interest charges should 9546
have been paid by another state agency, the state agency that paid 9547
the interest charges may request the attorney general to determine 9548
the amount of the interest charges that each state agency should 9549
have paid under this section. If the attorney general determines 9550
that the state agency that paid the interest charges should have 9551

paid none or only a part of the interest charges, the attorney 9552
general shall notify the state agency that paid the interest 9553
charges, any other state agency that should have paid all or part 9554
of the interest charges, and the director of budget and management 9555
of the attorney general's decision, stating the amount of interest 9556
charges that each state agency should have paid. The director 9557
shall transfer from the appropriate funds of any other state 9558
agency that should have paid all or part of the interest charges 9559
to the appropriate funds of the state agency that paid the 9560
interest charges an amount necessary to implement the attorney 9561
general's decision. 9562

(G) ~~Not later than forty five days after the end of each~~ 9563
~~fiscal year, each state agency shall file with the~~ The director of 9564
budget and management ~~a detailed report concerning the interest~~ 9565
~~charges the agency paid under this section during the previous~~ 9566
~~fiscal year. The report shall include the number, amounts, and~~ 9567
~~frequency of interest charges the agency incurred during the~~ 9568
~~previous fiscal year and the reasons why the interest charges were~~ 9569
~~not avoided by payment prior to the required payment date. The~~ 9570
director shall compile a summary of all the ~~reports submitted~~ 9571
~~under this division~~ interest charges paid under this section 9572
during the previous fiscal year and shall submit a copy of the 9573
summary to the president and minority leader of the senate and to 9574
the speaker and minority leader of the house of representatives no 9575
later than the thirtieth day of September of each year. 9576

Sec. ~~125.22~~ 126.42. (A) ~~The department of administrative~~ 9577
~~services~~ Notwithstanding any provision of law to the contrary, the 9578
office of budget and management shall ~~establish the central~~ 9579
~~service agency~~ to perform routine support for the following boards 9580
and commissions: 9581

(1) Architects board; 9582

(2) State chiropractic board;	9583
(3) State cosmetology and barber board;	9584
(4) Accountancy board;	9585
(5) State dental board;	9586
(6) Ohio occupational therapy, physical therapy, and athletic trainers board;	9587 9588
(7) State board of registration for professional engineers and surveyors;	9589 9590
(8) Board of embalmers and funeral directors;	9591
(9) State board of psychology;	9592
(10) Counselor, social worker, and marriage and family therapist board;	9593 9594
(11) State veterinary medical licensing board;	9595
(12) Commission on Hispanic-Latino affairs;	9596
(13) Commission on African-Americans;	9597
(14) Chemical dependency professionals board;	9598
(15) State vision professionals board;	9599
(16) State speech and hearing professionals board.	9600
(B)(1) Notwithstanding any other <u>For purposes of this</u> section	9601
of the Revised Code, the agency <u>office of budget and management</u>	9602
shall perform the following routine support services for the	9603
boards and commissions named in division (A) of this section	9604
unless the controlling board exempts a board or commission from	9605
this requirement on the recommendation of the director of	9606
administrative services <u>office of budget and management:</u>	9607
(a) Preparing and processing payroll and other personnel documents;	9608 9609
(b) Preparing and processing vouchers, purchase orders,	9610

encumbrances, and other accounting documents; 9611

(c) Maintaining ledgers of accounts and balances; 9612

(d) Preparing and monitoring budgets and allotment plans in 9613
consultation with the boards and commissions; 9614

(e) Routine human resources and personnel services; 9615

(f) Other routine support services that the director of 9616
~~administrative services~~ budget and management considers 9617
appropriate to achieve efficiency. 9618

(2) ~~The agency~~ In addition to the routine support services 9619
listed in division (B)(1) of this section, the office of budget 9620
and management may perform other services which a board or 9621
commission named in division (A) of this section delegates to the 9622
agency office and the agency office accepts. 9623

(3) The ~~agency~~ office of budget and management may perform 9624
~~any service~~ routine support services for any professional or 9625
occupational licensing board or commission not named in division 9626
(A) of this section ~~or any commission if~~ at the request of the 9627
board or commission ~~requests such service and the agency accepts.~~ 9628

(C) ~~The director of administrative services shall be the 9629~~
~~appointing authority for the agency.~~ 9630

~~(D) The agency~~ office of budget and management shall 9631
determine the fees to be charged to the boards and commissions, 9632
which shall be in proportion to the services performed for each 9633
board or commission. 9634

~~(E) Each board or commission named in division (A) of this 9635~~
~~section and any other board or commission requesting services from 9636~~
~~the agency shall pay these fees to the agency from the general 9637~~
~~revenue fund maintenance account of the board or commission or 9638~~
~~from such other fund as the operating expenses of the board or 9639~~
~~commission are paid. Any amounts set aside for a fiscal year by a 9640~~

~~board or commission to allow for the payment of fees shall be used 9641
only for the services performed by the agency in that fiscal year. 9642
All receipts collected by the agency shall be deposited in the 9643
state treasury to the credit of the central service agency fund, 9644
which is hereby created. All expenses incurred by the agency in 9645
performing services for the boards or commissions shall be paid 9646
from the fund. 9647~~

~~(F) Nothing in this section shall be construed as a grant of 9648
authority for the central service agency to initiate or deny 9649
personnel or fiscal actions for the boards and commissions. 9650~~

Sec. 126.46. (A)(1) There is hereby created the state audit 9651
committee, consisting of the following five members: one public 9652
member appointed by the governor; two public members appointed by 9653
the speaker of the house of representatives, one of which may be a 9654
person who is recommended by the minority leader of the house of 9655
representatives; and two public members appointed by the president 9656
of the senate, one of which may be a person who is recommended by 9657
the minority leader of the senate. Not more than two of the four 9658
members appointed by the speaker of the house of representatives 9659
and the president of the senate shall belong to or be affiliated 9660
with the same political party. The member appointed by the 9661
governor shall have the program and management expertise required 9662
to perform the duties of the committee's chairperson. 9663

Each member of the committee shall be external to the 9664
management structure of state government and shall serve a 9665
three-year term. Each term shall commence on the first day of July 9666
and end on the thirtieth day of June. Any member may continue in 9667
office subsequent to the expiration date of the member's term 9668
until the member's successor takes office or until a period of 9669
ninety days has elapsed, whichever occurs first. Members may be 9670
reappointed to serve one additional term. 9671

On September 29, 2011, the terms of the members shall be 9672
altered as follows: 9673

(a) The terms of the members appointed by the president shall 9674
expire on June 30, 2012. 9675

(b) The term of the member appointed by the speaker scheduled 9676
to expire on November 17, 2012, shall expire on June 30, 2013. 9677

(c) The term of the other member appointed by the speaker 9678
shall expire on June 30, 2014. 9679

(d) The term of the member appointed by the governor shall 9680
expire on June 30, 2014. 9681

The committee shall include at least one member who is a 9682
financial expert; at least one member who is an active, inactive, 9683
or retired certified public accountant; at least one member who is 9684
familiar with governmental financial accounting; at least one 9685
member who is familiar with information technology systems and 9686
services; and at least one member who is a representative of the 9687
public. 9688

Any vacancy on the committee shall be filled in the same 9689
manner as provided in this division, and, when applicable, the 9690
person appointed to fill a vacancy shall serve the remainder of 9691
the predecessor's term. 9692

(2) Members of the committee shall receive reimbursement for 9693
actual and necessary expenses incurred in the discharge of their 9694
duties. 9695

(3) The member of the committee appointed by the governor 9696
shall serve as the committee's chairperson. 9697

(4) Members of the committee shall be subject to the 9698
disclosure statement requirements of section 102.02 of the Revised 9699
Code. 9700

(B) The state audit committee shall do all of the following: 9701

(1) Evaluate whether the internal audits directed by the office of internal audit in the office of budget and management conform to the institute of internal auditors' international professional practices framework for internal auditing and to the institute of internal auditors' code of ethics;

(2) Review and comment on the process used by the office of budget and management to prepare the state's annual comprehensive ~~annual~~ financial report required under division (A)(9) of section 126.21 of the Revised Code;

(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards;

(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code.

(C) As used in this section, "financial expert" means a person who has all of the following:

(1) An understanding of generally accepted accounting principles and financial statements;

(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves;

(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities;

(4) An understanding of internal controls and procedures for financial reporting; and

(5) An understanding of audit committee functions.

Sec. 126.62. (A) The investing in all Ohio future fund is 9732
hereby created in the state treasury. Moneys The fund shall 9733
consist of money credited to it and any donations, gifts, 9734
bequests, or other money received for deposit in the fund. All 9735
investment earnings of the fund shall be credited to the fund. 9736
Money in the fund shall be used to provide financial assistance 9737
through loans, grants, or other incentives that promote economic 9738
development throughout the state, including infrastructure 9739
improvements. Such improvements include electric infrastructure 9740
development approved by the public utilities commission under 9741
sections 4928.85 to 4928.89 of the Revised Code and electric 9742
infrastructure improvements made by electric cooperatives and 9743
municipal electric utilities as those utilities are defined in 9744
section 4928.01 of the Revised Code. 9745

(B) The director of development shall adopt rules in 9746
accordance with Chapter 119. of the Revised Code that establish 9747
requirements and procedures to provide financial assistance from 9748
the all Ohio future fund to eligible economic development 9749
projects. The director shall consult with JobsOhio in adopting the 9750
rules. 9751

The rules shall include all of the following: 9752

(1) All forms and materials required to apply for financial 9753
assistance from the all Ohio future fund; 9754

(2) Requirements, procedures, and criteria that the director 9755
shall use in selecting sites to receive financial assistance from 9756
the fund. The rules shall require the director to consider sites 9757
that JobsOhio and local and regional economic development 9758
organizations have identified for economic development. 9759

The criteria adopted in rules for site selection shall 9760
include a means to identify and designate economic development 9761
projects into the following development tiers: 9762

<u>(a) A tier one project is a megaproject, as defined in</u>	9763
<u>section 122.17 of the Revised Code;</u>	9764
<u>(b) A tier two project is a megaproject supplier, as defined</u>	9765
<u>in section 122.17 of the Revised Code;</u>	9766
<u>(c) A tier three project is a project in an industrial park</u>	9767
<u>or a site that is zoned industrial.</u>	9768
<u>(3) Any other requirements or procedures necessary to</u>	9769
<u>administer this section.</u>	9770
<u>(C) When awarding financial assistance under this section and</u>	9771
<u>rules adopted under it, the director shall do both of the</u>	9772
<u>following:</u>	9773
<u>(1) Unless a higher amount is approved by the controlling</u>	9774
<u>board, limit financial assistance amounts as follows:</u>	9775
<u>(a) For tier one projects, not more than two hundred million</u>	9776
<u>dollars per project;</u>	9777
<u>(b) For tier two projects, not more than seventy-five million</u>	9778
<u>dollars per project;</u>	9779
<u>(c) For tier three projects, not more than twenty-five</u>	9780
<u>million dollars per project.</u>	9781
<u>(2) Give preference to sites that are publicly owned.</u>	9782
<u>(D) The director may provide grants and loans under this</u>	9783
<u>section to port authorities, community improvement corporations,</u>	9784
<u>joint economic development districts, and public private</u>	9785
<u>partnerships to aid in the acquisition of land necessary for site</u>	9786
<u>development.</u>	9787
<u>(E) Notwithstanding section 131.35 of the Revised Code, the</u>	9788
<u>controlling board may exceed the limitation in division (E) of</u>	9789
<u>that section to increase appropriation to the all Ohio future</u>	9790
<u>fund, provided that there is a sufficient cash balance in the fund</u>	9791
<u>to support the requested increase.</u>	9792

(F) No money shall be expended from the all Ohio future fund, 9793
pursuant to appropriation, until it has been released by the 9794
controlling board. 9795

(G) Notwithstanding any provision of section 121.95 of the 9796
Revised Code to the contrary, a regulatory restriction contained 9797
in a rule adopted under this section is not subject to sections 9798
121.95 to 121.953 of the Revised Code. 9799

Sec. 127.16. (A) Upon the request of either a state agency or 9800
the director of budget and management and after the controlling 9801
board determines that an emergency or a sufficient economic reason 9802
exists, the controlling board may approve the making of a purchase 9803
without competitive selection as provided in division (B) of this 9804
section. 9805

(B) Except as otherwise provided in this section, no state 9806
agency, using money that has been appropriated to it directly, 9807
shall: 9808

(1) Make any purchase from a particular supplier, that would 9809
amount to fifty thousand dollars or more when combined with both 9810
the amount of all disbursements to the supplier during the fiscal 9811
year for purchases made by the agency and the amount of all 9812
outstanding encumbrances for purchases made by the agency from the 9813
supplier, unless the purchase is made by competitive selection or 9814
with the approval of the controlling board; 9815

(2) Lease real estate from a particular supplier, if the 9816
lease would amount to seventy-five thousand dollars or more when 9817
combined with both the amount of all disbursements to the supplier 9818
during the fiscal year for real estate leases made by the agency 9819
and the amount of all outstanding encumbrances for real estate 9820
leases made by the agency from the supplier, unless the lease is 9821
made by competitive selection or with the approval of the 9822
controlling board. 9823

(C) Any person who authorizes a purchase in violation of 9824
division (B) of this section shall be liable to the state for any 9825
state funds spent on the purchase, and the attorney general shall 9826
collect the amount from the person. 9827

(D) Nothing in division (B) of this section shall be 9828
construed as: 9829

(1) A limitation upon the authority of the director of 9830
transportation as granted in sections 5501.17, 5517.02, and 9831
5525.14 of the Revised Code; 9832

(2) Applying to medicaid provider agreements under the 9833
medicaid program; 9834

(3) Applying to the purchase of examinations from a sole 9835
supplier by a state licensing board under Title XLVII of the 9836
Revised Code; 9837

(4) Applying to entertainment contracts for the Ohio state 9838
fair entered into by the Ohio expositions commission, provided 9839
that the controlling board has given its approval to the 9840
commission to enter into such contracts and has approved a total 9841
budget amount for such contracts as agreed upon by commission 9842
action, and that the commission causes to be kept itemized records 9843
of the amounts of money spent under each contract and annually 9844
files those records with the clerk of the house of representatives 9845
and the clerk of the senate following the close of the fair; 9846

(5) Limiting the authority of the chief of the division of 9847
mineral resources management to contract for reclamation work with 9848
an operator mining adjacent land as provided in section 1513.27 of 9849
the Revised Code; 9850

(6) Applying to investment transactions and procedures of any 9851
state agency, except that the agency shall file with the board the 9852
name of any person with whom the agency contracts to make, broker, 9853
service, or otherwise manage its investments, as well as the 9854

commission, rate, or schedule of charges of such person with 9855
respect to any investment transactions to be undertaken on behalf 9856
of the agency. The filing shall be in a form and at such times as 9857
the board considers appropriate. 9858

(7) Applying to purchases made with money for the per cent 9859
for arts program established by section 3379.10 of the Revised 9860
Code; 9861

(8) Applying to purchases made by the opportunities for 9862
Ohioans with disabilities agency of services, or supplies, that 9863
are provided to persons with disabilities, or to purchases made by 9864
the agency in connection with the eligibility determinations it 9865
makes for applicants of programs administered by the social 9866
security administration; 9867

(9) Applying to payments by the department of medicaid under 9868
section 5164.85 of the Revised Code for group health plan 9869
premiums, deductibles, coinsurance, and other cost-sharing 9870
expenses; 9871

(10) Applying to any agency of the legislative branch of the 9872
state government; 9873

(11) Applying to agreements or contracts entered into under 9874
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 9875
Revised Code; 9876

(12) Applying to purchases of services by the adult parole 9877
authority under section 2967.14 of the Revised Code or by the 9878
department of youth services under section 5139.08 of the Revised 9879
Code; 9880

(13) Applying to dues or fees paid for membership in an 9881
organization or association; 9882

(14) Applying to purchases of utility services pursuant to 9883
section 9.30 of the Revised Code; 9884

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	9885 9886 9887 9888
(16) Applying to purchases of tickets for passenger air transportation;	9889 9890
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	9891 9892 9893
(18) Applying to the judicial branch of state government;	9894
(19) Applying to purchases of liquor for resale by the division of liquor control;	9895 9896
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	9897 9898 9899
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	9900 9901 9902 9903
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	9904 9905 9906
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	9907 9908 9909
(24) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	9910 9911 9912
(25) Applying to payments by the department of job and family services to the United States department of health and human	9913 9914

services for printing and mailing notices pertaining to the tax 9915
refund offset program of the internal revenue service of the 9916
United States department of the treasury; 9917

(26) Applying to contracts entered into by the department of 9918
developmental disabilities under section 5123.18 of the Revised 9919
Code; 9920

(27) Applying to payments made by the department of mental 9921
health and addiction services under a physician recruitment 9922
program authorized by section 5119.185 of the Revised Code; 9923

(28) Applying to contracts entered into with persons by the 9924
director of commerce for unclaimed funds collection and remittance 9925
efforts as provided in division (G) of section 169.03 of the 9926
Revised Code. The director shall keep an itemized accounting of 9927
unclaimed funds collected by those persons and amounts paid to 9928
them for their services. 9929

(29) Applying to purchases made by a state institution of 9930
higher education in accordance with the terms of a contract 9931
between the vendor and an inter-university purchasing group 9932
comprised of purchasing officers of state institutions of higher 9933
education; 9934

(30) Applying to the department of medicaid's purchases of 9935
health assistance services under the children's health insurance 9936
program; 9937

(31) Applying to payments by the attorney general from the 9938
reparations fund to hospitals and other emergency medical 9939
facilities for performing medical examinations to collect physical 9940
evidence pursuant to section 2907.28 of the Revised Code; 9941

(32) Applying to contracts with a contracting authority or 9942
administrative receiver under division (B) of section 5126.056 of 9943
the Revised Code; 9944

(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;

(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;

(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;

(36) Applying to contracts entered into under section 5160.12 of the Revised Code;

(37) Applying to payments to the Ohio history connection from other state agencies.

(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, ~~all of~~ the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.

(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(G) As used in this section, "competitive selection," "direct purchasing authority," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 131.02. (A) Except as otherwise provided in section 9975
4123.37, section 5703.061, and division (K) of section 4123.511 of 9976
the Revised Code, whenever any amount is payable to the state, the 9977
officer, employee, or agent responsible for administering the law 9978
under which the amount is payable shall immediately proceed to 9979
collect the amount or cause the amount to be collected and shall 9980
pay the amount into the state treasury or into the appropriate 9981
custodial fund in the manner set forth pursuant to section 113.08 9982
of the Revised Code. Except as otherwise provided in this 9983
division, if the amount is not paid within forty-five days after 9984
payment is due, the officer, employee, or agent shall certify the 9985
amount due to the attorney general, in the form and manner 9986
prescribed by the attorney general, ~~and notify the director of~~ 9987
~~budget and management thereof.~~ In the case of an amount payable by 9988
a student enrolled in a state institution of higher education, the 9989
amount shall be certified within the later of forty-five days 9990
after the amount is due or the tenth day after the beginning of 9991
the next academic semester, quarter, or other session following 9992
the session for which the payment is payable. The attorney general 9993
may assess the collection cost to the amount certified in such 9994
manner and amount as prescribed by the attorney general. If an 9995
amount payable to a political subdivision is past due, the 9996
political subdivision may, with the approval of the attorney 9997
general, certify the amount to the attorney general pursuant to 9998
this section. 9999

For the purposes of this section, the attorney general and 10000
the officer, employee, or agent responsible for administering the 10001
law under which the amount is payable shall agree on the time a 10002
payment is due, and that agreed upon time shall be one of the 10003
following times: 10004

(1) If a law, including an administrative rule, of this state 10005
prescribes the time a payment is required to be made or reported, 10006

when the payment is required by that law to be paid or reported.	10007
(2) If the payment is for services rendered, when the rendering of the services is completed.	10008 10009
(3) If the payment is reimbursement for a loss, when the loss is incurred.	10010 10011
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	10012 10013 10014
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	10015 10016 10017
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	10018 10019
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	10020 10021 10022
(8) Upon proof of claim being filed in a bankruptcy case.	10023
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed.	10024 10025 10026 10027 10028 10029
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	10030 10031 10032
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	10033 10034 10035
(a) The assessment or case number;	10036

(b) The tax pursuant to which the assessment is made;	10037
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	10038 10039
(d) An explanation of how and when interest will be added to the amount assessed;	10040 10041
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	10042 10043 10044 10045
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	10046 10047
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	10048 10049 10050
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	10051 10052 10053
(1) Compromise the claim;	10054
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	10055 10056 10057 10058
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	10059 10060 10061
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	10062 10063 10064 10065 10066

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection; 10067
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(b) Cancel the claim or cause it to be canceled. 10069

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims. 10070
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(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists. 10075
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(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued. 10088
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(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court. 10090
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For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when a certified copy of the tax commissioner's entry making an assessment final has been filed in the office of the clerk of court of common pleas in the county in which the taxpayer resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county, as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of the Revised Code or in any other applicable law requiring such a filing. If an assessment has not been issued and there is no time limitation on the issuance of an assessment under applicable law, an action to collect a tax debt commences when the action is filed in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the implementation of this section.

Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the general revenue fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the

ensuing fiscal biennium. The balance in the fund may be combined 10129
with the balance in the general revenue fund for purposes of cash 10130
management. 10131

Sec. 131.51. (A) On or before the seventh day of each month, 10132
the director of budget and management shall credit to the local 10133
government fund one and ~~sixty-six one-hundredths~~ seven-tenths per 10134
cent of the total tax revenue credited to the general revenue fund 10135
during the preceding month. In determining the total tax revenue 10136
credited to the general revenue fund during the preceding month, 10137
the director shall include amounts transferred from the fund 10138
during the preceding month under this division and division (B) of 10139
this section. Money shall be distributed from the local government 10140
fund as required under sections 5747.50 and 5747.503 of the 10141
Revised Code during the same month in which it is credited to the 10142
fund. 10143

(B) On or before the seventh day of each month, the director 10144
of budget and management shall credit to the public library fund 10145
one and ~~sixty-six one-hundredths~~ seven-tenths per cent of the 10146
total tax revenue credited to the general revenue fund during the 10147
preceding month. In determining the total tax revenue credited to 10148
the general revenue fund during the preceding month, the director 10149
shall include amounts transferred from the fund during the 10150
preceding month under this division and division (A) of this 10151
section. Money shall be distributed from the public library fund 10152
as required under section 5747.47 of the Revised Code during the 10153
same month in which it is credited to the fund. 10154

(C) The director of budget and management shall develop a 10155
schedule identifying the specific tax revenue sources to be used 10156
to make the monthly transfers required under divisions (A) and (B) 10157
of this section. The director may, from time to time, revise the 10158
schedule as the director considers necessary. 10159

Sec. 135.63. The treasurer of state may invest in linked 10160
deposits under sections 135.61 to 135.67, short-term installment 10161
loan linked deposits under sections 135.68 to 135.70, agricultural 10162
linked deposits under sections 135.71 to 135.76, business linked 10163
deposits under sections 135.77 to 135.774, adoption linked 10164
deposits under sections 135.79 to 135.796, housing linked deposits 10165
under sections 135.81 to 135.87, assistive technology device 10166
linked deposits under sections 135.91 to 135.97, ~~and~~ SaveNOW 10167
linked deposits under sections 135.101 to 135.106 ~~of the Revised~~ 10168
Code, and homeownership savings linked deposits under sections 10169
135.98 to 135.986 of the Revised Code provided that at the time of 10170
placement of any such linked deposit the combined amount of 10171
investments in all such linked deposits is not more than twelve 10172
per cent of the state's total average investment portfolio as 10173
determined by the treasurer of state. When deciding whether to 10174
invest in any such linked deposits, the treasurer of state shall 10175
give priority to the investment, liquidity, and cash flow needs of 10176
the state. 10177

Sec. 135.78. (A) As used in this section: 10178

(1) "Eligible lending institution" means an eligible lending 10179
institution as defined in section 135.61, 135.68, 135.71, 135.77, 10180
or 135.79 of the Revised Code, as applicable. 10181

(2) "Eligible savings institution" means an eligible savings 10182
institution as defined in section 135.98 of the Revised Code. 10183

(3) "Prevailing interest rate" means a current interest rate 10184
benchmark selected by the treasurer of state that banks are 10185
willing to pay to hold deposits for a specific time period, as 10186
measured by a third-party organization. 10187

~~(3)~~(4) "Treasurer's assessment rate" means a number not 10188
exceeding ten per cent that is calculated in a manner determined 10189

by the treasurer of state and that seeks to account for the effect 10190
that varying tax treatment among different types of financial 10191
institutions has on the ability of financial institutions to pay 10192
competitive interest rates to hold deposits. 10193

(B) The treasurer of state shall, in accordance with Chapter 10194
111. of the Revised Code, adopt rules addressing the participation 10195
of eligible lending institutions in the agricultural linked 10196
deposit program under sections 135.71 to 135.76 of the Revised 10197
Code, the business linked deposit program under sections 135.77 to 10198
135.774 of the Revised Code, ~~and~~ the adoption linked deposit 10199
program under sections 135.79 to 135.796 of the ~~Ohio~~ Revised Code, 10200
and eligible savings institutions in the homeownership savings 10201
linked deposit program under sections 135.98 to 135.986 of the 10202
Revised Code, including, but not limited to, the manner in which 10203
an eligible lending institution or eligible savings institution is 10204
designated and the linked deposits are placed, held, and 10205
collateralized. Participation of eligible lending institutions and 10206
savings institutions in those linked deposit programs shall not 10207
begin until these rules have been adopted. 10208

(C) Notwithstanding any provision of law to the contrary, the 10209
treasurer of state may require an eligible lending institution or 10210
eligible savings institution that holds public deposits under 10211
sections 135.61 to 135.67, 135.68 to 135.70, 135.71 to 135.76, 10212
135.77 to 135.774, ~~or~~ 135.79 to 135.796, or 135.98 to 135.986 of 10213
the Revised Code, and any institution mentioned in section 135.03 10214
of the Revised Code that holds public deposits under sections 10215
135.71 to 135.76 of the Revised Code, to pay interest at a rate 10216
not lower than the product of the prevailing interest rate 10217
multiplied by the sum of one plus the treasurer's assessment rate. 10218
The treasurer may adopt rules necessary for the implementation of 10219
this division. The rules shall be adopted in accordance with 10220
Chapter 119. of the Revised Code. 10221

<u>Sec. 135.98. As used in sections 135.98 to 135.986 of the</u>	10222
<u>Revised Code:</u>	10223
<u>(A) "Closing costs" means a disbursement listed on a closing</u>	10224
<u>disclosure for the purchase of a home by an eligible participant.</u>	10225
<u>(B) "Closing disclosure" means the statement of receipts and</u>	10226
<u>disbursements for a transaction related to real estate, including</u>	10227
<u>a disclosure statement described under the "Real Estate Settlement</u>	10228
<u>Procedures Act of 1974," 12 U.S.C. 2601 et seq., and regulations</u>	10229
<u>thereunder.</u>	10230
<u>(C) "Discount interest rate" means an interest rate below the</u>	10231
<u>prevailing interest rate that the treasurer of state determines</u>	10232
<u>eligible savings institutions are willing to pay to hold</u>	10233
<u>homeownership savings linked deposits.</u>	10234
<u>(D) "Eligible home costs" means the down payment and closing</u>	10235
<u>costs for the purchase of a home by an eligible participant, or</u>	10236
<u>the transfer of funds from one homeownership savings linked</u>	10237
<u>deposit account to another homeownership savings linked deposit</u>	10238
<u>account at a different eligible savings institution.</u>	10239
<u>(E) "Eligible participant" means an individual who meets all</u>	10240
<u>the requirements necessary to participate in the homeownership</u>	10241
<u>savings linked deposit program created under sections 135.98 to</u>	10242
<u>135.986 of the Revised Code.</u>	10243
<u>(F) "Eligible savings institution" means a financial</u>	10244
<u>institution that is eligible to offer accounts to residents of</u>	10245
<u>this state for the purpose of saving eligible home costs, agrees</u>	10246
<u>to participate in the homeownership savings linked deposit</u>	10247
<u>program, and is either of the following:</u>	10248
<u>(1) A public depository of state funds under section 135.03</u>	10249
<u>of the Revised Code;</u>	10250
<u>(2) Notwithstanding any provision of sections 135.01 to</u>	10251

135.21 of the Revised Code to the contrary, a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state. 10252
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(G) "Home" means a dwelling in this state to be owned and occupied as a homestead by an eligible participant. "Home" includes a house, condominium, unit in a multiple-unit dwelling, manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, or any other real property that qualifies for a reduction under division (B) of section 323.152 of the Revised Code, and so includes as much of the land surrounding the dwelling as is reasonably necessary for the use of the dwelling as a residence, as determined by the treasurer of state. 10256
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(H) "Homeownership savings linked deposit account" means a linked deposit savings account opened exclusively for the purpose of paying eligible home costs and in compliance with the requirements of sections 135.98 to 135.986 of the Revised Code. 10266
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(I) "Homestead" has the same meaning as in section 322.151 of the Revised Code. 10270
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(J) "Linked deposit" means a certificate of deposit, share certificate, other financial institution instrument, or portion of an existing deposit of interim funds made in accordance with section 135.09 of the Revised Code that is placed, purchased, or designated by the treasurer of state with an eligible savings institution; provided the institution agrees to pay the premium savings rate to approved eligible participants, in accordance with the deposit agreement required by section 135.983 of the Revised Code. 10272
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(K) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code. 10281
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(L) "Mobile home" has the same meaning as in section 4501.01 10283
of the Revised Code. 10284

(M) "Other financial institution instrument" means a product 10285
that otherwise would pay the prevailing interest rate approved by 10286
the treasurer of state, for the purpose of providing eligible 10287
participants with the benefits of the applicable linked deposit 10288
program, and in accordance with the deposit agreement provided in 10289
section 135.983 of the Revised Code. 10290

(N) "Premium savings rate" means a rate, as established in 10291
section 135.984 of the Revised Code, that reflects the percentage 10292
rate increase above the present savings rate, as determined by the 10293
eligible savings institution, applicable to each eligible 10294
participant. 10295

(O) "Prevailing interest rate" means a current market 10296
interest rate selected by the treasurer of state that eligible 10297
savings institutions are willing to pay to hold deposits of the 10298
treasurer of state. 10299

(P) "Program period" means five years from the date the 10300
eligible participant opens a homeownership savings linked deposit 10301
account with the eligible savings institution. 10302

(Q) "Treasurer of state's assessment rate" means a number not 10303
exceeding ten per cent that is calculated in a manner determined 10304
by the treasurer of state and that seeks to account for the effect 10305
that varying tax treatment among different types of financial 10306
institutions has on the ability of financial institutions to pay 10307
competitive interest rates to hold deposits. 10308

Sec. 135.981. (A) An eligible savings institution that 10309
desires to receive a linked deposit shall accept and review 10310
applications for a homeownership savings linked deposit account 10311
from eligible participants for the homeownership savings linked 10312

deposit program in which the eligible savings institution 10313
participates. 10314

(B) An eligible participant shall certify on the 10315
participant's homeownership savings linked deposit account 10316
application that the eligible participant resides in the state, 10317
that the funds in the homeownership savings linked deposit account 10318
will be used exclusively for eligible program costs, and that the 10319
eligible participant will hold not more than one homeownership 10320
savings linked deposit account per program period at any eligible 10321
savings institution. Whoever knowingly makes a false statement 10322
concerning such application is guilty of the offense of 10323
falsification under section 2921.13 of the Revised Code. 10324

(C) The eligible savings institution shall forward to the 10325
treasurer of state a homeownership savings linked deposit package, 10326
in the form and manner prescribed by the treasurer of state. The 10327
package shall include such information as required by the 10328
treasurer of state. The institution shall certify that each 10329
applicant is an eligible participant. 10330

(D) No fee shall be charged to any party for the preparation, 10331
processing, or reporting of any application to an eligible savings 10332
institution for participation in a linked deposit program. 10333

Sec. 135.982. (A) The treasurer of state may accept or reject 10334
a homeownership savings linked deposit package, or any portion of 10335
it, based on the treasurer of state's evaluation of the amount of 10336
state funds to be deposited with an eligible savings institution. 10337
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(B) Upon acceptance of the homeownership savings linked 10339
deposit package, or any portion of it, the treasurer of state may 10340
place, purchase, or designate a linked deposit with the eligible 10341
savings institution at the discount interest rate, and in 10342

accordance with the deposit agreement required under section 10343
135.983 of the Revised Code and the procedures established by the 10344
treasurer of state. 10345

(C) Eligible savings institutions shall comply fully with 10346
Chapter 135. of the Revised Code. 10347

Sec. 135.983. (A) An eligible savings institution shall enter 10348
into a deposit agreement with the treasurer of state, which shall 10349
include the requirements necessary to carry out the purposes of 10350
sections 135.98 to 135.986 of the Revised Code. 10351

(B) The deposit agreement shall specify the maturity period 10352
of the linked deposit considered appropriate by the treasurer of 10353
state, which shall not exceed the length of the program period, as 10354
well as any other information, terms, or conditions the treasurer 10355
of state may require. Interest shall be paid by the eligible 10356
savings institution at the times determined by the treasurer of 10357
state. 10358

Sec. 135.984. (A)(1) Upon the treasurer of state placing, 10359
purchasing, or designating a homeownership savings linked deposit, 10360
the eligible savings institution shall offer the premium savings 10361
rate on a homeownership savings linked deposit account to each 10362
approved eligible participant listed in the accepted homeownership 10363
savings linked deposit package, and in accordance with the deposit 10364
agreement required by section 135.983 of the Revised Code. The 10365
premium savings rate shall apply to a homeownership savings linked 10366
deposit account as determined by the treasurer of state. Unless 10367
otherwise specified in the deposit agreement, the premium savings 10368
rate shall be at a rate equal to or greater than the present 10369
savings rate applicable to each specific eligible participant in 10370
the accepted homeownership savings linked deposit package plus the 10371
difference between the prevailing interest rate and the discount 10372

interest rate at which the linked deposits were placed, made, or designated. 10373
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(2) The premium savings rate shall only apply to a homeownership savings linked deposit account for the duration of the program period. After such time, the savings account is no longer a homeownership savings linked deposit account, and the eligible savings institution shall determine and apply a market interest rate to the eligible participant's savings account. 10375
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(B) The eligible savings institution shall provide to the treasurer of state a certificate of compliance with division (A) of this section in the form and manner prescribed by the treasurer of state. 10381
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(C) At the time of maturity, the eligible savings institution shall return the amount of the corresponding linked deposit to the treasurer of state in a timely manner, as prescribed by the treasurer of state. 10385
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(D) The treasurer of state shall take any and all steps necessary to implement and administer the homeownership savings linked deposit program under sections 135.98 to 135.986 of the Revised Code, including the adoption of rules. Such rules shall be adopted in accordance with section 111.15 of the Revised Code. 10389
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Sec. 135.985. (A) The state and the treasurer of state are not liable to any eligible savings institution or any eligible participant in any manner for the terms associated with a homeownership savings linked deposit account. Any misuse or misconduct on the part of an eligible savings institution or eligible participant does not in any manner affect the deposit agreement required by section 135.983 of the Revised Code between the eligible savings institution and the treasurer of state. 10394
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(B) If an eligible savings institution changes the terms of 10402

an eligible participant's homeownership savings linked deposit 10403
account, the amount of the linked deposit associated with the 10404
account plus applicable interest and without early withdrawal 10405
penalties shall be returned to the treasurer of state by the 10406
eligible savings institution in a timely manner, as prescribed by 10407
the treasurer of state. 10408

Sec. 135.986. (A) The general assembly finds that making 10409
homeownership more attainable is an important part of fostering a 10410
robust and lasting population across the state. However, 10411
individuals often struggle to accumulate the financial resources 10412
needed to purchase a home. Accordingly, it is declared to be the 10413
public policy of the state through the homeownership savings 10414
linked deposit program to create an availability of premium rate 10415
savings accounts for the down payment and closing costs associated 10416
with the purchase of a home. 10417

(B) An eligible participant for the homeownership savings 10418
linked deposit program is an individual who is a resident of this 10419
state and has applied for a homeownership savings account at an 10420
eligible savings institution. 10421

(C) An eligible participant shall certify on the application 10422
that the funds in the homeownership savings linked deposit account 10423
will be used exclusively for eligible home costs. 10424

(D) A homeownership savings linked deposit account shall be 10425
owned by not more than one eligible participant and an eligible 10426
participant shall hold not more than one homeownership savings 10427
linked deposit account per program period at any eligible savings 10428
institution. 10429

(E) Not later than January 31, 2027, the treasurer of state 10430
and the tax commissioner shall issue a report regarding the 10431
efficacy of the homeownership savings linked deposit program 10432
created in sections 135.98 to 135.986 of the Revised Code. The 10433

<u>report shall contain all of the following:</u>	10434
<u>(1) The number of accounts created;</u>	10435
<u>(2) The number of participating eligible savings</u> <u>institutions;</u>	10436 10437
<u>(3) The total amount contributed into the accounts;</u>	10438
<u>(4) The total tax deductions claimed for the accounts under</u> <u>division (A)(41) of section 5747.01 of the Revised Code;</u>	10439 10440
<u>(5) The average yield on the accounts;</u>	10441
<u>(6) Any other information the treasurer of state or tax</u> <u>commissioner deem relevant.</u>	10442 10443
<u>The report shall be delivered to the governor, the speaker of</u> <u>the house of representatives, and the president of the senate.</u>	10444 10445
Sec. 145.201. (A) Subject to the limit described in division (C) of this section, any member who is or has been an elected official of the state or any political subdivision thereof or has been appointed <u>either</u> by the governor with the advice and consent of the senate <u>or directly by the speaker of the house of</u> <u>representatives or president of the senate</u> to serve full-time as a member of a board, commission, or other public body may at any time prior to retirement purchase additional service credit in an amount not to exceed thirty-five per cent of the service credit allowed the member for the period of service as an elected or appointed official subsequent to January 1, 1935, other than credit for military service, part-time service, and service subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended.	10446 10447 10448 10449 10450 10451 10452 10453 10454 10455 10456 10457 10458 10459 10460
For each year of additional service credit purchased under this section, the member shall pay into the employees' savings fund an amount specified by the public employees retirement board	10461 10462 10463

that is equal to one hundred per cent of the additional liability 10464
resulting from the purchase of that year or portion of a year of 10465
credit as determined by an actuary employed by the board. The 10466
member shall receive full credit for such additional elective 10467
service in computing an allowance or benefit under section 145.33, 10468
145.331, 145.332, 145.36, 145.361, or 145.46 of the Revised Code, 10469
notwithstanding any other provision of this chapter. The payment 10470
to the employees' savings fund, and payments made to the 10471
employers' accumulation fund prior to ~~the effective date of this~~ 10472
~~amendment~~ January 7, 2013, for such additional elective service 10473
credit shall, in the event of death or withdrawal from service, be 10474
considered as accumulated contributions of the member. 10475

The board may determine by rule what constitutes full- or 10476
part-time service for purposes of this section. 10477

(B) Notwithstanding division (A) of this section, a member 10478
who purchased service credit under this section prior to January 10479
1, 1980, on the basis of part-time service shall be permitted to 10480
retain the credit and shall be given full credit for it in 10481
computing an allowance or benefit under section 145.33, 145.331, 10482
145.332, 145.36, 145.361, or 145.46 of the Revised Code. The 10483
public employees retirement board has no authority to cancel or 10484
rescind such credit. 10485

(C) A purchase made under this section shall not exceed the 10486
limits established by division (n) of section 415 of the "Internal 10487
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 10488
amended. 10489

(D) Subject to rules adopted by the public employees 10490
retirement board, a member who has purchased service credit under 10491
this section is entitled to be refunded all or a portion of the 10492
actual amount the member paid for the service credit if, in 10493
computing an age and service retirement allowance under division 10494
(A) of section 145.33 or section 145.332 of Revised Code, the 10495

allowance exceeds a limit established by either of those sections. 10496

A refund under this division cancels the equivalent amount of 10497
service credit. 10498

Sec. 149.3010. The Ohio history connection, in addition to 10499
its other functions, may use any land owned by the Ohio history 10500
connection, any land owned by the state and in the Ohio history 10501
connection's custody and control, any land leased by the Ohio 10502
history connection, or any land that the Ohio history connection 10503
has agreed to lease to another entity or organization, for the 10504
purpose of repatriation of American Indian human remains. 10505

The Ohio history connection shall work with and cooperate 10506
with federally recognized Indian tribal governments in the 10507
selection, management, and use of burial sites under this section. 10508
The Ohio history connection shall implement reasonable standards 10509
for the use and maintenance of the burial sites. In the event the 10510
Ohio history connection shall deaccession, otherwise dispose of, 10511
or no longer have custody and control of a burial site, the Ohio 10512
history connection shall retain access and authority to maintain 10513
the site or the Ohio history connection shall assign its right of 10514
access and maintenance to the person acquiring the site. 10515

Chapters 517., 759., 1721., and 4767. of the Revised Code do 10516
not apply to burial sites under this section. 10517

Sec. 149.311. (A) As used in this section: 10518

(1) "Historic building" means a building, including its 10519
structural components, that is located in this state and that is 10520
either individually listed on the national register of historic 10521
places under 16 U.S.C. 470a, located in a registered historic 10522
district, and certified by the state historic preservation officer 10523
as being of historic significance to the district, or is 10524
individually listed as an historic landmark designated by a local 10525

government certified under 16 U.S.C. 470a(c).	10526
(2) "Qualified rehabilitation expenditures" means	10527
expenditures paid or incurred during the rehabilitation period,	10528
and before and after that period as determined under 26 U.S.C. 47,	10529
by an owner or qualified lessee of an historic building to	10530
rehabilitate the building. "Qualified rehabilitation expenditures"	10531
includes architectural or engineering fees paid or incurred in	10532
connection with the rehabilitation, and expenses incurred in the	10533
preparation of nomination forms for listing on the national	10534
register of historic places. "Qualified rehabilitation	10535
expenditures" does not include any of the following:	10536
(a) The cost of acquiring, expanding, or enlarging an	10537
historic building;	10538
(b) Expenditures attributable to work done to facilities	10539
related to the building, such as parking lots, sidewalks, and	10540
landscaping;	10541
(c) New building construction costs.	10542
(3) "Owner" of an historic building means a person holding	10543
the fee simple interest in the building. "Owner" does not include	10544
the state or a state agency, or any political subdivision as	10545
defined in section 9.23 of the Revised Code.	10546
(4) "Qualified lessee" means a person subject to a lease	10547
agreement for an historic building and eligible for the federal	10548
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee"	10549
does not include the state or a state agency or political	10550
subdivision as defined in section 9.23 of the Revised Code.	10551
(5) "Certificate owner" means the owner or qualified lessee	10552
of an historic building to which a rehabilitation tax credit	10553
certificate was issued under this section.	10554
(6) "Registered historic district" means an historic district	10555

listed in the national register of historic places under 16 U.S.C. 10556
470a, an historic district designated by a local government 10557
certified under 16 U.S.C. 470a(c), or a local historic district 10558
certified under 36 C.F.R. 67.8 and 67.9. 10559

(7) "Rehabilitation" means the process of repairing or 10560
altering an historic building or buildings, making possible an 10561
efficient use while preserving those portions and features of the 10562
building and its site and environment that are significant to its 10563
historic, architectural, and cultural values. 10564

(8) "Rehabilitation period" means one of the following: 10565

(a) If the rehabilitation initially was not planned to be 10566
completed in stages, a period chosen by the owner or qualified 10567
lessee not to exceed twenty-four months during which 10568
rehabilitation occurs; 10569

(b) If the rehabilitation initially was planned to be 10570
completed in stages, a period chosen by the owner or qualified 10571
lessee not to exceed sixty months during which rehabilitation 10572
occurs. Each stage shall be reviewed as a phase of a 10573
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 10574
successor to that section. 10575

(9) "State historic preservation officer" or "officer" means 10576
the state historic preservation officer appointed by the governor 10577
under 16 U.S.C. 470a. 10578

(10) "Catalytic project" means the rehabilitation of an 10579
historic building, the rehabilitation of which will foster 10580
economic development within two thousand five hundred feet of the 10581
historic building. 10582

(B) The owner or qualified lessee of an historic building may 10583
apply to the director of development for a rehabilitation tax 10584
credit certificate for qualified rehabilitation expenditures paid 10585
or incurred by such owner or qualified lessee after April 4, 2007, 10586

for rehabilitation of an historic building. If the owner of an 10587
historic building enters a pass-through agreement with a qualified 10588
lessee for the purposes of the federal rehabilitation tax credit 10589
under 26 U.S.C. 47, the qualified rehabilitation expenditures paid 10590
or incurred by the owner after April 4, 2007, may be attributed to 10591
the qualified lessee. 10592

The form and manner of filing such applications shall be 10593
prescribed by rule of the director. Each application shall state 10594
the amount of qualified rehabilitation expenditures the applicant 10595
estimates will be paid or incurred and shall indicate whether the 10596
historic building was used as a theater before, and is intended to 10597
be used as a theater after, the rehabilitation. The director may 10598
require applicants to furnish documentation of such estimates. 10599

The director, after consultation with the tax commissioner 10600
and in accordance with Chapter 119. of the Revised Code, shall 10601
adopt rules that establish all of the following: 10602

(1) Forms and procedures by which applicants may apply for 10603
rehabilitation tax credit certificates; 10604

(2) Criteria for reviewing, evaluating, and approving 10605
applications for certificates within the limitations under 10606
division (D) of this section, criteria for assuring that the 10607
certificates issued encompass a mixture of high and low qualified 10608
rehabilitation expenditures, and criteria for issuing certificates 10609
under division (C)(3)(b) of this section; 10610

(3) Eligibility requirements for obtaining a certificate 10611
under this section; 10612

(4) The form of rehabilitation tax credit certificates; 10613

(5) Reporting requirements and monitoring procedures; 10614

(6) Procedures and criteria for conducting cost-benefit 10615
analyses of historic buildings that are the subjects of 10616

applications filed under this section. The purpose of a 10617
cost-benefit analysis shall be to determine whether rehabilitation 10618
of the historic building will result in a net revenue gain in 10619
state and local taxes once the building is used. 10620

(7) Any other rules necessary to implement and administer 10621
this section. 10622

(C) The director shall review the applications with the 10623
assistance of the state historic preservation officer and 10624
determine whether all of the following criteria are met: 10625

(1) That the building that is the subject of the application 10626
is an historic building and the applicant is the owner or 10627
qualified lessee of the building; 10628

(2) That the rehabilitation will satisfy standards prescribed 10629
by the United States secretary of the interior under 16 U.S.C. 10630
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 10631
that section; 10632

(3) That receiving a rehabilitation tax credit certificate 10633
under this section is a major factor in: 10634

(a) The applicant's decision to rehabilitate the historic 10635
building; or 10636

(b) To increase the level of investment in such 10637
rehabilitation. 10638

(4) The historic building that is the subject of the 10639
application is not, and will not upon completion of the 10640
rehabilitation project be, part of a qualified low-income housing 10641
project allocated a tax credit pursuant to section 42 of the 10642
Internal Revenue Code. 10643

An applicant shall demonstrate to the satisfaction of the 10644
state historic preservation officer and director that the 10645
rehabilitation will satisfy the standards described in division 10646

(C)(2) of this section before the applicant begins the physical rehabilitation of the historic building. 10647
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(D)(1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director may approve an application only after completion of the cost-benefit analysis. 10649
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(2) A rehabilitation tax credit certificate shall not be issued for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of one hundred twenty million dollars of rehabilitation tax credits for each of fiscal years 2023 ~~and~~, 2024, and 2025, and sixty million dollars of rehabilitation tax credits for each fiscal year thereafter but the director may reallocate unused tax credits from a prior fiscal year for new applicants and such reallocated credits shall not apply toward the dollar limit of this division. 10661
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(3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division (A)(8)(a) of this section, a rehabilitation tax credit certificate shall not be issued before the rehabilitation of the historic building is completed. 10672
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(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)(8)(b) of this 10677
10678

section, a rehabilitation tax credit certificate shall not be 10679
issued before a stage of rehabilitation is completed. After all 10680
stages of rehabilitation are completed, if the director cannot 10681
determine that the criteria in division (C) of this section are 10682
satisfied for all stages of rehabilitations, the director shall 10683
certify this finding to the tax commissioner, and any 10684
rehabilitation tax credits received by the applicant shall be 10685
repaid by the applicant and may be collected by assessment as 10686
unpaid tax by the commissioner. 10687

(5) The director shall require the applicant to provide a 10688
third-party cost certification by a certified public accountant of 10689
the actual costs attributed to the rehabilitation of the historic 10690
building when qualified rehabilitation expenditures exceed two 10691
hundred thousand dollars. 10692

If an applicant whose application is approved for receipt of 10693
a rehabilitation tax credit certificate fails to provide to the 10694
director sufficient evidence of reviewable progress, including a 10695
viable financial plan, copies of final construction drawings, and 10696
evidence that the applicant has obtained all historic approvals 10697
within twelve months after the date the applicant received 10698
notification of approval, and if the applicant fails to provide 10699
evidence to the director that the applicant has secured and closed 10700
on financing for the rehabilitation within eighteen months after 10701
receiving notification of approval, the director may rescind the 10702
approval of the application. The director shall notify the 10703
applicant if the approval has been rescinded. Credits that would 10704
have been available to an applicant whose approval was rescinded 10705
shall be available for other qualified applicants. Nothing in this 10706
division prohibits an applicant whose approval has been rescinded 10707
from submitting a new application for a rehabilitation tax credit 10708
certificate. 10709

(6) The director may approve the application of, and issue a 10710

rehabilitation tax credit certificate to, the owner of a catalytic 10711
project, provided the application otherwise meets the criteria 10712
described in divisions (C) and (D) of this section. The director 10713
may not approve more than one application for a rehabilitation tax 10714
credit certificate under division (D)(6) of this section during 10715
each state fiscal biennium. The director shall not approve an 10716
application for a rehabilitation tax credit certificate under 10717
division (D)(6) of this section during the state fiscal biennium 10718
beginning July 1, 2017, or during any state fiscal biennium 10719
thereafter. The director shall consider the following criteria in 10720
determining whether to approve an application for a certificate 10721
under division (D)(6) of this section: 10722

(a) Whether the historic building is a catalytic project; 10723

(b) The effect issuance of the certificate would have on the 10724
availability of credits for other applicants that qualify for a 10725
credit certificate within the credit dollar limit described in 10726
division (D)(2) of this section; 10727

(c) The number of jobs, if any, the catalytic project will 10728
create. 10729

(7)(a) The owner or qualified lessee of a historic building 10730
may apply for a rehabilitation tax credit certificate under both 10731
divisions (B) and (D)(6) of this section. In such a case, the 10732
director shall consider each application at the time the 10733
application is submitted. 10734

(b) The director shall not issue more than one certificate 10735
under this section with respect to the same qualified 10736
rehabilitation expenditures. 10737

(8) The director shall give consideration for tax credits 10738
awarded under this section to rehabilitations of historic 10739
buildings used as a theater before, and intended to be used as a 10740
theater after, the rehabilitation. In determining whether to 10741

approve an application for such a rehabilitation, the director 10742
shall consider the extent to which the rehabilitation will 10743
increase attendance at the theater and increase the theater's 10744
gross revenue. 10745

(9) The director shall rescind the approval of any 10746
application if the building that is the subject of the application 10747
is part of a qualified low-income housing project allocated a tax 10748
credit pursuant to section 42 of the Internal Revenue Code at any 10749
time before the building's rehabilitation is complete. 10750

(E) Issuance of a certificate represents a finding by the 10751
director of the matters described in divisions (C)(1), (2), and 10752
(3) of this section only; issuance of a certificate does not 10753
represent a verification or certification by the director of the 10754
amount of qualified rehabilitation expenditures for which a tax 10755
credit may be claimed under section 5725.151, 5725.34, 5726.52, 10756
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 10757
qualified rehabilitation expenditures for which a tax credit may 10758
be claimed is subject to inspection and examination by the tax 10759
commissioner or employees of the commissioner under section 10760
5703.19 of the Revised Code and any other applicable law. Upon the 10761
issuance of a certificate, the director shall certify to the tax 10762
commissioner, in the form and manner requested by the tax 10763
commissioner, the name of the applicant, the amount of qualified 10764
rehabilitation expenditures shown on the certificate, and any 10765
other information required by the rules adopted under this 10766
section. 10767

(F)(1) On or before the first day of August each year, the 10768
director and tax commissioner jointly shall submit to the 10769
president of the senate and the speaker of the house of 10770
representatives a report on the tax credit program established 10771
under this section and sections 5725.151, 5725.34, 5726.52, 10772
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 10773

shall present an overview of the program and shall include 10774
information on the number of rehabilitation tax credit 10775
certificates issued under this section during the preceding fiscal 10776
year, an update on the status of each historic building for which 10777
an application was approved under this section, the dollar amount 10778
of the tax credits granted under sections 5725.151, 5725.34, 10779
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 10780
any other information the director and commissioner consider 10781
relevant to the topics addressed in the report. 10782

(2) On or before December 1, 2015, the director and tax 10783
commissioner jointly shall submit to the president of the senate 10784
and the speaker of the house of representatives a comprehensive 10785
report that includes the information required by division (F)(1) 10786
of this section and a detailed analysis of the effectiveness of 10787
issuing tax credits for rehabilitating historic buildings. The 10788
report shall be prepared with the assistance of an economic 10789
research organization jointly chosen by the director and 10790
commissioner. 10791

(G) There is hereby created in the state treasury the 10792
historic rehabilitation tax credit operating fund. The director is 10793
authorized to charge reasonable application and other fees in 10794
connection with the administration of tax credits authorized by 10795
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 10796
5733.47, and 5747.76 of the Revised Code. Any such fees collected 10797
shall be credited to the fund and used to pay reasonable costs 10798
incurred by the department of development in administering this 10799
section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, 10800
and 5747.76 of the Revised Code. 10801

The Ohio historic preservation office is authorized to charge 10802
reasonable fees in connection with its review and approval of 10803
applications under this section. Any such fees collected shall be 10804
credited to the fund and used to pay administrative costs incurred 10805

by the Ohio historic preservation office pursuant to this section. 10806

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10807
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 10808
owner of a tax credit certificate issued under division (D)(6) of 10809
this section may claim a tax credit equal to twenty-five per cent 10810
of the dollar amount indicated on the certificate for a total 10811
credit of not more than twenty-five million dollars. The credit 10812
claimed by such a certificate owner for any calendar year, tax 10813
year, or taxable year under section 5725.151, 5725.34, 5726.52, 10814
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 10815
five million dollars. If the certificate owner is eligible for 10816
more than five million dollars in total credits, the certificate 10817
owner may carry forward the balance of the credit in excess of the 10818
amount claimed for that year for not more than five ensuing 10819
calendar years, tax years, or taxable years. If the credit claimed 10820
in any calendar year, tax year, or taxable year exceeds the tax 10821
otherwise due, the excess shall be refunded to the taxpayer. 10822

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 10823
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 10824
apply to a tax credit approved under this section after September 10825
13, 2022, and before July 1, 2024: 10826

(1) The certificate holder may claim a tax credit equal to 10827
thirty-five per cent of the dollar amount indicated on the tax 10828
credit certificate if any county, township, or municipal 10829
corporation within which the project is located has a population 10830
of less than three hundred thousand according to the 2020 10831
decennial census. The tax credit equals twenty-five per cent of 10832
the dollar amount indicated on the certificate if the project is 10833
not located within such a county, township, or municipal 10834
corporation. 10835

(2) The total tax credit claimed under section 5725.151, 10836
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code 10837

for any one project shall not exceed ten million dollars for any 10838
calendar year, tax year, or taxable year. 10839

(3) If the credit claimed in any calendar year, tax year, or 10840
taxable year exceeds the tax otherwise due, the excess shall be 10841
refunded to the taxpayer, subject to division (I)(2) of this 10842
section. 10843

(J) The director of development, in consultation with the 10844
director of budget and management, shall develop and adopt a 10845
system of tracking any information necessary to anticipate the 10846
impact of credits issued under this section on tax revenues for 10847
current and future fiscal years. Such information may include the 10848
number of applications approved, the estimated rehabilitation 10849
expenditures and rehabilitation period associated with such 10850
applications, the number and amount of tax credit certificates 10851
issued, and any other information the director of budget and 10852
management requires for the purposes of this division. 10853

(K) For purposes of this section and Chapter 122:19-1 of the 10854
Ohio Administrative Code, a tax credit certificate issued under 10855
this section is effective on the date that all historic buildings 10856
rehabilitated by the project are "placed in service," as that term 10857
is used in section 47 of the Internal Revenue Code. 10858

Sec. 149.43. (A) As used in this section: 10859

(1) "Public record" means records kept by any public office, 10860
including, but not limited to, state, county, city, village, 10861
township, and school district units, and records pertaining to the 10862
delivery of educational services by an alternative school in this 10863
state kept by the nonprofit or for-profit entity operating the 10864
alternative school pursuant to section 3313.533 of the Revised 10865
Code. "Public record" does not mean any of the following: 10866

(a) Medical records; 10867

(b) Records pertaining to probation and parole proceedings,	10868
to proceedings related to the imposition of community control	10869
sanctions and post-release control sanctions, or to proceedings	10870
related to determinations under section 2967.271 of the Revised	10871
Code regarding the release or maintained incarceration of an	10872
offender to whom that section applies;	10873
(c) Records pertaining to actions under section 2151.85 and	10874
division (C) of section 2919.121 of the Revised Code and to	10875
appeals of actions arising under those sections;	10876
(d) Records pertaining to adoption proceedings, including the	10877
contents of an adoption file maintained by the department of	10878
health under sections 3705.12 to 3705.124 of the Revised Code;	10879
(e) Information in a record contained in the putative father	10880
registry established by section 3107.062 of the Revised Code,	10881
regardless of whether the information is held by the department of	10882
job and family services or, pursuant to section 3111.69 of the	10883
Revised Code, the office of child support in the department or a	10884
child support enforcement agency;	10885
(f) Records specified in division (A) of section 3107.52 of	10886
the Revised Code;	10887
(g) Trial preparation records <u>prior to the conclusion of all</u>	10888
<u>direct appeals or, if no appeal is filed, at the expiration of the</u>	10889
<u>time during which an appeal may be filed;</u>	10890
(h) Confidential law enforcement investigatory records;	10891
(i) Records containing information that is confidential under	10892
section 2710.03 or 4112.05 of the Revised Code;	10893
(j) DNA records stored in the DNA database pursuant to	10894
section 109.573 of the Revised Code;	10895
(k) Inmate records released by the department of	10896
rehabilitation and correction to the department of youth services	10897

or a court of record pursuant to division (E) of section 5120.21 10898
of the Revised Code; 10899

(l) Records maintained by the department of youth services 10900
pertaining to children in its custody released by the department 10901
of youth services to the department of rehabilitation and 10902
correction pursuant to section 5139.05 of the Revised Code; 10903

(m) Intellectual property records; 10904

(n) Donor profile records; 10905

(o) Records maintained by the department of job and family 10906
services pursuant to section 3121.894 of the Revised Code; 10907

(p) Designated public service worker residential and familial 10908
information; 10909

(q) In the case of a county hospital operated pursuant to 10910
Chapter 339. of the Revised Code or a municipal hospital operated 10911
pursuant to Chapter 749. of the Revised Code, information that 10912
constitutes a trade secret, as defined in section 1333.61 of the 10913
Revised Code; 10914

(r) Information pertaining to the recreational activities of 10915
a person under the age of eighteen; 10916

(s) In the case of a child fatality review board acting under 10917
sections 307.621 to 307.629 of the Revised Code or a review 10918
conducted pursuant to guidelines established by the director of 10919
health under section 3701.70 of the Revised Code, records provided 10920
to the board or director, statements made by board members during 10921
meetings of the board or by persons participating in the 10922
director's review, and all work products of the board or director, 10923
and in the case of a child fatality review board, child fatality 10924
review data submitted by the board to the department of health or 10925
a national child death review database, other than the report 10926
prepared pursuant to division (A) of section 307.626 of the 10927

Revised Code;	10928
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	10929 10930 10931 10932
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	10933 10934 10935 10936 10937 10938
(v) Records the release of which is prohibited by state or federal law;	10939 10940
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	10941 10942 10943
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	10944 10945 10946 10947 10948 10949
(y) Records listed in section 5101.29 of the Revised Code;	10950
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	10951 10952 10953
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	10954 10955 10956
(bb) Records described in division (C) of section 187.04 of	10957

the Revised Code that are not designated to be made available to 10958
the public as provided in that division; 10959

(cc) Information and records that are made confidential, 10960
privileged, and not subject to disclosure under divisions (B) and 10961
(C) of section 2949.221 of the Revised Code; 10962

(dd) Personal information, as defined in section 149.45 of 10963
the Revised Code; 10964

(ee) The confidential name, address, and other personally 10965
identifiable information of a program participant in the address 10966
confidentiality program established under sections 111.41 to 10967
111.47 of the Revised Code, including the contents of any 10968
application for absent voter's ballots, absent voter's ballot 10969
identification envelope statement of voter, or provisional ballot 10970
affirmation completed by a program participant who has a 10971
confidential voter registration record; records or portions of 10972
records pertaining to that program that identify the number of 10973
program participants that reside within a precinct, ward, 10974
township, municipal corporation, county, or any other geographic 10975
area smaller than the state; and any real property confidentiality 10976
notice filed under section 111.431 of the Revised Code and the 10977
information described in division (C) of that section. As used in 10978
this division, "confidential address" and "program participant" 10979
have the meaning defined in section 111.41 of the Revised Code. 10980

(ff) Orders for active military service of an individual 10981
serving or with previous service in the armed forces of the United 10982
States, including a reserve component, or the Ohio organized 10983
militia, except that, such order becomes a public record on the 10984
day that is fifteen years after the published date or effective 10985
date of the call to order; 10986

(gg) The name, address, contact information, or other 10987
personal information of an individual who is less than eighteen 10988

years of age that is included in any record related to a traffic 10989
accident involving a school vehicle in which the individual was an 10990
occupant at the time of the accident; 10991

(hh) Protected health information, as defined in 45 C.F.R. 10992
160.103, that is in a claim for payment for a health care product, 10993
service, or procedure, as well as any other health claims data in 10994
another document that reveals the identity of an individual who is 10995
the subject of the data or could be used to reveal that 10996
individual's identity; 10997

(ii) Any depiction by photograph, film, videotape, or printed 10998
or digital image under either of the following circumstances: 10999

(i) The depiction is that of a victim of an offense the 11000
release of which would be, to a reasonable person of ordinary 11001
sensibilities, an offensive and objectionable intrusion into the 11002
victim's expectation of bodily privacy and integrity. 11003

(ii) The depiction captures or depicts the victim of a 11004
sexually oriented offense, as defined in section 2950.01 of the 11005
Revised Code, at the actual occurrence of that offense. 11006

(jj) Restricted portions of a body-worn camera or dashboard 11007
camera recording; 11008

(kk) In the case of a fetal-infant mortality review board 11009
acting under sections 3707.70 to 3707.77 of the Revised Code, 11010
records, documents, reports, or other information presented to the 11011
board or a person abstracting such materials on the board's 11012
behalf, statements made by review board members during board 11013
meetings, all work products of the board, and data submitted by 11014
the board to the department of health or a national infant death 11015
review database, other than the report prepared pursuant to 11016
section 3707.77 of the Revised Code. 11017

(ll) Records, documents, reports, or other information 11018
presented to the pregnancy-associated mortality review board 11019

established under section 3738.01 of the Revised Code, statements 11020
made by board members during board meetings, all work products of 11021
the board, and data submitted by the board to the department of 11022
health, other than the biennial reports prepared under section 11023
3738.08 of the Revised Code; 11024

(mm) Except as otherwise provided in division (A)(1)(oo) of 11025
this section, telephone numbers for a victim, as defined in 11026
section 2930.01 of the Revised Code or a witness to a crime that 11027
are listed on any law enforcement record or report. 11028

(nn) A preneed funeral contract, as defined in section 11029
4717.01 of the Revised Code, and contract terms and personally 11030
identifying information of a preneed funeral contract, that is 11031
contained in a report submitted by or for a funeral home to the 11032
board of embalmers and funeral directors under division (C) of 11033
section 4717.13, division (J) of section 4717.31, or section 11034
4717.41 of the Revised Code. 11035

(oo) Telephone numbers for a party to a motor vehicle 11036
accident subject to the requirements of section 5502.11 of the 11037
Revised Code that are listed on any law enforcement record or 11038
report, except that the telephone numbers described in this 11039
division are not excluded from the definition of "public record" 11040
under this division on and after the thirtieth day after the 11041
occurrence of the motor vehicle accident. 11042

(pp) Records pertaining to individuals who complete training 11043
under section 5502.703 of the Revised Code to be permitted by a 11044
school district board of education or governing body of a 11045
community school established under Chapter 3314. of the Revised 11046
Code, a STEM school established under Chapter 3326. of the Revised 11047
Code, or a chartered nonpublic school to convey deadly weapons or 11048
dangerous ordnance into a school safety zone; 11049

(qq) Records, documents, reports, or other information 11050

presented to a domestic violence fatality review board established 11051
under section 307.651 of the Revised Code, statements made by 11052
board members during board meetings, all work products of the 11053
board, and data submitted by the board to the department of 11054
health, other than a report prepared pursuant to section 307.656 11055
of the Revised Code; 11056

(rr) Records, documents, and information the release of which 11057
is prohibited under sections 2930.04 and 2930.07 of the Revised 11058
Code. 11059

(ss) Records of an existing qualified nonprofit corporation 11060
that creates a special improvement district under Chapter 1710. of 11061
the Revised Code that do not pertain to a purpose for which the 11062
district is created; 11063

(tt) Attorney work product record at any time. 11064

A record that is not a public record under division (A)(1) of 11065
this section and that, under law, is permanently retained becomes 11066
a public record on the day that is seventy-five years after the 11067
day on which the record was created, except for any record 11068
protected by the attorney-client privilege, a trial preparation 11069
record as defined in this section, a statement prohibiting the 11070
release of identifying information signed under section 3107.083 11071
of the Revised Code, a denial of release form filed pursuant to 11072
section 3107.46 of the Revised Code, or any record that is exempt 11073
from release or disclosure under section 149.433 of the Revised 11074
Code. If the record is a birth certificate and a biological 11075
parent's name redaction request form has been accepted under 11076
section 3107.391 of the Revised Code, the name of that parent 11077
shall be redacted from the birth certificate before it is released 11078
under this paragraph. If any other section of the Revised Code 11079
establishes a time period for disclosure of a record that 11080
conflicts with the time period specified in this section, the time 11081
period in the other section prevails. 11082

~~(2)~~(2)(a) "Confidential law enforcement investigatory record" 11083
means any record that pertains to a law enforcement matter of a 11084
criminal, quasi-criminal, civil, or administrative nature, but 11085
only to the extent that the release of the record would create a 11086
high probability of disclosure of any of the following: 11087

~~(a)~~(i) The identity of a suspect who has not been charged 11088
with the offense to which the record pertains, or of an 11089
information source or witness to whom confidentiality has been 11090
reasonably promised; 11091

~~(b)~~(ii) Information provided by an information source or 11092
witness to whom confidentiality has been reasonably promised, 11093
which information would reasonably tend to disclose the source's 11094
or witness's identity; 11095

~~(c)~~(iii) Specific confidential investigatory techniques or 11096
procedures or specific investigatory work product; 11097

~~(d)~~(iv) Information that would endanger the life or physical 11098
safety of law enforcement personnel, a crime victim, a witness, or 11099
a confidential information source. 11100

(b) As used in division (A)(2) of this section, "specific 11101
investigatory work product" means any record, thing, or item that 11102
documents the independent thought processes, factual findings, 11103
mental impressions, theories, strategies, opinions, or analyses of 11104
an investigating officer or an agent of an investigative agency 11105
and also includes any documents and evidence collected, written or 11106
recorded interviews or statements, interview notes, test results, 11107
lab results, preliminary lab results, and other internal 11108
memoranda, things, or items created during any point of an 11109
investigation. "Specific investigatory work product" does not 11110
include basic information regarding date, time, address, and type 11111
of incident. 11112

(3) "Medical record" means any document or combination of 11113

documents, except births, deaths, and the fact of admission to or 11114
discharge from a hospital, that pertains to the medical history, 11115
diagnosis, prognosis, or medical condition of a patient and that 11116
is generated and maintained in the process of medical treatment. 11117

(4) "Trial preparation record" means any record that is not a 11118
confidential law enforcement investigatory record or attorney work 11119
product record and that contains factual information that is 11120
specifically compiled in reasonable anticipation of, or in defense 11121
of, a civil or criminal action or proceeding, ~~including the~~ 11122
~~independent thought processes and personal trial preparation of an~~ 11123
~~attorney.~~ 11124

(5) "Intellectual property record" means a record, other than 11125
a financial or administrative record, that is produced or 11126
collected by or for faculty or staff of a state institution of 11127
higher learning in the conduct of or as a result of study or 11128
research on an educational, commercial, scientific, artistic, 11129
technical, or scholarly issue, regardless of whether the study or 11130
research was sponsored by the institution alone or in conjunction 11131
with a governmental body or private concern, and that has not been 11132
publicly released, published, or patented. 11133

(6) "Donor profile record" means all records about donors or 11134
potential donors to a public institution of higher education 11135
except the names and reported addresses of the actual donors and 11136
the date, amount, and conditions of the actual donation. 11137

(7) "Designated public service worker" means a peace officer, 11138
parole officer, probation officer, bailiff, prosecuting attorney, 11139
assistant prosecuting attorney, correctional employee, county or 11140
multicounty corrections officer, community-based correctional 11141
facility employee, designated Ohio national guard member, 11142
protective services worker, youth services employee, firefighter, 11143
EMT, medical director or member of a cooperating physician 11144
advisory board of an emergency medical service organization, state 11145

board of pharmacy employee, investigator of the bureau of criminal 11146
identification and investigation, emergency service 11147
telecommunicator, forensic mental health provider, mental health 11148
evaluation provider, regional psychiatric hospital employee, 11149
judge, magistrate, or federal law enforcement officer. 11150

(8) "Designated public service worker residential and 11151
familial information" means any information that discloses any of 11152
the following about a designated public service worker: 11153

(a) The address of the actual personal residence of a 11154
designated public service worker, except for the following 11155
information: 11156

(i) The address of the actual personal residence of a 11157
prosecuting attorney or judge; and 11158

(ii) The state or political subdivision in which a designated 11159
public service worker resides. 11160

(b) Information compiled from referral to or participation in 11161
an employee assistance program; 11162

(c) The social security number, the residential telephone 11163
number, any bank account, debit card, charge card, or credit card 11164
number, or the emergency telephone number of, or any medical 11165
information pertaining to, a designated public service worker; 11166

(d) The name of any beneficiary of employment benefits, 11167
including, but not limited to, life insurance benefits, provided 11168
to a designated public service worker by the designated public 11169
service worker's employer; 11170

(e) The identity and amount of any charitable or employment 11171
benefit deduction made by the designated public service worker's 11172
employer from the designated public service worker's compensation, 11173
unless the amount of the deduction is required by state or federal 11174
law; 11175

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a

designated public service worker for those purposes. 11207

"Protective services worker" means any employee of a county 11208
agency who is responsible for child protective services, child 11209
support services, or adult protective services. 11210

"Youth services employee" means any employee of the 11211
department of youth services who in the course of performing the 11212
employee's job duties has or has had contact with children 11213
committed to the custody of the department of youth services. 11214

"Firefighter" means any regular, paid or volunteer, member of 11215
a lawfully constituted fire department of a municipal corporation, 11216
township, fire district, or village. 11217

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 11218
emergency medical services for a public emergency medical service 11219
organization. "Emergency medical service organization," 11220
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 11221
section 4765.01 of the Revised Code. 11222

"Investigator of the bureau of criminal identification and 11223
investigation" has the meaning defined in section 2903.11 of the 11224
Revised Code. 11225

"Emergency service telecommunicator" has the meaning defined 11226
in section 4742.01 of the Revised Code. 11227

"Forensic mental health provider" means any employee of a 11228
community mental health service provider or local alcohol, drug 11229
addiction, and mental health services board who, in the course of 11230
the employee's duties, has contact with persons committed to a 11231
local alcohol, drug addiction, and mental health services board by 11232
a court order pursuant to section 2945.38, 2945.39, 2945.40, or 11233
2945.402 of the Revised Code. 11234

"Mental health evaluation provider" means an individual who, 11235
under Chapter 5122. of the Revised Code, examines a respondent who 11236

is alleged to be a mentally ill person subject to court order, as 11237
defined in section 5122.01 of the Revised Code, and reports to the 11238
probate court the respondent's mental condition. 11239

"Regional psychiatric hospital employee" means any employee 11240
of the department of mental health and addiction services who, in 11241
the course of performing the employee's duties, has contact with 11242
patients committed to the department of mental health and 11243
addiction services by a court order pursuant to section 2945.38, 11244
2945.39, 2945.40, or 2945.402 of the Revised Code. 11245

"Federal law enforcement officer" has the meaning defined in 11246
section 9.88 of the Revised Code. 11247

(10) "Information pertaining to the recreational activities 11248
of a person under the age of eighteen" means information that is 11249
kept in the ordinary course of business by a public office, that 11250
pertains to the recreational activities of a person under the age 11251
of eighteen years, and that discloses any of the following: 11252

(a) The address or telephone number of a person under the age 11253
of eighteen or the address or telephone number of that person's 11254
parent, guardian, custodian, or emergency contact person; 11255

(b) The social security number, birth date, or photographic 11256
image of a person under the age of eighteen; 11257

(c) Any medical record, history, or information pertaining to 11258
a person under the age of eighteen; 11259

(d) Any additional information sought or required about a 11260
person under the age of eighteen for the purpose of allowing that 11261
person to participate in any recreational activity conducted or 11262
sponsored by a public office or to use or obtain admission 11263
privileges to any recreational facility owned or operated by a 11264
public office. 11265

(11) "Community control sanction" has the meaning defined in 11266

section 2929.01 of the Revised Code.	11267
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	11268 11269
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	11270 11271 11272 11273
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	11274 11275
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	11276 11277 11278 11279 11280
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	11281 11282 11283 11284
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	11285 11286 11287 11288
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;	11289 11290 11291 11292 11293 11294 11295
(b) The death of a person or a deceased person's body, unless	11296

the death was caused by a correctional employee, youth services 11297
employee, or peace officer or, subject to division (H)(1) of this 11298
section, the consent of the decedent's executor or administrator 11299
has been obtained; 11300

(c) The death of a correctional employee, youth services 11301
employee, peace officer, firefighter, paramedic, or other first 11302
responder, occurring while the decedent was engaged in the 11303
performance of official duties, unless, subject to division (H)(1) 11304
of this section, the consent of the decedent's executor or 11305
administrator has been obtained; 11306

(d) Grievous bodily harm, unless the injury was effected by a 11307
correctional employee, youth services employee, or peace officer 11308
or, subject to division (H)(1) of this section, the consent of the 11309
injured person or the injured person's guardian has been obtained; 11310

(e) An act of severe violence against a person that results 11311
in serious physical harm to the person, unless the act and injury 11312
was effected by a correctional employee, youth services employee, 11313
or peace officer or, subject to division (H)(1) of this section, 11314
the consent of the injured person or the injured person's guardian 11315
has been obtained; 11316

(f) Grievous bodily harm to a correctional employee, youth 11317
services employee, peace officer, firefighter, paramedic, or other 11318
first responder, occurring while the injured person was engaged in 11319
the performance of official duties, unless, subject to division 11320
(H)(1) of this section, the consent of the injured person or the 11321
injured person's guardian has been obtained; 11322

(g) An act of severe violence resulting in serious physical 11323
harm against a correctional employee, youth services employee, 11324
peace officer, firefighter, paramedic, or other first responder, 11325
occurring while the injured person was engaged in the performance 11326
of official duties, unless, subject to division (H)(1) of this 11327

section, the consent of the injured person or the injured person's guardian has been obtained; 11328
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(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained; 11330
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(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter; 11332
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 11338
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(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 11340
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(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 11348
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(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; 11350
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11352

(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency; 11353
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(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(18) "Attorney work product record" means any record that

documents the independent thought processes, mental impressions, 11388
legal theories, strategies, opinions, analysis, or reasoning of an 11389
attorney for the state including reports, memoranda, or other 11390
internal documents made by a prosecuting attorney, or the 11391
prosecuting attorney's agent, in connection with the investigation 11392
or prosecution of a case. 11393

(B)(1) Upon request by any person and subject to division 11394
(B)(8) of this section, all public records responsive to the 11395
request shall be promptly prepared and made available for 11396
inspection to the requester at all reasonable times during regular 11397
business hours. Subject to division (B)(8) of this section, upon 11398
request by any person, a public office or person responsible for 11399
public records shall make copies of the requested public record 11400
available to the requester at cost and within a reasonable period 11401
of time. If a public record contains information that is exempt 11402
from the duty to permit public inspection or to copy the public 11403
record, the public office or the person responsible for the public 11404
record shall make available all of the information within the 11405
public record that is not exempt. When making that public record 11406
available for public inspection or copying that public record, the 11407
public office or the person responsible for the public record 11408
shall notify the requester of any redaction or make the redaction 11409
plainly visible. A redaction shall be deemed a denial of a request 11410
to inspect or copy the redacted information, except if federal or 11411
state law authorizes or requires a public office to make the 11412
redaction. 11413

(2) To facilitate broader access to public records, a public 11414
office or the person responsible for public records shall organize 11415
and maintain public records in a manner that they can be made 11416
available for inspection or copying in accordance with division 11417
(B) of this section. A public office also shall have available a 11418
copy of its current records retention schedule at a location 11419

readily available to the public. If a requester makes an ambiguous 11420
or overly broad request or has difficulty in making a request for 11421
copies or inspection of public records under this section such 11422
that the public office or the person responsible for the requested 11423
public record cannot reasonably identify what public records are 11424
being requested, the public office or the person responsible for 11425
the requested public record may deny the request but shall provide 11426
the requester with an opportunity to revise the request by 11427
informing the requester of the manner in which records are 11428
maintained by the public office and accessed in the ordinary 11429
course of the public office's or person's duties. 11430

(3) If a request is ultimately denied, in part or in whole, 11431
the public office or the person responsible for the requested 11432
public record shall provide the requester with an explanation, 11433
including legal authority, setting forth why the request was 11434
denied. If the initial request was provided in writing, the 11435
explanation also shall be provided to the requester in writing. 11436
The explanation shall not preclude the public office or the person 11437
responsible for the requested public record from relying upon 11438
additional reasons or legal authority in defending an action 11439
commenced under division (C) of this section. 11440

(4) Unless specifically required or authorized by state or 11441
federal law or in accordance with division (B) of this section, no 11442
public office or person responsible for public records may limit 11443
or condition the availability of public records by requiring 11444
disclosure of the requester's identity or the intended use of the 11445
requested public record. Any requirement that the requester 11446
disclose the requester's identity or the intended use of the 11447
requested public record constitutes a denial of the request. 11448

(5) A public office or person responsible for public records 11449
may ask a requester to make the request in writing, may ask for 11450
the requester's identity, and may inquire about the intended use 11451

of the information requested, but may do so only after disclosing 11452
to the requester that a written request is not mandatory, that the 11453
requester may decline to reveal the requester's identity or the 11454
intended use, and when a written request or disclosure of the 11455
identity or intended use would benefit the requester by enhancing 11456
the ability of the public office or person responsible for public 11457
records to identify, locate, or deliver the public records sought 11458
by the requester. 11459

(6) If any person requests a copy of a public record in 11460
accordance with division (B) of this section, the public office or 11461
person responsible for the public record may require the requester 11462
to pay in advance the cost involved in providing the copy of the 11463
public record in accordance with the choice made by the requester 11464
under this division. The public office or the person responsible 11465
for the public record shall permit the requester to choose to have 11466
the public record duplicated upon paper, upon the same medium upon 11467
which the public office or person responsible for the public 11468
record keeps it, or upon any other medium upon which the public 11469
office or person responsible for the public record determines that 11470
it reasonably can be duplicated as an integral part of the normal 11471
operations of the public office or person responsible for the 11472
public record. When the requester makes a choice under this 11473
division, the public office or person responsible for the public 11474
record shall provide a copy of it in accordance with the choice 11475
made by the requester. Nothing in this section requires a public 11476
office or person responsible for the public record to allow the 11477
requester of a copy of the public record to make the copies of the 11478
public record. 11479

(7)(a) Upon a request made in accordance with division (B) of 11480
this section and subject to division (B)(6) of this section, a 11481
public office or person responsible for public records shall 11482
transmit a copy of a public record to any person by United States 11483

mail or by any other means of delivery or transmission within a 11484
reasonable period of time after receiving the request for the 11485
copy. The public office or person responsible for the public 11486
record may require the person making the request to pay in advance 11487
the cost of postage if the copy is transmitted by United States 11488
mail or the cost of delivery if the copy is transmitted other than 11489
by United States mail, and to pay in advance the costs incurred 11490
for other supplies used in the mailing, delivery, or transmission. 11491

(b) Any public office may adopt a policy and procedures that 11492
it will follow in transmitting, within a reasonable period of time 11493
after receiving a request, copies of public records by United 11494
States mail or by any other means of delivery or transmission 11495
pursuant to division (B)(7) of this section. A public office that 11496
adopts a policy and procedures under division (B)(7) of this 11497
section shall comply with them in performing its duties under that 11498
division. 11499

(c) In any policy and procedures adopted under division 11500
(B)(7) of this section: 11501

(i) A public office may limit the number of records requested 11502
by a person that the office will physically deliver by United 11503
States mail or by another delivery service to ten per month, 11504
unless the person certifies to the office in writing that the 11505
person does not intend to use or forward the requested records, or 11506
the information contained in them, for commercial purposes; 11507

(ii) A public office that chooses to provide some or all of 11508
its public records on a web site that is fully accessible to and 11509
searchable by members of the public at all times, other than 11510
during acts of God outside the public office's control or 11511
maintenance, and that charges no fee to search, access, download, 11512
or otherwise receive records provided on the web site, may limit 11513
to ten per month the number of records requested by a person that 11514
the office will deliver in a digital format, unless the requested 11515

records are not provided on the web site and unless the person 11516
certifies to the office in writing that the person does not intend 11517
to use or forward the requested records, or the information 11518
contained in them, for commercial purposes. 11519

(iii) For purposes of division (B)(7) of this section, 11520
"commercial" shall be narrowly construed and does not include 11521
reporting or gathering news, reporting or gathering information to 11522
assist citizen oversight or understanding of the operation or 11523
activities of government, or nonprofit educational research. 11524

(8) A public office or person responsible for public records 11525
is not required to permit a person who is incarcerated pursuant to 11526
a criminal conviction or a juvenile adjudication to inspect or to 11527
obtain a copy of any public record concerning a criminal 11528
investigation or prosecution or concerning what would be a 11529
criminal investigation or prosecution if the subject of the 11530
investigation or prosecution were an adult, unless the request to 11531
inspect or to obtain a copy of the record is for the purpose of 11532
acquiring information that is subject to release as a public 11533
record under this section and the judge who imposed the sentence 11534
or made the adjudication with respect to the person, or the 11535
judge's successor in office, finds that the information sought in 11536
the public record is necessary to support what appears to be a 11537
justiciable claim of the person. 11538

(9)(a) Upon written request made and signed by a journalist, 11539
a public office, or person responsible for public records, having 11540
custody of the records of the agency employing a specified 11541
designated public service worker shall disclose to the journalist 11542
the address of the actual personal residence of the designated 11543
public service worker and, if the designated public service 11544
worker's spouse, former spouse, or child is employed by a public 11545
office, the name and address of the employer of the designated 11546
public service worker's spouse, former spouse, or child. The 11547

request shall include the journalist's name and title and the name 11548
and address of the journalist's employer and shall state that 11549
disclosure of the information sought would be in the public 11550
interest. 11551

(b) Division (B)(9)(a) of this section also applies to 11552
journalist requests for: 11553

(i) Customer information maintained by a municipally owned or 11554
operated public utility, other than social security numbers and 11555
any private financial information such as credit reports, payment 11556
methods, credit card numbers, and bank account information; 11557

(ii) Information about minors involved in a school vehicle 11558
accident as provided in division (A)(1)(gg) of this section, other 11559
than personal information as defined in section 149.45 of the 11560
Revised Code. 11561

(c) As used in division (B)(9) of this section, "journalist" 11562
means a person engaged in, connected with, or employed by any news 11563
medium, including a newspaper, magazine, press association, news 11564
agency, or wire service, a radio or television station, or a 11565
similar medium, for the purpose of gathering, processing, 11566
transmitting, compiling, editing, or disseminating information for 11567
the general public. 11568

(10) Upon a request made by a victim, victim's attorney, or 11569
victim's representative, as that term is used in section 2930.02 11570
of the Revised Code, a public office or person responsible for 11571
public records shall transmit a copy of a depiction of the victim 11572
as described in division (A)(1)(ii) of this section to the victim, 11573
victim's attorney, or victim's representative. 11574

(C)(1) If a person allegedly is aggrieved by the failure of a 11575
public office or the person responsible for public records to 11576
promptly prepare a public record and to make it available to the 11577
person for inspection in accordance with division (B) of this 11578

section or by any other failure of a public office or the person 11579
responsible for public records to comply with an obligation in 11580
accordance with division (B) of this section, the person allegedly 11581
aggrieved may do only one of the following, and not both: 11582

(a) File a complaint with the clerk of the court of claims or 11583
the clerk of the court of common pleas under section 2743.75 of 11584
the Revised Code; 11585

(b) Commence a mandamus action to obtain a judgment that 11586
orders the public office or the person responsible for the public 11587
record to comply with division (B) of this section, that awards 11588
court costs and reasonable attorney's fees to the person that 11589
instituted the mandamus action, and, if applicable, that includes 11590
an order fixing statutory damages under division (C)(2) of this 11591
section. The mandamus action may be commenced in the court of 11592
common pleas of the county in which division (B) of this section 11593
allegedly was not complied with, in the supreme court pursuant to 11594
its original jurisdiction under Section 2 of Article IV, Ohio 11595
Constitution, or in the court of appeals for the appellate 11596
district in which division (B) of this section allegedly was not 11597
complied with pursuant to its original jurisdiction under Section 11598
3 of Article IV, Ohio Constitution. 11599

(2) If a requester transmits a written request by hand 11600
delivery, electronic submission, or certified mail to inspect or 11601
receive copies of any public record in a manner that fairly 11602
describes the public record or class of public records to the 11603
public office or person responsible for the requested public 11604
records, except as otherwise provided in this section, the 11605
requester shall be entitled to recover the amount of statutory 11606
damages set forth in this division if a court determines that the 11607
public office or the person responsible for public records failed 11608
to comply with an obligation in accordance with division (B) of 11609
this section. 11610

The amount of statutory damages shall be fixed at one hundred 11611
dollars for each business day during which the public office or 11612
person responsible for the requested public records failed to 11613
comply with an obligation in accordance with division (B) of this 11614
section, beginning with the day on which the requester files a 11615
mandamus action to recover statutory damages, up to a maximum of 11616
one thousand dollars. The award of statutory damages shall not be 11617
construed as a penalty, but as compensation for injury arising 11618
from lost use of the requested information. The existence of this 11619
injury shall be conclusively presumed. The award of statutory 11620
damages shall be in addition to all other remedies authorized by 11621
this section. 11622

The court may reduce an award of statutory damages or not 11623
award statutory damages if the court determines both of the 11624
following: 11625

(a) That, based on the ordinary application of statutory law 11626
and case law as it existed at the time of the conduct or 11627
threatened conduct of the public office or person responsible for 11628
the requested public records that allegedly constitutes a failure 11629
to comply with an obligation in accordance with division (B) of 11630
this section and that was the basis of the mandamus action, a 11631
well-informed public office or person responsible for the 11632
requested public records reasonably would believe that the conduct 11633
or threatened conduct of the public office or person responsible 11634
for the requested public records did not constitute a failure to 11635
comply with an obligation in accordance with division (B) of this 11636
section; 11637

(b) That a well-informed public office or person responsible 11638
for the requested public records reasonably would believe that the 11639
conduct or threatened conduct of the public office or person 11640
responsible for the requested public records would serve the 11641
public policy that underlies the authority that is asserted as 11642

permitting that conduct or threatened conduct. 11643

(3) In a mandamus action filed under division (C)(1) of this 11644
section, the following apply: 11645

(a)(i) If the court orders the public office or the person 11646
responsible for the public record to comply with division (B) of 11647
this section, the court shall determine and award to the relator 11648
all court costs, which shall be construed as remedial and not 11649
punitive. 11650

(ii) If the court makes a determination described in division 11651
(C)(3)(b)(iii) of this section, the court shall determine and 11652
award to the relator all court costs, which shall be construed as 11653
remedial and not punitive. 11654

(b) If the court renders a judgment that orders the public 11655
office or the person responsible for the public record to comply 11656
with division (B) of this section or if the court determines any 11657
of the following, the court may award reasonable attorney's fees 11658
to the relator, subject to division (C)(4) of this section: 11659

(i) The public office or the person responsible for the 11660
public records failed to respond affirmatively or negatively to 11661
the public records request in accordance with the time allowed 11662
under division (B) of this section. 11663

(ii) The public office or the person responsible for the 11664
public records promised to permit the relator to inspect or 11665
receive copies of the public records requested within a specified 11666
period of time but failed to fulfill that promise within that 11667
specified period of time. 11668

(iii) The public office or the person responsible for the 11669
public records acted in bad faith when the office or person 11670
voluntarily made the public records available to the relator for 11671
the first time after the relator commenced the mandamus action, 11672
but before the court issued any order concluding whether or not 11673

the public office or person was required to comply with division 11674
(B) of this section. No discovery may be conducted on the issue of 11675
the alleged bad faith of the public office or person responsible 11676
for the public records. This division shall not be construed as 11677
creating a presumption that the public office or the person 11678
responsible for the public records acted in bad faith when the 11679
office or person voluntarily made the public records available to 11680
the relator for the first time after the relator commenced the 11681
mandamus action, but before the court issued any order described 11682
in this division. 11683

(c) The court shall not award attorney's fees to the relator 11684
if the court determines both of the following: 11685

(i) That, based on the ordinary application of statutory law 11686
and case law as it existed at the time of the conduct or 11687
threatened conduct of the public office or person responsible for 11688
the requested public records that allegedly constitutes a failure 11689
to comply with an obligation in accordance with division (B) of 11690
this section and that was the basis of the mandamus action, a 11691
well-informed public office or person responsible for the 11692
requested public records reasonably would believe that the conduct 11693
or threatened conduct of the public office or person responsible 11694
for the requested public records did not constitute a failure to 11695
comply with an obligation in accordance with division (B) of this 11696
section; 11697

(ii) That a well-informed public office or person responsible 11698
for the requested public records reasonably would believe that the 11699
conduct or threatened conduct of the public office or person 11700
responsible for the requested public records would serve the 11701
public policy that underlies the authority that is asserted as 11702
permitting that conduct or threatened conduct. 11703

(4) All of the following apply to any award of reasonable 11704
attorney's fees awarded under division (C)(3)(b) of this section: 11705

(a) The fees shall be construed as remedial and not punitive. 11706

(b) The fees awarded shall not exceed the total of the 11707
reasonable attorney's fees incurred before the public record was 11708
made available to the relator and the fees described in division 11709
(C)(4)(c) of this section. 11710

(c) Reasonable attorney's fees shall include reasonable fees 11711
incurred to produce proof of the reasonableness and amount of the 11712
fees and to otherwise litigate entitlement to the fees. 11713

(d) The court may reduce the amount of fees awarded if the 11714
court determines that, given the factual circumstances involved 11715
with the specific public records request, an alternative means 11716
should have been pursued to more effectively and efficiently 11717
resolve the dispute that was subject to the mandamus action filed 11718
under division (C)(1) of this section. 11719

(5) If the court does not issue a writ of mandamus under 11720
division (C) of this section and the court determines at that time 11721
that the bringing of the mandamus action was frivolous conduct as 11722
defined in division (A) of section 2323.51 of the Revised Code, 11723
the court may award to the public office all court costs, 11724
expenses, and reasonable attorney's fees, as determined by the 11725
court. 11726

(D) Chapter 1347. of the Revised Code does not limit the 11727
provisions of this section. 11728

(E)(1) To ensure that all employees of public offices are 11729
appropriately educated about a public office's obligations under 11730
division (B) of this section, all elected officials or their 11731
appropriate designees shall attend training approved by the 11732
attorney general as provided in section 109.43 of the Revised 11733
Code. A future official may satisfy the requirements of this 11734
division by attending the training before taking office, provided 11735
that the future official may not send a designee in the future 11736

official's place. 11737

(2) All public offices shall adopt a public records policy in 11738
compliance with this section for responding to public records 11739
requests. In adopting a public records policy under this division, 11740
a public office may obtain guidance from the model public records 11741
policy developed and provided to the public office by the attorney 11742
general under section 109.43 of the Revised Code. Except as 11743
otherwise provided in this section, the policy may not limit the 11744
number of public records that the public office will make 11745
available to a single person, may not limit the number of public 11746
records that it will make available during a fixed period of time, 11747
and may not establish a fixed period of time before it will 11748
respond to a request for inspection or copying of public records, 11749
unless that period is less than eight hours. 11750

The public office shall distribute the public records policy 11751
adopted by the public office under this division to the employee 11752
of the public office who is the records custodian or records 11753
manager or otherwise has custody of the records of that office. 11754
The public office shall require that employee to acknowledge 11755
receipt of the copy of the public records policy. The public 11756
office shall create a poster that describes its public records 11757
policy and shall post the poster in a conspicuous place in the 11758
public office and in all locations where the public office has 11759
branch offices. The public office may post its public records 11760
policy on the internet web site of the public office if the public 11761
office maintains an internet web site. A public office that has 11762
established a manual or handbook of its general policies and 11763
procedures for all employees of the public office shall include 11764
the public records policy of the public office in the manual or 11765
handbook. 11766

(F)(1) The bureau of motor vehicles may adopt rules pursuant 11767
to Chapter 119. of the Revised Code to reasonably limit the number 11768

of bulk commercial special extraction requests made by a person 11769
for the same records or for updated records during a calendar 11770
year. The rules may include provisions for charges to be made for 11771
bulk commercial special extraction requests for the actual cost of 11772
the bureau, plus special extraction costs, plus ten per cent. The 11773
bureau may charge for expenses for redacting information, the 11774
release of which is prohibited by law. 11775

(2) As used in division (F)(1) of this section: 11776

(a) "Actual cost" means the cost of depleted supplies, 11777
records storage media costs, actual mailing and alternative 11778
delivery costs, or other transmitting costs, and any direct 11779
equipment operating and maintenance costs, including actual costs 11780
paid to private contractors for copying services. 11781

(b) "Bulk commercial special extraction request" means a 11782
request for copies of a record for information in a format other 11783
than the format already available, or information that cannot be 11784
extracted without examination of all items in a records series, 11785
class of records, or database by a person who intends to use or 11786
forward the copies for surveys, marketing, solicitation, or resale 11787
for commercial purposes. "Bulk commercial special extraction 11788
request" does not include a request by a person who gives 11789
assurance to the bureau that the person making the request does 11790
not intend to use or forward the requested copies for surveys, 11791
marketing, solicitation, or resale for commercial purposes. 11792

(c) "Commercial" means profit-seeking production, buying, or 11793
selling of any good, service, or other product. 11794

(d) "Special extraction costs" means the cost of the time 11795
spent by the lowest paid employee competent to perform the task, 11796
the actual amount paid to outside private contractors employed by 11797
the bureau, or the actual cost incurred to create computer 11798
programs to make the special extraction. "Special extraction 11799

costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a

restricted portion of a body-worn camera or dashboard camera 11831
recording, as defined in division (A)(17) of this section, any 11832
person may file a mandamus action pursuant to this section or a 11833
complaint with the clerk of the court of claims pursuant to 11834
section 2743.75 of the Revised Code, requesting the court to order 11835
the release of all or portions of the recording. If the court 11836
considering the request determines that the filing articulates by 11837
clear and convincing evidence that the public interest in the 11838
recording substantially outweighs privacy interests and other 11839
interests asserted to deny release, the court shall order the 11840
public office to release the recording. 11841

Sec. 153.12. (A) With respect to award of any contract for 11842
the construction, reconstruction, improvement, enlargement, 11843
alteration, repair, painting, or decoration of a public 11844
improvement made by the state, or any county, township, municipal 11845
corporation, school district, or other political subdivision, or 11846
any public board, commission, authority, instrumentality, or 11847
special purpose district of or in the state or a political 11848
subdivision or that is authorized by state law, the award, and 11849
execution of the contract, shall be made within sixty days after 11850
the date on which the bids are opened. The failure to award and 11851
execute the contract within sixty days invalidates the entire bid 11852
proceedings and all bids submitted, unless the time for awarding 11853
and executing the contract is extended by mutual consent of the 11854
owner or its representatives and the bidder whose bid the owner 11855
accepts and with respect to whom the owner subsequently awards and 11856
executes a contract. The public owners referred to in this section 11857
shall include, in the plans and specifications for the project for 11858
which bids are solicited, the estimate of cost. The bid for which 11859
the award is to be made shall be opened at the time and place 11860
named in the advertisement for bids, unless extended by the owner 11861
or its representative or unless, within seventy-two hours prior to 11862

the published time for the opening of bids, excluding Saturdays, 11863
Sundays, and legal holidays, any modification of the plans or 11864
specifications and estimates of cost for the project for which 11865
bids are solicited is issued and mailed or otherwise furnished to 11866
persons who have obtained plans or specifications for the project, 11867
for which the time for opening of bids shall be extended one week, 11868
with no further advertising of bids required. The contractor, upon 11869
request, is entitled to a notice to proceed with the work by the 11870
owner or its representative upon execution of the contract. No 11871
contract to which this section applies shall be entered into if 11872
the price of the contract, or, if the project involves multiple 11873
contracts where the total price of all contracts for the project, 11874
is in excess of ~~ten~~ twenty per cent above the entire estimate 11875
thereof, nor shall the entire cost of the construction, 11876
reconstruction, repair, painting, decorating, improvement, 11877
alteration, addition, or installation, including changes and 11878
estimates of expenses for architects or engineers, exceed in the 11879
aggregate the amount authorized by law. 11880

The unit or lump sum price stated in the contract shall be 11881
used in determining the amount to be paid and shall constitute 11882
full and final compensation for all the work. 11883

Partial payment to the contractor for work performed under 11884
the lump sum price shall be based on a schedule prepared by the 11885
contractor and approved by the architect or engineer who shall 11886
apportion the lump sum price to the major components entering into 11887
or forming a part of the work under the lump sum price. 11888

Partial payments to the contractor for labor performed under 11889
either a unit or lump sum price contract shall be made at the rate 11890
of ninety-two per cent of the estimates prepared by the contractor 11891
and approved by the architect or engineer. All labor performed 11892
after the job is fifty per cent completed shall be paid for at the 11893
rate of one hundred per cent of the estimates submitted by the 11894

contractor and approved by the architect or engineer. 11895

The amounts and time of payments of any public improvements 11896
contract made by the state or any county, township, municipal 11897
corporation, school district, or other political subdivision, or 11898
any public board, commission, authority, instrumentality, or 11899
special purpose district of or in the state or a political 11900
subdivision or that is authorized by state law, except as provided 11901
in section 5525.19 of the Revised Code, shall be governed by this 11902
section and sections 153.13 and 153.14 of the Revised Code. If the 11903
time for awarding the contract is extended by mutual consent, or 11904
if the owner or its representative fails to issue a timely notice 11905
to proceed as required by this section, the owner or its 11906
representative shall issue a change order authorizing delay costs 11907
to the contractor, which does not invalidate the contract. The 11908
amount of such a change order to the owner shall be determined in 11909
accordance with the provisions of the contract for change orders 11910
or force accounts or, if no such provision is set forth in the 11911
contract, the cost to the owner shall be the contractor's actual 11912
costs including wages, labor costs other than wages, wage taxes, 11913
materials, equipment costs and rentals, insurance, and 11914
subcontracts attributable to the delay, plus a reasonable sum for 11915
overhead. In the event of a dispute between the owner and the 11916
contractor concerning such change order, procedures shall be 11917
commenced under the applicable terms of the contract, or, if the 11918
contract contains no provision for resolving the dispute, it shall 11919
be resolved pursuant to the procedures for arbitration in Chapter 11920
2711. of the Revised Code, except as provided in division (B) of 11921
this section. Nothing in this division shall be construed as a 11922
limitation upon the authority of the director of transportation 11923
granted in Chapter 5525. of the Revised Code. 11924

(B) If a dispute arises between the state and a contractor 11925
concerning the terms of a public improvement contract let by the 11926

state or concerning a breach of the contract, and after 11927
administrative remedies provided for in such contract and any 11928
alternative dispute resolution procedures provided in accordance 11929
with guidelines established by the executive director of the Ohio 11930
facilities construction commission are exhausted, the contractor 11931
may bring an action to the court of claims in accordance with 11932
Chapter 2743. of the Revised Code. The state or the contractor may 11933
request the chief justice of the supreme court to appoint a 11934
referee or panel of referees in accordance with division (C)(3) of 11935
section 2743.03 of the Revised Code. As used in this division, 11936
"dispute" means a disagreement between the state and the 11937
contractor concerning a public improvement contract let by the 11938
state. 11939

(C) No public entity subject to competitive bidding 11940
requirements under any section of the Revised Code shall subdivide 11941
a purchase, lease, project, or other expenditure into component 11942
parts, separate projects, or separate items of work in order to 11943
avoid the applicable competitive bidding requirements. 11944

Sec. 153.17. (A) When in the opinion of the owner referred to 11945
in section 153.01 of the Revised Code, the work under any contract 11946
made under any law of the state is neglected by the contractor or 11947
such work is not prosecuted with the diligence and force specified 11948
or intended in the contract, such owner may make requisition upon 11949
the contractor for such additional specific force or materials to 11950
be brought into the work under such contract or to remove improper 11951
materials from the grounds as in their judgment the contract and 11952
its faithful fulfillment requires. 11953

Not less than five days' notice in writing of such action 11954
shall be served upon the contractor or the contractor's agent in 11955
charge of the work. If the contractor fails to comply with such 11956
requisition within fifteen days, such owner with the written 11957

consent of the Ohio facilities construction commission, may employ 11958
upon the work the additional force, or supply the special 11959
materials or such part of either as is considered proper, and may 11960
remove improper materials from the grounds. 11961

(B) When the original contractor has defaulted on a contract 11962
and the surety has declined to take over the project, the owner 11963
may contract with one or more takeover contractors to complete 11964
work that was not finished because of the default of the original 11965
contractor. The owner may enter into a contract with a takeover 11966
contractor without competitive bidding or controlling board 11967
approval. ~~Upon execution of a takeover contract, the owner shall~~ 11968
~~notify the director of budget and management.~~ 11969

When the owner has taken over a project after a default has 11970
occurred, any moneys that the owner receives from the surety as a 11971
settlement for completion of the project shall be deposited in the 11972
original fund from which the capital appropriation for the project 11973
was made. The executive director, without controlling board 11974
approval, may authorize specified additional uses for the moneys 11975
related to completion of the project and may increase the 11976
appropriation authority in the appropriation line item used to 11977
fund the project by an amount equal to the moneys received from 11978
the surety. 11979

Sec. 153.54. (A) Except with respect to a contract described 11980
in section 9.334 or 153.693 of the Revised Code, each person 11981
bidding for a contract with the state or any political 11982
subdivision, district, institution, or other agency thereof, 11983
excluding therefrom the department of transportation, for any 11984
public improvement shall file with the bid, a bid guaranty in the 11985
form of either: 11986

(1) A bond in accordance with division (B) of this section 11987
for the full amount of the bid; 11988

(2) A certified check, cashier's check, or letter of credit 11989
pursuant to Chapter 1305. of the Revised Code, in accordance with 11990
division (C) of this section. Any such letter of credit is 11991
revocable only at the option of the beneficiary state, political 11992
subdivision, district, institution, or agency. The amount of the 11993
certified check, cashier's check, or letter of credit shall be 11994
equal to ten per cent of the bid. 11995

(B) A bid guaranty filed pursuant to division (A)(1) of this 11996
section shall be conditioned to: 11997

(1) Provide that, if the bid is accepted, the bidder, after 11998
the awarding or the recommendation for the award of the contract, 11999
whichever the contracting authority designates, will enter into a 12000
proper contract in accordance with the bid, plans, details, and 12001
specifications. If for any reason, other than as authorized by 12002
section 9.31 of the Revised Code or division (G) of this section, 12003
the bidder fails to enter into the contract, and the contracting 12004
authority awards the contract to the next lowest bidder, the 12005
bidder and the surety on the bidder's bond are liable to the 12006
state, political subdivision, district, institution, or agency for 12007
the difference between the bid and that of the next lowest bidder, 12008
or for a penal sum not to exceed ten per cent of the amount of the 12009
bond, whichever is less. If the state, political subdivision, 12010
district, institution, or agency does not award the contract to 12011
the next lowest bidder but resubmits the project for bidding, the 12012
bidder failing to enter into the contract and the surety on the 12013
bidder's bond, except as provided in division (G) of this section, 12014
are liable to the state, political subdivision, district, 12015
institution, or agency for a penal sum not to exceed ten per cent 12016
of the amount of the bid or the costs in connection with the 12017
resubmission of printing new contract documents, required 12018
advertising, and printing and mailing notices to prospective 12019
bidders, whichever is less. 12020

(2) Indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(C)(1) A bid guaranty filed pursuant to division (A)(2) of this section shall be conditioned to provide that if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder is liable to the state, political subdivision, district, institution, or agency for the difference between the bidder's bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bid, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract, except as provided in division (G) of this section, is liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing

notices to prospective bidders, whichever is less. 12054

If the bidder enters into the contract, the bidder, at the 12055
time the contract is entered to, shall file a bond for the amount 12056
of the contract to indemnify the state, political subdivision, 12057
district, institution, or agency against all damage suffered by 12058
failure to perform the contract according to its provisions and in 12059
accordance with the plans, details, and specifications and to pay 12060
all lawful claims of subcontractors, material suppliers, and 12061
laborers for labor performed or material furnished in carrying 12062
forward, performing, or completing the contract; and agree and 12063
assent that this undertaking is for the benefit of any 12064
subcontractor, material supplier, or laborer having a just claim, 12065
as well as for the state, political subdivision, district, 12066
institution, or agency. 12067

(2) A construction manager who enters into a contract 12068
pursuant to sections 9.33 to 9.333 of the Revised Code, if 12069
required by the public authority at the time the construction 12070
manager enters into the contract, shall file a letter of credit 12071
pursuant to Chapter 1305. of the Revised Code, bond, certified 12072
check, or cashier's check, for the value of the construction 12073
management contract to indemnify the state, political subdivision, 12074
district, institution, or agency against all damage suffered by 12075
the construction manager's failure to perform the contract 12076
according to its provisions, and shall agree and assent that this 12077
undertaking is for the benefit of the state, political 12078
subdivision, district, institution, or agency. A letter of credit 12079
provided by the construction manager is revocable only at the 12080
option of the beneficiary state, political subdivision, district, 12081
institution, or agency. 12082

(D) Where the state, political subdivision, district, 12083
institution, or agency accepts a bid but the bidder fails or 12084
refuses to enter into a proper contract in accordance with the 12085

bid, plans, details, and specifications within ten days after the 12086
awarding of the contract, the bidder and the surety on any bond, 12087
except as provided in division (G) of this section, are liable for 12088
the amount of the difference between the bidder's bid and that of 12089
the next lowest bidder, but not in excess of the liability 12090
specified in division (B)(1) or (C) of this section. Where the 12091
state, political subdivision, district, institution, or agency 12092
then awards the bid to such next lowest bidder and such next 12093
lowest bidder also fails or refuses to enter into a proper 12094
contract in accordance with the bid, plans, details, and 12095
specifications within ten days after the awarding of the contract, 12096
the liability of such next lowest bidder, except as provided in 12097
division (G) of this section, is the amount of the difference 12098
between the bids of such next lowest bidder and the third lowest 12099
bidder, but not in excess of the liability specified in division 12100
(B)(1) or (C) of this section. Liability on account of an award to 12101
any lowest bidder beyond the third lowest bidder shall be 12102
determined in like manner. 12103

(E) Notwithstanding division (C) of this section, where the 12104
state, political subdivision, district, institution, or agency 12105
resubmits the project for bidding, each bidder whose bid was 12106
accepted but who failed or refused to enter into a proper 12107
contract, except as provided in division (G) of this section, is 12108
liable for an equal share of a penal sum in connection with the 12109
resubmission, of printing new contract documents, required 12110
advertising, and printing and mailing notices to prospective 12111
bidders, but no bidder's liability shall exceed the amount of the 12112
bidder's bid guaranty. 12113

(F) All bid guaranties filed pursuant to this section shall 12114
be payable to the state, political subdivision, district, 12115
institution, or agency, be for the benefit of the state, political 12116
subdivision, district, institution, or agency or any person having 12117

a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state, political subdivision, district, institution, or agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than one-half million dollars, and if the surety certifies in good faith that the bidder is unable to perform the subsequent contract because to do so would exceed the bidder's bonding capacity. If a bid is withdrawn under authority of this division, the contracting authority may award the contract to the next lowest bidder or reject all bids and resubmit the project for bidding, and neither the bidder nor the surety on the bidder's bond are liable for the difference between the bidder's bid and that of the next lowest bidder, for a penal sum, or for the costs of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this section shall be returned to all unsuccessful bidders immediately after the contract is executed. The bid guaranty filed pursuant to

division (A)(2) of this section shall be returned to the 12150
successful bidder upon filing of the bond required in division (C) 12151
of this section. 12152

~~(I) For the purposes of this section, "next lowest bidder" 12153
means, in the case of a political subdivision that has adopted the 12154
model Ohio and United States preference requirements promulgated 12155
pursuant to division (E) of section 125.11 of the Revised Code, 12156
the next lowest bidder that qualifies under those preference 12157
requirements. 12158~~

~~(J) For the purposes of this section and sections 153.56, 12159
153.57, and 153.571 of the Revised Code, "public improvement," 12160
"subcontractor," "material supplier," "laborer," and "materials" 12161
have the same meanings as in section 1311.25 of the Revised Code. 12162~~

Sec. 173.03. (A) There is hereby created the Ohio advisory 12163
council for the aging, which shall consist of twelve members to be 12164
appointed by the governor with the advice and consent of the 12165
senate. Two ex officio members of the council shall be members of 12166
the house of representatives appointed by the speaker of the house 12167
of representatives and shall be members of two different political 12168
parties. Two ex officio members of the council shall be members of 12169
the senate appointed by the president of the senate and shall be 12170
members of two different political parties. The medicaid director 12171
and directors of mental health and addiction services, 12172
developmental disabilities, health, and job and family services, 12173
or their designees, shall serve as ex officio members of the 12174
council. ~~The purpose of the council shall carry out its role as 12175
defined under~~ is to advise the department of aging on the 12176
objectives of the "Older Americans Act of 1965," 79 Stat. 219, 42 12177
U.S.C. 3001, as amended and as directed by the governor. 12178

~~At the first meeting of the council, and annually thereafter 12179
Annually, the members shall select one of their members to serve 12180~~

as chairperson and one of their members to serve as 12181
vice-chairperson. 12182

(B) Members of the council appointed by the governor shall be 12183
appointed for a term of three years, ~~except that for the first~~ 12184
~~appointment members of the Ohio commission on aging who were~~ 12185
~~serving on the commission immediately prior to July 26, 1984,~~ 12186
~~shall become members of the council for the remainder of their~~ 12187
~~unexpired terms. Thereafter, appointment to the council shall be~~ 12188
~~for a three-year term by the governor.~~ Each member shall hold 12189
office from the date of appointment until the end of the term for 12190
which the member was appointed. Any member appointed to fill a 12191
vacancy occurring prior to the expiration of the term for which 12192
the member's predecessor was appointed shall hold office for the 12193
remainder of the term. No member shall continue in office 12194
subsequent to the expiration date of the member's term unless 12195
reappointed under the provisions of this section, and no member 12196
shall serve more than three consecutive terms on the council. 12197

(C) Membership of the council shall represent all areas of 12198
Ohio and shall be as follows: 12199

(1) A majority of members of the council shall have attained 12200
the age of fifty and have a knowledge of and continuing interest 12201
in the affairs and welfare of the older citizens of Ohio. The 12202
fields of business, labor, health, law, and human services shall 12203
be represented in the membership. 12204

(2) No more than seven members shall be of the same political 12205
party. 12206

(D) Any member of the council may be removed from office by 12207
the governor for neglect of duty, misconduct, or malfeasance in 12208
office after being informed in writing of the charges and afforded 12209
an opportunity for a hearing. Two consecutive unexcused absences 12210
from regularly scheduled meetings constitute neglect of duty. 12211

(E) The director of aging may reimburse a member for actual 12212
and necessary traveling and other expenses incurred in the 12213
discharge of official duties. But reimbursement shall be made in 12214
the manner and at rates that do not exceed those prescribed by the 12215
director of budget and management for any officer, member, or 12216
employee of, or consultant to, any state agency. 12217

(F) Council members are not limited as to the number of terms 12218
they may serve. 12219

(G)(1) The department of aging may award grants to or enter 12220
into contracts with a member of the advisory council or an entity 12221
that the member represents if any of the following apply: 12222

(a) The department determines that the member or the entity 12223
the member represents is capable of providing the goods or 12224
services specified under the terms of the grant or contract. 12225

(b) The member has not taken part in any discussion or vote 12226
of the council related to whether the council should recommend 12227
that the department of aging award the grant to or enter into the 12228
contract with the member of the advisory council or the entity 12229
that the member represents. 12230

(2) A member of the advisory council is not in violation of 12231
Chapter 102. or section 2921.42 of the Revised Code with regard to 12232
receiving a grant or entering into a contract under this section 12233
if the conditions of division (G)(1)(a) and (b) of this section 12234
have been met. 12235

Sec. 173.06. (A) The director of aging shall establish a 12236
golden buckeye card program and provide a golden buckeye card to 12237
any resident of this state who applies to the director for a card 12238
and is sixty years of age or older or is a person with a 12239
disability and is eighteen years of age or older. The A golden 12240
buckeye card may be physical or electronic and may be an 12241

individual card or an endorsement on a card for one or more other 12242
programs. 12243

The director shall devise programs to provide benefits of any 12244
kind to card holders, and encourage support and participation in 12245
them by all persons, including governmental organizations. Card 12246
holders ~~shall be~~ are entitled to any benefits granted to them by 12247
private persons or organizations, the laws of this state, or 12248
ordinances or resolutions of political subdivisions. This section 12249
does not require any person or organization to provide benefits to 12250
any card holder. The department of aging shall bear all costs of 12251
the program. 12252

(B) Before issuing a golden buckeye card to any person, the 12253
director shall establish the identity of any person who applies 12254
for a card and shall ascertain that such person is sixty years of 12255
age or older or is a person with a disability and is eighteen 12256
years of age or older. The director shall adopt rules under 12257
Chapter 119. of the Revised Code to prevent the issuance of cards 12258
to persons not qualified to have them. Cards shall contain ~~the~~ 12259
~~signature of the card holder and any other~~ information the 12260
director considers necessary to carry out the purposes of the 12261
golden buckeye card program under this section. Any card that the 12262
director issues shall be held in perpetuity by the original card 12263
holder and shall not be transferable to any other person. A person 12264
who loses the person's card may obtain another card from the 12265
director ~~upon~~ on providing the same information to the director as 12266
was required for the issuance of the original card. 12267

(C) No person shall use a golden buckeye card except to 12268
obtain a benefit for the holder of the card to which the holder is 12269
entitled under the conditions of the offer. 12270

(D) As used in this section, "person with a disability" means 12271
a person who has some impairment of body or mind and has been 12272
certified as permanently and totally disabled by an agency of this 12273

state or the United States having the function of so classifying 12274
persons. 12275

Sec. 173.21. (A) The office of the state long-term care 12276
ombudsman program, through the state long-term care ombudsman and 12277
the regional long-term care ombudsman programs, shall require each 12278
representative of the office to complete a training and 12279
certification ~~program~~ in accordance with this section and to meet 12280
~~the~~ any continuing education requirements that may be established 12281
under in rules adopted under division (B) of this section. 12282

(B) The department of aging shall adopt rules in accordance 12283
with Chapter 119. of the Revised Code specifying the content of 12284
training ~~programs~~ for representatives of the office of the state 12285
long-term care ombudsman program. Training for representatives 12286
other than those who are volunteers providing services through 12287
regional long-term care ombudsman programs shall include 12288
instruction regarding federal, state, and local laws, rules, and 12289
policies on long-term care facilities and community-based 12290
long-term care services; investigative techniques; and other 12291
topics considered relevant by the department ~~and shall consist.~~ 12292
All of the following apply to training for representatives other 12293
than volunteers: 12294

(1) A Representatives shall complete a minimum of ~~forty clock~~ 12295
~~thirty-six~~ hours of basic instruction, which shall be completed 12296
before the trainee is permitted to handle complaints without the 12297
supervision of a representative of the office certified under this 12298
section; 12299

(2) ~~An additional sixty clock~~ Additional hours of 12300
instruction, ~~which shall be completed within the first fifteen~~ 12301
~~months of employment~~ may include an internship, in-service 12302
training, and continuing education requirements as may be required 12303
in rules adopted under division (B) of this section; 12304

~~(3) An internship of twenty clock hours, which shall be completed within the first twenty four months of employment, including instruction in, and observation of, basic nursing care and long term care provider operations and procedures. The internship shall be performed at a site that has been approved as an internship site by the state long term care ombudsman.~~

~~(4) One of the following, which shall be completed within the first twenty four months of employment:~~

~~(a) Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program;~~

~~(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.~~

~~(5) Any Representatives may be required to complete any other training considered appropriate by the department.~~

~~(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the~~

~~office.~~ 12336

~~(D)~~ The state ombudsman and each regional program shall 12337
~~conduct training programs for~~ train volunteers on their respective 12338
staffs in accordance with the rules ~~of the department of aging~~ 12339
adopted under division (B) of this section. ~~Training programs~~ 12340
Volunteers may be ~~conducted that train volunteers~~ trained to 12341
complete some, but not all, of the duties of a representative of 12342
the office. Each regional office shall bear the cost of training 12343
its representatives who are volunteers. On completion of a 12344
training ~~program~~, the representative shall take an examination 12345
administered by the department of aging. On attainment of a 12346
passing score, a volunteer shall be certified by the department as 12347
a representative authorized to perform services specified in the 12348
certification. The department shall issue an identification card, 12349
which the representative shall show at the request of any person 12350
with whom the representative deals while performing the 12351
representative's duties and which shall be surrendered at the time 12352
the representative separates from the office. Except as a 12353
supervised part of a training ~~program~~, no volunteer shall perform 12354
any duty unless the volunteer is certified as a representative 12355
having received appropriate training for that duty. 12356

~~(E)~~(D) The state ombudsman shall provide technical assistance 12357
to regional programs conducting training ~~programs~~ for volunteers 12358
and shall monitor the training ~~programs~~. 12359

~~(F)~~ Prior to scheduling an observation of a certification 12360
~~survey or licensing inspection for purposes of division (B)(4) of~~ 12361
~~this section, the state ombudsman shall obtain permission to have~~ 12362
~~the survey or inspection observed from both the long term care~~ 12363
~~facility at which the survey or inspection is to take place and,~~ 12364
~~as the case may be, the director of health or director of mental~~ 12365
~~health and addiction services.~~ 12366

~~(G)~~ The department of aging shall establish continuing 12367

~~education requirements for representatives of the office.~~ 12368

Sec. 173.51. As used in sections 173.51 to 173.56 of the 12369
Revised Code: 12370

"Area agency on aging" has the same meaning as in section 12371
173.14 of the Revised Code. 12372

"Assisted living program" means the program that consists of 12373
a medicaid-funded component created under section 173.54 of the 12374
Revised Code and a state-funded component created under section 12375
173.543 of the Revised Code and provides assisted living services 12376
to individuals who meet the program's applicable eligibility 12377
requirements. 12378

"Assisted living services" means the following home and 12379
community-based services: personal care, homemaker, chore, 12380
attendant care, companion, medication oversight, and therapeutic 12381
social and recreational programming. 12382

"Assisted living waiver" means the federal medicaid waiver 12383
granted by the United States secretary of health and human 12384
services that authorizes the medicaid-funded component of the 12385
assisted living program. 12386

"County or district home" means a county or district home 12387
operated under Chapter 5155. of the Revised Code. 12388

"Long-term care consultation program" means the program the 12389
department of aging is required to develop under section 173.42 of 12390
the Revised Code. 12391

"Long-term care consultation program administrator" or 12392
"administrator" means the department of aging or, if the 12393
department contracts with an area agency on aging or other entity 12394
to administer the long-term care consultation program for a 12395
particular area, that agency or entity. 12396

"Medicaid waiver component" has the same meaning as in 12397

section 5166.01 of the Revised Code. 12398

"Nursing facility" has the same meaning as in section 5165.01 12399
of the Revised Code. 12400

"PASSPORT program" means the preadmission screening system 12401
providing options and resources today program (PASSPORT) that 12402
consists of a medicaid-funded component created under section 12403
173.52 of the Revised Code and a state-funded component created 12404
under section 173.522 of the Revised Code and provides home and 12405
community-based services as an alternative to nursing facility 12406
placement for individuals who are aged and disabled and meet the 12407
program's applicable eligibility requirements. 12408

"PASSPORT waiver" means the federal medicaid waiver granted 12409
by the United States secretary of health and human services that 12410
authorizes the medicaid-funded component of the PASSPORT program. 12411

"Representative" means a person acting on behalf of an 12412
applicant for the medicaid-funded component or state-funded 12413
component of the assisted living program. A representative may be 12414
a family member, attorney, hospital social worker, or any other 12415
person chosen to act on behalf of an applicant. 12416

"Residential care facility" has the same meaning as in 12417
section 3721.01 of the Revised Code. 12418

~~"Unified long term services and support medicaid waiver 12419
component" means the medicaid waiver component authorized by 12420
section 5166.14 of the Revised Code. 12421~~

Sec. 173.52. (A) The department of medicaid shall create the 12422
medicaid-funded component of the PASSPORT program. In creating the 12423
medicaid-funded component, the department of medicaid shall 12424
collaborate with the department of aging. 12425

(B) ~~Unless the medicaid funded component of the PASSPORT 12426
program is terminated under division (C) of this section, all All 12427~~

of the following apply to the medicaid-funded component of the 12428
PASSPORT program: 12429

(1) The department of aging shall administer the 12430
medicaid-funded component through a contract entered into with the 12431
department of medicaid under section 5162.35 of the Revised Code. 12432

(2) The medicaid-funded component shall be operated as a 12433
separate medicaid waiver component. 12434

(3) For an individual to be eligible for the medicaid-funded 12435
component, the individual must be a medicaid recipient and meet 12436
the additional eligibility requirements applicable to the 12437
individual established in rules adopted under division (B)(4) of 12438
this section. 12439

(4) To the extent authorized by rules ~~authorization~~ 12440
authorized by section 5162.021 of the Revised Code, the director 12441
of aging shall adopt rules in accordance with Chapter 119. of the 12442
Revised Code to implement the medicaid-funded component. 12443

~~(C) If the unified long term services and support medicaid 12444
waiver component is created, the departments of aging and medicaid 12445
shall work together to determine whether the medicaid funded 12446
component of the PASSPORT program should continue to operate as a 12447
separate medicaid waiver component or be terminated. If the 12448
departments determine that the medicaid funded component of the 12449
PASSPORT program should be terminated, the medicaid funded 12450
component shall cease to exist on a date the departments shall 12451
specify. 12452~~

Sec. 173.521. ~~(A) Unless the medicaid funded component of the 12453
PASSPORT program is terminated pursuant to division (C) of section 12454
173.52 of the Revised Code, the~~ The department shall establish a 12455
home first component of the PASSPORT program under which eligible 12456
individuals may be enrolled in the medicaid-funded component of 12457

the PASSPORT program in accordance with this section. An 12458
individual is eligible for the PASSPORT program's home first 12459
component if both of the following apply: 12460

(1) The individual has been determined to be eligible for the 12461
medicaid-funded component of the PASSPORT program. 12462

(2) At least one of the following applies: 12463

(a) The individual has been admitted to a nursing facility. 12464

(b) A physician has determined and documented in writing that 12465
the individual has a medical condition that, unless the individual 12466
is enrolled in home and community-based services such as the 12467
PASSPORT program, will require the individual to be admitted to a 12468
nursing facility within thirty days of the physician's 12469
determination. 12470

(c) The individual has been hospitalized and a physician has 12471
determined and documented in writing that, unless the individual 12472
is enrolled in home and community-based services such as the 12473
PASSPORT program, the individual is to be transported directly 12474
from the hospital to a nursing facility and admitted. 12475

(d) Both of the following apply: 12476

(i) The individual is the subject of a report made under 12477
section 5101.63 of the Revised Code regarding abuse, neglect, or 12478
exploitation or such a report referred to a county department of 12479
job and family services under section 5126.31 of the Revised Code 12480
or has made a request to a county department for protective 12481
services as defined in section 5101.60 of the Revised Code. 12482

(ii) A county department of job and family services and an 12483
area agency on aging have jointly documented in writing that, 12484
unless the individual is enrolled in home and community-based 12485
services such as the PASSPORT program, the individual should be 12486
admitted to a nursing facility. 12487

(B) Each month, each area agency on aging shall identify 12488
individuals residing in the area that the agency serves who are 12489
eligible for the home first component of the PASSPORT program. 12490
When an area agency on aging identifies such an individual, the 12491
agency shall notify the long-term care consultation program 12492
administrator serving the area in which the individual resides. 12493
The administrator shall determine whether the PASSPORT program is 12494
appropriate for the individual and whether the individual would 12495
rather participate in the PASSPORT program than continue or begin 12496
to reside in a nursing facility. If the administrator determines 12497
that the PASSPORT program is appropriate for the individual and 12498
the individual would rather participate in the PASSPORT program 12499
than continue or begin to reside in a nursing facility, the 12500
administrator shall so notify the department of aging. On receipt 12501
of the notice from the administrator, the department shall approve 12502
the individual's enrollment in the medicaid-funded component of 12503
the PASSPORT program regardless of the unified waiting list 12504
established under section 173.55 of the Revised Code, unless the 12505
enrollment would cause the component to exceed any limit on the 12506
number of individuals who may be enrolled in the component as set 12507
by the United States secretary of health and human services in the 12508
PASSPORT waiver. 12509

Sec. 173.522. (A) The department of aging shall create and 12510
administer the state-funded component of the PASSPORT program. The 12511
state-funded component shall not be administered as part of the 12512
medicaid program. 12513

(B) For an individual to be eligible for the state-funded 12514
component of the PASSPORT program, the individual must meet one of 12515
the following requirements and meet the additional eligibility 12516
requirements applicable to the individual established in rules 12517
adopted under division (D) of this section: 12518

(1) The individual must have been enrolled in the 12519
state-funded component on September 1, 1991, (as the state-funded 12520
component was authorized by uncodified law in effect at that time) 12521
and have had one or more applications for enrollment in the 12522
medicaid-funded component of the PASSPORT program ~~(or, if the 12523
medicaid-funded component is terminated under division (C) of 12524
section 173.52 of the Revised Code, the unified long-term services 12525
and support medicaid waiver component)~~ denied. 12526

(2) The individual must have an application for the 12527
medicaid-funded component of the PASSPORT program ~~(or, if the 12528
medicaid-funded component is terminated under division (C) of 12529
section 173.52 of the Revised Code, the unified long-term services 12530
and support medicaid waiver component)~~ pending and the department 12531
or the department's designee must have determined that the 12532
individual meets the nonfinancial eligibility requirements of the 12533
medicaid-funded component ~~(or, if the medicaid-funded component is 12534
terminated under division (C) of section 173.52 of the Revised 12535
Code, the unified long-term services and support medicaid waiver 12536
component)~~ and not have reason to doubt that the individual meets 12537
the financial eligibility requirements of the medicaid-funded 12538
component ~~(or, if the medicaid-funded component is terminated 12539
under division (C) of section 173.52 of the Revised Code, the 12540
unified long-term services and support medicaid waiver component)~~. 12541

(C) An individual who is eligible for the state-funded 12542
component of the PASSPORT program because the individual meets the 12543
requirement of division (B)(2) of this section may participate in 12544
the component on that basis for a period of time specified in 12545
rules adopted under division (D) of this section. 12546

(D)(1) The director of aging shall adopt rules in accordance 12547
with section 111.15 of the Revised Code to implement the 12548
state-funded component of the PASSPORT program. 12549

The rules shall include all of the following: 12550

(a) Additional eligibility requirements for an individual to be eligible for the state-funded component of the PASSPORT program; 12551
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(b) The duration that an individual eligible for the state-funded component of the PASSPORT program under division (B)(2) of this section may participate in that component; 12554
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(c) Any other rules the director considers appropriate to implement the state-funded component of the PASSPORT program. 12557
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(2) The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1) and (2) of this section. 12559
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Sec. 173.525. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a home health aide or personal care aide under the PASSPORT program, an individual must successfully complete eight hours of pre-service training acceptable to the department of aging. 12562
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To maintain eligibility, each home health aide or personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months. 12567
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(2) In administering the PASSPORT program, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following: 12571
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(a) Complete more than eight hours of pre-service training; 12574

(b) Complete more than six hours of in-service training in a twelve-month period. 12575
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(B) Only the following may supervise a home health aide or personal care aide under the PASSPORT program: 12577
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(1) A registered nurse; 12579

(2) A licensed practical nurse under the direction of a 12580
registered nurse; 12581

(3) A nurse aide under the direction of a nurse described in 12582
division (B)(1) or (2) of this section. 12583

Sec. 173.54. (A) The department of medicaid shall create the 12584
medicaid-funded component of the assisted living program. In 12585
creating the medicaid-funded component, the department of medicaid 12586
shall collaborate with the department of aging. 12587

(B) Unless the medicaid-funded component of the assisted 12588
living program is terminated under division (C) of this section, 12589
all of the following apply: 12590

(1) The department of aging shall administer the 12591
medicaid-funded component through a contract entered into with the 12592
department of medicaid under section 5162.35 of the Revised Code. 12593

(2) The contract shall include an estimate of the 12594
medicaid-funded component's costs. 12595

(3) The medicaid-funded component shall be operated as a 12596
separate medicaid waiver component. 12597

(4) The medicaid-funded component may not serve more 12598
individuals than is set by the United States secretary of health 12599
and human services in the assisted living waiver. 12600

(5) To the extent authorized by rules authorized by section 12601
5162.021 of the Revised Code, the director of aging may adopt 12602
rules under Chapter 119. of the Revised Code regarding the 12603
medicaid-funded component. 12604

~~(C) If the unified long term services and support medicaid~~ 12605
~~waiver component is created, the departments of aging and medicaid~~ 12606
~~shall collaborate to determine whether the medicaid funded~~ 12607
~~component of the assisted living program should continue to~~ 12608
~~operate as a separate medicaid waiver component or be terminated.~~ 12609

~~If the departments determine that the medicaid funded component of the assisted living program should be terminated, the medicaid funded component shall cease to exist on a date the departments shall specify.~~

Sec. 173.542. (A) ~~Unless the medicaid funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the~~ The department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the assisted living program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the assisted living program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under

section 5101.63 of the Revised Code regarding abuse, neglect, or 12640
exploitation or such a report referred to a county department of 12641
job and family services under section 5126.31 of the Revised Code 12642
or has made a request to a county department for protective 12643
services as defined in section 5101.60 of the Revised Code. 12644

(ii) A county department of job and family services and an 12645
area agency on aging have jointly documented in writing that, 12646
unless the individual is enrolled in home and community-based 12647
services such as the assisted living program, the individual 12648
should be admitted to a nursing facility. 12649

(B) Each month, each area agency on aging shall identify 12650
individuals residing in the area that the area agency on aging 12651
serves who are eligible for the home first component of the 12652
assisted living program. When an area agency on aging identifies 12653
such an individual and determines that there is a vacancy in a 12654
residential care facility participating in the medicaid-funded 12655
component of the assisted living program that is acceptable to the 12656
individual, the agency shall notify the long-term care 12657
consultation program administrator serving the area in which the 12658
individual resides. The administrator shall determine whether the 12659
assisted living program is appropriate for the individual and 12660
whether the individual would rather participate in the assisted 12661
living program than continue or begin to reside in a nursing 12662
facility. If the administrator determines that the assisted living 12663
program is appropriate for the individual and the individual would 12664
rather participate in the assisted living program than continue or 12665
begin to reside in a nursing facility, the administrator shall so 12666
notify the department of aging. On receipt of the notice from the 12667
administrator, the department shall approve the individual's 12668
enrollment in the medicaid-funded component of the assisted living 12669
program regardless of the unified waiting list established under 12670
section 173.55 of the Revised Code, unless the enrollment would 12671

cause the component to exceed any limit on the number of 12672
individuals who may participate in the component as set by the 12673
United States secretary of health and human services in the 12674
assisted living waiver. 12675

Sec. 173.544. To be eligible for the state-funded component 12676
of the assisted living program, an individual must meet all of the 12677
following requirements: 12678

(A) The individual must need an intermediate level of care as 12679
determined by an assessment conducted under section 173.546 of the 12680
Revised Code. 12681

(B) The individual must have an application for the 12682
medicaid-funded component of the assisted living program ~~(or, if~~ 12683
~~the medicaid funded component is terminated under division (C) of~~ 12684
~~section 173.54 of the Revised Code, the unified long term services~~ 12685
~~and support medicaid waiver component)~~ pending and the department 12686
or the department's designee must have determined that the 12687
individual meets the nonfinancial eligibility requirements of the 12688
medicaid-funded component ~~(or, if the medicaid funded component is~~ 12689
~~terminated under division (C) of section 173.54 of the Revised~~ 12690
~~Code, the unified long term services and support medicaid waiver~~ 12691
~~component)~~ and not have reason to doubt that the individual meets 12692
the financial eligibility requirements of the medicaid-funded 12693
component ~~(or, if the medicaid funded component is terminated~~ 12694
~~under division (C) of section 173.54 of the Revised Code, the~~ 12695
~~unified long term services and support medicaid waiver component).~~ 12696

(C) While receiving assisted living services under the 12697
state-funded component, the individual must reside in a 12698
residential care facility that is authorized by a valid provider 12699
agreement to participate in the component, including both of the 12700
following: 12701

(1) A residential care facility that is owned or operated by 12702

a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section 173.543 of the Revised Code.

Sec. 173.60. (A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of individuals receiving care and those working closely with them.

(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of the projects.

~~(C)~~(C)(1) The department shall make available a list of quality improvement projects that may be used by nursing homes in meeting the requirements of section 3721.072 of the Revised Code. In addition to any of the projects offered by the department pursuant to division (B) of this section, the list may include

projects offered by any of the following:	12733
(1) (a) Other state agencies;	12734
(2) (b) A quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in the "Social Security Act," section 1154, 42 U.S.C. 1320c-3;	12735 12736 12737 12738
(3) (c) The Ohio person-centered care coalition;	12739
(4) (d) Any other academic, research, or health care entity identified by the department.	12740 12741
<u>(2) The department shall offer to nursing homes and other long-term care facility settings infection prevention and control and facility technical assistance, including services, programs, and content expertise, as a project authorized under division (C)(1) of this section to improve quality of care and quality of life, subject to the availability of funds.</u>	12742 12743 12744 12745 12746 12747
(D) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.	12748 12749 12750
Sec. 175.12. (A) This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes and the purposes of Section 14, of Article VIII and Section 16, Article VIII, Ohio Constitution.	12751 12752 12753 12754
(B) The following are not public records subject to section 149.43 of the Revised Code:	12755 12756
(1) Financial statements and data submitted for any purpose to the Ohio housing finance agency or the controlling board by any person in connection with applying for, receiving, or accounting for financial assistance the agency provides;	12757 12758 12759 12760
(2) Information that identifies any individual who benefits	12761

directly or indirectly from financial assistance the agency 12762
provides; 12763

(3) Information provided to the tax commissioner under 12764
section 175.16 of the Revised Code or information provided under 12765
divisions (I)(1) to (3) of section 175.16 of the Revised Code. 12766

(C)(1) The agencies of this state shall cooperate fully with 12767
the Ohio housing finance agency and shall provide information the 12768
Ohio housing finance agency determines is necessary or helpful for 12769
its operation. 12770

(2) The Ohio housing finance agency may arrange with and 12771
enter into contracts with other entities to perform functions this 12772
chapter authorizes the agency to perform and compensate those 12773
entities for performing those functions. 12774

(3) The agency may enter into contracts with state entities 12775
as described in this chapter. 12776

(D) Any state agency that provides supplies, equipment, or 12777
services directly related to the mission of the Ohio housing 12778
finance agency as described in section 175.02 of the Revised Code 12779
may enter into an agreement with the Ohio housing finance agency 12780
to furnish those supplies, equipment, or services pursuant to 12781
terms both agencies agree upon for remuneration to the state 12782
agency. 12783

(E) The Ohio housing finance agency is exempt from the 12784
requirements of Chapters 123. and 125. and sections 127.16 and 12785
5147.07 of the Revised Code. 12786

Sec. 175.16. (A) As used in this section: 12787

(1) "Federal credit" means the tax credit authorized under 12788
section 42 of the Internal Revenue Code. 12789

(2) "Credit period," "qualified low-income building," and 12790
"qualified basis" have the same meanings as in section 42 of the 12791

<u>Internal Revenue Code.</u>	12792
<u>(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after January 1, 2023, and for which the director reserves a tax credit under division (B) of this section before January 1, 2029.</u>	12793 12794 12795 12796
<u>(4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.</u>	12797 12798
<u>(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.</u>	12799 12800 12801
<u>(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.</u>	12802 12803 12804
<u>(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate.</u>	12805 12806 12807
<u>(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.</u>	12808 12809 12810 12811
<u>(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.</u>	12812 12813
<u>(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.</u>	12814 12815 12816 12817
<u>(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within</u>	12818 12819 12820 12821

section 42 of the Internal Revenue Code. 12822

(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code. 12823
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(13) "Pass-through certification" means a writing submitted with a project owner's applicable return or report pursuant to division (F)(2) of this section. 12825
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(14) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section. 12828
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(15) "Director" means the executive director of the Ohio housing finance agency. 12831
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(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after January 1, 2023, may reserve a tax credit under this section for the project owners so long as doing so will not result in exceeding the annual credit cap prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after December 31, 2028. 12833
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The director shall send written notice of the reservation to each project owner. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate. 12843
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The agency shall determine the credit amount reserved for each qualified project. The reserved credit amount shall not exceed the amount necessary, when combined with the federal credit, to ensure the financial feasibility of the qualified project. 12848
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(C) The aggregate amount of credits reserved by the director under division (B) of this section in a fiscal year shall not exceed the sum of (1) five hundred million dollars, (2) the amount, if any, by which the credit cap prescribed by this division for the preceding fiscal year exceeds the credits reserved by the director in that year, and (3) the amount of tax credits recaptured and collected pursuant to an assessment issued by the tax commissioner or superintendent of insurance or otherwise disallowed under division (G) of this section in the preceding fiscal year.

For the purpose of computing and determining compliance with the credit cap prescribed by this division, the credit amount reserved for the project owners of a qualified project is the full amount for all years of the qualified project's credit period.

(D) Immediately after approving the final cost certification for a qualified project for which a tax credit under this section is reserved, or upon otherwise determining the qualified basis of the qualified project and the date it was placed into service as required by section 42(m) of the Internal Revenue Code, the director shall compute the annual credit amount and issue an eligibility certificate to each project owner. The director shall send copies of all eligibility certificates issued each calendar year to the tax commissioner and the superintendent of insurance.

The annual credit amount shall equal the lesser of the following:

(1) The amount of the federal credit that would be awarded to the owners of the qualified project for the first year of the credit period if not for the adjustment required under section 42(f)(2) of the Internal Revenue Code;

(2) One-tenth of the reserved credit amount stated in the notice issued under division (B) of this section.

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and taxpayer identification number of each project owner, the date the certificate is issued, a unique identifying number, and any additional information prescribed by a rule adopted under division (H) of this section. A project owner, if the project owner is a pass-through entity shall provide a copy of the eligibility certificate to each equity owner that has been allocated a credit under division (F)(2) of this section.

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(F)(1) For each year of a qualified project's credit period, the project owner or an equity owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount stated on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code, as applicable.

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(2) If a project owner is a pass-through entity, the annual credit amount for any year of a qualified project's credit period may be allocated by the project owner among one or more equity owners, and any such equity owner that is itself a pass-through entity may reallocate its portion of a credit to its own equity owners, as described in division (F)(5) of this section, and may be applied by those equity owners against more than one tax over more than one calendar year, tax year, taxable year, or tax period, but the total credits claimed in connection with that year of the qualified project's credit period by all project owners and equity owners against all taxes over all calendar years, tax years, taxable years, and tax periods, shall not exceed the annual credit amount stated on the eligibility certificate.

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A project owner or equity owner that is a pass-through entity that allocates a credit to its equity owners under this division

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shall list, in a writing submitted with the project owner's or 12916
equity owner's applicable return or report, the amount of the 12917
credit reflected on the eligibility certificate that is allocated 12918
to each equity owner. 12919

(3) A project owner or equity owner may claim the credit 12920
authorized by division (F)(1) of this section for a calendar year, 12921
tax year, taxable year, or tax period that ends after the date the 12922
qualified project is placed into service but for which the project 12923
owner or equity owner files its original tax return or report 12924
claiming the credit before the director issues the project owner 12925
an eligibility certificate under division (D) of this section. If 12926
a credit is claimed before an eligibility certificate is issued, 12927
the project owner or equity owner claiming the credit may claim an 12928
amount that is not more than one-tenth of the reserved credit 12929
amount. After the eligibility certificate is issued, if the annual 12930
credit amount is different than one-tenth of the reserved credit 12931
amount, the project owner or equity owner that claimed a tax 12932
credit under division (F)(3) of this section shall reconcile that 12933
difference through filing an amended tax return or report under 12934
Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as 12935
applicable. 12936

(4) A project owner or equity owner that claims or allocates 12937
a tax credit under division (F)(1) or (2) of this section shall 12938
submit a copy of the eligibility certificate with the project 12939
owner's or equity owner's tax return or report. A project owner or 12940
equity owner that claims or allocates a credit under division 12941
(F)(3) of this section shall submit a copy of the notice stating 12942
the reserved credit amount, issued under division (B) of this 12943
section with the project owner's or equity owner's tax return or 12944
report. Upon request of the tax commissioner or the superintendent 12945
of insurance, any project owner or equity owner claiming a tax 12946
credit under this section shall provide the commissioner or 12947

superintendent other documentation that may be necessary to verify 12948
that the project owner or equity owner is entitled to the credit. 12949

(5) A project owner that is a pass-through entity may 12950
allocate the credit authorized by this section to its equity 12951
owners, and any such equity owner that is itself a pass-through 12952
entity may reallocate its portion of a credit to its own equity 12953
owners, under division (F)(2) of this section in any manner agreed 12954
to by such persons regardless of whether such equity owners are 12955
eligible for an allocation of the federal credit, whether the 12956
allocation of the credit under the terms of the agreement has 12957
substantial economic effect within the meaning of section 704(b) 12958
of the Internal Revenue Code, and whether any such person is 12959
deemed a partner of the project owner or equity owner for federal 12960
income tax purposes as long as the equity owner acquired its 12961
ownership interest prior to claiming the credit. The allocation 12962
shall be allowed without regard to any provision of the Internal 12963
Revenue Code, or regulation promulgated pursuant to it, that may 12964
be interpreted as contrary to the allocation, including, without 12965
limitation, the treatment of the allocation as a disguised sale. 12966

(6) An equity owner may assign all or any part of its 12967
interest in a qualified project, including its interest in the tax 12968
credits authorized by this section, to one or more other equity 12969
owners, in whole or in part, one or more times, and each assignee 12970
shall be able to claim the credit so long as its interest is 12971
acquired prior to the filing of its tax return or report or 12972
amended tax return or report claiming the credit and the equity 12973
owner's ownership interest is identified in the report required by 12974
division (I) of this section. Each equity owner to whom the right 12975
to claim a tax credit authorized by this section is assigned shall 12976
provide the designated reporter with evidence of that transfer so 12977
the designated reporter may identify the transferee in the report 12978
required by division (I) of this section. 12979

(G) If any portion of the federal credit allocated to a 12980
qualified project is recaptured under section 42(j) of the 12981
Internal Revenue Code or is otherwise disallowed, the director 12982
shall recapture a proportionate amount of the tax credit claimed 12983
pursuant to this section in connection with the same qualified 12984
project. 12985

If the director determines to recapture such a tax credit, 12986
the director shall certify the name of each project owner and the 12987
amount to be recaptured to the tax commissioner and to the 12988
superintendent of insurance. The commissioner or superintendent 12989
shall determine the taxpayer or taxpayers that claimed the credit, 12990
the tax against which the credit was claimed, and the amount to be 12991
recaptured and make an assessment against the taxpayer or 12992
taxpayers under Chapter 5725., 5726., 5729., or 5747. of the 12993
Revised Code, as applicable, for the amount of the tax credit to 12994
be recaptured. The time limitations on assessments under those 12995
chapters do not bar an assessment made under this division. 12996
Nothing in this section shall prohibit an assessment that 12997
otherwise may be timely made by law. 12998

(H) The director, in consultation with the tax commissioner 12999
and the superintendent of insurance, shall adopt any rules 13000
necessary to implement this section in accordance with Chapter 13001
119. of the Revised Code. Notwithstanding any provision of section 13002
121.95 of the Revised Code to the contrary, a regulatory 13003
restriction contained in a rule adopted under division (H) of this 13004
section is not subject to sections 121.95 to 121.953 of the 13005
Revised Code. 13006

(I)(1) Each project owner shall designate itself or one of 13007
its equity owners as designated reporter. The designation shall be 13008
made to the tax commissioner and superintendent of insurance at 13009
the time and in the manner prescribed by the commissioner and 13010
superintendent. 13011

(2) For each calendar year, a designated reporter shall 13012
provide the tax commissioner and the superintendent of insurance, 13013
at the time and in the form prescribed by the tax commissioner in 13014
consultation with the superintendent of insurance, a summary 13015
report of all pass-through certifications issued, and assignment 13016
notifications received pursuant to division (F)(6) of this 13017
section, in connection with a qualified project. The report shall 13018
contain all of the following: 13019

(a) The name, address, and taxpayer identification number of 13020
each equity owner that has been allocated a portion of the annual 13021
credit awarded by the eligibility certificate for that year; 13022

(b) The amount of the annual credit allocated to each such 13023
equity owner for such year and the tax against which the credit 13024
will be claimed; 13025

(c) The total of the amounts listed for each equity owner 13026
under division (I)(1)(b) of this section; 13027

(d) The annual credit amount. 13028

(3) A designated reporter shall notify the tax commissioner 13029
and the superintendent of insurance of any changes to the 13030
information reported in division (I)(2) of this section in the 13031
time and manner prescribed by the commissioner and superintendent. 13032

(4) No credit allocated under this section may be claimed by 13033
an equity owner for a year unless that equity owner and the amount 13034
of the credit allocated to that owner appear on the report 13035
required by division (I)(1) of this section for that year. 13036

(J) The Ohio housing finance agency shall disclose to the tax 13037
commissioner and the superintendent of insurance any information 13038
in the possession of the agency that is necessary to ensure 13039
compliance with the laws of this state governing taxation and to 13040
verify information reported to the agency, commissioner, or 13041
superintendent pursuant to this section. If not provided upon the 13042

agency's initiative, the tax commissioner may request such 13043
information and the agency shall respond with the requested 13044
information. 13045

Sec. 191.01. As used in sections 191.01 to 191.45 of the 13046
Revised Code: 13047

(A) "Affiliate" means a person or entity under common 13048
ownership or control with, or a participant in a joint venture, 13049
partnership, consortium, or similar business arrangement with, 13050
another person or entity pertaining to the provision of broadband 13051
service. 13052

(B) "Broadband expansion program authority" means the entity 13053
created under section 122.403 of the Revised Code. 13054

(C) "Broadband infrastructure" means facilities that are 13055
used, in whole or in part, to provide qualifying broadband service 13056
access to residences and businesses. 13057

(D) "Mid-span pole installation" means the installation of, 13058
and attachment of broadband infrastructure to, a new utility pole 13059
that is installed between or adjacent to one or more existing 13060
utility poles or replaced utility poles to which poles broadband 13061
infrastructure is attached. 13062

(E) "Pole owner" means any person or entity that owns or 13063
controls a utility pole. 13064

(F) "Pole replacement" means the removal of an existing 13065
utility pole and replacement of that pole with a new utility pole 13066
to which a provider attaches broadband infrastructure. 13067

(G) "Provider" means an entity, including a pole owner or 13068
affiliate, that provides qualifying broadband service. 13069

(H) "Qualifying broadband service" means a retail wireline 13070
broadband service that is capable of delivering symmetrical 13071
internet access at download and upload speeds of at least one 13072

hundred megabits per second with a latency level sufficient to 13073
permit real-time, interactive applications. 13074

(I) "Undergrounding" means the placement of broadband 13075
infrastructure underground, including by directly burying the 13076
infrastructure or through the underground placement of new ducts 13077
or conduits and installation of the infrastructure in them. 13078

(J) "Unserved area" means an area in the state that is 13079
without access to fixed, terrestrial broadband service capable of 13080
delivering internet access at download speeds of at least 13081
twenty-five megabits per second and upload speeds of at least 13082
three megabits per second. 13083

(K) "Utility pole" means any pole used, in whole or in part, 13084
for any wired communications or electric distribution, 13085
irrespective of who owns or operates such pole. 13086

Sec. 191.02. There is hereby established the Ohio broadband 13087
pole replacement and undergrounding program within the department 13088
of development to advance the provision of qualifying broadband 13089
service access to residences and businesses in an unserved area by 13090
reimbursing certain costs of pole replacements, mid-span pole 13091
installations, and undergrounding. 13092

The department shall administer and provide staff assistance 13093
for the program. The department shall be responsible for receiving 13094
and reviewing program applications and for sending completed 13095
applications to the broadband expansion program authority for 13096
final review and award of program reimbursements. 13097

Sec. 191.03. (A) The department of development shall 13098
establish an administrative process to award program 13099
reimbursements under the Ohio broadband pole replacement and 13100
undergrounding program according to the provisions of sections 13101
191.03 to 191.45 of the Revised Code. 13102

(B) The broadband expansion program authority shall award program reimbursements after reviewing program applications and determining whether the applications meet the program's requirements for reimbursement. 13103
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13105
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Sec. 191.05. For the purposes of an application under the Ohio broadband pole replacement and undergrounding program, an area of the state shall be considered to be an unserved area, if one of the following applies: 13107
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13109
13110

(A) Under a program to deploy broadband service to unserved areas, a governmental entity has awarded a broadband grant for the area after determining the area to be an eligible unserved area under that program. 13111
13112
13113
13114

(B) The area has not been awarded any broadband grant funding, and the most recent mapping information published by the federal communications commission indicates that the area is an unserved area. 13115
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13118

Sec. 191.07. (A) The broadband expansion program authority shall not award program reimbursements to an applicant under the Ohio broadband pole replacement and undergrounding program, if any of the following apply: 13119
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13121
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(1) The broadband infrastructure deployed is used only for the provision of wholesale broadband service and is not used by the applicant to provide qualifying broadband service directly to residences or businesses. 13123
13124
13125
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(2) A provider, other than the applicant, is meeting the terms of a legally binding commitment to a governmental entity to deploy qualifying broadband service in the unserved area. 13127
13128
13129

(3) For program reimbursements that are funded by federal funds deposited in the pole replacement fund, the applicant fails to commit to compliance with any conditions required by the 13130
13131
13132

federal government in connection with the funds. 13133

(B) The authority shall not award program reimbursements that 13134
are federally funded, if the reimbursements are inconsistent with 13135
federal requirements. 13136

Sec. 191.10. In accordance with sections 191.10 to 191.45 of 13137
the Revised Code, a provider may submit an application for a 13138
program reimbursement under the Ohio broadband pole replacement 13139
and undergrounding program, if the provider has deployed 13140
qualifying broadband infrastructure in an unserved area and has 13141
paid any of the following costs in connection with the deployment 13142
of such broadband infrastructure: 13143

(A) Pole replacement costs; 13144

(B) Mid-span pole installation costs; 13145

(C) Undergrounding costs. 13146

The application shall be submitted on a form prescribed by 13147
the department of development. 13148

Sec. 191.13. (A) Not later than sixty days after the pole 13149
replacement fund created in section 191.27 of the Revised Code 13150
receives funds for the purpose of providing program reimbursements 13151
under the Ohio broadband pole replacement and undergrounding 13152
program, the department of development shall develop and publish 13153
an application form for the program and post the form on the 13154
department web site. 13155

(B) An application shall include the following information: 13156

(1) The number, cost, and locations of pole replacements, 13157
mid-span pole installations, and undergrounding for which 13158
reimbursement is requested; 13159

(2) Documentation sufficient to establish that the pole 13160
replacements, mid-span pole installations, and undergrounding 13161

<u>described in the application have been completed;</u>	13162
<u>(3) Documentation sufficient to establish how the costs for which reimbursement is requested comport with the reimbursement requirements under the program;</u>	13163
	13164
	13165
<u>(4) The reimbursement amount requested under the program;</u>	13166
<u>(5) Documentation of any broadband grant funding awarded or received for the area described in the application;</u>	13167
	13168
<u>(6) Accounting information that is sufficient to demonstrate that costs for which a program reimbursement is requested are eligible for a program reimbursement pursuant to division (C) of section 191.21 of the Revised Code, if the applicant has received any grant funding described in division (B)(5) of this section;</u>	13169
	13170
	13171
	13172
	13173
<u>(7) A notarized statement, from an officer or agent of the applicant, that the contents of the application are true and accurate and that the applicant accepts the requirements of the program as a condition of receiving a program reimbursement;</u>	13174
	13175
	13176
	13177
<u>(8) Any information necessary to demonstrate the applicant's compliance, and agreement to comply, with any conditions associated with the reimbursement awarded to the applicant;</u>	13178
	13179
	13180
<u>(9) Any other information the department considers necessary for final review and for the award and payment of program reimbursements.</u>	13181
	13182
	13183
<u>(C) If any federal funds are used for any awards under the program, the application form shall identify and describe any additional federal conditions required in connection with the use of the federal funds.</u>	13184
	13185
	13186
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<u>Sec. 191.15.</u> <u>(A) Before receiving a program reimbursement under the Ohio broadband pole replacement and undergrounding program, each applicant shall agree to do the following:</u>	13188
	13189
	13190

(1) Not later than ninety days after receipt of a program reimbursement, activate qualifying broadband service to end users utilizing the broadband infrastructure for which the applicant has received reimbursement for pole replacement, mid-span pole installation, or undergrounding costs; 13191
13192
13193
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(2) Certify the application's compliance with the requirements of sections 191.10 to 191.24 of the Revised Code; 13196
13197

(3) Comply with any federal requirements associated with the funding used by the broadband expansion program authority in connection with the award; 13198
13199
13200

(4) Refund all or any portion of reimbursements received under the program as specified in section 191.30 of the Revised Code, if pursuant to that section the applicant is found to have materially violated any of the requirements of sections 191.10 to 191.24 of the Revised Code. 13201
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(B) For an application regarding a pole replacement or mid-span pole installation, the applicant shall do the following if the applicant is the pole owner, or affiliate of the pole owner: 13206
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13208
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(1) Comply with division (A) of this section; 13210

(2) Commit that the pole owner will comply with all applicable pole attachment regulations and requirements imposed by the state or federal government; 13211
13212
13213

(3) Commit that the pole owner will exclude from its costs used to calculate its rates or charges for access to its utility poles for which the applicant has been reimbursed as follows: 13214
13215
13216

(a) Under the Ohio broadband pole replacement and undergrounding program or any other broadband grant program; 13217
13218

(b) By a provider, for make-ready charges; 13219

(4)(a) Commit that the pole owner will maintain and make 13220

available, upon reasonable request, to the department of 13221
development or to a party subject to the rates and charges 13222
described in division (B)(3) of this section, accounting 13223
documentation sufficient to demonstrate compliance with division 13224
(B)(3) of this section; 13225

(b) Division (B)(4)(a) of this section does not apply to an 13226
electric distribution utility as defined in section 4928.01 of the 13227
Revised Code, unless the electric distribution utility is the 13228
applicant. 13229

Sec. 191.17. (A) Not later than sixty days after receiving an 13230
application forwarded by the department of development, the 13231
broadband expansion program authority shall award program 13232
reimbursements to the applicant for costs described in divisions 13233
(A) and (B) of section 191.21 of the Revised Code after reviewing 13234
the application, and establishing the applicant's eligibility for 13235
reimbursement under the Ohio broadband pole replacement and 13236
undergrounding program. Except as provided in division (B) of this 13237
section, program reimbursements shall be in an amount equal to the 13238
lesser of seven thousand five hundred dollars or seventy-five per 13239
cent of the total amount paid by the applicant for each pole 13240
replacement or mid-span pole installation. 13241

(B) For undergrounding costs described under division (B) of 13242
section 191.21 of the Revised Code, the authority shall approve 13243
program reimbursements as provided in division (A) of this 13244
section, except that the reimbursements may not exceed the 13245
reimbursement amount that would be available under division (A) of 13246
this section, if the applicant had attached broadband 13247
infrastructure to utility poles instead of undergrounding that 13248
infrastructure. 13249

Sec. 191.19. (A) The department of development, at the 13250

direction of the broadband expansion program authority, shall 13251
issue program reimbursements awarded for applications approved 13252
under the Ohio broadband pole replacement and undergrounding 13253
program. The reimbursements shall be made using money available 13254
for this purpose in the broadband pole replacement fund created in 13255
section 191.27 of the Revised Code. The authority shall award, and 13256
the department shall fund, reimbursements until funds available 13257
for that purpose are no longer available. 13258

(B) If, upon the exhaustion of the fund, there are any 13259
applications pending, the applications shall be denied. 13260
Applications that have been denied pursuant to this division may 13261
be resubmitted to the department, and, if sufficient money is 13262
later deposited in the fund, reimbursements may be awarded 13263
according to the application and award process under sections 13264
191.10 to 191.24 of the Revised Code. 13265

Sec. 191.21. If the broadband expansion program authority 13266
approves an application under the Ohio broadband pole replacement 13267
and undergrounding program, the following costs are eligible for 13268
reimbursement under the program: 13269

(A) Actual and reasonable costs to perform a pole replacement 13270
or mid-span pole installation, including the amount of any 13271
expenditures to remove and dispose of an existing utility pole, 13272
purchase and install a replacement utility pole, and transfer any 13273
existing facilities to the new pole; 13274

(B) Actual and reasonable undergrounding costs, including the 13275
costs to dig a trench, perform directional boring, install 13276
conduit, and seal the trench, if the undergrounding is either of 13277
the following: 13278

(1) Required by law, regulation, or local ordinance; 13279

(2) More economical than the cost of performing a pole 13280

replacement. 13281

(C)(1) Costs of deploying qualifying broadband service for 13282
which the applicant is entitled to obtain full reimbursement from 13283
another governmental entity are not eligible for reimbursement 13284
under the program, except as provided in division (C)(2) of this 13285
section. 13286

(2) If an applicant's costs for deploying such service are 13287
reimbursed in part by a governmental entity, the applicant may 13288
apply for and obtain reimbursement under the program for the 13289
portion of the eligible costs for which the applicant was not 13290
reimbursed. 13291

(D) For applicants that obtain broadband grant funding from 13292
sources other than reimbursements under the program, the authority 13293
may require the applicants to maintain accounting records 13294
sufficient to demonstrate that the other grant funds do not fully 13295
reimburse the same costs as those reimbursed under the program. 13296

Sec. 191.24. A pole owner that provides information and 13297
documentation to a provider to enable the provider to submit an 13298
application to the Ohio broadband pole replacement and 13299
undergrounding program may require the provider to reimburse the 13300
owner for the owner's actual and reasonable administrative 13301
expenses, the total of which shall not exceed five per cent of the 13302
pole replacement or mid-span pole installation costs. Such costs 13303
are not eligible for reimbursement under the program. 13304

Sec. 191.27. There is hereby created in the state treasury 13305
the broadband pole replacement fund consisting of money credited 13306
or transferred to the fund, money appropriated by the general 13307
assembly, including from available federal funds, or money 13308
authorized for expenditure by the state controlling board under 13309
section 131.35 of the Revised Code from available federal funds, 13310

and grants, gifts, and contributions made directly to the fund. 13311
Money in the fund shall be used by the department of development 13312
to provide reimbursements awarded under the Ohio broadband pole 13313
replacement and undergrounding program and by the director of 13314
development to administer the program. 13315

Sec. 191.30. (A) The department of development shall direct 13316
an applicant that has been awarded a program reimbursement under 13317
the Ohio broadband pole replacement and undergrounding program to 13318
refund, with interest, all or any portion of the reimbursements 13319
the applicant received under the program, if the department finds, 13320
upon substantial evidence and after notice and the opportunity to 13321
respond, that the applicant materially violated any of the 13322
requirements agreed to under sections 191.10 to 191.24 of the 13323
Revised Code with respect to all or any portion of the 13324
reimbursements received. The interest included with a refund under 13325
this section shall be at the applicable federal funds rate as 13326
specified in division (B) of section 1304.84 of the Revised Code. 13327

(B) At the direction of the department, refunds submitted 13328
under division (A) of this section shall be deposited into the 13329
broadband pole replacement fund created in section 191.27 of the 13330
Revised Code or the general revenue fund. 13331

Sec. 191.33. Not later than sixty days after the first amount 13332
of money is deposited to the credit of the broadband pole 13333
replacement fund created in section 191.27 of the Revised Code, 13334
the department of development shall publish and regularly update 13335
on its web site the following program information: 13336

(A) The number of program applications received, processed, 13337
and rejected by the broadband expansion program authority; 13338

(B) The number, reimbursement amount, and status of program 13339
reimbursements awarded by the authority; 13340

<u>(C) The number of providers receiving reimbursements;</u>	13341
<u>(D) The balance remaining in the fund at the time of the</u>	13342
<u>latest program update on the web site.</u>	13343
<u>Sec. 191.35. Beginning not later than one year after the</u>	13344
<u>first amount of money is deposited to the credit of the broadband</u>	13345
<u>pole replacement fund created in section 191.27 of the Revised</u>	13346
<u>Code and annually thereafter, the auditor of state shall audit the</u>	13347
<u>fund and its administration by the broadband expansion program</u>	13348
<u>authority and the department of development for compliance with</u>	13349
<u>the requirements of sections 191.02 to 191.45 of the Revised Code.</u>	13350
<u>Sec. 191.37. Not later than one year after each time money in</u>	13351
<u>the broadband pole replacement fund created in section 191.27 of</u>	13352
<u>the Revised Code is exhausted, the broadband expansion program</u>	13353
<u>authority shall identify, examine, and report on the deployment of</u>	13354
<u>qualifying broadband infrastructure under the Ohio broadband pole</u>	13355
<u>replacement and undergrounding program and the technology</u>	13356
<u>facilitated by the program reimbursements the authority has</u>	13357
<u>awarded. The report shall be published on the department of</u>	13358
<u>development web site.</u>	13359
<u>Sec. 191.40. Not later than ninety days after the effective</u>	13360
<u>date of this section, the director of development shall adopt</u>	13361
<u>rules under Chapter 119. of the Revised Code that are necessary</u>	13362
<u>for successful and efficient administration of the broadband pole</u>	13363
<u>replacement and undergrounding program.</u>	13364
<u>Notwithstanding any provision of section 121.95 of the</u>	13365
<u>Revised Code to the contrary, a regulatory restriction contained</u>	13366
<u>in a rule adopted under this section is not subject to sections</u>	13367
<u>121.95 to 121.953 of the Revised Code.</u>	13368
<u>Sec. 191.43. On the date that is six years after the</u>	13369

effective date of this section, payments under the Ohio broadband pole replacement fund shall cease and section 191.27 of the Revised Code shall not be in force or have further application, except as described in sections 191.44 and 191.45 of the Revised Code.

Sec. 191.44. The department of development in coordination with the Ohio broadband expansion program authority shall do the following, for the period ending six months after the date described in section 191.43 of the Revised Code:

(A) Complete the review of any program applications that were submitted prior to the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications;

(B) Complete the review of any program applications submitted not later than four months after the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications, if the reimbursements are for costs that were incurred prior to the date described in section 191.43 of the Revised Code.

Sec. 191.45. If there is an outstanding balance in the broadband pole replacement fund after the Ohio broadband pole replacement program reimbursements are paid pursuant to section 191.44 of the Revised Code, the remaining balance shall be returned to the original funding sources as determined by the department of development.

Sec. 301.27. (A) As used in this section:

(1) "Credit card" includes gasoline and telephone credit cards but excludes any procurement card authorized under section 301.29 of the Revised Code.

(2) "Officer" includes an individual who also is an appointing authority.	13399 13400
(3) "Gasoline and oil expenses" and "motor vehicle repair and maintenance expenses" refer to only those expenses incurred for motor vehicles owned or leased by the county.	13401 13402 13403
(B)(1) A credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay the following work-related expenses:	13404 13405 13406
(a) Food expenses;	13407
(b) Transportation expenses;	13408
(c) Gasoline and oil expenses;	13409
(d) Motor vehicle repair and maintenance expenses;	13410
(e) Telephone expenses;	13411
(f) Lodging expenses;	13412
(g) Internet service provider expenses;	13413
(h) In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement;	13414 13415 13416 13417 13418 13419
(i) Webinar expenses;	13420
(j) The expenses for purchases of automatic or electronic data processing or record-keeping equipment, software, or services, provided that, in a county that has established an automatic data processing board, the county office and the county officer or employee authorized to use the credit card comply with sections 307.84 to 307.847 of the Revised Code. The expenses paid by a credit card under division (B)(1)(j) of this section shall	13421 13422 13423 13424 13425 13426 13427

not exceed ten thousand dollars per quarter, unless the board of 13428
county commissioners adopts a resolution approving the payment by 13429
credit card of such expenses that exceed that amount during that 13430
time period; 13431

(k) Expenses related to temporary and necessary assistance 13432
care provided by the county veterans service office; 13433

(1) Fees or charges related to a state-issued license or 13434
certificate. 13435

(2) No late charges or finance charges shall be allowed as an 13436
allowable expense unless authorized by the board of county 13437
commissioners. 13438

(C) A county appointing authority may apply to the board of 13439
county commissioners for authorization to have an officer or 13440
employee of the appointing authority use a credit card held by 13441
that appointing authority. The authorization request shall state 13442
whether the card is to be issued only in the name of the office of 13443
the appointing authority or whether the issued card also shall 13444
include the name of a specified officer or employee. 13445

(D) The debt incurred as a result of the use of a credit card 13446
pursuant to this section shall be paid from moneys appropriated to 13447
specific appropriation line items of the appointing authority for 13448
work-related expenses listed in division (B)(1) of this section. 13449

(E)(1) Except as otherwise provided in division (E)(2) of 13450
this section, every officer or employee authorized to use a credit 13451
card held by the board or appointing authority shall submit to the 13452
board by the first day of each month an estimate of the officer's 13453
or employee's work-related expenses listed in division (B)(1) of 13454
this section for that month along with the specific appropriation 13455
line items from which those expenditures are to be made, unless 13456
the board authorizes, by resolution, the officer or employee to 13457
submit to the board such an estimate for a period longer than one 13458

month. The board may revise the estimate and determine the amount 13459
it approves, if any, not to exceed the estimated amount. The board 13460
shall certify the amount of its determination to the county 13461
auditor along with the specific appropriation line items from 13462
which the expenditures are to be made. After receiving 13463
certification from the county auditor that the determined sum of 13464
money is in the treasury or in the process of collection to the 13465
credit of the specific appropriation line items for which the 13466
credit card is approved for use, and is free from previous and 13467
then-outstanding obligations or certifications, the board shall 13468
authorize the officer or employee to incur debt for the expenses 13469
against the county's credit up to the authorized amount. 13470

(2) In lieu of following the procedure set forth in division 13471
(E)(1) of this section, a board of county commissioners may adopt 13472
a resolution authorizing an officer or employee of an appointing 13473
authority to use a county credit card to pay for specific classes 13474
of the work-related expenses listed in division (B)(1) of this 13475
section, or use a specific credit card for any of those 13476
work-related expenses listed in division (B)(1) of this section, 13477
without submitting an estimate of those expenses to the board as 13478
required by division (E)(1) of this section. Prior to adopting the 13479
resolution, the board shall notify the county auditor. The 13480
resolution shall specify whether the officer's or employee's 13481
exemption extends to the use of a specific credit card, which card 13482
shall be identified by its number, or to one or more specific 13483
work-related uses from the classes of uses permitted under 13484
division (B)(1) of this section. Before any credit card exempted 13485
for specific uses may be used to make purchases for uses other 13486
than those specific uses listed in the resolution, the procedures 13487
outlined in division (E)(1) of this section must be followed or 13488
the use shall be considered an unauthorized use. Use of any credit 13489
card under division (E)(2) of this section shall be limited to the 13490
amount appropriated and encumbered in a specific appropriation 13491

line item for the permitted use or uses designated in the 13492
authorizing resolution, or, in the case of a resolution that 13493
authorizes use of a specific credit card, for each of the 13494
permitted uses listed in division (B) of this section, but only to 13495
the extent the moneys in those specific appropriation line items 13496
are not otherwise encumbered. 13497

(F)(1) Any time a county credit card approved for use for an 13498
authorized amount under division (E)(1) of this section is used 13499
for more than that authorized amount, the appointing authority may 13500
request the board of county commissioners to authorize after the 13501
fact the expenditure of any amount charged beyond the originally 13502
authorized amount if, upon the board's request, the county auditor 13503
certifies that sum of money is in the treasury or in the process 13504
of collection to the credit of the appropriate appropriation line 13505
item for which the credit card was used, and is free from previous 13506
and then-outstanding obligations or certifications. If the card is 13507
used for more than the amount originally authorized and if for any 13508
reason that amount is not authorized after the fact, the county 13509
treasury shall be reimbursed for any amount spent beyond the 13510
originally authorized amount in the following manner: 13511

(a) If the card is issued in the name of a specific officer 13512
or employee, that officer or employee is liable in person and upon 13513
any official bond the officer or employee has given to the county 13514
to reimburse the county treasury for the amount charged to the 13515
county beyond the originally authorized amount. 13516

(b) If the card is issued to the office of the appointing 13517
authority, the appointing authority is liable in person and upon 13518
any official bond the appointing authority has given to the county 13519
for the amount charged to the county beyond the originally 13520
authorized amount. 13521

(2) Any time a county credit card authorized for use under 13522
division (E)(2) of this section is used for more than the amount 13523

appropriated under that division, the county treasury shall be 13524
reimbursed for any amount spent beyond the originally appropriated 13525
amount in the following manner: 13526

(a) If the card is issued in the name of a specific officer 13527
or employee, that officer or employee is liable in person and upon 13528
any official bond the officer or employee has given to the county 13529
for reimbursing the county treasury for any amount charged on the 13530
card beyond the originally appropriated amount. 13531

(b) If the card is issued in the name of the office of the 13532
appointing authority, the appointing authority is liable in person 13533
and upon any official bond the appointing authority has given to 13534
the county for reimbursement for any amount charged on the card 13535
beyond the originally appropriated amount. 13536

(3) Whenever any officer or employee who is authorized to use 13537
a credit card held by the board or the office of any other county 13538
appointing authority suspects the loss, theft, or possibility of 13539
unauthorized use of the card, the officer or employee shall notify 13540
the county auditor and either the officer's or employee's 13541
appointing authority or the board immediately and in writing. 13542

(4) If the county auditor determines there has been a credit 13543
card expenditure beyond the appropriated or authorized amount as 13544
provided in division (E) of this section, the auditor immediately 13545
shall notify the board of county commissioners. When the board 13546
determines, on its own or after notification from the county 13547
auditor, that the county treasury should be reimbursed for credit 13548
card expenditures beyond the appropriated or authorized amount as 13549
provided in divisions (F)(1) and (2) of this section, it shall 13550
give written notice to the county auditor and to the officer or 13551
employee or appointing authority liable to the treasury as 13552
provided in those divisions. If, within thirty days after issuance 13553
of the written notice, the county treasury is not reimbursed for 13554
the amount shown on the written notice, the prosecuting attorney 13555

of the county shall recover that amount from the officer or 13556
employee or appointing authority who is liable under this section 13557
by civil action in any court of appropriate jurisdiction. 13558

(G) Use of a county credit card for any use other than those 13559
permitted under division (B)(1) of this section is a violation of 13560
section 2913.21 of the Revised Code. 13561

Sec. 307.01. (A) A courthouse, ~~jail~~, public comfort station, 13562
offices for county officers, and a county home shall be provided 13563
by the board of county commissioners when, in its judgment, any of 13564
them are needed. Subject to Chapter 342. of the Revised Code, a 13565
jail shall be provided by the board of county commissioners when, 13566
in its judgment, it is needed. The buildings and offices shall be 13567
of such style, dimensions, and expense as the board determines. 13568
All new jails and renovations to existing jails shall be designed, 13569
and all existing jails shall be operated in such a manner as to 13570
comply substantially with the minimum standards for jails in Ohio 13571
adopted by the department of rehabilitation and correction. The 13572
board shall also provide equipment, stationery, and postage, as it 13573
considers reasonably necessary for the proper and convenient 13574
conduct of county offices, and such facilities as will result in 13575
expeditious and economical administration of such offices, except 13576
that, for the purpose of obtaining federal or state reimbursement, 13577
the board may impose on the public children services agency 13578
reasonable charges, not exceeding the amount for which 13579
reimbursement will be made and consistent with cost-allocation 13580
standards adopted by the department of job and family services, 13581
for the provision of office space, supplies, stationery, 13582
utilities, telephone use, postage, and general support services. 13583

The board of county commissioners shall provide all rooms, 13584
fireproof and burglarproof vaults, safes, and other means of 13585
security in the office of the county treasurer that are necessary 13586

for the protection of public moneys and property in the office. 13587

(B) The court of common pleas shall annually submit a written 13588
request for an appropriation to the board of county commissioners 13589
that shall set forth estimated administrative expenses of the 13590
court that the court considers reasonably necessary for its 13591
operation. The board shall conduct a public hearing with respect 13592
to the written request submitted by the court and shall 13593
appropriate the amount of money each year that it determines, 13594
after conducting the public hearing and considering the written 13595
request of the court, is reasonably necessary to meet all 13596
administrative expenses of the court. 13597

If the court considers the appropriation made by the board 13598
pursuant to this division insufficient to meet all the 13599
administrative expenses of the court, it shall commence an action 13600
under Chapter 2731. of the Revised Code in the court of appeals 13601
for the judicial district for a determination of the duty of the 13602
board of county commissioners to appropriate the amount of money 13603
in dispute. The court of appeals shall give priority to the action 13604
filed by the court of common pleas over all cases pending on its 13605
docket. The burden shall be on the court of common pleas to prove 13606
that the appropriation requested is reasonably necessary to meet 13607
all its administrative expenses. If, prior to the filing of an 13608
action under Chapter 2731. of the Revised Code or during the 13609
pendency of the action, any judge of the court exercises the 13610
contempt power of the court of common pleas in order to obtain the 13611
amount of money in dispute, the judge shall not order the 13612
imprisonment of any member of the board of county commissioners 13613
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 13614

(C) Division (B) of this section does not apply to 13615
appropriations for the probate court or the juvenile court that 13616
are subject to section 2101.11 or 2151.10 of the Revised Code. 13617

(D) The board of county commissioners may provide offices for 13618

or lease offices to a county land reutilization corporation 13619
organized under Chapter 1724. of the Revised Code and, in 13620
connection with such a lease, charge rentals that are at or below 13621
the market rentals for such offices, if the board determines that 13622
providing offices for or leasing offices to the corporation will 13623
promote economic development or the general welfare of the people 13624
of the county through a plan of providing affordable housing, land 13625
reutilization, and community development. 13626

Sec. 307.021. (A) It is hereby declared to be a public 13627
purpose and function of the state, and a matter of urgent 13628
necessity, that the state acquire, construct, or renovate capital 13629
facilities for use as county, multicounty, municipal-county, and 13630
multicounty-municipal jail facilities or workhouses, as 13631
single-county or district community-based correctional facilities 13632
authorized under section 2301.51 of the Revised Code, as minimum 13633
security misdemeanor jails under sections 341.34 and 753.21 of 13634
the Revised Code, and as single-county or joint-county juvenile 13635
facilities authorized under section 2151.65 of the Revised Code in 13636
order to comply with constitutional standards and laws for the 13637
incarceration of alleged and convicted offenders against state and 13638
local laws, and for use as county family court centers. For these 13639
purposes, counties and municipal corporations are designated as 13640
state agencies to perform duties of the state in relation to such 13641
facilities, workhouses, jails, and centers, and such facilities, 13642
workhouses, jails, and centers are designated as state capital 13643
facilities. The treasurer of state is authorized to issue revenue 13644
obligations under Chapter 154. of the Revised Code to pay all or 13645
part of the cost of such state capital facilities as are 13646
designated by law. 13647

The office of the sheriff, due to its responsibilities 13648
concerning alleged and convicted offenders against state laws, is 13649
designated as the state agency having jurisdiction over such jail, 13650

workhouse, community-based correctional, or county minimum 13651
security misdemeanor jail capital facilities in any one county or 13652
over any district community-based correctional facilities. The 13653
corrections commission, due to its responsibilities in relation to 13654
such offenders, is designated as the state agency having 13655
jurisdiction over any such multicounty, municipal-county, or 13656
multicounty-municipal jail, workhouse, or correctional capital 13657
facilities. The office of the chief of police or marshal of a 13658
municipal corporation, due to its responsibilities concerning 13659
certain alleged and convicted criminal offenders, is designated as 13660
the state agency having jurisdiction over any such municipal 13661
corporation minimum security misdemeanor jail capital facilities 13662
in the municipal corporation. The juvenile court, as defined in 13663
section 2151.011 of the Revised Code, is designated as the branch 13664
of state government having jurisdiction over any such family court 13665
center or single-county or joint-county juvenile capital 13666
facilities. It is hereby determined and declared that such capital 13667
facilities are for the purpose of housing such state agencies, 13668
their functions, equipment, and personnel. 13669

(B) The capital facilities provided for in this section may 13670
be included in capital facilities in which one or more 13671
governmental entities are participating or in which other 13672
facilities of the county or counties, or any municipal 13673
corporations, are included pursuant to division (B) of section 13674
154.24 of the Revised Code or in an agreement between any county 13675
or counties and any municipal corporation or municipal 13676
corporations for participating in the joint construction, 13677
acquisition, or improvement of public works, public buildings, or 13678
improvements benefiting the parties in the same manner as set 13679
forth in section 153.61 of the Revised Code. 13680

(C) A county or counties or a municipal corporation or 13681
municipal corporations may contribute to the cost of capital 13682

facilities authorized under this section. 13683

(D) A county or counties, and any municipal corporations, 13684
shall lease capital facilities described in this section that are 13685
constructed, reconstructed, or otherwise improved, which 13686
facilities are financed by the treasurer of state pursuant to 13687
Chapter 154. of the Revised Code, for the use of the county or 13688
counties and any municipal corporations, and may enter into other 13689
agreements ancillary to the construction, reconstruction, 13690
improvement, financing, leasing, or operation of such capital 13691
facilities, including, but not limited to, any agreements required 13692
by the applicable bond proceedings authorized by Chapter 154. of 13693
the Revised Code. 13694

Such lease may obligate the county or counties and any 13695
municipal corporation, as using state agencies under Chapter 154. 13696
of the Revised Code, to occupy and operate such capital facilities 13697
for such period of time as may be specified by law and to pay such 13698
rent as the treasurer of state determines to be appropriate. 13699
Notwithstanding any other section of the Revised Code, any county 13700
or counties or municipal corporation may enter into such a lease, 13701
and any such lease is legally sufficient to obligate the political 13702
subdivision for the term stated in the lease. Any such lease 13703
constitutes an agreement described in division (D) of section 13704
154.06 of the Revised Code. 13705

(E) If rental payments required from the county or counties 13706
or municipal corporation by a lease established pursuant to this 13707
section are not paid in accordance with such lease, the funds 13708
which otherwise would be apportioned to the lessees from the 13709
county undivided local government fund, pursuant to sections 13710
5747.51 to 5747.53 of the Revised Code, shall be reduced by the 13711
amount of rent owed. The county treasurer immediately shall pay 13712
the amount of such reductions to the treasurer of state. 13713

(F) Any lease of capital facilities authorized by this 13714

section, the rentals of which are payable in whole or in part from 13715
appropriations made by the general assembly, is governed by 13716
Chapter 154. of the Revised Code. Such rentals constitute 13717
available receipts as defined in section 154.24 of the Revised 13718
Code and may be pledged for the payment of bond service charges as 13719
provided in that section. 13720

(G) Any provision of section 123.01 of the Revised Code that 13721
applies to buildings and facilities also applies to the buildings 13722
and facilities described in this section, unless it is 13723
inconsistent with this section. 13724

(H) This section applies to the acquisition, construction, 13725
and renovation of jail facilities constructed pursuant to Chapter 13726
342. of the Revised Code. 13727

Sec. 307.86. Anything to be purchased, leased, leased with an 13728
option or agreement to purchase, or constructed, including, but 13729
not limited to, any product, structure, construction, 13730
reconstruction, improvement, maintenance, repair, or service, 13731
except the services of an accountant, architect, attorney at law, 13732
physician, professional engineer, construction project manager, 13733
consultant, surveyor, or appraiser, by or on behalf of the county 13734
or contracting authority, as defined in section 307.92 of the 13735
Revised Code, at a cost in excess of ~~fifty thousand dollars~~ the 13736
amount specified in section 9.17 of the Revised Code, except as 13737
otherwise provided in division (D) of section 713.23 and in 13738
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 13739
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 13740
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 13741
obtained through competitive bidding. No purchase, lease, project, 13742
or other transaction subject to this section shall be divided into 13743
component parts, separate projects, or separate items of work in 13744
order to avoid the requirements of this section. However, 13745

competitive bidding is not required when any of the following 13746
applies: 13747

(A) The board of county commissioners, by a unanimous vote of 13748
its members, makes a determination that a real and present 13749
emergency exists, and that determination and the reasons for it 13750
are entered in the minutes of the proceedings of the board, when 13751
either of the following applies: 13752

(1) The estimated cost is less than one hundred twenty-five 13753
thousand dollars. 13754

(2) There is actual physical disaster to structures, radio 13755
communications equipment, or computers. 13756

For purposes of this division, "unanimous vote" means all 13757
three members of a board of county commissioners when all three 13758
members are present, or two members of the board if only two 13759
members, constituting a quorum, are present. 13760

Whenever a contract of purchase, lease, or construction is 13761
exempted from competitive bidding under division (A)(1) of this 13762
section because the estimated cost is less than one hundred 13763
twenty-five thousand dollars, but the estimated cost is ~~fifty~~ 13764
~~thousand dollars~~ the amount specified in section 9.17 of the 13765
Revised Code or more, the county or contracting authority shall 13766
solicit informal estimates from no fewer than three persons who 13767
could perform the contract, before awarding the contract. With 13768
regard to each such contract, the county or contracting authority 13769
shall maintain a record of such estimates, including the name of 13770
each person from whom an estimate is solicited. The county or 13771
contracting authority shall maintain the record for the longer of 13772
at least one year after the contract is awarded or the amount of 13773
time the federal government requires. 13774

(B)(1) The purchase consists of supplies or a replacement or 13775

supplemental part or parts for a product or equipment owned or 13776
leased by the county, and the only source of supply for the 13777
supplies, part, or parts is limited to a single supplier. 13778

(2) The purchase consists of services related to information 13779
technology, such as programming services, that are proprietary or 13780
limited to a single source. 13781

(C) The purchase is from the federal government, the state, 13782
another county or contracting authority of another county, or a 13783
board of education, educational service center, township, or 13784
municipal corporation. 13785

(D) The purchase is made by a county department of job and 13786
family services under section 329.04 of the Revised Code and 13787
consists of family services duties or workforce development 13788
activities or is made by a county board of developmental 13789
disabilities under section 5126.05 of the Revised Code and 13790
consists of program services, such as direct and ancillary client 13791
services, child care, case management services, residential 13792
services, and family resource services. 13793

(E) The purchase consists of criminal justice services, 13794
social services programs, family services, or workforce 13795
development activities by the board of county commissioners from 13796
nonprofit corporations or associations under programs funded by 13797
the federal government or by state grants. 13798

(F) The purchase consists of any form of an insurance policy 13799
or contract authorized to be issued under Title XXXIX of the 13800
Revised Code or any form of health care plan authorized to be 13801
issued under Chapter 1751. of the Revised Code, or any combination 13802
of such policies, contracts, plans, or services that the 13803
contracting authority is authorized to purchase, and the 13804
contracting authority does all of the following: 13805

(1) Determines that compliance with the requirements of this 13806

section would increase, rather than decrease, the cost of the purchase; 13807
13808

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase; 13809
13810
13811
13812
13813

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible. 13814
13815
13816

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government. 13817
13818
13819
13820
13821

(H) Child care services are purchased for provision to county employees. 13822
13823

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply: 13824
13825
13826

(a) The contracting authority is authorized by the Revised Code to lease the property. 13827
13828

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 13829
13830
13831
13832

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving 13833
13834
13835
13836

notice under section 307.87 of the Revised Code. 13837

(d) The contracting authority negotiates with the prospective 13838
lessors to obtain a lease at the best and lowest price reasonably 13839
possible considering the fair market value of the property and any 13840
relocation and operational costs that may be incurred during the 13841
period the lease is in effect. 13842

(2) The contracting authority may use the services of a real 13843
estate appraiser to obtain advice, consultations, or other 13844
recommendations regarding the lease of property under this 13845
division. 13846

(J) The purchase is made pursuant to section 5139.34 or 13847
sections 5139.41 to 5139.46 of the Revised Code and is of programs 13848
or services that provide case management, treatment, or prevention 13849
services to any felony or misdemeanor delinquent, unruly youth, 13850
or status offender under the supervision of the juvenile court, 13851
including, but not limited to, community residential care, day 13852
treatment, services to children in their home, or electronic 13853
monitoring. 13854

(K) The purchase is made by a public children services agency 13855
pursuant to section 307.92 or 5153.16 of the Revised Code and 13856
consists of family services, programs, or ancillary services that 13857
provide case management, prevention, or treatment services for 13858
children at risk of being or alleged to be abused, neglected, or 13859
dependent children. 13860

(L) The purchase is to obtain the services of emergency 13861
medical service organizations under a contract made by the board 13862
of county commissioners pursuant to section 307.05 of the Revised 13863
Code with a joint emergency medical services district. 13864

(M) The county contracting authority determines that the use 13865
of competitive sealed proposals would be advantageous to the 13866
county and the contracting authority complies with section 307.862 13867

of the Revised Code. 13868

(N) The purchase consists of used supplies and is made at a 13869
public auction. 13870

Any issuer of policies, contracts, plans, or services listed 13871
in division (F) of this section and any prospective lessor under 13872
division (I) of this section may have the issuer's or prospective 13873
lessor's name and address, or the name and address of an agent, 13874
placed on a special notification list to be kept by the 13875
contracting authority, by sending the contracting authority that 13876
name and address. The contracting authority shall send notice to 13877
all persons listed on the special notification list. Notices shall 13878
state the deadline and place for submitting proposals. The 13879
contracting authority shall mail the notices at least six weeks 13880
prior to the deadline set by the contracting authority for 13881
submitting proposals. Every five years the contracting authority 13882
may review this list and remove any person from the list after 13883
mailing the person notification of that action. 13884

Any contracting authority that negotiates a contract under 13885
division (F) of this section shall request proposals and negotiate 13886
with issuers in accordance with that division at least every three 13887
years from the date of the signing of such a contract, unless the 13888
parties agree upon terms for extensions or renewals of the 13889
contract. Such extension or renewal periods shall not exceed six 13890
years from the date the initial contract is signed. 13891

Any real estate appraiser employed pursuant to division (I) 13892
of this section shall disclose any fees or compensation received 13893
from any source in connection with that employment. 13894

As used in division (N) of this section, "supplies" means any 13895
personal property including equipment, materials, and other 13896
tangible assets. 13897

Sec. 307.861. The county or contracting authority, as defined 13898
in section 307.92 of the Revised Code, may renew a lease which has 13899
been entered into for electronic data processing equipment, 13900
services, or systems, or a radio communications system at a cost 13901
in excess of ~~fifty thousand dollars~~ the amount specified in 13902
section 9.17 of the Revised Code as follows: 13903

(A) The lessor shall submit a written bid to the county or 13904
contracting authority that is the lessee under the lease, stating 13905
the terms under which the lease would be renewed, including the 13906
length of the renewal lease, and the cost of the renewal lease to 13907
the county or contracting authority. The county or contracting 13908
authority may require the lessor to submit a bond with the bid. 13909

(B) The county or contracting authority shall advertise for 13910
and receive competitive bids, as provided in sections 307.87 to 13911
307.90 of the Revised Code, for a lease under the same terms and 13912
for the same period as provided in the bid of the lessor submitted 13913
under division (A) of this section. 13914

(C) The county or contracting authority may renew the lease 13915
with the lessor only if the bid submitted by the lessor under 13916
division (A) of this section is an amount less than the lowest and 13917
best bid submitted pursuant to competitive bidding under division 13918
(B) of this section. 13919

Sec. 307.87. Where competitive bidding is required by section 13920
307.86 of the Revised Code, notice thereof shall be given in the 13921
following manner: 13922

(A) Notice shall be published once a week for not less than 13923
two consecutive weeks preceding the day of the opening of bids in 13924
a newspaper of general circulation within the county for any 13925
purchase, lease, lease with option or agreement to purchase, or 13926
construction contract in excess of fifty thousand dollars. The 13927

contracting authority may also cause notice to be inserted in 13928
trade papers or other publications designated by it or to be 13929
distributed by electronic means, including posting the notice on 13930
the contracting authority's internet site on the world wide web. 13931
If the contracting authority posts the notice on that location on 13932
the world wide web, it may eliminate the second notice otherwise 13933
required to be published in a newspaper of general circulation 13934
within the county, provided that the first notice published in 13935
such a newspaper meets all of the following requirements: 13936

(1) It is published at least two weeks before the opening of 13937
bids. 13938

(2) It includes a statement that the notice is posted on the 13939
contracting authority's internet site on the world wide web. 13940

(3) It includes the internet address of the contracting 13941
authority's internet site on the world wide web. 13942

(4) It includes instructions describing how the notice may be 13943
accessed on the contracting authority's internet site on the world 13944
wide web. 13945

(B) Notices shall state all of the following: 13946

(1) A general description of the subject of the proposed 13947
contract and the time and place where the plans and specifications 13948
or itemized list of supplies, facilities, or equipment and 13949
estimated quantities can be obtained or examined; 13950

(2) The time and place where bids will be opened; 13951

(3) The time and place for filing bids; 13952

(4) The terms of the proposed purchase; 13953

(5) Conditions under which bids will be received; 13954

~~(6) The existence of a system of preference, if any, for 13955
products mined and produced in Ohio and the United States adopted 13956
pursuant to section 307.90 of the Revised Code. 13957~~

(C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids.

Sec. 307.90. ~~(A)~~ The award of all contracts subject to sections 307.86 to 307.92 of the Revised Code shall be made to the lowest and best bidder. The bond or bid guaranty of all unsuccessful bidders shall be returned to them by the contracting authority immediately upon awarding the contract or rejection of all bids. The contracting authority may reject all bids.

~~(B) With respect to any contract for the purchase of equipment, materials, supplies, insurance, services, or a public improvement into which a county or its officers may enter, a board of county commissioners, by resolution, may adopt the model system of preferences for products mined or produced in Ohio and the United States and for Ohio-based contractors promulgated pursuant to division (E) of section 125.11 of the Revised Code. The resolution shall specify the class or classes of contracts to which the system of preferences apply, and once adopted, operates to modify the awarding of such contracts accordingly. While the system of preferences is in effect, no county officer or employee with the responsibility for doing so shall award a contract to which the system applies in violation of the preference system.~~

Sec. 308.13. (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make without competitive bidding any contract for any purchase, lease, lease with option or agreement to purchase any property, or any construction contract for any work, the cost of which shall not exceed ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code. Any purchase, lease, lease with option

or agreement to purchase, or construction contract in excess of 13989
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 13990
Revised Code shall require that a notice calling for bids be 13991
published once a week for not less than two consecutive weeks 13992
preceding the day of the opening of the bids in a newspaper of 13993
general circulation within the territorial boundaries of the 13994
regional airport authority. The regional airport authority also 13995
may cause notice to be inserted in trade papers or other 13996
publications designated by it or to be distributed by electronic 13997
means, including posting the notice on the internet site on the 13998
world wide web of the regional airport authority. If the 13999
contracting authority posts the notice on that internet web site, 14000
the requirement that a second notice be published in a newspaper 14001
of general circulation within the territorial boundaries of the 14002
regional airport authority does not apply provided the first 14003
notice published in that newspaper meets all of the following 14004
requirements: 14005

(1) It is published at least two weeks prior to the day of 14006
the opening of the bids. 14007

(2) It includes a statement that the notice is posted on the 14008
internet site on the world wide web of the regional airport 14009
authority. 14010

(3) It includes the internet address of the internet site on 14011
the world wide web of the regional airport authority. 14012

(4) It includes instructions describing how the notice may be 14013
accessed on the internet site on the world wide web of the 14014
regional airport authority. 14015

No purchase, lease, project, or other transaction subject to 14016
this section shall be divided into component parts, separate 14017
projects, or separate items of work in order to avoid the 14018
requirements of this section. 14019

If the bid is for a contract for the construction, 14020
demolition, alteration, repair, or reconstruction of an 14021
improvement, it shall meet the requirements of section 153.54 of 14022
the Revised Code. If the bid is for any other contract authorized 14023
by this section, it shall be accompanied by a good and approved 14024
bond with ample security conditioned on the carrying out of the 14025
contract as determined by the board. The board may let the 14026
contract to the lowest and best bidder. Such contract shall be in 14027
writing and shall be accompanied by or shall refer to plans and 14028
specifications for the work to be done, as approved by the board. 14029
The plans and specifications at all times shall be made and 14030
considered part of the contract. The contract shall be approved by 14031
the board and signed by its chief executive officer and by the 14032
contractor, and shall be executed in duplicate. 14033

(B) The competitive bidding procedures described in division 14034
(A) of this section do not apply in any of the following 14035
circumstances: 14036

(1) The board of trustees of a regional airport authority, by 14037
a majority vote of its members present at any meeting, determines 14038
that a real and present emergency exists under any of the 14039
following conditions, and the board enters its determination and 14040
the reasons for it in its proceedings: 14041

(a) Affecting safety, welfare, or the ability to deliver 14042
services; 14043

(b) Arising out of an interruption of contracts essential to 14044
the provision of daily air services and other services related to 14045
the airport; 14046

(c) Involving actual physical damage to structures, supplies, 14047
equipment, or property requiring immediate repair or replacement. 14048

(2) The purchase consists of goods or services, or any 14049
combination thereof, and after reasonable inquiry the board or any 14050

officer or designee of the board finds that only one source of 14051
supply is reasonably available. 14052

(3) The expenditure is for a renewal or renegotiation of a 14053
lease or license for telecommunications or informational 14054
technology equipment, services, or systems, or for the upgrade of 14055
such equipment, services, or systems, or for the maintenance 14056
thereof as supplied by the original source or its successors or 14057
assigns. 14058

(4) The purchase of goods or services is made from another 14059
political subdivision, public agency, public transit system, 14060
regional transit authority, the state, or the federal government, 14061
or as a third-party beneficiary under a state or federal 14062
procurement contract, or as a participant in a department of 14063
administrative services contract under division (B) of section 14064
125.04 of the Revised Code or under an approved purchasing plan of 14065
this state. 14066

(5) The purchase substantially involves services of a 14067
personal, professional, highly technical, or scientific nature, 14068
including the services of an attorney, physician, engineer, 14069
architect, surveyor, appraiser, investigator, adjuster, 14070
advertising consultant, or licensed broker, or involves the 14071
special skills or proprietary knowledge required for the operation 14072
of the airport owned by the regional transit authority. 14073

(6) Services or supplies are available from a qualified 14074
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 14075
Revised Code. 14076

(7) The purchase consists of the product or services of a 14077
public utility. 14078

Sec. 308.21. (A) The board of trustees of a regional airport 14079
authority, the board of directors of a port authority, or the 14080

legislative authority of a municipal corporation that owns, 14081
operates, or maintains a qualifying airport may, by resolution 14082
adopted before January 1, 2024, create an airport development 14083
district for the purpose of developing and implementing plans for 14084
public infrastructure improvements that benefit the qualifying 14085
airport and to finance expenditures to attract or retain airlines, 14086
increase the number of scheduled flights to and from the 14087
qualifying airport, or increase use of the airport by aircraft 14088
having greater passenger capacity or greater first-class seating 14089
availability. The resolution shall include a development plan for 14090
the district that, at minimum, specifies all of the following: 14091

(1) The manner in which the nonprofit corporation that is to 14092
govern the district will be formed, operated, and organized; 14093

(2) The manner in which the board of directors of the 14094
nonprofit corporation that is to govern the district are 14095
appointed; 14096

(3) A plan for the public infrastructure improvements and 14097
other expenditures to be financed by the district; 14098

(4) A description of the territory of the district, which 14099
shall consist of all parcels of real property that are located 14100
within five miles of the qualifying airport. For the purpose of 14101
this division, a parcel is located within five miles of a 14102
qualifying airport if the distance between any portion of the 14103
parcel and any portion of the qualifying airport is five miles or 14104
less. 14105

(B) After adopting a resolution under division (A) of this 14106
section, the board of trustees of the regional airport authority, 14107
board of directors of the port authority, or legislative authority 14108
of the municipal corporation shall submit a copy to the director 14109
of development ~~services~~. 14110

(C) An airport development district is not a political subdivision for any purpose prescribed in the Revised Code. A district shall be considered a public agency under section 102.01 of the Revised Code and a public authority under section 4115.03 of the Revised Code. Districts are subject to sections 121.22 and 121.23 of the Revised Code, but are not subject to sections 121.81 to ~~121.83~~ 121.82 of the Revised Code.

Sec. 317.08. (A) The county recorder shall record all instruments in one general record series to be known as the "official records." The county recorder shall record in the official records all of the following instruments that are presented for recording, upon payment of the fees prescribed by law:

(1) Deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments;

(2) Notices as provided in sections 5301.47 to 5301.56 of the Revised Code;

(3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code;

(4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code;

(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;

(6) Certificates as provided in section 5311.17 of the Revised Code;

(7) Articles dedicating archaeological preserves accepted by the director of the Ohio history connection under section 149.52 of the Revised Code;

(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	14141 14142 14143
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	14144 14145
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	14146 14147 14148 14149
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	14150 14151
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	14152 14153
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	14154 14155 14156
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	14157 14158 14159 14160 14161 14162 14163
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	14164 14165
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	14166 14167
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	14168 14169 14170

(18) Agreements entered into under section 1506.44 of the Revised Code;	14171 14172
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	14173 14174 14175 14176 14177
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	14178 14179 14180 14181
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;	14182 14183 14184 14185
(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;	14186 14187 14188
(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	14189 14190 14191
(24) Plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings and amendments to drawings, as provided in Chapter 5311. of the Revised Code;	14192 14193 14194 14195 14196 14197
(25) Leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases, including a lease described in section 5301.09 of the Revised Code;	14198 14199 14200 14201

(26) Declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code;

(27) Unemployment compensation liens, internal revenue tax liens, and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in section 1513.33, 1513.37, 3752.13, 4141.23, ~~5111.022~~ 5164.56, or 5311.18 of the Revised Code; ~~and~~

(28) Corrupt activity lien notices filed pursuant to section 2923.36 of the Revised Code and medicaid fraud lien notices filed pursuant to section 2933.75 of the Revised Code;

(29) Deeds for the purchase of burial lots or other interment rights under section 517.07 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the order in which they are presented for recording.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In addition to the official records, a county recorder may elect to keep a separate set of records that contain the instruments listed in division (A)(24) of this section.

(D) As part of the official records, the county recorder shall keep a separate set of records containing all transfers, conveyances, or assignments of any type of tangible or intangible

personal property or any rights or interests in that property if 14233
and to the extent that any person wishes to record that personal 14234
property transaction and if the applicable instrument is 14235
acknowledged before a notary public. If the transferor is a 14236
natural person, the notice of personal property transfer shall be 14237
recorded in the county in this state in which the transferor 14238
maintains the transferor's principal residence. If the transferor 14239
is not a natural person, the notice of personal property transfer 14240
shall be recorded in the county in this state in which the 14241
transferor maintains its principal place of business. If the 14242
transferor does not maintain a principal residence or a principal 14243
place of business in this state and the transfer is to a trustee 14244
of a legacy trust formed pursuant to Chapter 5816. of the Revised 14245
Code, the notice of personal property transfer shall be recorded 14246
in the county in this state where that trustee maintains a 14247
principal residence or principal place of business. In all other 14248
instances, the notice of personal property transfer shall be 14249
recorded in the county in this state where the property described 14250
in the notice is located. 14251

Sec. 317.13. (A) Except as otherwise provided in division (B) 14252
of this section, the county recorder shall record in the official 14253
records, in legible handwriting, typewriting, or printing, or by 14254
any authorized photographic or electronic process, all deeds, 14255
mortgages, plats, or other instruments of writing that are 14256
required or authorized by the Revised Code to be recorded and that 14257
are presented to the county recorder for that purpose. The county 14258
recorder shall record the instruments in regular succession, 14259
according to the priority of presentation, and shall enter the 14260
file number at the beginning of the record. On the record of each 14261
instrument, the county recorder shall record the date and precise 14262
time the instrument was presented for record. All records made, 14263
prior to July 28, 1949, by means authorized by this section or by 14264

section 9.01 of the Revised Code shall be deemed properly made. 14265

~~(B)(1)~~ The county recorder may refuse to record an 14266
instrument of writing presented for recording if the instrument is 14267
not required or authorized by the Revised Code to be recorded or 14268
the county recorder has reasonable cause to believe the instrument 14269
is materially false or fraudulent. ~~This division~~ 14270

(2) The county recorder shall refuse to record a 14271
right-to-list home sale agreement described in division (B) of 14272
section 5301.94 of the Revised Code. 14273

Division (B) of this section does not create a duty upon a 14274
recorder to inspect, evaluate, or investigate an instrument of 14275
writing, including a right-to-list home sale agreement, that is 14276
presented for recording. 14277

(C) If a person presents an instrument of writing to the 14278
county recorder for recording and the county recorder, pursuant to 14279
division (B) of this section, refuses to record the instrument, 14280
the person has a cause of action for an order from the court of 14281
common pleas in the county that the county recorder serves, to 14282
require the county recorder to record the instrument. If the court 14283
determines that the instrument is required or authorized by the 14284
Revised Code to be recorded ~~and~~, is not materially false or 14285
fraudulent, and is not a right-to-list home sale agreement, it 14286
shall order the county recorder to record the instrument. 14287

(D) The county recorder shall keep confidential information 14288
that is subject to a real property confidentiality notice under 14289
section 111.431 of the Revised Code, in accordance with that 14290
section. A copy of the real property confidentiality notice shall 14291
accompany subsequent recordings of the property, unless the 14292
program participant's certification has been canceled under 14293
section 111.431 or 111.45 of the Revised Code. 14294

Sec. 317.321. (A) Not later than the first day of October of 14295
any year, the county recorder may submit to the board of county 14296
commissioners a proposal for funding any of the following: 14297

(1) The acquisition and maintenance of imaging and other 14298
technological equipment and contract services therefor; 14299

(2) To reserve funds for the office's future technology needs 14300
if the county recorder has no immediate plans for the acquisition 14301
of imaging and other technological equipment or contract services, 14302
or to use the county recorder's technology fund as a dedicated 14303
revenue source to repay debt to purchase any imaging and other 14304
technological equipment before the accumulation of adequate 14305
resources to purchase the equipment with cash. 14306

(3) Subject to division (G) of this section, for other 14307
expenses associated with the acquisition and maintenance of 14308
imaging and other technological equipment and contract services. 14309

(B) The proposal shall be in writing and shall include at 14310
least the following: 14311

(1) A request that an amount not to exceed eight dollars of 14312
the total base fees collected for filing or recording a document 14313
for which a fee is charged as required by division (A)(1) of 14314
section 317.32 or by section 1309.525 or 5310.15 of the Revised 14315
Code be placed in the county treasury to the credit of the county 14316
recorder's technology fund; 14317

(2) Except as provided in division (E)(3) of this section, 14318
the number of years, not to exceed five, for which the county 14319
recorder requests that the amount requested under division (A)(1) 14320
of this section be given the designation specified in that 14321
division; 14322

(3) An estimate of the total amount of fees that will be 14323
generated for filing or recording a document for which a fee is 14324

charged as required by division (A)(1) or (2) of section 317.32 of 14325
the Revised Code or by section 1309.525 or 5310.15 of the Revised 14326
Code; 14327

(4) An estimate of the total amount of fees for filing or 14328
recording a document for which a fee is charged as required by 14329
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 14330
5310.15 of the Revised Code that will be credited to the county 14331
recorder's technology fund if the request submitted under division 14332
(B)(1) of this section is approved by the board of county 14333
commissioners. 14334

(C) A proposal for the purposes of division (A)(1) of this 14335
section shall include a description or summary of the imaging and 14336
other technological equipment that the county recorder proposes to 14337
acquire and maintain, and the nature of contract services that the 14338
county recorder proposes to utilize, if the proposal is for those 14339
purposes. A proposal for the purposes of division (A)(2) of this 14340
section shall explain the general future technology needs of the 14341
office for imaging and other technological equipment, or for 14342
revenue to repay debt, if the proposal is for those purposes. A 14343
proposal for the purposes of division (A)(3) of this section shall 14344
identify the other expenses associated with the acquisition and 14345
maintenance of imaging and other technological equipment and 14346
contract services that the county recorder proposes to pay with 14347
moneys in the county recorder's technology fund, if the proposal 14348
is for those purposes. 14349

(D) The board of county commissioners shall receive a 14350
proposal and the clerk shall enter it on the journal. At the same 14351
time, the board shall establish a date, not sooner than fifteen or 14352
later than thirty days after the board receives the proposal, on 14353
which to meet with the recorder to review the proposal. 14354

(E)(1) Except as provided in division (E)(3) of this section, 14355
not later than the fifteenth day of December of any year in which 14356

a proposal is submitted under division (A) of this section, the 14357
board of county commissioners shall approve, reject, or modify the 14358
proposal and notify the county recorder of its action on the 14359
proposal. If the board rejects or modifies the proposal, it shall 14360
make a written finding that the request is for a purpose other 14361
than for a purpose in division (A) of this section, or that the 14362
amount requested is excessive as determined by the board. 14363

(2) A proposal submitted under division (A) of this section 14364
that was approved by the board of county commissioners before, and 14365
is in effect on ~~the effective date of this amendment~~ the effective 14366
date of this amendment, shall continue in effect until January 1, 14367
~~2025~~ 2030, notwithstanding the number of years of funding 14368
specified in the approved proposal. 14369

(3) A proposal submitted under division (A) of this section 14370
between October 1, 2019, and October 1, ~~2023~~ 2028, may request 14371
that an amount that does not exceed three dollars be credited to 14372
the county recorder's technology fund, in addition to the amount 14373
previously approved by the board of county commissioners in a 14374
proposal described in division (E)(2) of this section. The 14375
proposal may be submitted each year during that time period, but 14376
shall be limited to funding in the following fiscal year. If the 14377
total of the amount under division (E)(2) of this section and the 14378
amount requested under this division does not exceed eight 14379
dollars, the board shall approve the proposal and notify the 14380
county recorder of its approval. 14381

(4) If the total amount of fees provided for in divisions 14382
(B), (E)(2), and (E)(3) of this section is less than eight 14383
dollars, a proposal requesting additional fees may be submitted to 14384
the board of county commissioners under division (E)(1) of this 14385
section, as long as the total amount of the fees in divisions (B) 14386
and (E)(2), (3), and (4) of this section that are to be credited 14387
to the county recorder's technology fund does not exceed eight 14388

dollars, and the proposal is for a number of years, not to exceed 14389
five. 14390

(5) When a proposal is approved by the board of county 14391
commissioners under division (E) of this section, the county 14392
recorder's technology fund is established in the county treasury, 14393
and, beginning on the following first day of January, the fees 14394
approved shall be deposited in that fund. 14395

(F) The acquisition and maintenance of imaging and other 14396
technological equipment, and other associated expenses and 14397
contract services therefor, shall be specifically governed by 14398
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 14399
and 5705.38, and by division (D) of section 5705.41 of the Revised 14400
Code. 14401

(G) If the use of the county recorder's technology fund for 14402
the purposes of division (A)(3) of this section includes 14403
associated expenses for personnel, the use of the fund for 14404
personnel shall be strictly confined to personnel directly related 14405
to imaging and other technological equipment, and any compensation 14406
increases for those personnel shall not exceed the average of the 14407
annual aggregate percentage increase or decrease in the 14408
compensation fixed by the board of county commissioners for their 14409
employees, and for the officers in section 325.27 of the Revised 14410
Code. Use of the fund for compensation bonuses, or for recognizing 14411
outstanding employee performance in a manner described in section 14412
325.25 of the Revised Code, is prohibited. 14413

(H) If a county is under a fiscal caution under section 14414
118.025 of the Revised Code, or is under a fiscal watch or fiscal 14415
emergency as defined in section 118.01 of the Revised Code, the 14416
board of county commissioners, notwithstanding sections 5705.14 to 14417
5705.16 of the Revised Code, may transfer from the county 14418
recorder's technology fund any moneys the board deems necessary. 14419

Sec. 319.202. Before the county auditor indorses any real 14420
property conveyance or manufactured or mobile home conveyance 14421
presented to the auditor pursuant to section 319.20 of the Revised 14422
Code or registers any manufactured or mobile home conveyance 14423
pursuant to section 4503.061 of the Revised Code, the grantee or 14424
the grantee's representative shall submit ~~in triplicate, either~~ 14425
electronically or three written copies of, a statement, in the 14426
form prescribed by the tax commissioner, and other information as 14427
the county auditor may require, declaring the value of real 14428
property or manufactured or mobile home conveyed, except that when 14429
the transfer is exempt under division (G)(3) of section 319.54 of 14430
the Revised Code only a statement of the reason for the exemption 14431
shall be required. Each statement submitted under this section 14432
shall contain the information required under divisions (A) and (B) 14433
of this section. 14434

(A) Each statement submitted under this section shall either: 14435

(1) Contain an affirmation by the grantee that the grantor 14436
has been asked by the grantee or the grantee's representative 14437
whether to the best of the grantor's knowledge either the 14438
preceding or the current year's taxes on the real property or the 14439
current or following year's taxes on the manufactured or mobile 14440
home conveyed will be reduced under division (A) of section 14441
323.152 or under section 4503.065 of the Revised Code and that the 14442
grantor indicated that to the best of the grantor's knowledge the 14443
taxes will not be so reduced; or 14444

(2) Be accompanied by a sworn or affirmed instrument stating: 14445

(a) To the best of the grantor's knowledge the real property 14446
or the manufactured or mobile home that is the subject of the 14447
conveyance is eligible for and will receive a reduction in taxes 14448
for or payable in the current year under division (A) of section 14449
323.152 or under section 4503.065 of the Revised Code and that the 14450

reduction or reductions will be reflected in the grantee's taxes; 14451

(b) The estimated amount of such reductions that will be 14452
reflected in the grantee's taxes; 14453

(c) That the grantor and the grantee have considered and 14454
accounted for the total estimated amount of such reductions to the 14455
satisfaction of both the grantee and the grantor. The auditor 14456
shall indorse the instrument, return it to the grantee or the 14457
grantee's representative, and provide a copy of the indorsed 14458
instrument to the grantor or the grantor's representative. 14459

(B) Each statement submitted under this section shall either: 14460

(1) Contain an affirmation by the grantee that the grantor 14461
has been asked by the grantee or the grantee's representative 14462
whether to the best of the grantor's knowledge the real property 14463
conveyed qualified for the current agricultural use valuation 14464
under section 5713.30 of the Revised Code either for the preceding 14465
or the current year and that the grantor indicated that to the 14466
best of the grantor's knowledge the property conveyed was not so 14467
qualified; or 14468

(2) Be accompanied by a sworn or affirmed instrument stating: 14469

(a) To the best of the grantor's knowledge the real property 14470
conveyed was qualified for the current agricultural use valuation 14471
under section 5713.30 of the Revised Code either for the preceding 14472
or the current year; 14473

(b) To the extent that the property will not continue to 14474
qualify for the current agricultural use valuation either for the 14475
current or the succeeding year, that the property will be subject 14476
to a recoupment charge equal to the tax savings in accordance with 14477
section 5713.34 of the Revised Code; 14478

(c) That the grantor and the grantee have considered and 14479
accounted for the total estimated amount of such recoupment, if 14480

any, to the satisfaction of both the grantee and the grantor. The 14481
auditor shall indorse the instrument, forward it to the grantee or 14482
the grantee's representative, and provide a copy of the indorsed 14483
instrument to the grantor or the grantor's representative. 14484

(C) The grantor shall pay the fee required by division (G)(3) 14485
of section 319.54 of the Revised Code; and, in the event the board 14486
of county commissioners of the county has levied a real property 14487
or a manufactured home transfer tax pursuant to Chapter 322. of 14488
the Revised Code, the amount required by the real property or 14489
manufactured home transfer tax so levied. If the conveyance is 14490
exempt from the fee provided for in division (G)(3) of section 14491
319.54 of the Revised Code and the tax, if any, levied pursuant to 14492
Chapter 322. of the Revised Code, the reason for such exemption 14493
shall be shown on the statement. "Value" means, in the case of any 14494
deed or certificate of title not a gift in whole or part, the 14495
amount of the full consideration therefor, paid or to be paid for 14496
the real estate or manufactured or mobile home described in the 14497
deed or title, including the amount of any mortgage or vendor's 14498
lien thereon. If property sold under a land installment contract 14499
is conveyed by the seller under such contract to a third party and 14500
the contract has been of record at least twelve months prior to 14501
the date of conveyance, "value" means the unpaid balance owed to 14502
the seller under the contract at the time of the conveyance, but 14503
the statement shall set forth the amount paid under such contract 14504
prior to the date of conveyance. In the case of a gift in whole or 14505
part, "value" means the estimated price the real estate or 14506
manufactured or mobile home described in the deed or certificate 14507
of title would bring in the open market and under the then 14508
existing and prevailing market conditions in a sale between a 14509
willing seller and a willing buyer, both conversant with the 14510
property and with prevailing general price levels. No person shall 14511
willfully falsify the value of property conveyed. 14512

(D) The auditor shall indorse each conveyance on its face to indicate the amount of the conveyance fee and compliance with this section and if the property is residential rental property include a statement that the grantee shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. The auditor shall retain the original copy of the statement of value, forward to the tax commissioner one copy on which shall be noted the most recent assessed value of the property, and furnish one copy to the grantee or the grantee's representative.

(E) In order to achieve uniform administration and collection of the transfer fee required by division (G)(3) of section 319.54 of the Revised Code, the tax commissioner shall adopt and promulgate rules for the administration and enforcement of the levy and collection of such fee.

(F) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1)(a) Division (A)(1) of this section applies to any of the following persons:

(i) A person who is permanently and totally disabled;

(ii) A person who is sixty-five years of age or older;

(iii) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse

dies. 14543

(b) Real property taxes on a homestead owned and occupied, or 14544
a homestead in a housing cooperative occupied, by a person to whom 14545
division (A)(1) of this section applies shall be reduced for each 14546
year for which an application for the reduction has been approved. 14547
The reduction shall equal one of the following amounts, as 14548
applicable to the person: 14549

(i) If the person received a reduction under division (A)(1) 14550
of this section for tax year 2006, the greater of the reduction 14551
for that tax year or the amount computed under division (A)(1)(c) 14552
of this section; 14553

(ii) If the person received, for any homestead, a reduction 14554
under division (A)(1) of this section for tax year 2013 or under 14555
division (A) of section 4503.065 of the Revised Code for tax year 14556
2014 or the person is the surviving spouse of such a person and 14557
the surviving spouse is at least fifty-nine years of age on the 14558
date the deceased spouse dies, the amount computed under division 14559
(A)(1)(c) of this section. ~~For purposes of divisions (A)(1)(b)(ii)~~ 14560
~~and (iii) of this section, a person receives a reduction under~~ 14561
~~division (A)(1) of this section or under division (A) of section~~ 14562
~~4503.065 of the Revised Code for tax year 2013 or 2014,~~ 14563
~~respectively, if the person files a late application for that~~ 14564
~~respective tax year that is approved by the county auditor under~~ 14565
~~section 323.153 or 4503.066 of the Revised Code.~~ 14566

(iii) If the person is not described in division (A)(1)(b)(i) 14567
or (ii) of this section and the person's total income does not 14568
exceed thirty thousand dollars, as adjusted under division 14569
(A)(1)(d) of this section, the amount computed under division 14570
(A)(1)(c) of this section. 14571

(c) The amount of the reduction under division (A)(1)(c) of 14572
this section equals the product of the following: 14573

(i) Twenty-five thousand dollars of the true value of the property in money, <u>as adjusted under division (A)(1)(d) of this section;</u>	14574 14575 14576
(ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;	14577 14578 14579
(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;	14580 14581 14582 14583
(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.	14584 14585 14586 14587
(d) Each calendar year, the <u>The</u> tax commissioner shall adjust the total income threshold described in division (A)(1)(b)(iii) <u>and the reduction amounts described in divisions (A)(1)(c)(i), (A)(2), and (A)(3)</u> of this section by completing the following calculations in September of each year:	14588 14589 14590 14591 14592
(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;	14593 14594 14595 14596 14597
(ii) Multiply that percentage increase by the total income threshold <u>or reduction amount</u> for the current tax year, <u>as applicable;</u>	14598 14599 14600
(iii) Add the resulting product to the total income threshold <u>or the reduction amount, as applicable,</u> for the current tax year;	14601 14602
(iv) Round the resulting sum to the nearest multiple of one	14603

hundred dollars. 14604

The commissioner shall certify the amount resulting from ~~the~~ 14605
each adjustment to each county auditor not later than the first 14606
day of December each year. The certified total income threshold 14607
amount applies to the following tax year for persons described in 14608
division (A)(1)(b)(iii) of this section. The certified reduction 14609
amount applies to the following tax year. The commissioner shall 14610
not make the applicable adjustment in any calendar year in which 14611
the amount resulting from the adjustment would be less than the 14612
total income threshold or the reduction amount for the current tax 14613
year. 14614

(2) Real property taxes on a homestead owned and occupied, or 14615
a homestead in a housing cooperative occupied, by a disabled 14616
veteran shall be reduced for each year for which an application 14617
for the reduction has been approved. The reduction shall equal the 14618
product obtained by multiplying fifty thousand dollars of the true 14619
value of the property in money, as adjusted under division 14620
(A)(1)(d) of this section, by the amounts described in divisions 14621
(A)(1)(c)(ii) to (iv) of this section. The reduction is in lieu of 14622
any reduction under section 323.158 of the Revised Code or 14623
division (A)(1) or (3) of this section. The reduction applies to 14624
only one homestead owned and occupied by a disabled veteran. 14625

If a homestead qualifies for a reduction in taxes under 14626
division (A)(2) of this section for the year in which the disabled 14627
veteran dies, and the disabled veteran is survived by a spouse who 14628
occupied the homestead when the disabled veteran died and who 14629
acquires ownership of the homestead or, in the case of a homestead 14630
that is a unit in a housing cooperative, continues to occupy the 14631
homestead, the reduction shall continue through the year in which 14632
the surviving spouse dies or remarries. 14633

(3) Real property taxes on a homestead owned and occupied, or 14634
a homestead in a housing cooperative occupied, by the surviving 14635

spouse of a public service officer killed in the line of duty 14636
shall be reduced for each year for which an application for the 14637
reduction has been approved. The reduction shall equal the product 14638
obtained by multiplying fifty thousand dollars of the true value 14639
of the property in money, as adjusted under division (A)(1)(d) of 14640
this section, by the amounts described in divisions (A)(1)(c)(ii) 14641
to (iv) of this section. The reduction is in lieu of any reduction 14642
under section 323.158 of the Revised Code or division (A)(1) or 14643
(2) of this section. The reduction applies to only one homestead 14644
owned and occupied by such a surviving spouse. A homestead 14645
qualifies for a reduction in taxes under division (A)(3) of this 14646
section for the tax year in which the public service officer dies 14647
through the tax year in which the surviving spouse dies or 14648
remarries. 14649

(B) To provide a partial exemption, real property taxes on 14650
any homestead, and manufactured home taxes on any manufactured or 14651
mobile home on which a manufactured home tax is assessed pursuant 14652
to division (D)(2) of section 4503.06 of the Revised Code, shall 14653
be reduced for each year for which an application for the 14654
reduction has been approved. The amount of the reduction shall 14655
equal two and one-half per cent of the amount of taxes to be 14656
levied by qualifying levies on the homestead or the manufactured 14657
or mobile home after applying section 319.301 of the Revised Code. 14658
For the purposes of this division, "qualifying levy" has the same 14659
meaning as in section 319.302 of the Revised Code. 14660

(C) The reductions granted by this section do not apply to 14661
special assessments or respread of assessments levied against the 14662
homestead, and if there is a transfer of ownership subsequent to 14663
the filing of an application for a reduction in taxes, such 14664
reductions are not forfeited for such year by virtue of such 14665
transfer. 14666

(D) The reductions in taxable value referred to in this 14667

section shall be applied solely as a factor for the purpose of 14668
computing the reduction of taxes under this section and shall not 14669
affect the total value of property in any subdivision or taxing 14670
district as listed and assessed for taxation on the tax lists and 14671
duplicates, or any direct or indirect limitations on indebtedness 14672
of a subdivision or taxing district. If after application of 14673
sections 5705.31 and 5705.32 of the Revised Code, including the 14674
allocation of all levies within the ten-mill limitation to debt 14675
charges to the extent therein provided, there would be 14676
insufficient funds for payment of debt charges not provided for by 14677
levies in excess of the ten-mill limitation, the reduction of 14678
taxes provided for in sections 323.151 to 323.159 of the Revised 14679
Code shall be proportionately adjusted to the extent necessary to 14680
provide such funds from levies within the ten-mill limitation. 14681

(E) No reduction shall be made on the taxes due on the 14682
homestead of any person convicted of violating division (D) or (E) 14683
of section 323.153 of the Revised Code for a period of three years 14684
following the conviction. 14685

Sec. 323.25. (A) When taxes charged against an entry on the 14686
tax duplicate, or any part of those taxes, are not paid within 14687
sixty days after delivery of the delinquent land duplicate to the 14688
county treasurer as prescribed by section 5721.011 of the Revised 14689
Code, the county treasurer shall enforce the lien for the taxes by 14690
civil action in the treasurer's official capacity as treasurer, 14691
for the sale of such premises in the same way mortgage liens are 14692
enforced or for the transfer of such premises to an electing 14693
subdivision pursuant to section 323.28 or 323.78 of the Revised 14694
Code, in the court of common pleas of the county, in a municipal 14695
court with jurisdiction, or in the county board of revision with 14696
jurisdiction pursuant to section 323.66 of the Revised Code. 14697
Nothing in this section prohibits the treasurer from instituting 14698
such an action before the delinquent tax list or delinquent vacant 14699

land tax list that includes the premises has been published 14700
pursuant to division (B) of section 5721.03 of the Revised Code if 14701
the list is not published within the time prescribed by that 14702
division. 14703

(B) After the civil action has been instituted, but before 14704
the expiration of the applicable redemption period, any person 14705
entitled to redeem the land may do so by tendering to the county 14706
treasurer an amount sufficient, as determined by the court or 14707
board of revision, to pay the taxes, assessments, penalties, 14708
interest, and charges then due and unpaid, and the costs incurred 14709
in the civil action, and by demonstrating that the property is in 14710
compliance with all applicable zoning regulations, land use 14711
restrictions, and building, health, and safety codes. 14712

(C) If the delinquent land duplicate lists minerals or rights 14713
to minerals listed pursuant to sections 5713.04, 5713.05, and 14714
5713.06 of the Revised Code, the county treasurer may enforce the 14715
lien for taxes against such minerals or rights to minerals by 14716
civil action, in the treasurer's official capacity as treasurer, 14717
in the manner prescribed by this section, or proceed as provided 14718
under section 5721.46 of the Revised Code. 14719

(D) If service by publication is necessary, instead of as 14720
provided by the Rules of Civil Procedure, such publication shall 14721
either be made (1) once a week for three consecutive weeks instead 14722
of as provided by the Rules of Civil Procedure, and the service in 14723
a newspaper of general circulation in the county or (2) once in a 14724
newspaper of general circulation in the county and, beginning one 14725
week thereafter, on a web site of the county or of the court, as 14726
selected by the clerk of the court. Publication on the web site 14727
shall continue until one year after the date a finding is entered 14728
under section 323.28 of the Revised Code with respect to such 14729
property. Any notices published on a web site shall identify the 14730
date the notice is first published on the web site. If proceeding 14731

under division (D)(1) of this section, the second and third 14732
publication of the notice may be abbreviated as authorized under 14733
section 7.16 of the Revised Code. 14734

Service shall be complete, if proceeding under division 14735
(D)(1) of this section, at the expiration of three weeks after the 14736
date of the first publication or, if proceeding under division 14737
(D)(2) of this section, the date that is two weeks after the clerk 14738
causes the notice to be published on the selected web site. If the 14739
prosecuting attorney determines that service upon a defendant may 14740
be obtained ultimately only by publication, the prosecuting 14741
attorney may cause service to be made simultaneously by certified 14742
mail, return receipt requested, ordinary mail, and publication. 14743
The 14744

(E) The county treasurer shall not enforce the lien for taxes 14745
against real property to which any of the following applies: 14746

~~(A)~~(1) The real property is the subject of an application for 14747
exemption from taxation under section 5715.27 of the Revised Code 14748
and does not appear on the delinquent land duplicate; 14749

~~(B)~~(2) The real property is the subject of a valid delinquent 14750
tax contract under section 323.31 of the Revised Code for which 14751
the county treasurer has not made certification to the county 14752
auditor that the delinquent tax contract has become void in 14753
accordance with that section; 14754

~~(C)~~(3) A tax certificate respecting that property has been 14755
sold under section 5721.32 or 5721.33 of the Revised Code; 14756
provided, however, that nothing in this division shall prohibit 14757
the county treasurer or the county prosecuting attorney from 14758
enforcing the lien of the state and its political subdivisions for 14759
taxes against a certificate parcel with respect to any or all of 14760
such taxes that at the time of enforcement of such lien are not 14761
the subject of a tax certificate. 14762

(F) Upon application of the plaintiff, the court shall 14763
advance such cause on the docket, so that it may be first heard. 14764

The court may order that the proceeding be transferred to the 14765
county board of revision if so authorized under section 323.691 of 14766
the Revised Code. 14767

Sec. 323.69. (A) Upon the completion of the title search 14768
required by section 323.68 of the Revised Code, the prosecuting 14769
attorney, representing the county treasurer, the county land 14770
reutilization corporation, or the certificate holder may file with 14771
the clerk of court a complaint for the foreclosure of each parcel 14772
of abandoned land appearing on the abandoned land list, and for 14773
the equity of redemption on each parcel. The complaint shall name 14774
all parties having any interest of record in the abandoned land 14775
that was discovered in the title search. The prosecuting attorney, 14776
county land reutilization corporation, or certificate holder may 14777
file such a complaint regardless of whether the parcel has 14778
appeared on a delinquent tax list or delinquent vacant land tax 14779
list published pursuant to division (B) of section 5721.03 of the 14780
Revised Code. 14781

(B)(1) In accordance with Civil Rule 4, the clerk of court 14782
promptly shall serve notice of the summons and the complaint filed 14783
under division (A) of this section to the last known address of 14784
the record owner of the abandoned land and to the last known 14785
address of each lienholder or other person having a legal or 14786
equitable ownership interest or security interest of record 14787
identified by the title search. The notice shall inform the 14788
addressee that delinquent taxes stand charged against the 14789
abandoned land; that the land will be sold at public auction or 14790
otherwise disposed of if not redeemed by the owner or other 14791
addressee; that the sale or transfer will occur at a date, time, 14792
and place, and in the manner prescribed in sections 323.65 to 14793

323.79 of the Revised Code; that the owner or other addressee may 14794
redeem the land by paying the total of the impositions against the 14795
land at any time before confirmation of sale or transfer of the 14796
parcel as prescribed in sections 323.65 to 323.79 of the Revised 14797
Code or before the expiration of the alternative redemption 14798
period, as may be applicable to the proceeding; that the case is 14799
being prosecuted by the prosecuting attorney of the county in the 14800
name of the county treasurer for the county in which the abandoned 14801
land is located or by a certificate holder, whichever is 14802
applicable; of the name, address, and telephone number of the 14803
county board of revision before which the action is pending; of 14804
the board case number for the action, which shall be maintained in 14805
the official file and docket of the clerk of court; and that all 14806
subsequent pleadings, petitions, and papers associated with the 14807
case and filed by any interested party must be filed with the 14808
clerk of court and will become part of the case file for the board 14809
of revision. 14810

(2) The notice required by division (B)(1) of this section 14811
also shall inform the addressee that any owner of record may, at 14812
any time on or before the fourteenth day after service of process 14813
is perfected, file a pleading with the clerk of court requesting 14814
that the board transfer the case to a court of competent 14815
jurisdiction to be conducted in accordance with the applicable 14816
laws. 14817

(C) Subject to division (D) of this section, subsequent 14818
pleadings, motions, or papers associated with the case and filed 14819
with the clerk of court shall be served upon all parties of record 14820
in accordance with Civil Rules 4 and 5, except that service by 14821
publication in any case requiring such service shall require that 14822
any such publication shall be advertised in the manner, and for 14823
the time periods and frequency, prescribed in section 5721.18 of 14824
the Revised Code. Any inadvertent noncompliance with those rules 14825

does not serve to defeat or terminate the case, or subject the case to dismissal, as long as actual notice or service of filed papers is shown by a preponderance of the evidence or is acknowledged by the party charged with notice or service, including by having made an appearance or filing in relation to the case. The county board of revision may conduct evidentiary hearings on the sufficiency of process, service of process, or sufficiency of service of papers in any proceeding arising from a complaint filed under this section. Other than the notice and service provisions contained in Civil Rules 4 and 5, the Rules of Civil Procedure shall not be applicable to the proceedings of the board. The board of revision may utilize procedures contained in the Rules of Civil Procedure to the extent that such use facilitates the needs of the proceedings, such as vacating orders, correcting clerical mistakes, and providing notice to parties. To the extent not otherwise provided in sections 323.65 to 323.79 of the Revised Code, the board may apply the procedures prescribed by sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. of the Revised Code. Board practice shall be in accordance with the practice and rules, if any, of the board that are promulgated by the board under section 323.66 of the Revised Code and are not inconsistent with sections 323.65 to 323.79 of the Revised Code.

(D)(1) A party shall be deemed to be in default of the proceedings in an action brought under sections 323.65 to 323.79 of the Revised Code if either of the following occurs:

(a) The party fails to appear at any hearing after being served with notice of the summons and complaint by certified or ordinary mail.

(b) For a party upon whom notice of summons and complaint is required by publication as provided under section 5721.18 of the Revised Code and has been considered ~~served~~ complete pursuant to that section, the party fails to appear, move, or plead to the

complaint within twenty-eight days after service by publication is 14858
~~completed~~ considered complete. 14859

(2) If a party is deemed to be in default pursuant to 14860
division (D)(1) of this section, no further service of any 14861
subsequent pleadings, papers, or proceedings is required on the 14862
party by the court or any other party. 14863

(E) At any time after a foreclosure action is filed under 14864
this section, the county board of revision may, upon its own 14865
motion, transfer the case to a court pursuant to section 323.691 14866
of the Revised Code if it determines that, given the complexity of 14867
the case or other circumstances, a court would be a more 14868
appropriate forum for the action. 14869

Sec. 340.01. (A) As used in this chapter: 14870

(1) "Addiction," "addiction services," "alcohol and drug 14871
addiction services," ~~"alcoholism,"~~ "alcohol use disorder," 14872
"certifiable services and supports," "community addiction services 14873
provider," "community mental health services provider," "drug 14874
addiction," "gambling addiction services," "included opioid and 14875
co-occurring drug addiction services and recovery supports," 14876
"mental health services," "mental illness," "recovery housing 14877
residence," and "recovery supports" have the same meanings as in 14878
section 5119.01 of the Revised Code. 14879

(2) "Medication-assisted treatment" means alcohol and drug 14880
addiction services that are accompanied by medication approved by 14881
the United States food and drug administration for the treatment 14882
of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention 14883
of relapse ~~of alcoholism or drug addiction,~~ or both. 14884

~~(3) "Recovery housing" means housing for individuals 14885
recovering from alcoholism or drug addiction that provides an 14886
alcohol and drug free living environment, peer support, assistance 14887~~

~~with obtaining alcohol and drug addiction services, and other 14888~~
~~alcoholism and drug addiction recovery assistance. 14889~~

(B) An alcohol, drug addiction, and mental health service 14890
district shall be established in any county or combination of 14891
counties having a population of at least fifty thousand. With the 14892
approval of the director of mental health and addiction services, 14893
any county or combination of counties having a population of less 14894
than fifty thousand may establish such a district. Districts 14895
comprising more than one county shall be known as joint-county 14896
districts. 14897

The board of county commissioners of any county participating 14898
in a joint-county district may submit a resolution requesting 14899
withdrawal from the district together with a comprehensive plan or 14900
plans that are in compliance with rules adopted by the director of 14901
mental health and addiction services under section 5119.22 of the 14902
Revised Code, and that provide for the equitable adjustment and 14903
division of all services, assets, property, debts, and 14904
obligations, if any, of the joint-county district to the board of 14905
alcohol, drug addiction, and mental health services, to the boards 14906
of county commissioners of each county in the district, and to the 14907
director. No county participating in a joint-county service 14908
district may withdraw from the district without the consent of the 14909
director of mental health and addiction services nor earlier than 14910
one year after the submission of such resolution unless all of the 14911
participating counties agree to an earlier withdrawal. Any county 14912
withdrawing from a joint-county district shall continue to have 14913
levied against its tax list and duplicate any tax levied by the 14914
district during the period in which the county was a member of the 14915
district until such time as the levy expires or is renewed or 14916
replaced. 14917

(C) For any tax levied under section 5705.19 of the Revised 14918
Code by a board of a joint-county district formed on or after ~~the~~ 14919

~~effective date of this amendment~~ April 3, 2023, revenue from the 14920
tax shall only be expended for the benefit of the residents of the 14921
county from which the revenue is derived. For the purpose of this 14922
division, a joint-county district is not formed by virtue of a 14923
county joining or withdrawing from a district or if a joint-county 14924
service district merges with another joint-county district. 14925

Sec. 340.032. Subject to rules adopted by the director of 14926
mental health and addiction services after consultation with 14927
relevant constituencies as required by division (A)(10) of section 14928
5119.21 of the Revised Code, each board of alcohol, drug 14929
addiction, and mental health services shall do all of the 14930
following: 14931

(A) Establish, to the extent resources are available, a 14932
community-based continuum of care that includes all of the 14933
following as essential elements: 14934

(1) Prevention and wellness management services; 14935

(2) At least both of the following outreach and engagement 14936
activities: 14937

(a) Locating persons in need of addiction services and 14938
persons in need of mental health services to inform them of 14939
available addiction services, mental health services, and recovery 14940
supports; 14941

(b) Helping persons who receive addiction services and 14942
persons who receive mental health services obtain services 14943
necessary to meet basic human needs for food, clothing, shelter, 14944
medical care, personal safety, and income. 14945

(3) Assessment services; 14946

(4) Care coordination; 14947

(5) Residential services; 14948

(6) At least the following outpatient services:	14949
(a) Nonintensive;	14950
(b) Intensive, such as partial hospitalization and assertive community treatment;	14951 14952
(c) Withdrawal management;	14953
(d) Emergency and crisis.	14954
(7) Where appropriate, at least the following inpatient services:	14955 14956
(a) Psychiatric care;	14957
(b) Medically managed alcohol or drug treatment.	14958
(8) At least all of the following recovery supports:	14959
(a) Peer support;	14960
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	14961 14962
(c) Employment, vocational, and educational opportunities;	14963
(d) Assistance with social, personal, and living skills;	14964
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	14965 14966
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	14967 14968 14969
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	14970 14971 14972
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	14973 14974 14975 14976

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected; 14977
14978

(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements. 14979
14980
14981

Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing residences pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, except as provided by either of the following: 14982
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(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts. 14995
14996
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(B) To the extent authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, ambulatory detoxification and medication-assisted treatment may be made available through a contract with one or more community addiction services providers located not more than thirty miles beyond the borders of the board's service district. 14999
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The services and supports shall be made available in a manner that ensures that recipients are able to access the services and supports they need for opioid and co-occurring drug addiction in 15005
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an integrated manner and in accordance with their assessed needs 15008
when changing or obtaining additional addiction services or 15009
recovery supports for such addiction. An individual seeking a 15010
service or support for opioid and co-occurring drug addiction 15011
included in a community-based continuum of care shall not be 15012
denied the service or support on the basis of the individual's 15013
prior experience with the service or support. 15014

Sec. 340.034. All of the following apply to ~~the~~ recovery 15015
housing residences required by section 340.033 of the Revised Code 15016
to be part of included opioid and co-occurring drug addiction 15017
services and recovery supports: 15018

(A) ~~The~~ A recovery housing residence shall comply with the 15019
requirements of being monitored by the department of mental health 15020
and addiction services under sections 5119.39 to 5119.396 of the 15021
Revised Code and any rules adopted under section 5119.397 of the 15022
Revised Code, but the residence is not be subject to residential 15023
facility licensure by the department ~~of mental health and~~ 15024
~~addiction services~~ under section 5119.34 of the Revised Code. 15025

(B) ~~The recovery housing shall not be subject to~~ 15026
~~certification as a recovery support under section 5119.36 of the~~ 15027
~~Revised Code.~~ 15028

~~(C) The~~ A recovery housing residence shall not be ~~owned and~~ 15029
operated by a board of alcohol, drug addiction, and mental health 15030
services unless any of the following applies: 15031

(1) The board ~~owns and operates~~ operated the recovery housing 15032
residence on July 1, 2017. 15033

(2) The board utilizes local funds in the development~~,~~ 15034
~~purchase,~~ or operation of the recovery housing residence. 15035

(3) The board determines that there is a need for the board 15036
to assume ~~the ownership and~~ operation of the recovery housing 15037

residence, such as when an existing ~~owner and~~ operator of the 15038
~~recovery housing~~ residence goes out of business, and the board 15039
considers the assumption of ~~ownership and~~ operation of the 15040
~~recovery housing~~ residence to be in the best interest of the 15041
community. 15042

~~(D)~~ (C) A recovery housing residence shall have protocols 15043
for all of the following: 15044

(1) Administrative oversight; 15045

(2) Quality standards; 15046

(3) Policies and procedures, including house rules, for its 15047
residents to which the residents must agree to adhere. 15048

~~(E)~~ (D) Family members of ~~the~~ a resident of a recovery 15049
~~housing's residents~~ housing residence may reside in the ~~recovery~~ 15050
~~housing~~ residence to the extent permitted by protocols of the 15051
~~recovery housing's protocols permit~~ residence. 15052

~~(F)~~ (E) A recovery housing residence shall not limit a 15053
resident's duration of stay to an arbitrary or fixed amount of 15054
time. Instead, each resident's duration of stay shall be 15055
determined by the resident's needs, progress, and willingness to 15056
abide by the ~~recovery housing's~~ residence's protocols, in 15057
collaboration with the ~~recovery housing's owner and~~ residence's 15058
operator, and, if appropriate, in consultation and integration 15059
with a community addiction services provider. 15060

~~(G)~~ (F) A recovery housing residence may permit its 15061
residents to receive medication-assisted treatment. 15062

~~(H)~~ (G) A resident of a recovery housing ~~resident~~ residence 15063
may receive addiction services that are certified by the 15064
department ~~of mental health and addiction services~~ under section 15065
5119.36 of the Revised Code. 15066

Sec. 340.036. (A) Subject to division (B) of this section and 15067

rules adopted by the director of mental health and addiction	15068
services after consultation with relevant constituencies as	15069
required by division (A)(10) of section 5119.21 of the Revised	15070
Code, each board of alcohol, drug addiction, and mental health	15071
services shall enter into contracts with all of the following:	15072
(1) Public and private facilities for the operation of	15073
facility services;	15074
(2) Community addiction services providers for addiction	15075
services and recovery supports;	15076
(3) Community mental health services providers for mental	15077
health services and recovery supports.	15078
(B) No board shall do any of the following:	15079
(1) Contract with a residential facility required to be	15080
licensed under section 5119.34 of the Revised Code unless the	15081
facility is so licensed;	15082
(2) Contract with a community addiction services provider or	15083
community mental health services provider for certifiable services	15084
and supports unless the certifiable services and supports are	15085
certified under section 5119.36 of the Revised Code;	15086
(3) Contract with a community addiction services provider or	15087
community mental health services provider for recovery supports	15088
that are required by the director to meet quality criteria or core	15089
competencies unless the recovery supports meet the criteria or	15090
competencies.	15091
(C) When a board contracts with a community addiction	15092
services provider or community mental health services provider for	15093
addiction services, mental health services, or recovery supports,	15094
all of the following apply:	15095
(1) The board shall consider both of the following:	15096

(a) The cost effectiveness and quality of the provider's services and supports;	15097 15098
(b) Continuity of care.	15099
(2) The board may review cost elements, including salary costs, of the services and supports.	15100 15101
(3) The board may establish, in a way that is most effective and efficient in meeting local needs, a utilization review process as part of the contract.	15102 15103 15104
<u>(4) The board may contract with a government entity, for-profit entity, or nonprofit entity.</u>	15105 15106
(D) If a party to a contract entered into under this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one-hundred-twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to another entity with the cost to be shared by the parties. Not later than twenty days before the expiration date of the contract or a later date to which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution process.	15107 15108 15109 15110 15111 15112 15113 15114 15115 15116 15117 15118 15119 15120 15121 15122 15123 15124
(E) Section 307.86 of the Revised Code does not apply to contracts entered into under this section.	15125 15126

Sec. 340.08. In accordance with rules or guidelines issued by 15127
the director of mental health and addiction services, each board 15128
of alcohol, drug addiction, and mental health services shall do 15129
all of the following: 15130

(A) Submit to the department of mental health and addiction 15131
services a proposed budget of receipts and expenditures for all 15132
federal, state, and local moneys the board expects to receive. 15133

(1) The proposed budget shall identify funds the board has 15134
available for included opioid and co-occurring drug addiction 15135
services and recovery supports. 15136

(2) The proposed budget shall identify funds the board and 15137
public children services agencies in the board's service district 15138
have available to fund jointly the services described in section 15139
340.15 of the Revised Code. 15140

(3) The board's proposed budget for expenditures of state and 15141
federal funds distributed to the board by the department shall be 15142
deemed an application for funds, and the department shall approve 15143
or disapprove the budget for these expenditures in whole or in 15144
part in accordance with division (G) of section 5119.22 of the 15145
Revised Code. 15146

If a board determines that it is necessary to amend an 15147
approved budget, the board shall submit a proposed amendment to 15148
the director. The director shall approve or disapprove all or part 15149
of the amendment in accordance with division (H) of section 15150
5119.22 of the Revised Code. 15151

(B) Submit to the department a proposed list of addiction 15152
services, mental health services, and recovery supports the board 15153
intends to make available. The board shall include the services 15154
and supports required by section 340.032 of the Revised Code to be 15155
included in the community-based continuum of care and the services 15156

required by section 340.15 of the Revised Code. The board shall 15157
explain the manner in which the board intends to make such 15158
services and supports available. The list shall be compatible with 15159
the budget submitted pursuant to division (A) of this section. The 15160
department shall approve or disapprove the list in whole or in 15161
part in accordance with division (G) of section 5119.22 of the 15162
Revised Code. 15163

If a board determines that it is necessary to amend an 15164
approved list, the board shall submit a proposed amendment to the 15165
director. The director shall approve or disapprove all or part of 15166
the amendment in accordance with division (H) of section 5119.22 15167
of the Revised Code. 15168

(C) Enter into a continuity of care agreement with the state 15169
institution operated by the department of mental health and 15170
addiction services and designated as the institution serving the 15171
district encompassing the board's service district. The continuity 15172
of care agreement shall outline the department's and the board's 15173
responsibilities to plan for and coordinate with each other to 15174
address the needs of board residents who are patients in the 15175
institution, with an emphasis on managing appropriate hospital bed 15176
day use and discharge planning. The continuity of care agreement 15177
shall not require the board to provide addiction services, mental 15178
health services, or recovery supports other than those on the list 15179
of services and supports submitted by the board pursuant to 15180
division (B) of this section and approved by the department in 15181
accordance with division (G) of section 5119.22 of the Revised 15182
Code. 15183

(D) In conjunction with the department, operate a coordinated 15184
system for tracking and monitoring persons found not guilty by 15185
reason of insanity and committed pursuant to section 2945.40 of 15186
the Revised Code who have been granted a conditional release and 15187
persons found incompetent to stand trial and committed pursuant to 15188

section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:	15189 15190
(1) Centralize responsibility for the tracking of those persons;	15191 15192
(2) Provide for uniformity in monitoring those persons;	15193
(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.	15194 15195 15196
(E) Submit to the department a report summarizing all of the following:	15197 15198
(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;	15199 15200 15201
(2) Investigations of the complaints and grievances;	15202
(3) Outcomes of the investigations.	15203
(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.	15204 15205 15206 15207
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	15208 15209 15210 15211 15212 15213
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	15214 15215 15216 15217
(I) <u>Annually update and publish on the board's web site a</u>	15218

<u>list of all opioid treatment programs licensed under section</u>	15219
<u>5119.37 of the Revised Code that are operating within the board's</u>	15220
<u>district, based on information obtained from any of the following:</u>	15221
<u>(1) The federal substance abuse and mental health services</u>	15222
<u>administration's opioid treatment program directory;</u>	15223
<u>(2) A resource directory created by the department of mental</u>	15224
<u>health and addiction services;</u>	15225
<u>(3) The list maintained by the department of mental health</u>	15226
<u>and addiction services pursuant to division (P) of section 5119.37</u>	15227
<u>of the Revised Code.</u>	15228
<u>Sec. 342.01. As used in this chapter:</u>	15229
<u>"Basic project cost" means an amount determined in accordance</u>	15230
<u>with rules adopted under section 111.15 of the Revised Code by the</u>	15231
<u>Ohio facilities construction commission. The basic project cost</u>	15232
<u>calculation shall take into consideration the square footage and</u>	15233
<u>cost per square foot necessary for the jail facilities, the</u>	15234
<u>variation across the state in construction and related costs, the</u>	15235
<u>cost of the installation of site utilities and site preparation,</u>	15236
<u>the cost of demolition of all or part of any existing jail</u>	15237
<u>facilities that are abandoned under the project, the cost of</u>	15238
<u>insuring the project until it is completed, any contingency</u>	15239
<u>reserve amount prescribed by the commission under division (P) of</u>	15240
<u>section 342.06 of the Revised Code, and the professional planning,</u>	15241
<u>administration, and design fees that a county may have to pay to</u>	15242
<u>undertake a jail facilities project.</u>	15243
<u>"Installation of site utilities" means the installation of a</u>	15244
<u>site domestic water system, site fire protection system, site gas</u>	15245
<u>distribution system, site sanitary system, site storm drainage</u>	15246
<u>system, site electrical service, site generator system, and site</u>	15247
<u>telephone and data system.</u>	15248

"Jail facility" means a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, a minimum security jail under sections 341.34 and 753.21 of the Revised Code, or a single-county or joint-county juvenile facility authorized under section 2151.65 of the Revised Code, or another residential facility used for the confinement of alleged or convicted offenders that is operated by a county or a combination of a county or counties and other political subdivisions of this state. 15249
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"Multicounty jail facility" means a jail facility intended to serve two or more counties, and that may be located wholly in one county or partly in one or more counties that have made an agreement under section 342.12 of the Revised Code. 15258
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"Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes that a board of county commissioners is obligated to pay, and the amount held in a sinking fund and other indebtedness retirement funds for their redemption. 15262
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"Project" means a project to construct or acquire jail facilities, or to reconstruct or make additions to existing jail facilities. 15267
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"Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, and lawn and planting on the project site. 15270
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Sec. 342.02. (A) The department of taxation shall rank each county based on its financial need with a percentile ranking using the following funding formula: 15274
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(1) The department shall determine the total value of all property in the county listed and assessed for taxation on the tax 15277
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list as reported by the department in the preceding tax year, and 15279
list each county in order of total value, ascending, so that the 15280
county with the lowest value is number one on the list; 15281

(2) The department also shall rank each county based on the 15282
estimate of the gross amount of taxable retail sales sourced to 15283
the county as reported by the department for the preceding 15284
calendar year, computed by dividing the total amount of tax 15285
revenue received by the county during that period from taxes 15286
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 15287
of the Revised Code by the aggregate tax rate levied by the county 15288
under sections 5739.021 and 5739.026 of the Revised Code on the 15289
last day of the preceding calendar year, and list each county in 15290
order of total value, ascending, so that the county with the 15291
lowest value is number one on the list, except that any county 15292
that does not currently levy taxes under section 5739.021 or 15293
5739.026 of the Revised Code shall be ranked at number 15294
eighty-eight on the list; 15295

(3) The department shall then, for each county, add the 15296
numbered rank calculated under division (A)(1) of this section to 15297
the numbered rank calculated under division (A)(2) of this 15298
section, and shall order the counties according the sum of the two 15299
ranks, the county with the lowest sum being number one on the 15300
list. The percentile ranking shall be determined by taking the 15301
county's ranking on this final list, dividing it by eighty-eight, 15302
and multiplying it by one hundred. 15303

(4) If the sum calculated under division (A)(3) of this 15304
section is the same for two or more counties, the county with the 15305
lowest population shall receive the lowest final ranking. The 15306
final ranking for the counties should be numbers one through 15307
eighty-eight. 15308

Every other year, on even-numbered years, the department 15309
shall conduct the financial ranking described in this division and 15310

report the ranking to the department of rehabilitation and 15311
correction and the Ohio facilities construction commission. 15312

(B)(1) Upon receiving the financial ranking under division 15313
(A) of this section, the commission shall select a number of 15314
counties among the lowest ranking counties, the number of counties 15315
selected depending upon the commission's projections of the moneys 15316
available and moneys necessary to undertake projects under this 15317
chapter for that year, and invite the selected counties to apply 15318
for assistance under this chapter. Two or more counties may 15319
jointly apply for assistance under this chapter as long as at 15320
least one of the counties was invited to apply. The application 15321
shall be made on a form and in a manner prescribed by the 15322
commission. Upon the application of a county so invited, the 15323
commission may shortlist applicants before proceeding, and shall 15324
proceed with a needs assessment under division (B)(2) of this 15325
section. 15326

(2) Upon the application and shortlisting of invited counties 15327
to receive assistance under this chapter, the commission shall 15328
conduct a needs assessment, or cause a needs assessment to be 15329
conducted, to determine the jail facility needs of the applicant 15330
county. The needs assessment, subject to division (B)(3) of this 15331
section, shall include an on-site assessment of applicable jail 15332
facilities identified as having jail facility needs. The on-site 15333
assessment shall assess the county's need to construct or acquire 15334
new jail facilities and may include an assessment of the county's 15335
need for facility additions or for the reconstruction of existing 15336
facilities in lieu of constructing or acquiring replacement 15337
facilities. 15338

(3) Before conducting an on-site assessment of a county, at 15339
the request of the board of county commissioners, the Ohio 15340
facilities construction commission shall examine any jail 15341
facilities needs assessment that the county has conducted and any 15342

master plan developed for meeting the facility needs of the 15343
county. If the commission determines that the county's needs 15344
assessment or master plan is sufficient for its purposes, and that 15345
any additional needs assessment is not necessary, the commission 15346
may waive the on-site assessment under division (B)(2) of this 15347
section. 15348

(4) Upon conducting the on-site assessment, the commission 15349
shall make a determination of all of the following: 15350

(a) The need of the county for additional jail facilities, or 15351
for renovations or improvements to existing jail facilities, based 15352
on whether and to what extent existing facilities comply with the 15353
standards adopted under division (C) of this section; 15354

(b) The number of jail facilities to be included in a 15355
project; 15356

(c) The estimated annual, monthly, or daily cost of operating 15357
the facility once it is operational, as reported and certified by 15358
the county auditor; 15359

(d) The estimated basic project cost of constructing, 15360
acquiring, reconstructing, or making additions to each facility; 15361

(e) The amount of the basic project cost that the county can 15362
supply through the means described in division (A)(2) of section 15363
342.04 of the Revised Code; 15364

(f) The amount of the cost to be supplied by the state under 15365
section 342.04 of the Revised Code; 15366

(g) The amount of the state's portion to be encumbered in 15367
accordance with section 342.04 of the Revised Code in the current 15368
and subsequent fiscal years from funds appropriated for purposes 15369
of this chapter. 15370

(5) If the project involves a multicounty jail facility, the 15371
Ohio facilities construction commission may determine a 15372

multicounty jail facility ranking cost for each county involved. 15373

(C) The commission, in conjunction with the department of 15374
rehabilitation and correction, shall develop a set of standards by 15375
which the commission may evaluate the condition of existing jail 15376
facilities to determine need under this chapter. These standards 15377
shall include the standards developed under section 5120.10 of the 15378
Revised Code, and other standards that the commission and the 15379
department consider appropriate. In developing or changing these 15380
standards, the commission and the department shall solicit input 15381
from sheriffs and boards of county commissioners or from 15382
organizations representing sheriffs or boards of county 15383
commissioners in this state. 15384

(D) The Ohio facilities construction commission shall then 15385
choose from among the applicant counties which counties will 15386
receive state funding under this chapter. The commission shall 15387
choose based on the results of the financial ranking conducted 15388
under division (A) of this section, the results of the needs 15389
assessment conducted under division (B) of this section, and the 15390
requirements described in sections 342.03 and 342.04 of the 15391
Revised Code. If a chosen project is subsequently denied approval 15392
by the controlling board under section 342.05 of the Revised Code, 15393
or canceled for some other reason, the commission may choose 15394
another applicant county under this division that applied for 15395
assistance but was not selected under this division. If no 15396
counties meet that description, the commission may invite 15397
additional counties to apply for assistance under this section. 15398

Sec. 342.03. The Ohio facilities construction commission, 15399
following the completion of a needs assessment conducted under 15400
division (B) of section 342.02 of the Revised Code, shall make a 15401
determination in favor of constructing, acquiring, reconstructing, 15402
or making additions to a jail facility only upon evidence that the 15403

proposed project conforms to the construction and renovation 15404
standards described in divisions (D) and (E) of section 5120.10 of 15405
the Revised Code, and that it keeps with the needs of the county 15406
or counties as determined by the needs assessment conducted under 15407
division (B) of section 342.02 of the Revised Code. Exceptions 15408
shall be authorized only in those areas where topography, sparsity 15409
of population, and other factors make larger jail facilities 15410
impracticable. 15411

If the board of county commissioners, multicounty jail 15412
facility commission, or the Ohio facilities construction 15413
commission determines that an existing jail facility should be 15414
renovated instead of acquiring a comparable jail facility by new 15415
construction, the Ohio facilities construction commission may 15416
approve the expenditure of project funds for the renovation of 15417
that jail facility up to but not exceeding one hundred per cent of 15418
the estimated cost of acquiring a comparable jail facility by new 15419
construction, if the commission determines that the renovated jail 15420
facility will be operationally efficient, will be adequate for the 15421
future needs of the county or counties, and will comply with the 15422
standards described in section 342.02 of the Revised Code. 15423

Sec. 342.04. (A)(1) A project proposed under sections 342.02 15424
and 342.03 of the Revised Code may be approved only upon 15425
submission of evidence to the Ohio facilities construction 15426
commission by the board of county commissioners or, in the case of 15427
a multicounty jail facility, by a multicounty jail facility 15428
commission, that the county or counties involved in the project 15429
will generate adequate revenue to fund the county portion of the 15430
basic project cost and the operations and maintenance of the 15431
proposed jail facility or facilities. 15432

(2) A county may generate the revenue described in division 15433
(A)(1) of this section by any of the following means, provided the 15434

<u>revenue may be lawfully used for that purpose:</u>	15435
<u>(a) Unencumbered funds of the county;</u>	15436
<u>(b) Issuance of bonds previously authorized by the electors of the county;</u>	15437 15438
<u>(c) Local donated contributions as authorized under section 342.07 of the Revised Code;</u>	15439 15440
<u>(d) A bond issue or tax levy under section 5705.234 of the Revised Code;</u>	15441 15442
<u>(e) The proceeds of any other tax levy that may be lawfully used for that purpose, including a tax levied under division (LL) of section 5705.19 of the Revised Code or section 5705.233 of the Revised Code.</u>	15443 15444 15445 15446
<u>(3) The Ohio facilities construction commission shall not accept a proposal by a county or a multicounty jail facility commission to rent any portion of the jail facility or facilities to other political subdivisions as evidence that the county or multicounty jail facility commission will generate adequate revenue as described in division (A)(1) of this section.</u>	15447 15448 15449 15450 15451 15452
<u>(4) Evidence submitted under division (A)(1) of this section shall not be considered sufficient until it has been certified as true and accurate by the county auditor of each participating county.</u>	15453 15454 15455 15456
<u>(B) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by each county shall be one per cent of the basic project costs times the percentile in which the county ranks according to the department of taxation's ranking under division (A) of section 342.02 of the Revised Code, for the fiscal year preceding the fiscal year in which the controlling board approved the county's or counties' project under section 342.05 of the Revised Code.</u>	15457 15458 15459 15460 15461 15462 15463 15464

The amount of the county's or counties' portion determined 15465
under this section shall be calculated only as of the date the 15466
controlling board approved the project. 15467

(C) At no time shall a county's, or all of the counties', 15468
portion of the basic project cost be greater than seventy-five per 15469
cent of the total basic project cost. If a county's portion of the 15470
basic project cost is calculated, under division (B) of this 15471
section, to be greater than seventy-five per cent of the total 15472
basic project cost, the county's portion shall be seventy-five per 15473
cent of the basic project cost. In the case of a multicounty jail 15474
facility commission, if the sum of two or more counties' portions 15475
of the total basic project cost are calculated, under division (B) 15476
of this section, to be greater than seventy-five per cent of the 15477
total basic project cost, the counties' portions shall be 15478
determined pro rata, so that the sum of their portions shall be 15479
equal to seventy-five per cent of the total basic project cost. 15480

(D) If the controlling board approves a project for a county 15481
that previously received assistance under this chapter within 15482
twenty years of the date the previous project was approved by the 15483
controlling board, that county's or counties' portion of the basic 15484
project cost for the new project shall be the lesser of the 15485
following: 15486

(1) The portion calculated under division (B) or (C) of this 15487
section; 15488

(2) The greater of the following: 15489

(a) The required percentage of the basic project costs for 15490
the new project or, if the project is a multicounty jail facility, 15491
the county's or counties' required percentage of the basic project 15492
cost pursuant to an agreement under section 342.12 of the Revised 15493
Code; 15494

(b) The percentage of the basic project cost paid by the 15495

county or counties for the previous project. 15496

Sec. 342.05. (A) If the Ohio facilities construction 15497
commission makes a determination under sections 342.01 to 342.04 15498
of the Revised Code in favor of constructing, acquiring, 15499
reconstructing, or making additions to a jail facility, the 15500
project shall be conditionally approved. The conditional approval 15501
shall be submitted to the controlling board for approval. The 15502
controlling board shall approve or reject the commission's 15503
determination, the amount of the state's portion of the basic 15504
project cost, and the amount of the state's portion to be 15505
encumbered in the current fiscal year. If approved by the 15506
controlling board, the commission shall certify the conditional 15507
approval to the board of county commissioners, or to the 15508
multicounty jail facilities commission in the case of a 15509
multicounty jail facilities project undertaken pursuant to section 15510
342.12 of the Revised Code, and shall encumber from the total 15511
funds appropriated for the purpose of this chapter the amount 15512
approved under this section to be encumbered in the current fiscal 15513
year. 15514

The basic project cost for a project approved under this 15515
section shall not exceed the cost that otherwise would have to be 15516
incurred if the jail facilities to be constructed, acquired, or 15517
reconstructed, or the additions to be made to jail facilities, 15518
under the project meet, but do not exceed, the specifications for 15519
plans and materials for jail facilities adopted by the Ohio 15520
facilities construction commission. 15521

(B) No project proposed by a county that previously received 15522
assistance under this chapter and that levied a tax under section 15523
5705.234 of the Revised Code for the purpose of qualifying for 15524
that previous assistance shall be approved by the controlling 15525
board in the twenty years following the controlling board's 15526

approval of the previous project unless the board of county 15527
commissioners or the multicounty jail facility commission 15528
demonstrates to the satisfaction of the Ohio facilities 15529
construction commission that the county or counties have 15530
experienced, since approval of its prior project, an exceptional 15531
increase in need beyond the design capacity under that prior 15532
project as determined by the commission. 15533

If the commission finds that a county's or counties' existing 15534
jail facilities are adequate to meet all of the county's or 15535
counties' needs, the commission may determine that no additional 15536
state assistance be awarded to a county or counties under this 15537
section. 15538

(C) Not later than one hundred twenty days after receiving 15539
notice of an approval, the board of county commissioners, or the 15540
multicounty jail facilities commission as applicable, shall accept 15541
or deny the Ohio facility construction commission's conditional 15542
approval. Additionally, if one or more counties must issue bonds 15543
or levy a tax under section 5705.234 of the Revised Code to 15544
provide adequate revenue for its portion of the basic project 15545
costs or for the maintenance and operation of the jail facility or 15546
facilities, the electors of the county or counties shall approve 15547
the bond issue or levy not later than sixteen months after the 15548
date the county received the commission's conditional approval. If 15549
the commission's conditional approval lapses under this division, 15550
the amount reserved and encumbered for the project shall be 15551
released. If the amount reserved and encumbered for the county's 15552
or counties' project is released, the county or counties shall be 15553
given first priority for project funding as the funds become 15554
available. 15555

Sec. 342.06. If the requisite favorable vote on an election 15556
described in section 5705.234 of the Revised Code is obtained or 15557

the county's or counties' share of the basic project cost is 15558
otherwise met in accordance with section 342.04 of the Revised 15559
Code, the Ohio facilities construction commission shall enter into 15560
a written agreement with the board of county commissioners, or 15561
with the multicounty jail facilities commission in the case of a 15562
multicounty jail facilities project undertaken pursuant to section 15563
342.12 of the Revised Code, for the construction of the project. 15564
The agreement shall include at least the following provisions: 15565

(A) The sale and issuance of bonds or notes in anticipation 15566
thereof, as soon as practicable after the execution of the 15567
agreement, in an amount equal to the county's portion of the basic 15568
project cost, dedicated by the board of county commissioners to 15569
payment of the county's portion of the basic project cost of the 15570
project; provided, that if at that time the county treasurer of 15571
each county in which the facility is located has not commenced the 15572
collection of taxes for the year in which the controlling board 15573
approved the project, the board or boards of county commissioners 15574
shall authorize the issuance of a first installment of bond 15575
anticipation notes in an amount specified by the agreement. If a 15576
first installment of bond anticipation notes is issued, the board 15577
or boards of county commissioners shall, as soon as practicable 15578
after the county treasurer of each county in which the facilities 15579
are located has commenced the collection of taxes on the general 15580
duplicate of real and public utility property for the year in 15581
which the controlling board approved the project, authorize the 15582
issuance of a second and final installment of bond anticipation 15583
notes or a first and final issue of bonds. 15584

The combined value of the first and second installment of 15585
bond anticipation notes or the value of the first and final issue 15586
of bonds shall be equal to the county's portion of the basic 15587
project cost. The proceeds of any of these bonds shall be used 15588
first to retire any bond anticipation notes. Otherwise, the 15589

proceeds of any of these bonds and of any bond anticipation notes, 15590
except the premium and accrued interest thereon, shall be 15591
deposited in the county's project construction fund. In 15592
determining the amount of net bonded indebtedness for the purpose 15593
of fixing the amount of an issue of either bonds or bond 15594
anticipation notes, gross indebtedness shall be reduced by moneys 15595
in the bond retirement fund only to the extent of the moneys 15596
therein on the first day of the year preceding the year in which 15597
the controlling board approved the project. The maximum amount of 15598
indebtedness to be incurred by any board of county commissioners 15599
as its share of the cost of the project is either an amount that 15600
will cause its net bonded indebtedness, as of the first day of the 15601
year following the year in which the controlling board approved 15602
the project, to be within five thousand dollars of the required 15603
level of indebtedness, or an amount equal to the required 15604
percentage of the basic project costs, whichever is greater. All 15605
bonds and bond anticipation notes shall be issued in accordance 15606
with Chapter 133. of the Revised Code, and notes may be renewed as 15607
provided in section 133.22 of the Revised Code. 15608

(B) The transfer of the funds of the board of county 15609
commissioners available for the project, together with the 15610
proceeds of the sale of the bonds or notes, except premium, 15611
accrued interest, and interest included in the amount of the 15612
issue, to the county's project construction fund; 15613

(C) Dedication of any local donated contribution as provided 15614
for under section 342.07 of the Revised Code; 15615

(D) Ownership of or interest in the project during the period 15616
of construction, which shall be divided between the Ohio 15617
facilities construction commission and the board or boards of 15618
county commissioners in proportion to their respective 15619
contributions to the county's or counties' project construction 15620
fund; 15621

(E) Maintenance of the state's interest in the project until 15622
any obligations issued for the project under this chapter are no 15623
longer outstanding; 15624

(F) The insurance of the project by the county or counties 15625
from the time there is an insurable interest therein and so long 15626
as the state retains any ownership or interest in the project 15627
pursuant to division (D) of this section, in amounts and against 15628
risks as the Ohio facilities construction commission shall 15629
require; provided, that the cost of any required insurance until 15630
the project is completed shall be a part of the basic project 15631
cost; 15632

(G) The certification by the director of budget and 15633
management that funds are available and have been set aside to 15634
meet the state's share of the basic project cost as approved by 15635
the controlling board pursuant to section 342.05 of the Revised 15636
Code; 15637

(H) Authorization of the board of county commissioners or the 15638
multicounty jail facility commission to advertise for and receive 15639
construction bids for the project, for and on behalf of the Ohio 15640
facilities construction commission, and to award contracts in the 15641
name of the state subject to approval by the commission; 15642

(I) Provisions for the disbursement of moneys from the 15643
county's project account upon issuance by the Ohio facilities 15644
construction commission or the commission's designated 15645
representative of vouchers for work done to be certified to the 15646
commission by the county auditor of each participating county; 15647

(J) Disposal of any balance left in the county's project 15648
construction fund upon completion of the project; 15649

(K) Provision for deposit of an executed copy of the 15650
agreement in the office of the commission; 15651

(L) Provision for termination of the contract and release of 15652

the funds encumbered at the time of the conditional approval, if 15653
the proceeds of the sale of the bonds of the board of county 15654
commissioners are not paid into the county's project construction 15655
fund and if bids for the construction of the project have not been 15656
taken within this period after the execution of the agreement as 15657
may be fixed by the Ohio facilities construction commission; 15658

(M) A requirement that the county or counties maintain the 15659
project in accordance with a facilities maintenance plan approved 15660
by the Ohio facilities construction commission; 15661

(N) Provision that all state funds reserved and encumbered to 15662
pay the state share of the cost of the project and the funds 15663
provided by the county or counties to pay for its share of the 15664
project cost be spent on the construction and acquisition of the 15665
project simultaneously in proportion to the state's and each 15666
county's respective shares of that basic project cost as 15667
determined under section 342.04 or section 342.12 of the Revised 15668
Code, as applicable. However, if a board of county commissioners 15669
certifies to the commission that expenditure by the county is 15670
necessary to maintain the federal tax status or tax-exempt status 15671
of notes or bonds issued by the county to pay for its share of the 15672
project cost or to comply with applicable temporary investment 15673
periods or spending exceptions to rebate as provided for under 15674
federal law in regard to those notes or bonds, the board may 15675
commit to spend, or may spend, a greater portion of the funds it 15676
provides during any specific period than otherwise would be 15677
required under this division. 15678

(O) A provision stipulating that the Ohio facilities 15679
construction commission may prohibit the board from proceeding 15680
with any project if the commission determines that the site is not 15681
suitable for construction purposes. The commission may perform 15682
soil tests in its determination of whether a site is appropriate 15683
for construction purposes. 15684

(P) A provision stipulating that, unless otherwise authorized 15685
by the commission, any contingency reserve portion of the 15686
construction budget prescribed by the commission shall be used 15687
only to pay costs resulting from unforeseen job conditions, to 15688
comply with rulings regarding building and other codes, to pay 15689
costs related to design clarifications or corrections to contract 15690
documents, and to pay the costs of settlements or judgments 15691
related to the project. 15692

Sec. 342.07. (A) As used in this section, "local donated 15693
contribution" means any of the following: 15694

(1) Any moneys irrevocably donated or granted to a board of 15695
county commissioners or multicounty jail facility commission by a 15696
source other than the state that the board or multicounty jail 15697
facility commission has the authority to apply to the project 15698
under this chapter and that the board or multicounty jail facility 15699
commission has pledged for that purpose by resolution adopted by a 15700
majority of its members; 15701

(2) Any irrevocable letter of credit issued on behalf of a 15702
county that the board has encumbered for payment of the county's 15703
share of its project under this chapter that has been approved by 15704
the Ohio facilities construction commission; 15705

(3) Any cash a county has on hand that the board has 15706
encumbered for payment of the county's share of its project under 15707
this chapter that has been approved by the Ohio facilities 15708
construction commission, including any year-end operating fund 15709
balances that can be spent for jail facilities; 15710

(4) Any moneys spent by a source other than the county or the 15711
state for construction or renovation of specific jail facilities 15712
that have been approved by the Ohio facilities construction 15713
commission as part of the basic project cost of the county's 15714
project. The board, the commission, and the entity providing the 15715

local donated contribution under division (A)(4) of this section 15716
shall enter into an agreement identifying the jail facilities to 15717
be acquired by the expenditures made by that entity. The agreement 15718
shall include stipulations that require an audit by the Ohio 15719
facilities construction commission of these expenditures made on 15720
behalf of the county or multicounty jail facility commission and 15721
that specify the maximum amount of credit to be allowed for those 15722
expenditures. Upon completion of the construction or renovation, 15723
the Ohio facilities construction commission shall determine the 15724
actual amount that the commission will credit, at the request of 15725
the board or multicounty jail facility commission, toward the 15726
county's or counties' portion of the basic project cost, or any 15727
project cost overruns. The actual amount of the credit shall not 15728
exceed the lesser of the amount specified in the agreement or the 15729
actual cost of the construction or renovation. 15730

(B) A board of county commissioners or multicounty jail 15731
facility commission may apply a local donated contribution to the 15732
county's or counties' share of the basic project cost or use the 15733
contribution for maintenance and operation of the jail facility or 15734
facilities that are constructed, acquired, reconstructed, or 15735
expanded by the project. 15736

(C) If the county is required to issue bonds or levy tax 15737
under section 5705.234 of the Revised Code as a condition of 15738
receiving assistance under this chapter, the board of county 15739
commissioners may, with the approval of the Ohio facilities 15740
construction commission, reduce the principal amount of bonds 15741
issued or the rate of the tax levied under that section by an 15742
amount commensurate with the local donated contributions applied 15743
to the same purposes. The commission shall not approve a board of 15744
county commissioners' proposal to reduce the amount of bonds 15745
issued or the rate of a tax levied under section 5705.234 of the 15746
Revised Code unless the board demonstrates to the satisfaction of 15747

the commission that the revenue generated under the proposal, when 15748
supplemented by the local donated contributions, is sufficient to 15749
pay the county's share of the basic project cost and provide for 15750
operation and maintenance of the jail facility or facilities. 15751

(D) Except as provided in division (E) of this section, no 15752
state moneys shall be released for a project to which this section 15753
applies until both of the following have occurred: 15754

(1) Any local donated contribution authorized under this 15755
section is first deposited into the county's project construction 15756
fund. 15757

(2) The board or multicounty jail facility commission and the 15758
commission have included a stipulation in their agreement entered 15759
into under section 342.06 of the Revised Code under which the 15760
board or multicounty jail facility commission will deposit into a 15761
fund approved by the commission according to a schedule that does 15762
not extend beyond the anticipated completion date of the project 15763
the total amount of any local donated contribution dedicated by 15764
the board or multicounty jail facility commission for that 15765
purpose. 15766

(E) If any local donated contribution described in division 15767
(A)(4) of this section has been approved under this section, the 15768
state moneys may be released even if the entity providing the 15769
local donated contribution has not spent the moneys so dedicated 15770
as long as the agreement required under that division has been 15771
executed. 15772

Sec. 342.08. (A) Promptly after the board of county 15773
commissioners, or the multicounty jail facilities commission, and 15774
the Ohio facilities construction commission have entered into the 15775
written agreement, the board or boards of county commissioners 15776
shall issue its bonds or notes in anticipation of the agreement 15777
pursuant to the provision of the agreement required by division 15778

(A) of section 342.06 of the Revised Code, or required by section 342.12 of the Revised Code in the case of an agreement between boards of county commissioners for a multicounty jail facilities project, and deposit the proceeds of the agreement in the county's project construction fund pursuant to the provision of the agreement required by division (B) of section 342.06 of the Revised Code. The board of county commissioners or the multicounty jail facilities commission, with the approval of the Ohio facilities construction commission, also shall employ a qualified professional person to prepare preliminary plans, working drawings, specifications, estimates of cost, and such data as the board of county commissioners, or the multicounty jail facilities commission, and the Ohio facilities construction commission consider necessary for the project. When the preliminary plans and preliminary estimates of cost have been prepared, and approved by the board of county commissioners, or the multicounty jail facility commission, if applicable, the plans shall be submitted to the Ohio facilities construction commission and the department of rehabilitation and correction for approval, modification, or rejection. The Ohio facilities construction commission shall consult with the department to ensure that the plans and materials proposed for use in the project comply with specifications for plans and materials that shall be established by the commission in accordance with division (C) of section 342.02 of the Revised Code. When these preliminary plans and preliminary estimates of cost and any modifications thereof have been approved by the commission and the board of county commissioners, or multicounty jail facility commission if applicable, the board or multicounty jail facility commission shall cause the qualified professional person to prepare the working drawings, specifications, and estimates of cost.

(B) Whenever project plans submitted to the commission for approval under division (A) of this section propose to locate a

facility on a state route or United States highway or within one 15812
mile of a state route or United States highway, the commission 15813
shall send a copy of the plans to the director of transportation. 15814
The director shall review the plans to determine the feasibility 15815
of the proposed ingress and egress to the facility, the traffic 15816
circulation pattern on roadways around the facility, and any 15817
improvements that would be necessary to conform the roadways to 15818
provisions of the manual adopted by the department of 15819
transportation under section 4511.09 of the Revised Code or state 15820
or federal law. The director shall provide a written summary of 15821
the director's findings to the commission in a timely manner. The 15822
commission shall consider the findings in deciding whether to 15823
approve the plans. 15824

Sec. 342.09. When the working drawings, specifications, and 15825
estimates of cost have been approved by the board of county 15826
commissioners, or the multicounty jail facilities commission if 15827
applicable, and the Ohio facilities construction commission 15828
pursuant to section 342.08 of the Revised Code, or section 342.12 15829
of the Revised Code if applicable, the board of county 15830
commissioners or the multicounty jail facilities commission shall 15831
advertise for construction bids in accordance with section 307.86 15832
of the Revised Code. These notices shall state that plans and 15833
specifications for the project are on file in the office of the 15834
Ohio facilities construction commission, at the office of the 15835
department of rehabilitation and correction, and other places as 15836
may be designated in the notice, and the time and place when and 15837
where bids will be received. 15838

The form of proposal to be submitted by bidders shall be 15839
supplied by the Ohio facilities construction commission. Bidders 15840
may be permitted to bid on all or any of the branches of work and 15841
materials to be furnished and supplied. 15842

When the construction bids for all branches of work and materials have been tabulated, the commission shall prepare a revised estimate of the basic project cost based upon the lowest responsive and responsible bids received. If the revised estimate exceeds the estimated basic project cost as approved by the controlling board pursuant to section 342.05 of the Revised Code, no contracts may be entered into pursuant to this section unless this revised estimate is approved by the commission and by the controlling board. When this revised estimate has been prepared, and after approvals are given, if necessary, and if the board or boards of county commissioners have caused to be transferred to the project construction fund the proceeds from the sale of the first or first and final installment of its bonds or bond anticipation notes pursuant to the provision of the written agreement required by section 342.06 of the Revised Code, and section 342.12 of the Revised Code, and when the director of budget and management has certified that there is a balance in the appropriation, not otherwise obligated to pay precedent obligations, pursuant to which the state's share of this revised estimate is required to be paid, the contract for all branches of work and materials to be furnished and supplied, or for any branch thereof as determined by the board of county commissioners or the multicounty jail facilities commission, shall be awarded by the board of county commissioners or the multicounty jail facilities commission to the lowest responsible and responsive bidder subject to the approval of the Ohio facilities construction commission. The award shall be made not later than sixty days after the date on which the bids are opened, and the successful bidder shall enter into a contract not later than ten days after the successful bidder is notified of the award of the contract.

Subject to the approval of the Ohio facilities construction commission, the board of county commissioners or multicounty jail facilities commission may reject all bids and readvertise. Any

contract made under this section shall be made in the name of the 15876
state and executed on its behalf by the president of the board of 15877
county commissioners and the county auditor of each participating 15878
county. 15879

The provisions of sections 9.312 and 307.86 of the Revised 15880
Code which are applicable to construction contracts shall apply to 15881
construction contracts for the project. 15882

The remedies afforded to any subcontractor, materials 15883
supplier, laborer, mechanic, or persons furnishing material or 15884
machinery for the project under sections 1311.26 to 1311.32 of the 15885
Revised Code, shall apply to contracts entered into under this 15886
section and the itemized statement required by section 1311.26 of 15887
the Revised Code shall be filed with the board of county 15888
commissioners or the multicounty jail facilities commission if 15889
applicable. 15890

Notwithstanding the requirements of this section, a county or 15891
multicounty jail facility commission, with the approval of the 15892
commission, may utilize any otherwise lawful alternative 15893
construction delivery method for the construction of the project. 15894

Sec. 342.10. For any project undertaken with financial 15895
assistance from the state under this chapter, the amount of state 15896
appropriations to be encumbered for the project in each fiscal 15897
year shall be determined by the Ohio facilities construction 15898
commission based on the project's estimated construction schedule 15899
for that year. In each fiscal year subsequent to the first year in 15900
which state appropriations are encumbered for the project, the 15901
commission shall grant the project priority for state funds over 15902
projects for which initial state funding is sought. 15903

Sec. 342.11. (A) The Ohio facilities construction commission 15904
shall request that the controlling board transfer to the county's 15905

or counties' project construction fund the necessary amounts from 15906
amounts appropriated by the general assembly and set aside for 15907
this purpose, from time to time as may be necessary to pay 15908
obligations chargeable to the fund when due. All investment 15909
earnings of a county's project construction fund shall be credited 15910
to the fund. 15911

(B)(1) The county auditor shall disburse funds from the 15912
county's project construction fund, including investment earnings 15913
credited to the fund, only upon the approval of the commission or 15914
the commission's designated representative. The commission or the 15915
commission's designated representative shall issue vouchers 15916
against the fund, in amounts and at times as required by the 15917
contracts for construction of the project. 15918

(2) Notwithstanding anything to the contrary in division 15919
(B)(1) of this section, the board of county commissioners may, by 15920
a duly adopted resolution, choose to use all or part of the 15921
investment earnings of the county's project construction fund that 15922
are attributable to the county's contribution to the fund to pay 15923
the cost of jail facilities or portions or components of jail 15924
facilities that are not included in the county's basic project 15925
cost but that are related to the county's project. If the board of 15926
county commissioners adopts a resolution in favor of using those 15927
investment earnings as authorized under division (B)(2) of this 15928
section, the county auditor shall disburse the amount as 15929
designated and directed by the board. However, if the board 15930
chooses to use any part of the investment earnings for jail 15931
facilities or portions or components of jail facilities that are 15932
not included in the basic project cost, as authorized under 15933
division (B)(2) of this section, and, subsequently, the cost of 15934
the project exceeds the amount in the project construction fund, 15935
the board shall restore to the project construction fund the full 15936
amount of the investment earnings used under division (B)(2) of 15937

this section before any additional state moneys shall be released 15938
for the project. 15939

(C) After a certificate of completion has been issued for a 15940
project under section 342.15 of the Revised Code, all of the 15941
following apply: 15942

(1) At the discretion of the board of county commissioners, 15943
any investment earnings remaining in the project construction fund 15944
that are attributable to the county's contribution to the fund 15945
shall be: 15946

(a) Retained in the project construction fund for future 15947
projects; 15948

(b) Transferred to a special fund of the county treasury to 15949
be used solely for maintaining the jail facilities included in the 15950
project; or 15951

(c) Transferred to the county's permanent improvement fund. 15952

(2) Any investment earnings remaining in the project 15953
construction fund that are attributable to the state's 15954
contribution to the fund shall be transferred to the Ohio 15955
facilities construction commission for expenditure pursuant to 15956
this chapter. 15957

(3) Any other surplus remaining in the county's project 15958
construction fund shall be transferred to the commission and the 15959
board of county commissioners in proportion to their respective 15960
contributions to the fund. The commission shall use the money 15961
transferred to it under this division for expenditures pursuant to 15962
this chapter. 15963

Sec. 342.12. (A) Two or more boards of county commissioners 15964
under this chapter may, by agreement, build a multicounty jail 15965
facility. The terms of this agreement may be added to an agreement 15966
under section 342.06 of the Revised Code, or may be made a 15967

supplemental agreement. The boards of county commissioners of each 15968
county may, at their discretion, form a multicounty jail 15969
facilities commission to carry out the tasks of this section. The 15970
commission, if formed, shall administer the agreement. 15971

(B) The contracting counties may agree to apportion their 15972
share of the cost according to their need as ranked by the 15973
department of taxation under section 342.02 of the Revised Code. 15974
Each county shall fund its portion of the cost as otherwise 15975
provided in this chapter. If the electors of one of the counties 15976
fail to approve the tax levy or the issuance of bonds necessary to 15977
fund the county's portion of the cost under section 5705.234 of 15978
the Revised Code within ninety days of the most recent election in 15979
which the electors of a contracting county have approved the tax 15980
levy or issuance of bonds, the other contracting counties are not 15981
obliged to pay any portion of the cost of the county in which the 15982
levy or issuance was not approved. 15983

(C) An agreement under division (A) of this section shall do 15984
all of the following: 15985

(1) Prescribe the structure, management, and responsibilities 15986
of the multicounty jail facilities commission; 15987

(2) Provide for a process to establish the annual budget for 15988
the commission that includes a requirement that the annual budget 15989
be approved by all of the boards of county commissioners of the 15990
member counties; 15991

(3) Apportion the annual operating costs of the commission to 15992
each member county; 15993

(4) Designate the expenditure of funds from the county jail 15994
facilities construction fund of each member county; 15995

(5) Provide for the timing of necessary elections in each 15996
county, in accordance with division (B) of this section, for the 15997
purpose of levies adopted under and bonds issued under section 15998

<u>5705.234 of the Revised Code;</u>	15999
<u>(6) Provide that each contracting board of county</u>	16000
<u>commissioners fulfill its obligations under this chapter once an</u>	16001
<u>agreement is reached;</u>	16002
<u>(7) Allocate interest in real property purchased with moneys</u>	16003
<u>in each county's project construction fund;</u>	16004
<u>(8) Address amendments to the contract.</u>	16005
<u>(D) An agreement to build a multicounty jail facility under</u>	16006
<u>this section is subject to the approval of the Ohio facilities</u>	16007
<u>construction commission.</u>	16008
<u>Sec. 342.13. There is created the jail facility building fund</u>	16009
<u>in the state treasury consisting of any moneys transferred or</u>	16010
<u>appropriated to the fund by the general assembly, and any grants,</u>	16011
<u>gifts, or contributions received by the Ohio facilities</u>	16012
<u>construction commission to be used for the purposes of the fund.</u>	16013
<u>All investment earnings of the fund shall be credited to the fund.</u>	16014
<u>Moneys transferred or appropriated to the fund by the general</u>	16015
<u>assembly and moneys in the fund from grants, gifts, and</u>	16016
<u>contributions shall be used for the purposes of this chapter as</u>	16017
<u>prescribed by the general assembly and may be used to pay the</u>	16018
<u>costs of administering the program under this chapter.</u>	16019
<u>Sec. 342.14. The Ohio facilities construction commission</u>	16020
<u>shall have an interest in real property purchased with moneys in</u>	16021
<u>the county's project construction fund.</u>	16022
<u>Once obligations issued to finance a project under this</u>	16023
<u>chapter are no longer outstanding, any interest held by the</u>	16024
<u>commission shall be transferred to the county or multicounty jail</u>	16025
<u>facility commission, in the latter case to be allocated to the</u>	16026
<u>member counties according to the terms of the agreement under</u>	16027

section 342.12 of the Revised Code. 16028

Sec. 342.15. (A) When all of the following have occurred, a 16029
project undertaken under this chapter shall be considered complete 16030
and the Ohio facilities construction commission shall issue a 16031
certificate of completion to the board of county commissioners, or 16032
to a multicounty jail facilities commission if applicable: 16033

(1) All facilities to be constructed under the project, as 16034
specified in the project agreement entered into under section 16035
342.06 of the Revised Code, have been completed in compliance with 16036
the standards described in division (C) of section 342.02 of the 16037
Revised Code, and the board has received a permanent certificate 16038
of occupancy for each of those facilities. 16039

(2) The Ohio facilities construction commission has completed 16040
a final accounting of the project construction fund of each 16041
participating county and has determined that all payments from the 16042
fund or funds were made in compliance with all policies of the 16043
commission. 16044

(3) Any litigation concerning the project has been finally 16045
resolved with no chance of appeal. 16046

(4) All construction management services typically provided 16047
by the commission to counties have been delivered and the 16048
commission has canceled any remaining encumbrance of funds for 16049
those services. 16050

(B) The Ohio facilities construction commission may issue a 16051
certificate of completion to a board of county commissioners, or 16052
to a multicounty jail facilities commission if applicable, before 16053
all of the conditions described in division (A) of this section 16054
being satisfied, if the commission determines that the 16055
circumstances preventing the conditions from being satisfied are 16056
so minor in nature that the project should be considered complete. 16057

When issuing a certificate of completion under this division, the 16058
commission may specify any of the following: 16059

(1) Any construction or work that has yet to be completed and 16060
the manner in which the board or multicounty jail facilities 16061
commission shall oversee its completion, which may include 16062
procedures for reporting progress to the Ohio facilities 16063
construction commission and for accounting of expenditures; 16064

(2) Terms and conditions for the resolution of any pending 16065
litigation; 16066

(3) Any remaining responsibilities of the construction 16067
manager regarding the project. 16068

(C) The Ohio facilities construction commission may issue a 16069
certificate of completion to a board of county commissioners or 16070
multicounty jail facilities commission that does not voluntarily 16071
participate in the process of closing out the county's project, if 16072
the construction manager for the project verifies that all 16073
facilities to be constructed under the project, as specified in 16074
the project agreement entered into under section 342.06 of the 16075
Revised Code, have been completed and the Ohio facilities 16076
construction commission determines that those facilities have been 16077
occupied for at least one year. In that case, all funds due to the 16078
commission under division (C) of section 342.11 of the Revised 16079
Code shall be returned to the commission not later than thirty 16080
days after receipt of the certificate of completion. If the funds 16081
due to the commission have not been returned within sixty days 16082
after receipt of the certificate of completion, the auditor of 16083
state shall issue a finding for recovery against the county or 16084
counties and shall request legal action under section 117.42 of 16085
the Revised Code. 16086

(D) Upon issuance of a certificate of completion under this 16087
section, the Ohio facilities construction commission's ownership 16088

of and interest in the project, as specified in division (D) of 16089
section 342.06 of the Revised Code, shall cease. This cessation 16090
shall not alter or otherwise affect the state's or the 16091
commission's interest in the project or any limitations on the use 16092
of the project as specified in the project agreement pursuant to 16093
divisions (E) and (J) of that section or as specified in section 16094
342.14 of the Revised Code. 16095

Sec. 342.16. (A) The corrective action program is established 16096
to provide funding for the correction of work, in connection with 16097
a project funded under this chapter, that is found after occupancy 16098
of the facility to be defective or to have been omitted. 16099

(B) The Ohio facilities construction commission may provide 16100
funding under this section only if at least one contracting county 16101
notifies the executive director of the commission of the defective 16102
or omitted work within five years after occupancy of the facility 16103
for which the county seeks the funding. 16104

(C) The commission shall establish procedures and deadlines 16105
for counties to follow in applying for assistance under this 16106
section. The procedures shall include definitions of "defective" 16107
and "omitted," and shall require that remediation efforts focus 16108
first on engaging the respective contractors that designed and 16109
constructed the areas that have design or construction-related 16110
issues. The commission shall consider applications on a 16111
case-by-case basis, taking into account the amount of money 16112
appropriated and available for purposes of this section. 16113

(D) The commission may provide funding assistance necessary 16114
to take corrective measures after evaluating the defective or 16115
omitted work. 16116

(1) If the work to be corrected or remediated is part of a 16117
project not yet completed, the commission may amend the project 16118
agreement to increase the project budget and use corrective action 16119

funding to provide the state portion of the amendment. If the work 16120
to be corrected or remediated is part of a completed project and 16121
funds were retained or transferred pursuant to division (C) of 16122
section 342.11 of the Revised Code, the commission may enter into 16123
a new agreement to address the corrective action. 16124

(2) Whether or not the project is completed, the county or 16125
counties shall contribute a portion of the cost of the corrective 16126
action, to be determined in accordance with section 342.04 of the 16127
Revised Code. 16128

(E) The commission shall assess responsibility for the 16129
defective or omitted work and seek cost recovery from responsible 16130
parties, if applicable. Any recovery of the expense of remediation 16131
shall be applied first to the county's or counties' portion of the 16132
cost of the corrective action. Any remaining funds shall be 16133
applied to the state portion. 16134

Sec. 349.01. As used in this chapter: 16135

(A) "New community" means a community or development of 16136
property in relation to an existing community planned so that the 16137
resulting community includes facilities for the conduct of 16138
industrial, commercial, residential, cultural, educational, and 16139
recreational activities, and designed in accordance with planning 16140
concepts for the placement of utility, open space, and other 16141
supportive facilities. 16142

(B) "New community development program" means a program for 16143
the development of a new community characterized by well-balanced 16144
and diversified land use patterns and which includes land 16145
acquisition and land development, the acquisition, construction, 16146
operation, and maintenance of community facilities, and the 16147
provision of services authorized in this chapter. 16148

A new community development program may take into account any 16149

existing community in relation to which a new community is 16150
developed for purposes of being characterized by well-balanced and 16151
diversified land use patterns. 16152

(C) "New community district" means the area of land described 16153
by the developer in the petition as set forth in division (A) of 16154
section 349.03 of the Revised Code for development as a new 16155
community and any lands added to the district by amendment of the 16156
resolution establishing the community authority. 16157

(D) "New community authority" means a body corporate and 16158
politic in this state, established pursuant to section 349.03 of 16159
the Revised Code and governed by a board of trustees as provided 16160
in section 349.04 of the Revised Code. 16161

(E) "Developer" means any person, organized for carrying out 16162
a new community development program who owns or controls, through 16163
leases of at least seventy-five years' duration, options, or 16164
contracts to purchase, the land within a new community district, 16165
or any municipal corporation, township, county, or port authority 16166
that owns the land within a new community district, or has the 16167
ability to acquire such land, either by voluntary acquisition or 16168
condemnation in order to eliminate slum, blighted, and 16169
deteriorated or deteriorating areas and to prevent the recurrence 16170
thereof. "Developer" may also mean a person, municipal 16171
corporation, township, county, or port authority that controls 16172
land within a new community district through leases of at least 16173
seventy-five years' duration. "Developer" includes a lessor that 16174
continues to own and control land for purposes of this chapter 16175
pursuant to leases with a ninety-nine-year renewable term, so long 16176
as all of the following apply: 16177

(1) The developer's new community district consists of at 16178
least five leases described in this section. 16179

(2) The leases are subject to forfeiture for all of the 16180

following: 16181

(a) Failing to pay taxes and assessments; 16182

(b) Failing to pay an annual fee of up to one per cent of 16183
rent for sanitary purposes and improvements made to streets; 16184

(c) Failing to keep the premises as required by sanitary and 16185
police regulations of the developer. 16186

(3) The new community authority is established on or before 16187
December 31, 2024. 16188

(F) "Organizational board of commissioners" means any of the 16189
following: 16190

(1) For a new community district that is located in only one 16191
county, the board of county commissioners of that county; 16192

(2) For a new community district that is located in more than 16193
one county, a board consisting of the members of the board of 16194
county commissioners of each of the counties in which the district 16195
is located, provided that action of the board shall require a 16196
majority vote of the members of each separate board of county 16197
commissioners; ~~or~~ 16198

(3) For a new community district that is located entirely 16199
within the boundaries of a municipal corporation or for a new 16200
community district where more than half of the new community 16201
district is located within the boundaries of the most populous 16202
municipal corporation of a county, the legislative authority of 16203
the municipal corporation; 16204

(4) For a new community district that is comprised entirely 16205
of unincorporated territory within the boundaries of a township 16206
with a population of at least five thousand, and located in a 16207
county with a population of at least two hundred thousand and not 16208
more than four hundred thousand, the board of township trustees of 16209
the township. 16210

(G) "Land acquisition" means the acquisition of real property 16211
and interests in real property as part of a new community 16212
development program. 16213

(H) "Land development" means the process of clearing and 16214
grading land, making, installing, or constructing water 16215
distribution systems, sewers, sewage collection systems, steam, 16216
gas, and electric lines, roads, streets, curbs, gutters, 16217
sidewalks, storm drainage facilities, and other installations or 16218
work, whether within or without the new community district, and 16219
the construction of community facilities. 16220

(I) "Community facilities" means all real property, 16221
buildings, structures, or other facilities, including related 16222
fixtures, equipment, and furnishings, to be owned, operated, 16223
financed, constructed, and maintained under this chapter or in 16224
furtherance of community activities, whether within or without the 16225
new community district, including public, community, village, 16226
neighborhood, or town buildings, centers and plazas, auditoriums, 16227
day care centers, recreation halls, educational facilities, health 16228
care facilities including hospital facilities as defined in 16229
section 140.01 of the Revised Code, telecommunications facilities, 16230
including all facilities necessary to provide telecommunications 16231
service as defined in section 4927.01 of the Revised Code, 16232
recreational facilities, natural resource facilities, including 16233
parks and other open space land, lakes and streams, cultural 16234
facilities, community streets and off-street parking facilities, 16235
pathway and bikeway systems, pedestrian underpasses and 16236
overpasses, lighting facilities, design amenities, or other 16237
community facilities, and buildings needed in connection with 16238
water supply or sewage disposal installations, or energy 16239
facilities including those for renewable or sustainable energy 16240
sources, and steam, gas, or electric lines or installation. 16241

(J) "Cost" as applied to a new community development program 16242

means all costs related to land acquisition and land development, 16243
the acquisition, construction, maintenance, and operation of 16244
community facilities and offices of the community authority, and 16245
of providing furnishings and equipment therefor, financing charges 16246
including interest prior to and during construction and for the 16247
duration of the new community development program, planning 16248
expenses, engineering expenses, administrative expenses including 16249
working capital, and all other expenses necessary and incident to 16250
the carrying forward of the new community development program. 16251

(K) "Income source" means any and all sources of income to 16252
the community authority, including community development charges 16253
of which the new community authority is the beneficiary as 16254
provided in section 349.07 of the Revised Code, rentals, user fees 16255
and other charges received by the new community authority, any 16256
gift or grant received, any moneys received from any funds 16257
invested by or on behalf of the new community authority, and 16258
proceeds from the sale or lease of land and community facilities. 16259

(L) "Community development charge" means: 16260

(1) A dollar amount which shall be determined on the basis of 16261
the assessed valuation of real property or interests in real 16262
property in a new community district, the income of the residents 16263
of such property subject to such charge under section 349.07 of 16264
the Revised Code, if such property is devoted to residential uses 16265
or to the profits, gross receipts, or other revenues of any 16266
business including, but not limited to, rentals received from 16267
leases of real property located in the district, a uniform or 16268
other fee on each parcel of such real property in a new community 16269
district, or any combination of the foregoing bases. 16270

(2) If a new community authority imposes a community 16271
development charge determined on the basis of rentals received 16272
from leases of real property, improvements of any real property 16273
located in the new community district and subject to that charge 16274

may not be exempted from taxation under section 5709.40, 5709.41,
5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code.

(M) "Proximate ~~city~~ community" means the following:

(1) For a new community district other than a new community
district described in division (M)(2) ~~or~~, (3), or (4) of this
section, any city that, as of the date of filing of the petition
under section 349.03 of the Revised Code, is the city with the
greatest population located in the county in which the proposed
new community district is located, is the city with the greatest
population located in an adjoining county if any portion of such
city is within five miles of any part of the boundaries of such
district, or exercises extraterritorial subdivision authority
under section 711.09 of the Revised Code with respect to any part
of such district.

(2) A municipal corporation in which, at the time of filing
the petition under section 349.03 of the Revised Code, any portion
of the proposed new community district is located.

(3) For a new community district other than a new community
district described in division (M)(2) or (4) of this section, if
at the time of filing the petition under section 349.03 of the
Revised Code, more than one-half of the proposed district is
contained within a joint economic development district created
under sections 715.70 to 715.83 of the Revised Code, the township
containing the greatest portion of the territory of the joint
economic development district.

(4) For a new community district other than a new community
district described in division (M)(2) or (3) of this section, if
at the time of filing the petition under section 343.03 of the
Revised Code the proposed new community district is comprised
entirely of unincorporated territory within the boundaries of a
township with a population of five thousand, and located in a

county with a population of at least two hundred thousand and not 16306
more than four hundred thousand, the township in which the 16307
proposed new community district is located. 16308

(N) "Community activities" means cultural, educational, 16309
governmental, recreational, residential, industrial, commercial, 16310
distribution and research activities, or any combination thereof 16311
~~that includes residential activities.~~ 16312

Sec. 349.03. (A) Proceedings for the organization of a new 16313
community authority shall be initiated by a petition filed by the 16314
developer in the office of the clerk of ~~the~~ an organizational 16315
board of commissioners determined based on where the territory of 16316
the proposed new community district is located. Such petition 16317
shall be signed by the developer and may be signed by each 16318
proximate ~~city~~ community. The legislative authorities of each such 16319
proximate ~~city~~ community shall act in behalf of such ~~city~~ 16320
community. Such petition shall contain: 16321

(1) The name of the proposed new community authority; 16322

(2) The address where the principal office of the authority 16323
will be located or the manner in which the location will be 16324
selected; 16325

(3) A map and a full and accurate description of the 16326
boundaries of the new community district together with a 16327
description of the properties within such boundaries, if any, 16328
which will not be included in the new community district. 16329

(4) A statement setting forth the zoning regulations proposed 16330
for zoning the area within the boundaries of the new community 16331
district for comprehensive development as a new community, and if 16332
the area has been zoned for such development, a certified copy of 16333
the applicable zoning regulations therefor; 16334

(5) A current plan indicating the proposed development 16335

program for the new community district, the land acquisition and 16336
land development activities, community facilities, services 16337
proposed to be undertaken by the new community authority under 16338
such program, the proposed method of financing such activities and 16339
services, including a description of the bases, timing, and manner 16340
of collecting any proposed community development charges, and the 16341
projected total residential population of, and employment within, 16342
the new community; 16343

(6) A suggested number of members, consistent with section 16344
349.04 of the Revised Code, for the board of trustees; 16345

(7) A preliminary economic feasibility analysis, including 16346
the area development pattern and demand, location and proposed new 16347
community district size, present and future socio-economic 16348
conditions, public services provision, financial plan, and the 16349
developer's management capability; 16350

(8) A statement that the development will comply with all 16351
applicable environmental laws and regulations. 16352

Upon the filing of such petition, the organizational board of 16353
commissioners shall determine whether such petition complies with 16354
the requirements of this section as to form and substance. The 16355
board in subsequent proceedings may at any time permit the 16356
petition to be amended in form and substance to conform to the 16357
facts by correcting any errors in the description of the proposed 16358
new community district or in any other particular. 16359

Upon the determination of the organizational board of 16360
commissioners that a sufficient petition has been filed in 16361
accordance with this section, the board shall fix the time and 16362
place of a hearing on the petition for the establishment of the 16363
proposed new community authority. Such hearing shall be held not 16364
less than ninety-five nor more than one hundred fifteen days after 16365
the petition filing date, except that if the petition has been 16366

signed by all proximate ~~cities~~ communities or if the 16367
organizational board of commissioners is the legislative authority 16368
of the only proximate ~~city~~ community for the proposed new 16369
community district, such hearing shall be held not less than 16370
thirty nor more than forty-five days after the petition filing 16371
date. The clerk of the organizational board of commissioners ~~with~~ 16372
~~which the petition was filed~~ shall give notice thereof by 16373
publication once each week for three consecutive weeks, or as 16374
provided in section 7.16 of the Revised Code, in a newspaper of 16375
general circulation in any county of which a portion is within the 16376
proposed new community district. Except where the organizational 16377
board of commissioners is the legislative authority of the only 16378
proximate ~~city~~ community for the proposed new community district, 16379
such clerk shall also give written notice of the date, time, and 16380
place of the hearing and furnish a certified copy of the petition 16381
to the clerk of the legislative authority of each proximate ~~city~~ 16382
community which has not signed such petition. Except where the 16383
organizational board of commissioners is the legislative authority 16384
of the only proximate ~~city~~ community for the proposed new 16385
community district, in the event that the legislative authority of 16386
a proximate ~~city~~ community which did not sign the petition does 16387
not approve by ordinance, resolution, or motion the establishment 16388
of the proposed new community authority and does not deliver such 16389
ordinance, resolution, or motion to the clerk of the 16390
organizational board of commissioners ~~with which the petition was~~ 16391
~~filed~~ within ninety days following the date of the first 16392
publication of the notice of the public hearing, the 16393
organizational board of commissioners shall cancel such public 16394
hearing and terminate the proceedings for the establishment of the 16395
new community authority. 16396

Upon the hearing, if the organizational board of 16397
commissioners determines by resolution that the proposed new 16398
community district will be conducive to the public health, safety, 16399

convenience, and welfare, and is intended to result in the 16400
development of a new community, the board shall by its resolution, 16401
declare the new community authority to be organized and a body 16402
politic and corporate with the corporate name designated in the 16403
resolution, and define the boundary of the new community district. 16404
In addition, the resolution shall provide the method of selecting 16405
the board of trustees of the new community authority and fix the 16406
surety for their bonds in accordance with section 349.04 of the 16407
Revised Code. 16408

If the organizational board of commissioners finds that the 16409
establishment of the district will not be conducive to the public 16410
health, safety, convenience, or welfare, or is not intended to 16411
result in the development of a new community, it shall reject the 16412
petition thereby terminating the proceedings for the establishment 16413
of the new community authority. 16414

~~(B)~~(B)(1) At any time after the creation of a new community 16415
authority, the developer may file an application with the clerk of 16416
the organizational board of commissioners with which the original 16417
petition was filed, setting forth a general description of 16418
territory it desires to add or to delete from such district, that 16419
such change will be conducive to the public health, safety, 16420
convenience, and welfare, and will be consistent with the 16421
development of a new community and will not jeopardize the plan of 16422
the new community. If 16423

(2) If the territory to be added or deleted from a new 16424
community district meets the criteria described in either division 16425
(F)(3) or (4) of section 349.01 of the Revised Code, and the 16426
original petition was not filed with the municipal or township 16427
organizational board of commissioners described in those 16428
divisions, the developer shall also file the application to the 16429
clerk of that municipal or township organizational board of 16430
commissioners. A municipal or township organizational board of 16431

commissioners that receives an application under division (B)(2) 16432
of this section is the acting organizational board of 16433
commissioners for the purposes of division (B)(4) of this section. 16434
Otherwise, the organizational board of commissioners with which 16435
the original petition was filed is the acting organizational board 16436
of commissioners for the purposes of that division. 16437

(3) If the developer is not a municipal corporation, port 16438
authority, or county, all of such an addition to such a district 16439
shall be owned by, or under the control through leases of at least 16440
seventy-five years' duration, options, or contracts to purchase, 16441
of the developer. ~~Upon~~ 16442

(4) Upon the filing of the application, the acting 16443
organizational board of commissioners shall follow the same 16444
procedure as required by this section in relation to the original 16445
petition for the establishment of the proposed new community. The 16446
acting organizational board of commissioners also may determine by 16447
resolution to add territory to such district, provided that the 16448
owner or other person who controls such territory through leases 16449
of at least forty years' duration, options, or contracts to 16450
purchase files a written consent to the addition of such territory 16451
with the clerk of the acting organizational board of 16452
commissioners, and neither the developer ~~does not object nor, if~~ 16453
applicable, the organizational board of commissioners with which 16454
the original petition was filed objects to the addition of such 16455
territory by filing a written objection ~~to the addition of such~~ 16456
~~territory~~ with the clerk of the acting organizational board of 16457
commissioners before the adoption of the resolution adding such 16458
territory to the district. The acting organizational board of 16459
commissioners shall follow the same procedure as required by this 16460
section in relation to the original petition for the establishment 16461
of the proposed new community when adopting such a resolution. 16462

(C) If all or any part of the new community district is 16463

annexed to one or more existing municipal corporations, their 16464
legislative authorities may appoint persons to replace any 16465
appointed citizen member of the board of trustees. The number of 16466
such trustees to be replaced by the municipal corporation shall be 16467
the number, rounded to the lowest integer, bearing the 16468
proportionate relationship to the number of existing appointed 16469
citizen members as the acreage of the new community district 16470
within such municipal corporation bears to the total acreage of 16471
the new community district. If any such municipal corporation 16472
chooses to replace an appointed citizen member, it shall do so by 16473
ordinance, the term of the trustee being replaced shall terminate 16474
thirty days from the date of passage of such ordinance, and the 16475
trustee to be replaced shall be determined by lot. Each newly 16476
appointed member shall assume the term of the member's 16477
predecessor. 16478

Sec. 349.04. The following method of selecting a board of 16479
trustees is deemed to be a compelling state interest. Within ten 16480
days after the new community authority has been established, as 16481
provided in section 349.03 of the Revised Code, an initial board 16482
of trustees shall be appointed as follows: the organizational 16483
board of commissioners shall appoint by resolution at least three, 16484
but not more than six, citizen members of the board of trustees to 16485
represent the interests of present and future residents and 16486
employers of the new community district and one member to serve as 16487
a representative of local government, and the developer shall 16488
appoint a number of members equal to the number of citizen members 16489
to serve as representatives of the developer. 16490

Members shall serve two-year overlapping terms, with two of 16491
each of the initial citizen and developer members appointed to 16492
serve initial one-year terms. The organizational board of 16493
commissioners shall adopt, by further resolution adopted within 16494
one year of such resolution establishing such initial board of 16495

trustees, a method for selection of successor members thereof 16496
which determines the projected total population of the projected 16497
new community and meets the following criteria: 16498

(A) The appointed citizen members shall be replaced by 16499
elected citizen members according to a schedule established by the 16500
organizational board of commissioners calculated to achieve one 16501
such replacement each time the new community district gains a 16502
proportion, having a numerator of one and a denominator of twice 16503
the number of citizen members, of its projected total population 16504
until such time as all of the appointed citizen members are 16505
replaced. 16506

(B) Representatives of the developer shall be replaced by 16507
elected citizen members according to a schedule established by the 16508
organizational board of commissioners calculated to achieve one 16509
such replacement each time the new community district gains a 16510
proportion, having a numerator of one and a denominator equal to 16511
the number of developer members, of its projected total population 16512
until such time as all of the developer's representatives are 16513
replaced. 16514

(C) The representative of local government shall be replaced 16515
by an elected citizen member at the time the new community 16516
district gains three-quarters of its projected total population. 16517

Elected citizen members of the board of trustees shall be 16518
elected by a majority of the residents of the new community 16519
district voting at elections held at the times and in the manner 16520
provided in a resolution of the organizational board of 16521
commissioners. Each citizen member except an appointed citizen 16522
member shall be a qualified elector who resides within the new 16523
community district. The organizational board of commissioners, by 16524
resolution, may adopt an alternative method of selecting or 16525
electing successor members of the board of trustees provided that 16526
if an alternative method of selection is adopted for a new 16527

community authority organized prior to March 22, 2012, the board 16528
of trustees of that authority shall be limited in the collection 16529
of a community development charge, collected pursuant to division 16530
(Q) of section 349.06 of the Revised Code, and the issuance of 16531
bonds or notes, issued pursuant to section 349.08 of the Revised 16532
Code, to the amount or to the extent otherwise permitted for a 16533
board of trustees whose members are not elected by residents of 16534
the new community district. If the alternative method provides for 16535
the election of citizen members, the elections may be held at the 16536
times and in the manner provided in the petition or in a 16537
resolution of the organizational board of commissioners, and the 16538
elected citizen members shall be qualified electors who reside in 16539
the new community district. 16540

Citizen members shall not be employees of or have financial 16541
interest in the developer. If a vacancy occurs in the office of a 16542
member other than a member appointed by the developer, the 16543
organizational board of commissioners may appoint a successor 16544
member for the remainder of the unexpired term. Any appointed 16545
member of the board of trustees may at any time be removed by the 16546
organizational board of commissioners for misfeasance, 16547
nonfeasance, or malfeasance in office. Members appointed by the 16548
developer may also at any time be removed by the developer without 16549
a showing of cause. 16550

Each member of the board of trustees, before entering upon 16551
official duties, shall take and subscribe to an oath before an 16552
officer authorized to administer oaths in Ohio that the member 16553
will honestly and faithfully perform the duties of the member's 16554
office. Such oath shall be filed in the office of the clerk of the 16555
organizational board of commissioners ~~with which the petition was~~ 16556
~~filed~~. Upon taking the oath, the board of trustees shall elect one 16557
of its number as chairperson and another as vice-chairperson, and 16558
shall appoint suitable persons as secretary and treasurer who need 16559

not be members of the board. The treasurer shall be the fiscal 16560
officer of the authority. The board shall adopt by-laws governing 16561
the administration of the affairs of the new community authority. 16562
Each member of the board shall post a bond for the faithful 16563
performance of official duties and give surety therefor in such 16564
amount, but not less than ten thousand dollars, as the resolution 16565
creating such board shall prescribe. 16566

All of the powers of the new community authority shall be 16567
exercised by its board of trustees, but without relief of such 16568
responsibility, such powers may be delegated to committees of the 16569
board or its officers and employees in accordance with its 16570
by-laws. A majority of the board shall constitute a quorum, and a 16571
concurrence of a majority of a quorum in any matter within the 16572
board's duties is sufficient for its determination, provided a 16573
quorum is present when such concurrence is had and a majority of 16574
those members constituting such quorum are trustees not appointed 16575
by the developer. All trustees shall be empowered to vote on all 16576
matters within the authority of the board of trustees, and no vote 16577
by a member appointed by the developer shall be construed to give 16578
rise to civil or criminal liability for conflict of interest on 16579
the part of public officials. 16580

Sec. 349.14. Except as provided in section 349.03 of the 16581
Revised Code, or as otherwise provided in a resolution adopted by 16582
the organizational board of commissioners of a new community 16583
authority, a new community authority organized under this chapter 16584
may be dissolved only on the vote of a majority of the voters of 16585
the new community district at a special election called by the 16586
board of trustees on the question of dissolution. Such an election 16587
may be called only after the board has determined that the new 16588
community development program has been completed, when no 16589
community authority bonds or notes are outstanding, and other 16590
legal indebtedness of the authority has been discharged or 16591

provided for, and only after there has been filed with the board 16592
of trustees a petition requesting such election, signed by a 16593
number of qualified electors residing in the new community 16594
district equal to not less than eight per cent of the total vote 16595
cast for all candidates for governor in the new community district 16596
at the most recent general election at which a governor was 16597
elected. If a majority of the votes cast favor dissolution, the 16598
board of trustees shall, by resolution, declare the authority 16599
dissolved and thereupon the community authority shall be 16600
dissolved. A certified copy of the resolution shall, within 16601
fifteen days after its adoption, be filed with the clerk of the 16602
organizational board of commissioners ~~of the county~~ with which the 16603
original petition for the organization of the new community 16604
authority was filed and with the clerk of any other organizational 16605
board of commissioners where territory of the new community 16606
district was located. 16607

Upon dissolution of a new community authority, the powers 16608
thereof shall cease to exist. Any property of the new community 16609
authority shall vest with a municipal corporation, county, or 16610
township in which that property is located or with the developer 16611
of the new community authority or the developer's designee, all as 16612
provided in a resolution adopted by the organizational board of 16613
commissioners. Any vesting of property in a municipal corporation, 16614
township, or county shall be subject to acceptance of the property 16615
by resolution of the legislative authority of the municipal 16616
corporation, board of township trustees, or board of county 16617
commissioners, as applicable. If the legislative authority of a 16618
municipal corporation, board of township trustees, or board of 16619
county commissioners declines to accept the property, the property 16620
vests with the developer or the developer's designee. Any funds of 16621
the community authority at the time of dissolution shall be 16622
transferred to the municipal corporation and county or township, 16623
as provided in a resolution, in which the new community district 16624

is located in the proportion to the assessed valuation of taxable 16625
real property of the new community authority within such municipal 16626
corporation and township or county as said valuation appears on 16627
the current assessment rolls. 16628

Sec. 503.59. A board of township trustees that has entered 16629
into an agreement with the Ohio air quality development authority 16630
under section 3706.051 of the Revised Code may levy, in accordance 16631
with that agreement, a special assessment upon real property 16632
located in the township specially benefited by an air quality 16633
facility that is the subject of that agreement. 16634

An assessment levied under this section shall be made in any 16635
manner authorized under section 727.01 of the Revised Code and, 16636
except as otherwise provided in this section, in accordance with 16637
the procedures prescribed for special assessments levied by 16638
municipal corporations under Chapter 727. of the Revised Code, 16639
except that where that chapter refers to a municipal corporation, 16640
it shall be deemed to refer to the township and where that chapter 16641
refers to the legislative authority of a municipal corporation, it 16642
shall be deemed to refer to the board of township trustees. All 16643
rights and privileges of an owner of property subject to an 16644
assessment levied under that chapter shall apply to the owner of 16645
property assessed under this section. 16646

No special assessment may be levied under this section unless 16647
the owner of the property to be assessed files a written statement 16648
with the board of township trustees requesting that the assessment 16649
be levied. 16650

Sec. 505.08. After adopting by a unanimous vote a resolution 16651
declaring a real and present emergency in connection with the 16652
administration of township services or the execution of duties 16653
assigned by law to any officer of a township, the board of 16654

township trustees may, by resolution, enter into a contract, 16655
without bidding or advertising, for the purchase of services, 16656
materials, equipment, or supplies needed to meet the emergency if 16657
the estimated cost of the contract is less than ~~fifty thousand~~ 16658
~~dollars~~ the amount specified in section 9.17 of the Revised Code. 16659

During the period of the emergency declared by Executive 16660
Order 2020-01D, issued on March 9, 2020, the board of township 16661
trustees may, by resolution, enter into a contract, without 16662
bidding or advertising, for the purchase of personal protective 16663
equipment needed to meet the emergency, regardless of the 16664
estimated cost of the contract. 16665

"Personal protective equipment" means equipment worn to 16666
minimize exposure to hazards that cause workplace injuries and 16667
illnesses. 16668

Sec. 505.37. (A) The board of township trustees may establish 16669
all necessary rules to guard against the occurrence of fires and 16670
to protect the property and lives of the citizens against damage 16671
and accidents, and may, with the approval of the specifications by 16672
the prosecuting attorney or, if the township has adopted limited 16673
home rule government under Chapter 504. of the Revised Code, with 16674
the approval of the specifications by the township's law director, 16675
purchase, lease, lease with an option to purchase, or otherwise 16676
provide any fire apparatus, mechanical resuscitators, underwater 16677
rescue and recovery equipment, or other fire equipment, 16678
appliances, materials, fire hydrants, and water supply for 16679
fire-fighting and fire and rescue purposes that seems advisable to 16680
the board. The board shall provide for the care and maintenance of 16681
such fire equipment, and, for these purposes, may purchase, lease, 16682
lease with an option to purchase, or construct and maintain 16683
necessary buildings, and it may establish and maintain lines of 16684
fire-alarm communications within the limits of the township. The 16685

board may employ one or more persons to maintain and operate such 16686
fire equipment, or it may enter into an agreement with a volunteer 16687
fire company for the use and operation of the equipment. The board 16688
may compensate the members of a volunteer fire company on any 16689
basis and in any amount that it considers equitable. 16690

16691
When the estimated cost to purchase fire apparatus, 16692
mechanical resuscitators, underwater rescue and recovery 16693
equipment, or other fire equipment, appliances, materials, fire 16694
hydrants, buildings, or fire-alarm communications equipment or 16695
services exceeds ~~fifty thousand dollars~~ the amount specified in 16696
section 9.17 of the Revised Code, the contract shall be let by 16697
competitive bidding. No purchase or other transaction subject to 16698
this section shall be divided into component parts in order to 16699
avoid the requirements of this section. When competitive bidding 16700
is required, the board shall advertise once a week for not less 16701
than two consecutive weeks in a newspaper of general circulation 16702
within the township. The board may also cause notice to be 16703
inserted in trade papers or other publications designated by it or 16704
to be distributed by electronic means, including posting the 16705
notice on the board's internet web site. If the board posts the 16706
notice on its web site, it may eliminate the second notice 16707
otherwise required to be published in a newspaper of general 16708
circulation within the township, provided that the first notice 16709
published in such newspaper meets all of the following 16710
requirements: 16711

(1) It is published at least two weeks before the opening of 16712
bids. 16713

(2) It includes a statement that the notice is posted on the 16714
board's internet web site. 16715

(3) It includes the internet address of the board's internet 16716

web site. 16717

(4) It includes instructions describing how the notice may be 16718
accessed on the board's internet web site. 16719

The advertisement shall include the time, date, and place 16720
where the clerk of the township, or the clerk's designee, will 16721
read bids publicly. The time, date, and place of bid openings may 16722
be extended to a later date by the board of township trustees, 16723
provided that written or oral notice of the change shall be given 16724
to all persons who have received or requested specifications not 16725
later than ninety-six hours prior to the original time and date 16726
fixed for the opening. The board may reject all the bids or accept 16727
the lowest and best bid, provided that the successful bidder meets 16728
the requirements of section 153.54 of the Revised Code when the 16729
contract is for the construction, demolition, alteration, repair, 16730
or reconstruction of an improvement. 16731

(B) The boards of township trustees of any two or more 16732
townships, or the legislative authorities of any two or more 16733
political subdivisions, or any combination of these, may, through 16734
joint action, unite in the joint purchase, lease, lease with an 16735
option to purchase, maintenance, use, and operation of fire 16736
equipment described in division (A) of this section, or for any 16737
other purpose designated in sections 505.37 to 505.42 of the 16738
Revised Code, and may prorate the expense of the joint action on 16739
any terms that are mutually agreed upon. 16740

(C) The board of township trustees of any township may, by 16741
resolution, whenever it is expedient and necessary to guard 16742
against the occurrence of fires or to protect the property and 16743
lives of the citizens against damages resulting from their 16744
occurrence, create a fire district of any portions of the township 16745
that it considers necessary. The board may purchase, lease, lease 16746
with an option to purchase, or otherwise provide any fire 16747
apparatus, mechanical resuscitators, underwater rescue and 16748

recovery equipment, or other fire equipment, appliances, 16749
materials, fire hydrants, and water supply for fire-fighting and 16750
fire and rescue purposes, or may contract for the fire protection 16751
for the fire district as provided in section 9.60 of the Revised 16752
Code. The fire district so created shall be given a separate name 16753
by which it shall be known. 16754

Additional unincorporated territory of the township may be 16755
added to a fire district upon the board's adoption of a resolution 16756
authorizing the addition. A municipal corporation, or a portion of 16757
a municipal corporation, that is within or adjoining the township 16758
may be added to a fire district upon the board's adoption of a 16759
resolution authorizing the addition and the municipal legislative 16760
authority's adoption of a resolution or ordinance requesting the 16761
addition of the municipal corporation or a portion of the 16762
municipal corporation to the fire district. 16763

If the township fire district imposes a tax, additional 16764
unincorporated territory of the township or a municipal 16765
corporation or a portion of a municipal corporation that is within 16766
or adjoining the township shall become part of the fire district 16767
only after all of the following have occurred: 16768

(1) Adoption by the board of township trustees of a 16769
resolution approving the expansion of the territorial limits of 16770
the district and, if the resolution proposes to add a municipal 16771
corporation or a portion of a municipal corporation, adoption by 16772
the municipal legislative authority of a resolution or ordinance 16773
requesting the addition of the municipal corporation or a portion 16774
of the municipal corporation to the district; 16775

(2) Adoption by the board of township trustees of a 16776
resolution recommending the extension of the tax to the additional 16777
territory; 16778

(3) The board requests and obtains from the county auditor 16779

the information required for a tax levy under section 5705.03 of 16780
the Revised Code, in the manner prescribed in that section, except 16781
that the levy's annual collections shall be estimated assuming 16782
that the additional territory has been added to the fire district. 16783

(4) Approval of the tax by the electors of the territory 16784
proposed for addition to the district. 16785

Each resolution of the board adopted under division (C)(2) of 16786
this section shall state the name of the fire district, a 16787
description of the territory to be added, the rate, expressed in 16788
mills for each one dollar of taxable value, the estimated 16789
effective rate, expressed in dollars for each one hundred thousand 16790
dollars of the county auditor's appraised value, and termination 16791
date of the tax, which shall be the rate, estimated effective 16792
rate, and termination date of the tax currently in effect in the 16793
fire district. 16794

The board of trustees shall certify each resolution adopted 16795
under division (C)(2) of this section and the county auditor's 16796
certification under division (C)(3) of this section to the board 16797
of elections in accordance with section 5705.19 of the Revised 16798
Code. The election required under division (C)(4) of this section 16799
shall be held, canvassed, and certified in the manner provided for 16800
the submission of tax levies under section 5705.25 of the Revised 16801
Code, except that the question appearing on the ballot shall read: 16802

"Shall the territory within _____ 16803
(description of the proposed territory to be added) be added to 16804
_____ (name) fire district, and a property tax, 16805
that the county auditor estimates will collect \$_____ annually, at 16806
a rate not exceeding _____ mills for each \$1 of taxable value, 16807
which amounts to \$_____ (here insert estimated effective rate) 16808
for each \$100,000 of the county auditor's appraised value, be in 16809
effect for _____ (here insert the number of years the tax is 16810
to be in effect or "a continuing period of time," as applicable)?" 16811

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation or portion thereof and if it had adopted a tax levy for fire purposes, the levy is terminated on the effective date of the joinder in the area of the municipal corporation added to the district.

Any municipal corporation may withdraw from a township fire district created under division (C) of this section by the adoption by the municipal legislative authority of a resolution or ordinance ordering withdrawal. On the first day of July of the year following the adoption of the resolution or ordinance of withdrawal, the withdrawing municipal corporation or the portion thereof ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in the withdrawing municipal corporation or the portion thereof terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation and the remaining territory of the fire district.

A board of township trustees may remove unincorporated territory of the township from the fire district upon the adoption of a resolution authorizing the removal. On the first day of July of the year following the adoption of the resolution, the unincorporated township territory described in the resolution ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in that territory terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

As used in this section, "the county auditor's appraised value" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code.

(D) The board of township trustees of any township, the board of fire district trustees of a fire district created under section 505.371 of the Revised Code, or the legislative authority of any municipal corporation may purchase, lease, or lease with an option to purchase the necessary fire equipment described in division (A) of this section, buildings, and sites for the township, fire district, or municipal corporation and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code. The board of township trustees, board of fire district trustees, or legislative authority may also construct any buildings necessary to house fire equipment and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code.

The board of township trustees, board of fire district trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire

district clerk, or municipal clerk, covering any deferred payments 16876
and payable at the times provided, which securities shall bear 16877
interest not to exceed the rate determined as provided in section 16878
9.95 of the Revised Code, and shall not be subject to Chapter 133. 16879
of the Revised Code. The legislation authorizing the issuance of 16880
the securities shall provide for levying and collecting annually 16881
by taxation, amounts sufficient to pay the interest on and 16882
principal of the securities. The securities shall be offered for 16883
sale on the open market or given to the vendor or contractor if no 16884
sale is made. 16885

Section 505.40 of the Revised Code does not apply to any 16886
securities issued, or any lease with an option to purchase entered 16887
into, in accordance with this division. 16888

(E) A board of township trustees of any township or a board 16889
of fire district trustees of a fire district created under section 16890
505.371 of the Revised Code may purchase a policy or policies of 16891
liability insurance for the officers, employees, and appointees of 16892
the fire department, fire district, or joint fire district 16893
governed by the board that includes personal injury liability 16894
coverage as to the civil liability of those officers, employees, 16895
and appointees for false arrest, detention, or imprisonment, 16896
malicious prosecution, libel, slander, defamation or other 16897
violation of the right of privacy, wrongful entry or eviction, or 16898
other invasion of the right of private occupancy, arising out of 16899
the performance of their duties. 16900

When a board of township trustees cannot, by deed of gift or 16901
by purchase and upon terms it considers reasonable, procure land 16902
for a township fire station that is needed in order to respond in 16903
reasonable time to a fire or medical emergency, the board may 16904
appropriate land for that purpose under sections 163.01 to 163.22 16905
of the Revised Code. If it is necessary to acquire additional 16906
adjacent land for enlarging or improving the fire station, the 16907

board may purchase, appropriate, or accept a deed of gift for the 16908
land for these purposes. 16909

(F) As used in this division, "emergency medical service 16910
organization" has the same meaning as in section 4766.01 of the 16911
Revised Code. 16912

A board of township trustees, by adoption of an appropriate 16913
resolution, may choose to have the state board of emergency 16914
medical, fire, and transportation services license any emergency 16915
medical service organization it operates. If the board adopts such 16916
a resolution, Chapter 4766. of the Revised Code, except for 16917
sections 4766.06 and 4766.99 of the Revised Code, applies to the 16918
organization. All rules adopted under the applicable sections of 16919
that chapter also apply to the organization. A board of township 16920
trustees, by adoption of an appropriate resolution, may remove its 16921
emergency medical service organization from the jurisdiction of 16922
the state board of emergency medical, fire, and transportation 16923
services. 16924

Sec. 505.376. When any expenditure of a fire and ambulance 16925
district, other than for the compensation of district employees, 16926
exceeds ~~fifty thousand dollars~~ the amount specified in section 16927
9.17 of the Revised Code, the contract for the expenditure shall 16928
be in writing and made with the lowest and best bidder after 16929
advertising once a week for not less than two consecutive weeks in 16930
a newspaper of general circulation within the district. The board 16931
of trustees of a fire and ambulance district may also cause notice 16932
to be inserted in trade papers or other publications designated by 16933
it or to be distributed by electronic means, including posting the 16934
notice on the board's internet web site. If the board posts the 16935
notice on its web site, it may eliminate the second notice 16936
otherwise required to be published in a newspaper of general 16937
circulation within the district, provided that the first notice 16938

published in such newspaper meets all of the following 16939
requirements: 16940

(A) It is published at least two weeks before the opening of 16941
bids. 16942

(B) It includes a statement that the notice is posted on the 16943
board's internet web site. 16944

(C) It includes the internet address of the board's internet 16945
web site. 16946

(D) It includes instructions describing how the notice may be 16947
accessed on the board's internet web site. 16948

The bids shall be opened and shall be publicly read by the 16949
clerk of the district, or the clerk's designee, at the time, date, 16950
and place specified in the advertisement to bidders or the 16951
specifications. The time, date, and place of bid openings may be 16952
extended to a later date by the board of trustees of the district, 16953
provided that written or oral notice of the change shall be given 16954
to all persons who have received or requested specifications no 16955
later than ninety-six hours prior to the original time and date 16956
fixed for the opening. 16957

Each bid on any contract shall contain the full name of every 16958
person interested in the bid. If the bid is for a contract for the 16959
construction, demolition, alteration, repair, or reconstruction of 16960
an improvement, it shall meet the requirements of section 153.54 16961
of the Revised Code. If the bid is for any other contract, it 16962
shall be accompanied by a sufficient bond or certified check, 16963
cashier's check, or money order on a solvent bank or savings and 16964
loan association that, if the bid is accepted, a contract will be 16965
entered into and the performance of it will be properly secured. 16966
If the bid for work embraces both labor and material, it shall be 16967
separately stated, with the price of the labor and the material. 16968
The board may reject any and all bids. The contract shall be 16969

between the district and the bidder, and the district shall pay 16970
the contract price in cash. When a bonus is offered for completion 16971
of a contract prior to a specified date, the board may exact a 16972
prorated penalty in like sum for each day of delay beyond the 16973
specified date. When there is reason to believe there is collusion 16974
or combination among bidders, the bids of those concerned shall be 16975
rejected. 16976

No expenditure subject to this section shall be divided into 16977
component parts, separate projects, or separate items of work in 16978
order to avoid the requirements of this section. 16979

Sec. 505.38. (A) In each township or fire district that has a 16980
fire department, the head of the department shall be a fire chief, 16981
appointed by the board of township trustees, except that, in a 16982
joint fire district, the fire chief shall be appointed by the 16983
board of fire district trustees. Neither this section nor any 16984
other section of the Revised Code requires, or shall be construed 16985
to require, that the fire chief be a resident of the township or 16986
fire district. 16987

The board shall provide for the employment of firefighters as 16988
it considers best and shall fix their compensation. No person 16989
shall be appointed as a permanent full-time paid member, whose 16990
duties include fire fighting, of the fire department of any 16991
township or fire district unless that person has received a 16992
certificate issued under former section 3303.07 or section 4765.55 16993
of the Revised Code evidencing satisfactory completion of a 16994
firefighter training program. Those appointees shall continue in 16995
office until removed from office as provided by sections 733.35 to 16996
733.39 of the Revised Code. To initiate removal proceedings, and 16997
for that purpose, the board shall designate the fire chief or a 16998
private citizen to investigate the conduct and prepare the 16999
necessary charges in conformity with those sections. 17000

In case of the removal of a fire chief or any member of the fire department of a township or fire district, an appeal may be had from the decision of the board to the court of common pleas of the county in which the township or fire district fire department is situated to determine the sufficiency of the cause of removal. The appeal from the findings of the board shall be taken within ten days.

No person who is appointed as a volunteer firefighter of the fire department of any township or fire district shall remain in that position unless either of the following applies:

(1) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 of the Revised Code or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(2) The person began serving as a permanent full-time paid firefighter with the fire department of a city or village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, village, or other township or fire district prior to July 2, 1979, and receives a certificate issued under ~~division (C)(3)~~ of section 4765.55 of the Revised Code.

No person shall receive an appointment under this section, in the case of a volunteer firefighter, unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is appointed as established by the board of township trustees having jurisdiction over the appointment. The appointing authority, prior to making an appointment, shall file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy

of the report or findings of that licensed physician, physician 17033
assistant, clinical nurse specialist, certified nurse 17034
practitioner, or certified nurse-midwife. The professional fee for 17035
the physical examination shall be paid for by the board of 17036
township trustees. 17037

(B) In each township not having a fire department, the board 17038
of township trustees shall appoint a fire prevention officer who 17039
shall exercise all of the duties of a fire chief except those 17040
involving the maintenance and operation of fire apparatus. The 17041
board may appoint one or more deputy fire prevention officers who 17042
shall exercise the duties assigned by the fire prevention officer. 17043

The board may fix the compensation for the fire prevention 17044
officer and the fire prevention officer's deputies as it considers 17045
best. The board shall appoint each fire prevention officer and 17046
deputy for a one-year term. An appointee may be reappointed at the 17047
end of a term to another one-year term. Any appointee may be 17048
removed from office during a term as provided by sections 733.35 17049
to 733.39 of the Revised Code. Section 505.45 of the Revised Code 17050
extends to those officers. 17051

(C)(1) Division (A) of this section does not apply to any 17052
township that has a population of ten thousand or more persons 17053
residing within the township and outside of any municipal 17054
corporation, that has its own fire department employing ten or 17055
more full-time paid employees, and that has a civil service 17056
commission established under division (B) of section 124.40 of the 17057
Revised Code. The township shall comply with the procedures for 17058
the employment, promotion, and discharge of firefighters provided 17059
by Chapter 124. of the Revised Code, except as otherwise provided 17060
in divisions (C)(2) and (3) of this section. 17061

(2) The board of township trustees of the township may 17062
appoint the fire chief, and any person so appointed shall be in 17063
the unclassified service under section 124.11 of the Revised Code 17064

and shall serve at the pleasure of the board. Neither this section 17065
nor any other section of the Revised Code requires, or shall be 17066
construed to require, that the fire chief be a resident of the 17067
township. A person who is appointed fire chief under these 17068
conditions and who is removed by the board or resigns from the 17069
position is entitled to return to the classified service in the 17070
township fire department in the position held just prior to the 17071
appointment as fire chief. 17072

(3) The appointing authority of an urban township, as defined 17073
in section 504.01 of the Revised Code, may appoint to a vacant 17074
position any one of the three highest scorers on the eligible list 17075
for a promotional examination. 17076

(4) The board of township trustees shall determine the number 17077
of personnel required and establish salary schedules and 17078
conditions of employment not in conflict with Chapter 124. of the 17079
Revised Code. 17080

(5) No person shall receive an original appointment as a 17081
permanent full-time paid member of the fire department of the 17082
township described in this division unless the person has received 17083
a certificate issued under former section 3303.07 or section 17084
4765.55 of the Revised Code evidencing the satisfactory completion 17085
of a firefighter training program. 17086

(6) Persons employed as firefighters in the township 17087
described in this division on the date a civil service commission 17088
is appointed pursuant to division (B) of section 124.40 of the 17089
Revised Code, without being required to pass a competitive 17090
examination or a firefighter training program, shall retain their 17091
employment and any rank previously granted them by action of the 17092
board of township trustees or otherwise, but those persons are 17093
eligible for promotion only by compliance with Chapter 124. of the 17094
Revised Code. 17095

Sec. 507.02. When the office of township fiscal officer 17096
becomes vacant, or when a township fiscal officer is unable to 17097
carry out the duties of office because of illness, because of 17098
entering the military service of the United States, because of a 17099
court ordered suspension as provided for under section 507.13 of 17100
the Revised Code, or because the fiscal officer is otherwise 17101
incapacitated or disqualified, the board of township trustees 17102
shall appoint a deputy fiscal officer, who shall have full power 17103
to discharge the duties of the office. The deputy fiscal officer 17104
shall serve during the period of time the fiscal officer is absent 17105
or incapacitated, or until a successor fiscal officer is appointed 17106
or elected and qualified as provided in section 503.24 of the 17107
Revised Code. Except as otherwise provided in section 3.061 of the 17108
Revised Code, before entering on the discharge of official duties, 17109
the deputy fiscal officer shall give bond, for the faithful 17110
discharge of official duties, as required under section 507.03 of 17111
the Revised Code. The board shall, by resolution, adjust and 17112
determine the compensation of the fiscal officer and deputy fiscal 17113
officer. The total compensation of both the fiscal officer and any 17114
deputy fiscal officer shall not exceed the sums fixed by section 17115
507.09 of the Revised Code in any one year. 17116

Sec. 511.01. If, in a township, a town hall is to be built, 17117
improved, enlarged, or removed at a cost greater than ~~fifty~~ 17118
~~thousand dollars~~ the amount specified in section 9.17 of the 17119
Revised Code, the board of township trustees shall submit the 17120
question to the electors of such township and shall certify their 17121
resolution to the board of elections not later than four p.m. of 17122
the ninetieth day before the day of the election. 17123

Sec. 511.12. The board of township trustees may prepare plans 17124
and specifications and make contracts for the construction and 17125

erection of a memorial building, monument, statue, or memorial, 17126
for the purposes specified and within the amount authorized by 17127
section 511.08 of the Revised Code. If the total estimated cost of 17128
the construction and erection exceeds ~~fifty thousand dollars~~ the 17129
amount specified in section 9.17 of the Revised Code, the contract 17130
shall be let by competitive bidding. If the estimated cost is 17131
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 17132
Revised Code or less, competitive bidding may be required at the 17133
board's discretion. In making contracts under this section, the 17134
board shall be governed as follows: 17135

(A) Contracts for construction when competitive bidding is 17136
required shall be based upon detailed plans, specifications, forms 17137
of bids, and estimates of cost, adopted by the board. 17138

(B) Contracts shall be made in writing upon concurrence of a 17139
majority of the members of the board, and shall be signed by at 17140
least two of the members and by the contractor. If competitive 17141
bidding is required, no contract shall be made or signed until an 17142
advertisement has been placed in a newspaper, published or of 17143
general circulation in the township, at least twice. The board may 17144
also cause notice to be inserted in trade papers or other 17145
publications designated by it or to be distributed by electronic 17146
means, including posting the notice on the board's internet web 17147
site. If the board posts the notice on its web site, it may 17148
eliminate the second notice otherwise required to be published in 17149
a newspaper published or of general circulation in the township, 17150
provided that the first notice published in such newspaper meets 17151
all of the following requirements: 17152

(1) It is published at least two weeks before the opening of 17153
bids. 17154

(2) It includes a statement that the notice is posted on the 17155
board's internet web site. 17156

(3) It includes the internet address of the board's internet web site. 17157
17158

(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 17159
17160

(C) No contract shall be let by competitive bidding except to the lowest and best bidder, who shall meet the requirements of section 153.54 of the Revised Code. 17161
17162
17163

(D) When, in the opinion of the board, it becomes necessary in the prosecution of such work to make alterations or modifications in any contract, the alterations or modifications shall be made only by order of the board, and that order shall be of no effect until the price to be paid for the work or materials under the altered or modified contract has been agreed upon in writing and signed by the contractor and at least two members of the board. 17164
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(E) No contract or alteration or modification of it shall be valid unless made in the manner provided in this section. 17172
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(F) No project subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section. 17174
17175
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Sec. 515.01. The board of township trustees may provide artificial lights for any road, highway, public place, or building under its supervision or control, or for any territory within the township and outside the boundaries of any municipal corporation, when the board determines that the public safety or welfare requires that the road, highway, public place, building, or territory shall be lighted. The lighting may be procured either by the township installing a lighting system or by contracting with any person or corporation to furnish lights. 17177
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If lights are furnished under contract, the contract may 17186

provide that the equipment employed may be owned by the township 17187
or by the person or corporation supplying the lights. 17188

If the board determines to procure lighting by contract and 17189
the total estimated cost of the contract exceeds ~~fifty thousand~~ 17190
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 17191
the board shall prepare plans and specifications for the lighting 17192
equipment and shall, for two weeks, advertise for bids for 17193
furnishing the lighting equipment, either by posting the 17194
advertisement in three conspicuous places in the township or by 17195
publication of the advertisement once a week, for two consecutive 17196
weeks, in a newspaper of general circulation in the township. Any 17197
such contract for lighting shall be made with the lowest and best 17198
bidder. 17199

The board may also cause notice to be inserted in trade 17200
papers or other publications designated by it or to be distributed 17201
by electronic means, including posting the notice on the board's 17202
internet web site. If the board posts the notice on its web site, 17203
it may eliminate the second notice otherwise required to be 17204
published in a newspaper of general circulation in the township, 17205
provided that the first notice published in such newspaper meets 17206
all of the following requirements: 17207

(A) It is published at least two weeks before the opening of 17208
bids. 17209

(B) It includes a statement that the notice is posted on the 17210
board's internet web site. 17211

(C) It includes the internet address of the board's internet 17212
web site. 17213

(D) It includes instructions describing how the notice may be 17214
accessed on the board's internet web site. 17215

No lighting contract awarded by the board shall be made to 17216
cover a period of more than twenty years. The cost of installing 17217

and operating any lighting system or any light furnished under 17218
contract shall be paid from the general fund of the township 17219
treasury. 17220

No procurement subject to this section shall be divided into 17221
component parts, separate projects, or separate items of work in 17222
order to avoid the requirements of this section. 17223

Sec. 517.07. Upon application, the board of township trustees 17224
shall sell at a reasonable price the number of lots as public 17225
wants demand for burial purposes. Purchasers of lots or other 17226
interment rights, upon complying with the terms of sale, may 17227
receive deeds for the lots or rights which the board shall execute 17228
~~and which shall be recorded by the.~~ The township fiscal officer 17229
shall record each deed in a book the township keeps for that 17230
purpose or with the county recorder under section 317.08 of the 17231
Revised Code. The expense of recording shall be paid by the person 17232
receiving the deed. Upon the application of a head of a family 17233
living in the township, the board shall, without charge, make and 17234
deliver to the applicant a deed for a suitable lot or right for 17235
the interment of the applicant's family, if, in the opinion of the 17236
board and by reason of the circumstances of the family, the 17237
payment would be oppressive. 17238

The terms of sale and any deed for lots executed after July 17239
24, 1986, for an entombment, including a mausoleum, columbarium, 17240
or other interment right executed on or after September 29, 2015, 17241
may include the following requirements: 17242

(A) The grantee shall provide to the board of township 17243
trustees, in writing, a list of the names and addresses of the 17244
persons to whom the grantee's property would pass by intestate 17245
succession. 17246

(B) The grantee shall notify the board in writing of any 17247
subsequent changes in the name or address of any persons to whom 17248

property would descend. 17249

(C) Any person who receives a township cemetery lot or right 17250
by gift, inheritance, or any other means other than the original 17251
conveyance shall, within one year after receiving the interest, 17252
give written notice of the person's name and address to the board 17253
having control of the cemetery, and shall notify the board of any 17254
subsequent changes in the person's name or address. 17255

The terms of sale and any deed for any lots or rights 17256
executed in compliance with the notification requirements set 17257
forth in divisions (A), (B), and (C) of this section shall state 17258
that the board of township trustees shall have right of reentry to 17259
the cemetery lot or right if the notification requirements are not 17260
met. At least ninety days before establishing reentry, the board 17261
shall publish a notice on the board's internet web site, if 17262
applicable, and shall send a notice by certified mail to the last 17263
known owner at the owner's last known address to inform the owner 17264
that the owner's interest in the lot or right will cease unless 17265
the notification requirements are met. If the owner's address is 17266
unknown and cannot reasonably be obtained, it is sufficient to 17267
publish the notice once in a newspaper of general circulation in 17268
the county. In order to establish reentry, the board shall pass a 17269
resolution stating that the conditions of the sale or of the deed 17270
have not been fulfilled, and that the board reclaims its interest 17271
in the lot or right. 17272

The board may limit the terms of sale or the deed for a 17273
cemetery lot or right by specifying that the owner, a member of 17274
the owner's family, or an owner's descendant must use the lot, 17275
tomb, including a mausoleum, or columbarium, or at least a portion 17276
of the lot, tomb, including a mausoleum, or columbarium, within a 17277
specified time period. The board may specify this time period to 17278
be at least twenty but not more than fifty years, with right of 17279
renewal provided at no cost. At least ninety days before the 17280

termination date for use of the cemetery lot, tomb, including a 17281
mausoleum, or columbarium, the board shall publish a notice on the 17282
board's internet web site, if applicable, and shall send a notice 17283
to the owner to inform the owner that the owner's interest in the 17284
lot or right will cease on the termination date unless the owner 17285
contracts for renewal by that date. The board shall send the 17286
notice by certified mail to the owner if the owner is a resident 17287
of the township or is a nonresident whose address is known. If the 17288
owner's address is unknown and cannot reasonably be obtained, it 17289
is sufficient to publish the notice once in a newspaper of general 17290
circulation in the county. 17291

The terms of sale and any deed for lots or rights conveyed 17292
with a termination date shall state that the board shall have 17293
right of reentry to the lot or right at the end of the specified 17294
time period if the lot, tomb, including a mausoleum, or 17295
columbarium, is not used within this time period or renewed for an 17296
extended period. In order to establish reentry, the board shall 17297
pass a resolution stating that the conditions of the sale or of 17298
the deed have not been fulfilled, and that the board reclaims its 17299
interest in the lot or right. The board shall compensate owners of 17300
unused lots or rights who do not renew the terms of sale or the 17301
deed by offering to pay the owner eighty per cent of the purchase 17302
price or to provide another available lot or right, as applicable, 17303
at no additional cost. The board may repurchase any cemetery lot 17304
or right from its owner at any time at a price that is mutually 17305
agreed upon by the board and the owner. 17306

Sec. 517.271. Notwithstanding section 517.22 of the Revised 17307
Code, the company, association, or religious society that most 17308
recently owned and operated a cemetery currently owned by a board 17309
of township trustees may petition the probate court of the county 17310
in which the cemetery is located to transfer the ownership of the 17311
cemetery to the petitioner. 17312

If the court determines that the petitioner has met all of 17313
the following conditions, the court shall transfer the ownership 17314
of the cemetery to the petitioner and shall order the board and 17315
county recorder to give the petitioner all necessary records and 17316
documents concerning the cemetery, including records of the 17317
board's sale of any lots pursuant to section 517.07 of the Revised 17318
Code: 17319

(A) The petitioner has the financial resources necessary to 17320
operate and maintain the cemetery; 17321

(B) The petitioner is in compliance with all applicable laws 17322
and administrative rules concerning the owners and operators of 17323
cemeteries, including registration under section 4767.02 of the 17324
Revised Code; and 17325

(C) The petitioner owes no delinquent taxes. 17326

Sec. 715.18. Any municipal corporation may establish and 17327
furnish the necessary equipment for a department of purchase, 17328
construction, and repair. Such department shall be under the 17329
management of the director of public service, who shall purchase 17330
all material, supplies, tools, machinery, and equipment, and shall 17331
supervise all construction, alterations, and repairs in each of 17332
the municipal departments whether established by law or ordinance. 17333

No such purchase, construction, alteration, or repair shall 17334
be made except upon requisition by the director, the officer at 17335
the head of the department for which it is to be made or done, or 17336
upon the order of the legislative authority of the municipal 17337
corporation, nor shall any purchase, construction, alteration, or 17338
repair for any of such departments be made or done except on 17339
authority of the legislative authority and under sections 735.05 17340
to 735.09 of the Revised Code, if the cost thereof exceeds ~~ten~~ 17341
~~thousand dollars~~ the amount specified in section 9.17 of the 17342
Revised Code. 17343

Sec. 718.01. Any term used in this chapter that is not 17344
otherwise defined in this chapter has the same meaning as when 17345
used in a comparable context in laws of the United States relating 17346
to federal income taxation or in Title LVII of the Revised Code, 17347
unless a different meaning is clearly required. Except as provided 17348
in section 718.81 of the Revised Code, if a term used in this 17349
chapter that is not otherwise defined in this chapter is used in a 17350
comparable context in both the laws of the United States relating 17351
to federal income tax and in Title LVII of the Revised Code and 17352
the use is not consistent, then the use of the term in the laws of 17353
the United States relating to federal income tax shall control 17354
over the use of the term in Title LVII of the Revised Code. 17355

Except as otherwise provided in section 718.81 of the Revised 17356
Code, as used in this chapter: 17357

(A)(1) "Municipal taxable income" means the following: 17358

(a) For a person other than an individual, income apportioned 17359
or situated to the municipal corporation under section 718.02 of 17360
the Revised Code, as applicable, reduced by any pre-2017 net 17361
operating loss carryforward available to the person for the 17362
municipal corporation. 17363

(b)(i) For an individual who is a resident of a municipal 17364
corporation other than a qualified municipal corporation, income 17365
reduced by exempt income to the extent otherwise included in 17366
income, then reduced as provided in division (A)(2) of this 17367
section, and further reduced by any pre-2017 net operating loss 17368
carryforward available to the individual for the municipal 17369
corporation. 17370

(ii) For an individual who is a resident of a qualified 17371
municipal corporation, Ohio adjusted gross income reduced by 17372
income exempted, and increased by deductions excluded, by the 17373
qualified municipal corporation from the qualified municipal 17374

corporation's tax. If a qualified municipal corporation, on or 17375
before December 31, 2013, exempts income earned by individuals who 17376
are not residents of the qualified municipal corporation and net 17377
profit of persons that are not wholly located within the qualified 17378
municipal corporation, such individual or person shall have no 17379
municipal taxable income for the purposes of the tax levied by the 17380
qualified municipal corporation and may be exempted by the 17381
qualified municipal corporation from the requirements of section 17382
718.03 of the Revised Code. 17383

(c) For an individual who is a nonresident of a municipal 17384
corporation, income reduced by exempt income to the extent 17385
otherwise included in income and then, as applicable, apportioned 17386
or situated to the municipal corporation under section 718.02 of 17387
the Revised Code, then reduced as provided in division (A)(2) of 17388
this section, and further reduced by any pre-2017 net operating 17389
loss carryforward available to the individual for the municipal 17390
corporation. 17391

(2) In computing the municipal taxable income of a taxpayer 17392
who is an individual, the taxpayer may subtract, as provided in 17393
division (A)(1)(b)(i) or (c) of this section, the amount of the 17394
individual's employee business expenses reported on the 17395
individual's form 2106 that the individual deducted for federal 17396
income tax purposes for the taxable year, subject to the 17397
limitation imposed by section 67 of the Internal Revenue Code. For 17398
the municipal corporation in which the taxpayer is a resident, the 17399
taxpayer may deduct all such expenses allowed for federal income 17400
tax purposes. For a municipal corporation in which the taxpayer is 17401
not a resident, the taxpayer may deduct such expenses only to the 17402
extent the expenses are related to the taxpayer's performance of 17403
personal services in that nonresident municipal corporation. 17404

(B) "Income" means the following: 17405

(1)(a) For residents, all income, salaries, qualifying wages, 17406

commissions, and other compensation from whatever source earned or 17407
received by the resident, including the resident's distributive 17408
share of the net profit of pass-through entities owned directly or 17409
indirectly by the resident and any net profit of the resident, 17410
except as provided in division (D)(5) of this section. 17411

(b) For the purposes of division (B)(1)(a) of this section: 17412

(i) Any net operating loss of the resident incurred in the 17413
taxable year and the resident's distributive share of any net 17414
operating loss generated in the same taxable year and attributable 17415
to the resident's ownership interest in a pass-through entity 17416
shall be allowed as a deduction, for that taxable year and the 17417
following five taxable years, against any other net profit of the 17418
resident or the resident's distributive share of any net profit 17419
attributable to the resident's ownership interest in a 17420
pass-through entity until fully utilized, subject to division 17421
(B)(1)(d) of this section; 17422

(ii) The resident's distributive share of the net profit of 17423
each pass-through entity owned directly or indirectly by the 17424
resident shall be calculated without regard to any net operating 17425
loss that is carried forward by that entity from a prior taxable 17426
year and applied to reduce the entity's net profit for the current 17427
taxable year. 17428

(c) Division (B)(1)(b) of this section does not apply with 17429
respect to any net profit or net operating loss attributable to an 17430
ownership interest in an S corporation unless shareholders' 17431
distributive shares of net profits from S corporations are subject 17432
to tax in the municipal corporation as provided in division 17433
(C)(14)(b) or (c) of this section. 17434

(d) Any amount of a net operating loss used to reduce a 17435
taxpayer's net profit for a taxable year shall reduce the amount 17436
of net operating loss that may be carried forward to any 17437

subsequent year for use by that taxpayer. In no event shall the 17438
cumulative deductions for all taxable years with respect to a 17439
taxpayer's net operating loss exceed the original amount of that 17440
net operating loss available to that taxpayer. 17441

(2) In the case of nonresidents, all income, salaries, 17442
qualifying wages, commissions, and other compensation from 17443
whatever source earned or received by the nonresident for work 17444
done, services performed or rendered, or activities conducted in 17445
the municipal corporation, including any net profit of the 17446
nonresident, but excluding the nonresident's distributive share of 17447
the net profit or loss of only pass-through entities owned 17448
directly or indirectly by the nonresident. 17449

(3) For taxpayers that are not individuals, net profit of the 17450
taxpayer; 17451

(4) Lottery, sweepstakes, gambling and sports winnings, 17452
winnings from games of chance, and prizes and awards. If the 17453
taxpayer is a professional gambler for federal income tax 17454
purposes, the taxpayer may deduct related wagering losses and 17455
expenses to the extent authorized under the Internal Revenue Code 17456
and claimed against such winnings. 17457

(C) "Exempt income" means all of the following: 17458

(1) The military pay or allowances of members of the armed 17459
forces of the United States or members of their reserve 17460
components, including the national guard of any state; 17461

(2)(a) Except as provided in division (C)(2)(b) of this 17462
section, intangible income; 17463

(b) A municipal corporation that taxed any type of intangible 17464
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 17465
116th general assembly, may continue to tax that type of income if 17466
a majority of the electors of the municipal corporation voting on 17467
the question of whether to permit the taxation of that type of 17468

intangible income after 1988 voted in favor thereof at an election 17469
held on November 8, 1988. 17470

(3) Social security benefits, railroad retirement benefits, 17471
unemployment compensation, pensions, retirement benefit payments, 17472
payments from annuities, and similar payments made to an employee 17473
or to the beneficiary of an employee under a retirement program or 17474
plan, disability payments received from private industry or local, 17475
state, or federal governments or from charitable, religious or 17476
educational organizations, and the proceeds of sickness, accident, 17477
or liability insurance policies. As used in division (C)(3) of 17478
this section, "unemployment compensation" does not include 17479
supplemental unemployment compensation described in section 17480
3402(o)(2) of the Internal Revenue Code. 17481

(4) The income of religious, fraternal, charitable, 17482
scientific, literary, or educational institutions to the extent 17483
such income is derived from tax-exempt real estate, tax-exempt 17484
tangible or intangible property, or tax-exempt activities. 17485

(5) Compensation paid under section 3501.28 or 3501.36 of the 17486
Revised Code to a person serving as a precinct election official 17487
to the extent that such compensation does not exceed one thousand 17488
dollars for the taxable year. Such compensation in excess of one 17489
thousand dollars for the taxable year may be subject to taxation 17490
by a municipal corporation. A municipal corporation shall not 17491
require the payer of such compensation to withhold any tax from 17492
that compensation. 17493

(6) Dues, contributions, and similar payments received by 17494
charitable, religious, educational, or literary organizations or 17495
labor unions, lodges, and similar organizations; 17496

(7) Alimony and child support received; 17497

(8) Compensation for personal injuries or for damages to 17498
property from insurance proceeds or otherwise, excluding 17499

compensation paid for lost salaries or wages or compensation from 17500
punitive damages; 17501

(9) Income of a public utility when that public utility is 17502
subject to the tax levied under section 5727.24 or 5727.30 of the 17503
Revised Code. Division (C)(9) of this section does not apply for 17504
purposes of Chapter 5745. of the Revised Code. 17505

(10) Gains from involuntary conversions, interest on federal 17506
obligations, items of income subject to a tax levied by the state 17507
and that a municipal corporation is specifically prohibited by law 17508
from taxing, and income of a decedent's estate during the period 17509
of administration except such income from the operation of a trade 17510
or business; 17511

(11) Compensation or allowances excluded from federal gross 17512
income under section 107 of the Internal Revenue Code; 17513

(12) Employee compensation that is not qualifying wages as 17514
defined in division (R) of this section; 17515

(13) Compensation paid to a person employed within the 17516
boundaries of a United States air force base under the 17517
jurisdiction of the United States air force that is used for the 17518
housing of members of the United States air force and is a center 17519
for air force operations, unless the person is subject to taxation 17520
because of residence or domicile. If the compensation is subject 17521
to taxation because of residence or domicile, tax on such income 17522
shall be payable only to the municipal corporation of residence or 17523
domicile. 17524

(14)(a) Except as provided in division (C)(14)(b) or (c) of 17525
this section, an S corporation shareholder's distributive share of 17526
net profits of the S corporation, other than any part of the 17527
distributive share of net profits that represents wages as defined 17528
in section 3121(a) of the Internal Revenue Code or net earnings 17529
from self-employment as defined in section 1402(a) of the Internal 17530

Revenue Code. 17531

(b) If, pursuant to division (H) of former section 718.01 of 17532
the Revised Code as it existed before March 11, 2004, a majority 17533
of the electors of a municipal corporation voted in favor of the 17534
question at an election held on November 4, 2003, the municipal 17535
corporation may continue after 2002 to tax an S corporation 17536
shareholder's distributive share of net profits of an S 17537
corporation. 17538

(c) If, on December 6, 2002, a municipal corporation was 17539
imposing, assessing, and collecting a tax on an S corporation 17540
shareholder's distributive share of net profits of the S 17541
corporation to the extent the distributive share would be 17542
allocated or apportioned to this state under divisions (B)(1) and 17543
(2) of section 5733.05 of the Revised Code if the S corporation 17544
were a corporation subject to taxes imposed under Chapter 5733. of 17545
the Revised Code, the municipal corporation may continue to impose 17546
the tax on such distributive shares to the extent such shares 17547
would be so allocated or apportioned to this state only until 17548
December 31, 2004, unless a majority of the electors of the 17549
municipal corporation voting on the question of continuing to tax 17550
such shares after that date voted in favor of that question at an 17551
election held November 2, 2004. If a majority of those electors 17552
voted in favor of the question, the municipal corporation may 17553
continue after December 31, 2004, to impose the tax on such 17554
distributive shares only to the extent such shares would be so 17555
allocated or apportioned to this state. 17556

(d) A municipal corporation shall be deemed to have elected 17557
to tax S corporation shareholders' distributive shares of net 17558
profits of the S corporation in the hands of the shareholders if a 17559
majority of the electors of a municipal corporation voted in favor 17560
of a question at an election held under division (C)(14)(b) or (c) 17561
of this section. The municipal corporation shall specify by 17562

resolution or ordinance that the tax applies to the distributive 17563
share of a shareholder of an S corporation in the hands of the 17564
shareholder of the S corporation. 17565

~~(15) To the extent authorized under a resolution or ordinance 17566
adopted by a municipal corporation before January 1, 2016, all or 17567
a portion of the The income of individuals ~~or a class of~~ 17568
~~individuals~~ under eighteen years of age. 17569~~

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 17570
(d) of this section, qualifying wages described in division (B)(1) 17571
or (E) of section 718.011 of the Revised Code to the extent the 17572
qualifying wages are not subject to withholding for the municipal 17573
corporation under either of those divisions. 17574

(b) The exemption provided in division (C)(16)(a) of this 17575
section does not apply with respect to the municipal corporation 17576
in which the employee resided at the time the employee earned the 17577
qualifying wages. 17578

(c) The exemption provided in division (C)(16)(a) of this 17579
section does not apply to qualifying wages that an employer elects 17580
to withhold under division (D)(2) of section 718.011 of the 17581
Revised Code. 17582

(d) The exemption provided in division (C)(16)(a) of this 17583
section does not apply to qualifying wages if both of the 17584
following conditions apply: 17585

(i) For qualifying wages described in division (B)(1) of 17586
section 718.011 of the Revised Code, the employee's employer 17587
withholds and remits tax on the qualifying wages to the municipal 17588
corporation in which the employee's principal place of work is 17589
situated, or, for qualifying wages described in division (E) of 17590
section 718.011 of the Revised Code, the employee's employer 17591
withholds and remits tax on the qualifying wages to the municipal 17592
corporation in which the employer's fixed location is located; 17593

(ii) The employee receives a refund of the tax described in 17594
division (C)(16)(d)(i) of this section on the basis of the 17595
employee not performing services in that municipal corporation. 17596

(17)(a) Except as provided in division (C)(17)(b) or (c) of 17597
this section, compensation that is not qualifying wages paid to a 17598
nonresident individual for personal services performed in the 17599
municipal corporation on not more than twenty days in a taxable 17600
year. 17601

(b) The exemption provided in division (C)(17)(a) of this 17602
section does not apply under either of the following 17603
circumstances: 17604

(i) The individual's base of operation is located in the 17605
municipal corporation. 17606

(ii) The individual is a professional athlete, professional 17607
entertainer, or public figure, and the compensation is paid for 17608
the performance of services in the individual's capacity as a 17609
professional athlete, professional entertainer, or public figure. 17610
For purposes of division (C)(17)(b)(ii) of this section, 17611
"professional athlete," "professional entertainer," and "public 17612
figure" have the same meanings as in section 718.011 of the 17613
Revised Code. 17614

(c) Compensation to which division (C)(17) of this section 17615
applies shall be treated as earned or received at the individual's 17616
base of operation. If the individual does not have a base of 17617
operation, the compensation shall be treated as earned or received 17618
where the individual is domiciled. 17619

(d) For purposes of division (C)(17) of this section, "base 17620
of operation" means the location where an individual owns or rents 17621
an office, storefront, or similar facility to which the individual 17622
regularly reports and at which the individual regularly performs 17623
personal services for compensation. 17624

(18) Compensation paid to a person for personal services 17625
performed for a political subdivision on property owned by the 17626
political subdivision, regardless of whether the compensation is 17627
received by an employee of the subdivision or another person 17628
performing services for the subdivision under a contract with the 17629
subdivision, if the property on which services are performed is 17630
annexed to a municipal corporation pursuant to section 709.023 of 17631
the Revised Code on or after March 27, 2013, unless the person is 17632
subject to such taxation because of residence. If the compensation 17633
is subject to taxation because of residence, municipal income tax 17634
shall be payable only to the municipal corporation of residence. 17635

(19) In the case of a tax administered, collected, and 17636
enforced by a municipal corporation pursuant to an agreement with 17637
the board of directors of a joint economic development district 17638
under section 715.72 of the Revised Code, the net profits of a 17639
business, and the income of the employees of that business, 17640
exempted from the tax under division (Q) of that section. 17641

(20) All of the following: 17642

(a) Income derived from disaster work conducted in this state 17643
by an out-of-state disaster business during a disaster response 17644
period pursuant to a qualifying solicitation received by the 17645
business; 17646

(b) Income of a qualifying employee described in division 17647
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 17648
such income is derived from disaster work conducted in this state 17649
by the employee during a disaster response period pursuant to a 17650
qualifying solicitation received by the employee's employer; 17651

(c) Income of a qualifying employee described in division 17652
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 17653
such income is derived from disaster work conducted in this state 17654
by the employee during a disaster response period on critical 17655

infrastructure owned or used by the employee's employer. 17656

(21) Income the taxation of which is prohibited by the 17657
constitution or laws of the United States. 17658

Any item of income that is exempt income of a pass-through 17659
entity under division (C) of this section is exempt income of each 17660
owner of the pass-through entity to the extent of that owner's 17661
distributive or proportionate share of that item of the entity's 17662
income. 17663

(D)(1) "Net profit" for a person who is an individual means 17664
the individual's net profit required to be reported on schedule C, 17665
schedule E, or schedule F reduced by any net operating loss 17666
carried forward. For the purposes of division (D)(1) of this 17667
section, the net operating loss carried forward shall be 17668
calculated and deducted in the same manner as provided in division 17669
(D)(3) of this section. 17670

(2) "Net profit" for a person other than an individual means 17671
adjusted federal taxable income reduced by any net operating loss 17672
incurred by the person in a taxable year beginning on or after 17673
January 1, 2017, subject to the limitations of division (D)(3) of 17674
this section. 17675

(3)(a) The amount of such net operating loss shall be 17676
deducted from net profit to the extent necessary to reduce 17677
municipal taxable income to zero, with any remaining unused 17678
portion of the net operating loss carried forward to not more than 17679
five consecutive taxable years following the taxable year in which 17680
the loss was incurred, but in no case for more years than 17681
necessary for the deduction to be fully utilized. 17682

(b) No person shall use the deduction allowed by division 17683
(D)(3) of this section to offset qualifying wages. 17684

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 17685
or 2022, a person may not deduct, for purposes of an income tax 17686

levied by a municipal corporation that levies an income tax before 17687
January 1, 2016, more than fifty per cent of the amount of the 17688
deduction otherwise allowed by division (D)(3) of this section. 17689

(ii) For taxable years beginning in 2023 or thereafter, a 17690
person may deduct, for purposes of an income tax levied by a 17691
municipal corporation that levies an income tax before January 1, 17692
2016, the full amount allowed by division (D)(3) of this section 17693
without regard to the limitation of division 17694
~~(D)(3)(b)(i)~~(D)(3)(c)(i) of this section. 17695

(d) Any pre-2017 net operating loss carryforward deduction 17696
that is available may be utilized before a taxpayer may deduct any 17697
amount pursuant to division (D)(3) of this section. 17698

(e) Nothing in division (D)(3)(c)(i) of this section 17699
precludes a person from carrying forward, for use with respect to 17700
any return filed for a taxable year beginning after 2018, any 17701
amount of net operating loss that was not fully utilized by 17702
operation of division (D)(3)(c)(i) of this section. To the extent 17703
that an amount of net operating loss that was not fully utilized 17704
in one or more taxable years by operation of division (D)(3)(c)(i) 17705
of this section is carried forward for use with respect to a 17706
return filed for a taxable year beginning in 2019, 2020, 2021, or 17707
2022, the limitation described in division (D)(3)(c)(i) of this 17708
section shall apply to the amount carried forward. 17709

(4) For the purposes of this chapter, and notwithstanding 17710
division (D)(2) of this section, net profit of a disregarded 17711
entity shall not be taxable as against that disregarded entity, 17712
but shall instead be included in the net profit of the owner of 17713
the disregarded entity. 17714

(5) For the purposes of this chapter, and notwithstanding any 17715
other provision of this chapter, the net profit of a publicly 17716
traded partnership that makes the election described in division 17717

(D)(5) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.

A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D)(5) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(E) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (D)(5) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation 17750
of federal taxable income if the losses directly relate to the 17751
sale, exchange, or other disposition of an asset described in 17752
section 1221 or 1231 of the Internal Revenue Code; 17753

(4)(a) Except as provided in division (E)(4)(b) of this 17754
section, deduct income and gain included in federal taxable income 17755
to the extent the income and gain directly relate to the sale, 17756
exchange, or other disposition of an asset described in section 17757
1221 or 1231 of the Internal Revenue Code; 17758

(b) Division (E)(4)(a) of this section does not apply to the 17759
extent the income or gain is income or gain described in section 17760
1245 or 1250 of the Internal Revenue Code. 17761

(5) Add taxes on or measured by net income allowed as a 17762
deduction in the computation of federal taxable income; 17763

(6) In the case of a real estate investment trust or 17764
regulated investment company, add all amounts with respect to 17765
dividends to, distributions to, or amounts set aside for or 17766
credited to the benefit of investors and allowed as a deduction in 17767
the computation of federal taxable income; 17768

(7) Deduct, to the extent not otherwise deducted or excluded 17769
in computing federal taxable income, any income derived from a 17770
transfer agreement or from the enterprise transferred under that 17771
agreement under section 4313.02 of the Revised Code; 17772

(8) Deduct exempt income to the extent not otherwise deducted 17773
or excluded in computing adjusted federal taxable income. 17774

(9) Deduct any net profit of a pass-through entity owned 17775
directly or indirectly by the taxpayer and included in the 17776
taxpayer's federal taxable income unless an affiliated group of 17777
corporations includes that net profit in the group's federal 17778
taxable income in accordance with division (E)(3)(b) of section 17779
718.06 of the Revised Code. 17780

(10) Add any loss incurred by a pass-through entity owned 17781
directly or indirectly by the taxpayer and included in the 17782
taxpayer's federal taxable income unless an affiliated group of 17783
corporations includes that loss in the group's federal taxable 17784
income in accordance with division (E)(3)(b) of section 718.06 of 17785
the Revised Code. 17786

If the taxpayer is not a C corporation, is not a disregarded 17787
entity that has made the election described in division (L)(2) of 17788
this section, is not a publicly traded partnership that has made 17789
the election described in division (D)(5) of this section, and is 17790
not an individual, the taxpayer shall compute adjusted federal 17791
taxable income under this section as if the taxpayer were a C 17792
corporation, except guaranteed payments and other similar amounts 17793
paid or accrued to a partner, former partner, shareholder, former 17794
shareholder, member, or former member shall not be allowed as a 17795
deductible expense unless such payments are a pension or 17796
retirement benefit payment paid to a retired partner, retired 17797
shareholder, or retired member or are in consideration for the use 17798
of capital and treated as payment of interest under section 469 of 17799
the Internal Revenue Code or United States treasury regulations. 17800
Amounts paid or accrued to a qualified self-employed retirement 17801
plan with respect to a partner, former partner, shareholder, 17802
former shareholder, member, or former member of the taxpayer, 17803
amounts paid or accrued to or for health insurance for a partner, 17804
former partner, shareholder, former shareholder, member, or former 17805
member, and amounts paid or accrued to or for life insurance for a 17806
partner, former partner, shareholder, former shareholder, member, 17807
or former member shall not be allowed as a deduction. 17808

Nothing in division (E) of this section shall be construed as 17809
allowing the taxpayer to add or deduct any amount more than once 17810
or shall be construed as allowing any taxpayer to deduct any 17811
amount paid to or accrued for purposes of federal self-employment 17812

tax.	17813
(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17814 17815 17816
(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17817 17818 17819
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17820 17821 17822
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	17823 17824
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	17825 17826 17827
(K) "Nonresident" means an individual that is not a resident.	17828
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	17829 17830 17831 17832
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	17833 17834 17835 17836 17837 17838
(i) The limited liability company's single member is also a limited liability company.	17839 17840
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal	17841 17842

corporations for at least five years before January 1, 2004. 17843

(iii) Not later than December 31, 2004, the limited liability 17844
company and its single member each made an election to be treated 17845
as a separate taxpayer under division (L) of this section as this 17846
section existed on December 31, 2004. 17847

(iv) The limited liability company was not formed for the 17848
purpose of evading or reducing Ohio municipal corporation income 17849
tax liability of the limited liability company or its single 17850
member. 17851

(v) The Ohio municipal corporation that was the primary place 17852
of business of the sole member of the limited liability company 17853
consented to the election. 17854

(b) For purposes of division (L)(2)(a)(v) of this section, a 17855
municipal corporation was the primary place of business of a 17856
limited liability company if, for the limited liability company's 17857
taxable year ending in 2003, its income tax liability was greater 17858
in that municipal corporation than in any other municipal 17859
corporation in Ohio, and that tax liability to that municipal 17860
corporation for its taxable year ending in 2003 was at least four 17861
hundred thousand dollars. 17862

(M) "Person" includes individuals, firms, companies, joint 17863
stock companies, business trusts, estates, trusts, partnerships, 17864
limited liability partnerships, limited liability companies, 17865
associations, C corporations, S corporations, governmental 17866
entities, and any other entity. 17867

(N) "Pass-through entity" means a partnership not treated as 17868
an association taxable as a C corporation for federal income tax 17869
purposes, a limited liability company not treated as an 17870
association taxable as a C corporation for federal income tax 17871
purposes, an S corporation, or any other class of entity from 17872
which the income or profits of the entity are given pass-through 17873

treatment for federal income tax purposes. "Pass-through entity" 17874
does not include a trust, estate, grantor of a grantor trust, or 17875
disregarded entity. 17876

(O) "S corporation" means a person that has made an election 17877
under subchapter S of Chapter 1 of Subtitle A of the Internal 17878
Revenue Code for its taxable year. 17879

(P) "Single member limited liability company" means a limited 17880
liability company that has one direct member. 17881

(Q) "Limited liability company" means a limited liability 17882
company formed under Chapter 1705. or 1706. of the Revised Code or 17883
under the laws of another state. 17884

(R) "Qualifying wages" means wages, as defined in section 17885
3121(a) of the Internal Revenue Code, without regard to any wage 17886
limitations, adjusted as follows: 17887

(1) Deduct the following amounts: 17888

(a) Any amount included in wages if the amount constitutes 17889
compensation attributable to a plan or program described in 17890
section 125 of the Internal Revenue Code. 17891

(b) Any amount included in wages if the amount constitutes 17892
payment on account of a disability related to sickness or an 17893
accident paid by a party unrelated to the employer, agent of an 17894
employer, or other payer. 17895

(c) Any amount attributable to a nonqualified deferred 17896
compensation plan or program described in section 3121(v)(2)(C) of 17897
the Internal Revenue Code if the compensation is included in wages 17898
and the municipal corporation has, by resolution or ordinance 17899
adopted before January 1, 2016, exempted the amount from 17900
withholding and tax. 17901

(d) Any amount included in wages if the amount arises from 17902
the sale, exchange, or other disposition of a stock option, the 17903

exercise of a stock option, or the sale, exchange, or other 17904
disposition of stock purchased under a stock option and the 17905
municipal corporation has, by resolution or ordinance adopted 17906
before January 1, 2016, exempted the amount from withholding and 17907
tax. 17908

(e) Any amount included in wages that is exempt income. 17909

(2) Add the following amounts: 17910

(a) Any amount not included in wages solely because the 17911
employee was employed by the employer before April 1, 1986. 17912

(b) Any amount not included in wages because the amount 17913
arises from the sale, exchange, or other disposition of a stock 17914
option, the exercise of a stock option, or the sale, exchange, or 17915
other disposition of stock purchased under a stock option and the 17916
municipal corporation has not, by resolution or ordinance, 17917
exempted the amount from withholding and tax adopted before 17918
January 1, 2016. Division (R)(2)(b) of this section applies only 17919
to those amounts constituting ordinary income. 17920

(c) Any amount not included in wages if the amount is an 17921
amount described in section 401(k), 403(b), or 457 of the Internal 17922
Revenue Code. Division (R)(2)(c) of this section applies only to 17923
employee contributions and employee deferrals. 17924

(d) Any amount that is supplemental unemployment compensation 17925
benefits described in section 3402(o)(2) of the Internal Revenue 17926
Code and not included in wages. 17927

(e) Any amount received that is treated as self-employment 17928
income for federal tax purposes in accordance with section 17929
1402(a)(8) of the Internal Revenue Code. 17930

(f) Any amount not included in wages if all of the following 17931
apply: 17932

(i) For the taxable year the amount is employee compensation 17933

that is earned outside of the United States and that either is 17934
included in the taxpayer's gross income for federal income tax 17935
purposes or would have been included in the taxpayer's gross 17936
income for such purposes if the taxpayer did not elect to exclude 17937
the income under section 911 of the Internal Revenue Code; 17938

(ii) For no preceding taxable year did the amount constitute 17939
wages as defined in section 3121(a) of the Internal Revenue Code; 17940

(iii) For no succeeding taxable year will the amount 17941
constitute wages; and 17942

(iv) For any taxable year the amount has not otherwise been 17943
added to wages pursuant to either division (R)(2) of this section 17944
or section 718.03 of the Revised Code, as that section existed 17945
before the effective date of H.B. 5 of the 130th general assembly, 17946
March 23, 2015. 17947

(S) "Intangible income" means income of any of the following 17948
types: income yield, interest, capital gains, dividends, or other 17949
income arising from the ownership, sale, exchange, or other 17950
disposition of intangible property including, but not limited to, 17951
investments, deposits, money, or credits as those terms are 17952
defined in Chapter 5701. of the Revised Code, and patents, 17953
copyrights, trademarks, tradenames, investments in real estate 17954
investment trusts, investments in regulated investment companies, 17955
and appreciation on deferred compensation. "Intangible income" 17956
does not include prizes, awards, or other income associated with 17957
any lottery winnings, gambling winnings, or other similar games of 17958
chance. 17959

(T) "Taxable year" means the corresponding tax reporting 17960
period as prescribed for the taxpayer under the Internal Revenue 17961
Code. 17962

(U)(1) "Tax administrator" means, subject to division (U)(2) 17963
of this section, the individual charged with direct responsibility 17964

for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:	17965 17966 17967
(a) A municipal corporation acting as the agent of another municipal corporation;	17968 17969
(b) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;	17970 17971 17972 17973
(c) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.	17974 17975 17976 17977
(2) "Tax administrator" does not include the tax commissioner.	17978 17979
(3) A private individual or entity serving in any position described in division (U)(1)(b) or (c) of this section shall have no access to criminal history record information.	17980 17981 17982
(V) "Employer" means a person that is an employer for federal income tax purposes.	17983 17984
(W) "Employee" means an individual who is an employee for federal income tax purposes.	17985 17986
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	17987 17988 17989 17990 17991
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	17992 17993
(Z) "Form 2106" means internal revenue service form 2106	17994

filed by a taxpayer pursuant to the Internal Revenue Code. 17995

(AA) "Municipal corporation" includes a joint economic 17996
development district or joint economic development zone that 17997
levies an income tax under section 715.691, 715.70, 715.71, or 17998
715.72 of the Revised Code. 17999

(BB) "Disregarded entity" means a single member limited 18000
liability company, a qualifying subchapter S subsidiary, or 18001
another entity if the company, subsidiary, or entity is a 18002
disregarded entity for federal income tax purposes. 18003

(CC) "Generic form" means an electronic or paper form that is 18004
not prescribed by a particular municipal corporation and that is 18005
designed for reporting taxes withheld by an employer, agent of an 18006
employer, or other payer, estimated municipal income taxes, or 18007
annual municipal income tax liability or for filing a refund 18008
claim. 18009

(DD) "Tax return preparer" means any individual described in 18010
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 18011
301.7701-15. 18012

(EE) "Ohio business gateway" means the online computer 18013
network system, created under section 125.30 of the Revised Code, 18014
that allows persons to electronically file business reply forms 18015
with state agencies and includes any successor electronic filing 18016
and payment system. 18017

(FF) "Local board of tax review" and "board of tax review" 18018
mean the entity created under section 718.11 of the Revised Code. 18019

(GG) "Net operating loss" means a loss incurred by a person 18020
in the operation of a trade or business. "Net operating loss" does 18021
not include unutilized losses resulting from basis limitations, 18022
at-risk limitations, or passive activity loss limitations. 18023

(HH) "Casino operator" and "casino facility" have the same 18024

meanings as in section 3772.01 of the Revised Code. 18025

(II) "Video lottery terminal" has the same meaning as in 18026
section 3770.21 of the Revised Code. 18027

(JJ) "Video lottery terminal sales agent" means a lottery 18028
sales agent licensed under Chapter 3770. of the Revised Code to 18029
conduct video lottery terminals on behalf of the state pursuant to 18030
section 3770.21 of the Revised Code. 18031

(KK) "Postal service" means the United States postal service. 18032

(LL) "Certified mail," "express mail," "United States mail," 18033
"postal service," and similar terms include any delivery service 18034
authorized pursuant to section 5703.056 of the Revised Code. 18035

(MM) "Postmark date," "date of postmark," and similar terms 18036
include the date recorded and marked in the manner described in 18037
division (B)(3) of section 5703.056 of the Revised Code. 18038

(NN) "Related member" means a person that, with respect to 18039
the taxpayer during all or any portion of the taxable year, is 18040
either a related entity, a component member as defined in section 18041
1563(b) of the Internal Revenue Code, or a person to or from whom 18042
there is attribution of stock ownership in accordance with section 18043
1563(e) of the Internal Revenue Code except, for purposes of 18044
determining whether a person is a related member under this 18045
division, "twenty per cent" shall be substituted for "5 percent" 18046
wherever "5 percent" appears in section 1563(e) of the Internal 18047
Revenue Code. 18048

(OO) "Related entity" means any of the following: 18049

(1) An individual stockholder, or a member of the 18050
stockholder's family enumerated in section 318 of the Internal 18051
Revenue Code, if the stockholder and the members of the 18052
stockholder's family own directly, indirectly, beneficially, or 18053
constructively, in the aggregate, at least fifty per cent of the 18054

value of the taxpayer's outstanding stock; 18055

(2) A stockholder, or a stockholder's partnership, estate, 18056
trust, or corporation, if the stockholder and the stockholder's 18057
partnerships, estates, trusts, or corporations own directly, 18058
indirectly, beneficially, or constructively, in the aggregate, at 18059
least fifty per cent of the value of the taxpayer's outstanding 18060
stock; 18061

(3) A corporation, or a party related to the corporation in a 18062
manner that would require an attribution of stock from the 18063
corporation to the party or from the party to the corporation 18064
under division (OO)(4) of this section, provided the taxpayer owns 18065
directly, indirectly, beneficially, or constructively, at least 18066
fifty per cent of the value of the corporation's outstanding 18067
stock; 18068

(4) The attribution rules described in section 318 of the 18069
Internal Revenue Code apply for the purpose of determining whether 18070
the ownership requirements in divisions (OO)(1) to (3) of this 18071
section have been met. 18072

(PP)(1) "Assessment" means a written finding by the tax 18073
administrator that a person has underpaid municipal income tax, or 18074
owes penalty and interest, or any combination of tax, penalty, or 18075
interest, to the municipal corporation that commences the person's 18076
time limitation for making an appeal to the local board of tax 18077
review pursuant to section 718.11 of the Revised Code, and has 18078
"ASSESSMENT" written in all capital letters at the top of such 18079
finding. 18080

(2) "Assessment" does not include an informal notice denying 18081
a request for refund issued under division (B)(3) of section 18082
718.19 of the Revised Code, a billing statement notifying a 18083
taxpayer of current or past-due balances owed to the municipal 18084
corporation, a tax administrator's request for additional 18085

information, a notification to the taxpayer of mathematical 18086
errors, or a tax administrator's other written correspondence to a 18087
person or taxpayer that does not meet the criteria prescribed by 18088
division (PP)(1) of this section. 18089

(QQ) "Taxpayers' rights and responsibilities" means the 18090
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 18091
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 18092
Revised Code and the responsibilities of taxpayers to file, 18093
report, withhold, remit, and pay municipal income tax and 18094
otherwise comply with Chapter 718. of the Revised Code and 18095
resolutions, ordinances, and rules adopted by a municipal 18096
corporation for the imposition and administration of a municipal 18097
income tax. 18098

(RR) "Qualified municipal corporation" means a municipal 18099
corporation that, by resolution or ordinance adopted on or before 18100
December 31, 2011, adopted Ohio adjusted gross income, as defined 18101
by section 5747.01 of the Revised Code, as the income subject to 18102
tax for the purposes of imposing a municipal income tax. 18103

(SS)(1) "Pre-2017 net operating loss carryforward" means any 18104
net operating loss incurred in a taxable year beginning before 18105
January 1, 2017, to the extent such loss was permitted, by a 18106
resolution or ordinance of the municipal corporation that was 18107
adopted by the municipal corporation before January 1, 2016, to be 18108
carried forward and utilized to offset income or net profit 18109
generated in such municipal corporation in future taxable years. 18110

(2) For the purpose of calculating municipal taxable income, 18111
any pre-2017 net operating loss carryforward may be carried 18112
forward to any taxable year, including taxable years beginning in 18113
2017 or thereafter, for the number of taxable years provided in 18114
the resolution or ordinance or until fully utilized, whichever is 18115
earlier. 18116

(TT) "Small employer" means any employer that had total 18117
revenue of less than five hundred thousand dollars during the 18118
preceding taxable year. For purposes of this division, "total 18119
revenue" means receipts of any type or kind, including, but not 18120
limited to, sales receipts; payments; rents; profits; gains, 18121
dividends, and other investment income; compensation; commissions; 18122
premiums; money; property; grants; contributions; donations; 18123
gifts; program service revenue; patient service revenue; premiums; 18124
fees, including premium fees and service fees; tuition payments; 18125
unrelated business revenue; reimbursements; any type of payment 18126
from a governmental unit, including grants and other allocations; 18127
and any other similar receipts reported for federal income tax 18128
purposes or under generally accepted accounting principles. "Small 18129
employer" does not include the federal government; any state 18130
government, including any state agency or instrumentality; any 18131
political subdivision; or any entity treated as a government for 18132
financial accounting and reporting purposes. 18133

(UU) "Audit" means the examination of a person or the 18134
inspection of the books, records, memoranda, or accounts of a 18135
person for the purpose of determining liability for a municipal 18136
income tax. 18137

(VV) "Publicly traded partnership" means any partnership, an 18138
interest in which is regularly traded on an established securities 18139
market. A "publicly traded partnership" may have any number of 18140
partners. 18141

(WW) "Tax commissioner" means the tax commissioner appointed 18142
under section 121.03 of the Revised Code. 18143

(XX) "Out-of-state disaster business," "qualifying 18144
solicitation," "qualifying employee," "disaster work," "critical 18145
infrastructure," and "disaster response period" have the same 18146
meanings as in section 5703.94 of the Revised Code. 18147

(YY) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Sec. 718.05. (A) An annual return with respect to the income tax levied by a municipal corporation shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is liable for the tax. If the total credit allowed against the tax as described in division (D) of section 718.04 of the Revised Code for the year is equal to or exceeds the tax imposed by the municipal corporation, no return shall be required unless the municipal ordinance or resolution levying the tax requires the filing of a return in such circumstances.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by a municipal corporation in accordance with this chapter, the return or notice required of that individual

shall be completed and filed by the individual's duly authorized 18179
agent, guardian, conservator, fiduciary, or other person charged 18180
with the care of the person or property of that individual. 18181

(D) Returns or notices required of an estate or a trust shall 18182
be completed and filed by the fiduciary of the estate or trust. 18183

(E) No municipal corporation shall deny spouses the ability 18184
to file a joint return. 18185

(F)(1) Each return required to be filed under this section 18186
shall contain the signature of the taxpayer or the taxpayer's duly 18187
authorized agent and of the person who prepared the return for the 18188
taxpayer, and shall include the taxpayer's social security number 18189
or taxpayer identification number. Each return shall be verified 18190
by a declaration under penalty of perjury. 18191

(2) A tax administrator may require a taxpayer who is an 18192
individual to include, with each annual return, amended return, or 18193
request for refund required under this section, copies of only the 18194
following documents: all of the taxpayer's Internal Revenue 18195
Service form W-2, "Wage and Tax Statements," including all 18196
information reported on the taxpayer's federal W-2, as well as 18197
taxable wages reported or withheld for any municipal corporation; 18198
the taxpayer's Internal Revenue Service form 1040 or, in the case 18199
of a return or request required by a qualified municipal 18200
corporation, Ohio form IT-1040; and, with respect to an amended 18201
tax return or refund request, any other documentation necessary to 18202
support the refund request or the adjustments made in the amended 18203
return. An individual taxpayer who files the annual return 18204
required by this section electronically is not required to provide 18205
paper copies of any of the foregoing to the tax administrator 18206
unless the tax administrator requests such copies after the return 18207
has been filed. 18208

(3) A tax administrator may require a taxpayer that is not an 18209

individual to include, with each annual net profit return, amended 18210
net profit return, or request for refund required under this 18211
section, copies of only the following documents: the taxpayer's 18212
Internal Revenue Service form 1041, form 1065, form 1120, form 18213
1120-REIT, form 1120F, or form 1120S, and, with respect to an 18214
amended tax return or refund request, any other documentation 18215
necessary to support the refund request or the adjustments made in 18216
the amended return. 18217

A taxpayer that is not an individual and that files an annual 18218
net profit return electronically through the Ohio business gateway 18219
or in some other manner shall either mail the documents required 18220
under this division to the tax administrator at the time of filing 18221
or, if electronic submission is available, submit the documents 18222
electronically through the Ohio business gateway. The department 18223
of taxation shall publish a method of electronically submitting 18224
the documents required under this division through the Ohio 18225
business gateway on or before January 1, 2016. The department 18226
shall transmit all documents submitted electronically under this 18227
division to the appropriate tax administrator. 18228

(4) After a taxpayer files a tax return, the tax 18229
administrator may request, and the taxpayer shall provide, any 18230
information, statements, or documents required by the municipal 18231
corporation to determine and verify the taxpayer's municipal 18232
income tax liability. The requirements imposed under division (F) 18233
of this section apply regardless of whether the taxpayer files on 18234
a generic form or on a form prescribed by the tax administrator. 18235

(G)(1)(a) Except as otherwise provided in this chapter, each 18236
individual income tax return required to be filed under this 18237
section shall be completed and filed as required by the tax 18238
administrator on or before the date prescribed for the filing of 18239
state individual income tax returns under division (G) of section 18240
5747.08 of the Revised Code. The taxpayer shall complete and file 18241

the return or notice on forms prescribed by the tax administrator 18242
or on generic forms, together with remittance made payable to the 18243
municipal corporation or tax administrator. No remittance is 18244
required if the amount shown to be due is ten dollars or less. A 18245
municipal corporation shall not require a qualifying employee 18246
whose income consists exclusively of exempt income described in 18247
division (C)(20)(b) or (c) of section 718.01 of the Revised Code 18248
to file a return under this section. 18249

(b) Except as otherwise provided in this chapter, each annual 18250
net profit return required to be filed under this section by a 18251
taxpayer that is not an individual shall be completed and filed as 18252
required by the tax administrator on or before the fifteenth day 18253
of the fourth month following the end of the taxpayer's taxable 18254
year. The taxpayer shall complete and file the return or notice on 18255
forms prescribed by the tax administrator or on generic forms, 18256
together with remittance made payable to the municipal corporation 18257
or tax administrator. No remittance is required if the amount 18258
shown to be due is ten dollars or less. 18259

(2)(a) Any taxpayer that has duly requested an automatic 18260
six-month extension for filing the taxpayer's federal income tax 18261
return shall automatically receive an extension for the filing of 18262
a municipal income tax return. The extended due date of the 18263
municipal income tax return for a taxpayer that is an individual 18264
shall be the fifteenth day of the tenth month after the last day 18265
of the taxable year to which the return relates. The extended due 18266
date of the municipal income tax return for a taxpayer that is not 18267
an individual shall be the fifteenth day of the eleventh month 18268
after the last day of the taxable year to which the return 18269
relates. 18270

(b) A taxpayer that has not requested or received a six-month 18271
extension for filing the taxpayer's federal income tax return may 18272
request that the tax administrator grant the taxpayer a six-month 18273

extension of the date for filing the taxpayer's municipal income 18274
tax return. If the request is received by the tax administrator on 18275
or before the date the municipal income tax return is due, the tax 18276
administrator shall grant the taxpayer's requested extension. 18277

(c) An extension of time to file under division (G)(2) of 18278
this section is not an extension of the time to pay any tax due 18279
unless the tax administrator grants an extension of that date. 18280

(3) If the tax commissioner extends for all taxpayers the 18281
date for filing state income tax returns under division (G) of 18282
section 5747.08 of the Revised Code, a taxpayer shall 18283
automatically receive an extension for the filing of a municipal 18284
income tax return. The extended due date of the municipal income 18285
tax return shall be the same as the extended due date of the state 18286
income tax return. 18287

(4) If the tax administrator considers it necessary in order 18288
to ensure the payment of the tax imposed by the municipal 18289
corporation in accordance with this chapter, the tax administrator 18290
may require taxpayers to file returns and make payments otherwise 18291
than as provided in this section, including taxpayers not 18292
otherwise required to file annual returns. 18293

(5) If a taxpayer receives an extension for the filing of a 18294
municipal income tax return under division (G)(2), (3), or (4) of 18295
this section, the tax administrator shall not make any inquiry or 18296
send any notice to the taxpayer with regard to the return on or 18297
before the date the taxpayer files the return or on or before the 18298
extended due date to file the return, whichever occurs first. 18299

If a tax administrator violates division (G)(5) of this 18300
section, the municipal corporation shall reimburse the taxpayer 18301
for any reasonable costs incurred to respond to such inquiry or 18302
notice, up to one hundred fifty dollars. 18303

Division (G)(5) of this section does not apply to an 18304

extension received under division (G)(2) of this section if the 18305
tax administrator has actual knowledge that the taxpayer failed to 18306
file for a federal extension as required to receive the extension 18307
under division (G)(2)(a) of this section or failed to file for an 18308
extension under division (G)(2)(b) of this section. 18309

(6) To the extent that any provision in this division 18310
conflicts with any provision in section 718.052 of the Revised 18311
Code, the provision in that section prevails. 18312

(H)(1) For taxable years beginning after 2015, a municipal 18313
corporation shall not require a taxpayer to remit tax with respect 18314
to net profits if the amount due is less than ten dollars. 18315

(2) Except as provided in division (H)(3) of this section, 18316
any taxpayer not required to remit tax to a municipal corporation 18317
for a taxable year pursuant to division (H)(1) of this section 18318
shall file with the municipal corporation an annual net profit 18319
return under division (F)(3) of this section. 18320

(3) A municipal corporation shall not require a person to 18321
file a net profit return under this section if the person's income 18322
consists exclusively of exempt income described in division 18323
(C)(20)(a) of section 718.01 of the Revised Code. 18324

(I)(1) If any report, claim, statement, or other document 18325
required to be filed, or any payment required to be made, within a 18326
prescribed period or on or before a prescribed date under this 18327
chapter is delivered after that period or that date by United 18328
States mail to the tax administrator or other municipal official 18329
with which the report, claim, statement, or other document is 18330
required to be filed, or to which the payment is required to be 18331
made, the date of the postmark stamped on the cover in which the 18332
report, claim, statement, or other document, or payment is mailed 18333
shall be deemed to be the date of delivery or the date of payment. 18334
"The date of postmark" means, in the event there is more than one 18335

date on the cover, the earliest date imprinted on the cover by the 18336
postal service. 18337

(2) If a payment under this chapter is made by electronic 18338
funds transfer, the payment shall be considered to be made on the 18339
date of the timestamp assigned by the first electronic system 18340
receiving that payment. 18341

(J) The amounts withheld by an employer, the agent of an 18342
employer, or an other payer as described in section 718.03 of the 18343
Revised Code shall be allowed to the recipient of the compensation 18344
as credits against payment of the tax imposed on the recipient by 18345
the municipal corporation, unless the amounts withheld were not 18346
remitted to the municipal corporation and the recipient colluded 18347
with the employer, agent, or other payer in connection with the 18348
failure to remit the amounts withheld. 18349

(K) Each return required by a municipal corporation to be 18350
filed in accordance with this section shall include a box that the 18351
taxpayer may check to authorize another person, including a tax 18352
return preparer who prepared the return, to communicate with the 18353
tax administrator about matters pertaining to the return. The 18354
return or instructions accompanying the return shall indicate that 18355
by checking the box the taxpayer authorizes the tax administrator 18356
to contact the preparer or other person concerning questions that 18357
arise during the examination or other review of the return and 18358
authorizes the preparer or other person only to provide the tax 18359
administrator with information that is missing from the return, to 18360
contact the tax administrator for information about the 18361
examination or other review of the return or the status of the 18362
taxpayer's refund or payments, and to respond to notices about 18363
mathematical errors, offsets, or return preparation that the 18364
taxpayer has received from the tax administrator and has shown to 18365
the preparer or other person. 18366

(L) The tax administrator of a municipal corporation shall 18367

accept for filing a generic form of any income tax return, report, 18368
or document required by the municipal corporation in accordance 18369
with this chapter, provided that the generic form, once completed 18370
and filed, contains all of the information required by ordinance, 18371
resolution, or rules adopted by the municipal corporation or tax 18372
administrator, and provided that the taxpayer or tax return 18373
preparer filing the generic form otherwise complies with the 18374
provisions of this chapter and of the municipal corporation 18375
ordinance or resolution governing the filing of returns, reports, 18376
or documents. 18377

(M) When income tax returns, reports, or other documents 18378
require the signature of a tax return preparer, the tax 18379
administrator shall accept a facsimile of such a signature in lieu 18380
of a manual signature. 18381

(N)(1) As used in this division, "worksite location" has the 18382
same meaning as in section 718.011 of the Revised Code. 18383

(2) A person may notify a tax administrator that the person 18384
does not expect to be a taxpayer with respect to the municipal 18385
corporation for a taxable year if both of the following conditions 18386
apply: 18387

(a) The person was required to file a tax return with the 18388
municipal corporation for the immediately preceding taxable year 18389
because the person performed services at a worksite location 18390
within that municipal corporation. 18391

(b) The person no longer provides services in the municipal 18392
corporation and does not expect to be subject to the municipal 18393
corporation's income tax for the taxable year. 18394

The person shall provide the notice in a signed affidavit 18395
that briefly explains the person's circumstances, including the 18396
location of the previous worksite location and the last date on 18397
which the person performed services or made any sales within the 18398

municipal corporation. The affidavit also shall include the 18399
following statement: "The affiant has no plans to perform any 18400
services within the municipal corporation, make any sales in the 18401
municipal corporation, or otherwise become subject to the tax 18402
levied by the municipal corporation during the taxable year. If 18403
the affiant does become subject to the tax levied by the municipal 18404
corporation for the taxable year, the affiant agrees to be 18405
considered a taxpayer and to properly register as a taxpayer with 18406
the municipal corporation if such a registration is required by 18407
the municipal corporation's resolutions, ordinances, or rules." 18408
The person shall sign the affidavit under penalty of perjury. 18409

(c) If a person submits an affidavit described in division 18410
(N)(2) of this section, the tax administrator shall not require 18411
the person to file any tax return for the taxable year unless the 18412
tax administrator possesses information that conflicts with the 18413
affidavit or if the circumstances described in the affidavit 18414
change. Nothing in division (N) of this section prohibits the tax 18415
administrator from performing an audit of the person. 18416

Sec. 718.27. (A) As used in this section: 18417

(1) "Applicable law" means this chapter, the resolutions, 18418
ordinances, codes, directives, instructions, and rules adopted by 18419
a municipal corporation provided such resolutions, ordinances, 18420
codes, directives, instructions, and rules impose or directly or 18421
indirectly address the levy, payment, remittance, or filing 18422
requirements of a municipal income tax. 18423

(2) "Income tax," "estimated income tax," and "withholding 18424
tax" means any income tax, estimated income tax, and withholding 18425
tax imposed by a municipal corporation pursuant to applicable law, 18426
including at any time before January 1, 2016. 18427

(3) A "return" includes any tax return, report, 18428
reconciliation, schedule, and other document required to be filed 18429

with a tax administrator or municipal corporation by a taxpayer, 18430
employer, any agent of the employer, or any other payer pursuant 18431
to applicable law, including at any time before January 1, 2016. 18432

(4) "Federal short-term rate" means the rate of the average 18433
market yield on outstanding marketable obligations of the United 18434
States with remaining periods to maturity of three years or less, 18435
as determined under section 1274 of the Internal Revenue Code, for 18436
July of the current year. 18437

(5) "Interest rate as described in division (A) of this 18438
section" means the federal short-term rate, rounded to the nearest 18439
whole number per cent, plus five per cent. The rate shall apply 18440
for the calendar year next following the July of the year in which 18441
the federal short-term rate is determined in accordance with 18442
division (A)(4) of this section. 18443

(6) "Unpaid estimated income tax" means estimated income tax 18444
due but not paid by the date the tax is required to be paid under 18445
applicable law. 18446

(7) "Unpaid income tax" means income tax due but not paid by 18447
the date the income tax is required to be paid under applicable 18448
law. 18449

(8) "Unpaid withholding tax" means withholding tax due but 18450
not paid by the date the withholding tax is required to be paid 18451
under applicable law. 18452

(9) "Withholding tax" includes amounts an employer, any agent 18453
of an employer, or any other payer did not withhold in whole or in 18454
part from an employee's qualifying wages, but that, under 18455
applicable law, the employer, agent, or other payer is required to 18456
withhold from an employee's qualifying wages. 18457

(B)(1) This section applies to the following: 18458

(a) Any return required to be filed under applicable law for 18459

taxable years beginning on or after January 1, 2016; 18460

(b) Income tax, estimated income tax, and withholding tax 18461
required to be paid or remitted to the municipal corporation on or 18462
after January 1, 2016. 18463

(2) This section does not apply to returns required to be 18464
filed or payments required to be made before January 1, 2016, 18465
regardless of the filing or payment date. Returns required to be 18466
filed or payments required to be made before January 1, 2016, but 18467
filed or paid after that date shall be subject to the ordinances 18468
or rules, as adopted before January 1, 2016, of the municipal 18469
corporation to which the return is to be filed or the payment is 18470
to be made. 18471

(C) Each municipal corporation levying a tax on income may 18472
impose on a taxpayer, employer, any agent of the employer, and any 18473
other payer, and must attempt to collect, the interest amounts and 18474
penalties prescribed under division (C) of this section when the 18475
taxpayer, employer, any agent of the employer, or any other payer 18476
for any reason fails, in whole or in part, to make to the 18477
municipal corporation timely and full payment or remittance of 18478
income tax, estimated income tax, or withholding tax or to file 18479
timely with the municipal corporation any return required to be 18480
filed. 18481

(1) Interest shall be imposed at the rate described in 18482
division (A) of this section, per annum, on all unpaid income tax, 18483
unpaid estimated income tax, and unpaid withholding tax. 18484

(2)(a) With respect to unpaid income tax and unpaid estimated 18485
income tax, a municipal corporation may impose a penalty equal to 18486
fifteen per cent of the amount not timely paid. 18487

(b) With respect to any unpaid withholding tax, a municipal 18488
corporation may impose a penalty not exceeding fifty per cent of 18489
the amount not timely paid. 18490

(3) With respect to returns other than estimated income tax returns, a municipal corporation may impose a penalty ~~of not~~ not exceeding twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon ~~for each month, or any fraction thereof, during which the return remains unfiled~~ regardless of the liability shown thereon. The penalty shall not exceed one hundred fifty dollars for each failure, except that a municipal corporation shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(D)(1) With respect to the income taxes, estimated income taxes, withholding taxes, and returns, no municipal corporation shall impose, seek to collect, or collect any penalty, amount of interest, charges, or additional fees not described in this section.

(2) With respect to the income taxes, estimated income taxes, withholding taxes, and returns not described in division (A) of this section, nothing in this section requires a municipal corporation to refund or credit any penalty, amount of interest, charges, or additional fees that the municipal corporation has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of a municipal corporation to abate or partially abate penalties or interest imposed under this section when the tax administrator determines, in the tax administrator's sole discretion, that such abatement is appropriate.

(F) By the thirty-first day of October of each year the municipal corporation shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The municipal corporation may impose on the taxpayer,

employer, any agent of the employer, or any other payer the 18522
municipal corporation's post-judgment collection costs and fees, 18523
including attorney's fees. 18524

Sec. 718.80. (A) A taxpayer may elect to be subject to 18525
sections 718.80 to 718.95 of the Revised Code in lieu of the 18526
provisions set forth in the remainder of this chapter. 18527
Notwithstanding any other provision of this chapter, upon the 18528
taxpayer's election, both of the following shall apply: 18529

(1) The tax commissioner shall serve as the sole 18530
administrator of each municipal income tax for which the taxpayer 18531
is liable for the term of the election; 18532

(2) The commissioner shall administer the tax pursuant to 18533
sections 718.80 to 718.95 of the Revised Code and any applicable 18534
provision of Chapter 5703. of the Revised Code. 18535

(B)(1) A taxpayer shall make the initial election on or 18536
before the fifteenth day of the fourth month after the beginning 18537
of the taxpayer's taxable year by providing to the tax 18538
commissioner a list of all municipal corporations in which the 18539
taxpayer conducted business during the previous taxable year, on a 18540
form prescribed by the tax commissioner. 18541

(2) At least quarterly, the tax commissioner shall notify 18542
each municipal corporation that a taxpayer lists in its election 18543
under division (B)(1) of this section that the taxpayer has made 18544
the election. 18545

(3)(a) The election, once made by the taxpayer, applies to 18546
the taxable year in which the election is made and to each 18547
subsequent taxable year until the taxpayer notifies the tax 18548
commissioner of its termination of the election. 18549

(b) A notification of termination shall be made, on a form 18550
prescribed by the tax commissioner, on or before the fifteenth day 18551

of the fourth month of any taxable year. 18552

(c) Upon a timely and valid termination of the election, the 18553
taxpayer is no longer subject to sections 718.80 to 718.95 of the 18554
Revised Code, and is instead subject to the provisions set forth 18555
in the remainder of this chapter. 18556

(d) At least quarterly, the tax commissioner shall notify 18557
each municipal corporation reported on a taxpayer's most recent 18558
return or declaration filed with the commissioner of the 18559
taxpayer's termination of its election. 18560

(4) The tax commissioner shall provide to all municipal 18561
corporations imposing a tax on income on or after January 1, 2018, 18562
a list of taxpayers that are subject to sections 718.80 to 718.95 18563
of the Revised Code, including the taxpayers' names, addresses, 18564
and federal employee identification numbers. The list shall be 18565
made available via the portal created under section 718.841 of the 18566
Revised Code. 18567

(C)(1)(a) On or before the thirty-first day of January each 18568
year, each municipal corporation imposing a tax on income shall 18569
certify to the tax commissioner the rate of the tax in effect on 18570
the first day of January of that year. 18571

(b) If, after the thirty-first day of January of any year, 18572
~~the electors of a municipal corporation approve an increase in~~ 18573
changes the rate of the municipal corporation's tax on income such 18574
that a new rate takes effect within that year, the municipal 18575
corporation shall certify to the tax commissioner the new rate of 18576
tax not less than sixty days before the effective date of the 18577
~~increase~~ new rate, after which effective date the commissioner 18578
shall apply the ~~increased~~ new rate. 18579

(2) A municipal corporation that receives a notification 18580
under division (B)(2) of this section shall submit to the tax 18581
commissioner, on a form prescribed by the commissioner and within 18582

the time prescribed by division (C)(3) of this section, the 18583
following information regarding the taxpayer and any member of an 18584
affiliated group of corporations included on the taxpayer's 18585
consolidated tax return, when applicable: 18586

(a) The amount of any net operating loss that the taxpayer is 18587
entitled to carry forward to a future tax year; 18588

(b) The amount of any net operating loss carryforward 18589
utilized by the taxpayer in prior years; 18590

(c) Any credits granted by the municipal corporation to which 18591
the taxpayer is entitled, the amount of such credits, whether the 18592
credits may be carried forward to future tax years, and, if the 18593
credits may be carried forward, the duration of any such 18594
carryforward; 18595

(d) Any overpayments of tax that the taxpayer has elected to 18596
carry forward to a subsequent tax year; 18597

(e) Any other information the municipal corporation deems 18598
relevant in order to effectuate the tax commissioner's efficient 18599
administration of the tax on the municipal corporation's behalf. 18600

(3) A municipal corporation shall submit the information 18601
required under division (C)(2) of this section to the tax 18602
commissioner within ninety days after the taxpayer files its final 18603
return or within fifteen days after the end of the taxable year 18604
for which the taxpayer made the initial election under division 18605
(B)(1) of this section, whichever occurs first. For the purposes 18606
of this section, "final return" means the return filed with the 18607
municipal corporation for the taxable year immediately preceding 18608
the taxable year for which the taxpayer made the election under 18609
division (B)(1) of this section. 18610

(4) If any municipal corporation fails to timely comply with 18611
division (C)(1), (2), or (3) of this section, the tax commissioner 18612
may notify the director of budget and management, who, upon 18613

receiving such notification, shall withhold a portion of each 18614
payment made to the municipal corporation under section 718.83 of 18615
the Revised Code. The commissioner shall specify the percentage of 18616
the payment to be withheld, not to exceed fifty per cent of the 18617
amount of the payment otherwise due to the municipal corporation 18618
under that section. The director shall compute the withholding on 18619
the basis of the tax rate most recently certified to the tax 18620
commissioner until the municipal corporation complies with 18621
divisions (C)(1), (2), and (3) of this section. 18622

If, after any such withholding, the municipal corporation 18623
complies with divisions (C)(1), (2), and (3) of this section, the 18624
tax commissioner shall notify the director of budget and 18625
management, who shall provide payment to the municipal corporation 18626
under section 718.83 of the Revised Code of such amounts withheld 18627
under this division. 18628

(D) The tax commissioner shall enforce and administer 18629
sections 718.80 to 718.95 of the Revised Code. In addition to any 18630
other powers conferred upon the tax commissioner by law, the tax 18631
commissioner may: 18632

(1) Prescribe all forms necessary to administer those 18633
sections; 18634

(2) Adopt such rules as the tax commissioner finds necessary 18635
to carry out those sections; 18636

(3) Appoint and employ such personnel as are necessary to 18637
carry out the duties imposed upon the tax commissioner by those 18638
sections. 18639

(E) No tax administrator shall utilize sections 718.81 to 18640
718.95 of the Revised Code in the administrator's administration 18641
of a municipal income tax, and those sections shall not be applied 18642
to any taxpayer that has not made the election under this section. 18643

(F) Nothing in this chapter shall be construed to make any 18644

section of this chapter, other than sections 718.01 and 718.80 to 18645
718.95 of the Revised Code, applicable to the tax commissioner's 18646
administration of a municipal income tax or to any taxpayer that 18647
has made the election under this section. 18648

(G) The tax commissioner shall not be considered a tax 18649
administrator, as that term is defined in section 718.01 of the 18650
Revised Code. 18651

Sec. 718.84. (A) Any information gained as a result of 18652
returns, investigations, hearings, or verifications required or 18653
authorized by sections 718.80 to 718.95 of the Revised Code is 18654
confidential, and no person shall disclose such information, 18655
except for official purposes, in accordance with a proper judicial 18656
order, or as provided in section 4123.271 or 5703.21 of the 18657
Revised Code. The tax commissioner may furnish the internal 18658
revenue service with copies of returns filed. This section does 18659
not prohibit the publication of statistics in a form which does 18660
not disclose information with respect to particular taxpayers. 18661

(B) In May and ~~November~~ December of each year, the tax 18662
commissioner shall provide each tax administrator with the 18663
following information for every taxpayer that ~~filed~~ had municipal 18664
taxable income apportionable to the municipal corporation under 18665
this chapter on tax returns filed with the commissioner under 18666
sections 718.80 to 718.95 of the Revised Code ~~and that had~~ 18667
~~municipal taxable income apportionable to the municipal~~ 18668
~~corporation under this chapter for any prior year~~ in the preceding 18669
five or seven months, respectively: 18670

(1) The taxpayer's name, address, and federal employer 18671
identification number; 18672

(2) The taxpayer's apportionment ratio for, and amount of 18673
municipal taxable income apportionable to, the municipal 18674
corporation pursuant to section 718.82 of the Revised Code; 18675

(3) The amount of any pre-2017 net operating loss	18676
carryforward utilized by the taxpayer;	18677
(4) Whether the taxpayer requested that any overpayment be	18678
carried forward to a future taxable year;	18679
(5) The amount of any credit claimed under section 718.94 of	18680
the Revised Code.	18681
(C) Not later than thirty days after each distribution made	18682
to municipal corporations under section 718.83 of the Revised	18683
Code, the tax commissioner shall provide to each municipal	18684
corporation a report stating the name and federal identification	18685
number of every taxpayer that made estimated payments that are	18686
attributable to the municipal corporation and the amount of each	18687
such taxpayer's estimated payment.	18688
(D) Not later than the thirty-first day of January of each	18689
year, every municipal corporation having taxpayers that have made	18690
the election allowed under section 718.80 of the Revised Code	18691
shall provide to the tax commissioner, in a format prescribed by	18692
the commissioner, the name and mailing address of up to two	18693
persons to whom the municipal corporation requests that the	18694
commissioner send the information described in divisions (B) and	18695
(C) of this section. The commissioner shall not provide such	18696
information to any person other than a person who is designated to	18697
receive the information under this section and who is employed by	18698
the municipal corporation or by a tax administrator, as defined in	18699
section 718.01 of the Revised Code, that administers the municipal	18700
corporation's income tax, except as may otherwise be provided by	18701
law.	18702
(E)(1) The tax commissioner may adopt rules that further	18703
govern the terms and conditions under which tax returns filed with	18704
the commissioner under this chapter, and any other information	18705
gained in the performance of the commissioner's duties prescribed	18706

by this chapter, shall be available for inspection by properly 18707
authorized officers, employees, or agents of the municipal 18708
corporations to which the taxpayer's net profit is apportioned 18709
under section 718.82 of the Revised Code. 18710

(2) As used in this division, "properly authorized officer, 18711
employee, or agent" means an officer, employee, or agent of a 18712
municipal corporation who is authorized by charter or ordinance of 18713
the municipal corporation to view or possess information referred 18714
to in section 718.13 of the Revised Code. 18715

(F)(1) If, upon receiving the information described in 18716
division (B) of section 718.91 of the Revised Code or division (B) 18717
or (C) of this section, a municipal corporation discovers that it 18718
has additional information in its possession that could result in 18719
a change to a taxpayer's tax liability, the municipal corporation 18720
may refer the taxpayer to the tax commissioner for an audit. Such 18721
referral shall be made on a form prescribed by the commissioner 18722
and shall include any information that forms the basis for the 18723
referral. 18724

(2) Upon receipt of a referral under division (F)(1) of this 18725
section, the commissioner shall review the referral and may 18726
conduct an audit of the taxpayer that is the subject of the 18727
referral based on the information in the referral and any other 18728
relevant information available to the commissioner. 18729

(3) Nothing in division (F) of this section shall be 18730
construed as forming the sole basis upon which the commissioner 18731
may conduct an audit of a taxpayer. 18732

(4) Nothing in this chapter shall prohibit a municipal 18733
corporation from filing a writ of mandamus if the municipal 18734
corporation believes that the commissioner has violated the 18735
commissioner's fiduciary duty as the administrator of the tax 18736
levied by the municipal corporation. 18737

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 18738
shall file an annual return. Such return, along with the amount of 18739
tax shown to be due on the return less the amount paid for the 18740
taxable year under section 718.88 of the Revised Code, shall be 18741
submitted to the tax commissioner, on a form and in the manner 18742
prescribed by the commissioner, on or before the fifteenth day of 18743
the fourth month following the end of the taxpayer's taxable year. 18744

(2) The remittance shall be made payable to the treasurer of 18745
state and in the form prescribed by the tax commissioner. If the 18746
amount payable with the tax return is ten dollars or less, no 18747
remittance is required. 18748

(B) The tax commissioner shall immediately forward to the 18749
treasurer of state all amounts the commissioner receives pursuant 18750
to sections 718.80 to 718.95 of the Revised Code. The treasurer 18751
shall credit such amounts to the municipal net profit tax fund 18752
which is hereby created in the state treasury. 18753

(C)(1) Each return required to be filed under this section 18754
shall contain the signature of the taxpayer or the taxpayer's duly 18755
authorized agent and of the person who prepared the return for the 18756
taxpayer, and shall include the taxpayer's identification number. 18757
Each return shall be verified by a declaration under penalty of 18758
perjury. 18759

(2)(a) The tax commissioner may require a taxpayer to 18760
include, with each annual tax return, amended return, or request 18761
for refund filed with the commissioner under sections 718.80 to 18762
718.95 of the Revised Code, copies of any relevant documents or 18763
other information. 18764

(b) A taxpayer that files an annual tax return electronically 18765
through the Ohio business gateway or in another manner as 18766
prescribed by the tax commissioner shall either submit the 18767
documents required under this division electronically as 18768

prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the ~~tenth~~ eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's ~~municipal income~~ tax return. If the commissioner receives the request on or before the date the ~~municipal income~~ tax return is due, the commissioner shall grant the taxpayer's extension request.

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with section 718.04 of the Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual

returns. 18800

(3) If a taxpayer receives an extension for the filing of a 18801
tax return under division (D)(1) or (2) of this section, the 18802
commissioner shall not make any inquiry or send any notice to the 18803
taxpayer with regard to the return on or before the date the 18804
taxpayer files the return or on or before the extended due date to 18805
file the return, whichever occurs first. 18806

If the commissioner violates division (D)(3) of this section, 18807
the commissioner shall reimburse the taxpayer for any reasonable 18808
costs incurred to respond to such inquiry or notice, up to one 18809
hundred fifty dollars. Such reimbursement shall be paid from the 18810
general revenue fund. 18811

Division (D)(3) of this section does not apply to an 18812
extension received under division (D)(1) of this section if the 18813
commissioner has actual knowledge that the taxpayer failed to file 18814
for a federal extension as required to receive the extension under 18815
division (D)(1)(a) of this section or failed to file for an 18816
extension under division (D)(1)(b) of this section. 18817

(E) Each return required to be filed in accordance with this 18818
section shall include a box that the taxpayer may check to 18819
authorize another person, including a tax return preparer who 18820
prepared the return, to communicate with the tax commissioner 18821
about matters pertaining to the return. The return or instructions 18822
accompanying the return shall indicate that by checking the box 18823
the taxpayer authorizes the commissioner to contact the preparer 18824
or other person concerning questions that arise during the 18825
examination or other review of the return and authorizes the 18826
preparer or other person only to provide the commissioner with 18827
information that is missing from the return, to contact the 18828
commissioner for information about the examination or other review 18829
of the return or the status of the taxpayer's refund or payments, 18830
and to respond to notices about mathematical errors, offsets, or 18831

return preparation that the taxpayer has received from the 18832
commissioner and has shown to the preparer or other person. 18833

(F) When income tax returns or other documents require the 18834
signature of a tax return preparer, the tax commissioner shall 18835
accept a facsimile or electronic version of such a signature in 18836
lieu of a manual signature. 18837

Sec. 718.89. (A) In addition to any other penalty imposed by 18838
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 18839
the following penalties shall apply: 18840

(1) If a taxpayer required to file a tax return under 18841
sections 718.80 to 718.95 of the Revised Code fails to make and 18842
file the return within the time prescribed, including any 18843
extensions of time granted by the tax commissioner, the 18844
commissioner may impose a penalty not exceeding twenty-five 18845
dollars ~~per month or fraction of a month, for each month or~~ 18846
~~fraction of a month elapsing between the due date, including~~ 18847
~~extensions of the due date, and the date on which the return is~~ 18848
~~filed. The aggregate penalty, per instance, under this division~~ 18849
~~shall not exceed one hundred fifty dollars, except that the~~ 18850
commissioner shall abate or refund the penalty assessed on a 18851
taxpayer's first failure to timely file a return after the 18852
taxpayer files that return. 18853

(2) If a person required to file a tax return electronically 18854
under sections 718.80 to 718.95 of the Revised Code fails to do 18855
so, the commissioner may impose a penalty not to exceed the 18856
following: 18857

(a) For each of the first two failures, five per cent of the 18858
amount required to be reported on the return; 18859

(b) For the third and any subsequent failure, ten per cent of 18860
the amount required to be reported on the return. 18861

(3) If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid. 18862
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(4) If a taxpayer files what purports to be a tax return required by sections 718.80 to 718.95 of the Revised Code that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 718.80 to 718.95 of the Revised Code, a penalty of up to five hundred dollars may be imposed. 18867
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(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 718.80 to 718.95 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return. 18877
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(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section. 18883
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(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of 18891
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the date, prescribed for filing the return. 18894

(C) Each penalty imposed under this section shall be in 18895
addition to any other penalty imposed under this section. All or 18896
part of any penalty imposed under this section may be abated by 18897
the tax commissioner. The commissioner may adopt rules governing 18898
the imposition and abatement of such penalties. 18899

(D) All amounts collected under this section shall be 18900
considered as taxes collected under sections 718.80 to 718.95 of 18901
the Revised Code and shall be credited and distributed to 18902
municipal corporations in the same proportion as the underlying 18903
tax liability is required to be distributed to such municipal 18904
corporations under section 718.83 of the Revised Code. 18905

Sec. 727.01. Each municipal corporation shall have special 18906
power to levy and collect special assessments. The legislative 18907
authority of a municipal corporation may assess upon the abutting, 18908
adjacent, and contiguous, or other specially benefited, lots or 18909
lands in the municipal corporation, any part of the cost connected 18910
with the improvement of any street, alley, dock, wharf, pier, 18911
public road, place, boulevard, parkway, or park entrance or an 18912
easement of the municipal corporation available for the purpose of 18913
the improvement to be made in it by grading, draining, curbing, 18914
paving, repaving, repairing, treating the surface with substances 18915
designed to lay the dust on it or preserve it, constructing 18916
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 18917
disposal works and treatment plants, sewage pumping stations, 18918
water treatment plants, water pumping stations, reservoirs, and 18919
water storage tanks or standpipes, together with the facilities 18920
and appurtenances necessary and proper therefor, drains, 18921
storm-water retention basins, watercourses, water mains, or laying 18922
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 18923
thereof, or removing snow therefrom, any part of the cost and 18924

expense of planting, maintaining, and removing shade trees 18925
thereupon; any part of the cost of a voluntary action, as defined 18926
in section 3746.01 of the Revised Code, undertaken pursuant to 18927
Chapter 3746. of the Revised Code by a special improvement 18928
district created under Chapter 1710. of the Revised Code, 18929
including the cost of acquiring property with respect to which the 18930
voluntary action is undertaken; any part of the cost and expense 18931
of constructing, maintaining, repairing, cleaning, and enclosing 18932
ditches; any part of the cost and expense of operating, 18933
maintaining, and replacing heating and cooling facilities for 18934
enclosed pedestrian canopies and malls; any part of the cost and 18935
expense of acquiring and improving parking facilities and 18936
structures for off-street parking of motor vehicles or of 18937
acquiring land and improving it by clearing, grading, draining, 18938
paving, lighting, erecting, constructing, and equipping it for 18939
parking facilities and structures for off-street parking of motor 18940
vehicles, to the extent authorized by section 717.05 of the 18941
Revised Code, but only if no special assessment made for the 18942
purpose of developing off-street parking facilities and structures 18943
is levied against any land being used solely for off-street 18944
parking or against any land used solely for single or two-family 18945
dwellings; any part of the cost and expense of operating and 18946
maintaining the off-street parking facilities and structures; and 18947
any part of the cost connected with changing the channel of, or 18948
narrowing, widening, dredging, deepening, or improving, any stream 18949
or watercourse, and for constructing or improving any levees or 18950
boulevards on any stream or watercourse, or along or about any 18951
stream or watercourse, together with any retaining wall, riprap 18952
protection, bulkhead, culverts, approaches, flood gates, 18953
waterways, or drains incidental to any stream or watercourse, or 18954
for making any other improvement of any river or lake front, 18955
whether it is privately or publicly owned, which the legislative 18956

authority declares conducive to the public health, convenience, or 18957
welfare. If a program grant is awarded for an eligible project 18958
under sections 122.40 to 122.4077 of the Revised Code, a municipal 18959
corporation may levy, against dwellings that are subject to the 18960
project, a special assessment for the purpose of providing a 18961
contribution from the municipal corporation towards the funding 18962
gap for the project. The assessment shall be at a rate that will 18963
produce a total assessment that is not more than the municipal 18964
corporation's contribution towards the funding gap for the 18965
eligible project as described in the application under section 18966
122.4020 of the Revised Code. In addition, a municipal corporation 18967
may levy a special assessment for public improvement or public 18968
services plans of a district formed under Chapter 1710. of the 18969
Revised Code, as provided in that chapter. In addition, a 18970
municipal corporation may levy a special assessment for an air 18971
quality facility pursuant to an agreement entered into under 18972
section 3706.051 of the Revised Code, provided that the owner of 18973
the property to be assessed files a written statement with the 18974
legislative authority of the municipal corporation requesting that 18975
the assessment be levied. Except as otherwise provided in Chapter 18976
1710. of the Revised Code, special assessments may be levied by 18977
any of the following methods: 18978

(A) By a percentage of the tax value of the property 18979
assessed; 18980

(B) In proportion to the benefits that may result from the 18981
improvement; 18982

(C) By the front foot of the property bounding and abutting 18983
upon the improvement. 18984

Sec. 731.141. In those villages that have established the 18985
position of village administrator, as provided by section 735.271 18986

of the Revised Code, the village administrator shall make 18987
contracts, purchase supplies and materials, and provide labor for 18988
any work under the administrator's supervision involving not more 18989
than ~~fifty thousand dollars~~ the amount specified in section 9.17 18990
of the Revised Code. When an expenditure, other than the 18991
compensation of persons employed by the village, exceeds ~~fifty~~ 18992
~~thousand dollars~~ the amount specified in section 9.17 of the 18993
Revised Code, the expenditure shall first be authorized and 18994
directed by ordinance of the legislative authority of the village. 18995
When so authorized and directed, except where the contract is for 18996
equipment, services, materials, or supplies to be purchased under 18997
division (D) of section 713.23 or section 125.04 or 5513.01 of the 18998
Revised Code, available from a qualified nonprofit agency pursuant 18999
to sections 4115.31 to 4115.35 of the Revised Code, or required to 19000
be purchased from a qualified nonprofit agency under sections 19001
125.60 to 125.6012 of the Revised Code, the village administrator 19002
shall make a written contract with the lowest and best bidder 19003
after advertisement for not less than two nor more than four 19004
consecutive weeks in a newspaper of general circulation within the 19005
village or as provided in section 7.16 of the Revised Code. The 19006
bids shall be opened and shall be publicly read by the village 19007
administrator or a person designated by the village administrator 19008
at the time, date, and place as specified in the advertisement to 19009
bidders or specifications. The time, date, and place of bid 19010
openings may be extended to a later date by the village 19011
administrator, provided that written or oral notice of the change 19012
shall be given to all persons who have received or requested 19013
specifications no later than ninety-six hours prior to the 19014
original time and date fixed for the opening. All contracts shall 19015
be executed in the name of the village and signed on its behalf by 19016
the village administrator and the clerk. No expenditure subject to 19017
this section shall be divided into component parts, separate 19018
projects, or separate items of work in order to avoid the 19019

requirements of this section. 19020

The legislative authority of a village may provide, by 19021
ordinance, for central purchasing for all offices, departments, 19022
divisions, boards, and commissions of the village, under the 19023
direction of the village administrator, who shall make contracts, 19024
purchase supplies or materials, and provide labor for any work of 19025
the village in the manner provided by this section. 19026

Sec. 735.05. The director of public service may make any 19027
contract, purchase supplies or material, or provide labor for any 19028
work under the supervision of the department of public service 19029
involving not more than ~~fifty thousand dollars~~ the amount 19030
specified in section 9.17 of the Revised Code. When an expenditure 19031
within the department, other than the compensation of persons 19032
employed in the department, exceeds ~~fifty thousand dollars~~ the 19033
amount specified in section 9.17 of the Revised Code, the 19034
expenditure shall first be authorized and directed by ordinance of 19035
the city legislative authority. When so authorized and directed, 19036
except where the contract is for equipment, services, materials, 19037
or supplies to be purchased under division (D) of section 713.23 19038
or section 125.04 or 5513.01 of the Revised Code or available from 19039
a qualified nonprofit agency pursuant to sections 4115.31 to 19040
4115.35 of the Revised Code, the director shall make a written 19041
contract with the lowest and best bidder after advertisement for 19042
not less than two nor more than four consecutive weeks in a 19043
newspaper of general circulation within the city or as provided in 19044
section 7.16 of the Revised Code. No expenditure subject to this 19045
section shall be divided into component parts, separate projects, 19046
or separate items of work in order to avoid the requirements of 19047
this section. 19048

Sec. 737.03. The director of public safety shall manage and 19049
make all contracts with reference to police stations, fire houses, 19050

reform schools, infirmaries, hospitals other than municipal 19051
hospitals operated pursuant to Chapter 749. of the Revised Code, 19052
workhouses, farms, pesthouses, and all other charitable and 19053
reformatory institutions. In the control and supervision of those 19054
institutions, the director shall be governed by the provisions of 19055
Title VII of the Revised Code relating to those institutions. 19056

The director may make all contracts and expenditures of money 19057
for acquiring lands for the erection or repairing of station 19058
houses, police stations, fire department buildings, fire cisterns, 19059
and plugs, that are required, for the purchase of engines, 19060
apparatus, and all other supplies necessary for the police and 19061
fire departments, and for other undertakings and departments under 19062
the director's supervision, but no obligation involving an 19063
expenditure of more than ~~fifty thousand dollars~~ the amount 19064
specified in section 9.17 of the Revised Code shall be created 19065
unless first authorized and directed by ordinance. In making, 19066
altering, or modifying those contracts, the director shall be 19067
governed by sections 735.05 to 735.09 of the Revised Code, except 19068
that all bids shall be filed with and opened by the director. The 19069
director shall make no sale or disposition of any property 19070
belonging to the city without first being authorized by resolution 19071
or ordinance of the city legislative authority. 19072

Sec. 737.22. (A) Each village establishing a fire department 19073
shall have a fire chief as the department's head, appointed by the 19074
mayor with the advice and consent of the legislative authority of 19075
the village, who shall continue in office until removed from 19076
office as provided by sections 733.35 to 733.39 of the Revised 19077
Code. Neither this section nor any other section of the Revised 19078
Code requires, or shall be construed to require, that the fire 19079
chief be a resident of the village. 19080

In each village not having a fire department, the mayor 19081

shall, with the advice and consent of the legislative authority of 19082
the village, appoint a fire prevention officer who shall exercise 19083
all of the duties of a fire chief except those involving the 19084
maintenance and operation of fire apparatus. 19085

The legislative authority of the village may fix the 19086
compensation it considers best. The appointee shall continue in 19087
office until removed from office as provided by sections 733.35 to 19088
733.39 of the Revised Code. Section 737.23 of the Revised Code 19089
shall extend to the officer. 19090

(B) The legislative authority of the village may provide for 19091
the appointment of permanent full-time paid firefighters as it 19092
considers best and fix their compensation, or for the services of 19093
volunteer firefighters, who shall be appointed by the mayor with 19094
the advice and consent of the legislative authority, and shall 19095
continue in office until removed from office. 19096

(1) No person shall be appointed as a permanent full-time 19097
paid firefighter of a village fire department, unless either of 19098
the following applies: 19099

(a) The person has received a certificate issued under former 19100
section 3303.07 of the Revised Code or section 4765.55 of the 19101
Revised Code evidencing satisfactory completion of a firefighter 19102
training program. 19103

(b) The person began serving as a permanent full-time paid 19104
firefighter with the fire department of a city or other village 19105
prior to July 2, 1970, and receives a fire training certificate 19106
issued under section 4765.55 of the Revised Code. 19107

(2) No person who is appointed as a volunteer firefighter of 19108
a village fire department shall remain in that position, unless 19109
either of the following applies: 19110

(a) Within one year of the appointment, the person has 19111
received a certificate issued under former section 3303.07 or 19112

section 4765.55 of the Revised Code evidencing satisfactory 19113
completion of a firefighter training program. 19114

(b) The person has served as a permanent full-time paid 19115
firefighter with the fire department of a city or other village 19116
prior to July 2, 1970, or as a volunteer firefighter with the fire 19117
department of a city, township, fire district, or other village 19118
prior to July 2, 1979, and receives a certificate issued under 19119
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 19120

(3) No person shall receive an appointment under this section 19121
unless the person has, not more than sixty days prior to receiving 19122
the appointment, passed a physical examination, given by a 19123
licensed physician, a physician assistant, a clinical nurse 19124
specialist, a certified nurse practitioner, or a certified 19125
nurse-midwife, showing that the person meets the physical 19126
requirements necessary to perform the duties of the position to 19127
which the person is to be appointed as established by the 19128
legislative authority of the village. The appointing authority 19129
shall, prior to making an appointment, file with the Ohio police 19130
and fire pension fund or the local volunteer fire fighters' 19131
dependents fund board a copy of the report or findings of that 19132
licensed physician, physician assistant, clinical nurse 19133
specialist, certified nurse practitioner, or certified 19134
nurse-midwife. The professional fee for the physical examination 19135
shall be paid for by the legislative authority of the village. 19136

Sec. 907.27. As used in sections 907.27 to 907.35, inclusive, 19137
of the Revised Code: 19138

(A) "Person" includes any individual, firm, partnership, 19139
corporation, company, society, or association. 19140

(B) "Distribute" means to offer for sale, hold for sale, 19141
sell, barter, or otherwise supply legume inoculants or 19142
pre-inoculated seed. 19143

(C) "Legume inoculant" means a pure or mixed culture of bacteria of the genus rhizobium capable of effectively inoculating a specific kind or specific kinds of legume plants.

(D) "Brand" means a term, word, number, symbol, design, trademark, or any combination thereof used on the package, tag, or in advertising to identify the legume inoculants of a manufacturer or distributor and to distinguish them from those of others and from each other if on different media or substrata.

(E) "Advertisement" means all representations other than those on the label, disseminated in any manner or by any means relating to legume inoculants and pre-inoculated seed.

(F) "Label" means any written or printed matter on the package of legume inoculant or pre-inoculated seeds, or tag attached thereto, or to the pertinent invoice.

(G) "Registrant" means a person who has currently registered a brand of inoculant.

(H) "Pre-inoculated seeds" means legume seeds which have received prior to sale an application of a legume inoculant purported to be effective until the expiration date shown on the label.

(I) "Custom inoculated seeds" means legume seeds to which application of a legume inoculant is made either at the time of the sale of the seed, or later, or to seed belonging to another person either as a service or as a part of the sales contract involving the sale or distribution either of the legume inoculant or seed not previously inoculated. It also includes subsequent application of legume inoculant to pre-inoculated seed when applied by a custom inoculator.

~~(J) "Legume inoculator" means a person who applies legume inoculant to legume seeds either to produce pre-inoculated seed, or custom inoculated seeds but other than for his own use for~~

seeding.	19175
(K) "Sell" includes transfer of ownership or custody, or the receiving of, accepting, or holding on consignment for sale.	19176 19177
Sec. 907.32. The director of agriculture may:	19178
(A) Refuse to register a brand of legume inoculant or he <u>the director</u> may cancel a registration that previously has been approved when, in his <u>the director's</u> opinion, the brand of legume inoculant is distributed under false or misleading claims;	19179 19180 19181 19182
(B) Refuse to license a legume inoculator or revoke a license previously issued for any violation of sections 907.27 to 907.35 of the Revised Code, or rules adopted thereunder;	19183 19184 19185
(C) Issue a stop sale order on any legume inoculant or pre-inoculated seed that is not registered, that is improperly or insufficiently labeled, that is offered for sale after the expiration date printed thereon, or that has been subjected to devitalizing conditions.	19186 19187 19188 19189 19190
Sec. 926.18. (A) When a depositor has made a demand for settlement of an obligation concerning an agricultural commodity on which a fee was required to be remitted under section 926.16 of the Revised Code and the licensed handler is experiencing failure, as "failure" is defined in section 926.021 of the Revised Code, and has failed to honor the demand, the depositor, after providing the director of agriculture or the director's authorized representative with evidence of the depositor's demand and the dishonoring of that demand, may file a claim with the director not later than six months after dishonor of the demand for indemnification of the depositor's damages, from the agricultural commodity depositors fund, to be measured as follows:	19191 19192 19193 19194 19195 19196 19197 19198 19199 19200 19201 19202
(1) The commodity advisory commission created in section 926.32 of the Revised Code shall establish the dollar value of the	19203 19204

loss incurred by a depositor holding a receipt or a ticket for 19205
agricultural commodities on which a fee was required and that the 19206
depositor delivered to the handler under a delayed price 19207
agreement, bailment agreement, or feed agreement, or that the 19208
depositor delivered to the handler before delivery was due under a 19209
contract or other agreement between the depositor and handler. The 19210
value shall be based on the fair market price being paid to 19211
producers by handlers for the commodities on the date on which the 19212
director received notice that the receipt or ticket was dishonored 19213
by the handler. All depositors filing claims under this division 19214
shall be bound by the value determined by the commission. 19215

(2) The dollar value of the loss incurred by a depositor who 19216
has sold or delivered for sale, exchange, or solicitation or 19217
negotiation for sale agricultural commodities on which a fee was 19218
required and who is a creditor of the handler for all or a part of 19219
the value of the commodities shall be based on the amount stated 19220
on the obligation on the date of the sale. 19221

(B) The agricultural commodity depositors fund shall be 19222
liable to a depositor for any moneys that are owed to the 19223
depositor for commodities deposited with a licensed handler 19224
pursuant to a transaction for which the handler must remit a fee 19225
under division (B) of section 926.16 of the Revised Code and that 19226
are not recovered through other legal and equitable remedies as 19227
follows: 19228

(1)(a) The liability of the fund shall equal one hundred per 19229
cent of the depositor's loss as determined under division (A)(1) 19230
of this section if any of the following applies: 19231

(i) The commodities were stored with the handler under a 19232
bailment agreement. 19233

(ii) Payment for the commodities was tendered by the handler 19234
and subsequently dishonored, such as payment by a check for which 19235

there were insufficient funds or by a check that was written on an 19236
account that was frozen by the financial institution. 19237

(iii) The commodities were priced not more than ~~thirty~~ 19238
forty-five days prior to the director's suspension of the 19239
handler's license under division (E), (G), or (H) of section 19240
926.10 of the Revised Code, and the handler failed to pay for the 19241
commodities on or before the date on which the suspension 19242
occurred. 19243

(iv) The commodities were priced not more than ~~ninety three~~ 19244
hundred sixty-five days prior to the director's suspension of the 19245
handler's license under division (E), (G), or (H) of section 19246
926.10 of the Revised Code, the commodities were subject to a 19247
signed, written agreement for deferred between the handler and 19248
depositor to defer payment by the handler not later than ~~ninety~~ 19249
three hundred sixty-five days following the date of delivery, and 19250
the handler failed to pay for the commodities on or before the 19251
payment date established in the written agreement. 19252

(v) The commodities were delivered and marketed under a 19253
delayed price agreement not more than two years prior to the 19254
director's suspension of the handler's license under division (E), 19255
(G), or (H) of section 926.10 of the Revised Code. The delivery 19256
date as marked on the tickets shall be used to determine the 19257
two-year period. 19258

(b) If the commodities were delivered and marketed under a 19259
delayed price agreement more than two years prior to the 19260
director's suspension of the handler's license under division (E), 19261
(G), or (H) of section 926.10 of the Revised Code, the fund has no 19262
liability. 19263

(c) If the deposit of commodities that were the subject of 19264
the depositor's loss involves circumstances other than those 19265
described in division (B)(1)(a) or (b) of this section, the 19266

liability of the fund shall equal ~~one hundred~~ seventy-five per 19267
cent of the ~~first ten thousand dollars of the loss and eighty per~~ 19268
~~cent of the remaining dollar value of that~~ loss as determined 19269
under divisions (A)(1) and (2) of this section. 19270

(2) The aggregate amount recovered by a depositor under all 19271
remedies shall not exceed one hundred per cent of the value of the 19272
depositor's loss. If the moneys recovered by a depositor under all 19273
remedies exceed one hundred per cent of the value of the 19274
depositor's loss, the depositor shall reimburse the fund in the 19275
amount that exceeds the value of that loss. 19276

(C) The director, with the recommendation of the commodity 19277
advisory commission, shall determine the validity of all claims 19278
presented against the fund. A claim filed under this section for 19279
losses on agricultural commodities other than commodities stored 19280
under a bailment agreement shall not be valid unless the depositor 19281
has made a demand for settlement of the obligation within twelve 19282
months after the commodities are priced. Any depositor whose claim 19283
has been refused by the director and the commission may appeal the 19284
refusal either to the court of common pleas of Franklin county or 19285
the court of common pleas of the county in which the depositor 19286
resides. 19287

The director shall provide for payment from the fund to any 19288
depositor whose claim has been found to be valid. 19289

(D) If at any time the fund does not contain sufficient 19290
assets to pay valid claims, the director shall hold those claims 19291
for payment until the fund again contains sufficient assets. 19292
Claims against the fund shall be paid in the order in which they 19293
are presented and found to be valid. 19294

(E) If a depositor files an action for legal or equitable 19295
remedies in a state or federal court having jurisdiction in those 19296
matters that includes a claim against agricultural commodities 19297

upon which the depositor may file a claim against the fund at a 19298
later date, the depositor also shall file with the director a copy 19299
of the action filed with the court. 19300

In the event of payment of a loss under this section, the 19301
director shall be subrogated to the extent of the amount of any 19302
payments to all rights, powers, privileges, and remedies of the 19303
depositor against any person regarding the loss. 19304

The depositor shall render all necessary assistance to aid 19305
the director in securing the rights granted in this section. No 19306
action or claim initiated by the depositor and pending at the time 19307
of payment from the fund may be compromised or settled without the 19308
consent of the director. 19309

(F) If, prior to June 20, 1994, a lawsuit, adversary 19310
proceeding, or other legal proceeding is brought against a 19311
depositor to recover money or payments from funds to which a 19312
depositor has a right of indemnification under this section, and 19313
the depositor retains legal counsel resulting in a cost or expense 19314
to the depositor, upon the rendering of a judgment or other 19315
resolution of the lawsuit, adversary proceeding, or other legal 19316
proceeding, the director, in the director's discretion and with 19317
the approval of the commodity advisory commission, may authorize 19318
indemnification from the fund for attorney's fees paid by the 19319
depositor. Any claim made by a depositor for the payment of 19320
attorney's fees under this division shall be made in the same 19321
manner as a claim under division (A) of this section. 19322

Attorney's fees payable under this division shall be limited 19323
to the actual hourly fee charged or one hundred dollars per hour, 19324
whichever is less, and to a total maximum amount of three hundred 19325
dollars. 19326

Sec. 955.011. (A) When an application is made for 19327
registration of an assistance dog and the owner can show proof by 19328

certificate or other means that the dog is an assistance dog, the 19329
owner of the dog shall be exempt from any fee for the 19330
registration. Registration for an assistance dog shall be 19331
permanent and not subject to annual renewal so long as the dog is 19332
an assistance dog. Certificates and tags stamped "Ohio Assistance 19333
Dog-Permanent Registration," with registration number, shall be 19334
issued upon registration of such a dog. Any certificate and tag 19335
stamped "Ohio Service Dog-Permanent Registration," with 19336
registration number, that was issued for a dog in accordance with 19337
this section as it existed on and after November 26, 2004, but 19338
prior to June 30, 2006, shall remain in effect as valid proof of 19339
the registration of the dog on and after November 26, 2004. 19340
Duplicate certificates and tags for a dog registered in accordance 19341
with this section, upon proper proof of loss, shall be issued and 19342
no fee required. Each duplicate certificate and tag that is issued 19343
shall be stamped "Ohio Assistance Dog-Permanent Registration." 19344

(B) As used in this section and in sections 955.16 and 955.43 19345
of the Revised Code: 19346

(1) "Person with a mobility impairment" means any person, 19347
regardless of age, who is subject to a physiological impairment 19348
regardless of its cause, nature, or extent that renders the person 19349
unable to move about without the aid of crutches, a wheelchair, or 19350
any other form of support, or that limits the person's functional 19351
ability to ambulate, climb, descend, sit, rise, or perform any 19352
related function. "Person with a mobility impairment" includes a 19353
person with a neurological or psychological disability that limits 19354
the person's functional ability to ambulate, climb, descend, sit, 19355
rise, or perform any related function. "Person with a mobility 19356
impairment" also includes a person with a seizure disorder and a 19357
person who is diagnosed with autism. 19358

(2) "Blind" means either of the following: 19359

(a) Vision twenty/two hundred or less in the better eye with 19360

proper correction; 19361

(b) Field defect in the better eye with proper correction 19362
that contracts the peripheral field so that the diameter of the 19363
visual field subtends an angle no greater than twenty degrees. 19364

(3) "Assistance dog" means a dog that has been trained by a 19365
nonprofit or for-profit special agency and that is one of the 19366
following: 19367

(a) A guide dog; ~~i~~ 19368

(b) A hearing dog; ~~or i~~ 19369

(c) A service dog ~~that has been trained by a nonprofit~~ 19370
~~special agency.~~ 19371

(4) "Guide dog" means a dog that has been trained or is in 19372
training to assist a blind person. 19373

(5) "Hearing dog" means a dog that has been trained or is in 19374
training to assist a deaf or hearing-impaired person. 19375

(6) "Service dog" means a dog that has been trained or is in 19376
training to assist a person with a mobility impairment. 19377

Sec. 993.04. (A)(1) No person shall operate an amusement ride 19378
within the state without a permit issued by the director of 19379
agriculture under division (A)(2) of this section. The owner of an 19380
amusement ride, whether the ride is a temporary amusement ride or 19381
a permanent amusement ride, who desires to operate the amusement 19382
ride within the state shall, prior to the operation of the 19383
amusement ride and annually thereafter, submit to the department 19384
of agriculture an application for a permit, together with the 19385
appropriate permit and inspection fee, on a form to be furnished 19386
by the department. Prior to issuing any permit the department 19387
shall, within thirty days after the date on which it receives the 19388
application, inspect each amusement ride described in the 19389
application. The owner of an amusement ride shall have the 19390

amusement ride ready for inspection not later than two hours after 19391
the time that is requested by the person for the inspection. 19392

(2) For each amusement ride found to comply with the rules 19393
adopted by the director under division (B) of this section and 19394
division (B) of section 993.08 of the Revised Code, the director 19395
shall issue an annual permit, provided that evidence of liability 19396
insurance coverage for the amusement ride as required by section 19397
993.06 of the Revised Code is on file with the department. 19398

(3) The director shall issue with each permit a decal 19399
indicating that the amusement ride has been issued the permit. The 19400
owner of the amusement ride shall affix the decal on the ride at a 19401
location where the decal is easily visible to the patrons of the 19402
ride. A copy of the permit shall be kept on file at the same 19403
address as the location of the amusement ride identified on the 19404
permit, and shall be made available for inspection, upon 19405
reasonable demand, by any person. An owner may operate an 19406
amusement ride prior to obtaining a permit, provided that the 19407
operation is for the purpose of testing the amusement ride or 19408
training amusement ride operators and other employees of the owner 19409
and the amusement ride is not open to the public. 19410

(B)(1) The director, in accordance with Chapter 119. of the 19411
Revised Code, shall adopt rules providing for both of the 19412
following: 19413

(a) A schedule of fines, with no fine exceeding five thousand 19414
dollars, for violations of this chapter or any rules adopted under 19415
this division; 19416

(b) The classification of amusement rides and rules for the 19417
safe operation and inspection of all amusement rides as are 19418
necessary for amusement ride safety and for the protection of the 19419
general public. The classification of amusement rides must 19420
identify those rides that need more comprehensive inspection and 19421

testing in addition to regular state inspections, taking into 19422
account hidden components integral to the safety of the ride. 19423

(2)(a) Rules adopted by the director for the safe operation 19424
and inspection of amusement rides shall be reasonable and shall be 19425
based upon generally accepted engineering standards and practices. 19426
The rules shall establish a minimum number of inspections to be 19427
conducted on each ride depending on the size, complexity, nature 19428
of the ride, and the number of days the ride is in operation 19429
during the year for which the applicable permit is valid. The 19430
rules also shall require the minimum number of inspectors assigned 19431
to inspect a ride or rides to be reasonable and adequate given the 19432
number, size, complexity, and nature of the ride or rides. 19433

(b) In adopting rules under this section, the director may 19434
adopt by reference, in whole or in part, the national fire code or 19435
the national electrical code (NEC) prepared by the national fire 19436
protection association or the American national standards 19437
institute (ANSI), or any other principles, tests, or standards of 19438
nationally recognized technical or scientific authorities. 19439

(c) In adopting rules under this section, the director shall 19440
adopt, by reference, the following chapters of the American 19441
society for testing and materials (ASTM) international regarding 19442
amusement ride safety standards and any other equivalent national 19443
standard: 19444

(i) ASTM F1193-18; 19445

(ii) ASTM F770-18; 19446

(iii) ASTM F2291-18. 19447

(d) Insofar as is practicable and consistent with this 19448
chapter, rules adopted under this division shall be consistent 19449
with the rules of other states. 19450

(3) The department shall cause this chapter and the rules 19451

adopted in accordance with this division and division (B) of 19452
section 993.08 of the Revised Code to be published in pamphlet 19453
form and a copy to be furnished without charge to each owner of an 19454
amusement ride who holds a current permit or is an applicant 19455
therefor. 19456

(C) With respect to an application for a permit for an 19457
amusement ride, an owner may apply to the director for a waiver or 19458
modification of any rule adopted under division (B) of this 19459
section if there are practical difficulties or unnecessary 19460
hardships for the amusement ride to comply with the rules. Any 19461
application shall set forth the reasons for the request. The 19462
director, with the approval of the advisory council on amusement 19463
ride safety, may waive or modify the application of a rule to any 19464
amusement ride if the public safety is secure. Any authorization 19465
by the director under this division shall be in writing and shall 19466
set forth the conditions under which the waiver or modification is 19467
authorized, and the department shall retain separate records of 19468
all proceedings under this division. 19469

(D)(1) The director shall employ and provide for training of 19470
a chief inspector and additional inspectors and employees as may 19471
be necessary to administer and enforce this chapter. The director 19472
may appoint or contract with other persons to perform inspections 19473
of amusement rides, provided that the persons meet the 19474
qualifications for inspectors established by rules adopted under 19475
division (B) of this section and are not owners, or employees of 19476
owners, of any amusement ride subject to inspection under this 19477
chapter. When employing a new chief inspector or an additional 19478
inspector after November 6, 2019, the director shall give 19479
preference to the following: 19480

(a) An individual holding a level one or higher inspector 19481
certification from either the national association of amusement 19482
ride safety officials (NAARSO), the amusement industry 19483

manufacturers and suppliers (AIMS) international, or another 19484
substantially equivalent organization as determined by the 19485
director; and 19486

(b) An individual who intends, within one year of being hired 19487
as an inspector, to complete the requirements for issuance of a 19488
level one or higher inspector certification from NAARSO, AIMS 19489
International, or another substantially equivalent organization as 19490
determined by the director. 19491

(2) No person shall inspect an amusement ride who, within six 19492
months prior to the date of inspection, was an employee of the 19493
owner of the ride. 19494

(3) Before the director contracts with other persons to 19495
inspect amusement rides, the director shall seek the advice of the 19496
advisory council on amusement ride safety on whether to contract 19497
with those persons. The advice shall not be binding upon the 19498
director. After having received the advice of the council, the 19499
director may proceed to contract with inspectors in accordance 19500
with the procedures specified in division (E)(2) of section 19501
1711.11 of the Revised Code. 19502

(4) With the advice and consent of the advisory council on 19503
amusement ride safety, the director may employ a special 19504
consultant to conduct an independent investigation of an amusement 19505
ride accident. This consultant need not be in the civil service of 19506
the state, but shall have qualifications to conduct the 19507
investigation acceptable to the council. 19508

(E)(1) Except as otherwise provided in division (E)(1) of 19509
this section, the department shall charge the following amusement 19510
ride fees: 19511

1	2	19512
A Permit	\$ 225	19513
B Annual inspection and reinspection		19514

	per ride:		
C	Kiddie rides	\$ 100	19515
D	Roller coaster	\$ 1,200	19516
E	Aerial lifts or bungee jumping facilities	\$ 450	19517
F	Go karts, per kart	\$ 5	19518
G	Other rides	\$ 160	19519
H	Midseason operational inspection per ride	\$ 25	19520
I	Expedited inspection per ride	\$ 100	19521
J	Failure to cancel scheduled inspection per ride	\$ 100	19522
K	Failure to have amusement ride ready for inspection per ride	\$ 100	19523

The go kart inspection fee is in addition to the inspection fee for the go kart track. 19524
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The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued. 19526
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 19536
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the 19539
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amusement ride files an application for a permit under this 19542
section. 19543

(2) All fees and fines collected by the department under this 19544
chapter shall be deposited in the state treasury to the credit of 19545
the amusement ride inspection fund, which is hereby created, and 19546
shall be used only for the purpose of administering and enforcing 19547
section 1711.11 of the Revised Code and this chapter. 19548

(3) The owner of an amusement ride shall be required to pay a 19549
reinspection fee only if the reinspection is required by division 19550
(B)(2) of this section or rules adopted under that division, if 19551
the reinspection was conducted at the owner's request under 19552
division (F) of this section, if the reinspection is required by 19553
division (F) of this section because of an accident, or if the 19554
reinspection is required by division (F) of section 993.07 of the 19555
Revised Code. If a reinspection is conducted at the request of the 19556
chief officer of a fair, festival, or event where the ride is 19557
operating, the reinspection fee shall be charged to the fair, 19558
festival, or event. 19559

(4) The rules adopted under division (B) of this section 19560
shall define "roller coaster," "aerial lifts," "go karts," and 19561
"other rides" for purposes of determining the fees under division 19562
(E) of this section. The rules shall define "other rides" to 19563
include go kart tracks. 19564

(F) A reinspection of an amusement ride shall take place if 19565
an accident occurs, if the owner of the ride or the chief officer 19566
of the fair, festival, or event where the ride is operating 19567
requests a reinspection, if the chief inspector determines 19568
reinspection is necessary in accordance with section 993.042 of 19569
the Revised Code, or if the reinspection is required by division 19570
(F) of section 993.07 of the Revised Code. 19571

(G) As a supplement to its annual inspection of a temporary 19572

amusement ride, the department may inspect the ride during each 19573
scheduled event, as listed in the schedule of events provided to 19574
the department by the owner pursuant to division (C) of section 19575
993.07 of the Revised Code, at which the ride is operated in this 19576
state. These supplemental inspections are in addition to any other 19577
inspection or reinspection of the ride as may be required under 19578
this chapter or rules adopted under it, and the owner of the 19579
temporary amusement ride is not required to pay an inspection or 19580
reinspection fee for this supplemental inspection unless the 19581
supplemental inspection is being conducted pursuant to division 19582
(B)(2) of this section or rules adopted under that division. 19583
Nothing in this division shall be construed to prohibit the owner 19584
of a temporary amusement ride having a valid permit to operate in 19585
this state from operating the ride at a scheduled event before the 19586
department conducts a supplemental inspection. 19587

(H) The department may annually conduct a midseason 19588
operational inspection of every amusement ride upon which it 19589
conducts an annual inspection pursuant to division (A) of this 19590
section. The midseason operational inspection is in addition to 19591
any other inspection or reinspection of the amusement ride as may 19592
be required pursuant to this chapter. The owner of an amusement 19593
ride shall submit to the department, at the time determined by the 19594
department, the midseason operational inspection fee specified in 19595
division (E) of this section. The director, in accordance with 19596
Chapter 119. of the Revised Code, shall adopt rules specifying the 19597
time period during which the department will conduct midseason 19598
operational inspections. 19599

Sec. 1121.23. (A) As used in this section: 19600

(1) "Control" means either of the following: 19601

(a) The power to vote, directly or indirectly, at least 19602
twenty-five per cent of outstanding voting shares or voting 19603

interests of a licensee or person in control of a licensee; 19604

(b) The power to elect or appoint a majority of executive officers or directors. 19605
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(2) "Director" means an individual elected to serve as the director of a for-profit corporation pursuant to section 1701.55 of the Revised Code or an individual elected to serve as the director of a nonprofit corporation pursuant to section 1702.26 of the Revised Code. 19607
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(3) "Executive officer" means president, treasurer, secretary, any individual at or above the senior vice-president level or its functional equivalent, any individual at the vice-president level or its functional equivalent if the organization does not have senior vice-presidents, and "manager" as that term is defined in section 1706.01 of the Revised Code. 19612
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(4) "Incorporator" has the same meaning as in section 1701.01 of the Revised Code. 19618
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(5) "Organizer" has the same meaning as in section 1706.01 of the Revised Code. 19620
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(B)(1) A person is presumed to exercise control when the person holds the power to vote, directly or indirectly, at least ten per cent of outstanding voting shares or voting interests of a licensee or person in control of a licensee. 19622
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(2) A person presumed to exercise control under division (B)(1) of this section can rebut the presumption by establishing, by a preponderance of the evidence, that the person is a passive investor. 19626
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(C) For purposes of determining the percentage of a person controlled by any person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, 19630
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mothers- and fathers-in law, sons- and daughters-in law, brothers- and sisters-in law, and any other person who shares such person's home. 19634
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(D) Whenever the approval of the superintendent of financial institutions is required under Chapters 1101. to 1127. of the Revised Code, or under an order or supervisory action issued or taken under those chapters, for a person to serve as an organizer, incorporator, director, executive officer, or person who exercises control, ~~directly or indirectly controls a bank, or to otherwise have a substantial interest in or participate in the management of a bank,~~ the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's fingerprints in accordance with section 109.572 of the Revised Code. The superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the person who is the subject of the request. 19637
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(E) Nothing in this section prohibits the superintendent of financial institutions from conditionally approving a person to serve as an organizer, incorporator, director, executive officer, or person who exercises control, ~~directly or indirectly, controls a bank, or to otherwise have a substantial interest in or participate in the management of a bank,~~ subject to receiving satisfactory results of the criminal records check. If the superintendent does not receive the results within ninety days after the criminal records check was requested, the superintendent may extend the conditional approval for not more than ninety days. 19654
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Sec. 1321.37. (A) Application for an original or renewal 19664

license to make short-term loans shall be in writing, under oath, 19665
and in the form prescribed by the superintendent of financial 19666
institutions, and shall contain the name and address of the 19667
applicant, the location where the business of making loans is to 19668
be conducted, and any further information as the superintendent 19669
requires. At the time of making an application for an original 19670
license, the applicant shall pay to the superintendent a 19671
nonrefundable investigation fee of two hundred dollars. No 19672
investigation fee or any portion thereof shall be refunded after 19673
an original license has been issued. The application for an 19674
original or renewal license shall be accompanied by an original or 19675
renewal license fee, for each business location of one thousand 19676
dollars, except that applications for original licenses issued on 19677
or after the first day of July for any year shall be accompanied 19678
by an original license fee of five hundred dollars, and except 19679
that an application for an original or renewal license, for a 19680
nonprofit corporation that is incorporated under Chapter 1702. of 19681
the Revised Code, shall be accompanied by an original or renewal 19682
license fee, for each business location, that is one-half of the 19683
fee otherwise required. All fees paid to the superintendent 19684
pursuant to this division shall be deposited into the state 19685
treasury to the credit of the consumer finance fund. 19686

(B) Upon the filing of an application for an original license 19687
and, with respect to an application filed for a renewal license, 19688
on a schedule determined by the superintendent by rule adopted 19689
pursuant to section 1321.43 of the Revised Code, and the payment 19690
of fees in accordance with division (A) of this section, the 19691
superintendent shall investigate the facts concerning the 19692
applicant and the requirements provided by this division. The 19693
superintendent shall request the superintendent of the bureau of 19694
criminal identification and investigation, or a vendor approved by 19695
the bureau, to conduct a criminal records check based on the 19696

applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. The superintendent of financial institutions shall conduct a civil records check. The superintendent shall approve an application and issue an original or renewal license to the applicant if the superintendent finds all of the following:

(1) The financial responsibility, experience, and general fitness of the applicant are such as to warrant the belief that the business of making loans will be operated lawfully, honestly, and fairly under sections 1321.35 to 1321.48 of the Revised Code and within the purposes of those sections; that the applicant has fully complied with those sections and any rule or order adopted or issued pursuant to section 1321.43 of the Revised Code; and that the applicant is qualified to engage in the business of making loans under sections 1321.35 to 1321.48 of the Revised Code.

(2) The applicant is financially sound and has a net worth of not less than one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, a net worth of not less than fifty thousand dollars. The applicant's net worth shall be computed according to generally accepted accounting principles.

(3) The applicant has never had revoked a license to make loans under sections 1321.35 to 1321.48 of the Revised Code, under former sections 1315.35 to 1315.44 of the Revised Code, or to do business under sections 1315.21 to 1315.30 of the Revised Code.

(4) Neither the applicant nor any senior officer, or partner of the applicant, has pleaded guilty to or been convicted of a disqualifying offense as determined in accordance with section

9.79 of the Revised Code. 19729

(5) Neither the applicant nor any senior officer, or partner 19730
of the applicant, has been subject to any adverse judgment for 19731
conversion, embezzlement, misappropriation of funds, fraud, 19732
misfeasance or malfeasance, or breach of fiduciary duty, or if the 19733
applicant or any of those other persons has been subject to such a 19734
judgment, the applicant has proven to the superintendent, by a 19735
preponderance of the evidence, that the applicant's or other 19736
person's activities and employment record since the judgment show 19737
that the applicant or other person is honest and truthful and 19738
there is no basis in fact for believing that the applicant or 19739
other person will be subject to such a judgment again. 19740

(C) If the superintendent finds that the applicant does not 19741
meet the requirements of division (B) of this section, or the 19742
superintendent finds that the applicant knowingly or repeatedly 19743
contracts with or employs persons to directly engage in lending 19744
activities who have been convicted of a felony crime listed in 19745
division (B)(5) of this section, the superintendent shall issue an 19746
order denying the application for an original or renewal license 19747
and giving the applicant an opportunity for a hearing on the 19748
denial in accordance with Chapter 119. of the Revised Code. The 19749
superintendent shall notify the applicant of the denial, the 19750
grounds for the denial, and the applicant's opportunity for a 19751
hearing. If the application is denied, the superintendent shall 19752
return the annual license fee but shall retain the investigation 19753
fee. 19754

(D) No person licensed under sections 1321.35 to 1321.48 of 19755
the Revised Code shall conduct business in this state unless the 19756
licensee has obtained and maintains in effect at all times a 19757
corporate surety bond issued by a bonding company or insurance 19758
company authorized to do business in this state. The bond shall be 19759
in favor of the superintendent and in the penal sum of at least 19760

one hundred thousand dollars, or in the case of a nonprofit 19761
corporation that is incorporated under Chapter 1702. of the 19762
Revised Code, in the amount of fifty thousand dollars. The term of 19763
the bond shall coincide with the term of the license. The licensee 19764
shall file a copy of the bond with the superintendent. The bond 19765
shall be for the exclusive benefit of any borrower injured by a 19766
violation by a licensee or any employee of a licensee, of any 19767
provision of sections 1321.35 to 1321.48 of the Revised Code. 19768

Sec. 1321.53. (A)(1) An application for a certificate of 19769
registration under sections 1321.51 to 1321.60 of the Revised Code 19770
shall contain an undertaking by the applicant to abide by those 19771
sections. The application shall be in writing, under oath, and in 19772
the form prescribed by the division of financial institutions, and 19773
shall contain any information that the division may require. 19774
Applicants that are foreign corporations shall obtain and maintain 19775
a license pursuant to Chapter 1703. of the Revised Code before a 19776
certificate is issued or renewed. 19777

(2) Upon the filing of the application and the payment by the 19778
applicant of a nonrefundable two-hundred-dollar investigation fee 19779
and a nonrefundable three-hundred-dollar annual registration fee, 19780
the division shall investigate the relevant facts. If the 19781
application involves investigation outside this state, the 19782
applicant may be required by the division to advance sufficient 19783
funds to pay any of the actual expenses of such investigation, 19784
when it appears that these expenses will exceed two hundred 19785
dollars. An itemized statement of any of these expenses which the 19786
applicant is required to pay shall be furnished to the applicant 19787
by the division. No certificate shall be issued unless all the 19788
required fees have been submitted to the division. 19789

(3) The investigation undertaken upon application shall 19790
include both a civil and criminal records check of the applicant 19791

including any individual whose identity is required to be 19792
disclosed in the application. Where the applicant is a business 19793
entity the superintendent shall have the authority to require a 19794
civil and criminal background check of those persons that in the 19795
determination of the superintendent have the authority to direct 19796
and control the operations of the applicant. 19797

(4)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 19798
the Revised Code, the superintendent of financial institutions 19799
shall obtain a criminal history records check and, as part of that 19800
records check, request that criminal record information from the 19801
federal bureau of investigation be obtained. To fulfill this 19802
requirement, the superintendent shall request the superintendent 19803
of the bureau of criminal identification and investigation, or a 19804
vendor approved by the bureau, to conduct a criminal records check 19805
based on the applicant's fingerprints or, if the fingerprints are 19806
unreadable, based on the applicant's social security number, in 19807
accordance with section 109.572 of the Revised Code. 19808

(b) Any fee required under division (C)(3) of section 109.572 19809
of the Revised Code shall be paid by the applicant. 19810

(5) If an application for a certificate of registration does 19811
not contain all of the information required under division (A) of 19812
this section, and if such information is not submitted to the 19813
division within ninety days after the superintendent requests the 19814
information in writing, including by electronic transmission or 19815
facsimile, the superintendent may consider the application 19816
withdrawn. 19817

(6) If the division finds that the financial responsibility, 19818
experience, and general fitness of the applicant command the 19819
confidence of the public and warrant the belief that the business 19820
will be operated honestly and fairly in compliance with the 19821
purposes of sections 1321.51 to 1321.60 of the Revised Code and 19822
the rules adopted thereunder, and that the applicant has the 19823

applicable net worth and assets required by division (B) of this 19824
section, the division shall thereupon issue a certificate of 19825
registration to the applicant. The superintendent shall not use a 19826
credit score as the sole basis for a registration denial. 19827

(a)(i) Certificates of registration issued on or after July 19828
1, 2010, shall annually expire on the thirty-first day of 19829
December, unless renewed by the filing of a renewal application 19830
and payment of a three-hundred-dollar nonrefundable annual 19831
registration fee and any assessment as determined by the 19832
superintendent pursuant to division (A)(6)(a)(ii) of this section 19833
on or before the last day of December of each year. No other fee 19834
or assessment shall be required of a registrant by the state or 19835
any political subdivision of this state. 19836

(ii) If the renewal fees billed by the superintendent 19837
pursuant to division (A)(6)(a)(i) of this section are less than 19838
the estimated expenditures of the consumer finance section of the 19839
division of financial institutions, as determined by the 19840
superintendent, for the following fiscal year, the superintendent 19841
may assess each registrant at a rate sufficient to equal in the 19842
aggregate the difference between the renewal fees billed and the 19843
estimated expenditures. Each registrant shall pay the assessed 19844
amount to the superintendent prior to the last day of June. In no 19845
case shall the assessment exceed ten cents per each one hundred 19846
dollars of interest (excluding charge-off recoveries), points, 19847
loan origination charges, and credit line charges collected by 19848
that registrant during the previous calendar year. If such an 19849
assessment is imposed, it shall not be less than two hundred fifty 19850
dollars per registrant and shall not exceed thirty thousand 19851
dollars less the total renewal fees paid pursuant to division 19852
(A)(6)(a)(i) of this section by each registrant. 19853

(b) Registrants shall timely file renewal applications on 19854
forms prescribed by the division and provide any further 19855

information that the division may require. If a renewal 19856
application does not contain all of the information required under 19857
this section, and if that information is not submitted to the 19858
division within ninety days after the superintendent requests the 19859
information in writing, including by electronic transmission or 19860
facsimile, the superintendent may consider the application 19861
withdrawn. 19862

(c) Renewal shall not be granted if the applicant's 19863
certificate of registration is subject to an order of suspension, 19864
revocation, or an unpaid and past due fine imposed by the 19865
superintendent. 19866

(d) If the division finds the applicant does not meet the 19867
conditions set forth in this section, it shall issue a notice of 19868
intent to deny the application, and forthwith notify the applicant 19869
of the denial, the grounds for the denial, and the applicant's 19870
reasonable opportunity to be heard on the action in accordance 19871
with Chapter 119. of the Revised Code. 19872

(7) If there is a change of five per cent or more in the 19873
ownership of a registrant, the division may make any investigation 19874
necessary to determine whether any fact or condition exists that, 19875
if it had existed at the time of the original application for a 19876
certificate of registration, the fact or condition would have 19877
warranted the division to deny the application under division 19878
(A)(6) of this section. If such a fact or condition is found, the 19879
division may, in accordance with Chapter 119. of the Revised Code, 19880
revoke the registrant's certificate. 19881

(B) Each registrant that engages in lending under sections 19882
1321.51 to 1321.60 of the Revised Code shall maintain both of the 19883
following: 19884

(1) A net worth of at least fifty thousand dollars; 19885

(2) For each certificate of registration, assets of at least 19886

fifty thousand dollars either in use or readily available for use 19887
in the conduct of the business. 19888

(C) Not more than one place of business shall be maintained 19889
under the same certificate, but the division may issue additional 19890
certificates to the same registrant upon compliance with sections 19891
1321.51 to 1321.60 of the Revised Code, governing the issuance of 19892
a single certificate. No change in the place of business of a 19893
registrant to a location outside the original municipal 19894
corporation shall be permitted under the same certificate without 19895
the approval of a new application, the payment of the registration 19896
fee and, if required by the superintendent, the payment of an 19897
investigation fee of two hundred dollars. When a registrant wishes 19898
to change its place of business within the same municipal 19899
corporation, it shall give written notice of the change in advance 19900
to the division, which shall provide a certificate for the new 19901
address without cost. If a registrant changes its name, prior to 19902
making loans under the new name it shall give written notice of 19903
the change to the division, which shall provide a certificate in 19904
the new name without cost. Sections 1321.51 to 1321.60 of the 19905
Revised Code do not limit the loans of any registrant to residents 19906
of the community in which the registrant's place of business is 19907
situated. Each certificate shall be kept conspicuously posted in 19908
the place of business of the registrant and is not transferable or 19909
assignable. 19910

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 19911
apply to any of the following: 19912

(1) Entities chartered and lawfully doing business under the 19913
authority of any law of this state, another state, or the United 19914
States as a bank, savings bank, trust company, savings and loan 19915
association, or credit union, or a subsidiary of any such entity, 19916
which subsidiary is regulated by a federal banking agency and is 19917
owned and controlled by such a depository institution; 19918

(2) Life, property, or casualty insurance companies licensed 19919
to do business in this state; 19920

(3) Any person that is a lender making a loan pursuant to 19921
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the 19922
Revised Code or a business loan as described in division (B)(6) of 19923
section 1343.01 of the Revised Code; 19924

(4) Any political subdivision, or any governmental or other 19925
public entity, corporation, instrumentality, or agency, in or of 19926
the United States or any state of the United States, or any entity 19927
described in division (B)(3) of section 1343.01 of the Revised 19928
Code; 19929

(5) A college or university, or controlled entity of a 19930
college or university, as those terms are defined in section 19931
1713.05 of the Revised Code. 19932

(E) No person engaged in the business of selling tangible 19933
goods or services related to tangible goods may receive or retain 19934
a certificate under sections 1321.51 to 1321.60 of the Revised 19935
Code for such place of business. 19936

Sec. 1321.64. (A) An application for a license shall contain 19937
an undertaking by the applicant to abide by those sections. The 19938
application shall be in writing, under oath, and in the form 19939
prescribed by the superintendent of financial institutions, and 19940
shall contain any information that the superintendent may require. 19941
Applicants that are foreign corporations shall obtain and maintain 19942
a license pursuant to Chapter 1703. of the Revised Code before a 19943
license is issued or renewed. 19944

(B) Upon the filing of the application and the payment by the 19945
applicant of a nonrefundable investigation fee of two hundred 19946
dollars, a nonrefundable annual registration fee of three hundred 19947
dollars, and any additional fee required by the NMLSR, the 19948

division of financial institutions shall investigate the relevant 19949
facts. If the application involves investigation outside this 19950
state, the applicant may be required by the division to advance 19951
sufficient funds to pay any of the actual expenses of the 19952
investigation when it appears that these expenses will exceed two 19953
hundred dollars. An itemized statement of any of these expenses 19954
which the applicant is required to pay shall be furnished to the 19955
applicant by the division. A license shall not be issued unless 19956
all the required fees have been submitted to the division. 19957

(C)(1) The investigation undertaken upon receipt of an 19958
application shall include both a civil and criminal records check 19959
of any control person. 19960

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 19961
the Revised Code, the superintendent shall obtain a criminal 19962
records check on each control person and, as part of that records 19963
check, request that criminal records information from the federal 19964
bureau of investigation be obtained. To fulfill this requirement, 19965
the superintendent shall do either of the following: 19966

(i) Request the superintendent of the bureau of criminal 19967
identification and investigation, or a vendor approved by the 19968
bureau, to conduct a criminal records check based on the control 19969
person's fingerprints or, if the fingerprints are unreadable, 19970
based on the control person's social security number, in 19971
accordance with section 109.572 of the Revised Code; 19972

(ii) Authorize the NMLSR to request a criminal records check 19973
of the control person. 19974

(b) Any fee required under division (C)(3) of section 109.572 19975
of the Revised Code or by the NMLSR shall be paid by the 19976
applicant. 19977

(D) If an application for a license does not contain all of 19978
the information required under division (A) of this section, and 19979

if such information is not submitted to the division or to the 19980
NMLSR within ninety days after the superintendent or the NMLSR 19981
requests the information in writing, including by electronic 19982
transmission or facsimile, the superintendent may consider the 19983
application withdrawn. 19984

(E) If the superintendent of financial institutions finds 19985
that the financial responsibility, experience, and general fitness 19986
of the applicant command the confidence of the public and warrant 19987
the belief that the business will be operated honestly and fairly 19988
in compliance with the purposes of sections 1321.62 to 1321.702 of 19989
the Revised Code and the rules adopted thereunder, and that the 19990
applicant has the requisite net worth and assets required under 19991
section 1321.65 of the Revised Code, the superintendent shall 19992
issue a license to the applicant. The license shall be valid until 19993
the thirty-first day of December of the year in which it is 19994
issued. A person may be licensed under both sections 1321.51 to 19995
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 19996

(F) If the superintendent finds that the applicant does not 19997
meet the conditions set forth in this section, the superintendent 19998
shall issue a notice of intent to deny the application, and 19999
promptly notify the applicant of the denial, the grounds for the 20000
denial, and the applicant's reasonable opportunity to be heard on 20001
the action in accordance with Chapter 119. of the Revised Code. 20002

Sec. 1346.03. Any information provided to the attorney 20003
general by the department of taxation in accordance with division 20004
~~(C)(5)~~ (C)(2) of section 5703.21 of the Revised Code shall not be 20005
disclosed publicly by the attorney general except when it is 20006
necessary to facilitate compliance with and enforcement of section 20007
1346.01 or 1346.02 of the Revised Code. 20008

Sec. 1501.16. There is hereby created in the state treasury 20009

the performance bond refunds fund. The fund shall consist of money 20010
received by the department of natural resources from other 20011
entities as performance security. Upon the completion of work or 20012
satisfaction of terms for which the performance bond was required, 20013
the money shall be refunded to the pledging entity. In the event 20014
that the performance bond is forfeited, the money shall be 20015
transferred to the appropriate fund within the state treasury. 20016

Sec. 1506.01. As used in this chapter: 20017

(A) "Coastal area" means the waters of Lake Erie, the islands 20018
in the lake, and the lands under and adjacent to the lake, 20019
including transitional areas, wetlands, and beaches. The coastal 20020
area extends in Lake Erie to the international boundary line 20021
between the United States and Canada and landward only to the 20022
extent necessary to include shorelands, the uses of which have a 20023
direct and significant impact on coastal waters as determined by 20024
the director of natural resources. 20025

(B) "Coastal management program" means the comprehensive 20026
action of the state and its political subdivisions cooperatively 20027
to preserve, protect, develop, restore, or enhance the resources 20028
of the coastal area and to ensure wise use of the land and water 20029
resources of the coastal area, giving attention to natural, 20030
cultural, historic, and aesthetic values; agricultural, 20031
recreational, energy, and economic needs; and the national 20032
interest. "Coastal management program" includes the establishment 20033
of objectives, policies, standards, and criteria concerning, 20034
without limitation, protection of air, water, wildlife, rare and 20035
endangered species, wetlands and natural areas, and other natural 20036
resources in the coastal area; management of coastal development 20037
and redevelopment; preservation and restoration of historic, 20038
cultural, and aesthetic coastal features; and public access to the 20039
coastal area for recreation purposes. 20040

(C) "Coastal management program document" means a 20041
comprehensive statement consisting of, without limitation, text, 20042
maps, and illustrations that is adopted by the director in 20043
accordance with this chapter, describes the objectives, policies, 20044
standards, and criteria of the coastal management program for 20045
guiding public and private uses of lands and waters in the coastal 20046
area, lists the governmental agencies, including, without 20047
limitation, state agencies, involved in implementing the coastal 20048
management program, describes their applicable policies and 20049
programs, and cites the statutes and rules under which they may 20050
adopt and implement those policies and programs. 20051

(D) "Person" means any agency of this state, any political 20052
subdivision of this state or of the United States, and any legal 20053
entity defined as a person under section 1.59 of the Revised Code. 20054

(E) "Director" means the director of natural resources or the 20055
director's designee. 20056

(F) "Permanent structure" means any residential, commercial, 20057
industrial, institutional, or agricultural building, any mobile 20058
home as defined in division (O) of section 4501.01 of the Revised 20059
Code, any manufactured home as defined in division (C)(4) of 20060
section 3781.06 of the Revised Code, and any septic system that 20061
receives sewage from a single-family, two-family, or three-family 20062
dwelling, but does not include any recreational vehicle as defined 20063
in section 4501.01 of the Revised Code. 20064

(G) "State agency" or "agency of the state" has the same 20065
meaning as "agency" as defined in section 111.15 of the Revised 20066
Code, except that "state agency" or "agency of the state" includes 20067
a state college or university, a community college district, a 20068
technical college district, or state community college. 20069

(H) "Coastal flood hazard area" means any territory within 20070
the coastal area that has been identified as a flood hazard area 20071

under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 20072
42 U.S.C.A. 4002, as amended. 20073

(I) "Coastal erosion area" means any territory included in 20074
Lake Erie coastal erosion areas identified by the director under 20075
section 1506.06 of the Revised Code. 20076

(J) "Conservancy district" means a conservancy district that 20077
is established under Chapter 6101. of the Revised Code. 20078

(K) "Park board" means the board of park commissioners of a 20079
park district that is created under Chapter 1545. of the Revised 20080
Code. 20081

(L) "Erosion control structure" means a structure that is 20082
designed solely and specifically to reduce or control erosion of 20083
the shore along or near Lake Erie, including, without limitation, 20084
revetments, seawalls, bulkheads, certain breakwaters, and similar 20085
structures. 20086

(M) "Shore structure" includes, but is not limited to, 20087
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 20088
certain dikes designated by the chief of the division of water 20089
resources; piers; docks; jetties; wharves; marinas; boat ramps; 20090
any associated fill or debris used as part of the construction of 20091
shore structures that may affect shore erosion, wave action, or 20092
inundation; and fill or debris that is placed along or near the 20093
shore, including bluffs, banks, or beach ridges, for the purpose 20094
of stabilizing slopes. 20095

Sec. 1509.01. As used in this chapter: 20096

(A) "Well" means any borehole, whether drilled or bored, 20097
within the state for production, extraction, or injection of any 20098
gas or liquid mineral, excluding potable water to be used as such, 20099
but including natural or artificial brines and oil field waters. 20100
"Well" includes a stratigraphic well. 20101

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

(F) "Field" means the general area underlaid by one or more pools.

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir and does not apply to a stratigraphic well.

(H) "Waste" includes all of the following:

(1) Physical waste, as that term generally is understood in the oil and gas industry;

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and

proper operations from the pool into which it is drilled or that 20132
causes or tends to cause unnecessary or excessive surface loss or 20133
destruction of oil or gas; 20134

(5) Other underground or surface waste in the production or 20135
storage of oil, gas, or condensate, however caused. 20136

(I) "Correlative rights" means the reasonable opportunity to 20137
every person entitled thereto to recover and receive the oil and 20138
gas in and under the person's tract or tracts, or the equivalent 20139
thereof, without having to drill unnecessary wells or incur other 20140
unnecessary expense. 20141

(J) "Tract" means a single, individual parcel of land or a 20142
portion of a single, individual parcel of land. 20143

(K) "Owner," unless referring to a mine, means the person who 20144
has the right to drill on a tract or drilling unit, to drill into 20145
and produce from a pool, and to appropriate the oil or gas 20146
produced therefrom either for the person or for others, except 20147
that a person ceases to be an owner with respect to a well when 20148
the well has been plugged in accordance with applicable rules 20149
adopted and orders issued under this chapter. "Owner" does not 20150
include a person who obtains a lease of the mineral rights for oil 20151
and gas on a parcel of land if the person does not attempt to 20152
produce or produce oil or gas from a well or obtain a permit under 20153
this chapter for a well or if the entire interest of a well is 20154
transferred to the person in accordance with division (B) of 20155
section 1509.31 of the Revised Code. 20156

(L) "Royalty interest" means the fee holder's share in the 20157
production from a well, except a stratigraphic well. 20158

(M) "Discovery well" means the first well, except a 20159
stratigraphic well capable of producing oil or gas in commercial 20160
quantities from a pool. 20161

(N) "Prepared clay" means a clay that is plastic and is 20162

thoroughly saturated with fresh water to a weight and consistency 20163
great enough to settle through saltwater in the well in which it 20164
is to be used, except as otherwise approved by the chief of the 20165
division of oil and gas resources management. 20166

(O) "Rock sediment" means the combined cutting and residue 20167
from drilling sedimentary rocks and formation. 20168

(P) "Excavations and workings," "mine," and "pillar" have the 20169
same meanings as in section 1561.01 of the Revised Code. 20170

(Q) "Coal bearing township" means a township designated as 20171
such by the chief of the division of mineral resources management 20172
under section 1561.06 of the Revised Code. 20173

(R) "Gas storage reservoir" means a continuous area of a 20174
subterranean porous sand or rock stratum or strata into which gas 20175
is or may be injected for the purpose of storing it therein and 20176
removing it therefrom and includes a gas storage reservoir as 20177
defined in section 1571.01 of the Revised Code. 20178

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 20179
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 20180
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 20181
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 20182
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 20183
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 20184
regulations adopted under those acts. 20185

(T) "Person" includes any political subdivision, department, 20186
agency, or instrumentality of this state; the United States and 20187
any department, agency, or instrumentality thereof; any legal 20188
entity defined as a person under section 1.59 of the Revised Code; 20189
and any other form of business organization or entity recognized 20190
by the laws of this state. 20191

(U) "Brine" means all saline geological formation water 20192
resulting from, obtained from, or produced in connection with 20193

exploration, drilling, well stimulation, production of oil or gas, 20194
or plugging of a well. 20195

(V) "Waters of the state" means all streams, lakes, ponds, 20196
marshes, watercourses, waterways, springs, irrigation systems, 20197
drainage systems, and other bodies of water, surface or 20198
underground, natural or artificial, that are situated wholly or 20199
partially within this state or within its jurisdiction, except 20200
those private waters that do not combine or effect a junction with 20201
natural surface or underground waters. 20202

(W) "Exempt Mississippian well" means a well that meets all 20203
of the following criteria: 20204

(1) Was drilled and completed before January 1, 1980; 20205

(2) Is located in an unglaciated part of the state; 20206

(3) Was completed in a reservoir no deeper than the 20207
Mississippian Big Injun sandstone in areas underlain by 20208
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 20209
sandstone in areas directly underlain by Permian stratigraphy; 20210

(4) Is used primarily to provide oil or gas for domestic use. 20211

(X) "Exempt domestic well" means a well that meets all of the 20212
following criteria: 20213

(1) Is owned by the owner of the surface estate of the tract 20214
on which the well is located; 20215

(2) Is used primarily to provide gas for the owner's domestic 20216
use; 20217

(3) Is located more than two hundred feet horizontal distance 20218
from any inhabited private dwelling house other than an inhabited 20219
private dwelling house located on the tract on which the well is 20220
located; 20221

(4) Is located more than two hundred feet horizontal distance 20222
from any public building that may be used as a place of resort, 20223

assembly, education, entertainment, lodging, trade, manufacture, 20224
repair, storage, traffic, or occupancy by the public. 20225

(Y) "Urbanized area" means an area where a well or production 20226
facilities of a well are located within a municipal corporation or 20227
within a township that has an unincorporated population of more 20228
than five thousand in the most recent federal decennial census 20229
prior to the issuance of the permit for the well or production 20230
facilities. 20231

(Z) "Well stimulation" or "stimulation of a well" means the 20232
process of enhancing well productivity, including hydraulic 20233
fracturing operations. 20234

(AA) "Production operation" means all operations and 20235
activities and all related equipment, facilities, and other 20236
structures that may be used in or associated with the exploration 20237
and production of oil, gas, or other mineral resources that are 20238
regulated under this chapter, including operations and activities 20239
associated with site preparation, site construction, access road 20240
construction, well drilling, well completion, well stimulation, 20241
well site activities, reclamation, and plugging. "Production 20242
operation" also includes all of the following: 20243

(1) The piping, equipment, and facilities used for the 20244
production and preparation of hydrocarbon gas or liquids for 20245
transportation or delivery; 20246

(2) The processes of extraction and recovery, lifting, 20247
stabilization, treatment, separation, production processing, 20248
storage, waste disposal, and measurement of hydrocarbon gas and 20249
liquids, including related equipment and facilities; 20250

(3) The processes and related equipment and facilities 20251
associated with production compression, gas lift, gas injection, 20252
fuel gas supply, well drilling, well stimulation, and well 20253
completion activities, including dikes, pits, and earthen and 20254

other impoundments used for the temporary storage of fluids and 20255
waste substances associated with well drilling, well stimulation, 20256
and well completion activities; 20257

(4) Equipment and facilities at a wellpad or other location 20258
that are used for the transportation, handling, recycling, 20259
temporary storage, management, processing, or treatment of any 20260
equipment, material, and by-products or other substances from an 20261
operation at a wellpad that may be used or reused at the same or 20262
another operation at a wellpad or that will be disposed of in 20263
accordance with applicable laws and rules adopted under them. 20264

(BB) "Annular overpressurization" means the accumulation of 20265
fluids within an annulus with sufficient pressure to allow 20266
migration of annular fluids into underground sources of drinking 20267
water. 20268

(CC) "Orphaned well" means a well that has not been properly 20269
plugged or its land surface restored in accordance with this 20270
chapter and the rules adopted under it to which either of the 20271
following apply: 20272

(1) The owner of the well is unknown, deceased, or cannot be 20273
located and the well is abandoned. 20274

(2) The owner of the well has abandoned the well and there is 20275
no money available to plug the well in accordance with this 20276
chapter and the rules adopted under it. 20277

(DD) "Temporarily inactive well" means a well that has been 20278
granted temporary inactive status under section 1509.062 of the 20279
Revised Code. 20280

(EE) "Material and substantial violation" means any of the 20281
following: 20282

(1) Failure to obtain a permit to drill, reopen, convert, 20283
plugback, or plug a well under this chapter; 20284

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	20285 20286
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	20287 20288
(4) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	20289 20290
(5) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	20291 20292 20293
(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	20294 20295
(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	20296 20297
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	20298 20299
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	20300 20301 20302 20303
<u>"Horizontal well" does not include a stratigraphic well.</u>	20304
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	20305 20306
<u>(II) "Stratigraphic well" means a borehole that is drilled within the state on a tract solely to conduct research of the subsurface geology. "Stratigraphic well" does not include a hole drilled for seismic shot.</u>	20307 20308 20309 20310
Sec. 1509.03. (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the	20311 20312 20313

administration, implementation, and enforcement of this chapter. 20314

The rules shall include an identification of the subjects that the 20315
chief shall address when attaching terms and conditions to a 20316
permit with respect to a well and production facilities of a well 20317
that are located within an urbanized area or with respect to a 20318
horizontal well and production facilities associated with a 20319
horizontal well. The subjects shall include all of the following: 20320

(1) Safety concerning the drilling or operation of a well; 20321

(2) Protection of the public and private water supply, 20322
including the amount of water used and the source or sources of 20323
the water; 20324

(3) Fencing and screening of surface facilities of a well; 20325

(4) Containment and disposal of drilling and production 20326
wastes; 20327

(5) Construction of access roads for purposes of the drilling 20328
and operation of a well; 20329

(6) Noise mitigation for purposes of the drilling of a well 20330
and the operation of a well, excluding safety and maintenance 20331
operations. 20332

No person shall violate any rule of the chief adopted under 20333
this chapter. 20334

(B)(1) Any order issuing, denying, or modifying a permit or 20335
notices required to be made by the chief pursuant to this chapter 20336
shall be made in compliance with Chapter 119. of the Revised Code, 20337
except that personal service may be used in lieu of service by 20338
mail. Every order issuing, denying, or modifying a permit under 20339
this chapter and described as such shall be considered an 20340
adjudication order for purposes of Chapter 119. of the Revised 20341
Code. Division (B)(1) of this section does not apply to a permit 20342
issued under section 1509.06 of the Revised Code. 20343

(2) Where notice to ~~the owners~~ any person is required by this 20344
chapter, the notice shall be given ~~as prescribed by a rule adopted~~ 20345
~~by the chief to govern the giving of notices. The rule shall~~ 20346
~~provide for notice by publication except in those cases where~~ 20347
~~other types of notice are necessary~~ in order to meet the 20348
requirements of ~~the~~ law. 20349

(C) The chief or the chief's authorized representative may at 20350
any time enter upon lands, public or private, for the purpose of 20351
administration or enforcement of this chapter, the rules adopted 20352
or orders made thereunder, or terms or conditions of permits or 20353
registration certificates issued thereunder and may examine and 20354
copy records pertaining to the drilling, conversion, or operation 20355
of a well for injection of fluids and logs required by division 20356
(C) of section 1509.223 of the Revised Code. No person shall 20357
prevent or hinder the chief or the chief's authorized 20358
representative in the performance of official duties. If entry is 20359
prevented or hindered, the chief or the chief's authorized 20360
representative may apply for, and the court of common pleas may 20361
issue, an appropriate inspection warrant necessary to achieve the 20362
purposes of this chapter within the court's territorial 20363
jurisdiction. 20364

(D) The chief may issue orders to enforce this chapter, rules 20365
adopted thereunder, and terms or conditions of permits issued 20366
thereunder. Any such order shall be considered an adjudication 20367
order for the purposes of Chapter 119. of the Revised Code. No 20368
person shall violate any order of the chief issued under this 20369
chapter. No person shall violate a term or condition of a permit 20370
or registration certificate issued under this chapter. 20371

(E) Orders of the chief denying, suspending, or revoking a 20372
registration certificate; approving or denying approval of an 20373
application for revision of a registered transporter's plan for 20374
disposal; or to implement, administer, or enforce division (A) of 20375

section 1509.224 and sections 1509.22, 1509.222, 1509.223,
1509.225, and 1509.226 of the Revised Code pertaining to the
transportation of brine by vehicle and the disposal of brine so
transported are not adjudication orders for purposes of Chapter
119. of the Revised Code. The chief shall issue such orders under
division (A) or (B) of section 1509.224 of the Revised Code, as
appropriate.

Sec. 1509.04. (A) The chief of the division of oil and gas
resources management, or the chief's authorized representatives,
shall enforce this chapter and the rules, terms and conditions of
permits and registration certificates, and orders adopted or
issued pursuant thereto, except that any peace officer, as defined
in section 2935.01 of the Revised Code, may arrest for violations
of this chapter involving transportation of brine by vehicle. The
enforcement authority of the chief includes the authority to issue
compliance notices and to enter into compliance agreements.

(B)(1) The chief or the chief's authorized representative may
issue an administrative order to ~~an owner~~ a person that is subject
to this chapter or rules adopted under it for a violation of this
chapter or rules adopted under it, terms and conditions of a
permit issued under it, a registration certificate that is
required under this chapter, or orders issued under this chapter.

(2)(a) If ~~an owner or other~~ a person who is required to
submit a report, test result, fee, or document by this chapter or
rules adopted under it submits a request for an extension of time
to submit the report, test result, fee, or document to the chief
prior to the date on which the report, test result, fee, or
document is due, the chief may grant an extension of not more than
sixty additional days from the original date on which the report,
test result, fee, or document is due.

(b) If ~~an owner or other~~ a person who is required to submit a

report, test result, fee, or document by this chapter or rules 20407
adopted under it fails to submit the report, test result, fee, or 20408
document before or on the date on which it is due and the chief 20409
has not granted an extension of time under division (B)(2)(a) of 20410
this section, the chief shall make reasonable attempts to notify 20411
the ~~owner or other~~ person of the failure to submit the report, 20412
test result, fee, or document. If ~~an owner or other~~ a person who 20413
receives such a notification fails to submit the report, test 20414
result, fee, or document on or before thirty days after the date 20415
on which the chief so notified the ~~owner or other~~ person, the 20416
chief may issue an order under division ~~(B)(2)(e)~~ (B)(3) of this 20417
section. 20418

~~(e)~~(3) The chief may issue an order finding that ~~an owner~~ a 20419
person has committed a material and substantial violation. 20420

(C) The chief, by order, immediately may suspend drilling, 20421
operating, or plugging activities that are related to a material 20422
and substantial violation and suspend and revoke an unused permit 20423
after finding either of the following: 20424

(1) ~~An owner~~ A person has failed to comply with an order 20425
issued under division ~~(B)(2)(e)~~ (B)(3) of this section that is 20426
final and nonappealable. 20427

(2) ~~An owner~~ A person that has committed a material and 20428
substantial violation is causing, engaging in, or maintaining a 20429
condition or activity that the chief determines presents an 20430
imminent danger to the health or safety of the public or that 20431
results in or is likely to result in immediate substantial damage 20432
to the natural resources of this state. 20433

(D)(1) The chief may issue an order under division (C) of 20434
this section without prior notification if reasonable attempts to 20435
notify the ~~owner~~ person have failed or if the ~~owner~~ person is 20436
currently in material breach of a prior order, but in such an 20437

event notification shall be given as soon thereafter as practical. 20438

(2) Not later than five days after the issuance of an order 20439
under division (C) of this section, the chief shall provide the 20440
~~owner~~ person an opportunity to be heard and to present evidence 20441
that one of the following applies: 20442

(a) The condition or activity does not present an imminent 20443
danger to the public health or safety or is not likely to result 20444
in immediate substantial damage to natural resources. 20445

(b) Required records, reports, or logs have been submitted. 20446

(3) If the chief, after considering evidence presented by the 20447
~~owner~~ person under division (D)(2)(a) of this section, determines 20448
that the activities do not present such a threat or that the 20449
required records, reports, or logs have been submitted under 20450
division (D)(2)(b) of this section, the chief shall revoke the 20451
order. The ~~owner~~ person may appeal an order to the court of common 20452
pleas of the county in which the activity that is the subject of 20453
the order is located. 20454

(E) The chief may issue a bond forfeiture order pursuant to 20455
section 1509.071 of the Revised Code for failure to comply with a 20456
final nonappealable order issued or compliance agreement entered 20457
into under this section. 20458

(F) The chief may notify drilling contractors, transporters, 20459
service companies, or other similar entities of the compliance 20460
status of ~~an owner~~ a person that is subject to this chapter or 20461
rules adopted under it. 20462

If the ~~owner~~ person fails to comply with a prior enforcement 20463
action of the chief, the chief may issue a suspension order 20464
without prior notification, but in such an event the chief shall 20465
give notice as soon thereafter as practical. Not later than five 20466
calendar days after the issuance of an order, the chief shall 20467
provide the ~~owner~~ person an opportunity to be heard and to present 20468

evidence that required records, reports, or logs have been 20469
submitted. If the chief, after considering the evidence presented 20470
by the ~~owner~~ person, determines that the requirements have been 20471
satisfied, the chief shall revoke the suspension order. The ~~owner~~ 20472
person may appeal a suspension order to the court of common pleas 20473
of the county in which the activity that is the subject of the 20474
suspension order is located. 20475

(G) The prosecuting attorney of the county or the attorney 20476
general, upon the request of the chief, may apply to the court of 20477
common pleas in the county in which any of the provisions of this 20478
chapter or any rules, terms or conditions of a permit or 20479
registration certificate, or orders adopted or issued pursuant to 20480
this chapter are being violated for a temporary restraining order, 20481
preliminary injunction, or permanent injunction restraining any 20482
person from such violation. 20483

Sec. 1509.051. (A) Except as otherwise provided in division 20484
(B) of this section, Chapter 1509. of the Revised Code and rules 20485
adopted under it apply to a stratigraphic well regardless if a 20486
section refers to a well for oil and gas production or to an 20487
owner. 20488

(B)(1) Notwithstanding section 1509.06 of the Revised Code, 20489
an application for a permit to drill a stratigraphic well shall be 20490
on a form prescribed by the chief of the division of oil and gas 20491
resources management and shall contain the information required 20492
under section 1509.06 of the Revised Code that is applicable. 20493

(2) A person shall not submit more than three applications 20494
per year for a permit to drill a stratigraphic well unless 20495
otherwise approved by the chief. 20496

(3) All of the following do not apply to a stratigraphic 20497
well: 20498

<u>(a) Section 1509.062 of the Revised Code;</u>	20499
<u>(b) Section 1509.11 of the Revised Code;</u>	20500
<u>(c) Section 1509.24 of the Revised Code and the rules adopted</u>	20501
<u>under it relative to minimum acreage requirements for a drilling</u>	20502
<u>unit;</u>	20503
<u>(d) Ohio Administrative Code 1501:9-2;</u>	20504
<u>(e) Ohio Administrative Code 1501:9-3;</u>	20505
<u>(f) Ohio Administrative Code 1501:9-4;</u>	20506
<u>(g) Ohio Administrative Code 1501:9-5;</u>	20507
<u>(h) Ohio Administrative Code 1501:9-7.</u>	20508
<u>(4) A stratigraphic well shall not be transferred to another</u>	20509
<u>person.</u>	20510
<u>(5) The surface location of a stratigraphic well shall not be</u>	20511
<u>within one hundred fifty feet from the property line of the tract</u>	20512
<u>on which the well is drilled.</u>	20513
<u>(6) A stratigraphic well shall be plugged one year after the</u>	20514
<u>well is spudded.</u>	20515
Sec. 1509.11. (A)(1) The owner of any well, except a	20516
horizontal well, that is producing or capable of producing oil or	20517
gas shall file with the chief of the division of oil and gas	20518
resources management, on or before the thirty-first day of March,	20519
a statement of production of oil, gas, and brine for the last	20520
preceding calendar year in such form as the chief may prescribe.	20521
An owner that has more than one hundred such wells in this state	20522
shall submit electronically the statement of production in a	20523
format that is approved by the chief.	20524
(2) The owner of any horizontal well that is producing or	20525
capable of producing oil or gas shall file with the chief, on the	20526
forty-fifth day following the close of each calendar quarter, a	20527

statement of production of oil, gas, and brine for the preceding 20528
calendar quarter in a form that the chief prescribes. An owner 20529
that has more than one hundred horizontal wells in this state 20530
shall submit electronically the statement of production in a 20531
format that is approved by the chief. 20532

(B) The chief shall not disclose information received from 20533
the department of taxation under ~~division (C)(12)~~ of section 20534
5703.21 of the Revised Code until the ~~related~~ statement of 20535
production required by division (A) of this section and related to 20536
that information is filed with the chief. 20537

Sec. 1509.22. (A) Except when acting in accordance with 20538
section 1509.226 of the Revised Code, no person shall place or 20539
cause to be placed in ground water or in or on the land or 20540
discharge or cause to be discharged in surface water brine, crude 20541
oil, natural gas, or other fluids associated with the exploration, 20542
development, well stimulation, production operations, or plugging 20543
of oil and gas resources that causes or could reasonably be 20544
anticipated to cause damage or injury to public health or safety 20545
or the environment. 20546

(B)(1) No person shall store or dispose of brine in violation 20547
of a plan approved under division (A) of section 1509.222 or 20548
section 1509.226 of the Revised Code, in violation of a resolution 20549
submitted under section 1509.226 of the Revised Code, or in 20550
violation of rules or orders applicable to those plans or 20551
resolutions. 20552

(2)(a) On and after January 1, 2014, no person shall store, 20553
recycle, treat, process, or dispose of in this state brine or 20554
other waste substances associated with the exploration, 20555
development, well stimulation, production operations, or plugging 20556
of oil and gas resources without an order or a permit issued under 20557
this section or section 1509.06 or 1509.21 of the Revised Code or 20558

rules adopted under any of those sections. For purposes of 20559
division (B)(2)(a) of this section, a permit or other form of 20560
authorization issued by another agency of the state or a political 20561
subdivision of the state shall not be considered a permit or order 20562
issued by the chief of the division of oil and gas resources 20563
management under this chapter. 20564

(b) Division (B)(2)(a) of this section does not apply to a 20565
person that disposes of such waste substances other than brine in 20566
accordance with Chapter 3734. of the Revised Code and rules 20567
adopted under it. 20568

(C) The chief shall adopt rules regarding storage, recycling, 20569
treatment, processing, and disposal of brine and other waste 20570
substances. The rules shall establish procedures and requirements 20571
in accordance with which a person shall apply for a permit or 20572
order for the storage, recycling, treatment, processing, or 20573
disposal of brine and other waste substances that are not subject 20574
to a permit issued under section 1509.06 or 1509.21 of the Revised 20575
Code and in accordance with which the chief may issue such a 20576
permit or order. An application for such a permit shall be 20577
accompanied by a nonrefundable fee of two thousand five hundred 20578
dollars. 20579

The storage, recycling, treatment, processing, and disposal 20580
of brine and other waste substances and the chief's rules relating 20581
to storage, recycling, treatment, processing, and disposal are 20582
subject to all of the following standards: 20583

(1) Brine from any well except an exempt Mississippian well 20584
shall be disposed of only as follows: 20585

(a) By injection into an underground formation, including 20586
annular disposal if approved by rule of the chief, which injection 20587
shall be subject to division (D) of this section; 20588

(b) By surface application in accordance with section 20589

1509.226 of the Revised Code; 20590

(c) In association with a method of enhanced recovery as 20591
provided in section 1509.21 of the Revised Code; 20592

(d) In any other manner not specified in divisions (C)(1)(a) 20593
to (c) of this section that is approved by a permit or order 20594
issued by the chief. 20595

(2) Brine from exempt Mississippian wells shall not be 20596
discharged directly into the waters of the state. 20597

(3) Muds, cuttings, and other waste substances shall not be 20598
disposed of in violation of this chapter or any rule adopted under 20599
it. 20600

(4) Pits or steel tanks shall be used as authorized by the 20601
chief for containing brine and other waste substances resulting 20602
from, obtained from, or produced in connection with drilling, well 20603
stimulation, reworking, reconditioning, plugging back, or plugging 20604
operations. The pits and steel tanks shall be constructed and 20605
maintained to prevent the escape of brine and other waste 20606
substances. 20607

(5) A dike or pit may be used for spill prevention and 20608
control. A dike or pit so used shall be constructed and maintained 20609
to prevent the escape of brine and crude oil, and the reservoir 20610
within such a dike or pit shall be kept reasonably free of brine, 20611
crude oil, and other waste substances. 20612

(6) Impoundments constructed utilizing a synthetic liner 20613
pursuant to the division's specifications may be used for the 20614
temporary storage of waste substances used in the construction, 20615
stimulation, or plugging of a well. 20616

(7) No pit or dike shall be used for the temporary storage of 20617
brine or other waste substances except in accordance with 20618
divisions (C)(4) and (5) of this section. 20619

(8) No pit or dike shall be used for the ultimate disposal of brine or other liquid waste substances. 20620
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(D)(1) No person, without first having obtained a permit from the chief, shall inject brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production into an underground formation unless a rule of the chief expressly authorizes the injection without a permit. The permit shall be in addition to any permit required by section 1509.05 of the Revised Code, and the permit application shall be accompanied by a permit fee of one thousand dollars. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the injection into wells of brine and other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production. The rules shall include provisions regarding all of the following: 20622
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(a) Applications for and issuance of the permits required by this division; 20636
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(b) Entry to conduct inspections and to examine and copy records to ascertain compliance with this division and rules, orders, and terms and conditions of permits adopted or issued under it; 20638
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(c) The provision and maintenance of information through monitoring, recordkeeping, and reporting. In addition, the rules shall require the owner of an injection well who has been issued a permit under division (D) of this section to quarterly submit electronically to the chief information concerning each shipment of brine or other waste substances received by the owner for injection into the well. 20642
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(d) The provision and electronic reporting quarterly of information concerning brine and other waste substances from a 20649
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transporter that is registered under section 1509.222 of the Revised Code prior to the injection of the transported brine or other waste substances;

(e) Any other provisions in furtherance of the goals of this section and the Safe Drinking Water Act.

(2) The chief may adopt rules in accordance with Chapter 119. of the Revised Code authorizing tests to evaluate whether fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of the permit. In addition, the chief may adopt rules that do both of the following:

(a) Establish the total depth of a well for which a permit has been applied for or issued under this division;

(b) Establish requirements and procedures to protect public health and safety.

(3) To implement the goals of the Safe Drinking Water Act, the chief shall not issue a permit for the injection of brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production unless the chief concludes that the applicant has demonstrated that the injection will not result in the presence of any contaminant in ground water that supplies or can reasonably be expected to supply any public water system, such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

(4) The chief may issue an order to the owner of a well in existence on September 10, 2012, to make changes in the operation of the well in order to correct problems or to address safety concerns.

(5) This division and rules, orders, and terms and conditions of permits adopted or issued under it shall be construed to be no more stringent than required for compliance with the Safe Drinking Water Act unless essential to ensure that underground sources of drinking water will not be endangered.

(E) The owner holding a permit, or an assignee or transferee who has assumed the obligations and liabilities imposed by this chapter and any rules adopted or orders issued under it pursuant to section 1509.31 of the Revised Code, and the operator of a well shall be liable for a violation of this section or any rules adopted or orders or terms or conditions of a permit issued under it.

(F) An owner shall replace the water supply of the holder of an interest in real property who obtains all or part of the holder's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been substantially disrupted by contamination, diminution, or interruption proximately resulting from the owner's oil or gas operation, or the owner may elect to compensate the holder of the interest in real property for the difference between the fair market value of the interest before the damage occurred to the water supply and the fair market value after the damage occurred if the cost of replacing the water supply exceeds this difference in fair market values. However, during the pendency of any order issued under this division, the owner shall obtain for the holder or shall reimburse the holder for the reasonable cost of obtaining a water supply from the time of the contamination, diminution, or interruption by the operation until the owner has complied with an order of the chief for compliance with this division or such an order has been revoked or otherwise becomes not effective. If the owner elects to pay the difference in fair market values, but the owner and the holder

have not agreed on the difference within thirty days after the 20714
chief issues an order for compliance with this division, within 20715
ten days after the expiration of that thirty-day period, the owner 20716
and the chief each shall appoint an appraiser to determine the 20717
difference in fair market values, except that the holder of the 20718
interest in real property may elect to appoint and compensate the 20719
holder's own appraiser, in which case the chief shall not appoint 20720
an appraiser. The two appraisers appointed shall appoint a third 20721
appraiser, and within thirty days after the appointment of the 20722
third appraiser, the three appraisers shall hold a hearing to 20723
determine the difference in fair market values. Within ten days 20724
after the hearing, the appraisers shall make their determination 20725
by majority vote and issue their final determination of the 20726
difference in fair market values. The chief shall accept a 20727
determination of the difference in fair market values made by 20728
agreement of the owner and holder or by appraisers under this 20729
division and shall make and dissolve orders accordingly. This 20730
division does not affect in any way the right of any person to 20731
enforce or protect, under applicable law, the person's interest in 20732
water resources affected by an oil or gas operation. 20733

(G) In any action brought by the state for a violation of 20734
division (A) of this section involving any well at which annular 20735
disposal is used, there shall be a rebuttable presumption 20736
available to the state that the annular disposal caused the 20737
violation if the well is located within a one-quarter-mile radius 20738
of the site of the violation. 20739

~~(H)(1)~~(H) There is levied on the owner of an injection well 20740
who has been issued a permit under division (D) of this section 20741
the following fees: 20742

~~(a)(1)~~ Five cents per barrel of each substance that is 20743
delivered to a well to be injected in the well when the substance 20744
is produced within the division of oil and gas resources 20745

management regulatory district in which the well is located or 20746
within an adjoining oil and gas resources management regulatory 20747
district; 20748

~~(b)(2)~~ Twenty cents per barrel of each substance that is 20749
delivered to a well to be injected in the well when the substance 20750
is not produced within the division of oil and gas resources 20751
management regulatory district in which the well is located or 20752
within an adjoining oil and gas resources management regulatory 20753
district. 20754

~~(2) The maximum number of barrels of substance per injection 20755
well in a calendar year on which a fee may be levied under 20756
division (H) of this section is five hundred thousand. If in a 20757
calendar year the owner of an injection well receives more than 20758
five hundred thousand barrels of substance to be injected in the 20759
owner's well and if the owner receives at least one substance that 20760
is produced within the division's regulatory district in which the 20761
well is located or within an adjoining regulatory district and at 20762
least one substance that is not produced within the division's 20763
regulatory district in which the well is located or within an 20764
adjoining regulatory district, the fee shall be calculated first 20765
on all of the barrels of substance that are not produced within 20766
the division's regulatory district in which the well is located or 20767
within an adjoining district at the rate established in division 20768
(H)(2) of this section. The fee then shall be calculated on the 20769
barrels of substance that are produced within the division's 20770
regulatory district in which the well is located or within an 20771
adjoining district at the rate established in division (H)(1) of 20772
this section until the maximum number of barrels established in 20773
division (H)(2) of this section has been attained. 20774~~

~~(3) The (I) After retaining up to three per cent of the fee 20775
under division (K) of this section, the owner of an injection well 20776
who is issued a permit under division (D) of this section shall 20777~~

collect the applicable fee levied by division (H) of this section 20778
~~on behalf of the division of oil and gas resources management and~~ 20779
forward the fee as follows: 20780

(1) For any fee collected on the first five hundred thousand 20781
barrels of substance to be injected in the owner's well in a 20782
calendar year, to the division of oil and gas resources 20783
management; 20784

(2) For any fee collected after the first five hundred 20785
thousand barrels in a calendar year, if the well where the 20786
injection of the substance occurred is located entirely in an 20787
incorporated area of the county in which the well is located, to 20788
that county; 20789

(3) For any fee collected after the first five hundred 20790
thousand barrels in a calendar year, if the well where the 20791
injection of the substance occurred is located wholly or partially 20792
in an unincorporated area of the county in which the well is 20793
located: 20794

(a) Fifty per cent of the fee to that county; 20795

(b) Fifty per cent of the fee to the township where the 20796
injection of the substance occurred. 20797

(J)(1) The chief shall transmit all money received under 20798
division ~~(H)~~(I) of this section to the treasurer of state who 20799
shall deposit the money in the state treasury to the credit of the 20800
oil and gas well fund created in section 1509.02 of the Revised 20801
Code. 20802

(2) The county or township shall transmit all money received 20803
under division (I) of this section to the county or township's 20804
general fund, as applicable. 20805

(K) The owner of an injection well who collects the fee 20806
~~levied by~~ pursuant to division (I) of this ~~division~~ section may 20807

retain up to three per cent of the amount that is collected. 20808

~~(4)~~(L) The chief shall adopt rules in accordance with Chapter 20809
119. of the Revised Code establishing requirements and procedures 20810
for collection of the fee ~~levied by~~ pursuant to division ~~(H)~~(I) of 20811
this section. 20812

Sec. 1521.01. As used in this chapter: 20813

(A) "Consumptive use" means a use of water resources, other 20814
than a diversion, that results in a loss of that water to the 20815
basin from which it is withdrawn and includes, but is not limited 20816
to, evaporation, evapotranspiration, and incorporation of water 20817
into a product or agricultural crop. 20818

(B) "Diversion" means a withdrawal of water resources from 20819
either the Lake Erie or Ohio river drainage basin and transfer to 20820
another basin without return. "Diversion" does not include 20821
evaporative loss within the basin of withdrawal. 20822

(C) "Other great lakes states and provinces" means states 20823
other than this state that are parties to the great lakes basin 20824
compact under Chapter 6161. of the Revised Code and the Canadian 20825
provinces of Ontario and Quebec. 20826

(D) "Water resources" means any waters of the state that are 20827
available or may be made available to agricultural, industrial, 20828
commercial, and domestic users. 20829

(E) "Waters of the state" includes all streams, lakes, ponds, 20830
marshes, watercourses, waterways, wells, springs, irrigation 20831
systems, drainage systems, and other bodies or accumulations of 20832
water, surface and underground, natural or artificial, regardless 20833
of the depth of the strata in which underground water is located, 20834
that are situated wholly or partly within or bordering upon this 20835
state or are within its jurisdiction. 20836

(F) "Well" means any excavation, regardless of design or 20837

method of construction, created for any of the following purposes: 20838

(1) Removing ground water from or recharging water into an 20839
aquifer, excluding subsurface drainage systems installed to 20840
enhance agricultural crop production or urban or suburban 20841
landscape management or to control seepage in dams and levees; 20842

(2) Determining the quantity, quality, level, or movement of 20843
ground water in or the stratigraphy of an aquifer, excluding 20844
borings for instrumentation in dams, levees, or highway 20845
embankments; 20846

(3) Removing or exchanging heat from ground water, excluding 20847
horizontal trenches that are installed for water source heat pump 20848
systems. 20849

(G) "Aquifer" means a consolidated or unconsolidated geologic 20850
formation or series of formations that are hydraulically 20851
interconnected and that have the ability to receive, store, or 20852
transmit water. 20853

(H) "Ground water" means all water occurring in an aquifer. 20854

(I) "Ground water stress area" means a definable geographic 20855
area in which ground water quantity is being affected by human 20856
activity or natural forces to the extent that continuous 20857
availability of supply is jeopardized by withdrawals. 20858

(J) "Person" has the same meaning as in section 1.59 of the 20859
Revised Code and also includes the United States, the state, any 20860
political subdivision of the state, and any department, division, 20861
board, commission, agency, or instrumentality of the United 20862
States, the state, or a political subdivision of the state. 20863

(K) "State agency" or "agency of the state" has the same 20864
meaning as "agency" in section 111.15 of the Revised Code, except 20865
that "state agency" or "agency of the state" includes a state 20866
college or university, a community college district, a technical 20867

<u>college district, or state community college.</u>	20868
(L) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.	20869 20870 20871 20872
(M) "Facility" has the same meaning as in section 1522.10 of the Revised Code.	20873 20874
(N) "Hydrologic study area" means the area within a four-mile radius from the boundary of the withdrawal area.	20875 20876
(O) "Well field" means a contiguous land area containing two or more wells that provide water to a facility.	20877 20878
(P) "Withdrawal area" means the proposed well or well field location or locations.	20879 20880
(Q) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.	20881 20882 20883 20884 20885
(R) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	20886 20887 20888
(S) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	20889 20890 20891 20892 20893 20894
(T) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	20895 20896
(U) "One-hundred-year floodplain" means that portion of a	20897

floodplain inundated by a one-hundred-year flood. 20898

(V) "Structure" means a walled and roofed building, 20899
including, without limitation, gas or liquid storage tanks and 20900
manufactured homes. 20901

(W) "Substantial improvement" means any reconstruction, 20902
rehabilitation, addition, or other improvement of a structure, the 20903
cost of which equals or exceeds fifty per cent of the market value 20904
of the structure before the start of construction of the 20905
improvement. "Substantial improvement" includes repairs to 20906
structures that have incurred substantial damage regardless of the 20907
actual repair work performed. "Substantial improvement" does not 20908
include either of the following: 20909

(1) Any project for the improvement of a structure to correct 20910
existing violations of state or local health, sanitary, or safety 20911
code specifications that have been identified by the state or 20912
local code enforcement official having jurisdiction and that are 20913
the minimum necessary to ensure safe living conditions; 20914

(2) Any alteration of an historic structure designated or 20915
listed pursuant to federal or state law, provided that the 20916
alteration will not preclude the structure's continued listing or 20917
designation as an historic structure. 20918

(X) "Substantial damage" means damage of any origin that is 20919
sustained by a structure if the cost of restoring the structure to 20920
its condition prior to the damage would equal or exceed fifty per 20921
cent of the market value of the structure before the damage 20922
occurred. 20923

(Y) "National flood insurance program" means the national 20924
flood insurance program established in the "National Flood 20925
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 20926
and regulations adopted under it. 20927

(Z) "Conservancy district" means a conservancy district 20928

established under Chapter 6101. of the Revised Code. 20929

Sec. 1531.01. As used in this chapter and Chapter 1533. of 20930
the Revised Code: 20931

(A) "Person" means a person as defined in section 1.59 of the 20932
Revised Code or a company; an employee, agent, or officer of such 20933
a person or company; a combination of individuals; the state; a 20934
political subdivision of the state; an interstate body created by 20935
a compact; or the federal government or a department, agency, or 20936
instrumentality of it. 20937

(B) "Resident" means ~~any~~ either of the following: 20938

(1) An individual who has resided in this state for not less 20939
than six months preceding the date of making application for a 20940
license or permit; 20941

(2) An individual who is a full-time student enrolled in an 20942
accredited Ohio public or private college or university and who 20943
resides in this state at the time the individual makes application 20944
for a license or permit and who attests to the individual's 20945
full-time student status in a manner determined by the chief of 20946
the division of wildlife. 20947

(C) "Nonresident" means any individual who does not qualify 20948
as a resident. 20949

(D) "Division rule" or "rule" means any rule adopted by the 20950
chief of the division of wildlife under section 1531.10 of the 20951
Revised Code unless the context indicates otherwise. 20952

(E) "Closed season" means that period of time during which 20953
the taking of wild animals protected by this chapter and Chapter 20954
1533. of the Revised Code is prohibited. 20955

(F) "Open season" means that period of time during which the 20956
taking of wild animals protected by this chapter and Chapter 1533. 20957
of the Revised Code is permitted. 20958

(G) "Take or taking" includes pursuing, shooting, hunting, 20959
killing, trapping, angling, fishing with a trotline, or netting 20960
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 20961
wild bird, or wild quadruped, and any lesser act, such as 20962
wounding, or placing, setting, drawing, or using any other device 20963
for killing or capturing any wild animal, whether it results in 20964
killing or capturing the animal or not. "Take or taking" includes 20965
every attempt to kill or capture and every act of assistance to 20966
any other person in killing or capturing or attempting to kill or 20967
capture a wild animal. 20968

(H) "Possession" means both actual and constructive 20969
possession and any control of things referred to. 20970

(I) "Bag limit" means the number, measurement, or weight of 20971
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 20972
birds, and wild quadrupeds permitted to be taken. 20973

(J) "Transport and transportation" means carrying or moving 20974
or causing to be carried or moved. 20975

(K) "Sell and sale" means barter, exchange, or offer or 20976
expose for sale. 20977

(L) "Whole to include part" means that every provision 20978
relating to any wild animal protected by this chapter and Chapter 20979
1533. of the Revised Code applies to any part of the wild animal 20980
with the same effect as it applies to the whole. 20981

(M) "Angling" means fishing with not more than two hand 20982
lines, not more than two units of rod and line, or a combination 20983
of not more than one hand line and one rod and line, either in 20984
hand or under control at any time while fishing. The hand line or 20985
rod and line shall have attached to it not more than three baited 20986
hooks, not more than three artificial fly rod lures, or one 20987
artificial bait casting lure equipped with not more than three 20988
sets of three hooks each. 20989

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	20990 20991 20992
(O) "Fish" means a cold-blooded vertebrate having fins.	20993
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	20994 20995
(Q) "Wild birds" includes game birds and nongame birds.	20996
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	20997 20998
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	20999 21000 21001 21002 21003 21004
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	21005 21006
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	21007 21008
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	21009 21010 21011 21012
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	21013 21014 21015
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	21016 21017 21018
(Y) "Hunting" means pursuing, shooting, killing, following	21019

after or on the trail of, lying in wait for, shooting at, or 21020
wounding wild birds or wild quadrupeds while employing any device 21021
commonly used to kill or wound wild birds or wild quadrupeds 21022
whether or not the acts result in killing or wounding. "Hunting" 21023
includes every attempt to kill or wound and every act of 21024
assistance to any other person in killing or wounding or 21025
attempting to kill or wound wild birds or wild quadrupeds. 21026

(Z) "Trapping" means securing or attempting to secure 21027
possession of a wild bird or wild quadruped by means of setting, 21028
placing, drawing, or using any device that is designed to close 21029
upon, hold fast, confine, or otherwise capture a wild bird or wild 21030
quadruped whether or not the means results in capture. "Trapping" 21031
includes every act of assistance to any other person in capturing 21032
wild birds or wild quadrupeds by means of the device whether or 21033
not the means results in capture. 21034

(AA) "Muskrat spear" means any device used in spearing 21035
muskrats. 21036

(BB) "Channels and passages" means those narrow bodies of 21037
water lying between islands or between an island and the mainland 21038
in Lake Erie. 21039

(CC) "Island" means a rock or land elevation above the waters 21040
of Lake Erie having an area of five or more acres above water. 21041

(DD) "Reef" means an elevation of rock, either broken or in 21042
place, or gravel shown by the latest United States chart to be 21043
above the common level of the surrounding bottom of the lake, 21044
other than the rock bottom, or in place forming the base or 21045
foundation rock of an island or mainland and sloping from the 21046
shore of it. "Reef" also means all elevations shown by that chart 21047
to be above the common level of the sloping base or foundation 21048
rock of an island or mainland, whether running from the shore of 21049
an island or parallel with the contour of the shore of an island 21050

or in any other way and whether formed by rock, broken or in 21051
place, or from gravel. 21052

(EE) "Fur farm" means any area used exclusively for raising 21053
fur-bearing animals or in addition thereto used for hunting game, 21054
the boundaries of which are plainly marked as such. 21055

(FF) "Waters" includes any lake, pond, reservoir, stream, 21056
channel, lagoon, or other body of water, or any part thereof, 21057
whether natural or artificial. 21058

(GG) "Crib" or "car" refers to that particular compartment of 21059
the net from which the fish are taken when the net is lifted. 21060

(HH) "Commercial fish" means those species of fish permitted 21061
to be taken, possessed, bought, or sold unless otherwise 21062
restricted by the Revised Code or division rule and are alewife 21063
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 21064
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 21065
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 21066
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 21067
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 21068
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 21069
olivaris), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 21070
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 21071
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 21072
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 21073
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 21074
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 21075
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 21076
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 21077
Hypentelium sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone* 21078
chrysops), white perch (*Roccus americanus*), and yellow perch 21079
(*Perca flavescens*). When the common name of a fish is used in this 21080
chapter or Chapter 1533. of the Revised Code, it refers to the 21081
fish designated by the scientific name in this definition. 21082

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and

any boat used in conjunction with that gear, but does not include 21113
gill nets. 21114

(RR) "Native wildlife" means any species of the animal 21115
kingdom indigenous to this state. 21116

(SS) "Gill net" means a single section of fabric or netting 21117
seamed to a float line at the top and a lead line at the bottom, 21118
which is designed to entangle fish in the net openings as they 21119
swim into it. 21120

(TT) "Tag fishing tournament" means a contest in which a 21121
participant pays a fee, or gives other valuable consideration, for 21122
a chance to win a prize by virtue of catching a tagged or 21123
otherwise specifically marked fish within a limited period of 21124
time. 21125

(UU) "Tenant" means an individual who resides on land for 21126
which the individual pays rent and whose annual income is 21127
primarily derived from agricultural production conducted on that 21128
land, as "agricultural production" is defined in section 929.01 of 21129
the Revised Code. 21130

(VV) "Nonnative wildlife" means any wild animal not 21131
indigenous to this state, but does not include domestic deer. 21132

(WW) "Reptiles" includes common musk turtle (*sternotherus* 21133
odoratus), common snapping turtle (*Chelydra serpentina* 21134
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 21135
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 21136
blandingii), common map turtle (*Graptemys geographica*), ouachita 21137
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 21138
painted turtle (*Chrysemys picta marginata*), red-eared slider 21139
(*Trachemys scripta elegans*), eastern spiny softshell turtle 21140
(*Apalone spinifera spinifera*), midland smooth softshell turtle 21141
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 21142
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 21143

five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	21144
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	21145
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	21146
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	21147
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	21148
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	21149
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	21150
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	21151
northern redbelly snake (<i>Storeria occipitomaculata</i>	21152
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	21153
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	21154
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	21155
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	21156
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	21157
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	21158
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	21159
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	21160
(<i>Carphophis amoenus helenae</i>), eastern worm snake (<i>Carphophis</i>	21161
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	21162
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	21163
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	21164
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	21165
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	21166
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	21167
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	21168
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	21169
rattlesnake (<i>Crotalus horridus horridus</i>).	21170
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	21171
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	21172
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	21173
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	21174
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	21175
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	21176

streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	21177
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	21178
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	21179
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	21180
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	21181
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	21182
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	21183
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	21184
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	21185
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	21186
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	21187
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	21188
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	21189
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	21190
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	21191
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	21192
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	21193
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	21194
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	21195
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	21196
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	21197
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	21198
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	21199
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	21200
frog (<i>Rana sylvatica</i>).	21201
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	21202
<i>virginianus</i>).	21203
(ZZ) "Domestic deer" means nonnative deer that have been	21204
legally acquired or their offspring and that are held in private	21205
ownership for primarily agricultural purposes.	21206
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	21207
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	21208

(Phalacrocoracidea); rails, coots, and gallinules (Rallidae); and 21209
woodcock and snipe (Scolopacidae). 21210

(BBB) "Accompany" means to go along with another person while 21211
staying within a distance from the person that enables 21212
uninterrupted, unaided visual and auditory communication. 21213

(CCC) "All-purpose vehicle" means any vehicle that is 21214
designed primarily for cross-country travel on land, water, or 21215
land and water and that is steered by wheels, caterpillar treads, 21216
or a combination of wheels and caterpillar treads and includes 21217
vehicles that operate on a cushion of air, vehicles commonly known 21218
as all-terrain vehicles, all-season vehicles, mini-bikes, and 21219
trail bikes. 21220

(DDD) "Wholly enclosed preserve" means an area of land that 21221
is surrounded by a fence that is at least six feet in height, 21222
unless otherwise specified in division rule, and is constructed of 21223
a woven wire mesh, or another enclosure that the division of 21224
wildlife may approve, where game birds, game quadrupeds, reptiles, 21225
amphibians, or fur-bearing animals are raised and may be sold 21226
under the authority of a commercial propagating license or captive 21227
white-tailed deer propagation license obtained under section 21228
1533.71 of the Revised Code. 21229

(EEE) "Commercial bird shooting preserve" means an area of 21230
land where game birds are released and hunted by shooting as 21231
authorized by a commercial bird shooting preserve license obtained 21232
under section 1533.72 of the Revised Code. 21233

(FFF) "Wild animal hunting preserve" means an area of land 21234
where game, captive white-tailed deer, and nonnative wildlife, 21235
other than game birds, are released and hunted as authorized by a 21236
wild animal hunting preserve license obtained under section 21237
1533.721 of the Revised Code. 21238

(GGG) "Captive white-tailed deer" means legally acquired deer 21239

that are held in private ownership at a facility licensed under 21240
section 943.03 or 943.031 of the Revised Code and under section 21241
1533.71 or 1533.721 of the Revised Code. 21242

Sec. 1545.21. (A) The board of park commissioners, by 21243
resolution, may submit to the electors of the park district the 21244
question of levying taxes for the use of the district. The 21245
resolution shall declare the necessity of levying such taxes, 21246
shall specify the purpose for which such taxes shall be used, the 21247
annual rate proposed, and the number of consecutive years the rate 21248
shall be levied. Such resolution shall be forthwith certified to 21249
the board of elections in each county in which any part of such 21250
district is located, not later than the ninetieth day before the 21251
day of the election, and the question of the levy of taxes as 21252
provided in such resolution shall be submitted to the electors of 21253
the district at a special election to be held on whichever of the 21254
following occurs first: 21255

~~(A)(1)~~ The day of the next general election; 21256

~~(B)(2)~~ The first Tuesday after the first Monday in May in any 21257
calendar year, except that if a presidential primary election is 21258
held in that calendar year, then the day of that election. 21259

The A resolution to renew, renew and increase, or renew and 21260
decrease an existing levy shall not be placed on the ballot unless 21261
the question is submitted at the general election held during the 21262
last year the tax to be renewed may be extended on the tax list, 21263
or at any election described in division (A)(1) or (2) of this 21264
section in the ensuing year. Such a resolution may specify that 21265
the renewal, increase, or decrease of the existing levy shall be 21266
extended on the tax list for the tax year specified in the 21267
resolution, which may be the last year the existing levy may be 21268
extended on the list for the ensuing year. If the renewal, 21269
increase, or decrease is to be extended on the tax list for the 21270

last tax year the existing levy would otherwise be extended, the 21271
existing levy shall not be extended on the tax list for that last 21272
year unless the question of the renewal, increase, or decrease is 21273
not approved by a majority of electors voting on the question, in 21274
which case the existing levy shall be extended on the tax list for 21275
that last year. 21276

Except as otherwise prescribed in division (B) of this 21277
section, the ballot shall set forth the purpose for which the 21278
taxes shall be levied, the levy's estimated annual collections, 21279
the annual rate of levy, expressed in mills for each dollar of 21280
taxable value and in dollars for each one hundred thousand dollars 21281
of the county auditor's appraised value, and the number of years 21282
of such levy. If the tax is to be placed on the current tax list, 21283
the form of the ballot shall state that the tax will be levied in 21284
the current tax year and shall indicate the first calendar year 21285
the tax will be due. 21286

(B)(1) If the resolution of the board of park commissioners 21287
provides that an existing levy will be renewed, increased, or 21288
decreased upon the passage of the ballot question, the form of the 21289
ballot shall be the same as prescribed for such levies in 21290
divisions (B) and (C) of section 5705.25 of the Revised Code. 21291

(2) If the resolution of the board of park commissioners 21292
provides that an existing levy will be canceled upon the passage 21293
of the new levy, the board shall request that the county auditor, 21294
in addition to the information the auditor is required to certify 21295
under section 5705.03 of the Revised Code, certify the estimated 21296
effective rate of the existing levy. In such an instance, the 21297
ballot must include a statement that: "an existing levy of ___ 21298
mills (stating the original levy millage) for each \$1 of taxable 21299
value, which amounts to \$___ (estimated effective rate) for each 21300
\$100,000 of the county auditor's appraised value, having ___ years 21301
remaining, will be canceled and replaced upon the passage of this 21302

levy." In such case, the ballot may refer to the new levy as a 21303
"replacement levy" if the new millage does not exceed the original 21304
millage of the levy being canceled or as a "replacement and 21305
additional levy" if the new millage exceeds the original millage 21306
of the levy being canceled. No such replacement levy shall be 21307
submitted to electors at an election held on or after January 1, 21308
2025. ~~¶~~ 21309

(C) If a majority of the electors voting upon the question of 21310
such levy vote in favor thereof, such taxes shall be levied and 21311
shall be in addition to the taxes authorized by section 1545.20 of 21312
the Revised Code, and all other taxes authorized by law. The rate 21313
submitted to the electors at any one time shall not exceed two 21314
mills annually upon each dollar of taxable value unless the 21315
purpose of the levy includes providing operating revenues for one 21316
of Ohio's major metropolitan zoos, as defined in section 4503.74 21317
of the Revised Code, in which case the rate shall not exceed three 21318
mills annually upon each dollar of taxable value. When a tax levy 21319
has been authorized as provided in this section or in section 21320
1545.041 of the Revised Code, the board of park commissioners may 21321
issue bonds pursuant to section 133.24 of the Revised Code in 21322
anticipation of the collection of such levy, provided that such 21323
bonds shall be issued only for the purpose of acquiring and 21324
improving lands. Such levy, when collected, shall be applied in 21325
payment of the bonds so issued and the interest thereon. The 21326
amount of bonds so issued and outstanding at any time shall not 21327
exceed one per cent of the total taxable value in such district. 21328
Such bonds shall bear interest at a rate not to exceed the rate 21329
determined as provided in section 9.95 of the Revised Code. 21330

(D) As used in this section, "the county auditor's appraised 21331
value" and "estimated effective rate" have the same meanings as in 21332
section 5705.01 of the Revised Code. 21333

Sec. 1546.24. There is hereby created in the state treasury 21334
the parks and watercraft federal grants fund. The fund shall 21335
consist of federal funds received by the department of natural 21336
resources for purposes of this section and any other money 21337
credited to the fund. The chief of the division of parks and 21338
watercraft shall use money in the fund for parks and watercraft 21339
projects approved by the director of natural resources. 21340

Sec. 1547.25. (A) No person shall operate or permit to be 21341
operated any vessel, other than a vessel exempted by rules, on the 21342
waters in this state: 21343

(1) That is sixteen feet or greater in length without 21344
carrying aboard one wearable personal flotation device for each 21345
person aboard and one throwable personal flotation device; 21346

(2) That is less than sixteen feet in length, including 21347
paddlecraft of any length, without carrying aboard one wearable 21348
personal flotation device for each person aboard. 21349

(B) No person shall operate or permit to be operated any 21350
commercial vessel on the waters in this state: 21351

(1) That is less than forty feet in length and is not 21352
carrying persons for hire without carrying aboard at least one 21353
wearable personal flotation device for each person aboard; 21354

(2) That is carrying persons for hire or is forty feet in 21355
length or longer and is not carrying persons for hire without 21356
carrying aboard at least one wearable personal flotation device 21357
for each person aboard that complies with all of the following: 21358

(a) It is designed to support the person wearing the wearable 21359
personal flotation device in the water in an upright or slightly 21360
backward position and provides support to the head so that the 21361
face of an unconscious or exhausted person is held above the 21362
water. 21363

(b) It is capable of turning the person wearing the wearable personal flotation device, upon entering the water, to a safe flotation position. 21364
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(c) It is capable of being worn inside out. 21367

(d) It is capable of supporting a minimum of twenty-two pounds in fresh water for forty-eight hours. 21368
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(e) It is a highly visible color. 21370

(3) That is twenty-six feet in length or longer without carrying aboard at least one throwable personal flotation device in addition to the applicable requirements of divisions (B)(1) and (2) of this section. 21371
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(C) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be coast guard approved and in good and serviceable condition, of appropriate size for the wearer, readily accessible to each person aboard the vessel at all times, and used in accordance with any requirements on its approval label or in accordance with requirements in its owner's manual if the approval label refers to such a manual. 21375
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(D) A personal flotation device shall not be used in a manner that is inconsistent with any limitations or restrictions related to federal approval under 46 C.F.R. 160 or special instructions for use provided by the manufacturer. Appropriate use shall be indicated on the label of an approved personal flotation device with one or more of the following designations: 21383
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~~(1) Conditional approval;~~ 21389

~~(2) Performance type;~~ 21390

~~(3) Type one personal flotation device;~~ 21391

~~(4) Type two personal flotation device;~~ 21392

~~(5) Type three personal flotation device;~~ 21393

- ~~(6) Type four personal flotation device;~~ 21394
- ~~(7) Type five personal flotation device;~~ 21395
- ~~(8) Throwable personal flotation device;~~ 21396
- ~~(9) Wearable personal flotation device.~~ 21397

(E) As used in this section, "commercial vessel" means any 21398
vessel used in the carriage of any person or property for a 21399
valuable consideration whether flowing directly or indirectly from 21400
the owner, partner, or agent or any other person interested in the 21401
vessel. "Commercial vessel" does not include any vessel that is 21402
manufactured or used primarily for noncommercial use or that is 21403
leased, rented, or chartered to another for noncommercial use. 21404

Sec. 1547.27. (A) Except those powercraft ~~propelled by an~~ 21405
~~electric motor and those~~ less than twenty-six feet in length 21406
designed for use with an outboard motor, of open construction that 21407
is not capable of entrapping explosive or flammable gases or 21408
vapors, and not carrying passengers for hire, all powercraft shall 21409
carry fire extinguishers as prescribed in this section. The fire 21410
extinguishers shall be capable of extinguishing a burning gasoline 21411
fire, shall be ~~so placed as to be readily accessible and~~ in such 21412
condition as to be ready for immediate and effective use, and 21413
shall comply with minimum or higher standards for such 21414
extinguishers then prevailing as prescribed by the United States 21415
coast guard. 21416

(B) ~~Class~~ Except for vessels subject to exemptions listed in 21417
33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed 21418
fire extinguishing systems in machinery spaces shall carry the 21419
following: 21420

(1) Class A and class 1 powercraft shall carry at least one 21421
~~B-1~~ 5-B portable fire extinguisher. 21422

(2) Class 2 powercraft shall carry at least two ~~B-1~~ 5-B 21423

portable fire extinguishers or at least one ~~B-2~~ 20-B portable fire 21424
extinguisher. 21425

(3) Class 3 powercraft shall carry at least three ~~B-1~~ 5-B 21426
portable fire extinguishers, or at least one ~~B-1~~ 5-B portable and 21427
one ~~B-2~~ 20-B portable fire extinguishers. 21428

(4) Class 4 powercraft shall carry the number and type of 21429
20-B portable fire extinguishers specified by gross tonnage as 21430
prescribed by 33 C.F.R. 175, subpart E. 21431

~~A B-1 fire extinguisher is one containing a minimum of one~~ 21432
~~and one fourth gallons foam, four pounds carbon dioxide, two~~ 21433
~~pounds dry chemical, two and one half pounds halon, or another~~ 21434
~~extinguishing material approved by the United States coast guard,~~ 21435
~~in a quantity approved by the United States coast guard, for such~~ 21436
~~use. A B-2 fire extinguisher is one containing a minimum of two~~ 21437
~~and one half gallons foam, fifteen pounds carbon dioxide, ten~~ 21438
~~pounds dry chemical, ten pounds halon, or another extinguishing~~ 21439
~~material approved by the United States coast guard, in a quantity~~ 21440
~~approved by the United States coast guard, for such use.~~ 21441

(C) All portable and semi-portable fire extinguishers for use 21442
on a vessel shall: 21443

(1) Be on board the vessel and be readily accessible; 21444

(2) Be of an approved type; 21445

(3) Not be expired or appear to have been previously used; 21446

(4) Be maintained in good and serviceable working condition. 21447

As used in division (C)(4) of this section, "good and serviceable 21448
working condition" means all of the following: 21449

(a) If the fire extinguisher has a pressure gauge or 21450
indicator, the reading or indicator is in the operable range or 21451
position; 21452

(b) The fire extinguisher's lock pin is firmly in place; 21453

(c) The fire extinguisher's discharge nozzle is clean and 21454
free of obstruction; 21455

(d) The fire extinguisher does not show visible signs of 21456
significant corrosion or damage. 21457

(D) No person shall operate or permit to be operated on the 21458
waters in this state any powercraft that does not comply with this 21459
section. 21460

Sec. 1548.03. No person, except as provided in section 21461
1548.05 of the Revised Code, shall sell or otherwise dispose of a 21462
watercraft or outboard motor without delivering to the purchaser 21463
or transferee a physical certificate of title with an assignment 21464
on it as is necessary to show title in the purchaser or 21465
transferee; nor shall any person purchase or otherwise acquire a 21466
watercraft or outboard motor without obtaining a certificate of 21467
title for it in the person's name in accordance with this chapter; 21468
however, a purchaser may take possession of and operate a 21469
watercraft or outboard motor on the waters in this state without a 21470
certificate of title for a period not exceeding ~~thirty~~ sixty days 21471
if the purchaser has been issued and has in the purchaser's 21472
possession a dealer's dated bill of sale or, in the case of a 21473
casual sale, a notarized bill of sale. 21474

Sec. 1707.01. As used in this chapter: 21475

(A) Whenever the context requires it, "division" or "division 21476
of securities" may be read as "director of commerce" or as 21477
"commissioner of securities." 21478

(B) "Security" means any certificate or instrument, or any 21479
oral, written, or electronic agreement, understanding, or 21480
opportunity, that represents title to or interest in, or is 21481
secured by any lien or charge upon, the capital, assets, profits, 21482
property, or credit of any person or of any public or governmental 21483

body, subdivision, or agency. It includes shares of stock, 21484
certificates for shares of stock, an uncertificated security, 21485
membership interests in limited liability companies, voting-trust 21486
certificates, warrants and options to purchase securities, 21487
subscription rights, interim receipts, interim certificates, 21488
promissory notes, all forms of commercial paper, evidences of 21489
indebtedness, bonds, debentures, land trust certificates, fee 21490
certificates, leasehold certificates, syndicate certificates, 21491
endowment certificates, interests in or under profit-sharing or 21492
participation agreements, interests in or under oil, gas, or 21493
mining leases, preorganization or reorganization subscriptions, 21494
preorganization certificates, reorganization certificates, 21495
interests in any trust or pretended trust, any investment 21496
contract, any life settlement interest, any instrument evidencing 21497
a promise or an agreement to pay money, warehouse receipts for 21498
intoxicating liquor, and the currency of any government other than 21499
those of the United States and Canada, but sections 1707.01 to 21500
1707.50 of the Revised Code do not apply to the sale of real 21501
estate. 21502

(C)(1) "Sale" has the full meaning of "sale" as applied by or 21503
accepted in courts of law or equity, and includes every 21504
disposition, or attempt to dispose, of a security or of an 21505
interest in a security. "Sale" also includes a contract to sell, 21506
an exchange, an attempt to sell, an option of sale, a solicitation 21507
of a sale, a solicitation of an offer to buy, a subscription, or 21508
an offer to sell, directly or indirectly, by agent, circular, 21509
pamphlet, advertisement, or otherwise. 21510

(2) "Sell" means any act by which a sale is made. 21511

(3) The use of advertisements, circulars, or pamphlets in 21512
connection with the sale of securities in this state exclusively 21513
to the purchasers specified in division (D) of section 1707.03 of 21514
the Revised Code is not a sale when the advertisements, circulars, 21515

and pamphlets describing and offering those securities bear a 21516
readily legible legend in substance as follows: "This offer is 21517
made on behalf of dealers licensed under sections 1707.01 to 21518
1707.50 of the Revised Code, and is confined in this state 21519
exclusively to institutional investors and licensed dealers." 21520

(4) The offering of securities by any person in conjunction 21521
with a licensed dealer by use of advertisement, circular, or 21522
pamphlet is not a sale if that person does not otherwise attempt 21523
to sell securities in this state. 21524

(5) Any security given with, or as a bonus on account of, any 21525
purchase of securities is conclusively presumed to constitute a 21526
part of the subject of that purchase and has been "sold." 21527

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 21528
acting in a representative capacity, includes sale on behalf of 21529
such party by an agent, including a licensed dealer or 21530
salesperson. 21531

(D) "Person," except as otherwise provided in this chapter, 21532
means a natural person, firm, partnership, limited partnership, 21533
partnership association, syndicate, joint-stock company, 21534
unincorporated association, trust or trustee except where the 21535
trust was created or the trustee designated by law or judicial 21536
authority or by a will, and a corporation or limited liability 21537
company organized under the laws of any state, any foreign 21538
government, or any political subdivision of a state or foreign 21539
government. 21540

(E)(1) "Dealer," except as otherwise provided in this 21541
chapter, means every person, other than a salesperson, who engages 21542
or professes to engage, in this state, for either all or part of 21543
the person's time, directly or indirectly, either in the business 21544
of the sale of securities for the person's own account, or in the 21545
business of the purchase or sale of securities for the account of 21546

others in the reasonable expectation of receiving a commission, 21547
fee, or other remuneration as a result of engaging in the purchase 21548
and sale of securities. "Dealer" does not mean any of the 21549
following: 21550

(a) Any issuer, including any officer, director, employee, or 21551
trustee of, or member or manager of, or partner in, or any general 21552
partner of, any issuer, that sells, offers for sale, or does any 21553
act in furtherance of the sale of a security that represents an 21554
economic interest in that issuer, provided no commission, fee, or 21555
other similar remuneration is paid to or received by the issuer 21556
for the sale; 21557

(b) Any licensed attorney, public accountant, or firm of such 21558
attorneys or accountants, whose activities are incidental to the 21559
practice of the attorney's, accountant's, or firm's profession; 21560

(c) Any person that, for the account of others, engages in 21561
the purchase or sale of securities that are issued and outstanding 21562
before such purchase and sale, if a majority or more of the equity 21563
interest of an issuer is sold in that transaction, and if, in the 21564
case of a corporation, the securities sold in that transaction 21565
represent a majority or more of the voting power of the 21566
corporation in the election of directors; 21567

(d) Any person that brings an issuer together with a 21568
potential investor and whose compensation is not directly or 21569
indirectly based on the sale of any securities by the issuer to 21570
the investor; 21571

(e) Any bank; 21572

(f) Any person that the division of securities by rule 21573
exempts from the definition of "dealer" under division (E)(1) of 21574
this section. 21575

(2) "Licensed dealer" means a dealer licensed under this 21576
chapter. 21577

(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.

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(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.

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(3) "Licensed salesperson" means a salesperson licensed under this chapter.

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(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.

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(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.

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(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.

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(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or

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promise; any fictitious or pretended purchase or sale of 21609
securities; and any act, practice, transaction, or course of 21610
business relating to the purchase or sale of securities that is 21611
fraudulent or that has operated or would operate as a fraud upon 21612
the seller or purchaser. 21613

(K) Except as otherwise specifically provided, whenever any 21614
classification or computation is based upon "par value," as 21615
applied to securities without par value, the average of the 21616
aggregate consideration received or to be received by the issuer 21617
for each class of those securities shall be used as the basis for 21618
that classification or computation. 21619

(L)(1) "Intangible property" means patents, copyrights, 21620
secret processes, formulas, services, good will, promotion and 21621
organization fees and expenses, trademarks, trade brands, trade 21622
names, licenses, franchises, any other assets treated as 21623
intangible according to generally accepted accounting principles, 21624
and securities, accounts receivable, or contract rights having no 21625
readily determinable value. 21626

(2) "Tangible property" means all property other than 21627
intangible property and includes securities, accounts receivable, 21628
and contract rights, when the securities, accounts receivable, or 21629
contract rights have a readily determinable value. 21630

(M) "Public utilities" means those utilities defined in 21631
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 21632
Code; in the case of a foreign corporation, it means those 21633
utilities defined as public utilities by the laws of its domicile; 21634
and in the case of any other foreign issuer, it means those 21635
utilities defined as public utilities by the laws of the situs of 21636
its principal place of business. The term always includes 21637
railroads whether or not they are so defined as public utilities. 21638

(N) "State" means any state of the United States, any 21639

territory or possession of the United States, the District of Columbia, and any province of Canada. 21640
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(O) "Bank" means any bank, trust company, savings and loan association, savings bank, or credit union that is incorporated or organized under the laws of the United States, any state of the United States, Canada, or any province of Canada and that is subject to regulation or supervision by that country, state, or province. 21642
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(P) "Include," when used in a definition, does not exclude other things or persons otherwise within the meaning of the term defined. 21648
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(Q)(1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with. 21651
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(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with. 21654
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(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. ~~Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates~~ 21657
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(4) Reference in this chapter to "registration by description" or "registration by qualification" does not include registration by coordination. 21662
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(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes. 21665
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(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity: 21668
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(1) A bank or international banking institution;	21670
(2) An insurance company;	21671
(3) A separate account of an insurance company;	21672
(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;	21673 21674
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	21675 21676 21677
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	21678 21679 21680 21681 21682
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	21683 21684
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	21685 21686 21687
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	21688 21689
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	21690 21691 21692 21693 21694 21695 21696 21697
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	21698 21699

(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	21700 21701 21702
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	21703 21704
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	21705 21706 21707 21708 21709 21710
(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;	21711 21712 21713 21714 21715 21716
(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;	21717 21718 21719 21720
(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;	21721 21722 21723 21724
(12) A federal covered investment adviser acting for its own account;	21725 21726
(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	21727 21728
(14) A "major U.S. institutional investor" as defined in 17	21729

C.F.R. 240.15a-6(b)(4)(i);	21730
(15) Any other person, other than an individual, of	21731
institutional character with total assets in excess of ten million	21732
dollars not organized for the specific purpose of evading this	21733
chapter;	21734
(16) Any other person specified by rule adopted or order	21735
issued under this chapter.	21736
(T) A reference to a statute of the United States or to a	21737
rule, regulation, or form promulgated by the securities and	21738
exchange commission or by another federal agency means the	21739
statute, rule, regulation, or form as it exists at the time of the	21740
act, omission, event, or transaction to which it is applied under	21741
this chapter.	21742
(U) "Securities and exchange commission" means the securities	21743
and exchange commission established by the Securities Exchange Act	21744
of 1934.	21745
(V)(1) "Control bid" means the purchase of or offer to	21746
purchase any equity security of a subject company from a resident	21747
of this state if either of the following applies:	21748
(a) After the purchase of that security, the offeror would be	21749
directly or indirectly the beneficial owner of more than ten per	21750
cent of any class of the issued and outstanding equity securities	21751
of the issuer.	21752
(b) The offeror is the subject company, there is a pending	21753
control bid by a person other than the issuer, and the number of	21754
the issued and outstanding shares of the subject company would be	21755
reduced by more than ten per cent.	21756
(2) For purposes of division (V)(1) of this section, "control	21757
bid" does not include any of the following:	21758
(a) A bid made by a dealer for the dealer's own account in	21759

the ordinary course of business of buying and selling securities; 21760

(b) An offer to acquire any equity security solely in 21761
exchange for any other security, or the acquisition of any equity 21762
security pursuant to an offer, for the sole account of the 21763
offeror, in good faith and not for the purpose of avoiding the 21764
provisions of this chapter, and not involving any public offering 21765
of the other security within the meaning of Section 4 of Title I 21766
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 21767
as amended; 21768

(c) Any other offer to acquire any equity security, or the 21769
acquisition of any equity security pursuant to an offer, for the 21770
sole account of the offeror, from not more than fifty persons, in 21771
good faith and not for the purpose of avoiding the provisions of 21772
this chapter. 21773

(W) "Offeror" means a person who makes, or in any way 21774
participates or aids in making, a control bid and includes persons 21775
acting jointly or in concert, or who intend to exercise jointly or 21776
in concert any voting rights attached to the securities for which 21777
the control bid is made and also includes any subject company 21778
making a control bid for its own securities. 21779

(X)(1) "Investment adviser" means any person who, for 21780
compensation, engages in the business of advising others, either 21781
directly or through publications or writings, as to the value of 21782
securities or as to the advisability of investing in, purchasing, 21783
or selling securities, or who, for compensation and as a part of 21784
regular business, issues or promulgates analyses or reports 21785
concerning securities. 21786

(2) "Investment adviser" does not mean any of the following: 21787

(a) Any attorney, accountant, engineer, or teacher, whose 21788
performance of investment advisory services described in division 21789
(X)(1) of this section is solely incidental to the practice of the 21790

attorney's, accountant's, engineer's, or teacher's profession;	21791
(b) A publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;	21792 21793 21794
(c) A person who acts solely as an investment adviser representative;	21795 21796
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	21797 21798 21799
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	21800 21801
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	21802 21803 21804 21805 21806 21807
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	21808 21809 21810 21811 21812 21813 21814 21815
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not	21816 21817 21818 21819 21820 21821

within the intent of section 202(a)(11) of the Investment Advisers Act of 1940. 21822
21823

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer; 21824
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(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter. 21827
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(Y)(1) "Subject company" means an issuer that satisfies both of the following: 21832
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(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars. 21834
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(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state. 21838
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(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer is to be made by any regulatory authority of another jurisdiction. 21844
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(Z) "Beneficial owner" includes any person who directly or 21853
indirectly through any contract, arrangement, understanding, or 21854
relationship has or shares, or otherwise has or shares, the power 21855
to vote or direct the voting of a security or the power to dispose 21856
of, or direct the disposition of, the security. "Beneficial 21857
ownership" includes the right, exercisable within sixty days, to 21858
acquire any security through the exercise of any option, warrant, 21859
or right, the conversion of any convertible security, or 21860
otherwise. Any security subject to any such option, warrant, 21861
right, or conversion privilege held by any person shall be deemed 21862
to be outstanding for the purpose of computing the percentage of 21863
outstanding securities of the class owned by that person, but 21864
shall not be deemed to be outstanding for the purpose of computing 21865
the percentage of the class owned by any other person. A person 21866
shall be deemed the beneficial owner of any security beneficially 21867
owned by any relative or spouse or relative of the spouse residing 21868
in the home of that person, any trust or estate in which that 21869
person owns ten per cent or more of the total beneficial interest 21870
or serves as trustee or executor, any corporation or entity in 21871
which that person owns ten per cent or more of the equity, and any 21872
affiliate or associate of that person. 21873

(AA) "Offeree" means the beneficial or record owner of any 21874
security that an offeror acquires or offers to acquire in 21875
connection with a control bid. 21876

(BB) "Equity security" means any share or similar security, 21877
or any security convertible into any such security, or carrying 21878
any warrant or right to subscribe to or purchase any such 21879
security, or any such warrant or right, or any other security 21880
that, for the protection of security holders, is treated as an 21881
equity security pursuant to rules of the division of securities. 21882

(CC)(1) "Investment adviser representative" means a 21883
supervised person of an investment adviser, provided that the 21884

supervised person has more than five clients who are natural 21885
persons other than excepted persons defined in division (EE) of 21886
this section, and that more than ten per cent of the supervised 21887
person's clients are natural persons other than excepted persons 21888
defined in division (EE) of this section. "Investment adviser 21889
representative" does not mean any of the following: 21890

(a) A supervised person that does not on a regular basis 21891
solicit, meet with, or otherwise communicate with clients of the 21892
investment adviser; 21893

(b) A supervised person that provides only investment 21894
advisory services described in division (X)(1) of this section by 21895
means of written materials or oral statements that do not purport 21896
to meet the objectives or needs of specific individuals or 21897
accounts; 21898

(c) Any other person that the division designates by rule, if 21899
the division finds that the designation is necessary or 21900
appropriate in the public interest or for the protection of 21901
investors or clients and is consistent with the provisions fairly 21902
intended by the policy and provisions of this chapter. 21903

(2) For the purpose of the calculation of clients in division 21904
(CC)(1) of this section, a natural person and the following 21905
persons are deemed a single client: Any minor child of the natural 21906
person; any relative, spouse, or relative of the spouse of the 21907
natural person who has the same principal residence as the natural 21908
person; all accounts of which the natural person or the persons 21909
referred to in division (CC)(2) of this section are the only 21910
primary beneficiaries; and all trusts of which the natural person 21911
or persons referred to in division (CC)(2) of this section are the 21912
only primary beneficiaries. Persons who are not residents of the 21913
United States need not be included in the calculation of clients 21914
under division (CC)(1) of this section. 21915

(3) If subsequent to March 18, 1999, amendments are enacted 21916
or adopted defining "investment adviser representative" for 21917
purposes of the Investment Advisers Act of 1940 or additional 21918
rules or regulations are promulgated by the securities and 21919
exchange commission regarding the definition of "investment 21920
adviser representative" for purposes of the Investment Advisers 21921
Act of 1940, the division of securities shall, by rule, adopt the 21922
substance of the amendments, rules, or regulations, unless the 21923
division finds that the amendments, rules, or regulations are not 21924
necessary for the protection of investors or in the public 21925
interest. 21926

(DD) "Supervised person" means a natural person who is any of 21927
the following: 21928

(1) A partner, officer, or director of an investment adviser, 21929
or other person occupying a similar status or performing similar 21930
functions with respect to an investment adviser; 21931

(2) An employee of an investment adviser; 21932

(3) A person who provides investment advisory services 21933
described in division (X)(1) of this section on behalf of the 21934
investment adviser and is subject to the supervision and control 21935
of the investment adviser. 21936

(EE) "Excepted person" means a natural person to whom any of 21937
the following applies: 21938

(1) Immediately after entering into the investment advisory 21939
contract with the investment adviser, the person has at least 21940
seven hundred fifty thousand dollars under the management of the 21941
investment adviser. 21942

(2) The investment adviser reasonably believes either of the 21943
following at the time the investment advisory contract is entered 21944
into with the person: 21945

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.

(b) The person is a qualified purchaser as defined in division (FF) of this section.

(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:

(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.

If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "excepted person" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(FF)(1) "Qualified purchaser" means either of the following:	21977
(a) A natural person who owns not less than five million	21978
dollars in investments as defined by rule by the division of	21979
securities;	21980
(b) A natural person, acting for the person's own account or	21981
accounts of other qualified purchasers, who in the aggregate owns	21982
and invests on a discretionary basis, not less than twenty-five	21983
million dollars in investments as defined by rule by the division	21984
of securities.	21985
(2) If subsequent to March 18, 1999, amendments are enacted	21986
or adopted defining "qualified purchaser" for purposes of the	21987
Investment Advisers Act of 1940 or additional rules or regulations	21988
are promulgated by the securities and exchange commission	21989
regarding the definition of "qualified purchaser" for purposes of	21990
the Investment Advisers Act of 1940, the division of securities	21991
shall, by rule, adopt the amendments, rules, or regulations,	21992
unless the division finds that the amendments, rules, or	21993
regulations are not necessary for the protection of investors or	21994
in the public interest.	21995
(GG)(1) "Purchase" has the full meaning of "purchase" as	21996
applied by or accepted in courts of law or equity and includes	21997
every acquisition of, or attempt to acquire, a security or an	21998
interest in a security. "Purchase" also includes a contract to	21999
purchase, an exchange, an attempt to purchase, an option to	22000
purchase, a solicitation of a purchase, a solicitation of an offer	22001
to sell, a subscription, or an offer to purchase, directly or	22002
indirectly, by agent, circular, pamphlet, advertisement, or	22003
otherwise.	22004
(2) "Purchase" means any act by which a purchase is made.	22005
(3) Any security given with, or as a bonus on account of, any	22006
purchase of securities is conclusively presumed to constitute a	22007

part of the subject of that purchase. 22008

(HH) "Life settlement interest" means the entire interest or 22009
any fractional interest in an insurance policy or certificate of 22010
insurance, or in an insurance benefit under such a policy or 22011
certificate, that is the subject of a life settlement contract. 22012

For purposes of this division, "life settlement contract" 22013
means an agreement for the purchase, sale, assignment, transfer, 22014
devise, or bequest of any portion of the death benefit or 22015
ownership of any life insurance policy or contract, in return for 22016
consideration or any other thing of value that is less than the 22017
expected death benefit of the life insurance policy or contract. 22018
"Life settlement contract" includes a viatical settlement contract 22019
as defined in section 3916.01 of the Revised Code, but does not 22020
include any of the following: 22021

(1) A loan by an insurer under the terms of a life insurance 22022
policy, including, but not limited to, a loan secured by the cash 22023
value of the policy; 22024

(2) An agreement with a bank that takes an assignment of a 22025
life insurance policy as collateral for a loan; 22026

(3) The provision of accelerated benefits as defined in 22027
section 3915.21 of the Revised Code; 22028

(4) Any agreement between an insurer and a reinsurer; 22029

(5) An agreement by an individual to purchase an existing 22030
life insurance policy or contract from the original owner of the 22031
policy or contract, if the individual does not enter into more 22032
than one life settlement contract per calendar year; 22033

(6) The initial purchase of an insurance policy or 22034
certificate of insurance from its owner by a viatical settlement 22035
provider, as defined in section 3916.01 of the Revised Code, that 22036
is licensed under Chapter 3916. of the Revised Code. 22037

(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code ~~and~~, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section.

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division.

(3) The individual who executes the application for

qualification of securities on behalf of the applicant shall state 22069
the individual's relationship to the applicant and certify that: 22070
the individual has executed the application on behalf of the 22071
applicant; the individual is fully authorized to execute and file 22072
the application on behalf of the applicant; the individual is 22073
familiar with the applicant's application; and to the best of the 22074
individual's knowledge, information, and belief, the statements 22075
made in the application are true, and the documents submitted with 22076
the application are true copies of the original documents. 22077

(B) The division shall require the applicant for 22078
qualification of securities to submit to it the following 22079
information: 22080

(1) The names and addresses of the directors or trustees and 22081
of the officers of the issuer, if the issuer is a corporation or 22082
an unincorporated association; of all the members of the issuer, 22083
if the issuer is a limited liability company in which management 22084
is reserved to its members; of all the managers of the issuer, if 22085
the issuer is a limited liability company in which management is 22086
not reserved to its members; of all partners, if the issuer is a 22087
general or limited partnership or a partnership association; and 22088
the name and address of the issuer, if the issuer is an 22089
individual; 22090

(2) The address of the issuer's principal place of business 22091
and principal office in this state, if any; 22092

(3) The purposes and general character of the business 22093
actually being transacted, or to be transacted, by the issuer, and 22094
the purpose of issuing the securities named in the application; 22095

(4) A statement of the capitalization of the issuer; a 22096
balance sheet made up as of the most recent practicable date, 22097
showing the amount and general character of its assets and 22098
liabilities; a description of the security for the qualification 22099

of which application is being made; and copies of all circulars, 22100
prospectuses, advertisements, or other descriptions of the 22101
securities, that are then prepared by or for the issuer, or by or 22102
for the applicant if the applicant is not the issuer, or by or for 22103
both, to be used for distribution or publication in this state; 22104

(5) A statement of the amount of the issuer's income, 22105
expenses, and fixed charges during the last fiscal year or, if the 22106
issuer has been in actual business less than one year, for the 22107
time that the issuer has been in actual business; 22108

(6) A statement showing the price at which the security is to 22109
be offered for sale; 22110

(7) A statement showing the considerations received or to be 22111
received by the issuer of the securities purchased or to be 22112
purchased from the issuer and an itemized statement of all 22113
expenses of financing to be paid from those considerations so as 22114
to show the aggregate net amount actually received or to be 22115
received by the issuer; 22116

(8) All other information, including an opinion of counsel as 22117
to the validity of the securities that are the subject matter of 22118
the application, that the division considers necessary to enable 22119
it to ascertain whether the securities are entitled to 22120
qualification; 22121

(9) If the issuer is a corporation, there shall be filed with 22122
the application a certified copy of its articles of incorporation 22123
with all amendments to the articles, if the articles or amendments 22124
are not already on file in the office of the secretary of state; 22125
if the issuer is a limited liability company, there shall be filed 22126
with the application a certified copy of its articles of 22127
organization with all amendments to the articles, if the articles 22128
or amendments are not already on file in the office of the 22129
secretary of state; if the issuer is a trust or trustee, there 22130

shall be filed with the application a copy of all instruments by 22131
which the trust was created; and if the issuer is a partnership or 22132
an unincorporated association, or any other form of organization, 22133
there shall be filed with the application a copy of its articles 22134
of partnership or association and of all other papers pertaining 22135
to its organization, if the articles or other papers are not 22136
already on file in the office of the secretary of state; 22137

(10) If the application is made with respect to securities to 22138
be sold or distributed by or on behalf of the issuer, or by or on 22139
behalf of an underwriter, as defined in division (N) of section 22140
1707.03 of the Revised Code, a statement showing that the issuer 22141
has received, or will receive at or prior to the delivery of those 22142
securities, not less than eighty-five per cent of the aggregate 22143
price at which all those securities are sold by or on behalf of 22144
the issuer, without deduction for any additional commission, 22145
directly or indirectly, and without liability to pay any 22146
additional sum as commission; 22147

(11) If the division so permits with respect to a security, 22148
an applicant may file with the division, in lieu of the division's 22149
prescribed forms, a copy of the registration statement relating to 22150
the security, with all amendments to that statement, previously 22151
filed with the securities and exchange commission of the United 22152
States under the "Securities Act of 1933," as amended, together 22153
with all additional data, information, and documents that the 22154
division requires. 22155

(C) If the division finds that it is not necessary in the 22156
public interest and for the protection of investors to require all 22157
the information specified in divisions (B)(1) to (10) of this 22158
section, it may permit the filing of applications for 22159
qualification that contain the information that it considers 22160
necessary and appropriate in the public interest and for the 22161
protection of investors, but this provision applies only in the 22162

case of applications for qualification of securities previously 22163
issued and outstanding that may not be made the subject matter of 22164
transactions exempt under division (M) of section 1707.03 of the 22165
Revised Code by reason of the fact that those securities within 22166
one year were purchased outside this state or within one year were 22167
transported into this state. 22168

(D) All the statements, exhibits, and documents required by 22169
the division under this section, except properly certified public 22170
documents, shall be verified by the oath of the applicant for 22171
qualification, of the issuer, or of any individual having 22172
knowledge of the facts, and in the manner and form that may be 22173
required by the division. Failure or refusal to comply with the 22174
requests of the division shall be sufficient reason for a refusal 22175
by the division to register securities. 22176

(E) If it appears to the division that substantially the only 22177
consideration to be paid for any of the securities to be qualified 22178
is to be intangible property of doubtful value, the division may 22179
require that the securities be delivered in escrow to a bank in 22180
this state under the terms that the division may reasonably 22181
prescribe or require to prevent a deceitful misrepresentation or 22182
sale of the securities; that the securities be subordinated in 22183
favor of those sold for sound value until they have a value 22184
bearing a reasonable relation to the value of those sold for sound 22185
value; or that a legend of warning specifying the considerations 22186
paid or to be paid for the securities be stamped or printed on all 22187
advertisements, circulars, pamphlets, or subscription blanks used 22188
in connection with the sale of any securities of the same issuer; 22189
or it may impose a combination of any two or more of these 22190
requirements. 22191

(F) At the time of filing the information prescribed in this 22192
section, the applicant shall pay to the division a filing fee of 22193
one hundred dollars. 22194

(G)(1) The division, at any time, as a prerequisite to 22195
qualification, may make an examination of the issuer of securities 22196
sought to be qualified. The applicant for qualification of any 22197
securities may be required by the division to advance sufficient 22198
funds to pay all or any part of the actual expenses of that 22199
examination, an itemized statement of which shall be furnished the 22200
applicant. 22201

(2) If the division finds that the business of the issuer is 22202
not fraudulently conducted, that the proposed offer or disposal of 22203
securities is not on grossly unfair terms, that the plan of 22204
issuance and sale of the securities referred to in the proposed 22205
offer or disposal would not defraud or deceive, or tend to defraud 22206
or deceive, purchasers, and that division (B)(10) of this section 22207
applies and has been complied with, the division shall notify the 22208
applicant of its findings, and, upon payment of a registration fee 22209
of one-tenth of one per cent of the aggregate price at which the 22210
securities are to be sold to the public in this state, which fee, 22211
however, shall in no case be less than one hundred or more than 22212
one thousand dollars, the division shall register the 22213
qualification of the securities. 22214

(H) An application for qualification of securities may be 22215
amended by the person filing it at any time prior to the 22216
division's action on it either in registering the securities for 22217
qualification or in refusing to do so. Subsequent to any such 22218
action by the division, the person who filed the application may 22219
file with the consent of the division one or more amendments to it 22220
that shall become effective upon the making by the division of the 22221
findings enumerated in division (G) of this section; the giving of 22222
notice of those findings to the applicant by the division; and the 22223
payment by the applicant of the additional fee that would have 22224
been payable had the application, as it previously became 22225
effective, contained the amendment. 22226

(I) When any securities have been qualified and the fees for 22227
the qualification have been paid as provided in this section, any 22228
licensed dealer subsequently may sell the securities under the 22229
qualification, so long as the qualification remains in full force, 22230
and any dealer of that nature that desires may file with the 22231
division a written notice of intention to sell the securities or 22232
any designated portion of them. For that filing, no fee need be 22233
paid. 22234

Sec. 1707.091. (A) Any security for which a registration 22235
statement has been filed pursuant to Section 6 of the Securities 22236
Act of 1933 or for which a notification form and offering circular 22237
has been filed pursuant to regulation A of the general rules and 22238
regulations of the securities and exchange commission, 17 C.F.R. 22239
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 22240
before or after the effective date of this section, in connection 22241
with the same offering ~~may~~ shall be registered by coordination 22242
rather than by qualification under section 1707.09 of the Revised 22243
Code or any other method of registration. 22244

(B) A registration statement filed by or on behalf of the 22245
issuer under this section with the division of securities shall 22246
contain the following information and be accompanied by the 22247
following items in addition to the consent to service of process 22248
required by section 1707.11 of the Revised Code: 22249

(1) One copy of the latest form of prospectus or offering 22250
circular and notification filed with the securities and exchange 22251
commission; 22252

(2) If the division of securities by rule or otherwise 22253
requires, a copy of the articles of incorporation and code of 22254
regulations or bylaws, or their substantial equivalents, as 22255
currently in effect, a copy of any agreements with or among 22256
underwriters, a copy of any indenture or other instrument 22257

governing the issuance of the security to be registered, and a specimen or copy of the security;

(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;

(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;

(5) A filing fee of one hundred dollars.

(C) A registration statement filed under this section becomes effective, without delay or waiver of any condition by the division or issuer, either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:

(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised Code;

(2) The registration statement has been on file with the division for at least fifteen days or for such shorter period as the division by rule or otherwise permits; provided, that if the registration statement is not filed with the division within five days of the initial filing with the securities and exchange commission, the registration statement must be on file with the

division for thirty days or for such shorter period as the 22289
division by rule or otherwise permits. 22290

(3) A statement of the maximum and minimum proposed offering 22291
prices and the maximum underwriting discounts and commissions has 22292
been on file with the division for two full business days or for 22293
such shorter period as the division by rule or otherwise permits 22294
and the offering is made within those limitations; 22295

(4) The division has received a registration fee of one-tenth 22296
of one per cent of the aggregate price at which the securities are 22297
to be sold to the public in this state, which fee, however, shall 22298
in no case be less than one hundred or more than one thousand 22299
dollars. 22300

(D) The issuer shall promptly notify the division by 22301
telephone or telegram of the date and time when the federal 22302
registration statement became effective, or when the offering may 22303
otherwise be commenced in accordance with the rules, regulations, 22304
or orders of the securities and exchange commission, and of the 22305
contents of the price amendment, if any, and shall promptly file 22306
the price amendment. 22307

"Price amendment" for the purpose of this division, means the 22308
final federal registration statement amendment that includes a 22309
statement of the offering price, underwriting and selling 22310
discounts or commissions, amount of proceeds, conversion rates, 22311
call prices, and other matters dependent upon the offering price. 22312

If the division fails to receive the required notice and 22313
required copies of the price amendment, the division may enter a 22314
provisional stop order retroactively denying effectiveness to the 22315
registration statement or suspending its effectiveness until there 22316
is compliance with this division, provided the division promptly 22317
notifies the issuer or its representative by telephone or 22318
telegram, and promptly confirms by letter or telegram when it 22319

notifies by telephone, of the entry of the order. If the issuer or
its representative proves compliance with the requirements of this
division as to notice and price amendment filing, the stop order
is void as of the time of its entry. The division may by rule or
otherwise waive either or both of the conditions specified in
divisions (C)(2) and (3) of this section. If the federal
registration statement becomes effective, or if the offering may
otherwise be commenced in accordance with the rules, regulations,
or orders of the securities and exchange commission, before all of
the conditions specified in divisions (C) and (D) of this section
are satisfied and they are not waived by the division the
registration statement becomes effective as soon as all of the
conditions are satisfied.

If the issuer advises the division of the date when the
federal registration statement is expected to become effective, or
when the offering may otherwise be commenced in accordance with
the rules, regulations, or orders of the securities and exchange
commission, the division shall promptly advise the issuer or its
representative by telephone or telegram, at the issuer's expense,
whether all of the conditions have been satisfied or whether the
division then contemplates the institution of a proceeding under
section 1707.13 or 1707.23 of the Revised Code, but such advice
does not preclude the institution of such a proceeding at any
time.

Sec. 1707.092. (A) For the purposes of selling securities in
this state, except securities that are the subject matter of
transactions enumerated in section 1707.03 of the Revised Code, an
investment company, as defined by the Investment Company Act of
1940, ~~that is registered or has filed a registration statement~~
~~with the securities and exchange commission under the Investment~~
~~Company Act of 1940, and a business development company that has~~
electd to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file

the following with the division of securities: 22352

(1) A notice filing consisting of either of the following: 22353

(a) A copy of the investment company's or business 22354
development company's federal registration statement as filed with 22355
the securities and exchange commission; 22356

(b) A form U-1 or form NF of the North American securities 22357
administrators association. 22358

(2) Appropriate filing fees consisting of both of the 22359
following: 22360

(a) A flat fee of one hundred dollars; 22361

(b) A fee calculated at one-tenth of one per cent of the 22362
aggregate price at which the securities are to be sold to the 22363
public in this state, which calculated fee, however, shall in no 22364
case be less than one hundred or more than one thousand dollars. 22365

(B)(1) Upon payment of the maximum filing fees as provided in 22366
division (A)(2) of this section, an investment company or business 22367
development company may sell an indefinite amount of securities in 22368
this state. 22369

(2) An investment company or business development company 22370
making a notice filing as provided in this section shall comply 22371
with section 1707.11 of the Revised Code. An investment company or 22372
business development company that previously filed with the 22373
division a valid consent to service of process pursuant to section 22374
1707.11 of the Revised Code may incorporate that consent by 22375
reference. 22376

(C)(1) For offerings involving covered securities, as defined 22377
in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that 22378
are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 22379
1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) 22380
of this section, a notice filing shall be submitted to the 22381

division together with a consent to service of process pursuant to 22382
section 1707.11 of the Revised Code and a filing fee as provided 22383
in division (A)(2) of this section. 22384

(2) The notice filing described in division (C)(1) of this 22385
section shall consist of any document filed with the securities 22386
and exchange commission pursuant to the Securities Act of 1933, 22387
together with annual or periodic reports of the value of the 22388
securities sold or offered to be sold to persons located in this 22389
state. 22390

(D) A notice filing submitted under this section shall be 22391
effective for thirteen months. 22392

Sec. 1707.28. (A) No prosecution or action by the division of 22393
securities or the director of commerce for a violation of any 22394
provision of sections 1707.01 to 1707.50 of the Revised Code shall 22395
bar any prosecution or action by the division of securities or the 22396
director of commerce, or be barred by any prosecution or other 22397
action, for the violation of any other provision of any of those 22398
sections or of any other statute; but prosecutions and actions by 22399
the division of securities or the director of commerce for a 22400
violation of any provision of sections 1707.01 to 1707.50 of the 22401
Revised Code must be commenced within ~~five~~ six years after the 22402
commission of the alleged violation. 22403

(B) If the period of limitation provided in division (A) of 22404
this section has expired, prosecution shall be commenced for an 22405
offense of which an element is fraud or breach of a fiduciary 22406
duty, within one year after discovery of the offense either by an 22407
aggrieved person, or by the aggrieved person's legal 22408
representative who is not a party to the offense. 22409

(C) An offense is committed when every element of the offense 22410
occurs. In the case of an offense of which an element is a 22411
continuing course of conduct, the period of limitation does not 22412

begin to run until such a course of conduct or the accused's 22413
accountability for it terminates, whichever occurs first. 22414

(D) The period of limitation does not run during any time 22415
when the corpus delicti remains undiscovered. 22416

Sec. 1710.02. (A)(1) A special improvement district may be 22417
created within the boundaries of any one municipal corporation, 22418
any one township, or any combination of municipal corporations and 22419
townships within a single county, or counties that adjoin one 22420
another, for the purpose of developing and implementing plans for 22421
public improvements and public services that benefit the district. 22422
A district may be created by petition of the owners of real 22423
property within the proposed district, or by an existing qualified 22424
nonprofit corporation. 22425

(2) If the district is created by an existing qualified 22426
nonprofit corporation, the purposes for which the district is 22427
created may be supplemental to the other purposes for which the 22428
corporation is organized. The corporation is considered a special 22429
improvement district only when it acts with respect to a purpose 22430
for which the district is created, and not when it acts with 22431
respect to any other purpose for which it is organized. 22432

(3) All territory in a special improvement district shall be 22433
contiguous; except that the territory in a special improvement 22434
district may be noncontiguous if at least one special energy 22435
improvement project or shoreline improvement project is designated 22436
for each parcel of real property included within the special 22437
improvement district. Additional territory may be added to a 22438
special improvement district created under this chapter for the 22439
purpose of developing and implementing plans for special energy 22440
improvement projects or shoreline improvement projects if at least 22441
one special energy improvement project or shoreline improvement 22442
project, respectively, is designated for each parcel of real 22443

property included within such additional territory and the 22444
addition of territory is authorized by the initial plan proposed 22445
under division (F) of this section or a plan adopted by the board 22446
of directors of the special improvement district under section 22447
1710.06 of the Revised Code. 22448

(4) The district shall be governed by the board of trustees 22449
of a nonprofit corporation. This board shall be known as the board 22450
of directors of the special improvement district. 22451

(5) No special improvement district shall include any church 22452
property, or property of the federal or state government or a 22453
county, township, or municipal corporation, unless the church or 22454
the county, township, or municipal corporation specifically 22455
requests in writing that the property be included within the 22456
district, or unless the church is a member of the existing 22457
qualified nonprofit corporation creating the district at the time 22458
the district is created. 22459

(6) A shoreline improvement project may extend into the 22460
territory of Lake Erie as described in sections 1506.10 and 22461
1506.11 of the Revised Code. However, the state shall remain 22462
exempt from any special assessment that may be levied against that 22463
territory under section 1710.06 and Chapter 727. of the Revised 22464
Code. 22465

(7) More than one district may be created within a 22466
participating political subdivision, but no real property may be 22467
included within more than one district unless the owner of the 22468
property files a written consent with the clerk of the legislative 22469
authority, the township fiscal officer, or the village clerk, as 22470
appropriate. 22471

(8) The area of each district shall be contiguous; except 22472
that the area of a special improvement district may be 22473
noncontiguous if all parcels of real property included within such 22474

area contain at least one special energy improvement or shoreline
improvement thereon. 22475
22476

(B) Subject to division (A)(2) of this section, all of the 22477
following apply: 22478

(1) A district created under this chapter is not a political 22479
subdivision, except for purposes of section 4905.34 of the Revised 22480
Code. 22481

(2) A district created under this chapter shall be considered 22482
a public agency under section 102.01 and a public authority under 22483
section 4115.03 of the Revised Code. 22484

(3) Districts created under this chapter are not subject to 22485
sections 121.81 to ~~121.83~~ 121.82 of the Revised Code. Districts 22486
created under this chapter are subject to sections 121.22 and 22487
121.23 of the Revised Code. 22488

(4) All records of the district are public records under 22489
section 149.43 of the Revised Code, except that records of 22490
organizations contracting with a district are not public records 22491
under section 149.43 or section 149.431 of the Revised Code solely 22492
by reason of any contract with a district. 22493

(C)(1) Subject to division (C)(2) of this section, both of 22494
the following apply: 22495

(a) Membership on the board of directors of the district 22496
shall not be considered as holding a public office. However, each 22497
member of the board of directors of a district, each member's 22498
designee or proxy, and each officer or employee of a district is a 22499
public official or employee under section 102.01 and a public 22500
official under section 2921.42 of the Revised Code. District 22501
officers and district members and directors and their designees or 22502
proxies are not required to file a statement with the Ohio ethics 22503
commission under section 102.02 of the Revised Code. 22504

(b) Directors and their designees shall be entitled to the 22505
immunities provided by Chapter 1702. and to the same immunity as 22506
an employee under division (A)(6) of section 2744.03 of the 22507
Revised Code, except that directors and their designees shall not 22508
be entitled to the indemnification provided in section 2744.07 of 22509
the Revised Code unless the director or designee is an employee or 22510
official of a participating political subdivision of the district 22511
and is acting within the scope of the director's or designee's 22512
employment or official responsibilities. 22513

(2) District officers and district members and directors of a 22514
district created by an existing qualified nonprofit corporation, 22515
and their designees or proxies, are public officials or employees 22516
under section 102.01 and public officials under section 2921.42 of 22517
the Revised Code by virtue of their positions with the corporation 22518
only when they act with respect to a purpose for which the 22519
district is created, and not when they act with respect to any 22520
other purpose for which the corporation is organized. 22521

(D) Except as otherwise provided in this section, the 22522
nonprofit corporation that governs a district shall be organized 22523
in the manner described in Chapter 1702. of the Revised Code. 22524
Except in the case of a district created by an existing qualified 22525
nonprofit corporation, the corporation's articles of incorporation 22526
are required to be approved, as provided in division (E) of this 22527
section, by resolution of the legislative authority of each 22528
participating political subdivision of the district. A copy of 22529
that resolution shall be filed along with the articles of 22530
incorporation in the secretary of state's office. 22531

In addition to meeting the requirements for articles of 22532
incorporation set forth in Chapter 1702. of the Revised Code, the 22533
articles of incorporation for the nonprofit corporation governing 22534
a district formed under this chapter shall provide all the 22535
following: 22536

(1) The name for the district, which shall include the name of each participating political subdivision of the district; 22537
22538

(2) A description of the territory within the district, which may be all or part of each participating political subdivision. 22539
22540
The description shall be specific enough to enable real property owners to determine if their property is located within the 22541
22542
district. 22543

(3) A description of the procedure by which the articles of incorporation may be amended. The procedure shall include 22544
22545
receiving approval of the amendment, by resolution, from the 22546
22547
legislative authority of each participating political subdivision 22547
22548
and filing the approved amendment and resolution with the 22548
22549
secretary of state. 22549

(4) The reasons for creating the district, plus an explanation of how the district will be conducive to the public 22550
22551
health, safety, peace, convenience, and welfare of the district. 22552

(E) The articles of incorporation for a nonprofit corporation governing a district created under this chapter and amendments to 22553
22554
them shall be submitted to the municipal executive, if any, and 22555
22556
the legislative authority of each municipal corporation or 22556
22557
township in which the proposed district is to be located. Except 22557
22558
in the case of a district created by an existing qualified 22558
22559
nonprofit corporation, the articles or amendments shall be 22559
22560
accompanied by a petition signed either by the owners of at least 22560
22561
sixty per cent of the front footage of all real property located 22561
22562
in the proposed district that abuts upon any street, alley, public 22562
22563
road, place, boulevard, parkway, park entrance, easement, or other 22563
22564
existing public improvement within the proposed district, 22564
22565
excluding church property or property owned by the state, county, 22565
22566
township, municipal, or federal government, unless a church, 22566
22567
county, township, or municipal corporation has specifically 22567
22568
requested in writing that the property be included in the 22568

district, or by the owners of at least seventy-five per cent of 22569
the area of all real property located within the proposed 22570
district, excluding church property or property owned by the 22571
state, county, township, municipal, or federal government, unless 22572
a church, county, township, or municipal corporation has 22573
specifically requested in writing that the property be included in 22574
the district. Pursuant to Section 2o of Article VIII, Ohio 22575
Constitution, the petition required under this division may be for 22576
the purpose of developing and implementing plans for special 22577
energy improvement projects or shoreline improvement projects, 22578
and, in such case, is determined to be in furtherance of the 22579
purposes set forth in Section 2o of Article VIII, Ohio 22580
Constitution. Except as provided in division (H) of this section, 22581
if a special improvement district is being created under this 22582
chapter for the purpose of developing and implementing plans for 22583
special energy improvement projects or shoreline improvement 22584
projects, the petition required under this division shall be 22585
signed by one hundred per cent of the owners of the area of all 22586
real property located within the proposed special improvement 22587
district, at least one special energy improvement project or 22588
shoreline improvement project shall be designated for each parcel 22589
of real property within the special improvement district, and the 22590
special improvement district may include any number of parcels of 22591
real property as determined by the legislative authority of each 22592
participating political subdivision in which the proposed special 22593
improvement district is to be located. For purposes of determining 22594
compliance with these requirements, the area of the district, or 22595
the front footage and ownership of property, shall be as shown in 22596
the most current records available at the county recorder's office 22597
and the county engineer's office sixty days prior to the date on 22598
which the petition is filed. 22599

Each municipal corporation or township with which the 22600
petition is filed has sixty days to approve or disapprove, by 22601

resolution, the petition, including the articles of incorporation. 22602
In the case of a district created by an existing qualified 22603
nonprofit corporation, each municipal corporation or township has 22604
sixty days to approve or disapprove the creation of the district 22605
after the corporation submits the articles of incorporation or 22606
amendments thereto. This chapter does not prohibit or restrict the 22607
rights of municipal corporations under Article XVIII of the Ohio 22608
Constitution or the right of the municipal legislative authority 22609
to impose reasonable conditions in a resolution of approval. The 22610
acquisition, installation, equipping, and improvement of a special 22611
energy improvement project under this chapter shall not supersede 22612
any local zoning, environmental, or similar law or regulation. In 22613
addition, all activities associated with a shoreline improvement 22614
project that is implemented under this chapter shall comply with 22615
all applicable local zoning requirements, all local, state, and 22616
federal environmental laws and regulations, and all applicable 22617
requirements established in Chapter 1506. of the Revised Code and 22618
rules adopted under it. 22619

(F) Persons proposing creation and operation of the district 22620
may propose an initial plan for public services or public 22621
improvements that benefit all or any part of the district. Any 22622
initial plan shall be submitted as part of the petition proposing 22623
creation of the district or, in the case of a district created by 22624
an existing qualified nonprofit corporation, shall be submitted 22625
with the articles of incorporation or amendments thereto. 22626

An initial plan may include provisions for the following: 22627

- (1) Creation and operation of the district and of the 22628
nonprofit corporation to govern the district under this chapter; 22629
- (2) Hiring employees and professional services; 22630
- (3) Contracting for insurance; 22631
- (4) Purchasing or leasing office space and office equipment; 22632

(5) Other actions necessary initially to form, operate, or
organize the district and the nonprofit corporation to govern the
district;

(6) A plan for public improvements or public services that
benefit all or part of the district, which plan shall comply with
the requirements of division (A) of section 1710.06 of the Revised
Code and may include, but is not limited to, any of the permissive
provisions described in the fourth sentence of that division or
listed in divisions (A)(1) to (7) of that section;

(7) If the special improvement district is being created
under this chapter for the purpose of developing and implementing
plans for special energy improvement projects or shoreline
improvement projects, provision for the addition of territory to
the special improvement district.

After the initial plan is approved by all municipal
corporations and townships to which it is submitted for approval
and the district is created, each participating subdivision shall
levy a special assessment within its boundaries to pay for the
costs of the initial plan. The levy shall be for no more than ten
years from the date of the approval of the initial plan; except
that if the proceeds of the levy are to be used to pay the costs
of a special energy improvement project or shoreline improvement
project, the levy of a special assessment shall be for no more
than thirty years from the date of approval of the initial plan.
In the event that additional territory is added to a special
improvement district, the special assessment to be levied with
respect to such additional territory shall commence not earlier
than the date such territory is added and shall be for no more
than thirty years from such date. For purposes of levying an
assessment for this initial plan, the services or improvements
included in the initial plan shall be deemed a special benefit to
property owners within the district.

(G) Each nonprofit corporation governing a district under this chapter may do the following:	22665 22666
(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	22667 22668 22669
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;	22670 22671 22672
(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;	22673 22674 22675 22676 22677
(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.	22678 22679 22680 22681
The board of directors of a special improvement district may, acting as agent and on behalf of a participating political subdivision, sell, transfer, lease, or convey any special energy improvement project owned by the participating political subdivision upon a determination by the legislative authority thereof that the project is not required to be owned exclusively by the participating political subdivision for its purposes, for uses determined by the legislative authority thereof as those that will promote the welfare of the people of such participating political subdivision; improve the quality of life and the general and economic well-being of the people of the participating political subdivision; better ensure the public health, safety, and welfare; protect water and other natural resources; provide for the conservation and preservation of natural and open areas	22682 22683 22684 22685 22686 22687 22688 22689 22690 22691 22692 22693 22694 22695

and farmlands, including by making urban areas more desirable or 22696
suitable for development and revitalization; control, prevent, 22697
minimize, clean up, or mediate certain contamination of or 22698
pollution from lands in the state and water contamination or 22699
pollution; or provide for safe and natural areas and resources. 22700
The legislative authority of each participating political 22701
subdivision shall specify the consideration for such sale, 22702
transfer, lease, or conveyance and any other terms thereof. Any 22703
determinations made by a legislative authority of a participating 22704
political subdivision under this division shall be conclusive. 22705

Any sale, transfer, lease, or conveyance of a special energy 22706
improvement project by a participating political subdivision or 22707
the board of directors of the special improvement district may be 22708
made without advertising, receipt of bids, or other competitive 22709
bidding procedures applicable to the participating political 22710
subdivision or the special improvement district under Chapter 153. 22711
or 735. or section 1710.11 of the Revised Code or other 22712
representative provisions of the Revised Code. 22713

(H) The owner of real property that is part of a planned 22714
community or a condominium development is deemed to have signed 22715
the petitions required under division (E) of this section and 22716
division (B) of section 1710.06 of the Revised Code with respect 22717
to a special improvement district that is being created for the 22718
purpose of developing and implementing plans for shoreline 22719
improvement projects if the district and the projects have been 22720
approved through an alternative process prescribed by the bylaws, 22721
declarations, covenants, and restrictions governing the planned 22722
community or condominium development. Such an alternative process 22723
may consist of a vote of the owners association or unit owners 22724
association, the approval of a specified percentage of property 22725
owners, or any other procedure authorized by the bylaws, 22726
declarations, covenants, and restrictions governing the planned 22727

community or condominium development. 22728

As used in this division, "condominium development" and "unit 22729
owners association" have the same meanings as in section 5311.01 22730
of the Revised Code, and "planned community," "owners 22731
association," "bylaws," and "declaration" have the same meanings 22732
as in section 5312.01 of the Revised Code. 22733

Sec. 1710.06. (A) The board of directors of a special 22734
improvement district may develop and adopt one or more written 22735
plans for public improvements or public services that benefit all 22736
or any part of the district. Each plan shall set forth the 22737
specific public improvements or public services that are to be 22738
provided, identify the area in which they will be provided, and 22739
specify the method of assessment to be used. Each plan for public 22740
improvements or public services shall indicate the period of time 22741
the assessments are to be levied for the improvements and services 22742
and, if public services are included in the plan, the period of 22743
time the services are to remain in effect. Plans for public 22744
improvements may include the planning, design, construction, 22745
reconstruction, enlargement, or alteration of any public 22746
improvements and the acquisition of land for the improvements. 22747
Plans for public improvements or public services may also include, 22748
but are not limited to, provisions for the following: 22749

(1) Creating and operating the district and the nonprofit 22750
corporation under this chapter, including hiring employees and 22751
professional services, contracting for insurance, and purchasing 22752
or leasing office space and office equipment and other 22753
requirements of the district; 22754

(2) Planning, designing, and implementing a public 22755
improvements or public services plan, including hiring 22756
architectural, engineering, legal, appraisal, insurance, 22757
consulting, energy auditing, and planning services, and, for 22758

public services, managing, protecting, and maintaining public and private facilities, including public improvements;	22759 22760
(3) Conducting court proceedings to carry out this chapter;	22761
(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;	22762 22763
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;	22764 22765 22766
(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and	22767 22768 22769 22770 22771 22772 22773 22774 22775 22776
(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special improvement district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale of such credits.	22777 22778 22779 22780 22781
(B) Once the board of directors of the special improvement district adopts a plan, it shall submit the plan to the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation in which the district is located, if any. The legislative authorities and municipal executives shall review the plan and, within sixty days after receiving it, may submit their comments and recommendations about it to the district. After reviewing these comments and	22782 22783 22784 22785 22786 22787 22788 22789

recommendations, the board of directors may amend the plan. It may 22790
then submit the plan, amended or otherwise, in the form of a 22791
petition to members of the district whose property may be assessed 22792
for the plan. Once the petition is signed by those members who own 22793
at least sixty per cent of the front footage of property that is 22794
to be assessed and that abuts upon a street, alley, public road, 22795
place, boulevard, parkway, park entrance, easement, or other 22796
public improvement, or those members who own at least seventy-five 22797
per cent of the area to be assessed for the improvement or 22798
service, the petition may be submitted to each legislative 22799
authority for approval. Except as provided in division (H) of 22800
section 1710.02 of the Revised Code, if the special improvement 22801
district was created for the purpose of developing and 22802
implementing plans for special energy improvement projects or 22803
shoreline improvement projects, the petition required under this 22804
division shall be signed by one hundred per cent of the owners of 22805
the area of all real property located within the area to be 22806
assessed for the special energy improvement project or shoreline 22807
improvement project. 22808

Each legislative authority shall, by resolution, approve or 22809
reject the petition within sixty days after receiving it. If the 22810
petition is approved by the legislative authority of each 22811
participating political subdivision, the plan contained in the 22812
petition shall be effective at the earliest date on which a 22813
nonemergency resolution of the legislative authority with the 22814
latest effective date may become effective. A plan may not be 22815
resubmitted to the legislative authorities and municipal 22816
executives more than three times in any twelve-month period. 22817

(C) Each participating political subdivision shall levy, by 22818
special assessment upon specially benefited property located 22819
within the district, the costs of any public improvements or 22820
public services plan contained in a petition approved by the 22821

participating political subdivisions under this section or 22822
division (F) of section 1710.02 of the Revised Code. The levy 22823
shall be made in accordance with the procedures set forth in 22824
Chapter 727. of the Revised Code, except that: 22825

(1) The assessment for each improvements or services plan may 22826
be levied by any one or any combination of the methods of 22827
assessment listed in section 727.01 of the Revised Code, provided 22828
that the assessment is uniformly applied. 22829

(2) For the purpose of levying an assessment, the board of 22830
directors may combine one or more improvements or services plans 22831
or parts of plans and levy a single assessment against specially 22832
benefited property. 22833

(3) For purposes of special assessments levied by a township 22834
pursuant to this chapter, references in Chapter 727. of the 22835
Revised Code to the municipal corporation shall be deemed to refer 22836
to the township, and references to the legislative authority of 22837
the municipal corporation shall be deemed to refer to the board of 22838
township trustees. 22839

(4) Revenue collected from the levy of a special assessment 22840
for the cost of a special energy improvement project may be 22841
assigned and remitted to the Ohio air quality development 22842
authority pursuant to an agreement entered into under section 22843
3706.12 of the Revised Code. 22844

Church property or property owned by a political subdivision, 22845
including any participating political subdivision in which a 22846
special improvement district is located, shall be included in and 22847
be subject to special assessments made pursuant to a plan adopted 22848
under this section or division (F) of section 1710.02 of the 22849
Revised Code, if the church or political subdivision has 22850
specifically requested in writing that its property be included 22851
within the special improvement district and the church or 22852

political subdivision is a member of the district or, in the case 22853
of a district created by an existing qualified nonprofit 22854
corporation, if the church is a member of the corporation. 22855

For tax years 2020 to 2024, qualifying real property, as 22856
defined in section 727.031 of the Revised Code, is exempt from 22857
special assessments levied under division (C) of this section, 22858
provided no delinquent special assessments and related interest 22859
and penalties are levied or assessed against any property owned by 22860
the owner and operator of the qualifying real property for that 22861
tax year. 22862

(D) All rights and privileges of property owners who are 22863
assessed under Chapter 727. of the Revised Code shall be granted 22864
to property owners assessed under this chapter, including those 22865
rights and privileges specified in sections 727.15 to 727.17 and 22866
727.18 to 727.22 of the Revised Code and the right to notice of 22867
the resolution of necessity and the filing of the estimated 22868
assessment under section 727.13 of the Revised Code. Property 22869
owners assessed for public services under this chapter shall have 22870
the same rights and privileges as property owners assessed for 22871
public improvements under this chapter. 22872

"Sec. 1733.04. (A) In addition to the authority conferred by 22873
section 1701.13 of the Revised Code, but subject to any 22874
limitations contained in sections 1733.01 to 1733.45 of the 22875
Revised Code, and its articles and regulations, a credit union may 22876
do any of the following: 22877

(1) Make loans as provided in section 1733.25 of the Revised 22878
Code; 22879

(2) Invest its money as provided in section 1733.30 of the 22880
Revised Code; 22881

(3) If authorized by the code of regulations, rebate to the 22882

borrowing members a portion of the member's interest paid to the credit union;	22883 22884
(4) If authorized by the regulations, charge a membership or entrance fee;	22885 22886
(5) Purchase group savings life insurance and group credit life insurance;	22887 22888
(6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;	22889 22890
(7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts.	22891 22892 22893 22894 22895 22896 22897 22898 22899 22900 22901 22902
(8) Participate in and pledge assets in connection with the business linked deposit program under sections 135.77 to 135.774 of the Revised Code, the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code, and the adoption linked deposit program under sections 135.79 to 135.796 of the Revised Code, <u>and the homeownership savings linked deposit program under sections 135.98 to 135.986 of the Revised Code.</u>	22903 22904 22905 22906 22907 22908 22909
(B) The authority of a credit union shall be subject to the following:	22910 22911
(1) A credit union may not borrow money in excess of twenty-five per cent of its shares and undivided earnings, without	22912 22913

prior specific authorization by the superintendent of credit unions. 22914
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(2) A credit union may not pay a commission or other compensation to any person for securing members or for the sale of its shares, except that reasonable incentives may be made available directly to members or potential members to promote thrift. 22916
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(C)(1) A credit union may have service facilities other than its home office. 22921
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(2) Real estate may be acquired by lease, purchase, or otherwise as necessary and to the extent required for use of the credit union presently and in the future operation of its office or headquarters, and in case of a purchase of real estate, the superintendent must first be notified in writing prior to the purchase of the real estate. Nothing herein contained shall be deemed to prohibit a credit union from taking title to real estate in connection with a default in the payment of a loan, provided that title to such real estate shall not be held by the credit union for more than two years without the prior written approval of the superintendent. A credit union also may lease space in any real estate it acquires in accordance with rules adopted by the superintendent. 22923
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(D)(1) As used in division (D) of this section: 22936

(a) "School" means an elementary or secondary school. 22937

(b) "Student" means a child enrolled in a school. 22938

(c) "Student branch" means the designation provided to the credit union for the in-school services and financial education offered to students. 22939
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(2) A credit union, upon agreement with a school board, in the case of a public school, or the governing authority, in the 22942
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case of a nonpublic school, and with the permission of the 22944
superintendent, may open and maintain a student branch. 22945

(3) Notwithstanding any other provision of this section, any 22946
student enrolled in the school maintaining a student branch who is 22947
not otherwise qualified for membership in the credit union 22948
maintaining the student branch is qualified to be a member of that 22949
student branch. 22950

(4) The student's membership in the student branch expires 22951
upon the student's graduation from secondary school. 22952

(5) The student branch is for the express use of students and 22953
may not be used by faculty, staff, or lineal ancestors or 22954
descendents of students. 22955

(6) Faculty, staff, or lineal ancestors or descendents of 22956
students are not eligible for membership in the credit union 22957
maintaining the student branch unless otherwise qualified by this 22958
section to be members. 22959

(7) The superintendent may adopt rules appropriate to the 22960
formation and operation of student branches. 22961

(E) A credit union may guarantee the signature of a member in 22962
connection with a transaction involving tangible or intangible 22963
property in which a member has or seeks to acquire an interest. 22964

Sec. 1733.24. (A) A credit union is authorized to receive 22965
funds for deposit in share accounts, share draft accounts, and 22966
share certificates from its members, from other credit unions, and 22967
from an officer, employee, or agent of the federal, state, or 22968
local governments, or political subdivisions of the state, in 22969
accordance with such terms, rates, and conditions as may be 22970
established by its board of directors, and for purposes of the 22971
agricultural linked deposit program created under sections 135.71 22972
to 135.76 of the Revised Code, the business linked deposit program 22973

created under sections 135.77 to 135.774 of the Revised Code, ~~and~~ 22974
the adoption linked deposit program under sections 135.79 to 22975
135.796 of the Revised Code, and the homeownership savings linked 22976
deposit program under sections 135.98 to 135.986 of the Revised 22977
Code. 22978

(B) The shares and share accounts of the credit union may be 22979
of one or more classes, as designated by the board of directors, 22980
subject to approval of the superintendent of credit unions based 22981
on rules that shall assure equitable distribution of dividends 22982
among classes, considering costs and advantages of each class to 22983
the members of the credit union, including without limitation 22984
special services rendered, length of ownership, minimum 22985
investment, conditions of repurchase, and other appropriate 22986
standards or combinations thereof. In the event the articles of 22987
incorporation of the credit union indicate the authorized number 22988
of shares to be unlimited, the designation of classification of 22989
shares and share accounts of the credit union may be effected by 22990
the board of directors, subject to the approval of the 22991
superintendent, and does not require amendment of the articles of 22992
incorporation. All shares of the credit union shall have a par 22993
value per share as set by the board of directors. Redemptions and 22994
liquidating dividends shall be prorated to each member on the 22995
basis of the price paid the credit union for such share, 22996
irrespective of the class of such shares. 22997

(C)(1) Each credit union shall have one class of shares 22998
designated as "membership share." The membership shares, or if a 22999
credit union has but one class of shares, then all of the shares 23000
of the credit union, shall have a par value as set by the board of 23001
directors. 23002

(2) Two or more persons that are eligible for membership that 23003
have jointly subscribed for one or more shares under a joint 23004

account each may be admitted to membership. 23005

(D) A credit union need not issue certificates for any or all 23006
of its classes of shares but irrespective of whether certificates 23007
are issued, a registry of shares must be kept, including all of 23008
the transactions of the credit union pertaining to such shares. 23009

(E) A credit union is authorized to maintain share draft 23010
accounts in accordance with rules prescribed by the 23011
superintendent. The credit union may pay dividends on share draft 23012
accounts, may pay dividends at different rates on different types 23013
of share draft accounts, and may permit the owners of such share 23014
draft accounts to make withdrawals by negotiable or transferable 23015
instruments or other orders for the purpose of making transfers to 23016
third parties. 23017

(F) Unless otherwise provided by written agreement of the 23018
parties, the rights, responsibilities, and liabilities attaching 23019
to a share draft withdrawn from, transferred to, or otherwise 23020
handled by a credit union are defined in and governed by Chapters 23021
1303. and 1304. of the Revised Code, as if the credit union were a 23022
bank. 23023

(G) Unless otherwise provided in the articles or regulations, 23024
a member may designate any person or persons to own or hold 23025
shares, or share accounts with the member in joint tenancy with 23026
right of survivorship and not as tenants in common. 23027

(H) Shares or share accounts may be issued in the name of a 23028
custodian under the Ohio transfers to minors act, a member in 23029
trust for a beneficiary, a fiduciary or custodian in trust for a 23030
member beneficiary, or a fiduciary or custodian in trust upon the 23031
death of a member. Redemption of such shares or payment of such 23032
share accounts to a member, to the extent of the payment, 23033
discharges the liability of the credit union to the member and the 23034
beneficiary, and the credit union shall be under no obligation to 23035

see to the application of the payment. Unless prior to the death 23036
of a member, the member has notified the credit union in writing 23037
in a form approved by the credit union of a different beneficiary 23038
to receive the proceeds of such shares or share accounts, then the 23039
proceeds shall be paid to the beneficiary or to the beneficiary's 23040
parent or legal representative. Any payment made pursuant to 23041
written instructions of the member or pursuant to the provisions 23042
herein contained shall be a valid and sufficient release and 23043
discharge of the credit union in connection with any such share or 23044
share accounts. 23045

(I)(1) Except as otherwise provided in the articles or 23046
regulations, and subject to the provisions thereof, a minor may 23047
purchase shares, share accounts, or other depository instruments, 23048
and except for qualification as a voting member, the credit union 23049
may deal with the minor with respect to shares, share accounts, or 23050
other depository instruments owned by the minor as if the minor 23051
were a person of legal age. 23052

(2) If shares, share accounts, or other depository 23053
instruments are issued in the name of a minor, redemption of any 23054
part or all of the shares or withdrawal of funds by payment to the 23055
minor of the shares or funds and any declared dividends or 23056
interest releases the credit union from all obligation to the 23057
minor as to the shares reduced or funds withdrawn. 23058

(J) The regulations may require advance written notice of a 23059
member's intention to withdraw the member's shares. Such advance 23060
notice shall not exceed sixty days. 23061

(K) Notwithstanding any provision of law to the contrary, 23062
funds deposited in a share account, share certificate, or in any 23063
other manner pursuant to a program offered by a credit union to 23064
promote consumer savings do not constitute valuable consideration 23065
for purposes of a scheme of chance under Chapter 2915. of the 23066
Revised Code. 23067

Sec. 1739.10. The superintendent of insurance, or any person appointed by ~~him~~ the superintendent, may examine, as often as ~~he~~ the superintendent or the superintendent's appointee considers it necessary, the affairs of a multiple employer welfare arrangement and its members.

The arrangement shall pay to the superintendent the expenses incurred by the department of insurance in making an examination authorized under this section. To the extent that expenses are the result of the use of the personnel of the examination department of the department of insurance, the superintendent shall remit expenses paid to ~~him~~ the superintendent by the arrangement to the state treasury to the credit of the ~~superintendent's examination department of insurance operating~~ fund pursuant to section ~~3901.071~~ 3901.021 of the Revised Code.

As used in this section, "expenses" has the same meaning as in section 3901.07 of the Revised Code.

Sec. 1751.34. (A) Each health insuring corporation and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the ~~superintendent's examination~~ department of insurance operating fund.

(B) The superintendent shall make an examination concerning the matters subject to the superintendent's consideration in

section 1751.04 of the Revised Code as often as the superintendent 23098
considers it necessary for the protection of the interests of the 23099
people of this state. The expenses of such examinations shall be 23100
assessed against the health insuring corporation being examined in 23101
the manner in which expenses of examinations are assessed against 23102
an insurance company under section 3901.07 of the Revised Code. 23103
Nothing in this division requires the superintendent to make an 23104
examination of any of the following: 23105

(1) A health insuring corporation that covers solely medicaid 23106
recipients; 23107

(2) A health insuring corporation that covers solely medicare 23108
beneficiaries; 23109

(3) A health insuring corporation that covers solely medicaid 23110
recipients and medicare beneficiaries. 23111

(C) An examination, pursuant to section 3901.07 of the 23112
Revised Code, of an insurance company holding a certificate of 23113
authority under this chapter to organize and operate a health 23114
insuring corporation shall include an examination of the health 23115
insuring corporation pursuant to this section and the examination 23116
shall satisfy the requirements of divisions (A) and (B) of this 23117
section. 23118

(D) The superintendent may conduct market conduct 23119
examinations pursuant to section 3901.011 of the Revised Code of 23120
any health insuring corporation as often as the superintendent 23121
considers it necessary for the protection of the interests of 23122
subscribers and enrollees. The expenses of such market conduct 23123
examinations shall be assessed against the health insuring 23124
corporation being examined. All costs, assessments, or fines 23125
collected under this division shall be paid into the state 23126
treasury to the credit of the department of insurance operating 23127
fund. 23128

Sec. 1761.16. (A) A credit union share guaranty corporation 23129
shall file with the superintendent of credit unions an annual 23130
report containing audited financial statements, prepared in 23131
accordance with generally accepted accounting principles or such 23132
other accounting requirements determined by the superintendent of 23133
credit unions, covering the fiscal year within one hundred days 23134
after the close of such fiscal year in accordance with division 23135
(E) of this section and in the form and with such other relevant 23136
information as the superintendent of credit unions may require by 23137
rules adopted under division (C) of section 1761.04 of the Revised 23138
Code. The audited financial statements shall include at least a 23139
balance sheet and a statement of income for the year ended on the 23140
balance sheet date. The report and audited financial statements 23141
shall be accompanied by a report, certificate, or opinion of an 23142
independent certified public accountant or independent public 23143
accountant. Every such report shall be certified by the oath of 23144
the president and secretary of the corporation, and such 23145
verification shall state that the report is true and correct in 23146
all respects to the best of the knowledge and belief of the 23147
persons verifying it. 23148

(B) If the report, certificate, or opinion of the certified 23149
public accountant or independent accountant referred to in 23150
division (A) of this section is qualified pursuant to generally 23151
accepted auditing standards, the superintendent of credit unions 23152
shall require the corporation to take such action as ~~he~~ the 23153
superintendent considers appropriate to permit an independent 23154
accountant to remove such qualification from the report, 23155
certificate, or opinion. The superintendent may reject any 23156
financial statement, report, certificate, or opinion filed 23157
pursuant to division (A) of this section by notifying the 23158
corporation of its rejection and the cause thereof. Within thirty 23159
days after receipt of such notice, the corporation shall correct 23160

such qualification, and the failure to do so is deemed a violation 23161
of this division. The superintendent shall retain a copy of all 23162
filings so rejected. 23163

(C) The superintendent of credit unions shall conduct or 23164
cause to be conducted, not more often than annually and not less 23165
than every three years, an audit examination of the credit union 23166
share guaranty corporation. The audit examination shall include an 23167
actuarial study of the capital adequacy of the corporation. The 23168
corporation shall be assessed the costs of such audit examination, 23169
which assessment shall not exceed one per cent of the capital 23170
contributions and surplus of the corporation. 23171

(D) The superintendent of credit unions may require a special 23172
examination of the corporation in the event the superintendent 23173
determines that there is or will be an impairment of the guarantee 23174
fund as defined in division (C)(1) of section 1761.10 of the 23175
Revised Code. The corporation shall be assessed the cost of such 23176
special examination. 23177

(E) The accounting of the corporation shall be on a calendar 23178
year basis or as otherwise prescribed by the corporation with the 23179
prior written approval of the superintendent of credit unions. The 23180
books of the corporation shall be maintained in accordance with 23181
generally accepted accounting principles. 23182

(F) The corporation shall make any other special report to 23183
the superintendent of credit unions as ~~he~~ the superintendent may 23184
from time to time require. Such a report shall be in the form and 23185
filed at such date as prescribed by the superintendent, and shall, 23186
if required by the superintendent, be verified in such manner as 23187
prescribed. 23188

(G) Each credit union share guaranty corporation shall be 23189
subject to examination by the superintendent of insurance in 23190
accordance with section 3901.07 of the Revised Code. Section 23191

3901.07 of the Revised Code shall govern every aspect of the 23192
examination, including the circumstances under and frequency with 23193
which it is conducted, the authority of the superintendent and any 23194
examiner or other person appointed by the superintendent, the 23195
liability for the assessment of expenses incurred in conducting 23196
the examination, and the remittance of the assessment to the 23197
~~superintendent's examination~~ department of insurance operating 23198
fund. 23199

(H) All of the provisions of this section are in addition to 23200
those chapters of Title XXXIX of the Revised Code specified in 23201
division (A) of section 1761.04 of the Revised Code. 23202

Sec. 1901.261. (A)(1) A municipal court may determine that 23203
for the efficient operation of the court additional funds are 23204
required to computerize the court, to make available computerized 23205
legal research services, or to do both. Upon making a 23206
determination that additional funds are required for either or 23207
both of those purposes, the court shall include in its schedule of 23208
fees and costs under section 1901.26 of the Revised Code one 23209
additional fee not to exceed three dollars on the filing of each 23210
cause of action or appeal equivalent to one described in division 23211
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 23212
direct the clerk of the court to charge the fee. 23213

(2) All fees collected under this section shall be paid on or 23214
before the twentieth day of the month following the month in which 23215
they are collected to the county treasurer if the court is a 23216
county-operated municipal court or to the city treasurer if the 23217
court is not a county-operated municipal court. The treasurer 23218
shall place the funds from the fees in a separate fund to be 23219
disbursed upon an order of the court, subject to an appropriation 23220
by the board of county commissioners if the court is a 23221
county-operated municipal court or by the legislative authority of 23222

the municipal corporation if the court is not a county-operated 23223
municipal court, or upon an order of the court, subject to the 23224
court making an annual report available to the public listing the 23225
use of all such funds, in an amount not greater than the actual 23226
cost to the court of computerizing the court, procuring and 23227
maintaining computerized legal research services, or both. 23228

(3) If the court determines that the funds in the fund 23229
described in division (A)(2) of this section are more than 23230
sufficient to satisfy the purpose for which the additional fee 23231
described in division (A)(1) of this section was imposed, the 23232
court may declare a surplus in the fund and, subject to an 23233
appropriation by the board of county commissioners if the court is 23234
a county-operated municipal court or by the legislative authority 23235
of the municipal corporation if the court is not a county-operated 23236
municipal court, expend those surplus funds, or upon an order of 23237
the court, subject to the court making an annual report available 23238
to the public listing the use of all such funds, expend those 23239
surplus funds, for other appropriate technological expenses of the 23240
court. 23241

(B)(1) A municipal court may determine that, for the 23242
efficient operation of the court, additional funds are required to 23243
computerize the office of the clerk of the court and, upon that 23244
determination, may include in its schedule of fees and costs under 23245
section 1901.26 of the Revised Code an additional fee not to 23246
exceed ~~ten~~ twenty dollars on the filing of each cause of action or 23247
appeal, on the filing, docketing, and endorsing of each 23248
certificate of judgment, or on the docketing and indexing of each 23249
aid in execution or petition to vacate, revive, or modify a 23250
judgment that is equivalent to one described in division (A), (P), 23251
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 23252
to division (B)(2) of this section, all moneys collected under 23253
division (B)(1) of this section shall be paid on or before the 23254

twentieth day of the month following the month in which they are 23255
collected to the county treasurer if the court is a 23256
county-operated municipal court or to the city treasurer if the 23257
court is not a county-operated municipal court. The treasurer 23258
shall place the funds from the fees in a separate fund to be 23259
disbursed, upon an order of the municipal court and subject to an 23260
appropriation by the board of county commissioners if the court is 23261
a county-operated municipal court or by the legislative authority 23262
of the municipal corporation if the court is not a county-operated 23263
municipal court, in an amount no greater than the actual cost to 23264
the court of procuring and maintaining computer systems for the 23265
office of the clerk of the municipal court. 23266

(2) If a municipal court makes the determination described in 23267
division (B)(1) of this section, the board of county commissioners 23268
of the county if the court is a county-operated municipal court or 23269
the legislative authority of the municipal corporation if the 23270
court is not a county-operated municipal court, may issue one or 23271
more general obligation bonds for the purpose of procuring and 23272
maintaining the computer systems for the office of the clerk of 23273
the municipal court. In addition to the purposes stated in 23274
division (B)(1) of this section for which the moneys collected 23275
under that division may be expended, the moneys additionally may 23276
be expended to pay debt charges and financing costs related to any 23277
general obligation bonds issued pursuant to division (B)(2) of 23278
this section as they become due. General obligation bonds issued 23279
pursuant to division (B)(2) of this section are Chapter 133. 23280
securities. 23281

Sec. 1901.313. (A) Pleadings or documents may be filed with 23282
the clerk of court either in paper format or in electronic format. 23283

(B)(1) The clerk shall determine whether the filing of 23284
pleadings or documents in electronic format may be accomplished 23285

either by electronic mail or through the use of an online platform. 23286
23287

(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing. 23288
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(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format. 23293
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(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format. 23297
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(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in this section, the pleadings or documents in that format shall be considered the official version of the record. 23301
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Sec. 1907.202. (A) Pleadings or documents may be filed with the clerk of the county court either in paper format or in electronic format. 23305
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(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform. 23308
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(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has 23312
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provided for an electronic payment system for such filing. 23316

(3) The clerk shall not require a fee for the filing of 23317
pleadings or documents in electronic format that is greater than 23318
the applicable fee for the filing of pleadings or documents in 23319
paper format. 23320

(C) Pleadings and documents filed in paper format may be 23321
converted to an electronic format. Documents created by the clerk 23322
of the county court in the exercise of the clerk's duties may be 23323
created in an electronic format. 23324

(D) When pleadings or documents are received or created in, 23325
or converted to, an electronic format as provided in this section, 23326
the pleadings or documents in that format shall be considered the 23327
official version of the record. 23328

Sec. 1907.261. (A)(1) A county court may determine that for 23329
the efficient operation of the court additional funds are required 23330
to computerize the court, to make available computerized legal 23331
research services, or to do both. Upon making a determination that 23332
additional funds are required for either or both of those 23333
purposes, the court shall include in its schedule of fees and 23334
costs under section 1907.24 of the Revised Code one additional fee 23335
not to exceed three dollars on the filing of each cause of action 23336
or appeal equivalent to one described in division (A), (Q), or (U) 23337
of section 2303.20 of the Revised Code and shall direct the clerk 23338
of the court to charge the fee. 23339

(2) All fees collected under this section shall be paid on or 23340
before the twentieth day of the month following the month in which 23341
they are collected to the county treasurer. The treasurer shall 23342
place the funds from the fees in a separate fund to be disbursed 23343
either upon an order of the court, subject to an appropriation by 23344
the board of county commissioners, or upon an order of the court, 23345
subject to the court making an annual report available to the 23346

public listing the use of all such funds, in an amount not greater 23347
than the actual cost to the court of computerizing the court, 23348
procuring and maintaining computerized legal research services, or 23349
both. 23350

(3) If the court determines that the funds in the fund 23351
described in division (A)(2) of this section are more than 23352
sufficient to satisfy the purpose for which the additional fee 23353
described in division (A)(1) of this section was imposed, the 23354
court may declare a surplus in the fund and, subject to an 23355
appropriation by the board of county commissioners, expend those 23356
surplus funds, or upon an order of the court, subject to the court 23357
making an annual report available to the public listing the use of 23358
all such funds, expend those surplus funds, for other appropriate 23359
technological expenses of the court. 23360

(B)(1) A county court may determine that, for the efficient 23361
operation of the court, additional funds are required to 23362
computerize the office of the clerk of the court and, upon that 23363
determination, may include in its schedule of fees and costs under 23364
section 1907.24 of the Revised Code an additional fee not to 23365
exceed ~~ten~~ twenty dollars on the filing of each cause of action or 23366
appeal, on the filing, docketing, and endorsing of each 23367
certificate of judgment, or on the docketing and indexing of each 23368
aid in execution or petition to vacate, revive, or modify a 23369
judgment that is equivalent to one described in division (A), (P), 23370
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 23371
to division (B)(2) of this section, all moneys collected under 23372
division (B)(1) of this section shall be paid on or before the 23373
twentieth day of the month following the month in which they are 23374
collected to the county treasurer. The treasurer shall place the 23375
funds from the fees in a separate fund to be disbursed, upon an 23376
order of the county court and subject to an appropriation by the 23377
board of county commissioners, in an amount no greater than the 23378

actual cost to the court of procuring and maintaining computer 23379
systems for the office of the clerk of the county court. 23380

(2) If a county court makes the determination described in 23381
division (B)(1) of this section, the board of county commissioners 23382
of that county may issue one or more general obligation bonds for 23383
the purpose of procuring and maintaining the computer systems for 23384
the office of the clerk of the county court. In addition to the 23385
purposes stated in division (B)(1) of this section for which the 23386
moneys collected under that division may be expended, the moneys 23387
additionally may be expended to pay debt charges and financing 23388
costs related to any general obligation bonds issued pursuant to 23389
division (B)(2) of this section as they become due. General 23390
obligation bonds issued pursuant to division (B)(2) of this 23391
section are Chapter 133. securities. 23392

Sec. 2101.16. (A) Except as provided in section 2101.164 of 23393
the Revised Code, the fees enumerated in this division shall be 23394
charged and collected, if possible, by the probate judge and shall 23395
be in full for all services rendered in the respective 23396
proceedings: 23397

- (1) Account, in addition to advertising charges 23398
 - \$ 12.00 23399
 - Waivers and proof of notice of hearing on account, 23400
 - per page, minimum one dollar
 - \$ 1.00 23401
- (2) Account of distribution, in addition to advertising 23402
- charges
- \$ 7.00 23403
- (3) Adoption of child, petition for 23404
- \$ 20.00 23405
- (4) Alter or cancel contract for sale or purchase of real 23406
- property, complaint to

.....	\$ 20.00	23407
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	\$ 5.00	23409
(6) Appropriation suit, per day, hearing in	\$ 20.00	23411
(7) Birth, application for registration of	\$ 7.00	23413
(8) Birth record, application to correct	\$ 5.00	23415
(9) Bond, application for new or additional	\$ 5.00	23417
(10) Bond, application for release of surety or reduction of	\$ 5.00	23419
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	23421
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	\$ 1.00	23423
(13) Citation and issuing citation, application for	\$ 5.00	23425
(14) Change of name, petition for	\$ 20.00	23427
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	\$ 10.00	23429
(16) Claim, application to compromise or settle	\$ 10.00	23431
(17) Claim, authority to present	\$ 10.00	23433
(18) Commissioner, appointment of		23434

.....	\$ 5.00	23435
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	\$ 5.00	23437
(20) Competency, application to procure adjudication of	\$ 20.00	23439
(21) Complete contract, application to	\$ 10.00	23441
(22) Concealment of assets, citation for	\$ 10.00	23443
(23) Construction of will, complaint for	\$ 20.00	23445
(24) Continue decedent's business, application to Monthly reports of operation	\$ 10.00 \$ 5.00	23447 23448 23449
(25) Declaratory judgment, complaint for	\$ 20.00	23451
(26) Deposit of will	\$ 5.00	23452 23453
(27) Designation of heir	\$ 20.00	23454 23455
(28) Distribution in kind, application, assent, and order for	\$ 5.00	23456 23457
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	23458 23459
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$ 15.00	23460 23461
(31) Exceptions to any proceeding named in this section,		23462

contest of appointment or		
.....	\$ 10.00	23463
(32) Election of surviving partner to purchase assets of		23464
partnership, proceedings relating to		
.....	\$ 10.00	23465
(33) Election of surviving spouse under will		23466
.....	\$ 5.00	23467
(34) Fiduciary, including an assignee or trustee of an		23468
insolvent debtor or any guardian or conservator		
accountable to the probate court, appointment of		
.....	\$ 35.00	23469
(35) Foreign will, application to record		23470
.....	\$ 10.00	23471
Record of foreign will, additional, per page		23472
.....	\$ 1.00	23473
(36) Forms when supplied by the probate court, not to		23474
exceed		
.....	\$ 10.00	23475
(37) Heirship, complaint to determine		23476
.....	\$ 20.00	23477
(38) Injunction proceedings		23478
.....	\$ 20.00	23479
(39) Improve real property, petition to		23480
.....	\$ 20.00	23481
(40) Inventory with appraisement		23482
.....	\$ 10.00	23483
(41) Inventory without appraisement		23484
.....	\$ 7.00	23485
(42) Investment or expenditure of funds, application for		23486
.....	\$ 10.00	23487
(43) Invest in real property, application to		23488
.....	\$ 10.00	23489
(44) Lease for oil, gas, coal, or other mineral, petition		23490

to		
.....	\$ 20.00	23491
(45) Lease or lease and improve real property, petition to		23492
.....	\$ 20.00	23493
(46) Marriage license		23494
.....	\$ 10.00	23495
Certified abstract of each marriage		23496
.....	\$ 2.00	23497
(47) Minor or incompetent person, etc., disposal of estate		23498
under twenty-five thousand dollars of		
.....	\$ 10.00	23499
(48) Mortgage or mortgage and repair or improve real		23500
property, complaint to		
.....	\$ 20.00	23501
(49) Newly discovered assets, report of		23502
.....	\$ 7.00	23503
(50) Nonresident executor or administrator to bar		23504
creditors' claims, proceedings by		
.....	\$ 20.00	23505
(51) Power of attorney or revocation of power, bonding		23506
company		
.....	\$ 10.00	23507
(52) Presumption of death, petition to establish		23508
.....	\$ 20.00	23509
(53) Probating will		23510
.....	\$ 15.00	23511
Proof of notice to beneficiaries		23512
.....	\$ 5.00	23513
(54) Purchase personal property, application of surviving		23514
spouse to		
.....	\$ 10.00	23515
(55) Purchase real property at appraised value, petition		23516
of surviving spouse to		

.....	\$ 20.00	23517
(56) Receipts in addition to advertising charges, application and order to record		23518
.....	\$ 5.00	23519
Record of those receipts, additional, per page		23520
.....	\$ 1.00	23521
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page		23522
.....	\$ 1.00	23523
(58) Release of estate by mortgagee or other lienholder		23524
.....	\$ 5.00	23525
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code		23526
.....	\$ 60.00	23527
(60) Removal of fiduciary, application for		23528
.....	\$ 10.00	23529
(61) Requalification of executor or administrator		23530
.....	\$ 10.00	23531
(62) Resignation of fiduciary		23532
.....	\$ 5.00	23533
(63) Sale bill, public sale of personal property		23534
.....	\$ 10.00	23535
(64) Sale of personal property and report, application for		23536
.....	\$ 10.00	23537
(65) Sale of real property, petition for		23538
.....	\$ 25.00	23539
(66) Terminate guardianship, petition to		23540
.....	\$ 10.00	23541
(67) Transfer of real property, application, entry, and certificate for		23542
.....	\$ 7.00	23543

(68) Unclaimed money, application to invest	23544
..... \$ 7.00	23545
(69) Vacate approval of account or order of distribution, motion to	23546
..... \$ 10.00	23547
(70) Writ of execution	23548
..... \$ 5.00	23549
(71) Writ of possession	23550
..... \$ 5.00	23551
(72) Wrongful death, application and settlement of claim for	23552
..... \$ 20.00	23553
(73) Year's allowance, petition to review	23554
..... \$ 7.00	23555
(74) Guardian's report, filing and review of	23556
..... \$ 5.00	23557
(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	23558
..... \$ 25.00	23559
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.	23560 23561 23562 23563 23564 23565 23566 23567 23568 23569 23570 23571
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate	23572 23573

court may direct that the applicant or the estate pay any or all 23574
of the expenses of an investigation conducted pursuant to section 23575
2111.042 of the Revised Code. If the investigation is conducted by 23576
a public employee or investigator who is paid by the county, the 23577
fees for the investigation shall be paid into the county treasury. 23578
If the court finds that the guardian or applicant is indigent, the 23579
court may waive the costs, fees, and expenses of an investigation. 23580

(3) In relation to the filing of an affidavit of mental 23581
illness for a person with a mental illness subject to court order, 23582
the court may waive the fee under division (A)(75) of this section 23583
if the court finds that the affiant is indigent or for good cause 23584
shown. 23585

(C) Thirty dollars of the thirty-five-dollar fee collected 23586
pursuant to division (A)(34) of this section and twenty dollars of 23587
the sixty-dollar fee collected pursuant to division (A)(59) of 23588
this section shall be deposited by the county treasurer in the 23589
indigent guardianship fund created pursuant to section 2111.51 of 23590
the Revised Code. 23591

(D) The fees of witnesses, jurors, sheriffs, coroners, and 23592
constables for services rendered in the probate court or by order 23593
of the probate judge shall be the same as provided for similar 23594
services in the court of common pleas. 23595

(E) The probate court, by rule, may require an advance 23596
deposit for costs, not to exceed one hundred twenty-five dollars, 23597
at the time application is made for an appointment as executor or 23598
administrator or at the time a will is presented for probate. 23599

(F)(1) The "putative father registry fund" is hereby created 23600
in the state treasury. The department of job and family services 23601
shall use the money in the fund to fund the department's costs of 23602
performing its duties related to the putative father registry 23603
established under section 3107.062 of the Revised Code. 23604

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division ~~(C)~~(D) of section ~~2151.3534~~ 2151.3527, ~~division (B) of section 2151.3535~~, or section 5103.155 of the Revised Code.

Sec. 2108.35. (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of thirteen members. The members shall include the following:

(1) The chairs of the standing committees of the house of representatives and senate with primary responsibilities for health legislation;

(2) One representative of each of the following appointed by the director of health:

(a) An Ohio organ procurement organization that is a member of the Organ Procurement and Transplantation Network;

(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks;

(c) An Ohio eye bank that is certified by the eye bank association of America;

(d) The Ohio solid organ transplantation consortium;

(e) A hospital to which both of the following apply:

(i) It is a member of the Ohio hospital association.

(ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.

(f) The department of health.

(3) Three members of the public appointed by the director who

are not affiliated with procurement organizations; 23634

(4) Two members appointed by the director who are either 23635
affiliated with procurement organizations or members of the 23636
public. 23637

(B) Of the members first appointed under division (A)(2) of 23638
this section, the representatives of the organ procurement 23639
organization, tissue procurement organization, and eye bank shall 23640
serve terms of three years; the representatives of the department 23641
of health and Ohio solid organ transplantation consortium shall 23642
serve terms of two years; and the member representing the Ohio 23643
hospital association shall serve a term of one year. Thereafter, 23644
all members shall serve terms of three years. 23645

(C) Members appointed under division (A)(2), (3), or (4) of 23646
this section shall be geographically and demographically 23647
representative of the state. No more than a total of three members 23648
appointed under divisions (A)(2), (3), and (4) of this section 23649
shall be affiliated with the same procurement organization or 23650
group of procurement organizations. Procurement organizations that 23651
recover only one type of organ, tissue, or part, as well as 23652
procurement organizations that recover more than one type of 23653
organ, tissue, or part, shall be represented. 23654

~~No individual appointed under division (A)(2), (3), or (4) of~~ 23655
~~this section shall serve more than two consecutive terms,~~ 23656
~~regardless of whether the terms were full or partial terms.~~ Each 23657
member shall serve from the date of appointment until the member's 23658
successor is appointed. All vacancies on the committee shall be 23659
filled for the balance of the unexpired term in the same manner as 23660
the original appointment. 23661

(D) The committee shall ~~annually~~ elect a chairperson from 23662
among its members and shall establish procedures for the 23663
governance of its operations. The committee shall meet at least 23664

semiannually. It shall submit an annual report of its activities and recommendations to the director of health.

(E) Committee members shall serve without compensation, but shall be reimbursed from the second chance trust fund for all actual and necessary expenses incurred in the performance of official duties.

(F) The committee shall do all of the following:

(1) Make recommendations to the director of health for projects for funding from the second chance trust fund;

(2) Consult with the registrar of motor vehicles in formulating proposed rules under division (C)(1) of section 2108.23 of the Revised Code;

(3) As requested, consult with the registrar or director on other matters related to organ donation;

(4) Approve brochures, written materials, and electronic media regarding anatomical gifts and anatomical gift procedures for use in driver training schools pursuant to section 4508.021 of the Revised Code.

(G) The committee is not subject to section 101.84 of the Revised Code.

Sec. 2109.21. (A) An administrator, special administrator, administrator de bonis non, or administrator with the will annexed shall be a resident of this state and shall be removed on proof that the administrator is no longer a resident of this state.

~~(B)(1)~~(B)(1)(a) To qualify for appointment as executor or trustee, an executor or a trustee named in a will or nominated in accordance with any power of nomination conferred in a will, may be a resident of this state or, as provided in this division, a nonresident of this state. To qualify for appointment, a nonresident executor or trustee named in, or nominated pursuant

to, a will shall be ~~an~~ one of the following: 23695

(i) An individual who is related to the testator by 23696
consanguinity or affinity, ~~or a~~ 23697

(ii) A private trust company or family trust company 23698
organized under the laws of any state; 23699

(iii) A person who resides in a state that has statutes or 23700
rules that authorize the appointment of a nonresident person who 23701
is not related to the testator by consanguinity or affinity, as an 23702
executor or trustee when named in, or nominated pursuant to, a 23703
will. ~~No such~~ 23704

(b) No executor or trustee under division (B)(1)(a) of this 23705
section shall be refused appointment or removed solely because the 23706
executor or trustee is not a resident of this state. 23707

(c) The court may require that a nonresident executor or 23708
trustee named in, or nominated pursuant to, a will assure that all 23709
of the assets of the decedent that are in the county at the time 23710
of the death of the decedent will remain in the county until 23711
distribution or until the court determines that the assets may be 23712
removed from the county. 23713

(d) The court may require a nonresident private trust company 23714
or family trust company appointed under division (B)(1)(a)(ii) of 23715
this section to appoint a resident agent to accept service of 23716
process, notices, and other documents. 23717

~~(2)~~(2)(a) In accordance with this division and section 23718
2129.08 of the Revised Code, the court shall appoint as an 23719
ancillary administrator a person who is named in the will of a 23720
nonresident decedent, or who is nominated in accordance with any 23721
power of nomination conferred in the will of a nonresident 23722
decedent, as a general executor of the decedent's estate or as 23723
executor of the portion of the decedent's estate located in this 23724
state, whether or not the person so named or nominated is a 23725

resident of this state. 23726

To qualify for appointment as an ancillary administrator, a 23727
person who is not a resident of this state and who is named or 23728
nominated as described in this division, shall be ~~an~~ one of the 23729
following: 23730

(i) An individual who is related to the testator by 23731
consanguinity or affinity, ~~or a~~ 23732

(ii) A private trust company or family trust company 23733
organized under the laws of any state; 23734

(iii) A person who resides in a state that has statutes or 23735
rules that authorize the appointment of a nonresident of that 23736
state who is not related to the testator by consanguinity or 23737
affinity, as an ancillary administrator when the nonresident is 23738
named in a will or nominated in accordance with any power of 23739
nomination conferred in a will. ~~¶¶~~ 23740

(b) If a person who is not a resident of this state and who 23741
is named or nominated as described in ~~this~~ division (B)(2)(a) of 23742
this section so qualifies for appointment as an ancillary 23743
administrator and if the provisions of section 2129.08 of the 23744
Revised Code are satisfied, the court shall not refuse to appoint 23745
the person, and shall not remove the person, as ancillary 23746
administrator solely because the person is not a resident of this 23747
state. 23748

(c) The court may require that an ancillary administrator who 23749
is not a resident of this state and who is named or nominated as 23750
described in ~~this~~ division (B)(2)(a) of this section, assure that 23751
all of the assets of the decedent that are in the county at the 23752
time of the death of the decedent will remain in the county until 23753
distribution or until the court determines that the assets may be 23754
removed from the county. 23755

(d) The court may require a nonresident private trust company 23756

or family trust company appointed under division (B)(2)(a)(ii) of 23757
this section to appoint a resident agent to accept service of 23758
process, notices, and other documents. 23759

(C)(1) A guardian of the estate shall be a resident of this 23760
state, except that the court may appoint a nonresident of this 23761
state as a guardian of the estate if any of the following applies: 23762

(a) The nonresident is named in a will by a parent of a 23763
minor. 23764

(b) The nonresident is selected by a minor over the age of 23765
fourteen years as provided by section 2111.12 of the Revised Code. 23766

(c) The nonresident is nominated in or pursuant to a durable 23767
power of attorney under section 1337.24 of the Revised Code or a 23768
writing as described in division (A) of section 2111.121 of the 23769
Revised Code. 23770

(2) A guardian of the estate, other than a guardian named in 23771
a will by a parent of a minor, selected by a minor over the age of 23772
fourteen years, or nominated in or pursuant to a durable power of 23773
attorney or writing described in division (C)(1)(c) of this 23774
section, may be removed on proof that the guardian of the estate 23775
is no longer a resident of this state. 23776

(3) The court may appoint a resident or nonresident of this 23777
state as a guardian of the person. 23778

(D) Any fiduciary, whose residence qualifications are not 23779
defined in this section, shall be a resident of this state, and 23780
shall be removed on proof that the fiduciary is no longer a 23781
resident of this state. 23782

(E) Any fiduciary, in order to assist in the carrying out of 23783
the fiduciary's fiduciary duties, may employ agents who are not 23784
residents of the county or of this state. 23785

(F) Every fiduciary shall sign and file with the court a 23786

statement of permanent address and shall notify the court of any 23787
change of address. A court may remove a fiduciary if the fiduciary 23788
fails to comply with this division. 23789

Sec. 2151.031. As used in this chapter, an "abused child" 23790
includes any child who: 23791

(A) Is the victim of "sexual activity" as defined under 23792
Chapter 2907. of the Revised Code, where such activity would 23793
constitute an offense under that chapter, except that the court 23794
need not find that any person has been convicted of the offense in 23795
order to find that the child is an abused child; 23796

(B) Is the victim of disseminating, obtaining, or displaying 23797
"materials" or "performances" that are "harmful to juveniles" as 23798
defined under Chapter 2907. of the Revised Code, where such 23799
activity would constitute an offense under that chapter, except 23800
that the court need not find that any person has been convicted of 23801
the offense in order to find that the child is an abused child; 23802

(C) Is endangered as defined in section 2919.22 of the 23803
Revised Code, except that the court need not find that any person 23804
has been convicted under that section in order to find that the 23805
child is an abused child; 23806

~~(C)~~(D) Exhibits evidence of any physical or mental injury or 23807
death, inflicted other than by accidental means, or an injury or 23808
death which is at variance with the history given of it. Except as 23809
provided in division ~~(D)~~(E) of this section, a child exhibiting 23810
evidence of corporal punishment or other physical disciplinary 23811
measure by a parent, guardian, custodian, caretaker, person having 23812
custody or control, or person in loco parentis of a child is not 23813
an abused child under this division if the measure is not 23814
prohibited under section 2919.22 of the Revised Code. 23815

~~(D)~~(E) Because of the acts of ~~his~~ the child's parents, 23816

guardian, ~~or~~ custodian, or caretaker, suffers physical or mental 23817
injury that harms or threatens to harm the child's health or 23818
welfare. 23819

~~(E)~~(F) Is subjected to out-of-home care child abuse. 23820

Sec. 2151.231. (A) The parent, ~~guardian~~, or ~~eustodian~~ 23821
caretaker of a child, ~~the person with whom a child resides~~, or the 23822
child support enforcement agency of the county in which the child, 23823
parent, ~~guardian~~, or ~~eustodian~~ caretaker of the child resides may 23824
bring an action in a juvenile court or other court with 23825
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 23826
under this section requesting the court to issue an order 23827
requiring a parent of the child to pay an amount for the support 23828
of the child without regard to the marital status of the child's 23829
parents. No action may be brought under this section against a 23830
person presumed to be the parent of a child based on an 23831
acknowledgment of paternity that has not yet become final under 23832
former section 3111.211 or 5101.314 or section 2151.232, 3111.25, 23833
or 3111.821 of the Revised Code. 23834

The parties to an action under this section may raise the 23835
issue of the existence or nonexistence of a parent-child 23836
relationship, unless a final and enforceable determination of the 23837
issue has been made with respect to the parties pursuant to 23838
Chapter 3111. of the Revised Code or an acknowledgment of 23839
paternity signed by the child's parents has become final pursuant 23840
to former section 3111.211 or 5101.314 or section 2151.232, 23841
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 23842
under this section and an issue concerning the existence or 23843
nonexistence of a parent-child relationship is raised, the court 23844
shall treat the action as an action pursuant to sections 3111.01 23845
to 3111.18 of the Revised Code. An order issued in an action under 23846
this section does not preclude a party to the action from bringing 23847

a subsequent action pursuant to sections 3111.01 to 3111.18 of the Revised Code if the issue concerning the existence or nonexistence of the parent-child relationship was not determined with respect to the party pursuant to a proceeding under this section, a proceeding under Chapter 3111. of the Revised Code, or an acknowledgment of paternity that has become final under former section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 3111.821 of the Revised Code. An order issued pursuant to this section shall remain effective until an order is issued pursuant to sections 3111.01 to 3111.18 of the Revised Code that a parent-child relationship does not exist between the alleged father of the child and the child or until the occurrence of an event described in section 3119.88 of the Revised Code that would require the order to terminate.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

(B) As used in this section, "caretaker" has the same meaning as in section 3119.01 of the Revised Code.

Sec. 2151.315. (A) As used in this section:

(1) "age-appropriate ~~Age-appropriate~~" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity. Age appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group.

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(B) A child who is placed with a resource caregiver or who is

subject to out-of-home care for alleged or adjudicated abused, 23878
neglected, or dependent children is entitled to participate in 23879
age-appropriate extracurricular, enrichment, and social 23880
activities. 23881

(C) A resource caregiver or a person or facility that is 23882
providing out-of-home care for an alleged or adjudicated abused, 23883
neglected, or dependent child shall consider all of the following 23884
when determining whether to give permission for that child to 23885
participate in extracurricular, enrichment, or social activities: 23886

(1) The child's age, maturity, and developmental level to 23887
maintain the overall health and safety of the child; 23888

(2) The potential risk factors and the appropriateness of the 23889
extracurricular, enrichment, or social activity; 23890

(3) The best interest of the child based on information known 23891
by the resource caregiver or a person or facility providing 23892
out-of-home care for ~~an alleged or adjudicated abused, neglected,~~ 23893
~~or dependent~~ the child; 23894

(4) The importance of encouraging the child's emotional and 23895
developmental growth; 23896

(5) The importance of providing the child with the most 23897
family-like living experience possible; 23898

(6) The behavioral history of the child and the child's 23899
ability to safely participate in the extracurricular, enrichment, 23900
or social activity. 23901

(D) A resource caregiver or person or facility that provides 23902
out-of-home care to an alleged or adjudicated abused, neglected, 23903
or dependent child shall be immune from liability in a civil 23904
action to recover damages for injury, death, or loss to person or 23905
property caused to the child who participates in an 23906
extracurricular, enrichment, or social activity approved by the 23907

resource caregiver, person, or facility provided that the resource caregiver, person, or facility considered the factors described in division (C) of this section. 23908
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Sec. 2151.3515. As used in sections 2151.3515 to ~~2151.3535~~ 23911
2151.3533 of the Revised Code: 23912

(A) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code. 23913
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(B) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic. 23917
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(C) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 23920
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(D) "Hospital employee" means any of the following persons: 23922

(1) A physician who has been granted privileges to practice at the hospital; 23923
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(2) A nurse, physician assistant, or nursing assistant employed by the hospital; 23925
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(3) An authorized person employed by the hospital who is acting under the direction of a physician described in division ~~(E)(1)~~(D)(1) of this section. 23927
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(E) "Law enforcement agency" means an organization or entity made up of peace officers. 23930
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(F) "Nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse. 23932
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(G) "Nursing assistant" means a person designated by a hospital as a nurse aide or nursing assistant whose job is to aid 23935
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nurses, physicians, and physician assistants in the performance of
their duties. 23937
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(H) "Peace officer" means a sheriff, deputy sheriff,
constable, police officer of a township or joint police district,
marshal, deputy marshal, municipal police officer, or a state
highway patrol trooper. 23939
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(I) "Peace officer support employee" means an authorized
person employed by a law enforcement agency who is acting under
the direction of a peace officer. 23943
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(J) "Physician" means an individual authorized under Chapter
4731. of the Revised Code to practice medicine and surgery,
osteopathic medicine and surgery, or podiatric medicine and
surgery. 23946
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~~(J)~~(K) "Physician assistant" means an individual who holds a
current, valid license to practice as a physician assistant issued
under Chapter 4730. of the Revised Code. 23950
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23952

Sec. 2151.3516. A parent may voluntarily deliver ~~his or her~~
the parent's child who is not older than thirty days, without
intent to return for the child, to ~~a~~ any of the following: 23953
23954
23955

(A) An entity or person specified in section 2151.3517 of the
Revised Code ~~or a;~~ 23956
23957

(B) A peace officer, peace officer support employee, hospital
employee, or emergency medical service worker specified in section
2151.3517 of the Revised Code, by calling 9-1-1 and waiting with
the child until the officer, support employee, employee, or worker
arrives and takes possession of the child; 23958
23959
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(C) A newborn safety incubator provided by an entity
~~described~~ specified in that section 2151.3517 of the Revised Code
and that meets the requirements of section 2151.3532 of the
Revised Code. 23963
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Sec. 2151.3517. The following entities or persons, while 23967
acting in an official capacity on behalf of any of the entities, 23968
shall take possession of a child delivered in accordance with 23969
section 2151.3516 of the Revised Code: 23970

(A) A law enforcement agency ~~or~~ a peace officer employed by 23971
the agency, or a peace officer support employee; 23972

(B) A hospital or a person granted the privilege to practice 23973
at, or employed by, the hospital; 23974

(C) An emergency medical service organization or an emergency 23975
medical service worker employed by or providing services to the 23976
organization. 23977

Sec. 2151.3518. (A) On taking possession of a child pursuant 23978
to section 2151.3517 of the Revised Code, a law enforcement 23979
agency, hospital, or emergency medical service organization shall 23980
do all the following: 23981

(1) Perform any act necessary to protect the child's health 23982
or safety; 23983

(2) Notify the public children services agency of the county 23984
in which the agency, hospital, or organization is located that the 23985
child has been taken into possession; 23986

(3) If possible, make available to the parent who delivered 23987
the child forms developed under section ~~2151.3534~~ 2151.3527 of the 23988
Revised Code that are designed to gather medical information 23989
concerning the child and the child's parents; 23990

(4) If possible, make available to the parent who delivered 23991
the child written materials developed under section ~~2151.3534~~ 23992
2151.3527 of the Revised Code that describe services available to 23993
assist parents and newborns; 23994

(5) If the child has suffered a physical or mental wound, 23995

injury, disability, or condition of a nature that reasonably 23996
indicates abuse or neglect of the child, attempt to identify and 23997
pursue the person who delivered the child. 23998

(B) An emergency medical service worker who takes possession 23999
of a child shall, in addition to any act performed under division 24000
(A)(1) of this section, perform any medical service the worker is 24001
authorized to perform that is necessary to protect the physical 24002
health or safety of the child. 24003

Sec. ~~2151.3534~~2151.3527. (A) The director of job and family 24004
services shall promulgate forms designed to gather pertinent 24005
medical information concerning a deserted child and the child's 24006
parents. The forms shall clearly and unambiguously state on each 24007
page that the information requested is to facilitate medical care 24008
for the child, that the forms may be fully or partially completed 24009
or left blank, that completing the forms or parts of the forms is 24010
completely voluntary, and that no adverse legal consequence will 24011
result from failure to complete any part of the forms. 24012

(B) The director shall promulgate written materials to be 24013
made available to the parents of a child delivered pursuant to 24014
section 2151.3516 of the Revised Code. The materials shall 24015
describe services available to assist parents and newborns and 24016
shall include information directly relevant to situations that 24017
might cause parents to desert a child and information on the 24018
procedures for a person to follow in order to reunite with a child 24019
the person delivered under section 2151.3516 of the Revised Code, 24020
including notice that the person will be required to submit to a 24021
DNA test, at that person's expense, to prove that the person is 24022
the parent of the child. 24023

(C) The director of job and family services shall distribute 24024
the medical information forms and written materials promulgated 24025
pursuant to this section to all of the following: 24026

<u>(1) Entities permitted to receive a deserted child as specified in section 2151.3517 of the Revised Code;</u>	24027 24028
<u>(2) Public children services agencies;</u>	24029
<u>(3) Other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.</u>	24030 24031 24032 24033
<u>(D) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development, distribution, and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.</u>	24034 24035 24036 24037 24038 24039 24040
<u>(E) The department of job and family services shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3515 to 2151.3533 of the Revised Code.</u>	24041 24042 24043 24044 24045 24046
Sec. 2151.3528. A <u>All of the following apply to a parent who voluntarily delivers a child under section 2151.3516 of the Revised Code may:</u>	24047 24048 24049
<u>(A) The parent may complete all or any part of the medical information forms made available under division (A)(3) of section 2151.3518 of the Revised Code. The</u>	24050 24051 24052
<u>(B) The parent may deliver the fully or partially completed forms at the same time as delivering the child or at a later time. The</u>	24053 24054 24055
<u>(C) The parent is not required to complete all or any part of</u>	24056

the forms. 24057

(D) The parent may refuse to accept the materials made 24058
available under section 2151.3518 of the Revised Code. 24059

Sec. 2151.3532. ~~Not later than one hundred eighty days after~~ 24060
~~the effective date of this section, the~~(A) The director of the 24061
~~department of health shall adopt rules in accordance with Chapter~~ 24062
119. of the Revised Code governing newborn safety incubators 24063
provided by entities described in section 2151.3517 of the Revised 24064
Code. The rules shall provide for all of the following: 24065

~~(A) Sanitation standards;~~ 24066

~~(B) Procedures to provide emergency care for a child~~ 24067
~~delivered to an incubator;~~ 24068

~~(C) Manufacturing and manufacturer standards;~~ 24069

~~(D)~~(1) Design and function requirements that include the 24070
following: 24071

~~(1)~~(a) Take into account installation at a facility operated 24072
by a law enforcement agency, a hospital, or ~~an~~ emergency medical 24073
service organization; 24074

~~(2)~~(b) Allow a child to be placed anonymously from outside 24075
the facility; 24076

~~(3)~~(c) Lock the incubator after a child is placed in it so 24077
that a person outside the facility is unable to access the child; 24078

~~(4)~~(d) Provide a controlled environment for the care and 24079
protection of the child; 24080

~~(5)~~(e) Provide notification to a centralized location in the 24081
facility within thirty seconds of a child being placed in the 24082
incubator; 24083

~~(6)~~(f) Trigger a 9-1-1 call if a facility does not respond 24084
within a reasonable amount of time after a child is placed in the 24085

facility's incubator.	24086
(E) Operating(2) Manufacturing and manufacturer standards;	24087
<u>(3) Installation and installer standards, including:</u>	24088
<u>(a) Qualifications for installers, including that installers</u>	24089
<u>must maintain appropriate certification and licensing credentials;</u>	24090
<u>(b) Procedures and forms for registration of newborn safety</u>	24091
<u>incubator installers.</u>	24092
<u>(4) Subject to section 2151.3533 of the Revised Code,</u>	24093
<u>operating policies, supervision, and maintenance requirements for</u>	24094
<u>an incubator, including requirements that only a peace officer,</u>	24095
<u>emergency medical service worker, or hospital employee supervise</u>	24096
<u>the incubator and take custody of a child placed in it;</u>	24097
(F) Qualifications for persons to install incubators;	24098
(G) Procedures and forms for the registration of qualified	24099
incubator installers;	24100
(H)(5) Procedures to provide emergency care for a child	24101
placed into an incubator;	24102
<u>(6) Sanitation standards;</u>	24103
<u>(7) Costs for registering and regulating incubators and fees</u>	24104
<u>to cover those costs;</u>	24105
(I)(8) Creating and posting signs to be placed near or on	24106
incubators to provide information about using them;	24107
(J)(9) Enforcement of and remedies for violations for failure	24108
to comply with the requirements governing incubators;	24109
(K) Any other requirement the department considers necessary	24110
to ensure the safety and welfare of a child placed in an	24111
incubator.	24112
<u>(B) Notwithstanding division (A) of section 2151.3526 of the</u>	24113
<u>Revised Code, video surveillance is permitted at the facility</u>	24114

where the incubator is located. The surveillance footage may be reviewed only when: 24115
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(1) A child has been surrendered under the circumstances described in division (B) of section 2151.3526 of the Revised Code; 24117
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(2) There is reason to believe a crime has been committed within view of the video surveillance system. 24120
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (A) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 24122
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Sec. 2151.3533. (A) In adopting the rules described in division (A)(4) of section 2151.3532 of the Revised Code, the director of health shall specify that a newborn safety incubator is deemed to be supervised when either of the following is the case: 24126
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(1) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is present at the facility where the incubator is located to take possession of a child placed in the incubator. 24131
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(2) An alternate peace officer, peace officer support employee, hospital employee, or emergency medical service worker is dispatched by a secondary alarm that triggers a 9-1-1 call, in accordance with division (A)(1)(f) of section 2151.3532 of the Revised Code, when either of the following is the case: 24135
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(a) No individual described in division (A) of this section who is present at the facility responds within a reasonable amount of time after a child is placed in the incubator. 24140
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(b) Every individual described in section 2151.3517 of the Revised Code who is scheduled to work at the facility when a 24143
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parent places a child into the incubator has been dispatched on an emergency call. 24145
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(B) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's failure to respond within a reasonable amount of time after a child is placed in the incubator or after the person is dispatched by a secondary alarm, unless that failure constitutes willful or wanton misconduct. 24147
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Sec. 2151.421. (A)(1)(a) No person described in division 24154
(A)(1)(b) of this section who is acting in an official or 24155
professional capacity and knows, or has reasonable cause to 24156
suspect based on facts that would cause a reasonable person in a 24157
similar position to suspect, that a child under eighteen years of 24158
age, or a person under twenty-one years of age with a 24159
developmental disability or physical impairment, has suffered or 24160
faces a threat of suffering any physical or mental wound, injury, 24161
disability, or condition of a nature that reasonably indicates 24162
abuse or neglect of the child shall fail to immediately report 24163
that knowledge or reasonable cause to suspect to the entity or 24164
persons specified in this division. Except as otherwise provided 24165
in this division or section 5120.173 of the Revised Code, the 24166
person making the report shall make it to the public children 24167
services agency or a peace officer in the county in which the 24168
child resides or in which the abuse or neglect is occurring or has 24169
occurred. If the person making the report is a peace officer, the 24170
officer shall make it to the public children services agency in 24171
the county in which the child resides or in which the abuse or 24172
neglect is occurring or has occurred. In the circumstances 24173
described in section 5120.173 of the Revised Code, the person 24174
making the report shall make it to the entity specified in that 24175
section. 24176

(b) Division (A)(1)(a) of this section applies to any person 24177
who is an attorney; health care professional; practitioner of a 24178
limited branch of medicine as specified in section 4731.15 of the 24179
Revised Code; licensed school psychologist; independent marriage 24180
and family therapist or marriage and family therapist; coroner; 24181
administrator or employee of a child day-care center; 24182
administrator or employee of a residential camp, child day camp, 24183
or private, nonprofit therapeutic wilderness camp; administrator 24184
or employee of a certified child care agency or other public or 24185
private children services agency; school teacher; school employee; 24186
school authority; peace officer; humane society agent; dog warden, 24187
deputy dog warden, or other person appointed to act as an animal 24188
control officer for a municipal corporation or township in 24189
accordance with state law, an ordinance, or a resolution; person, 24190
other than a cleric, rendering spiritual treatment through prayer 24191
in accordance with the tenets of a well-recognized religion; 24192
employee of a county department of job and family services who is 24193
a professional and who works with children and families; 24194
superintendent or regional administrator employed by the 24195
department of youth services; superintendent, board member, or 24196
employee of a county board of developmental disabilities; 24197
investigative agent contracted with by a county board of 24198
developmental disabilities; employee of the department of 24199
developmental disabilities; employee of a facility or home that 24200
provides respite care in accordance with section 5123.171 of the 24201
Revised Code; employee of an entity that provides homemaker 24202
services; employee of a qualified organization as defined in 24203
section 2151.90 of the Revised Code; a host family as defined in 24204
section 2151.90 of the Revised Code; foster caregiver; a person 24205
performing the duties of an assessor pursuant to Chapter 3107. or 24206
5103. of the Revised Code; third party employed by a public 24207
children services agency to assist in providing child or family 24208
related services; court appointed special advocate; or guardian ad 24209

litem. 24210

(c) If two or more health care professionals, after providing 24211
health care services to a child, determine or suspect that the 24212
child has been or is being abused or neglected, the health care 24213
professionals may designate one of the health care professionals 24214
to report the abuse or neglect. A single report made under this 24215
division shall meet the reporting requirements of division (A)(1) 24216
of this section. 24217

(2) Except as provided in division (A)(3) of this section, an 24218
attorney or a physician is not required to make a report pursuant 24219
to division (A)(1) of this section concerning any communication 24220
the attorney or physician receives from a client or patient in an 24221
attorney-client or physician-patient relationship, if, in 24222
accordance with division (A) or (B) of section 2317.02 of the 24223
Revised Code, the attorney or physician could not testify with 24224
respect to that communication in a civil or criminal proceeding. 24225

(3) The client or patient in an attorney-client or 24226
physician-patient relationship described in division (A)(2) of 24227
this section is deemed to have waived any testimonial privilege 24228
under division (A) or (B) of section 2317.02 of the Revised Code 24229
with respect to any communication the attorney or physician 24230
receives from the client or patient in that attorney-client or 24231
physician-patient relationship, and the attorney or physician 24232
shall make a report pursuant to division (A)(1) of this section 24233
with respect to that communication, if all of the following apply: 24234

(a) The client or patient, at the time of the communication, 24235
is a child under eighteen years of age or is a person under 24236
twenty-one years of age with a developmental disability or 24237
physical impairment. 24238

(b) The attorney or physician knows, or has reasonable cause 24239
to suspect based on facts that would cause a reasonable person in 24240

similar position to suspect that the client or patient has 24241
suffered or faces a threat of suffering any physical or mental 24242
wound, injury, disability, or condition of a nature that 24243
reasonably indicates abuse or neglect of the client or patient. 24244

(c) The abuse or neglect does not arise out of the client's 24245
or patient's attempt to have an abortion without the notification 24246
of her parents, guardian, or custodian in accordance with section 24247
2151.85 of the Revised Code. 24248

(4)(a) No cleric and no person, other than a volunteer, 24249
designated by any church, religious society, or faith acting as a 24250
leader, official, or delegate on behalf of the church, religious 24251
society, or faith who is acting in an official or professional 24252
capacity, who knows, or has reasonable cause to believe based on 24253
facts that would cause a reasonable person in a similar position 24254
to believe, that a child under eighteen years of age, or a person 24255
under twenty-one years of age with a developmental disability or 24256
physical impairment, has suffered or faces a threat of suffering 24257
any physical or mental wound, injury, disability, or condition of 24258
a nature that reasonably indicates abuse or neglect of the child, 24259
and who knows, or has reasonable cause to believe based on facts 24260
that would cause a reasonable person in a similar position to 24261
believe, that another cleric or another person, other than a 24262
volunteer, designated by a church, religious society, or faith 24263
acting as a leader, official, or delegate on behalf of the church, 24264
religious society, or faith caused, or poses the threat of 24265
causing, the wound, injury, disability, or condition that 24266
reasonably indicates abuse or neglect shall fail to immediately 24267
report that knowledge or reasonable cause to believe to the entity 24268
or persons specified in this division. Except as provided in 24269
section 5120.173 of the Revised Code, the person making the report 24270
shall make it to the public children services agency or a peace 24271
officer in the county in which the child resides or in which the 24272

abuse or neglect is occurring or has occurred. In the 24273
circumstances described in section 5120.173 of the Revised Code, 24274
the person making the report shall make it to the entity specified 24275
in that section. 24276

(b) Except as provided in division (A)(4)(c) of this section, 24277
a cleric is not required to make a report pursuant to division 24278
(A)(4)(a) of this section concerning any communication the cleric 24279
receives from a penitent in a cleric-penitent relationship, if, in 24280
accordance with division (C) of section 2317.02 of the Revised 24281
Code, the cleric could not testify with respect to that 24282
communication in a civil or criminal proceeding. 24283

(c) The penitent in a cleric-penitent relationship described 24284
in division (A)(4)(b) of this section is deemed to have waived any 24285
testimonial privilege under division (C) of section 2317.02 of the 24286
Revised Code with respect to any communication the cleric receives 24287
from the penitent in that cleric-penitent relationship, and the 24288
cleric shall make a report pursuant to division (A)(4)(a) of this 24289
section with respect to that communication, if all of the 24290
following apply: 24291

(i) The penitent, at the time of the communication, is a 24292
child under eighteen years of age or is a person under twenty-one 24293
years of age with a developmental disability or physical 24294
impairment. 24295

(ii) The cleric knows, or has reasonable cause to believe 24296
based on facts that would cause a reasonable person in a similar 24297
position to believe, as a result of the communication or any 24298
observations made during that communication, the penitent has 24299
suffered or faces a threat of suffering any physical or mental 24300
wound, injury, disability, or condition of a nature that 24301
reasonably indicates abuse or neglect of the penitent. 24302

(iii) The abuse or neglect does not arise out of the 24303

penitent's attempt to have an abortion performed upon a child 24304
under eighteen years of age or upon a person under twenty-one 24305
years of age with a developmental disability or physical 24306
impairment without the notification of her parents, guardian, or 24307
custodian in accordance with section 2151.85 of the Revised Code. 24308

(d) Divisions (A)(4)(a) and (c) of this section do not apply 24309
in a cleric-penitent relationship when the disclosure of any 24310
communication the cleric receives from the penitent is in 24311
violation of the sacred trust. 24312

(e) As used in divisions (A)(1) and (4) of this section, 24313
"cleric" and "sacred trust" have the same meanings as in section 24314
2317.02 of the Revised Code. 24315

(B) Anyone who knows, or has reasonable cause to suspect 24316
based on facts that would cause a reasonable person in similar 24317
circumstances to suspect, that a child under eighteen years of 24318
age, or a person under twenty-one years of age with a 24319
developmental disability or physical impairment, has suffered or 24320
faces a threat of suffering any physical or mental wound, injury, 24321
disability, or other condition of a nature that reasonably 24322
indicates abuse or neglect of the child may report or cause 24323
reports to be made of that knowledge or reasonable cause to 24324
suspect to the entity or persons specified in this division. 24325
Except as provided in section 5120.173 of the Revised Code, a 24326
person making a report or causing a report to be made under this 24327
division shall make it or cause it to be made to the public 24328
children services agency or to a peace officer. In the 24329
circumstances described in section 5120.173 of the Revised Code, a 24330
person making a report or causing a report to be made under this 24331
division shall make it or cause it to be made to the entity 24332
specified in that section. 24333

(C) Any report made pursuant to division (A) or (B) of this 24334
section shall be made forthwith either by telephone ~~or~~ in person. 24335

or electronically and shall be followed by a written report, if 24336
requested by the receiving agency or officer. The written report 24337
shall contain: 24338

(1) The names and addresses of the child and the child's 24339
parents or the person or persons having custody of the child, if 24340
known; 24341

(2) The child's age and the nature and extent of the child's 24342
injuries, abuse, or neglect that is known or reasonably suspected 24343
or believed, as applicable, to have occurred or of the threat of 24344
injury, abuse, or neglect that is known or reasonably suspected or 24345
believed, as applicable, to exist, including any evidence of 24346
previous injuries, abuse, or neglect; 24347

(3) Any other information, including, but not limited to, 24348
results and reports of any medical examinations, tests, or 24349
procedures performed under division (D) of this section, that 24350
might be helpful in establishing the cause of the injury, abuse, 24351
or neglect that is known or reasonably suspected or believed, as 24352
applicable, to have occurred or of the threat of injury, abuse, or 24353
neglect that is known or reasonably suspected or believed, as 24354
applicable, to exist. 24355

(D)(1) Any person, who is required by division (A) of this 24356
section to report child abuse or child neglect that is known or 24357
reasonably suspected or believed to have occurred, may take or 24358
cause to be taken color photographs of areas of trauma visible on 24359
a child and, if medically necessary for the purpose of diagnosing 24360
or treating injuries that are suspected to have occurred as a 24361
result of child abuse or child neglect, perform or cause to be 24362
performed radiological examinations and any other medical 24363
examinations of, and tests or procedures on, the child. 24364

(2) The results and any available reports of examinations, 24365
tests, or procedures made under division (D)(1) of this section 24366

shall be included in a report made pursuant to division (A) of 24367
this section. Any additional reports of examinations, tests, or 24368
procedures that become available shall be provided to the public 24369
children services agency, upon request. 24370

(3) If a health care professional provides health care 24371
services in a hospital, children's advocacy center, or emergency 24372
medical facility to a child about whom a report has been made 24373
under division (A) of this section, the health care professional 24374
may take any steps that are reasonably necessary for the release 24375
or discharge of the child to an appropriate environment. Before 24376
the child's release or discharge, the health care professional may 24377
obtain information, or consider information obtained, from other 24378
entities or individuals that have knowledge about the child. 24379
Nothing in division (D)(3) of this section shall be construed to 24380
alter the responsibilities of any person under sections 2151.27 24381
and 2151.31 of the Revised Code. 24382

(4) A health care professional may conduct medical 24383
examinations, tests, or procedures on the siblings of a child 24384
about whom a report has been made under division (A) of this 24385
section and on other children who reside in the same home as the 24386
child, if the professional determines that the examinations, 24387
tests, or procedures are medically necessary to diagnose or treat 24388
the siblings or other children in order to determine whether 24389
reports under division (A) of this section are warranted with 24390
respect to such siblings or other children. The results of the 24391
examinations, tests, or procedures on the siblings and other 24392
children may be included in a report made pursuant to division (A) 24393
of this section. 24394

(5) Medical examinations, tests, or procedures conducted 24395
under divisions (D)(1) and (4) of this section and decisions 24396
regarding the release or discharge of a child under division 24397
(D)(3) of this section do not constitute a law enforcement 24398

investigation or activity. 24399

(E)(1) When a peace officer receives a report made pursuant 24400
to division (A) or (B) of this section, upon receipt of the 24401
report, the peace officer who receives the report shall refer the 24402
report to the appropriate public children services agency, in 24403
accordance with requirements specified under division (B)(6) of 24404
section 2151.4211 of the Revised Code, unless an arrest is made at 24405
the time of the report that results in the appropriate public 24406
children services agency being contacted concerning the possible 24407
abuse or neglect of a child or the possible threat of abuse or 24408
neglect of a child. 24409

(2) When a public children services agency receives a report 24410
pursuant to this division or division (A) or (B) of this section, 24411
upon receipt of the report, the public children services agency 24412
shall do all of the following: 24413

(a) Comply with section 2151.422 of the Revised Code; 24414

(b) If the county served by the agency is also served by a 24415
children's advocacy center and the report alleges sexual abuse of 24416
a child or another type of abuse of a child that is specified in 24417
the memorandum of understanding that creates the center as being 24418
within the center's jurisdiction, comply regarding the report with 24419
the protocol and procedures for referrals and investigations, with 24420
the coordinating activities, and with the authority or 24421
responsibility for performing or providing functions, activities, 24422
and services stipulated in the interagency agreement entered into 24423
under section 2151.428 of the Revised Code relative to that 24424
center; 24425

(c) Unless an arrest is made at the time of the report that 24426
results in the appropriate law enforcement agency being contacted 24427
concerning the possible abuse or neglect of a child or the 24428
possible threat of abuse or neglect of a child, and in accordance 24429

with requirements specified under division (B)(6) of section 24430
2151.4211 of the Revised Code, notify the appropriate law 24431
enforcement agency of the report, if the public children services 24432
agency received either of the following: 24433

(i) A report of abuse of a child; 24434

(ii) A report of neglect of a child that alleges a type of 24435
neglect identified by the department of job and family services in 24436
rules adopted under division (L)(2) of this section. 24437

(F) No peace officer shall remove a child about whom a report 24438
is made pursuant to this section from the child's parents, 24439
stepparents, or guardian or any other persons having custody of 24440
the child without consultation with the public children services 24441
agency, unless, in the judgment of the officer, and, if the report 24442
was made by physician, the physician, immediate removal is 24443
considered essential to protect the child from further abuse or 24444
neglect. The agency that must be consulted shall be the agency 24445
conducting the investigation of the report as determined pursuant 24446
to section 2151.422 of the Revised Code. 24447

(G)(1) Except as provided in section 2151.422 of the Revised 24448
Code or in an interagency agreement entered into under section 24449
2151.428 of the Revised Code that applies to the particular 24450
report, the public children services agency shall investigate, 24451
within twenty-four hours, each report of child abuse or child 24452
neglect that is known or reasonably suspected or believed to have 24453
occurred and of a threat of child abuse or child neglect that is 24454
known or reasonably suspected or believed to exist that is 24455
referred to it under this section to determine the circumstances 24456
surrounding the injuries, abuse, or neglect or the threat of 24457
injury, abuse, or neglect, the cause of the injuries, abuse, 24458
neglect, or threat, and the person or persons responsible. The 24459
investigation shall be made in cooperation with the law 24460
enforcement agency and in accordance with the memorandum of 24461

understanding prepared under sections 2151.4210 to 2151.4224 of 24462
the Revised Code. A representative of the public children services 24463
agency shall, at the time of initial contact with the person 24464
subject to the investigation, inform the person of the specific 24465
complaints or allegations made against the person. The information 24466
shall be given in a manner that is consistent with division (I)(1) 24467
and rules adopted under division (L)(3) of this section and 24468
protects the rights of the person making the report under this 24469
section. 24470

A failure to make the investigation in accordance with the 24471
memorandum is not grounds for, and shall not result in, the 24472
dismissal of any charges or complaint arising from the report or 24473
the suppression of any evidence obtained as a result of the report 24474
and does not give, and shall not be construed as giving, any 24475
rights or any grounds for appeal or post-conviction relief to any 24476
person. The public children services agency shall report each case 24477
to the uniform statewide automated child welfare information 24478
system that the department of job and family services shall 24479
maintain in accordance with section 5101.13 of the Revised Code. 24480
The public children services agency shall submit a report of its 24481
investigation, in writing, to the law enforcement agency. 24482

(2) The public children services agency shall make any 24483
recommendations to the county prosecuting attorney or city 24484
director of law that it considers necessary to protect any 24485
children that are brought to its attention. 24486

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 24487
(I)(3) of this section, any person, health care professional, 24488
hospital, institution, school, health department, or agency shall 24489
be immune from any civil or criminal liability for injury, death, 24490
or loss to person or property that otherwise might be incurred or 24491
imposed as a result of any of the following: 24492

(i) Participating in the making of reports pursuant to 24493

division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;	24494 24495
(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;	24496 24497
(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;	24498 24499 24500 24501
(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.	24502 24503 24504 24505
(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.	24506 24507 24508
(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.	24509 24510 24511 24512 24513 24514
(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.	24515 24516 24517 24518 24519 24520 24521 24522 24523
(I)(1) Except as provided in divisions (I)(4) and (N) of this	24524

section and sections 2151.423 and 2151.4210 of the Revised Code, a 24525
report made under this section is confidential. The information 24526
provided in a report made pursuant to this section and the name of 24527
the person who made the report shall not be released for use, and 24528
shall not be used, as evidence in any civil action or proceeding 24529
brought against the person who made the report. Nothing in this 24530
division shall preclude the use of reports of other incidents of 24531
known or suspected abuse or neglect in a civil action or 24532
proceeding brought pursuant to division (M) of this section 24533
against a person who is alleged to have violated division (A)(1) 24534
of this section, provided that any information in a report that 24535
would identify the child who is the subject of the report or the 24536
maker of the report, if the maker of the report is not the 24537
defendant or an agent or employee of the defendant, has been 24538
redacted. In a criminal proceeding, the report is admissible in 24539
evidence in accordance with the Rules of Evidence and is subject 24540
to discovery in accordance with the Rules of Criminal Procedure. 24541

(2)(a) Except as provided in division (I)(2)(b) of this 24542
section, no person shall permit or encourage the unauthorized 24543
dissemination of the contents of any report made under this 24544
section. 24545

(b) A health care professional that obtains the same 24546
information contained in a report made under this section from a 24547
source other than the report may disseminate the information, if 24548
its dissemination is otherwise permitted by law. 24549

(3) A person who knowingly makes or causes another person to 24550
make a false report under division (B) of this section that 24551
alleges that any person has committed an act or omission that 24552
resulted in a child being an abused child or a neglected child is 24553
guilty of a violation of section 2921.14 of the Revised Code. 24554

(4) If a report is made pursuant to division (A) or (B) of 24555
this section and the child who is the subject of the report dies 24556

for any reason at any time after the report is made, but before 24557
the child attains eighteen years of age, the public children 24558
services agency or peace officer to which the report was made or 24559
referred, on the request of the child fatality review board, the 24560
suicide fatality review committee, or the director of health 24561
pursuant to guidelines established under section 3701.70 of the 24562
Revised Code, shall submit a summary sheet of information 24563
providing a summary of the report to the review board or review 24564
committee of the county in which the deceased child resided at the 24565
time of death or to the director. On the request of the review 24566
board, review committee, or director, the agency or peace officer 24567
may, at its discretion, make the report available to the review 24568
board, review committee, or director. If the county served by the 24569
public children services agency is also served by a children's 24570
advocacy center and the report of alleged sexual abuse of a child 24571
or another type of abuse of a child is specified in the memorandum 24572
of understanding that creates the center as being within the 24573
center's jurisdiction, the agency or center shall perform the 24574
duties and functions specified in this division in accordance with 24575
the interagency agreement entered into under section 2151.428 of 24576
the Revised Code relative to that advocacy center. 24577

(5) A Not later than five business days after the 24578
determination of a disposition, a public children services agency 24579
shall advise a person alleged to have inflicted abuse or neglect 24580
on a child who is the subject of a report made pursuant to this 24581
section, including a report alleging sexual abuse of a child or 24582
another type of abuse of a child referred to a children's advocacy 24583
center pursuant to an interagency agreement entered into under 24584
section 2151.428 of the Revised Code, in writing of the 24585
disposition of the investigation. The agency shall not provide to 24586
the person any information that identifies the person who made the 24587
report, statements of witnesses, or police or other investigative 24588
reports. The written notice of disposition shall be made in a form 24589

designated by the department of job and family services and shall 24590
inform the person of the right to appeal the disposition in 24591
accordance with rules adopted under division (L)(3) of this 24592
section. 24593

(J) Any report that is required by this section, other than a 24594
report that is made to the state highway patrol as described in 24595
section 5120.173 of the Revised Code, shall result in protective 24596
services and emergency supportive services being made available by 24597
the public children services agency on behalf of the children 24598
about whom the report is made, ~~in an effort to prevent further~~ 24599
~~neglect or abuse, to enhance their welfare, and, whenever~~ 24600
~~possible, to preserve the family unit intact.~~ The agency required 24601
to provide the services shall be the agency conducting the 24602
investigation of the report pursuant to section 2151.422 of the 24603
Revised Code. If a child is determined to be a candidate for 24604
prevention services, the agency also shall make efforts to prevent 24605
neglect or abuse, to enhance a child's welfare, and to preserve 24606
the family unit intact by referring a report for assessment and 24607
provision of services to an agency providing prevention services. 24608

(K)(1) Except as provided in division (K)(4) or (5) of this 24609
section, a person who is required to make a report under division 24610
(A) of this section may make a reasonable number of requests of 24611
the public children services agency that receives or is referred 24612
the report, or of the children's advocacy center that is referred 24613
the report if the report is referred to a children's advocacy 24614
center pursuant to an interagency agreement entered into under 24615
section 2151.428 of the Revised Code, to be provided with the 24616
following information: 24617

(a) Whether the agency or center has initiated an 24618
investigation of the report; 24619

(b) Whether the agency or center is continuing to investigate 24620
the report; 24621

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	24622 24623
(d) The general status of the health and safety of the child who is the subject of the report;	24624 24625
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	24626 24627 24628
(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	24629 24630 24631 24632
(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	24633 24634 24635 24636 24637 24638 24639 24640 24641
(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.	24642 24643 24644 24645 24646 24647 24648 24649 24650 24651
(d) Each request is subject to verification of the identity	24652

of the person making the report. If that person's identity is 24653
verified, the agency shall provide the person with the information 24654
described in division (K)(1) of this section a reasonable number 24655
of times, except that the agency shall not disclose any 24656
confidential information regarding the child who is the subject of 24657
the report other than the information described in those 24658
divisions. 24659

(3) A request made pursuant to division (K)(1) of this 24660
section is not a substitute for any report required to be made 24661
pursuant to division (A) of this section. 24662

(4) If an agency other than the agency that received or was 24663
referred the report is conducting the investigation of the report 24664
pursuant to section 2151.422 of the Revised Code, the agency 24665
conducting the investigation shall comply with the requirements of 24666
division (K) of this section. 24667

(5) A health care professional who made a report under 24668
division (A) of this section, or on whose behalf such a report was 24669
made as provided in division (A)(1)(c) of this section, may 24670
authorize a person to obtain the information described in division 24671
(K)(1) of this section if the person requesting the information is 24672
associated with or acting on behalf of the health care 24673
professional who provided health care services to the child about 24674
whom the report was made. 24675

(6) If the person making the report provides the person's 24676
name and contact information on making the report, the public 24677
children services agency that received or was referred the report 24678
shall send a written notice via United States mail or electronic 24679
mail, in accordance with the person's preference, to the person 24680
not later than seven calendar days after the agency closes the 24681
investigation into the case reported by the person. The notice 24682
shall notify the person that the agency has closed the 24683
investigation. 24684

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after ~~the effective date of this amendment~~ May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(3) Not later than one hundred eighty days after the effective date of this amendment, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement a process for a person who is alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section to appeal the disposition of such a report. The rules shall include all of the following:

(a) A requirement that the agency notify the person who is the alleged perpetrator of child abuse or neglect that:

(i) The person has been identified as an alleged perpetrator of abuse or neglect upon receipt of a good faith report that the agency screened in for investigation.

(ii) The agency has initiated an investigation of that report.

(iii) The person's name will be entered into the statewide automated child welfare information system.

(iv) The person will receive written notification of the

<u>investigation disposition and instructions on how to appeal the</u>	24716
<u>disposition, if the person chooses to do so.</u>	24717
<u>(b) A requirement that the agency provide the person written</u>	24718
<u>notice of the investigation disposition and of the person's right</u>	24719
<u>to appeal the disposition, not later than five days after the</u>	24720
<u>issuance of the disposition;</u>	24721
<u>(c) Procedures to ensure that notifications under divisions</u>	24722
<u>(L)(3)(a) and (L)(3)(b) of this section are successfully provided</u>	24723
<u>to the person;</u>	24724
<u>(d) The method by which an appeal may be made;</u>	24725
<u>(e) A time limit for the person to file an appeal with the</u>	24726
<u>agency;</u>	24727
<u>(f) A time limit for the agency to respond to a request for</u>	24728
<u>an appeal and issue a decision;</u>	24729
<u>(g) Sanctions that may be applied against an agency for</u>	24730
<u>failing to take action within the required time limits.</u>	24731
<u>(4) Notwithstanding any provision of section 121.95 of the</u>	24732
<u>Revised Code to the contrary, a regulatory restriction contained</u>	24733
<u>in a rule adopted under division (L)(3) of this section is not</u>	24734
<u>subject to sections 121.95 to 121.953 of the Revised Code.</u>	24735
(M) Whoever violates division (A) of this section is liable	24736
for compensatory and exemplary damages to the child who would have	24737
been the subject of the report that was not made. A person who	24738
brings a civil action or proceeding pursuant to this division	24739
against a person who is alleged to have violated division (A)(1)	24740
of this section may use in the action or proceeding reports of	24741
other incidents of known or suspected abuse or neglect, provided	24742
that any information in a report that would identify the child who	24743
is the subject of the report or the maker of the report, if the	24744
maker is not the defendant or an agent or employee of the	24745

defendant, has been redacted. 24746

(N)(1) As used in this division: 24747

(a) "Out-of-home care" includes a nonchartered nonpublic 24748
school if the alleged child abuse or child neglect, or alleged 24749
threat of child abuse or child neglect, described in a report 24750
received by a public children services agency allegedly occurred 24751
in or involved the nonchartered nonpublic school and the alleged 24752
perpetrator named in the report holds a certificate, permit, or 24753
license issued by the state board of education under section 24754
3301.071 or Chapter 3319. of the Revised Code. 24755

(b) "Administrator, director, or other chief administrative 24756
officer" means the superintendent of the school district if the 24757
out-of-home care entity subject to a report made pursuant to this 24758
section is a school operated by the district. 24759

(2) No later than the end of the day following the day on 24760
which a public children services agency receives a report of 24761
alleged child abuse or child neglect, or a report of an alleged 24762
threat of child abuse or child neglect, that allegedly occurred in 24763
or involved an out-of-home care entity, the agency shall provide 24764
written notice of the allegations contained in and the person 24765
named as the alleged perpetrator in the report to the 24766
administrator, director, or other chief administrative officer of 24767
the out-of-home care entity that is the subject of the report 24768
unless the administrator, director, or other chief administrative 24769
officer is named as an alleged perpetrator in the report. If the 24770
administrator, director, or other chief administrative officer of 24771
an out-of-home care entity is named as an alleged perpetrator in a 24772
report of alleged child abuse or child neglect, or a report of an 24773
alleged threat of child abuse or child neglect, that allegedly 24774
occurred in or involved the out-of-home care entity, the agency 24775
shall provide the written notice to the owner or governing board 24776
of the out-of-home care entity that is the subject of the report. 24777

The agency shall not provide witness statements or police or other 24778
investigative reports. 24779

(3) No later than three days after the day on which a public 24780
children services agency that conducted the investigation as 24781
determined pursuant to section 2151.422 of the Revised Code makes 24782
a disposition of an investigation involving a report of alleged 24783
child abuse or child neglect, or a report of an alleged threat of 24784
child abuse or child neglect, that allegedly occurred in or 24785
involved an out-of-home care entity, the agency shall send written 24786
notice of the disposition of the investigation to the 24787
administrator, director, or other chief administrative officer and 24788
the owner or governing board of the out-of-home care entity. The 24789
agency shall not provide witness statements or police or other 24790
investigative reports. 24791

(0) As used in this section: 24792

(1) "Children's advocacy center" and "sexual abuse of a 24793
child" have the same meanings as in section 2151.425 of the 24794
Revised Code. 24795

(2) "Health care professional" means an individual who 24796
provides health-related services including a physician, hospital 24797
intern or resident, dentist, podiatrist, registered nurse, 24798
licensed practical nurse, visiting nurse, licensed psychologist, 24799
speech pathologist, audiologist, person engaged in social work or 24800
the practice of professional counseling, and employee of a home 24801
health agency. "Health care professional" does not include a 24802
practitioner of a limited branch of medicine as specified in 24803
section 4731.15 of the Revised Code, licensed school psychologist, 24804
independent marriage and family therapist or marriage and family 24805
therapist, or coroner. 24806

(3) "Investigation" means the public children services 24807
agency's response to an accepted report of child abuse or neglect 24808

through either an alternative response or a traditional response. 24809

(4) "Peace officer" means a sheriff, deputy sheriff, 24810
constable, police officer of a township or joint police district, 24811
marshal, deputy marshal, municipal police officer, or a state 24812
highway patrol trooper. 24813

Sec. 2151.423. A public children services agency shall 24814
disclose confidential information discovered during an 24815
investigation conducted pursuant to section 2151.421 or 2151.422 24816
of the Revised Code to any federal, state, or local government 24817
entity, including any appropriate military authority or any agency 24818
providing prevention services to the child, that needs the 24819
information to carry out its responsibilities to protect children 24820
from abuse or neglect. 24821

Information disclosed pursuant to this section is 24822
confidential and is not subject to disclosure pursuant to section 24823
149.43 or 1347.08 of the Revised Code by the agency to whom the 24824
information was disclosed. The agency receiving the information 24825
shall maintain the confidentiality of information disclosed 24826
pursuant to this section. 24827

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 24828
entity that appoints or employs any person responsible for a 24829
child's care in out-of-home care shall request the superintendent 24830
of BCII to conduct a criminal records check with respect to any 24831
person who is under final consideration for appointment or 24832
employment as a person responsible for a child's care in 24833
out-of-home care. The request shall be made at the time of initial 24834
application for appointment or employment and every four years 24835
thereafter. If the out-of-home care entity is a public school, 24836
educational service center, or chartered nonpublic school, then 24837
section 3319.39 of the Revised Code ~~shall apply~~ applies instead. 24838

If the out-of-home care entity is a child day-care center, type A 24839
family day-care home, type B family day-care home, certified 24840
in-home aide, or child day camp, then section 5104.013 of the 24841
Revised Code ~~shall apply~~ applies instead. If the out-of-home care 24842
entity is an association or institution, including an agency that 24843
arranges adoptions, then sections 5103.25 to 5103.259 of the 24844
Revised Code apply instead. 24845

(2) At the times specified in this division, the 24846
~~administrative director of an agency, or attorney,~~ who arranges an 24847
adoption for a prospective adoptive parent shall request the 24848
superintendent of BCII to conduct a criminal records check with 24849
respect to that prospective adoptive parent and a criminal records 24850
check with respect to all persons eighteen years of age or older 24851
who reside with the prospective adoptive parent. The 24852
~~administrative director or attorney~~ shall request a criminal 24853
records check pursuant to this division at the time of the initial 24854
home study, every ~~four~~ five years after the initial home study ~~at~~ 24855
~~the time of an update,~~ and at the time that an adoptive home study 24856
is completed as a new home study. 24857

~~(3) Before a recommending agency submits a recommendation to~~ 24858
~~the department of job and family services on whether the~~ 24859
~~department should issue a certificate to a foster home under~~ 24860
~~section 5103.03 of the Revised Code, and every four years~~ 24861
~~thereafter prior to a recertification under that section, the~~ 24862
~~administrative director of the agency shall request that the~~ 24863
~~superintendent of BCII conduct a criminal records check with~~ 24864
~~respect to the prospective foster caregiver and a criminal records~~ 24865
~~check with respect to all other persons eighteen years of age or~~ 24866
~~older who reside with the foster caregiver.~~ 24867

(B)(1) When the appointing or hiring officer requests, at the 24868
time of initial application for appointment or employment, a 24869
criminal records check for a person subject to division (A)(1) of 24870

this section, the officer shall request that the superintendent of 24871
BCII obtain information from the federal bureau of investigation 24872
as part of the criminal records check, including fingerprint-based 24873
checks of national crime information databases as described in 42 24874
U.S.C. 671, for the person subject to the criminal records check. 24875
In all other cases in which the appointing or hiring officer 24876
requests a criminal records check for a person pursuant to 24877
division (A)(1) of this section, the officer may request that the 24878
superintendent of BCII obtain information from the federal bureau 24879
of investigation as part of the criminal records check, including 24880
fingerprint-based checks of national crime information databases 24881
as described in 42 U.S.C. 671, for the person subject to the 24882
criminal records check. 24883

(2) When the ~~administrative director of an agency, or~~ 24884
attorney, who arranges an adoption for a prospective adoptive 24885
parent requests, at the time of the initial home study, a criminal 24886
records check for a person pursuant to division (A)(2) of this 24887
section, the ~~administrative director or~~ attorney shall request 24888
that the superintendent of BCII obtain information from the 24889
federal bureau of investigation as part of the criminal records 24890
check, including fingerprint-based checks of national crime 24891
information databases as described in 42 U.S.C. 671, for the 24892
person subject to the criminal records check. In all other cases 24893
in which the ~~administrative director of an agency, or~~ attorney, 24894
who arranges an adoption for a prospective adoptive parent 24895
requests a criminal records check for a person pursuant to 24896
division (A)(2) of this section, the ~~administrative director or~~ 24897
attorney may request that the superintendent of BCII include 24898
information from the federal bureau of investigation in the 24899
criminal records check, including fingerprint-based checks of 24900
national crime information databases as described in 42 U.S.C. 24901
671. 24902

~~When the administrative director of a recommending agency requests, before submitting a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.~~

(3) Prior to a hearing on a final decree of adoption or interlocutory order of adoption by a probate court, the ~~administrative director of an agency, or an attorney,~~ who arranges an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form

or failed to provide impressions of the person's fingerprints as 24935
required under division (B)(2) of this section. 24936

~~(2)(C)(1)~~ An appointing or hiring officer, ~~administrative~~ 24937
~~director~~, or attorney required by division (A) of this section to 24938
request a criminal records check shall provide to each person 24939
subject to a criminal records check a copy of the form prescribed 24940
pursuant to division (C)(1) of section 109.572 of the Revised Code 24941
and a standard impression sheet to obtain fingerprint impressions 24942
prescribed pursuant to division (C)(2) of section 109.572 of the 24943
Revised Code, obtain the completed form and impression sheet from 24944
the person, and forward the completed form and impression sheet to 24945
the superintendent of BCII at the time the criminal records check 24946
is requested. 24947

(2) Any person subject to a criminal records check who 24948
receives pursuant to this division a copy of the form prescribed 24949
pursuant to division (C)(1) of section 109.572 of the Revised Code 24950
and a copy of an impression sheet prescribed pursuant to division 24951
(C)(2) of that section and who is requested to complete the form 24952
and provide a set of fingerprint impressions shall complete the 24953
form or provide all the information necessary to complete the form 24954
and shall provide the impression sheet with the impressions of the 24955
person's fingerprints. If a person subject to a criminal records 24956
check, upon request, fails to provide the information necessary to 24957
complete the form or fails to provide impressions of the person's 24958
fingerprints, the appointing or hiring officer shall not appoint 24959
or employ the person as a person responsible for a child's care in 24960
out-of-home care, and a probate court may not issue a final decree 24961
of adoption or an interlocutory order of adoption making the 24962
person an adoptive parent, ~~and the department of job and family~~ 24963
~~services shall not issue a certificate authorizing the prospective~~ 24964
~~foster caregiver to operate a foster home.~~ 24965

~~(C)(1)(D)~~ No appointing or hiring officer shall appoint or 24966

employ a person as a person responsible for a child's care in 24967
out-of-home care, ~~the department of job and family services shall~~ 24968
~~not issue a certificate under section 5103.03 of the Revised Code~~ 24969
~~authorizing a prospective foster caregiver to operate a foster~~ 24970
~~home,~~ and no probate court shall issue a final decree of adoption 24971
or an interlocutory order of adoption making a person an adoptive 24972
parent if the person or, in the case of a ~~prospective foster~~ 24973
~~caregiver or~~ prospective adoptive parent, any person eighteen 24974
years of age or older who resides with the ~~prospective foster~~ 24975
~~caregiver or~~ prospective adoptive parent, previously has been 24976
convicted of or pleaded guilty to any of the violations described 24977
in division (A)(4) of section 109.572 of the Revised Code, unless 24978
the person meets rehabilitation standards established in rules 24979
adopted under division (F) of this section. 24980

~~(2) Prior to certification or recertification under section~~ 24981
~~5103.03 of the Revised Code, the prospective foster caregiver~~ 24982
~~subject to a criminal records check under division (A)(3) of this~~ 24983
~~section shall notify the recommending agency of the revocation of~~ 24984
~~any foster home license, certificate, or other similar~~ 24985
~~authorization in another state occurring within the five years~~ 24986
~~prior to the date of application to become a foster caregiver in~~ 24987
~~this state. The failure of a prospective foster caregiver to~~ 24988
~~notify the recommending agency of any revocation of that type in~~ 24989
~~another state that occurred within that five year period shall be~~ 24990
~~grounds for denial of the person's foster home application or the~~ 24991
~~revocation of the person's foster home certification, whichever is~~ 24992
~~applicable. If a person has had a revocation in another state~~ 24993
~~within the five years prior to the date of the application, the~~ 24994
~~department of job and family services shall not issue a foster~~ 24995
~~home certificate to the prospective foster caregiver.~~ 24996

~~(D)(E)~~ The appointing or hiring officer, ~~administrative~~ 24997
~~director,~~ or attorney shall pay to the bureau of criminal 24998

identification and investigation the fee prescribed pursuant to 24999
division (C)(3) of section 109.572 of the Revised Code for each 25000
criminal records check conducted in accordance with that section 25001
upon a request pursuant to division (A) of this section. The 25002
officer,~~director~~, or attorney may charge the person subject to 25003
the criminal records check a fee for the costs the officer, ~~25004
director~~, or attorney incurs in obtaining the criminal records 25005
check. A fee charged under this division shall not exceed the 25006
amount of fees the officer,~~director~~, or attorney pays for the 25007
criminal records check. If a fee is charged under this division, 25008
the officer,~~director~~, or attorney shall notify the person who is 25009
the applicant at the time of the person's initial application for 25010
appointment or employment, or an adoption to be arranged, ~~or a~~ 25011
~~certificate to operate a foster home~~ of the amount of the fee and 25012
that, unless the fee is paid, the person who is the applicant will 25013
not be considered for appointment or employment or as an adoptive 25014
parent ~~or foster caregiver~~. 25015

~~(E)~~(F) The report of any criminal records check conducted by 25016
the bureau of criminal identification and investigation in 25017
accordance with section 109.572 of the Revised Code and pursuant 25018
to a request made under division (A) of this section is not a 25019
public record for the purposes of section 149.43 of the Revised 25020
Code and shall not be made available to any person other than the 25021
following: 25022

(1) The person who is the subject of the criminal records 25023
check or the person's representative; 25024

(2) The appointing or hiring officer,~~administrative~~ 25025
~~director~~, or attorney requesting the criminal records check or the 25026
officer's,~~director's~~, or attorney's representative; 25027

(3) The department of job and family services, a county 25028
department of job and family services, or a public children 25029
services agency; 25030

(4) Any court, hearing officer, or other necessary individual 25031
involved in a case dealing with the denial of employment, or a 25032
final decree of adoption or interlocutory order of adoption, ~~or a~~ 25033
~~foster home certificate.~~ 25034

~~(F)~~(G) The director of job and family services shall adopt 25035
rules in accordance with Chapter 119. of the Revised Code to 25036
implement this section. The rules shall include rehabilitation 25037
standards a person who has been convicted of or pleaded guilty to 25038
an offense listed in division (A)(4) of section 109.572 of the 25039
Revised Code must meet for an appointing or hiring officer to 25040
appoint or employ the person as a person responsible for a child's 25041
care in out-of-home care, or a probate court to issue a final 25042
decree of adoption or interlocutory order of adoption making the 25043
person an adoptive parent, ~~or the department to issue a~~ 25044
~~certificate authorizing the prospective foster caregiver to~~ 25045
~~operate a foster home or not revoke a foster home certificate for~~ 25046
~~a violation specified in section 5103.0328 of the Revised Code.~~ 25047

~~(G)~~(H) An appointing or hiring officer, ~~administrative~~ 25048
~~director,~~ or attorney required by division (A) of this section to 25049
request a criminal records check shall inform each person who is 25050
the applicant, at the time of the person's initial application for 25051
appointment or employment, or for an adoption to be arranged, ~~or a~~ 25052
~~foster home certificate,~~ that the person subject to the criminal 25053
records check is required to provide a set of impressions of the 25054
person's fingerprints and that a criminal records check is 25055
required to be conducted and satisfactorily completed in 25056
accordance with section 109.572 of the Revised Code. 25057

~~(H)~~(I) As used in this section: 25058

(1) "Association" or "institution" have the same meanings as 25059
in section 5103.02 of the Revised Code. 25060

(2) "Children's hospital" means any of the following: 25061

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

~~(2)~~(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

~~(3)~~(4) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective or current employee of an association or institution, a child daycare center, type A family day-care home, licensed type B family day-care home, day camp, school district, community school, chartered nonpublic school, educational service center, the department of youth services, a prospective or current foster caregiver, a prospective or current adoptive parent working with an agency that arranges adoptions, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

~~(4)~~(5) "Person subject to a criminal records check" means the

following:	25093
(a) A person who is under final consideration for appointment	25094
or employment as a person responsible for a child's care in	25095
out-of-home care;	25096
(b) A prospective or current adoptive parent <u>working with an</u>	25097
<u>attorney who arranges adoptions;</u>	25098
(c) A prospective or current foster caregiver;	25099
(d) A person eighteen years old or older who resides with a	25100
prospective or current foster caregiver or a prospective or	25101
current adoptive parent <u>who is working with an attorney who</u>	25102
<u>arranges adoptions.</u>	25103
(5) <u>(6)</u> "Recommending agency" means a public children services	25104
agency, private child placing agency, or private noncustodial	25105
agency to which the department of job and family services has	25106
delegated a duty to inspect and approve foster homes.	25107
(6) <u>(7)</u> "Superintendent of BCII" means the superintendent of	25108
the bureau of criminal identification and investigation.	25109
Sec. 2301.51. (A)(1) Any county that has a population of two	25110
hundred thousand or more is eligible to formulate a	25111
community-based correctional proposal pursuant to this section <u>and</u>	25112
<u>Chapter 342. of the Revised Code,</u> that, upon implementation, would	25113
provide a community-based correctional facility and program for	25114
the use of that county's court of common pleas in accordance with	25115
sections 2301.51 to 2301.58 of the Revised Code. Any county that	25116
has a population of two hundred thousand or more is eligible to	25117
formulate more than one community-based correctional proposal	25118
pursuant to this section upon approval of the director of	25119
rehabilitation and correction. In determining whether to grant	25120
approval to formulate more than one proposal, the director shall	25121
consider the rate at which the county commits felony offenders to	25122

the state correctional system. If a county formulates more than 25123
one proposal, each proposal shall be for a separate 25124
community-based correctional facility and program. 25125

(2) Two or more adjoining or neighboring counties that have 25126
an aggregate population of two hundred thousand or more are 25127
eligible to formulate a district community-based correctional 25128
proposal pursuant to this section that, upon implementation, would 25129
provide a district community-based correctional facility and 25130
program for the use of those counties' courts of common pleas in 25131
accordance with sections 2301.51 to 2301.58 of the Revised Code. 25132
Two or more adjoining or neighboring counties that have an 25133
aggregate population of two hundred thousand or more are eligible 25134
to formulate more than one district community-based correctional 25135
proposal upon approval of the director of rehabilitation and 25136
correction. In determining whether to grant approval for more than 25137
one proposal, the director shall consider the rate at which the 25138
counties commit felony offenders to the state correctional system. 25139
If two or more adjoining or neighboring counties formulate more 25140
than one proposal, each proposal shall be for a separate district 25141
community-based correctional facility and program. 25142

(3)(a) The formulation of a proposal for a community-based 25143
correctional facility or a district community-based correctional 25144
facility shall begin by the establishment of a judicial advisory 25145
board by judgment entry. The judicial advisory board shall consist 25146
of not less than three judges. Each general division judge of the 25147
court of common pleas in the county or counties wishing to 25148
formulate a proposal or to continue operation of an existing 25149
facility is eligible to become a member of the judicial advisory 25150
board but is not required to do so. In addition, a judicial 25151
advisory board may invite a ~~non-general~~ nongeneral division judge 25152
of a court of common pleas from within the county or counties 25153
proposing the creation of a community-based correctional facility 25154

or district community-based correctional facility or a general 25155
division judge of a court of common pleas from outside the county 25156
or counties proposing the creation of a community-based 25157
correctional facility or district community-based correctional 25158
facility who regularly sends offenders to its facility to become a 25159
member of that judicial advisory board. 25160

(b) A judge shall not receive any additional compensation for 25161
service on a judicial advisory board, but a judge may be 25162
reimbursed for reasonable and necessary expenses incurred as a 25163
result of service on the board. Service of a judge on a judicial 25164
advisory board pursuant to this section is a judicial function. 25165

(c) There shall be a facility governing board for each 25166
community-based correctional facility and program or district 25167
community-based correctional facility and program, whose members 25168
shall be appointed in accordance with division (E) of this 25169
section. 25170

The judicial advisory board shall meet at least once a year 25171
to provide advice to the facility governing board regarding the 25172
public safety needs of the community, admission criteria for any 25173
community-based correctional facility and program or district 25174
community-based correctional facility and program, and the general 25175
requirements of the community-based correctional facility and 25176
program or district community-based correctional facility and 25177
program. The judicial advisory board may meet as often as 25178
considered necessary by its members, may communicate directly with 25179
the division of parole and community services of the department of 25180
rehabilitation and correction, and may provide advice to the 25181
facility governing board specifically regarding the agreement 25182
entered into between the facility governing board and the division 25183
of parole and community services pursuant to section 5120.112 of 25184
the Revised Code. 25185

(4) A facility governing board shall formulate the proposal 25186

for a community-based correctional facility and program or 25187
district community-based correctional facility and program and 25188
shall govern the facility. 25189

(5) Chapter 2744. of the Revised Code applies to the county 25190
or counties served by a community-based correctional facility and 25191
program or district community-based correctional facility and 25192
program established and operated under sections 2301.51 to 2301.58 25193
of the Revised Code, to the community-based correctional facility 25194
and program or district community-based correctional facility and 25195
program so established and operated, and to the facility governing 25196
board of the community-based correctional facility and program or 25197
district community-based correctional facility and program so 25198
established and operated. 25199

(6) The members of the judicial advisory board and of the 25200
facility governing board of a community-based correctional 25201
facility and program or district community-based correctional 25202
facility and program established and operated under sections 25203
2301.51 to 2301.58 of the Revised Code shall be considered to be 25204
public officials or employees for purposes of Chapter 102. of the 25205
Revised Code and public officials or public servants for purposes 25206
of sections 2921.42 and 2921.43 of the Revised Code. 25207

(7) Each member of a facility governing board of a 25208
community-based correctional facility and program or district 25209
community-based correctional facility and program established and 25210
operated under sections 2301.51 to 2301.58 of the Revised Code 25211
shall attend orientation training developed by the judicial 25212
advisory board of the community-based correctional facility and 25213
program or district community-based correctional facility and 25214
program, as well as annual ethics training developed by the 25215
judicial advisory board in consultation with the Ohio ethics 25216
commission or provided by the Ohio ethics commission. 25217

(8) A community-based correctional facility and program or a 25218

district community-based correctional facility and program 25219
established by a judicial corrections board under a prior version 25220
of this section shall continue to exist under its existing 25221
contractual arrangements but, on and after ~~the effective date of~~ 25222
~~this amendment~~ October 12, 2006, shall be governed by a facility 25223
governing board and advised by a judicial advisory board created 25224
according to this section. Appointments to the facility governing 25225
board shall be made in accordance with the appointment procedure 25226
set forth in division (E) of this section. The judicial advisory 25227
board and the board or boards of county commissioners of the 25228
member counties shall make their respective appointments within 25229
thirty days after ~~the effective date of this amendment~~ October 12, 25230
2006. 25231

(B)(1) Each proposal for the establishment of a 25232
community-based correctional facility and program or district 25233
community-based correctional facility and program that is 25234
formulated pursuant to division (A) of this section shall be 25235
submitted by the facility governing board to the division of 25236
parole and community services for its approval under section 25237
5120.10 of the Revised Code. 25238

(2) No person shall be sentenced to or placed in a 25239
community-based correctional facility and program or to a district 25240
community-based correctional facility and program by a court 25241
pursuant to section 2929.16 or 2929.17 of the Revised Code or by 25242
the parole board pursuant to section 2967.28 of the Revised Code, 25243
or otherwise committed or admitted to a facility and program of 25244
that type until after the proposal for the establishment of the 25245
facility and program has been approved by the division of parole 25246
and community services under section 5120.10 of the Revised Code. 25247
A person shall be sentenced to a facility and program of that type 25248
only pursuant to a sanction imposed by a court pursuant to section 25249
2929.16 or 2929.17 of the Revised Code as the sentence or as any 25250

part of the sentence of the person or otherwise shall be committed 25251
or referred to a facility and program of that type only when 25252
authorized by law. 25253

(C) Upon the approval by the division of parole and community 25254
services of a proposal for the establishment of a community-based 25255
correctional facility and program or district community-based 25256
correctional facility and program submitted to it under division 25257
(B) of this section, the facility governing board that submitted 25258
the proposal may establish and operate the facility and program 25259
addressed by the proposal in accordance with the approved proposal 25260
and division (B)(2) of this section. The facility governing board 25261
may submit a request for funding of some or all of its 25262
community-based correctional facilities and programs or district 25263
community-based correctional facilities and programs to the board 25264
of county commissioners of the county, if the facility governing 25265
board serves a community-based correctional facility and program, 25266
or to the boards of county commissioners of all of the member 25267
counties, if the facility governing board serves a district 25268
community-based correctional facility and program. The board or 25269
boards may appropriate, but are not required to appropriate, a sum 25270
of money for funding all aspects of each facility and program as 25271
outlined in sections 2301.51 to 2301.58 of the Revised Code. The 25272
facility governing board has no recourse against a board or boards 25273
of county commissioners if the board or boards of county 25274
commissioners do not appropriate money for funding any facility 25275
and program or if they appropriate money for funding a facility 25276
and program in an amount less than the total amount of the 25277
submitted request for funding. 25278

(D)(1) If a court of common pleas that is being served by a 25279
community-based correctional facility and program established 25280
pursuant to division (C) of this section determines that it no 25281
longer wants to be served by the facility and program, the 25282

facility governing board, upon the advice of the judicial advisory 25283
board, may dissolve the facility and program by notifying, in 25284
writing, the division of parole and community services of the 25285
determination to dissolve the facility and program. If the court 25286
is served by more than one community-based correctional facility 25287
and program, the facility governing board, upon the advice of the 25288
judicial advisory board, may dissolve some or all of the 25289
facilities and programs and, if it does not dissolve all of the 25290
facilities and programs, the facility governing board shall 25291
continue the operation of the remaining facilities and programs. 25292

(2) If all of the courts of common pleas being served by any 25293
district community-based correctional facility and program 25294
established pursuant to division (C) of this section determine 25295
that they no longer want to be served by the facility and program, 25296
the facility governing board, upon the advice of the judicial 25297
advisory board, may dissolve the facility and program by 25298
notifying, in writing, the division of parole and community 25299
services of the determination to dissolve the facility and 25300
program. If the courts are served by more than one district 25301
community-based correctional facility and program, the facility 25302
governing board, upon the advice of the judicial advisory board, 25303
may dissolve some or all of the facilities and programs, and, if 25304
it does not dissolve all of the facilities and programs, it shall 25305
continue the operation of the remaining facilities and programs. 25306

(3) If at least one, but not all, of the courts of common 25307
pleas being served by one or more district community-based 25308
correctional facilities and programs established pursuant to 25309
division (C) of this section determines that it no longer wants to 25310
be served by the facilities and programs, the court may terminate 25311
its involvement with each of the facilities and programs by 25312
entering upon the journal of the court the fact of the 25313
determination to terminate its involvement with the facilities and 25314

programs and by the court notifying, in writing, the division of 25315
parole and community services of the determination to terminate 25316
its involvement with the facilities and programs. 25317

If at least one, but not all, of the courts of common pleas 25318
being served by one or more district community-based correctional 25319
facilities and programs terminates its involvement with each of 25320
the facilities and programs in accordance with this division, the 25321
other courts of common pleas being served by the facilities and 25322
programs may continue to be served by each of the facilities and 25323
programs. A court may use a facility and program by remaining as a 25324
member county of the district community-based correctional 25325
facility and program or by making a written service agreement with 25326
the facility governing board without remaining as a member county. 25327

(E) A facility governing board of a community-based 25328
correctional facility and program shall consist of at least six 25329
members, each member serving a three-year term. A facility 25330
governing board of a district community-based correctional 25331
facility and program shall consist of at least six members, each 25332
member serving a three-year term, except that not more than 25333
one-half of the members shall be from any one county. 25334

The judicial advisory board shall appoint two-thirds of the 25335
members, and the board or boards of county commissioners of the 25336
member counties shall appoint the remaining one-third, or portion 25337
thereof, of the members. Of the initial appointments, one-third of 25338
the members shall be appointed for a one-year term, one-third of 25339
the members shall be appointed for a two-year term, and the 25340
remaining one-third or portion thereof of the members shall be 25341
appointed for a three-year term. Thereafter, terms of persons 25342
appointed to the facility governing board shall be for a 25343
three-year term, with each term ending on the same day of the same 25344
month of the year as did the term it succeeds. 25345

(F) Any member of a facility governing board may be 25346

reappointed to serve additional terms. Vacancies on the board 25347
shall be filled in the same manner as provided for original 25348
appointments. Any member of the board who is appointed to fill a 25349
vacancy occurring before the expiration of the term for which the 25350
member's predecessor was appointed shall hold office for the 25351
remainder of the predecessor's term. Members of the board shall 25352
not receive compensation for their services but may be reimbursed 25353
for reasonable and necessary expenses incurred as a result of 25354
service on the board. 25355

(G) Nothing in this section, sections 2301.52 to 2301.58, or 25356
section 5120.10, 5120.111, or 5120.122 of the Revised Code 25357
modifies or affects or shall be interpreted as modifying or 25358
affecting sections 5149.30 to 5149.37 of the Revised Code. 25359

Sec. 2303.081. (A) Pleadings or documents may be filed with 25360
the clerk of court either in paper format or in electronic format. 25361

(B)(1) The clerk shall determine whether the filing of 25362
pleadings or documents in electronic format may be accomplished 25363
either by electronic mail or through the use of an online 25364
platform. 25365

(2) The fee for filing pleadings or documents in electronic 25366
format may be paid after the filing. The clerk shall not require 25367
that any fee for the filing of pleadings or documents in 25368
electronic format be paid before the filing, unless the clerk has 25369
provided for an electronic payment system for such filing. 25370

(3) The clerk shall not require a fee for the filing of 25371
pleadings or documents in electronic format that is greater than 25372
the applicable fee for the filing of pleadings or documents in 25373
paper format. 25374

(4) Divisions (B)(1), (2), and (3) of this section do not 25375
apply to the filing of pleadings or documents in a probate court 25376

or juvenile court. 25377

(C) Pleadings and documents filed in paper format may be 25378
converted to an electronic format. Documents created by the clerk 25379
of court in the exercise of the clerk's duties may be created in 25380
an electronic format. 25381

~~(B)~~(D) When pleadings or documents are received or created 25382
in, or converted to, an electronic format as provided in ~~division~~ 25383
~~(A)~~ of this section, the pleadings or documents in that format 25384
shall be considered the official version of the record. 25385

Sec. 2307.22. (A) Subject to sections 2307.23 and 2307.24 and 25386
except as provided in division (B) of section 2307.70, ~~division~~ 25387
~~(B)~~ divisions (C)(2) and (3) of section 4507.07, section 4399.02, 25388
or another section of the Revised Code that expressly establishes 25389
joint and several tort liability for specified persons, joint and 25390
several tort liability shall be determined as follows: 25391

(1) In a tort action in which the trier of fact determines 25392
that two or more persons proximately caused the same injury or 25393
loss to person or property or the same wrongful death and in which 25394
the trier of fact determines that more than fifty per cent of the 25395
tortious conduct is attributable to one defendant, that defendant 25396
shall be jointly and severally liable in tort for all compensatory 25397
damages that represent economic loss. 25398

(2) If division (A)(1) of this section is applicable, each 25399
defendant who is determined by the trier of fact to be legally 25400
responsible for the same injury or loss to person or property or 25401
the same wrongful death and to whom fifty per cent or less of the 25402
tortious conduct is attributable shall be liable to the plaintiff 25403
only for that defendant's proportionate share of the compensatory 25404
damages that represent economic loss. The proportionate share of a 25405
defendant shall be calculated by multiplying the total amount of 25406
the economic damages awarded to the plaintiff by the percentage of 25407

tortious conduct as determined pursuant to section 2307.23 of the Revised Code that is attributable to that defendant.

(3) In a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which the trier of fact determines that fifty per cent or less of the tortious conduct is attributable to any defendant against whom an intentional tort claim has been alleged and established, that defendant shall be jointly and severally liable in tort for all compensatory damages that represent economic loss.

(4) If division (A)(3) of this section is applicable, each defendant against whom an intentional tort claim has not been alleged and established, who is determined by the trier of fact to be legally responsible for the same injury or loss to person or property or the same wrongful death, and to whom fifty per cent or less of the tortious conduct is attributable shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss. The proportionate share of a defendant shall be calculated by multiplying the total amount of the economic damages awarded to the plaintiff by the percentage of tortious conduct as determined pursuant to section 2307.23 of the Revised Code that is attributable to that defendant.

(B) Except as otherwise provided in divisions (A)(3) and (4) of this section, in a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which the trier of fact determines that fifty per cent or less of the tortious conduct is attributable to each defendant, each defendant shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss. The proportionate share of a defendant

shall be calculated by multiplying the total amount of the 25440
economic damages awarded to the plaintiff by the percentage of 25441
tortious conduct as determined pursuant to section 2307.23 of the 25442
Revised Code that is attributable to that defendant. 25443

(C) In a tort action in which the trier of fact determines 25444
that two or more persons proximately caused the same injury or 25445
loss to person or property or the same wrongful death, each 25446
defendant who is determined by the trier of fact to be legally 25447
responsible for the same injury or loss to person or property or 25448
for the same wrongful death shall be liable to the plaintiff only 25449
for that defendant's proportionate share of the compensatory 25450
damages that represent noneconomic loss. The proportionate share 25451
of a defendant shall be calculated by multiplying the total amount 25452
of the noneconomic damages awarded to the plaintiff by the 25453
percentage of tortious conduct as determined pursuant to section 25454
2307.23 of the Revised Code that is attributable to that 25455
defendant. 25456

(D) Sections 2307.25 to 2307.29 of the Revised Code shall 25457
apply to joint and several tort liability that is described in 25458
division (A) of this section. 25459

Sec. 2307.781. (A) As used in this section: 25460

(1) "Liquefied petroleum gas" means a material with a vapor 25461
pressure not exceeding that of commercial propane composed 25462
predominately of the following hydrocarbons or mixtures: 25463

(a) Propane; 25464

(b) Propylene; 25465

(c) Butane; 25466

(d) Butylene. 25467

(2) "Liquefied petroleum gas equipment" means a liquefied 25468
petroleum gas appliance, or any equipment, tank, pipe, regulator, 25469

control, valve, fitting, or other equipment or device intended to 25470
be used in connection with or to supply liquefied petroleum gas to 25471
one or more liquefied petroleum gas appliances. 25472

(3) "Liquefied petroleum gas supplier" means either of the 25473
following: 25474

(a) A person that, in the course of a business conducted for 25475
that purpose, sells, distributes leases, prepares, blends, 25476
packages, labels, or otherwise participates in the placing of 25477
liquefied petroleum gas in the stream of commerce at retail; 25478

(b) A person that, in the course of a business conducted for 25479
that purpose, installs, repairs, or maintains any aspect of 25480
liquefied petroleum gas equipment that allegedly causes harm. 25481

(4) "Use of liquefied petroleum gas" means the distribution, 25482
delivery, sale, or use of liquefied petroleum gas, as well as the 25483
distribution, sale, installation, modification, inspection, or 25484
repair of liquefied petroleum gas equipment. 25485

(B) A liquefied petroleum gas supplier is not subject to 25486
liability for compensatory damages or punitive or exemplary 25487
damages based on a product liability claim that results from the 25488
installation, modification, repair, or servicing of liquefied 25489
petroleum gas equipment by a person other than the liquefied 25490
petroleum gas supplier, unless the liquefied petroleum gas 25491
supplier had received written notification or other actual 25492
knowledge of such installation, modification, repair, or servicing 25493
at least thirty days before the installation, modification, 25494
repair, or servicing occurred. 25495

(C) A liquefied petroleum gas supplier is not subject to 25496
liability for compensatory damages or punitive or exemplary 25497
damages based on a product liability claim that results from the 25498
use or operation of liquefied petroleum gas equipment in a manner 25499
or for a purpose other than that for which it was intended. 25500

(D) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, who is not certified or licensed to install, modify, repair, or service that equipment.

(E) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, that did not conform to the warning or instruction of the manufacturer of the liquefied petroleum gas equipment.

(F) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use of liquefied petroleum gas if the actions of the liquefied petroleum gas supplier in connection with that use complied with requirements set forth in the Chapters 4101. and 3737. of the Revised Code and Chapters 901:4-3 and 901:6-2, and rules 1301:7-7-01, 1301:7-7-02, 1301:7-7-09, 1301:7-7-23, 1301:7-7-31, 1301:7-7-33, 1301:7-7-39, 1301:7-7-57, 1301:7-7-58, 1301:7-7-61, 1301-7-7-80, 4101:1-4-01, 4101:1-35-01, 4101:2-2-01, 4101-1:2-15-01, 4101:8-2-01, 4101:8-24-01, 4101:8-44-01, 4123:1-3-16, 4123:1-5-13, and 4501:52-03 of the Administrative Code.

(G) Divisions (B), (C), (D), (E), and (F) of this section do not apply if the product liability claim was caused in whole or in part by intentional misconduct by the liquefied petroleum gas supplier.

(H) A user of liquefied petroleum gas is presumed to be aware of the inherent dangerous characteristics of liquefied petroleum gas. A liquefied petroleum gas supplier is not required to provide a warning regarding liquefied petroleum gas except as specified in the Revised Code or Administrative Code.

(I) As a matter of public policy, the general assembly finds that liquefied petroleum gas, without modification, is not a defective product.

Sec. 2913.46. (A)(1) As used in this section: 25541

(a) "Electronically transferred benefit" means the transfer of supplemental nutrition assistance program benefits or WIC program benefits through the use of an access device. 25542
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(b) "WIC program benefits" includes money, coupons, delivery verification receipts, other documents, food, or other property received directly or indirectly pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. 25545
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(c) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to section 5101.33 of the Revised Code and the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program administered by any department of this state or any county or local agency pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access device" may include any electronic debit card or other means authorized by section 5101.33 of the Revised Code. 25550
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(d) "Aggregate value of supplemental nutrition assistance 25562

program benefits, WIC program benefits, and electronically 25563
transferred benefits involved in the violation" means the total 25564
face value of any supplemental nutrition assistance program 25565
benefits, plus the total face value of WIC program coupons or 25566
delivery verification receipts, plus the total value of other WIC 25567
program benefits, plus the total value of any electronically 25568
transferred benefit or other access device, involved in the 25569
violation. 25570

(e) "Total value of any electronically transferred benefit or 25571
other access device" means the total value of the payments, 25572
allotments, benefits, money, goods, or other things of value that 25573
may be obtained, or the total value of funds that may be 25574
transferred, by use of any electronically transferred benefit or 25575
other access device at the time of violation. 25576

(f) "Traffic" has the same meaning as "trafficking," as 25577
defined in 7 C.F.R. 271.2. 25578

(2) If supplemental nutrition assistance program benefits, 25579
WIC program benefits, or electronically transferred benefits or 25580
other access devices of various values are used, transferred, 25581
bought, acquired, altered, purchased, possessed, presented for 25582
redemption, or transported in violation of this section over a 25583
period of twelve months, the course of conduct may be charged as 25584
one offense and the values of supplemental nutrition assistance 25585
program benefits, WIC program benefits, or any electronically 25586
transferred benefits or other access devices may be aggregated in 25587
determining the degree of the offense. 25588

~~(B)~~(B)(1) No individual shall knowingly solicit, possess, 25589
buy, sell, use, alter, accept, or transfer supplemental nutrition 25590
assistance program benefits, WIC program benefits, or any 25591
electronically transferred benefit in any manner not authorized by 25592
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) 25593
including regulations adopted under that act, or section 17 of the 25594

"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 25595
amended. 25596

(2) No individual shall knowingly traffic supplemental 25597
nutrition assistance program benefits. 25598

(C) No organization, as defined in division (D) of section 25599
2901.23 of the Revised Code, shall do either of the following: 25600

(1) Knowingly allow an employee or agent to solicit, sell, 25601
transfer, traffic, or trade items or services, ~~the purchase of~~ 25602
~~which is prohibited by the Food and Nutrition Act of 2008 (7~~ 25603
~~U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of~~ 25604
~~1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for~~ 25605
~~supplemental nutrition assistance program benefits, WIC program~~ 25606
~~benefits, or any electronically transferred benefit in violation~~ 25607
~~of division (B) of this section;~~ 25608

(2) Negligently allow an employee or agent to solicit, sell, 25609
transfer, traffic, or exchange supplemental nutrition assistance 25610
program benefits, WIC program benefits, or any electronically 25611
transferred benefit ~~for anything of value~~ in violation of division 25612
(B) of this section. 25613

(D) Whoever violates this section is guilty of illegal use of 25614
supplemental nutrition assistance program benefits or WIC program 25615
benefits. Except as otherwise provided in this division, illegal 25616
use of supplemental nutrition assistance program benefits or WIC 25617
program benefits is a felony of the fifth degree. If the aggregate 25618
value of the supplemental nutrition assistance program benefits, 25619
WIC program benefits, and electronically transferred benefits 25620
involved in the violation is one thousand dollars or more and is 25621
less than seven thousand five hundred dollars, illegal use of 25622
supplemental nutrition assistance program benefits or WIC program 25623
benefits is a felony of the fourth degree. If the aggregate value 25624
of the supplemental nutrition assistance program benefits, WIC 25625

program benefits, and electronically transferred benefits involved 25626
in the violation is seven thousand five hundred dollars or more 25627
and is less than one hundred fifty thousand dollars, illegal use 25628
of supplemental nutrition assistance program benefits or WIC 25629
program benefits is a felony of the third degree. If the aggregate 25630
value of the supplemental nutrition assistance program benefits, 25631
WIC program benefits, and electronically transferred benefits 25632
involved in the violation is one hundred fifty thousand dollars or 25633
more, illegal use of supplemental nutrition assistance program 25634
benefits or WIC program benefits is a felony of the second degree. 25635

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 25636
or use a controlled substance or a controlled substance analog. 25637

(B)(1) This section does not apply to any of the following: 25638

(a) Manufacturers, licensed health professionals authorized 25639
to prescribe drugs, pharmacists, owners of pharmacies, and other 25640
persons whose conduct was in accordance with Chapters 3719., 25641
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 25642

(b) If the offense involves an anabolic steroid, any person 25643
who is conducting or participating in a research project involving 25644
the use of an anabolic steroid if the project has been approved by 25645
the United States food and drug administration; 25646

(c) Any person who sells, offers for sale, prescribes, 25647
dispenses, or administers for livestock or other nonhuman species 25648
an anabolic steroid that is expressly intended for administration 25649
through implants to livestock or other nonhuman species and 25650
approved for that purpose under the "Federal Food, Drug, and 25651
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 25652
and is sold, offered for sale, prescribed, dispensed, or 25653
administered for that purpose in accordance with that act; 25654

(d) Any person who obtained the controlled substance pursuant 25655

to a prescription issued by a licensed health professional 25656
authorized to prescribe drugs if the prescription was issued for a 25657
legitimate medical purpose and not altered, forged, or obtained 25658
through deception or commission of a theft offense. 25659

As used in division (B)(1)(d) of this section, "deception" 25660
and "theft offense" have the same meanings as in section 2913.01 25661
of the Revised Code. 25662

(2)(a) As used in division (B)(2) of this section: 25663

~~(i) "Community addiction services provider" has the same 25664
meaning as in section 5119.01 of the Revised Code. 25665~~

~~(ii) "Community control sanction" and "drug treatment 25666
program" have has the same meanings meaning as in section 2929.01 25667
of the Revised Code. 25668~~

~~(iii)~~(ii) "Health care facility" has the same meaning as in 25669
section 2919.16 of the Revised Code. 25670

~~(iv)~~(iii) "Minor drug possession offense" means a violation 25671
of this section that is a misdemeanor or a felony of the fifth 25672
degree. 25673

~~(v)~~(iv) "Post-release control sanction" has the same meaning 25674
as in section 2967.28 of the Revised Code. 25675

~~(vi)~~(v) "Peace officer" has the same meaning as in section 25676
2935.01 of the Revised Code. 25677

~~(vii)~~(vi) "Public agency" has the same meaning as in section 25678
2930.01 of the Revised Code. 25679

~~(viii)~~(vii) "Qualified individual" means a person who is 25680
acting in good faith who seeks or obtains medical assistance for 25681
another person who is experiencing a drug overdose, a person who 25682
experiences a drug overdose and who seeks medical assistance for 25683
that overdose, or a person who is the subject of another person 25684
seeking or obtaining medical assistance for that overdose as 25685

described in division (B)(2)(b) of this section. 25686

~~(ix)(viii)~~ "Seek or obtain medical assistance" includes, but 25687
is not limited to making a 9-1-1 call, contacting in person or by 25688
telephone call an on-duty peace officer, or transporting or 25689
presenting a person to a health care facility. 25690

(b) ~~Subject to division (B)(2)(e) of this section, a~~ A 25691
qualified individual shall not be arrested, charged, prosecuted, 25692
convicted, or penalized pursuant to this chapter for a minor drug 25693
possession offense or a violation of section 2925.12, division 25694
(C)(1) of section 2925.14, or section 2925.141 of the Revised Code 25695
if ~~all of the following apply:~~ 25696

~~(i) The~~ the evidence of the obtaining, possession, or use of 25697
the controlled substance or controlled substance analog, drug 25698
abuse instruments, or drug paraphernalia that would be the basis 25699
of the offense was obtained as a result of the qualified 25700
individual seeking the medical assistance or experiencing an 25701
overdose and needing medical assistance. 25702

~~(ii) Subject to division (B)(2)(f) of this section, within~~ 25703
~~thirty days after seeking or obtaining the medical assistance, the~~ 25704
~~qualified individual seeks and obtains a screening and receives a~~ 25705
~~referral for treatment from a community addiction services~~ 25706
~~provider or a properly credentialed addiction treatment~~ 25707
~~professional.~~ 25708

~~(iii) Subject to division (B)(2)(f) of this section, the~~ 25709
~~qualified individual who obtains a screening and receives a~~ 25710
~~referral for treatment under division (B)(2)(b)(ii) of this~~ 25711
~~section, upon the request of any prosecuting attorney, submits~~ 25712
~~documentation to the prosecuting attorney that verifies that the~~ 25713
~~qualified individual satisfied the requirements of that division.~~ 25714
~~The documentation shall be limited to the date and time of the~~ 25715
~~screening obtained and referral received.~~ 25716

(c) If a person who is serving a community control sanction 25717
or is under a sanction on post-release control acts pursuant to 25718
division (B)(2)(b) of this section, then division (B) of section 25719
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 25720
section 2929.25, or division (F)(3) of section 2967.28 of the 25721
Revised Code applies to the person with respect to any violation 25722
of the sanction or post-release control sanction based on a minor 25723
drug possession offense, as defined in section 2925.11 of the 25724
Revised Code, or a violation of section 2925.12, division (C)(1) 25725
of section 2925.14, or section 2925.141 of the Revised Code. 25726

(d) Nothing in division (B)(2)(b) of this section shall be 25727
construed to do any of the following: 25728

(i) Limit the admissibility of any evidence in connection 25729
with the investigation or prosecution of a crime with regards to a 25730
defendant who does not qualify for the protections of division 25731
(B)(2)(b) of this section or with regards to any crime other than 25732
a minor drug possession offense or a violation of section 2925.12, 25733
division (C)(1) of section 2925.14, or section 2925.141 of the 25734
Revised Code committed by a person who qualifies for protection 25735
pursuant to division (B)(2)(b) of this section; 25736

(ii) Limit any seizure of evidence or contraband otherwise 25737
permitted by law; 25738

(iii) Limit or abridge the authority of a peace officer to 25739
detain or take into custody a person in the course of an 25740
investigation or to effectuate an arrest for any offense except as 25741
provided in that division; 25742

(iv) Limit, modify, or remove any immunity from liability 25743
available pursuant to law in effect prior to September 13, 2016, 25744
to any public agency or to an employee of any public agency. 25745

~~(e) Division (B)(2)(b) of this section does not apply to any 25746
person who twice previously has been granted an immunity under 25747~~

~~division (B)(2)(b) of this section. No person shall be granted an immunity under division (B)(2)(b) of this section more than two times.~~

~~(f) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.~~

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analog, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk

amount, aggravated possession of drugs is a felony of the second 25779
degree, and the court shall impose as a mandatory prison term a 25780
second degree felony mandatory prison term. 25781

(d) If the amount of the drug involved equals or exceeds 25782
fifty times the bulk amount but is less than one hundred times the 25783
bulk amount, aggravated possession of drugs is a felony of the 25784
first degree, and the court shall impose as a mandatory prison 25785
term a first degree felony mandatory prison term. 25786

(e) If the amount of the drug involved equals or exceeds one 25787
hundred times the bulk amount, aggravated possession of drugs is a 25788
felony of the first degree, the offender is a major drug offender, 25789
and the court shall impose as a mandatory prison term a maximum 25790
first degree felony mandatory prison term. 25791

(2) If the drug involved in the violation is a compound, 25792
mixture, preparation, or substance included in schedule III, IV, 25793
or V, whoever violates division (A) of this section is guilty of 25794
possession of drugs. The penalty for the offense shall be 25795
determined as follows: 25796

(a) Except as otherwise provided in division (C)(2)(b), (c), 25797
or (d) of this section, possession of drugs is a misdemeanor of 25798
the first degree or, if the offender previously has been convicted 25799
of a drug abuse offense, a felony of the fifth degree. 25800

(b) If the amount of the drug involved equals or exceeds the 25801
bulk amount but is less than five times the bulk amount, 25802
possession of drugs is a felony of the fourth degree, and division 25803
(C) of section 2929.13 of the Revised Code applies in determining 25804
whether to impose a prison term on the offender. 25805

(c) If the amount of the drug involved equals or exceeds five 25806
times the bulk amount but is less than fifty times the bulk 25807
amount, possession of drugs is a felony of the third degree, and 25808
there is a presumption for a prison term for the offense. 25809

(d) If the amount of the drug involved equals or exceeds 25810
fifty times the bulk amount, possession of drugs is a felony of 25811
the second degree, and the court shall impose upon the offender as 25812
a mandatory prison term a second degree felony mandatory prison 25813
term. 25814

(3) If the drug involved in the violation is marihuana or a 25815
compound, mixture, preparation, or substance containing marihuana 25816
other than hashish, whoever violates division (A) of this section 25817
is guilty of possession of marihuana. The penalty for the offense 25818
shall be determined as follows: 25819

(a) Except as otherwise provided in division (C)(3)(b), (c), 25820
(d), (e), (f), or (g) of this section, possession of marihuana is 25821
a minor misdemeanor. 25822

(b) If the amount of the drug involved equals or exceeds one 25823
hundred grams but is less than two hundred grams, possession of 25824
marihuana is a misdemeanor of the fourth degree. 25825

(c) If the amount of the drug involved equals or exceeds two 25826
hundred grams but is less than one thousand grams, possession of 25827
marihuana is a felony of the fifth degree, and division (B) of 25828
section 2929.13 of the Revised Code applies in determining whether 25829
to impose a prison term on the offender. 25830

(d) If the amount of the drug involved equals or exceeds one 25831
thousand grams but is less than five thousand grams, possession of 25832
marihuana is a felony of the third degree, and division (C) of 25833
section 2929.13 of the Revised Code applies in determining whether 25834
to impose a prison term on the offender. 25835

(e) If the amount of the drug involved equals or exceeds five 25836
thousand grams but is less than twenty thousand grams, possession 25837
of marihuana is a felony of the third degree, and there is a 25838
presumption that a prison term shall be imposed for the offense. 25839

(f) If the amount of the drug involved equals or exceeds 25840

twenty thousand grams but is less than forty thousand grams, 25841
possession of marihuana is a felony of the second degree, and the 25842
court shall impose as a mandatory prison term a second degree 25843
felony mandatory prison term of five, six, seven, or eight years. 25844

(g) If the amount of the drug involved equals or exceeds 25845
forty thousand grams, possession of marihuana is a felony of the 25846
second degree, and the court shall impose as a mandatory prison 25847
term a maximum second degree felony mandatory prison term. 25848

(4) If the drug involved in the violation is cocaine or a 25849
compound, mixture, preparation, or substance containing cocaine, 25850
whoever violates division (A) of this section is guilty of 25851
possession of cocaine. The penalty for the offense shall be 25852
determined as follows: 25853

(a) Except as otherwise provided in division (C)(4)(b), (c), 25854
(d), (e), or (f) of this section, possession of cocaine is a 25855
felony of the fifth degree, and division (B) of section 2929.13 of 25856
the Revised Code applies in determining whether to impose a prison 25857
term on the offender. 25858

(b) If the amount of the drug involved equals or exceeds five 25859
grams but is less than ten grams of cocaine, possession of cocaine 25860
is a felony of the fourth degree, and division (B) of section 25861
2929.13 of the Revised Code applies in determining whether to 25862
impose a prison term on the offender. 25863

(c) If the amount of the drug involved equals or exceeds ten 25864
grams but is less than twenty grams of cocaine, possession of 25865
cocaine is a felony of the third degree, and, except as otherwise 25866
provided in this division, there is a presumption for a prison 25867
term for the offense. If possession of cocaine is a felony of the 25868
third degree under this division and if the offender two or more 25869
times previously has been convicted of or pleaded guilty to a 25870
felony drug abuse offense, the court shall impose as a mandatory 25871

prison term one of the prison terms prescribed for a felony of the 25872
third degree. 25873

(d) If the amount of the drug involved equals or exceeds 25874
twenty grams but is less than twenty-seven grams of cocaine, 25875
possession of cocaine is a felony of the second degree, and the 25876
court shall impose as a mandatory prison term a second degree 25877
felony mandatory prison term. 25878

(e) If the amount of the drug involved equals or exceeds 25879
twenty-seven grams but is less than one hundred grams of cocaine, 25880
possession of cocaine is a felony of the first degree, and the 25881
court shall impose as a mandatory prison term a first degree 25882
felony mandatory prison term. 25883

(f) If the amount of the drug involved equals or exceeds one 25884
hundred grams of cocaine, possession of cocaine is a felony of the 25885
first degree, the offender is a major drug offender, and the court 25886
shall impose as a mandatory prison term a maximum first degree 25887
felony mandatory prison term. 25888

(5) If the drug involved in the violation is L.S.D., whoever 25889
violates division (A) of this section is guilty of possession of 25890
L.S.D. The penalty for the offense shall be determined as follows: 25891

(a) Except as otherwise provided in division (C)(5)(b), (c), 25892
(d), (e), or (f) of this section, possession of L.S.D. is a felony 25893
of the fifth degree, and division (B) of section 2929.13 of the 25894
Revised Code applies in determining whether to impose a prison 25895
term on the offender. 25896

(b) If the amount of L.S.D. involved equals or exceeds ten 25897
unit doses but is less than fifty unit doses of L.S.D. in a solid 25898
form or equals or exceeds one gram but is less than five grams of 25899
L.S.D. in a liquid concentrate, liquid extract, or liquid 25900
distillate form, possession of L.S.D. is a felony of the fourth 25901
degree, and division (C) of section 2929.13 of the Revised Code 25902

applies in determining whether to impose a prison term on the 25903
offender. 25904

(c) If the amount of L.S.D. involved equals or exceeds fifty 25905
unit doses, but is less than two hundred fifty unit doses of 25906
L.S.D. in a solid form or equals or exceeds five grams but is less 25907
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 25908
extract, or liquid distillate form, possession of L.S.D. is a 25909
felony of the third degree, and there is a presumption for a 25910
prison term for the offense. 25911

(d) If the amount of L.S.D. involved equals or exceeds two 25912
hundred fifty unit doses but is less than one thousand unit doses 25913
of L.S.D. in a solid form or equals or exceeds twenty-five grams 25914
but is less than one hundred grams of L.S.D. in a liquid 25915
concentrate, liquid extract, or liquid distillate form, possession 25916
of L.S.D. is a felony of the second degree, and the court shall 25917
impose as a mandatory prison term a second degree felony mandatory 25918
prison term. 25919

(e) If the amount of L.S.D. involved equals or exceeds one 25920
thousand unit doses but is less than five thousand unit doses of 25921
L.S.D. in a solid form or equals or exceeds one hundred grams but 25922
is less than five hundred grams of L.S.D. in a liquid concentrate, 25923
liquid extract, or liquid distillate form, possession of L.S.D. is 25924
a felony of the first degree, and the court shall impose as a 25925
mandatory prison term a first degree felony mandatory prison term. 25926

(f) If the amount of L.S.D. involved equals or exceeds five 25927
thousand unit doses of L.S.D. in a solid form or equals or exceeds 25928
five hundred grams of L.S.D. in a liquid concentrate, liquid 25929
extract, or liquid distillate form, possession of L.S.D. is a 25930
felony of the first degree, the offender is a major drug offender, 25931
and the court shall impose as a mandatory prison term a maximum 25932
first degree felony mandatory prison term. 25933

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the

court shall impose as a mandatory prison term a first degree 25965
felony mandatory prison term. 25966

(f) If the amount of the drug involved equals or exceeds one 25967
thousand unit doses or equals or exceeds one hundred grams, 25968
possession of heroin is a felony of the first degree, the offender 25969
is a major drug offender, and the court shall impose as a 25970
mandatory prison term a maximum first degree felony mandatory 25971
prison term. 25972

(7) If the drug involved in the violation is hashish or a 25973
compound, mixture, preparation, or substance containing hashish, 25974
whoever violates division (A) of this section is guilty of 25975
possession of hashish. The penalty for the offense shall be 25976
determined as follows: 25977

(a) Except as otherwise provided in division (C)(7)(b), (c), 25978
(d), (e), (f), or (g) of this section, possession of hashish is a 25979
minor misdemeanor. 25980

(b) If the amount of the drug involved equals or exceeds five 25981
grams but is less than ten grams of hashish in a solid form or 25982
equals or exceeds one gram but is less than two grams of hashish 25983
in a liquid concentrate, liquid extract, or liquid distillate 25984
form, possession of hashish is a misdemeanor of the fourth degree. 25985

(c) If the amount of the drug involved equals or exceeds ten 25986
grams but is less than fifty grams of hashish in a solid form or 25987
equals or exceeds two grams but is less than ten grams of hashish 25988
in a liquid concentrate, liquid extract, or liquid distillate 25989
form, possession of hashish is a felony of the fifth degree, and 25990
division (B) of section 2929.13 of the Revised Code applies in 25991
determining whether to impose a prison term on the offender. 25992

(d) If the amount of the drug involved equals or exceeds 25993
fifty grams but is less than two hundred fifty grams of hashish in 25994
a solid form or equals or exceeds ten grams but is less than fifty 25995

grams of hashish in a liquid concentrate, liquid extract, or 25996
liquid distillate form, possession of hashish is a felony of the 25997
third degree, and division (C) of section 2929.13 of the Revised 25998
Code applies in determining whether to impose a prison term on the 25999
offender. 26000

(e) If the amount of the drug involved equals or exceeds two 26001
hundred fifty grams but is less than one thousand grams of hashish 26002
in a solid form or equals or exceeds fifty grams but is less than 26003
two hundred grams of hashish in a liquid concentrate, liquid 26004
extract, or liquid distillate form, possession of hashish is a 26005
felony of the third degree, and there is a presumption that a 26006
prison term shall be imposed for the offense. 26007

(f) If the amount of the drug involved equals or exceeds one 26008
thousand grams but is less than two thousand grams of hashish in a 26009
solid form or equals or exceeds two hundred grams but is less than 26010
four hundred grams of hashish in a liquid concentrate, liquid 26011
extract, or liquid distillate form, possession of hashish is a 26012
felony of the second degree, and the court shall impose as a 26013
mandatory prison term a second degree felony mandatory prison term 26014
of five, six, seven, or eight years. 26015

(g) If the amount of the drug involved equals or exceeds two 26016
thousand grams of hashish in a solid form or equals or exceeds 26017
four hundred grams of hashish in a liquid concentrate, liquid 26018
extract, or liquid distillate form, possession of hashish is a 26019
felony of the second degree, and the court shall impose as a 26020
mandatory prison term a maximum second degree felony mandatory 26021
prison term. 26022

(8) If the drug involved is a controlled substance analog or 26023
compound, mixture, preparation, or substance that contains a 26024
controlled substance analog, whoever violates division (A) of this 26025
section is guilty of possession of a controlled substance analog. 26026
The penalty for the offense shall be determined as follows: 26027

(a) Except as otherwise provided in division (C)(8)(b), (c), 26028
(d), (e), or (f) of this section, possession of a controlled 26029
substance analog is a felony of the fifth degree, and division (B) 26030
of section 2929.13 of the Revised Code applies in determining 26031
whether to impose a prison term on the offender. 26032

(b) If the amount of the drug involved equals or exceeds ten 26033
grams but is less than twenty grams, possession of a controlled 26034
substance analog is a felony of the fourth degree, and there is a 26035
presumption for a prison term for the offense. 26036

(c) If the amount of the drug involved equals or exceeds 26037
twenty grams but is less than thirty grams, possession of a 26038
controlled substance analog is a felony of the third degree, and 26039
there is a presumption for a prison term for the offense. 26040

(d) If the amount of the drug involved equals or exceeds 26041
thirty grams but is less than forty grams, possession of a 26042
controlled substance analog is a felony of the second degree, and 26043
the court shall impose as a mandatory prison term a second degree 26044
felony mandatory prison term. 26045

(e) If the amount of the drug involved equals or exceeds 26046
forty grams but is less than fifty grams, possession of a 26047
controlled substance analog is a felony of the first degree, and 26048
the court shall impose as a mandatory prison term a first degree 26049
felony mandatory prison term. 26050

(f) If the amount of the drug involved equals or exceeds 26051
fifty grams, possession of a controlled substance analog is a 26052
felony of the first degree, the offender is a major drug offender, 26053
and the court shall impose as a mandatory prison term a maximum 26054
first degree felony mandatory prison term. 26055

(9) If the drug involved in the violation is a compound, 26056
mixture, preparation, or substance that is a combination of a 26057
fentanyl-related compound and marihuana, one of the following 26058

applies: 26059

(a) Except as otherwise provided in division (C)(9)(b) of 26060
this section, the offender is guilty of possession of marihuana 26061
and shall be punished as provided in division (C)(3) of this 26062
section. Except as otherwise provided in division (C)(9)(b) of 26063
this section, the offender is not guilty of possession of a 26064
fentanyl-related compound under division (C)(11) of this section 26065
and shall not be charged with, convicted of, or punished under 26066
division (C)(11) of this section for possession of a 26067
fentanyl-related compound. 26068

(b) If the offender knows or has reason to know that the 26069
compound, mixture, preparation, or substance that is the drug 26070
involved contains a fentanyl-related compound, the offender is 26071
guilty of possession of a fentanyl-related compound and shall be 26072
punished under division (C)(11) of this section. 26073

(10) If the drug involved in the violation is a compound, 26074
mixture, preparation, or substance that is a combination of a 26075
fentanyl-related compound and any schedule III, schedule IV, or 26076
schedule V controlled substance that is not a fentanyl-related 26077
compound, one of the following applies: 26078

(a) Except as otherwise provided in division (C)(10)(b) of 26079
this section, the offender is guilty of possession of drugs and 26080
shall be punished as provided in division (C)(2) of this section. 26081
Except as otherwise provided in division (C)(10)(b) of this 26082
section, the offender is not guilty of possession of a 26083
fentanyl-related compound under division (C)(11) of this section 26084
and shall not be charged with, convicted of, or punished under 26085
division (C)(11) of this section for possession of a 26086
fentanyl-related compound. 26087

(b) If the offender knows or has reason to know that the 26088
compound, mixture, preparation, or substance that is the drug 26089

involved contains a fentanyl-related compound, the offender is 26090
guilty of possession of a fentanyl-related compound and shall be 26091
punished under division (C)(11) of this section. 26092

(11) If the drug involved in the violation is a 26093
fentanyl-related compound and neither division (C)(9)(a) nor 26094
division (C)(10)(a) of this section applies to the drug involved, 26095
or is a compound, mixture, preparation, or substance that contains 26096
a fentanyl-related compound or is a combination of a 26097
fentanyl-related compound and any other controlled substance and 26098
neither division (C)(9)(a) nor division (C)(10)(a) of this section 26099
applies to the drug involved, whoever violates division (A) of 26100
this section is guilty of possession of a fentanyl-related 26101
compound. The penalty for the offense shall be determined as 26102
follows: 26103

(a) Except as otherwise provided in division (C)(11)(b), (c), 26104
(d), (e), (f), or (g) of this section, possession of a 26105
fentanyl-related compound is a felony of the fifth degree, and 26106
division (B) of section 2929.13 of the Revised Code applies in 26107
determining whether to impose a prison term on the offender. 26108

(b) If the amount of the drug involved equals or exceeds ten 26109
unit doses but is less than fifty unit doses or equals or exceeds 26110
one gram but is less than five grams, possession of a 26111
fentanyl-related compound is a felony of the fourth degree, and 26112
division (C) of section 2929.13 of the Revised Code applies in 26113
determining whether to impose a prison term on the offender. 26114

(c) If the amount of the drug involved equals or exceeds 26115
fifty unit doses but is less than one hundred unit doses or equals 26116
or exceeds five grams but is less than ten grams, possession of a 26117
fentanyl-related compound is a felony of the third degree, and 26118
there is a presumption for a prison term for the offense. 26119

(d) If the amount of the drug involved equals or exceeds one 26120

hundred unit doses but is less than two hundred unit doses or 26121
equals or exceeds ten grams but is less than twenty grams, 26122
possession of a fentanyl-related compound is a felony of the 26123
second degree, and the court shall impose as a mandatory prison 26124
term one of the prison terms prescribed for a felony of the second 26125
degree. 26126

(e) If the amount of the drug involved equals or exceeds two 26127
hundred unit doses but is less than five hundred unit doses or 26128
equals or exceeds twenty grams but is less than fifty grams, 26129
possession of a fentanyl-related compound is a felony of the first 26130
degree, and the court shall impose as a mandatory prison term one 26131
of the prison terms prescribed for a felony of the first degree. 26132

(f) If the amount of the drug involved equals or exceeds five 26133
hundred unit doses but is less than one thousand unit doses or 26134
equals or exceeds fifty grams but is less than one hundred grams, 26135
possession of a fentanyl-related compound is a felony of the first 26136
degree, and the court shall impose as a mandatory prison term the 26137
maximum prison term prescribed for a felony of the first degree. 26138

(g) If the amount of the drug involved equals or exceeds one 26139
thousand unit doses or equals or exceeds one hundred grams, 26140
possession of a fentanyl-related compound is a felony of the first 26141
degree, the offender is a major drug offender, and the court shall 26142
impose as a mandatory prison term the maximum prison term 26143
prescribed for a felony of the first degree. 26144

(D) Arrest or conviction for a minor misdemeanor violation of 26145
this section does not constitute a criminal record and need not be 26146
reported by the person so arrested or convicted in response to any 26147
inquiries about the person's criminal record, including any 26148
inquiries contained in any application for employment, license, or 26149
other right or privilege, or made in connection with the person's 26150
appearance as a witness. 26151

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If applicable, the court also shall do the following:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts

bail, and forfeits the bail, the clerk shall pay the forfeited 26184
bail pursuant to division (E)(1)(b) of this section as if it were 26185
a mandatory fine imposed under division (E)(1)(a) of this section. 26186

(2) If the offender is a professionally licensed person, in 26187
addition to any other sanction imposed for a violation of this 26188
section, the court immediately shall comply with section 2925.38 26189
of the Revised Code. 26190

(F) It is an affirmative defense, as provided in section 26191
2901.05 of the Revised Code, to a charge of a fourth degree felony 26192
violation under this section that the controlled substance that 26193
gave rise to the charge is in an amount, is in a form, is 26194
prepared, compounded, or mixed with substances that are not 26195
controlled substances in a manner, or is possessed under any other 26196
circumstances, that indicate that the substance was possessed 26197
solely for personal use. Notwithstanding any contrary provision of 26198
this section, if, in accordance with section 2901.05 of the 26199
Revised Code, an accused who is charged with a fourth degree 26200
felony violation of division (C)(2), (4), (5), or (6) of this 26201
section sustains the burden of going forward with evidence of and 26202
establishes by a preponderance of the evidence the affirmative 26203
defense described in this division, the accused may be prosecuted 26204
for and may plead guilty to or be convicted of a misdemeanor 26205
violation of division (C)(2) of this section or a fifth degree 26206
felony violation of division (C)(4), (5), or (6) of this section 26207
respectively. 26208

(G) When a person is charged with possessing a bulk amount or 26209
multiple of a bulk amount, division (E) of section 2925.03 of the 26210
Revised Code applies regarding the determination of the amount of 26211
the controlled substance involved at the time of the offense. 26212

(H) It is an affirmative defense to a charge of possession of 26213
a controlled substance analog under division (C)(8) of this 26214
section that the person charged with violating that offense 26215

obtained, possessed, or used one of the following items that are 26216
excluded from the meaning of "controlled substance analog" under 26217
section 3719.01 of the Revised Code: 26218

(1) A controlled substance; 26219

(2) Any substance for which there is an approved new drug 26220
application; 26221

(3) With respect to a particular person, any substance if an 26222
exemption is in effect for investigational use for that person 26223
pursuant to federal law to the extent that conduct with respect to 26224
that substance is pursuant to that exemption. 26225

(I) Any offender who received a mandatory suspension of the 26226
offender's driver's or commercial driver's license or permit under 26227
this section prior to September 13, 2016, may file a motion with 26228
the sentencing court requesting the termination of the suspension. 26229
However, an offender who pleaded guilty to or was convicted of a 26230
violation of section 4511.19 of the Revised Code or a 26231
substantially similar municipal ordinance or law of another state 26232
or the United States that arose out of the same set of 26233
circumstances as the violation for which the offender's license or 26234
permit was suspended under this section shall not file such a 26235
motion. 26236

Upon the filing of a motion under division (I) of this 26237
section, the sentencing court, in its discretion, may terminate 26238
the suspension. 26239

Sec. 2927.02. (A) As used in this section and sections 26240
2927.021 ~~and 2927.022~~ to 2927.024 of the Revised Code: 26241

(1) "Age verification" means a service provided by an 26242
independent third party (other than a manufacturer, producer, 26243
distributor, wholesaler, or retailer of cigarettes, other tobacco 26244
products, alternative nicotine products, or papers used to roll 26245

cigarettes) that compares information available from a 26246
commercially available database, or aggregate of databases, that 26247
regularly are used by government and businesses for the purpose of 26248
age and identity verification to personal information provided 26249
during an internet sale or other remote method of sale to 26250
establish that the purchaser is twenty-one years of age or older. 26251

(2)(a) "Alternative nicotine product" means, subject to 26252
division (A)(2)(b) of this section, an electronic smoking device, 26253
vapor product, or any other product or device that consists of or 26254
contains nicotine that can be ingested into the body by any means, 26255
including, but not limited to, chewing, smoking, absorbing, 26256
dissolving, or inhaling. 26257

(b) "Alternative nicotine product" does not include any of 26258
the following: 26259

(i) Any cigarette or other tobacco product; 26260

(ii) Any product that is a "drug" as that term is defined in 26261
21 U.S.C. 321(g)(1); 26262

(iii) Any product that is a "device" as that term is defined 26263
in 21 U.S.C. 321(h); 26264

(iv) Any product that is a "combination product" as described 26265
in 21 U.S.C. 353(g). 26266

(3) "Cigarette" includes clove cigarettes and hand-rolled 26267
cigarettes. 26268

(4) "Distribute" means to furnish, give, or provide 26269
cigarettes, other tobacco products, alternative nicotine products, 26270
or papers used to roll cigarettes to the ultimate consumer of the 26271
cigarettes, other tobacco products, alternative nicotine products, 26272
or papers used to roll cigarettes. 26273

(5) "Electronic smoking device" means any device that can be 26274
used to deliver aerosolized or vaporized nicotine or any other 26275

substance to the person inhaling from the device including an 26276
electronic cigarette, electronic cigar, electronic hookah, vaping 26277
pen, or electronic pipe. "Electronic smoking device" includes any 26278
component, part, or accessory of such a device, whether or not 26279
sold separately, and includes any substance intended to be 26280
aerosolized or vaporized during the use of the device, whether or 26281
not the substance contains nicotine. "Electronic smoking device" 26282
does not include any product that is a drug, device, or 26283
combination product, as those terms are defined or described in 21 26284
U.S.C. 321 and 353(g). 26285

~~(6) "Proof of age" means a driver's license, a commercial 26286
driver's license, a military identification card, a passport, or 26287
an identification card issued under sections 4507.50 to 4507.52 of 26288
the Revised Code that shows that a person is eighteen years of age 26289
or older. 26290~~

~~(7)~~ "Tobacco product" means any product that is made or 26291
derived from tobacco or that contains any form of nicotine, if it 26292
is intended for human consumption or is likely to be consumed, 26293
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 26294
ingested by any other means, including, but not limited to, a 26295
cigarette, an electronic smoking device, a cigar, pipe tobacco, 26296
chewing tobacco, snuff, or snus. "Tobacco product" also means any 26297
component or accessory used in the consumption of a tobacco 26298
product, such as filters, rolling papers, pipes, blunt or hemp 26299
wraps, and liquids used in electronic smoking devices, whether or 26300
not ~~they contain~~ the component, accessory, or liquid contains 26301
nicotine. "Tobacco product" does not include any product that is a 26302
drug, device, or combination product, as those terms are defined 26303
or described in 21 U.S.C. 321 and 353(g). 26304

~~(8)~~(7) "Vapor product" means a product, other than a 26305
cigarette or other tobacco product as defined in Chapter 5743. of 26306
the Revised Code, that contains or is made or derived from 26307

nicotine and that is intended and marketed for human consumption, 26308
including by smoking, inhaling, snorting, or sniffing. "Vapor 26309
product" includes any component, part, or additive that is 26310
intended for use in an electronic smoking device, a mechanical 26311
heating element, battery, or electronic circuit and is used to 26312
deliver the product. "Vapor product" does not include any product 26313
that is a drug, device, or combination product, as those terms are 26314
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 26315
includes any product containing nicotine, regardless of 26316
concentration. 26317

~~(9)~~(8) "Vending machine" has the same meaning as "coin 26318
machine" in section 2913.01 of the Revised Code. 26319

(B) No manufacturer, producer, distributor, wholesaler, or 26320
retailer of cigarettes, other tobacco products, alternative 26321
nicotine products, or papers used to roll cigarettes, no agent, 26322
employee, or representative of a manufacturer, producer, 26323
distributor, wholesaler, or retailer of cigarettes, other tobacco 26324
products, alternative nicotine products, or papers used to roll 26325
cigarettes, and no other person shall do any of the following: 26326

(1) Give, sell, or otherwise distribute cigarettes, other 26327
tobacco products, alternative nicotine products, or papers used to 26328
roll cigarettes to any person under twenty-one years of age; 26329

(2) Give away, sell, or distribute cigarettes, other tobacco 26330
products, alternative nicotine products, or papers used to roll 26331
cigarettes in any place that does not have posted in a conspicuous 26332
place a legibly printed sign in letters at least one-half inch 26333
high stating that giving, selling, or otherwise distributing 26334
cigarettes, other tobacco products, alternative nicotine products, 26335
or papers used to roll cigarettes to a person under twenty-one 26336
years of age is prohibited by law; 26337

(3) Knowingly furnish any false information regarding the 26338

name, age, or other identification of any person under twenty-one 26339
years of age with purpose to obtain cigarettes, other tobacco 26340
products, alternative nicotine products, or papers used to roll 26341
cigarettes for that person; 26342

(4) Manufacture, sell, or distribute in this state any pack 26343
or other container of cigarettes containing fewer than twenty 26344
cigarettes or any package of roll-your-own tobacco containing less 26345
than six-tenths of one ounce of tobacco; 26346

(5) Sell cigarettes or alternative nicotine products in a 26347
smaller quantity than that placed in the pack or other container 26348
by the manufacturer; 26349

(6) Give, sell, or otherwise distribute alternative nicotine 26350
products, papers used to roll cigarettes, or tobacco products 26351
other than cigarettes over the internet or through another remote 26352
method without age verification; 26353

(7) Allow an employee under eighteen years of age to sell any 26354
tobacco product. 26355

(C) No person shall sell or offer to sell cigarettes, other 26356
tobacco products, or alternative nicotine products by or from a 26357
vending machine, except in the following locations: 26358

(1) An area within a factory, business, office, or other 26359
place not open to the general public; 26360

(2) An area to which persons under twenty-one years of age 26361
are not generally permitted access; 26362

(3) Any other place not identified in division (C)(1) or (2) 26363
of this section, upon all of the following conditions: 26364

(a) The vending machine is located within the immediate 26365
vicinity, plain view, and control of the person who owns or 26366
operates the place, or an employee of that person, so that all 26367
cigarettes, other tobacco product, and alternative nicotine 26368

product purchases from the vending machine will be readily 26369
observed by the person who owns or operates the place or an 26370
employee of that person. For the purpose of this section, a 26371
vending machine located in any unmonitored area, including an 26372
unmonitored coatroom, restroom, hallway, or outer waiting area, 26373
shall not be considered located within the immediate vicinity, 26374
plain view, and control of the person who owns or operates the 26375
place, or an employee of that person. 26376

(b) The vending machine is inaccessible to the public when 26377
the place is closed. 26378

(c) A clearly visible notice is posted in the area where the 26379
vending machine is located that states the following in letters 26380
that are legibly printed and at least one-half inch high: 26381

"It is illegal for any person under the age of 21 to purchase 26382
tobacco or alternative nicotine products." 26383

(D) The following are affirmative defenses to a charge under 26384
division (B)(1) of this section: 26385

(1) The person under twenty-one years of age was accompanied 26386
by a parent, spouse who is twenty-one years of age or older, or 26387
legal guardian of the person under twenty-one years of age. 26388

(2) The person who gave, sold, or distributed cigarettes, 26389
other tobacco products, alternative nicotine products, or papers 26390
used to roll cigarettes to a person under twenty-one years of age 26391
under division (B)(1) of this section is a parent, spouse who is 26392
twenty-one years of age or older, or legal guardian of the person 26393
under twenty-one years of age. 26394

~~(E)~~(E)(1) It is not a violation of division (B)(1) or (2) of 26395
this section for a person to give or otherwise distribute to a 26396
person under twenty-one years of age cigarettes, other tobacco 26397
products, alternative nicotine products, or papers used to roll 26398
cigarettes while the person under twenty-one years of age is 26399

participating in a research protocol if all of the following 26400
apply: 26401

~~(1)~~(a) The parent, guardian, or legal custodian of the person 26402
under twenty-one years of age has consented in writing to the 26403
person under twenty-one years of age participating in the research 26404
protocol. 26405

~~(2)~~(b) An institutional human subjects protection review 26406
board, or an equivalent entity, has approved the research 26407
protocol. 26408

~~(3)~~(c) The person under twenty-one years of age is 26409
participating in the research protocol at the facility or location 26410
specified in the research protocol. 26411

(2) It is not a violation of division (B)(1) or (2) of this 26412
section for an employer to permit an employee eighteen, nineteen, 26413
or twenty years of age to sell a tobacco product. 26414

(F)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ 26415
(6), or (7) or (C) of this section is guilty of illegal 26416
distribution of cigarettes, other tobacco products, or alternative 26417
nicotine products. Except as otherwise provided in this division, 26418
illegal distribution of cigarettes, other tobacco products, or 26419
alternative nicotine products is a misdemeanor of the fourth 26420
degree. If the offender previously has been convicted of a 26421
violation of division (B)(1), (2), (4), (5), ~~or (6), or (7)~~ or (C) 26422
of this section, illegal distribution of cigarettes, other tobacco 26423
products, or alternative nicotine products is a misdemeanor of the 26424
third degree. 26425

(2) Whoever violates division (B)(3) of this section is 26426
guilty of permitting a person under twenty-one years of age to use 26427
cigarettes, other tobacco products, or alternative nicotine 26428
products. Except as otherwise provided in this division, 26429
permitting a person under twenty-one years of age to use 26430

cigarettes, other tobacco products, or alternative nicotine 26431
products is a misdemeanor of the fourth degree. If the offender 26432
previously has been convicted of a violation of division (B)(3) of 26433
this section, permitting a person under twenty-one years of age to 26434
use cigarettes, other tobacco products, or alternative nicotine 26435
products is a misdemeanor of the third degree. 26436

(G) Any cigarettes, other tobacco products, alternative 26437
nicotine products, or papers used to roll cigarettes that are 26438
given, sold, or otherwise distributed to a person under twenty-one 26439
years of age in violation of this section and that are used, 26440
possessed, purchased, or received by a person under twenty-one 26441
years of age in violation of section 2151.87 of the Revised Code 26442
are subject to seizure and forfeiture as contraband under Chapter 26443
2981. of the Revised Code. 26444

Sec. 2927.023. (A) As used in this section: 26445

(1) "Authorized recipient of tobacco products" means a: 26446

(a) In the case of cigarettes, a person who is: 26447

~~(a)(i)~~ Licensed as a cigarette wholesale dealer under section 26448
5743.15 of the Revised Code; 26449

~~(b)(ii)~~ Licensed as a retail dealer as long as the person 26450
purchases cigarettes with the appropriate tax stamp affixed; 26451

~~(c)(iii)~~ An export warehouse proprietor as defined in section 26452
5702 of the Internal Revenue Code; 26453

~~(d)(iv)~~ An operator of a customs bonded warehouse under 19 26454
U.S.C. 1311 or 19 U.S.C. 1555; 26455

~~(e)(v)~~ An officer, employee, or agent of the federal 26456
government or of this state acting in the person's official 26457
capacity; 26458

~~(f)(vi)~~ A department, agency, instrumentality, or political 26459

subdivision of the federal government or of this state; or 26460

~~(g)~~(vii) A person having a consent for consumer shipment 26461
issued by the tax commissioner under section 5743.71 of the 26462
Revised Code. 26463

(b) In the case of electronic smoking devices or vapor 26464
products, a person who is: 26465

(i) Licensed as a distributor of tobacco or vapor products 26466
under section 5743.61 of the Revised Code; 26467

(ii) A retail dealer of vapor products, as defined in 26468
division (C)(3) of section 5743.01 of the Revised Code, that is 26469
not licensed as a vapor distributor, as long as the tax levied by 26470
section 5743.51, 5743.62, or 5743.63 of the Revised Code, as 26471
applicable, has been paid; 26472

(iii) An operator of a customs bonded warehouse under 19 26473
U.S.C. 1311 or 19 U.S.C. 1555; 26474

(iv) An officer, employee, or agent of the federal government 26475
or of this state acting in the person's official capacity; or 26476

(v) A department, agency, instrumentality, or political 26477
subdivision of the federal government or of this state. 26478

(2) "Motor carrier" has the same meaning as in section 26479
4923.01 of the Revised Code. 26480

The purpose of this section is to prevent the sale of 26481
cigarettes, electronic smoking devices, and vapor products to 26482
minors and to ensure compliance with the Master Settlement 26483
Agreement, as defined in section 1346.01 of the Revised Code. 26484

(B)(1) No person shall cause to be shipped any cigarettes, 26485
electronic smoking devices, or vapor products to any person in 26486
this state other than an authorized recipient of tobacco products. 26487

(2) No motor carrier, or other person shall knowingly 26488
transport cigarettes, electronic smoking devices, or vapor 26489

products to any person in this state that the carrier or other 26490
person reasonably believes is not an authorized recipient of 26491
tobacco products. If cigarettes, electronic smoking devices, or 26492
vapor products are transported to a home or residence, it shall be 26493
presumed that the motor carrier, or other person knew that the 26494
person to whom the cigarettes, electronic smoking devices, or 26495
vapor products were delivered was not an authorized recipient of 26496
tobacco products. 26497

(C) No person engaged in the business of selling cigarettes, 26498
electronic smoking devices, or vapor products who ships or causes 26499
to be shipped cigarettes, electronic smoking devices, or vapor 26500
products to any person in this state in any container or wrapping 26501
other than the original container or wrapping ~~of the cigarettes~~ 26502
shall fail to plainly and visibly mark the exterior of the 26503
container or wrapping in which the cigarettes, electronic smoking 26504
devices, or vapor products are shipped with the words 26505
"cigarettes-," "electronic smoking devices," or "vapor products," 26506
as applicable. 26507

(D) A court shall impose a fine of up to one thousand dollars 26508
for each violation of division (B)(1), (B)(2), or (C) of this 26509
section. 26510

Sec. 2927.12. (A) As used in this section, "disability" has 26511
the same meaning as in section 4112.01 of the Revised Code. 26512

(B)(1) No person shall violate section 2903.21, 2903.22, 26513
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 26514
2917.21 of the Revised Code by reason of the race, color, 26515
religion, or national origin of another person or group of 26516
persons. 26517

~~(B)(2)~~ No person shall violate section 2903.21, 2903.22, 26518
2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 26519
2917.21 of the Revised Code by reason of the disability of another 26520

person or group of persons if the other person is a person with a 26521
disability, the person knows or reasonably should know that the 26522
other person is a person with a disability, and it is the person's 26523
specific purpose to commit the offense against a person with a 26524
disability. 26525

(C)(1) Whoever violates division (B)(1) of this section is 26526
guilty of ethnic intimidation. Ethnic intimidation is an offense 26527
of the next higher degree than the offense the commission of which 26528
is a necessary element of ethnic intimidation. 26529

(2) Whoever violates division (B)(2) of this section is 26530
guilty of disability intimidation. Disability intimidation is an 26531
offense of the next higher degree than the offense the commission 26532
of which is a necessary element of disability intimidation. 26533

Sec. 2929.18. (A) Except as otherwise provided in this 26534
division and in addition to imposing court costs pursuant to 26535
section 2947.23 of the Revised Code, the court imposing a sentence 26536
upon an offender for a felony may sentence the offender to any 26537
financial sanction or combination of financial sanctions 26538
authorized under this section or, in the circumstances specified 26539
in section 2929.32 of the Revised Code, may impose upon the 26540
offender a fine in accordance with that section, and shall 26541
sentence the offender to make restitution pursuant to this section 26542
and section 2929.281 of the Revised Code. The victim has a right 26543
not to seek restitution. Financial sanctions that either are 26544
required to be or may be imposed pursuant to this section include, 26545
but are not limited to, the following: 26546

(1) Restitution by the offender to the victim of the 26547
offender's criminal offense or the victim's estate, in an amount 26548
based on the victim's economic loss. In open court, the court 26549
shall order that full restitution be made to the victim, to the 26550
adult probation department that serves the county on behalf of the 26551

victim, to the clerk of courts, or to another agency designated by 26552
the court. At sentencing, the court shall determine the amount of 26553
restitution to be made by the offender. The victim, victim's 26554
representative, victim's attorney, if applicable, the prosecutor 26555
or the prosecutor's designee, and the offender may provide 26556
information relevant to the determination of the amount of 26557
restitution. The amount the court orders as restitution shall not 26558
exceed the amount of the economic loss suffered by the victim as a 26559
direct and proximate result of the commission of the offense. If 26560
the court imposes restitution for the cost of accounting or 26561
auditing done to determine the extent of economic loss, the court 26562
may order restitution for any amount of the victim's costs of 26563
accounting or auditing provided that the amount of restitution is 26564
reasonable and does not exceed the value of property or services 26565
stolen or damaged as a result of the offense. The court shall hold 26566
a hearing on restitution if the offender, victim, victim's 26567
representative, or victim's estate disputes the amount. The court 26568
shall determine the amount of full restitution by a preponderance 26569
of the evidence. All restitution payments shall be credited 26570
against any recovery of economic loss in a civil action brought by 26571
the victim or the victim's estate against the offender. 26572

The court may order that the offender pay a surcharge of not 26573
more than five per cent of the amount of the restitution otherwise 26574
ordered to the entity responsible for collecting and processing 26575
restitution payments. 26576

The victim, victim's estate, or victim's attorney, if 26577
applicable, may file a motion or request that the prosecutor in 26578
the case file a motion, or the offender may file a motion, for 26579
modification of the payment terms of any restitution ordered. If 26580
the court grants the motion, it may modify the payment terms as it 26581
determines appropriate but shall not reduce the amount of 26582
restitution ordered, except as provided in division (A) of section 26583

2929.281 of the Revised Code. The court shall not discharge
restitution until it is fully paid by the offender.

(2) Except as provided in division (B)(1), (3), or (4) of
this section, a fine payable by the offender to the state, to a
political subdivision, or as described in division (B)(2) of this
section to one or more law enforcement agencies, with the amount
of the fine based on a standard percentage of the offender's daily
income over a period of time determined by the court and based
upon the seriousness of the offense. A fine ordered under this
division shall not exceed the maximum conventional fine amount
authorized for the level of the offense under division (A)(3) of
this section.

(3) Except as provided in division (B)(1), (3), or (4) of
this section, a fine payable by the offender to the state, to a
political subdivision when appropriate for a felony, or as
described in division (B)(2) of this section to one or more law
enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty
thousand dollars;

(b) For a felony of the second degree, not more than fifteen
thousand dollars;

(c) For a felony of the third degree, not more than ten
thousand dollars;

(d) For a felony of the fourth degree, not more than five
thousand dollars;

(e) For a felony of the fifth degree, not more than two
thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of
the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the

costs of sanctions incurred by the government, including the 26614
following: 26615

(i) All or part of the costs of implementing any community 26616
control sanction, including a supervision fee under section 26617
2951.021 of the Revised Code; 26618

(ii) All or part of the costs of confinement under a sanction 26619
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 26620
Revised Code, provided that the amount of reimbursement ordered 26621
under this division shall not exceed the total amount of 26622
reimbursement the offender is able to pay as determined at a 26623
hearing and shall not exceed the actual cost of the confinement; 26624

(iii) All or part of the cost of purchasing and using an 26625
immobilizing or disabling device, including a certified ignition 26626
interlock device, or a remote alcohol monitoring device that a 26627
court orders an offender to use under section 4510.13 of the 26628
Revised Code. 26629

(b) If the offender is sentenced to a sanction of confinement 26630
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 26631
to be served in a facility operated by a board of county 26632
commissioners, a legislative authority of a municipal corporation, 26633
or another local governmental entity, if, pursuant to section 26634
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 26635
or 2947.19 of the Revised Code and section 2929.37 of the Revised 26636
Code, the board, legislative authority, or other local 26637
governmental entity requires prisoners to reimburse the county, 26638
municipal corporation, or other entity for its expenses incurred 26639
by reason of the prisoner's confinement, and if the court does not 26640
impose a financial sanction under division (A)(5)(a)(ii) of this 26641
section, confinement costs may be assessed pursuant to section 26642
2929.37 of the Revised Code. In addition, the offender may be 26643
required to pay the fees specified in section 2929.38 of the 26644
Revised Code in accordance with that section. 26645

(c) Reimbursement by the offender for costs pursuant to 26646
section 2929.71 of the Revised Code; 26647

(d) Reimbursement by the offender for costs pursuant to 26648
section 2917.321 of the Revised Code. 26649

(B)(1) For a first, second, or third degree felony violation 26650
of any provision of Chapter 2925., 3719., or 4729. of the Revised 26651
Code, the sentencing court shall impose upon the offender a 26652
mandatory fine of at least one-half of, but not more than, the 26653
maximum statutory fine amount authorized for the level of the 26654
offense pursuant to division (A)(3) of this section. If an 26655
offender alleges in an affidavit filed with the court prior to 26656
sentencing that the offender is indigent and unable to pay the 26657
mandatory fine and if the court determines the offender is an 26658
indigent person and is unable to pay the mandatory fine described 26659
in this division, the court shall not impose the mandatory fine 26660
upon the offender. 26661

(2) Any mandatory fine imposed upon an offender under 26662
division (B)(1) of this section and any fine imposed upon an 26663
offender under division (A)(2) or (3) of this section for any 26664
fourth or fifth degree felony violation of any provision of 26665
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 26666
to law enforcement agencies pursuant to division (F) of section 26667
2925.03 of the Revised Code. 26668

(3) For a fourth degree felony OVI offense and for a third 26669
degree felony OVI offense, the sentencing court shall impose upon 26670
the offender a mandatory fine in the amount specified in division 26671
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 26672
is applicable. The mandatory fine so imposed shall be disbursed as 26673
provided in the division pursuant to which it is imposed. 26674

(4) Notwithstanding any fine otherwise authorized or required 26675
to be imposed under division (A)(2) or (3) or (B)(1) of this 26676

section or section 2929.31 of the Revised Code for a violation of 26677
section 2925.03 of the Revised Code, in addition to any penalty or 26678
sanction imposed for that offense under section 2925.03 or 26679
sections 2929.11 to 2929.18 of the Revised Code and in addition to 26680
the forfeiture of property in connection with the offense as 26681
prescribed in Chapter 2981. of the Revised Code, the court that 26682
sentences an offender for a violation of section 2925.03 of the 26683
Revised Code may impose upon the offender a fine in addition to 26684
any fine imposed under division (A)(2) or (3) of this section and 26685
in addition to any mandatory fine imposed under division (B)(1) of 26686
this section. The fine imposed under division (B)(4) of this 26687
section shall be used as provided in division (H) of section 26688
2925.03 of the Revised Code. A fine imposed under division (B)(4) 26689
of this section shall not exceed whichever of the following is 26690
applicable: 26691

(a) The total value of any personal or real property in which 26692
the offender has an interest and that was used in the course of, 26693
intended for use in the course of, derived from, or realized 26694
through conduct in violation of section 2925.03 of the Revised 26695
Code, including any property that constitutes proceeds derived 26696
from that offense; 26697

(b) If the offender has no interest in any property of the 26698
type described in division (B)(4)(a) of this section or if it is 26699
not possible to ascertain whether the offender has an interest in 26700
any property of that type in which the offender may have an 26701
interest, the amount of the mandatory fine for the offense imposed 26702
under division (B)(1) of this section or, if no mandatory fine is 26703
imposed under division (B)(1) of this section, the amount of the 26704
fine authorized for the level of the offense imposed under 26705
division (A)(3) of this section. 26706

(5) Prior to imposing a fine under division (B)(4) of this 26707
section, the court shall determine whether the offender has an 26708

interest in any property of the type described in division 26709
(B)(4)(a) of this section. Except as provided in division (B)(6) 26710
or (7) of this section, a fine that is authorized and imposed 26711
under division (B)(4) of this section does not limit or affect the 26712
imposition of the penalties and sanctions for a violation of 26713
section 2925.03 of the Revised Code prescribed under those 26714
sections or sections 2929.11 to 2929.18 of the Revised Code and 26715
does not limit or affect a forfeiture of property in connection 26716
with the offense as prescribed in Chapter 2981. of the Revised 26717
Code. 26718

(6) If the sum total of a mandatory fine amount imposed for a 26719
first, second, or third degree felony violation of section 2925.03 26720
of the Revised Code under division (B)(1) of this section plus the 26721
amount of any fine imposed under division (B)(4) of this section 26722
does not exceed the maximum statutory fine amount authorized for 26723
the level of the offense under division (A)(3) of this section or 26724
section 2929.31 of the Revised Code, the court may impose a fine 26725
for the offense in addition to the mandatory fine and the fine 26726
imposed under division (B)(4) of this section. The sum total of 26727
the amounts of the mandatory fine, the fine imposed under division 26728
(B)(4) of this section, and the additional fine imposed under 26729
division (B)(6) of this section shall not exceed the maximum 26730
statutory fine amount authorized for the level of the offense 26731
under division (A)(3) of this section or section 2929.31 of the 26732
Revised Code. The clerk of the court shall pay any fine that is 26733
imposed under division (B)(6) of this section to the county, 26734
township, municipal corporation, park district as created pursuant 26735
to section 511.18 or 1545.04 of the Revised Code, or state law 26736
enforcement agencies in this state that primarily were responsible 26737
for or involved in making the arrest of, and in prosecuting, the 26738
offender pursuant to division (F) of section 2925.03 of the 26739
Revised Code. 26740

(7) If the sum total of the amount of a mandatory fine 26741
imposed for a first, second, or third degree felony violation of 26742
section 2925.03 of the Revised Code plus the amount of any fine 26743
imposed under division (B)(4) of this section exceeds the maximum 26744
statutory fine amount authorized for the level of the offense 26745
under division (A)(3) of this section or section 2929.31 of the 26746
Revised Code, the court shall not impose a fine under division 26747
(B)(6) of this section. 26748

(8)(a) If an offender who is convicted of or pleads guilty to 26749
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 26750
2923.32, division (A)(1) or (2) of section 2907.323 involving a 26751
minor, or division (B)(1), (2), (3), (4), or (5) of section 26752
2919.22 of the Revised Code also is convicted of or pleads guilty 26753
to a specification of the type described in section 2941.1422 of 26754
the Revised Code that charges that the offender knowingly 26755
committed the offense in furtherance of human trafficking, the 26756
sentencing court shall sentence the offender to a financial 26757
sanction of restitution by the offender to the victim or the 26758
victim's estate, with the restitution including the costs of 26759
housing, counseling, and medical and legal assistance incurred by 26760
the victim as a direct result of the offense and the greater of 26761
the following: 26762

(i) The gross income or value to the offender of the victim's 26763
labor or services; 26764

(ii) The value of the victim's labor as guaranteed under the 26765
minimum wage and overtime provisions of the "Federal Fair Labor 26766
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 26767
labor laws. 26768

(b) If a court imposing sentence upon an offender for a 26769
felony is required to impose upon the offender a financial 26770
sanction of restitution under division (B)(8)(a) of this section, 26771
in addition to that financial sanction of restitution, the court 26772

may sentence the offender to any other financial sanction or 26773
combination of financial sanctions authorized under this section, 26774
including a restitution sanction under division (A)(1) of this 26775
section. 26776

(9) In addition to any other fine that is or may be imposed 26777
under this section, the court imposing sentence upon an offender 26778
for a felony that is a sexually oriented offense or a child-victim 26779
oriented offense, as those terms are defined in section 2950.01 of 26780
the Revised Code, may impose a fine of not less than fifty nor 26781
more than five hundred dollars. 26782

(10) For a felony violation of division (A) of section 26783
2921.321 of the Revised Code that results in the death of the 26784
police dog or horse that is the subject of the violation, the 26785
sentencing court shall impose upon the offender a mandatory fine 26786
from the range of fines provided under division (A)(3) of this 26787
section for a felony of the third degree. A mandatory fine imposed 26788
upon an offender under division (B)(10) of this section shall be 26789
paid to the law enforcement agency that was served by the police 26790
dog or horse that was killed in the felony violation of division 26791
(A) of section 2921.321 of the Revised Code to be used as provided 26792
in division (E)(1)(b) of that section. 26793

(11) In addition to any other fine that is or may be imposed 26794
under this section, the court imposing sentence upon an offender 26795
for any of the following offenses that is a felony may impose a 26796
fine of not less than seventy nor more than five hundred dollars, 26797
which, except as provided in division (B)(12) of this section, 26798
shall be transmitted to the treasurer of state to be credited to 26799
the address confidentiality program fund created by section 111.48 26800
of the Revised Code: 26801

(a) Domestic violence; 26802

(b) Menacing by stalking; 26803

(c) Rape;	26804
(d) Sexual battery;	26805
(e) Trafficking in persons;	26806
(f) A violation of section 2905.01, 2905.02, 2907.21,	26807
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323	26808
involving a minor, or division (B)(1), (2), (3), (4), or (5) of	26809
section 2919.22 of the Revised Code, if the offender also is	26810
convicted of a specification of the type described in section	26811
2941.1422 of the Revised Code that charges that the offender	26812
knowingly committed the offense in furtherance of human	26813
trafficking.	26814
<u>(12)(a) A court that imposes a fine under division (B)(11) of</u>	26815
<u>this section may retain up to twenty-five per cent of amounts</u>	26816
<u>collected in satisfaction of the fine to cover administrative</u>	26817
<u>costs.</u>	26818
<u>(b) A court that imposes a fine under division (B)(11) of</u>	26819
<u>this section may assign up to twenty-five per cent of amounts</u>	26820
<u>collected in satisfaction of the fine to reimburse the prosecuting</u>	26821
<u>attorney for costs associated with prosecution of the offense.</u>	26822
(C)(1) Except as provided in section 2951.021 of the Revised	26823
Code, the offender shall pay reimbursements imposed upon the	26824
offender pursuant to division (A)(5)(a) of this section to pay the	26825
costs incurred by a county pursuant to any sanction imposed under	26826
this section or section 2929.16 or 2929.17 of the Revised Code or	26827
in operating a facility used to confine offenders pursuant to a	26828
sanction imposed under section 2929.16 of the Revised Code to the	26829
county treasurer. The county treasurer shall deposit the	26830
reimbursements in the sanction cost reimbursement fund that each	26831
board of county commissioners shall create in its county treasury.	26832
The county shall use the amounts deposited in the fund to pay the	26833
costs incurred by the county pursuant to any sanction imposed	26834

under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(5)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(5)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal

jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of a mandatory fine imposed under division (B)(10) of this section that is required under that division to be paid to a law enforcement agency is a judgment in favor of the specified law enforcement agency, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) or (B)(8) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (D)(1) of this section, through execution as described in division (D)(2) of this section, or through an order as described in division (D)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor. Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender. Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following:

(1) Obtain from the clerk of the court in which the judgment was entered, at no cost, a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including:

(a) An execution against the property of the judgment debtor

under Chapter 2329. of the Revised Code;	26899
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	26900 26901
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	26902 26903
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	26904 26905 26906
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	26907 26908
(iii) A creditor's suit under section 2333.01 of the Revised Code.	26909 26910
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	26911 26912
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	26913 26914
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	26915 26916
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	26917 26918 26919 26920
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised	26921 26922 26923 26924 26925 26926 26927 26928

Code. Before entering into a contract for the collection of 26929
amounts due from an offender pursuant to any financial sanction 26930
imposed pursuant to this section or section 2929.32 of the Revised 26931
Code, a court shall comply with sections 307.86 to 307.92 of the 26932
Revised Code. 26933

(G) If a court that imposes a financial sanction under 26934
division (A) or (B) of this section finds that an offender 26935
satisfactorily has completed all other sanctions imposed upon the 26936
offender and that all restitution that has been ordered has been 26937
paid as ordered, the court may suspend any financial sanctions 26938
imposed pursuant to this section or section 2929.32 of the Revised 26939
Code that have not been paid. 26940

(H) No financial sanction imposed under this section or 26941
section 2929.32 of the Revised Code shall preclude a victim from 26942
bringing a civil action against the offender. 26943

(I) If the court imposes restitution, fines, fees, or 26944
incarceration costs on a business or corporation, it is the duty 26945
of the person authorized to make disbursements from the assets of 26946
the business or corporation to pay the restitution, fines, fees, 26947
or incarceration costs from those assets. 26948

(J) If an offender is sentenced to pay restitution, a fine, 26949
fee, or incarceration costs, the clerk of the sentencing court, on 26950
request, shall make the offender's payment history available to 26951
the prosecutor, victim, victim's representative, victim's 26952
attorney, if applicable, the probation department, and the court 26953
without cost. 26954

Sec. 2929.28. (A) In addition to imposing court costs 26955
pursuant to section 2947.23 of the Revised Code, the court 26956
imposing a sentence upon an offender for a misdemeanor, including 26957
a minor misdemeanor, may sentence the offender to any financial 26958
sanction or combination of financial sanctions authorized under 26959

this section and, if the offender is being sentenced for a 26960
criminal offense as defined in section 2930.01 of the Revised 26961
Code, shall sentence the offender to make restitution pursuant to 26962
this section and section 2929.281 of the Revised Code. If the 26963
court, in its discretion or as required by this section, imposes 26964
one or more financial sanctions, the financial sanctions that may 26965
be imposed pursuant to this section include, but are not limited 26966
to, the following: 26967

(1) Unless the misdemeanor offense could be disposed of by 26968
the traffic violations bureau serving the court under Traffic Rule 26969
13, restitution by the offender to the victim of the offender's 26970
crime or the victim's estate, in an amount based on the victim's 26971
economic loss. The court may not impose restitution as a sanction 26972
pursuant to this division if the offense could be disposed of by 26973
the traffic violations bureau serving the court under Traffic Rule 26974
13. If the court requires restitution, the court shall order that 26975
the restitution be made to the victim in open court or to the 26976
adult probation department that serves the jurisdiction or the 26977
clerk of the court on behalf of the victim. 26978

The court shall determine the amount of restitution to be 26979
paid by the offender. The victim, victim's representative, 26980
victim's attorney, if applicable, the prosecutor or the 26981
prosecutor's designee, and the offender may provide information 26982
relevant to the determination of the amount of restitution. The 26983
amount the court orders as restitution shall not exceed the amount 26984
of the economic loss suffered by the victim as a direct and 26985
proximate result of the commission of the offense. If the court 26986
imposes restitution for the cost of accounting or auditing done to 26987
determine the extent of economic loss, the court may order 26988
restitution for any amount of the victim's costs of accounting or 26989
auditing provided that the amount of restitution is reasonable and 26990
does not exceed the value of property or services stolen or 26991

damaged as a result of the offense. If the court decides to or is 26992
required to impose restitution, the court shall hold an 26993
evidentiary hearing on restitution if the offender, victim, 26994
victim's representative, victim's attorney, if applicable, or 26995
victim's estate disputes the amount of restitution. The court 26996
shall determine the amount of full restitution by a preponderance 26997
of the evidence. 26998

All restitution payments shall be credited against any 26999
recovery of economic loss in a civil action brought by the victim 27000
or the victim's estate against the offender. No person may 27001
introduce evidence of an award of restitution under this section 27002
in a civil action for purposes of imposing liability against an 27003
insurer under section 3937.18 of the Revised Code. 27004

The court may order that the offender pay a surcharge, of not 27005
more than five per cent of the amount of the restitution otherwise 27006
ordered, to the entity responsible for collecting and processing 27007
restitution payments. 27008

The victim, victim's attorney, if applicable, or the attorney 27009
for the victim's estate may request that the prosecutor in the 27010
case file a motion, or the offender may file a motion, for 27011
modification of the payment terms of any restitution ordered. If 27012
the court grants the motion, it may modify the payment terms as it 27013
determines appropriate but shall not reduce the amount of 27014
restitution ordered, except as provided in division (A) of section 27015
2929.281 of the Revised Code. 27016

(2) A fine of the type described in divisions (A)(2)(a) and 27017
(b) of this section payable to the appropriate entity as required 27018
by law: 27019

(a) A fine in the following amount: 27020

(i) For a misdemeanor of the first degree, not more than one 27021
thousand dollars; 27022

(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	27023 27024
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	27025 27026
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	27027 27028
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	27029 27030
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	27031 27032
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	27033 27034 27035
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code and the costs of global positioning system device monitoring;	27036 27037 27038 27039
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	27040 27041 27042 27043 27044
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	27045 27046 27047 27048 27049
(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the	27050 27051 27052

actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or

in operating a facility used to confine offenders pursuant to a 27085
sanction imposed under section 2929.26 of the Revised Code to the 27086
county treasurer. The county treasurer shall deposit the 27087
reimbursements in the county's general fund. The county shall use 27088
the amounts deposited in the fund to pay the costs incurred by the 27089
county pursuant to any sanction imposed under this section or 27090
section 2929.26 or 2929.27 of the Revised Code or in operating a 27091
facility used to confine offenders pursuant to a sanction imposed 27092
under section 2929.26 of the Revised Code. 27093

(2) The offender shall pay reimbursements imposed upon the 27094
offender pursuant to division (A)(3) of this section to pay the 27095
costs incurred by a municipal corporation pursuant to any sanction 27096
imposed under this section or section 2929.26 or 2929.27 of the 27097
Revised Code or in operating a facility used to confine offenders 27098
pursuant to a sanction imposed under section 2929.26 of the 27099
Revised Code to the treasurer of the municipal corporation. The 27100
treasurer shall deposit the reimbursements in the municipal 27101
corporation's general fund. The municipal corporation shall use 27102
the amounts deposited in the fund to pay the costs incurred by the 27103
municipal corporation pursuant to any sanction imposed under this 27104
section or section 2929.26 or 2929.27 of the Revised Code or in 27105
operating a facility used to confine offenders pursuant to a 27106
sanction imposed under section 2929.26 of the Revised Code. 27107

(3) The offender shall pay reimbursements imposed pursuant to 27108
division (A)(3) of this section for the costs incurred by a 27109
private provider pursuant to a sanction imposed under this section 27110
or section 2929.26 or 2929.27 of the Revised Code to the provider. 27111

~~(D)~~(D)(1) In addition to any other fine that is or may be 27112
imposed under this section, the court imposing sentence upon an 27113
offender for misdemeanor domestic violence or menacing by stalking 27114
may impose a fine of not less than seventy nor more than five 27115
hundred dollars, which shall, except as provided in divisions 27116

(D)(2) and (3) of this section, be transmitted to the treasurer of 27117
state to be credited to the address confidentiality program fund 27118
created by section 111.48 of the Revised Code. 27119

(2) A court that imposes a fine under division (D)(1) of this 27120
section may retain up to twenty-five per cent of amounts collected 27121
in satisfaction of the fine to cover administrative costs. 27122

(3) A court that imposes a fine under division (D)(1) of this 27123
section may assign up to twenty-five per cent of amounts collected 27124
in satisfaction of the fine to reimburse the prosecuting attorney 27125
for costs associated with prosecution of the offense. 27126

(E) Except as otherwise provided in this division, a 27127
financial sanction imposed under division (A) of this section is a 27128
judgment in favor of the state or the political subdivision that 27129
operates the court that imposed the financial sanction, and the 27130
offender subject to the financial sanction is the judgment debtor. 27131
A financial sanction of reimbursement imposed pursuant to division 27132
(A)(3)(a)(i) of this section upon an offender is a judgment in 27133
favor of the entity administering the community control sanction, 27134
and the offender subject to the financial sanction is the judgment 27135
debtor. A financial sanction of reimbursement imposed pursuant to 27136
division (A)(3)(a)(ii) of this section upon an offender confined 27137
in a jail or other residential facility is a judgment in favor of 27138
the entity operating the jail or other residential facility, and 27139
the offender subject to the financial sanction is the judgment 27140
debtor. A financial sanction of restitution imposed pursuant to 27141
division (A)(1) of this section is an order in favor of the victim 27142
of the offender's criminal act that can be collected through a 27143
certificate of judgment as described in division (E)(1) of this 27144
section, through execution as described in division (E)(2) of this 27145
section, or through an order as described in division (E)(3) of 27146
this section, and the offender shall be considered for purposes of 27147
the collection as the judgment debtor. 27148

Once the financial sanction is imposed as a judgment or order 27149
under this division, the victim, private provider, state, or 27150
political subdivision may do any of the following: 27151

(1) Obtain from the clerk of the court in which the judgment 27152
was entered, at no charge, a certificate of judgment that shall be 27153
in the same manner and form as a certificate of judgment issued in 27154
a civil action; 27155

(2) Obtain execution of the judgment or order through any 27156
available procedure, including any of the procedures identified in 27157
divisions (D)(1) and (2) of section 2929.18 of the Revised Code. 27158

(3) Obtain an order for the assignment of wages of the 27159
judgment debtor under section 1321.33 of the Revised Code. 27160

(F) The civil remedies authorized under division (E) of this 27161
section for the collection of the financial sanction supplement, 27162
but do not preclude, enforcement of the criminal sentence. 27163

(G) Each court imposing a financial sanction upon an offender 27164
under this section may designate the clerk of the court or another 27165
person to collect the financial sanction. The clerk, or another 27166
person authorized by law or the court to collect the financial 27167
sanction may do the following: 27168

(1) Enter into contracts with one or more public agencies or 27169
private vendors for the collection of amounts due under the 27170
sanction. Before entering into a contract for the collection of 27171
amounts due from an offender pursuant to any financial sanction 27172
imposed pursuant to this section, a court shall comply with 27173
sections 307.86 to 307.92 of the Revised Code. 27174

(2) Permit payment of all or any portion of the sanction in 27175
installments, by financial transaction device if the court is a 27176
county court or a municipal court operated by a county, by credit 27177
or debit card or by another electronic transfer if the court is a 27178
municipal court not operated by a county, or by any other 27179

reasonable method, in any time, and on any terms that court 27180
considers just, except that the maximum time permitted for payment 27181
shall not exceed five years. If the court is a county court or a 27182
municipal court operated by a county, the acceptance of payments 27183
by any financial transaction device shall be governed by the 27184
policy adopted by the board of county commissioners of the county 27185
pursuant to section 301.28 of the Revised Code. If the court is a 27186
municipal court not operated by a county, the clerk may pay any 27187
fee associated with processing an electronic transfer out of 27188
public money or may charge the fee to the offender. 27189

(3) To defray administrative costs, charge a reasonable fee 27190
to an offender who elects a payment plan rather than a lump sum 27191
payment of any financial sanction. 27192

(H) No financial sanction imposed under this section shall 27193
preclude a victim from bringing a civil action against the 27194
offender. 27195

(I) If the court imposes restitution, fines, fees, or 27196
incarceration costs on a business or corporation, it is the duty 27197
of the person authorized to make disbursements from assets of the 27198
business or corporation to pay the restitution, fines, fees, or 27199
incarceration costs from those assets. 27200

(J) If an offender is sentenced to pay restitution, a fine, 27201
fee, or incarceration costs, the clerk of the sentencing court, on 27202
request, shall make the offender's payment history available to 27203
the victim, victim's representative, victim's attorney, if 27204
applicable, the prosecutor, the probation department, and the 27205
court without cost. 27206

Sec. 2929.34. (A) A person who is convicted of or pleads 27207
guilty to aggravated murder, murder, or an offense punishable by 27208
life imprisonment and who is sentenced to a term of life 27209
imprisonment or a prison term pursuant to that conviction shall 27210

serve that term in an institution under the control of the 27211
department of rehabilitation and correction. 27212

(B)(1) A person who is convicted of or pleads guilty to a 27213
felony other than aggravated murder, murder, or an offense 27214
punishable by life imprisonment and who is sentenced to a term of 27215
imprisonment or a prison term pursuant to that conviction shall 27216
serve that term as follows: 27217

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 27218
this section, in an institution under the control of the 27219
department of rehabilitation and correction if the term is a 27220
prison term or as otherwise determined by the sentencing court 27221
pursuant to section 2929.16 of the Revised Code if the term is not 27222
a prison term; 27223

(b) In a facility of a type described in division (G)(1) of 27224
section 2929.13 of the Revised Code, if the offender is sentenced 27225
pursuant to that division. 27226

(2) If the term is a prison term, the person may be 27227
imprisoned in a jail that is not a minimum security jail pursuant 27228
to agreement under section 5120.161 of the Revised Code between 27229
the department of rehabilitation and correction and the local 27230
authority that operates the jail. 27231

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 27232
"voluntary county" means any county in which the board of county 27233
commissioners of the county and the administrative judge of the 27234
general division of the court of common pleas of the county enter 27235
into an agreement of the type described in division (B)(3)(b) of 27236
this section and in which the agreement has not been terminated as 27237
described in that division. 27238

~~(b)(b)(i)~~ In any voluntary county, the board of county 27239
commissioners of the county and the administrative judge of the 27240

general division of the court of common pleas of the county may 27241
agree to having the county participate in the ~~procedures regarding~~ 27242
~~local and state confinement established~~ targeted community 27243
alternatives to prison (T-CAP) program for prisoners who serve a 27244
term in a facility ~~under~~ pursuant to division (B)(3)(c) of this 27245
section by submitting a memorandum of understanding, either as a 27246
single county or jointly with other counties, to the department of 27247
rehabilitation and correction for approval, pursuant to section 27248
5149.38 of the Revised Code. A board of county commissioners and 27249
an administrative judge of a court of common pleas that enter into 27250
an agreement of the type described in this division may terminate 27251
the agreement, but a termination under this division shall take 27252
effect only at the end of the state fiscal biennium in which the 27253
termination decision is made. 27254

(ii) The department of rehabilitation and correction shall 27255
establish deadlines for a voluntary county to indicate the 27256
voluntary county's participation in the targeted community 27257
alternatives to prison (T-CAP) program before each state fiscal 27258
biennium. 27259

(iii) In reviewing a submitted memorandum of understanding 27260
for approval, the department of rehabilitation and correction 27261
shall prioritize a voluntary county that has previously been a 27262
voluntary county. The department of rehabilitation and correction 27263
may review a memorandum of understanding for a new voluntary 27264
county if the general assembly has appropriated sufficient funds 27265
for that purpose. 27266

(c) Except as provided in division (B)(3)(d) of this section, 27267
in any voluntary county, either division (B)(3)(c)(i) or divisions 27268
(B)(3)(c)(i) and (ii) of this section shall apply: 27269

(i) On and after July 1, 2018, no person sentenced by the 27270
court of common pleas of a voluntary county to a prison term for a 27271
felony of the fifth degree shall serve the term in an institution 27272

under the control of the department of rehabilitation and 27273
correction. The person shall instead serve the sentence as a term 27274
of confinement in a facility of a type described in division (C) 27275
or (D) of this section. 27276

(ii) On and after September 1, 2022, no person sentenced by 27277
the court of common pleas of a voluntary county to a prison term 27278
for a felony of the fourth degree shall serve the term in an 27279
institution under the control of the department of rehabilitation 27280
and correction. The person shall instead serve the sentence as a 27281
term of confinement in a facility of a type described in division 27282
(C) or (D) of this section. 27283

Nothing in this division relieves the state of its obligation 27284
to pay for the cost of confinement of the person in a 27285
community-based correctional facility under division (D) of this 27286
section. 27287

(d) Division (B)(3)(c) of this section does not apply to any 27288
person to whom any of the following apply: 27289

(i) The felony of the fourth or fifth degree was an offense 27290
of violence, as defined in section 2901.01 of the Revised Code, a 27291
sex offense under Chapter 2907. of the Revised Code, a violation 27292
of section 2925.03 of the Revised Code, or any offense for which a 27293
mandatory prison term is required. 27294

(ii) The person previously has been convicted of or pleaded 27295
guilty to any felony offense of violence, as defined in section 27296
2901.01 of the Revised Code, unless the felony of the fifth degree 27297
for which the person is being sentenced is a violation of division 27298
(I)(1) of section 2903.43 of the Revised Code. 27299

(iii) The person previously has been convicted of or pleaded 27300
guilty to any felony sex offense under Chapter 2907. of the 27301
Revised Code. 27302

(iv) The person's sentence is required to be served 27303

concurrently to any other sentence imposed upon the person for a 27304
felony that is required to be served in an institution under the 27305
control of the department of rehabilitation and correction. 27306

(C) A person who is convicted of or pleads guilty to one or 27307
more misdemeanors and who is sentenced to a jail term or term of 27308
imprisonment pursuant to the conviction or convictions shall serve 27309
that term in a county, multicounty, municipal, municipal-county, 27310
or multicounty-municipal jail or workhouse; in a community 27311
alternative sentencing center or district community alternative 27312
sentencing center when authorized by section 307.932 of the 27313
Revised Code; or, if the misdemeanor or misdemeanors are not 27314
offenses of violence, in a minimum security jail. 27315

(D) Nothing in this section prohibits the commitment, 27316
referral, or sentencing of a person who is convicted of or pleads 27317
guilty to a felony to a community-based correctional facility. 27318

Sec. 2930.11. (A) Except as otherwise provided in this 27319
section or in Chapter 2981. of the Revised Code, the law 27320
enforcement agency responsible for investigating a criminal 27321
offense or delinquent act shall promptly return to the victim of 27322
the criminal offense or delinquent act any property of the victim 27323
that was taken in the course of the investigation, and the victim 27324
shall not be compelled to pay any charge as a condition of 27325
retrieving that property. In accordance with Criminal Rule 26 or 27326
an applicable Juvenile Rule, the law enforcement agency may take 27327
photographs of the property for use as evidence. If the ownership 27328
of the property is in dispute, the agency shall not return the 27329
property until the dispute is resolved. 27330

(B) The law enforcement agency responsible for investigating 27331
a criminal offense or delinquent act shall retain any property of 27332
the victim of the criminal offense or delinquent act that is 27333
needed as evidence in the case, including any weapon used in the 27334

commission of the criminal offense or delinquent act, if the 27335
prosecutor certifies to the court a need to retain the property in 27336
lieu of a photograph of the property or of another evidentiary 27337
substitute for the property itself, pursuant to Ohio Rules of 27338
Appellate Procedure. 27339

(C) If the defendant or alleged juvenile offender in a case 27340
files a motion requesting the court to order the law enforcement 27341
agency to retain property of the victim because the property is 27342
needed for the defense in the case, the agency shall retain the 27343
property until the court rules on the motion. The court, in making 27344
a determination on the motion, shall weigh the victim's need for 27345
the property against the defendant's or alleged juvenile 27346
offender's assertion that the property has evidentiary value for 27347
the defense. The court shall rule on the motion in a timely 27348
fashion. 27349

Sec. 2930.16. (A) If a defendant is incarcerated, a victim or 27350
victim's representative who has requested to receive notice under 27351
this section shall be given notice of the incarceration of the 27352
defendant. If an alleged juvenile offender is committed to the 27353
temporary custody of a school, camp, institution, or other 27354
facility operated for the care of delinquent children or to the 27355
legal custody of the department of youth services, a victim or 27356
victim's representative who has requested to receive notice under 27357
this section shall be given notice of the commitment. Promptly 27358
after sentence is imposed upon the defendant or the commitment of 27359
the alleged juvenile offender is ordered, the court or the court's 27360
designee shall notify the prosecutor in the case and the 27361
prosecutor shall notify the victim and the victim's 27362
representative, if applicable, of the date on which the defendant 27363
will be released, or initially will be eligible for release, from 27364
confinement or the prosecutor's reasonable estimate of that date 27365
or the date on which the alleged juvenile offender will have 27366

served the minimum period of commitment or the prosecutor's 27367
reasonable estimate of that date. The prosecutor also shall notify 27368
the victim and the victim's representative of the name of the 27369
custodial agency of the defendant or alleged juvenile offender and 27370
tell the victim and the victim's representative how to contact 27371
that custodial agency. If the custodial agency is the department 27372
of rehabilitation and correction, the prosecutor shall notify the 27373
victim and the victim's representative of the services offered by 27374
the office of victims' services pursuant to section 5120.60 of the 27375
Revised Code. If the custodial agency is the department of youth 27376
services, the prosecutor shall notify the victim and the victim's 27377
representative of the services provided by the office of victims' 27378
services within the release authority of the department pursuant 27379
to section 5139.55 of the Revised Code and the victim's right 27380
pursuant to section 5139.56 of the Revised Code to submit a 27381
written request to the release authority to be notified of actions 27382
the release authority takes with respect to the alleged juvenile 27383
offender. The victim and the victim's representative shall keep 27384
the custodial agency informed of the victim's or victim's 27385
representative's current contact information. 27386

(B)(1) Upon the victim's or victim's representative's request 27387
or in accordance with division (D) of this section, the court or 27388
the court's designee shall notify the prosecutor in the case and 27389
the prosecutor promptly, but not later than seven days after the 27390
hearing is scheduled or the application is filed, shall notify the 27391
victim and the victim's representative, if applicable, of any 27392
application or hearing for judicial release of the defendant 27393
pursuant to section 2929.20 of the Revised Code or of any hearing 27394
for judicial release or early release of the alleged juvenile 27395
offender pursuant to section 2151.38 of the Revised Code and of 27396
the victim's and victim's representative's right to make a 27397
statement under those sections. If the court does not hold a 27398

hearing or if the victim and victim's representative, if 27399
applicable, do not attend the hearing or make a statement, the 27400
court shall notify the victim and victim's representative of its 27401
ruling in each of those hearings and on each of those 27402
applications. 27403

(2) If an offender is sentenced to a prison term pursuant to 27404
division (A)(3) or (B) of section 2971.03 of the Revised Code, on 27405
the request of the victim or victim's representative or in 27406
accordance with division (D) of this section, the court or the 27407
court's designee shall notify the prosecutor in the case and the 27408
prosecutor promptly shall notify the victim and the victim's 27409
representative, if applicable, of any hearing to be conducted 27410
pursuant to section 2971.05 of the Revised Code to determine 27411
whether to modify the requirement that the offender serve the 27412
entire prison term in a state correctional facility in accordance 27413
with division (C) of that section, whether to continue, revise, or 27414
revoke any existing modification of that requirement, or whether 27415
to terminate the prison term in accordance with division (D) of 27416
that section. If the court does not hold a hearing or if the 27417
victim and victim's representative, if applicable, do not attend 27418
the hearing or make a statement, the court shall notify the victim 27419
and the victim's representative of any order issued at the 27420
conclusion of the hearing. 27421

(C)(1) On first contact with a victim, the custodial agency 27422
of a defendant or delinquent child shall verify with the victim 27423
and victim's representative, if applicable, that all information 27424
and requests are current. If a victim's rights request form was 27425
not provided by the prosecutor, the custodial agency shall give 27426
the victim and victim's representative, if applicable, the 27427
victim's rights request form, or similar form that, at a minimum, 27428
contains the required information listed in this section and on 27429
the victim's rights request form. A person claiming direct and 27430

proximate harm as a result of a criminal offense or delinquent act 27431
must affirmatively identify the person's self and request the 27432
notifications provided in this section and section 2967.28 of the 27433
Revised Code. 27434

(2) Upon the victim's or victim's representative's request 27435
made at any time before the particular notice would be due or in 27436
accordance with division (D) of this section, the custodial agency 27437
of a defendant or alleged juvenile offender shall give the victim 27438
and the victim's representative, if applicable, any of the 27439
following notices that is applicable: 27440

(a) At least sixty days before the adult parole authority 27441
recommends a pardon or commutation of sentence for the defendant 27442
or at least sixty days prior to a hearing before the adult parole 27443
authority regarding a grant of parole to the defendant, notice of 27444
the victim's and victim's representative's right to submit a 27445
statement regarding the impact of the defendant's release in 27446
accordance with section 2967.12 of the Revised Code and, if 27447
applicable, of the victim's and victim's representative's right to 27448
appear at a full board hearing of the parole board to give 27449
testimony as authorized by section 5149.101 of the Revised Code; 27450
and at least sixty days prior to a hearing before the department 27451
regarding a determination of whether the inmate must be released 27452
under division (C) or (D)(2) of section 2967.271 of the Revised 27453
Code if the inmate is serving a non-life felony indefinite prison 27454
term, notice of the fact that the inmate will be having a hearing 27455
regarding a possible grant of release, the date of any hearing 27456
regarding a possible grant of release, and the right of any person 27457
to submit a written statement regarding the pending action; 27458

(b) At least sixty days before the defendant is transferred 27459
to transitional control under section 2967.26 of the Revised Code, 27460
notice of the pendency of the transfer and of the victim's and 27461
victim's representative's right under that section to submit a 27462

statement regarding the impact of the transfer; 27463

(c) At least sixty days before the release authority of the 27464
department of youth services holds a release review, release 27465
hearing, or discharge review for the alleged juvenile offender, 27466
notice of the pendency of the review or hearing, of the victim's 27467
and victim's representative's right to make an oral or written 27468
statement regarding the impact of the crime upon the victim or 27469
regarding the possible release or discharge, and, if the notice 27470
pertains to a hearing, of the victim's right to attend and make 27471
statements or comments at the hearing as authorized by section 27472
5139.56 of the Revised Code; 27473

(d) Prompt notice, but not more than three days after the 27474
escape, of the defendant's or alleged juvenile offender's escape 27475
from a facility of the custodial agency in which the defendant was 27476
incarcerated or in which the alleged juvenile offender was placed 27477
after commitment, of the defendant's or alleged juvenile 27478
offender's absence without leave from a mental health or 27479
developmental disabilities facility or from other custody, and of 27480
the capture of the defendant or alleged juvenile offender after an 27481
escape or absence; 27482

(e) Notice of the defendant's or alleged juvenile offender's 27483
death while in confinement or custody within thirty days of the 27484
defendant's or alleged juvenile offender's death; 27485

(f) Notice of the filing of a petition by the director of 27486
rehabilitation and correction pursuant to section 2929.20 of the 27487
Revised Code requesting the early release of the defendant 27488
pursuant to a judicial release under that section within thirty 27489
days of the filing of the petition; 27490

(g) Notice of the defendant's or alleged juvenile offender's 27491
post-conviction release from confinement or custody, including 27492
jail or local custody, and the terms and conditions of the release 27493

as soon as the custodial agency becomes aware of the release. 27494

(D)(1) If a defendant is incarcerated for the commission of 27495
aggravated murder, murder, or an offense of violence that is a 27496
felony of the first, second, or third degree or is under a 27497
sentence of life imprisonment or if an alleged juvenile offender 27498
has been charged with the commission of an act that would be 27499
aggravated murder, murder, or an offense of violence that is a 27500
felony of the first, second, or third degree or be subject to a 27501
sentence of life imprisonment if committed by an adult, except as 27502
otherwise provided in this division, the notices described in 27503
divisions (B) and (C) of this section shall be given regardless of 27504
whether the victim or victim's representative has requested the 27505
notification. The notices described in divisions (B) and (C) of 27506
this section shall not be given under this division to a victim or 27507
victim's representative if the victim or victim's representative 27508
has requested pursuant to division (B)(2) of section 2930.03 of 27509
the Revised Code that the victim or victim's representative not be 27510
provided the notice. Regardless of whether the victim or victim's 27511
representative has requested that the notices described in 27512
division (C) of this section be provided or not be provided, the 27513
custodial agency shall give notice similar to those notices to the 27514
prosecutor in the case, to the sentencing court, to the law 27515
enforcement agency that arrested the defendant or alleged juvenile 27516
offender if any officer of that agency was a victim of the 27517
offense, and to any member of the victim's immediate family who 27518
requests notification. If the notice given under this division to 27519
the victim and victim's representative is based on an offense 27520
committed prior to March 22, 2013, and if the prosecutor or 27521
custodial agency has not previously successfully provided any 27522
notice to the victim and victim's representative under this 27523
division or division (B) or (C) of this section with respect to 27524
that offense and the offender who committed it, the notice also 27525
shall inform the victim and victim's representative that the 27526

victim or victim's representative may request that the victim or 27527
victim's representative not be provided any further notices with 27528
respect to that offense and the offender who committed it and 27529
shall describe the procedure for making that request. If the 27530
notice given under this division to the victim and victim's 27531
representative pertains to a hearing regarding a grant of a parole 27532
to the defendant, the notice also shall inform the victim and 27533
victim's representative that the victim, a member of the victim's 27534
immediate family, or the victim's representative may request a 27535
victim conference, as described in division (E) of this section, 27536
and shall provide an explanation of a victim conference. 27537

The prosecutor or custodial agency may give the notices to 27538
which this division applies by any reasonable means, including, 27539
but not limited to, regular mail, telephone, and electronic mail. 27540
If the prosecutor or custodial agency attempts to provide notice 27541
to a victim or victim's representative under this division but the 27542
attempt is unsuccessful because the prosecutor or custodial agency 27543
is unable to locate the victim or victim's representative, is 27544
unable to provide the notice by its chosen method because it 27545
cannot determine the mailing address, telephone number, or 27546
electronic mail address at which to provide the notice, or, if the 27547
notice is sent by mail, the notice is returned, the prosecutor or 27548
custodial agency shall make another attempt to provide the notice 27549
to the victim or victim's representative. If the second attempt is 27550
unsuccessful, the prosecutor or custodial agency shall make at 27551
least one more attempt to provide the notice. If the notice is 27552
based on an offense committed prior to March 22, 2013, in each 27553
attempt to provide the notice to the victim or victim's 27554
representative, the notice shall include the opt-out information 27555
described in the preceding paragraph. The prosecutor or custodial 27556
agency, in accordance with division (D)(2) of this section, shall 27557
keep a record of all attempts to provide the notice, and of all 27558
notices provided, under this division. 27559

Division (D)(1) of this section, and the notice-related 27560
provisions of divisions (E)(2) and (K) of section 2929.20, 27561
division (H) of section 2967.12, division (E)(1)(b) of section 27562
2967.19 as it existed prior to the effective date of this 27563
amendment, division (A)(3)(b) of section 2967.26, division (D)(1) 27564
of section 2967.28, and division (A)(2) of section 5149.101 of the 27565
Revised Code enacted in the act in which division (D)(1) of this 27566
section was enacted, shall be known as "Roberta's Law." 27567

(2) Each prosecutor and custodial agency that attempts to 27568
give any notice to which division (D)(1) of this section applies 27569
shall keep a record of all attempts to give the notice. The record 27570
shall indicate the person who was to be the recipient of the 27571
notice, the date on which the attempt was made, the manner in 27572
which the attempt was made, and the person who made the attempt. 27573
If the attempt is successful and the notice is given, the record 27574
shall indicate that fact. The record shall be kept in a manner 27575
that allows public inspection of attempts and notices given to 27576
persons other than victims or victims' representatives without 27577
revealing the names, addresses, or other identifying information 27578
relating to victims or victims' representatives. The record of 27579
attempts and notices given to victims or victims' representatives 27580
is not a public record, but the prosecutor or custodial agency 27581
shall provide upon request a copy of that record to a prosecuting 27582
attorney, judge, law enforcement agency, or member of the general 27583
assembly. The record of attempts and notices given to persons 27584
other than victims or victims' representatives is a public record. 27585
A record kept under this division may be indexed by offender name, 27586
or in any other manner determined by the prosecutor or the 27587
custodial agency. Each prosecutor or custodial agency that is 27588
required to keep a record under this division shall determine the 27589
procedures for keeping the record and the manner in which it is to 27590
be kept, subject to the requirements of this division. 27591

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, provided that the department shall not limit the number of persons who may be present at any single conference to fewer than three. If the department limits the number of persons who may be present at any single victim conference, the department shall permit and schedule, upon request of the victim, a member of the victim's immediate family, or the victim's representative, multiple victim conferences for the persons specified in division (E)(1) of this section.

(G) Communications during a victim conference held pursuant to division (E) of this section and the rules adopted by the adult parole authority under that division shall be confidential and are not public records under section 149.43 of the Revised Code.

(H) As used in this section, "victim's immediate family" has 27623
the same meaning as in section 2967.12 of the Revised Code. 27624

Sec. 2933.82. (A) As used in this section: 27625

(1)(a) "Biological evidence" means any of the following: 27626

(i) The contents of a sexual assault examination kit; 27627

(ii) Any item that contains blood, semen, hair, saliva, skin 27628
tissue, fingernail scrapings, bone, bodily fluids, or any other 27629
identifiable biological material that was collected as part of a 27630
criminal investigation or delinquent child investigation and that 27631
reasonably may be used to incriminate or exculpate any person for 27632
an offense or delinquent act. 27633

(b) The definition of "biological evidence" set forth in 27634
division (A)(1)(a) of this section applies whether the material in 27635
question is cataloged separately, such as on a slide or swab or in 27636
a test tube, or is present on other evidence, including, but not 27637
limited to, clothing, ligatures, bedding or other household 27638
material, drinking cups or containers, or cigarettes. 27639

(2) "Biological material" has the same meaning as in section 27640
2953.71 of the Revised Code. 27641

(3) "DNA," "DNA analysis," "DNA database," "DNA record," and 27642
"DNA specimen" have the same meanings as in section 109.573 of the 27643
Revised Code. 27644

(4) "Prosecutor" has the same meaning as in section 2935.01 27645
of the Revised Code. 27646

(5) "Governmental evidence-retention entity" means all of the 27647
following: 27648

(a) Any law enforcement agency, prosecutor's office, court, 27649
public hospital, crime laboratory, or other governmental or public 27650
entity or individual within this state that is charged with the 27651

collection, storage, or retrieval of biological evidence; 27652

(b) Any official or employee of any entity or individual 27653
described in division (A)(5)(a) of this section. 27654

(B)(1) Each governmental evidence-retention entity that 27655
secures any sexual assault examination kit in relation to an 27656
investigation or prosecution of a criminal offense or delinquent 27657
act that is a violation of section 2905.32 of the Revised Code, or 27658
any biological evidence in relation to an investigation or 27659
prosecution of a criminal offense or delinquent act that is a 27660
violation of section 2903.01, 2903.02, or 2903.03, a violation of 27661
section 2903.04 or 2903.06 that is a felony of the first or second 27662
degree, a violation of section 2907.02 or 2907.03 or division 27663
(A)(4) or (B) of section 2907.05 of the Revised Code, or an 27664
attempt to commit a violation of section 2907.02 of the Revised 27665
Code shall secure the biological evidence for whichever of the 27666
following periods of time is applicable: 27667

(a) For a violation of section 2903.01 or 2903.02 of the 27668
Revised Code, for the period of time that the offense or act 27669
remains unsolved; 27670

(b) For a violation of section 2903.03 or 2905.32, a 27671
violation of section 2903.04 or 2903.06 that is a felony of the 27672
first or second degree, a violation of section 2907.02 or 2907.03 27673
or of division (A)(4) or (B) of section 2907.05 of the Revised 27674
Code, or an attempt to commit a violation of section 2907.02 of 27675
the Revised Code, for a period of thirty years if the offense or 27676
act remains unsolved; 27677

(c) If any person is convicted of or pleads guilty to the 27678
offense, or is adjudicated a delinquent child for committing the 27679
delinquent act, for the earlier of the following: (i) the 27680
expiration of the latest of the following periods of time that 27681
apply to the person: the period of time that the person is 27682

incarcerated, is in a department of youth services institution or 27683
other juvenile facility, is under a community control sanction for 27684
that offense, is under any order of disposition for that act, is 27685
on probation or parole for that offense, is under judicial release 27686
or supervised release for that act, is under post-release control 27687
for that offense, is involved in civil litigation in connection 27688
with that offense or act, or is subject to registration and other 27689
duties imposed for that offense or act under sections 2950.04, 27690
2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty 27691
years. If after the period of thirty years the person remains 27692
incarcerated, then the governmental evidence-retention entity 27693
shall secure the biological evidence until the person is released 27694
from incarceration or dies. 27695

(2)(a) A law enforcement agency shall review all of its 27696
records and reports pertaining to its investigation of any offense 27697
specified in division (B)(1) of this section, except a violation 27698
of section 2905.32 of the Revised Code, as soon as possible after 27699
March 23, 2015. A law enforcement agency shall review all of its 27700
records and reports pertaining to its investigation of any 27701
violation of section 2905.32 of the Revised Code as soon as 27702
possible after ~~the effective date of this amendment~~ April 4, 2023. 27703
If the law enforcement agency's review determines that one or more 27704
persons may have committed or participated in an offense specified 27705
in division (B)(1) of this section or another offense committed 27706
during the course of an offense specified in division (B)(1) of 27707
this section and the agency is in possession of a sexual assault 27708
examination kit secured during the course of the agency's 27709
investigation, as soon as possible, but not later than one year 27710
after March 23, 2015, or, in the case of a violation of section 27711
2905.32 of the Revised Code, not later than one year after ~~the~~ 27712
~~effective date of this amendment~~ April 4, 2023, the agency shall 27713
forward the contents of the kit to the bureau of criminal 27714
identification and investigation or another crime laboratory for a 27715

DNA analysis of the contents of the kit if a DNA analysis has not 27716
previously been performed on the contents of the kit. The law 27717
enforcement agency shall consider the period of time remaining 27718
under section 2901.13 of the Revised Code for commencing the 27719
prosecution of a criminal offense related to the DNA specimens 27720
from the kit as well as other relevant factors in prioritizing the 27721
forwarding of the contents of sexual assault examination kits. 27722

(b) If an investigation is initiated on or after March 23, 27723
2015, or, in the case of a violation of section 2905.32 of the 27724
Revised Code, on or after ~~the effective date of this amendment~~ 27725
April 4, 2023, and if a law enforcement agency investigating an 27726
offense specified in division (B)(1) of this section determines 27727
that one or more persons may have committed or participated in an 27728
offense specified in division (B)(1) of this section or another 27729
offense committed during the course of an offense specified in 27730
division (B)(1) of this section, the law enforcement agency shall 27731
forward the contents of a sexual assault examination kit in the 27732
agency's possession to the bureau or another crime laboratory 27733
within thirty days for a DNA analysis of the contents of the kit. 27734

(c) A law enforcement agency shall be considered in the 27735
possession of a sexual assault examination kit that is not in the 27736
law enforcement agency's possession for purposes of divisions 27737
(B)(2)(a) and (b) of this section if the sexual assault 27738
examination kit contains biological evidence related to the law 27739
enforcement agency's investigation of an offense specified in 27740
division (B)(1) of this section and is in the possession of 27741
another government evidence-retention entity. The law enforcement 27742
agency shall be responsible for retrieving the sexual assault 27743
examination kit from the government evidence-retention entity and 27744
forwarding the contents of the kit to the bureau or another crime 27745
laboratory as required under divisions (B)(2)(a) and (b) of this 27746
section. 27747

(d)(i) The bureau or a laboratory under contract with the bureau pursuant to division (B)(5) of section 109.573 of the Revised Code shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the bureau pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the bureau receives the contents of the kit. The bureau shall enter the resulting DNA record into a DNA database. If the DNA analysis is performed by a laboratory under contract with the bureau, the laboratory shall forward the biological evidence to the bureau immediately after the laboratory performs the DNA analysis. A crime laboratory shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the crime laboratory pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the crime laboratory receives the contents of the kit and shall enter the resulting DNA record into a DNA database subject to the applicable DNA index system standards.

(ii) Upon the completion of the DNA analysis by the bureau or a crime laboratory under contract with the bureau under this division, the bureau shall return the contents of the sexual assault examination kit to the law enforcement agency. The law enforcement agency shall secure the contents of the sexual assault examination kit in accordance with division (B)(1) of this section, as applicable.

(e) The failure of any law enforcement agency to comply with any time limit specified in this section shall not create, and shall not be construed as creating, any basis or right to appeal, claim for or right to postconviction relief, or claim for or right to a new trial or any other claim or right to relief by any person.

(f) All governmental evidence-retention entities shall submit reports regarding sexual assault examination kit inventory to the

attorney general as required under section 2933.821 of the Revised Code. 27780
27781

(3) This section applies to sexual assault examination kits 27782
in the possession of any governmental evidence-retention entity 27783
during an investigation or prosecution of a criminal offense or 27784
delinquent act that is a violation of section 2905.32 of the 27785
Revised Code, and any evidence likely to contain biological 27786
material that was in the possession of any governmental 27787
evidence-retention entity during the investigation and prosecution 27788
of a criminal case or delinquent child case involving a violation 27789
of section 2903.01, 2903.02, or 2903.03, a violation of section 27790
2903.04 or 2903.06 that is a felony of the first or second degree, 27791
a violation of section 2907.02 or 2907.03 or of division (A)(4) or 27792
(B) of section 2907.05 of the Revised Code, or an attempt to 27793
commit a violation of section 2907.02 of the Revised Code. 27794

(4) A governmental evidence-retention entity that possesses 27795
biological evidence shall retain the biological evidence in the 27796
amount and manner sufficient to develop a DNA record from the 27797
biological material contained in or included on the evidence. 27798

(5) Upon written request by the defendant in a criminal case 27799
or the alleged delinquent child in a delinquent child case 27800
involving a violation of section 2903.01, 2903.02, 2903.03, or 27801
2905.32, a violation of section 2903.04 or 2903.06 that is a 27802
felony of the first or second degree, a violation of section 27803
2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 27804
of the Revised Code, or an attempt to commit a violation of 27805
section 2907.02 of the Revised Code, a governmental 27806
evidence-retention entity that possesses biological evidence shall 27807
prepare an inventory of the biological evidence that has been 27808
preserved in connection with the defendant's criminal case or the 27809
alleged delinquent child's delinquent child case. 27810

(6) Except as otherwise provided in division (B)(8) of this 27811

section, a governmental evidence-retention entity that possesses 27812
biological evidence that includes biological material may destroy 27813
the evidence before the expiration of the applicable period of 27814
time specified in division (B)(1) of this section if all of the 27815
following apply: 27816

(a) No other provision of federal or state law requires the 27817
state to preserve the evidence. 27818

(b) The governmental evidence-retention entity, by certified 27819
mail, return receipt requested, provides notice of intent to 27820
destroy the evidence to all of the following: 27821

(i) All persons who remain in custody, incarcerated, in a 27822
department of youth services institution or other juvenile 27823
facility, under a community control sanction, under any order of 27824
disposition, on probation or parole, under judicial release or 27825
supervised release, under post-release control, involved in civil 27826
litigation, or subject to registration and other duties imposed 27827
for that offense or act under sections 2950.04, 2950.041, 2950.05, 27828
and 2950.06 of the Revised Code as a result of a criminal 27829
conviction, delinquency adjudication, or commitment related to the 27830
evidence in question; 27831

(ii) The attorney of record for each person who is in custody 27832
in any circumstance described in division (B)(6)(b)(i) of this 27833
section if the attorney of record can be located; 27834

(iii) The state public defender; 27835

(iv) The office of the prosecutor of record in the case that 27836
resulted in the custody of the person in custody in any 27837
circumstance described in division (B)(6)(b)(i) of this section; 27838

(v) The attorney general. 27839

(c) No person who is notified under division (B)(6)(b) of 27840
this section does either of the following within one year after 27841

the date on which the person receives the notice: 27842

(i) Files a motion for testing of evidence under sections 27843
2953.71 to 2953.81 or section 2953.82 of the Revised Code; 27844

(ii) Submits a written request for retention of evidence to 27845
the governmental evidence-retention entity that provided notice of 27846
its intent to destroy evidence under division (B)(6)(b) of this 27847
section. 27848

(7) Except as otherwise provided in division (B)(8) of this 27849
section, if, after providing notice under division (B)(6)(b) of 27850
this section of its intent to destroy evidence, a governmental 27851
evidence-retention entity receives a written request for retention 27852
of the evidence from any person to whom the notice is provided, 27853
the governmental evidence-retention entity shall retain the 27854
evidence while the person referred to in division (B)(6)(b)(i) of 27855
this section remains in custody, incarcerated, in a department of 27856
youth services institution or other juvenile facility, under a 27857
community control sanction, under any order of disposition, on 27858
probation or parole, under judicial release or supervised release, 27859
under post-release control, involved in civil litigation, or 27860
subject to registration and other duties imposed for that offense 27861
or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of 27862
the Revised Code as a result of a criminal conviction, delinquency 27863
adjudication, or commitment related to the evidence in question. 27864

(8) A governmental evidence-retention entity that possesses 27865
biological evidence that includes biological material may destroy 27866
the evidence five years after a person pleads guilty or no contest 27867
to a violation of section 2903.01, 2903.02, 2903.03, or 2905.32, a 27868
violation of section 2903.04 or 2903.06 that is a felony of the 27869
first or second degree, a violation of section 2907.02, 2907.03, 27870
division (A)(4) or (B) of section 2907.05, or an attempt to commit 27871
a violation of section 2907.02 of the Revised Code and all appeals 27872
have been exhausted unless, ~~upon~~ either of the following applies: 27873

(a) Upon a motion to the court by the person who pleaded 27874
guilty or no contest or the person's attorney and notice to those 27875
persons described in division (B)(6)(b) of this section requesting 27876
that the evidence not be destroyed, the court finds good cause as 27877
to why that evidence must be retained. 27878

(b) A victim submits a request pursuant to section 109.68 of 27879
the Revised Code for further preservation of a sexual assault 27880
examination kit or its probative contents beyond the intended 27881
destruction or disposal date. 27882

(9) A governmental evidence-retention entity shall not be 27883
required to preserve physical evidence pursuant to this section 27884
that is of such a size, bulk, or physical character as to render 27885
retention impracticable. When retention of physical evidence that 27886
otherwise would be required to be retained pursuant to this 27887
section is impracticable as described in this division, the 27888
governmental evidence-retention entity that otherwise would be 27889
required to retain the physical evidence shall remove and preserve 27890
portions of the material evidence likely to contain biological 27891
evidence related to the offense, in a quantity sufficient to 27892
permit future DNA testing before returning or disposing of that 27893
physical evidence. 27894

(C) The office of the attorney general shall administer and 27895
conduct training programs for law enforcement officers and other 27896
relevant employees who are charged with preserving and cataloging 27897
biological evidence regarding the methods and procedures 27898
referenced in this section. 27899

Sec. 2933.821. (A) As used in this section, "governmental 27900
evidence-retention entity" has the same meaning as in section 27901
2933.82 of the Revised Code. 27902

(B) Within one hundred eighty days after the effective date 27903
of this section, and annually thereafter, all governmental 27904

evidence-retention entities that receive, maintain, store, or 27905
preserve sexual assault evidence kits shall submit a report 27906
containing all of the following information to the attorney 27907
general: 27908

(1) The total number of all tested and untested sexual 27909
assault examination kits in possession of each governmental 27910
evidence-retention entity, and for each untested kit whether the 27911
sexual assault was reported to law enforcement or whether the 27912
victim chose not to file a report with law enforcement. 27913

(2) If the governmental evidence-retention entity is a 27914
medical facility, the date each untested sexual assault 27915
examination kit was reported to law enforcement, if applicable, 27916
and the date the kit was delivered to the medical facility. 27917

(3) If the governmental evidence-retention entity is a law 27918
enforcement agency, the date each untested sexual assault 27919
examination kit was received from a medical facility, the date the 27920
kit was submitted to a crime laboratory, or for any kit not 27921
submitted to a crime laboratory, the reason the kit was not 27922
submitted. 27923

(4) If an untested sexual assault examination kit belongs to 27924
another jurisdiction, the date that jurisdiction was notified and 27925
the date the kit was retrieved by that jurisdiction, if 27926
applicable. 27927

(5) If the governmental evidence-retention entity is a crime 27928
laboratory: 27929

(a) The date each sexual assault examination kit was received 27930
from law enforcement and from which agency the kit was received; 27931

(b) The date the kit was tested, if applicable; 27932

(c) The date the kit test results were entered into the 27933
combined DNA index system maintained by the bureau of criminal 27934

identification and investigation or other relevant state or local DNA databases, if applicable, or if a DNA profile has not been created, the reason it was not created; 27935
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(d) For untested kits, the reason the kit has not been tested; 27938
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(e) The total number of kits in possession of the entity for more than thirty days; 27940
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(f) The total number of kits destroyed and the reason for the destruction. 27942
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(C) The attorney general shall compile the data from the reports in a summary report. The summary report shall include a list of all governmental evidence-retention entities that failed to participate in the preparation of the report. The annual summary report shall be made public on the attorney general's web site, and shall be submitted to the governor, the speaker of the house of representatives, and the president of the senate. 27944
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Sec. 2953.25. (A) As used in this section: 27951

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed. 27952
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"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution. 27959
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(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the 27962
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exercise of any function of government, a political subdivision, 27965
an educational institution, or a government contractor or 27966
subcontractor made subject to this section by contract, law, or 27967
ordinance. 27968

(3) "Department-funded program" means a residential or 27969
nonresidential program that is not a term in a state correctional 27970
institution, that is funded in whole or part by the department of 27971
rehabilitation and correction, and that is imposed as a sanction 27972
for an offense, as part of a sanction that is imposed for an 27973
offense, or as a term or condition of any sanction that is imposed 27974
for an offense. 27975

(4) "Designee" means the person designated by the deputy 27976
director of the division of parole and community services to 27977
perform the duties designated in division (B) of this section. 27978

(5) "Division of parole and community services" means the 27979
division of parole and community services of the department of 27980
rehabilitation and correction. 27981

(6) "Offense" means any felony or misdemeanor under the laws 27982
of this state. 27983

(7) "Political subdivision" has the same meaning as in 27984
section 2969.21 of the Revised Code. 27985

(8) "Discretionary civil impact," "licensing agency," and 27986
"mandatory civil impact" have the same meanings as in section 27987
2961.21 of the Revised Code. 27988

(B)(1) An individual who is subject to one or more collateral 27989
sanctions as a result of being convicted of or pleading guilty to 27990
an offense and who either has served a term in a state 27991
correctional institution for any offense or has spent time in a 27992
department-funded program for any offense may file a petition with 27993
the designee of the deputy director of the division of parole and 27994
community services for a certificate of qualification for 27995

employment. 27996

(2) An individual who is subject to one or more collateral 27997
sanctions as a result of being convicted of or pleading guilty to 27998
an offense and who is not in a category described in division 27999
(B)(1) of this section may file for a certificate of qualification 28000
for employment by doing either of the following: 28001

(a) In the case of an individual who resides in this state, 28002
filing a petition with the court of common pleas of the county in 28003
which the person resides or with the designee of the deputy 28004
director of the division of parole and community services; 28005

(b) In the case of an individual who resides outside of this 28006
state, filing a petition with the court of common pleas of any 28007
county in which any conviction or plea of guilty from which the 28008
individual seeks relief was entered or with the designee of the 28009
deputy director of the division of parole and community services. 28010

(3) A petition under division (B)(1) or (2) of this section 28011
shall be made on a copy of the form prescribed by the division of 28012
parole and community services under division (J) of this section, 28013
shall contain all of the information described in division (F) of 28014
this section, and, except as provided in division (B)(6) of this 28015
section, shall be accompanied by an application fee of not more 28016
than fifty dollars, ~~including~~ excluding local court fees. 28017

(4)(a) Except as provided in division (B)(4)(b) of this 28018
section, an individual may file a petition under division (B)(1) 28019
or (2) of this section at any time after the expiration of 28020
whichever of the following is applicable: 28021

(i) If the offense that resulted in the collateral sanction 28022
from which the individual seeks relief is a felony, at any time 28023
after the expiration of one year from the date of release of the 28024
individual from any period of incarceration in a state or local 28025
correctional facility that was imposed for that offense and all 28026

periods of supervision imposed after release from the period of 28027
incarceration or, if the individual was not incarcerated for that 28028
offense, at any time after the expiration of one year from the 28029
date of the individual's final release from all other sanctions 28030
imposed for that offense. 28031

(ii) If the offense that resulted in the collateral sanction 28032
from which the individual seeks relief is a misdemeanor, at any 28033
time after the expiration of six months from the date of release 28034
of the individual from any period of incarceration in a local 28035
correctional facility that was imposed for that offense and all 28036
periods of supervision imposed after release from the period of 28037
incarceration or, if the individual was not incarcerated for that 28038
offense, at any time after the expiration of six months from the 28039
date of the final release of the individual from all sanctions 28040
imposed for that offense including any period of supervision. 28041

(b) The department of rehabilitation and correction may 28042
establish criteria by rule adopted under Chapter 119. of the 28043
Revised Code that, if satisfied by an individual, would allow the 28044
individual to file a petition before the expiration of six months 28045
or one year from the date of final release, whichever is 28046
applicable under division (B)(4)(a) of this section. 28047

(5)(a) A designee that receives a petition for a certificate 28048
of qualification for employment from an individual under division 28049
(B)(1) or (2) of this section shall review the petition to 28050
determine whether it is complete. If the petition is complete, the 28051
designee shall forward the petition, the application fee, and any 28052
other information the designee possesses that relates to the 28053
petition, to the court of common pleas of the county in which the 28054
individual resides if the individual submitting the petition 28055
resides in this state or, if the individual resides outside of 28056
this state, to the court of common pleas of the county in which 28057
the conviction or plea of guilty from which the individual seeks 28058

relief was entered. 28059

(b) A court of common pleas that receives a petition for a 28060
certificate of qualification for employment from an individual 28061
under division (B)(2) of this section, or that is forwarded a 28062
petition for such a certificate under division (B)(5)(a) of this 28063
section, shall attempt to determine all other courts in this state 28064
in which the individual was convicted of or pleaded guilty to an 28065
offense other than the offense from which the individual is 28066
seeking relief. The court that receives or is forwarded the 28067
petition shall notify all other courts in this state that it 28068
determines under this division were courts in which the individual 28069
was convicted of or pleaded guilty to an offense other than the 28070
offense from which the individual is seeking relief that the 28071
individual has filed the petition and that the court may send 28072
comments regarding the possible issuance of the certificate. 28073

A court of common pleas that receives a petition for a 28074
certificate of qualification for employment under division (B)(2) 28075
of this section shall notify the county's prosecuting attorney 28076
that the individual has filed the petition. 28077

A court of common pleas that receives a petition for a 28078
certificate of qualification for employment under division (B)(2) 28079
of this section, or that is forwarded a petition for qualification 28080
under division (B)(5)(a) of this section may direct the clerk of 28081
court to process and record all notices required in or under this 28082
section. Except as provided in division (B)(6) of this section, 28083
the court shall pay thirty dollars of the application fee into the 28084
state treasury and twenty dollars of the application fee into the 28085
county general revenue fund. 28086

(6) Upon receiving a petition for a certificate of 28087
qualification for employment filed by an individual under division 28088
(B)(1) or (2) of this section, a court of common pleas or the 28089
designee of the deputy director of the division of parole and 28090

community services who receives the petition may waive all or part 28091
of the ~~filing~~ application fee of not more than fifty dollars 28092
described in division (B)(3) of this section, for an applicant who 28093
presents a poverty affidavit showing that the applicant is 28094
indigent. If an applicant pays an application fee, the first 28095
twenty dollars or two-fifths of the fee, whichever is greater, 28096
that is collected shall be paid into the county general revenue 28097
fund. If an applicant pays an application fee, the amount 28098
collected in excess of the amount to be paid into the county 28099
general revenue fund shall be paid into the state treasury. 28100

(C)(1) Upon receiving a petition for a certificate of 28101
qualification for employment filed by an individual under division 28102
(B)(2) of this section or being forwarded a petition for such a 28103
certificate under division (B)(5)(a) of this section, the court 28104
shall review the individual's petition, the individual's criminal 28105
history, except for information contained in any record that has 28106
been sealed under section 2953.32 of the Revised Code, all filings 28107
submitted by the prosecutor or by the victim in accordance with 28108
rules adopted by the division of parole and community services, 28109
the applicant's military service record, if applicable, and 28110
whether the applicant has an emotional, mental, or physical 28111
condition that is traceable to the applicant's military service in 28112
the armed forces of the United States and that was a contributing 28113
factor in the commission of the offense or offenses, and all other 28114
relevant evidence. The court may order any report, investigation, 28115
or disclosure by the individual that the court believes is 28116
necessary for the court to reach a decision on whether to approve 28117
the individual's petition for a certificate of qualification for 28118
employment, except that the court shall not require an individual 28119
to disclose information about any record sealed under section 28120
2953.32 of the Revised Code. 28121

(2) Upon receiving a petition for a certificate of 28122

qualification for employment filed by an individual under division 28123
(B)(2) of this section or being forwarded a petition for such a 28124
certificate under division (B)(5)(a) of this section, except as 28125
otherwise provided in this division, the court shall decide 28126
whether to issue the certificate within sixty days after the court 28127
receives or is forwarded the completed petition and all 28128
information requested for the court to make that decision. Upon 28129
request of the individual who filed the petition, the court may 28130
extend the sixty-day period specified in this division. 28131

(3) Except as provided in division (C)(5) of this section and 28132
subject to division (C)(7) of this section, a court that receives 28133
an individual's petition for a certificate of qualification for 28134
employment under division (B)(2) of this section or that is 28135
forwarded a petition for such a certificate under division 28136
(B)(5)(a) of this section may issue a certificate of qualification 28137
for employment, at the court's discretion, if the court finds that 28138
the individual has established all of the following by a 28139
preponderance of the evidence: 28140

(a) Granting the petition will materially assist the 28141
individual in obtaining employment or occupational licensing. 28142

(b) The individual has a substantial need for the relief 28143
requested in order to live a law-abiding life. 28144

(c) Granting the petition would not pose an unreasonable risk 28145
to the safety of the public or any individual. 28146

(4) The submission of an incomplete petition by an individual 28147
shall not be grounds for the designee or court to deny the 28148
petition. 28149

(5) Subject to division (C)(6) of this section, an individual 28150
is rebuttably presumed to be eligible for a certificate of 28151
qualification for employment if the court that receives the 28152
individual's petition under division (B)(2) of this section or 28153

that is forwarded a petition under division (B)(5)(a) of this 28154
section finds all of the following: 28155

(a) The application was filed after the expiration of the 28156
applicable waiting period prescribed in division (B)(4) of this 28157
section; 28158

(b) If the offense that resulted in the collateral sanction 28159
from which the individual seeks relief is a felony, at least three 28160
years have elapsed since the date of release of the individual 28161
from any period of incarceration in a state or local correctional 28162
facility that was imposed for that offense and all periods of 28163
supervision imposed after release from the period of incarceration 28164
or, if the individual was not incarcerated for that offense, at 28165
least three years have elapsed since the date of the individual's 28166
final release from all other sanctions imposed for that offense; 28167

(c) If the offense that resulted in the collateral sanction 28168
from which the individual seeks relief is a misdemeanor, at least 28169
one year has elapsed since the date of release of the individual 28170
from any period of incarceration in a local correctional facility 28171
that was imposed for that offense and all periods of supervision 28172
imposed after release from the period of incarceration or, if the 28173
individual was not incarcerated for that offense, at least one 28174
year has elapsed since the date of the final release of the 28175
individual from all sanctions imposed for that offense including 28176
any period of supervision. 28177

(6) An application that meets all of the requirements for the 28178
presumption under division (C)(5) of this section shall be denied 28179
only if the court that receives the petition finds that the 28180
evidence reviewed under division (C)(1) of this section rebuts the 28181
presumption of eligibility for issuance by establishing, by clear 28182
and convincing evidence, that the applicant has not been 28183
rehabilitated. 28184

(7) A certificate of qualification for employment shall not create relief from any of the following collateral sanctions:	28185 28186
(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;	28187 28188 28189
(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;	28190 28191 28192 28193 28194
(c) Restrictions on employment as a prosecutor or law enforcement officer;	28195 28196
(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code;	28197 28198 28199 28200 28201 28202 28203 28204 28205 28206
(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;	28207 28208 28209 28210 28211
(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;	28212 28213 28214
(g) The mandatory suspension of a license that is imposed on	28215

an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that

the person is unfit for the license, employment opportunity, or 28248
certification in question. Notwithstanding the presumption 28249
established under this division, the agency may deny the license 28250
or certification for the person if it determines that the person 28251
is unfit for issuance of the license. 28252

(3) If an employer that has hired a person who has been 28253
issued a certificate of qualification for employment applies to a 28254
licensing agency for a license or certification and the person has 28255
a conviction or guilty plea that otherwise would bar the person's 28256
employment with the employer or licensure for the employer because 28257
of a mandatory civil impact, the agency shall give the person 28258
individualized consideration, notwithstanding the mandatory civil 28259
impact, the mandatory civil impact shall be considered for all 28260
purposes to be a discretionary civil impact, and the certificate 28261
constitutes a rebuttable presumption that the person's criminal 28262
convictions are insufficient evidence that the person is unfit for 28263
the employment, or that the employer is unfit for the license or 28264
certification, in question. 28265

(E) A certificate of qualification for employment does not 28266
grant the individual to whom the certificate was issued relief 28267
from the mandatory civil impacts identified in division (A)(1) of 28268
section 2961.01 or division (B) of section 2961.02 of the Revised 28269
Code. 28270

(F) A petition for a certificate of qualification for 28271
employment filed by an individual under division (B)(1) or (2) of 28272
this section shall include all of the following: 28273

(1) The individual's name, date of birth, and social security 28274
number; 28275

(2) All aliases of the individual and all social security 28276
numbers associated with those aliases; 28277

(3) The individual's residence address, including the city, 28278

county, and state of residence and zip code;	28279
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	28280 28281 28282
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	28283 28284 28285
(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed or expunged under section 2953.32 or 2953.39 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	28286 28287 28288 28289 28290 28291 28292
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	28293 28294 28295
(8) Verifiable references and endorsements;	28296
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	28297 28298 28299
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	28300 28301
(11) Any other information required by rule by the department of rehabilitation and correction.	28302 28303
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or	28304 28305 28306 28307 28308

program, or otherwise transacting business or engaging in activity 28309
with the individual to whom the certificate of qualification for 28310
employment was issued if the person knew of the certificate at the 28311
time of the alleged negligence or other fault. 28312

(2) In any proceeding on a claim against an employer for 28313
negligent hiring, a certificate of qualification for employment 28314
issued to an individual under this section shall provide immunity 28315
for the employer as to the claim if the employer knew of the 28316
certificate at the time of the alleged negligence. 28317

(3) If an employer hires an individual who has been issued a 28318
certificate of qualification for employment under this section, if 28319
the individual, after being hired, subsequently demonstrates 28320
dangerousness or is convicted of or pleads guilty to a felony, and 28321
if the employer retains the individual as an employee after the 28322
demonstration of dangerousness or the conviction or guilty plea, 28323
the employer may be held liable in a civil action that is based on 28324
or relates to the retention of the individual as an employee only 28325
if it is proved by a preponderance of the evidence that the person 28326
having hiring and firing responsibility for the employer had 28327
actual knowledge that the employee was dangerous or had been 28328
convicted of or pleaded guilty to the felony and was willful in 28329
retaining the individual as an employee after the demonstration of 28330
dangerousness or the conviction or guilty plea of which the person 28331
has actual knowledge. 28332

(H) A certificate of qualification for employment issued 28333
under this section shall be revoked if the individual to whom the 28334
certificate of qualification for employment was issued is 28335
convicted of or pleads guilty to a felony offense committed 28336
subsequent to the issuance of the certificate of qualification for 28337
employment. The department of rehabilitation and correction shall 28338
periodically review the certificates listed in the database 28339
described in division (K) of this section to identify those that 28340

are subject to revocation under this division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of the conviction or plea of guilty subsequent to the issuance of the certificate.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) The division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and shall prescribe the form for the petition to be used under division (B)(1) or (2) of this section. The form for the petition shall include places for all of the information specified in division (F) of this section.

(K) The department of rehabilitation and correction shall maintain a database that identifies granted certificates and revoked certificates and tracks the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates. The department shall annually create a report that summarizes the information maintained in the database and shall make the report available to the public on its internet web site.

Sec. 2953.32. (A) Sections 2953.32 to 2953.34 of the Revised

Code do not apply to any of the following:	28372
(1) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;	28373 28374 28375 28376
(2) Convictions of a felony offense of violence that is not a sexually oriented offense;	28377 28378
(3) Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008;	28379 28380 28381 28382
(4) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;	28383 28384 28385
(5) Convictions of a felony of the first or second degree or of more than two felonies of the third degree;	28386 28387
(6) Convictions for a violation of section 2919.25 or 2919.27 of the Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to either section.	28388 28389 28390
(B)(1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (B)(1)(a)(iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed in division (A) of this section. Application may be made at whichever of the following times is applicable regarding the offense:	28391 28392 28393 28394 28395 28396 28397 28398 28399
(a) An application for sealing under this section may be made at whichever of the following times is applicable regarding the	28400 28401

offense: 28402

(i) Except as otherwise provided in division (B)(1)(a)(iv) of 28403
this section, at the expiration of three years after the 28404
offender's final discharge if convicted of one or two felonies of 28405
the third degree, so long as none of the offenses is a violation 28406
of section 2921.43 of the Revised Code; 28407

(ii) Except as otherwise provided in division (B)(1)(a)(iv) 28408
of this section, at the expiration of one year after the 28409
offender's final discharge if convicted of one or more felonies of 28410
the fourth or fifth degree or one or more misdemeanors, so long as 28411
none of the offenses is a violation of section 2921.43 of the 28412
Revised Code or a felony offense of violence; 28413

(iii) At the expiration of seven years after the offender's 28414
final discharge if the record includes one or more convictions of 28415
soliciting improper compensation in violation of section 2921.43 28416
of the Revised Code; 28417

(iv) If the offender was subject to the requirements of 28418
Chapter 2950. of the Revised Code or Chapter 2950. of the Revised 28419
Code as it existed prior to January 1, 2008, at the expiration of 28420
five years after the requirements have ended under section 2950.07 28421
of the Revised Code or section 2950.07 of the Revised Code as it 28422
existed prior to January 1, 2008, or are terminated under section 28423
2950.15 or 2950.151 of the Revised Code; 28424

(v) At the expiration of six months after the offender's 28425
final discharge if convicted of a minor misdemeanor. 28426

(b) An application for expungement under this section may be 28427
made at whichever of the following times is applicable regarding 28428
the offense: 28429

(i) Except as otherwise provided in division (B)(1)(b)(ii) of 28430
this section, if the offense is a misdemeanor, at the expiration 28431
of one year after the offender's final discharge; 28432

(ii) If the offense is a minor misdemeanor, at the expiration 28433
of six months after the offender's final discharge; 28434

(iii) If the offense is a felony, at the expiration of ten 28435
years after the time specified in division (B)(1)(a) of this 28436
section at which the person may file an application for sealing 28437
with respect to that felony offense. 28438

(2) Any person who has been arrested for any misdemeanor 28439
offense and who has effected a bail forfeiture for the offense 28440
charged may apply to the court in which the misdemeanor criminal 28441
case was pending when bail was forfeited for the sealing or 28442
expungement of the record of the case that pertains to the charge. 28443
Except as provided in section 2953.61 of the Revised Code, the 28444
application may be filed at whichever of the following times is 28445
applicable regarding the offense: 28446

(a) An application for sealing may be made at any time after 28447
the date on which the bail forfeiture was entered upon the minutes 28448
of the court or the journal, whichever entry occurs first. 28449

(b) An application for expungement may be made at any time 28450
after the expiration of three years from the date on which the 28451
bail forfeiture was entered upon the minutes of the court or the 28452
journal, whichever entry occurs first. 28453

(C) Upon the filing of an application under this section, the 28454
court shall set a date for a hearing and shall notify the 28455
prosecutor for the case of the hearing on the application not less 28456
than sixty days prior to the hearing. The prosecutor shall provide 28457
timely notice to a victim and victim's representative, if 28458
applicable, if the victim or victim's representative requested 28459
notice of the proceedings in the underlying case. The court shall 28460
hold the hearing not less than forty-five days and not more than 28461
ninety days from the date of the filing of the application. The 28462
prosecutor may object to the granting of the application by filing 28463

a written objection with the court not later than thirty days 28464
prior to the date set for the hearing. The prosecutor shall 28465
specify in the objection the reasons for believing a denial of the 28466
application is justified. The prosecutor shall provide notice of 28467
the application and the date and time of the hearing to the victim 28468
of the offense in the case pursuant to the Ohio Constitution. The 28469
victim, victim's representative, and victim's attorney, if 28470
applicable, may be present and heard orally, in writing, or both 28471
at any hearing under this section. The court shall direct its 28472
regular probation officer, a state probation officer, or the 28473
department of probation of the county in which the applicant 28474
resides to make inquiries and written reports as the court 28475
requires concerning the applicant. The probation officer or county 28476
department of probation that the court directs to make inquiries 28477
and written reports as the court requires concerning the applicant 28478
shall determine whether or not the applicant was fingerprinted at 28479
the time of arrest or under section 109.60 of the Revised Code. If 28480
the applicant was so fingerprinted, the probation officer or 28481
county department of probation shall include with the written 28482
report a record of the applicant's fingerprints. If the applicant 28483
was convicted of or pleaded guilty to a violation of division 28484
(A)(2) or (B) of section 2919.21 of the Revised Code, the 28485
probation officer or county department of probation that the court 28486
directed to make inquiries concerning the applicant shall contact 28487
the child support enforcement agency enforcing the applicant's 28488
obligations under the child support order to inquire about the 28489
offender's compliance with the child support order. 28490

(D)(1) At the hearing held under division (C) of this 28491
section, the court shall do each of the following: 28492

(a) Determine whether the applicant is pursuing sealing or 28493
expunging a conviction of an offense that is prohibited under 28494
division (A) of this section or whether the forfeiture of bail was 28495

agreed to by the applicant and the prosecutor in the case, and 28496
determine whether the application was made at the time specified 28497
in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this 28498
section that is applicable with respect to the application and the 28499
subject offense; 28500

(b) Determine whether criminal proceedings are pending 28501
against the applicant; 28502

(c) Determine whether the applicant has been rehabilitated to 28503
the satisfaction of the court; 28504

(d) If the prosecutor has filed an objection in accordance 28505
with division (C) of this section, consider the reasons against 28506
granting the application specified by the prosecutor in the 28507
objection; 28508

(e) If the victim objected, pursuant to the Ohio 28509
Constitution, consider the reasons against granting the 28510
application specified by the victim in the objection; 28511

(f) Weigh the interests of the applicant in having the 28512
records pertaining to the applicant's conviction or bail 28513
forfeiture sealed or expunged against the legitimate needs, if 28514
any, of the government to maintain those records; 28515

(g) Consider the oral or written statement of any victim, 28516
victim's representative, and victim's attorney, if applicable; 28517

(h) If the applicant was an eligible offender of the type 28518
described in division (A)(3) of section 2953.36 of the Revised 28519
Code as it existed prior to the effective date of this amendment, 28520
determine whether the offender has been rehabilitated to a 28521
satisfactory degree. In making the determination, the court may 28522
consider all of the following: 28523

(i) The age of the offender; 28524

(ii) The facts and circumstances of the offense; 28525

(iii) The cessation or continuation of criminal behavior;	28526
(iv) The education and employment of the offender;	28527
(v) Any other circumstances that may relate to the offender's rehabilitation.	28528 28529
(2) If the court determines, after complying with division (D)(1) of this section, that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, that the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that is applicable with respect to the application and the subject offense, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the applicant has been attained to the satisfaction of the court, both of the following apply:	28530 28531 28532 28533 28534 28535 28536 28537 28538 28539 28540 28541 28542 28543 28544
(a) The court, except as provided in division (D)(4) or (5) of this section or division (D), (F), or (G) of section 2953.34 of the Revised Code, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed if the application was for sealing or expunged if the application was for expungement and, except as provided in division (C) of section 2953.34 of the Revised Code, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case.	28545 28546 28547 28548 28549 28550 28551 28552 28553
(b) The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who	28554 28555 28556

is the subject of the proceedings shall be sealed if the 28557
application was for sealing or expunged if the application was for 28558
expungement, except that upon conviction of a subsequent offense, 28559
a sealed record of prior conviction or bail forfeiture may be 28560
considered by the court in determining the sentence or other 28561
appropriate disposition, including the relief provided for in 28562
sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 28563

(3) An applicant may request the sealing or expungement of 28564
the records of more than one case in a single application under 28565
this section. Upon the filing of an application under this 28566
section, the applicant, unless the applicant presents a poverty 28567
affidavit showing that the applicant is indigent, shall pay a fee 28568
of not more than fifty dollars, ~~including~~ excluding local court 28569
fees, regardless of the number of records the application requests 28570
to have sealed or expunged. If the applicant pays a fee, the court 28571
shall pay three-fifths of the fee collected into the state 28572
treasury, with half of that amount credited to the attorney 28573
general reimbursement fund created by section 109.11 of the 28574
Revised Code. If the applicant pays a fee, the court shall pay 28575
two-fifths of the fee collected into the county general revenue 28576
fund if the sealed or expunged conviction or bail forfeiture was 28577
pursuant to a state statute, or into the general revenue fund of 28578
the municipal corporation involved if the sealed or expunged 28579
conviction or bail forfeiture was pursuant to a municipal 28580
ordinance. 28581

(4) If the court orders the official records pertaining to 28582
the case sealed or expunged, the court shall do one of the 28583
following: 28584

(a) If the applicant was fingerprinted at the time of arrest 28585
or under section 109.60 of the Revised Code and the record of the 28586
applicant's fingerprints was provided to the court under division 28587
(C) of this section, forward a copy of the sealing or expungement 28588

order and the record of the applicant's fingerprints to the bureau 28589
of criminal identification and investigation. 28590

(b) If the applicant was not fingerprinted at the time of 28591
arrest or under section 109.60 of the Revised Code, or the record 28592
of the applicant's fingerprints was not provided to the court 28593
under division (C) of this section, but fingerprinting was 28594
required for the offense, order the applicant to appear before a 28595
sheriff to have the applicant's fingerprints taken according to 28596
the fingerprint system of identification on the forms furnished by 28597
the superintendent of the bureau of criminal identification and 28598
investigation. The sheriff shall forward the applicant's 28599
fingerprints to the court. The court shall forward the applicant's 28600
fingerprints and a copy of the sealing or expungement order to the 28601
bureau of criminal identification and investigation. 28602

Failure of the court to order fingerprints at the time of 28603
sealing or expungement does not constitute a reversible error. 28604

(5) Notwithstanding any other provision of the Revised Code 28605
to the contrary, when the bureau of criminal identification and 28606
investigation receives notice from a court that a conviction has 28607
been expunged under this section, the bureau of criminal 28608
identification and investigation shall maintain a record of the 28609
expunged conviction record for the limited purpose of determining 28610
an individual's qualification or disqualification for employment 28611
in law enforcement. The bureau of criminal identification and 28612
investigation shall not be compelled by the court to expunge those 28613
records. These records may only be disclosed or provided to law 28614
enforcement for the limited purpose of determining an individual's 28615
qualification or disqualification for employment in law 28616
enforcement. 28617

Sec. 2967.16. (A) Except as provided in division (D) of this 28618
section, when a paroled prisoner has faithfully performed the 28619

conditions and obligations of the paroled prisoner's parole and 28620
has obeyed the rules and regulations adopted by the adult parole 28621
authority that apply to the paroled prisoner, the authority may 28622
grant a final release and thereupon shall issue to the paroled 28623
prisoner a certificate of final release that shall serve as the 28624
minutes of the authority, but the authority shall not grant a 28625
final release earlier than one year after the paroled prisoner is 28626
released from the institution on parole, and, in the case of a 28627
paroled prisoner whose sentence is life imprisonment, the 28628
authority shall not grant a final release earlier than five years 28629
after the paroled prisoner is released from the institution on 28630
parole. 28631

(B)(1) When a prisoner who has been released under a period 28632
of post-release control pursuant to section 2967.28 of the Revised 28633
Code has faithfully performed the conditions and obligations of 28634
the released prisoner's post-release control sanctions and has 28635
obeyed the rules and regulations adopted by the adult parole 28636
authority that apply to the released prisoner or has the period of 28637
post-release control terminated by a court pursuant to section 28638
2929.141 of the Revised Code, the authority may terminate the 28639
period of post-release control and issue to the released prisoner 28640
a certificate of termination, which shall serve as the minutes of 28641
the authority. In the case of a prisoner who has been released 28642
under a period of post-release control pursuant to division (B) of 28643
section 2967.28 of the Revised Code, the authority shall not 28644
terminate post-release control earlier than one year after the 28645
released prisoner is released from the institution under a period 28646
of post-release control. The authority ~~shall~~ may classify the 28647
termination of post-release control as ~~favorable or unfavorable~~ 28648
~~depending on~~ if the offender's conduct and compliance with the 28649
conditions of supervision is unsatisfactory. If the authority does 28650
not classify the termination of post-release control as 28651

unfavorable, the offender's conduct and compliance with the 28652
conditions of post-release control shall be not considered as an 28653
unfavorable termination under this division by a court when the 28654
court, at a future sentencing hearing, is considering the factors 28655
described in division (D)(1) of section 2929.12 of the Revised 28656
Code. In the case of a released prisoner whose sentence is life 28657
imprisonment, the authority shall not terminate post-release 28658
control earlier than five years after the released prisoner is 28659
released from the institution under a period of post-release 28660
control. 28661

(2) The department of rehabilitation and correction, no later 28662
than six months after July 8, 2002, shall adopt a rule in 28663
accordance with Chapter 119. of the Revised Code that establishes 28664
the criteria for the classification of a post-release control 28665
termination as ~~"favorable"~~ or "unfavorable." 28666

(C)(1) Except as provided in division (C)(2) of this section, 28667
the following prisoners or person shall be restored to the rights 28668
and privileges forfeited by a conviction: 28669

(a) A prisoner who has served the entire prison term that 28670
comprises or is part of the prisoner's sentence and has not been 28671
placed under any post-release control sanctions; 28672

(b) A prisoner who has been granted a final release or 28673
termination of post-release control by the adult parole authority 28674
pursuant to division (A) or (B) of this section; 28675

(c) A person who has completed the period of a community 28676
control sanction or combination of community control sanctions, as 28677
defined in section 2929.01 of the Revised Code, that was imposed 28678
by the sentencing court. 28679

(2)(a) As used in division (C)(2)(c) of this section: 28680

(i) "Position of honor, trust, or profit" has the same 28681
meaning as in section 2929.192 of the Revised Code. 28682

(ii) "Public office" means any elected federal, state, or local government office in this state. 28683
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(b) For purposes of division (C)(2)(c) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008. 28685
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(c) Division (C)(1) of this section does not restore a prisoner or person to the privilege of holding a position of honor, trust, or profit if the prisoner or person was convicted of or pleaded guilty to committing on or after May 13, 2008, any of the following offenses that is a felony: 28693
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(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code; 28698
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(ii) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office; 28700
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(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(i) of this section; 28706
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(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(ii) of this section, when the person committed the 28710
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violation while the person was serving in a public office and the 28714
conduct constituting the violation was related to the duties of 28715
the person's public office or to the person's actions as a public 28716
official holding that public office; 28717

(v) A conspiracy to commit, attempt to commit, or complicity 28718
in committing any offense listed in division (C)(2)(c)(i) or 28719
described in division (C)(2)(c)(iii) of this section; 28720

(vi) A conspiracy to commit, attempt to commit, or complicity 28721
in committing any offense listed in division (C)(2)(c)(ii) or 28722
described in division (C)(2)(c)(iv) of this section, if the person 28723
committed the violation while the person was serving in a public 28724
office and the conduct constituting the offense that was the 28725
subject of the conspiracy, that would have constituted the offense 28726
attempted, or constituting the offense in which the person was 28727
complicit was or would have been related to the duties of the 28728
person's public office or to the person's actions as a public 28729
official holding that public office. 28730

(D) Division (A) of this section does not apply to a prisoner 28731
in the shock incarceration program established pursuant to section 28732
5120.031 of the Revised Code. 28733

(E) The final release certificate of a parolee and the 28734
certificate of termination of a prisoner shall serve as the 28735
official minutes of the adult parole authority, and the authority 28736
shall consider those certificates as its official minutes. 28737

Sec. 2967.193. (A)(1) The provisions of this section ~~shall~~ 28738
~~apply, until the date that is one year after the effective date of~~ 28739
~~this amendment, April 4, 2024,~~ to persons confined in a state 28740
correctional institution or in the substance use disorder 28741
treatment program. On and after April 4, 2024, the provisions of 28742
section 2967.194 of the Revised Code apply to persons so confined, 28743
in the manner specified in division (G) of that section. 28744

(2) Except as provided in division (C) of this section and 28745
subject to the maximum aggregate total specified in division 28746
(A)(4) of this section, a person confined in a state correctional 28747
institution or placed in the substance use disorder treatment 28748
program may provisionally earn one day or five days of credit, 28749
based on the category set forth in division (D)(1), (2), (3), (4), 28750
or (5) of this section in which the person is included, toward 28751
satisfaction of the person's stated prison term, as described in 28752
division (F) of this section, for each completed month during 28753
which the person, if confined in a state correctional institution, 28754
productively participates in an education program, vocational 28755
training, employment in prison industries, treatment for substance 28756
abuse, or any other constructive program developed by the 28757
department of rehabilitation and correction with specific 28758
standards for performance by prisoners or during which the person, 28759
if placed in the substance use disorder treatment program, 28760
productively participates in the program. Except as provided in 28761
division (C) of this section and subject to the maximum aggregate 28762
total specified in division (A)(4) of this section, a person so 28763
confined in a state correctional institution who successfully 28764
completes two programs or activities of that type may, in 28765
addition, provisionally earn up to five days of credit toward 28766
satisfaction of the person's stated prison term, as described in 28767
division (F) of this section, for the successful completion of the 28768
second program or activity. The person shall not be awarded any 28769
provisional days of credit for the successful completion of the 28770
first program or activity or for the successful completion of any 28771
program or activity that is completed after the second program or 28772
activity. At the end of each calendar month in which a person 28773
productively participates in a program or activity listed in this 28774
division or successfully completes a program or activity listed in 28775
this division, the department of rehabilitation and correction 28776
shall determine and record the total number of days credit that 28777

the person provisionally earned in that calendar month. If the 28778
person in a state correctional institution violates prison rules 28779
or the person in the substance use disorder treatment program 28780
violates program or department rules, the department may deny the 28781
person a credit that otherwise could have been provisionally 28782
awarded to the person or may withdraw one or more credits 28783
previously provisionally earned by the person. Days of credit 28784
provisionally earned by a person shall be finalized and awarded by 28785
the department subject to administrative review by the department 28786
of the person's conduct. 28787

(3) Unless a person is serving a mandatory prison term or a 28788
prison term for an offense of violence or a sexually oriented 28789
offense, and notwithstanding the maximum aggregate total specified 28790
in division (A)(4) of this section, a person who successfully 28791
completes any of the following shall earn ninety days of credit 28792
toward satisfaction of the person's stated prison term or a ten 28793
per cent reduction of the person's stated prison term, whichever 28794
is less: 28795

(a) An Ohio high school diploma or Ohio certificate of high 28796
school equivalence certified by the Ohio central school system; 28797

(b) A therapeutic drug community program; 28798

(c) All three phases of the department of rehabilitation and 28799
correction's intensive outpatient drug treatment program; 28800

(d) A career technical vocational school program; 28801

(e) A college certification program; 28802

(f) The criteria for a certificate of achievement and 28803
employability as specified in division (A)(1) of section 2961.22 28804
of the Revised Code. 28805

~~(4)(4)(a)~~ Except for persons described in division (A)(3) of 28806
this section and subject to division (A)(4)(b) of this section, 28807

the aggregate days of credit provisionally earned by a person for 28808
program or activity participation and program and activity 28809
completion under this section and the aggregate days of credit 28810
finally credited to a person under this section shall not exceed 28811
eight per cent of the total number of days in the person's stated 28812
prison term. 28813

(b) If a person is confined in a state correctional 28814
institution or in the substance use disorder treatment program 28815
after the effective date of this amendment, and if the person as 28816
of that effective date has met the eight per cent limit specified 28817
in division (A)(4)(a) of this section or the person meets that 28818
eight per cent limit between that effective date and April 3, 28819
2024, both of the following apply with respect to the person: 28820

(i) On and after the effective date of this amendment, the 28821
eight per cent limit specified in division (A)(4)(a) of this 28822
section no longer applies to the person; 28823

(ii) On and after the effective date of this amendment, the 28824
aggregate days of credit provisionally earned by a person for 28825
program or activity participation and program and activity 28826
completion under this section and the aggregate days of credit 28827
finally credited to a person under this section shall not exceed 28828
fifteen per cent of the total number of days in the person's 28829
stated prison term. 28830

(B) The department of rehabilitation and correction shall 28831
adopt rules that specify the programs or activities for which 28832
credit may be earned under this section, the criteria for 28833
determining productive participation in, or completion of, the 28834
programs or activities and the criteria for awarding credit, 28835
including criteria for awarding additional credit for successful 28836
program or activity completion, and the criteria for denying or 28837
withdrawing previously provisionally earned credit as a result of 28838
a violation of prison rules, or program or department rules, 28839

whichever is applicable. 28840

(C) No person confined in a state correctional institution or 28841
placed in a substance use disorder treatment program to whom any 28842
of the following applies shall be awarded any days of credit under 28843
division (A) of this section: 28844

(1) The person is serving a prison term that section 2929.13 28845
or section 2929.14 of the Revised Code specifies cannot be reduced 28846
pursuant to this section or this chapter or is serving a sentence 28847
for which section 2967.13 or division (B) of section 2929.143 of 28848
the Revised Code specifies that the person is not entitled to any 28849
earned credit under this section. 28850

(2) The person is sentenced to death or is serving a prison 28851
term or a term of life imprisonment for aggravated murder, murder, 28852
or a conspiracy or attempt to commit, or complicity in committing, 28853
aggravated murder or murder. 28854

(3) The person is serving a sentence of life imprisonment 28855
without parole imposed pursuant to section 2929.03 or 2929.06 of 28856
the Revised Code, a prison term or a term of life imprisonment 28857
without parole imposed pursuant to section 2971.03 of the Revised 28858
Code, or a sentence for a sexually oriented offense that was 28859
committed on or after September 30, 2011. 28860

(D) This division does not apply to a determination of 28861
whether a person confined in a state correctional institution or 28862
placed in a substance use disorder treatment program may earn any 28863
days of credit under division (A) of this section for successful 28864
completion of a second program or activity. The determination of 28865
whether a person confined in a state correctional institution may 28866
earn one day of credit or five days of credit under division (A) 28867
of this section for each completed month during which the person 28868
productively participates in a program or activity specified under 28869
that division shall be made in accordance with the following: 28870

(1) The offender may earn one day of credit under division 28871
(A) of this section, except as provided in division (C) of this 28872
section, if the most serious offense for which the offender is 28873
confined is any of the following that is a felony of the first or 28874
second degree: 28875

(a) A violation of division (A) of section 2903.04 or of 28876
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 28877
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 28878
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 28879
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 28880
or 2927.24 of the Revised Code; 28881

(b) A conspiracy or attempt to commit, or complicity in 28882
committing, any other offense for which the maximum penalty is 28883
imprisonment for life or any offense listed in division (D)(1)(a) 28884
of this section. 28885

(2) The offender may earn one day of credit under division 28886
(A) of this section, except as provided in division (C) of this 28887
section, if the offender is serving a stated prison term that 28888
includes a prison term imposed for a sexually oriented offense 28889
that the offender committed prior to September 30, 2011. 28890

(3) The offender may earn one day of credit under division 28891
(A) of this section, except as provided in division (C) of this 28892
section, if the offender is serving a stated prison term that 28893
includes a prison term imposed for a felony other than carrying a 28894
concealed weapon an essential element of which is any conduct or 28895
failure to act expressly involving any deadly weapon or dangerous 28896
ordnance. 28897

(4) Except as provided in division (C) of this section, if 28898
the most serious offense for which the offender is confined is a 28899
felony of the first or second degree and divisions (D)(1), (2), 28900
and (3) of this section do not apply to the offender, the offender 28901

may earn one day of credit under division (A) of this section if 28902
the offender committed that offense prior to September 30, 2011, 28903
and the offender may earn five days of credit under division (A) 28904
of this section if the offender committed that offense on or after 28905
September 30, 2011. 28906

(5) Except as provided in division (C) of this section, if 28907
the most serious offense for which the offender is confined is a 28908
felony of the third, fourth, or fifth degree or an unclassified 28909
felony and neither division (D)(2) nor (3) of this section applies 28910
to the offender, the offender may earn one day of credit under 28911
division (A) of this section if the offender committed that 28912
offense prior to September 30, 2011, and the offender may earn 28913
five days of credit under division (A) of this section if the 28914
offender committed that offense on or after September 30, 2011. 28915

(E) The department annually shall seek and consider the 28916
written feedback of the Ohio prosecuting attorneys association, 28917
the Ohio judicial conference, the Ohio public defender, the Ohio 28918
association of criminal defense lawyers, and other organizations 28919
and associations that have an interest in the operation of the 28920
corrections system and the earned credits program under this 28921
section as part of its evaluation of the program and in 28922
determining whether to modify the program. 28923

(F) Days of credit awarded under this section shall be 28924
applied toward satisfaction of a person's stated prison term as 28925
follows: 28926

(1) Toward the definite prison term of a prisoner serving a 28927
definite prison term as a stated prison term; 28928

(2) Toward the minimum and maximum terms of a prisoner 28929
serving an indefinite prison term imposed under division (A)(1)(a) 28930
or (2)(a) of section 2929.14 of the Revised Code for a felony of 28931
the first or second degree committed on or after March 22, 2019. 28932

(G) As used in this section: 28933

(1) "Sexually oriented offense" has the same meaning as in 28934
section 2950.01 of the Revised Code. 28935

(2) "Substance use disorder treatment program" means the 28936
substance use disorder treatment program established by the 28937
department of rehabilitation and correction under section 5120.035 28938
of the Revised Code. 28939

Sec. 2967.194. (A)(1) Beginning ~~one year after the effective~~ 28940
~~date of this section~~ April 4, 2024, the provisions of this section 28941
shall apply, in the manner described in division (G) of this 28942
section, to persons confined on or after that date in a state 28943
correctional institution or in the substance use disorder 28944
treatment program. 28945

(2) Except as provided in division (C) of this section and 28946
subject to the maximum aggregate total specified in division 28947
(A)(4) of this section, a person confined in a state correctional 28948
institution or placed in the substance use disorder treatment 28949
program may provisionally earn one day or five days of credit, 28950
based on the category set forth in division (D)(1) or (2) of this 28951
section in which the person is included, toward satisfaction of 28952
the person's stated prison term, as described in division (F) of 28953
this section, for each completed month during which the person, if 28954
confined in a state correctional institution, productively 28955
participates in an education program, vocational training, 28956
employment in prison industries, treatment for substance abuse, or 28957
any other constructive program developed by the department of 28958
rehabilitation and correction with specific standards for 28959
performance by prisoners or during which the person, if placed in 28960
the substance use disorder treatment program, productively 28961
participates in the program. Except as provided in division (C) of 28962
this section and subject to the maximum aggregate total specified 28963

in division (A)(4) of this section, a person so confined in a 28964
state correctional institution who successfully completes two 28965
programs or activities of that type may, in addition, 28966
provisionally earn up to five days of credit toward satisfaction 28967
of the person's stated prison term, as described in division (F) 28968
of this section, for the successful completion of the second 28969
program or activity. The person shall not be awarded any 28970
provisional days of credit for the successful completion of the 28971
first program or activity or for the successful completion of any 28972
program or activity that is completed after the second program or 28973
activity. At the end of each calendar month in which a person 28974
productively participates in a program or activity listed in this 28975
division or successfully completes a program or activity listed in 28976
this division, the department of rehabilitation and correction 28977
shall determine and record the total number of days credit that 28978
the person provisionally earned in that calendar month. If the 28979
person in a state correctional institution violates prison rules 28980
or the person in the substance use disorder treatment program 28981
violates program or department rules, the department may deny the 28982
person a credit that otherwise could have been provisionally 28983
awarded to the person or may withdraw one or more credits 28984
previously provisionally earned by the person. Days of credit 28985
provisionally earned by a person shall be finalized and awarded by 28986
the department subject to administrative review by the department 28987
of the person's conduct. 28988

(3) Except as provided in division (C) of this section, 28989
unless a person is serving a mandatory prison term or a prison 28990
term for an offense of violence or a sexually oriented offense, 28991
and notwithstanding the maximum aggregate total specified in 28992
division (A)(4) of this section, a person who successfully 28993
completes any diploma, equivalence, program, or criteria 28994
identified in divisions (A)(3)(a) to (g) of this section shall 28995
earn ninety days of credit toward satisfaction of the person's 28996

stated prison term or a ten per cent reduction of the person's 28997
stated prison term, whichever is less, for each such diploma, 28998
equivalence, program, or criteria successfully completed. The 28999
diplomas, equivalences, programs, and criteria for which credit 29000
shall be granted under this division, upon successful completion, 29001
are: 29002

(a) An Ohio high school diploma or Ohio certificate of high 29003
school equivalence certified by the Ohio central school system; 29004

(b) A therapeutic drug community program; 29005

(c) All three phases of the department of rehabilitation and 29006
correction's intensive outpatient drug treatment program; 29007

(d) A career technical vocational school program; 29008

(e) A college certification program; 29009

(f) The criteria for a certificate of achievement and 29010
employability as specified in division (A)(1) of section 2961.22 29011
of the Revised Code; 29012

(g) Any other constructive program developed by the 29013
department of rehabilitation and correction with specific 29014
standards for performance by prisoners. 29015

(4) Except for persons described in division (A)(3) of this 29016
section, the aggregate days of credit provisionally earned by a 29017
person for program or activity participation and program and 29018
activity completion under this section and the aggregate days of 29019
credit finally credited to a person under this section shall not 29020
exceed fifteen per cent of the total number of days in the 29021
person's stated prison term. 29022

(B) The department of rehabilitation and correction shall 29023
adopt rules that specify the programs or activities for which 29024
credit may be earned under this section, the criteria for 29025
determining productive participation in, or completion of, the 29026

programs or activities and the criteria for awarding credit, 29027
including criteria for awarding additional credit for successful 29028
program or activity completion, and the criteria for denying or 29029
withdrawing previously provisionally earned credit as a result of 29030
a violation of prison rules, or program or department rules, 29031
whichever is applicable. 29032

(C) No person confined in a state correctional institution or 29033
placed in a substance use disorder treatment program to whom any 29034
of the following applies shall be awarded any days of credit under 29035
division (A)(2) or (3) of this section: 29036

(1) The person is serving a prison term that section 2929.13 29037
or section 2929.14 of the Revised Code specifies cannot be reduced 29038
pursuant to this section or this chapter or is serving a sentence 29039
for which section 2967.13 or division (B) of section 2929.143 of 29040
the Revised Code specifies that the person is not entitled to any 29041
earned credit under this section. 29042

(2) The person is sentenced to death or is serving a prison 29043
term or a term of life imprisonment for aggravated murder, murder, 29044
or a conspiracy or attempt to commit, or complicity in committing, 29045
aggravated murder or murder. 29046

(3) The person is serving a sentence of life imprisonment 29047
without parole imposed pursuant to section 2929.03 or 2929.06 of 29048
the Revised Code, a prison term or a term of life imprisonment 29049
without parole imposed pursuant to section 2971.03 of the Revised 29050
Code, or a sentence for a sexually oriented offense that was 29051
committed on or after September 30, 2011. 29052

(D) This division does not apply to a determination of 29053
whether a person confined in a state correctional institution or 29054
placed in a substance use disorder treatment program may earn any 29055
days of credit under division (A)(2) of this section for 29056
successful completion of a second program or activity. The 29057

determination of whether a person confined in a state correctional 29058
institution may earn one day of credit or five days of credit 29059
under division (A)(2) of this section for each completed month 29060
during which the person productively participates in a program or 29061
activity specified under that division shall be made in accordance 29062
with the following: 29063

(1) The offender may earn one day of credit under division 29064
(A)(2) of this section, except as provided in division (C) of this 29065
section, if the offender is serving a stated prison term that 29066
includes a prison term imposed for a sexually oriented offense 29067
that the offender committed prior to September 30, 2011. 29068

(2) Except as provided in division (C) of this section, if 29069
division (D)(1) of this section does not apply to the offender, 29070
the offender may earn five days of credit under division (A)(2) of 29071
this section. 29072

(E) The department annually shall seek and consider the 29073
written feedback of the Ohio prosecuting attorneys association, 29074
the Ohio judicial conference, the Ohio public defender, the Ohio 29075
association of criminal defense lawyers, and other organizations 29076
and associations that have an interest in the operation of the 29077
corrections system and the earned credits program under this 29078
section as part of its evaluation of the program and in 29079
determining whether to modify the program. 29080

(F) Days of credit awarded under this section shall be 29081
applied toward satisfaction of a person's stated prison term as 29082
follows: 29083

(1) Toward the definite prison term of a prisoner serving a 29084
definite prison term as a stated prison term; 29085

(2) Toward the minimum and maximum terms of a prisoner 29086
serving an indefinite prison term imposed under division (A)(1)(a) 29087
or (2)(a) of section 2929.14 of the Revised Code for a felony of 29088

the first or second degree committed on or after March 22, 2019. 29089

(G) The provisions of this section apply to persons confined 29090
in a state correctional institution or in the substance use 29091
disorder treatment program on or after ~~the date that is one year~~ 29092
~~after the effective date of this section~~ April 4, 2024, as 29093
follows: 29094

(1) Subject to division (G)(2) of this section, the 29095
provisions apply to a person so confined regardless of whether the 29096
person committed the offense for which the person is confined in 29097
the institution or was placed in the program prior to, on, or 29098
after ~~the date that is one year after the effective date of this~~ 29099
~~section~~ April 4, 2024, and regardless of whether the person was 29100
convicted of or pleaded guilty to that offense prior to, on, or 29101
after ~~the date that is one year after the effective date of this~~ 29102
~~section~~ April 4, 2024. 29103

(2) The provisions apply to a person so confined only with 29104
respect to the time that the person is so confined on and after 29105
~~the date that is one year after the effective date of this section~~ 29106
April 4, 2024, and the provisions of section 2967.193 of the 29107
Revised Code that were in effect prior to ~~the date that is one~~ 29108
~~year after the effective date of this section~~ April 4, 2024, and 29109
that applied to the person prior to that date, including the 29110
provisions of division (A)(4) of that section as amended by this 29111
act, apply to the person with respect to the time that the person 29112
was so confined prior to ~~the date that is one year after that~~ 29113
~~effective date~~ April 4, 2024. 29114

(H) As used in this section: 29115

(1) "Sexually oriented offense" has the same meaning as in 29116
section 2950.01 of the Revised Code. 29117

(2) "Substance use disorder treatment program" means the 29118
substance use disorder treatment program established by the 29119

department of rehabilitation and correction under section 5120.035 29120
of the Revised Code. 29121

Sec. 3101.08. An ordained or licensed minister of any 29122
religious society or congregation within this state who is 29123
licensed to solemnize marriages, a judge of a county court in 29124
accordance with section 1907.18 of the Revised Code, a judge of a 29125
municipal court in accordance with section 1901.14 of the Revised 29126
Code, a probate judge in accordance with section 2101.27 of the 29127
Revised Code, the mayor of a municipal corporation anywhere within 29128
this state, the superintendent of ~~the state school for the deaf~~ 29129
Ohio deaf and blind education services, or any religious society 29130
in conformity with the rules of its church, may join together as 29131
husband and wife any persons who are not prohibited by law from 29132
being joined in marriage. 29133

Sec. 3103.03. (A) Each married person must support the 29134
person's self and spouse out of the person's property or by the 29135
person's labor. If a married person is unable to do so, the spouse 29136
of the married person must assist in the support so far as the 29137
spouse is able. The biological or adoptive parent of a minor child 29138
must support the parent's minor children out of the parent's 29139
property or by the parent's labor. 29140

(B) Notwithstanding section 3109.01 of the Revised Code and 29141
to the extent provided in section 3119.86 of the Revised Code, the 29142
parental duty of support to children shall continue beyond the age 29143
of majority as long as the child continuously attends on a 29144
full-time basis any recognized and accredited high school. That 29145
duty of support shall continue during seasonal vacation periods. 29146

(C) If a married person neglects to support the person's 29147
spouse in accordance with this section, any other person, in good 29148
faith, may supply the spouse with necessaries for the support of 29149

the spouse and recover the reasonable value of the necessaries 29150
supplied from the married person who neglected to support the 29151
spouse unless the spouse abandons that person without cause. 29152

~~(D)~~(D)(1) If a parent neglects to support the parent's minor 29153
child in accordance with this section and if the minor child in 29154
question is unemancipated, any other person, in good faith, may 29155
supply the minor child with necessaries for the support of the 29156
minor child and recover the reasonable value of the necessaries 29157
supplied from the parent who neglected to support the minor child. 29158

(2) A duty of support may be enforced by a child support 29159
order, as defined under division (B) of section 3119.01 of the 29160
Revised Code. 29161

(E) If a decedent during the decedent's lifetime has 29162
purchased an irrevocable preneed funeral contract pursuant to 29163
section 4717.34 of the Revised Code, then the duty of support owed 29164
to a spouse pursuant to this section does not include an 29165
obligation to pay for the funeral expenses of the deceased spouse. 29166
This division does not preclude a surviving spouse from assuming 29167
by contract the obligation to pay for the funeral expenses of the 29168
deceased spouse. 29169

Sec. 3107.012. (A) A foster caregiver may use the application 29170
prescribed under division (B) of this section to obtain the 29171
services of an agency to arrange an adoption for the foster 29172
caregiver if the foster caregiver seeks to adopt the foster 29173
caregiver's foster child who has resided in the foster caregiver's 29174
home for at least six months prior to the date the foster 29175
caregiver submits the application to the agency. 29176

(B) The department of job and family services shall prescribe 29177
an application for a foster caregiver to use under division (A) of 29178
this section. The application shall not require that the foster 29179
caregiver provide any information the foster caregiver already 29180

provided the department, or undergo an inspection the foster 29181
caregiver already underwent, to obtain a foster home certificate 29182
under section 5103.03 of the Revised Code. 29183

(C) An agency that receives an application prescribed under 29184
division (B) of this section from a foster caregiver authorized to 29185
use the application shall not require, as a condition of the 29186
agency accepting or approving the application, that the foster 29187
caregiver undergo a criminal records check under section ~~2151.86~~ 29188
5103.251 of the Revised Code as a prospective adoptive parent. The 29189
agency shall inform the foster caregiver, in accordance with 29190
~~division (C) of section 2151.86~~ 5103.251 of the Revised Code, that 29191
the foster caregiver must undergo the criminal records check 29192
before a court may issue a final decree of adoption or 29193
interlocutory order of adoption under section 3107.14 of the 29194
Revised Code. 29195

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 29196
of job and family services shall adopt rules in accordance with 29197
Chapter 119. of the Revised Code specifying both of the following: 29198

(A) The manner in which a home study is to be conducted and 29199
the information and documents to be included in a home study 29200
report, which shall include the following: 29201

(1) For adoptions arranged by an attorney, pursuant to 29202
section 3107.034 of the Revised Code, a summary report of a search 29203
of the uniform statewide automated child welfare information 29204
system established in section 5101.13 of the Revised Code and a 29205
report of a check of a central registry of another state if a 29206
request for a check of a central registry of another state is 29207
required under division (A) of section 3107.034 of the Revised 29208
Code. ~~The director shall ensure that rules adopted under this~~ 29209
~~section align the home study content, time period, and process~~ 29210
~~with any foster care home study content, time period, and process~~ 29211

~~required by rules adopted under section 5103.03 of the Revised Code.~~ 29212
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(2) For adoptions arranged by an agency, pursuant to section 5103.252 of the Revised Code, a summary report of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code and a report of a check of a central registry of another state if a request for a check of a central registry of another state is required under of section 5103.254 of the Revised Code. 29214
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(3) The director shall ensure that rules adopted under divisions (A)(1) and (2) of this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code. 29221
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(B) A procedure under which a person whose application for adoption has been denied as a result of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code as part of the home study may appeal the denial to the agency that employed the assessor who filed the report. 29226
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Sec. 3107.034. (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the ~~administrative director of an agency, or attorney,~~ who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who 29232
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resides with the prospective adoptive parent to enable the ~~agency~~ 29243
~~or~~ attorney to check any child abuse and neglect registry 29244
maintained by that other state. The ~~administrative director or~~ 29245
attorney shall make the request and shall review the results of 29246
the check before a final decree of adoption or an interlocutory 29247
order of adoption making the person an adoptive parent may be 29248
made. Information received pursuant to the request shall be 29249
considered for purposes of this chapter as if it were a summary 29250
report required under section 3107.033 of the Revised Code. The 29251
department of job and family services shall comply with any 29252
request to check the central registry that is similar to the 29253
request described in this division and that is received from any 29254
other state. 29255

(B) The summary report of a search of the uniform statewide 29256
automated child welfare information system established in section 29257
5101.13 of the Revised Code that is required under section 29258
3107.033 of the Revised Code shall contain, if applicable, a 29259
chronological list of abuse and neglect determinations or 29260
allegations of which the person seeking to adopt is subject and in 29261
regards to which a public children services agency has done one of 29262
the following: 29263

(1) Determined that abuse or neglect occurred; 29264

(2) Initiated an investigation, and the investigation is 29265
ongoing; 29266

(3) Initiated an investigation and the agency was unable to 29267
determine whether abuse or neglect occurred. 29268

(C) The summary report required under section 3107.033 of the 29269
Revised Code shall not contain any of the following: 29270

(1) An abuse and neglect determination of which the person 29271
seeking to adopt is subject and in regards to which a public 29272
children services agency determined that abuse or neglect did not 29273

occur; 29274

(2) Information or reports the dissemination of which is 29275
prohibited by, or interferes with eligibility under, the "Child 29276
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 29277
5101 et seq., as amended; 29278

(3) The name of the person who or entity that made, or 29279
participated in the making of, the report of abuse or neglect. 29280

(D)(1) An application for adoption may be denied based on a 29281
summary report containing the information described under division 29282
(B)(1) of this section, when considered within the totality of the 29283
circumstances. An application that is denied may be appealed using 29284
the procedure adopted pursuant to division (B) of section 3107.033 29285
of the Revised Code. 29286

(2) An application for adoption shall not be denied solely 29287
based on a summary report containing the information described 29288
under division (B)(2) or (3) of this section. 29289

Sec. 3107.035. (A) At the time of the initial home study, and 29290
every two years thereafter, if the home study is updated, and 29291
until it becomes part of a final decree of adoption or an 29292
interlocutory order of adoption, the ~~agency~~ or attorney that 29293
arranges an adoption for the prospective adoptive parent shall 29294
conduct a search of the United States department of justice 29295
national sex offender public web site regarding the prospective 29296
adoptive parent and all persons eighteen years of age or older who 29297
reside with the prospective adoptive parent. 29298

(B) A petition for adoption may be denied based solely on the 29299
results of the search of the national sex offender public web 29300
site. 29301

(C) The director of job and family services shall adopt rules 29302
in accordance with Chapter 119. of the Revised Code necessary for 29303

the implementation and execution of this section. 29304

Sec. 3107.14. (A) The petitioner and the person sought to be 29305
adopted shall appear at the hearing on the petition, unless the 29306
presence of either is excused by the court for good cause shown. 29307

(B) The court may continue the hearing from time to time to 29308
permit further observation, investigation, or consideration of any 29309
facts or circumstances affecting the granting of the petition, and 29310
may examine the petitioners separate and apart from each other. 29311

(C) If, at the conclusion of the hearing, the court finds 29312
that the required consents have been obtained or excused and that 29313
the adoption is in the best interest of the person sought to be 29314
adopted as supported by the evidence, it may issue, subject to 29315
division ~~(C)~~(1)(D) of section 2151.86, section 3107.064, ~~and~~ 29316
division (E) of section 3107.09, and section 5103.256 of the 29317
Revised Code, and any other limitations specified in this chapter, 29318
a final decree of adoption or an interlocutory order of adoption, 29319
which by its own terms automatically becomes a final decree of 29320
adoption on a date specified in the order, which, except as 29321
provided in division (B) of section 3107.13 of the Revised Code, 29322
shall not be less than six months or more than one year from the 29323
date the person to be adopted is placed in the petitioner's home, 29324
unless sooner vacated by the court for good cause shown. In 29325
determining whether the adoption is in the best interest of the 29326
person sought to be adopted, the court shall not consider the age 29327
of the petitioner if the petitioner is old enough to adopt as 29328
provided by section 3107.03 of the Revised Code. 29329

In an interlocutory order of adoption, the court shall 29330
provide for observation, investigation, and a further report on 29331
the adoptive home during the interlocutory period. 29332

(D) If the requirements for a decree under division (C) of 29333
this section have not been satisfied or the court vacates an 29334

interlocutory order of adoption, or if the court finds that a person sought to be adopted was placed in the home of the petitioner in violation of law, the court shall dismiss the petition and may determine the agency or person to have temporary or permanent custody of the person, which may include the agency or person that had custody prior to the filing of the petition or the petitioner, if the court finds it is in the best interest of the person as supported by the evidence, or if the person is a minor, the court may certify the case to the juvenile court of the county where the minor is then residing for appropriate action and disposition.

(E) The issuance of a final decree or interlocutory order of adoption for an adult adoption under division (A)(4) of section 3107.02 of the Revised Code shall not disqualify that adult for services under section 2151.82 or 2151.83 of the Revised Code.

Sec. 3109.15. There is hereby created within the department of job and family services the children's trust fund board consisting of fifteen members. The directors of mental health and addiction services, health, and job and family services shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of the following categories: the educational community; the legal community; the social work community; the medical community; the voluntary sector; and professional providers of child abuse and child neglect services. Two members of the board shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two members of the board shall be members of the senate appointed by the president of the senate and shall be members of

two different political parties. All members of the board 29367
appointed by the speaker of the house of representatives or the 29368
president of the senate shall serve until the expiration of the 29369
sessions of the general assembly during which they were appointed. 29370
They may be reappointed to an unlimited number of successive terms 29371
of two years at the pleasure of the speaker of the house of 29372
representatives or president of the senate. ~~Public~~ 29373

Public members shall serve terms of three years. Each member 29374
shall serve until the member's successor is appointed, or until a 29375
period of sixty days has elapsed, whichever occurs first. No 29376
public member may serve more than two consecutive full terms. 29377
However, a member may serve two consecutive full terms following 29378
the remainder of a term for which the member was appointed to fill 29379
a vacancy. 29380

All vacancies on the board shall be filled for the balance of 29381
the unexpired term in the same manner as the original appointment. 29382

Any member of the board may be removed by the member's 29383
appointing authority for misconduct, incompetency, or neglect of 29384
duty after first being given the opportunity to be heard in the 29385
member's own behalf. Pursuant to section 3.17 of the Revised Code, 29386
a member, except a member of the general assembly or a judge of 29387
any court in the state, who fails to attend at least three-fifths 29388
of the regular and special meetings held by the board during any 29389
two-year period forfeits the member's position on the board. 29390

Each member of the board shall serve without compensation but 29391
shall be reimbursed for all actual and necessary expenses incurred 29392
in the performance of official duties. 29393

At the beginning of the first year of each even-numbered 29394
general assembly, the chairperson of the board shall be appointed 29395
by the speaker of the house of representatives from among members 29396
of the board who are members of the house of representatives. At 29397

the beginning of the first year of each odd-numbered general 29398
assembly, the chairperson of the board shall be appointed by the 29399
president of the senate from among the members of the board who 29400
are senate members. 29401

The board shall biennially select a vice-chair from among its 29402
nonlegislative members. 29403

Sec. 3109.16. (A) The children's trust fund board, upon the 29404
recommendation of the director of job and family services, shall 29405
approve the employment of an executive director who will 29406
administer the programs of the board. 29407

(B) The department of job and family services shall provide 29408
budgetary, procurement, accounting, and other related management 29409
functions for the board and may adopt rules in accordance with 29410
Chapter 119. of the Revised Code for these purposes. An amount not 29411
to exceed three per cent of the total amount of fees deposited in 29412
the children's trust fund in each fiscal year may be used for 29413
costs directly related to these administrative functions of the 29414
department. Each fiscal year, the board shall approve a budget for 29415
administrative expenditures for the next fiscal year. 29416

(C) The board may request that the department adopt rules the 29417
board considers necessary for the purpose of carrying out the 29418
board's responsibilities under this section, and the department 29419
may adopt those rules. The department may, after consultation with 29420
the board and the executive director, adopt any other rules to 29421
assist the board in carrying out its responsibilities under this 29422
section. In either case, the rules shall be adopted under Chapter 29423
119. of the Revised Code. 29424

(D) The board shall meet at least quarterly at the call of 29425
the chairperson to conduct its official business. All business 29426
transactions of the board shall be conducted in public meetings. 29427
~~Eight~~ A majority of the members of appointed to the board 29428

constitute a quorum. A majority of the quorum is required to make 29429
all decisions of the board. 29430

(E) With respect to funding, all of the following apply: 29431

(1) The board may apply for and accept federal and other 29432
funds for the purpose of funding child abuse and child neglect 29433
prevention programs. 29434

(2) The board may solicit and accept gifts, money, and other 29435
donations from any public or private source, including 29436
individuals, philanthropic foundations or organizations, 29437
corporations, or corporation endowments. 29438

(3) The board may develop private-public partnerships to 29439
support the mission of the children's trust fund. 29440

(4) The acceptance and use of federal and other funds shall 29441
~~not entail any commitment or pledge of state funds, nor~~ obligate 29442
the general assembly to continue the programs or activities for 29443
which the federal and other funds are made available. 29444

(5) All funds received in the manner described in this 29445
section shall be transmitted to the treasurer of state, who shall 29446
credit them to the children's trust fund created in section 29447
3109.14 of the Revised Code. 29448

Sec. 3109.17. (A) The children's trust fund board shall 29449
establish a strategic plan for child abuse and child neglect 29450
prevention. The plan shall be transmitted to the governor, the 29451
president and minority leader of the senate, and the speaker and 29452
minority leader of the house of representatives and shall be made 29453
available to the general public. 29454

(B) In developing and carrying out the strategic plan, the 29455
children's trust fund board shall, in accordance with rules 29456
adopted by the department pursuant to Chapter 119. of the Revised 29457
Code, do all of the following: 29458

- (1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds; 29459
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- (2) Allocate funds to entities for the purpose of funding child abuse and child neglect prevention programs that have statewide significance and that have been approved by the children's trust fund board; 29462
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- (3) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund; 29466
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- (4) Establish reporting requirements for ~~both of the following:~~ 29469
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- ~~(a) Regional~~ regional child abuse and child neglect prevention councils, including deadlines for the submission of the progress and annual reports required under section 3107.172 of the Revised Code; 29471
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- ~~(b) Children's advocacy centers, including deadlines for the submission of reports required under section 3107.178 of the Revised Code.~~ 29475
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- (5) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention; 29478
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- (6) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention. 29482
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- (C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a 29484
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copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. 29489
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~~(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's advocacy center.~~ 29492
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Sec. 3109.172. (A) As used in this section, "county prevention specialist" includes the following: 29504
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(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code; 29506
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(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 29510
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(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region; 29513
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(4) Members of county boards of developmental disabilities that serve counties within a region; 29516
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(5) Members of the educational community appointed by the 29518

superintendent of the school district with the largest enrollment	29519
in the counties within a region;	29520
(6) Juvenile justice officials serving counties within a	29521
region;	29522
(7) Pediatricians, health department nurses, and other	29523
members of the medical community in the counties within a region;	29524
(8) Counselors and social workers serving counties within a	29525
region;	29526
(9) Head start agencies serving counties within a region;	29527
(10) Child care providers serving counties within a region;	29528
(11) <u>Parent advocates with relevant experience and knowledge</u>	29529
<u>of services in a region;</u>	29530
<u>(12)</u> Other persons with demonstrated knowledge in programs	29531
for children serving counties within a region.	29532
(B) Each child abuse and child neglect prevention region	29533
shall have a child abuse and child neglect regional prevention	29534
council as appointed under divisions (C), (D), and (E) of this	29535
section. Each council shall operate in accordance with rules	29536
adopted by the department of job and family services pursuant to	29537
Chapter 119. of the Revised Code.	29538
(C)(1) Each board of county commissioners within a region may	29539
appoint up to two county prevention specialists to the council	29540
representing the county, in accordance with rules adopted by the	29541
department of job and family services under Chapter 119. of the	29542
Revised Code.	29543
(2) The children's trust fund board may appoint additional	29544
county prevention specialists to each region's council at the	29545
board's discretion.	29546
(3) A representative of the council's regional prevention	29547
coordinator shall serve as a nonvoting member of the council.	29548

(D) Each council member appointed under division (C)(1) of 29549
this section shall be appointed for a two-year term. Each council 29550
member appointed under division (C)(2) ~~or (3)~~ of this section 29551
shall be appointed for a three-year term. A member may be 29552
reappointed, but for two consecutive terms only. 29553

(E) A member may be removed from the council by the member's 29554
appointing authority for misconduct, incompetence, or neglect of 29555
duty. 29556

(F) Each appointed member of a council shall serve without 29557
compensation but shall be reimbursed for all actual and necessary 29558
expenses incurred in the performance of official duties. 29559

(G) ~~The representative of the regional prevention coordinator~~ 29560
~~shall serve as~~ A chairperson of the council shall be selected by 29561
the council's regional prevention coordinator from among the 29562
county prevention specialists serving on the council. 29563

(1) The chairperson shall serve as a nonvoting member of the 29564
council. 29565

(2) The chairperson shall preside over council meetings or 29566
may call upon the vice-chairperson to preside over meetings. 29567

(H) At the first regular meeting of the year, which shall be 29568
called by the chairperson, the members shall elect a 29569
vice-chairperson by a majority vote. 29570

(1) The vice-chairperson shall preside over council meetings 29571
in the absence of the chairperson or upon the request of the 29572
chairperson. 29573

(2) The vice-chairperson functions in the same capacity as 29574
the chairperson and becomes a nonvoting member when presiding over 29575
a council meeting. 29576

(I) Each council shall meet at least quarterly. 29577

~~(I)~~(J) Council members shall do all of the following: 29578

- (1) Attend meetings of the council on which they serve; 29579
- (2) Assist the regional prevention coordinator in conducting 29580
a needs assessment to ascertain the child abuse and child neglect 29581
prevention programming and services that are needed in their 29582
region; 29583
- (3) Collaborate on assembling the council's regional 29584
prevention plan based on children's trust fund board guidelines 29585
pursuant to section 3109.174 of the Revised Code; 29586
- (4) Assist the council's regional prevention coordinator with 29587
all of the following: 29588
- (a) Implementing the regional prevention plan, including 29589
monitoring fulfillment of child abuse and child neglect prevention 29590
deliverables and achievement of prevention outcomes; 29591
- (b) Coordinating county data collection; 29592
- (c) Ensuring timely and accurate reporting to the children's 29593
trust fund board. 29594
- (5) Any additional duties specified in accordance with rules 29595
adopted by the department pursuant to Chapter 119. of the Revised 29596
Code. 29597
- ~~(J)~~(K) No council member shall participate in matters of the 29598
council pertaining to their own interests, including applications 29599
for funding by a council member or any entity, public or private, 29600
of which a council member serves as either a board member or 29601
employee. 29602
- ~~(K)~~(L) Each council shall file with the children's trust fund 29603
board, not later than the due dates specified by the board, a 29604
progress report and an annual report regarding the council's child 29605
abuse and child neglect prevention programs and activities 29606
undertaken in accordance with the council's regional prevention 29607
plan. The reports shall contain all information required by the 29608

board. 29609

Sec. 3109.178. (A) Each child abuse and child neglect 29610
regional prevention council may request from the children's trust 29611
fund board up to five thousand dollars for each county within the 29612
council's region to be used as one-time, start-up costs for the 29613
establishment and operation of a children's advocacy center to 29614
serve each county in the region or a center to serve two or more 29615
contiguous counties within the region. 29616

(B) On receipt of a request made under this section, the 29617
board shall review and approve or disapprove the request. 29618

(C) If the board disapproves the request, the board shall 29619
send to the requesting council written notice of the disapproval 29620
that states the reasons for the disapproval. 29621

(D) No funds allocated to a council under this section may be 29622
used as start-up costs for any children's advocacy center unless 29623
the center has as a component a primary prevention strategy. 29624

(E) A council that receives funds under this section in any 29625
fiscal year shall not use the funds received in a different fiscal 29626
year or for a different center in any fiscal year without the 29627
approval of the board. 29628

(F) A children's advocacy center established using funds 29629
awarded under this section shall comply with sections 2151.425 to 29630
2151.428 of the Revised Code. 29631

~~(G) Each children's advocacy center that receives funds under 29632
this section shall file with its respective council, by the date 29633
specified by the board, an annual report that includes the 29634
information required by the board. The council shall forward a 29635
copy of the annual report to the board. 29636~~

Sec. 3109.53. To create a power of attorney under section 29637

3109.52 of the Revised Code, a parent, guardian, or custodian 29638
shall use a form that is identical in form and content to the 29639
following: 29640

POWER OF ATTORNEY 29641

I, the undersigned, residing at, in the county of 29642
....., state of, hereby appoint the child's 29643
grandparent,, residing at, in the county of 29644
....., in the state of Ohio, with whom the child of whom I 29645
am the parent, guardian, or custodian is residing, my attorney in 29646
fact to exercise any and all of my rights and responsibilities 29647
regarding the care, physical custody, and control of the child, 29648
....., born, having social security number 29649
(optional), except my authority to consent to marriage 29650
or adoption of the child, and to perform all acts 29651
necessary in the execution of the rights and responsibilities 29652
hereby granted, as fully as I might do if personally present. The 29653
rights I am transferring under this power of attorney include the 29654
ability to enroll the child in school, to obtain from the school 29655
district educational and behavioral information about the child, 29656
to consent to all school-related matters regarding the child, and 29657
to consent to medical, psychological, or dental treatment for the 29658
child. This transfer does not affect my rights in any future 29659
proceedings concerning the custody of the child or the allocation 29660
of the parental rights and responsibilities for the care of the 29661
child and does not give the attorney in fact legal custody of the 29662
child. This transfer does not terminate my right to have regular 29663
contact with the child. 29664

I hereby certify that I am transferring the rights and 29665
responsibilities designated in this power of attorney because one 29666
of the following circumstances exists: 29667

(1) I am: (a) Seriously ill, incarcerated, or about to be 29668

incarcerated, (b) Temporarily unable to provide financial support 29669
or parental guidance to the child, (c) Temporarily unable to 29670
provide adequate care and supervision of the child because of my 29671
physical or mental condition, (d) Homeless or without a residence 29672
because the current residence is destroyed or otherwise 29673
uninhabitable, or (e) In or about to enter a residential treatment 29674
program for substance abuse; 29675

(2) I am a parent of the child, the child's other parent is 29676
deceased, and I have authority to execute the power of attorney; 29677
or 29678

(3) I have a well-founded belief that the power of attorney 29679
is in the child's best interest. 29680

I hereby certify that I am not transferring my rights and 29681
responsibilities regarding the child for the purpose of enrolling 29682
the child in a school or school district so that the child may 29683
participate in the academic or interscholastic athletic programs 29684
provided by that school or district. 29685

~~I understand that this document does not authorize a child 29686
support enforcement agency to redirect child support payments to 29687
the grandparent designated as attorney in fact. I further 29688
understand that to have an existing child support order modified 29689
or a new child support order issued administrative or judicial 29690
proceedings must be initiated. 29691~~

If there is a court order naming me the residential parent 29692
and legal custodian of the child who is the subject of this power 29693
of attorney and I am the sole parent signing this document, I 29694
hereby certify that one of the following is the case: 29695

(1) I have made reasonable efforts to locate and provide 29696
notice of the creation of this power of attorney to the other 29697
parent and have been unable to locate that parent; 29698

(2) The other parent is prohibited from receiving a notice of 29699

relocation; or 29700

(3) The parental rights of the other parent have been 29701
terminated by order of a juvenile court. 29702

This POWER OF ATTORNEY is valid until the occurrence of 29703
whichever of the following events occurs first: (1) I revoke this 29704
POWER OF ATTORNEY in writing and give notice of the revocation to 29705
the grandparent designated as attorney in fact and the juvenile 29706
court with which this POWER OF ATTORNEY was filed; (2) the child 29707
ceases to reside with the grandparent designated as attorney in 29708
fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) 29709
the death of the child who is the subject of the power of 29710
attorney; or (5) the death of the grandparent designated as the 29711
attorney in fact. 29712

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 29713
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 29714
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 29715
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 29716
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 29717
BOTH. 29718

Witness my hand this day of, 29719

..... 29720

Parent/Custodian/Guardian's signature 29721

..... 29722

Parent's signature 29723

..... 29724

Grandparent designated as attorney in fact 29725

State of Ohio) 29726

) ss: 29727

County of) 29728

Subscribed, sworn to, and acknowledged before me this day 29729

of,	29730
.....	29731
Notary Public	29732
Notices:	29733
1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.	29734
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.	29735
	29736
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to	29737

Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 29738
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 29739
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 29740
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of 29741

attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following: 29742

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 29743

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 29744

(c) The court in which the power of attorney was filed after its creation; 29745

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 29746

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 29747

Additional information: 29748

To the grandparent designated as attorney in fact: 29749

29750

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in 29751

writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information: 29752

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 29753

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 29754

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 29755

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 29756

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act 29757

that was the basis of the adjudication.

3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 29758

To school officials: 29759

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 29760
2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 29761
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 29762

To health care providers: 29763

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for 29764

such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.

2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:
2. Child's date and year of birth:
3. Child's social security number (optional):
4. My name:
5. My home address:
6. My date and year of birth:
7. My Ohio driver's license number or identification card number:

8. Despite having made reasonable attempts, I am either: 29789
- (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or 29790
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or 29791
 - (c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case: 29792
 - (i) The parent has been prohibited from receiving notice of a relocation; or 29793
 - (ii) The parental rights of the parent have been terminated. 29794
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 29795
- ~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 29796
- WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 29797
29798
29799
29800
29801
- I declare that the foregoing is true and correct: 29802
- Signed:..... Date:..... 29803
- Grandparent 29804

State of Ohio)	29805
) ss:	29806
County of)	29807
Subscribed, sworn to, and acknowledged before me this day	29808
of,	29809
.....	29810
Notary Public	29811
Notices:	29812
1. The grandparent's signature must be notarized by an Ohio notary public.	29813
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	29814
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	29815
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.	29816
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is	29817

terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 29818

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 29819

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 29820

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 29821

(c) The court in which the affidavit was filed after its creation. 29822

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 29823

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 29824

Additional information: 29825

To caretakers: 29826

1. If the child stops living with you, you are required to 29827

notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 29828
3. You must include with the caretaker authorization affidavit the following information: 29829
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 29830
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 29831
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 29832
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who 29833

has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or 29834
pleaded guilty to any criminal offense involving any act that
resulted in a child's being an abused child or a neglected
child or previously have been determined, in a case in which a
child has been adjudicated an abused child or a neglected
child, to be the perpetrator of the abusive or neglectful act
that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to 29835
terminate the caretaker authorization affidavit by delivering
a written notice of negation, reversal, or disapproval of an
action or decision of yours or removes the child from your
home and if you believe that the termination or removal is not
in the best interest of the child, you may, within fourteen
days, file a complaint in the juvenile court to seek custody.
You may retain physical custody of the child until the
fourteen-day period elapses or, if you file a complaint, until
the court orders otherwise.

To school officials: 29836

1. This affidavit, properly completed and notarized, authorizes 29837
the child in question to attend school in the district in
which the grandparent who signed this affidavit resides and
the grandparent is authorized to provide consent in all
school-related matters and to discuss with the school district
the child's educational progress. This affidavit does not
preclude the parent, guardian, or custodian of the child from
having access to all school records pertinent to the child.

2. The school district may require additional reasonable evidence 29838
that the grandparent lives at the address provided in item 5
of the affidavit.

3. A school district or school official that reasonably and in 29839
good faith relies on this affidavit has no obligation to make
any further inquiry or investigation.

4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 29840
- To health care providers: 29841
1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 29842
2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 29843
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of 29844

negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

Sec. 3111.01. ~~(A)~~(A)(1) As used in sections 3111.01 to 29845
3111.85 of the Revised Code, "parent and child relationship" means 29846
the legal relationship that exists between a child and the child's 29847
natural or adoptive parents and upon which those sections and any 29848
other provision of the Revised Code confer or impose rights, 29849
privileges, duties, and obligations. The "parent and child 29850
relationship" includes the mother and child relationship and the 29851
father and child relationship. 29852

~~(B)~~(2) The parent and child relationship extends equally to 29853
all children and all parents, regardless of the marital status of 29854
the parents. 29855

(B) As used in this chapter, "caretaker" has the same meaning 29856
as in section 3119.01 of the Revised Code. 29857

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 29858
this section, an action to determine the existence or nonexistence 29859
of the father and child relationship may be brought by the child 29860
or the child's personal representative, the child's caretaker, the 29861
child's mother or her personal representative, a man alleged or 29862
alleging himself to be the child's father, the child support 29863
enforcement agency of the county in which the child resides if the 29864
child's mother, father, or alleged father is a recipient of public 29865
assistance or of services under Title IV-D of the "Social Security 29866
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 29867
alleged father's personal representative. 29868

(2) A man alleged or alleging himself to be the child's 29869
father is not eligible to file an action under division (A)(1) of 29870
this section if the man was convicted of or pleaded guilty to rape 29871

or sexual battery, the victim of the rape or sexual battery was 29872
the child's mother, and the child was conceived as a result of the 29873
rape or sexual battery. 29874

(B) An agreement does not bar an action under this section. 29875

(C) If an action under this section is brought before the 29876
birth of the child and if the action is contested, all 29877
proceedings, except service of process and the taking of 29878
depositions to perpetuate testimony, may be stayed until after the 29879
birth. 29880

(D) A recipient of public assistance or of services under 29881
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 29882
U.S.C.A. 651, as amended, shall cooperate with the child support 29883
enforcement agency of the county in which a child resides to 29884
obtain an administrative determination pursuant to sections 29885
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 29886
determination pursuant to sections 3111.01 to 3111.18 of the 29887
Revised Code, of the existence or nonexistence of a parent and 29888
child relationship between the father and the child. If the 29889
recipient fails to cooperate, the agency may commence an action to 29890
determine the existence or nonexistence of a parent and child 29891
relationship between the father and the child pursuant to sections 29892
3111.01 to 3111.18 of the Revised Code. 29893

(E) As used in this section: 29894

(1) "Public assistance" means both of the following: 29895

(a) Medicaid; 29896

(b) Ohio works first under Chapter 5107. of the Revised Code. 29897

(2) "Rape" means a violation of section 2907.02 of the 29898
Revised Code or similar law of another state. 29899

(3) "Sexual battery" means a violation of section 2907.03 of 29900
the Revised Code or similar law of another state. 29901

Sec. 3111.041. A caretaker of a child may authorize genetic 29902
testing of the child pursuant to any action or proceeding under 29903
Chapter 3111. of the Revised Code. 29904

Sec. 3111.06. (A) Except as otherwise provided in division 29905
(B) ~~or~~, (C), or (D) of section 3111.381 of the Revised Code, an 29906
action authorized under sections 3111.01 to 3111.18 of the Revised 29907
Code may be brought in the juvenile court or other court with 29908
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 29909
of the county in which the child, the child's mother, or the 29910
alleged father resides or is found or, if the alleged father is 29911
deceased, of the county in which proceedings for the probate of 29912
the alleged father's estate have been or can be commenced, or of 29913
the county in which the child is being provided support by the 29914
county department of job and family services of that county. An 29915
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 29916
to object to an administrative order issued pursuant to former 29917
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 29918
Revised Code determining the existence or nonexistence of a parent 29919
and child relationship that has not become final and enforceable, 29920
may be brought only in the juvenile court or other court with 29921
jurisdiction of the county in which the child support enforcement 29922
agency that issued the order is located. If an action for divorce, 29923
dissolution, or legal separation has been filed in a court of 29924
common pleas, that court of common pleas has original jurisdiction 29925
to determine if the parent and child relationship exists between 29926
one or both of the parties and any child alleged or presumed to be 29927
the child of one or both of the parties. 29928

(B) A person who has sexual intercourse in this state submits 29929
to the jurisdiction of the courts of this state as to an action 29930
brought under sections 3111.01 to 3111.18 of the Revised Code with 29931
respect to a child who may have been conceived by that act of 29932

intercourse. In addition to any other method provided by the Rules 29933
of Civil Procedure, personal jurisdiction may be acquired by 29934
personal service of summons outside this state or by certified 29935
mail with proof of actual receipt. 29936

Sec. 3111.07. (A) The natural mother, each man presumed to be 29937
the father under section 3111.03 of the Revised Code, ~~and~~ each man 29938
alleged to be the natural father, and a caretaker of a child shall 29939
be made parties to the action brought pursuant to sections 3111.01 29940
to 3111.18 of the Revised Code or, if not subject to the 29941
jurisdiction of the court, shall be given notice of the action 29942
pursuant to the Rules of Civil Procedure and shall be given an 29943
opportunity to be heard. The child support enforcement agency of 29944
the county in which the action is brought also shall be given 29945
notice of the action pursuant to the Rules of Civil Procedure and 29946
shall be given an opportunity to be heard. The court may align the 29947
parties. The child shall be made a party to the action unless a 29948
party shows good cause for not doing so. Separate counsel shall be 29949
appointed for the child if the court finds that the child's 29950
interests conflict with those of the mother. 29951

If the person bringing the action knows that a particular man 29952
is not or, based upon the facts and circumstances present, could 29953
not be the natural father of the child, the person bringing the 29954
action shall not allege in the action that the man is the natural 29955
father of the child and shall not make the man a party to the 29956
action. 29957

(B) If an action is brought pursuant to sections 3111.01 to 29958
3111.18 of the Revised Code and the child to whom the action 29959
pertains is or was being provided support by a caretaker, the 29960
department of job and family services, a county department of job 29961
and family services, or another public agency, the caretaker, 29962
department, county department, or agency may intervene for 29963

purposes of collecting or recovering the support. 29964

Sec. 3111.111. If an action is brought pursuant to sections 29965
3111.01 to 3111.18 of the Revised Code to object to a 29966
determination made pursuant to former section 3111.21 or 3111.22 29967
or sections 3111.38 to 3111.54 of the Revised Code that the 29968
alleged father is the natural father of a child, the court, on its 29969
own motion or on the motion of either party, shall issue a 29970
temporary order for the support of the child pursuant to Chapters 29971
3119., 3121., 3123., and 3125. of the Revised Code requiring the 29972
alleged father to pay support to the natural mother or the 29973
~~guardian or legal custodian~~ caretaker of the child. The order 29974
shall remain in effect until the court issues a judgment in the 29975
action pursuant to section 3111.13 of the Revised Code that 29976
determines the existence or nonexistence of a father and child 29977
relationship. If the court, in its judgment, determines that the 29978
alleged father is not the natural father of the child, the court 29979
shall order the person to whom the temporary support was paid 29980
under the order to repay the alleged father all amounts paid for 29981
support under the temporary order. 29982

Sec. 3111.15. (A) If the existence of the father and child 29983
relationship is declared or if paternity or a duty of support has 29984
been adjudicated under sections 3111.01 to 3111.18 of the Revised 29985
Code or under prior law, the obligation of the father may be 29986
enforced in the same or other proceedings by the mother, the 29987
child, the caretaker of the child, or the public authority that 29988
has furnished or may furnish the reasonable expenses of pregnancy, 29989
confinement, education, support, or funeral, or by any other 29990
person, including a private agency, to the extent that any of them 29991
may furnish, has furnished, or is furnishing these expenses. 29992

(B) The court may order support payments to be made to the 29993
mother, the clerk of the court, the caretaker, or a person or 29994

agency designated to administer them for the benefit of the child 29995
under the supervision of the court. 29996

(C) Willful failure to obey the judgment or order of the 29997
court is a civil contempt of the court. 29998

Sec. 3111.21. If the natural mother and alleged father of a 29999
child sign an acknowledgment of paternity affidavit prepared 30000
pursuant to section 3111.31 of the Revised Code with respect to 30001
that child at a child support enforcement agency, the agency shall 30002
provide a notary public to notarize or witnesses to witness the 30003
acknowledgment. 30004

Sec. 3111.22. A child support enforcement agency shall send a 30005
signed and notarized or witnessed acknowledgment of paternity to 30006
the office of child support in the department of job and family 30007
services pursuant to section 3111.23 of the Revised Code. The 30008
agency shall send the acknowledgment no later than ten days after 30009
it has been signed and notarized or witnessed. If the agency knows 30010
a man is presumed under section 3111.03 of the Revised Code to be 30011
the father of the child and the presumed father is not the man who 30012
signed an acknowledgment with respect to the child, the agency 30013
shall not notarize, witness, or send the acknowledgment with 30014
respect to the child pursuant to this section. 30015

Sec. 3111.23. (A) The natural mother, the man acknowledging 30016
he is the natural father, or the other custodian or guardian of a 30017
child, a child support enforcement agency pursuant to section 30018
3111.22 of the Revised Code, a local registrar of vital statistics 30019
pursuant to section 3705.091 of the Revised Code, or a hospital 30020
staff person pursuant to section 3727.17 of the Revised Code, ~~in~~ 30021
~~person or by mail,~~ may file an acknowledgment of paternity with 30022
the office of child support in the department of job and family 30023
services, acknowledging that the child is the child of the man who 30024

signed the acknowledgment. The natural mother, the man 30025
acknowledging he is the natural father, and the other custodian or 30026
guardian of a child, may file an acknowledgment in person or by 30027
mail. A child support enforcement agency, a local registrar of 30028
vital statistics, and a hospital staff person may file an 30029
acknowledgment electronically, in person, or by mail. 30030

(B) The acknowledgment of paternity shall be made: 30031

(1) Made on the affidavit prepared pursuant to section 30032
3111.31 of the Revised Code, shall be signed; 30033

(2) Signed by the natural mother and the man acknowledging 30034
that he is the natural father, and each signature shall be 30035
notarized. The mother and man may sign and have the signature 30036
notarized outside of each other's presence. An acknowledgment 30037
shall be sent and notarized or witnessed in accordance with 30038
division (C) of this section; 30039

(3) Sent to the office no not later than ten days after it 30040
has been signed and notarized. 30041

(C) Each signature in an acknowledgment of paternity shall be 30042
notarized or witnessed by two adult witnesses. The mother and the 30043
man acknowledging that he is the natural father may sign and have 30044
the signature notarized or witnessed outside of each other's 30045
presence. If a person knows a man is presumed under section 30046
3111.03 of the Revised Code to be the natural father of the child 30047
described in this section and that the presumed father is not the 30048
man who signed an acknowledgment with respect to the child, the 30049
person shall not notarize, witness, or file the acknowledgment 30050
pursuant to this section. 30051

Sec. 3111.24. (A) On the filing of an acknowledgment, the 30052
office of child support shall examine the acknowledgment to 30053
determine whether it is completed correctly. The office shall make 30054

the examination no later than five days after the acknowledgment 30055
is filed. If the acknowledgment is completed correctly, the office 30056
shall comply with division (B) of this section. ~~If the~~ 30057
~~acknowledgment is not completed correctly, the office shall return~~ 30058
~~it to the person or entity that filed it. The person or entity~~ 30059
~~shall have ten days from the date the office sends the~~ 30060
~~acknowledgment back to correct it and return it to the office. The~~ 30061
~~office shall send, along with the acknowledgment, a notice stating~~ 30062
~~what needs to be corrected and the amount of time the person or~~ 30063
~~entity has to make the corrections and return the acknowledgment~~ 30064
~~to the office.~~ 30065

~~If the person or entity returns the acknowledgment in a~~ 30066
~~timely manner, the office shall examine the acknowledgment again~~ 30067
~~to determine whether it has been correctly completed. If the~~ 30068
~~acknowledgment has been correctly completed, the office shall~~ 30069
~~comply with division (B) of this section. If the acknowledgment~~ 30070
~~has not been correctly completed the second time or if the~~ 30071
~~acknowledgment is not returned to the office in a timely manner,~~ 30072
~~the acknowledgment is invalid and the office shall return it to~~ 30073
~~the person or entity and shall not enter it into the birth~~ 30074
~~registry. If the office returns an acknowledgment the second time,~~ 30075
~~it shall send a notice to the person or entity stating the errors~~ 30076
~~in the acknowledgment and that the acknowledgment is invalid.~~ 30077

(B) If the office determines an acknowledgment is correctly 30078
completed, the office shall enter the information on the 30079
acknowledgment into the birth registry pursuant to sections 30080
3111.64 and 3111.65 of the Revised Code. After entering the 30081
information in the registry, the office shall send the 30082
acknowledgment to the department of health for storage pursuant to 30083
section 3705.091 of the Revised Code. The office may request that 30084
the department of health send back to the office any 30085
acknowledgment that is being stored by the department of health 30086

pursuant to that section. 30087

(C)(1) Not later than one hundred eighty days after the 30088
effective date of this amendment, the director of job and family 30089
services shall adopt rules in accordance with Chapter 119. of the 30090
Revised Code regarding the management of an acknowledgment of 30091
paternity that is completed incorrectly. The rules shall specify 30092
that the department provide a new acknowledgment of paternity form 30093
and a notice describing the errors to the parties who filed it. 30094

(2) Notwithstanding any provision of section 121.95 of the 30095
Revised Code to the contrary, a regulatory restriction contained 30096
in a rule adopted under division (C)(1) of this section is not 30097
subject to sections 121.95 to 121.953 of the Revised Code. 30098

Sec. 3111.29. Once an acknowledgment of paternity becomes 30099
final under section 3111.25 of the Revised Code, the mother or 30100
~~other custodian or guardian~~ caretaker of the child may do either 30101
of the following: 30102

(A) File a complaint pursuant to section 2151.231 of the 30103
Revised Code in the juvenile court or other court with 30104
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 30105
of the county in which the child or the ~~guardian or legal~~ 30106
~~custodian~~ caretaker of the child resides requesting that the court 30107
order either the father or mother, or both, to pay an amount for 30108
the support of the child; 30109

(B) Contact the child support enforcement agency for 30110
assistance in obtaining a child support order as defined in 30111
section 3119.01 of the Revised Code. 30112

Sec. 3111.31. The department of job and family services shall 30113
prepare an acknowledgment of paternity affidavit that includes in 30114
boldface type at the top of the affidavit the rights and 30115
responsibilities of and the due process safeguards afforded to a 30116

person who acknowledges that he is the natural father of a child, 30117
including that if an alleged father acknowledges a parent and 30118
child relationship he assumes the parental duty of support, that 30119
both signators waive any right to bring an action pursuant to 30120
sections 3111.01 to 3111.18 of the Revised Code or make a request 30121
pursuant to section 3111.38 of the Revised Code, other than for 30122
purposes of rescinding the acknowledgment pursuant to section 30123
3111.27 of the Revised Code in order to ensure expediency in 30124
resolving the question of the existence of a parent and child 30125
relationship, that either parent may rescind the acknowledgment 30126
pursuant to section 3111.27 of the Revised Code, that an action 30127
may be brought pursuant to section 3111.28 of the Revised Code, or 30128
a motion may be filed pursuant to section 3119.961 of the Revised 30129
Code, to rescind the acknowledgment, and that the natural father 30130
has the right to petition a court pursuant to section 3109.12 of 30131
the Revised Code for an order granting him reasonable parenting 30132
time with respect to the child and to petition the court for 30133
custody of the child pursuant to section 2151.23 of the Revised 30134
Code. The affidavit shall include all of the following: 30135

(A) Basic instructions for completing the form, including 30136
instructions that both the natural father and the mother of the 30137
child are required to sign the statement, that they may sign the 30138
statement without being in each other's presence, and that the 30139
signatures must be notarized or witnessed; 30140

(B) Blank spaces to enter the full name, social security 30141
number, date of birth and address of each parent; 30142

(C) Blank spaces to enter the full name, date of birth, and 30143
the residence of the child; 30144

(D) A blank space to enter the name of the hospital or 30145
department of health code number assigned to the hospital, for use 30146
in situations in which the hospital fills out the form pursuant to 30147

section 3727.17 of the Revised Code; 30148

(E) An affirmation by the mother that the information she 30149
supplied is true to the best of her knowledge and belief and that 30150
she is the natural mother of the child named on the form and 30151
assumes the parental duty of support of the child; 30152

(F) An affirmation by the father that the information he 30153
supplied is true to the best of his knowledge and belief, that he 30154
has received information regarding his legal rights and 30155
responsibilities, that he consents to the jurisdiction of the 30156
courts of this state, and that he is the natural father of the 30157
child named on the form and assumes the parental duty of support 30158
of the child; 30159

(G) Signature lines for the mother of the child and the 30160
natural father; 30161

(H) Signature lines for the notary public or witnesses; 30162

(I) An instruction to include or attach any other evidence 30163
necessary to complete the new birth record that is required by the 30164
department by rule. 30165

Sec. 3111.38. At the request of a person described in 30166
division (A) of section 3111.04 of the Revised Code, the child 30167
support enforcement agency of the county in which a child resides 30168
or in which the ~~guardian or legal custodian~~ caretaker of the child 30169
resides shall determine the existence or nonexistence of a parent 30170
and child relationship between an alleged father and the child if 30171
an application for services administered under Title IV-D of the 30172
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 30173
amended, or other IV-D referral has been completed and filed. 30174

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 30175
(D), ~~and~~ (E), and (F) of this section, no person may bring an 30176
action under sections 3111.01 to 3111.18 of the Revised Code 30177

unless the person has requested an administrative determination 30178
under section 3111.38 of the Revised Code of the existence or 30179
nonexistence of a parent and child relationship. 30180

(B) An action to determine the existence or nonexistence of a 30181
parent and child relationship may be brought by the child's mother 30182
in the appropriate division of the court of common pleas in the 30183
county in which the child resides, without requesting an 30184
administrative determination, if the child's mother brings the 30185
action in order to request an order to determine the allocation of 30186
parental rights and responsibilities, the payment of all or any 30187
part of the reasonable expenses of the mother's pregnancy and 30188
confinement, or support of the child. The clerk of the court shall 30189
forward a copy of the complaint to the child support enforcement 30190
agency of the county in which the complaint is filed. 30191

(C) An action to determine the existence or nonexistence of a 30192
parent and child relationship may be brought by the putative 30193
father of the child in the appropriate division of the court of 30194
common pleas in the county in which the child resides, without 30195
requesting an administrative determination, if the putative father 30196
brings the action in order to request an order to determine the 30197
allocation of parental rights and responsibilities. The clerk of 30198
the court shall forward a copy of the complaint to the child 30199
support enforcement agency of the county in which the complaint is 30200
filed. 30201

(D) An action to determine the existence or nonexistence of a 30202
parent and child relationship may be brought by the caretaker of 30203
the child in the appropriate division of the court of common pleas 30204
in the county in which the child resides, without requesting an 30205
administrative determination, if the caretaker brings the action 30206
in order to request support of the child. The clerk of the court 30207
shall forward a copy of the complaint to the child support 30208
enforcement agency of the county in which the complaint is filed. 30209

(E) If services are requested by the court, under divisions 30210
(B) ~~and~~, (C), ~~and~~ (D) of this section, of the child support 30211
enforcement agency to determine the existence or nonexistence of a 30212
parent and child relationship, a Title IV-D application must be 30213
completed and delivered to the child support enforcement agency. 30214

~~(E)~~(F) If the alleged father of a child is deceased and 30215
proceedings for the probate of the estate of the alleged father 30216
have been or can be commenced, the court with jurisdiction over 30217
the probate proceedings shall retain jurisdiction to determine the 30218
existence or nonexistence of a parent and child relationship 30219
between the alleged father and any child without an administrative 30220
determination being requested from a child support enforcement 30221
agency. 30222

If an action for divorce, dissolution of marriage, or legal 30223
separation, or an action under section 2151.231 or 2151.232 of the 30224
Revised Code requesting an order requiring the payment of child 30225
support and provision for the health care of a child, has been 30226
filed in a court of common pleas and a question as to the 30227
existence or nonexistence of a parent and child relationship 30228
arises, the court in which the original action was filed shall 30229
retain jurisdiction to determine the existence or nonexistence of 30230
the parent and child relationship without an administrative 30231
determination being requested from a child support enforcement 30232
agency. 30233

If a juvenile court or other court with jurisdiction under 30234
section 2101.022 or 2301.03 of the Revised Code issues a support 30235
order under section 2151.231 or 2151.232 of the Revised Code 30236
relying on a presumption under section 3111.03 of the Revised 30237
Code, the juvenile court or other court with jurisdiction that 30238
issued the support order shall retain jurisdiction if a question 30239
as to the existence of a parent and child relationship arises. 30240

Sec. 3111.44. After issuing a genetic testing order, the 30241
administrative officer may schedule a conference with the mother 30242
and the alleged father to provide information. If a conference is 30243
scheduled and no other man is presumed to be the father of the 30244
child under section 3111.03 of the Revised Code, the 30245
administrative officer shall provide the mother and alleged father 30246
the opportunity to sign an acknowledgment of paternity affidavit 30247
prepared pursuant to section 3111.31 of the Revised Code. If they 30248
sign an acknowledgment of paternity, the administrative officer 30249
shall cancel the genetic testing order the officer had issued. 30250
Regardless of whether a conference is held, if the mother and 30251
alleged father do not sign an acknowledgment of paternity 30252
affidavit or if an affidavit cannot be notarized or witnessed or 30253
filed because another man is presumed under section 3111.03 of the 30254
Revised Code to be the father of the child, the child, the mother, 30255
and the alleged father shall submit to genetic testing in 30256
accordance with the order issued by the administrative officer. 30257

Sec. 3111.48. An administrative officer shall include in an 30258
order issued under section 3111.46 of the Revised Code a notice 30259
that contains the information described in section 3111.49 of the 30260
Revised Code informing the mother, father, and ~~the guardian or~~ 30261
~~legal custodian~~ caretaker of the child of the right to bring an 30262
action under sections 3111.01 to 3111.18 of the Revised Code and 30263
of the effect of failure to timely bring the action. 30264

An agency shall include in an administrative order issued 30265
under section 3111.47 of the Revised Code a notice that contains 30266
the information described in section 3111.50 of the Revised Code 30267
informing the parties of their right to bring an action under 30268
sections 3111.01 to 3111.18 of the Revised Code. 30269

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 30270

~~legal custodian~~ caretaker of a child may object to an 30271
administrative order determining the existence or nonexistence of 30272
a parent and child relationship by bringing, within fourteen days 30273
after the date the administrative officer issues the order, an 30274
action under sections 3111.01 to 3111.18 of the Revised Code in 30275
the juvenile court or other court with jurisdiction under section 30276
2101.022 or 2301.03 of the Revised Code in the county in which the 30277
child support enforcement agency that employs the administrative 30278
officer who issued the order is located. If the action is not 30279
brought within the fourteen-day period, the administrative order 30280
is final and enforceable by a court and may not be challenged in 30281
an action or proceeding under Chapter 3111. of the Revised Code. 30282

Sec. 3111.71. The department of job and family services shall 30283
enter into a contract with local hospitals for the provision of 30284
staff by the hospitals to meet with unmarried women who give birth 30285
in or en route to the particular hospital. On or before April 1, 30286
1998, each hospital shall enter into a contract with the 30287
department of job and family services pursuant to this section 30288
regarding the duties imposed by this section and section 3727.17 30289
of the Revised Code concerning paternity establishment. A hospital 30290
that fails to enter into a contract shall not receive the fee from 30291
the department for correctly signed and notarized or witnessed 30292
affidavits submitted by the hospital. 30293

Sec. 3111.72. The contract between the department of job and 30294
family services and a local hospital shall require all of the 30295
following: 30296

(A) That the hospital provide a staff person to meet with 30297
each unmarried mother who gave birth in or en route to the 30298
hospital within twenty-four hours of the birth or before the 30299
mother is released from the hospital; 30300

(B) That the staff person attempt to meet with the father of 30301
the unmarried mother's child if possible; 30302

(C) That the staff person explain to the unmarried mother and 30303
the father, if he is present, the benefit to the child of 30304
establishing a parent and child relationship between the father 30305
and the child and the various proper procedures for establishing a 30306
parent and child relationship; 30307

(D) That the staff person present to the unmarried mother 30308
and, if possible, the father, the pamphlet or statement regarding 30309
the rights and responsibilities of a natural parent that is 30310
prepared and provided by the department of job and family services 30311
pursuant to section 3111.32 of the Revised Code; 30312

(E) That the staff person provide the mother and, if 30313
possible, the father, all forms and statements necessary to 30314
voluntarily establish a parent and child relationship, including, 30315
but not limited to, the acknowledgment of paternity affidavit 30316
prepared by the department of job and family services pursuant to 30317
section 3111.31 of the Revised Code; 30318

(F) That the staff person, at the request of both the mother 30319
and father, help the mother and father complete any form or 30320
statement necessary to establish a parent and child relationship; 30321

(G) That the hospital provide a notary public to notarize, or 30322
witnesses to witness, an acknowledgment of paternity affidavit 30323
signed by the mother and father; 30324

(H) That the staff person present to an unmarried mother who 30325
is not participating in the Ohio works first program established 30326
under Chapter 5107. of the Revised Code or receiving medicaid an 30327
application for Title IV-D services; 30328

(I) That the staff person forward any completed 30329
acknowledgment of paternity, no later than ten days after it is 30330
completed, to the office of child support in the department of job 30331

and family services; 30332

(J) That the department of job and family services pay the 30333
hospital twenty dollars for every correctly signed and notarized 30334
or witnessed acknowledgment of paternity affidavit from the 30335
hospital. 30336

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 30337
~~child, the person with whom the child resides, or caretaker of the~~ 30338
child, or the child support enforcement agency of the county in 30339
which the child, parent, ~~guardian, or legal custodian~~ or caretaker 30340
of the child resides may do either of the following to require a 30341
man to pay support and provide for the health care needs of the 30342
child if the man is presumed to be the natural father of the child 30343
under section 3111.03 of the Revised Code: 30344

(A) If the presumption is not based on an acknowledgment of 30345
paternity, file a complaint pursuant to section 2151.231 of the 30346
Revised Code in the juvenile court or other court with 30347
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 30348
of the county in which the child, parent, ~~guardian, or legal~~ 30349
~~custodian~~ caretaker resides; 30350

(B) Contact a child support enforcement agency to request 30351
assistance in obtaining an order for support and the provision of 30352
health care for the child. 30353

Sec. 3119.01. (A) As used in the Revised Code, "child support 30354
enforcement agency" means a child support enforcement agency 30355
designated under former section 2301.35 of the Revised Code prior 30356
to October 1, 1997, or a private or government entity designated 30357
as a child support enforcement agency under section 307.981 of the 30358
Revised Code. 30359

(B) As used in this chapter and Chapters 3121., 3123., and 30360
3125. of the Revised Code: 30361

(1) "Administrative child support order" means any order 30362
issued by a child support enforcement agency for the support of a 30363
child pursuant to section 3109.19 or 3111.81 of the Revised Code 30364
or former section 3111.211 of the Revised Code, section 3111.21 of 30365
the Revised Code as that section existed prior to January 1, 1998, 30366
or section 3111.20 or 3111.22 of the Revised Code as those 30367
sections existed prior to March 22, 2001. 30368

(2) "Child support order" means either a court child support 30369
order or an administrative child support order. 30370

(3) "Obligee" means the person who is entitled to receive the 30371
support payments under a support order. 30372

(4) "Obligor" means the person who is required to pay support 30373
under a support order. 30374

(5) "Support order" means either an administrative child 30375
support order or a court support order. 30376

(C) As used in this chapter: 30377

(1) "Caretaker" means any of the following, other than a 30378
parent: 30379

(a) A person with whom the child resides for at least thirty 30380
consecutive days, and who is the child's primary caregiver; 30381

(b) A person who is receiving public assistance on behalf of 30382
the child; 30383

(c) A person or agency with legal custody of the child, 30384
including a county department of job and family services or a 30385
public children services agency; 30386

(d) A guardian of the person or the estate of a child; 30387

(e) Any other appropriate court or agency with custody of the 30388
child. 30389

"Caretaker" excludes a "host family" as defined under section 30390

<u>2151.90 of the Revised Code.</u>	30391
<u>(2)</u> "Cash medical support" means an amount ordered to be paid	30392
in a child support order toward the ordinary medical expenses	30393
incurred during a calendar year.	30394
(2) <u>(3)</u> "Child care cost" means annual out-of-pocket costs for	30395
the care and supervision of a child or children subject to the	30396
order that is related to work or employment training.	30397
(3) <u>(4)</u> "Court child support order" means any order issued by	30398
a court for the support of a child pursuant to Chapter 3115. of	30399
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	30400
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	30401
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	30402
Code, or division (B) of former section 3113.21 of the Revised	30403
Code.	30404
(4) <u>(5)</u> "Court-ordered parenting time" means the amount of	30405
parenting time a parent is to have under a parenting time order or	30406
the amount of time the children are to be in the physical custody	30407
of a parent under a shared parenting order.	30408
(5) <u>(6)</u> "Court support order" means either a court child	30409
support order or an order for the support of a spouse or former	30410
spouse issued pursuant to Chapter 3115. of the Revised Code,	30411
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or	30412
division (B) of former section 3113.21 of the Revised Code.	30413
(6) <u>(7)</u> "CPI-U" means the consumer price index for all urban	30414
consumers, published by the United States department of labor,	30415
bureau of labor statistics.	30416
(7) <u>(8)</u> "Extraordinary medical expenses" means any uninsured	30417
medical expenses incurred for a child during a calendar year that	30418
exceed the total cash medical support amount owed by the parents	30419
during that year.	30420

~~(8)~~(9) "Federal poverty level" has the same meaning as in 30421
section 5121.30 of the Revised Code. 30422

~~(9)~~ (10) "Income" means either of the following: 30423

(a) For a parent who is employed to full capacity, the gross 30424
income of the parent; 30425

(b) For a parent who is unemployed or underemployed, the sum 30426
of the gross income of the parent and any potential income of the 30427
parent. 30428

~~(10)~~(11) "Income share" means the percentage derived from a 30429
comparison of each parent's annual income after allowable 30430
deductions and credits as indicated on the worksheet to the total 30431
annual income of both parents. 30432

~~(11)~~(12) "Insurer" means any person authorized under Title 30433
XXXIX of the Revised Code to engage in the business of insurance 30434
in this state, any health insuring corporation, and any legal 30435
entity that is self-insured and provides benefits to its employees 30436
or members. 30437

~~(12)~~(13) "Gross income" means, except as excluded in division 30438
~~(C)~~(12)~~(C)~~(13) of this section, the total of all earned and 30439
unearned income from all sources during a calendar year, whether 30440
or not the income is taxable, and includes income from salaries, 30441
wages, overtime pay, and bonuses to the extent described in 30442
division (D) of section 3119.05 of the Revised Code; commissions; 30443
royalties; tips; rents; dividends; severance pay; pensions; 30444
interest; trust income; annuities; social security benefits, 30445
including retirement, disability, and survivor benefits that are 30446
not means-tested; workers' compensation benefits; unemployment 30447
insurance benefits; disability insurance benefits; benefits that 30448
are not means-tested and that are received by and in the 30449
possession of the veteran who is the beneficiary for any 30450
service-connected disability under a program or law administered 30451

by the United States department of veterans' affairs or veterans' 30452
administration; spousal support actually received; and all other 30453
sources of income. "Gross income" includes income of members of 30454
any branch of the United States armed services or national guard, 30455
including, amounts representing base pay, basic allowance for 30456
quarters, basic allowance for subsistence, supplemental 30457
subsistence allowance, cost of living adjustment, specialty pay, 30458
variable housing allowance, and pay for training or other types of 30459
required drills; self-generated income; and potential cash flow 30460
from any source. 30461

"Gross income" does not include any of the following: 30462

(a) Benefits received from means-tested government 30463
administered programs, including Ohio works first; prevention, 30464
retention, and contingency; means-tested veterans' benefits; 30465
supplemental security income; supplemental nutrition assistance 30466
program; disability financial assistance; or other assistance for 30467
which eligibility is determined on the basis of income or assets; 30468

(b) Benefits for any service-connected disability under a 30469
program or law administered by the United States department of 30470
veterans' affairs or veterans' administration that are not 30471
means-tested, that have not been distributed to the veteran who is 30472
the beneficiary of the benefits, and that are in the possession of 30473
the United States department of veterans' affairs or veterans' 30474
administration; 30475

(c) Child support amounts received for children who are not 30476
included in the current calculation; 30477

(d) Amounts paid for mandatory deductions from wages such as 30478
union dues but not taxes, social security, or retirement in lieu 30479
of social security; 30480

(e) Nonrecurring or unsustainable income or cash flow items; 30481

(f) Adoption assistance, kinship guardianship assistance, and 30482

foster care maintenance payments made pursuant to Title IV-E of 30483
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 30484
as amended; 30485

(g) State kinship guardianship assistance described in 30486
section 5153.163 of the Revised Code and payment from the kinship 30487
support program described in section 5101.881 of the Revised Code. 30488

~~(13)~~(14) "Nonrecurring or unsustainable income or cash flow 30489
item" means an income or cash flow item the parent receives in any 30490
year or for any number of years not to exceed three years that the 30491
parent does not expect to continue to receive on a regular basis. 30492
"Nonrecurring or unsustainable income or cash flow item" does not 30493
include a lottery prize award that is not paid in a lump sum or 30494
any other item of income or cash flow that the parent receives or 30495
expects to receive for each year for a period of more than three 30496
years or that the parent receives and invests or otherwise uses to 30497
produce income or cash flow for a period of more than three years. 30498

~~(14)~~(15) "Ordinary medical expenses" includes copayments and 30499
deductibles, and uninsured medical-related costs for the children 30500
of the order. 30501

~~(15)~~(a)~~(16)~~(a) "Ordinary and necessary expenses incurred in 30502
generating gross receipts" means actual cash items expended by the 30503
parent or the parent's business and includes depreciation expenses 30504
of business equipment as shown on the books of a business entity. 30505

(b) Except as specifically included in "ordinary and 30506
necessary expenses incurred in generating gross receipts" by 30507
division ~~(c)~~(15)~~(a)~~(c)~~(16)~~(a) of this section, "ordinary and 30508
necessary expenses incurred in generating gross receipts" does not 30509
include depreciation expenses and other noncash items that are 30510
allowed as deductions on any federal tax return of the parent or 30511
the parent's business. 30512

~~(16)~~(17) "Personal earnings" means compensation paid or 30513

payable for personal services, however denominated, and includes 30514
wages, salary, commissions, bonuses, draws against commissions, 30515
profit sharing, vacation pay, or any other compensation. 30516

~~(17)~~(18) "Potential income" means both of the following for a 30517
parent who the court pursuant to a court support order, or a child 30518
support enforcement agency pursuant to an administrative child 30519
support order, determines is voluntarily unemployed or voluntarily 30520
underemployed: 30521

(a) Imputed income that the court or agency determines the 30522
parent would have earned if fully employed as determined from the 30523
following criteria: 30524

(i) The parent's prior employment experience; 30525

(ii) The parent's education; 30526

(iii) The parent's physical and mental disabilities, if any; 30527

(iv) The availability of employment in the geographic area in 30528
which the parent resides; 30529

(v) The prevailing wage and salary levels in the geographic 30530
area in which the parent resides; 30531

(vi) The parent's special skills and training; 30532

(vii) Whether there is evidence that the parent has the 30533
ability to earn the imputed income; 30534

(viii) The age and special needs of the child for whom child 30535
support is being calculated under this section; 30536

(ix) The parent's increased earning capacity because of 30537
experience; 30538

(x) The parent's decreased earning capacity because of a 30539
felony conviction; 30540

(xi) Any other relevant factor. 30541

(b) Imputed income from any nonincome-producing assets of a 30542

parent, as determined from the local passbook savings rate or 30543
another appropriate rate as determined by the court or agency, not 30544
to exceed the rate of interest specified in division (A) of 30545
section 1343.03 of the Revised Code, if the income is significant. 30546

~~(18)~~(19) "Schedule" means the basic child support schedule 30547
created pursuant to section 3119.021 of the Revised Code. 30548

~~(19)~~(20) "Self-generated income" means gross receipts 30549
received by a parent from self-employment, proprietorship of a 30550
business, joint ownership of a partnership or closely held 30551
corporation, and rents minus ordinary and necessary expenses 30552
incurred by the parent in generating the gross receipts. 30553
"Self-generated income" includes expense reimbursements or in-kind 30554
payments received by a parent from self-employment, the operation 30555
of a business, or rents, including company cars, free housing, 30556
reimbursed meals, and other benefits, if the reimbursements are 30557
significant and reduce personal living expenses. 30558

~~(20)~~(21) "Self-sufficiency reserve" means the minimal amount 30559
necessary for an obligor to adequately subsist upon, as determined 30560
under section 3119.021 of the Revised Code. 30561

~~(21)~~(22) "Split parental rights and responsibilities" means a 30562
situation in which there is more than one child who is the subject 30563
of an allocation of parental rights and responsibilities and each 30564
parent is the residential parent and legal custodian of at least 30565
one of those children. 30566

~~(22)~~(23) "Worksheet" means the applicable worksheet created 30567
in rules adopted under section 3119.022 of the Revised Code that 30568
is used to calculate a parent's child support obligation. 30569

Sec. 3119.06. (A) Except as otherwise provided in this 30570
section, in any action in which a court or a child support 30571
enforcement agency issues or modifies a child support order or in 30572

any other proceeding in which a court or agency determines the 30573
amount of child support to be paid pursuant to a child support 30574
order, the court or agency shall issue a minimum child support 30575
order requiring the obligor to pay a minimum of eighty dollars a 30576
month for all the children subject to that order. The court or 30577
agency, in its discretion and in appropriate circumstances, may 30578
issue a minimum child support order of less than eighty dollars a 30579
month or issue an order not requiring the obligor to pay any child 30580
support amount. The circumstances under which a court or agency 30581
may issue such an order include the nonresidential parent's 30582
medically verified or documented physical or mental disability or 30583
institutionalization in a facility for persons with a mental 30584
illness or any other circumstances considered appropriate by the 30585
court or agency. 30586

If a court or agency issues a minimum child support 30587
obligation pursuant to this section and the obligor under the 30588
support order is the recipient of means-tested public assistance, 30589
as described in division ~~(C)(12)(a)~~ (C)(13)(a) of section 3119.01 30590
of the Revised Code, any unpaid amounts of support due under the 30591
support order shall accrue as arrearages from month to month, and 30592
the obligor's current obligation to pay the support due under the 30593
support order is suspended during any period of time that the 30594
obligor is receiving means-tested public assistance and is 30595
complying with any seek work orders issued pursuant to section 30596
3121.03 of the Revised Code. The court, obligee, and child support 30597
enforcement agency shall not enforce the obligation of the obligor 30598
to pay the amount of support due under the support order while the 30599
obligor is receiving means-tested public assistance and is 30600
complying with any seek work orders issued pursuant to section 30601
3121.03 of the Revised Code. 30602

(B) As used in this section, "means-tested public assistance" 30603
includes cash assistance payments under the Ohio works first 30604

program established under Chapter 5107. of the Revised Code, 30605
financial assistance under the disability financial assistance 30606
program established under Chapter 5115. of the Revised Code, 30607
supplemental security income, or means-tested veterans' benefits. 30608

Sec. 3119.07. (A) Except when the parents have split parental 30609
rights and responsibilities, a parent's child support obligation 30610
for a child for whom the parent is the residential parent and 30611
legal custodian shall be presumed to be spent on that child and 30612
shall not become part of a child support order, and a parent's 30613
child support obligation for a child for whom the parent is not 30614
the residential parent and legal custodian shall become part of a 30615
child support order. 30616

(B) If the parents have split parental rights and 30617
responsibilities, the child support obligations of the parents 30618
shall be offset, and ~~the court shall issue a child support order~~ 30619
~~requiring~~ the parent with the larger child support obligation ~~to~~ 30620
shall pay the net amount pursuant to the child support order. 30621

(C) If neither parent of a child who is the subject of a 30622
child support order is the residential parent and legal custodian 30623
of the child and the child resides with a ~~third party who is the~~ 30624
~~legal custodian of the child caretaker, the court shall issue a~~ 30625
~~child support order requiring~~ each parent ~~to~~ shall pay that 30626
parent's child support obligation pursuant to the child support 30627
order. 30628

Sec. 3119.95. A child support order subject to sections 30629
3119.951 to 3119.9541 of the Revised Code shall include the health 30630
care coverage and cash medical support required for the child 30631
subject to the order. 30632

Sec. 3119.951. The caretaker of a child may file an 30633
application for Title IV-D services with the child support 30634

enforcement agency in the county in which the caretaker resides to 30635
obtain support for the care of the child. 30636

Sec. 3119.9511. Not later than twenty days after completion 30637
of an investigation of a child support order under section 30638
3119.955 or 3119.957 of the Revised Code, the child support 30639
enforcement agency shall determine, based on the information 30640
gathered, whether the order shall or shall not be redirected under 30641
sections 3119.9513 and 3119.9515 of the Revised Code. 30642

Sec. 3119.9513. If the child support enforcement agency 30643
determines that a child support order should be redirected, the 30644
agency shall do one of the following: 30645

(A) For an administrative child support order, the agency 30646
shall issue a redirection order that shall include the child 30647
support amount to be redirected and provisions for redirection 30648
regarding health care coverage and cash medical support. 30649

(B) For a court child support order, the agency shall 30650
recommend to the court that has jurisdiction over the support 30651
order to issue a redirection order and include the child support 30652
amount to be redirected and provisions for redirection regarding 30653
health care coverage and cash medical support. 30654

Sec. 3119.9515. (A) On issuing an order or making a 30655
recommendation under section 3119.9513 of the Revised Code, the 30656
child support enforcement agency shall provide notice of the 30657
following to the parent or caretaker of the child subject to the 30658
order or recommendation: 30659

(1) The results of its investigation under section 3119.955 30660
or 3119.957 of the Revised Code; 30661

(2) For an administrative child support order, notice of the 30662

<u>following:</u>	30663
<u>(a) That the agency has issued a redirection order under section 3119.9513 of the Revised Code regarding the child support order and a copy of the redirection order;</u>	30664 30665 30666
<u>(b) The right to object to the redirection order by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the order is issued;</u>	30667 30668 30669
<u>(c) That the order becomes final and enforceable if no timely objection is made;</u>	30670 30671
<u>(d) The effective date of the order as determined under section 3119.9519 of the Revised Code.</u>	30672 30673
<u>(3) For a court child support order, notice of the following:</u>	30674
<u>(a) That the agency has made a recommendation for a redirection order under section 3119.9513 of the Revised Code to the court that has jurisdiction over the court child support order, and a copy of the recommendation;</u>	30675 30676 30677 30678
<u>(b) The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued;</u>	30679 30680 30681 30682
<u>(c) That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued;</u>	30683 30684 30685 30686
<u>(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code.</u>	30687 30688
<u>(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation.</u>	30689 30690
<u>Sec. 3119.9517. (A) A parent or caretaker may object to an</u>	30691

order issued under section 3119.9513 of the Revised Code by 30692
bringing an action under section 2151.231 of the Revised Code not 30693
later than fourteen days after the notice is issued under division 30694
(A)(2) of section 3119.9515 of the Revised Code. The order shall 30695
be final and enforceable if no objection is timely made. 30696

(B) A parent or caretaker may object to a recommendation 30697
issued under section 3119.9513 of the Revised Code by requesting a 30698
hearing with the court that has jurisdiction over the court child 30699
support order not later than fourteen days after the 30700
recommendation is issued under division (A)(3) of section 30701
3119.9515 of the Revised Code. The recommendation shall be 30702
submitted to the court for inclusion in a redirection order, 30703
unless a request for a court hearing is made not later than 30704
fourteen days after the recommendation is issued. 30705

Sec. 3119.9519. (A) The redirection of a child support order 30706
under a redirection order that has become final as provided under 30707
section 3119.9517 of the Revised Code shall take effect as of, and 30708
relate back to, the date that the child support enforcement agency 30709
received the Title IV-D services application or referral under 30710
section 3119.953 of the Revised Code that initiated the 30711
proceedings resulting in the order. 30712

(B) A redirection order under section 3119.9517 of the 30713
Revised Code based on a recommendation for redirection shall take 30714
effect as of, and relate back to, the date that the child support 30715
enforcement agency received the Title IV-D services application or 30716
referral under section 3119.953 of the Revised Code that initiated 30717
the proceedings resulting in the redirection order. 30718

Sec. 3119.9523. If a child support enforcement agency 30719
determines under section 3119.953 of the Revised Code that the 30720
child in the care of the caretaker is not subject to an existing 30721

child support order, the agency shall determine, not later than 30722
twenty days after its receipt of the Title IV-D services 30723
application or referral under section 3119.953 of the Revised 30724
Code, whether any reason exists for which a child support order 30725
for the child should be imposed. That determination shall include 30726
whether the caretaker is the child's primary caregiver. 30727

Sec. 3119.9525. If, pursuant to an investigation under 30728
section 3119.9523 of the Revised Code, the child support 30729
enforcement agency determines that a reason exists for a child 30730
support order to be imposed regarding the child subject of the 30731
investigation, the agency shall comply with sections 3111.80 to 30732
3111.84 of the Revised Code. 30733

Sec. 3119.9527. If a child support enforcement agency 30734
receives notice that a caretaker is no longer the primary 30735
caregiver for a child subject to a redirection order or 30736
recommendation issued under section 3119.9513 of the Revised Code, 30737
the agency shall do both of the following: 30738

(A) Investigate whether the caretaker to whom support amounts 30739
are redirected under the existing redirection order or 30740
recommendation is still the primary caregiver for the child; 30741

(B) Take action as applicable under sections 3119.9529 to 30742
3119.9535 of the Revised Code. 30743

Sec. 3119.9529. If, upon investigation under section 30744
3119.9527 of the Revised Code, the child support enforcement 30745
agency determines that the caretaker to whom support amounts are 30746
redirected remains the primary caregiver of the child who is the 30747
subject of the redirection order or recommendation, the agency 30748
shall take no further action on the notice received under section 30749
3119.9527 of the Revised Code. 30750

Sec. 3119.953. (A) On receipt of an application for Title 30751
IV-D services from the caretaker of a child under section 3119.951 30752
of the Revised Code, or a Title IV-D services referral regarding 30753
the child, the child support enforcement agency shall determine 30754
whether the child is the subject of an existing child support 30755
order. 30756

(B) If the child is the subject of an existing child support 30757
order, the agency shall comply with sections 3119.955 to 3119.9519 30758
of the Revised Code. 30759

(C) If the child is not the subject of an existing child 30760
support order, the agency shall comply with sections 3119.9523 and 30761
3119.9525 of the Revised Code. 30762

Sec. 3119.9531. If, after an investigation under section 30763
3119.9527 of the Revised Code, the child support enforcement 30764
agency determines that a new caretaker is the primary caregiver 30765
for the child who is the subject of the redirection order or 30766
recommendation, the agency shall do both of the following: 30767

(A) Terminate the existing redirection order or request that 30768
the court terminate the redirection order based on the 30769
recommendation, whichever is applicable; 30770

(B) Direct the new caretaker to file an application for Title 30771
IV-D services under section 3119.951 of the Revised Code. 30772

Sec. 3119.9533. If, after an investigation under section 30773
3119.9527 of the Revised Code, the child support enforcement 30774
agency determines that a parent of the child who is the subject of 30775
the redirection order or recommendation is the primary caregiver 30776
of the child, the agency shall do one of the following: 30777

(A) If the parent is the obligee under the child support 30778
order that is subject to redirection, terminate the existing 30779

redirection order or request the court to terminate the 30780
redirection order based on the recommendation, whichever is 30781
applicable. 30782

(B) If the parent is the obligor under the child support 30783
order that is subject to redirection: 30784

(1) Terminate the existing redirection order or request the 30785
court to terminate the redirection order based on the 30786
recommendation, whichever is applicable; and 30787

(2) Notify the obligor that he or she may do the following: 30788

(a) Request that the child support order be terminated 30789
pursuant to section 3119.87 of the Revised Code; 30790

(b) Request either of the following, whichever is applicable: 30791

(i) For an administrative child support order, request a 30792
review of the order under sections 3119.60 and 3119.61 of the 30793
Revised Code; 30794

(ii) For a court child support order, request the court with 30795
jurisdiction over the order to amend the order. 30796

Sec. 3119.9535. If, after an investigation under section 30797
3119.9527 of the Revised Code, the child support enforcement 30798
agency determines that the child who is the subject of the 30799
redirection order or recommendation is not under the care of any 30800
individual, the agency shall do the following: 30801

(A) Terminate the existing redirection order or request the 30802
court to terminate the redirection order based on the 30803
recommendation, whichever is applicable; 30804

(B) If the agency becomes aware of circumstances indicating 30805
that the child may be abused or neglected, make a report under 30806
section 2151.421 of the Revised Code. 30807

Sec. 3119.9537. (A) If a child support enforcement agency receives a notification under section 3119.9527 of the Revised Code, the agency shall impound any funds received on behalf of the child pursuant to the child support order to which the notification applies.

(B) Impoundment shall continue under this section until the occurrence of any of the following:

(1) The agency makes a determination under section 3119.9529 of the Revised Code;

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code;

(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order;

(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order.

Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency administering the administrative child support order or from the court with jurisdiction over the court child support order, whichever is applicable.

Sec. 3119.9541. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for both of the following:

(A) Requirements for child support enforcement agencies to
conduct investigations and issue findings pursuant to sections
3119.955 and 3119.957 of the Revised Code; 30837
30838
30839

(B) Any other standards, forms, or procedures needed to
ensure uniform implementation of sections 3119.95 to 3119.9539 of
the Revised Code. 30840
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Sec. 3119.955. (A) If a child support enforcement agency
determines under section 3119.953 of the Revised Code that there
is an existing child support order regarding the child in the care
of a caretaker, the agency shall determine if any reason exists
for which the child support order should be redirected to the
caretaker. If the agency determines that the caretaker is the
primary caregiver of the child, the agency shall determine that a
reason exists for redirection. 30843
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(B) If the agency determines that a reason exists for
redirection, the agency also shall determine all of the following: 30851
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(1) The amount of each parent's obligation under the existing
child support order that may be subject to redirection; 30853
30854

(2) Whether any prior redirection has been terminated under
sections 3119.9531 to 3119.9535 of the Revised Code; 30855
30856

(3) Whether any arrearages are owed, and the recommended
payment amount to satisfy such arrears; 30857
30858

(4) If more than one child is subject to the existing child
support order, whether the child support order for all or some of
the children shall be subject to redirection. 30859
30860
30861

(C) The agency shall make the determinations required under
this section not later than twenty days after receipt of a Title
IV-D services application or referral under section 3119.953 of
the Revised Code. 30862
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Sec. 3119.957. If the child support enforcement agency 30866
determines under section 3119.955 of the Revised Code that more 30867
than one child is the subject of a child support order and the 30868
order for fewer than all of the children should be redirected, the 30869
agency shall determine the amount of child support to be 30870
redirected, which amount shall equal the pro rata share of the 30871
child support amounts for each such child under the child support 30872
order. The agency also shall make, in relation to the 30873
determination of the amount of child support that may be 30874
redirected, a determination regarding the health care coverage and 30875
cash medical support under the child support order that may be 30876
redirected. 30877

Sec. 3121.29. Each support order, or modification of a 30878
support order, shall contain a notice that states the following in 30879
boldface type and in all capital letters: 30880

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 30881
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 30882
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 30883
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 30884
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 30885
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 30886
WHICHEVER ISSUED THE SUPPORT ORDER. 30887

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 30888
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 30889
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 30890
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 30891
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 30892
THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 30893
SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 30894
90 DAYS. 30895

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 30896
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 30897
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 30898
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 30899
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 30900
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 30901
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 30902
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 30903
OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 30904
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 30905
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 30906
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 30907
OBLIGATION. " 30908

~~Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 30909
Code, a child support enforcement agency that determines that an 30910
obligor who is the recipient of a lottery prize award is subject 30911
to a final and enforceable determination of default made under 30912
sections 3123.01 to 3123.07 of the Revised Code shall issue an 30913
intercept directive to the director of the state lottery 30914
commission. A copy of this intercept directive shall be sent to 30915
the obligor. 30916~~

~~(B) The intercept directive shall require the director or the 30917
director's designee to transmit an amount or amounts from the 30918
proceeds of the specified lottery prize award to the office of 30919
child support in the department of job and family services. The 30920
intercept directive also shall contain all of the following 30921
information: 30922~~

~~(1) The name, address, and social security number or taxpayer 30923
identification number of the obligor; 30924~~

~~(2) A statement that the obligor has been determined to be in 30925
default under a support order; 30926~~

~~(3) The amount of the arrearage owed by the obligor as determined by the agency.~~ 30927
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~~(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.~~ 30929
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~~(D)~~ The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code ~~in accordance with section 3770.071 of the Revised Code.~~ 30934
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~~(E)~~(B) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with section 3770.071 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the award. The rules shall describe an expedited method for withholding, and the time frame for transmission of the amount withheld to the department. 30941
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~~(F)~~(C) As used in this section, "lottery prize award" has the same meaning as in section 3770.10 of the Revised Code. 30951
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Sec. 3123.90. (A) As used in this section: 30953

(1) "Casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code. 30954
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(2) "Sports gaming proprietor" has the meaning defined in section 3775.01 of the Revised Code. 30957
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(B) The department of job and family services shall develop and implement a real time data match program with each casino facility's casino operator or management company and with each sports gaming proprietor to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. 30959
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(C) Upon the data match program's implementation, if a person receives a payout of winnings at a casino facility or from sports gaming in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator, management company, or sports gaming proprietor shall refer to the data match program to determine if the person entitled to the winnings is in default under a support order. If the data match program indicates that the person is in default, the casino operator, management company, or sports gaming proprietor shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings. 30965
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(D) Not later than fourteen days after withholding the amount, the casino operator, management company, or sports gaming proprietor shall electronically transmit any amount withheld to the department as payment on the support obligation. 30978
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(E) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section. 30982
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Sec. 3125.18. A child support enforcement agency shall administer a Title IV-A program identified under division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that 30985
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the department of job and family services provides for the agency 30988
to administer under the department's supervision pursuant to 30989
section 5101.801 of the Revised Code. 30990

Sec. 3301.07. The state board of education shall exercise 30991
under the acts of the general assembly general supervision of the 30992
system of public education in the state. In addition to the powers 30993
otherwise imposed on the state board under the provisions of law, 30994
the board shall have the powers described in this section. 30995

(A) The state board shall exercise policy forming, planning, 30996
and evaluative functions for the public schools of the state 30997
except as otherwise provided by law. 30998

(B)(1) The state board shall exercise leadership in the 30999
improvement of public education in this state, and administer the 31000
educational policies of this state relating to public schools, and 31001
relating to instruction and instructional material, building and 31002
equipment, transportation of pupils, administrative 31003
responsibilities of school officials and personnel, and finance 31004
and organization of school districts, educational service centers, 31005
and territory. Consultative and advisory services in such matters 31006
shall be provided by the board to school districts and educational 31007
service centers of this state. 31008

(2) The state board also shall develop a standard of 31009
financial reporting which shall be used by each school district 31010
board of education and each governing board of an educational 31011
service center, each governing authority of a community school 31012
established under Chapter 3314., each governing body of a STEM 31013
school established under Chapter ~~3328.~~ 3326., and each board of 31014
trustees of a college-preparatory boarding school established 31015
under Chapter 3328. of the Revised Code to make its financial 31016
information and annual budgets for each school building under its 31017
control available to the public in a format understandable by the 31018

average citizen. The format shall show, both at the district and 31019
at the school building level, revenue by source; expenditures for 31020
salaries, wages, and benefits of employees, showing such amounts 31021
separately for classroom teachers, other employees required to 31022
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 31023
the Revised Code, and all other employees; expenditures other than 31024
for personnel, by category, including utilities, textbooks and 31025
other educational materials, equipment, permanent improvements, 31026
pupil transportation, extracurricular athletics, and other 31027
extracurricular activities; and per pupil expenditures. The format 31028
shall also include information on total revenue and expenditures, 31029
per pupil revenue, and expenditures for both classroom and 31030
nonclassroom purposes, as defined by the standards adopted under 31031
section 3302.20 of the Revised Code in the aggregate and for each 31032
subgroup of students, as defined by section 3317.40 of the Revised 31033
Code, that receives services provided for by state or federal 31034
funding. 31035

(3) Each school district board, governing authority, 31036
governing body, or board of trustees, or its respective designee, 31037
shall annually report, to the department of education, all 31038
financial information required by the standards for financial 31039
reporting, as prescribed by division (B)(2) of this section and 31040
adopted by the state board. The department shall make all reports 31041
submitted pursuant to this division available in such a way that 31042
allows for comparison between financial information included in 31043
these reports and financial information included in reports 31044
produced prior to July 1, 2013. The department shall post these 31045
reports in a prominent location on its web site and shall notify 31046
each school when reports are made available. 31047

(C) The state board shall administer and supervise the 31048
allocation and distribution of all state and federal funds for 31049
public school education under the provisions of law, and may 31050

prescribe such systems of accounting as are necessary and proper 31051
to this function. It may require county auditors and treasurers, 31052
boards of education, educational service center governing boards, 31053
treasurers of such boards, teachers, and other school officers and 31054
employees, or other public officers or employees, to file with it 31055
such reports as it may prescribe relating to such funds, or to the 31056
management and condition of such funds. 31057

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 31058
XLVII, and LI of the Revised Code a reference is made to standards 31059
prescribed under this section or division (D) of this section, 31060
that reference shall be construed to refer to the standards 31061
prescribed under division (D)(2) of this section, unless the 31062
context specifically indicates a different meaning or intent. 31063

(2) The state board shall formulate and prescribe minimum 31064
standards to be applied to all elementary and secondary schools in 31065
this state for the purpose of providing children access to a 31066
general education of high quality according to the learning needs 31067
of each individual, including students with disabilities, 31068
economically disadvantaged students, English learners, and 31069
students identified as gifted. Such standards shall provide 31070
adequately for: the licensing of teachers, administrators, and 31071
other professional personnel and their assignment according to 31072
training and qualifications; efficient and effective instructional 31073
materials and equipment, including library facilities; the proper 31074
organization, administration, and supervision of each school, 31075
including regulations for preparing all necessary records and 31076
reports and the preparation of a statement of policies and 31077
objectives for each school; the provision of safe buildings, 31078
grounds, health and sanitary facilities and services; admission of 31079
pupils, and such requirements for their promotion from grade to 31080
grade as will assure that they are capable and prepared for the 31081
level of study to which they are certified; requirements for 31082

graduation; and such other factors as the board finds necessary. 31083

The state board shall base any standards governing the 31084
promotion of students or requirements for graduation on the 31085
ability of students, at any grade level, to earn credits or 31086
advance upon demonstration of mastery of knowledge and skills 31087
through competency-based learning models. Credits of grade level 31088
advancement shall not require a minimum number of days or hours in 31089
a classroom. 31090

The state board shall base any standards governing the 31091
assignment of staff on ensuring each school has a sufficient 31092
number of teachers to ensure a student has an appropriate level of 31093
interaction to meet each student's personal learning goals. 31094

In the formulation and administration of such standards for 31095
nonpublic schools the board shall also consider the particular 31096
needs, methods and objectives of those schools, provided they do 31097
not conflict with the provision of a general education of a high 31098
quality and provided that regular procedures shall be followed for 31099
promotion from grade to grade of pupils who have met the 31100
educational requirements prescribed. 31101

(3) In addition to the minimum standards required by division 31102
(D)(2) of this section, the state board may formulate and 31103
prescribe the following additional minimum operating standards for 31104
school districts: 31105

(a) Standards for the effective and efficient organization, 31106
administration, and supervision of each school district with a 31107
commitment to high expectations for every student based on the 31108
learning needs of each individual, including students with 31109
disabilities, economically disadvantaged students, English 31110
learners, and students identified as gifted, and commitment to 31111
closing the achievement gap without suppressing the achievement 31112
levels of higher achieving students so that all students achieve 31113

core knowledge and skills in accordance with the statewide 31114
academic standards adopted under section 3301.079 of the Revised 31115
Code; 31116

(b) Standards for the establishment of business advisory 31117
councils under section 3313.82 of the Revised Code; 31118

(c) Standards for school district buildings that may require 31119
the effective and efficient organization, administration, and 31120
supervision of each school district building with a commitment to 31121
high expectations for every student based on the learning needs of 31122
each individual, including students with disabilities, 31123
economically disadvantaged students, English learners, and 31124
students identified as gifted, and commitment to closing the 31125
achievement gap without suppressing the achievement levels of 31126
higher achieving students so that all students achieve core 31127
knowledge and skills in accordance with the statewide academic 31128
standards adopted under section 3301.079 of the Revised Code. 31129

(E) The state board may require as part of the health 31130
curriculum information developed under section 2108.34 of the 31131
Revised Code promoting the donation of anatomical gifts pursuant 31132
to Chapter 2108. of the Revised Code and may provide the 31133
information to high schools, educational service centers, and 31134
joint vocational school district boards of education; 31135

(F) The state board shall prepare and submit annually to the 31136
governor and the general assembly a report on the status, needs, 31137
and major problems of the public schools of the state, with 31138
recommendations for necessary legislative action and a ten-year 31139
projection of the state's public and nonpublic school enrollment, 31140
by year and by grade level. 31141

(G) The state board shall prepare and submit to the director 31142
of budget and management the biennial budgetary requests of the 31143
state board of education, for its agencies and for the public 31144

schools of the state. 31145

(H) The state board shall cooperate with federal, state, and 31146
local agencies concerned with the health and welfare of children 31147
and youth of the state. 31148

(I) The state board shall require such reports from school 31149
districts and educational service centers, school officers, and 31150
employees as are necessary and desirable. The superintendents and 31151
treasurers of school districts and educational service centers 31152
shall certify as to the accuracy of all reports required by law or 31153
state board or state department of education rules to be submitted 31154
by the district or educational service center and which contain 31155
information necessary for calculation of state funding. Any 31156
superintendent who knowingly falsifies such report shall be 31157
subject to license revocation pursuant to section 3319.31 of the 31158
Revised Code. 31159

(J) In accordance with Chapter 119. of the Revised Code, the 31160
state board shall adopt procedures, standards, and guidelines for 31161
the education of children with disabilities pursuant to Chapter 31162
3323. of the Revised Code, including procedures, standards, and 31163
guidelines governing programs and services operated by county 31164
boards of developmental disabilities pursuant to section 3323.09 31165
of the Revised Code. 31166

(K) For the purpose of encouraging the development of special 31167
programs of education for academically gifted children, the state 31168
board shall employ competent persons to analyze and publish data, 31169
promote research, advise and counsel with boards of education, and 31170
encourage the training of teachers in the special instruction of 31171
gifted children. The board may provide financial assistance out of 31172
any funds appropriated for this purpose to boards of education and 31173
educational service center governing boards for developing and 31174
conducting programs of education for academically gifted children. 31175

(L) The state board shall require that all public schools 31176
emphasize and encourage, within existing units of study, the 31177
teaching of energy and resource conservation as recommended to 31178
each district board of education by leading business persons 31179
involved in energy production and conservation, beginning in the 31180
primary grades. 31181

(M) The state board shall formulate and prescribe minimum 31182
standards requiring the use of phonics as a technique in the 31183
teaching of reading in grades kindergarten through ~~three~~ five. In 31184
addition, the state board shall provide in-service training 31185
programs for teachers on the use of phonics as a technique in the 31186
teaching of reading in grades kindergarten through ~~three~~ five. 31187

(N) The state board may adopt rules necessary for carrying 31188
out any function imposed on it by law, and may provide rules as 31189
are necessary for its government and the government of its 31190
employees, and may delegate to the superintendent of public 31191
instruction the management and administration of any function 31192
imposed on it by law. It may provide for the appointment of board 31193
members to serve on temporary committees established by the board 31194
for such purposes as are necessary. Permanent or standing 31195
committees shall not be created. 31196

(O) Upon application from the board of education of a school 31197
district, the superintendent of public instruction may issue a 31198
waiver exempting the district from compliance with the standards 31199
adopted under divisions (B)(2) and (D) of this section, as they 31200
relate to the operation of a school operated by the district. The 31201
state board shall adopt standards for the approval or disapproval 31202
of waivers under this division. The state superintendent shall 31203
consider every application for a waiver, and shall determine 31204
whether to grant or deny a waiver in accordance with the state 31205
board's standards. For each waiver granted, the state 31206
superintendent shall specify the period of time during which the 31207

waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.071. (A)(1) In the case of nontax-supported schools, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree or a master's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing.

(2) In the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A)(1) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or

expertise that qualifies the person to provide instruction. 31239

(b) The person has provided to the chief administrative 31240
officer evidence of at least three years of teaching experience in 31241
a public or nonpublic school. 31242

(c) The person has provided to the chief administrative 31243
officer evidence of completion of a teacher training program named 31244
in the affidavit. 31245

(B) Each person applying for a certificate under this section 31246
for purposes of serving in a nonpublic school chartered by the 31247
state board under section 3301.16 of the Revised Code shall pay a 31248
fee in the amount established under division (A) of section 31249
3319.51 of the Revised Code. Any fees received under this division 31250
shall be paid into the state treasury to the credit of the state 31251
board of education certification fund established under division 31252
(B) of section 3319.51 of the Revised Code. 31253

(C) A person applying for or holding any certificate pursuant 31254
to this section for purposes of serving in a nonpublic school 31255
chartered by the state board is subject to sections 3123.41 to 31256
3123.50 of the Revised Code and any applicable rules adopted under 31257
section 3123.63 of the Revised Code and sections 3319.31 and 31258
3319.311 of the Revised Code. 31259

(D) Divisions (B) and (C) of this section and sections 31260
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 31261
to any administrators, supervisors, or teachers in nonchartered, 31262
nontax-supported schools. 31263

Sec. 3301.0711. (A) The department of education shall: 31264

(1) Annually furnish to, grade, and score all assessments 31265
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 31266
the Revised Code to be administered by city, local, exempted 31267
village, and joint vocational school districts, except that each 31268

district shall score any assessment administered pursuant to 31269
division (B)(10) of this section. Each assessment so furnished 31270
shall include the data verification code of the student to whom 31271
the assessment will be administered, as assigned pursuant to 31272
division (D)(2) of section 3301.0714 of the Revised Code. In 31273
furnishing the practice versions of Ohio graduation tests 31274
prescribed by division (D) of section 3301.0710 of the Revised 31275
Code, the department shall make the tests available on its web 31276
site for reproduction by districts. In awarding contracts for 31277
grading assessments, the department shall give preference to 31278
Ohio-based entities employing Ohio residents. 31279

(2) Adopt rules for the ethical use of assessments and 31280
prescribing the manner in which the assessments prescribed by 31281
section 3301.0710 of the Revised Code shall be administered to 31282
students. 31283

(B) Except as provided in divisions (C) and (J) of this 31284
section, the board of education of each city, local, and exempted 31285
village school district shall, in accordance with rules adopted 31286
under division (A) of this section: 31287

(1) ~~Administer~~ Until the 2022-2023 school year, administer 31288
the English language arts assessments prescribed under division 31289
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 31290
to all students in the third grade who have not attained the score 31291
designated for that assessment under division (A)(2)(c) of section 31292
3301.0710 of the Revised Code. Beginning with the 2023-2024 school 31293
year, the English language arts assessments shall be administered 31294
only once to all students in the third grade. 31295

(2) Administer the mathematics assessment prescribed under 31296
division (A)(1)(a) of section 3301.0710 of the Revised Code at 31297
least once annually to all students in the third grade. 31298

(3) Administer the assessments prescribed under division 31299

(A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	31300 31301
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	31302 31303 31304
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	31305 31306 31307
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	31308 31309 31310
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	31311 31312 31313
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	31314 31315 31316
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	31317 31318 31319 31320
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	31321 31322 31323 31324 31325 31326
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall	31327 31328 31329

administer any assessment prescribed under division (B)(1) of 31330
section 3301.0710 of the Revised Code at least twice annually to 31331
any student enrolled in the joint vocational school district who 31332
has not yet attained the score on that assessment designated under 31333
that division. A board of a joint vocational school district may 31334
also administer such an assessment to any student described in 31335
division (B)(8)(b) of this section. 31336

(10) If the district has a three-year average graduation rate 31337
of not more than seventy-five per cent, administer each assessment 31338
prescribed by division (D) of section 3301.0710 of the Revised 31339
Code in September to all ninth grade students who entered ninth 31340
grade prior to July 1, 2014. 31341

Except as provided in section 3313.614 of the Revised Code 31342
for administration of an assessment to a person who has fulfilled 31343
the curriculum requirement for a high school diploma but has not 31344
passed one or more of the required assessments, the assessments 31345
prescribed under division (B)(1) of section 3301.0710 of the 31346
Revised Code shall not be administered after the date specified in 31347
the rules adopted by the state board of education under division 31348
(D)(1) of section 3301.0712 of the Revised Code. 31349

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 31350
this section, administer the assessments prescribed by division 31351
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 31352
Code in accordance with the timeline and plan for implementation 31353
of those assessments prescribed by rule of the state board adopted 31354
under division (D)(1) of section 3301.0712 of the Revised Code; 31355

(b) A student who has presented evidence to the district or 31356
school of having satisfied the condition prescribed by division 31357
(A)(1) of section 3313.618 of the Revised Code to qualify for a 31358
high school diploma prior to the date of the administration of the 31359
assessment prescribed under division (B)(1) of section 3301.0712 31360
of the Revised Code shall not be required to take that assessment. 31361

However, no board shall prohibit a student who is not required to 31362
take such assessment from taking the assessment. 31363

(c) A student shall not be required to retake the Algebra I 31364
end-of-course examination or the English language arts II 31365
end-of-course examination prescribed under division (B)(2) of 31366
section 3301.0712 of the Revised Code in grades nine through 31367
twelve if the student demonstrates at least a proficient level of 31368
skill, as prescribed under division (B)(5)(a) of that section, or 31369
achieves a competency score, as prescribed under division (B)(10) 31370
of that section, in an administration of the examination prior to 31371
grade nine. 31372

(C)(1)(a) In the case of a student receiving special 31373
education services under Chapter 3323. of the Revised Code, the 31374
individualized education program developed for the student under 31375
that chapter shall specify the manner in which the student will 31376
participate in the assessments administered under this section, 31377
except that a student with significant cognitive disabilities to 31378
whom an alternate assessment is administered in accordance with 31379
division (C)(1) of this section and a student determined to have a 31380
disability that includes an intellectual disability as outlined in 31381
guidance issued by the department shall not be required to take 31382
the assessment prescribed under division (B)(1) of section 31383
3301.0712 of the Revised Code. The individualized education 31384
program may excuse the student from taking any particular 31385
assessment required to be administered under this section if it 31386
instead specifies an alternate assessment method approved by the 31387
department of education as conforming to requirements of federal 31388
law for receipt of federal funds for disadvantaged pupils. To the 31389
extent possible, the individualized education program shall not 31390
excuse the student from taking an assessment unless no reasonable 31391
accommodation can be made to enable the student to take the 31392
assessment. No board shall prohibit a student who is not required 31393

to take an assessment under division (C)(1) of this section from 31394
taking the assessment. 31395

(b) Any alternate assessment approved by the department for a 31396
student under this division shall produce measurable results 31397
comparable to those produced by the assessment it replaces in 31398
order to allow for the student's results to be included in the 31399
data compiled for a school district or building under section 31400
3302.03 of the Revised Code. 31401

(c)(i) Any student enrolled in a chartered nonpublic school 31402
who has been identified, based on an evaluation conducted in 31403
accordance with section 3323.03 of the Revised Code or section 504 31404
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 31405
794, as amended, as a child with a disability shall be excused 31406
from taking any particular assessment required to be administered 31407
under this section if either of the following apply: 31408

(I) A plan developed for the student pursuant to rules 31409
adopted by the state board excuses the student from taking that 31410
assessment. 31411

(II) The chartered nonpublic school develops a written plan 31412
in which the school, in consultation with the student's parents, 31413
determines that an assessment or alternative assessment with 31414
accommodations does not accurately assess the student's academic 31415
performance. The plan shall include an academic profile of the 31416
student's academic performance and shall be reviewed annually to 31417
determine if the student's needs continue to require excusal from 31418
taking the assessment. 31419

(ii) A student with significant cognitive disabilities to 31420
whom an alternate assessment is administered in accordance with 31421
division (C)(1) of this section and a student determined to have a 31422
disability that includes an intellectual disability as outlined in 31423
guidance issued by the department shall not be required to take 31424

the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. 31425
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(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment. 31427
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(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board not later than the thirtieth day of June. 31431
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~~(3) As used in this division, "English learner" has the same meaning as in 20 U.S.C. 7801.~~ 31439
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No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except ~~as follows:~~ 31441
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~~(a) Any that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.~~ 31444
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~~(b) Any English learner who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.~~ 31450
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However, no board shall prohibit an English learner who is not required to take ~~an that assessment under division (C)(3) of~~ 31454
31455

~~this section~~ from taking the assessment. A 31456

A board may permit any English learner to take an assessment 31457
required to be administered under this section with appropriate 31458
accommodations, as determined by the department. ~~For~~ 31459

~~For~~ each English learner, each school district shall annually 31460
assess that student's progress in learning English, in accordance 31461
with procedures approved by the department. 31462

The guidance and procedures issued by the department for the 31463
purposes of division (C)(3) of this section shall comply with the 31464
state board's rules adopted under section 3301.0731 of the Revised 31465
Code. 31466

(4)(a) The governing authority of a chartered nonpublic 31467
school may excuse an English learner from taking any assessment 31468
administered under this section. 31469

(b) No governing authority shall require an English learner 31470
who has been enrolled in United States schools for less than two 31471
years and for whom no appropriate accommodations are available 31472
based on guidance issued by the department to take the assessment 31473
prescribed under division (B)(1) of section 3301.0712 of the 31474
Revised Code. 31475

(c) No governing authority shall prohibit an English learner 31476
from taking an assessment from which the student was excused under 31477
division (C)(4) of this section. 31478

(D)(1) In the school year next succeeding the school year in 31479
which the assessments prescribed by division (A)(1) or (B)(1) of 31480
section 3301.0710 of the Revised Code or former division (A)(1), 31481
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 31482
existed prior to September 11, 2001, are administered to any 31483
student, the board of education of any school district in which 31484
the student is enrolled in that year shall provide to the student 31485
intervention services commensurate with the student's performance, 31486

including any intensive intervention required under section 31487
3313.608 of the Revised Code, in any skill in which the student 31488
failed to demonstrate at least a score at the proficient level on 31489
the assessment. 31490

(2) Following any administration of the assessments 31491
prescribed by division (D) of section 3301.0710 of the Revised 31492
Code to ninth grade students, each school district that has a 31493
three-year average graduation rate of not more than seventy-five 31494
per cent shall determine for each high school in the district 31495
whether the school shall be required to provide intervention 31496
services to any students who took the assessments. In determining 31497
which high schools shall provide intervention services based on 31498
the resources available, the district shall consider each school's 31499
graduation rate and scores on the practice assessments. The 31500
district also shall consider the scores received by ninth grade 31501
students on the English language arts and mathematics assessments 31502
prescribed under division (A)(1)(f) of section 3301.0710 of the 31503
Revised Code in the eighth grade in determining which high schools 31504
shall provide intervention services. 31505

Each high school selected to provide intervention services 31506
under this division shall provide intervention services to any 31507
student whose results indicate that the student is failing to make 31508
satisfactory progress toward being able to attain scores at the 31509
proficient level on the Ohio graduation tests. Intervention 31510
services shall be provided in any skill in which a student 31511
demonstrates unsatisfactory progress and shall be commensurate 31512
with the student's performance. Schools shall provide the 31513
intervention services prior to the end of the school year, during 31514
the summer following the ninth grade, in the next succeeding 31515
school year, or at any combination of those times. 31516

(E) Except as provided in section 3313.608 of the Revised 31517
Code and division (N) of this section, no school district board of 31518

education shall utilize any student's failure to attain a 31519
specified score on an assessment administered under this section 31520
as a factor in any decision to deny the student promotion to a 31521
higher grade level. However, a district board may choose not to 31522
promote to the next grade level any student who does not take an 31523
assessment administered under this section or make up an 31524
assessment as provided by division (C)(2) of this section and who 31525
is not exempt from the requirement to take the assessment under 31526
division (C)(3) of this section. 31527

(F) No person shall be charged a fee for taking any 31528
assessment administered under this section. 31529

(G)(1) Each school district board shall designate one 31530
location for the collection of assessments administered in the 31531
spring under division (B)(1) of this section and those 31532
administered under divisions (B)(2) to (7) of this section. Each 31533
district board shall submit the assessments to the entity with 31534
which the department contracts for the scoring of the assessments 31535
as follows: 31536

(a) If the district's total enrollment in grades kindergarten 31537
through twelve during the first full school week of October was 31538
less than two thousand five hundred, not later than the Friday 31539
after all of the assessments have been administered; 31540

(b) If the district's total enrollment in grades kindergarten 31541
through twelve during the first full school week of October was 31542
two thousand five hundred or more, but less than seven thousand, 31543
not later than the Monday after all of the assessments have been 31544
administered; 31545

(c) If the district's total enrollment in grades kindergarten 31546
through twelve during the first full school week of October was 31547
seven thousand or more, not later than the Tuesday after all of 31548
the assessments have been administered. 31549

However, any assessment that a student takes during the 31550
make-up period described in division (C)(2) of this section shall 31551
be submitted not later than the Friday following the day the 31552
student takes the assessment. 31553

(2) The department or an entity with which the department 31554
contracts for the scoring of the assessment shall send to each 31555
school district board a list of the individual scores of all 31556
persons taking a state achievement assessment as follows: 31557

(a) Except as provided in division (G)(2)(b) or (c) of this 31558
section, within forty-five days after the administration of the 31559
assessments prescribed by sections 3301.0710 and 3301.0712 of the 31560
Revised Code, but in no case shall the scores be returned later 31561
than the thirtieth day of June following the administration; 31562

(b) In the case of the third-grade English language arts 31563
assessment, within forty-five days after the administration of 31564
that assessment, but in no case shall the scores be returned later 31565
than the fifteenth day of June following the administration; 31566

(c) In the case of the writing component of an assessment or 31567
end-of-course examination in the area of English language arts, 31568
except for the third-grade English language arts assessment, the 31569
results may be sent after forty-five days of the administration of 31570
the writing component, but in no case shall the scores be returned 31571
later than the thirtieth day of June following the administration. 31572

(3) For assessments administered under this section by a 31573
joint vocational school district, the department or entity shall 31574
also send to each city, local, or exempted village school district 31575
a list of the individual scores of any students of such city, 31576
local, or exempted village school district who are attending 31577
school in the joint vocational school district. 31578

(4) Beginning with the 2019-2020 school year, a school 31579
district, other public school, or chartered nonpublic school may 31580

administer the third-grade English language arts or mathematics 31581
assessment, or both, in a paper format in any school year for 31582
which the district board of education or school governing body 31583
adopts a resolution indicating that the district or school chooses 31584
to administer the assessment in a paper format. The board or 31585
governing body shall submit a copy of the resolution to the 31586
department of education not later than the first day of May prior 31587
to the school year for which it will apply. If the resolution is 31588
submitted, the district or school shall administer the assessment 31589
in a paper format to all students in the third grade, except that 31590
any student whose individualized education program or plan 31591
developed under section 504 of the "Rehabilitation Act of 1973," 31592
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 31593
assessment in an online format is an appropriate accommodation for 31594
the student may take the assessment in an online format. 31595

(H) Individual scores on any assessments administered under 31596
this section shall be released by a district board only in 31597
accordance with section 3319.321 of the Revised Code and the rules 31598
adopted under division (A) of this section. No district board or 31599
its employees shall utilize individual or aggregate results in any 31600
manner that conflicts with rules for the ethical use of 31601
assessments adopted pursuant to division (A) of this section. 31602

(I) Except as provided in division (G) of this section, the 31603
department or an entity with which the department contracts for 31604
the scoring of the assessment shall not release any individual 31605
scores on any assessment administered under this section. The 31606
state board shall adopt rules to ensure the protection of student 31607
confidentiality at all times. The rules may require the use of the 31608
data verification codes assigned to students pursuant to division 31609
(D)(2) of section 3301.0714 of the Revised Code to protect the 31610
confidentiality of student scores. 31611

(J) Notwithstanding division (D) of section 3311.52 of the 31612

Revised Code, this section does not apply to the board of 31613
education of any cooperative education school district except as 31614
provided under rules adopted pursuant to this division. 31615

(1) In accordance with rules that the state board shall 31616
adopt, the board of education of any city, exempted village, or 31617
local school district with territory in a cooperative education 31618
school district established pursuant to divisions (A) to (C) of 31619
section 3311.52 of the Revised Code may enter into an agreement 31620
with the board of education of the cooperative education school 31621
district for administering any assessment prescribed under this 31622
section to students of the city, exempted village, or local school 31623
district who are attending school in the cooperative education 31624
school district. 31625

(2) In accordance with rules that the state board shall 31626
adopt, the board of education of any city, exempted village, or 31627
local school district with territory in a cooperative education 31628
school district established pursuant to section 3311.521 of the 31629
Revised Code shall enter into an agreement with the cooperative 31630
district that provides for the administration of any assessment 31631
prescribed under this section to both of the following: 31632

(a) Students who are attending school in the cooperative 31633
district and who, if the cooperative district were not 31634
established, would be entitled to attend school in the city, 31635
local, or exempted village school district pursuant to section 31636
3313.64 or 3313.65 of the Revised Code; 31637

(b) Persons described in division (B)(8)(b) of this section. 31638

Any assessment of students pursuant to such an agreement 31639
shall be in lieu of any assessment of such students or persons 31640
pursuant to this section. 31641

(K)(1)(a) Except as otherwise provided in division (K)(1) or 31642
(2) of this section, each chartered nonpublic school for which at 31643

least sixty-five per cent of its total enrollment is made up of 31644
students who are participating in state scholarship programs shall 31645
administer the assessments prescribed by division (A) of section 31646
3301.0710 of the Revised Code or an alternative standardized 31647
assessment determined by the department. In accordance with 31648
procedures and deadlines prescribed by the department, the parent 31649
or guardian of a student enrolled in the school who is not 31650
participating in a state scholarship program may submit notice to 31651
the chief administrative officer of the school that the parent or 31652
guardian does not wish to have the student take the assessments 31653
prescribed for the student's grade level under division (A) of 31654
section 3301.0710 of the Revised Code. If a parent or guardian 31655
submits an opt-out notice, the school shall not administer the 31656
assessments to that student. This option does not apply to any 31657
assessment required for a high school diploma under section 31658
3313.612 of the Revised Code. 31659

(b) Any chartered nonpublic school that enrolls students who 31660
are participating in state scholarship programs may administer an 31661
alternative standardized assessment determined by the department 31662
instead of the assessments prescribed by division (A) of section 31663
3301.0710 of the Revised Code. 31664

Each chartered nonpublic school subject to division (K)(1)(a) 31665
or (b) of this section shall report the results of each assessment 31666
administered under those divisions to the department. 31667

(2) A chartered nonpublic school may submit to the 31668
superintendent of public instruction a request for a waiver from 31669
administering the elementary assessments prescribed by division 31670
(A) of section 3301.0710 of the Revised Code. The state 31671
superintendent shall approve or disapprove a request for a waiver 31672
submitted under division (K)(2) of this section. No waiver shall 31673
be approved for any school year prior to the 2015-2016 school 31674
year. 31675

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 31676
31677

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 31678
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 31687
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 31690
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department. 31696
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(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of

this section, for a student who is enrolled in a chartered 31740
nonpublic school that is not accredited through the independent 31741
schools association of the central states, regardless of whether 31742
the student is attending or is not attending the school under a 31743
state scholarship program, the student shall do one of the 31744
following: 31745

(i) Take all of the assessments prescribed by division (B) of 31746
section 3301.0712 of the Revised Code; 31747

(ii) Take only the assessment prescribed by division (B)(1) 31748
of section 3301.0712 of the Revised Code, provided that the 31749
student's school publishes the results of that assessment for each 31750
graduating class. The published results of that assessment shall 31751
include the overall composite scores, mean scores, twenty-fifth 31752
percentile scores, and seventy-fifth percentile scores for each 31753
subject area of the assessment. 31754

(iii) Take an alternative assessment approved by the 31755
department under section 3313.619 of the Revised Code. 31756

(b) A student who is excused from taking an assessment under 31757
division (C) of this section or has presented evidence to the 31758
chartered nonpublic school of having satisfied the condition 31759
prescribed by division (A)(1) of section 3313.618 of the Revised 31760
Code to qualify for a high school diploma prior to the date of the 31761
administration of the assessment prescribed under division (B)(1) 31762
of section 3301.0712 of the Revised Code shall not be required to 31763
take that assessment. No governing authority of a chartered 31764
nonpublic school shall prohibit a student who is not required to 31765
take such assessment from taking the assessment. 31766

(4) The assessments prescribed by sections 3301.0712 and 31767
3313.619 of the Revised Code shall not be administered to any 31768
student attending the school, if the school meets all of the 31769
following conditions: 31770

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code for the state school for the blind and the state school for the deaf. ~~Each~~ The superintendent of Ohio deaf and blind education services shall administer the assessments in the same manner as district boards are required to do under this section and rules

adopted by the department of education and in conformity with 31803
division (C)(1)(a) of this section. 31804

(2) The department of education shall furnish the assessments 31805
described by sections 3301.0710 and 3301.0712 of the Revised Code 31806
to ~~each~~ the superintendent of Ohio deaf and blind education 31807
services. 31808

(N) Notwithstanding division (E) of this section, a school 31809
district may use a student's failure to attain a score in at least 31810
the proficient range on the mathematics assessment described by 31811
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 31812
an assessment described by division (A)(1)(b), (c), (d), (e), or 31813
(f) of section 3301.0710 of the Revised Code as a factor in 31814
retaining that student in the current grade level. 31815

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 31816
and (7) of this section, the assessments required by division 31817
(A)(1) of section 3301.0710 of the Revised Code shall become 31818
public records pursuant to section 149.43 of the Revised Code on 31819
the thirty-first day of July following the school year that the 31820
assessments were administered. 31821

(2) The department may field test proposed questions with 31822
samples of students to determine the validity, reliability, or 31823
appropriateness of questions for possible inclusion in a future 31824
year's assessment. The department also may use anchor questions on 31825
assessments to ensure that different versions of the same 31826
assessment are of comparable difficulty. 31827

Field test questions and anchor questions shall not be 31828
considered in computing scores for individual students. Field test 31829
questions and anchor questions may be included as part of the 31830
administration of any assessment required by division (A)(1) or 31831
(B) of section 3301.0710 and division (B) of section 3301.0712 of 31832
the Revised Code. 31833

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and

2016-2017 school years, questions on the assessments prescribed 31865
under division (A) of section 3301.0710 and division (B)(2) of 31866
section 3301.0712 of the Revised Code and the corresponding 31867
preferred answers that are used to compute a student's score shall 31868
become a public record as follows: 31869

(i) Forty per cent of the questions and preferred answers on 31870
the assessments on the thirty-first day of July following the 31871
administration of the assessment; 31872

(ii) Twenty per cent of the questions and preferred answers 31873
on the assessment on the thirty-first day of July one year after 31874
the administration of the assessment; 31875

(iii) The remaining forty per cent of the questions and 31876
preferred answers on the assessment on the thirty-first day of 31877
July two years after the administration of the assessment. 31878

The entire content of an assessment shall become a public 31879
record within three years of its administration. 31880

The department shall make the questions that become a public 31881
record under this division readily accessible to the public on the 31882
department's web site. Questions on the spring administration of 31883
each assessment shall be released on an annual basis, in 31884
accordance with this division. 31885

(b) No questions and corresponding preferred answers shall 31886
become a public record under division (O)(6) of this section after 31887
July 31, 2017. 31888

(7) Division (O)(7) of this section applies to the 31889
assessments prescribed by division (A) of section 3301.0710 and 31890
division (B)(2) of section 3301.0712 of the Revised Code. 31891

Beginning with the assessments administered in the spring of 31892
the 2017-2018 school year, not less than forty per cent of the 31893
questions on each assessment that are used to compute a student's 31894

score shall be a public record. The department shall determine 31895
which questions will be needed for reuse on a future assessment 31896
and those questions shall not be public records and shall be 31897
redacted from the assessment prior to its release as a public 31898
record. However, for each redacted question, the department shall 31899
inform each city, local, and exempted village school district of 31900
the corresponding statewide academic standard adopted by the state 31901
board under section 3301.079 of the Revised Code and the 31902
corresponding benchmark to which the question relates. The 31903
department is not required to provide corresponding standards and 31904
benchmarks to field test questions that are redacted under 31905
division (O)(3) of this section. 31906

(P) As used in this section: 31907

(1) "Three-year average" means the average of the most recent 31908
consecutive three school years of data. 31909

(2) "Dropout" means a student who withdraws from school 31910
before completing course requirements for graduation and who is 31911
not enrolled in an education program approved by the state board 31912
of education or an education program outside the state. "Dropout" 31913
does not include a student who has departed the country. 31914

(3) "Graduation rate" means the ratio of students receiving a 31915
diploma to the number of students who entered ninth grade four 31916
years earlier. Students who transfer into the district are added 31917
to the calculation. Students who transfer out of the district for 31918
reasons other than dropout are subtracted from the calculation. If 31919
a student who was a dropout in any previous year returns to the 31920
same school district, that student shall be entered into the 31921
calculation as if the student had entered ninth grade four years 31922
before the graduation year of the graduating class that the 31923
student joins. 31924

(4) "State scholarship programs" means the educational choice 31925

scholarship pilot program established under sections 3310.01 to 31926
3310.17 of the Revised Code, the autism scholarship program 31927
established under section 3310.41 of the Revised Code, the Jon 31928
Peterson special needs scholarship program established under 31929
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 31930
project scholarship program established under sections 3313.974 to 31931
3313.979 of the Revised Code. 31932

(5) "Other public school" means a community school 31933
established under Chapter 3314., a STEM school established under 31934
Chapter 3326., or a college-preparatory boarding school 31935
established under Chapter 3328. of the Revised Code. 31936

(6) "English learner" has the same meaning as in section 31937
3301.0731 of the Revised Code. 31938

Sec. 3301.0714. (A) The state board of education shall adopt 31939
rules for a statewide education management information system. The 31940
rules shall require the state board to establish guidelines for 31941
the establishment and maintenance of the system in accordance with 31942
this section and the rules adopted under this section. The 31943
guidelines shall include: 31944

(1) Standards identifying and defining the types of data in 31945
the system in accordance with divisions (B) and (C) of this 31946
section; 31947

(2) Procedures for annually collecting and reporting the data 31948
to the state board in accordance with division (D) of this 31949
section; 31950

(3) Procedures for annually compiling the data in accordance 31951
with division (G) of this section; 31952

(4) Procedures for annually reporting the data to the public 31953
in accordance with division (H) of this section; 31954

(5) Standards to provide strict safeguards to protect the 31955

confidentiality of personally identifiable student data. 31956

(B) The guidelines adopted under this section shall require 31957
the data maintained in the education management information system 31958
to include at least the following: 31959

(1) Student participation and performance data, for each 31960
grade in each school district as a whole and for each grade in 31961
each school building in each school district, that includes: 31962

(a) The numbers of students receiving each category of 31963
instructional service offered by the school district, such as 31964
regular education instruction, vocational education instruction, 31965
specialized instruction programs or enrichment instruction that is 31966
part of the educational curriculum, instruction for gifted 31967
students, instruction for students with disabilities, and remedial 31968
instruction. The guidelines shall require instructional services 31969
under this division to be divided into discrete categories if an 31970
instructional service is limited to a specific subject, a specific 31971
type of student, or both, such as regular instructional services 31972
in mathematics, remedial reading instructional services, 31973
instructional services specifically for students gifted in 31974
mathematics or some other subject area, or instructional services 31975
for students with a specific type of disability. The categories of 31976
instructional services required by the guidelines under this 31977
division shall be the same as the categories of instructional 31978
services used in determining cost units pursuant to division 31979
(C)(3) of this section. 31980

(b) The numbers of students receiving support or 31981
extracurricular services for each of the support services or 31982
extracurricular programs offered by the school district, such as 31983
counseling services, health services, and extracurricular sports 31984
and fine arts programs. The categories of services required by the 31985
guidelines under this division shall be the same as the categories 31986
of services used in determining cost units pursuant to division 31987

(C)(4)(a) of this section.	31988
(c) Average student grades in each subject in grades nine through twelve;	31989 31990
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	31991 31992
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	31993 31994 31995
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	31996 31997 31998
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	31999 32000 32001 32002
(h) Expulsion rates;	32003
(i) Suspension rates;	32004
(j) Dropout rates;	32005
(k) Rates of retention in grade;	32006
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	32007 32008 32009
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	32010 32011 32012 32013 32014
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	32015 32016

Revised Code to permit a comparison of the academic readiness of 32017
kindergarten students. However, no district shall be required to 32018
report to the department the results of any diagnostic assessment 32019
administered to a kindergarten student, except for the language 32020
and reading assessment described in division (A)(2) of section 32021
3301.0715 of the Revised Code, if the parent of that student 32022
requests the district not to report those results. 32023

(o) Beginning on July 1, 2018, for each disciplinary action 32024
which is required to be reported under division ~~(B)(4)~~(B)(5) of 32025
this section, districts and schools also shall include an 32026
identification of the person or persons, if any, at whom the 32027
student's violent behavior that resulted in discipline was 32028
directed. The person or persons shall be identified by the 32029
respective classification at the district or school, such as 32030
student, teacher, or nonteaching employee, but shall not be 32031
identified by name. 32032

Division (B)(1)(o) of this section does not apply after the 32033
date that is two years following the submission of the report 32034
required by Section 733.13 of H.B. 49 of the 132nd general 32035
assembly. 32036

(p) The number of students earning each state diploma seal 32037
included in the system prescribed under division (A) of section 32038
3313.6114 of the Revised Code; 32039

(q) The number of students demonstrating competency for 32040
graduation using each option described in divisions (B)(1)(a) to 32041
(d) of section 3313.618 of the Revised Code; 32042

(r) The number of students completing each foundational and 32043
supporting option as part of the demonstration of competency for 32044
graduation pursuant to division (B)(1)(b) of section 3313.618 of 32045
the Revised Code; 32046

(s) The number of students enrolled in all-day kindergarten, 32047

as defined in section 3321.05 of the Revised Code. 32048

(2) Personnel and classroom enrollment data for each school 32049
district, including: 32050

(a) The total numbers of licensed employees and nonlicensed 32051
employees and the numbers of full-time equivalent licensed 32052
employees and nonlicensed employees providing each category of 32053
instructional service, instructional support service, and 32054
administrative support service used pursuant to division (C)(3) of 32055
this section. The guidelines adopted under this section shall 32056
require these categories of data to be maintained for the school 32057
district as a whole and, wherever applicable, for each grade in 32058
the school district as a whole, for each school building as a 32059
whole, and for each grade in each school building. 32060

(b) The total number of employees and the number of full-time 32061
equivalent employees providing each category of service used 32062
pursuant to divisions (C)(4)(a) and (b) of this section, and the 32063
total numbers of licensed employees and nonlicensed employees and 32064
the numbers of full-time equivalent licensed employees and 32065
nonlicensed employees providing each category used pursuant to 32066
division (C)(4)(c) of this section. The guidelines adopted under 32067
this section shall require these categories of data to be 32068
maintained for the school district as a whole and, wherever 32069
applicable, for each grade in the school district as a whole, for 32070
each school building as a whole, and for each grade in each school 32071
building. 32072

(c) The total number of regular classroom teachers teaching 32073
classes of regular education and the average number of pupils 32074
enrolled in each such class, in each of grades kindergarten 32075
through five in the district as a whole and in each school 32076
building in the school district. 32077

(d) The number of lead teachers employed by each school 32078

district and each school building. 32079

(3)(a) Student demographic data for each school district, 32080
including information regarding the gender ratio of the school 32081
district's pupils, the racial make-up of the school district's 32082
pupils, the number of English learners in the district, and an 32083
appropriate measure of the number of the school district's pupils 32084
who reside in economically disadvantaged households. The 32085
demographic data shall be collected in a manner to allow 32086
correlation with data collected under division (B)(1) of this 32087
section. Categories for data collected pursuant to division (B)(3) 32088
of this section shall conform, where appropriate, to standard 32089
practices of agencies of the federal government. 32090

(b) With respect to each student entering kindergarten, 32091
whether the student previously participated in a public preschool 32092
program, a private preschool program, or a head start program, and 32093
the number of years the student participated in each of these 32094
programs. 32095

~~(4)(a) The core curriculum and instructional materials~~ 32096
~~being used for English language arts in each of grades~~ 32097
~~pre-kindergarten to five;~~ 32098

~~(b) The reading intervention programs being used in each of~~ 32099
~~grades pre-kindergarten to twelve.~~ 32100

(5) Any data required to be collected pursuant to federal 32101
law. 32102

(C) The education management information system shall include 32103
cost accounting data for each district as a whole and for each 32104
school building in each school district. The guidelines adopted 32105
under this section shall require the cost data for each school 32106
district to be maintained in a system of mutually exclusive cost 32107
units and shall require all of the costs of each school district 32108
to be divided among the cost units. The guidelines shall require 32109

the system of mutually exclusive cost units to include at least 32110
the following: 32111

(1) Administrative costs for the school district as a whole. 32112
The guidelines shall require the cost units under this division 32113
(C)(1) to be designed so that each of them may be compiled and 32114
reported in terms of average expenditure per pupil in enrolled ADM 32115
in the school district, as determined pursuant to section 3317.03 32116
of the Revised Code. 32117

(2) Administrative costs for each school building in the 32118
school district. The guidelines shall require the cost units under 32119
this division (C)(2) to be designed so that each of them may be 32120
compiled and reported in terms of average expenditure per 32121
full-time equivalent pupil receiving instructional or support 32122
services in each building. 32123

(3) Instructional services costs for each category of 32124
instructional service provided directly to students and required 32125
by guidelines adopted pursuant to division (B)(1)(a) of this 32126
section. The guidelines shall require the cost units under 32127
division (C)(3) of this section to be designed so that each of 32128
them may be compiled and reported in terms of average expenditure 32129
per pupil receiving the service in the school district as a whole 32130
and average expenditure per pupil receiving the service in each 32131
building in the school district and in terms of a total cost for 32132
each category of service and, as a breakdown of the total cost, a 32133
cost for each of the following components: 32134

(a) The cost of each instructional services category required 32135
by guidelines adopted under division (B)(1)(a) of this section 32136
that is provided directly to students by a classroom teacher; 32137

(b) The cost of the instructional support services, such as 32138
services provided by a speech-language pathologist, classroom 32139
aide, multimedia aide, or librarian, provided directly to students 32140

in conjunction with each instructional services category; 32141

(c) The cost of the administrative support services related 32142
to each instructional services category, such as the cost of 32143
personnel that develop the curriculum for the instructional 32144
services category and the cost of personnel supervising or 32145
coordinating the delivery of the instructional services category. 32146

(4) Support or extracurricular services costs for each 32147
category of service directly provided to students and required by 32148
guidelines adopted pursuant to division (B)(1)(b) of this section. 32149
The guidelines shall require the cost units under division (C)(4) 32150
of this section to be designed so that each of them may be 32151
compiled and reported in terms of average expenditure per pupil 32152
receiving the service in the school district as a whole and 32153
average expenditure per pupil receiving the service in each 32154
building in the school district and in terms of a total cost for 32155
each category of service and, as a breakdown of the total cost, a 32156
cost for each of the following components: 32157

(a) The cost of each support or extracurricular services 32158
category required by guidelines adopted under division (B)(1)(b) 32159
of this section that is provided directly to students by a 32160
licensed employee, such as services provided by a guidance 32161
counselor or any services provided by a licensed employee under a 32162
supplemental contract; 32163

(b) The cost of each such services category provided directly 32164
to students by a nonlicensed employee, such as janitorial 32165
services, cafeteria services, or services of a sports trainer; 32166

(c) The cost of the administrative services related to each 32167
services category in division (C)(4)(a) or (b) of this section, 32168
such as the cost of any licensed or nonlicensed employees that 32169
develop, supervise, coordinate, or otherwise are involved in 32170
administering or aiding the delivery of each services category. 32171

(D)(1) The guidelines adopted under this section shall 32172
require school districts to collect information about individual 32173
students, staff members, or both in connection with any data 32174
required by division (B) or (C) of this section or other reporting 32175
requirements established in the Revised Code. The guidelines may 32176
also require school districts to report information about 32177
individual staff members in connection with any data required by 32178
division (B) or (C) of this section or other reporting 32179
requirements established in the Revised Code. The guidelines shall 32180
not authorize school districts to request social security numbers 32181
of individual students. The guidelines shall prohibit the 32182
reporting under this section of a student's name, address, and 32183
social security number to the state board of education or the 32184
department of education. The guidelines shall also prohibit the 32185
reporting under this section of any personally identifiable 32186
information about any student, except for the purpose of assigning 32187
the data verification code required by division (D)(2) of this 32188
section, to any other person unless such person is employed by the 32189
school district or the information technology center operated 32190
under section 3301.075 of the Revised Code and is authorized by 32191
the district or technology center to have access to such 32192
information or is employed by an entity with which the department 32193
contracts for the scoring or the development of state assessments. 32194
The guidelines may require school districts to provide the social 32195
security numbers of individual staff members and the county of 32196
residence for a student. Nothing in this section prohibits the 32197
state board of education or department of education from providing 32198
a student's county of residence to the department of taxation to 32199
facilitate the distribution of tax revenue. 32200

(2)(a) The guidelines shall provide for each school district 32201
or community school to assign a data verification code that is 32202
unique on a statewide basis over time to each student whose 32203
initial Ohio enrollment is in that district or school and to 32204

report all required individual student data for that student 32205
utilizing such code. The guidelines shall also provide for 32206
assigning data verification codes to all students enrolled in 32207
districts or community schools on the effective date of the 32208
guidelines established under this section. The assignment of data 32209
verification codes for other entities, as described in division 32210
(D)(2)(d) of this section, the use of those codes, and the 32211
reporting and use of associated individual student data shall be 32212
coordinated by the department in accordance with state and federal 32213
law. 32214

School districts shall report individual student data to the 32215
department through the information technology centers utilizing 32216
the code. The entities described in division (D)(2)(d) of this 32217
section shall report individual student data to the department in 32218
the manner prescribed by the department. 32219

(b)(i) Except as provided in sections 3301.941, 3310.11, 32220
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 32221
Code, and in division (D)(2)(b)(ii) of this section, at no time 32222
shall the state board or the department have access to information 32223
that would enable any data verification code to be matched to 32224
personally identifiable student data. 32225

(ii) For the purpose of making per-pupil payments to 32226
community schools under section 3317.022 of the Revised Code, the 32227
department shall have access to information that would enable any 32228
data verification code to be matched to personally identifiable 32229
student data. 32230

(c) Each school district and community school shall ensure 32231
that the data verification code is included in the student's 32232
records reported to any subsequent school district, community 32233
school, or state institution of higher education, as defined in 32234
section 3345.011 of the Revised Code, in which the student 32235
enrolls. Any such subsequent district or school shall utilize the 32236

same identifier in its reporting of data under this section. 32237

(d) The director of any state agency that administers a 32238
publicly funded program providing services to children who are 32239
younger than compulsory school age, as defined in section 3321.01 32240
of the Revised Code, including the directors of health, job and 32241
family services, mental health and addiction services, and 32242
developmental disabilities, shall request and receive, pursuant to 32243
sections 3301.0723 and 5123.0423 of the Revised Code, a data 32244
verification code for a child who is receiving those services. 32245

(E) The guidelines adopted under this section may require 32246
school districts to collect and report data, information, or 32247
reports other than that described in divisions (A), (B), and (C) 32248
of this section for the purpose of complying with other reporting 32249
requirements established in the Revised Code. The other data, 32250
information, or reports may be maintained in the education 32251
management information system but are not required to be compiled 32252
as part of the profile formats required under division (G) of this 32253
section or the annual statewide report required under division (H) 32254
of this section. 32255

(F) Beginning with the school year that begins July 1, 1991, 32256
the board of education of each school district shall annually 32257
collect and report to the state board, in accordance with the 32258
guidelines established by the board, the data required pursuant to 32259
this section. A school district may collect and report these data 32260
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 32261

(G) The state board shall, in accordance with the procedures 32262
it adopts, annually compile the data reported by each school 32263
district pursuant to division (D) of this section. The state board 32264
shall design formats for profiling each school district as a whole 32265
and each school building within each district and shall compile 32266
the data in accordance with these formats. These profile formats 32267
shall: 32268

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public 32300
record for the purposes of section 149.43 of the Revised Code. 32301

(J) As used in this section: 32302

(1) "School district" means any city, local, exempted 32303
village, or joint vocational school district and, in accordance 32304
with section 3314.17 of the Revised Code, any community school. As 32305
used in division (L) of this section, "school district" also 32306
includes any educational service center or other educational 32307
entity required to submit data using the system established under 32308
this section. 32309

(2) "Cost" means any expenditure for operating expenses made 32310
by a school district excluding any expenditures for debt 32311
retirement except for payments made to any commercial lending 32312
institution for any loan approved pursuant to section 3313.483 of 32313
the Revised Code. 32314

(K) Any person who removes data from the information system 32315
established under this section for the purpose of releasing it to 32316
any person not entitled under law to have access to such 32317
information is subject to section 2913.42 of the Revised Code 32318
prohibiting tampering with data. 32319

(L)(1) In accordance with division (L)(2) of this section and 32320
the rules adopted under division (L)(10) of this section, the 32321
department of education may sanction any school district that 32322
reports incomplete or inaccurate data, reports data that does not 32323
conform to data requirements and descriptions published by the 32324
department, fails to report data in a timely manner, or otherwise 32325
does not make a good faith effort to report data as required by 32326
this section. 32327

(2) If the department decides to sanction a school district 32328
under this division, the department shall take the following 32329
sequential actions: 32330

(a) Notify the district in writing that the department has 32331
determined that data has not been reported as required under this 32332
section and require the district to review its data submission and 32333
submit corrected data by a deadline established by the department. 32334
The department also may require the district to develop a 32335
corrective action plan, which shall include provisions for the 32336
district to provide mandatory staff training on data reporting 32337
procedures. 32338

(b) Withhold up to ten per cent of the total amount of state 32339
funds due to the district for the current fiscal year and, if not 32340
previously required under division (L)(2)(a) of this section, 32341
require the district to develop a corrective action plan in 32342
accordance with that division; 32343

(c) Withhold an additional amount of up to twenty per cent of 32344
the total amount of state funds due to the district for the 32345
current fiscal year; 32346

(d) Direct department staff or an outside entity to 32347
investigate the district's data reporting practices and make 32348
recommendations for subsequent actions. The recommendations may 32349
include one or more of the following actions: 32350

(i) Arrange for an audit of the district's data reporting 32351
practices by department staff or an outside entity; 32352

(ii) Conduct a site visit and evaluation of the district; 32353

(iii) Withhold an additional amount of up to thirty per cent 32354
of the total amount of state funds due to the district for the 32355
current fiscal year; 32356

(iv) Continue monitoring the district's data reporting; 32357

(v) Assign department staff to supervise the district's data 32358
management system; 32359

(vi) Conduct an investigation to determine whether to suspend 32360

or revoke the license of any district employee in accordance with 32361
division (N) of this section; 32362

(vii) If the district is issued a report card under section 32363
3302.03 of the Revised Code, indicate on the report card that the 32364
district has been sanctioned for failing to report data as 32365
required by this section; 32366

(viii) If the district is issued a report card under section 32367
3302.03 of the Revised Code and incomplete or inaccurate data 32368
submitted by the district likely caused the district to receive a 32369
higher performance rating than it deserved under that section, 32370
issue a revised report card for the district; 32371

(ix) Any other action designed to correct the district's data 32372
reporting problems. 32373

(3) Any time the department takes an action against a school 32374
district under division (L)(2) of this section, the department 32375
shall make a report of the circumstances that prompted the action. 32376
The department shall send a copy of the report to the district 32377
superintendent or chief administrator and maintain a copy of the 32378
report in its files. 32379

(4) If any action taken under division (L)(2) of this section 32380
resolves a school district's data reporting problems to the 32381
department's satisfaction, the department shall not take any 32382
further actions described by that division. If the department 32383
withheld funds from the district under that division, the 32384
department may release those funds to the district, except that if 32385
the department withheld funding under division (L)(2)(c) of this 32386
section, the department shall not release the funds withheld under 32387
division (L)(2)(b) of this section and, if the department withheld 32388
funding under division (L)(2)(d) of this section, the department 32389
shall not release the funds withheld under division (L)(2)(b) or 32390
(c) of this section. 32391

(5) Notwithstanding anything in this section to the contrary, 32392
the department may use its own staff or an outside entity to 32393
conduct an audit of a school district's data reporting practices 32394
any time the department has reason to believe the district has not 32395
made a good faith effort to report data as required by this 32396
section. If any audit conducted by an outside entity under 32397
division (L)(2)(d)(i) or (5) of this section confirms that a 32398
district has not made a good faith effort to report data as 32399
required by this section, the district shall reimburse the 32400
department for the full cost of the audit. The department may 32401
withhold state funds due to the district for this purpose. 32402

(6) Prior to issuing a revised report card for a school 32403
district under division (L)(2)(d)(viii) of this section, the 32404
department may hold a hearing to provide the district with an 32405
opportunity to demonstrate that it made a good faith effort to 32406
report data as required by this section. The hearing shall be 32407
conducted by a referee appointed by the department. Based on the 32408
information provided in the hearing, the referee shall recommend 32409
whether the department should issue a revised report card for the 32410
district. If the referee affirms the department's contention that 32411
the district did not make a good faith effort to report data as 32412
required by this section, the district shall bear the full cost of 32413
conducting the hearing and of issuing any revised report card. 32414

(7) If the department determines that any inaccurate data 32415
reported under this section caused a school district to receive 32416
excess state funds in any fiscal year, the district shall 32417
reimburse the department an amount equal to the excess funds, in 32418
accordance with a payment schedule determined by the department. 32419
The department may withhold state funds due to the district for 32420
this purpose. 32421

(8) Any school district that has funds withheld under 32422
division (L)(2) of this section may appeal the withholding in 32423

accordance with Chapter 119. of the Revised Code. 32424

(9) In all cases of a disagreement between the department and 32425
a school district regarding the appropriateness of an action taken 32426
under division (L)(2) of this section, the burden of proof shall 32427
be on the district to demonstrate that it made a good faith effort 32428
to report data as required by this section. 32429

(10) The state board of education shall adopt rules under 32430
Chapter 119. of the Revised Code to implement division (L) of this 32431
section. 32432

(M) No information technology center or school district shall 32433
acquire, change, or update its student administration software 32434
package to manage and report data required to be reported to the 32435
department unless it converts to a student software package that 32436
is certified by the department. 32437

(N) The state board of education, in accordance with sections 32438
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 32439
license as defined under division (A) of section 3319.31 of the 32440
Revised Code that has been issued to any school district employee 32441
found to have willfully reported erroneous, inaccurate, or 32442
incomplete data to the education management information system. 32443

(O) No person shall release or maintain any information about 32444
any student in violation of this section. Whoever violates this 32445
division is guilty of a misdemeanor of the fourth degree. 32446

(P) The department shall disaggregate the data collected 32447
under division (B)(1)(n) of this section according to the race and 32448
socioeconomic status of the students assessed. 32449

(Q) If the department cannot compile any of the information 32450
required by division (I) of section 3302.03 of the Revised Code 32451
based upon the data collected under this section, the department 32452
shall develop a plan and a reasonable timeline for the collection 32453
of any data necessary to comply with that division. 32454

Sec. 3301.0731. As used in this section, "English learner" 32455
has the same meaning as in 20 U.S.C. 7801. 32456

The state board of education shall adopt rules regarding the 32457
identification, instruction, assessment, and reclassification of 32458
English learners. The rules shall conform to the department of 32459
education's plan, as approved by the United States secretary of 32460
education, to comply with the "Elementary and Secondary Education 32461
Act of 1965," 20 U.S.C. 6311 to 6339. 32462

Sec. 3301.132. (A)(1) As used in this section, "policy" means 32463
a written clarification or explanation of a statute or rule that 32464
is initiated by the department of education. "Policy" does not 32465
include any educational guideline, suggestion, or case study 32466
regarding how to comply with a statute or rule or any document or 32467
guideline regarding the internal organization or operation of the 32468
department, including matters regarding administration, personnel, 32469
or accounting. 32470

(2) A policy does not have the force of law. 32471

(B) Policies established by the department shall be subject 32472
to all of the following requirements: 32473

(1) A policy shall comply with the statutes and rules that 32474
are in existence at the time the policy is established. 32475

(2) A policy shall not establish any new requirement. 32476

(3) The first page of each policy shall have printed on it 32477
the following statement in uppercase letters: "THIS POLICY DOES 32478
NOT HAVE THE FORCE OF LAW." 32479

(4) A policy shall state clearly the statutory provision or 32480
administrative rule on which it is based. 32481

(C) Not later than ninety days after the effective date of 32482
this section, and every five years thereafter, the department 32483

shall review each policy that it established prior to the 32484
effective date of this section or that it establishes after that 32485
date and shall prepare written documentation certifying that the 32486
policy has been reviewed. The documentation is a public record 32487
under section 149.43 of the Revised Code. A policy that has not 32488
been so reviewed is void. 32489

(D) A person may file a written complaint at any time with 32490
the superintendent of public instruction alleging that a policy 32491
established by the department of education does not comply with 32492
the requirements established under division (B)(1) or (2) of this 32493
section. Not later than ninety days after receiving the complaint, 32494
the state superintendent shall review the policy and issue a 32495
determination as to whether the policy complies with those 32496
requirements. A determination issued by the state superintendent 32497
under this division is not a final action that is appealable under 32498
this chapter. 32499

(E) The department shall post all proposed policies in a 32500
prominent location on the department's web site. The department 32501
shall establish a public comment period of not less than sixty 32502
days for each proposed policy. If the department receives more 32503
than three public comments during that period, it shall hold at 32504
least one public hearing on the proposal. 32505

(F) Notwithstanding section 149.43 of the Revised Code, not 32506
later than ninety days after the effective date of this section, 32507
the department shall compile a copy of all its policies. The copy 32508
of policies shall be kept current and made available for public 32509
inspection and copying. 32510

Sec. 3301.137. The superintendent of public instruction shall 32511
designate at least one employee of the department of education to 32512
serve as a liaison for school counselors across the state to 32513
support their efforts to advance students' academic and career 32514

development. The superintendent shall give preference to 32515
individuals who hold a valid pupil services license in school 32516
counseling under section 3319.22 of the Revised Code. 32517

Sec. 3301.163. (A) ~~Beginning July 1, 2015~~ Until the 2022-2023 32518
school year, any third-grade student who attends a chartered 32519
nonpublic school with a scholarship awarded under either the 32520
educational choice scholarship pilot program, prescribed in 32521
sections 3310.01 to 3310.17, or the pilot project scholarship 32522
program prescribed in sections 3313.974 to 3313.979 of the Revised 32523
Code, shall be subject to the third-grade reading guarantee 32524
retention provisions under division (A)(2) of section 3313.608 of 32525
the Revised Code, including the exemptions prescribed by that 32526
division. For purposes of determining if a child with a disability 32527
is exempt from retention under this section, an individual 32528
services plan created for the child that has been reviewed by 32529
either the student's school district of residence or the school 32530
district in which the chartered nonpublic school is located and 32531
that specifies that the student is not subject to retention shall 32532
be considered in the same manner as an individualized education 32533
program or plan under section 504 of the "Rehabilitation Act of 32534
1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by 32535
division (A)(2) of section 3313.608 of the Revised Code. 32536

As used in this section, "child with a disability" and 32537
"school district of residence" have the same meanings as in 32538
section 3323.01 of the Revised Code. 32539

(B)(1) Each chartered nonpublic school that enrolls students 32540
in any of grades kindergarten through three and that accepts 32541
students under the educational choice scholarship pilot program or 32542
the pilot project scholarship program shall adopt policies and 32543
procedures for the annual assessment of the reading skills of 32544
those students. Each school may use the diagnostic assessment to 32545

measure reading ability for the appropriate grade level prescribed 32546
in division (D) of section 3301.079 of the Revised Code. If the 32547
school uses such assessments, the department of education shall 32548
furnish them to the chartered nonpublic school. 32549

(2) For each student identified as having reading skills 32550
below grade level, the school shall do both of the following: 32551

(a) Provide to the student's parent or guardian, in writing, 32552
all of the following: 32553

(i) Notification that the student has been identified as 32554
having a substantial deficiency in reading; 32555

(ii) Notification Through the 2022-2023 school year, 32556
notification that if the student attains a score in the range 32557
designated under division (A)(3) of section 3301.0710 of the 32558
Revised Code on the assessment prescribed under that section to 32559
measure skill in English language arts expected at the end of 32560
third grade, the student shall be retained unless the student is 32561
exempt under division (A)(1) of section 3313.608 of the Revised 32562
Code. 32563

(b) Provide intensive reading instruction services, as 32564
determined appropriate by the school, to each student identified 32565
under this section. 32566

(C) Each chartered nonpublic school subject to this section 32567
annually shall report to the department the number of students 32568
identified as reading at grade level and the number of students 32569
identified as reading below grade level. 32570

(D) Each chartered nonpublic school shall provide reading 32571
intervention services required under division (B)(2) of this 32572
section to either of the following: 32573

(1) A student in grade four or five who has been identified 32574
as having reading skills below grade level; 32575

(2) A student who has been retained in any of grades kindergarten through three and has received remediation in reading for two school years but continues to read below grade level. 32576
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Sec. 3301.85. (A) The department of education shall submit to the joint committee on agency rule review, created in section 101.35 of the Revised Code, any proposed changes to the manual containing the standards and procedures the department uses to review or audit the full-time equivalency student enrollment reporting by community schools established under Chapter 3314. of the Revised Code. 32579
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(B) When the department submits the proposed changes to the manual, the joint committee on agency rule review shall hold one or more public hearings at which community schools may present testimony on their ability and capacity to comply with the proposed changes. 32586
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(C) The joint committee on agency rule review shall consider any testimony provided at the public hearings required under division (B) of this section and vote to determine whether community schools can reasonably comply with the proposed changes. 32591
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(D) The department shall not implement any changes to the manual that may affect community schools without the joint committee on agency rule review's determination that community schools can reasonably comply with those changes. 32595
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Sec. 3301.91. (A) As used in this section: 32599

(1) "National school breakfast program" means the federal school breakfast program created under 42 U.S.C. 1773. 32600
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(2) "National school lunch program" means the federal school lunch program created under 42 U.S.C. 1751. 32602
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(3) "Public school" means a school building operated by a 32604

school district, a community school established under Chapter 32605
3314. of the Revised Code, a STEM school established under Chapter 32606
3326. of the Revised Code, a building operated by an educational 32607
service center, a special education program operated by the county 32608
board of developmental disabilities under section 3323.09 of the 32609
Revised Code, or a facility offering juvenile day treatment 32610
services. 32611

(B) The department of education shall reimburse each public 32612
and chartered nonpublic school that participates in the national 32613
school breakfast program, from funds appropriated by the general 32614
assembly for that purpose, an amount equal to the difference 32615
between the federal free reimbursement rate and the federal 32616
reimbursement for a reduced-price breakfast for each student 32617
eligible for a reduced-price breakfast and receiving breakfast. 32618

(C) The department of education shall reimburse each public 32619
school and chartered nonpublic school that participates in the 32620
national school lunch program, from funds appropriated by the 32621
general assembly for that purpose, an amount equal to the 32622
difference between the federal free reimbursement rate and the 32623
federal reimbursement for a reduced-price lunch for each student 32624
eligible for a reduced-price lunch and receiving lunch. 32625

Sec. 3302.03. Not later than the thirty-first day of July of 32626
each year, the department of education shall submit preliminary 32627
report card data for overall academic performance and for each 32628
separate performance measure for each school district, and each 32629
school building, in accordance with this section. 32630

Annually, not later than the fifteenth day of September or 32631
the preceding Friday when that day falls on a Saturday or Sunday, 32632
the department shall assign a letter grade or performance rating 32633
for overall academic performance and for each separate performance 32634
measure for each school district, and each school building in a 32635

district, in accordance with this section. The state board of 32636
education shall adopt rules pursuant to Chapter 119. of the 32637
Revised Code to implement this section. The state board's rules 32638
shall establish performance criteria for each letter grade or 32639
performance rating and prescribe a method by which the department 32640
assigns each letter grade or performance rating. For a school 32641
building to which any of the performance measures do not apply, 32642
due to grade levels served by the building, the department shall 32643
designate the performance measures that are applicable to the 32644
building and that must be calculated separately and used to 32645
calculate the building's overall grade or performance rating. The 32646
department shall issue annual report cards reflecting the 32647
performance of each school district, each building within each 32648
district, and for the state as a whole using the performance 32649
measures and letter grade or performance rating system described 32650
in this section. The department shall include on the report card 32651
for each district and each building within each district the most 32652
recent two-year trend data in student achievement for each subject 32653
and each grade. 32654

(A)(1) For the 2012-2013 school year, the department shall 32655
issue grades as described in division (F) of this section for each 32656
of the following performance measures: 32657

(a) Annual measurable objectives; 32658

(b) Performance index score for a school district or 32659
building. Grades shall be awarded as a percentage of the total 32660
possible points on the performance index system as adopted by the 32661
state board. In adopting benchmarks for assigning letter grades 32662
under division (A)(1)(b) of this section, the state board shall 32663
designate ninety per cent or higher for an "A," at least seventy 32664
per cent but not more than eighty per cent for a "C," and less 32665
than fifty per cent for an "F." 32666

(c) The extent to which the school district or building meets 32667

each of the applicable performance indicators established by the 32668
state board under section 3302.02 of the Revised Code and the 32669
percentage of applicable performance indicators that have been 32670
achieved. In adopting benchmarks for assigning letter grades under 32671
division (A)(1)(c) of this section, the state board shall 32672
designate ninety per cent or higher for an "A." 32673

(d) The four- and five-year adjusted cohort graduation rates. 32674

In adopting benchmarks for assigning letter grades under 32675
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 32676
department shall designate a four-year adjusted cohort graduation 32677
rate of ninety-three per cent or higher for an "A" and a five-year 32678
cohort graduation rate of ninety-five per cent or higher for an 32679
"A." 32680

(e) The overall score under the value-added progress 32681
dimension of a school district or building, for which the 32682
department shall use up to three years of value-added data as 32683
available. The letter grade assigned for this growth measure shall 32684
be as follows: 32685

(i) A score that is at least one standard error of measure 32686
above the mean score shall be designated as an "A." 32687

(ii) A score that is less than one standard error of measure 32688
above but greater than one standard error of measure below the 32689
mean score shall be designated as a "B." 32690

(iii) A score that is less than or equal to one standard 32691
error of measure below the mean score but greater than two 32692
standard errors of measure below the mean score shall be 32693
designated as a "C." 32694

(iv) A score that is less than or equal to two standard 32695
errors of measure below the mean score but is greater than three 32696
standard errors of measure below the mean score shall be 32697
designated as a "D." 32698

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school

district or building for the 2012-2013 school year. 32730

(B)(1) For the 2013-2014 school year, the department shall 32731
issue grades as described in division (F) of this section for each 32732
of the following performance measures: 32733

(a) Annual measurable objectives; 32734

(b) Performance index score for a school district or 32735
building. Grades shall be awarded as a percentage of the total 32736
possible points on the performance index system as created by the 32737
department. In adopting benchmarks for assigning letter grades 32738
under division (B)(1)(b) of this section, the state board shall 32739
designate ninety per cent or higher for an "A," at least seventy 32740
per cent but not more than eighty per cent for a "C," and less 32741
than fifty per cent for an "F." 32742

(c) The extent to which the school district or building meets 32743
each of the applicable performance indicators established by the 32744
state board under section 3302.03 of the Revised Code and the 32745
percentage of applicable performance indicators that have been 32746
achieved. In adopting benchmarks for assigning letter grades under 32747
division (B)(1)(c) of this section, the state board shall 32748
designate ninety per cent or higher for an "A." 32749

(d) The four- and five-year adjusted cohort graduation rates; 32750

(e) The overall score under the value-added progress 32751
dimension of a school district or building, for which the 32752
department shall use up to three years of value-added data as 32753
available. 32754

(f) The value-added progress dimension score for a school 32755
district or building disaggregated for each of the following 32756
subgroups: students identified as gifted in superior cognitive 32757
ability and specific academic ability fields under Chapter 3324. 32758
of the Revised Code, students with disabilities, and students 32759
whose performance places them in the lowest quintile for 32760

achievement on a statewide basis. Each subgroup shall be a 32761
separate graded measure. 32762

(g) Whether a school district or building is making progress 32763
in improving literacy in grades kindergarten through three, as 32764
determined using a method prescribed by the state board. The state 32765
board shall adopt rules to prescribe benchmarks and standards for 32766
assigning grades to districts and buildings for purposes of 32767
division (B)(1)(g) of this section. In adopting benchmarks for 32768
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 32769
this section, the state board shall determine progress made based 32770
on the reduction in the total percentage of students scoring below 32771
grade level, or below proficient, compared from year to year on 32772
the reading and writing diagnostic assessments administered under 32773
section 3301.0715 of the Revised Code and the third grade English 32774
language arts assessment under section 3301.0710 of the Revised 32775
Code, as applicable. The state board shall designate for a "C" 32776
grade a value that is not lower than the statewide average value 32777
for this measure. No grade shall be issued under divisions 32778
(B)(1)(g) and (C)(1)(g) of this section for a district or building 32779
in which less than five per cent of students have scored below 32780
grade level on the diagnostic assessment administered to students 32781
in kindergarten under division (B)(1) of section 3313.608 of the 32782
Revised Code. 32783

(h) For a high mobility school district or building, an 32784
additional value-added progress dimension score. For this measure, 32785
the department shall use value-added data from the most recent 32786
school year available and shall use assessment scores for only 32787
those students to whom the district or building has administered 32788
the assessments prescribed by section 3301.0710 of the Revised 32789
Code for each of the two most recent consecutive school years. 32790

As used in this division, "high mobility school district or 32791
building" means a school district or building where at least 32792

twenty-five per cent of its total enrollment is made up of 32793
students who have attended that school district or building for 32794
less than one year. 32795

(2) In addition to the graded measures in division (B)(1) of 32796
this section, the department shall include on a school district's 32797
or building's report card all of the following without an assigned 32798
letter grade: 32799

(a) The percentage of students enrolled in a district or 32800
building participating in advanced placement classes and the 32801
percentage of those students who received a score of three or 32802
better on advanced placement examinations; 32803

(b) The number of a district's or building's students who 32804
have earned at least three college credits through dual enrollment 32805
or advanced standing programs, such as the post-secondary 32806
enrollment options program under Chapter 3365. of the Revised Code 32807
and state-approved career-technical courses offered through dual 32808
enrollment or statewide articulation, that appear on a student's 32809
transcript or other official document, either of which is issued 32810
by the institution of higher education from which the student 32811
earned the college credit. The credits earned that are reported 32812
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 32813
include any that are remedial or developmental and shall include 32814
those that count toward the curriculum requirements established 32815
for completion of a degree. 32816

(c) The percentage of students enrolled in a district or 32817
building who have taken a national standardized test used for 32818
college admission determinations and the percentage of those 32819
students who are determined to be remediation-free in accordance 32820
with standards adopted under division (F) of section 3345.061 of 32821
the Revised Code; 32822

(d) The percentage of the district's or the building's 32823

students who receive industry-recognized credentials as approved 32824
under section 3313.6113 of the Revised Code. 32825

(e) The percentage of students enrolled in a district or 32826
building who are participating in an international baccalaureate 32827
program and the percentage of those students who receive a score 32828
of four or better on the international baccalaureate examinations. 32829

(f) The percentage of the district's or building's students 32830
who receive an honors diploma under division (B) of section 32831
3313.61 of the Revised Code. 32832

(3) Not later than December 31, 2013, the state board shall 32833
adopt rules in accordance with Chapter 119. of the Revised Code 32834
that prescribe the methods by which the performance measures under 32835
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 32836
and assigned a letter grade, including performance benchmarks for 32837
each grade. 32838

At least forty-five days prior to the state board's adoption 32839
of rules to prescribe the methods by which the performance 32840
measures under division (B)(1) of this section shall be assessed 32841
and assigned a letter grade, the department shall conduct a public 32842
presentation before the standing committees of the house of 32843
representatives and the senate that consider education legislation 32844
describing such methods, including performance benchmarks. 32845

(4) There shall not be an overall letter grade for a school 32846
district or building for the 2013-2014, 2014-2015, 2015-2016, and 32847
2016-2017 school years. 32848

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 32849
2018-2019, 2019-2020, and 2020-2021 school years, the department 32850
shall issue grades as described in division (F) of this section 32851
for each of the performance measures prescribed in division (C)(1) 32852
of this section. The graded measures are as follows: 32853

(a) Annual measurable objectives. For the 2017-2018 school 32854

year, the department shall not include any subgroup data in the 32855
annual measurable objectives that includes data from fewer than 32856
twenty-five students. For the 2018-2019 school year, the 32857
department shall not include any subgroup data in the annual 32858
measurable objectives that includes data from fewer than twenty 32859
students. Beginning with the 2019-2020 school year, the department 32860
shall not include any subgroup data in the annual measurable 32861
objectives that includes data from fewer than fifteen students. 32862

(b) Performance index score for a school district or 32863
building. Grades shall be awarded as a percentage of the total 32864
possible points on the performance index system as created by the 32865
department. In adopting benchmarks for assigning letter grades 32866
under division (C)(1)(b) of this section, the state board shall 32867
designate ninety per cent or higher for an "A," at least seventy 32868
per cent but not more than eighty per cent for a "C," and less 32869
than fifty per cent for an "F." 32870

(c) The extent to which the school district or building meets 32871
each of the applicable performance indicators established by the 32872
state board under section 3302.03 of the Revised Code and the 32873
percentage of applicable performance indicators that have been 32874
achieved. In adopting benchmarks for assigning letter grades under 32875
division (C)(1)(c) of this section, the state board shall 32876
designate ninety per cent or higher for an "A." 32877

(d) The four- and five-year adjusted cohort graduation rates; 32878

(e) The overall score under the value-added progress 32879
dimension, or another measure of student academic progress if 32880
adopted by the state board, of a school district or building, for 32881
which the department shall use up to three years of value-added 32882
data as available. 32883

In adopting benchmarks for assigning letter grades for 32884
overall score on value-added progress dimension under division 32885

(C)(1)(e) of this section, the state board shall prohibit the 32886
assigning of a grade of "A" for that measure unless the district's 32887
or building's grade assigned for value-added progress dimension 32888
for all subgroups under division (C)(1)(f) of this section is a 32889
"C" or higher. 32890

For the metric prescribed by division (C)(1)(e) of this 32891
section, the state board may adopt a student academic progress 32892
measure to be used instead of the value-added progress dimension. 32893
If the state board adopts such a measure, it also shall prescribe 32894
a method for assigning letter grades for the new measure that is 32895
comparable to the method prescribed in division (A)(1)(e) of this 32896
section. 32897

(f) The value-added progress dimension score of a school 32898
district or building disaggregated for each of the following 32899
subgroups: students identified as gifted in superior cognitive 32900
ability and specific academic ability fields under Chapter 3324. 32901
of the Revised Code, students with disabilities, and students 32902
whose performance places them in the lowest quintile for 32903
achievement on a statewide basis, as determined by a method 32904
prescribed by the state board. Each subgroup shall be a separate 32905
graded measure. 32906

The state board may adopt student academic progress measures 32907
to be used instead of the value-added progress dimension. If the 32908
state board adopts such measures, it also shall prescribe a method 32909
for assigning letter grades for the new measures that is 32910
comparable to the method prescribed in division (A)(1)(e) of this 32911
section. 32912

(g) Whether a school district or building is making progress 32913
in improving literacy in grades kindergarten through three, as 32914
determined using a method prescribed by the state board. The state 32915
board shall adopt rules to prescribe benchmarks and standards for 32916
assigning grades to a district or building for purposes of 32917

division (C)(1)(g) of this section. The state board shall 32918
designate for a "C" grade a value that is not lower than the 32919
statewide average value for this measure. No grade shall be issued 32920
under division (C)(1)(g) of this section for a district or 32921
building in which less than five per cent of students have scored 32922
below grade level on the kindergarten diagnostic assessment under 32923
division (B)(1) of section 3313.608 of the Revised Code. 32924

(h) For a high mobility school district or building, an 32925
additional value-added progress dimension score. For this measure, 32926
the department shall use value-added data from the most recent 32927
school year available and shall use assessment scores for only 32928
those students to whom the district or building has administered 32929
the assessments prescribed by section 3301.0710 of the Revised 32930
Code for each of the two most recent consecutive school years. 32931

As used in this division, "high mobility school district or 32932
building" means a school district or building where at least 32933
twenty-five per cent of its total enrollment is made up of 32934
students who have attended that school district or building for 32935
less than one year. 32936

(2) In addition to the graded measures in division (C)(1) of 32937
this section, the department shall include on a school district's 32938
or building's report card all of the following without an assigned 32939
letter grade: 32940

(a) The percentage of students enrolled in a district or 32941
building who have taken a national standardized test used for 32942
college admission determinations and the percentage of those 32943
students who are determined to be remediation-free in accordance 32944
with the standards adopted under division (F) of section 3345.061 32945
of the Revised Code; 32946

(b) The percentage of students enrolled in a district or 32947
building participating in advanced placement classes and the 32948

percentage of those students who received a score of three or better on advanced placement examinations; 32949
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(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree. 32951
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(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code; 32963
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(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code; 32966
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(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations; 32969
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(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code; 32973
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(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer. 32976
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(3) The state board shall adopt rules pursuant to Chapter 32980
119. of the Revised Code that establish a method to assign an 32981
overall grade for a school district or school building for the 32982
2017-2018 school year and each school year thereafter. The rules 32983
shall group the performance measures in divisions (C)(1) and (2) 32984
of this section into the following components: 32985

(a) Gap closing, which shall include the performance measure 32986
in division (C)(1)(a) of this section; 32987

(b) Achievement, which shall include the performance measures 32988
in divisions (C)(1)(b) and (c) of this section; 32989

(c) Progress, which shall include the performance measures in 32990
divisions (C)(1)(e) and (f) of this section; 32991

(d) Graduation, which shall include the performance measure 32992
in division (C)(1)(d) of this section; 32993

(e) Kindergarten through third-grade literacy, which shall 32994
include the performance measure in division (C)(1)(g) of this 32995
section; 32996

(f) Prepared for success, which shall include the performance 32997
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 32998
this section. The state board shall develop a method to determine 32999
a grade for the component in division (C)(3)(f) of this section 33000
using the performance measures in divisions (C)(2)(a), (b), (c), 33001
(d), (e), and (f) of this section. When available, the state board 33002
may incorporate the performance measure under division (C)(2)(g) 33003
of this section into the component under division (C)(3)(f) of 33004
this section. When determining the overall grade for the prepared 33005
for success component prescribed by division (C)(3)(f) of this 33006
section, no individual student shall be counted in more than one 33007
performance measure. However, if a student qualifies for more than 33008
one performance measure in the component, the state board may, in 33009
its method to determine a grade for the component, specify an 33010

additional weight for such a student that is not greater than or 33011
equal to 1.0. In determining the overall score under division 33012
(C)(3)(f) of this section, the state board shall ensure that the 33013
pool of students included in the performance measures aggregated 33014
under that division are all of the students included in the four- 33015
and five-year adjusted graduation cohort. 33016

In the rules adopted under division (C)(3) of this section, 33017
the state board shall adopt a method for determining a grade for 33018
each component in divisions (C)(3)(a) to (f) of this section. The 33019
state board also shall establish a method to assign an overall 33020
grade of "A," "B," "C," "D," or "F" using the grades assigned for 33021
each component. The method the state board adopts for assigning an 33022
overall grade shall give equal weight to the components in 33023
divisions (C)(3)(b) and (c) of this section. 33024

At least forty-five days prior to the state board's adoption 33025
of rules to prescribe the methods for calculating the overall 33026
grade for the report card, as required by this division, the 33027
department shall conduct a public presentation before the standing 33028
committees of the house of representatives and the senate that 33029
consider education legislation describing the format for the 33030
report card, weights that will be assigned to the components of 33031
the overall grade, and the method for calculating the overall 33032
grade. 33033

(D) For the 2021-2022 school year and each school year 33034
thereafter, all of the following apply: 33035

(1) The department shall include on a school district's or 33036
building's report card all of the following performance measures 33037
without an assigned performance rating: 33038

(a) Whether the district or building meets the gifted 33039
performance indicator under division (A)(2) of section 3302.02 of 33040
the Revised Code and the extent to which the district or building 33041

meets gifted indicator performance benchmarks; 33042

(b) The extent to which the district or building meets the 33043
chronic absenteeism indicator under division (A)(3) of section 33044
3302.02 of the Revised Code; 33045

(c) Performance index score percentage for a district or 33046
building, which shall be calculated by dividing the district's or 33047
building's performance index score according to the performance 33048
index system created by the department by the maximum performance 33049
index score for a district or building. The maximum performance 33050
index score shall be as follows: 33051

(i) For a building, the average of the highest two per cent 33052
of performance index scores achieved by a building for the school 33053
year for which a report card is issued; 33054

(ii) For a district, the average of the highest two per cent 33055
of performance index scores achieved by a district for the school 33056
year for which a report card is issued. 33057

(d) The overall score under the value-added progress 33058
dimension of a district or building, for which the department 33059
shall use three consecutive years of value-added data. In using 33060
three years of value-added data to calculate the measure 33061
prescribed under division (D)(1)(d) of this section, the 33062
department shall assign a weight of fifty per cent to the most 33063
recent year's data and a weight of twenty-five per cent to the 33064
data of each of the other years. However, if three consecutive 33065
years of value-added data is not available, the department shall 33066
use prior years of value-added data to calculate the measure, as 33067
follows: 33068

(i) If two consecutive years of value-added data is not 33069
available, the department shall use one year of value-added data 33070
to calculate the measure. 33071

(ii) If two consecutive years of value-added data is 33072

available, the department shall use two consecutive years of 33073
value-added data to calculate the measure. In using two years of 33074
value-added data to calculate the measure, the department shall 33075
assign a weight of sixty-seven per cent to the most recent year's 33076
data and a weight of thirty-three per cent to the data of the 33077
other year. 33078

(e) The four-year adjusted cohort graduation rate. 33079

(f) The five-year adjusted cohort graduation rate. 33080

(g) The percentage of students in the district or building 33081
who score proficient or higher on the reading segment of the third 33082
grade English language arts assessment under section 3301.0710 of 33083
the Revised Code. 33084

To the extent possible, the department shall include the 33085
results of the summer administration of the third grade reading 33086
assessment under section 3301.0710 of the Revised Code in the 33087
performance measures prescribed under divisions (D)(1)(g) and (h) 33088
of this section. 33089

(h) Whether a district or building is making progress in 33090
improving literacy in grades kindergarten through three, as 33091
determined using a method prescribed by the department. The method 33092
shall determine progress made based on the reduction in the total 33093
percentage of students scoring below grade level, or below 33094
proficient, compared from year to year on the reading segments of 33095
the diagnostic assessments administered under section 3301.0715 of 33096
the Revised Code, including the kindergarten readiness assessment, 33097
and the third grade English language arts assessment under section 33098
3301.0710 of the Revised Code, as applicable. The method shall not 33099
include a deduction for students who did not pass the third grade 33100
English language arts assessment under section 3301.0710 of the 33101
Revised Code and were not on a reading improvement and monitoring 33102
plan. 33103

The performance measure prescribed under division (D)(1)(h) 33104
of this section shall not be included on the report card of a 33105
district or building in which less than ten per cent of students 33106
have scored below grade level on the diagnostic assessment 33107
administered to students in kindergarten under division (B)(1) of 33108
section 3313.608 of the Revised Code. 33109

(i) The percentage of students in a district or building who 33110
are promoted to the fourth grade and not subject to retention 33111
under division (A)(2) of section 3313.608 of the Revised Code; 33112

(j) A post-secondary readiness measure. This measure shall be 33113
calculated by dividing the number of students included in the 33114
four-year adjusted graduation rate cohort who demonstrate 33115
post-secondary readiness by the total number of students included 33116
in the denominator of the four-year adjusted graduation rate 33117
cohort. Demonstration of post-secondary readiness shall include a 33118
student doing any of the following: 33119

(i) Attaining a remediation-free score, in accordance with 33120
standards adopted under division (F) of section 3345.061 of the 33121
Revised Code, on a nationally standardized assessment prescribed 33122
under division (B)(1) of section 3301.0712 of the Revised Code; 33123

(ii) Attaining required scores on three or more advanced 33124
placement or international baccalaureate examinations. The 33125
required score for an advanced placement examination shall be a 33126
three or better. The required score for an international 33127
baccalaureate examination shall be a four or better. A student may 33128
satisfy this condition with any combination of advanced placement 33129
or international baccalaureate examinations. 33130

(iii) Earning at least twelve college credits through 33131
advanced standing programs, such as the college credit plus 33132
program under Chapter 3365. of the Revised Code, an early college 33133
high school program under section 3313.6013 of the Revised Code, 33134

and state-approved career-technical courses offered through dual 33135
enrollment or statewide articulation, that appear on a student's 33136
college transcript issued by the institution of higher education 33137
from which the student earned the college credit. Earned credits 33138
reported under division (D)(1)(j)(iii) of this section shall 33139
include credits that count toward the curriculum requirements 33140
established for completion of a degree, but shall not include any 33141
remedial or developmental credits. 33142

(iv) Meeting the additional criteria for an honors diploma 33143
under division (B) of section 3313.61 of the Revised Code; 33144

(v) Earning an industry-recognized credential or license 33145
issued by a state agency or board for practice in a vocation that 33146
requires an examination for issuance of that license approved 33147
under section 3313.6113 of the Revised Code; 33148

(vi) Satisfying any of the following conditions: 33149

(I) Completing a pre-apprenticeship aligned with options 33150
established under section 3313.904 of the Revised Code in the 33151
student's chosen career field; 33152

(II) Completing an apprenticeship registered with the 33153
apprenticeship council established under section 4139.02 of the 33154
Revised Code in the student's chosen career field; 33155

(III) Providing evidence of acceptance into an apprenticeship 33156
program after high school that is restricted to participants 33157
eighteen years of age or older. 33158

(vii) Earning a cumulative score of proficient or higher on 33159
three or more state technical assessments aligned with section 33160
3313.903 of the Revised Code in a single career pathway; 33161

(viii) Earning an OhioMeansJobs-readiness seal established 33162
under section 3313.6112 of the Revised Code and completing two 33163
hundred fifty hours of an internship or other work-based learning 33164

experience that is either:	33165
(I) Approved by the business advisory council established	33166
under section 3313.82 of the Revised Code that represents the	33167
student's district; or	33168
(II) Aligned to the career-technical education pathway	33169
approved by the department in which the student is enrolled.	33170
(ix) Providing evidence that the student has enlisted in a	33171
branch of the armed services of the United States as defined in	33172
section 5910.01 of the Revised Code.	33173
A student who satisfies more than one of the conditions	33174
prescribed under this division shall be counted as one student for	33175
the purposes of calculating the measure prescribed under division	33176
(D)(1)(j) of this section.	33177
(2) In addition to the performance measures under division	33178
(D)(1) of this section, the department shall report on a	33179
district's or building's report card all of the following data	33180
without an assigned performance rating:	33181
(a) The applicable performance indicators established by the	33182
state board under division (A)(1) of section 3302.02 of the	33183
Revised Code;	33184
(b) The overall score under the value-added progress	33185
dimension of a district or building for the most recent school	33186
year;	33187
(c) A composite of the overall scores under the value-added	33188
progress dimension of a district or building for the previous	33189
three school years or, if only two years of value-added data are	33190
available, for the previous two years;	33191
(d) The percentage of students included in the four- and	33192
five-year adjusted cohort graduation rates of a district or	33193
building who did not receive a high school diploma under section	33194

3313.61 or 3325.08 of the Revised Code. To the extent possible, 33195
the department shall disaggregate that data according to the 33196
following categories: 33197

(i) Students who are still enrolled in the district or 33198
building and receiving general education services; 33199

(ii) Students with an individualized education program, as 33200
defined in section 3323.01 of the Revised Code, who satisfied the 33201
conditions for a high school diploma under section 3313.61 or 33202
3325.08 of the Revised Code, but opted not to receive a diploma 33203
and are still receiving education services; 33204

(iii) Students with an individualized education program who 33205
have not yet satisfied conditions for a high school diploma under 33206
section 3313.61 or 3325.08 of the Revised Code and who are still 33207
receiving education services; 33208

(iv) Students who are no longer enrolled in any district or 33209
building; 33210

(v) Students who, upon enrollment in the district or building 33211
for the first time, had completed fewer units of high school 33212
instruction required under section 3313.603 of the Revised Code 33213
than other students in the four- or five-year adjusted cohort 33214
graduation rate. 33215

The department may disaggregate the data prescribed under 33216
division (D)(2)(d) of this section according to other categories 33217
that the department determines are appropriate. 33218

(e) The results of the kindergarten diagnostic assessment 33219
prescribed under division (D) of section 3301.079 of the Revised 33220
Code; 33221

(f) Post-graduate outcomes for students who were enrolled in 33222
a district or building and received a high school diploma under 33223
section 3313.61 or 3325.08 of the Revised Code in the school year 33224

prior to the school year for which the report card is issued, 33225
including the percentage of students who: 33226

(i) Enrolled in a post-secondary educational institution. To 33227
the extent possible, the department shall disaggregate that data 33228
according to whether the student enrolled in a four-year 33229
institution of higher education, a two-year institution of higher 33230
education, an Ohio technical center that provides adult technical 33231
education services and is recognized by the chancellor of higher 33232
education, or another type of post-secondary educational 33233
institution. 33234

(ii) Entered an apprenticeship program registered with the 33235
apprenticeship council established under Chapter 4139. of the 33236
Revised Code. The department may include other job training 33237
programs with similar rigor and outcomes. 33238

(iii) Attained gainful employment, as determined by the 33239
department; 33240

(iv) Enlisted in a branch of the armed forces of the United 33241
States, as defined in section 5910.01 of the Revised Code. 33242

(g) Whether the school district or building has implemented a 33243
positive behavior intervention and supports framework in 33244
compliance with the requirements of section 3319.46 of the Revised 33245
Code, notated with a "yes" or "no"; 33246

(h) The number and percentage of high school seniors in each 33247
school year who completed the free application for federal student 33248
aid; 33249

(i) Beginning with the report card issued under this section 33250
for the 2022-2023 school year, a student opportunity profile 33251
measure that reports data regarding the opportunities provided to 33252
students by a district or building. To the extent possible, and 33253
when appropriate, the data shall be disaggregated by grade level 33254
and subgroup. The measure also shall include data regarding the 33255

statewide average, the average for similar school districts, and,	33256
for a building, the average for the district in which the building	33257
is located. The measure shall include all of the following data	33258
for the district or building:	33259
(i) The average ratio of teachers of record to students in	33260
each grade level in a district or building;	33261
(ii) The average ratio of school counselors to students in a	33262
district or building;	33263
(iii) The average ratio of nurses to students in a district	33264
or building;	33265
(iv) The average ratio of licensed librarians and library	33266
media specialists to students in a district or building;	33267
(v) The average ratio of social workers to students in a	33268
district or building;	33269
(vi) The average ratio of mental health professionals to	33270
students in a district or building;	33271
(vii) The average ratio of paraprofessionals to students in a	33272
district or building;	33273
(viii) The percentage of teachers with fewer than three years	33274
of experience teaching in any school;	33275
(ix) The percentage of principals with fewer than three years	33276
of experience as a principal in any school;	33277
(x) The percentage of teachers who are not teaching in the	33278
subject or field for which they are certified or licensed;	33279
(xi) The percentage of kindergarten students who are enrolled	33280
in all-day kindergarten, as defined in section 3321.05 of the	33281
Revised Code;	33282
(xii) The percentage of students enrolled in a performing or	33283
visual arts course;	33284

(xiii) The percentage of students enrolled in a physical education or wellness course;	33285 33286
(xiv) The percentage of students enrolled in a world language course;	33287 33288
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	33289 33290
(xvi) The percentage of students participating in one or more cocurricular activities;	33291 33292
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	33293 33294 33295 33296
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	33297 33298 33299 33300
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	33301 33302 33303
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	33304 33305 33306 33307
(xxi) The percentage of students who are transported by a school bus each school day;	33308 33309
(xxii) The ratio of portable technology devices that students may take home to the number of students.	33310 33311
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	33312 33313 33314

(j)(i) The percentage of students included in the four- and 33315
five-year adjusted cohort graduation rates of the district or 33316
building who completed all of grades nine through twelve while 33317
enrolled in the district or building; 33318

(ii) The four-year adjusted cohort graduation rate for only 33319
those students who were continuously enrolled in the same district 33320
or building for grades nine through twelve. 33321

(k) The percentage of students in the district or building to 33322
whom both of the following apply: 33323

(i) The students are promoted to fourth grade and not subject 33324
to retention under division (A)(2) of section 3313.608 of the 33325
Revised Code. 33326

(ii) The students completed all of the grade levels offered 33327
prior to the fourth grade in the district or building. 33328

(3) Except as provided in division (D)(3)(f) of this section, 33329
the department shall use the state board's method prescribed under 33330
rules adopted under division (D)(4) of this section to assign 33331
performance ratings of "one star," "two stars," "three stars," 33332
"four stars," or "five stars," as described in division (F) of 33333
this section, for a district or building for the individual 33334
components prescribed under division (D)(3) of this section. The 33335
department also shall assign an overall performance rating for a 33336
district or building in accordance with division (D)(3)(g) of this 33337
section. The method shall use the performance measures prescribed 33338
under division (D)(1) of this section to calculate performance 33339
ratings for components. The method may report data under division 33340
(D)(2) of this section with corresponding components, but shall 33341
not use the data to calculate performance ratings for that 33342
component. The performance measures and reported data shall be 33343
grouped together into components as follows: 33344

(a) Gap closing. In addition to other criteria determined 33345

appropriate by the department, performance ratings for the gap 33346
closing component shall reflect whether each of the following 33347
performance measures are met or not met: 33348

(i) The gifted performance indicator as described in division 33349
(D)(1)(a) of this section; 33350

(ii) The chronic absenteeism indicator as described in 33351
division (D)(1)(b) of this section; 33352

(iii) For English learners, an English language proficiency 33353
improvement indicator established by the department; 33354

(iv) The subgroup graduation targets; 33355

(v) The subgroup achievement targets in both mathematics and 33356
English language arts; 33357

(vi) The subgroup progress targets in both mathematics and 33358
English language arts. 33359

Achievement and progress targets under division (D)(3)(a) of 33360
this section shall be calculated individually, and districts and 33361
buildings shall receive a status of met or not met on each 33362
measure. The department shall not require a subgroup of a district 33363
or building to meet both the achievement and progress targets at 33364
the same time to receive a status of met. 33365

The department shall not include any subgroup data in this 33366
measure that includes data from fewer than fifteen students. Any 33367
penalty for failing to meet the required assessment participation 33368
rate must be partially in proportion to how close the district or 33369
building was to meeting the rate requirement. 33370

(b) Achievement, which shall include the performance measure 33371
in division (D)(1)(c) of this section and the reported data in 33372
division (D)(2)(a) of this section. Performance ratings for the 33373
achievement component shall be awarded as a percentage of the 33374
maximum performance index score described in division (D)(1)(c) of 33375

this section. 33376

(c) Progress, which shall include the performance measure in 33377
division (D)(1)(d) of this section and the reported data in 33378
divisions (D)(2)(b) and (c) of this section; 33379

(d) Graduation, which shall include the performance measures 33380
in divisions (D)(1)(e) and (f) of this section and the reported 33381
data in divisions (D)(2)(d) and (j) of this section. The four-year 33382
adjusted cohort graduation rate shall be assigned a weight of 33383
sixty per cent and the five-year adjusted cohort graduation rate 33384
shall be assigned a weight of forty per cent; 33385

(e) Early literacy, which shall include the performance 33386
measures in divisions (D)(1)(g), (h), and (i) of this section and 33387
the reported data in divisions (D)(2)(e) and (k) of this section. 33388

If the measure prescribed under division (D)(1)(h) of this 33389
section is included in a report card, performance ratings for the 33390
early literacy component shall give a weight of forty per cent to 33391
the measure prescribed under division (D)(1)(g) of this section, a 33392
weight of thirty-five per cent to the measure prescribed under 33393
division (D)(1)(i) of this section, and a weight of twenty-five 33394
per cent to the measure prescribed under division (D)(1)(h) of 33395
this section. 33396

If the measure prescribed under division (D)(1)(h) of this 33397
section is not included in a report card of a district or 33398
building, performance ratings for the early literacy component 33399
shall give a weight of sixty per cent to the measure prescribed 33400
under division (D)(1)(g) of this section and a weight of forty per 33401
cent to the measure prescribed under division (D)(1)(i) of this 33402
section. 33403

(f) College, career, workforce, and military readiness, which 33404
shall include the performance measure in division (D)(1)(j) of 33405
this section and the reported data in division (D)(2)(f) of this 33406

section. 33407

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 33408
department only shall report the data for, and not assign a 33409
performance rating to, the college, career, workforce, and 33410
military readiness component. The reported data shall include the 33411
percentage of students who demonstrate post-secondary readiness 33412
using any of the options described in division (D)(1)(j) of this 33413
section. 33414

The department shall analyze the data included in the 33415
performance measure prescribed in division (D)(1)(j) of this 33416
section for the 2021-2022, 2022-2023, and 2023-2024 school years. 33417
Using that data, the department shall develop and propose rules 33418
for a method to assign a performance rating to the college, 33419
career, workforce, and military readiness component based on that 33420
measure. The method to assign a performance rating shall not 33421
include a tiered structure or per student bonuses. The rules shall 33422
specify that a district or building shall not receive lower than a 33423
performance rating of three stars for the component if the 33424
district's or building's performance on the component meets or 33425
exceeds a level of improvement set by the department. 33426
Notwithstanding division (D)(4)(b) of this section, more than half 33427
of the total districts and buildings may earn a performance rating 33428
of three stars on this component to account for the districts and 33429
buildings that earned a performance rating of three stars because 33430
they met or exceeded the level of improvement set by the 33431
department. 33432

The department shall submit the rules to the joint committee 33433
on agency rule review. The committee shall conduct at least one 33434
public hearing on the proposed rules and approve or disapprove the 33435
rules. If the committee approves the rules, the state board shall 33436
adopt the rules in accordance with Chapter 119. of the Revised 33437
Code. If the rules are adopted, the department shall assign a 33438

performance rating to the college, career, workforce, and military 33439
readiness component under the rules beginning with the 2024-2025 33440
school year, and for each school year thereafter. If the committee 33441
disapproves the rules, the component shall be included in the 33442
report card only as reported data for the 2024-2025 school year, 33443
and each school year thereafter. 33444

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 33445
this section, beginning with the 2022-2023 school year, under the 33446
state board's method prescribed under rules adopted in division 33447
(D)(4) of this section, the department shall use the performance 33448
ratings assigned for the components prescribed in divisions 33449
(D)(3)(a) to (e) of this section to determine and assign an 33450
overall performance rating of "one star," "one and one-half 33451
stars," "two stars," "two and one-half stars," "three stars," 33452
"three and one-half stars," "four stars," "four and one-half 33453
stars," or "five stars" for a district or building. The method 33454
shall give equal weight to the components in divisions (D)(3)(b) 33455
and (c) of this section. The method shall give equal weight to the 33456
components in divisions (D)(3)(a), (d), and (e) of this section. 33457
The individual weights of each of the components prescribed in 33458
divisions (D)(3)(a), (d), and (e) of this section shall be equal 33459
to one-half of the weight given to the component prescribed in 33460
division (D)(3)(b) of this section. 33461

(ii) If the joint committee on agency rule review approves 33462
the department's rules regarding the college, career, workforce, 33463
and military readiness component as described in division 33464
(D)(3)(f) of this section, for the 2024-2025 school year, and each 33465
school year thereafter, the state board's method shall use the 33466
components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of 33467
this section to calculate the overall performance rating. The 33468
method shall give equal weight to the components in divisions 33469
(D)(3)(b) and (c) of this section. The method shall give equal 33470

weight to the components prescribed in divisions (D)(3)(a), (d), 33471
(e), and (f) of this section. The individual weights of each of 33472
the components prescribed in divisions (D)(3)(a), (d), (e), and 33473
(f) of this section shall be equal to one-half the weight given to 33474
the component prescribed in division (D)(3)(b) of this section. 33475

If the joint committee on agency rule review disapproves the 33476
department's rules regarding the college, career, workforce, and 33477
military readiness component as described in division (D)(3)(f) of 33478
this section, division (D)(3)(g)(ii) of this section does not 33479
apply. 33480

(4)(a) The state board shall adopt rules in accordance with 33481
Chapter 119. of the Revised Code to establish the performance 33482
criteria, benchmarks, and rating system necessary to implement 33483
divisions (D) and (F) of this section, including the method for 33484
the department to assign performance ratings under division (D)(3) 33485
of this section. 33486

(b) In establishing the performance criteria, benchmarks, and 33487
rating system, the state board shall consult with stakeholder 33488
groups and advocates that represent parents, community members, 33489
students, business leaders, and educators from different school 33490
typology regions. The state board shall use data from prior school 33491
years and simulations to ensure that there is meaningful 33492
differentiation among districts and buildings across all 33493
performance ratings and that, except as permitted in division 33494
(D)(3)(f) of this section, more than half of all districts or 33495
buildings do not earn the same performance rating in any component 33496
or overall performance rating. 33497

(c) The state board shall adopt the rules prescribed by 33498
division (D)(4) of this section not later than March 31, 2022. 33499
However, the department shall notify districts and buildings of 33500
the changes to the report card prescribed in law not later than 33501
one week after ~~the effective date of this amendment~~ September 30, 33502

2021. 33503

(d) Prior to adopting or updating rules under division (D)(4) 33504
of this section, the president of the state board and the 33505
department shall conduct a public presentation before the standing 33506
committees of the house of representatives and the senate that 33507
consider primary and secondary education legislation describing 33508
the format for the report card and the performance criteria, 33509
benchmarks, and rating system, including the method to assign 33510
performance ratings under division (D)(3) of this section. 33511

(E) On or after July 1, 2015, the state board may develop a 33512
measure of student academic progress for high school students 33513
using only data from assessments in English language arts and 33514
mathematics. If the state board develops this measure, each school 33515
district and applicable school building shall be assigned a 33516
separate letter grade for it not sooner than the 2017-2018 school 33517
year. The district's or building's grade for that measure shall 33518
not be included in determining the district's or building's 33519
overall letter grade. 33520

(F)(1) The letter grades assigned to a school district or 33521
building under this section shall be as follows: 33522

(a) "A" for a district or school making excellent progress; 33523

(b) "B" for a district or school making above average 33524
progress; 33525

(c) "C" for a district or school making average progress; 33526

(d) "D" for a district or school making below average 33527
progress; 33528

(e) "F" for a district or school failing to meet minimum 33529
progress. 33530

(2) For the overall performance rating under division (D)(3) 33531
of this section, the department shall include a descriptor for 33532

each performance rating as follows:	33533
(a) "Significantly exceeds state standards" for a performance rating of five stars;	33534 33535
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	33536 33537
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	33538 33539
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	33540 33541
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	33542 33543
(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the state board shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the state board. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the state board shall include the descriptors in division (F)(2) of this section for component performance ratings.	33544 33545 33546 33547 33548 33549 33550 33551 33552 33553 33554
(4) Each report card issued under this section shall include all of the following:	33555 33556
(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.	33557 33558 33559 33560
(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The state board shall	33561 33562

determine the data to be used for this graphic, which shall 33563
include at least the three most recent years of data. 33564

(c) A description regarding the weights that are assigned to 33565
each component and used to determine an overall performance 33566
rating, as prescribed under division (D)(3)(g) of this section, 33567
which shall be included in the presentation of the overall 33568
performance rating on each report card. 33569

(G) When reporting data on student achievement and progress, 33570
the department shall disaggregate that data according to the 33571
following categories: 33572

(1) Performance of students by grade-level; 33573

(2) Performance of students by race and ethnic group; 33574

(3) Performance of students by gender; 33575

(4) Performance of students grouped by those who have been 33576
enrolled in a district or school for three or more years; 33577

(5) Performance of students grouped by those who have been 33578
enrolled in a district or school for more than one year and less 33579
than three years; 33580

(6) Performance of students grouped by those who have been 33581
enrolled in a district or school for one year or less; 33582

(7) Performance of students grouped by those who are 33583
economically disadvantaged; 33584

(8) Performance of students grouped by those who are enrolled 33585
in a conversion community school established under Chapter 3314. 33586
of the Revised Code; 33587

(9) Performance of students grouped by those who are 33588
classified as English learners; 33589

(10) Performance of students grouped by those who have 33590
disabilities; 33591

(11) Performance of students grouped by those who are 33592
classified as migrants; 33593

(12) Performance of students grouped by those who are 33594
identified as gifted in superior cognitive ability and the 33595
specific academic ability fields of reading and math pursuant to 33596
Chapter 3324. of the Revised Code. In disaggregating specific 33597
academic ability fields for gifted students, the department shall 33598
use data for those students with specific academic ability in math 33599
and reading. If any other academic field is assessed, the 33600
department shall also include data for students with specific 33601
academic ability in that field as well. 33602

(13) Performance of students grouped by those who perform in 33603
the lowest quintile for achievement on a statewide basis, as 33604
determined by a method prescribed by the state board. 33605

The department may disaggregate data on student performance 33606
according to other categories that the department determines are 33607
appropriate. To the extent possible, the department shall 33608
disaggregate data on student performance according to any 33609
combinations of two or more of the categories listed in divisions 33610
(G)(1) to (13) of this section that it deems relevant. 33611

In reporting data pursuant to division (G) of this section, 33612
the department shall not include in the report cards any data 33613
statistical in nature that is statistically unreliable or that 33614
could result in the identification of individual students. For 33615
this purpose, the department shall not report student performance 33616
data for any group identified in division (G) of this section that 33617
contains less than ten students. If the department does not report 33618
student performance data for a group because it contains less than 33619
ten students, the department shall indicate on the report card 33620
that is why data was not reported. 33621

(H) The department may include with the report cards any 33622

additional education and fiscal performance data it deems 33623
valuable. 33624

(I) The department shall include on each report card a list 33625
of additional information collected by the department that is 33626
available regarding the district or building for which the report 33627
card is issued. When available, such additional information shall 33628
include student mobility data disaggregated by race and 33629
socioeconomic status, college enrollment data, and the reports 33630
prepared under section 3302.031 of the Revised Code. 33631

The department shall maintain a site on the world wide web. 33632
The report card shall include the address of the site and shall 33633
specify that such additional information is available to the 33634
public at that site. The department shall also provide a copy of 33635
each item on the list to the superintendent of each school 33636
district. The district superintendent shall provide a copy of any 33637
item on the list to anyone who requests it. 33638

(J)(1)(a) Except as provided in division (J)(1)(b) of this 33639
section, for any district that sponsors a conversion community 33640
school under Chapter 3314. of the Revised Code, the department 33641
shall combine data regarding the academic performance of students 33642
enrolled in the community school with comparable data from the 33643
schools of the district for the purpose of determining the 33644
performance of the district as a whole on the report card issued 33645
for the district under this section or section 3302.033 of the 33646
Revised Code. 33647

(b) The department shall not combine data from any conversion 33648
community school that a district sponsors if a majority of the 33649
students enrolled in the conversion community school are enrolled 33650
in a dropout prevention and recovery program that is operated by 33651
the school, as described in division (A)(4)(a) of section 3314.35 33652
of the Revised Code. The department shall include as an addendum 33653
to the district's report card the ratings and performance measures 33654

that are required under section 3314.017 of the Revised Code for 33655
any community school to which division (J)(1)(b) of this section 33656
applies. This addendum shall include, at a minimum, the data 33657
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 33658
3314.017 of the Revised Code. 33659

(2) Any district that leases a building to a community school 33660
located in the district or that enters into an agreement with a 33661
community school located in the district whereby the district and 33662
the school endorse each other's programs may elect to have data 33663
regarding the academic performance of students enrolled in the 33664
community school combined with comparable data from the schools of 33665
the district for the purpose of determining the performance of the 33666
district as a whole on the district report card. Any district that 33667
so elects shall annually file a copy of the lease or agreement 33668
with the department. 33669

(3) Any municipal school district, as defined in section 33670
3311.71 of the Revised Code, that sponsors a community school 33671
located within the district's territory, or that enters into an 33672
agreement with a community school located within the district's 33673
territory whereby the district and the community school endorse 33674
each other's programs, may exercise either or both of the 33675
following elections: 33676

(a) To have data regarding the academic performance of 33677
students enrolled in that community school combined with 33678
comparable data from the schools of the district for the purpose 33679
of determining the performance of the district as a whole on the 33680
district's report card; 33681

(b) To have the number of students attending that community 33682
school noted separately on the district's report card. 33683

The election authorized under division (J)(3)(a) of this 33684
section is subject to approval by the governing authority of the 33685

community school. 33686

Any municipal school district that exercises an election to 33687
combine or include data under division (J)(3) of this section, by 33688
the first day of October of each year, shall file with the 33689
department documentation indicating eligibility for that election, 33690
as required by the department. 33691

(K) The department shall include on each report card the 33692
percentage of teachers in the district or building who are 33693
properly certified or licensed teachers, as defined in section 33694
3319.074 of the Revised Code, and a comparison of that percentage 33695
with the percentages of such teachers in similar districts and 33696
buildings. 33697

(L)(1) In calculating English language arts, mathematics, 33698
science, American history, or American government assessment 33699
passage rates used to determine school district or building 33700
performance under this section, the department shall include all 33701
students taking an assessment with accommodation or to whom an 33702
alternate assessment is administered pursuant to division (C)(1) 33703
or (3) of section 3301.0711 of the Revised Code and all students 33704
who take substitute examinations approved under division (B)(4) of 33705
section 3301.0712 of the Revised Code in the subject areas of 33706
science, American history and American government. 33707

(2) In calculating performance index scores, rates of 33708
achievement on the performance indicators established by the state 33709
board under section 3302.02 of the Revised Code, and annual 33710
measurable objectives for determining adequate yearly progress for 33711
school districts and buildings under this section, the department 33712
shall do all of the following: 33713

(a) Include for each district or building only those students 33714
who are included in the ADM certified for the first full school 33715
week of October and are continuously enrolled in the district or 33716

building through the time of the spring administration of any 33717
assessment prescribed by division (A)(1) or (B)(1) of section 33718
3301.0710 or division (B) of section 3301.0712 of the Revised Code 33719
that is administered to the student's grade level; 33720

(b) Include cumulative totals from both the fall and spring 33721
administrations of the third grade English language arts 33722
achievement assessment and, to the extent possible, the summer 33723
administration of that assessment; 33724

(c) ~~Except as required by the No Child Left Behind Act of~~ 33725
~~2001, exclude~~ Include for each district or building any English 33726
learner ~~who has been enrolled in United States schools for less~~ 33727
~~than one full school year in accordance with the department's~~ 33728
plan, as approved by the United States secretary of education, to 33729
comply with the "Elementary and Secondary Education Act of 1965," 33730
20 U.S.C. 6311 to 6339. 33731

As used in this section, "English learner" has the same 33732
meaning as in section 3301.0731 of the Revised Code. 33733

(M) Beginning with the 2015-2016 school year and at least 33734
once every three years thereafter, the state board of education 33735
shall review and may adjust the benchmarks for assigning letter 33736
grades or performance ratings to the performance measures and 33737
components prescribed under divisions (C)(3), (D), and (E) of this 33738
section. 33739

Sec. 3302.151. (A) Notwithstanding anything to the contrary 33740
in the Revised Code, a school district that qualifies under 33741
division (D) of this section shall be exempt from all of the 33742
following: 33743

(1) The teacher qualification requirements under the 33744
third-grade reading guarantee, as prescribed under divisions 33745
(B)(3)(c) and ~~(H)~~(I) of section 3313.608 of the Revised Code. This 33746

exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate by the board of education of that district.

(2) The mentoring component of the Ohio teacher residency program established under division (A)(1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(3) Any provision of the Revised Code or rule or standard of the state board of education prescribing a minimum or maximum class size;

(4) Any provision of the Revised Code or rule or standard of the state board requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

(B)(1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who is otherwise qualified based on experience, to teach classes in the district, so long as the board of education of the school district approves the individual's employment and provides mentoring and professional development opportunities to that individual, as determined necessary by the board.

(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as

prescribed by section 3319.391 of the Revised Code. In the manner 33778
prescribed by the department of education, the individual shall 33779
submit the criminal records check to the department and shall 33780
register with the department during the period in which the 33781
individual is employed by the district. The department shall use 33782
the information submitted to enroll the individual in the retained 33783
applicant fingerprint database, established under section 109.5721 33784
of the Revised Code, in the same manner as any teacher licensed 33785
under sections 3319.22 to 3319.31 of the Revised Code. 33786

(3) An individual employed pursuant to this division is 33787
subject to Chapter 3307. of the Revised Code. 33788

If the department receives notification of the arrest or 33789
conviction of an individual employed under division (B) of this 33790
section, the department shall promptly notify the employing 33791
district and may take any action authorized under sections 3319.31 33792
and 3319.311 of the Revised Code that it considers appropriate. No 33793
district shall employ any individual under division (B) of this 33794
section if the district learns that the individual has plead 33795
guilty to, has been found guilty by a jury or court of, or has 33796
been convicted of any of the offenses listed in division (C) of 33797
section 3319.31 of the Revised Code. 33798

(C) Notwithstanding anything to the contrary in the Revised 33799
Code, noncompliance with any of the requirements listed in 33800
divisions (A) or (B) of this section shall not disqualify a school 33801
district that qualifies under division (D) of this section from 33802
receiving funds under Chapter 3317. of the Revised Code. 33803

(D) In order for a city, local, or exempted village school 33804
district to qualify for the exemptions described in this section, 33805
the school district shall meet all of the following benchmarks on 33806
the most recent report card issued for that district under section 33807
3302.03 of the Revised Code: 33808

(1) The district received at least eighty-five per cent of 33809
the total possible points for the performance index score 33810
calculated under division (C)(1)(b) or (D)(1)(c) of that section; 33811

(2) The district received a grade of an "A" for performance 33812
indicators met under division (C)(1)(c) of that section. However, 33813
division (D)(2) of this section shall not apply for the 2021-2022 33814
school year or any school year thereafter. 33815

(3) The district has a four-year adjusted cohort graduation 33816
rate of at least ninety-three per cent and a five-year adjusted 33817
cohort graduation rate of at least ninety-five per cent, as 33818
calculated under division (C)(1)(d) or divisions (D)(1)(e) and 33819
(D)(1)(f) of that section. 33820

(E) A school district that meets the requirements prescribed 33821
by division (D) of this section shall be qualified for the 33822
exemptions prescribed by this section for three school years, 33823
beginning with the school year in which the qualifying report card 33824
is issued. 33825

(F) As used in this section, "license" has the same meaning 33826
as in section 3319.31 of the Revised Code. 33827

Sec. 3310.032. (A) A student is an "eligible student" for 33828
purposes of the expansion of the educational choice scholarship 33829
pilot program under this section if the student's resident 33830
district is not a school district in which the pilot project 33831
scholarship program is operating under sections 3313.974 to 33832
3313.979 of the Revised Code, the student is not eligible for an 33833
educational choice scholarship under section 3310.03 of the 33834
Revised Code, and either of the following apply: 33835

(1) The student's family income is at or below ~~two~~ four 33836
hundred fifty per cent of the federal poverty guidelines, as 33837
defined in section 5101.46 of the Revised Code, when the student 33838

applies for a scholarship under this section. 33839

(2) The student's sibling, as defined in section 3310.033 of 33840
the Revised Code, receives a scholarship under this section for at 33841
least one of the following: 33842

(a) For the school year immediately prior to the school year 33843
for which the student is seeking a scholarship; 33844

(b) For the school year for which the student is seeking a 33845
scholarship. 33846

(B) In each fiscal year for which the general assembly 33847
appropriates funds for purposes of this section, the department of 33848
education shall pay scholarships to attend chartered nonpublic 33849
schools in accordance with section 3317.022 of the Revised Code. 33850
The number of scholarships awarded under this section shall not 33851
exceed the number that can be funded for that school year as 33852
authorized by the general assembly. 33853

(C) Scholarships under this section shall be awarded as 33854
follows: 33855

(1) For the 2013-2014 school year, to eligible students who 33856
are entering kindergarten in that school year for the first time; 33857

(2) For each subsequent school year through the 2019-2020 33858
school year, scholarships shall be awarded to eligible students in 33859
the next grade level above the highest grade level awarded in the 33860
preceding school year, in addition to the grade levels for which 33861
students received scholarships in the preceding school year; 33862

(3) Beginning with the 2020-2021 school year, to eligible 33863
students who are entering any of grades kindergarten through 33864
twelve in that school year for the first time. 33865

(D) If the number of eligible students who apply for a 33866
scholarship under this section exceeds the scholarships available 33867
based on the appropriation for this section, the department shall 33868

award scholarships in the following order of priority: 33869

(1) First, to eligible students who received scholarships 33870
under this section in the prior school year; 33871

(2) Second, to eligible students with family incomes at or 33872
below ~~one~~ three hundred per cent of the federal poverty 33873
guidelines. If the number of students described in division (D)(2) 33874
of this section who apply for a scholarship exceeds the number of 33875
available scholarships after awards are made under division (D)(1) 33876
of this section, the department shall select students described in 33877
division (D)(2) of this section by lot to receive any remaining 33878
scholarships. 33879

(3) Third, to other eligible students who qualify under this 33880
section. If the number of students described in division (D)(3) of 33881
this section exceeds the number of available scholarships after 33882
awards are made under divisions (D)(1) and (2) of this section, 33883
the department shall select students described in division (D)(3) 33884
of this section by lot to receive any remaining scholarships. 33885

(E) A student who receives a scholarship under this section 33886
remains an eligible student and may continue to receive 33887
scholarships under this section in subsequent school years until 33888
the student completes grade twelve, so long as the student 33889
satisfies the conditions specified in divisions (D)(2) and (3) of 33890
section 3310.03 of the Revised Code. 33891

Once a scholarship is awarded under this section, the student 33892
shall remain eligible for that scholarship for the current school 33893
year and subsequent school years even if the student's family 33894
income rises above the amount specified in division (A) of this 33895
section, provided the student remains enrolled in a chartered 33896
nonpublic school. 33897

Sec. 3310.13. (A) No chartered nonpublic school shall charge 33898

any student whose family income is at or below two hundred per 33899
cent of the federal poverty guidelines, as defined in section 33900
5101.46 of the Revised Code, a tuition fee that is greater than 33901
the total amount paid for that student under section 3317.022 of 33902
the Revised Code. 33903

(B) A chartered nonpublic school may charge any other student 33904
who is paid a scholarship under that section up to the difference 33905
between the amount of the scholarship and the regular tuition 33906
charge of the school. Each chartered nonpublic school may permit 33907
such an eligible student's family to provide volunteer services in 33908
lieu of cash payment to pay all or part of the amount of the 33909
school's tuition not covered by the scholarship paid under section 33910
3317.022 of the Revised Code. 33911

(C) Each chartered nonpublic school that charges a 33912
scholarship student an additional amount as authorized under 33913
division (B) of this section shall annually report to the 33914
department of education in the manner prescribed by the department 33915
the following: 33916

(1) The number of students charged; 33917

(2) The average of the amounts charged to such students. 33918

(D) No chartered nonpublic school participating in the 33919
educational choice scholarship pilot program shall require the 33920
parent of a student to disclose, as part of the school's admission 33921
procedure, whether the student's family income is at or below two 33922
hundred per cent of the federal poverty guidelines. 33923

Sec. 3310.15. (A) The department of education annually shall 33924
compile the scores attained by scholarship students to whom an 33925
assessment is administered under section 3310.14 of the Revised 33926
Code. The scores shall be aggregated as follows: 33927

(1) By state, which shall include all students awarded a 33928

scholarship under the educational choice scholarship pilot program 33929
and who were required to take an assessment under section 3310.14 33930
of the Revised Code; 33931

(2) By school district, which shall include all scholarship 33932
students who were required to take an assessment under section 33933
3310.14 of the Revised Code and for whom the district is the 33934
student's resident district; 33935

(3) By chartered nonpublic school, which shall include all 33936
scholarship students enrolled in that school who were required to 33937
take an assessment under section 3310.14 of the Revised Code. 33938

(B) The department shall disaggregate the student performance 33939
data described in division (A) of this section according to the 33940
following categories: 33941

(1) Grade level; 33942

(2) Race and ethnicity; 33943

(3) Gender; 33944

(4) Students who have participated in the scholarship program 33945
for three or more years; 33946

(5) Students who have participated in the scholarship program 33947
for more than one year and less than three years; 33948

(6) Students who have participated in the scholarship program 33949
for one year or less; 33950

(7) Economically disadvantaged students. 33951

(C) The department shall post the student performance data 33952
required under divisions (A) and (B) of this section on its web 33953
site and, by the first day of February each year, shall distribute 33954
that data to the parent of each eligible student. In reporting 33955
student performance data under this division, the department shall 33956
not include any data that is statistically unreliable or that 33957
could result in the identification of individual students. For 33958

this purpose, the department shall not report performance data for 33959
any group that contains less than ten students. 33960

Not later than July 1, 2024, the department shall develop one 33961
or more measures to demonstrate the performance of scholarship 33962
students enrolled in a chartered nonpublic school that will enable 33963
parents to effectively compare the performance of scholarship 33964
students against the performance of students enrolled in public 33965
schools. The superintendent of public instruction's advisory 33966
committee on chartered nonpublic schools shall review the measures 33967
and data simulations and may recommend revisions to the measures. 33968
The department shall adopt rules in accordance with Chapter 119. 33969
of the Revised Code prior to using any of the measures developed 33970
under this section. Notwithstanding any provision of section 33971
121.95 of the Revised Code to the contrary, a regulatory 33972
restriction contained in a rule adopted under this division is not 33973
subject to sections 121.95 to 121.953 of the Revised Code. 33974

(D) The department shall provide the parent of each 33975
scholarship student with information comparing the student's 33976
performance on the assessments administered under section 3310.14 33977
of the Revised Code with the average performance of similar 33978
students enrolled in the building operated by the student's 33979
resident district that the scholarship student would otherwise 33980
attend. In calculating the performance of similar students, the 33981
department shall consider age, grade, race and ethnicity, gender, 33982
and socioeconomic status. 33983

Sec. 3310.41. (A) As used in this section: 33984

(1) "Alternative public provider" means either of the 33985
following providers that agrees to enroll a child in the 33986
provider's special education program to implement the child's 33987
individualized education program and to which the child's parent 33988
owes fees for the services provided to the child: 33989

- (a) A school district that is not the school district in which the child is entitled to attend school; 33990
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- (b) A public entity other than a school district. 33992
- (2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 33993
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- (3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 33996
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- (4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 33998
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34000
- (5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency. 34001
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- (6) "Qualified special education child" is a child for whom all of the following conditions apply: 34008
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- (a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section. 34010
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- (b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child. 34015
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34017
- (c) The child either: 34018
- (i) Was enrolled in the school district in which the child is 34019

entitled to attend school in any grade from preschool through 34020
twelve in the school year prior to the year in which a scholarship 34021
under this section is first sought for the child; or 34022

(ii) Is eligible to enter school in any grade preschool 34023
through twelve in the school district in which the child is 34024
entitled to attend school in the school year in which a 34025
scholarship under this section is first sought for the child. 34026

(7) "Registered private provider" means a nonpublic school or 34027
other nonpublic entity that has been approved by the department of 34028
education to participate in the program established under this 34029
section. 34030

(8) "Special education program" means a school or facility 34031
that provides special education and related services to children 34032
with disabilities. 34033

(B) There is hereby established the autism scholarship 34034
program. Under the program, the department of education shall pay 34035
a scholarship under section 3317.022 of the Revised Code to the 34036
parent of each qualified special education child upon application 34037
of that parent pursuant to procedures and deadlines established by 34038
rule of the state board of education. Each scholarship shall be 34039
used only to pay tuition for the child on whose behalf the 34040
scholarship is awarded to attend a special education program that 34041
implements the child's individualized education program and that 34042
is operated by an alternative public provider or by a registered 34043
private provider, and to pay for other services agreed to by the 34044
provider and the parent of a qualified special education child 34045
that are not included in the individualized education program but 34046
are associated with educating the child. Upon agreement with the 34047
parent of a qualified special education child, the alternative 34048
public provider or the registered private provider may modify the 34049
services provided to the child. The purpose of the scholarship is 34050
to permit the parent of a qualified special education child the 34051

choice to send the child to a special education program, instead 34052
of the one operated by or for the school district in which the 34053
child is entitled to attend school, to receive the services 34054
prescribed in the child's individualized education program once 34055
the individualized education program is finalized and any other 34056
services agreed to by the provider and the parent of a qualified 34057
special education child. The services provided under the 34058
scholarship shall include an educational component or services 34059
designed to assist the child to benefit from the child's 34060
education. 34061

A scholarship under this section shall not be awarded to the 34062
parent of a child while the child's individualized education 34063
program is being developed by the school district in which the 34064
child is entitled to attend school, or while any administrative or 34065
judicial mediation or proceedings with respect to the content of 34066
the child's individualized education program are pending. A 34067
scholarship under this section shall not be used for a child to 34068
attend a public special education program that operates under a 34069
contract, compact, or other bilateral agreement between the school 34070
district in which the child is entitled to attend school and 34071
another school district or other public provider, or for a child 34072
to attend a community school established under Chapter 3314. of 34073
the Revised Code. However, nothing in this section or in any rule 34074
adopted by the state board shall prohibit a parent whose child 34075
attends a public special education program under a contract, 34076
compact, or other bilateral agreement, or a parent whose child 34077
attends a community school, from applying for and accepting a 34078
scholarship under this section so that the parent may withdraw the 34079
child from that program or community school and use the 34080
scholarship for the child to attend a special education program 34081
for which the parent is required to pay for services for the 34082
child. 34083

Except for development of the child's individualized 34084
education program, the school district in which a qualified 34085
special education child is entitled to attend school and the 34086
child's school district of residence, as defined in section 34087
3323.01 of the Revised Code, if different, are not obligated to 34088
provide the child with a free appropriate public education under 34089
Chapter 3323. of the Revised Code for as long as the child 34090
continues to attend the special education program operated by 34091
either an alternative public provider or a registered private 34092
provider for which a scholarship is awarded under the autism 34093
scholarship program. If at any time, the eligible applicant for 34094
the child decides no longer to accept scholarship payments and 34095
enrolls the child in the special education program of the school 34096
district in which the child is entitled to attend school, that 34097
district shall provide the child with a free appropriate public 34098
education under Chapter 3323. of the Revised Code. 34099

A child attending a special education program with a 34100
scholarship under this section shall continue to be entitled to 34101
transportation to and from that program in the manner prescribed 34102
by law. 34103

(C) As prescribed in division (A)(2)(h) of section 3317.03 of 34104
the Revised Code, a child who is not a preschool child with a 34105
disability for whom a scholarship is awarded under this section 34106
shall be counted in the formula ADM of the district in which the 34107
child is entitled to attend school and not in the formula ADM of 34108
any other school district. 34109

(D) A scholarship shall not be paid under section 3317.022 of 34110
the Revised Code to a parent for payment of tuition owed to a 34111
nonpublic entity unless that entity is a registered private 34112
provider. The department shall approve entities that meet the 34113
standards established by rule of the state board for the program 34114
established under this section. 34115

(E) The state board shall adopt rules under Chapter 119. of 34116
the Revised Code prescribing procedures necessary to implement 34117
this section, including, but not limited to, procedures and 34118
deadlines for parents to apply for scholarships, standards for 34119
registered private providers, and procedures for approval of 34120
entities as registered private providers. 34121

The rules also shall specify that intervention services under 34122
the autism scholarship program may be provided by a qualified, 34123
credentialed provider, including, but not limited to, all of the 34124
following: 34125

(1) A behavior analyst certified by a nationally recognized 34126
organization that certifies behavior analysts; 34127

(2) A psychologist licensed to practice in this state under 34128
Chapter 4732. of the Revised Code; 34129

(3) An independent school psychologist or school psychologist 34130
licensed to practice in this state under Chapter 4732. of the 34131
Revised Code; 34132

(4) Any person employed by a licensed psychologist, licensed 34133
independent school psychologist, or licensed school psychologist, 34134
while carrying out specific tasks, under the licensee's 34135
supervision, as an extension of the licensee's legal and ethical 34136
authority as specified under Chapter 4732. of the Revised Code who 34137
is ascribed as "psychology trainee," "psychology assistant," 34138
"psychology intern," or other appropriate term that clearly 34139
implies their supervised or training status; 34140

(5) Unlicensed persons holding a doctoral degree in 34141
psychology or special education from a program approved by the 34142
state board; 34143

(6) A "registered behavior technician" as described under 34144
rule 5123-9-41 of the Administrative Code; 34145

<u>(7) A "certified Ohio behavior analyst" under Chapter 4783.</u>	34146
<u>of the Revised Code;</u>	34147
<u>(8) Any other qualified individual as determined by the state</u>	34148
<u>board.</u>	34149
(F) The department shall provide reasonable notice to all	34150
parents of children receiving a scholarship under the autism	34151
scholarship program, alternative public providers, and registered	34152
private providers of any amendment to a rule governing, or change	34153
in the administration of, the autism scholarship program.	34154
Sec. 3310.43. (A) As used in this section:	34155
(1) "Registered private provider" has the same meaning as in	34156
section 3310.41 of the Revised Code.	34157
(2) "Two years of study" means the equivalent of forty-eight	34158
semester hours or seventy-two quarter hours.	34159
(B) The state board of education may issue an instructional	34160
assistant permit to an individual, upon the request of a	34161
registered private provider, qualifying that individual to provide	34162
services to a child under the autism scholarship program under	34163
section 3310.41 of the Revised Code. The permit shall be valid for	34164
one year from the date of issue and shall be renewable.	34165
For an individual to qualify for a permit under this section,	34166
the registered private provider shall assure to the state board	34167
all of the following:	34168
(1) The individual possesses the appropriate skills necessary	34169
to perform the duties of an instructional assistant, including the	34170
supervision of children and assistance with instructional tasks.	34171
(2) The individual demonstrates the potential to benefit from	34172
and consents to participating in in-service training, as required	34173
by the registered private provider.	34174

(3) The individual either:	34175
(a) Has an associate degree or higher from an accredited institution of higher education;	34176 34177
(b) Has completed at least two years of study at an accredited institution of higher education.	34178 34179
(C) An individual issued a permit under this section may provide instructional services in the home of a child so long as the individual is subject to adequate training and supervision. The state board shall adopt rules, pursuant to Chapter 119. of the Revised Code, regarding how providers will demonstrate this supervision.	34180 34181 34182 34183 34184 34185
(D) An individual issued a permit under this section shall be subject to the requirements of sections 3319.291, 3319.31, 3319.311, and 3319.313 of the Revised Code.	34186 34187 34188
<u>(E) The state board shall not require any of the following providers to receive a permit under this section to qualify to provide services to a child, including in-home services, under the autism scholarship program:</u>	34189 34190 34191 34192
<u>(1) A registered behavior technician as described under rule 5123-9-41 of the Administrative Code;</u>	34193 34194
<u>(2) A certified Ohio behavior technician under Chapter 4783. of the Revised Code.</u>	34195 34196
Sec. 3313.5310. (A)(1) This section applies to both of the following:	34197 34198
(a) Any school operated by a school district board of education;	34199 34200
(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.	34201 34202 34203

(2) As used in this section, "athletic activity" means all of the following: 34204
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(a) Interscholastic athletics; 34206

(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations; 34207
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(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations; 34211
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(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section. 34213
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(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students. 34216
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(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, in which the student participates in an athletic activity. 34222
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(D) No individual shall coach an athletic activity unless the 34234

individual has completed, ~~on an annual basis,~~ the sudden cardiac 34235
arrest training course approved by the department of health under 34236
division (C) of section 3707.59 of the Revised Code in accordance 34237
with section 3319.303 of the Revised Code. 34238

(E)(1) A student shall not be allowed to participate in an 34239
athletic activity if either of the following is the case: 34240

(a) The student's biological parent, biological sibling, or 34241
biological child has previously experienced sudden cardiac arrest, 34242
and the student has not been evaluated and cleared for 34243
participation in an athletic activity by a physician authorized 34244
under Chapter 4731. of the Revised Code to practice medicine and 34245
surgery or osteopathic medicine and surgery. 34246

(b) The student is known to have exhibited syncope or 34247
fainting at any time prior to or following an athletic activity 34248
and has not been evaluated and cleared for return under division 34249
(E)(3) of this section after exhibiting syncope or fainting. 34250

(2) A student shall be removed by the student's coach from 34251
participation in an athletic activity if the student exhibits 34252
syncope or fainting. 34253

(3) If a student is not allowed to participate in or is 34254
removed from participation in an athletic activity under division 34255
(E)(1) or (2) of this section, the student shall not be allowed to 34256
return to participation until the student is evaluated and cleared 34257
for return in writing by any of the following: 34258

(a) A physician authorized under Chapter 4731. of the Revised 34259
Code to practice medicine and surgery or osteopathic medicine and 34260
surgery, including a physician who specializes in cardiology; 34261

(b) A certified nurse practitioner, clinical nurse 34262
specialist, or certified nurse-midwife who holds a certificate of 34263
authority issued under Chapter 4723. of the Revised Code; 34264

(c) A physician assistant licensed under Chapter 4730. of the Revised Code; 34265
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(d) An athletic trainer licensed under Chapter 4755. of the Revised Code. 34267
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The licensed health care providers specified in divisions (E)(3)(a) to (d) of this section may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation. 34269
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(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section. 34273
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(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017. 34276
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(H)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct. 34280
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This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee or volunteer, including a coach, may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 34286
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(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from 34292
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providing services or performing duties under this section, unless 34296
the act or omission constitutes willful or wanton misconduct. 34297

Sec. 3313.5318. As used in this section, "athletic activity" 34298
has the same meaning as in section 3313.5310 of the Revised Code. 34299

(A) No individual shall coach an athletic activity at a 34300
school operated by a school district board of education or any 34301
chartered or nonchartered nonpublic school that is subject to the 34302
rules of an interscholastic conference or an organization that 34303
regulates interscholastic conferences or events unless the 34304
individual has completed a student mental health training course 34305
approved by the department of mental health and addiction services 34306
pursuant to division (B) of this section. The mental health 34307
training course may be combined with or part of another training 34308
course. 34309

(B) On or after the effective date of this section, an 34310
individual shall complete the training prescribed by division (A) 34311
of this section each time the individual applies for or renews a 34312
pupil-activity program permit under section 3319.303 of the 34313
Revised Code. An individual may complete the training at any time 34314
within the duration of the individual's new or renewed permit. 34315
Upon completion, the individual shall present evidence to the 34316
state board of education that the individual has successfully 34317
completed the training described in division (A) of this section. 34318

Sec. 3313.603. (A) As used in this section: 34319

(1) "One unit" means a minimum of one hundred twenty hours of 34320
course instruction, except that for a laboratory course, "one 34321
unit" means a minimum of one hundred fifty hours of course 34322
instruction. 34323

(2) "One-half unit" means a minimum of sixty hours of course 34324
instruction, except that for physical education courses, "one-half 34325

unit" means a minimum of one hundred twenty hours of course instruction. 34326
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(B) Beginning September 15, 2001, except as required in 34328
division (C) of this section and division (C) of section 3313.614 34329
of the Revised Code, the requirements for graduation from every 34330
high school shall include twenty units earned in grades nine 34331
through twelve and shall be distributed as follows: 34332

(1) English language arts, four units; 34333

(2) Health, one-half unit; 34334

(3) Mathematics, three units; 34335

(4) Physical education, one-half unit; 34336

(5) Science, two units until September 15, 2003, and three 34337
units thereafter, which at all times shall include both of the 34338
following: 34339

(a) Biological sciences, one unit; 34340

(b) Physical sciences, one unit. 34341

(6) History and government, one unit, which shall comply with 34342
division (M) of this section and shall include both of the 34343
following: 34344

(a) American history, one-half unit; 34345

(b) American government, one-half unit. 34346

(7) Social studies, two units. 34347

Beginning with students who enter ninth grade for the first 34348
time on or after July 1, 2017, the two units of instruction 34349
prescribed by division (B)(7) of this section shall include at 34350
least one-half unit of instruction in the study of world history 34351
and civilizations. 34352

(8) Elective units, seven units until September 15, 2003, and 34353
six units thereafter. 34354

Each student's electives shall include at least one unit, or 34355
two half units, chosen from among the areas of 34356
business/technology, fine arts, and/or foreign language. 34357

(C) Beginning with students who enter ninth grade for the 34358
first time on or after July 1, 2010, except as provided in 34359
divisions (D) to (F) of this section, the requirements for 34360
graduation from every public and chartered nonpublic high school 34361
shall include twenty units that are designed to prepare students 34362
for the workforce and college. The units shall be distributed as 34363
follows: 34364

(1) English language arts, four units; 34365

(2) Health, one-half unit, which shall include instruction in 34366
nutrition and the benefits of nutritious foods and physical 34367
activity for overall health; 34368

(3) Mathematics, four units, which shall include one unit of 34369
algebra II or the equivalent of algebra II, or one unit of 34370
advanced computer science as described in the standards adopted 34371
pursuant to division (A)(4) of section 3301.079 of the Revised 34372
Code. However, students who enter ninth grade for the first time 34373
on or after July 1, 2015, and who are pursuing a career-technical 34374
instructional track shall not be required to take algebra II or 34375
advanced computer science, and instead may complete a career-based 34376
pathway mathematics course approved by the department of education 34377
as an alternative. 34378

For students who choose to take advanced computer science in 34379
lieu of algebra II under division (C)(3) of this section, the 34380
school shall communicate to those students that some institutions 34381
of higher education may require algebra II for the purpose of 34382
college admission. Also, the parent, guardian, or legal custodian 34383
of each student who chooses to take advanced computer science in 34384
lieu of algebra II shall sign and submit to the school a document 34385

containing a statement acknowledging that not taking algebra II 34386
may have an adverse effect on college admission decisions. 34387

A student may fulfill one unit of mathematics under division 34388
(C)(3) of this section by completing one-half unit of financial 34389
literacy instruction to satisfy the requirement prescribed under 34390
division (C)(9) of this section and one-half unit of a mathematics 34391
course. The one-half unit course in mathematics shall not be in 34392
algebra II, or its equivalent, or a course for which the state 34393
board requires an end-of-course examination under section 34394
3301.0712 of the Revised Code. 34395

Students who choose to take one unit of advanced computer 34396
science in lieu of algebra II, as described in division (C)(3) of 34397
this section, shall not be permitted to complete one-half unit of 34398
financial literacy instruction to satisfy the mathematics unit 34399
requirements of that division. Instead, those students shall be 34400
required to complete the one-half unit of financial literacy 34401
instruction under division (C)(8) of this section. 34402

(4) Physical education, one-half unit; 34403

(5) Science, three units with inquiry-based laboratory 34404
experience that engages students in asking valid scientific 34405
questions and gathering and analyzing information, which shall 34406
include the following, or their equivalent: 34407

(a) Physical sciences, one unit; 34408

(b) Life sciences, one unit; 34409

(c) Advanced study in one or more of the following sciences, 34410
one unit: 34411

(i) Chemistry, physics, or other physical science; 34412

(ii) Advanced biology or other life science; 34413

(iii) Astronomy, physical geology, or other earth or space 34414
science; 34415

(iv) Computer science.	34416
No student shall substitute a computer science course for a	34417
life sciences or biology course under division (C)(5) of this	34418
section.	34419
(6) History and government, one unit, which shall comply with	34420
division (M) of this section and shall include both of the	34421
following:	34422
(a) American history, one-half unit;	34423
(b) American government, one-half unit.	34424
(7) Social studies, two units.	34425
Beginning with students who enter ninth grade for the first	34426
time on or after July 1, 2017, the two units of instruction	34427
prescribed by division (C)(7) of this section shall include at	34428
least one-half unit of instruction in the study of world history	34429
and civilizations.	34430
(8) Five units consisting of one or any combination of	34431
foreign language, fine arts, business, career-technical education,	34432
family and consumer sciences, technology which may include	34433
computer science, agricultural education, a junior reserve officer	34434
training corps (JROTC) program approved by the congress of the	34435
United States under title 10 of the United States Code, or English	34436
language arts, mathematics, science, or social studies courses not	34437
otherwise required under division (C) of this section.	34438
One-half unit of instruction under division (C)(8) of this	34439
section may be instruction in financial literacy to satisfy the	34440
requirement under division (C)(9) of this section.	34441
(9)(a) Except as provided in division (C)(9)(b) of this	34442
section, for students who enter ninth grade for the first time on	34443
or after July 1, 2022, financial literacy, one-half unit. Each	34444
student shall elect to complete the one-half unit of instruction	34445

in financial literacy either in lieu of one-half unit of 34446
instruction in mathematics under division (C)(3) of this section 34447
or an elective under division (C)(8) of this section. 34448

(b) A student attending a nonpublic school accredited through 34449
the independent schools association of the central states or any 34450
other chartered nonpublic school shall not be required to complete 34451
the one-half unit of financial literacy instruction prescribed in 34452
division (C)(9)(a) of this section, unless that student is 34453
attending the school under a state scholarship program as defined 34454
in section 3301.0711 of the Revised Code. 34455

The study and instruction of financial literacy required 34456
under division (C)(9) of this section shall align with the 34457
academic content standards for financial literacy and 34458
entrepreneurship adopted under division (A)(2) of section 3301.079 34459
of the Revised Code. Schools shall include in the curriculum for 34460
the study and instruction of financial literacy instruction on the 34461
free application for federal student aid. The content and method 34462
of such instruction shall be determined by each school. In 34463
developing the curriculum for the study and instruction of 34464
financial literacy, schools may use available public-private 34465
partnerships and resources and materials that exist in business, 34466
industry, and through the centers for economics education at 34467
institutions of higher education. 34468

Ohioans must be prepared to apply increased knowledge and 34469
skills in the workplace and to adapt their knowledge and skills 34470
quickly to meet the rapidly changing conditions of the 34471
twenty-first century. National studies indicate that all high 34472
school graduates need the same academic foundation, regardless of 34473
the opportunities they pursue after graduation. The goal of Ohio's 34474
system of elementary and secondary education is to prepare all 34475
students for and seamlessly connect all students to success in 34476
life beyond high school graduation, regardless of whether the next 34477

step is entering the workforce, beginning an apprenticeship, 34478
engaging in post-secondary training, serving in the military, or 34479
pursuing a college degree. 34480

The requirements for graduation prescribed in division (C) of 34481
this section are the standard expectation for all students 34482
entering ninth grade for the first time at a public or chartered 34483
nonpublic high school on or after July 1, 2010. A student may 34484
satisfy this expectation through a variety of methods, including, 34485
but not limited to, integrated, applied, career-technical, and 34486
traditional coursework. 34487

Stronger coordination between high schools and institutions 34488
of higher education is necessary to prepare students for more 34489
challenging academic endeavors and to lessen the need for academic 34490
remediation in college, thereby reducing the costs of higher 34491
education for Ohio's students, families, and the state. The state 34492
board and the chancellor of higher education shall develop 34493
policies to ensure that only in rare instances will students who 34494
complete the requirements for graduation prescribed in division 34495
(C) of this section require academic remediation after high 34496
school. 34497

School districts, community schools, and chartered nonpublic 34498
schools shall integrate technology into learning experiences 34499
across the curriculum in order to maximize efficiency, enhance 34500
learning, and prepare students for success in the 34501
technology-driven twenty-first century. Districts and schools 34502
shall use distance and web-based course delivery as a method of 34503
providing or augmenting all instruction required under this 34504
division, including laboratory experience in science. Districts 34505
and schools shall utilize technology access and electronic 34506
learning opportunities provided by the broadcast educational media 34507
commission, chancellor, the Ohio learning network, education 34508
technology centers, public television stations, and other public 34509

and private providers. 34510

(D) Except as provided in division (E) of this section, a 34511
student who enters ninth grade on or after July 1, 2010, and 34512
before July 1, 2016, may qualify for graduation from a public or 34513
chartered nonpublic high school even though the student has not 34514
completed the requirements for graduation prescribed in division 34515
(C) of this section if all of the following conditions are 34516
satisfied: 34517

(1) During the student's third year of attending high school, 34518
as determined by the school, the student and the student's parent, 34519
guardian, or custodian sign and file with the school a written 34520
statement asserting the parent's, guardian's, or custodian's 34521
consent to the student's graduating without completing the 34522
requirements for graduation prescribed in division (C) of this 34523
section and acknowledging that one consequence of not completing 34524
those requirements is ineligibility to enroll in most state 34525
universities in Ohio without further coursework. 34526

(2) The student and parent, guardian, or custodian fulfill 34527
any procedural requirements the school stipulates to ensure the 34528
student's and parent's, guardian's, or custodian's informed 34529
consent and to facilitate orderly filing of statements under 34530
division (D)(1) of this section. Annually, each district or school 34531
shall notify the department of the number of students who choose 34532
to qualify for graduation under division (D) of this section and 34533
the number of students who complete the student's success plan and 34534
graduate from high school. 34535

(3) The student and the student's parent, guardian, or 34536
custodian and a representative of the student's high school 34537
jointly develop a student success plan for the student in the 34538
manner described in division (C)(1) of section 3313.6020 of the 34539
Revised Code that specifies the student matriculating to a 34540
two-year degree program, acquiring a business and 34541

industry-recognized credential, or entering an apprenticeship. 34542

(4) The student's high school provides counseling and support 34543
for the student related to the plan developed under division 34544
(D)(3) of this section during the remainder of the student's high 34545
school experience. 34546

(5)(a) Except as provided in division (D)(5)(b) of this 34547
section, the student successfully completes, at a minimum, the 34548
curriculum prescribed in division (B) of this section. 34549

(b) Beginning with students who enter ninth grade for the 34550
first time on or after July 1, 2014, a student shall be required 34551
to complete successfully, at the minimum, the curriculum 34552
prescribed in division (B) of this section, except as follows: 34553

(i) Mathematics, four units, one unit which shall be one of 34554
the following: 34555

(I) Probability and statistics; 34556

(II) Computer science; 34557

(III) Applied mathematics or quantitative reasoning; 34558

(IV) Any other course approved by the department using 34559
standards established by the superintendent not later than October 34560
1, 2014. 34561

(ii) Elective units, five units; 34562

(iii) Science, three units as prescribed by division (B) of 34563
this section which shall include inquiry-based laboratory 34564
experience that engages students in asking valid scientific 34565
questions and gathering and analyzing information. 34566

(E) Each school district and chartered nonpublic school 34567
retains the authority to require an even more challenging minimum 34568
curriculum for high school graduation than specified in division 34569
(B) or (C) of this section. A school district board of education, 34570
through the adoption of a resolution, or the governing authority 34571

of a chartered nonpublic school may stipulate any of the 34572
following: 34573

(1) A minimum high school curriculum that requires more than 34574
twenty units of academic credit to graduate; 34575

(2) An exception to the district's or school's minimum high 34576
school curriculum that is comparable to the exception provided in 34577
division (D) of this section but with additional requirements, 34578
which may include a requirement that the student successfully 34579
complete more than the minimum curriculum prescribed in division 34580
(B) of this section; 34581

(3) That no exception comparable to that provided in division 34582
(D) of this section is available. 34583

If a school district or chartered nonpublic school requires a 34584
foreign language as an additional graduation requirement under 34585
division (E) of this section, a student may apply one unit of 34586
instruction in computer coding to satisfy one unit of foreign 34587
language. If a student applies more than one computer coding 34588
course to satisfy the foreign language requirement, the courses 34589
shall be sequential and progressively more difficult. 34590

(F) A student enrolled in a dropout prevention and recovery 34591
program, which program has received a waiver from the department, 34592
may qualify for graduation from high school by successfully 34593
completing a competency-based instructional program administered 34594
by the dropout prevention and recovery program in lieu of 34595
completing the requirements for graduation prescribed in division 34596
(C) of this section. The department shall grant a waiver to a 34597
dropout prevention and recovery program, within sixty days after 34598
the program applies for the waiver, if the program meets all of 34599
the following conditions: 34600

(1) The program serves only students not younger than sixteen 34601
years of age and not older than twenty-one years of age. 34602

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the

academic content standards adopted by the state board under 34634
section 3301.079 of the Revised Code will be taught and assessed. 34635

(8) Prior to receiving the waiver, the program has submitted 34636
to the department a policy on career advising that satisfies the 34637
requirements of section 3313.6020 of the Revised Code, with an 34638
emphasis on how every student will receive career advising. 34639

(9) Prior to receiving the waiver, the program has submitted 34640
to the department a written agreement outlining the future 34641
cooperation between the program and any combination of local job 34642
training, postsecondary education, nonprofit, and health and 34643
social service organizations to provide services for students in 34644
the program and their families. 34645

Divisions (F)(8) and (9) of this section apply only to 34646
waivers granted on or after July 1, 2015. 34647

If the department does not act either to grant the waiver or 34648
to reject the program application for the waiver within sixty days 34649
as required under this section, the waiver shall be considered to 34650
be granted. 34651

(G) Every high school may permit students below the ninth 34652
grade to take advanced work. If a high school so permits, it shall 34653
award high school credit for successful completion of the advanced 34654
work and shall count such advanced work toward the graduation 34655
requirements of division (B) or (C) of this section if the 34656
advanced work was both: 34657

(1) Taught by a person who possesses a license or certificate 34658
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 34659
Code that is valid for teaching high school; 34660

(2) Designated by the board of education of the city, local, 34661
or exempted village school district, the board of the cooperative 34662
education school district, or the governing authority of the 34663
chartered nonpublic school as meeting the high school curriculum 34664

requirements. 34665

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript. 34666
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(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses. 34673
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(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section. 34678
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For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course. 34689
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Nothing in division (I) of this section shall be construed to 34695

excuse any school district, chartered nonpublic school, or student 34696
from any requirement in the Revised Code related to curriculum, 34697
assessments, or the awarding of a high school diploma. 34698

(J)(1) The state board, in consultation with the chancellor, 34699
shall adopt a statewide plan implementing methods for students to 34700
earn units of high school credit based on a demonstration of 34701
subject area competency, instead of or in combination with 34702
completing hours of classroom instruction. The state board shall 34703
adopt the plan not later than March 31, 2009, and commence phasing 34704
in the plan during the 2009-2010 school year. The plan shall 34705
include a standard method for recording demonstrated proficiency 34706
on high school transcripts. Each school district and community 34707
school shall comply with the state board's plan adopted under this 34708
division and award units of high school credit in accordance with 34709
the plan. The state board may adopt existing methods for earning 34710
high school credit based on a demonstration of subject area 34711
competency as necessary prior to the 2009-2010 school year. 34712

(2) Not later than December 31, 2015, the state board shall 34713
update the statewide plan adopted pursuant to division (J)(1) of 34714
this section to also include methods for students enrolled in 34715
seventh and eighth grade to meet curriculum requirements based on 34716
a demonstration of subject area competency, instead of or in 34717
combination with completing hours of classroom instruction. 34718
Beginning with the 2017-2018 school year, each school district and 34719
community school also shall comply with the updated plan adopted 34720
pursuant to this division and permit students enrolled in seventh 34721
and eighth grade to meet curriculum requirements based on subject 34722
area competency in accordance with the plan. 34723

(3) Not later than December 31, 2017, the department shall 34724
develop a framework for school districts and community schools to 34725
use in granting units of high school credit to students who 34726
demonstrate subject area competency through work-based learning 34727

experiences, internships, or cooperative education. Beginning with 34728
the 2018-2019 school year, each district and community school 34729
shall comply with the framework. Each district and community 34730
school also shall review any policy it has adopted regarding the 34731
demonstration of subject area competency to identify ways to 34732
incorporate work-based learning experiences, internships, and 34733
cooperative education into the policy in order to increase student 34734
engagement and opportunities to earn units of high school credit. 34735

(K) This division does not apply to students who qualify for 34736
graduation from high school under division (D) or (F) of this 34737
section, or to students pursuing a career-technical instructional 34738
track as determined by the school district board of education or 34739
the chartered nonpublic school's governing authority. 34740
Nevertheless, the general assembly encourages such students to 34741
consider enrolling in a fine arts course as an elective. 34742

Beginning with students who enter ninth grade for the first 34743
time on or after July 1, 2010, each student enrolled in a public 34744
or chartered nonpublic high school shall complete two semesters or 34745
the equivalent of fine arts to graduate from high school. The 34746
coursework may be completed in any of grades seven to twelve. Each 34747
student who completes a fine arts course in grade seven or eight 34748
may elect to count that course toward the five units of electives 34749
required for graduation under division (C)(8) of this section, if 34750
the course satisfied the requirements of division (G) of this 34751
section. In that case, the high school shall award the student 34752
high school credit for the course and count the course toward the 34753
five units required under division (C)(8) of this section. If the 34754
course in grade seven or eight did not satisfy the requirements of 34755
division (G) of this section, the high school shall not award the 34756
student high school credit for the course but shall count the 34757
course toward the two semesters or the equivalent of fine arts 34758
required by this division. 34759

(L) Notwithstanding anything to the contrary in this section, 34760
the board of education of each school district and the governing 34761
authority of each chartered nonpublic school may adopt a policy to 34762
excuse from the high school physical education requirement each 34763
student who, during high school, has participated in 34764
interscholastic athletics, marching band, show choir, or 34765
cheerleading for at least two full seasons or in the junior 34766
reserve officer training corps for at least two full school years. 34767
If the board or authority adopts such a policy, the board or 34768
authority shall not require the student to complete any physical 34769
education course as a condition to graduate. However, the student 34770
shall be required to complete one-half unit, consisting of at 34771
least sixty hours of instruction, in another course of study. In 34772
the case of a student who has participated in the junior reserve 34773
officer training corps for at least two full school years, credit 34774
received for that participation may be used to satisfy the 34775
requirement to complete one-half unit in another course of study. 34776

(M) It is important that high school students learn and 34777
understand United States history and the governments of both the 34778
United States and the state of Ohio. Therefore, beginning with 34779
students who enter ninth grade for the first time on or after July 34780
1, 2012, the study of American history and American government 34781
required by divisions (B)(6) and (C)(6) of this section shall 34782
include the study of all of the following documents: 34783

(1) The Declaration of Independence; 34784

(2) The Northwest Ordinance; 34785

(3) The Constitution of the United States with emphasis on 34786
the Bill of Rights; 34787

(4) The Ohio Constitution. 34788

The study of each of the documents prescribed in divisions 34789
(M)(1) to (4) of this section shall include study of that document 34790

in its original context. 34791

The study of American history and government required by 34792
divisions (B)(6) and (C)(6) of this section shall include the 34793
historical evidence of the role of documents such as the 34794
Federalist Papers and the Anti-Federalist Papers to firmly 34795
establish the historical background leading to the establishment 34796
of the provisions of the Constitution and Bill of Rights. 34797

(N) A student may apply one unit of instruction in computer 34798
science to satisfy one unit of mathematics or one unit of science 34799
under division (C) of this section as the student chooses, 34800
regardless of the field of certification of the teacher who 34801
teaches the course, so long as that teacher meets the licensure 34802
requirements prescribed by section 3319.236 of the Revised Code 34803
and, prior to teaching the course, completes a professional 34804
development program determined to be appropriate by the district 34805
board. 34806

If a student applies more than one computer science course to 34807
satisfy curriculum requirements under that division, the courses 34808
shall be sequential and progressively more difficult or cover 34809
different subject areas within computer science. 34810

Sec. 3313.608. (A)(1) Beginning with students who enter third 34811
grade in the school year that starts July 1, 2009, and until June 34812
30, 2013, unless the student is excused under division (C) of 34813
section 3301.0711 of the Revised Code from taking the assessment 34814
described in this section, for any student who does not attain at 34815
least the equivalent level of achievement designated under 34816
division (A)(3) of section 3301.0710 of the Revised Code on the 34817
assessment prescribed under that section to measure skill in 34818
English language arts expected at the end of third grade, each 34819
school district, in accordance with the policy adopted under 34820
section 3313.609 of the Revised Code, shall do one of the 34821

following: 34822

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade; 34823
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(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade; 34827
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(c) Retain the student in third grade. 34829

(2) Beginning with students who enter third grade in the 2013-2014 school year and until the effective date of this amendment, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies: 34830
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(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program. 34841
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(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division. 34845
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(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. 34849
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(d) All of the following apply:	34852
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	34853 34854 34855
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	34856 34857 34858
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	34859 34860 34861 34862 34863
(iv) The student previously was retained in any of grades kindergarten to three.	34864 34865
(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	34866 34867 34868 34869
(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.	34870 34871 34872 34873 34874 34875 34876
<u>(3) Beginning with students who enter the third grade in the 2023-2024 school year, no school district shall retain a student under this section based upon the student's score on the assessment prescribed by section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of third grade. Districts shall continue to offer intervention and</u>	34877 34878 34879 34880 34881 34882

remediation services in the manner prescribed under this section 34883
for students found to be reading below grade level. 34884

(B)(1) Beginning in the 2012-2013 school year, to assist 34885
students in meeting the third grade guarantee established by this 34886
section, each school district board of education shall adopt 34887
policies and procedures with which it annually shall assess the 34888
reading skills of each student, except those students with 34889
significant cognitive disabilities or other disabilities as 34890
authorized by the department on a case-by-case basis, enrolled in 34891
kindergarten to third grade and shall identify students who are 34892
reading below their grade level. The reading skills assessment 34893
shall be completed by the thirtieth day of September for students 34894
in grades one to three, and by the twentieth day of instruction of 34895
the school year for students in kindergarten. Each district shall 34896
use the diagnostic assessment to measure reading ability for the 34897
appropriate grade level adopted under section 3301.079 of the 34898
Revised Code, or a comparable tool approved by the department of 34899
education, to identify such students. The policies and procedures 34900
shall require the students' classroom teachers to be involved in 34901
the assessment and the identification of students reading below 34902
grade level. The assessment may be administered electronically 34903
using live, two-way video and audio connections whereby the 34904
teacher administering the assessment may be in a separate location 34905
from the student. 34906

(2) For each student identified by the diagnostic assessment 34907
prescribed under this section as having reading skills below grade 34908
level, the district shall do both of the following: 34909

(a) Provide to the student's parent or guardian, in writing, 34910
all of the following: 34911

(i) Notification that the student has been identified as 34912
having a substantial deficiency in reading; 34913

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

~~(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.~~

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) ~~For~~ Prior to the 2023-2024 school year, for each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall

include intensive interventions in reading that address the areas 34945
of deficiencies identified under this section including, but not 34946
limited to, not less than ninety minutes of reading instruction 34947
per day, and may include any of the following: 34948

- (i) Small group instruction; 34949
- (ii) Reduced teacher-student ratios; 34950
- (iii) More frequent progress monitoring; 34951
- (iv) Tutoring or mentoring; 34952
- (v) Transition classes containing third and fourth grade 34953
students; 34954
- (vi) Extended school day, week, or year; 34955
- (vii) Summer reading camps. 34956

(b) Establish a policy for the mid-year promotion of a 34957
student retained under division (A) of this section who 34958
demonstrates that the student is reading at or above grade level; 34959

(c) Provide each student with a teacher who satisfies one or 34960
more of the criteria set forth in division ~~(H)~~(I) of this section. 34961

The district shall offer the option for students to receive 34962
applicable services from one or more providers other than the 34963
district. Providers shall be screened and approved by the district 34964
or the department of education. If the student participates in the 34965
remediation services and demonstrates reading proficiency in 34966
accordance with standards adopted by the department prior to the 34967
start of fourth grade, the district shall promote the student to 34968
that grade. 34969

(4) For each student retained under division (A) of this 34970
section who has demonstrated proficiency in a specific academic 34971
ability field, each district shall provide instruction 34972
commensurate with student achievement levels in that specific 34973
academic ability field. 34974

As used in this division, "specific academic ability field"	34975
has the same meaning as in section 3324.01 of the Revised Code.	34976
(C) For each student required to be provided intervention	34977
services under this section, the district shall develop a reading	34978
improvement and monitoring plan within sixty days after receiving	34979
the student's results on the diagnostic assessment or comparable	34980
tool administered under division (B)(1) of this section. The	34981
district shall involve the student's parent or guardian and	34982
classroom teacher in developing the plan. The plan shall include	34983
all of the following:	34984
(1) Identification of the student's specific reading	34985
deficiencies;	34986
(2) A description of the additional instructional services	34987
and support that will be provided to the student to remediate the	34988
identified reading deficiencies;	34989
(3) Opportunities for the student's parent or guardian to be	34990
involved in the instructional services and support described in	34991
division (C)(2) of this section;	34992
(4) A process for monitoring the extent to which the student	34993
receives the instructional services and support described in	34994
division (C)(2) of this section;	34995
(5) A reading curriculum during regular school hours that	34996
does all of the following:	34997
(a) Assists students to read at grade level;	34998
(b) Provides scientifically based and reliable assessment;	34999
(c) Provides initial and ongoing analysis of each student's	35000
reading progress.	35001
(6) A statement that if the student does not attain at least	35002
the equivalent level of achievement designated under division	35003
(A)(3) of section 3301.0710 of the Revised Code on the assessment	35004

~~prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.~~

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division ~~(H)~~(I) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall provide reading intervention services required under division (B)(2) of this section and the reading improvement and monitoring plans required under division (C) of this section to either of the following:

(1) A student in grade four or five who has been identified as having reading skills below grade level;

(2) A student who has been retained in any of grades kindergarten through three and has received remediation in reading for two school years but continues to read below grade level.

Each school district shall notify the parent or guardian of students who receive services or a plan under division (D) of this section.

(E) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments

administered under divisions (A)(1)(a) and (b) of section 35036
3301.0710 of the Revised Code in English language arts, aggregated 35037
by school district and building; the types of intervention 35038
services provided to students; and, if available, an evaluation of 35039
the efficacy of the intervention services provided. 35040

~~(E)~~(F) Any summer remediation services funded in whole or in 35041
part by the state and offered by school districts to students 35042
under this section shall meet the following conditions: 35043

(1) The remediation methods are based on reliable educational 35044
research. 35045

(2) The school districts conduct assessment before and after 35046
students participate in the program to facilitate monitoring 35047
results of the remediation services. 35048

(3) The parents of participating students are involved in 35049
programming decisions. 35050

~~(F)~~(G) Any intervention or remediation services required by 35051
this section shall include intensive, explicit, and systematic 35052
instruction. 35053

~~(G)~~(H) This section does not create a new cause of action or 35054
a substantive legal right for any person. 35055

~~(H)(1)~~(I)(1) Except as provided under divisions ~~(H)(2)~~(I)(2), 35056
(3), and (4) of this section, each student described in division 35057
(B)(3) ~~or~~, (C), or (D) of this section who enters third grade for 35058
the first time on or after July 1, 2013, shall be assigned a 35059
teacher who has at least one year of teaching experience and who 35060
satisfies one or more of the following criteria: 35061

(a) The teacher holds a reading endorsement on the teacher's 35062
license and has attained a passing score on the corresponding 35063
assessment for that endorsement, as applicable. 35064

(b) The teacher has completed a master's degree program with 35065

a major in reading. 35066

(c) The teacher was rated "most effective" for reading 35067
instruction consecutively for the most recent two years based on 35068
assessments of student growth measures developed by a vendor and 35069
that is on the list of student assessments approved by the state 35070
board under division (B)(2) of section 3319.112 of the Revised 35071
Code. 35072

(d) The teacher was rated "above expected value added," in 35073
reading instruction, as determined by criteria established by the 35074
department, for the most recent, consecutive two years. 35075

(e) The teacher has earned a passing score on a rigorous test 35076
of principles of scientifically research-based reading instruction 35077
as approved by the state board. 35078

(f) The teacher holds an educator license for teaching grades 35079
pre-kindergarten through three or four through nine issued on or 35080
after July 1, 2017. 35081

(2) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 35082
student described in division (B)(3) ~~or~~, (C), or (D) of this 35083
section who enters third grade for the first time on or after July 35084
1, 2013, may be assigned to a teacher with less than one year of 35085
teaching experience provided that the teacher meets one or more of 35086
the criteria described in divisions ~~(H)(1)(a)~~(I)(1)(a) to (f) of 35087
this section and that teacher is assigned a teacher mentor who 35088
meets the qualifications of division ~~(H)(1)~~(I)(1) of this section. 35089

(3) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 35090
student described in division (B)(3) ~~or~~, (C), or (D) of this 35091
section who enters third grade for the first time on or after July 35092
1, 2013, but prior to July 1, 2016, may be assigned to a teacher 35093
who holds an alternative credential approved by the department or 35094
who has successfully completed training that is based on 35095
principles of scientifically research-based reading instruction 35096

that has been approved by the department. Beginning on July 1, 35097
2014, the alternative credentials and training described in 35098
division ~~(H)(3)~~(I)(3) of this section shall be aligned with the 35099
reading competencies adopted by the state board of education under 35100
section 3301.077 of the Revised Code. 35101

(4) Notwithstanding division ~~(H)(1)~~(I)(1) of this section, a 35102
student described in division (B)(3) ~~or~~, (C), or (D) of this 35103
section who enters third grade for the first time on or after July 35104
1, 2013, may receive reading intervention or remediation services 35105
under this section from an individual employed as a 35106
speech-language pathologist who holds a license issued by the 35107
state speech and hearing professionals board under Chapter 4753. 35108
of the Revised Code and a professional pupil services license as a 35109
school speech-language pathologist issued by the state board of 35110
education. 35111

(5) A teacher, other than a student's teacher of record, may 35112
provide any services required under this section, so long as that 35113
other teacher meets the requirements of division ~~(H)~~(I) of this 35114
section and the teacher of record and the school principal agree 35115
to the assignment. Any such assignment shall be documented in the 35116
student's reading improvement and monitoring plan. 35117

As used in this division, "teacher of record" means the 35118
classroom teacher to whom a student is assigned. 35119

~~(I)~~(J) Notwithstanding division ~~(H)~~(I) of this section, a 35120
teacher may teach reading to any student who is an English 35121
language learner, and has been in the United States for three 35122
years or less, or to a student who has an individualized education 35123
program developed under Chapter 3323. of the Revised Code if that 35124
teacher holds an alternative credential approved by the department 35125
or has successfully completed training that is based on principles 35126
of scientifically research-based reading instruction that has been 35127
approved by the department. Beginning on July 1, 2014, the 35128

alternative credentials and training described in this division 35129
shall be aligned with the reading competencies adopted by the 35130
state board of education under section 3301.077 of the Revised 35131
Code. 35132

~~(J)~~(K) If, on or after June 4, 2013, a school district or 35133
community school cannot furnish the number of teachers needed who 35134
satisfy one or more of the criteria set forth in division ~~(H)~~(I) 35135
of this section for the 2013-2014 school year, the school district 35136
or community school shall develop and submit a staffing plan by 35137
June 30, 2013. The staffing plan shall include criteria that will 35138
be used to assign a student described in division (B)(3) ~~or~~ (C) 35139
or (D) of this section to a teacher, credentials or training held 35140
by teachers currently teaching at the school, and how the school 35141
district or community school will meet the requirements of this 35142
section. The school district or community school shall post the 35143
staffing plan on its web site for the applicable school year. 35144

Not later than March 1, 2014, and on the first day of March 35145
in each year thereafter, a school district or community school 35146
that has submitted a plan under this division shall submit to the 35147
department a detailed report of the progress the district or 35148
school has made in meeting the requirements under this section. 35149

A school district or community school may request an 35150
extension of a staffing plan beyond the 2013-2014 school year. 35151
Extension requests must be submitted to the department not later 35152
than the thirtieth day of April prior to the start of the 35153
applicable school year. The department may grant extensions valid 35154
through the 2015-2016 school year. 35155

Until June 30, 2015, the department annually shall review all 35156
staffing plans and report to the state board not later than the 35157
thirtieth day of June of each year the progress of school 35158
districts and community schools in meeting the requirements of 35159
this section. 35160

~~(K)~~(L) The department of education shall designate one or 35161
more staff members to provide guidance and assistance to school 35162
districts and community schools in implementing the third grade 35163
guarantee established by this section, including any standards or 35164
requirements adopted to implement the guarantee and to provide 35165
information and support for reading instruction and achievement. 35166

Sec. 3313.6028. (A) As used in this section, "three-cueing 35167
approach" means any model of teaching students to read based on 35168
meaning, structure and syntax, and visual cues. 35169

(B) The department of education shall establish a list of 35170
high-quality core curriculum and instructional materials in 35171
English language arts, and a list of evidence-based reading 35172
intervention programs, that are aligned with the science of 35173
reading and strategies for effective literacy instruction. 35174

(C) Beginning not later than the 2024-2025 school year, each 35175
school district, community school established under Chapter 3314. 35176
of the Revised Code, and STEM school established under Chapter 35177
3326. of the Revised Code, shall use core curriculum and 35178
instructional materials in English language arts and 35179
evidence-based reading intervention programs only from the lists 35180
established under division (B) of this section. Except as provided 35181
in division (D) of this section, no district or school shall use 35182
any core curriculum, instructional materials, or intervention 35183
program in grades pre-kindergarten to five that use the 35184
three-cueing approach to teach students to read. 35185

(D) A district or school may apply to the department for a 35186
waiver on an individual student basis to use curriculum, 35187
instructional materials, or an intervention program in grades 35188
pre-kindergarten through five that uses the three-cueing approach 35189
to teach students to read, except as follows: 35190

(1) No student for whom a reading improvement and monitoring 35191

plan has been developed under division (C) of section 3313.608 of 35192
the Revised Code shall be eligible for a waiver. 35193

(2) If a student has an individualized education program that 35194
explicitly indicates the three-cueing approach is appropriate for 35195
the student's learning needs, the student shall not be required to 35196
have a waiver. 35197

In determining whether to approve a waiver requested under 35198
this section, the department shall consider the performance of the 35199
student's district or school on the state report card issued under 35200
section 3302.03 of the Revised Code, including on the early 35201
literacy component prescribed under division (D)(3)(e) of that 35202
section. 35203

(E) The department shall identify vendors that provide 35204
professional development to educators, including pre-service 35205
teachers and faculty employed by educator preparation programs, on 35206
the use of high-quality core curriculum and instructional 35207
materials and reading intervention programs on the lists 35208
established under division (B) of this section. 35209

Sec. 3313.61. (A) A diploma shall be granted by the board of 35210
education of any city, exempted village, or local school district 35211
that operates a high school to any person to whom all of the 35212
following apply: 35213

(1) The person has successfully completed the curriculum in 35214
any high school or the individualized education program developed 35215
for the person by any high school pursuant to section 3323.08 of 35216
the Revised Code, or has qualified under division (D) or (F) of 35217
section 3313.603 of the Revised Code, provided that no school 35218
district shall require a student to remain in school for any 35219
specific number of semesters or other terms if the student 35220
completes the required curriculum early; 35221

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person

by any high school pursuant to section 3323.08 of the Revised Code; 35252
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(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 35254
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(a) If the person entered the ninth grade prior to July 1, 2014, the person either: 35257
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(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division; 35259
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 35262
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(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code. 35264
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(3) Has met additional criteria established by the state board for the granting of such a diploma. 35267
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An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 35269
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The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the 35277
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granting of an honors diploma recognizing technical expertise for 35282
a career-technical student. In any case, the rules shall designate 35283
two or more criteria for the granting of each type of honors 35284
diploma the board establishes under this division and the number 35285
of such criteria that must be met for the granting of that type of 35286
diploma. The number of such criteria for any type of honors 35287
diploma shall be at least one less than the total number of 35288
criteria designated for that type and no one or more particular 35289
criteria shall be required of all persons who are to be granted 35290
that type of diploma. 35291

(C) Any district board administering any of the assessments 35292
required by section 3301.0710 of the Revised Code to any person 35293
requesting to take such assessment pursuant to division (B)(8)(b) 35294
of section 3301.0711 of the Revised Code shall award a diploma to 35295
such person if the person attains at least the applicable scores 35296
designated under division (B)(1) of section 3301.0710 of the 35297
Revised Code on all the assessments administered and if the person 35298
has previously attained the applicable scores on all the other 35299
assessments required by division (B)(1) of that section or has 35300
been exempted or excused from attaining the applicable score on 35301
any such assessment pursuant to division (H) or (L) of this 35302
section or from taking any such assessment pursuant to section 35303
3313.532 of the Revised Code. 35304

(D) Each diploma awarded under this section shall be signed 35305
by the president and treasurer of the issuing board, the 35306
superintendent of schools, and the principal of the high school. 35307
Each diploma shall bear the date of its issue, be in such form as 35308
the district board prescribes, and be paid for out of the 35309
district's general fund. 35310

(E) A person who is a resident of Ohio and is eligible under 35311
state board of education minimum standards to receive a high 35312
school diploma based in whole or in part on credits earned while 35313

an inmate of a correctional institution operated by the state or 35314
any political subdivision thereof, shall be granted such diploma 35315
by the correctional institution operating the programs in which 35316
such credits were earned, and by the board of education of the 35317
school district in which the inmate resided immediately prior to 35318
the inmate's placement in the institution. The diploma granted by 35319
the correctional institution shall be signed by the director of 35320
the institution, and by the person serving as principal of the 35321
institution's high school and shall bear the date of issue. 35322

(F) Persons who are not residents of Ohio but who are inmates 35323
of correctional institutions operated by the state or any 35324
political subdivision thereof, and who are eligible under state 35325
board of education minimum standards to receive a high school 35326
diploma based in whole or in part on credits earned while an 35327
inmate of the correctional institution, shall be granted a diploma 35328
by the correctional institution offering the program in which the 35329
credits were earned. The diploma granted by the correctional 35330
institution shall be signed by the director of the institution and 35331
by the person serving as principal of the institution's high 35332
school and shall bear the date of issue. 35333

(G) The state board of education shall provide by rule for 35334
the administration of the assessments required by sections 35335
3301.0710 and 3301.0712 of the Revised Code to inmates of 35336
correctional institutions. 35337

(H) Any person to whom all of the following apply shall be 35338
exempted from attaining the applicable score on the assessment in 35339
social studies designated under division (B)(1) of section 35340
3301.0710 of the Revised Code, any American history end-of-course 35341
examination and any American government end-of-course examination 35342
required under division (B) of section 3301.0712 of the Revised 35343
Code if such an exemption is prescribed by rule of the state board 35344
under division (D)(3) of section 3301.0712 of the Revised Code, or 35345

the test in citizenship designated under former division (B) of 35346
section 3301.0710 of the Revised Code as it existed prior to 35347
September 11, 2001: 35348

(1) The person is not a citizen of the United States; 35349

(2) The person is not a permanent resident of the United 35350
States; 35351

(3) The person indicates no intention to reside in the United 35352
States after the completion of high school. 35353

(I) Notwithstanding division (D) of section 3311.19 and 35354
division (D) of section 3311.52 of the Revised Code, this section 35355
and section 3313.611 of the Revised Code do not apply to the board 35356
of education of any joint vocational school district or any 35357
cooperative education school district established pursuant to 35358
divisions (A) to (C) of section 3311.52 of the Revised Code. 35359

(J) Upon receipt of a notice under division (D) of section 35360
3325.08 or division (D) of section 3328.25 of the Revised Code 35361
that a student has received a diploma under either section, the 35362
board of education receiving the notice may grant a high school 35363
diploma under this section to the student, except that such board 35364
shall grant the student a diploma if the student meets the 35365
graduation requirements that the student would otherwise have had 35366
to meet to receive a diploma from the district. The diploma 35367
granted under this section shall be of the same type the notice 35368
indicates the student received under section 3325.08 or 3328.25 of 35369
the Revised Code. 35370

(K) As used in this division, "English learner" has the same 35371
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 35372
the Revised Code. 35373

Notwithstanding division (C)(3) of section 3301.0711 of the 35374
Revised Code, no English learner who has not either attained the 35375
applicable scores designated under division (B)(1) of section 35376

3301.0710 of the Revised Code on all the assessments required by 35377
that division, or met the requirement prescribed by section 35378
3313.618 of the Revised Code, shall be awarded a diploma under 35379
this section. 35380

(L)(1) Any student described by division (A)(1) of this 35381
section who is subject to divisions (A)(1) to (3) of section 35382
3313.618 of the Revised Code may be awarded a diploma without 35383
meeting the requirements prescribed by those divisions provided an 35384
individualized education program specifically exempts the student 35385
from meeting such requirement. This division does not negate the 35386
requirement for a student to take the assessments prescribed by 35387
section 3301.0710 or under division (B) of section 3301.0712 of 35388
the Revised Code, or alternate assessments required by division 35389
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 35390
of assessing student progress as required by federal law. 35391

(2) Any student described by division (A)(1) of this section 35392
who is subject to division (B) of section 3313.618 of the Revised 35393
Code may be awarded a diploma without meeting the requirement 35394
prescribed by division (B)(1) of that section provided the 35395
student's individualized education program specifically exempts 35396
the student from meeting that requirement and either division 35397
(L)(2)(a) or (b) of this section applies to the student, as 35398
follows: 35399

(a)(i) The student took an alternate assessment in 35400
mathematics and English language arts administered to the student 35401
in accordance with division (C)(1) of section 3301.0711 of the 35402
Revised Code and failed to attain a score established by the state 35403
board on one or both assessments. 35404

(ii) The school district offered remedial support to the 35405
student in each subject area in which the student did not attain 35406
the established score and the student received that support. 35407

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.

(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support.

(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.

Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or

local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.

(a) Prior to July 1, 2014, the applicant either:

(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code.

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the

district for graduation. 35468

(C) If a district board determines that an applicant is not 35469
eligible for a diploma under division (B) of this section, it 35470
shall inform the applicant of the reason the applicant is 35471
ineligible and shall provide a list of any courses required for 35472
the diploma for which the applicant has not received credit. An 35473
applicant may reapply for a diploma under this section at any 35474
time. 35475

(D) If a district board awards an adult education diploma 35476
under this section, the president and treasurer of the board and 35477
the superintendent of schools shall sign it. Each diploma shall 35478
bear the date of its issuance, be in such form as the district 35479
board prescribes, and be paid for from the district's general 35480
fund, except that the state board may by rule prescribe standard 35481
language to be included on each diploma. 35482

(E) As used in this division, "English learner" has the same 35483
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 35484
the Revised Code. 35485

Notwithstanding division (C)(3) of section 3301.0711 of the 35486
Revised Code, no English learner who has not either attained the 35487
applicable scores designated under division (B)(1) of section 35488
3301.0710 of the Revised Code on all the assessments required by 35489
that division, or has not met the requirement prescribed by 35490
section 3313.618 of the Revised Code, shall be awarded a diploma 35491
under this section. 35492

Sec. 3313.612. (A) No nonpublic school chartered by the state 35493
board of education shall grant a high school diploma to any person 35494
unless, subject to section 3313.614 of the Revised Code, the 35495
person has met the assessment requirements of division (A)(1) or 35496
(2) of this section, as applicable. 35497

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school. 35529
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(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 35531
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(C) As used in this division, "English learner" has the same meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of the Revised Code. 35537
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 35540
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(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 35547
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(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 35550
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Sec. 3313.7117. (A) As used in this section: 35553

(1) "Licensed health care professional" means any of the following: 35554
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 35556
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(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 35559
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(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 35562
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(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions. 35564
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(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 35568
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 35573
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 35576
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 35582
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(B) A school nurse, or another district or school employee if a district or school does not have a school nurse, of each city, local, exempted village, and joint vocational school district and the governing authority of a chartered nonpublic school, acting in 35586
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collaboration with a student's parents or guardian, shall create 35590
an individualized seizure action plan for each student enrolled in 35591
the school district or chartered nonpublic school who has an 35592
active seizure disorder diagnosis. A plan shall include all of the 35593
following components: 35594

(1) A written request signed by the parent, guardian, or 35595
other person having care or charge of the student, required by 35596
division (C)(1) of section 3313.713 of the Revised Code, to have 35597
one or more drugs prescribed for a seizure disorder administered 35598
to the student; 35599

(2) A written statement from the student's treating 35600
practitioner providing the drug information required by division 35601
(C)(2) of section 3313.713 of the Revised Code for each drug 35602
prescribed to the student for a seizure disorder. 35603

(3) Any other component required by the state board of 35604
education. 35605

(C)(1) The school nurse or a school administrator if the 35606
district does not employ a school nurse, shall notify a school 35607
employee, contractor, and volunteer in writing regarding the 35608
existence and content of each seizure action plan in force if the 35609
employee, contractor, or volunteer does any of the following: 35610

(a) Regularly interacts with the student; 35611

(b) Has legitimate educational interest in the student or is 35612
responsible for the direct supervision of the student; 35613

(c) Is responsible for transportation of the student to and 35614
from school. 35615

(2) The school nurse or a school administrator if the 35616
district does not employ a school nurse, shall identify each 35617
individual who has received training under division (G) of this 35618
section in the administration of drugs prescribed for seizure 35619

disorders. The school nurse, or another district employee if a 35620
district does not employ a school nurse, shall coordinate seizure 35621
disorder care at that school and ensure that all staff described 35622
in division (C)(1) of this section are trained in the care of 35623
students with seizure disorders. 35624

(D) A drug prescribed to a student with a seizure disorder 35625
shall be provided to the school nurse or another person at the 35626
school who is authorized to administer it to the student if the 35627
district does not employ a full-time school nurse. The drug shall 35628
be provided in the container in which it was dispensed by the 35629
prescriber or a licensed pharmacist. 35630

(E) A seizure action plan is effective only for the school 35631
year in which the written request described in division (B)(1) of 35632
this section was submitted and must be renewed at the beginning of 35633
each school year. 35634

(F) A seizure action plan created under division (B) of this 35635
section shall be maintained in the office of the school nurse or 35636
school administrator if the district does not employ a full-time 35637
school nurse. 35638

(G) A school district or governing authority of a chartered 35639
nonpublic school shall designate at least one employee at each 35640
school building it operates, aside from a school nurse, to be 35641
trained on the implementation of seizure action plans every two 35642
years. The district or governing authority shall provide or 35643
arrange for the training of the employee. The training must 35644
include and be consistent with guidelines and best practices 35645
established by a nonprofit organization that supports the welfare 35646
of individuals with epilepsy and seizure disorders, such as the 35647
Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other 35648
similar organizations as determined by the department of 35649
education, and address all of the following: 35650

(1) Recognizing the signs and symptoms of a seizure; 35651

(2) The appropriate treatment for a student who exhibits the symptoms of a seizure; 35652
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(3) Administering drugs prescribed for seizure disorders, subject to section 3313.713 of the Revised Code. 35654
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A seizure training program under division (G) of this section shall not exceed one hour and shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. If the training is provided to a school district on portable media by a nonprofit entity, the training shall be provided free of charge. 35656
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(H) A board of education or governing authority shall require each person it employs as an administrator, guidance counselor, teacher, or bus driver to complete a minimum of one hour of self-study training or in-person training on seizure disorders not later than twenty-four months after the effective date of this section. Any such person employed after that date shall complete the training within ninety days of employment. The training shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. 35664
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(I)(1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct. 35675
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This section does not eliminate, limit, or reduce any other 35681

immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 35682
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(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct. 35686
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Sec. 3313.819. (A) As used in this section, "national school breakfast program," "national school lunch program," and "public school" all have the same meanings as in section 3301.91 of the Revised Code. 35691
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(B) A public or chartered nonpublic school that participates in the national school breakfast program shall provide each student eligible for a reduced-price breakfast a breakfast at no cost to the student. 35695
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A public or chartered nonpublic school that participates in the national school lunch program shall provide each student eligible for a reduced-price lunch a lunch at no cost to the student. 35699
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Sec. 3313.901. (A) As used in this section, "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code. 35703
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(B) Upon approval by the department of education, any city, exempted village, local, or joint vocational school district may contract with an Ohio technical center to serve students in any of grades seven to twelve who are enrolled in a career-technical education program at the district but cannot enroll in a course at the district for any of the following reasons: 35706
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<u>(1) The course is at capacity and cannot serve all students</u>	35712
<u>who want to enroll in the course.</u>	35713
<u>(2) The student has a scheduling conflict that prevents the</u>	35714
<u>student from taking the course at the time offered by the</u>	35715
<u>district.</u>	35716
<u>(3) The district does not offer the course due to lack of</u>	35717
<u>enrollment, lack of a qualified teacher, or lack of facilities.</u>	35718
<u>(4) Any other reason determined by the department.</u>	35719
<u>(C) School districts shall apply to the department for</u>	35720
<u>approval to contract with an Ohio technical center under this</u>	35721
<u>section. Applicants shall submit a plan to the department</u>	35722
<u>describing how the district and the Ohio technical center will</u>	35723
<u>establish a collaborative partnership to provide career-technical</u>	35724
<u>education to students. Prior to approval, the department shall</u>	35725
<u>consider the extent to which the partnership will increase access</u>	35726
<u>to career-technical education courses for students.</u>	35727
<u>(D) If the department approves an application under this</u>	35728
<u>section, the school district that received that approval shall do</u>	35729
<u>all of the following:</u>	35730
<u>(1) Award a student high school credit for completion of any</u>	35731
<u>career-technical education course at an Ohio technical center;</u>	35732
<u>(2) Report the student in the education management</u>	35733
<u>information system established under section 3301.0714 of the</u>	35734
<u>Revised Code as enrolled in the district for the time the student</u>	35735
<u>is taking a course at an Ohio technical center, but the district</u>	35736
<u>shall indicate that the course is being taken through a center</u>	35737
<u>rather than at the district;</u>	35738
<u>(3) Not count a student taking a course at an Ohio technical</u>	35739
<u>center as more than one full-time equivalent student, unless the</u>	35740
<u>student is enrolled full-time in the district during the regularly</u>	35741

scheduled school day and takes the course at the center during 35742
time outside of normal school hours; 35743

(4) Pay the Ohio technical center for each student taking a 35744
course at the technical center. The payment amount shall be the 35745
lesser of the standard tuition charged for the course by the 35746
center or the applicable one of the following: 35747

(a) If the center is located on the same campus as the high 35748
school in which the student is enrolled, the amount equal to the 35749
statewide average base cost per pupil and the amount applicable to 35750
the student pursuant to division (C) of section 3317.014 of the 35751
Revised Code for the portion of the full-time equivalency the 35752
student is enrolled in the course, without application of the 35753
district's state share percentage; 35754

(b) If the center is not located on the same campus as the 35755
high school in which the student is enrolled, \$7,500. 35756

(E) A district and an Ohio technical center may enter into an 35757
agreement under this section to establish alternate amounts than 35758
those prescribed under division (D) of this section that the 35759
district will pay to the center. 35760

(F) A district may use career-technical education funds 35761
received under division (C) of section 3317.014 of the Revised 35762
Code to pay for any costs incurred by students enrolling in 35763
courses at an Ohio technical center under this section. The 35764
department shall consider that cost as an approved 35765
career-technical education expense under division (F) of section 35766
3317.014 of the Revised Code. 35767

(G) Notwithstanding anything to the contrary in the Revised 35768
Code, an individual who holds an adult education permit issued by 35769
the state board of education and is employed by an Ohio technical 35770
center may provide instruction to a student in grades seven 35771
through twelve who is taking a course at an Ohio technical center 35772

under this section. 35773

(H) If the department approves an application from a school 35774
district to contract with an Ohio technical center under this 35775
section, the district shall not prohibit a student enrolled in the 35776
district from taking any course for which the district has 35777
contracted at the technical center. 35778

Sec. 3314.03. A copy of every contract entered into under 35779
this section shall be filed with the superintendent of public 35780
instruction. The department of education shall make available on 35781
its web site a copy of every approved, executed contract filed 35782
with the superintendent under this section. 35783

(A) Each contract entered into between a sponsor and the 35784
governing authority of a community school shall specify the 35785
following: 35786

(1) That the school shall be established as either of the 35787
following: 35788

(a) A nonprofit corporation established under Chapter 1702. 35789
of the Revised Code, if established prior to April 8, 2003; 35790

(b) A public benefit corporation established under Chapter 35791
1702. of the Revised Code, if established after April 8, 2003. 35792

(2) The education program of the school, including the 35793
school's mission, the characteristics of the students the school 35794
is expected to attract, the ages and grades of students, and the 35795
focus of the curriculum; 35796

(3) The academic goals to be achieved and the method of 35797
measurement that will be used to determine progress toward those 35798
goals, which shall include the statewide achievement assessments; 35799

(4) Performance standards, including but not limited to all 35800
applicable report card measures set forth in section 3302.03 or 35801
3314.017 of the Revised Code, by which the success of the school 35802

will be evaluated by the sponsor; 35803

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 35804 35805

(6)(a) Dismissal procedures; 35806

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 35807 35808 35809 35810 35811

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 35812 35813

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 35814 35815 35816 35817 35818 35819

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 35820 35821

(a) A detailed description of each facility used for instructional purposes; 35822 35823

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 35824 35825

(c) The annual mortgage principal and interest payments that are paid by the school; 35826 35827

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. 35828 35829 35830

(10) Qualifications of ~~teachers~~ employees, including ~~a~~ both of the following: 35831 35832

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code; 35833
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(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position. 35838
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(11) That the school will comply with the following requirements: 35840
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 35842
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 35845
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 35848
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.225, 3319.238, 3319.318, 3319.321, 3319.324, 35852
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3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 35864
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 35865
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 35866
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 35867
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the 35868
Revised Code as if it were a school district and will comply with 35869
section 3301.0714 of the Revised Code in the manner specified in 35870
section 3314.17 of the Revised Code. 35871

(e) The school shall comply with Chapter 102. and section 35872
2921.42 of the Revised Code. 35873

(f) The school will comply with sections 3313.61, 3313.611, 35874
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 35875
except that for students who enter ninth grade for the first time 35876
before July 1, 2010, the requirement in sections 3313.61 and 35877
3313.611 of the Revised Code that a person must successfully 35878
complete the curriculum in any high school prior to receiving a 35879
high school diploma may be met by completing the curriculum 35880
adopted by the governing authority of the community school rather 35881
than the curriculum specified in Title XXXIII of the Revised Code 35882
or any rules of the state board of education. Beginning with 35883
students who enter ninth grade for the first time on or after July 35884
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 35885
Revised Code that a person must successfully complete the 35886
curriculum of a high school prior to receiving a high school 35887
diploma shall be met by completing the requirements prescribed in 35888
section 3313.6027 and division (C) of section 3313.603 of the 35889
Revised Code, unless the person qualifies under division (D) or 35890
(F) of that section. Each school shall comply with the plan for 35891
awarding high school credit based on demonstration of subject area 35892
competency, and beginning with the 2017-2018 school year, with the 35893
updated plan that permits students enrolled in seventh and eighth 35894
grade to meet curriculum requirements based on subject area 35895

competency adopted by the state board of education under divisions 35896
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 35897
with the 2018-2019 school year, the school shall comply with the 35898
framework for granting units of high school credit to students who 35899
demonstrate subject area competency through work-based learning 35900
experiences, internships, or cooperative education developed by 35901
the department under division (J)(3) of section 3313.603 of the 35902
Revised Code. 35903

(g) The school governing authority will submit within four 35904
months after the end of each school year a report of its 35905
activities and progress in meeting the goals and standards of 35906
divisions (A)(3) and (4) of this section and its financial status 35907
to the sponsor and the parents of all students enrolled in the 35908
school. 35909

(h) The school, unless it is an internet- or computer-based 35910
community school, will comply with section 3313.801 of the Revised 35911
Code as if it were a school district. 35912

(i) If the school is the recipient of moneys from a grant 35913
awarded under the federal race to the top program, Division (A), 35914
Title XIV, Sections 14005 and 14006 of the "American Recovery and 35915
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 35916
school will pay teachers based upon performance in accordance with 35917
section 3317.141 and will comply with section 3319.111 of the 35918
Revised Code as if it were a school district. 35919

(j) If the school operates a preschool program that is 35920
licensed by the department of education under sections 3301.52 to 35921
3301.59 of the Revised Code, the school shall comply with sections 35922
3301.50 to 3301.59 of the Revised Code and the minimum standards 35923
for preschool programs prescribed in rules adopted by the state 35924
board under section 3301.53 of the Revised Code. 35925

(k) The school will comply with sections 3313.6021 and 35926

3313.6023 of the Revised Code as if it were a school district	35927
unless it is either of the following:	35928
(i) An internet- or computer-based community school;	35929
(ii) A community school in which a majority of the enrolled	35930
students are children with disabilities as described in division	35931
(A)(4)(b) of section 3314.35 of the Revised Code.	35932
(1) The school will comply with section 3321.191 of the	35933
Revised Code, unless it is an internet- or computer-based	35934
community school that is subject to section 3314.261 of the	35935
Revised Code.	35936
(12) Arrangements for providing health and other benefits to	35937
employees;	35938
(13) The length of the contract, which shall begin at the	35939
beginning of an academic year. No contract shall exceed five years	35940
unless such contract has been renewed pursuant to division (E) of	35941
this section.	35942
(14) The governing authority of the school, which shall be	35943
responsible for carrying out the provisions of the contract;	35944
(15) A financial plan detailing an estimated school budget	35945
for each year of the period of the contract and specifying the	35946
total estimated per pupil expenditure amount for each such year.	35947
(16) Requirements and procedures regarding the disposition of	35948
employees of the school in the event the contract is terminated or	35949
not renewed pursuant to section 3314.07 of the Revised Code;	35950
(17) Whether the school is to be created by converting all or	35951
part of an existing public school or educational service center	35952
building or is to be a new start-up school, and if it is a	35953
converted public school or service center building, specification	35954
of any duties or responsibilities of an employer that the board of	35955
education or service center governing board that operated the	35956

school or building before conversion is delegating to the 35957
governing authority of the community school with respect to all or 35958
any specified group of employees provided the delegation is not 35959
prohibited by a collective bargaining agreement applicable to such 35960
employees; 35961

(18) Provisions establishing procedures for resolving 35962
disputes or differences of opinion between the sponsor and the 35963
governing authority of the community school; 35964

(19) A provision requiring the governing authority to adopt a 35965
policy regarding the admission of students who reside outside the 35966
district in which the school is located. That policy shall comply 35967
with the admissions procedures specified in sections 3314.06 and 35968
3314.061 of the Revised Code and, at the sole discretion of the 35969
authority, shall do one of the following: 35970

(a) Prohibit the enrollment of students who reside outside 35971
the district in which the school is located; 35972

(b) Permit the enrollment of students who reside in districts 35973
adjacent to the district in which the school is located; 35974

(c) Permit the enrollment of students who reside in any other 35975
district in the state. 35976

(20) A provision recognizing the authority of the department 35977
of education to take over the sponsorship of the school in 35978
accordance with the provisions of division (C) of section 3314.015 35979
of the Revised Code; 35980

(21) A provision recognizing the sponsor's authority to 35981
assume the operation of a school under the conditions specified in 35982
division (B) of section 3314.073 of the Revised Code; 35983

(22) A provision recognizing both of the following: 35984

(a) The authority of public health and safety officials to 35985
inspect the facilities of the school and to order the facilities 35986

closed if those officials find that the facilities are not in 35987
compliance with health and safety laws and regulations; 35988

(b) The authority of the department of education as the 35989
community school oversight body to suspend the operation of the 35990
school under section 3314.072 of the Revised Code if the 35991
department has evidence of conditions or violations of law at the 35992
school that pose an imminent danger to the health and safety of 35993
the school's students and employees and the sponsor refuses to 35994
take such action. 35995

(23) A description of the learning opportunities that will be 35996
offered to students including both classroom-based and 35997
non-classroom-based learning opportunities that is in compliance 35998
with criteria for student participation established by the 35999
department under division (H)(2) of section 3314.08 of the Revised 36000
Code; 36001

(24) The school will comply with sections 3302.04 and 36002
3302.041 of the Revised Code, except that any action required to 36003
be taken by a school district pursuant to those sections shall be 36004
taken by the sponsor of the school. However, the sponsor shall not 36005
be required to take any action described in division (F) of 36006
section 3302.04 of the Revised Code. 36007

(25) Beginning in the 2006-2007 school year, the school will 36008
open for operation not later than the thirtieth day of September 36009
each school year, unless the mission of the school as specified 36010
under division (A)(2) of this section is solely to serve dropouts. 36011
In its initial year of operation, if the school fails to open by 36012
the thirtieth day of September, or within one year after the 36013
adoption of the contract pursuant to division (D) of section 36014
3314.02 of the Revised Code if the mission of the school is solely 36015
to serve dropouts, the contract shall be void. 36016

(26) Whether the school's governing authority is planning to 36017

seek designation for the school as a STEM school equivalent under 36018
section 3326.032 of the Revised Code; 36019

(27) That the school's attendance and participation policies 36020
will be available for public inspection; 36021

(28) That the school's attendance and participation records 36022
shall be made available to the department of education, auditor of 36023
state, and school's sponsor to the extent permitted under and in 36024
accordance with the "Family Educational Rights and Privacy Act of 36025
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 36026
regulations promulgated under that act, and section 3319.321 of 36027
the Revised Code; 36028

(29) If a school operates using the blended learning model, 36029
as defined in section 3301.079 of the Revised Code, all of the 36030
following information: 36031

(a) An indication of what blended learning model or models 36032
will be used; 36033

(b) A description of how student instructional needs will be 36034
determined and documented; 36035

(c) The method to be used for determining competency, 36036
granting credit, and promoting students to a higher grade level; 36037

(d) The school's attendance requirements, including how the 36038
school will document participation in learning opportunities; 36039

(e) A statement describing how student progress will be 36040
monitored; 36041

(f) A statement describing how private student data will be 36042
protected; 36043

(g) A description of the professional development activities 36044
that will be offered to teachers. 36045

(30) A provision requiring that all moneys the school's 36046
operator loans to the school, including facilities loans or cash 36047

flow assistance, must be accounted for, documented, and bear 36048
interest at a fair market rate; 36049

(31) A provision requiring that, if the governing authority 36050
contracts with an attorney, accountant, or entity specializing in 36051
audits, the attorney, accountant, or entity shall be independent 36052
from the operator with which the school has contracted. 36053

(32) A provision requiring the governing authority to adopt 36054
an enrollment and attendance policy that requires a student's 36055
parent to notify the community school in which the student is 36056
enrolled when there is a change in the location of the parent's or 36057
student's primary residence. 36058

(33) A provision requiring the governing authority to adopt a 36059
student residence and address verification policy for students 36060
enrolling in or attending the school. 36061

(B) The community school shall also submit to the sponsor a 36062
comprehensive plan for the school. The plan shall specify the 36063
following: 36064

(1) The process by which the governing authority of the 36065
school will be selected in the future; 36066

(2) The management and administration of the school; 36067

(3) If the community school is a currently existing public 36068
school or educational service center building, alternative 36069
arrangements for current public school students who choose not to 36070
attend the converted school and for teachers who choose not to 36071
teach in the school or building after conversion; 36072

(4) The instructional program and educational philosophy of 36073
the school; 36074

(5) Internal financial controls. 36075

When submitting the plan under this division, the school 36076
shall also submit copies of all policies and procedures regarding 36077

internal financial controls adopted by the governing authority of the school. 36078
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(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 36080
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following: 36090
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(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 36095
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 36097
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(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school; 36100
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(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 36104
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(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the 36107
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school to be on probationary status pursuant to section 3314.073 36109
of the Revised Code, suspend the operation of the school pursuant 36110
to section 3314.072 of the Revised Code, or terminate the contract 36111
of the school pursuant to section 3314.07 of the Revised Code as 36112
determined necessary by the sponsor; 36113

(6) Have in place a plan of action to be undertaken in the 36114
event the community school experiences financial difficulties or 36115
closes prior to the end of a school year. 36116

(E) Upon the expiration of a contract entered into under this 36117
section, the sponsor of a community school may, with the approval 36118
of the governing authority of the school, renew that contract for 36119
a period of time determined by the sponsor, but not ending earlier 36120
than the end of any school year, if the sponsor finds that the 36121
school's compliance with applicable laws and terms of the contract 36122
and the school's progress in meeting the academic goals prescribed 36123
in the contract have been satisfactory. Any contract that is 36124
renewed under this division remains subject to the provisions of 36125
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 36126

(F) If a community school fails to open for operation within 36127
one year after the contract entered into under this section is 36128
adopted pursuant to division (D) of section 3314.02 of the Revised 36129
Code or permanently closes prior to the expiration of the 36130
contract, the contract shall be void and the school shall not 36131
enter into a contract with any other sponsor. A school shall not 36132
be considered permanently closed because the operations of the 36133
school have been suspended pursuant to section 3314.072 of the 36134
Revised Code. 36135

Sec. 3314.08. (A) As used in this section: 36136

(1) "IEP" has the same meaning as in section 3323.01 of the 36137
Revised Code. 36138

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;

(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(6) The number of students reported under divisions (B)(1)

and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code; 36170
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(7) The number of students reported under divisions (B)(1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(7) of this section based on anything other than family income. 36173
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(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 36178
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(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP. 36181
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 36186
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A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section. 36190
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(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, 36194
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as prescribed by the superintendent, of all its costs for that 36201
student. Upon submission of documentation for a student of the 36202
type and in the manner prescribed, the department shall pay to the 36203
community school an amount equal to the school's costs for the 36204
student in excess of the threshold catastrophic costs. 36205

(b) The community school shall report under division 36206
(C)(1)(a) of this section, and the department shall pay for, only 36207
the costs of educational expenses and the related services 36208
provided to the student in accordance with the student's 36209
individualized education program. Any legal fees, court costs, or 36210
other costs associated with any cause of action relating to the 36211
student may not be included in the amount. 36212

(2) In any fiscal year, a community school receiving funds 36213
under division (A)(7) of section 3317.022 of the Revised Code 36214
shall spend those funds only for the purposes that the department 36215
designates as approved for career-technical education expenses. 36216
Career-technical education expenses approved by the department 36217
shall include only expenses connected to the delivery of 36218
career-technical programming to career-technical students. The 36219
department shall require the school to report data annually so 36220
that the department may monitor the school's compliance with the 36221
requirements regarding the manner in which funding received under 36222
division (A)(7) of section 3317.022 of the Revised Code may be 36223
spent. 36224

(3) Notwithstanding anything to the contrary in section 36225
3313.90 of the Revised Code, except as provided in division (C)(5) 36226
of this section, all funds received under division (A)(7) of 36227
section 3317.022 of the Revised Code shall be spent in the 36228
following manner: 36229

(a) At least seventy-five per cent of the funds shall be 36230
spent on curriculum development, purchase, and implementation; 36231
instructional resources and supplies; industry-based program 36232

certification; student assessment, credentialing, and placement; 36233
curriculum specific equipment purchases and leases; 36234
career-technical student organization fees and expenses; home and 36235
agency linkages; work-based learning experiences; professional 36236
development; and other costs directly associated with 36237
career-technical education programs including development of new 36238
programs. 36239

(b) Not more than twenty-five per cent of the funds shall be 36240
used for personnel expenditures. 36241

(4) A community school shall spend the funds it receives 36242
under division (A)(4) of section 3317.022 of the Revised Code in 36243
accordance with section 3317.25 of the Revised Code. 36244

(5) The department may waive the requirement in division 36245
(C)(3) of this section for any community school that exclusively 36246
provides one or more career-technical workforce development 36247
programs in arts and communications that are not 36248
equipment-intensive, as determined by the department. 36249

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a community 36250
school shall spend the funds it receives under division (A)(5) of 36251
section 3317.022 of the Revised Code only for services for English 36252
learners. 36253

(D) A board of education sponsoring a community school may 36254
utilize local funds to make enhancement grants to the school or 36255
may agree, either as part of the contract or separately, to 36256
provide any specific services to the community school at no cost 36257
to the school. 36258

(E) A community school may not levy taxes or issue bonds 36259
secured by tax revenues. 36260

(F) No community school shall charge tuition for the 36261
enrollment of any student who is a resident of this state. A 36262
community school may charge tuition for the enrollment of any 36263

student who is not a resident of this state. 36264

(G)(1)(a) A community school may borrow money to pay any 36265
necessary and actual expenses of the school in anticipation of the 36266
receipt of any portion of the payments to be received by the 36267
school pursuant to section 3317.022 of the Revised Code. The 36268
school may issue notes to evidence such borrowing. The proceeds of 36269
the notes shall be used only for the purposes for which the 36270
anticipated receipts may be lawfully expended by the school. 36271

(b) A school may also borrow money for a term not to exceed 36272
fifteen years for the purpose of acquiring facilities. 36273

(2) ~~Except for any amount guaranteed under section 3318.50 of~~ 36274
~~the Revised Code, the~~ The state is not liable for debt incurred by 36275
the governing authority of a community school. 36276

(H) The department of education shall adjust the amounts paid 36277
under section 3317.022 of the Revised Code to reflect any 36278
enrollment of students in community schools for less than the 36279
equivalent of a full school year. The state board of education 36280
within ninety days after April 8, 2003, shall adopt in accordance 36281
with Chapter 119. of the Revised Code rules governing the payments 36282
to community schools under section 3317.022 of the Revised Code 36283
including initial payments in a school year and adjustments and 36284
reductions made in subsequent periodic payments to community 36285
schools as provided under section 3317.022 of the Revised Code. 36286
For purposes of this division: 36287

(1) A student shall be considered enrolled in the community 36288
school for any portion of the school year the student is 36289
participating at a college under Chapter 3365. of the Revised 36290
Code. 36291

(2) A student shall be considered to be enrolled in a 36292
community school for the period of time beginning on the later of 36293
the date on which the school both has received documentation of 36294

the student's enrollment from a parent and the student has 36295
commenced participation in learning opportunities as defined in 36296
the contract with the sponsor, or thirty days prior to the date on 36297
which the student is entered into the education management 36298
information system established under section 3301.0714 of the 36299
Revised Code. For purposes of applying this division and divisions 36300
(H)(3) and (4) of this section to a community school student, 36301
"learning opportunities" shall be defined in the contract, which 36302
shall describe both classroom-based and non-classroom-based 36303
learning opportunities and shall be in compliance with criteria 36304
and documentation requirements for student participation which 36305
shall be established by the department. Any student's instruction 36306
time in non-classroom-based learning opportunities shall be 36307
certified by an employee of the community school. A student's 36308
enrollment shall be considered to cease on the date on which any 36309
of the following occur: 36310

(a) The community school receives documentation from a parent 36311
terminating enrollment of the student. 36312

(b) The community school is provided documentation of a 36313
student's enrollment in another public or private school. 36314

(c) The community school ceases to offer learning 36315
opportunities to the student pursuant to the terms of the contract 36316
with the sponsor or the operation of any provision of this 36317
chapter. 36318

Except as otherwise specified in this paragraph, beginning in 36319
the 2011-2012 school year, any student who completed the prior 36320
school year in an internet- or computer-based community school 36321
shall be considered to be enrolled in the same school in the 36322
subsequent school year until the student's enrollment has ceased 36323
as specified in division (H)(2) of this section. The department 36324
shall continue paying amounts for the student under section 36325
3317.022 of the Revised Code without interruption at the start of 36326

the subsequent school year. However, if the student without a 36327
legitimate excuse fails to participate in the first seventy-two 36328
consecutive hours of learning opportunities offered to the student 36329
in that subsequent school year, the student shall be considered 36330
not to have re-enrolled in the school for that school year and the 36331
department shall recalculate the payments to the school for that 36332
school year to account for the fact that the student is not 36333
enrolled. 36334

(3) The department shall determine each community school 36335
student's percentage of full-time equivalency based on the 36336
percentage of learning opportunities offered by the community 36337
school to that student, reported either as number of hours or 36338
number of days, is of the total learning opportunities offered by 36339
the community school to a student who attends for the school's 36340
entire school year. However, no internet- or computer-based 36341
community school shall be credited for any time a student spends 36342
participating in learning opportunities beyond ten hours within 36343
any period of twenty-four consecutive hours. Whether it reports 36344
hours or days of learning opportunities, each community school 36345
shall offer not less than nine hundred twenty hours of learning 36346
opportunities during the school year. 36347

(4) With respect to the calculation of full-time equivalency 36348
under division (H)(3) of this section, the department shall waive 36349
the number of hours or days of learning opportunities not offered 36350
to a student because the community school was closed during the 36351
school year due to disease epidemic, hazardous weather conditions, 36352
law enforcement emergencies, inoperability of school buses or 36353
other equipment necessary to the school's operation, damage to a 36354
school building, or other temporary circumstances due to utility 36355
failure rendering the school building unfit for school use, so 36356
long as the school was actually open for instruction with students 36357
in attendance during that school year for not less than the 36358

minimum number of hours required by this chapter. The department 36359
shall treat the school as if it were open for instruction with 36360
students in attendance during the hours or days waived under this 36361
division. 36362

(I) The department of education shall reduce the amounts paid 36363
under section 3317.022 of the Revised Code to reflect payments 36364
made to colleges under section 3365.07 of the Revised Code. 36365

(J)(1) No student shall be considered enrolled in any 36366
internet- or computer-based community school or, if applicable to 36367
the student, in any community school that is required to provide 36368
the student with a computer pursuant to division (C) of section 36369
3314.22 of the Revised Code, unless both of the following 36370
conditions are satisfied: 36371

(a) The student possesses or has been provided with all 36372
required hardware and software materials and all such materials 36373
are operational so that the student is capable of fully 36374
participating in the learning opportunities specified in the 36375
contract between the school and the school's sponsor as required 36376
by division (A)(23) of section 3314.03 of the Revised Code; 36377

(b) The school is in compliance with division (A) of section 36378
3314.22 of the Revised Code, relative to such student. 36379

(2) In accordance with policies adopted by the superintendent 36380
of public instruction, in consultation with the auditor of state, 36381
the department shall reduce the amounts otherwise payable under 36382
section 3317.022 of the Revised Code to any community school that 36383
includes in its program the provision of computer hardware and 36384
software materials to any student, if such hardware and software 36385
materials have not been delivered, installed, and activated for 36386
each such student in a timely manner or other educational 36387
materials or services have not been provided according to the 36388
contract between the individual community school and its sponsor. 36389

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the

armed forces and who apply for enrollment in a community school 36452
not later than four years after termination of war or their 36453
honorable discharge. If, however, any such veteran elects to 36454
enroll in special courses organized for veterans for whom tuition 36455
is paid under federal law, or otherwise, the department shall not 36456
pay to a community school under section 3317.022 of the Revised 36457
Code any amount for that veteran. 36458

Sec. 3314.104. No community school shall employ an individual 36459
in any position if the state board of education permanently 36460
revoked or permanently denied the individual a license under 36461
section 3319.31 of the Revised Code or if the individual entered 36462
into a consent agreement under division (E) of section 3319.311 of 36463
the Revised Code in which the individual agreed never to apply for 36464
a license after the date on which the agreement was entered into. 36465
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Sec. 3314.23. (A) Subject to division (B) of this section, 36467
each internet- or computer-based community school shall comply 36468
with the national standards developed by the international 36469
association for K-12 quality online learning developed under a 36470
project led by a partnership between quality matters, the virtual 36471
learning leadership alliance, and the digital learning 36472
collaborative, or any successor organization. 36473

(B) Each internet- or computer-based community school that 36474
initially opens for operation on or after January 1, 2013, shall 36475
comply with the standards required by division (A) of this section 36476
at the time it opens. Each internet- or computer-based community 36477
school that initially opened for operation prior to January 1, 36478
2013, shall comply with the standards required by division (A) of 36479
this section not later than July 1, 2013. 36480

(C) The sponsor of each internet- or computer-based community 36481

school shall be responsible for monitoring, ensuring, and 36482
reporting compliance with the online learning standards described 36483
in divisions (A) and (B) of this section. 36484

Sec. 3315.37. The board of education of a school district may 36485
establish a teacher education loan program and may expend school 36486
funds for the program. The program shall be for the purpose of 36487
making loans to students who are residents of the school district 36488
or graduates of schools in the school district, who are enrolled 36489
in teacher preparation programs at institutions approved by the 36490
chancellor of ~~the Ohio board of regents~~ higher education pursuant 36491
to section 3333.048 of the Revised Code, and who indicate an 36492
intent to teach in the school district providing the loan. The 36493
district board may forgive the obligation to repay any or all of 36494
the principal and interest on the loan if the borrower teaches in 36495
that school district. 36496

The district board shall adopt rules establishing eligibility 36497
criteria, application procedures, procedures for review of 36498
applications, loan amounts, interest, repayment schedules, 36499
conditions under which principal and interest obligations incurred 36500
under the program will be forgiven, and any other matter 36501
incidental to the operation of the program. 36502

The board may contract with a private, nonprofit foundation, 36503
one or more institutions of higher education, or other educational 36504
agencies to administer the program. 36505

The receipt of a loan under this section does not affect a 36506
student's eligibility for assistance, or the amount of such 36507
assistance, granted under section 3315.33, ~~3333.12~~, 3333.122, 36508
3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the 36509
board's rules may provide for taking such assistance into 36510
consideration when determining a student's eligibility for a loan 36511
under this section. 36512

Sec. 3316.042. The auditor of state, on the auditor of state's initiative, may conduct a performance audit of a school district that is under a fiscal caution under section 3316.031 of the Revised Code, in a state of fiscal watch, or in a state of fiscal emergency, in which the auditor of state reviews any programs or areas of operation in which the auditor of state believes that greater operational efficiencies or enhanced program results can be achieved.

The auditor of state, in consultation with the department of education ~~and the office of budget and management, shall determine for which school districts to conduct performance audits under this section. Priority shall be given to districts,~~ may conduct a performance audit of a school district in fiscal distress, including districts employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency, as determined by the auditor of state, ~~in consultation with the department and the office of budget and management.~~

The cost of a performance audit conducted under this section shall be paid by the auditor of state with funds appropriated by the general assembly for that purpose.

A performance audit under this section shall not include review or evaluation of school district academic performance.

Sec. 3317.011. This section shall apply only for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000, using fiscal

year ~~2018~~ 2022 data, as determined by the department of education. 36543

(2) "Average bookkeeping and accounting employee salary" 36544
means the average salary of bookkeeping employees and accounting 36545
employees employed by city, local, and exempted village school 36546
districts in this state with salaries greater than \$20,000 but 36547
less than \$80,000, using fiscal year ~~2018~~ 2022 data, as determined 36548
by the department. 36549

(3) "Average clerical staff salary" means the average salary 36550
of clerical staff employed by city, local, and exempted village 36551
school districts in this state with salaries greater than \$15,000 36552
but less than \$50,000, using fiscal year ~~2018~~ 2022 data, as 36553
determined by the department. 36554

(4) "Average counselor salary" means the average salary of 36555
counselors employed by city, local, and exempted village school 36556
districts in this state with salaries greater than \$30,000 but 36557
less than \$95,000, using fiscal year ~~2018~~ 2022 data, as determined 36558
by the department. 36559

(5) "Average education management information system support 36560
employee salary" means the average salary of accounting employees 36561
employed by city, local, and exempted village school districts in 36562
this state with salaries greater than \$30,000 but less than 36563
\$90,000, using fiscal year ~~2018~~ 2022 data, as determined by the 36564
department. 36565

(6) "Average librarian and media staff salary" means the 36566
average salary of librarians and media staff employed by city, 36567
local, and exempted village school districts in this state with 36568
salaries greater than \$30,000 but less than \$95,000, using fiscal 36569
year ~~2018~~ 2022 data, as determined by the department. 36570

(7) "Average other district administrator salary" means the 36571
average salary of all assistant superintendents and directors 36572
employed by city, local, and exempted village school districts in 36573

this state with salaries greater than \$50,000 but less than 36574
\$135,000, using fiscal year ~~2018~~ 2022 data, as determined by the 36575
department. 36576

(8) "Average principal salary" means the average salary of 36577
all principals employed by city, local, and exempted village 36578
school districts in this state with salaries greater than \$50,000 36579
but less than \$120,000, using fiscal year ~~2018~~ 2022 data, as 36580
determined by the department. 36581

(9) "Average superintendent salary" means the average salary 36582
of all superintendents employed by city, local, and exempted 36583
village school districts in this state with salaries greater than 36584
\$60,000 but less than \$180,000, using fiscal year ~~2018~~ 2022 data, 36585
as determined by the department. 36586

(10) "Average teacher cost" for a fiscal year is equal to the 36587
sum of the following: 36588

(a) The average salary of teachers employed by city, local, 36589
and exempted village school districts in this state with salaries 36590
greater than \$30,000 but less than \$95,000, using fiscal year ~~2018~~ 36591
2022 data, as determined by the department; 36592

(b) An amount for teacher benefits equal to 0.16 times the 36593
average salary calculated under division (A)(10)(a) of this 36594
section; 36595

(c) An amount for district-paid insurance costs equal to the 36596
following product: 36597

The statewide weighted average employer-paid monthly premium based 36598
on data reported by city, local, and exempted village school 36599
districts to the state employment relations board for the health 36600
insurance survey conducted in accordance with divisions (K)(5) and 36601
(6) of section 4117.02 of the Revised Code using fiscal year ~~2018~~ 36602
2022 data X 12 36603

(11) "Eligible school district" means a city, local, or 36604

exempted village school district that satisfies one of the 36605
following: 36606

(a) The district is a member of an organization that 36607
regulates interscholastic athletics. 36608

(b) The district has teams in at least three different sports 36609
that participate in an interscholastic league. 36610

(B) When calculating a district's aggregate base cost under 36611
this section, the department shall use data from fiscal year ~~2018~~ 36612
2022 for all of the following: 36613

(1) The average salaries determined under divisions (A)(1), 36614
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 36615
section; 36616

(2) The amount for teacher benefits determined under division 36617
(A)(10)(b) of this section; 36618

(3) The district-paid insurance costs determined under 36619
division (A)(10)(c) of this section; 36620

(4) The spending determined under divisions (E)(4)(a), 36621
(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 36622
corresponding student counts determined under divisions (E)(4)(b), 36623
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 36624

(5) The information determined under division (G)(3) of this 36625
section. 36626

(C) A city, local, or exempted village school district's 36627
aggregate base cost for a fiscal year shall be equal to the 36628
following sum: 36629

(The district's teacher base cost for that fiscal year computed 36630
under division (D) of this section) + (the district's student 36631
support base cost for that fiscal year computed under division (E) 36632
of this section) + (the district's leadership and accountability 36633
base cost for that fiscal year computed under division (F) of this 36634

section) + (the district's building leadership and operations base 36635
cost for that fiscal year computed under division (G) of this 36636
section) + (the athletic co-curricular activities base cost for 36637
that fiscal year computed under division (H) of this section, if 36638
the district is an eligible school district) 36639

(D) The department of education shall compute a district's 36640
teacher base cost for a fiscal year as follows: 36641

(1) Calculate the district's classroom teacher cost for that 36642
fiscal year as follows: 36643

(a) Determine the full-time equivalency of students in the 36644
district's base cost enrolled ADM for that fiscal year that are 36645
enrolled in kindergarten and divide that number by 20; 36646

(b) Determine the full-time equivalency of students in the 36647
district's base cost enrolled ADM for that fiscal year that are 36648
enrolled in grades one through three and divide that number by 23; 36649

(c) Determine the full-time equivalency of students in the 36650
district's base cost enrolled ADM for that fiscal year that are 36651
enrolled in grades four through eight but are not enrolled in a 36652
career-technical education program or class described under 36653
section 3317.014 of the Revised Code and divide that number by 25; 36654

(d) Determine the full-time equivalency of students in the 36655
district's base cost enrolled ADM for that fiscal year that are 36656
enrolled in grades nine through twelve but are not enrolled in a 36657
career-technical education program or class described under 36658
section 3317.014 of the Revised Code and divide that number by 27; 36659

(e) Determine the full-time equivalency of students in the 36660
district's base cost enrolled ADM for that fiscal year that are 36661
enrolled in a career-technical education program or class, as 36662
certified under divisions (B)(11), (12), (13), (14), and (15) of 36663
section 3317.03 of the Revised Code, and divide that number by 18; 36664

(f) Compute the sum of the quotients obtained under divisions 36665

(D)(1)(a), (b), (c), (d), and (e) of this section;	36666
(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.	36667 36668 36669
(2) Calculate the district's special teacher cost for that fiscal year as follows:	36670 36671
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	36672 36673
(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	36674 36675 36676 36677
(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	36678 36679 36680 36681
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	36682 36683
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	36684 36685
(b) Compute the substitute teacher cost in accordance with the following formula:	36686 36687
[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5	36688 36689 36690 36691
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	36692 36693
[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this	36694 36695

section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 36696
this section for that fiscal year)/180] X 4 36697

(5) Calculate the district's teacher base cost for that 36698
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 36699
and (4) of this section. 36700

(E) The department shall compute a district's student support 36701
base cost for a fiscal year as follows: 36702

(1) Calculate the district's guidance counselor cost for that 36703
fiscal year as follows: 36704

(a) Determine the number of students in the district's base 36705
cost enrolled ADM for that fiscal year that are enrolled in grades 36706
nine through twelve and divide that number by 360; 36707

(b) Compute the counselor cost in accordance with the 36708
following formula: 36709

(The greater of the quotient obtained under division (E)(1)(a) of 36710
this section and 1) X [(the average counselor salary for that 36711
fiscal year X 1.16) + the amount specified under division 36712
(A)(10)(c) of this section for that fiscal year] 36713

(2) Calculate the district's librarian and media staff cost 36714
for that fiscal year as follows: 36715

(a) Divide the district's base cost enrolled ADM for that 36716
fiscal year by 1,000; 36717

(b) Compute the librarian and media staff cost in accordance 36718
with the following formula: 36719

The quotient obtained under division (E)(2)(a) of this section X 36720
[(the average librarian and media staff salary for that fiscal 36721
year X 1.16) + the amount specified under division (A)(10)(c) of 36722
this section for that fiscal year] 36723

(3) Calculate the district's staffing cost for student 36724
wellness and success for that fiscal year as follows: 36725

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	36726 36727
(b) Compute the staffing cost for student wellness and success in accordance with the following formula: (The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	36728 36729 36730 36731 36732 36733
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	36734 36735
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 <u>2022</u> data;	36736 36737 36738 36739
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 <u>2022</u> data as specified under division (E)(4)(a) of this section;	36740 36741 36742
(c) Compute the academic co-curricular activities cost in accordance with the following formula: (The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed	36743 36744 36745 36746 36747 36748
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	36749 36750
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018 <u>2022</u> data;	36751 36752 36753 36754
(b) Determine the sum of the enrolled ADM of every school	36755

district in the state that reported the data specified under 36756
division (E)(5)(a) of this section using fiscal year ~~2018~~ 2022 36757
data; 36758

(c) Compute the building safety and security cost in 36759
accordance with the following formula: 36760

(The amount determined under division (E)(5)(a) of this section / 36761
the sum determined under division (E)(5)(a) of this section) X the 36762
district's base cost enrolled ADM for the fiscal year for which 36763
the building safety and security cost is computed 36764

(6) Calculate the district's supplies and academic content 36765
cost for that fiscal year as follows: 36766

(a) Determine the total amount of spending for supplies and 36767
academic content, excluding supplies for transportation and 36768
maintenance, reported by city, local, and exempted village school 36769
districts to the department using fiscal year ~~2018~~ 2022 data; 36770

(b) Determine the sum of the enrolled ADM of every school 36771
district in the state using fiscal year ~~2018~~ 2022 data as 36772
specified under division (E)(6)(a) of this section; 36773

(c) Compute the supplies and academic content cost in 36774
accordance with the following formula: 36775

(The amount determined under division (E)(6)(a) of this section / 36776
the sum determined under division (E)(6)(b) of this section) X the 36777
district's base cost enrolled ADM for the fiscal year for which 36778
the supplies and academic content cost is computed 36779

(7) Calculate the district's technology cost for that fiscal 36780
year in accordance with the following formula: 36781

\$37.50 X the district's base cost enrolled ADM for that fiscal 36782
year 36783

(8) Calculate the district's student support base cost for 36784
that fiscal year, which equals the sum of divisions (E)(1), (2), 36785
(3), (4), (5), (6), and (7) of this section. 36786

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 36787
36788

(1) Calculate the district's superintendent cost for that fiscal year as follows: 36789
36790

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 36791
36792
36793
36794

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 36795
36796
36797
36798

(i) $(\text{The district's base cost enrolled ADM for that fiscal year} - 500) \times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$; 36799
36800

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}$. 36801
36802

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 36803
36804
36805
36806

(2) Calculate the district's treasurer cost for that fiscal year as follows: 36807
36808

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 36809
36810
36811
36812

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 36813
36814
36815
36816

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$; 36817
36818

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of this section for that fiscal year. 36819
36820

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$. 36821
36822
36823
36824

(3) Calculate the district's other district administrator cost for that fiscal year as follows: 36825
36826

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 36827
36828
36829

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 36830
36831

(c) Compute the other district administrator cost in accordance with the following formula: 36832
36833

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}) \times \text{the quotient obtained under division (F)(3)(a) of this section}] + \text{the amount specified under division (A)(10)(c) of this section}\} \times (\text{the greater of the quotient obtained under division (F)(3)(b) of this section and } 2)$ 36834
36835
36836
36837
36838
36839
36840

(4) Calculate the district's fiscal support cost for that fiscal year as follows: 36841
36842

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 36843
36844

(b) Determine the lesser of the following: 36845

(i) The maximum of the quotient obtained under division 36846

(F)(4)(a) of this section and 2;	36847
(ii) 35.	36848
(c) Compute the fiscal support cost in accordance with the following formula:	36849
The number obtained under division (F)(4)(b) of this section X	36851
[(the average bookkeeping and accounting employee salary for that	36852
fiscal year X 1.16) + the amount specified under division	36853
(A)(10)(c) of this section for that fiscal year]	36854
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	36855
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	36857
(b) Compute the education management information system support cost in accordance with the following formula:	36859
(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	36861
(6) Calculate the district's leadership support cost for that fiscal year as follows:	36866
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;	36868
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	36871
(c) Compute the leadership support cost in accordance with the following formula:	36873
(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant	36875
	36876

salary for that fiscal year X 1.16) + the amount specified under	36877
division (A)(10)(c) of this section for that fiscal year]	36878
(7) Calculate the district's information technology center	36879
support cost for that fiscal year in accordance with the following	36880
formula:	36881
\$31 X the district's base cost enrolled ADM for that fiscal year	36882
(8) Calculate the district's district leadership and	36883
accountability base cost for that fiscal year, which equals the	36884
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this	36885
section.	36886
(G) The department shall compute a district's building	36887
leadership and operations base cost for a fiscal year as follows:	36888
(1) Calculate the district's building leadership cost for	36889
that fiscal year as follows:	36890
(a) Divide the average principal salary for that fiscal year	36891
by the average superintendent salary for that fiscal year;	36892
(b) Divide the district's base cost enrolled ADM for that	36893
fiscal year by 450;	36894
(c) Compute the building leadership cost in accordance with	36895
the following formula:	36896
{[(The district's superintendent cost for that fiscal year	36897
calculated under division (F)(1) of this section - the amount	36898
specified under division (A)(10)(c) of this section for that	36899
fiscal year) X the quotient obtained under division (G)(1)(a) of	36900
this section] + the amount specified under division (A)(10)(c) of	36901
this section for that fiscal year} X the quotient obtained under	36902
division (G)(1)(b) of this section	36903
(2) Calculate the district's building leadership support cost	36904
for that fiscal year as follows:	36905
(a) Divide the district's base cost enrolled ADM for that	36906

fiscal year by 400; 36907

(b) Determine the number of school buildings in the district 36908
for that fiscal year; 36909

(c) Compute the building leadership support cost in 36910
accordance with the following formula: 36911

(i) If the quotient obtained under division (G)(2)(a) of this 36912
section is less than the number obtained under division (G)(2)(b) 36913
of this section, then the district's building leadership support 36914
cost shall be equal to {the number obtained under division 36915
(G)(2)(b) of this section for that fiscal year X [(the average 36916
clerical staff salary for that fiscal year X 1.16) + the amount 36917
specified under division (A)(10)(c) of this section for that 36918
fiscal year]}. 36919

(ii) If the quotient obtained under division (G)(2)(a) of 36920
this section is greater than or equal to the number obtained under 36921
division (G)(2)(b) of this section, then the district's building 36922
leadership support cost shall be equal to {[the lesser of (the 36923
number obtained under division (G)(2)(b) of this section X 3) and 36924
the quotient obtained under division (G)(2)(a) of this section] X 36925
[(the average clerical staff salary for that fiscal year X 1.16) + 36926
the amount specified under division (A)(10)(c) of this section for 36927
that fiscal year]}. 36928

(3) Calculate the district's building operations cost for 36929
that fiscal year as follows: 36930

(a) ~~Using data for the six most recent fiscal years for which~~ 36931
~~data is available, determine~~ Determine both of the following: 36932

(i) The ~~six-year average of the~~ average building square feet 36933
per pupil for all city, local, and exempted village school 36934
district buildings in the state; 36935

(ii) The ~~six-year~~ average cost per square foot for all city, 36936

local, and exempted village school district buildings in the 36937
state. 36938

(b) Compute the building operations cost in accordance with 36939
the following formula: 36940

The district's base cost enrolled ADM for that fiscal year X 36941
[(the number determined under division (G)(3)(a)(i) of this 36942
section X the number determined under division (G)(3)(a)(ii) of 36943
this section) - (the amount determined under division (E)(5)(a) of 36944
this section for that fiscal year/ the sum determined under 36945
division (E)(5)(b) of this section for that fiscal year)] 36946

(4) Calculate the district's building leadership and 36947
operations base cost for that fiscal year, which equals the sum of 36948
divisions (G)(1), (2), and (3) of this section. 36949

(H) If a district is an eligible school district, the 36950
department shall compute the district's athletic co-curricular 36951
activities base cost for a fiscal year as follows: 36952

(1) Determine the total amount of spending for athletic 36953
co-curricular activities reported by city, local, and exempted 36954
village school districts to the department for that fiscal year; 36955

(2) Determine the sum of the enrolled ADM of every school 36956
district in the state for that fiscal year; 36957

(3) Compute the district's athletic co-curricular activities 36958
base cost in accordance with the following formula: 36959

(The amount determined under division (H)(1) of this section / the 36960
sum determined under division (H)(2) of this section) X the 36961
district's base cost enrolled ADM for the fiscal year for which 36962
the funds for athletic co-curricular activities are computed 36963

Sec. 3317.012. This section shall apply only for fiscal years 36964
~~2022 and 2023~~ 2024 and 2025. 36965

(A) As used in this section, "average administrative 36966

assistant salary," "average bookkeeping and accounting employee 36967
salary," "average clerical staff salary," "average counselor 36968
salary," "average education management information system support 36969
employee salary," "average librarian and media staff salary," 36970
"average other district administrator salary," "average principal 36971
salary," "average superintendent salary," and "average teacher 36972
cost" have the same meanings as in section 3317.011 of the Revised 36973
Code. 36974

(B) When calculating a district's aggregate base cost under 36975
this section, the department shall use data from fiscal year ~~2018~~ 36976
2022 for all of the following: 36977

(1) The average salaries determined under divisions (A)(1), 36978
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 36979
3317.011 of the Revised Code; 36980

(2) The amount for teacher benefits determined under division 36981
(A)(10)(b) of section 3317.011 of the Revised Code; 36982

(3) The district-paid insurance costs determined under 36983
division (A)(10)(c) of section 3317.011 of the Revised Code; 36984

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), 36985
and (H)(1) of section 3317.011 of the Revised Code and the 36986
corresponding student counts determined under divisions (E)(4)(b), 36987
(E)(5)(b), and (H)(2) of that section; 36988

(5) The information determined under division (G)(3) of 36989
section 3317.011 of the Revised Code. 36990

(C) A joint vocational school district's aggregate base cost 36991
for a fiscal year shall be equal to the following sum: 36992

The district's teacher base cost for that fiscal year computed 36993
under division (D) of this section + the district's student 36994
support base cost for that fiscal year computed under division (E) 36995
of this section + the district's leadership and accountability 36996

base cost for that fiscal year computed under division (F) of this	36997
section + the district's building leadership and operations base	36998
cost for that fiscal year computed under division (G) of this	36999
section	37000
(D) The department of education shall compute a district's	37001
teacher base cost for a fiscal year as follows:	37002
(1) Calculate the district's classroom teacher cost for that	37003
fiscal year as follows:	37004
(a) Determine the full-time equivalency of students in the	37005
district's base cost enrolled ADM for that fiscal year that are	37006
enrolled in a career-technical education program or class, as	37007
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of	37008
section 3317.03 of the Revised Code, and divide that number by 18;	37009
(b) Determine the full-time equivalency of students in the	37010
district's base cost enrolled ADM for that fiscal year that are	37011
enrolled in grades six through eight but are not enrolled in a	37012
career-technical education program or class described under	37013
section 3317.014 of the Revised Code and divide that number by 25;	37014
(c) Determine the full-time equivalency of students in the	37015
district's base cost enrolled ADM for that fiscal year that are	37016
enrolled in grades nine through twelve but are not enrolled in a	37017
career-technical education program or class described under	37018
section 3317.014 of the Revised Code and divide that number by 27;	37019
(d) Compute the sum of the quotients obtained under divisions	37020
(D)(1)(a), (b), and (c) of this section;	37021
(e) Compute the classroom teacher base cost by multiplying	37022
the average teacher cost for that fiscal year by the sum computed	37023
under division (D)(1)(d) of this section.	37024
(2) Calculate the district's cost for that fiscal year for	37025
teachers providing health and physical education, instruction	37026
regarding employability and soft skills, development and	37027

coordination of internships and job placements, career-technical 37028
student organization activities, pre-apprenticeship and 37029
apprenticeship coordination, and any assessment related to 37030
career-technical education, including any nationally recognized 37031
job skills or end-of-course assessment, as follows: 37032

(a) Divide the district's base cost enrolled ADM for that 37033
fiscal year by 150; 37034

(b) If the quotient obtained under division (D)(2)(a) of this 37035
section is greater than 6, the teacher cost shall be equal to that 37036
quotient multiplied by the average teacher cost for that fiscal 37037
year. 37038

(c) If the quotient obtained under division (D)(2)(a) of this 37039
section is less than or equal to 6, the teacher cost shall be 37040
equal to 6 multiplied by the average teacher cost for that fiscal 37041
year. 37042

(3) Calculate the district's substitute teacher cost for that 37043
fiscal year in accordance with the following formula: 37044

(a) Compute the substitute teacher daily rate with benefits 37045
by multiplying the substitute teacher daily rate of \$90 by 1.16; 37046

(b) Compute the substitute teacher cost in accordance with 37047
the following formula: 37048

[The sum computed under division (D)(1)(d) of this section + (the 37049
greater of the quotient obtained under division (D)(2)(a) of this 37050
section and 6)] X the amount computed under division (D)(3)(a) of 37051
this section X 5 37052

(4) Calculate the district's professional development cost 37053
for that fiscal year in accordance with the following formula: 37054

[The sum computed under division (D)(1)(d) of this section + (the 37055
greater of the quotient obtained under division (D)(2)(a) of this 37056
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 37057

section 3317.011 of the Revised Code for that fiscal year)/180] X 37058
4 37059

(5) Calculate the district's teacher base cost for that 37060
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 37061
and (4) of this section. 37062

(E) The department shall compute a district's student support 37063
base cost for a fiscal year as follows: 37064

(1) Calculate the district's guidance counselor cost for that 37065
fiscal year as follows: 37066

(a) Determine the number of students in the district's base 37067
cost enrolled ADM for that fiscal year that are enrolled in grades 37068
nine through twelve and divide that number by 360; 37069

(b) Compute the counselor cost in accordance with the 37070
following formula: 37071

(The greater of the quotient obtained under division (E)(1)(a) of 37072
this section and 1) X [(the average counselor salary for that 37073
fiscal year X 1.16) + the amount specified under division 37074
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 37075
year] 37076

(2) Calculate the district's librarian and media staff cost 37077
for that fiscal year as follows: 37078

(a) Divide the district's base cost enrolled ADM for that 37079
fiscal year by 1,000; 37080

(b) Compute the librarian and media staff cost in accordance 37081
with the following formula: 37082

The quotient obtained under division (E)(2)(a) of this section X 37083
[(the average librarian and media staff salary for that fiscal 37084
year X 1.16) + the amount specified under division (A)(10)(c) of 37085
section 3317.011 of the Revised Code for that fiscal year] 37086

(3) Calculate the district's staffing cost for student 37087

wellness and success for that fiscal year as follows: 37088

(a) Divide the district's base cost enrolled ADM for that 37089
fiscal year by 250; 37090

(b) Compute the staffing cost for student wellness and 37091
success in accordance with the following formula: 37092

The quotient obtained under division (E)(3)(a) of this section X 37093
[(the average counselor salary for that fiscal year X 1.16) + the 37094
amount specified under division (A)(10)(c) of section 3317.011 of 37095
the Revised Code for that fiscal year] 37096

(4) Calculate the district's cost for that fiscal year for 37097
career-technical curriculum specialists and coordinators, career 37098
assessment and program placement, recruitment and orientation, 37099
student success coordination, analysis of test results, 37100
development of intervention and remediation plans and monitoring 37101
of those plans, and satellite program coordination in accordance 37102
with the following formula: 37103

[(The amount determined under division (E)(4)(a) of section 37104
3317.011 of the Revised Code for that fiscal year / the sum 37105
determined under division (E)(4)(b) of section 3317.011 of the 37106
Revised Code) + (the amount determined under division (H)(1) of 37107
section 3317.011 of the Revised Code for that fiscal year / the 37108
sum determined under division (H)(2) of section 3317.011 of the 37109
Revised Code)] X the district's base cost enrolled ADM for the 37110
fiscal year for which the district's cost under this division is 37111
computed 37112

(5) Compute the district's building safety and security cost 37113
for that fiscal year in accordance with the following formula: 37114

(The amount determined under division (E)(5)(a) of section 37115
3317.011 of the Revised Code for that fiscal year / the sum 37116
determined under division (E)(5)(b) of section 3317.011 of the 37117
Revised Code) X the district's base cost enrolled ADM for the 37118

fiscal year for which the building safety and security cost is	37119
computed	37120
(6) Compute the district's supplies and academic content cost	37121
for that fiscal year in accordance with the following formula:	37122
(The amount determined under division (E)(6)(a) of section	37123
3317.011 of the Revised Code for that fiscal year / the sum	37124
determined under division (E)(6)(b) of section 3317.011 of the	37125
Revised Code) X the district's base cost enrolled ADM for the	37126
fiscal year for which the supplies and academic content cost is	37127
computed	37128
(7) Calculate the district's technology cost for that fiscal	37129
year in accordance with the following formula:	37130
\$37.50 X the district's base cost enrolled ADM for that fiscal	37131
year	37132
(8) Calculate the district's student support base cost for	37133
that fiscal year, which equals the sum of divisions (E)(1), (2),	37134
(3), (4), (5), (6), and (7) of this section.	37135
(F) The department shall compute a district's leadership and	37136
accountability base cost for a fiscal year as follows:	37137
(1) Calculate the district's superintendent cost for that	37138
fiscal year as follows:	37139
(a) If the district's base cost enrolled ADM for that fiscal	37140
year is greater than 4,000, then the district's superintendent	37141
cost shall be equal to [(\$160,000 X 1.16) + the amount specified	37142
under division (A)(10)(c) of section 3317.011 of the Revised Code	37143
for that fiscal year].	37144
(b) If the district's base cost enrolled ADM for that fiscal	37145
year is less than or equal to 4,000 but greater than or equal to	37146
500, the district's superintendent cost shall be equal to the sum	37147
of the following:	37148
(i) (The district's base cost enrolled ADM for that fiscal	37149

year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500]; 37150

(ii) (\$80,000 X 1.16) + the amount specified under division 37151
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 37152
year. 37153

(c) If the district's base cost enrolled ADM is less than 37154
500, then the district's superintendent cost shall be equal to 37155
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 37156
of section 3317.011 of the Revised Code for that fiscal year]. 37157

(2) Calculate the district's treasurer cost for that fiscal 37158
year as follows: 37159

(a) If the district's base cost enrolled ADM for that fiscal 37160
year is greater than 4,000, then the district's treasurer cost 37161
shall be equal to [((\$130,000 X 1.16) + the amount specified under 37162
division (A)(10)(c) of section 3317.011 of the Revised Code for 37163
that fiscal year]. 37164

(b) If the district's base cost enrolled ADM for that fiscal 37165
year is less than or equal to 4,000 but greater than or equal to 37166
500, the district's treasurer cost shall be equal to the sum of 37167
the following: 37168

(i) (The district's base cost enrolled ADM for that fiscal 37169
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16))/3500]; 37170

(ii) (\$60,000 X 1.16) + the amount specified under division 37171
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 37172
year. 37173

(c) If the district's base cost enrolled ADM is less than 37174
500, then the district's treasurer cost shall be equal to 37175
[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 37176
of section 3317.011 of the Revised Code for that fiscal year]. 37177

(3) Calculate the district's other district administrator 37178
cost for that fiscal year as follows: 37179

(a) Divide the average other district administrator salary	37180
for that fiscal year by the average superintendent salary for that	37181
fiscal year;	37182
(b) Divide the district's base cost enrolled ADM for that	37183
fiscal year by 750;	37184
(c) Compute the other district administrator cost in	37185
accordance with the following formula:	37186
{[(The district's superintendent cost for that fiscal year	37187
calculated under division (F)(1) of this section - the amount	37188
specified under division (A)(10)(c) of section 3317.011 of the	37189
Revised Code for that fiscal year) X the quotient obtained under	37190
division (F)(3)(a) of this section] + the amount specified under	37191
division (A)(10)(c) of section 3317.011 of the Revised Code} X	37192
(the greater of the quotient obtained under division (F)(3)(b) of	37193
this section and 2)	37194
(4) Calculate the district's fiscal support cost for that	37195
fiscal year as follows:	37196
(a) Divide the district's base cost enrolled ADM for that	37197
fiscal year by 850;	37198
(b) Determine the lesser of the following:	37199
(i) The maximum of the quotient obtained under division	37200
(F)(4)(a) of this section and 2;	37201
(ii) 35.	37202
(c) Compute the fiscal support cost in accordance with the	37203
following formula:	37204
The number obtained under division (F)(4)(b) of this section X	37205
[(the average bookkeeping and accounting employee salary for that	37206
fiscal year X 1.16) + the amount specified under division	37207
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal	37208
year]	37209

(5) Calculate the district's education management information system support cost for that fiscal year as follows:	37210 37211
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	37212 37213
(b) Compute the education management information system support cost in accordance with the following formula: (The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	37214 37215 37216 37217 37218 37219 37220
(6) Calculate the district's leadership support cost for that fiscal year as follows:	37221 37222
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;	37223 37224
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	37225 37226
(c) Compute the leadership support cost in accordance with the following formula: (The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	37227 37228 37229 37230 37231 37232 37233
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: \$31 X the district's base cost enrolled ADM for that fiscal year	37234 37235 37236 37237
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the	37238 37239

sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;	37240 37241
(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:	37242 37243
(1) Calculate the district's building leadership cost for that fiscal year as follows:	37244 37245
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	37246 37247
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	37248 37249
(c) Compute the building leadership cost in accordance with the following formula:	37250 37251
{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section	37252 37253 37254 37255 37256 37257 37258 37259
(2) Calculate the district's building leadership support cost for that fiscal year as follows:	37260 37261
(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;	37262 37263
(b) Determine the number of school buildings in the district for that fiscal year;	37264 37265
(c) Compute the building leadership support cost in accordance with the following formula:	37266 37267
(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b)	37268 37269

of this section, then the district's building leadership support 37270
cost shall be equal to {the number obtained under division 37271
(G)(2)(b) of this section X [(the average clerical staff salary X 37272
1.16) + the amount specified under division (A)(10)(c) of section 37273
3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of 37275
this section is greater than or equal to the number obtained under 37276
division (G)(2)(b) of this section, then the district's building 37277
leadership support cost shall be equal to {[the lesser of (the 37278
number obtained under division (G)(2)(b) of this section X 3) and 37279
the quotient obtained under division (G)(2)(a) of this section] X 37280
[(the average clerical staff salary for that fiscal year X 1.16) + 37281
the amount specified under division (A)(10)(c) of section 3317.011 37282
of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that 37284
fiscal year in accordance with the following formula: 37285
The district's base cost enrolled ADM for that fiscal year X [(the 37286
number determined under division (G)(3)(a)(i) of section 3317.011 37287
of the Revised Code X the number determined under division 37288
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 37289
amount determined under division (E)(5)(a) of section 3317.011 of 37290
the Revised Code for that fiscal year / the sum determined under 37291
division (E)(5)(b) of section 3317.011 of the Revised Code for 37292
that fiscal year)] 37293

(4) Calculate the district's building leadership and 37294
operations base cost for that fiscal year, which equals the sum of 37295
divisions (G)(1), (2), and (3) of this section. 37296

Sec. 3317.014. (A) The multiples for the following categories 37297
of career-technical education programs approved by the department 37298
of education under section 3317.161 of the Revised Code shall be 37299
as follows: 37300

(1) A multiple of 0.6230 for students enrolled in 37301
career-technical education workforce development programs in 37302
agricultural and environmental systems, construction technologies, 37303
engineering and science technologies, finance, health science, 37304
information technology, and manufacturing technologies, each of 37305
which shall be defined by the department in consultation with the 37306
governor's office of workforce transformation; 37307

(2) A multiple of 0.5905 for students enrolled in workforce 37308
development programs in business and administration, hospitality 37309
and tourism, human services, law and public safety, transportation 37310
systems, and arts and communications, each of which shall be 37311
defined by the department in consultation with the governor's 37312
office of workforce transformation; 37313

(3) A multiple of 0.2154 for students enrolled in 37314
career-based intervention programs, which shall be defined by the 37315
department in consultation with the governor's office of workforce 37316
transformation; 37317

(4) A multiple of 0.1830 for students enrolled in workforce 37318
development programs in education and training, marketing, 37319
workforce development academics, public administration, and career 37320
development, each of which shall be defined by the department of 37321
education in consultation with the governor's office of workforce 37322
transformation; 37323

(5) A multiple of 0.1570 for students enrolled in family and 37324
consumer science programs, which shall be defined by the 37325
department of education in consultation with the governor's office 37326
of workforce transformation. 37327

(B) The multiple for career-technical education associated 37328
services, as defined by the department, shall be 0.0294. 37329

(C) The department of education shall calculate 37330
career-technical education funds for each funding unit that is a 37331

city, local, exempted village, or joint vocational school district 37332
or the community and STEM school unit as follows: 37333

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 37334
following: 37335

(a) The funding unit's category one career-technical 37336
education ADM X the multiple specified in division (A)(1) of this 37337
section X the statewide average career-technical base cost per 37338
pupil for that fiscal year X if the funding unit is a city, local, 37339
exempted village, or joint vocational school district, the 37340
district's state share percentage; 37341

(b) The funding unit's category two career-technical 37342
education ADM X the multiple specified in division (A)(2) of this 37343
section X the statewide average career-technical base cost per 37344
pupil for that fiscal year X if the funding unit is a city, local, 37345
exempted village, or joint vocational school district, the 37346
district's state share percentage; 37347

(c) The funding unit's category three career-technical 37348
education ADM X the multiple specified in division (A)(3) of this 37349
section X the statewide average career-technical base cost per 37350
pupil for that fiscal year X if the funding unit is a city, local, 37351
exempted village, or joint vocational school district, the 37352
district's state share percentage; 37353

(d) The funding unit's category four career-technical 37354
education ADM X the multiple specified in division (A)(4) of this 37355
section X the statewide average career-technical base cost per 37356
pupil for that fiscal year X if the funding unit is a city, local, 37357
exempted village, or joint vocational school district, the 37358
district's state share percentage; 37359

(e) The funding unit's category five career-technical 37360
education ADM X the multiple specified in division (A)(5) of this 37361
section X the statewide average career-technical base cost per 37362

pupil for that fiscal year X if the funding unit is a city, local, 37363
exempted village, or joint vocational school district, the 37364
district's state share percentage. 37365

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 37366
thereafter, the sum of the following: 37367

(a) An amount calculated in a manner determined by the 37368
general assembly times the funding unit's category one 37369
career-technical education ADM; 37370

(b) An amount calculated in a manner determined by the 37371
general assembly times the funding unit's category two 37372
career-technical education ADM; 37373

(c) An amount calculated in a manner determined by the 37374
general assembly times the funding unit's category three 37375
career-technical education ADM; 37376

(d) An amount calculated in a manner determined by the 37377
general assembly times the funding unit's category four 37378
career-technical education ADM; 37379

(e) An amount calculated in a manner determined by the 37380
general assembly times the funding unit's category five 37381
career-technical education ADM. 37382

(3) Payment of funds calculated under division (C) of this 37383
section is subject to approval under section 3317.161 of the 37384
Revised Code. 37385

(D) Subject to division (I) of section 3317.023 of the 37386
Revised Code, the department shall calculate career-technical 37387
associated services funds for each funding unit that is a city, 37388
local, exempted village, or joint vocational school district or 37389
the community and STEM school unit as follows: 37390

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 37391
product: 37392

(If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage) X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X ~~\$2.50~~ \$7.50, for fiscal year ~~2022~~ 2024, or ~~\$5~~ \$10, for fiscal year ~~2023~~ 2025

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance

with division (H) of this section. 37425

(F)(1) In any fiscal year, a school district receiving funds 37426
calculated under division (C) of this section shall spend those 37427
funds only for the purposes that the department designates as 37428
approved for career-technical education expenses. Career-technical 37429
education expenses approved by the department shall include only 37430
expenses connected to the delivery of career-technical programming 37431
to career-technical students. The department shall require the 37432
school district to report data annually so that the department may 37433
monitor the district's compliance with the requirements regarding 37434
the manner in which funding calculated under division (C) of this 37435
section may be spent. 37436

(2) All funds received under division (C) of this section 37437
shall be spent in the following manner: 37438

(a) At least seventy-five per cent of the funds shall be 37439
spent on curriculum development, purchase, and implementation; 37440
instructional resources and supplies; industry-based program 37441
certification; student assessment, credentialing, and placement; 37442
curriculum specific equipment purchases and leases; 37443
career-technical student organization fees and expenses; home and 37444
agency linkages; work-based learning experiences; professional 37445
development; and other costs directly associated with 37446
career-technical education programs including development of new 37447
programs. 37448

(b) Not more than twenty-five per cent of the funds shall be 37449
used for personnel expenditures. 37450

(G) In any fiscal year, a school district receiving funds 37451
calculated under division (D) of this section, or through a 37452
transfer of funds pursuant to division (I) of section 3317.023 of 37453
the Revised Code, shall spend those funds only for the purposes 37454
that the department designates as approved for career-technical 37455

education associated services expenses, which may include such 37456
purposes as apprenticeship coordinators, coordinators for other 37457
career-technical education services, career-technical evaluation, 37458
and other purposes designated by the department. The department 37459
may deny payment of funds calculated under division (D) of this 37460
section to any district that the department determines is not 37461
operating those services or is using funds calculated under 37462
division (D) of this section, or through a transfer of funds 37463
pursuant to division (I) of section 3317.023 of the Revised Code, 37464
for other purposes. 37465

(H) In any fiscal year, a lead district of a career-technical 37466
planning district receiving funds under division (E) of this 37467
section, shall utilize those funds to deliver relevant career 37468
awareness and exploration programs to all students within its 37469
career technical planning district in a manner that is consistent 37470
with the career-technical planning district's plan that is on file 37471
with the department of education. The lead district that receives 37472
funds under this division shall spend those funds only for the 37473
following purposes: 37474

(1) Delivery of career awareness programs to students 37475
enrolled in grades kindergarten through twelve; 37476

(2) Provision of a common, consistent curriculum to students 37477
throughout their primary and secondary education; 37478

(3) Assistance to teachers in providing a career development 37479
curriculum to students; 37480

(4) Development of a career development plan for each student 37481
that stays with that student for the duration of the student's 37482
primary and secondary education; 37483

(5) Provision of opportunities for students to engage in 37484
activities, such as career fairs, hands-on experiences, and job 37485
shadowing, across all career pathways at each grade level. 37486

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

Sec. 3317.016. As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

The multiples for English learners shall be as follows:

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.

(B) A multiple of 0.1577 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025 has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years

~~2022~~ 2024 and ~~2023~~ 2025. 37517

(A) The department of education shall compute a city, local, 37518
or exempted village school district's per-pupil local capacity 37519
amount for a fiscal year as follows: 37520

(1) Calculate the district's valuation per pupil for that 37521
fiscal year as follows: 37522

(a) Determine the minimum of the district's three-year 37523
average valuation for the fiscal year for which the calculation is 37524
made and the district's taxable value for the most recent tax year 37525
for which data is available; 37526

(b) Divide the amount determined under division (A)(1)(a) of 37527
this section by the district's base cost enrolled ADM for the 37528
fiscal year for which the calculation is made. 37529

(2) Calculate the district's local share federal adjusted 37530
gross income per pupil for that fiscal year as follows: 37531

(a) Determine the minimum of the following: 37532

(i) The average of the total federal adjusted gross income of 37533
the district's residents for the three most recent tax years for 37534
which data is available, as certified under section 3317.021 of 37535
the Revised Code; 37536

(ii) The total federal adjusted gross income of the 37537
district's residents for the most recent tax year for which data 37538
is available, as certified under section 3317.021 of the Revised 37539
Code. 37540

(b) Divide the amount determined under division (A)(2)(a) of 37541
this section by the district's base cost enrolled ADM for the 37542
fiscal year for which the calculation is made. 37543

(3) Calculate the district's adjusted local share federal 37544
adjusted gross income per pupil for that fiscal year as follows: 37545

(a) Determine both of the following:	37546
(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;	37547 37548 37549 37550
(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.	37551 37552 37553 37554
(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;	37555 37556
(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.	37557 37558 37559
(4) Calculate the district's per-pupil local capacity percentage as follows:	37560 37561
(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;	37562 37563 37564
(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;	37565 37566 37567 37568 37569
(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;	37570 37571 37572 37573 37574
(d) Determine the district's per-pupil local capacity	37575

percentage as follows: 37576

(i) If the ratio calculated for the district under division 37577
(A)(4)(b) of this section is greater than or equal to the ratio 37578
calculated under division (A)(4)(b) of this section for the 37579
district with the fortieth highest ratio as determined under 37580
division (A)(4)(c) of this section, the district's per-pupil local 37581
capacity percentage shall be equal to 0.025. 37582

(ii) If the ratio calculated for the district under division 37583
(A)(4)(b) of this section is less than the ratio calculated under 37584
division (A)(4)(b) of this section for the district with the 37585
fortieth highest ratio as determined under division (A)(4)(c) of 37586
this section but greater than 1.0, the district's per-pupil local 37587
capacity percentage shall be equal to an amount calculated as 37588
follows: 37589

{[(The ratio calculated for the district under division 37590
(A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated 37591
under division (A)(4)(b) of this section for the district with the 37592
fortieth highest ratio as determined under division (A)(4)(c) of 37593
this section - 1)} + 0.0225 37594

(iii) If the ratio calculated for the district under division 37595
(A)(4)(b) of this section is less than or equal to 1.0, the 37596
district's per-pupil local capacity percentage shall be equal to 37597
the amount calculated under division (A)(4)(b) of this section 37598
times 0.0225. 37599

(5) Calculate the district's per-pupil local capacity amount 37600
for that fiscal year as follows: 37601

(The district's valuation per pupil calculated under division 37602
(A)(1) of this section for that fiscal year X the district's 37603
per-pupil local capacity percentage calculated under division 37604
(A)(4) of this section X 0.60) + (the district's local share 37605
adjusted federal gross income per pupil calculated under division 37606

(A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20)

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(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

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(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year).

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(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

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(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

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(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year).

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If the result is less than 0.05, the state share percentage shall be 0.05.

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Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year ~~2022~~ 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal year ~~2023~~ 2025, the statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year ~~2022~~ 2024, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal year ~~2023~~ 2025, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

Sec. 3317.019. (A)(1) Subject to division (C) of this section, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section

3317.02 of the Revised Code) - (the district's payment under 37669
section 3317.022 of the Revised Code - the district's payment for 37670
supplemental targeted assistance under section 3317.0218 of the 37671
Revised Code for the fiscal year for which each payment is 37672
computed) 37673

If the computation made under division (A)(1) of this section 37674
results in a negative number, the district's funding under 37675
division (A)(1) of this section shall be zero. 37676

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 37677
shall pay temporary transitional transportation aid to that 37678
district according to the following formula: 37679

(The amount calculated for the district for fiscal year 2020 under 37680
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 37681
general assembly, prior to any funding reductions authorized by 37682
Executive Order 2020-19D, "Implementing Additional Spending 37683
Controls to Balance the State Budget" issued on May 7, 2020) - 37684
(the district's payment for fiscal year 2019 under division (D)(2) 37685
of section 3314.091 of the Revised Code as that division existed 37686
prior to September 30, 2021) - (the district's payment under 37687
section 3317.0212 of the Revised Code for the fiscal year for 37688
which the payment is computed) 37689

If the computation made under division (A)(2) of this section 37690
results in a negative number, the district's funding under 37691
division (A)(2) of this section shall be zero. 37692

(B) If a local school district participates in the 37693
establishment of a joint vocational school district that begins 37694
receiving payments under section 3317.16 of the Revised Code for 37695
fiscal year ~~2022~~ 2024 or fiscal year ~~2023~~ 2025, but does not 37696
receive payments for the fiscal year immediately preceding that 37697
fiscal year, the department shall adjust, as necessary, the 37698
district's funding base, as that term is defined in section 37699
3317.02 of the Revised Code, according to the amounts received by 37700

the district in the immediately preceding fiscal year for 37701
career-technical education students who attend the newly 37702
established joint vocational school district. 37703

(C)(1) For purposes of division (C) of this section, a 37704
district's "decrease threshold" for a fiscal year is the greater 37705
of the following: 37706

(a) Twenty; 37707

(b) Ten per cent of the number of the district's students 37708
counted under division (A)(1)(b) of section 3317.03 of the Revised 37709
Code for the previous fiscal year. 37710

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if a district 37711
has fewer students counted under division (A)(1)(b) of section 37712
3317.03 of the Revised Code for that fiscal year than for the 37713
previous fiscal year and the positive difference between those two 37714
student counts is greater than or equal to the district's decrease 37715
threshold for that fiscal year, the amount paid to the district 37716
under division (A) of this section shall be reduced by the 37717
following amount: 37718

The statewide average base cost per pupil X [(the positive 37719
difference between the number of the district's students counted 37720
under division (A)(1)(b) of section 3317.03 of the Revised Code 37721
for that fiscal year and the number of the district's students 37722
counted under that division for the previous fiscal year) - the 37723
district's decrease threshold for that fiscal year] 37724

At no time, however, shall the amount paid to a district 37725
under division (A) of this section be less than zero. 37726

Sec. 3317.0110. This section shall apply only for fiscal 37727
years ~~2022~~ 2024 and ~~2023~~ 2025. 37728

(A) As used in this section: 37729

(1) "Average teacher cost" for a fiscal year has the same 37730

meaning as in section 3317.011 of the Revised Code. 37731

(2) "Eligible community or STEM school" means a community or 37732
STEM school that satisfies one of the following: 37733

(a) The school is a member of an organization that regulates 37734
interscholastic athletics. 37735

(b) The school has teams in at least three different sports 37736
that participate in an interscholastic league. 37737

(B) When calculating a community or STEM school's aggregate 37738
base cost under this section, the department shall use data from 37739
fiscal year ~~2018~~ 2022 for the average teacher cost. 37740

(C) A community or STEM school's aggregate base cost for a 37741
fiscal year shall be equal to the following sum: 37742

(The school's teacher base cost for that fiscal year computed 37743
under division (D) of this section) + (the school's student 37744
support base cost for that fiscal year computed under division (E) 37745
of this section) + (the school's leadership and accountability 37746
base cost for that fiscal year computed under division (F) of this 37747
section) + (the school's building leadership and operations base 37748
cost for that fiscal year computed under division (G) of this 37749
section) + (the school's athletic co-curricular activities base 37750
cost for that fiscal year computed under division (H) of this 37751
section, if the school is an eligible community or STEM school) 37752

(D) The department of education shall compute a community or 37753
STEM school's teacher base cost for a fiscal year as follows: 37754

(1) Calculate the school's classroom teacher cost for that 37755
fiscal year as follows: 37756

(a) Determine the full-time equivalency of students enrolled 37757
in the school for that fiscal year that are enrolled in 37758
kindergarten and divide that number by 20; 37759

(b) Determine the full-time equivalency of students enrolled 37760

in the school for that fiscal year that are enrolled in grades one 37761
through three and divide that number by 23; 37762

(c) Determine the full-time equivalency of students enrolled 37763
in the school for that fiscal year that are enrolled in grades 37764
four through eight but are not enrolled in a career-technical 37765
education program or class described under section 3317.014 of the 37766
Revised Code and divide that number by 25; 37767

(d) Determine the full-time equivalency of students enrolled 37768
in the school for that fiscal year that are enrolled in grades 37769
nine through twelve but are not enrolled in a career-technical 37770
education program or class described under section 3317.014 of the 37771
Revised Code and divide that number by 27; 37772

(e) Determine the full-time equivalency of students enrolled 37773
in the school for that fiscal year that are enrolled in a 37774
career-technical education program or class, as reported under 37775
division (B)(4) of section 3314.08 of the Revised Code, and divide 37776
that number by 18; 37777

(f) Compute the sum of the quotients obtained under divisions 37778
(D)(1)(a), (b), (c), (d), and (e) of this section; 37779

(g) Compute the classroom teacher cost by multiplying the 37780
average teacher cost for that fiscal year by the sum computed 37781
under division (D)(1)(f) of this section. 37782

(2) Calculate the school's special teacher cost for that 37783
fiscal year as follows: 37784

(a) Divide the number of students enrolled in the school for 37785
that fiscal year by 150; 37786

(b) Compute the special teacher cost by multiplying the 37787
quotient obtained under division (D)(2)(a) of this section by the 37788
average teacher cost for that fiscal year. 37789

(3) Calculate the school's substitute teacher cost for that 37790

fiscal year in accordance with the following formula:	37791
(a) Compute the substitute teacher daily rate with benefits	37792
by multiplying the substitute teacher daily rate of \$90 by 1.16;	37793
(b) Compute the substitute teacher cost in accordance with	37794
the following formula:	37795
(The sum computed under division (D)(1)(f) of this section + the	37796
quotient obtained under division (D)(2)(a) of this section) X the	37797
amount computed under division (D)(3)(a) of this section X 5	37798
(4) Calculate the school's professional development cost for	37799
that fiscal year in accordance with the following formula:	37800
(The sum computed under division (D)(1)(f) of this section + the	37801
quotient obtained under division (D)(2)(a) of this section) X	37802
[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of	37803
the Revised Code for that fiscal year)/180] X 4	37804
(5) Calculate the school's teacher base cost for that fiscal	37805
year, which equals the sum of divisions (D)(1), (2), (3), and (4)	37806
of this section.	37807
(E) The department shall compute a community or STEM school's	37808
student support base cost for a fiscal year as follows:	37809
The number of students enrolled in the school for that fiscal year	37810
X [(the sum of the student support base cost calculated for all	37811
city, local, and exempted village school districts in the state	37812
for that fiscal year under division (E) of section 3317.011 of the	37813
Revised Code) / the sum of the base cost enrolled ADMs of all of	37814
the city, local, and exempted village school districts in the	37815
state for that fiscal year]	37816
(F) The department shall compute a community or STEM school's	37817
leadership and accountability base cost for a fiscal year as	37818
follows:	37819
The number of students enrolled in the school for that fiscal year	37820
X (the sum of the leadership and accountability base cost	37821

calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (F) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year) 37822 37823 37824 37825 37826

(G) The department shall compute a community or STEM school's building leadership and operations base cost for a fiscal year as follows: 37827 37828 37829

The number of students enrolled in the school for that fiscal year X (the sum of the building leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (G) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year) 37830 37831 37832 37833 37834 37835 37836

(H) If a community or STEM school is an eligible community or STEM school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows: 37837 37838 37839

The number of students enrolled in the school for that fiscal year X (the amount determined under division (H)(1) of section 3317.011 of the Revised Code / the sum determined under division (H)(2) of section 3317.011 of the Revised Code) 37840 37841 37842 37843

Sec. 3317.02. As used in this chapter: 37844

(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code. 37845 37846

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code. 37847 37848 37849

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following: 37850 37851 37852

(1) The district's enrolled ADM for the previous fiscal year; 37853

(2) The average of the district's enrolled ADM for the 37854
previous three fiscal years. 37855

(D)(1) "Base cost per pupil" means the following for a city, 37856
local, or exempted village school district: 37857

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 37858
base cost calculated for that district for that fiscal year under 37859
section 3317.011 of the Revised Code divided by the district's 37860
base cost enrolled ADM for that fiscal year; 37861

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 37862
thereafter, an amount calculated in a manner determined by the 37863
general assembly. 37864

(2) "Base cost per pupil" means the following for a joint 37865
vocational school district: 37866

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 37867
base cost calculated for that district for that fiscal year under 37868
section 3317.012 of the Revised Code divided by the district's 37869
base cost enrolled ADM for that fiscal year; 37870

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 37871
thereafter, an amount calculated in a manner determined by the 37872
general assembly. 37873

(E)(1) "Category one career-technical education ADM" means 37874
the enrollment of students during the school year on a full-time 37875
equivalency basis in career-technical education programs described 37876
in division (A)(1) of section 3317.014 of the Revised Code and, in 37877
the case of a funding unit that is a city, local, exempted 37878
village, or joint vocational school district, certified under 37879
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 37880
Code or, in the case of the community and STEM school unit, 37881
reported by all community and STEM schools statewide under 37882

divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37883
and division (D) of section 3326.32 of the Revised Code. 37884

(2) "Category two career-technical education ADM" means the 37885
enrollment of students during the school year on a full-time 37886
equivalency basis in career-technical education programs described 37887
in division (A)(2) of section 3317.014 of the Revised Code and, in 37888
the case of a funding unit that is a city, local, exempted 37889
village, or joint vocational school district, certified under 37890
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 37891
Code or, in the case of the community and STEM school unit, 37892
reported by all community and STEM schools statewide under 37893
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37894
and division (D) of section 3326.32 of the Revised Code. 37895

(3) "Category three career-technical education ADM" means the 37896
enrollment of students during the school year on a full-time 37897
equivalency basis in career-technical education programs described 37898
in division (A)(3) of section 3317.014 of the Revised Code and, in 37899
the case of a funding unit that is a city, local, exempted 37900
village, or joint vocational school district, certified under 37901
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 37902
Code or, in the case of the community and STEM school unit, 37903
reported by all community and STEM schools statewide under 37904
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37905
and division (D) of section 3326.32 of the Revised Code. 37906

(4) "Category four career-technical education ADM" means the 37907
enrollment of students during the school year on a full-time 37908
equivalency basis in career-technical education programs described 37909
in division (A)(4) of section 3317.014 of the Revised Code and, in 37910
the case of a funding unit that is a city, local, exempted 37911
village, or joint vocational school district, certified under 37912
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 37913
Code or, in the case of the community and STEM school unit, 37914

reported by all community and STEM schools statewide under 37915
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37916
and division (D) of section 3326.32 of the Revised Code. 37917

(5) "Category five career-technical education ADM" means the 37918
enrollment of students during the school year on a full-time 37919
equivalency basis in career-technical education programs described 37920
in division (A)(5) of section 3317.014 of the Revised Code and, in 37921
the case of a funding unit that is a city, local, exempted 37922
village, or joint vocational school district, certified under 37923
division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised 37924
Code or, in the case of the community and STEM school unit, 37925
reported by all community and STEM schools statewide under 37926
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 37927
and division (D) of section 3326.32 of the Revised Code. 37928

(F)(1) "Category one English learner ADM" means the full-time 37929
equivalent number of English learners described in division (A) of 37930
section 3317.016 of the Revised Code and, in the case of a funding 37931
unit that is a city, local, exempted village, or joint vocational 37932
school district, certified under division (B)(16) or (D)(2)(m) of 37933
section 3317.03 of the Revised Code or, in the case of the 37934
community and STEM school unit, reported by all community and STEM 37935
schools statewide under division (B)(6) of section 3314.08 of the 37936
Revised Code and division (E) of section 3326.32 of the Revised 37937
Code. 37938

(2) "Category two English learner ADM" means the full-time 37939
equivalent number of English learners described in division (B) of 37940
section 3317.016 of the Revised Code and, in the case of a funding 37941
unit that is a city, local, exempted village, or joint vocational 37942
school district, certified under division (B)(17) or (D)(2)(n) of 37943
section 3317.03 of the Revised Code or, in the case of the 37944
community and STEM school unit, reported by all community and STEM 37945
schools statewide under division (B)(6) of section 3314.08 of the 37946

Revised Code and division (E) of section 3326.32 of the Revised Code. 37947
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(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 37949
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(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 37959
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(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 37970
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3314.08 of the Revised Code and division (C) of section 3326.32 of 37979
the Revised Code. 37980

(3) "Category three special education ADM" means the 37981
full-time equivalent number of students receiving special 37982
education services for those disabilities specified in division 37983
(C) of section 3317.013 of the Revised Code, and, in the case of a 37984
funding unit that is a city, local, exempted village, or joint 37985
vocational school district, certified under division (B)(7) or 37986
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 37987
of the community and STEM school unit, reported by all community 37988
and STEM schools statewide under division (B)(3) of section 37989
3314.08 of the Revised Code and division (C) of section 3326.32 of 37990
the Revised Code. 37991

(4) "Category four special education ADM" means the full-time 37992
equivalent number of students receiving special education services 37993
for those disabilities specified in division (D) of section 37994
3317.013 of the Revised Code and, in the case of a funding unit 37995
that is a city, local, exempted village, or joint vocational 37996
school district, certified under division (B)(8) or (D)(2)(e) of 37997
section 3317.03 of the Revised Code or, in the case of the 37998
community and STEM school unit, reported by all community and STEM 37999
schools statewide under division (B)(3) of section 3314.08 of the 38000
Revised Code and division (C) of section 3326.32 of the Revised 38001
Code. 38002

(5) "Category five special education ADM" means the full-time 38003
equivalent number of students receiving special education services 38004
for the disabilities specified in division (E) of section 3317.013 38005
of the Revised Code and, in the case of a funding unit that is a 38006
city, local, exempted village, or joint vocational school 38007
district, certified under division (B)(9) or (D)(2)(f) of section 38008
3317.03 of the Revised Code or, in the case of the community and 38009
STEM school unit, reported by all community and STEM schools 38010

statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 38011
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 38013
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(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 38023
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(I)(1) "Economically disadvantaged index for a school district" means the following: 38028
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(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation: 38030
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(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following: 38036
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(I) The enrolled ADM for all city, local, and exempted village school districts combined; 38038
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(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code; 38040
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(III) The statewide enrollment of students in science, 38042
technology, engineering, and mathematics schools established under 38043
Chapter 3326. of the Revised Code. 38044

(ii) For a joint vocational school district, the "statewide 38045
ADM" equals the sum of the enrolled ADM for all joint vocational 38046
school districts combined. 38047

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 38048
thereafter, an index calculated in a manner determined by the 38049
general assembly. 38050

(2) "Economically disadvantaged index for a community or STEM 38051
school" means the following: 38052

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of 38053
the quotient of the percentage of students enrolled in the school 38054
who are identified as economically disadvantaged as defined by the 38055
department of education, divided by the percentage of students in 38056
the statewide ADM identified as economically disadvantaged. For 38057
purposes of this calculation, the "statewide ADM" equals the 38058
"statewide ADM" for city, local, and exempted village school 38059
districts described in division (I)(1)(a)(i) of this section. 38060

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 38061
thereafter, an index calculated in a manner determined by the 38062
general assembly. 38063

(J) "Educational choice scholarship unit" means a unit that 38064
consists of all of the students for whom educational choice 38065
scholarships are awarded under sections 3310.03 and 3310.032 of 38066
the Revised Code. 38067

(K) "Enrolled ADM" means the following: 38068

(1) For a city, local, or exempted village school district, 38069
the enrollment reported under division (A) of section 3317.03 of 38070
the Revised Code, as verified by the superintendent of public 38071

instruction and adjusted if so ordered under division (K) of that 38072
section, and as further adjusted by the department of education, 38073
as follows: 38074

(a) Add the students described in division (A)(1)(b) of 38075
section 3317.03 of the Revised Code; 38076

(b) Subtract the students counted under divisions (A)(2)(a), 38077
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 38078
Code; 38079

(c) Count only twenty per cent of the number of joint 38080
vocational school district students counted under division (A)(3) 38081
of section 3317.03 of the Revised Code; 38082

(d) Add twenty per cent of the number of students who are 38083
entitled to attend school in the district under section 3313.64 or 38084
3313.65 of the Revised Code and are enrolled in another school 38085
district under a career-technical education compact; 38086

(e) Add twenty per cent of the number of students described 38087
in division (A)(1)(b) of section 3317.03 of the Revised Code who 38088
enroll in a joint vocational school district or under a 38089
career-technical education compact. 38090

(2) For a joint vocational school district, the final number 38091
verified by the superintendent of public instruction, based on the 38092
enrollment reported and certified under division (D) of section 38093
3317.03 of the Revised Code, as adjusted, if so ordered, under 38094
division (K) of that section, and as further adjusted by the 38095
department of education by adding the students described in 38096
division (D)(1)(b) of section 3317.03 of the Revised Code; 38097

(3) For the community and STEM school unit, the sum of the 38098
number of students reported as enrolled in community schools under 38099
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 38100
and the number of students reported as enrolled in STEM schools 38101
under division (A) of section 3326.32 of the Revised Code; 38102

(4) For the educational choice scholarship unit, the number 38103
of students for whom educational choice scholarships are awarded 38104
under sections 3310.03 and 3310.032 of the Revised Code as 38105
reported under division (A)(2)(g) of section 3317.03 of the 38106
Revised Code; 38107

(5) For the pilot project scholarship unit, the number of 38108
students for whom pilot project scholarships are awarded under 38109
sections 3313.974 to 3313.979 of the Revised Code as reported 38110
under division (A)(2)(b) of section 3317.03 of the Revised Code; 38111

(6) For the autism scholarship unit, the number of students 38112
for whom autism scholarships are awarded under section 3310.41 of 38113
the Revised Code as reported under division (A)(2)(h) of section 38114
3317.03 of the Revised Code; 38115

(7) For the Jon Peterson special needs scholarship unit, the 38116
number of students for whom Jon Peterson special needs 38117
scholarships are awarded under sections 3310.51 to 3310.64 of the 38118
Revised Code as reported under division (A)(2)(h) of section 38119
3317.03 of the Revised Code. 38120

(L)(1) "Formula ADM" means, for a city, local, or exempted 38121
village school district, the enrollment reported under division 38122
(A) of section 3317.03 of the Revised Code, as verified by the 38123
superintendent of public instruction and adjusted if so ordered 38124
under division (K) of that section, and as further adjusted by the 38125
department of education, as follows: 38126

(a) Count only twenty per cent of the number of joint 38127
vocational school district students counted under division (A)(3) 38128
of section 3317.03 of the Revised Code; 38129

(b) Add twenty per cent of the number of students who are 38130
entitled to attend school in the district under section 3313.64 or 38131
3313.65 of the Revised Code and are enrolled in another school 38132
district under a career-technical education compact. 38133

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) ~~Either of the following:~~

~~(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~

~~(II)~~ For fiscal ~~year 2023~~ years 2024 and 2025, the district's 38165
payments for fiscal year 2020 under divisions (C)(1), (3), and (4) 38166
of section 3313.981 of the Revised Code as those divisions existed 38167
prior to September 30, 2021. 38168

(b) Subtract from the amount calculated in division (N)(1)(a) 38169
of this section the sum of the following: 38170

(i) The following difference: 38171
(The amount paid to the district under division (A)(5) of section 38172
3317.022 of the Revised Code, as that division existed prior to 38173
September 30, 2021, for fiscal year 2019) - (the amounts deducted 38174
from the district and paid to a community school under division 38175
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 38176
technology, engineering, and mathematics school under division (E) 38177
of section 3326.33 of the Revised Code as those divisions existed 38178
prior to September 30, 2021, for fiscal year 2020 in accordance 38179
with division (A) of Section 265.235 of H.B. 166 of the 133rd 38180
general assembly) 38181

(ii) The payments deducted from the district and paid to a 38182
community school for fiscal year 2020 under divisions (C)(1)(a), 38183
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 38184
Code as those divisions existed prior to September 30, 2021, in 38185
accordance with division (A) of Section 265.230 of H.B. 166 of the 38186
133rd general assembly; 38187

(iii) The payments deducted from the district and paid to a 38188
science, technology, engineering, and mathematics school for 38189
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 38190
(G) of section 3326.33 of the Revised Code as those divisions 38191
existed prior to September 30, 2021, in accordance with division 38192
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 38193

(iv) The payments deducted from the district under division 38194
(C) of section 3310.08 of the Revised Code as that division 38195

existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) ~~Either of the following:~~

~~(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~

~~(II) For fiscal year 2023 years 2024 and 2025, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.~~

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base"

means, for a joint vocational school district, the sum of the	38227
following as calculated by the department:	38228
(1) The district's "general funding base," which equals the	38229
amount calculated as follows:	38230
(a) Compute the sum of the following:	38231
(i) The district's payments for fiscal year 2020 under	38232
Section 265.225 of H.B. 166 of the 133rd general assembly after	38233
any adjustments required under Section 265.227 of H.B. 166 of the	38234
133rd general assembly;	38235
(ii) Either of the following:	38236
(I) For fiscal year 2022, the district's payments for fiscal	38237
year 2020 under divisions (D)(1), (2), and (E)(3) of section	38238
3313.981 of the Revised Code as those divisions existed prior to	38239
September 30, 2021;	38240
(II) For fiscal year 2023 <u>years 2024 and 2025</u> , the district's	38241
payments for fiscal year 2020 under divisions (D)(1) and (2) of	38242
section 3313.981 of the Revised Code as those divisions existed	38243
prior to September 30, 2021.	38244
(b) Subtract from the amount paid to the district under	38245
division (A)(3) of section 3317.16 of the Revised Code, as that	38246
division existed prior to September 30, 2021, for fiscal year	38247
2019.	38248
(2) The district's "disadvantaged pupil impact aid funding	38249
base," which equals the amount paid to the district under division	38250
(A)(3) of section 3317.16 of the Revised Code, as that division	38251
existed prior to September 30, 2021, for fiscal year 2019.	38252
(P) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , "funding base"	38253
for a community school means the following:	38254
(1) For a community school that was in operation for the	38255
entirety of fiscal year 2020, the amount paid to the school for	38256

that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of

that fiscal year, as calculated by the department. 38289

(Q) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 38290
for a STEM school means the following: 38291

(1) For a science, technology, engineering, and mathematics 38292
school that was in operation for the entirety of fiscal year 2020, 38293
the amount paid to the school for that fiscal year under section 38294
3326.33 of the Revised Code as that section existed prior to 38295
September 30, 2021, in accordance with division (A) of Section 38296
265.235 of H.B. 166 of the 133rd general assembly and the amount, 38297
if any, paid to the school for that fiscal year under section 38298
3326.41 of the Revised Code in accordance with division (B) of 38299
Section 265.235 of H.B. 166 of the 133rd general assembly; 38300

(2) For a science, technology, engineering, and mathematics 38301
school that was in operation for part of fiscal year 2020, the 38302
amount that would have been paid to the school for that fiscal 38303
year under section 3326.33 of the Revised Code as that section 38304
existed prior to September 30, 2021, in accordance with division 38305
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 38306
if the school had been in operation for the entirety of that 38307
fiscal year, as calculated by the department, and the amount that 38308
would have been paid to the school for that fiscal year under 38309
section 3326.41 of the Revised Code in accordance with division 38310
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 38311
if any, if the school had been in operation for the entirety of 38312
that fiscal year, as calculated by the department; 38313

(3) For a science, technology, engineering, and mathematics 38314
school that was not in operation for fiscal year 2020, the amount 38315
that would have been paid to the school if it was in operation for 38316
that school year under section 3326.33 of the Revised Code as that 38317
section existed prior to September 30, 2021, in accordance with 38318
division (A) of Section 265.235 of H.B. 166 of the 133rd general 38319
assembly if the school had been in operation for the entirety of 38320

that fiscal year, as calculated by the department, and the amount 38321
that would have been paid to the school for that fiscal year under 38322
section 3326.41 of the Revised Code in accordance with division 38323
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 38324
if any, if the school had been in operation for the entirety of 38325
that fiscal year, as calculated by the department. 38326

(R) "Funding unit" means any of the following: 38327

(1) A city, local, exempted village, or joint vocational 38328
school district; 38329

(2) The community and STEM school unit; 38330

(3) The educational choice scholarship unit; 38331

(4) The pilot project scholarship unit; 38332

(5) The autism scholarship unit; 38333

(6) The Jon Peterson special needs scholarship unit. 38334

(S) "Jon Peterson special needs scholarship unit" means a 38335
unit that consists of all of the students for whom Jon Peterson 38336
scholarships are awarded under sections 3310.51 to 3310.64 of the 38337
Revised Code. 38338

(T) "Internet- or computer-based community school" has the 38339
same meaning as in section 3314.02 of the Revised Code. 38340

(U) "LRE student with a disability" means a child with a 38341
disability who has an individualized education program providing 38342
for the student to spend more than half of each school day in a 38343
regular school setting with nondisabled students. For purposes of 38344
this division, "individualized education program" and "child with 38345
a disability" have the same meanings as in section 3323.01 of the 38346
Revised Code, and "LRE" is an abbreviation for "least restrictive 38347
environment." 38348

(V) "Medically fragile child" means a child to whom all of 38349
the following apply: 38350

(1) The child requires the services of a doctor of medicine 38351
or osteopathic medicine at least once a week due to the 38352
instability of the child's medical condition. 38353

(2) The child requires the services of a registered nurse on 38354
a daily basis. 38355

(3) The child is at risk of institutionalization in a 38356
hospital, skilled nursing facility, or intermediate care facility 38357
for individuals with intellectual disabilities. 38358

(W)(1) A child may be identified as having an "other health 38359
impairment-major" if the child's condition meets the definition of 38360
"other health impaired" established in rules previously adopted by 38361
the state board of education and if either of the following apply: 38362

(a) The child is identified as having a medical condition 38363
that is among those listed by the superintendent of public 38364
instruction as conditions where a substantial majority of cases 38365
fall within the definition of "medically fragile child." 38366

(b) The child is determined by the superintendent of public 38367
instruction to be a medically fragile child. A school district 38368
superintendent may petition the superintendent of public 38369
instruction for a determination that a child is a medically 38370
fragile child. 38371

(2) A child may be identified as having an "other health 38372
impairment-minor" if the child's condition meets the definition of 38373
"other health impaired" established in rules previously adopted by 38374
the state board of education but the child's condition does not 38375
meet either of the conditions specified in division (W)(1)(a) or 38376
(b) of this section. 38377

(X)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 38378
local, exempted village, or joint vocational school district's, 38379
community school's, or STEM school's "general phase-in percentage" 38380
is equal to the percentage for that fiscal year that is determined 38381

by the general assembly. 38382

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, 38383
exempted village, or joint vocational school district's "phase-in 38384
percentage for disadvantaged pupil impact aid" is equal to the 38385
percentage for that fiscal year that is determined by the general 38386
assembly. 38387

(Y) "Pilot project scholarship unit" means a unit that 38388
consists of all of the students for whom pilot project 38389
scholarships are awarded under sections 3313.974 to 3313.979 of 38390
the Revised Code. 38391

(Z) "Preschool child with a disability" means a child with a 38392
disability, as defined in section 3323.01 of the Revised Code, who 38393
is at least age three but is not of compulsory school age, as 38394
defined in section 3321.01 of the Revised Code, and who is not 38395
currently enrolled in kindergarten. 38396

(AA) "Related services" includes: 38397

(1) Child study, special education supervisors and 38398
coordinators, speech and hearing services, adaptive physical 38399
development services, occupational or physical therapy, teacher 38400
assistants for children with disabilities whose disabilities are 38401
described in division (B) of section 3317.013 or division (G)(3) 38402
of this section, behavioral intervention, interpreter services, 38403
work study, nursing services, and specialized integrative services 38404
as those terms are defined by the department; 38405

(2) Speech and language services provided to any student with 38406
a disability, including any student whose primary or only 38407
disability is a speech and language disability; 38408

(3) Any related service not specifically covered by other 38409
state funds but specified in federal law, including but not 38410
limited to, audiology and school psychological services; 38411

(4) Any service included in units funded under former division (0)(1) of section 3317.024 of the Revised Code;	38412 38413
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	38414 38415 38416
(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.	38417 38418
(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.	38419 38420
(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	38421 38422
(EE)(1) "State share percentage" means the following for a city, local, or exempted village school district:	38423 38424
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the state share percentage calculated under section 3317.017 of the Revised Code;	38425 38426
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	38427 38428 38429
(2) "State share percentage" means the following for a joint vocational school district:	38430 38431
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the percentage calculated in accordance with the following formula:	38432 38433
The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code	38434 38435 38436 38437
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	38438 38439 38440
(FF) "Statewide average base cost per pupil" means the	38441

following:	38442
(1) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code;	38443 38444 38445
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38446 38447 38448
(GG) "Statewide average career-technical base cost per pupil" means the following:	38449 38450
(1) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;	38451 38452 38453
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38454 38455 38456
(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	38457 38458 38459
(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	38460 38461 38462 38463
(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.	38464 38465 38466 38467 38468
(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment	38469 38470 38471

reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this

section, in making the computations for the district under this 38502
chapter. 38503

(1) The taxable value of real and public utility real 38504
property in the school district subject to taxation in the 38505
preceding tax year, by class and by county of location. 38506

(2) The taxable value of tangible personal property, 38507
including public utility personal property, subject to taxation by 38508
the district for the preceding tax year. 38509

(3)(a) The total property tax rate and total taxes charged 38510
and payable for the current expenses for the preceding tax year 38511
and the total property tax rate and the total taxes charged and 38512
payable to a joint vocational district for the preceding tax year 38513
that are limited to or to the extent apportioned to current 38514
expenses. 38515

(b) The portion of the amount of taxes charged and payable 38516
reported for each city, local, and exempted village school 38517
district under division (A)(3)(a) of this section attributable to 38518
a joint vocational school district. 38519

(4) The value of all real and public utility real property in 38520
the school district exempted from taxation minus both of the 38521
following: 38522

(a) The value of real and public utility real property in the 38523
district owned by the United States government and used 38524
exclusively for a public purpose; 38525

(b) The value of real and public utility real property in the 38526
district exempted from taxation under Chapter 725. or 1728. or 38527
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 38528
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 38529

(5) The total federal adjusted gross income of the residents 38530
of the school district, based on tax returns filed by the 38531

residents of the district, for the most recent year for which this 38532
information is available, and the median Ohio adjusted gross 38533
income of the residents of the school district determined on the 38534
basis of tax returns filed for the second preceding tax year by 38535
the residents of the district. 38536

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the number of 38537
state tax returns filed by the residents of the district for the 38538
most recent year for which this information is available. 38539

(B) On or before the first day of May each year, the tax 38540
commissioner shall certify to the department of education and the 38541
office of budget and management the total taxable real property 38542
value of railroads and, separately, the total taxable tangible 38543
personal property value of all public utilities for the preceding 38544
tax year, by school district and by county of location. 38545

(C) If on the basis of the information certified under 38546
division (A) of this section, the department determines that any 38547
district fails in any year to meet the qualification requirement 38548
specified in division (A) of section 3317.01 of the Revised Code, 38549
the department shall immediately request the tax commissioner to 38550
determine the extent to which any school district income tax 38551
levied by the district under Chapter 5748. of the Revised Code 38552
shall be included in meeting that requirement. Within five days of 38553
receiving such a request from the department, the tax commissioner 38554
shall make the determination required by this division and report 38555
the quotient obtained under division (C)(3) of this section to the 38556
department and the office of budget and management. This quotient 38557
represents the number of mills that the department shall include 38558
in determining whether the district meets the qualification 38559
requirement of division (A) of section 3317.01 of the Revised 38560
Code. 38561

The tax commissioner shall make the determination required by 38562
this division as follows: 38563

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

Sec. 3317.022. The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that

fiscal year calculated under division (A)(4) of this section - the 38595
district's disadvantaged pupil impact aid funding base calculated 38596
in accordance with division (N)(2) of section 3317.02 of the 38597
Revised Code) X the district's phase-in percentage for 38598
disadvantaged pupil impact aid for that fiscal year] + the 38599
district's supplemental targeted assistance funds calculated under 38600
section 3317.0218 of the Revised Code 38601

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 38602
for a funding unit that is a city, local, or exempted village 38603
school district, the sum of the district's state core foundation 38604
funding components for that fiscal year calculated under divisions 38605
(A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and 38606
the district's supplemental targeted assistance funds calculated 38607
under section 3317.0218 of the Revised Code, if the general 38608
assembly authorizes such payments to these funding units. 38609

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for the community 38610
and STEM school unit, an amount calculated in accordance with 38611
section 3317.026 of the Revised Code. 38612

For fiscal years ~~2024~~ 2026 and each fiscal year thereafter, 38613
for the community and STEM school unit, an amount calculated in 38614
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 38615
of this section, if the general assembly authorizes such payments 38616
to these funding units. 38617

For the educational choice scholarship unit, the amount 38618
calculated under division (A)(10) of this section. 38619

For the pilot project scholarship unit, the amount calculated 38620
under division (A)(11) of this section. 38621

For the autism scholarship unit, the amount calculated under 38622
division (A)(12) of this section. 38623

For the Jon Peterson special needs scholarship unit, the 38624
amount calculated under division (A)(13) of this section. 38625

(A) A funding unit's state core foundation funding components shall be the following:	38626 38627
(1)(a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following:	38628 38629 38630
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the amount calculated under division (B) of section 3317.017 of the Revised Code;	38631 38632 38633
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38634 38635 38636
(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:	38637 38638 38639
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the amount calculated under section 3317.0110 of the Revised Code;	38640 38641
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38642 38643 38644
(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:	38645 38646
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , an amount calculated under section 3317.0217 of the Revised Code;	38647 38648
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	38649 38650 38651
(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:	38652 38653 38654 38655

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 38656
following: 38657

(i) The funding unit's category one special education ADM X 38658
the multiple specified in division (A) of section 3317.013 of the 38659
Revised Code X the statewide average base cost per pupil for that 38660
fiscal year X if the funding unit is a city, local, or exempted 38661
village school district, the district's state share percentage; 38662

(ii) The funding unit's category two special education ADM X 38663
the multiple specified in division (B) of section 3317.013 of the 38664
Revised Code X the statewide average base cost per pupil for that 38665
fiscal year X if the funding unit is a city, local, or exempted 38666
village school district, the district's state share percentage; 38667

(iii) The funding unit's category three special education ADM 38668
X the multiple specified in division (C) of section 3317.013 of 38669
the Revised Code X the statewide average base cost per pupil for 38670
that fiscal year X if the funding unit is a city, local, or 38671
exempted village school district, the district's state share 38672
percentage; 38673

(iv) The funding unit's category four special education ADM X 38674
the multiple specified in division (D) of section 3317.013 of the 38675
Revised Code X the statewide average base cost per pupil for that 38676
fiscal year X if the funding unit is a city, local, or exempted 38677
village school district, the district's state share percentage; 38678

(v) The funding unit's category five special education ADM X 38679
the multiple specified in division (E) of section 3317.013 of the 38680
Revised Code X the statewide average base cost per pupil for that 38681
fiscal year X if the funding unit is a city, local, or exempted 38682
village school district, the district's state share percentage; 38683

(vi) The funding unit's category six special education ADM X 38684
the multiple specified in division (F) of section 3317.013 of the 38685
Revised Code X the statewide average base cost per pupil for that 38686

fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage. 38687
38688

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the sum of the following: 38689
38690

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM; 38691
38692
38693

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM; 38694
38695
38696

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM; 38697
38698
38699

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM; 38700
38701
38702

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM; 38703
38704
38705

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 38706
38707
38708

(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula: 38709
38710
38711
38712

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following: 38713
38714

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following product: 38715
38716

\$422 X (the district's economically disadvantaged index) X the 38717
number of students who are economically disadvantaged as certified 38718
under division (B)(21) of section 3317.03 of the Revised Code 38719

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38720
thereafter, an amount calculated in a manner determined by the 38721
general assembly. 38722

(b) If the funding unit is the community and STEM school 38723
unit, an amount equal to the following: 38724

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 38725
calculated as follows: 38726

(I) For each student in the funding unit's enrolled ADM who 38727
is economically disadvantaged and is not enrolled in an internet- 38728
or computer-based community school, multiply \$422 by the 38729
economically disadvantaged index of the school in which the 38730
student is enrolled; 38731

(II) Compute the funding unit's disadvantaged pupil impact 38732
aid by calculating the sum of the amounts determined under 38733
division (A)(4)(b)(i)(I) of this section. 38734

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38735
thereafter, an amount calculated as follows: 38736

(I) For each student in the funding unit's enrolled ADM who 38737
is economically disadvantaged and is not enrolled in an internet- 38738
or computer-based community school, calculate an amount in the 38739
manner determined by the general assembly; 38740

(II) Compute the funding unit's disadvantaged pupil impact 38741
aid by calculating the sum of the amounts determined under 38742
division (A)(4)(b)(ii)(I) of this section. 38743

(5) If the funding unit is a city, local, or exempted village 38744
school district or the community and STEM school unit, English 38745
learner funds calculated as follows: 38746

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 38747
following: 38748

(i) The funding unit's category one English learner ADM X the 38749
multiple specified in division (A) of section 3317.016 of the 38750
Revised Code X the statewide average base cost per pupil for that 38751
fiscal year X if the funding unit is a city, local, or exempted 38752
village school district, the district's state share percentage; 38753

(ii) The funding unit's category two English learner ADM X 38754
the multiple specified in division (B) of section 3317.016 of the 38755
Revised Code X the statewide average base cost per pupil for that 38756
fiscal year X if the funding unit is a city, local, or exempted 38757
village school district, the district's state share percentage; 38758

(iii) The funding unit's category three English learner ADM X 38759
the multiple specified in division (C) of section 3317.016 of the 38760
Revised Code X the statewide average base cost per pupil for that 38761
fiscal year X if the funding unit is a city, local, or exempted 38762
village school district, the district's state share percentage. 38763

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 38764
thereafter, the sum of the following: 38765

(i) An amount calculated in a manner determined by the 38766
general assembly times the funding unit's category one English 38767
learner ADM; 38768

(ii) An amount calculated in a manner determined by the 38769
general assembly times the funding unit's category two English 38770
learner ADM; 38771

(iii) An amount calculated in a manner determined by the 38772
general assembly times the funding unit's category three English 38773
learner ADM. 38774

(6)(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if the 38775
funding unit is a city, local, or exempted village school 38776

district, all of the following:	38777
(i) Gifted identification funds calculated according to the following formula:	38778
\$24 X the district's enrolled ADM for grades kindergarten through	38779
six X the district's state share percentage	38780
(ii) Gifted referral funds calculated according to the following formula:	38781
\$2.50 X the district's enrolled ADM X the district's state share	38782
percentage	38783
(iii) Gifted professional development funds calculated according to the following formula:	38784
(The greater of the number of gifted students enrolled in the district as certified under division (B)(22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) X the district's state share percentage X \$7 <u>\$21</u> , for fiscal year 2022 <u>2024</u> , or \$14 <u>\$28</u> , for fiscal year 2023 <u>2025</u>	38786
(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.	38787
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, all of the following:	38788
(i) Gifted identification funds calculated in a manner determined by the general assembly;	38789
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	38790
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	38791
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	38792
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(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following:

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(10)(a)(ii) of this

section shall increase in future fiscal years by the same 38837
percentage that the statewide average base cost per pupil 38838
increases in future fiscal years. 38839

(b) Compute the sum of the amounts calculated under division 38840
(A)(10)(a) of this section. 38841

(11) If the funding unit is the pilot project scholarship 38842
unit, an amount calculated as follows: 38843

(a) For each student in the funding unit's enrolled ADM, 38844
determine the lesser of the following: 38845

(i) The net tuition charges of the student's alternative 38846
school; 38847

(ii) \$5,500, if the student is in grades kindergarten through 38848
eight, or \$7,500, if the student is in grades nine through twelve. 38849

The amounts specified in division (A)(11)(a)(ii) of this 38850
section shall increase in future fiscal years by the same 38851
percentage that the statewide average base cost per pupil 38852
increases in future fiscal years. 38853

For purposes of division (A)(11)(a) of this section, the net 38854
tuition and fees charged to a student shall be the tuition amount 38855
specified by the alternative school minus all other financial aid, 38856
discounts, and adjustments received for the student. In cases 38857
where discounts are offered for multiple students from the same 38858
family, and not all students in the same family are scholarship 38859
recipients, the net tuition amount attributable to the scholarship 38860
recipient shall be the lowest net tuition to which the family is 38861
entitled. 38862

The department shall provide for an increase in the amount 38863
determined for any student who is an LRE student with a disability 38864
and shall further increase such amount in the case of any 38865
separately educated student with a disability, as that term is 38866

defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) ~~\$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.~~

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) ~~\$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023,~~ \$7,190 plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, ~~\$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023~~ \$1,751;

(II) If the student is receiving special education services 38897
for a disability specified in division (B) of section 3317.013 of 38898
the Revised Code, ~~\$3,841, for fiscal year 2022, and \$3,963, for~~ 38899
~~fiscal year 2023~~ \$4,442; 38900

(III) If the student is receiving special education services 38901
for a disability specified in division (C) of section 3317.013 of 38902
the Revised Code, ~~\$9,465, for fiscal year 2022, and \$9,522, for~~ 38903
~~fiscal year 2023~~ \$10,673; 38904

(IV) If the student is receiving special education services 38905
for a disability specified in division (D) of section 3317.013 of 38906
the Revised Code, ~~\$12,644, for fiscal year 2022, and \$12,707, for~~ 38907
~~fiscal year 2023~~ \$14,243; 38908

(V) If the student is receiving special education services 38909
for a disability specified in division (E) of section 3317.013 of 38910
the Revised Code, ~~\$17,193, for fiscal year 2022, and \$17,209, for~~ 38911
~~fiscal year 2023~~ \$19,290; 38912

(VI) If the student is receiving special education services 38913
for a disability specified in division (F) of section 3317.013 of 38914
the Revised Code, ~~\$24,591, for fiscal year 2022, and \$25,370, for~~ 38915
~~fiscal year 2023~~ \$28,438. 38916

(iii) ~~\$27,000~~ \$30,000. 38917

The amount specified ~~for fiscal year 2023~~ in division 38918
(A)(13)(a)(ii) of this section shall increase in future fiscal 38919
years by the same percentage that the statewide average base cost 38920
per pupil increases in future fiscal years. 38921

The amounts specified ~~for fiscal year 2023~~ in divisions 38922
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 38923
fiscal years by the same percentage that the amounts calculated by 38924
the general assembly for those categories of special education 38925
services under division (A)(3) of this section increase in future 38926
fiscal years. 38927

(b) Compute the sum of the amounts calculated under division 38928
(A)(13)(a) of this section. 38929

(B) In any fiscal year, a funding unit that is a city, local, 38930
or exempted village school district shall spend for purposes that 38931
the department designates as approved for special education and 38932
related services expenses at least the amount calculated as 38933
follows: 38934

(The base cost per pupil calculated for the district for that 38935
fiscal year X the total special education ADM) + (the district's 38936
category one special education ADM X the multiple specified in 38937
division (A) of section 3317.013 of the Revised Code X the 38938
statewide average base cost per pupil) + (the district's category 38939
two special education ADM X the multiple specified in division (B) 38940
of section 3317.013 of the Revised Code X the statewide average 38941
base cost per pupil) + (the district's category three special 38942
education ADM X the multiple specified in division (C) of section 38943
3317.013 of the Revised Code X the statewide average base cost per 38944
pupil) + (the district's category four special education ADM X the 38945
multiple specified in division (D) of section 3317.013 of the 38946
Revised Code X the statewide average base cost per pupil) + (the 38947
district's category five special education ADM X the multiple 38948
specified in division (E) of section 3317.013 of the Revised Code 38949
X the statewide average base cost per pupil) + (the district's 38950
category six special education ADM X the multiple specified in 38951
division (F) of section 3317.013 of the Revised Code X the 38952
statewide average base cost per pupil) 38953

The purposes approved by the department for special education 38954
expenses shall include, but shall not be limited to, 38955
identification of children with disabilities, compliance with 38956
state rules governing the education of children with disabilities 38957
and prescribing the continuum of program options for children with 38958
disabilities, provision of speech language pathology services, and 38959

the portion of the school district's overall administrative and 38960
overhead costs that are attributable to the district's special 38961
education student population. 38962

(C) A funding unit that is a city, local, or exempted village 38963
school district shall spend the funds it receives under division 38964
(A)(4) of this section in accordance with section 3317.25 of the 38965
Revised Code. 38966

(D)(1) Except as provided in division (B) of section 3317.026 38967
of the Revised Code, the department shall distribute to each 38968
community school established under Chapter 3314. of the Revised 38969
Code and to each STEM school established under Chapter 3326. of 38970
the Revised Code, from the funds paid to the community and STEM 38971
school unit under this section, an amount for each student 38972
enrolled in the school equal to the sum of the following: 38973

(a) The school's base cost per pupil for that fiscal year, 38974
calculated as follows: 38975

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 38976
The aggregate base cost calculated for the school for that fiscal 38977
year under section 3317.0110 of the Revised Code / the number of 38978
students enrolled in the school for that fiscal year 38979

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38980
thereafter, an amount determined by the general assembly under 38981
division (A)(1)(b)(ii) of this section divided by the number of 38982
students enrolled in the school for that fiscal year. 38983

(b) If the student is a special education student: 38984

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 38985
specified for the student's special education category under 38986
section 3317.013 of the Revised Code times the statewide average 38987
base cost per pupil; 38988

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38989

thereafter, the amount calculated for the student's special 38990
education category in a manner determined by the general assembly 38991
under division (A)(3)(b) of this section. 38992

(c) If the school is not an internet- or computer-based 38993
community school and the student is economically disadvantaged: 38994

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 38995
calculated for the student under division (A)(4)(b)(i)(I) of this 38996
section; 38997

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 38998
thereafter, an amount calculated for the student in the manner 38999
determined by the general assembly under division (A)(4)(b)(ii)(I) 39000
of this section. 39001

(d) If the school is not an internet- or computer-based 39002
community school and the student is an English learner: 39003

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 39004
specified for the student's English learner category under section 39005
3317.016 of the Revised Code times the statewide average base cost 39006
per pupil; 39007

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 39008
thereafter, the amount calculated for the student's special 39009
education category in a manner determined by the general assembly 39010
under division (A)(5)(b) of this section. 39011

(e) If the student is a career-technical education student: 39012

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 39013
specified for the student's career-technical education category 39014
under section 3317.014 of the Revised Code times the statewide 39015
average career-technical base cost per pupil; 39016

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 39017
thereafter, the amount calculated for the student's 39018
career-technical education category in a manner determined by the 39019

general assembly under section 3317.014 of the Revised Code. 39020

(f) If the student is a career-technical education student: 39021

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 39022
for career-technical associated services specified under section 39023
3317.014 of the Revised Code times the statewide average 39024
career-technical base cost per pupil; 39025

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 39026
thereafter, the amount calculated for career-technical associated 39027
services in a manner determined by the general assembly under 39028
section 3317.014 of the Revised Code. 39029

(2) The department shall distribute to each community school 39030
established under Chapter 3314. of the Revised Code and to each 39031
STEM school established under Chapter 3326. of the Revised Code, 39032
from the funds paid to the community and STEM school unit under 39033
this section, an amount equal to the amount calculated for the 39034
school under division (A)(9) of this section. 39035

(E) The department shall distribute to the parent of each 39036
student for whom an educational choice scholarship is awarded 39037
under section 3310.03 or 3310.032 of the Revised Code, or to the 39038
student if at least eighteen years of age, from the funds paid to 39039
the educational choice scholarship unit under this section, a 39040
scholarship equal to the amount calculated for the student under 39041
division (A)(10)(a) of this section. The scholarship shall be 39042
distributed in monthly partial payments, and the department shall 39043
proportionately reduce or terminate the payments for any student 39044
who withdraws from a chartered nonpublic school prior to the end 39045
of the school year. 39046

For purposes of divisions (E) and (F) of this section, in the 39047
case of a student who is not living with the student's parent, the 39048
department shall distribute the scholarship payments to the 39049
student's guardian, legal custodian, kinship caregiver, foster 39050

caregiver, or caretaker. For the purposes of this division, 39051
"caretaker" has the same meaning as in section 3310.033 of the 39052
Revised Code, "kinship caregiver" has the same meaning as in 39053
section 5101.85 of the Revised Code, and "foster caregiver" has 39054
the same meaning as in section 5103.02 of the Revised Code. 39055

(F) If a student is awarded a pilot project scholarship under 39056
sections 3313.974 to 3313.979 of the Revised Code, the department 39057
shall distribute to the parent of the student, if the student is 39058
attending a registered private school as defined in section 39059
3313.974 of the Revised Code, or the student's school district of 39060
attendance, if the scholarship is to be used for payments to a 39061
public school in a school district adjacent to the pilot project 39062
school district pursuant to section 3327.06 of the Revised Code, a 39063
scholarship from the funds paid to the pilot project scholarship 39064
unit under this section that is equal to the amount calculated for 39065
the student under division (A)(11)(a) of this section. 39066

In the case of a scholarship distributed to a student's 39067
parent, the scholarship shall be distributed in monthly partial 39068
payments. The scholarship amount shall be proportionately reduced 39069
in the case of any such student who is not enrolled in a 39070
registered private school, as that term is defined in section 39071
3313.974 of the Revised Code, for the entire school year. 39072

In the case of a scholarship distributed to a student's 39073
school district of attendance, the department shall, on behalf of 39074
the student's parents, use the scholarship to make the tuition 39075
payments required by section 3327.06 of the Revised Code to the 39076
student's school district of attendance, except that, 39077
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 39078
Revised Code, the total payments in any school year shall not 39079
exceed the scholarship amount calculated for the student under 39080
division (A)(11)(a) of this section. 39081

(G) The department shall distribute to the parent of each 39082

student for whom an autism scholarship is awarded under section 39083
3310.41 of the Revised Code, from the funds paid to the autism 39084
scholarship unit under this section, a scholarship equal to the 39085
amount calculated for the student under division (A)(12)(a) of 39086
this section. The scholarship shall be distributed from time to 39087
time in partial payments. The scholarship amount shall be 39088
proportionately reduced in the case of any student who is not 39089
enrolled in the special education program for which a scholarship 39090
was awarded under section 3310.41 of the Revised Code for the 39091
entire school year. The department shall make no payments to the 39092
parent of a student while any administrative or judicial mediation 39093
or proceedings with respect to the content of the student's 39094
individualized education program are pending. 39095

(H) The department shall distribute to the parent of each 39096
student for whom a Jon Peterson special needs scholarship is 39097
awarded under sections 3310.51 to 3310.64 of the Revised Code, 39098
from the funds paid to the Jon Peterson special needs scholarship 39099
unit under this section, a scholarship equal to the amount 39100
calculated for the student under division (A)(13)(a) of this 39101
section. The scholarship shall be distributed in periodic 39102
payments, and the department shall proportionately reduce or 39103
terminate the payments for any student who is not enrolled in the 39104
special education program of an alternative public provider or a 39105
registered private provider, as those terms are defined in section 39106
3310.51 of the Revised Code, for the entire school year. 39107

(I) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 39108
district shall spend the funds it receives under division (A)(5) 39109
of this section only for services for English learners. 39110

(J) For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal year 39111
thereafter, a school district shall spend the funds it receives 39112
under division (A)(6) of this section only for the identification 39113
of gifted students, gifted coordinator services, gifted 39114

intervention specialist services, ~~other service providers approved~~ 39115
~~by the department of education,~~ and gifted professional 39116
development. For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal 39117
year thereafter, if the department determines that a district is 39118
not in compliance with this division, it shall reduce the 39119
district's payments for that fiscal year under this chapter by an 39120
amount equal to the amount paid to the district for that fiscal 39121
year under division (A)(6) of this section that was not spent in 39122
accordance with this division. The department shall reduce the 39123
payment within one hundred eighty days after the end of that 39124
fiscal year. 39125

Sec. 3317.024. The following shall be distributed monthly, 39126
quarterly, or annually as may be determined by the state board of 39127
education: 39128

(A) An amount for each island school district and each joint 39129
state school district for the operation of each high school and 39130
each elementary school maintained within such district and for 39131
capital improvements for such schools. Such amounts shall be 39132
determined on the basis of standards adopted by the state board of 39133
education. However, for fiscal years 2012 and 2013, an island 39134
district shall receive the lesser of its actual cost of operation, 39135
as certified to the department of education, or ninety-three per 39136
cent of the amount the district received in state operating 39137
funding for fiscal year 2011. If an island district received no 39138
funding for fiscal year 2011, it shall receive no funding for 39139
either of fiscal year 2012 or 2013. 39140

(B) An amount for each school district required to pay 39141
tuition for a child in an institution maintained by the department 39142
of youth services pursuant to section 3317.082 of the Revised 39143
Code, provided the child was not included in the calculation of 39144
the district's formula ADM, as that term is defined in section 39145

3317.02 of the Revised Code, for the preceding school year. 39146

(C)(1) An amount for the approved cost of transporting 39147
eligible pupils with disabilities attending a special education 39148
program approved by the department of education whom it is 39149
impossible or impractical to transport by regular school bus in 39150
the course of regular route transportation provided by the school 39151
district or educational service center. For fiscal years ~~2022~~ 2024 39152
and ~~2023~~ 2025, this amount shall be equal to the actual costs 39153
incurred in the prior fiscal year by the district or service 39154
center when transporting those students, as reported to the 39155
department, multiplied by one of the following: 39156

(a) For a district, the percentage determined for the 39157
district for that fiscal year under divisions (E)(1)(c)(i) and 39158
(ii) of section 3317.0212 of the Revised Code; 39159

(b) For a service center, ~~twenty-nine~~ thirty-seven and 39160
~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and 39161
~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for 39162
fiscal year ~~2023~~ 2025. 39163

(2) No district or service center is eligible to receive a 39164
payment under division (C) of this section for the cost of 39165
transporting any pupil whom it transports by regular school bus 39166
and who is included in the district's transportation ADM. 39167

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, both of the 39168
following apply: 39169

(a) The state board shall also establish the deadline for 39170
each district and service center to report its actual costs for 39171
transporting students described in division (C)(1) of this 39172
section. 39173

(b) The costs reported by each district and service center 39174
under division (C) of this section shall be subject to periodic, 39175
random audits by the department. 39176

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E)(2) of this section.

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) Not later later than ten days after the notification of approval and issuance of a charter to a nonpublic school, that school may elect to receive funds under division (E)(2) of this section. If no election is made, the chartered nonpublic school shall receive funds under division (E)(1) of this section. The school may subsequently change its election in accordance with

division (E)(2)(a) of this section. 39209

(c) A chartered nonpublic school that elects to receive 39210
auxiliary services funds under division (E)(2) of this section may 39211
designate an organization that oversees one or more nonpublic 39212
schools to receive those funds on its behalf. 39213

(i) Each chartered nonpublic school that designates an 39214
organization to receive auxiliary services funds on its behalf 39215
shall notify the department of education of the organization's 39216
name not later than the first day of April of each odd-numbered 39217
year. 39218

(ii) A school may rescind its decision, but may do so only in 39219
each odd-numbered year by notifying the department of that 39220
rescission not later than the first day of April of that year. A 39221
rescission submitted in compliance with this division takes effect 39222
on the following first day of July, and the school district may 39223
elect to then begin receiving auxiliary services funds directly or 39224
as specified under division (E)(1) of this section. 39225

(iii) An organization shall disburse the auxiliary services 39226
funds of all chartered nonpublic schools that have designated the 39227
organization to receive funds on their behalf in accordance with 39228
division ~~(E)(2)(b)~~ (E)(2)(c) of this section. If multiple chartered 39229
nonpublic schools designate the same organization to receive 39230
auxiliary services funds on their behalf, that organization may 39231
use one or more accounts for the purposes of managing the funds. 39232
The organization shall maintain appropriate accounting and 39233
reporting standards and ensure that each chartered nonpublic 39234
school receives the auxiliary services funds to which the school 39235
is entitled. 39236

(iv) Each chartered nonpublic school that elects to receive 39237
funds directly in accordance with division (E)(2) of this section 39238
or the organization designated to receive and disburse auxiliary 39239

services funds on behalf of a chartered nonpublic school shall 39240
maintain records of receipt and expenditures of the funds in a 39241
manner that conforms with generally accepted accounting 39242
principles. 39243

(v) The department of education shall create and disseminate 39244
a standardized reporting form that chartered nonpublic schools and 39245
organizations designated to receive funds in accordance with 39246
division ~~(E)(2)(b)~~(E)(2)(c) of this section may use to comply with 39247
division ~~(E)(2)(b)(iv)~~(E)(2)(c)(iv) of this section. However, the 39248
department shall not require schools to use that form. 39249

(vi) An organization that manages a school's auxiliary 39250
services funds pursuant to a designation made in accordance with 39251
division ~~(E)(2)(b)~~(E)(2)(c) of this section may require the 39252
school's governing authority to pay a fee for that service that 39253
does not exceed four per cent of the total amount of payments for 39254
auxiliary services that the school receives from the state. A 39255
school may pay any fee assessed pursuant to division 39256
~~(E)(2)(b)(vi)~~(E)(2)(c)(vi) of this section using auxiliary 39257
services funds. 39258

~~(e)(d)~~ The amount paid under divisions (E)(1) and (2) of this 39259
section shall equal the total amount appropriated for the 39260
implementation of sections 3317.06 and 3317.062 of the Revised 39261
Code divided by the average daily membership in grades 39262
kindergarten through twelve in chartered nonpublic elementary and 39263
high schools within the state as determined as of the last day of 39264
October of each school year. 39265

(F) An amount for each county board of developmental 39266
disabilities for the approved cost of transportation required for 39267
children attending special education programs operated by the 39268
county board under section 3323.09 of the Revised Code. For fiscal 39269
years ~~2022~~ 2024 and ~~2023~~ 2025, this amount shall be equal to the 39270
actual costs incurred in the prior fiscal year by the county board 39271

when transporting those students multiplied by ~~twenty-nine~~ 39272
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 39273
2024 and ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent 39274
for fiscal year ~~2023~~ 2025. 39275

(G) An amount to each institution defined under section 39276
3317.082 of the Revised Code providing elementary or secondary 39277
education to children other than children receiving special 39278
education under section 3323.091 of the Revised Code. This amount 39279
for any institution in any fiscal year shall equal the total of 39280
all tuition amounts required to be paid to the institution under 39281
division (A)(1) of section 3317.082 of the Revised Code. 39282

The state board of education or any other board of education 39283
or governing board may provide for any resident of a district or 39284
educational service center territory any educational service for 39285
which funds are made available to the board by the United States 39286
under the authority of public law, whether such funds come 39287
directly or indirectly from the United States or any agency or 39288
department thereof or through the state or any agency, department, 39289
or political subdivision thereof. 39290

Sec. 3317.026. This section shall apply only for fiscal years 39291
~~2022~~ 2024 and ~~2023~~ 2025. 39292

(A) For each fiscal year, the department of education shall 39293
calculate an amount for the community and STEM school unit as 39294
follows: 39295

(1) For each community school and STEM school, determine the 39296
sum of the following: 39297

(a) The aggregate base cost calculated for the school for 39298
that fiscal year under section 3317.0110 of the Revised Code; 39299

(b) The sum of the following: 39300

(i) The school's category one special education ADM X the 39301

multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:

$\$422 \times$ the school's economically disadvantaged index \times the number of students in the school's enrolled ADM who are economically disadvantaged

(d) If the school is not an internet- or computer-based community school, the sum of the following:

(i) The school's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 39333
39334
39335
39336

(ii) The school's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 39337
39338
39339
39340

(iii) The school's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year. 39341
39342
39343
39344

(e) The sum of the following: 39345

(i) The school's category one career-technical education ADM X the multiple specified under division (A)(1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 39346
39347
39348
39349

(ii) The school's category two career-technical education ADM X the multiple specified under division (A)(2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 39350
39351
39352
39353

(iii) The school's category three career-technical education ADM X the multiple specified under division (A)(3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 39354
39355
39356
39357

(iv) The school's category four career-technical education ADM X the multiple specified under division (A)(4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 39358
39359
39360
39361

(v) The school's category five career-technical education ADM 39362

X the multiple specified under division (A)(5) of section 3317.014 39363
of the Revised Code X the statewide average career-technical base 39364
cost per pupil for that fiscal year. 39365

(f) An amount equal to the following: 39366
The multiple for career-technical associated services specified 39367
under division (B) of section 3317.014 of the Revised Code X the 39368
statewide average career-technical base cost per pupil for that 39369
fiscal year X the sum of the school's categories one through five 39370
career-technical education ADM 39371

(g) If the school is a community school, an amount equal to 39372
the following: 39373
The number of students reported by the community school under 39374
division (B)(5) of section 3314.08 of the Revised Code X (the 39375
aggregate base cost calculated for the school for that fiscal year 39376
under section 3317.0110 of the Revised Code / the school's 39377
enrolled ADM) X 0.20 39378

(2) For each community and STEM school, determine the lesser 39379
of the following: 39380

(a) The following sum: 39381
The school's funding base + {[the sum calculated for the school 39382
under division (A) of this section) - the school's funding base] X 39383
the school's general phase-in percentage for that fiscal year} 39384

(b) The sum of the amounts calculated for the school for that 39385
fiscal year under division (A) of this section. 39386

(3) Compute the sum of the amounts determined under division 39387
(B) of this section to determine the amount calculated for the 39388
community and STEM school unit. 39389

(B) Notwithstanding division (D) of section 3317.022 of the 39390
Revised Code, for each fiscal year, the department shall 39391
distribute to each community school and each STEM school, from the 39392
funds paid to the community and STEM school unit under section 39393

3317.022 of the Revised Code, an amount equal to the amount 39394
determined for that school under division (A)(2) of this section. 39395

Sec. 3317.0212. (A) As used in this section: 39396

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "assigned bus" 39397
means a school bus used to transport qualifying riders. 39398

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "density" means 39399
the total riders per square mile of a school district. 39400

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "nontraditional 39401
ridership" means the average number of qualifying riders who are 39402
enrolled in a community school established under Chapter 3314. of 39403
the Revised Code, in a STEM school established under Chapter 3326. 39404
of the Revised Code, or in a nonpublic school and are provided 39405
school bus service by a school district during the first full week 39406
of October. 39407

(4) "Qualifying riders" means the following: 39408

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, resident 39409
students enrolled in preschool and regular education in grades 39410
kindergarten to twelve who are provided school bus service by a 39411
school district, including students with dual enrollment in a 39412
joint vocational school district or a cooperative education school 39413
district, and students enrolled in a community school, STEM 39414
school, or nonpublic school; 39415

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39416
thereafter, students specified by the general assembly. 39417

(5) "Qualifying ridership" means the following: 39418

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the greater of 39419
the average number of qualifying riders counted in the morning or 39420
counted in the afternoon who are provided school bus service by a 39421
school district during the first full week of October; 39422

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39423
thereafter, a ridership determined in a manner specified by the 39424
general assembly. 39425

(6) "Rider density" means the following: 39426

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 39427
quotient: 39428

A school district's total number of qualifying riders/ the number 39429
of square miles in the district 39430

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39431
thereafter, a number calculated in a manner determined by the 39432
general assembly. 39433

(7) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "riders" means 39434
students enrolled in regular and special education in grades 39435
kindergarten through twelve who are provided school bus service by 39436
a school district, including students with dual enrollment in a 39437
joint vocational school district or a cooperative education school 39438
district, and students enrolled in a community school, STEM 39439
school, or nonpublic school. 39440

(8) "School bus service" means a school district's 39441
transportation of qualifying riders in any of the following types 39442
of vehicles: 39443

(a) School buses owned or leased by the district; 39444

(b) School buses operated by a private contractor hired by 39445
the district; 39446

(c) School buses operated by another school district or 39447
entity with which the district has contracted, either as part of a 39448
consortium for the provision of transportation or otherwise. 39449

(B) Not later than the first day of November, for fiscal 39450
years ~~2022~~ 2024 and ~~2023~~ 2025, or a date determined by the general 39451
assembly, for fiscal year ~~2024~~ 2026 and each fiscal year 39452

thereafter, of each year, each city, local, and exempted village 39453
school district shall report to the department of education its 39454
qualifying ridership and any other information requested by the 39455
department. Subsequent adjustments to the reported numbers shall 39456
be made only in accordance with rules adopted by the department. 39457

(C) The department shall calculate the statewide 39458
transportation cost per student as follows: 39459

(1) Determine each city, local, and exempted village school 39460
district's transportation cost per student by dividing the 39461
district's total costs for school bus service in the previous 39462
fiscal year by its qualifying ridership in the previous fiscal 39463
year. 39464

(2) After excluding districts that do not provide school bus 39465
service and the ten districts with the highest transportation 39466
costs per student and the ten districts with the lowest 39467
transportation costs per student, divide the aggregate cost for 39468
school bus service for the remaining districts in the previous 39469
fiscal year by the aggregate qualifying ridership of those 39470
districts in the previous fiscal year. 39471

(D) The department shall calculate the statewide 39472
transportation cost per mile as follows: 39473

(1) Determine each city, local, and exempted village school 39474
district's transportation cost per mile by dividing the district's 39475
total costs for school bus service in the previous fiscal year by 39476
its total number of miles driven for school bus service in the 39477
previous fiscal year. 39478

(2) After excluding districts that do not provide school bus 39479
service and the ten districts with the highest transportation 39480
costs per mile and the ten districts with the lowest 39481
transportation costs per mile, divide the aggregate cost for 39482
school bus service for the remaining districts in the previous 39483

fiscal year by the aggregate miles driven for school bus service 39484
in those districts in the previous fiscal year. 39485

(E) The department shall calculate each city, local, and 39486
exempted village school district's transportation base payment as 39487
follows: 39488

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 39489

(a) Calculate the sum of the following: 39490

(i) The product of the statewide transportation cost per 39491
student and the number of students counted in the district's 39492
qualifying ridership for the current fiscal year who are enrolled 39493
in the district; 39494

(ii) 1.5 times the statewide transportation cost per student 39495
times the number of students counted in the district's qualifying 39496
ridership for the current fiscal year who are enrolled in 39497
community schools established under Chapter 3314. of the Revised 39498
Code or STEM schools established under Chapter 3326. of the 39499
Revised Code; 39500

(iii) 2.0 times the statewide transportation cost per student 39501
times the number of students counted in the district's qualifying 39502
ridership for the current fiscal year who are enrolled in 39503
nonpublic schools. 39504

(b) Calculate the sum of the following: 39505

(i) The product of the statewide transportation cost per mile 39506
and the number of miles driven for school bus service as reported 39507
for qualifying riders for the current fiscal year who are enrolled 39508
in the district; 39509

(ii) 1.5 times the statewide transportation cost per mile 39510
times the number of miles driven for school bus service as 39511
reported for qualifying riders for the current fiscal year who are 39512
enrolled in community schools or STEM schools; 39513

(iii) 2.0 times the statewide transportation cost per mile 39514
times the number of miles driven for school bus service as 39515
reported for qualifying riders for the current fiscal year who are 39516
enrolled in nonpublic schools. 39517

(c) Multiply the greater of the amounts calculated under 39518
divisions (E)(1)(a) and (b) of this section by the following: 39519

(i) For fiscal year ~~2022~~ 2024, the greater of ~~twenty-nine~~ 39520
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent or the district's 39521
state share percentage, as defined in section 3317.02 of the 39522
Revised Code; 39523

(ii) For fiscal year ~~2023~~ 2025, the greater of ~~thirty-three~~ 39524
~~forty-one~~ and ~~one-third~~ two-thirds per cent or the district's 39525
state share percentage. 39526

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 39527
thereafter, an amount determined by the general assembly. 39528

(F) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 39529
shall pay a district's efficiency adjustment payment in accordance 39530
with divisions (F)(1) to (3) of this section. For fiscal year ~~2024~~ 39531
2026 and each fiscal year thereafter, the department shall pay a 39532
district's efficiency adjustment payment in a manner determined by 39533
the general assembly, if the general assembly authorizes such a 39534
payment to districts. 39535

(1) The department annually shall establish a target number 39536
of qualifying riders per assigned bus for each city, local, and 39537
exempted village school district. The department shall use the 39538
most recently available data in establishing the target number. 39539
The target number shall be based on the statewide median number of 39540
riders per assigned bus as adjusted to reflect the district's 39541
density in comparison to the density of all other districts. The 39542
department shall post on the department's web site each district's 39543
target number of riders per assigned bus and a description of how 39544

the target number was determined. 39545

(2) The department shall determine each school district's 39546
efficiency index by dividing the district's number of riders per 39547
assigned bus by its target number of riders per assigned bus. 39548

(3) The department shall determine each city, local, and 39549
exempted village school district's efficiency adjustment payment 39550
as follows: 39551

(a) If the district's efficiency index is equal to or greater 39552
than 1.5, the efficiency adjustment payment shall be calculated 39553
according to the following formula: 39554
 $0.15 \times$ the district's transportation base payment calculated under 39555
division (E) of this section 39556

(b) If the district's efficiency index is less than 1.5 but 39557
greater than or equal to 1.0, the efficiency adjustment payment 39558
shall be calculated according to the following formula: 39559

{[(The district's efficiency index - 1) \times 0.15]/0.5} \times the 39560
district's transportation base payment calculated under division 39561
(E) of this section 39562

(c) If the district's efficiency index is less than 1.0, the 39563
efficiency adjustment payment shall be zero. 39564

(G) In addition to funds paid under divisions (E), (F), and 39565
(H) of this section, each city, local, and exempted village 39566
district shall receive in accordance with rules adopted by the 39567
state board of education a payment for students transported by 39568
means other than school bus service and whose transportation is 39569
not funded under division (C) of section 3317.024 of the Revised 39570
Code. The rules shall include provisions for school district 39571
reporting of such students. 39572

(H)(1) For purposes of division (H) of this section, a school 39573
district's "transportation supplement percentage" means the 39574
following: 39575

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following quotient: 39576
39577

(28 - the district's rider density) / 100 39578

If the result of the calculation for a district under 39579
division (H)(1)(a) of this section is less than zero, the 39580
district's transportation supplement percentage shall be zero. 39581

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 39582
thereafter, a percentage calculated in a manner determined by the 39583
general assembly. 39584

(2) The department shall pay each district a transportation 39585
supplement calculated according to the following formula: 39586

The district's transportation supplement percentage X the amount 39587
calculated for the district under division (E)(1)(b) of this 39588
section X 0.55 39589

(I)(1) If a school district board and a community school 39590
governing authority elect to enter into an agreement under 39591
division (A) of section 3314.091 of the Revised Code, the 39592
department shall make payments to the community school according 39593
to the terms of the agreement for each student actually 39594
transported under division (C)(1) of that section. If a community 39595
school governing authority accepts transportation responsibility 39596
under division (B) of that section, the department shall make 39597
payments to the community school for each student actually 39598
transported or for whom transportation is arranged by the 39599
community school under division (C)(1) of that section, calculated 39600
as follows: 39601

(a) For any fiscal year which the general assembly has 39602
specified that transportation payments to school districts be 39603
based on an across-the-board percentage of the district's payment 39604
for the previous school year, the per pupil payment to the 39605
community school shall be the following quotient: 39606

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to the community school shall be the following:

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid in a manner described in division (G) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

The community school, however, is not required to use the same method to transport the student.

As used in this division, "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) A community school shall be paid under division (I)(2) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the additional state aid shall be calculated under the following formula:

($\$4,000 \times$ the number of students who are preschool children with disabilities) + the sum of the following: 39669
39670

(1) The district's or institution's category one special education students who are preschool children with disabilities \times the multiple specified in division (A) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 39671
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(2) The district's or institution's category two special education students who are preschool children with disabilities \times the multiple specified in division (B) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 39676
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(3) The district's or institution's category three special education students who are preschool children with disabilities \times the multiple specified in division (C) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 39681
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39683
39684
39685

(4) The district's or institution's category four special education students who are preschool children with disabilities \times the multiple specified in division (D) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 39686
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39688
39689
39690

(5) The district's or institution's category five special education students who are preschool children with disabilities \times the multiple specified in division (E) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that fiscal year \times the district's state share percentage \times 0.50; 39691
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(6) The district's or institution's category six special education students who are preschool children with disabilities \times the multiple specified in division (F) of section 3317.013 of the Revised Code \times the statewide average base cost per pupil for that 39696
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39699

fiscal year X the district's state share percentage X 0.50. 39700

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 39701
the additional state aid shall be calculated for each category of 39702
special education students who are preschool children with 39703
disabilities using a formula specified by the general assembly. 39704

The special education disability categories for preschool 39705
children used in this section are the same categories prescribed 39706
in section 3317.013 of the Revised Code. 39707

As used in division (A) of this section, the state share 39708
percentage of a student enrolled in an institution is the state 39709
share percentage of the school district in which the student is 39710
entitled to attend school under section 3313.64 or 3313.65 of the 39711
Revised Code. 39712

(B) If an educational service center is providing services to 39713
students who are preschool children with disabilities under 39714
agreement with the city, local, or exempted village school 39715
district in which the students are entitled to attend school, that 39716
district may authorize the department to transfer funds computed 39717
under this section to the service center providing those services. 39718

(C) If a county DD board is providing services to students 39719
who are preschool children with disabilities under agreement with 39720
the city, local, or exempted village school district in which the 39721
students are entitled to attend school, the department shall 39722
deduct from the district's payment computed under division (A) of 39723
this section the total amount of those funds that are attributable 39724
to the students served by the county DD board and pay that amount 39725
to that board. 39726

Sec. 3317.0215. (A)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 39727
2025, the department of education shall withhold from the 39728
aggregate amount paid for a fiscal year to each city, local, 39729

exempted village, and joint vocational school district, community 39730
school established under Chapter 3314. of the Revised Code, and 39731
science, technology, engineering, and mathematics school 39732
established under Chapter 3326. of the Revised Code an amount 39733
equal to the following: 39734

(a) In the case of a city, local, or exempted village school 39735
district, the aggregate amount of special education funding paid 39736
to the district under division (A)(3) of section 3317.022 of the 39737
Revised Code times 0.10, subject to any funding limitations 39738
enacted by the general assembly to the computation. 39739

(b) In the case of a community school or STEM school, the 39740
aggregate amount of special education funding paid to the school 39741
under division (A)(1)(b) of section 3317.026 of the Revised Code 39742
times 0.10, subject to any funding limitations enacted by the 39743
general assembly to the computation. 39744

(c) In the case of a joint vocational school district, the 39745
aggregate amount of special education funding paid to the school 39746
under division (A)(2) of section 3317.16 of the Revised Code times 39747
0.10, subject to any funding limitations enacted by the general 39748
assembly to the computation. 39749

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 39750
thereafter, the department of education shall withhold from the 39751
aggregate amount paid for a fiscal year to each city, local, 39752
exempted village, and joint vocational school district, community 39753
school, and science, technology, engineering, and mathematics 39754
school an amount determined by the general assembly, if any, for 39755
purposes of this section. 39756

(B) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 39757
shall use the amount of funds withheld under division (A) of this 39758
section for purposes of division (C)(1) of section 3314.08 of the 39759
Revised Code, section 3317.0214 of the Revised Code, division (B) 39760

of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code. 39761
39762

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 39763
the department shall use the amount of funds withheld under 39764
division (A) of this section, if any, for purposes determined by 39765
the general assembly. 39766

Sec. 3317.0217. This section shall apply only for fiscal 39767
years ~~2022~~ 2024 and ~~2023~~ 2025. 39768

Payment of the amount calculated for a school district under 39769
this section shall be made under division (A) of section 3317.022 39770
of the Revised Code. 39771

(A) For each fiscal year, the department of education shall 39772
compute targeted assistance funds for city, local, and exempted 39773
village school districts, in accordance with the following 39774
formula: 39775

A district's capacity amount for that fiscal year calculated under 39776
division (B) of this section + a district's wealth amount for that 39777
fiscal year calculated under division (C) of this section 39778

(B) The department shall calculate each district's capacity 39779
amount for a fiscal year as follows: 39780

(1) Calculate each district's weighted wealth for that fiscal 39781
year, which equals the following sum: 39782

(The amount determined for the district for that fiscal year under 39783
division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 39784

+ (the amount determined for the district for that fiscal year 39785
under division (A)(2)(a) of section 3317.017 of the Revised Code X 39786
0.4) 39787

(2) Determine the median weighted wealth of all school 39788
districts in this state for that fiscal year; 39789

(3) Compute each district's capacity index for that fiscal 39790

year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 39791
39792
39793

(4) Compute each district's capacity amount for that fiscal year as follows: 39794
39795

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 39796
39797
39798

(i) The district's capacity index is less than 1. 39799

(ii) The district's enrolled ADM is less than 200. 39800

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows: 39801
39802
39803
39804

(i) Compute the following amount for the district: 39805
(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008) 39806
39807
39808

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section. 39809
39810
39811
39812
39813

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula: 39814
39815
39816
39817

{[0.95 X (the district's enrolled ADM for that fiscal year - 400)/200] + 0.05} X the amount computed under division (B)(4)(b)(i) of this section 39818
39819
39820

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient:

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code)

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in

this state for that fiscal year X 0.014) - (the district's 39851
weighted wealth per pupil for that fiscal year X 0.0112)] X the 39852
district's enrolled ADM for that fiscal year 39853

Sec. 3317.0218. This section shall apply only for fiscal 39854
years ~~2022~~ 2024 and ~~2023~~ 2025. 39855

For each fiscal year, the department of education shall 39856
compute supplemental targeted assistance for each city, local, and 39857
exempted village school district as follows: 39858

(A) Determine if the district satisfies both of the following 39859
criteria: 39860

(1) The wealth index calculated for the district for fiscal 39861
year 2019 under division (A)(4) of former section 3317.0217 of the 39862
Revised Code as it existed prior to ~~the effective date of this~~ 39863
~~section~~ September 30, 2021, is greater than 1.6; 39864

(2) The district's enrolled ADM for fiscal year 2019 is less 39865
than eighty-eight per cent of the district's total ADM for fiscal 39866
year 2019. 39867

(B) Determine the maximum of the wealth indices calculated 39868
under division (A)(4) of former section 3317.0217 of the Revised 39869
Code as it existed prior to ~~the effective date of this section~~ 39870
September 30, 2021, for all districts that satisfy both of the 39871
criteria specified under division (A) of this section; 39872

(C) If the district satisfies both of the criteria specified 39873
under division (A) of this section, compute the district's 39874
supplemental amount as the product of the following: 39875

(1) $\{[(\text{The number specified under division (A)(1) of this}$ 39876
 $\text{section} - 1.6) / (\text{the number determined under division (B) of this}$ 39877
 $\text{section} - 1.6)] \times 675\} + 75;$ 39878

(2) The district's enrolled ADM. 39879

(D) If the district does not satisfy both of the criteria 39880

specified under division (A) of this section, the district's 39881
supplemental amount shall be equal to zero. 39882

Sec. 3317.051. (A) The department of education shall compute 39883
and pay to a school district funds based on units for services to 39884
students identified as gifted under Chapter 3324. of the Revised 39885
Code as prescribed by this section. 39886

(B) The department shall allocate gifted units for a school 39887
district as follows: 39888

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 39889

(a) One gifted coordinator unit shall be allocated for every 39890
3,300 students in a district's enrolled ADM, with a minimum of 0.5 39891
units and a maximum of 8 units allocated for the district. 39892

(b) One kindergarten through eighth grade gifted intervention 39893
specialist unit shall be allocated for every 140 gifted students 39894
enrolled in grades kindergarten through eight in the district, as 39895
certified under division (B)(22) of section 3317.03 of the Revised 39896
Code, with a minimum of 0.3 units allocated for the district. 39897

(c) One ninth through twelfth grade gifted intervention 39898
specialist unit shall be allocated for every 140 gifted students 39899
enrolled in grades nine through twelve in the district, as 39900
certified under division (B)(22) of section 3317.03 of the Revised 39901
Code, with a minimum of 0.3 units allocated for the district. 39902

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 39903
thereafter, in the manner prescribed by the general assembly. 39904

(C) The department shall pay an amount to a school district 39905
for gifted units as follows: 39906

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 39907
to the following sum: 39908

(\$85,776 X the number of units allocated to a school district 39909

under division (B)(1)(a) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage) 39910-39915

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 39916-39918

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district. 39919-39923

Sec. 3317.11. (A) As used in this section: 39924

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "base amount" is equal to \$356,250. 39925-39926

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means an amount calculated by the department of education that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made. 39927-39934

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code. 39935-39938

(4) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "student count" 39939

means the count calculated under division (G)(1) of section 3313.843 of the Revised Code. 39940
39941

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay the governing board of each educational service center an amount equal to the following: 39942
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The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year] 39945
39946
39947
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39949

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly. 39950
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(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department shall calculate an amount for each educational service center as follows: 39954
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39956

(1) If the educational service center has a student count of 5,000 students or less, the base amount. 39957
39958

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum: 39959
39960
39961

The base amount + [(the educational service center's student count - 5,000) X \$24.72] 39962
39963

(3) If the educational service center has a student count greater than 35,000 students, the following sum: 39964
39965

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90] 39966
39967

Sec. 3317.13. (A) As used in this section and section 3317.14 of the Revised Code: 39968
39969

- (1) "Years of service" includes the following: 39970
- (a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract; 39971
39972
39973
39974
- (b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract; 39975
39976
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- (c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and 39980
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- (d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year. 39988
39989
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- (2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board. 39994
39995
39996
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- (B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant 39998
39999
40000

to this section, years of service shall include the sum of all 40001
years of the teacher's teaching service included in divisions 40002
(A)(1)(a), (b), (c), and (d) of this section; except that any 40003
school district or educational service center employing a teacher 40004
new to the district or educational service center shall grant such 40005
teacher a total of not more than ten years of service pursuant to 40006
divisions (A)(1)(b), (c), and (d) of this section. 40007

Upon written complaint to the superintendent of public 40008
instruction that the board of education of a district or the 40009
governing board of an educational service center governing board 40010
has failed or refused to annually adopt a salary schedule or to 40011
pay salaries in accordance with the salary schedule set forth in 40012
division (C) of this section, the superintendent of public 40013
instruction shall cause to be made an immediate investigation of 40014
such complaint. If the superintendent finds that the conditions 40015
complained of exist, the superintendent shall order the board to 40016
correct such conditions within ten days from the date of the 40017
finding. No moneys shall be distributed to the district or 40018
educational service center under this chapter until the 40019
superintendent has satisfactory evidence of the board of 40020
education's full compliance with such order. 40021

Each teacher shall be fully credited with placement in the 40022
appropriate academic training level column in the district's or 40023
educational service center's salary schedule with years of service 40024
properly credited pursuant to this section or section 3317.14 of 40025
the Revised Code. No rule shall be adopted or exercised by any 40026
board of education or educational service center governing board 40027
which restricts the placement or the crediting of annual salary 40028
increments for any teacher according to the appropriate academic 40029
training level column. 40030

(C) Minimum salaries exclusive of retirement and sick leave 40031
for teachers shall be as follows: 40032

	Teachers		Teachers with		Teachers				
Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	Teachers with a Master's Degree or Higher					
	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*			
0	86.5	\$ 25,950	100.0	\$ 30,000	103.8	\$ 31,140	109.5	\$ 32,850	40033
		<u>34,600</u>		<u>40,000</u>		<u>41,520</u>		<u>43,800</u>	40034
1	90.0	27,000	103.8	31,140	108.1	32,430	114.3	34,290	40035
		<u>36,000</u>		<u>41,520</u>		<u>43,240</u>		<u>45,720</u>	40036
2	93.5	28,050	107.6	32,280	112.4	33,720	119.1	35,730	40037
		<u>37,400</u>		<u>43,040</u>		<u>44,960</u>		<u>47,640</u>	40038
3	97.0	29,100	111.4	33,420	116.7	35,010	123.9	37,170	40039
		<u>38,800</u>		<u>44,560</u>		<u>46,680</u>		<u>49,560</u>	40040
4	100.5	30,150	115.2	34,560	121.0	36,300	128.7	38,610	40041
		<u>40,200</u>		<u>46,080</u>		<u>48,400</u>		<u>51,480</u>	40042
5	104.0	31,200	119.0	35,700	125.3	37,590	133.5	40,050	40043
		<u>41,600</u>		<u>47,600</u>		<u>50,120</u>		<u>53,400</u>	40044
6	104.0	31,200	122.8	36,840	129.6	38,880	138.3	41,490	40045
		<u>41,600</u>		<u>49,120</u>		<u>51,840</u>		<u>55,320</u>	40046
7	104.0	31,200	126.6	37,980	133.9	40,170	143.1	42,930	40047
		<u>41,600</u>		<u>50,640</u>		<u>53,560</u>		<u>57,240</u>	40048
8	104.0	31,200	130.4	39,120	138.2	41,460	147.9	44,370	40049
		<u>41,600</u>		<u>52,160</u>		<u>55,280</u>		<u>59,160</u>	40050
9	104.0	31,200	134.2	40,260	142.5	42,750	152.7	45,810	40051
		<u>41,600</u>		<u>53,680</u>		<u>57,000</u>		<u>61,080</u>	40052
10	104.0	31,200	138.0	41,400	146.8	44,040	157.5	47,250	40053
		<u>41,600</u>		<u>55,200</u>		<u>58,720</u>		<u>63,000</u>	40054
11	104.0	31,200	141.8	42,540	151.1	45,330	162.3	48,690	40055
		<u>41,600</u>		<u>56,720</u>		<u>60,440</u>		<u>64,920</u>	40056

* Percentages represent the percentage which each salary is 40052

of the base amount. 40053

For purposes of determining the minimum salary at any level 40054
of training and service, the base of one hundred per cent shall be 40055
the base amount. The percentages used in this section show the 40056
relationships between the minimum salaries required by this 40057
section and the base amount and shall not be construed as 40058
requiring any school district or educational service center to 40059
adopt a schedule containing salaries in excess of the amounts set 40060
forth in this section for corresponding levels of training and 40061
experience. 40062

As used in this division: 40063

(1) "Base amount" means ~~thirty~~ forty thousand dollars. 40064

(2) "Five years of training" means at least one hundred fifty 40065
semester hours, or the equivalent, and a bachelor's degree from a 40066
recognized college or university. 40067

(D) For purposes of this section, all credited training shall 40068
be from a recognized college or university. 40069

Sec. 3317.16. The department of education shall compute and 40070
distribute state core foundation funding to each funding unit that 40071
is a joint vocational school district for the fiscal year as 40072
follows: 40073

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 40074

The district's funding base + [(the district's state core 40075
foundation funding components for that fiscal year calculated 40076
under divisions (A)(1), (2), (4), (5), and (6) of this section - 40077
the district's general funding base) X the district's general 40078
phase-in percentage for that fiscal year] + [(the district's 40079
disadvantaged pupil impact aid for that fiscal year calculated 40080
under division (A)(3) of this section - the district's 40081
disadvantaged pupil impact aid funding base) X the district's 40082

phase-in percentage for disadvantaged pupil impact aid for that 40083
fiscal year] 40084

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 40085
the sum of the district's state core foundation funding components 40086
for that fiscal year calculated under divisions (A)(1), (2), (3), 40087
(4), (5), and (6) of this section. 40088

(A) A district's state core foundation funding components 40089
shall be all of the following: 40090

(1) The district's state share of the base cost, which is 40091
equal to the following: 40092

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 40093
calculated according to the following formula: 40094

(The district's base cost calculated under section 3317.012 of the 40095
Revised Code) - (0.0005 X the lesser of the district's three-year 40096
average valuation or the district's most recent valuation) 40097

However, no district shall receive an amount under division 40098
(A)(1) of this section that is less than 0.05 times the base cost 40099
calculated for the district under section 3317.012 of the Revised 40100
Code. 40101

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 40102
thereafter, an amount calculated in a manner determined by the 40103
general assembly. 40104

(2) Additional state aid for special education and related 40105
services provided under Chapter 3323. of the Revised Code 40106
calculated as follows: 40107

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 40108
following: 40109

(i) The district's category one special education ADM X the 40110
multiple specified in division (A) of section 3317.013 of the 40111
Revised Code X the statewide average base cost per pupil for that 40112

fiscal year X the district's state share percentage;	40113
(ii) The district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40114 40115 40116 40117
(iii) The district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40118 40119 40120 40121
(iv) The district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40122 40123 40124 40125
(v) The district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40126 40127 40128 40129
(vi) The district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.	40130 40131 40132 40133
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, the sum of the following:	40134 40135
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;	40136 40137 40138
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;	40139 40140 40141
(iii) An amount calculated in a manner determined by the	40142

general assembly times the funding unit's category three special education ADM;	40143 40144
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	40145 40146 40147
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	40148 40149 40150
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	40151 40152 40153
(3) Disadvantaged pupil impact aid calculated as follows:	40154
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , an amount calculated according to the following formula:	40155 40156
\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	40157 40158 40159
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	40160 40161 40162
(4) English learner funds calculated as follows:	40163
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the sum of the following:	40164 40165
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40166 40167 40168 40169
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that	40170 40171 40172

fiscal year X the district's state share percentage; 40173

(iii) The district's category three English learner ADM X the 40174
multiple specified in division (C) of section 3317.016 of the 40175
Revised Code X the statewide average base cost per pupil for that 40176
fiscal year X the district's state share percentage. 40177

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 40178
thereafter, the sum of the following: 40179

(i) An amount calculated in a manner determined by the 40180
general assembly times the funding unit's category one English 40181
learner ADM; 40182

(ii) An amount calculated in a manner determined by the 40183
general assembly times the funding unit's category two English 40184
learner ADM; 40185

(iii) An amount calculated in a manner determined by the 40186
general assembly times the funding unit's category three English 40187
learner ADM. 40188

(5) Career-technical education funds calculated under 40189
division (C) of section 3317.014 of the Revised Code. 40190

(6) Career-technical education associated services funds 40191
calculated under division (D) of section 3317.014 of the Revised 40192
Code. 40193

(B)(1) If a joint vocational school district's costs for a 40194
fiscal year for a student in its categories two through six 40195
special education ADM exceed the threshold catastrophic cost for 40196
serving the student, as specified in division (B) of section 40197
3317.0214 of the Revised Code, the district may submit to the 40198
superintendent of public instruction documentation, as prescribed 40199
by the superintendent, of all of its costs for that student. Upon 40200
submission of documentation for a student of the type and in the 40201
manner prescribed, the department shall pay to the district an 40202

amount equal to the sum of the following: 40203

(a) One-half of the district's costs for the student in 40204
excess of the threshold catastrophic cost; 40205

(b) The product of one-half of the district's costs for the 40206
student in excess of the threshold catastrophic cost multiplied by 40207
the district's state share percentage. 40208

(2) The district shall report under division (B)(1) of this 40209
section, and the department shall pay for, only the costs of 40210
educational expenses and the related services provided to the 40211
student in accordance with the student's individualized education 40212
program. Any legal fees, court costs, or other costs associated 40213
with any cause of action relating to the student may not be 40214
included in the amount. 40215

(C)(1) For each student with a disability receiving special 40216
education and related services under an individualized education 40217
program, as defined in section 3323.01 of the Revised Code, at a 40218
joint vocational school district, the resident district or, if the 40219
student is enrolled in a community school, the community school 40220
shall be responsible for the amount of any costs of providing 40221
those special education and related services to that student that 40222
exceed the sum of the amount calculated for those services 40223
attributable to that student under division (A) of this section. 40224

Those excess costs shall be calculated using a formula 40225
approved by the department. 40226

(2) The board of education of the joint vocational school 40227
district may report the excess costs calculated under division 40228
(C)(1) of this section to the department of education. 40229

(3) If the board of education of the joint vocational school 40230
district reports excess costs under division (C)(2) of this 40231
section, the department shall pay the amount of excess cost 40232
calculated under division (C)(2) of this section to the joint 40233

vocational school district and shall deduct that amount as 40234
provided in division (C)(3)(a) or (b) of this section, as 40235
applicable: 40236

(a) If the student is not enrolled in a community school, the 40237
department shall deduct the amount from the account of the 40238
student's resident district pursuant to division (J) of section 40239
3317.023 of the Revised Code. 40240

(b) If the student is enrolled in a community school, the 40241
department shall deduct the amount from the account of the 40242
community school pursuant to section 3314.083 of the Revised Code. 40243

(D) A joint vocational school district shall spend the funds 40244
it receives under division (A)(3) of this section in accordance 40245
with section 3317.25 of the Revised Code. 40246

(E) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 40247
district shall spend the funds it receives under division (A)(4) 40248
of this section only for services for English learners. 40249

(F) As used in this section: 40250

(1) "Community school" means a community school established 40251
under Chapter 3314. of the Revised Code. 40252

(2) "Resident district" means the city, local, or exempted 40253
village school district in which a student is entitled to attend 40254
school under section 3313.64 or 3313.65 of the Revised Code. 40255

Sec. 3317.162. (A) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 40256
the department of education shall pay temporary transitional aid 40257
to each joint vocational school district according to the 40258
following formula: 40259

(The district's funding base, as that term is defined in 40260
section 3317.02 of the Revised Code) - (the district's payment 40261
under section 3317.16 of the Revised Code for the fiscal year for 40262
which the payment is computed) 40263

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2022~~ 2024 or fiscal year ~~2023~~ 2025 but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code.

Sec. 3317.20. This section does not apply to preschool children with disabilities.

(A) As used in this section:

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" means the state share percentage of the child's school district.

(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount equal to the following:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide average base cost per pupil + (state share percentage X the

applicable special education multiple X the statewide average base 40294
cost per pupil); 40295

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40296
thereafter, an amount determined by the general assembly. 40297

(C) Each county board of developmental disabilities shall 40298
report to the department, in the manner specified by the 40299
department, the name of each child for whom the county board of 40300
developmental disabilities provides special education and related 40301
services and the child's school district. 40302

(D)(1) For the purpose of verifying the accuracy of the 40303
payments under this section, the department may request from 40304
either of the following entities the data verification code 40305
assigned under division (D)(2) of section 3301.0714 of the Revised 40306
Code to any child who is placed with a county board of 40307
developmental disabilities: 40308

(a) The child's school district; 40309

(b) The independent contractor engaged to create and maintain 40310
data verification codes. 40311

(2) Upon a request by the department under division (D)(1) of 40312
this section for the data verification code of a child, the 40313
child's school district shall submit that code to the department 40314
in the manner specified by the department. If the child has not 40315
been assigned a code, the district shall assign a code to that 40316
child and submit the code to the department by a date specified by 40317
the department. If the district does not assign a code to the 40318
child by the specified date, the department shall assign a code to 40319
the child. 40320

The department annually shall submit to each school district 40321
the name and data verification code of each child residing in the 40322
district for whom the department has assigned a code under this 40323
division. 40324

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law. 40325
40326
40327

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 40328
40329
40330
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Sec. 3317.201. This section does not apply to preschool children with disabilities. 40334
40335

(A) As used in this section, the "total special education amount" for an institution means the following: 40336
40337

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the following amounts: 40338
40339

(a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 40340
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40345

(b) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil; 40346
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40349
40350
40351

(c) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of 40352
40353
40354

section 3317.013 of the Revised Code multiplied by the multiple 40355
specified in that division multiplied by the statewide average 40356
base cost per pupil; 40357

(d) The number of children certified by the institution under 40358
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 40359
receiving services for a disability described in division (D) of 40360
section 3317.013 of the Revised Code multiplied by the multiple 40361
specified in that division multiplied by the statewide average 40362
base cost per pupil; 40363

(e) The number of children certified by the institution under 40364
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 40365
receiving services for a disability described in division (E) of 40366
section 3317.013 of the Revised Code multiplied by the multiple 40367
specified in that division multiplied by the statewide average 40368
base cost per pupil; 40369

(f) The number of children certified by the institution under 40370
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 40371
receiving services for a disability described in division (F) of 40372
section 3317.013 of the Revised Code multiplied by the multiple 40373
specified in that division multiplied by the statewide average 40374
base cost per pupil. 40375

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40376
thereafter, the sum of the following amounts: 40377

(a) An amount calculated in a manner determined by the 40378
general assembly times the number of children certified by the 40379
institution under division (G)(1)(a)(i) of section 3317.03 of the 40380
Revised Code as receiving services for a disability described in 40381
division (A) of section 3317.013 of the Revised Code; 40382

(b) An amount calculated in a manner determined by the 40383
general assembly times the number of children certified by the 40384
institution under division (G)(1)(a)(i) of section 3317.03 of the 40385

Revised Code as receiving services for a disability described in 40386
division (B) of section 3317.013 of the Revised Code; 40387

(c) An amount calculated in a manner determined by the 40388
general assembly times the number of children certified by the 40389
institution under division (G)(1)(a)(i) of section 3317.03 of the 40390
Revised Code as receiving services for a disability described in 40391
division (C) of section 3317.013 of the Revised Code; 40392

(d) An amount calculated in a manner determined by the 40393
general assembly times the number of children certified by the 40394
institution under division (G)(1)(a)(i) of section 3317.03 of the 40395
Revised Code as receiving services for a disability described in 40396
division (D) of section 3317.013 of the Revised Code; 40397

(e) An amount calculated in a manner determined by the 40398
general assembly times the number of children certified by the 40399
institution under division (G)(1)(a)(i) of section 3317.03 of the 40400
Revised Code as receiving services for a disability described in 40401
division (E) of section 3317.013 of the Revised Code; 40402

(f) An amount calculated in a manner determined by the 40403
general assembly times the number of children certified by the 40404
institution under division (G)(1)(a)(i) of section 3317.03 of the 40405
Revised Code as receiving services for a disability described in 40406
division (F) of section 3317.013 of the Revised Code. 40407

(B) For each fiscal year, the department of education shall 40408
pay each state institution required to provide special education 40409
services under division (A) of section 3323.091 of the Revised 40410
Code an amount equal to the institution's total special education 40411
amount. 40412

Sec. 3317.25. (A) As used in this section, "disadvantaged 40413
pupil impact aid" means the following: 40414

(1) For a city, local, or exempted village school district, 40415

the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code; 40416
40417

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code; 40418
40419
40420

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code; 40421
40422
40423

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code. 40424
40425
40426

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 40427
40428
40429
40430
40431

(a) Extended school day and school year; 40432

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction; 40433
40434
40435

(c) Instructional technology or blended learning; 40436

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade; 40437
40438
40439

(e) Dropout prevention; 40440

(f) School safety and security measures; 40441

(g) Community learning centers that address barriers to learning; 40442
40443

(h) Academic interventions for students in any of grades six 40444

through twelve; 40445

(i) Employment of an individual who has successfully 40446
completed the bright new leaders for Ohio schools program as a 40447
principal or an assistant principal under section 3319.272 of the 40448
Revised Code; 40449

(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports; 40450
40451

(k) Culturally appropriate, evidence-based or 40452
evidence-informed prevention education services, including 40453
youth-led programming and ~~social and emotional learning~~ curricula 40454
to promote mental health and prevent substance use and suicide, and trauma-informed services; 40455
40456

(l) Services for homeless youth; 40457

(m) Services for child welfare involved youth; 40458

(n) Community liaisons or programs that connect students to 40459
community resources, including behavioral wellness coordinators 40460
and city connects, communities in schools, and other similar 40461
programs; 40462

(o) Physical health care services, including telehealth 40463
services and community-based health services; 40464

(p) Family engagement and support services; 40465

(q) Student services provided prior to or after the regularly 40466
scheduled school day or any time school is not in session, 40467
including mentoring programs. 40468

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40469
thereafter, each city, local, exempted village, and joint 40470
vocational school district, community school, and STEM school 40471
shall spend the disadvantaged pupil impact aid it receives for one 40472
or more initiatives specified by the general assembly. 40473

(C)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, each city, 40474

local, exempted village, and joint vocational school district, 40475
community school, and STEM school that is subject to the 40476
requirements of this section shall develop a plan for utilizing 40477
the disadvantaged pupil impact aid it receives in coordination 40478
with at least one of the following community partners: 40479

(a) A board of alcohol, drug addiction, and mental health 40480
services established under Chapter 340. of the Revised Code; 40481

(b) An educational service center; 40482

(c) A county board of developmental disabilities; 40483

(d) A community-based mental health treatment provider; 40484

(e) A board of health of a city or general health district; 40485

(f) A county department of job and family services; 40486

(g) A nonprofit organization with experience serving 40487
children; 40488

(h) A public hospital agency. 40489

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 40490
thereafter, each city, local, exempted village, and joint 40491
vocational school district, community school, and STEM school that 40492
is subject to the requirements of this section shall develop a 40493
plan for utilizing the disadvantaged pupil impact aid it receives 40494
in the manner specified by the general assembly, if the general 40495
assembly requires city, local, exempted village, and joint 40496
vocational school districts, community schools, and STEM schools 40497
to develop such a plan. 40498

(D) After the end of each fiscal year, each city, local, 40499
exempted village, or joint vocational school district, community 40500
school, and STEM school shall submit a report to the department of 40501
education describing the initiative or initiatives on which the 40502
district's or school's disadvantaged pupil impact aid were spent 40503
during that fiscal year. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 40504

this report shall be submitted in a manner prescribed by the 40505
department and shall also describe the amount of money that was 40506
spent on each initiative. 40507

(E) Starting in 2015, the department shall submit a report of 40508
the information it receives under division (C) of this section to 40509
the general assembly not later than the first day of December of 40510
each odd-numbered year in accordance with section 101.68 of the 40511
Revised Code. 40512

Sec. 3317.26. (A) As used in this section, "student wellness 40513
and success funds" means the following: 40514

(1) For a city, local, or exempted village school district, 40515
the funds received under division (E)(3) of section 3317.011 of 40516
the Revised Code, subject to the state share and any phase-in 40517
established by the general assembly; 40518

(2) For a joint vocational school district, the funds 40519
received under division (E)(3) of section 3317.012 of the Revised 40520
Code, subject to the state share and any phase-in established by 40521
the general assembly; 40522

(3) For a community school established under Chapter 3314. of 40523
the Revised Code, the funds received under division (E) of section 40524
3317.0110 of the Revised Code for student wellness and success 40525
funds, as determined by the department, subject to any phase-in 40526
established by the general assembly; 40527

(4) For a STEM school established under Chapter 3326. of the 40528
Revised Code, the funds received under division (E) of section 40529
3317.0110 of the Revised Code for student wellness and success 40530
funds, as determined by the department, subject to any phase-in 40531
established by the general assembly. 40532

(B) For each fiscal year, the department of education shall 40533
notify each city, local, exempted village, and joint vocational 40534

school district, community school, and STEM school, of the portion 40535
of the district or school's state share of the base cost 40536
calculated under section 3317.022 or 3317.16 of the Revised Code, 40537
that is attributable to the staffing cost for the student wellness 40538
and success component of the base cost, as determined by the 40539
department. 40540

(C) In each fiscal year, a city, local, exempted village or 40541
joint vocational school district, community school, or STEM school 40542
shall spend the student wellness and success funds it receives for 40543
any of the initiatives, or a combination of any of the 40544
initiatives, described in divisions (B)(1)(j) to (g) of section 40545
3317.25 of the Revised Code. 40546

(D) Not less than fifty per cent of the amount determined 40547
under division (B) of this section shall be spent on initiatives 40548
described under division (B)(1)(j) or (o) of section 3317.25 of 40549
the Revised Code, or a combination of both. 40550

(E) Each city, local, exempted village, joint vocational 40551
school district, community school, and STEM school that is subject 40552
to the requirements of this section shall develop a plan to 40553
utilize the student wellness and success funds it receives in 40554
coordination with a community mental health prevention or 40555
treatment provider or local board of alcohol, drug addiction, and 40556
mental health services established under Chapter 340. of the 40557
Revised Code and one of the community partners identified under 40558
division (C) of section 3317.25 of the Revised Code. 40559

(F) Within thirty days of the creation or amendment of the 40560
plan required under division (E) of this section, each city, 40561
local, exempted village, or joint vocational school district, 40562
community school, and STEM school shall share the plan at a public 40563
meeting of the board of education or governing authority and post 40564
the plan on the district or school's web site. 40565

(G)(1) All student wellness and success funds allocated in any of fiscal years 2020 to 2023 shall be expended prior to June 30, 2025. Any unexpended funds shall be repaid to the department.

(2) Beginning in fiscal year 2024, all student wellness and success funds shall be spent by the end of the following fiscal year. Any unexpended funds shall be repaid to the department.

(H)(1) If the department determines that a city, local, exempted village, joint vocational school district, community school, or STEM school has not spent funds in accordance with divisions (C) and (D) of this section, the department may require a corrective action plan.

(2) If a city, local, exempted village, joint vocational school district, community school, or STEM school is determined to be out of compliance with the corrective action plan described under division (H)(1) of this section, the department may withhold student wellness and success from that district or school.

(I) At the end of each fiscal year, each district and school shall submit a report to the department, in a manner determined by the department, describing the initiative or initiatives on which the district or school's funds were spent under this section during that fiscal year.

Sec. 3318.024. In the first year of a capital biennium, any funds appropriated to the Ohio facilities construction commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.

In the second year of a capital biennium, any funds

appropriated to the Ohio facilities construction commission for 40596
classroom facilities projects under this chapter that were not 40597
spent or encumbered in the first year of the biennium and which 40598
are in excess of an amount equal to half of the appropriations for 40599
the capital biennium, or for which an encumbrance has been 40600
canceled under section 3318.05 of the Revised Code, shall be used 40601
by the commission only for projects under sections 3318.01 to 40602
3318.20, 3318.33, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 40603
and 3318.40 to 3318.46 of the Revised Code, subject to 40604
appropriation by the general assembly. 40605

Sec. 3318.032. (A) Except as otherwise provided in divisions 40606
(C) and (D) of this section, the portion of the basic project cost 40607
supplied by the school district shall be the greater of: 40608

(1) The required percentage of the basic project costs; 40609

(2)(a) For all districts except a district that opts to 40610
divide its entire classroom facilities needs into segments to be 40611
completed separately as authorized by section 3318.034 of the 40612
Revised Code, an amount necessary to raise the school district's 40613
net bonded indebtedness, as of the date the controlling board 40614
approved the project, to within five thousand dollars of the 40615
required level of indebtedness; 40616

(b) For a district that opts to divide its entire classroom 40617
facilities needs into segments to be completed separately as 40618
authorized by section 3318.034 of the Revised Code, an amount 40619
necessary to raise the school district's net bonded indebtedness, 40620
as of the date the controlling board approved the project, to 40621
within five thousand dollars of the following: 40622

The required level of indebtedness X (the basic 40623
project cost of the segment as approved 40624
by the controlling board / the estimated basic 40625
project cost of the district's entire classroom facilities 40626

needs as determined jointly by the staff of the Ohio 40627
facilities construction commission and the district) 40628

(B) The amount of the district's share determined under this 40629
section shall be calculated only as of the date the controlling 40630
board approved the project, and that amount applies throughout the 40631
~~thirteen-month~~ sixteen-month period permitted under section 40632
3318.05 of the Revised Code for the district's electors to approve 40633
the propositions described in that section. If the amount reserved 40634
and encumbered for a project is released because the electors do 40635
not approve those propositions within that period, and the school 40636
district later receives the controlling board's approval for the 40637
project, subject to a new project scope and estimated costs under 40638
section 3318.054 of the Revised Code, the district's portion shall 40639
be recalculated in accordance with this section as of the date of 40640
the controlling board's subsequent approval. 40641

(C) At no time shall a school district's portion of the basic 40642
project cost be greater than ninety-five per cent of the total 40643
basic project cost. 40644

(D) If the controlling board approves a project under 40645
sections 3318.01 to 3318.20 of the Revised Code for a school 40646
district that previously received assistance under those sections 40647
or section 3318.37 of the Revised Code within the twenty-year 40648
period prior to the date on which the controlling board approves 40649
the new project, the district's portion of the basic project cost 40650
for the new project shall be the lesser of the following: 40651

(1) The portion calculated under division (A) of this 40652
section; 40653

(2) The greater of the following: 40654

(a) The required percentage of the basic project costs for 40655
the new project; 40656

(b) The percentage of the basic project cost paid by the 40657

district for the previous project. 40658

Sec. 3318.05. The conditional approval of the Ohio facilities 40659
construction commission for a project shall lapse and the amount 40660
reserved and encumbered for such project shall be released unless 40661
the school district board accepts such conditional approval within 40662
one hundred twenty days following the date of certification of the 40663
conditional approval to the school district board and the electors 40664
of the school district vote favorably on both of the propositions 40665
described in divisions (A) and (B) of this section within ~~thirteen~~ 40666
sixteen months of the date of such certification, except that a 40667
school district described in division (C) of this section does not 40668
need to submit the proposition described in division (B) of this 40669
section. The propositions described in divisions (A) and (B) of 40670
this section shall be combined in a single proposal. If the 40671
district board or the district's electors fail to meet such 40672
requirements and the amount reserved and encumbered for the 40673
district's project is released, the district shall be given first 40674
priority for project funding as such funds become available, 40675
subject to section 3318.054 of the Revised Code. 40676

(A) On the question of issuing bonds of the school district 40678
board, for the school district's portion of the basic project 40679
cost, in an amount equal to the school district's portion of the 40680
basic project cost less the amount of the proceeds of any 40681
securities authorized or to be authorized under division (J) of 40682
section 133.06 of the Revised Code and dedicated by the school 40683
district board to payment of the district's portion of the basic 40684
project cost; and 40685

(B) On the question of levying a tax the proceeds of which 40686
shall be used to pay the cost of maintaining or upgrading the 40687
classroom facilities included in the project. Such tax shall be at 40688

the rate of not less than one-half mill for each dollar of 40689
valuation for a period of twenty-three years, subject to any 40690
extension approved under section 3318.061 of the Revised Code. 40691

(C) If a school district has in place a tax levied under 40692
section 5705.21 of the Revised Code for general permanent 40693
improvements for a continuing period of time and the proceeds of 40694
such tax can be used for maintenance or upgrades, or if a district 40695
agrees to the transfers described in section 3318.051 of the 40696
Revised Code, the school district need not levy the additional tax 40697
required under division (B) of this section, provided the school 40698
district board includes in the agreement entered into under 40699
section 3318.08 of the Revised Code provisions either: 40700

(1) Earmarking an amount from the proceeds of that permanent 40701
improvement tax for maintenance or upgrades of classroom 40702
facilities equivalent to the amount of the additional tax and for 40703
the equivalent number of years otherwise required under this 40704
section; 40705

(2) Requiring the transfer of money in accordance with 40706
section 3318.051 of the Revised Code. 40707

The district board subsequently may rescind the agreement to 40708
make the transfers under section 3318.051 of the Revised Code only 40709
so long as the electors of the district have approved, in 40710
accordance with section 3318.063 of the Revised Code, the levy of 40711
a tax for the maintenance or upgrades of the classroom facilities 40712
acquired under the district's project and that levy continues to 40713
be collected as approved by the electors. 40714

(D) Proceeds of the tax to be used for maintenance or upgrade 40715
of the classroom facilities under either division (B) or (C)(1) of 40716
this section, and transfers of money in accordance with section 40717
3318.051 of the Revised Code shall be deposited into a separate 40718
fund established by the school district for such purpose. 40719

(E) Proceeds of the tax to be used for maintenance or 40720
upgrades of the classroom facilities under either division (B) or 40721
(C)(1) of this section shall not be used to upgrade classroom 40722
facilities, unless the district board submits to the Ohio 40723
facilities construction commission a proposal regarding the use of 40724
those proceeds for upgrades and the commission approves the 40725
proposal. 40726

Sec. 3318.051. (A) Any city, exempted village, or local 40727
school district that commences a project under sections 3318.01 to 40728
3318.20, 3318.33, 3318.36, 3318.37, or 3318.38 of the Revised Code 40729
~~on or after September 5, 2006,~~ need not levy the tax otherwise 40730
required under division (B) of section 3318.05 of the Revised 40731
Code, if the district board of education adopts a resolution 40732
petitioning the Ohio facilities construction commission to approve 40733
the transfer of money in accordance with this section and the 40734
commission approves that transfer. If so approved, the commission 40735
and the district board shall enter into an agreement under which 40736
the board, in each of twenty-three consecutive years beginning in 40737
the year in which the board and the commission enter into the 40738
project agreement under section 3318.08 of the Revised Code, shall 40739
transfer into the maintenance fund required by division (D) of 40740
section 3318.05 of the Revised Code not less than an amount equal 40741
to one-half mill for each dollar of the district's valuation 40742
unless and until the agreement to make those transfers is 40743
rescinded by the district board pursuant to division (F) of this 40744
section. 40745

(B) On the first day of July each year, or on an alternative 40746
date prescribed by the commission, the district treasurer shall 40747
certify to the commission and the auditor of state that the amount 40748
required for the year has been transferred. The auditor of state 40749
shall include verification of the transfer as part of any audit of 40750
the district under section 117.11 of the Revised Code. If the 40751

auditor of state finds that less than the required amount has been 40752
deposited into a district's maintenance fund, the auditor of state 40753
shall notify the district board of education in writing of that 40754
fact and require the board to deposit into the fund, within ninety 40755
days after the date of the notice, the amount by which the fund is 40756
deficient for the year. If the district board fails to demonstrate 40757
to the auditor of state's satisfaction that the board has made the 40758
deposit required in the notice, the auditor of state shall notify 40759
the department of education. At that time, the department shall 40760
withhold an amount equal to ten per cent of the district's funds 40761
calculated for the current fiscal year under Chapter 3317. of the 40762
Revised Code until the auditor of state notifies the department 40763
that the auditor of state is satisfied that the board has made the 40764
required transfer. 40765

(C) Money transferred to the maintenance fund shall be used 40766
for the maintenance or, upon approval of the Ohio facilities 40767
construction commission, upgrade of the facilities acquired under 40768
the district's project. 40769

(D) The transfers to the maintenance fund under this section 40770
does not affect a district's obligation to establish and maintain 40771
a capital and maintenance fund under section 3315.18 of the 40772
Revised Code. 40773

(E) Any decision by the commission to approve or not approve 40774
the transfer of money under this section is final and not subject 40775
to appeal. The commission shall not be responsible for errors or 40776
miscalculations made in deciding whether to approve a petition to 40777
make transfers under this section. 40778

(F) If the district board determines that it no longer can 40779
continue making the transfers agreed to under this section, the 40780
board may rescind the agreement only so long as the electors of 40781
the district have approved, in accordance with section 3318.063 of 40782
the Revised Code, the levy of a tax for the maintenance of the 40783

classroom facilities acquired under the district's project and 40784
that levy continues to be collected as approved by the electors. 40785
That levy shall be for a number of years that is equal to the 40786
difference between twenty-three years and the number of years that 40787
the district made transfers under this section and shall be at the 40788
rate of not less than one-half mill for each dollar of the 40789
district's valuation. The district board shall continue to make 40790
the transfers agreed to under this section until that levy has 40791
been approved by the electors. 40792

Sec. 3318.054. (A) If conditional approval of a city, 40793
exempted village, or local school district's project lapses as 40794
provided in section 3318.05 of the Revised Code, or if conditional 40795
approval of a joint vocational school district's project lapses as 40796
provided in division (D) of section 3318.41 of the Revised Code, 40797
because the district's electors have not approved the ballot 40798
measures necessary to generate the district's portion of the basic 40799
project cost, and if the district board desires to seek a new 40800
conditional approval of the project, the district board shall 40801
request that the Ohio facilities construction commission set the 40802
scope, basic project cost, and school district portion of the 40803
basic project cost prior to resubmitting the ballot measures to 40804
the electors. To do so, the commission shall use the district's 40805
current assessed tax valuation and the district's percentile for 40806
the prior fiscal year. For a district that has entered into an 40807
agreement under section 3318.36 of the Revised Code and desires to 40808
proceed with a project under sections 3318.01 to 3318.20 of the 40809
Revised Code, the district's portion of the basic project cost 40810
shall be the percentage specified in that agreement. The project 40811
scope and basic costs established under this division shall be 40812
valid for ~~thirteen~~ sixteen months from the date the commission 40813
approves them. 40814

(B) Upon the commission's approval under division (A) of this 40815

section, the district board may submit the ballot measures to the 40816
district's electors for approval of the project based on the new 40817
project scope and estimated costs. Upon electoral approval of 40818
those measures, the district shall be given first priority for 40819
project funding as such funds become available. 40820

(C) When the commission determines that funds are available 40821
for the district's project, the commission shall do all of the 40822
following: 40823

(1) Determine the school district portion of the basic 40824
project cost under section 3318.032 of the Revised Code, in the 40825
case of a city, exempted village, or local school district, or 40826
under section 3318.42 of the Revised Code, in the case of a joint 40827
vocational school district; 40828

(2) Conditionally approve the project and submit it to the 40829
controlling board for approval pursuant to section 3318.04 of the 40830
Revised Code; 40831

(3) Encumber funds for the project under section 3318.11 of 40832
the Revised Code; 40833

(4) Enter into an agreement with the district board under 40834
section 3318.08 of the Revised Code. 40835

Sec. 3318.055. Notwithstanding any provision to the contrary 40836
in sections 3318.05, 3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 40837
3318.361, and 3318.38 of the Revised Code, if the amount of money 40838
that would be raised in a school district by the twenty-three year 40839
maintenance tax specified in those sections during the first 40840
twelve-month period of its collection, as estimated by the 40841
department of taxation, would be less than ten per cent of the 40842
amount of money that the school district was required to deposit 40843
into its capital and maintenance fund during the most recent 40844
fiscal year under section 3315.18 of the Revised Code, the school 40845

district shall not be required to include such maintenance tax on 40846
a ballot proposal, as otherwise required under sections 3318.05, 40847
3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 3318.361, and 40848
3318.38 of the Revised Code. 40849

Sec. 3318.084. (A) Notwithstanding anything to the contrary 40850
in Chapter 3318. of the Revised Code, a school district board may 40851
apply any local donated contribution toward any of the following: 40852

(1) The district's portion of the basic project cost of a 40853
project under either sections 3318.01 to 3318.20 or sections 40854
3318.40 to 3318.45 of the Revised Code to reduce the amount of 40855
bonds the district otherwise must issue in order to receive state 40856
assistance under those sections; 40857

(2) If the school district is not a joint vocational school 40858
district proceeding under sections 3318.40 to 3318.45 of the 40859
Revised Code, an offset of all or part of a district's obligation 40860
to levy the tax described in division (B) of section 3318.05 of 40861
the Revised Code, which shall be applied only in the manner 40862
prescribed in division (B) of this section; 40863

(3) If the school district is a joint vocational school 40864
district proceeding under sections 3318.40 to 3318.45 of the 40865
Revised Code, all or part of the amount the school district is 40866
obligated to set aside for maintenance of the classroom facilities 40867
acquired under that project pursuant to section 3318.43 of the 40868
Revised Code. 40869

(B) No school district board shall apply any local donated 40870
contribution under division (A)(2) of this section unless the Ohio 40871
facilities construction commission first approves that 40872
application. 40873

Upon the request of the school district board to apply local 40874
donated contribution under division (A)(2) of this section, the 40875

commission in consultation with the department of taxation shall 40876
determine the amount of total revenue that likely would be 40877
generated by one-half mill of the tax described in division (B) of 40878
section 3318.05 of the Revised Code over the entire 40879
twenty-three-year period required under that section and shall 40880
deduct from that amount any amount of local donated contribution 40881
that the board has committed to apply under division (A)(2) of 40882
this section. The commission then shall determine in consultation 40883
with the department of taxation the rate of tax over twenty-three 40884
years necessary to generate the amount of a one-half mill tax not 40885
offset by the local donated contribution. Notwithstanding anything 40886
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 40887
Revised Code, the rate determined by the commission shall be the 40888
rate for which the district board shall seek elector approval 40889
under those sections to meet its obligation under division (B) of 40890
section 3318.05 of the Revised Code. In the case of a complete 40891
offset of the district's obligation under division (B) of section 40892
3318.05 of the Revised Code, the district shall not be required to 40893
levy the tax otherwise required under that section. At the end of 40894
the twenty-three-year period of the tax required under division 40895
(B) of section 3318.05 of the Revised Code, whether or not the tax 40896
is actually levied, the commission in consultation of the 40897
department of taxation shall recalculate the amount that would 40898
have been generated by the tax if it had been levied at one-half 40899
mill. If the total amount actually generated over that period from 40900
both the tax that was actually levied and any local donated 40901
contribution applied under division (A)(2) of this section is less 40902
than the amount that would have been raised by a one-half mill 40903
tax, the district shall pay any difference. If the total amount 40904
actually raised in such manner is greater than the amount that 40905
would have been raised by a one-half mill tax the difference shall 40906
be zero and no payments shall be made by either the district or 40907
the commission. 40908

(C) As used in this section, "local donated contribution" 40909
means any of the following: 40910

(1) Any moneys irrevocably donated or granted to a school 40911
district board by a source other than the state which the board 40912
has the authority to apply to the school district's project under 40913
sections 3318.01 to 3318.20 of the Revised Code and which the 40914
board has pledged for that purpose by resolution adopted by a 40915
majority of its members; 40916

(2) Any irrevocable letter of credit issued on behalf of a 40917
school district which the school district board has encumbered for 40918
payment of the school district's share of its project under 40919
sections 3318.01 to 3318.20 of the Revised Code that has been 40920
approved by the commission in consultation with the department of 40921
education; 40922

(3) Any cash a school district has on hand that the school 40923
district board has encumbered for payment of the school district's 40924
share of its project under sections 3318.01 to 3318.20 of the 40925
Revised Code that has been approved by the commission in 40926
consultation with the department of education, including the 40927
following: 40928

(a) Any year-end operating fund balances that can be spent 40929
for classroom facilities; 40930

(b) Any cash resulting from a lease-purchase agreement that 40931
the school district board has entered into under section 3313.375 40932
of the Revised Code, provided that the agreement and the related 40933
financing documents contain provisions protecting the state's 40934
superior interest in the project. 40935

(4) Any moneys spent by a source other than the school 40936
district or the state for construction or renovation of specific 40937
classroom facilities that have been approved by the commission as 40938
part of the basic project cost of the district's project. The 40939

school district, the commission, and the entity providing the 40940
local donated contribution under division (C)(4) of this section 40941
shall enter into an agreement identifying the classroom facilities 40942
to be acquired by the expenditures made by that entity. The 40943
agreement shall include, but not be limited to, stipulations that 40944
require an audit by the commission of such expenditures made on 40945
behalf of the district and that specify the maximum amount of 40946
credit to be allowed for those expenditures. Upon completion of 40947
the construction or renovation, the commission shall determine the 40948
actual amount that the commission will credit, at the request of 40949
the district board, toward the district's portion of the basic 40950
project cost, any project cost overruns, or the basic project cost 40951
of future segments if the project has been divided into segments 40952
under section 3318.33 or 3318.38 of the Revised Code. The actual 40953
amount of the credit shall not exceed the lesser of the amount 40954
specified in the agreement or the actual cost of the construction 40955
or renovation. 40956

(D) No state moneys shall be released for a project to which 40957
this section applies until: 40958

(1) Any local donated contribution authorized under division 40959
(A)(1) of this section is first deposited into the school 40960
district's project construction fund. 40961

(2) The school district board and the commission have 40962
included a stipulation in their agreement entered into under 40963
section 3318.08 of the Revised Code under which the board will 40964
deposit into a fund approved by the commission according to a 40965
schedule that does not extend beyond the anticipated completion 40966
date of the project the total amount of any local donated 40967
contribution authorized under division (A)(2) or (3) of this 40968
section and dedicated by the board for that purpose. 40969

However, if any local donated contribution as described in 40970
division (C)(4) of this section has been approved under this 40971

section, the state moneys may be released even if the entity 40972
providing that local donated contribution has not spent the moneys 40973
so dedicated as long as the agreement required under that section 40974
has been executed. 40975

Sec. 3318.33. (A) The accelerated Appalachian school building 40976
assistance program is hereby established. Under the program, 40977
notwithstanding section 3318.02 of the Revised Code, any school 40978
district that has any territory within the Appalachian region, as 40979
defined in section 107.21 of the Revised Code, and that has not 40980
been approved to receive assistance under sections 3318.01 to 40981
3318.20 of the Revised Code prior to the effective date of this 40982
section, may, beginning on that date, apply for approval of and be 40983
approved for such assistance. Except as otherwise provided in this 40984
section, any project approved and undertaken pursuant to this 40985
section shall comply with all provisions of sections 3318.01 to 40986
3318.20 of the Revised Code. 40987

(B) The Ohio facilities construction commission shall provide 40988
assistance to school districts eligible for assistance under this 40989
section in the following manner: 40990

(1) Each fiscal biennium, the commission shall select to 40991
receive assistance under this section not fewer than three school 40992
districts eligible for such assistance until all such eligible 40993
districts have received assistance under sections 3318.01 to 40994
3318.20 of the Revised Code. 40995

(2) Notwithstanding section 3318.02 of the Revised Code, the 40996
commission shall conduct an on-site visit and shall assess the 40997
classroom facilities needs of each school district eligible for 40998
assistance under this section that is selected under division 40999
(B)(1) of this section. 41000

(3) Any school district eligible for assistance under this 41001
section and selected under division (B)(1) of this section may 41002

apply to the commission for conditional approval of its project as 41003
determined by the assessment conducted under division (B)(2) of 41004
this section. The commission shall conditionally approve that 41005
project and submit it to the controlling board for approval 41006
pursuant to section 3318.04 of the Revised Code. 41007

(C)(1) If the controlling board approves a project submitted 41008
under division (B)(3) of this section, the commission and the 41009
school district shall enter into an agreement as prescribed in 41010
section 3318.05 of the Revised Code. 41011

(2) Any district to which this section applies may opt to 41012
divide the district's entire classroom facilities needs, as those 41013
needs are jointly determined by the staff of the commission and 41014
the school district, into discrete segments as prescribed in 41015
section 3318.034 of the Revised Code. 41016

(D) Under the program, to incentivize a district's electors 41017
to vote favorably on both of the propositions described in 41018
divisions (A) and (B) of section 3318.05 of the Revised Code, the 41019
commission shall reduce the district's portion of the basic 41020
project cost, as it is determined under section 3318.032 of the 41021
Revised Code, as follows: 41022

(1) If, in the first election in which the propositions 41023
appear on the ballot the district's electors vote favorably for 41024
the propositions, the district's portion of the basic project cost 41025
shall be reduced by twenty per cent. 41026

(2) If, in the second election in which the propositions 41027
appear on the ballot the district's electors vote favorably for 41028
the propositions, the district's portion of the basic project cost 41029
shall be reduced by fifteen per cent. 41030

(3) If, in the third election in which the propositions 41031
appear on the ballot the district's electors vote favorably for 41032
the propositions, the district's portion of the basic project cost 41033

shall be reduced by twelve per cent. 41034

(E) In the event that the electors of an eligible school district vote favorably on both provisions described in divisions (A) and (B) of this section in the fiscal year in which this section becomes effective but prior to the effective date of this section, that district is entitled to participate in the program in the same manner as a district that passes the propositions on or after the effective date of this section. 41035
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(F) If, for any fiscal year, the amount appropriated for all projects or segments approved by the commission under the program is not adequate, the commission shall proportionately reduce the amount of state funds each of the districts with an approved project or segment receives under this section for that fiscal year. However, each of those districts shall be eligible for continued assistance under this section in subsequent fiscal years until its project or segment is completed. 41042
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(G) In any fiscal year in which the general assembly does not fund the program, any eligible school district that has not yet received assistance under the program retains its eligibility to receive assistance under sections 3318.01 to 3318.20 of the Revised Code in the same order it was scheduled to receive assistance prior to becoming eligible for the program. 41050
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Sec. 3318.364. In any fiscal year, the Ohio facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following: 41056
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(A) The district has made an expenditure of local resources 41064

under its expedited local partnership agreement on a discrete part 41065
of its district-wide project. 41066

(B) The district is ready to complete its district-wide 41067
project or a segment of the project, in accordance with section 41068
3318.034 of the Revised Code. 41069

(C) The district is in compliance with division (D)(2) of 41070
section 3318.36 of the Revised Code. 41071

(D) Sufficient state funds have been appropriated for 41072
classroom facilities projects for the fiscal year to pay the state 41073
share of the district's project or segment after paying the state 41074
share of projects for all of the following: 41075

(1) Districts that previously had their conditional approval 41076
lapse pursuant to section 3318.05 of the Revised Code; 41077

(2) Districts eligible for assistance under division (B)(2) 41078
of section 3318.04 of the Revised Code; 41079

(3) Districts participating in the exceptional needs school 41080
facilities assistance program under section 3318.37 or 3318.371 of 41081
the Revised Code; 41082

(4) Districts participating in ~~the~~ an accelerated ~~urban~~ 41083
school building assistance program under section 3318.33 or 41084
3318.38 of the Revised Code. 41085

Assistance under this section shall be offered to eligible 41086
districts in the order of their percentile rankings at the time 41087
they entered into their expedited local partnership agreements, 41088
from lowest to highest percentile. In the event that more than one 41089
district has the same percentile ranking, those districts shall be 41090
offered assistance in the order of the date they entered into 41091
their expedited local partnership agreements, from earliest to 41092
latest date. 41093

As used in this section, "local resources" and "percentile" 41094

have the same meanings as in section 3318.36 of the Revised Code. 41095

Sec. 3318.37. (A)(1) As used in this section: 41096

(a) "Full maintenance amount" has the same meaning as in 41097
section 3318.034 of the Revised Code. 41098

(b) A "school district with an exceptional need for immediate 41099
classroom facilities assistance" means a school district with an 41100
exceptional need for new facilities in order to protect the health 41101
and safety of all or a portion of its students. 41102

(2) No school district that participates in the school 41103
building assistance expedited local partnership program under 41104
section 3318.36 of the Revised Code shall receive assistance under 41105
the program established under this section unless the following 41106
conditions are satisfied: 41107

(a) The district board adopted a resolution certifying its 41108
intent to participate in the school building assistance expedited 41109
local partnership program under section 3318.36 of the Revised 41110
Code prior to September 14, 2000. 41111

(b) The district was selected by the Ohio facilities 41112
construction commission for participation in the school building 41113
assistance expedited local partnership program under section 41114
3318.36 of the Revised Code in the manner prescribed by the 41115
commission under that section as it existed prior to September 14, 41116
2000. 41117

(B)(1) There is hereby established the exceptional needs 41118
school facilities assistance program. Under the program, the Ohio 41119
facilities construction commission may set aside from the moneys 41120
annually appropriated to it for classroom facilities assistance 41121
projects up to twenty-five per cent for assistance to school 41122
districts with exceptional needs for immediate classroom 41123
facilities assistance. At least ten per cent of the amount set 41124

aside shall be spent on school districts seeking facilities 41125
maintenance, repairs, or replacements described in division (E) of 41126
this section. 41127

(2)(a) After consulting with education and construction 41128
experts, the commission shall adopt guidelines for identifying 41129
school districts with an exceptional need for immediate classroom 41130
facilities assistance. 41131

(b) The guidelines shall include application forms and 41132
instructions for school districts to use in applying for 41133
assistance under this section. 41134

(3) The commission shall evaluate the classroom facilities, 41135
and the need for replacement classroom facilities from the 41136
applications received under this section. The commission, 41137
utilizing the guidelines adopted under division (B)(2)(a) of this 41138
section, shall prioritize the school districts to be assessed. 41139

Notwithstanding section 3318.02 of the Revised Code, the 41140
commission may conduct on-site evaluation of the school districts 41141
prioritized under this section and approve and award funds until 41142
such time as all funds set aside under division (B)(1) of this 41143
section have been encumbered. However, the commission need not 41144
conduct the evaluation of facilities if the commission determines 41145
that a district's assessment conducted under section 3318.36 of 41146
the Revised Code is sufficient for purposes of this section. 41147

(4) Notwithstanding division (A) of section 3318.05 of the 41148
Revised Code, the school district's portion of the basic project 41149
cost under this section shall be the "required percentage of the 41150
basic project costs," as defined in division (K) of section 41151
3318.01 of the Revised Code. 41152

(5) Except as otherwise specified in this section, any 41153
project undertaken with assistance under this section shall comply 41154
with all provisions of sections 3318.01 to 3318.20 of the Revised 41155

Code. A school district may receive assistance under sections 41156
3318.01 to 3318.20 of the Revised Code for the remainder of the 41157
district's classroom facilities needs as assessed under this 41158
section when the district is eligible for such assistance pursuant 41159
to section 3318.02 of the Revised Code, but any classroom facility 41160
constructed with assistance under this section shall not be 41161
included in a district's project at that time unless the 41162
commission determines the district has experienced the increased 41163
enrollment specified in division (B)(1) of section 3318.04 of the 41164
Revised Code. 41165

(C) No school district shall receive assistance under this 41166
section for a classroom facility that has been included in the 41167
discrete part of the district's classroom facilities needs 41168
identified and addressed in the district's project pursuant to an 41169
agreement entered into under section 3318.36 of the Revised Code, 41170
unless the district's entire classroom facilities plan consists of 41171
only a single building designed to house grades kindergarten 41172
through twelve. 41173

(D)(1) When undertaking a project under this section, a 41174
school district may elect to prorate its full maintenance amount 41175
by setting aside for maintenance the amount calculated under 41176
division (D)(2) of this section to maintain the classroom 41177
facilities acquired under the project, if the district will use 41178
one or more of the alternative methods authorized in sections 41179
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 41180
the entire amount calculated under that division. If the district 41181
so elects, the commission and the district shall include in the 41182
agreement entered into under section 3318.08 of the Revised Code a 41183
statement specifying that the district will use the amount 41184
calculated under that division only to maintain the classroom 41185
facilities acquired under the project under this section. 41186

(2) The commission shall calculate the amount for a school 41187

district to maintain the classroom facilities acquired under a 41188
project under this section as follows: 41189

The full maintenance amount X (the school district's portion 41190
of the basic project cost under this section / the school 41191
district's portion of the basic project cost for the district's 41192
entire classroom facilities needs, as determined jointly by the 41193
staff of the commission and the district) 41194

(3) A school district may elect to prorate its full 41195
maintenance amount for any number of projects under this section, 41196
provided the district will use one or more of the alternative 41197
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 41198
the Revised Code to generate the entire amount calculated under 41199
division (D)(2) of this section to maintain the classroom 41200
facilities acquired under each project for which it so elects. If 41201
the district cannot use one or more of those alternative methods 41202
to generate the entire amount calculated under that division, the 41203
district shall levy the tax described in division (B) of section 41204
3318.05 of the Revised Code or an extension of that tax under 41205
section 3318.061 of the Revised Code in an amount necessary to 41206
generate the remainder of its full maintenance amount. The 41207
commission shall calculate the remainder of the district's full 41208
maintenance amount as follows: 41209

The full maintenance amount - the sum of the amounts 41210
calculated for the district under division (D)(2) of this section 41211
for each of the district's prior projects under this section 41212

(4) In no case shall the sum of the amounts calculated for a 41213
school district's maintenance of classroom facilities under 41214
divisions (D)(2) and (3) of this section exceed the amount that 41215
would have been required for maintenance if the district had 41216
elected to meet its entire classroom facilities needs with a 41217
project under sections 3318.01 to 3318.20 of the Revised Code and 41218
had not undertaken one or more projects under this section. 41219

(5) If a school district commenced a project under this section prior to September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

(E)(1) A school district that has not been invited to request assistance under this section may do so annually, provided the school district is in need of facilities maintenance, repairs, or replacement and has previously completed a classroom facilities construction project under which the twenty-three year maintenance funding requirement described in division (B) of section 3318.05 of the Revised Code has lapsed.

(2) The commission shall establish an application process for requests submitted under division (E) of this section.

Sec. 3318.41. (A)(1) The Ohio facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.

Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a

determination of all of the following: 41251

(a) The number of classroom facilities to be included in a 41252
project and the basic project cost of acquiring the classroom 41253
facilities included in the project. The number of facilities and 41254
basic project cost shall be determined in accordance with the 41255
specifications adopted under section 3318.311 of the Revised Code 41256
except to the extent that compliance with such specifications is 41257
waived by the commission pursuant to the rule of the commission 41258
adopted under division (F) of section 3318.40 of the Revised Code. 41259

(b) The school district's portion of the basic project cost 41260
as determined under division (C) of section 3318.42 of the Revised 41261
Code; 41262

(c) The remaining portion of the basic project cost that 41263
shall be supplied by the state; 41264

(d) The amount of the state's portion of the basic project 41265
cost to be encumbered in accordance with section 3318.11 of the 41266
Revised Code in the current and subsequent fiscal years from funds 41267
set aside under division (B) of section 3318.40 of the Revised 41268
Code. 41269

(2) Divisions (A), (C), and (D) of section 3318.03 of the 41270
Revised Code apply to any project under sections 3318.40 to 41271
3318.45 of the Revised Code. 41272

(B)(1) If the commission makes a determination under division 41273
(A) of this section in favor of the acquisition of classroom 41274
facilities for a project under sections 3318.40 to 3318.45 of the 41275
Revised Code, such project shall be conditionally approved. Such 41276
conditional approval shall be submitted to the controlling board 41277
for approval. The controlling board shall immediately approve or 41278
reject the commission's determination, conditional approval, the 41279
amount of the state's portion of the basic project cost, and the 41280
amount of the state's portion of the basic project cost to be 41281

encumbered in the current fiscal year. In the event of approval by 41282
the controlling board, the commission shall certify the 41283
conditional approval to the joint vocational school district board 41284
of education and shall encumber the approved funds for the current 41285
fiscal year. 41286

(2) No school district that receives assistance under 41287
sections 3318.40 to 3318.45 of the Revised Code shall have another 41288
such project conditionally approved until the expiration of twenty 41289
years after the school district's prior project was conditionally 41290
approved, unless the school district board demonstrates to the 41291
satisfaction of the commission that the school district has 41292
experienced since conditional approval of its prior project an 41293
exceptional increase in enrollment or program requirements 41294
significantly above the school district's design capacity under 41295
that prior project as determined by rule of the commission. Any 41296
rule adopted by the commission to implement this division shall be 41297
tailored to address the classroom facilities needs of joint 41298
vocational school districts. 41299

(C) In addition to generating the amount of the school 41300
district's portion of the basic project cost as determined under 41301
division (C) of section 3318.42 of the Revised Code, in order for 41302
a school district to receive assistance under sections 3318.40 to 41303
3318.45 of the Revised Code, the school district board shall set 41304
aside school district moneys for the maintenance of the classroom 41305
facilities included in the school district's project in the amount 41306
and manner prescribed in section 3318.43 of the Revised Code. 41307

(D)(1) The conditional approval for a project certified under 41308
division (B)(1) of this section shall lapse and the amount 41309
reserved and encumbered for such project shall be released unless 41310
both of the following conditions are satisfied: 41311

(a) Within one hundred twenty days following the date of 41312
certification of the conditional approval to the joint vocational 41313

school district board, the school district board accepts the 41314
conditional approval and certifies to the commission the school 41315
district board's plan to generate the school district's portion of 41316
the basic project cost, as determined under division (C) of 41317
section 3318.42 of the Revised Code, and to set aside moneys for 41318
maintenance of the classroom facilities acquired under the 41319
project, as prescribed in section 3318.43 of the Revised Code. 41320

(b) Within ~~thirteen~~ sixteen months following the date of 41321
certification of the conditional approval to the school district 41322
board, the electors of the school district vote favorably on any 41323
ballot measures proposed by the school district board to generate 41324
the school district's portion of the basic project cost. 41325

(2) If the school district board or electors fail to satisfy 41326
the conditions prescribed in division (D)(1) of this section and 41327
the amount reserved and encumbered for the school district's 41328
project is released, the school district shall be given first 41329
priority over other joint vocational school districts for project 41330
funding under sections 3318.40 to 3318.45 of the Revised Code as 41331
such funds become available, subject to section 3318.054 of the 41332
Revised Code. 41333

(E) If the conditions prescribed in division (D)(1) of this 41334
section are satisfied, the commission and the school district 41335
board shall enter into an agreement as prescribed in section 41336
3318.08 of the Revised Code and shall proceed with the development 41337
of plans, cost estimates, designs, drawings, and specifications as 41338
prescribed in section 3318.091 of the Revised Code. 41339

(F) Costs in excess of those approved by the commission under 41340
section 3318.091 of the Revised Code shall be payable only as 41341
provided in sections 3318.042 and 3318.083 of the Revised Code. 41342

(G) Advertisement for bids and the award of contracts for 41343
construction of any project under sections 3318.40 to 3318.45 of 41344

the Revised Code shall be conducted in accordance with section 41345
3318.10 of the Revised Code. 41346

(H) In accordance with division (R) of section 3318.08 of the 41347
Revised Code, the state funds reserved and encumbered and the 41348
funds provided by the school district to pay the basic project 41349
cost of a project under sections 3318.40 to 3318.45 of the Revised 41350
Code shall be spent simultaneously in proportion to the state's 41351
and the school district's respective portions of that basic 41352
project cost. 41353

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 41354
Code apply to projects under sections 3318.40 to 3318.45 of the 41355
Revised Code. 41356

Sec. 3318.63. (A) For purposes of this section, "eligible 41357
school district" is a city, local, or exempted village school 41358
district that satisfies all of the following conditions: 41359

(1) The school district has between two thousand and three 41360
thousand enrolled students; 41361

(2) The school district's annual percentile ranking has 41362
remained the same for at least three of the four most recent 41363
years; 41364

(3) One of the district's school buildings is at least one 41365
hundred years old; 41366

(4) The school district's master facility plan proposes to 41367
consolidate buildings. 41368

(B) The accelerated school assistance program is created. 41369
Under the program, the Ohio facilities commission may distribute 41370
funds to eligible school districts from moneys specifically 41371
appropriated by the general assembly for the purposes of this 41372
section. 41373

The commission shall establish procedures and deadlines for 41374

eligible school districts to follow in applying for assistance 41375
under this section. The commission shall consider such 41376
applications on a case-by-case basis taking into account the 41377
amount of moneys available under this section. 41378

The facilities construction commission shall fund eighty per 41379
cent of a project approved under the program from moneys 41380
appropriated for that purpose. 41381

Sec. 3319.077. (A) As used in this section: 41382

(1) "Dyslexia" has the same meaning as in section 3323.25 of 41383
the Revised Code. 41384

(2) "Ohio dyslexia committee" means the committee established 41385
under section 3325.25 of the Revised Code. 41386

(3) "Special education" has the same meaning as in section 41387
3323.01 of the Revised Code. 41388

(4) "Teacher" does not include any teacher who provides 41389
instruction in fine arts, music, or physical education. 41390

(B)(1) The department of education, in collaboration with the 41391
Ohio dyslexia committee, shall maintain a list of training that 41392
fulfills the professional development requirements prescribed in 41393
division (C) of this section. The list may consist of online or 41394
classroom learning models. 41395

(2) Each approved training shall align with the guidebook 41396
developed under section 3323.25 of the Revised Code, be 41397
evidence-based, and require instruction and training for 41398
identifying characteristics of dyslexia and understanding the 41399
pedagogy for instructing students with dyslexia. 41400

(3) The Ohio dyslexia committee shall prescribe a total 41401
number of clock hours of instruction in training approved under 41402
this section for a teacher to complete to satisfy the professional 41403
development requirements prescribed in division (C) of this 41404

section. The Ohio dyslexia committee shall prescribe a total 41405
number of clock hours that is not less than six clock hours and 41406
not more than eighteen clock hours. 41407

(C)(1) Division (C)(1) of this section applies to any teacher 41408
who was employed by a local, city, or exempted village school 41409
district on April 12, 2021, and is still employed by that district 41410
on the dates specified under division (C)(1)(a), (b), or (c) of 41411
this section as follows: 41412

(a) Not later than the beginning of the 2023-2024 school 41413
year, each district teacher employed by a local, city, or exempted 41414
village school district who provides instruction for students in 41415
kindergarten and first grade, including those providing special 41416
education instruction, shall complete the number of instructional 41417
hours in approved professional development training required by 41418
the committee under this section. 41419

~~(2)(b)~~ Not later than ~~the beginning of the 2024-2025 school~~ 41420
~~year~~ September 15, 2024, each district teacher employed by a 41421
school district who provides instruction for students in grades 41422
two and three, including those providing special education 41423
instruction, shall complete the number of instructional hours in 41424
approved professional development training required by the 41425
committee under this section. 41426

~~(3)(c)~~ Not later than ~~the beginning of the 2025-2026 school~~ 41427
~~year~~ September 15, 2025, each district teacher employed by a 41428
school district who provides special education instruction for 41429
students in grades four through twelve shall complete a 41430
professional development training approved under division (B) of 41431
this section. 41432

(2) Any teacher hired by a local, city, or exempted village 41433
school district after April 12, 2021, who provides instruction for 41434
students in any of grades kindergarten through three, including a 41435

teacher providing special education instruction, or who provides 41436
special education instruction for students in any of grades four 41437
through twelve shall complete professional development training in 41438
accordance with division (C)(1)(a), (b), or (c) of this section by 41439
the later of two years after the date of hire or the date 41440
specified under division (C)(1)(a), (b), or (c) of this section, 41441
unless the teacher completed the training while employed by a 41442
different district under division (C)(1) of this section. 41443

(D) Any professional development training completed by a 41444
teacher prior to April 12, 2021, that is then included on the list 41445
of training approved under division (B)(1) of this section shall 41446
count toward the number of instructional hours in approved 41447
professional development training required under division (C) of 41448
this section. 41449

(E) Nothing in this section shall prohibit a school district 41450
from requiring employees who are not subject to this section from 41451
completing professional development training approved under 41452
division (B) of this section. 41453

Sec. 3319.088. As used in this section, "educational 41454
assistant" means any nonteaching employee in a school district who 41455
directly assists a teacher as defined in section 3319.09 of the 41456
Revised Code, by performing duties for which a license issued 41457
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 41458
required. 41459

(A) The state board of education shall issue educational aide 41460
permits and educational paraprofessional licenses for educational 41461
assistants and shall adopt rules for the issuance and renewal of 41462
such permits and licenses which shall be consistent with the 41463
provisions of this section. Educational aide permits and 41464
educational paraprofessional licenses may be of several types and 41465
the rules shall prescribe the minimum qualifications of education 41466

and health for the service to be authorized under each type. The 41467
prescribed minimum qualifications may require special training or 41468
educational courses designed to qualify a person to perform 41469
effectively the duties authorized under an educational aide permit 41470
or educational paraprofessional license. 41471

(B)(1) Any application for a permit or license, or a renewal 41472
or duplicate of a permit or license, under this section shall be 41473
accompanied by the payment of a fee in the amount established 41474
under division (A) of section 3319.51 of the Revised Code. Any 41475
fees received under this division shall be paid into the state 41476
treasury to the credit of the state board of education licensure 41477
fund established under division (B) of section 3319.51 of the 41478
Revised Code. 41479

(2) Any person applying for or holding a permit or license 41480
pursuant to this section is subject to sections 3123.41 to 3123.50 41481
of the Revised Code and any applicable rules adopted under section 41482
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 41483
the Revised Code. 41484

(C) Educational assistants shall at all times while in the 41485
performance of their duties be under the supervision and direction 41486
of a teacher as defined in section 3319.09 of the Revised Code. 41487
Educational assistants may assist a teacher to whom assigned in 41488
the supervision of pupils, in assisting with instructional tasks, 41489
and in the performance of duties which, in the judgment of the 41490
teacher to whom the assistant is assigned, may be performed by a 41491
person not licensed pursuant to sections 3319.22 to 3319.30 of the 41492
Revised Code and for which a teaching license, issued pursuant to 41493
sections 3319.22 to 3319.30 of the Revised Code is not required. 41494
The duties of an educational assistant shall not include the 41495
assignment of grades to pupils. The duties of an educational 41496
assistant need not be performed in the physical presence of the 41497
teacher to whom assigned, but the activity of an educational 41498

assistant shall at all times be under the direction of the teacher 41499
to whom assigned. The assignment of an educational assistant need 41500
not be limited to assisting a single teacher. In the event an 41501
educational assistant is assigned to assist more than one teacher 41502
the assignments shall be clearly delineated and so arranged that 41503
the educational assistant shall never be subject to simultaneous 41504
supervision or direction by more than one teacher. 41505

Educational assistants assigned to supervise children shall, 41506
when the teacher to whom assigned is not physically present, 41507
maintain the degree of control and discipline that would be 41508
maintained by the teacher. 41509

Educational assistants may not be used in place of classroom 41510
teachers or other employees and any payment of compensation by 41511
boards of education to educational assistants for such services is 41512
prohibited. The ratio between the number of licensed teachers and 41513
the pupils in a school district may not be decreased by 41514
utilization of educational assistants and no grouping, or other 41515
organization of pupils, for utilization of educational assistants 41516
shall be established which is inconsistent with sound educational 41517
practices and procedures. A school district may employ up to one 41518
full time equivalent educational assistant for each six full time 41519
equivalent licensed employees of the district. Educational 41520
assistants shall not be counted as licensed employees for purposes 41521
of state support in the school foundation program and no grouping 41522
or regrouping of pupils with educational assistants may be counted 41523
as a class or unit for school foundation program purposes. Neither 41524
special courses required by the regulations of the state board of 41525
education, prescribing minimum qualifications of education for an 41526
educational assistant, nor years of service as an educational 41527
assistant shall be counted in any way toward qualifying for a 41528
teacher license, for a teacher contract of any type, or for 41529
determining placement on a salary schedule in a school district as 41530

a teacher. 41531

(D) Educational assistants employed by a board of education 41532
shall have all rights, benefits, and legal protection available to 41533
other nonteaching employees in the school district, except that 41534
provisions of Chapter 124. of the Revised Code shall not apply to 41535
any person employed as an educational assistant, and shall be 41536
members of the school employees retirement system. Educational 41537
assistants shall be compensated according to a salary plan adopted 41538
annually by the board. 41539

Except as provided in this section nonteaching employees 41540
shall not serve as educational assistants without first obtaining 41541
an appropriate educational aide permit or educational 41542
paraprofessional license from the state board of education. A 41543
nonteaching employee who is the holder of a valid educational aide 41544
permit or educational paraprofessional license shall neither 41545
render nor be required to render services inconsistent with the 41546
type of services authorized by the permit or license held. No 41547
person shall receive compensation from a board of education for 41548
services rendered as an educational assistant in violation of this 41549
provision. 41550

Nonteaching employees whose functions are solely 41551
secretarial-clerical and who do not perform any other duties as 41552
educational assistants, even though they assist a teacher and work 41553
under the direction of a teacher shall not be required to hold a 41554
permit or license issued pursuant to this section. ~~Students~~ 41555
~~preparing to become licensed teachers or educational assistants~~ 41556
~~shall not be required to hold an educational aide permit or~~ 41557
~~paraprofessional license for such periods of time as such students~~ 41558
~~are assigned, as part of their training program, to work with a~~ 41559
~~teacher in a school district. Such students shall not be~~ 41560
~~compensated for such services.~~ 41561

Following the determination of the assignment and general job 41562

description of an educational assistant and subject to supervision 41563
by the teacher's immediate administrative officer, a teacher to 41564
whom an educational assistant is assigned shall make all final 41565
determinations of the duties to be assigned to such assistant. 41566
Teachers shall not be required to hold a license designated for 41567
being a supervisor or administrator in order to perform the 41568
necessary supervision of educational assistants. 41569

(E) No person who is, or who has been employed as an 41570
educational assistant shall divulge, except to the teacher to whom 41571
assigned, or the administrator of the school in the absence of the 41572
teacher to whom assigned, or when required to testify in a court 41573
or proceedings, any personal information concerning any pupil in 41574
the school district which was obtained or obtainable by the 41575
educational assistant while so employed. Violation of this 41576
provision is grounds for disciplinary action or dismissal, or 41577
both. 41578

(F) Notwithstanding anything to the contrary in this section, 41579
the superintendent of a school district may allow an employee who 41580
does not hold a permit or license issued under this section to 41581
work as a substitute for an educational assistant who is absent on 41582
account of illness or on a leave of absence, or to fill a 41583
temporary position created by an emergency, provided that the 41584
superintendent believes the employee's application materials 41585
indicate that the employee is qualified to obtain a permit or 41586
license under this section. 41587

An employee shall begin work as a substitute under this 41588
division not earlier than on the date on which the employee files 41589
an application with the state board for a permit or license under 41590
this section. An employee shall cease working as a substitute 41591
under this division on the earliest of the following: 41592

(1) The date on which the employee files a valid permit or 41593
license issued under this section with the superintendent; 41594

(2) The date on which the employee is denied a permit or license under this section; 41595
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(3) Sixty days following the date on which the employee began work as a substitute under this division. 41597
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The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code. 41599
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Sec. 3319.0812. (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code, establishing the standards and requirements for obtaining a pre-service teacher permit. The permit shall be required for an individual who is enrolled in an educator preparation program in order to participate in any student classroom teaching or other training experience that involves students in any of grades pre-kindergarten through twelve in a public or chartered nonpublic school and that is required for completion of the program. 41603
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(B) Notwithstanding section 3319.226 of the Revised Code, a school district or school may employ an individual who holds a permit issued under this section as a substitute teacher. The individual may teach for up to the equivalent of one full semester, subject to the approval of the employing district board of education or school governing authority and may be compensated for that service. The district superintendent or chief administrator of the school may request that the board or governing authority approve one or more additional subsequent semester-long periods of teaching for the individual. 41612
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(C) A pre-service teacher permit shall be valid for three years. The department of education, on a case-by-case basis, may extend the permit's duration as needed to enable the permit holder to complete the educator preparation program in which the permit 41622
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holder is enrolled. 41626

(D) An individual applying for a pre-service teacher permit shall be subject to a criminal records check as prescribed by section 3319.39 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under section 3319.22 to 3319.31 of the Revised Code. 41627
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If the department receives notification of the arrest or conviction of an individual under division (D) of this section, the department shall promptly notify the applicable educator preparation program and any school district or school in which the pre-service teacher has been employed or assigned as part of the program and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers to be appropriate. Upon receiving notification from the department of an arrest or conviction of an individual under division (D) of this section, the educator preparation program shall provide to the department a list of all school districts and schools to which the pre-service teacher has been assigned as a part of the program. 41636
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Sec. 3319.22. (A)(1) The state board of education shall issue the following educator licenses: 41648
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(a) A resident educator license, which shall be valid for two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code; 41650
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(b) A professional educator license, which shall be valid for 41657
five years and shall be renewable; 41658

(c) A senior professional educator license, which shall be 41659
valid for five years and shall be renewable; 41660

(d) A lead professional educator license, which shall be 41661
valid for five years and shall be renewable. 41662

Licenses issued under division (A)(1) of this section on and 41663
after November 2, 2018, shall specify whether the educator is 41664
licensed to teach grades pre-kindergarten through ~~five, grades~~ 41665
~~four through nine~~ eight, or grades ~~seven~~ six through twelve. The 41666
changes to the grade band specifications under this ~~amendment~~ 41667
section shall not apply to a person who holds a license under 41668
division (A)(1) of this section prior to November 2, 2018. 41669
Further, the changes to the grade band specifications under this 41670
~~amendment~~ section shall not apply to any license issued to teach 41671
in the area of ~~computer information science~~, bilingual education, 41672
dance, drama or theater, world language, health, library or media, 41673
music, physical education, teaching English to speakers of other 41674
languages, career-technical education, or visual arts or to any 41675
license issued to an intervention specialist, including a gifted 41676
intervention specialist, or to any other license that does not 41677
align to the grade band specifications. 41678

(2)(a) Except as provided in division (A)(2)(b) of this 41679
section, the state board may issue any additional educator 41680
licenses of categories, types, and levels the board elects to 41681
provide. 41682

(b) Not later than December 31, 2024, the state board shall 41683
cease licensing school psychologists. The state board shall 41684
coordinate with the state board of psychology to transition to 41685
licensure under Chapter 4732. of the Revised Code any school 41686
psychologists licensed under rules adopted in accordance with 41687

sections 3301.07 and 3319.22 of the Revised Code. 41688

(3) The state board shall adopt rules establishing the 41689
standards and requirements for obtaining each educator license 41690
issued under this section. The rules shall also include the 41691
reasons for which a resident educator license may be renewed under 41692
division (A)(1)(a) of this section. 41693

(B) The rules adopted under this section shall require at 41694
least the following standards and qualifications for the educator 41695
licenses described in division (A)(1) of this section: 41696

(1) An applicant for a resident educator license shall hold 41697
at least a bachelor's degree from an accredited teacher 41698
preparation program or be a participant in the teach for America 41699
program and meet the qualifications required under section 41700
3319.227 of the Revised Code. 41701

(2) An applicant for a professional educator license shall: 41702

(a) Hold at least a bachelor's degree from an institution of 41703
higher education accredited by a regional accrediting 41704
organization; 41705

(b) Have successfully completed the Ohio teacher residency 41706
program established under section 3319.223 of the Revised Code, if 41707
the applicant's current or most recently issued license is a 41708
resident educator license issued under this section or an 41709
alternative resident educator license issued under section 3319.26 41710
of the Revised Code. 41711

(3) An applicant for a senior professional educator license 41712
shall: 41713

(a) Hold at least a master's degree from an institution of 41714
higher education accredited by a regional accrediting 41715
organization; 41716

(b) Have previously held a professional educator license 41717

issued under this section or section 3319.222 or under former 41718
section 3319.22 of the Revised Code; 41719

(c) Meet the criteria for the accomplished or distinguished 41720
level of performance, as described in the standards for teachers 41721
adopted by the state board under section 3319.61 of the Revised 41722
Code. 41723

(4) An applicant for a lead professional educator license 41724
shall: 41725

(a) Hold at least a master's degree from an institution of 41726
higher education accredited by a regional accrediting 41727
organization; 41728

(b) Have previously held a professional educator license or a 41729
senior professional educator license issued under this section or 41730
a professional educator license issued under section 3319.222 or 41731
former section 3319.22 of the Revised Code; 41732

(c) Meet the criteria for the distinguished level of 41733
performance, as described in the standards for teachers adopted by 41734
the state board under section 3319.61 of the Revised Code; 41735

(d) Either hold a valid certificate issued by the national 41736
board for professional teaching standards or meet the criteria for 41737
a master teacher or other criteria for a lead teacher adopted by 41738
the educator standards board under division (F)(4) or (5) of 41739
section 3319.61 of the Revised Code. 41740

(C) The state board shall align the standards and 41741
qualifications for obtaining a principal license with the 41742
standards for principals adopted by the state board under section 41743
3319.61 of the Revised Code. 41744

(D) If the state board requires any examinations for educator 41745
licensure, the department of education shall provide the results 41746
of such examinations received by the department to the chancellor 41747

of higher education, in the manner and to the extent permitted by 41748
state and federal law. 41749

(E) Any rules the state board of education adopts, amends, or 41750
rescinds for educator licenses under this section, division (D) of 41751
section 3301.07 of the Revised Code, or any other law shall be 41752
adopted, amended, or rescinded under Chapter 119. of the Revised 41753
Code except as follows: 41754

(1) Notwithstanding division (E) of section 119.03 and 41755
division (A)(1) of section 119.04 of the Revised Code, in the case 41756
of the adoption of any rule or the amendment or rescission of any 41757
rule that necessitates institutions' offering preparation programs 41758
for educators and other school personnel that are approved by the 41759
chancellor of higher education under section 3333.048 of the 41760
Revised Code to revise the curriculum of those programs, the 41761
effective date shall not be as prescribed in division (E) of 41762
section 119.03 and division (A)(1) of section 119.04 of the 41763
Revised Code. Instead, the effective date of such rules, or the 41764
amendment or rescission of such rules, shall be the date 41765
prescribed by section 3333.048 of the Revised Code. 41766

(2) Notwithstanding the authority to adopt, amend, or rescind 41767
emergency rules in division (G) of section 119.03 of the Revised 41768
Code, this authority shall not apply to the state board of 41769
education with regard to rules for educator licenses. 41770

(F)(1) The rules adopted under this section establishing 41771
standards requiring additional coursework for the renewal of any 41772
educator license shall require a school district and a chartered 41773
nonpublic school to establish local professional development 41774
committees. In a nonpublic school, the chief administrative 41775
officer shall establish the committees in any manner acceptable to 41776
such officer. The committees established under this division shall 41777
determine whether coursework that a district or chartered 41778
nonpublic school teacher proposes to complete meets the 41779

requirement of the rules. The department of education shall 41780
provide technical assistance and support to committees as the 41781
committees incorporate the professional development standards 41782
adopted by the state board of education pursuant to section 41783
3319.61 of the Revised Code into their review of coursework that 41784
is appropriate for license renewal. The rules shall establish a 41785
procedure by which a teacher may appeal the decision of a local 41786
professional development committee. 41787

(2) In any school district in which there is no exclusive 41788
representative established under Chapter 4117. of the Revised 41789
Code, the professional development committees shall be established 41790
as described in division (F)(2) of this section. 41791

Not later than the effective date of the rules adopted under 41792
this section, the board of education of each school district shall 41793
establish the structure for one or more local professional 41794
development committees to be operated by such school district. The 41795
committee structure so established by a district board shall 41796
remain in effect unless within thirty days prior to an anniversary 41797
of the date upon which the current committee structure was 41798
established, the board provides notice to all affected district 41799
employees that the committee structure is to be modified. 41800
Professional development committees may have a district-level or 41801
building-level scope of operations, and may be established with 41802
regard to particular grade or age levels for which an educator 41803
license is designated. 41804

Each professional development committee shall consist of at 41805
least three classroom teachers employed by the district, one 41806
principal employed by the district, and one other employee of the 41807
district appointed by the district superintendent. For committees 41808
with a building-level scope, the teacher and principal members 41809
shall be assigned to that building, and the teacher members shall 41810
be elected by majority vote of the classroom teachers assigned to 41811

that building. For committees with a district-level scope, the 41812
teacher members shall be elected by majority vote of the classroom 41813
teachers of the district, and the principal member shall be 41814
elected by a majority vote of the principals of the district, 41815
unless there are two or fewer principals employed by the district, 41816
in which case the one or two principals employed shall serve on 41817
the committee. If a committee has a particular grade or age level 41818
scope, the teacher members shall be licensed to teach such grade 41819
or age levels, and shall be elected by majority vote of the 41820
classroom teachers holding such a license and the principal shall 41821
be elected by all principals serving in buildings where any such 41822
teachers serve. The district superintendent shall appoint a 41823
replacement to fill any vacancy that occurs on a professional 41824
development committee, except in the case of vacancies among the 41825
elected classroom teacher members, which shall be filled by vote 41826
of the remaining members of the committee so selected. 41827

Terms of office on professional development committees shall 41828
be prescribed by the district board establishing the committees. 41829
The conduct of elections for members of professional development 41830
committees shall be prescribed by the district board establishing 41831
the committees. A professional development committee may include 41832
additional members, except that the majority of members on each 41833
such committee shall be classroom teachers employed by the 41834
district. Any member appointed to fill a vacancy occurring prior 41835
to the expiration date of the term for which a predecessor was 41836
appointed shall hold office as a member for the remainder of that 41837
term. 41838

The initial meeting of any professional development 41839
committee, upon election and appointment of all committee members, 41840
shall be called by a member designated by the district 41841
superintendent. At this initial meeting, the committee shall 41842
select a chairperson and such other officers the committee deems 41843

necessary, and shall adopt rules for the conduct of its meetings. 41844
Thereafter, the committee shall meet at the call of the 41845
chairperson or upon the filing of a petition with the district 41846
superintendent signed by a majority of the committee members 41847
calling for the committee to meet. 41848

(3) In the case of a school district in which an exclusive 41849
representative has been established pursuant to Chapter 4117. of 41850
the Revised Code, professional development committees shall be 41851
established in accordance with any collective bargaining agreement 41852
in effect in the district that includes provisions for such 41853
committees. 41854

If the collective bargaining agreement does not specify a 41855
different method for the selection of teacher members of the 41856
committees, the exclusive representative of the district's 41857
teachers shall select the teacher members. 41858

If the collective bargaining agreement does not specify a 41859
different structure for the committees, the board of education of 41860
the school district shall establish the structure, including the 41861
number of committees and the number of teacher and administrative 41862
members on each committee; the specific administrative members to 41863
be part of each committee; whether the scope of the committees 41864
will be district levels, building levels, or by type of grade or 41865
age levels for which educator licenses are designated; the lengths 41866
of terms for members; the manner of filling vacancies on the 41867
committees; and the frequency and time and place of meetings. 41868
However, in all cases, except as provided in division (F)(4) of 41869
this section, there shall be a majority of teacher members of any 41870
professional development committee, there shall be at least five 41871
total members of any professional development committee, and the 41872
exclusive representative shall designate replacement members in 41873
the case of vacancies among teacher members, unless the collective 41874
bargaining agreement specifies a different method of selecting 41875

such replacements. 41876

(4) Whenever an administrator's coursework plan is being 41877
discussed or voted upon, the local professional development 41878
committee shall, at the request of one of its administrative 41879
members, cause a majority of the committee to consist of 41880
administrative members by reducing the number of teacher members 41881
voting on the plan. 41882

(G)(1) The department of education, educational service 41883
centers, county boards of developmental disabilities, college and 41884
university departments of education, head start programs, and the 41885
Ohio education computer network may establish local professional 41886
development committees to determine whether the coursework 41887
proposed by their employees who are licensed or certificated under 41888
this section or section 3319.222 of the Revised Code, or under the 41889
former version of either section as it existed prior to October 41890
16, 2009, meet the requirements of the rules adopted under this 41891
section. They may establish local professional development 41892
committees on their own or in collaboration with a school district 41893
or other agency having authority to establish them. 41894

Local professional development committees established by 41895
county boards of developmental disabilities shall be structured in 41896
a manner comparable to the structures prescribed for school 41897
districts in divisions (F)(2) and (3) of this section, as shall 41898
the committees established by any other entity specified in 41899
division (G)(1) of this section that provides educational services 41900
by employing or contracting for services of classroom teachers 41901
licensed or certificated under this section or section 3319.222 of 41902
the Revised Code, or under the former version of either section as 41903
it existed prior to October 16, 2009. All other entities specified 41904
in division (G)(1) of this section shall structure their 41905
committees in accordance with guidelines which shall be issued by 41906
the state board. 41907

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009.

(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section.

Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section.

(3) Any public agency that is not specified in division (G)(1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board.

(H) Not later than July 1, 2016, the state board, in accordance with Chapter 119. of the Revised Code, shall adopt rules pursuant to division (A)(3) of this section that do both of the following:

(1) Exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under this section or section 3319.26 of the Revised Code. The rules also shall specify that such teachers are exempt from any requirements prescribed by professional development committees established under divisions (F) and (G) of this section.

(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher."

Sec. 3319.223. (A) The superintendent of public instruction and the chancellor of higher education jointly shall establish the Ohio teacher residency program, which shall be a two-year, entry-level program for classroom teachers. Except as provided in division (B) of this section, the teacher residency program shall include at least the following components:

(1) Mentoring by teachers, which may be provided online or in person. The department of education shall provide participants and mentors with access to online professional development resources and sample videos of Ohio classroom lessons submitted for the assessment prescribed under division (A)(3) of this section at no cost.

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development. The department shall provide to each participant who does not receive a passing score on the assessment under division (A)(3) of this section, at no cost, the

opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development. 41970
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Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the department. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school. 41974
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Participants who have not taken the assessment under division (A)(3) of this section may meet online with department-approved instructional coaches if the participant's school district or school pays the costs associated with the meetings. 41981
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(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment. 41985
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An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. 41990
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(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to do either of the following: 41996
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(1) Complete the conditions of the Ohio teacher residency 42000

program that a participant, as of September 29, 2015, would have 42001
been required to complete during the participant's first and 42002
second year of teaching under an alternative resident educator 42003
license. 42004

(2) Take a performance-based assessment. 42005

(C) The teacher residency program shall be aligned with the 42006
standards for teachers adopted by the state board under section 42007
3319.61 of the Revised Code and best practices identified by the 42008
superintendent of public instruction. 42009

(D) Each person who holds a resident educator license issued 42010
under section 3319.22 or 3319.227 of the Revised Code or an 42011
alternative resident educator license issued under section 3319.26 42012
of the Revised Code shall participate in the teacher residency 42013
program. Successful completion of the program shall be required to 42014
qualify any such person for a professional educator license issued 42015
under section 3319.22 of the Revised Code. 42016

Sec. 3319.225. Beginning with the first school year that 42017
begins on or after the effective date of this section, the board 42018
of education of each school district shall provide one day of 42019
professional development leave each school year, to observe a 42020
veteran classroom teacher, for each teacher employed by the 42021
district who is licensed under section 3319.22 of the Revised Code 42022
and who is not a superintendent, assistant superintendent, 42023
principal, assistant principal, or other administrator, as defined 42024
in section 3319.02 of the Revised Code. 42025

Each local professional development committee established 42026
under section 3319.22 of the Revised Code shall consider a 42027
teacher's observation of a veteran teacher as part of the 42028
continuing education required for license renewal under that 42029
section. 42030

Sec. 3319.2213. (A) The state board of education shall issue 42031
an initial five-year professional pupil services license in school 42032
counseling under section 3319.22 of the Revised Code to an 42033
applicant for that license if the applicant has done all of the 42034
following: 42035

(1) Completed a school counselor preparation program approved 42036
by the state board; 42037

(2) Passed an examination prescribed by the state board; 42038

(3) Attained a master's degree; 42039

(4) Successfully completed a six hundred hour internship in a 42040
school setting; 42041

(5) Successfully completed twelve hours of training about the 42042
building and construction trades and available apprenticeships. 42043
The training shall be completed on a construction site or at a 42044
training facility for the building and construction trades. An 42045
applicant may count that twelve hours of training toward meeting 42046
the six hundred hour internship requirement prescribed in division 42047
(A)(4) of this section. 42048

The training shall include information about both of the 42049
following: 42050

(a) The pay and benefits available to people who work in the 42051
building and construction trades in the applicant's community; 42052

(b) Job opportunities for boilermakers, electrical workers, 42053
bricklayers, insulators, laborers, iron workers, plumbers and 42054
pipefitters, roofers, plasterers and cement masons, sheet metal 42055
workers, painters and glaziers, elevator constructors, operating 42056
engineers, teamsters, and carpenters. 42057

(B) The state board shall require an individual who holds a 42058
valid professional pupil services license in school counseling to 42059
complete four hours of training described in division (A)(5) of 42060

this section to renew that license. An individual may count those 42061
four hours toward meeting continuing education unit requirements 42062
established by the state board for licensure renewal. 42063

Sec. 3319.236. (A) Except as provided in division (B) or (E) 42064
of this section, a school district shall require an individual to 42065
hold a valid educator license in computer science, or have a 42066
license endorsement in computer technology and a passing score on 42067
a content examination in the area of computer science, to teach 42068
computer science courses. 42069

(B) A school district may employ an individual, for the 42070
purpose of teaching computer science courses, who holds a valid 42071
educator license ~~in any of grades kindergarten through twelve,~~ 42072
provided the individual meets the requirements established by 42073
rules of the state board of education to qualify for a 42074
supplemental teaching license for teaching computer science. The 42075
rules shall require an applicant for a supplemental teaching 42076
license to pass a content examination in the area of computer 42077
science. The rules also shall permit an individual, after at least 42078
two years of successfully teaching computer science courses under 42079
the supplemental teaching license, to advance to a standard 42080
educator license in computer science by completing a pedagogy 42081
course applicable to the grade levels in which the individual is 42082
teaching. However, the rules may exempt an individual teaching 42083
computer science from the requirement to complete a pedagogy 42084
course if the individual previously completed a pedagogy course 42085
applicable to the grade levels in which the individual is 42086
teaching. 42087

(C) In order for an individual to teach advanced placement 42088
computer science courses, a school district shall require the 42089
individual to also complete a professional development program 42090
endorsed or provided by the organization that creates and 42091

administers national advanced placement examinations. For this 42092
purpose, the individual may complete the program at any time 42093
during the calendar year. 42094

(D) Notwithstanding section 3301.012 of the Revised Code, as 42095
used in this section, "computer science courses" means any courses 42096
that are reported in the education management information system 42097
established under section 3301.0714 of the Revised Code as 42098
computer science courses and which are aligned to computer science 42099
standards adopted by the state board of education. 42100

(E) The state board of education shall adopt rules to create 42101
a computer science teaching license for industry professionals to 42102
teach computer science to specific grades. The holder of a 42103
computer science teaching license for industry professionals shall 42104
be limited to teaching forty hours in a week in the subject area 42105
of computer science, as defined in section 3322.01 of the Revised 42106
Code. The superintendent of public instruction shall consult with 42107
the chancellor of higher education in creating and revising the 42108
requirements for computer science teacher licensure. 42109

(F) Licenses issued under this section shall specify whether 42110
the educator is licensed to teach grades pre-kindergarten through 42111
five, grades four through nine, or grades seven through twelve. 42112

Sec. 3319.26. (A) The state board of education shall adopt 42113
rules establishing the standards and requirements for obtaining an 42114
alternative resident educator license for teaching in grades 42115
kindergarten to twelve, or the equivalent, in a designated subject 42116
area or in the area of intervention specialist, as defined by rule 42117
of the state board. The rules shall also include the reasons for 42118
which an alternative resident educator license may be renewed 42119
under division (D) of this section. 42120

(B) The superintendent of public instruction and the 42121
chancellor of higher education jointly shall develop an intensive 42122

pedagogical training institute to provide instruction in the 42123
principles and practices of teaching for individuals seeking an 42124
alternative resident educator license. The instruction shall cover 42125
such topics as student development and learning, pupil assessment 42126
procedures, curriculum development, classroom management, and 42127
teaching methodology. 42128

(C) The rules adopted under this section shall require 42129
applicants for the alternative resident educator license to 42130
satisfy the following conditions prior to issuance of the license, 42131
but they shall not require applicants to have completed a major or 42132
coursework in the subject area for which application is being 42133
made: 42134

(1) Hold a minimum of a baccalaureate degree; 42135

(2) Successfully complete the pedagogical training institute 42136
described in division (B) of this section or the preservice 42137
training provided to participants of a teacher preparation program 42138
that has been approved by the chancellor. The chancellor may 42139
approve any such program that requires participants to hold a 42140
bachelor's degree; have either a cumulative undergraduate grade 42141
point average of at least 2.5 out of 4.0, or its equivalent or a 42142
cumulative graduate school grade point average of at least 3.0 out 42143
of 4.0; and successfully complete the program's preservice 42144
training. 42145

(3) Pass an examination in the subject area for which 42146
application is being made. 42147

(D) An alternative resident educator license shall be valid 42148
for ~~four~~ two years and shall be renewable for reasons specified by 42149
rules adopted by the state board pursuant to division (A) of this 42150
section. The state board, on a case-by-case basis, may extend the 42151
license's duration as necessary to enable the license holder to 42152
complete the Ohio teacher residency program established under 42153

section 3319.223 of the Revised Code. 42154

(E) The rules shall require the holder of an alternative 42155
resident educator license, as a condition of continuing to hold 42156
the license, to do all of the following: 42157

(1) Participate in the Ohio teacher residency program under 42158
section 3319.223 of the revised Code; 42159

(2) Show satisfactory progress in taking and successfully 42160
completing one of the following: 42161

(a) At least twelve additional semester hours, or the 42162
equivalent, of college coursework in the principles and practices 42163
of teaching in such topics as student development and learning, 42164
pupil assessment procedures, curriculum development, classroom 42165
management, and teaching methodology; 42166

(b) Professional development provided by a teacher 42167
preparation program that has been approved by the chancellor under 42168
division (C)(2) of this section. 42169

(3) Take an assessment of professional knowledge in the 42170
second year of teaching under the license. 42171

(F) The rules shall provide for the granting of a 42172
professional educator license to a holder of an alternative 42173
resident educator license upon successfully completing all of the 42174
following: 42175

(1) ~~Four~~ Two years of teaching under the alternative license; 42176

(2) The additional college coursework or professional 42177
development described in division (E)(2) of this section; 42178

(3) The assessment of professional knowledge described in 42179
division (E)(3) of this section. The standards for successfully 42180
completing this assessment and the manner of conducting the 42181
assessment shall be the same as for any other individual who is 42182
required to take the assessment pursuant to rules adopted by the 42183

state board under section 3319.22 of the Revised Code. 42184

(4) The Ohio teacher residency program; 42185

(5) All other requirements for a professional educator 42186
license adopted by the state board under section 3319.22 of the 42187
Revised Code. 42188

(G) A person who is assigned to teach in this state as a 42189
participant in the teach for America program or who has completed 42190
two years of teaching in another state as a participant in that 42191
program shall be eligible for a license only under section 42192
3319.227 of the Revised Code and shall not be eligible for a 42193
license under this section. 42194

(H) The holder of an alternative resident educator license 42195
may teach preschool students under that license. 42196

Sec. 3319.27. (A) The state board of education shall adopt 42197
rules that establish an alternative principal license. The rules 42198
establishing an alternative principal license shall include a 42199
requirement that an applicant have obtained classroom teaching 42200
experience. Beginning on the effective date of the rules, the 42201
state board shall cease to issue temporary educator licenses 42202
pursuant to former section 3319.225 of the Revised Code as it 42203
existed prior to April 12, 2021, for employment as a principal. 42204
Any person who on the effective date of the rules holds a valid 42205
temporary educator license issued under that section and is 42206
employed as a principal shall be allowed to continue employment as 42207
a principal until the expiration of the license. Employment of any 42208
such person as a principal by a school district after the 42209
expiration of the temporary educator license shall be contingent 42210
upon the state board issuing the person an alternative principal 42211
license in accordance with the rules adopted under this division. 42212

(B) The state board shall adopt rules that establish an 42213

alternative administrator license, which shall be valid for 42214
employment as a superintendent or in any other administrative 42215
position except principal. Beginning on the effective date of the 42216
rules, the state board shall cease to issue temporary educator 42217
licenses pursuant to former section 3319.225 of the Revised Code 42218
as it existed prior to April 12, 2021, for employment as a 42219
superintendent or in any other administrative position except 42220
principal. Any person who on the effective date of the rules holds 42221
a valid temporary educator license issued under that section and 42222
is employed as a superintendent or in any other administrative 42223
position except principal shall be allowed to continue employment 42224
in that position until the expiration of the license. Employment 42225
of any such person as a superintendent or in any other 42226
administrative position except principal by a school district 42227
after the expiration of the temporary educator license shall be 42228
contingent upon the state board issuing the person an alternative 42229
administrator license in accordance with the rules adopted under 42230
this division. 42231

Sec. 3319.285. (A) As used in this section: 42232

(1) "Eligible military individual" includes any of the 42233
following: 42234

(a) An active-duty member of any branch of the United States 42235
armed forces; 42236

(b) A veteran of any branch of the United States armed forces 42237
who separated from service with an honorable discharge; 42238

(c) A member of the national guard or a member of a reserve 42239
component of the United States armed forces; 42240

(d) A spouse of a member or veteran described in division 42241
(A)(1)(a), (b), or (c) of this section. 42242

(2) "Teacher" has the same meaning as in section 3319.09 of 42243

the Revised Code. 42244

(B) The state board of education, in consultation with the 42245
chancellor of higher education, shall adopt rules to establish an 42246
alternative military educator license for eligible military 42247
individuals. The rules shall ensure that eligible military 42248
individuals can obtain an educator license to work as a teacher in 42249
a public school on an expedited timeline. The rules shall allow 42250
eligible military individuals to apply leadership training or 42251
other military training toward requirements for college 42252
coursework, professional development, content knowledge 42253
examinations, or other licensure requirements. 42254

(C) The department of education may work with the credential 42255
review board created under section 3319.65 of the Revised Code to 42256
determine the types of military training that correspond with the 42257
educational training needed to be a successful teacher. 42258

Sec. 3319.303. (A) The state board of education shall adopt 42259
rules establishing standards and requirements for obtaining a 42260
pupil-activity program permit for any individual who does not hold 42261
a valid educator license, certificate, or permit issued by the 42262
state board under section 3319.22, 3319.26, or 3319.27 of the 42263
Revised Code. The permit issued under this section shall be valid 42264
for coaching, supervising, or directing a pupil-activity program 42265
under section 3313.53 of the Revised Code. Subject to the 42266
provisions of section 3319.31 of the Revised Code, a permit issued 42267
under this division shall be valid for three years and shall be 42268
renewable. 42269

(B) The state board shall adopt rules applicable to 42270
individuals who hold valid educator licenses, certificates, or 42271
permits issued by the state board under section 3319.22, 3319.26, 42272
or 3319.27 of the Revised Code setting forth standards to assure 42273
any such individual's competence to direct, supervise, or coach a 42274

pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C) As a condition to issuing or renewing a pupil-activity program permit to coach interscholastic athletics:

(1) The state board shall require each individual applying for a first permit ~~on or after April 26, 2013,~~ to successfully complete a training program that is specifically focused on brain trauma and brain injury management and the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(2) The state board shall require each individual applying for a permit renewal ~~on or after that date~~ to present evidence that the individual has successfully completed, within the duration of the individual's previous three years, a permit, both of the following:

(a) A training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events;

(b) The sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the

Revised Code. 42306

(3) The state board shall require each individual applying for a permit renewal on or after the effective date of this amendment to present evidence that the individual has complied with the student mental health training requirement under section 3313.5318 of the Revised Code. 42307
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Sec. 3319.324. (A) As used in this section, "school records" includes any academic records, student assessment data, or other information for which there is a legitimate educational interest. 42312
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(B) When any school district or chartered nonpublic school receives a request from another district or school to which a student has transferred for that student's school records, the district or school receiving the request shall respond, within five school days after receiving the request, by transmitting to the requesting district or school either the student's school records as authorized under section 3319.321 of the Revised Code or, if the district or school has no record of the student's attendance, a statement of that fact. 42315
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The provisions of this section are in addition to, and do not affect the obligations of a school district or school to comply with, the requirements of division (D) of section 3313.642 and section 3313.672 of the Revised Code. 42324
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Sec. 3319.58. (A) As used in this section: 42328

(1) "Eligible teacher" means an individual who satisfies all of the following conditions: 42329
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(a) The individual is an Ohio resident. 42331

(b) The individual holds a valid educator license issued under section 3319.22 of the Revised Code. 42332
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(c) The individual is employed full-time for the first time 42334

as a classroom teacher. 42335

(d) The individual received a bachelor's degree awarded by any public or private institution of higher education in this state. 42336
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(e) The individual has outstanding student loans for the degree described in division (A)(1)(d) of this section. 42339
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(f) The individual has made timely payments in accordance with the terms of the individual's repayment schedule for the outstanding student loans described in division (A)(1)(e) of this section. 42341
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(2) "Qualifying school" means a school building operated by a school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code to which the department of education and the chancellor of higher education jointly determine that both of the following applies: 42345
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(a) The school building has persistently low performance ratings on its state report card under section 3302.03 or 3314.017 of the Revised Code. 42352
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(b) The school building has difficulty attracting and retaining classroom teachers who hold a valid educator license issued under section 3319.22 of the Revised Code. 42355
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(B) The department of education and the chancellor of higher education jointly shall establish and administer a teacher loan repayment program. Under the program, the department shall pay the amount specified in division (C) of this section to repay outstanding student loans described in division (A)(1)(e) of this section on behalf of the eligible teacher, if the teacher applies to receive an award under the program upon being employed by a qualifying school and subsequently is employed by that school in a 42358
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position providing instruction for five consecutive school years 42366
in a high-needs subject area as determined by the department. An 42367
eligible teacher shall receive only one award under the program. 42368
The department shall make a payment directly to the eligible 42369
teacher's lender. 42370

(C) The amount for each award under the program shall be the 42371
lesser of forty thousand dollars or the total amount of the 42372
outstanding student loans described in division (A)(1)(e) of the 42373
section for an eligible teacher who meets the requirement 42374
prescribed in division (B) of this section. 42375

(D) The department and the chancellor jointly shall adopt 42376
rules to administer the program. 42377

(E) The teacher loan repayment fund is hereby created in the 42378
state treasury, to consist of such amounts designated for the 42379
purposes of the fund by the general assembly. The fund shall be 42380
used to make awards under the program established under this 42381
section. 42382

Sec. 3322.01. As used in this chapter: 42383

(A) "Computer science" includes logical reasoning, computing 42384
systems, networks and the internet, data and data analysis, 42385
algorithms and programming, impacts of computing, web development, 42386
and structured problem solving skills related to these 42387
disciplines. 42388

(B) "Council" means the Ohio computer science council 42389
established under section 3322.02 of the Revised Code. 42390

(C) "Governing entity" and "nonpublic secondary school" have 42391
the same meanings as in section 3365.01 of the Revised Code. 42392

(D) "Public secondary school" means a school serving grades 42393
seven through twelve in a city, local, or exempted village school 42394
district, a joint vocational school district, a community school 42395

established under Chapter 3314. of the Revised Code, a STEM school 42396
established under Chapter 3326. of the Revised Code, a 42397
college-preparatory boarding school established under Chapter 42398
3328. of the Revised Code, the state school for the deaf, the 42399
state school for the blind, or an institution operated by the 42400
department of youth services. 42401

Sec. 3322.02. The Ohio computer science council is hereby 42402
created. The council shall foster and encourage increased 42403
participation in computer science education across all counties 42404
through afterschool programs, summer camps, and other educational 42405
enrichment partnerships. 42406

The council shall consist of eleven voting members appointed 42407
by the governor, with the advice and consent of the senate, two 42408
nonvoting members of the house of representatives appointed by the 42409
speaker of the house, and two nonvoting members of the senate 42410
appointed by the president of the senate. The members appointed 42411
from each house of the general assembly shall not be from the same 42412
political party. 42413

Terms of office for members appointed by the governor shall 42414
be for five years, beginning on the second day of July and ending 42415
on the first day of July. 42416

The legislative members shall be appointed within ten days of 42417
the convening of the first regular session of each general 42418
assembly and shall serve through December 31 of the following 42419
year. Each member shall hold office from the date of appointment 42420
until the end of the term for which the member was appointed. Any 42421
member appointed to fill a vacancy occurring prior to the 42422
expiration of the term for which the member's predecessor was 42423
appointed shall hold office for the remainder of that term. 42424

Any member appointed by the governor shall continue in office 42425
subsequent to the expiration date of the member's term until the 42426

member's successor takes office, or until a period of sixty days 42427
has elapsed, whichever occurs first. The governor shall name the 42428
chair and vice-chair of the council, who shall serve in those 42429
positions at the governor's pleasure. Members of the council shall 42430
serve without compensation but are entitled to reimbursement for 42431
expenses incurred in connection with official business of the 42432
council. 42433

Persons appointed to the council by the governor shall have 42434
broad knowledge and experience in computer science, business, 42435
primary education, secondary education, or postsecondary 42436
education. 42437

The chancellor of higher education shall provide staff and 42438
other administrative services for the council. 42439

Sec. 3322.03. The council shall do all of the following: 42440

(A) Survey the computer science educational resources and 42441
needs of the state; 42442

(B) Develop a plan for and fund grants for afterschool, 42443
summer, and related enrichment programs to increase participation 42444
and foster deeper engagement by all youth in the state with 42445
computer science; 42446

(C) Create and maintain records on the distribution of funds 42447
awarded through the council. 42448

Sec. 3322.04. The council may do all of the following: 42449

(A) Within the limits of available funds, award and 42450
administer grants for afterschool, summer, and other enrichment 42451
programs that support the objectives of the council; 42452

(B) Establish and appoint members to advisory committees to 42453
advise and assist in the performance of its functions, and, within 42454
the limits of available funds, contract with consultants to 42455

facilitate its work; 42456

(C) Adopt, in accordance with Chapter 119. of the Revised 42457
Code, any rules necessary to administer Chapter 3322. of the 42458
Revised Code. 42459

Sec. 3322.05. The council shall meet at least once each 42460
calendar year and may meet more frequently if its workload 42461
demands. Council members, however, may not receive expenses for 42462
attendance at more than four meetings each year. The council may 42463
meet anywhere in the state. 42464

Sec. 3322.06. The council may receive and administer any 42465
funds granted to this state by the federal government for purposes 42466
compatible with the mission of this chapter and shall administer 42467
any state funds appropriated for that purpose. The council may 42468
also accept and administer on behalf of the state any gifts, 42469
donations, or bequests made to it for the encouragement and 42470
development of computer science education, afterschool programs, 42471
summer programs, or other related educational enrichment. 42472

Sec. 3322.07. The Ohio computer science council gifts and 42473
donations fund is hereby created in the state treasury. The fund 42474
shall consist of gifts and donations made to the council and fees 42475
paid for conferences the council sponsors. The fund may be used to 42476
pay for the council's operating expenses, including payroll, 42477
personnel services, maintenance, equipment, and subsidy payments 42478
as well as for grants awarded as part of the council's mission. 42479
All moneys deposited into the fund shall be received and expended 42480
pursuant to the council's duty to foster and encourage increased 42481
participation in computer science education across all counties in 42482
this state through afterschool programs, summer camps, and other 42483
educational enrichment partnerships. 42484

Sec. 3322.20. (A) The Ohio computer science promise program 42485
is hereby established. Beginning with the 2024-2025 school year, 42486
under the program, a student in any of grades seven through twelve 42487
who is a resident of this state may, at no cost to the student, 42488
enroll in and receive high school credit for one computer science 42489
course per academic year that is not offered by the student's 42490
public or nonpublic secondary school, provided the student is 42491
accepted into an eligible course offered by an approved provider 42492
and there are sufficient funds to support enrollment. 42493

(B) All Ohio computer science promise program eligible 42494
courses and providers shall be approved by the department of 42495
education in consultation with the chancellor of higher education 42496
to be eligible for funding. The department annually shall publish 42497
a list of approved providers and courses. 42498

(C)(1) Any student enrolled in a public secondary school may 42499
participate in the program if the student meets the applicable 42500
eligibility criteria. 42501

(2) Any student enrolled in a nonpublic secondary school may 42502
participate in the program in a manner prescribed by the 42503
chancellor of higher education if the nonpublic school chooses to 42504
participate in the program. 42505

(D) Governing entities shall grant high school credit for 42506
courses approved to receive funding through the Ohio computer 42507
science promise program. 42508

(E) All public secondary schools shall participate in the 42509
program and are subject to the requirements of this chapter. Any 42510
nonpublic secondary school that chooses to participate in the 42511
program shall also be subject to the requirements of this chapter. 42512

(F) The chancellor of higher education, in accordance with 42513
Chapter 119. of the Revised Code and in consultation with the 42514

state superintendent, shall adopt rules governing the program. 42515

Sec. 3322.24. (A) All governing entities shall count courses 42516
successfully completed under this chapter for high school credit 42517
toward the graduation requirements and subject area requirements 42518
of the governing entity. If a course comparable to one a 42519
participant completed with an approved provider is offered by the 42520
governing entity, the governing entity shall award comparable 42521
credit. If no comparable course is offered, the governing entity 42522
shall grant an appropriate number of elective credits to the 42523
participant. 42524

(B) If there is a dispute between the governing entity of a 42525
participant's school and a participant regarding high school 42526
credits granted for a course, the participant may appeal the 42527
decision to the department of education. The department's decision 42528
regarding any high school credits granted under this section is 42529
final. 42530

(C) Evidence of successful completion of each course and the 42531
high school credits awarded by the school shall be included in the 42532
student's record. The record shall indicate that the credits were 42533
earned as a participant under this chapter and shall include the 42534
name of the educational provider at which the credits were earned. 42535

Sec. 3323.25. (A) As used in this section and section 42536
3323.251 of the Revised Code: 42537

(1) "Dyslexia" means a specific learning disorder that is 42538
neurological in origin and that is characterized by unexpected 42539
difficulties with accurate or fluent word recognition and by poor 42540
spelling and decoding abilities not consistent with the person's 42541
intelligence, motivation, and sensory capabilities, which 42542
difficulties typically result from a deficit in the phonological 42543
component of language. 42544

(2) "Appropriate certification" means either of the following:	42545 42546
(a) Certification at a certified level, or higher, from a research-based, structured literacy program;	42547 42548
(b) Any other certification as recognized by a majority vote of the Ohio dyslexia committee.	42549 42550
(B)(1) The department of education shall establish the Ohio dyslexia committee which shall consist of the following members:	42551 42552
(a) A school district superintendent appointed by the superintendent of public instruction;	42553 42554
(b) An elementary school principal appointed by the state superintendent;	42555 42556
(c) A classroom teacher appointed by the state superintendent. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program.	42557 42558 42559 42560
(d) An educational service center employee appointed by the state superintendent. The employee shall have an appropriate certification.	42561 42562 42563
(e) An employee of the department of education appointed by the state superintendent;	42564 42565
(f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in Ohio;	42566 42567 42568
(g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification.	42569 42570 42571 42572
(h) A board member of the international dyslexia association in Ohio appointed by the international dyslexia association in	42573 42574

Ohio. The board member shall have an appropriate certification.	42575
(i) A school psychologist appointed by the state superintendent;	42576 42577
(j) A reading intervention specialist appointed by the state superintendent. The reading intervention specialist shall have an appropriate certification.	42578 42579 42580
(k) A speech-language pathologist appointed by the state speech and hearing professionals board. The speech-language pathologist shall have an appropriate certification.	42581 42582 42583
(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the state superintendent shall make and submit to the department each appointment prescribed under this section not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that date. Members of the committee shall serve at the pleasure of their appointing authority.	42584 42585 42586 42587 42588 42589 42590 42591 42592
(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.	42593 42594 42595 42596
(4) The state superintendent shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson.	42597 42598 42599 42600
(5) The department shall provide facilities for the meetings of the committee.	42601 42602
(C)(1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices	42603 42604

and methods for universal screening, intervention, and remediation 42605
for children with dyslexia or children displaying dyslexic 42606
characteristics and tendencies using a structured literacy 42607
program. 42608

(2) The committee shall provide an opportunity for public 42609
input when developing the guidebook, in the manner determined by 42610
the committee. 42611

(3) Prior to its distribution, the guidebook shall be subject 42612
to final approval by the state board of education. 42613

(4) The guidebook shall be developed and issued to districts 42614
and schools in an electronic format. After the initial development 42615
of the guidebook, the Ohio dyslexia committee shall update the 42616
guidebook as necessary. 42617

(D) Not later than December 31, 2021, the department, in 42618
collaboration with the Ohio dyslexia committee, shall do all of 42619
the following: 42620

(1) Provide structured literacy program professional 42621
development for teachers in evidence-based dyslexia screening and 42622
intervention practices for the purposes of section 3319.077 of the 42623
Revised Code. 42624

(2) Assist school districts and other public schools in 42625
establishing multidisciplinary teams to support the 42626
identification, intervention, and remediation of dyslexia; 42627

(3) Develop reporting mechanisms for districts and schools to 42628
submit to the department the information and data required in the 42629
guidebook developed under this section; 42630

(4) Develop academic standards for kindergarten in reading 42631
and writing that incorporate a structured literacy program; 42632

(5) Provide on the department's web site information about 42633
training for teachers about dyslexia that is available at minimal 42634

or no cost. 42635

(E) The department, in collaboration with the Ohio dyslexia 42636
committee, shall identify reliable, valid, universal, and 42637
evidence-based screening and intervention measures that evaluate 42638
the literacy skills of students enrolled in grades kindergarten 42639
through five using a structured literacy program. The department 42640
shall identify a tier one dyslexia screening measure by January 1, 42641
2024, and make that screening measure available to districts and 42642
schools at no cost to the districts and schools. Districts and 42643
schools may use the tier one screening measure provided under this 42644
division to satisfy the screening requirements in section 3323.251 42645
of the Revised Code beginning in the 2024-2025 school year. 42646

(F) The Ohio dyslexia committee may do any of the following: 42647

(1) Recommend appropriate ratios in school buildings for 42648
students to teachers who have received certification in 42649
identifying and addressing dyslexia; 42650

(2) Recommend which other school personnel, including school 42651
psychologists or speech-language pathologists, should receive 42652
certification in identifying and addressing dyslexia; 42653

(3) Consider and make recommendations regarding whether 42654
professional development required under section 3319.077 of the 42655
Revised Code should require the completion of a practicum. 42656

Sec. 3323.251. (A) Each school district and other public 42657
school shall do all of the following: 42658

(1) For the 2023-2024 school year, administer a tier one 42659
dyslexia screening measure to a student to whom either of the 42660
following applies: 42661

(a) The student is enrolled in any of grades kindergarten 42662
through three, or the student transfers into the district or 42663
school midyear and is enrolled in any of grades kindergarten 42664

through three. A screening measure shall be administered to a 42665
student enrolled in kindergarten after January 1, 2024, but prior 42666
to January 1, 2025. 42667

(b) The student is enrolled in any of grades four through 42668
six, or the student transfers into the district or school midyear 42669
and is enrolled in any of grades four through six, and either of 42670
the following applies: 42671

(i) The student's parent, guardian, or custodian requests 42672
that the screening measure be administered to the student. 42673

(ii) A classroom teacher requests that the screening measure 42674
be administered to the student and the student's parent, guardian, 42675
or custodian grants permission for the screening measure to be 42676
administered. 42677

A school district may implement the screening under division 42678
(A)(1) of this section prior to the 2023-2024 school year. 42679

A screening measure administered under division (A)(1) of 42680
this section shall be aligned to the grade level in which the 42681
student is enrolled at the time the screening is administered. 42682

(2) For the 2024-2025 school year and each school year 42683
thereafter, administer a tier one dyslexia screening measure to a 42684
student to whom either of the following applies: 42685

(a) A student enrolled in kindergarten, or a student who 42686
transfers into the district or school midyear and is enrolled in 42687
kindergarten. A screening measure shall be administered to a 42688
student after the first day of January of the school year in which 42689
the student is enrolled in kindergarten and prior to the first day 42690
of January of the following school year. 42691

(b) A student enrolled in any of grades one through six, or a 42692
student who transfers into the district or school midyear and is 42693
enrolled in any of grades one through six, if either of the 42694

following applies:	42695
(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.	42696 42697
(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.	42698 42699 42700 42701
A district or school may administer a tier two dyslexia screening measure to a student to whom the district or school administers a tier one screening measure under division (A)(1) or (2) of this section. In that case, a district or school shall not be required to complete division (A)(4) of this section.	42702 42703 42704 42705 42706
<u>A screening measure administered under division (A)(2) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered.</u>	42707 42708 42709
(3) Identify each student that is at risk of dyslexia based on the student's results on the tier one screening measure and notify the student's parent, guardian, or custodian that the student has been identified as being at risk.	42710 42711 42712 42713
(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student.	42714 42715 42716 42717 42718 42719 42720 42721
(5) Report to a student's parent or guardian the student's results on a tier two screening measure approved by the Ohio dyslexia committee within thirty days after the measure's administration. If, as determined by the tier two screening	42722 42723 42724 42725

measure, the student is identified as having dyslexia tendencies, 42726
the student's parent or guardian shall be provided with 42727
information about reading development, the risk factors for 42728
dyslexia, and descriptions for evidenced-based interventions. 42729

(6) If a student demonstrates markers for dyslexia, provide 42730
the student's parents or guardian with a written explanation of 42731
the district or school's structured literacy program. 42732

~~(B)(1) Beginning in the 2023-2024 school year, each district~~ 42733
~~or school shall~~ In the case of a transfer student described in 42734
division (A)(1) or (2) of this section, the following apply: 42735

~~(a) Administer a tier one dyslexia screening measure to each~~ 42736
~~kindergarten student that transfers into the district or school~~ 42737
~~midyear during the school's regularly scheduled screening of the~~ 42738
~~kindergarten class or within thirty days after the student's~~ 42739
~~enrollment if the screening already has been completed; If the~~ 42740
student is enrolled in kindergarten, the tier one dyslexia 42741
screening measure shall be administered to the student during the 42742
school's regularly scheduled screening of the kindergarten class 42743
or within thirty days after the student's enrollment if so 42744
required under this section, or within thirty days after the 42745
student's parent, guardian, or custodian requests the screening or 42746
grants permission for a screening. 42747

~~(b) Administer a tier one dyslexia screening measure to each~~ 42748
~~student in grades one through six that transfers into the district~~ 42749
~~or school midyear within thirty days after the student's~~ 42750
~~enrollment. If the student is enrolled in any of grades one~~ 42751
through six, the tier one dyslexia screening measure shall be 42752
administered to the student within thirty days after the student's 42753
enrollment if so required under this section, or within thirty 42754
days after the student's parent, guardian, or custodian requests 42755
the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this 42756
section or grants permission for the screening under division 42757

(A)(1)(b)(ii) or (A)(2)(b)(ii) of this section. 42758

(c) No district or school shall be required to administer a tier one dyslexia screening measure to a student who transfers into the district or school midyear if the student's records indicate that such a screening was administered to the student by the district or school from which the student transferred during that school year. 42759
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(2) If a student is identified as being at risk of dyslexia under division (B)(1) of this section, the district or school shall administer a tier two screening measure in a timely manner. 42765
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(C) Each district or school shall do all of the following: 42768

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code; 42769
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(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code; 42772
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(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified personnel and a stakeholder with expertise in the identification, intervention, and remediation of dyslexia. 42775
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(4) Report to the department of education the results of screening measures administered under this section. 42780
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In addition, districts and schools may utilize any best practices and recommendations contained in the guidebook developed under division (C) of section 3323.25 of the Revised Code. 42782
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Sec. 3324.05. (A) Each school district shall submit an annual report to the department of education specifying the number of students in each of grades kindergarten through twelve screened, 42785
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the number assessed, and the number identified as gifted in each 42788
category specified in section 3324.03 of the Revised Code. ~~For~~ 42789
~~fiscal years 2022 and 2023, this~~ The report shall also specify the 42790
number of students served in each category specified in section 42791
3324.03 of the Revised Code. 42792

(B) ~~For fiscal years 2022 and 2023, not~~ Not later than the 42793
thirty-first day of October annually, the department shall publish 42794
both of the following using data submitted by school districts 42795
under the education management information system established 42796
under section 3301.0714 of the Revised Code: 42797

(1) Services offered by each school district to students 42798
identified as gifted in each of the following grade bands: 42799

(a) Kindergarten through ~~third~~ second grade; 42800

(b) Third through sixth grade; 42801

~~Fourth~~ (c) Seventh through eighth grade; 42802

~~(e)~~(d) Ninth through twelfth grade. 42803

(2) The number of licensed gifted intervention specialists 42804
and coordinators employed or contracted by each school district. 42805

(C) The department of education shall audit each school 42806
district's identification numbers at least once every three years 42807
and may select any district at random or upon complaint or 42808
suspicion of noncompliance for a further audit to determine 42809
compliance with sections 3324.03 to 3324.06 of the Revised Code. 42810
~~If a school district's audit under this division occurs during~~ 42811
~~fiscal year 2022 or 2023, In each year~~ the department audits a 42812
school district under this section, the department shall also 42813
audit the district's service numbers. 42814

(D) The department shall provide technical assistance to any 42815
district found in noncompliance under division (C) of this 42816
section. For fiscal years 2022 and 2023, the department shall 42817

reduce funds received by the district under Chapter 3317. of the 42818
Revised Code by any amount if the district continues to be 42819
noncompliant. For fiscal year 2024 and each fiscal year 42820
thereafter, the department may reduce funds received by the 42821
district under Chapter 3317. of the Revised Code by any amount if 42822
the district continues to be noncompliant. 42823

Sec. 3324.09. ~~(A) For fiscal years 2022 and 2023, not~~ Not 42824
later than the thirtieth day of October annually, the department 42825
of education shall publish on its web site the funds received for 42826
the previous fiscal year by each school district under division 42827
(A)(6) of section 3317.022 of the Revised Code for the 42828
identification of and services provided to the district's gifted 42829
students and each district's expenditures of those funds. 42830

~~(B) For fiscal year 2024 and each fiscal year thereafter, not~~ 42831
~~later than the thirtieth day of October, the department shall~~ 42832
~~publish on its web site each school district's expenditures for~~ 42833
~~the previous fiscal year of funds received under division (A)(6)~~ 42834
~~of section 3317.022 of the Revised Code for the identification of~~ 42835
~~and services provided to the district's gifted students.~~ 42836

Sec. 3325.01. The Ohio deaf and blind education services is 42837
hereby established and shall include the state school for the deaf 42838
and the state school for the blind. Ohio deaf and blind education 42839
services shall be operate under the control and supervision of the 42840
state board of education. On the recommendation of the 42841
superintendent of public instruction, the state board of education 42842
shall appoint a superintendent for Ohio deaf and blind education 42843
services, who shall supervise the state school for the deaf and a 42844
~~superintendent for~~ the state school for the blind, ~~each of whom.~~ 42845
The superintendent of Ohio deaf and blind education services shall 42846
serve at the pleasure of the state board of education. The 42847
superintendent of Ohio deaf and blind education services may 42848

create additional divisions to meet the educational needs of 42849
students throughout the state who are deaf, hard of hearing, 42850
blind, visually impaired, or deafblind. 42851

Sec. 3325.011. Subject to the regulations adopted by the 42852
state board of education, the state school for the deaf shall be 42853
open to receive persons who are deaf, ~~partially deaf~~ hard of 42854
hearing, and ~~both blind and deaf~~ deafblind residents of this 42855
state, who, in the judgment of the superintendent of public 42856
instruction and the superintendent of ~~the school for the deaf~~ Ohio 42857
deaf and blind education services, due to such disability, cannot 42858
be educated in the public school system and are suitable persons 42859
to receive instructions according to the methods employed in such 42860
school. ~~The superintendent of the school for the deaf may pay the~~ 42861
~~expenses necessary for the instruction of children who are both~~ 42862
~~blind and deaf, who are resident of this state, in any suitable~~ 42863
~~institution.~~ 42864

Sec. 3325.02. (A) As used in this chapter, a person with a 42865
"visual impairment" means ~~blindness, partial blindness,~~ 42866
~~deaf blindness~~ the person is blind, visually impaired, deafblind, 42867
or has multiple disabilities if one of the disabilities is vision 42868
related. 42869

(B) Subject to the regulations adopted by the state board of 42870
education, the state school for the blind shall be open to receive 42871
persons who are residents of this state, whose disabilities are 42872
visual impairments, and who, in the judgment of the superintendent 42873
of public instruction and the superintendent of ~~the school for the~~ 42874
~~blind~~ Ohio deaf and blind education services, due to such 42875
disability, cannot be educated in the public school system and are 42876
suitable persons to receive instructions according to the methods 42877
employed in the school. 42878

~~Sec. 3325.03. The superintendent of the state school for the deaf or the superintendent of the state school for the blind Ohio deaf and blind education services may return to its parents, guardian, or proper agency any pupil under his the superintendent's jurisdiction, who to the pupil's resident school district if, in the opinion of such the superintendent and the superintendent of public instruction, that pupil is not making sufficient progress in its school or industrial work to justify its continuance as a pupil in such school at the state school for the deaf or the state school for the blind.~~

~~Sec. 3325.04. The superintendent of the state school for the deaf and the superintendent of the state school for the blind Ohio deaf and blind education services, with the approval of the superintendent of public instruction, shall, for their respective schools and subject to the rules and regulations of the civil service, employ suitable teachers, nurses, and other help staff necessary to operate Ohio deaf and blind education services and provide the proper instruction and care for to the pupils under their the jurisdiction of the superintendent of Ohio deaf and blind education services.~~

~~No individual hired on or after the effective date of this amendment as a classroom teacher at the state school for the blind shall be permitted to retain employment as a teacher at the school unless prior to the date of such hiring, or within one year of that date, the individual completes at least two courses of instruction in braille at an institution of higher education or demonstrates equivalent competency in the use of braille to the satisfaction of the superintendent of the state school for the blind.~~

~~Sec. 3325.05. The state board of education may provide for~~

the further and higher education of any blind pupils, who in its 42909
judgment are capable of receiving sufficient benefit to render 42910
them more efficient as citizens, by ~~appointing readers for~~ 42911
providing appropriate assistive technology to enable such persons 42912
to read from textbooks and pamphlets used in their studies while 42913
in attendance as regularly matriculated students in any college, 42914
university, or technical or professional school located in this 42915
state and authorized to grant degrees. Any fund appropriated for 42916
such purpose shall be distributed under the direct supervision of 42917
the state board of education. No person shall receive the benefit 42918
conferred by this section who has not had an actual residence in 42919
this state for at least one year. 42920

Sec. 3325.06. (A) ~~The state board of~~ Ohio deaf and blind 42921
education services shall institute and establish a program of 42922
education ~~by the department of education~~ to train parents of deaf 42923
or hard of hearing children of preschool age. The object and 42924
purpose of the educational program shall be to aid and assist the 42925
parents of deaf or hard of hearing children of preschool age in 42926
affording to the children the means of optimum communicational 42927
facilities. 42928

(B) ~~The state board of education~~ Ohio deaf and blind 42929
education services shall institute and establish a program of 42930
education to train and assist parents of blind or visually 42931
impaired children of preschool age ~~whose disabilities are visual~~ 42932
~~impairments~~. The object and purpose of the educational program 42933
shall be to enable the parents of blind or visually impaired 42934
children of preschool age ~~whose disabilities are visual~~ 42935
~~impairments~~ to provide their children with learning experiences 42936
that develop early literacy, communication, mobility, and daily 42937
living skills so the children can function independently in their 42938
living environments. 42939

Sec. 3325.07. ~~The state board of Ohio deaf and blind~~ 42940
education services in carrying out this section and division (A) 42941
of section 3325.06 of the Revised Code shall, insofar as 42942
practicable, plan, present, and carry into effect an educational 42943
program by means of any of the following methods of instruction: 42944

(A) Classes for parents of deaf or hard of hearing children 42945
of preschool age; 42946

(B) A ~~nursery school~~ preschool where parent and child ~~would~~ 42947
may enter the ~~nursery school~~ preschool as a unit; 42948

(C) Correspondence course; 42949

(D) Personal consultations and interviews; 42950

(E) Day-care or child development courses; 42951

(F) Summer enrichment courses; 42952

(G) By such other means or methods as the superintendent of 42953
~~the state school for the deaf~~ Ohio deaf and blind education 42954
services deems advisable that would permit a deaf or hard of 42955
hearing child of preschool age to ~~construct a pattern of~~ build 42956
communication skills at an early age. 42957

The superintendent may allow children who are not deaf or 42958
hard of hearing to participate in the methods of instruction 42959
described in divisions (A) to (G) of this section as a means to 42960
assist deaf or hard of hearing children to ~~construct a pattern of~~ 42961
build communication skills. The superintendent shall establish 42962
policies and procedures regarding the participation of children 42963
who are not deaf or hard of hearing. 42964

The superintendent may establish reasonable fees for 42965
participation in the methods of instruction described in divisions 42966
(A) to (G) of this section to defray the costs of carrying them 42967
out. The superintendent shall determine the manner by which any 42968
such fees shall be collected. All fees shall be deposited in the 42969

even start fees and gifts fund, which is hereby created in the 42970
state treasury. The money in the fund shall be used to implement 42971
this section. 42972

Sec. 3325.071. ~~The state board of~~ Ohio deaf and blind 42973
education services in carrying out this section and division (B) 42974
of section 3325.06 of the Revised Code shall, insofar as 42975
practicable, plan, present, and carry into effect an educational 42976
program by means of any of the following methods of instruction: 42977

(A) Classes for parents of children of preschool age whose 42978
disabilities are visual impairments, independently or in 42979
cooperation with community agencies; 42980

~~(B) Periodic interactive parent-child classes for infants and~~ 42981
~~toddlers whose disabilities are visual impairments~~ A preschool 42982
where a parent and child may enter the preschool as a unit; 42983

(C) Correspondence course; 42984

(D) Personal consultations and interviews; 42985

(E) Day-care or child development courses for children and 42986
parents; 42987

(F) Summer enrichment courses; 42988

(G) By such other means or methods as the superintendent of 42989
~~the state school for the blind~~ Ohio deaf and blind education 42990
services deems advisable that would permit a child of preschool 42991
age whose disability is a visual impairment to ~~construct a pattern~~ 42992
~~of~~ build communication skills and develop literacy, mobility, and 42993
independence at an early age. 42994

The superintendent may allow children who do not have 42995
disabilities that are visual impairments to participate in the 42996
methods of instruction described in divisions (A) to (G) of this 42997
section so that children of preschool age whose disabilities are 42998
visual impairments are able to learn alongside their peers while 42999

receiving specialized instruction that is based on early learning 43000
and development strategies. The superintendent shall establish 43001
policies and procedures regarding the participation of children 43002
who do not have disabilities that are visual impairments. 43003

The superintendent may establish reasonable fees for 43004
participation in the methods of instruction described in divisions 43005
(A) to (G) of this section to defray the costs of carrying them 43006
out. The superintendent shall determine the manner by which any 43007
such fees shall be collected. All fees shall be deposited in the 43008
state school for the blind even start fees and gifts fund, which 43009
is hereby created in the state treasury. The money in the fund 43010
shall be used to implement this section. 43011

Sec. 3325.08. (A) A diploma shall be granted by the 43012
superintendent of ~~the state school for the blind and the~~ 43013
~~superintendent of the state school for the deaf~~ Ohio deaf and 43014
blind education services to any student enrolled in ~~one of these~~ 43015
~~state schools~~ the state school for the blind or the state school 43016
for the deaf to whom all of the following apply: 43017

(1) The student has successfully completed the individualized 43018
education program developed for the student for the student's high 43019
school education pursuant to section 3323.08 of the Revised Code; 43020

(2) Subject to section 3313.614 of the Revised Code, the 43021
student has met the assessment requirements of division (A)(2)(a) 43022
or (b) of this section, as applicable. 43023

(a) If the student entered the ninth grade prior to July 1, 43024
2014, the student either: 43025

(i) Has attained at least the applicable scores designated 43026
under division (B)(1) of section 3301.0710 of the Revised Code on 43027
all the assessments prescribed by that division unless division 43028
(L) of section 3313.61 of the Revised Code applies to the student; 43029

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 43030
43031

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student. 43032
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(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section. 43036
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No diploma shall be granted under this division to anyone except as provided under this division. 43038
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(B) In lieu of a diploma granted under division (A) of this section, the superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in ~~one of these state schools~~ the state school for the blind or the state school for the deaf who accomplishes all of the following: 43040
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(1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; 43049
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(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 43052
43053
43054

(a) If the student entered the ninth grade prior to July 1, 2014, the student either: 43055
43056

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division; 43057
43058
43059

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 43060
43061

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code. 43062
43063
43064

(3) Has met additional criteria for granting an honors diploma. 43065
43066

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 43067
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(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of ~~the state school for the blind or the superintendent of the state school for the deaf, as applicable~~ Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the ~~school~~ superintendent of Ohio deaf and blind education services prescribes. 43073
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(D) Upon granting a diploma to a student under this section, the superintendent of ~~the state school in which the student is enrolled~~ Ohio deaf and blind education services shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted. 43081
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Sec. 3325.09. (A) ~~The state board of~~ Ohio deaf and blind 43089

education services shall institute and establish career-technical 43090
education and work training programs for secondary and 43091
post-secondary students ~~whose disabilities are visual impairments~~ 43092
who are blind, visually impaired, deaf, hard of hearing, or 43093
deafblind. These programs shall develop communication, mobility, 43094
and work skills and assist students in becoming productive members 43095
of society so that they can contribute to their communities and 43096
living environments. 43097

(B) ~~The state school for the blind~~ Ohio deaf and blind 43098
education services may use any gifts, donations, or bequests it 43099
receives under section 3325.10 or 3325.15 of the Revised Code for 43100
one or more of the following purposes that are related to 43101
career-technical and work training programs for secondary and 43102
post-secondary students ~~whose disabilities are visual impairments~~ 43103
who are blind, visually impaired, deaf, hard of hearing, or 43104
deafblind: 43105

(1) Room and board; 43106

(2) Training in mobility and orientation; 43107

(3) Activities that teach daily living skills; 43108

(4) Rehabilitation technology; 43109

(5) Activities that teach group and individual social and 43110
interpersonal skills; 43111

(6) Work placement in the community by the school or a 43112
community agency; 43113

(7) Transportation to and from work sites or locations of 43114
community interaction; 43115

(8) Supervision and management of programs and services. 43116

(C) For the purposes of division (B) of this section, Ohio 43117
deaf and blind education services shall use funds received under 43118

section 3325.10 or 3325.15 of the Revised Code only for the school 43119
for which the funds were designated. 43120

Sec. 3325.10. ~~The state school for the blind~~ Ohio deaf and 43121
blind education services may receive and administer any federal 43122
funds relating to the education of students at the state school 43123
for the blind whose disabilities are visual impairments, including 43124
secondary and post-secondary students. ~~The school for the blind~~ 43125
Ohio deaf and blind education services also may accept and 43126
administer any gifts, donations, or bequests made to it for 43127
programs or services relating to the education of students at the 43128
state school for the blind whose disabilities are visual 43129
impairments, including secondary and post-secondary students. 43130

Sec. 3325.11. There is hereby created in the state treasury 43131
~~the state school for the blind~~ Ohio deaf and blind education 43132
services student activity and work-study fund. Moneys received 43133
from donations, bequests, the ~~school~~ vocational ~~program~~ programs 43134
of the state school for the blind and the state school for the 43135
deaf, and any other moneys designated for deposit in the fund by 43136
the superintendent of ~~the state school for the blind~~ Ohio deaf and 43137
blind education services shall be credited to the fund. 43138
Notwithstanding section 3325.01 of the Revised Code, the approval 43139
of the state board of education is not required to designate money 43140
for deposit into the fund. ~~The school for the blind~~ Ohio deaf and 43141
blind education services shall use money in the fund for the state 43142
school for the blind, the state school for the deaf, and Ohio deaf 43143
and blind education services' operating expenses, including, but 43144
not limited to, personal services, maintenance, and equipment 43145
related to student support, activities, and vocational programs, 43146
and for providing scholarships to students for further training 43147
upon graduation. 43148

Sec. 3325.12. Money deposited with the superintendent of the 43149
~~state school for the blind and the superintendent of the state~~ 43150
~~school for the deaf~~ Ohio deaf and blind education services by 43151
parents, relatives, guardians, and friends for the special benefit 43152
of any pupil at the state school for the blind or the state school 43153
for the deaf shall remain in the hands of the ~~respective~~ 43154
superintendent for use accordingly. ~~Each~~ The superintendent shall 43155
deposit the money into one or more personal deposit funds. ~~Each~~ 43156
The superintendent shall keep itemized book accounts of the 43157
receipt and disposition of the money, which books shall be open at 43158
all times to the inspection of the superintendent of public 43159
instruction. The superintendent of ~~the state school for the blind~~ 43160
~~and the superintendent of the state school for the deaf~~ each Ohio 43161
deaf and blind education services shall adopt ~~rules~~ procedures 43162
governing the deposit, transfer, withdrawal, or investment of the 43163
money and the investment earnings of the money. 43164

Whenever a pupil ceases to be enrolled in the state school 43165
for the blind or the state school for the deaf, if personal money 43166
of the pupil remains in the hands of the ~~respective~~ superintendent 43167
of Ohio deaf and blind education services and no demand is made 43168
upon the superintendent by the pupil or the pupil's parent or 43169
guardian, the superintendent shall hold the money in a personal 43170
deposit fund for a period of at least one year. During that time, 43171
the superintendent shall make every effort possible to locate the 43172
pupil or the pupil's parent or guardian. If, at the end of this 43173
period, no demand has been made for the money ~~held by~~ of a pupil 43174
in the state school for the blind, the superintendent ~~of the state~~ 43175
~~school for the blind~~ shall dispose of the money by transferring it 43176
to the state school for the blind ~~student activity and work study~~ 43177
educational program expense fund established by section ~~3325.11~~ 43178
3325.17 of the Revised Code. If at the end of this period, no 43179
demand has been made for the money ~~held by~~ of a pupil in the state 43180

school for the deaf, the superintendent ~~of the state school for~~ 43181
~~the deaf~~ shall dispose of the money by transferring it to the 43182
state school for the deaf educational program expenses fund 43183
established by section 3325.16 of the Revised Code. 43184

Sec. 3325.13. ~~The state school for the blind~~ Ohio deaf and 43185
blind education services employees food service fund is hereby 43186
created in the state treasury. The fund shall consist of payments 43187
received from employees who make purchases from the ~~school's~~ food 43188
service program of the state school for the blind or state school 43189
for the deaf. Notwithstanding section 3325.01 of the Revised Code, 43190
the approval of the state board of education is not required to 43191
designate money for deposit into the fund. ~~The school for the~~ 43192
~~blind~~ Ohio deaf and blind education services shall use money in 43193
the fund to pay costs associated with ~~the school's~~ Ohio deaf and 43194
blind education services' food service program. 43195

Sec. 3325.15. ~~The state school for the deaf~~ Ohio deaf and 43196
blind education services may receive and administer any federal 43197
funds relating to the education of deaf ~~or hearing impaired, hard~~ 43198
~~of hearing, or deafblind~~ students. ~~The school for the deaf~~ Ohio 43199
deaf and blind education services also may accept and administer 43200
any gifts, donations, or bequests given to it for programs or 43201
services relating to the education of deaf or ~~hearing impaired~~ 43202
~~hard of hearing~~ students and the state school for the deaf. 43203

Sec. 3325.16. There is hereby created in the state treasury 43204
the state school for the deaf educational program expenses fund. 43205
Moneys received by ~~the~~ Ohio deaf and blind education services for 43206
the state school for the deaf from donations, bequests, student 43207
fundraising activities, fees charged for camps and workshops, gate 43208
receipts from athletic contests, and the student work experience 43209
program operated by the school, and any other moneys designated 43210

for deposit in the fund by the superintendent of ~~the school~~ Ohio deaf and blind education services, shall be credited to the fund. 43211
43212
Notwithstanding section 3325.01 of the Revised Code, the approval 43213
of the state board of education is not required to designate money 43214
for deposit into the fund. ~~The state school for the deaf~~ Ohio deaf 43215
and blind education services shall use moneys in the fund for 43216
educational programs, after-school activities, and expenses 43217
associated with student activities and clubs at the state school 43218
for the deaf. 43219

Sec. 3325.17. There is hereby created in the state treasury 43220
the state school for the blind educational program expense fund. 43221
Moneys received by ~~the~~ Ohio deaf and blind education services for 43222
the state school for the blind from donations, bequests, student 43223
fundraising activities, fees charged for camps, workshops, and 43224
summer work and learn cooperative programs, gate receipts from 43225
school activities, and any other moneys designated for deposit in 43226
the fund by the superintendent of ~~the school~~ Ohio deaf and blind 43227
education services, shall be credited to the fund. Notwithstanding 43228
section 3325.01 of the Revised Code, the approval of the state 43229
board of education is not required to designate money for deposit 43230
into the fund. ~~The state school for the blind~~ Ohio deaf and blind 43231
education services shall use moneys in the fund for educational 43232
programs, after-school activities, and expenses associated with 43233
student activities at the state school for the blind. 43234

Sec. 3326.11. Each science, technology, engineering, and 43235
mathematics school established under this chapter and its 43236
governing body shall comply with sections 9.90, 9.91, 109.65, 43237
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 43238
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 43239
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 43240

3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318 43241
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 43242
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 43243
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 43244
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 43245
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 43246
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 43247
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 43248
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 43249
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 43250
3319.21, 3319.225, 3319.238, 3319.318, 3319.32, 3319.321, 43251
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 43252
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 43253
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 43254
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 43255
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 43256
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 43257
Revised Code as if it were a school district. 43258

Sec. 3326.44. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a 43259
STEM school shall spend the funding it receives under division 43260
(A)(5) of section 3317.022 of the Revised Code only for services 43261
for English learners. 43262

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 43263
and division (D) of section 3311.52 of the Revised Code, this 43264
section and sections 3327.011, 3327.012, and 3327.02 of the 43265
Revised Code do not apply to any joint vocational or cooperative 43266
education school district. 43267

In all city, local, and exempted village school districts 43268
where resident school pupils in grades kindergarten through eight 43269
live more than two miles from the school for which the state board 43270

of education prescribes minimum standards pursuant to division (D) 43271
of section 3301.07 of the Revised Code and to which they are 43272
assigned by the board of education of the district of residence or 43273
to and from the nonpublic or community school which they attend, 43274
the board of education shall provide transportation for such 43275
pupils to and from that school except as provided in section 43276
3327.02 of the Revised Code. 43277

In all city, local, and exempted village school districts 43278
where pupil transportation is required under a career-technical 43279
plan approved by the state board of education under section 43280
3313.90 of the Revised Code, for any student attending a 43281
career-technical program operated by another school district, 43282
including a joint vocational school district, as prescribed under 43283
that section, the board of education of the student's district of 43284
residence shall provide transportation from the public high school 43285
operated by that district to which the student is assigned to the 43286
career-technical program. 43287

In all city, local, and exempted village school districts, 43288
the board may provide transportation for resident school pupils in 43289
grades nine through twelve to and from the high school to which 43290
they are assigned by the board of education of the district of 43291
residence or to and from the nonpublic or community high school 43292
which they attend for which the state board of education 43293
prescribes minimum standards pursuant to division (D) of section 43294
3301.07 of the Revised Code. 43295

A board of education shall not be required to transport 43296
elementary or high school pupils to and from a nonpublic or 43297
community school where such transportation would require more than 43298
thirty minutes of direct travel time as measured by school bus 43299
from the public school building to which the pupils would be 43300
assigned if attending the public school designated by the district 43301
of residence. 43302

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. The operator of every school bus or motor van owned and operated by any school district or educational service

center or privately owned and operated under contract with any 43335
school district or service center in this state shall deliver 43336
students enrolled in preschool through twelfth grades to their 43337
respective public and nonpublic schools not sooner than thirty 43338
minutes prior to the beginning of school and to be available to 43339
pick them up not later than thirty minutes after the close of 43340
their respective schools each day. 43341

A board of education shall provide each pupil in grades 43342
kindergarten through eight substantially the same level of 43343
transportation service, route and schedule convenience, and 43344
pick-up and drop-off times relative to the pupil's school's start 43345
and end times regardless of whether the pupil attends a school 43346
operated by the board of education or a nonpublic or community 43347
school. 43348

The cost of any transportation service authorized by this 43349
section shall be paid first out of federal funds, if any, 43350
available for the purpose of pupil transportation, and secondly 43351
out of state appropriations, in accordance with regulations 43352
adopted by the state board of education. 43353

No transportation of any pupils shall be provided by any 43354
board of education to or from any school which in the selection of 43355
pupils, faculty members, or employees, practices discrimination 43356
against any person on the grounds of race, color, religion, or 43357
national origin. 43358

Sec. 3327.021. The department of education shall monitor each 43359
city, local, or exempted village school district's compliance with 43360
sections 3327.01 and 3327.016 and division (B) of section 3327.017 43361
of the Revised Code. If the department determines a consistent or 43362
prolonged period of noncompliance on the part of the school 43363
district to provide transportation as required under those 43364
sections, the department shall deduct from the district's payment 43365

for student transportation under Chapter 3317. of the Revised Code 43366
the ~~total~~ daily amount of that payment, as computed by the 43367
department, for the number of students who did not receive the 43368
required transportation, including students who arrived to school 43369
late, under those sections for each day that the district is not 43370
in compliance. 43371

This section does not affect the authority of a school 43372
district to provide payment in lieu of transportation in 43373
accordance with section 3327.02 of the Revised Code. 43374

Sec. 3328.24. A college-preparatory boarding school 43375
established under this chapter and its board of trustees shall 43376
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 43377
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.6013, 43378
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 43379
3313.6114, 3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 43380
3313.7117, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 43381
3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 43382
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of the 43383
Revised Code as if the school were a school district and the 43384
school's board of trustees were a district board of education. 43385

Sec. 3332.092. Any school subject to this chapter receiving 43386
money under section ~~3333.12~~ or 3333.122 of the Revised Code on 43387
behalf of a student who is determined by the state board of career 43388
colleges and schools to be ineligible under such section because 43389
the program in which the student is enrolled does not lead to an 43390
associate or baccalaureate degree, shall be liable to the state 43391
for the amount specified in section ~~3333.12~~ or 3333.122 of the 43392
Revised Code. The state board of career colleges and schools shall 43393
suspend the certificate of registration of a school receiving 43394
money under section ~~3333.12~~ or 3333.122 of the Revised Code for 43395

such ineligible student until such time as the money is repaid to 43396
the ~~Ohio board~~ department of ~~regents~~ higher education. 43397

Sec. ~~3333.03~~ 3333.01. (A) There is hereby created the 43398
department of higher education, which shall be composed of the 43399
chancellor of higher education and the chancellor's employees, 43400
agents, and representatives. The chancellor shall perform the 43401
functions, exercise the powers, and discharge the duties as are 43402
assigned to the chancellor by law. 43403

(B) The governor, with the advice and consent of the senate, 43404
shall appoint the chancellor of higher education. The chancellor 43405
shall serve at the pleasure of the governor, and the governor 43406
shall prescribe the chancellor's duties in addition to the 43407
chancellor's duties prescribed by law. The governor shall fix the 43408
compensation for the chancellor. The chancellor shall be a member 43409
of the governor's cabinet. 43410

(C) The chancellor is responsible for appointing and fixing 43411
the compensation of all professional, administrative, and clerical 43412
employees and staff members necessary to assist in the performance 43413
of the chancellor's duties. All employees and staff shall serve at 43414
the chancellor's pleasure. 43415

(D) The chancellor shall be a person qualified by training 43416
and experience to understand the problems and needs of the state 43417
in the field of higher education and to devise programs, plans, 43418
and methods of solving the problems and meeting the needs. 43419

(E) Neither the chancellor nor any staff member or employee 43420
of the chancellor shall be a trustee, officer, or employee of any 43421
public or private college or university while serving as 43422
chancellor, staff member, or employee. 43423

Sec. 3333.012. Whenever the term "Ohio board of regents" is 43424
used, referred to, or designated in any statute, rule, contract, 43425

grant, or other document, the use, reference, or designation shall 43426
be construed to mean the "chancellor of higher education," ~~except~~ 43427
~~in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the~~ 43428
~~Revised Code or unless the use, reference, or designation of the~~ 43429
~~term "Ohio board of regents" relates to the board's duties to give~~ 43430
~~advice to the chancellor or~~ unless another section of law 43431
expressly provides otherwise. 43432

Whenever the term "chancellor of the Ohio board of regents" 43433
or "chancellor" is used, referred to, or designated in any 43434
statute, rule, contract, grant, or other document, the use, 43435
reference, or designation shall be construed to mean the 43436
chancellor of higher education. 43437

Sec. 3333.021. As used in this section, "university" means 43438
any college or university that receives a state appropriation. 43439

(A) This division does not apply to proposed rules, 43440
amendments, or rescissions subject to legislative review under 43441
section 106.02 of the Revised Code. No action taken by the 43442
chancellor of higher education that could reasonably be expected 43443
to have an effect on the revenue or expenditures of any university 43444
shall take effect unless at least two weeks prior to the date on 43445
which the action is taken, the chancellor has filed with the 43446
speaker of the house of representatives, the president of the 43447
senate, and the legislative service commission, ~~and the director~~ 43448
~~of budget and management~~ a fiscal analysis of the proposed action. 43449
The analysis shall include an estimate of the amount by which, 43450
during the current and ensuing fiscal biennium, the action would 43451
increase or decrease the university's revenues or expenditures and 43452
increase or decrease any state expenditures and any other 43453
information the chancellor considers necessary to explain the 43454
action's fiscal effect. 43455

(B) Within three days of the date the chancellor files with 43456

the clerk of the senate a proposed rule, amendment, or rescission 43457
that is subject to legislative review and invalidation under 43458
section 106.02 of the Revised Code, the chancellor shall file with 43459
the speaker of the house of representatives, the president of the 43460
senate, and the legislative service commission, ~~and the director~~ 43461
~~of budget and management~~ a fiscal analysis of the proposed rule. 43462
The analysis shall include an estimate of the amount by which, 43463
during the current and ensuing fiscal biennium, the action would 43464
increase or decrease any university's revenues or expenditures and 43465
increase or decrease state revenues or expenditures and any other 43466
information the chancellor considers necessary to explain the 43467
fiscal effect of the rule, amendment, or rescission. No rule, 43468
amendment, or rescission shall take effect unless the chancellor 43469
has complied with this division. 43470

Sec. 3333.032. The ~~Ohio board~~ chancellor of ~~regents~~ higher 43471
education shall submit to the general assembly, in accordance with 43472
division (B) of section 101.68 of the Revised Code, and to the 43473
governor, an annual report on the condition of higher education in 43474
this state, ~~including the performance of the chancellor of higher~~ 43475
~~education.~~ 43476

Sec. 3333.04. The chancellor of higher education shall: 43477

(A) Make studies of state policy in the field of higher 43478
education and formulate a master plan for higher education for the 43479
state, considering the needs of the people, the needs of the 43480
state, and the role of individual public and private institutions 43481
within the state in fulfilling these needs; 43482

(B)(1) Report annually to the governor and the general 43483
assembly on the findings from the chancellor's studies and the 43484
master plan for higher education for the state; 43485

(2) Report at least semiannually to the general assembly and 43486

the governor the enrollment numbers at each state-assisted 43487
institution of higher education. 43488

(C) Approve or disapprove the establishment of new branches 43489
or academic centers of state colleges and universities; 43490

(D) Approve or disapprove the establishment of state 43491
technical colleges or any other state institution of higher 43492
education; 43493

(E) Recommend the nature of the programs, undergraduate, 43494
graduate, professional, state-financed research, and public 43495
services which should be offered by the state colleges, 43496
universities, and other state-assisted institutions of higher 43497
education in order to utilize to the best advantage their 43498
facilities and personnel; 43499

(F) Recommend to the state colleges, universities, and other 43500
state-assisted institutions of higher education graduate or 43501
professional programs, including, but not limited to, doctor of 43502
philosophy, doctor of education, and juris doctor programs, that 43503
could be eliminated because they constitute unnecessary 43504
duplication, as shall be determined using the process developed 43505
pursuant to this division, or for other good and sufficient cause. 43506
Prior to recommending a program for elimination, the chancellor 43507
shall ~~request the board of regents to~~ hold at least one public 43508
hearing on the matter ~~and advise the chancellor on~~ to determine 43509
whether the program should be recommended for elimination. The 43510
~~board~~ chancellor shall provide notice of each hearing within a 43511
reasonable amount of time prior to its scheduled date. ~~Following~~ 43512
~~the hearing, the board shall issue a recommendation to the~~ 43513
~~chancellor. The chancellor shall consider the board's~~ 43514
~~recommendation but shall not be required to accept it.~~ 43515

For purposes of determining the amounts of any state 43516
instructional subsidies paid to state colleges, universities, and 43517

other state-assisted institutions of higher education, the 43518
chancellor may exclude students enrolled in any program that the 43519
chancellor has recommended for elimination pursuant to this 43520
division except that the chancellor shall not exclude any such 43521
student who enrolled in the program prior to the date on which the 43522
chancellor initially commences to exclude students under this 43523
division. 43524

The chancellor and state colleges, universities, and other 43525
state-assisted institutions of higher education shall jointly 43526
develop a process for determining which existing graduate or 43527
professional programs constitute unnecessary duplication. 43528

(G) Recommend to the state colleges, universities, and other 43529
state-assisted institutions of higher education programs which 43530
should be added to their present programs; 43531

(H) Conduct studies for the state colleges, universities, and 43532
other state-assisted institutions of higher education to assist 43533
them in making the best and most efficient use of their existing 43534
facilities and personnel; 43535

(I) Make recommendations to the governor and general assembly 43536
concerning the development of state-financed capital plans for 43537
higher education; the establishment of new state colleges, 43538
universities, and other state-assisted institutions of higher 43539
education; and the establishment of new programs at the existing 43540
state colleges, universities, and other institutions of higher 43541
education; 43542

(J) Review the appropriation requests of the public community 43543
colleges and the state colleges and universities and submit to the 43544
office of budget and management and to the chairpersons of the 43545
finance committees of the house of representatives and of the 43546
senate the chancellor's recommendations in regard to the biennial 43547
higher education appropriation for the state, including 43548

appropriations for the individual state colleges and universities 43549
and public community colleges. For the purpose of determining the 43550
amounts of instructional subsidies to be paid to state-assisted 43551
colleges and universities, the chancellor shall define "full-time 43552
equivalent student" by program per academic year. The definition 43553
may take into account the establishment of minimum enrollment 43554
levels in technical education programs below which support 43555
allowances will not be paid. Except as otherwise provided in this 43556
section, the chancellor shall make no change in the definition of 43557
"full-time equivalent student" in effect on November 15, 1981, 43558
which would increase or decrease the number of subsidy-eligible 43559
full-time equivalent students, without first submitting a fiscal 43560
impact statement to the president of the senate, the speaker of 43561
the house of representatives, the legislative service commission, 43562
and the director of budget and management. The chancellor shall 43563
work in close cooperation with the director of budget and 43564
management in this respect and in all other matters concerning the 43565
expenditures of appropriated funds by state colleges, 43566
universities, and other institutions of higher education. 43567

(K) Seek the cooperation and advice of the officers and 43568
trustees of both public and private colleges, universities, and 43569
other institutions of higher education in the state in performing 43570
the chancellor's duties and making the chancellor's plans, 43571
studies, and recommendations; 43572

(L) Appoint advisory committees consisting of persons 43573
associated with public or private secondary schools, members of 43574
the state board of education, or personnel of the state department 43575
of education; 43576

(M) Appoint advisory committees consisting of college and 43577
university personnel, or other persons knowledgeable in the field 43578
of higher education, or both, in order to obtain their advice and 43579
assistance in defining and suggesting solutions for the problems 43580

and needs of higher education in this state; 43581

(N) Approve or disapprove all new degrees and new degree 43582
programs at all state colleges, universities, and other 43583
state-assisted institutions of higher education. 43584

When considering approval of a new degree or degree program 43585
for a state institution of higher education, as defined in section 43586
3345.011 of the Revised Code, the chancellor shall take into 43587
account the extent to which the degree or degree program aligns 43588
with the state's workforce development priorities. 43589

(O) Adopt such rules as are necessary to carry out the 43590
chancellor's duties and responsibilities. The rules shall 43591
prescribe procedures for the chancellor to follow when taking 43592
actions associated with the chancellor's duties and 43593
responsibilities and shall indicate which types of actions are 43594
subject to those procedures. The procedures adopted under this 43595
division shall be in addition to any other procedures prescribed 43596
by law for such actions. However, if any other provision of the 43597
Revised Code or rule adopted by the chancellor prescribes 43598
different procedures for such an action, the procedures adopted 43599
under this division shall not apply to that action to the extent 43600
they conflict with the procedures otherwise prescribed by law. The 43601
procedures adopted under this division shall include at least the 43602
following: 43603

(1) Provision for public notice of the proposed action; 43604

(2) An opportunity for public comment on the proposed action, 43605
which may include a public hearing on the action by the ~~board of~~ 43606
~~regents~~ chancellor; 43607

(3) Methods for parties that may be affected by the proposed 43608
action to submit comments during the public comment period; 43609

(4) ~~Submission of recommendations from the board of regents~~ 43610
~~regarding the proposed action, at the request of the chancellor;~~ 43611

~~(5)~~ Written publication of the final action taken by the 43612
chancellor and the chancellor's rationale for the action; 43613

~~(6)~~(5) A timeline for the process described in divisions 43614
(0)(1) to ~~(5)~~(4) of this section. 43615

(P) Make recommendations to the governor and the general 43616
assembly regarding the design and funding of the student financial 43617
aid programs specified in sections ~~3333.12~~, 3333.122, 3333.21 to 43618
3333.26, and 5910.02 of the Revised Code; 43619

(Q) Participate in education-related state or federal 43620
programs on behalf of the state and assume responsibility for the 43621
administration of such programs in accordance with applicable 43622
state or federal law; 43623

(R) Adopt rules for student financial aid programs as 43624
required by sections ~~3333.12~~, 3333.122, 3333.21 to 3333.26, 43625
3333.28, and 5910.02 of the Revised Code, and perform any other 43626
administrative functions assigned to the chancellor by those 43627
sections; 43628

(S) Conduct enrollment audits of state-supported institutions 43629
of higher education; 43630

(T) Appoint consortia of college and university personnel to 43631
advise or participate in the development and operation of 43632
statewide collaborative efforts, including the Ohio supercomputer 43633
center, the Ohio academic resources network, OhioLink, and the 43634
Ohio learning network. For each consortium, the chancellor shall 43635
designate a college or university to serve as that consortium's 43636
fiscal agent, financial officer, and employer. Any funds 43637
appropriated for the consortia shall be distributed to the fiscal 43638
agents for the operation of the consortia. A consortium shall 43639
follow the rules of the college or university that serves as its 43640
fiscal agent. The chancellor may restructure existing consortia, 43641
appointed under this division, in accordance with procedures 43642

adopted under divisions (O)(1) to ~~(6)~~(5) of this section. 43643

(U) Adopt rules establishing advisory duties and 43644
responsibilities of the ~~board~~ department of ~~regents~~ higher 43645
education not otherwise prescribed by law; 43646

(V) Respond to requests for information about higher 43647
education from members of the general assembly and direct staff to 43648
conduct research or analysis as needed for this purpose. 43649

Sec. 3333.041. (A) On or before the last day of December of 43650
each year, the chancellor of higher education shall submit to the 43651
governor and, in accordance with section 101.68 of the Revised 43652
Code, the general assembly a report or reports concerning all of 43653
the following: 43654

(1) The status of graduates of Ohio school districts at state 43655
institutions of higher education during the twelve-month period 43656
ending on the thirtieth day of September of the current calendar 43657
year. The report shall list, by school district, the number of 43658
graduates of each school district who attended a state institution 43659
of higher education and the percentage of each district's 43660
graduates enrolled in a state institution of higher education 43661
during the reporting period who were required during such period 43662
by the college or university, as a prerequisite to enrolling in 43663
those courses generally required for first-year students, to 43664
enroll in a remedial course in English, including composition or 43665
reading, mathematics, and any other area designated by the 43666
chancellor. The chancellor also shall make the information 43667
described in division (A)(1) of this section available to the 43668
board of education of each city, exempted village, and local 43669
school district. 43670

Each state institution of higher education shall, by the 43671
first day of November of each year, submit to the chancellor in 43672
the form specified by the chancellor the information the 43673

chancellor requires to compile the report. 43674

(2) The following information with respect to the Ohio 43675
tuition trust authority: 43676

(a) The name of each investment manager that is a minority 43677
business enterprise or a women's business enterprise with which 43678
the chancellor contracts; 43679

(b) The amount of assets managed by investment managers that 43680
are minority business enterprises or women's business enterprises, 43681
expressed as a percentage of assets managed by investment managers 43682
with which the chancellor has contracted; 43683

(c) Efforts by the chancellor to increase utilization of 43684
investment managers that are minority business enterprises or 43685
women's business enterprises. 43686

(3) The chancellor's strategy in assigning choose Ohio first 43687
scholarships, as established under section 3333.61 of the Revised 43688
Code, among state universities and colleges and how the actual 43689
awards fit that strategy. 43690

(4) The academic and economic impact of the Ohio 43691
co-op/internship program established under section 3333.72 of the 43692
Revised Code. At a minimum, the report shall include the 43693
following: 43694

(a) Progress and performance metrics for each initiative that 43695
received an award in the previous fiscal year; 43696

(b) Economic indicators of the impact of each initiative, and 43697
all initiatives as a whole, on the regional economies and the 43698
statewide economy; 43699

(c) The chancellor's strategy in allocating awards among 43700
state institutions of higher education and how the actual awards 43701
fit that strategy. 43702

(B) On or before the fifteenth day of February of each year, 43703

the ~~director~~ chancellor shall submit to the governor and, in 43704
accordance with section 101.68 of the Revised Code, the general 43705
assembly a report concerning aggregate academic growth data for 43706
students assigned to graduates of teacher preparation programs 43707
approved under section 3333.048 of the Revised Code who teach 43708
English language arts or mathematics in any of grades four to 43709
eight in a public school in Ohio. For this purpose, the ~~director~~ 43710
chancellor shall use the value-added progress dimension prescribed 43711
by section 3302.021 of the Revised Code or the alternative student 43712
academic progress measure if adopted under division (C)(1)(e) of 43713
section 3302.03 of the Revised Code. The ~~director~~ chancellor shall 43714
aggregate the data by graduating class for each approved teacher 43715
preparation program, except that if a particular class has ten or 43716
fewer graduates to which this division applies, the ~~director~~ 43717
chancellor shall report the data for a group of classes over a 43718
three-year period. In no case shall the report identify any 43719
individual graduate. The department of education shall share any 43720
data necessary for the report with the ~~director~~ chancellor. 43721

(C) As used in this section: 43722

(1) "Minority business enterprise" has the same meaning as in 43723
section 122.71 of the Revised Code. 43724

(2) "State institution of higher education" and "state 43725
university" have the same meanings as in section 3345.011 of the 43726
Revised Code. 43727

(3) "State university or college" has the same meaning as in 43728
section 3345.12 of the Revised Code. 43729

(4) "Women's business enterprise" means a business, or a 43730
partnership, corporation, limited liability company, or joint 43731
venture of any kind, that is owned and controlled by women who are 43732
United States citizens and residents of this state. 43733

Sec. 3333.044. (A) The chancellor of higher education may 43734
contract with any consultants that are necessary for the discharge 43735
of the chancellor's duties under this chapter. 43736

(B) The chancellor may purchase, upon the terms that the 43737
chancellor determines to be advisable, one or more policies of 43738
insurance from insurers authorized to do business in this state 43739
that insure consultants who have contracted with the chancellor 43740
under division (A) of this section or members of an advisory 43741
committee appointed under section 3333.04 of the Revised Code, 43742
with respect to the activities of the consultants or advisory 43743
committee members in the course of the performance of their 43744
responsibilities as consultants or advisory committee members. 43745

(C) Subject to the approval of the controlling board, the 43746
chancellor may contract with any entities for the discharge of the 43747
chancellor's duties and responsibilities under any of the programs 43748
established pursuant to sections ~~3333.12~~, 3333.122, 3333.21 to 43749
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 43750
chancellor shall not enter into a contract under this division 43751
unless the proposed contractor demonstrates that its primary 43752
purpose is to promote access to higher education by providing 43753
student financial assistance through loans, grants, or 43754
scholarships, and by providing high quality support services and 43755
information to students and their families with regard to such 43756
financial assistance. 43757

Chapter 125. of the Revised Code does not apply to contracts 43758
entered into pursuant to this section. In awarding contracts under 43759
this division, the chancellor shall consider factors such as the 43760
cost of the administration of the contract, the experience of the 43761
contractor, and the contractor's ability to properly execute the 43762
contract. 43763

Sec. 3333.045. As used in this section, "state university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any university branch district under Chapter 3355. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

The chancellor of higher education shall work with the attorney general, the auditor of state, and the Ohio ethics commission to develop a model for training members of the boards of trustees of all state universities and colleges ~~and members of the board of regents~~ regarding the authority and responsibilities of a board of trustees ~~or the board of regents~~. This model shall include a review of fiduciary responsibilities, ethics, and fiscal management. Use of this model by members of boards of trustees ~~and the board of regents~~ shall be voluntary.

Sec. 3333.048. (A) Not later than one year after October 16, 2009, the chancellor of higher education and, in consultation with the superintendent of public instruction ~~jointly,~~ shall ~~do the following:~~

~~(1) In,~~ in accordance with Chapter 119. of the Revised Code, establish metrics ~~and educator preparation programs~~ for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics ~~and~~ to be used in educator preparation programs shall ~~be~~ do all of the following:

(2) Be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the

Ohio teacher residency program established under section 3319.223 43794
of the Revised Code. ~~The metrics and educator preparation programs~~ 43795
~~also shall ensure;~~ 43796

(2) Ensure that educators and other school personnel are 43797
adequately prepared to use the value-added progress dimension 43798
prescribed by section 3302.021 of the Revised Code or the 43799
alternative student academic progress measure if adopted under 43800
division (C)(1)(e) of section 3302.03 of the Revised Code. 43801

~~(2) Provide for the inspection of institutions of higher 43802
education desiring to prepare educators and other school 43803
personnel. i 43804~~

(3) Ensure that all educators complete coursework in 43805
evidence-based strategies for effective literacy instruction 43806
aligned to the science of reading, which includes phonics, 43807
phonemic awareness, fluency comprehension, and vocabulary 43808
development, and is part of a structured literacy program; 43809

(4) Ensure that clinical preparation for all educators who 43810
are responsible for teaching reading only occur in the classrooms 43811
where the local education agency has verified that the practicing 43812
teachers have training in literacy instruction strategies aligned 43813
to the science of reading, use instructional materials aligned to 43814
the science of reading from the list established under section 43815
3313.6028 of the Revised Code, and actively implement a structured 43816
literacy approach. 43817

~~(B) Not later than one year after October 16, 2009, the 43818
chancellor shall approve institutions of higher education engaged 43819
in the preparation of educators and other school personnel that 43820
maintain satisfactory training procedures and records of 43821
performance, as determined by the The chancellor shall do all of 43822
the following: 43823~~

(1) Develop an auditing process that clearly documents the 43824

degree to which every educator preparation program at an 43825
institution of higher education is effectively teaching the 43826
science of reading as follows: 43827

(a) By December 31, 2023, complete an initial survey of 43828
educator preparation programs, establish metrics for the audits, 43829
and update standards to reflect new requirements; 43830

(b) Grant a one-year grace period for all institutions to 43831
meet new standards and requirements under this section to begin on 43832
January 1, 2024; 43833

(c) On January 1, 2025, begin conducting audits of each 43834
institution that offers educator preparation programs. 43835

The chancellor shall revoke approval for programs that are 43836
found to be not in alignment and do not address the findings of 43837
the audit within a year. All programs shall be reviewed every four 43838
years thereafter to ensure continued alignment. 43839

(2) Annually create a summary of literacy instruction 43840
strategies and practices in place for all educator preparation 43841
programs based on the program audits, including institution-level 43842
summaries, until all programs reach the required alignment 43843
specified in division (A)(3) of this section; 43844

(3) In conjunction with the department of education, do all 43845
of the following: 43846

(a) Publicly release the summaries with local education 43847
agencies not later than the thirty-first day of March of each 43848
year; 43849

(b) Identify a list of approved vendors who can provide 43850
professional development experiences that are consistent with the 43851
science of reading to educators who are responsible for teaching 43852
reading, including faculty in educator preparation programs; 43853

(c) Develop a public dashboard that reports the first-time 43854

passage rates of students, by institution, on the foundations of 43855
reading licensure test. 43856

(C) If the metrics established under division ~~(A)(1)(A)~~ of 43857
this section require an institution of higher education that 43858
prepares teachers to satisfy the standards of an independent 43859
accreditation organization, the chancellor shall permit each 43860
institution to satisfy the standards of any applicable national 43861
educator preparation accrediting agency recognized by the United 43862
States department of education. 43863

(D) The metrics and educator preparation programs established 43864
under division ~~(A)(1)(A)~~ of this section may require an 43865
institution of higher education, as a condition of approval by the 43866
chancellor, to make changes in the curricula of its preparation 43867
programs for educators and other school personnel. 43868

Notwithstanding division (E) of section 119.03 and division 43869
(A)(1) of section 119.04 of the Revised Code, any metrics, 43870
educator preparation programs, rules, and regulations, or any 43871
amendment or rescission of such metrics, educator preparation 43872
programs, rules, and regulations, adopted under this section that 43873
necessitate institutions offering preparation programs for 43874
educators and other school personnel approved by the chancellor to 43875
revise the curricula of those programs shall not be effective for 43876
at least one year after the first day of January next succeeding 43877
the publication of the said change. 43878

Each institution shall allocate money from its existing 43879
revenue sources to pay the cost of making the curricular changes. 43880

(E) The chancellor shall notify the state board of the 43881
metrics and educator preparation programs established under 43882
division ~~(A)(1)(A)~~ of this section ~~and the institutions of higher~~ 43883
~~education approved under division (B) of this section.~~ The state 43884
board shall publish the metrics, and educator preparation 43885

programs, ~~and approved institutions~~ with the standards and 43886
qualifications for each type of educator license. 43887

(F) The graduates of educator preparation programs approved 43888
by the chancellor shall be licensed by the state board in 43889
accordance with the standards and qualifications adopted under 43890
section 3319.22 of the Revised Code. 43891

Sec. 3333.122. ~~(A)~~(A)(1) As used in this section: 43892

(a) "State university" has the same meaning as in section 43893
3345.011 of the Revised Code. 43894

(b) "Private university or college" means a private, 43895
nonprofit institution in this state holding a certificate of 43896
authorization pursuant to Chapter 1713. of the Revised Code. 43897

(c) "Private career college" means either a career college in 43898
this state that holds a certificate of registration from the state 43899
board of career colleges and schools under Chapter 3332. of the 43900
Revised Code or a private institution exempt from regulation under 43901
Chapter 3332. of the Revised Code as prescribed in section 43902
3333.046 of the Revised Code, if the program has a certificate of 43903
authorization pursuant to Chapter 1713. of the Revised Code. 43904

(2) The chancellor of higher education shall adopt rules to 43905
carry out this section and as authorized under section 3333.123 of 43906
the Revised Code. The rules shall include definitions of the terms 43907
"resident," "expected family contribution," "full-time student," 43908
"three-quarters-time student," "half-time student," 43909
"one-quarter-time student," "~~state~~ cost of attendance," and 43910
"accredited" for the purpose of those sections. 43911

(B) Only an Ohio resident who meets both of the following is 43912
eligible for a grant awarded under this section: 43913

(1) The resident first enrolls as follows: 43914

(a) Prior to the 2023-2024 academic year and has an expected 43915

family contribution, or the equivalent according to a different 43916
measure of student financial need established under federal law, 43917
of two thousand one hundred ninety dollars or less; 43918

(b) For the 2023-2024 academic year or any academic year 43919
thereafter and has an expected family contribution, or the 43920
equivalent according to a different measure of student financial 43921
need established under federal law, of ten thousand dollars or 43922
less. 43923

(2) The resident enrolls in one of the following: 43924

(a) An undergraduate program, or a nursing diploma program 43925
approved by the board of nursing under section 4723.06 of the 43926
Revised Code, at a state-assisted state institution of higher 43927
education, as defined in section 3345.12 of the Revised Code, if 43928
the resident first enrolls prior to the 2023-2024 academic year, 43929
or at the main campus of a state university if the resident first 43930
enrolls in the 2023-2024 academic year or any academic year 43931
thereafter, that meets the requirements of Title VI of the Civil 43932
Rights Act of 1964; 43933

(b) An undergraduate program, or a nursing diploma program 43934
approved by the board of nursing under section 4723.06 of the 43935
Revised Code, at a private, ~~nonprofit institution~~ university or 43936
college in this state ~~holding a certificate of authorization~~ 43937
~~pursuant to Chapter 1713. of the Revised Code;~~ 43938

(c) An undergraduate program, or a nursing diploma program 43939
approved by the board of nursing under section 4723.06 of the 43940
Revised Code, at a private career college in this state ~~that holds~~ 43941
~~a certificate of registration from the state board of career~~ 43942
~~colleges and schools under Chapter 3332. of the Revised Code or at~~ 43943
~~a private institution exempt from regulation under Chapter 3332.~~ 43944
~~of the Revised Code as prescribed in section 3333.046 of the~~ 43945
~~Revised Code, if the program has a certificate of authorization~~ 43946

~~pursuant to Chapter 1713. of the Revised Code.~~ 43947

(d) A comprehensive transition and postsecondary program that 43948
is certified by the United States department of education. For 43949
purposes of this section, a "comprehensive transition and 43950
postsecondary program" means a degree, certificate, or non-degree 43951
program that is designed to support persons with intellectual 43952
disabilities who are receiving academic, career, technical, and 43953
independent living instruction at an institution of higher 43954
education in order to prepare for gainful employment as defined in 43955
20 U.S.C. 1140. 43956

(C)(1) The chancellor shall establish and administer a 43957
needs-based financial aid grants program based on the United 43958
States department of education's method of determining financial 43959
need. The program shall be known as the Ohio college opportunity 43960
grant program. The general assembly shall support the needs-based 43961
financial aid program by such sums and in such manner as it may 43962
provide, but the chancellor also may receive funds from other 43963
sources to support the program. If, for any academic year, the 43964
amounts available for support of the program are inadequate to 43965
provide grants to all eligible students, the chancellor shall do 43966
one of the following: 43967

(a) Give preference in the payment of grants based upon 43968
expected family contribution or a different measure of student 43969
financial need established under federal law, beginning with the 43970
~~lowest expected family contribution category~~ neediest students 43971
based on federal criteria and proceeding upward by category to ~~the~~ 43972
~~highest expected family contribution category~~ those students with 43973
less need; 43974

(b) Proportionately reduce the amount of each grant to be 43975
awarded for the academic year under this section; 43976

(c) Use an alternate formula for such grants that addresses 43977

the shortage of available funds and has been submitted to and 43978
approved by the controlling board. 43979

(2) The needs-based financial aid grant shall be paid to the 43980
eligible student through the institution in which the student is 43981
enrolled, except that no needs-based financial aid grant shall be 43982
paid to any person serving a term of imprisonment. Applications 43983
for the grants shall be made as prescribed by the chancellor, and 43984
such applications may be made in conjunction with and upon the 43985
basis of information provided in conjunction with student 43986
assistance programs funded by agencies of the United States 43987
government or from financial resources of the institution of 43988
higher education. The institution shall certify that the student 43989
applicant meets the requirements set forth in division (B) of this 43990
section. Needs-based financial aid grants shall be provided to an 43991
eligible student only as long as the student is making appropriate 43992
progress toward a nursing diploma, an associate or bachelor's 43993
degree, or completion of a comprehensive transition and 43994
postsecondary program. No student shall be eligible to receive a 43995
grant for more than ten semesters, fifteen quarters, or the 43996
equivalent of five academic years. A grant made to an eligible 43997
student on the basis of less than full-time enrollment shall be 43998
based on the number of credit hours for which the student is 43999
enrolled and shall be computed in accordance with a formula 44000
adopted by rule issued by the chancellor. No student shall receive 44001
more than one grant on the basis of less than full-time 44002
enrollment. 44003

(D)(1) Except as provided in divisions (D)(4) and (5) of this 44004
section, no grant awarded under this section shall exceed the 44005
total ~~state~~ cost of attendance. 44006

~~(2)~~(2)(a) Subject to divisions (D)(1), (3), (4), and (5) of 44007
this section, for students who first enroll prior to the 2023-2024 44008
academic year, the chancellor shall determine the maximum per 44009

student award amount for each institutional sector by subtracting 44010
the sum of the maximum Pell grant and maximum expected family 44011
contribution amounts, as determined by the chancellor, from the 44012
average instructional and general fees charged by the 44013
institutional sector. ~~The~~ 44014

(b) Subject to divisions (D)(1), (3), (4) and (5) of this 44015
section, a student who first enrolls in the 2023-2024 academic 44016
year shall receive the following award amount for each fiscal year 44017
for which the student receives a grant awarded under this section: 44018

(i) For a student enrolled in the main campus of a state 44019
university, four thousand dollars; 44020

(ii) For a student enrolled in a private university or 44021
college, five thousand dollars; 44022

(iii) For a student enrolled in a private career college, one 44023
thousand six hundred dollars. 44024

(c) Subject to divisions (D)(1), (3), (4) and (5) of this 44025
section, a student who first enrolls in the 2024-2025 academic 44026
year or any academic year thereafter shall receive the following 44027
award amount for each fiscal year for which the student receives a 44028
grant awarded under this section: 44029

(i) For a student enrolled in the main campus of a state 44030
university, six thousand dollars; 44031

(ii) For a student enrolled in a private university or 44032
college, six thousand dollars; 44033

(iii) For a student enrolled in a private career college, one 44034
thousand six hundred dollars. 44035

The department of higher education shall publish on its web 44036
site an annual Ohio college opportunity award table. Except as 44037
provided for in section 3333.126 of the Revised Code, in no case 44038
shall the grant amount for such a student exceed any maximum that 44039

the chancellor may set by rule. 44040

(3) For a student enrolled for a semester or quarter in 44041
addition to the portion of the academic year covered by a grant 44042
under this section, the maximum grant amount shall be a percentage 44043
of the maximum specified in any table established in rules adopted 44044
by the chancellor as provided in division (A) of this section. The 44045
maximum grant for a fourth quarter shall be one-third of the 44046
maximum amount so prescribed. The maximum grant for a third 44047
semester shall be one-half of the maximum amount so prescribed. 44048

(4) If a student is enrolled in a two-year institution of 44049
higher education and is eligible for an education and training 44050
voucher through the Ohio education and training voucher program 44051
that receives federal funding under the John H. Chafee foster care 44052
independence program, 42 U.S.C. 677, the amount of a grant awarded 44053
under this section may exceed the total ~~state~~ cost of attendance 44054
to additionally cover housing costs. 44055

(5) For a student who is receiving federal veterans' benefits 44056
under the "All-Volunteer Force Educational Assistance Program," 38 44057
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance 44058
Program," 38 U.S.C. 3301 et seq., or any successor program, the 44059
amount of a grant awarded under this section shall be applied 44060
toward the total ~~state~~ cost of attendance and the student's 44061
housing costs and living expenses. Living expenses shall include 44062
reasonable costs for room and board. 44063

(E) No grant shall be made to any student in a course of 44064
study in theology, religion, or other field of preparation for a 44065
religious profession unless such course of study leads to an 44066
accredited bachelor of arts, bachelor of science, associate of 44067
arts, or associate of science degree. 44068

(F)(1) Except as provided in division (F)(2) of this section, 44069
no grant shall be made to any student for enrollment during a 44070

fiscal year in an institution with a cohort default rate 44071
determined by the United States secretary of education pursuant to 44072
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 44073
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 44074
preceding the fiscal year, equal to or greater than thirty per 44075
cent for each of the preceding two fiscal years. 44076

(2) Division (F)(1) of this section does not apply in the 44077
case of either of the following: 44078

(a) The institution pursuant to federal law appeals its loss 44079
of eligibility for federal financial aid and the United States 44080
secretary of education determines its cohort default rate after 44081
recalculation is lower than the rate specified in division (F)(1) 44082
of this section or the secretary determines due to mitigating 44083
circumstances that the institution may continue to participate in 44084
federal financial aid programs. The chancellor shall adopt rules 44085
requiring any such appellant to provide information to the 44086
chancellor regarding an appeal. 44087

(b) Any student who has previously received a grant pursuant 44088
to any provision of this section, including prior to the section's 44089
amendment by H.B. 1 of the 128th general assembly, effective July 44090
17, 2009, and who meets all other eligibility requirements of this 44091
section. 44092

(3) The chancellor shall adopt rules for the notification of 44093
all institutions whose students will be ineligible to participate 44094
in the grant program pursuant to division (F)(1) of this section. 44095

(4) A student's attendance at any institution whose students 44096
are ineligible for grants due to division (F)(1) of this section 44097
shall not affect that student's eligibility to receive a grant 44098
when enrolled in another institution. 44099

(G) Institutions of higher education that enroll students 44100
receiving needs-based financial aid grants under this section 44101

shall report to the chancellor all students who have received such 44102
needs-based financial aid grants but are no longer eligible for 44103
all or part of those grants and shall refund any moneys due the 44104
state within thirty days after the beginning of the quarter or 44105
term immediately following the quarter or term in which the 44106
student was no longer eligible to receive all or part of the 44107
student's grant. There shall be an interest charge of one per cent 44108
per month on all moneys due and payable after such thirty-day 44109
period. The chancellor shall immediately notify ~~the office of~~ 44110
~~budget and management and~~ the legislative service commission of 44111
all refunds so received. 44112

(H) Division (H) of this section applies to each state 44113
university, private university or college, and private career 44114
college that enrolls students receiving needs-based financial aid 44115
under this section. 44116

No state university, private university or college, or 44117
private career college shall make any change to its scholarship or 44118
financial aid programs with the goal or net effect of shifting the 44119
cost burden of those programs to the Ohio college opportunity 44120
grant program. 44121

Each state university, private university or college, and 44122
private career college shall provide at least the same level of 44123
needs-based financial aid to its students as it provided in the 44124
immediately prior academic year in terms of either the aggregate 44125
aid to all students or on a per student basis. The chancellor may 44126
grant a university, college, or career college a temporary waiver 44127
from that requirement if the chancellor determines exceptional 44128
circumstances make it necessary. The chancellor shall determine 44129
the terms of the waiver. 44130

Sec. 3333.127. (A) As used in this section: 44131

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 44132

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(2) "Eligible student" means a student to whom all of the following apply:	44134 44135
(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.	44136 44137 44138
(b) The student has not attained a bachelor's degree from a qualifying institution or an institution of higher education in another state prior to applying for a grant under this section.	44139 44140 44141
(c) The student, while in good standing, disenrolled from a qualifying institution and did not transfer to a qualifying institution or an institution of higher education in another state in the two semesters <u>or eight months</u> immediately following the student's disenrollment. For the purposes of this division, "good standing" includes being in good academic standing and not having a record of disciplinary issues, including being suspended or expelled from the qualifying institution.	44142 44143 44144 44145 44146 44147 44148 44149
<u>Qualifying institutions that do not use a semester calendar shall use eight months as the metric for determining a student's disenrollment period.</u>	44150 44151 44152
(d) Subject to division (A)(2)(c) of this section, the student enrolls in a qualifying institution within five <u>ten</u> years of disenrolling from the qualifying institution.	44153 44154 44155
(e) The student is not enrolled in the college credit plus program established under Chapter 3365. of the Revised Code.	44156 44157
(f) The student meets any other eligibility criteria determined necessary by the chancellor.	44158 44159
(3) "Qualifying institution" means any of the following:	44160
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	44161 44162

(b) A private nonprofit institution of higher education that 44163
holds a certificate of authorization pursuant to Chapter 1713. of 44164
the Revised Code; 44165

(c) An institution with a certificate of registration from 44166
the state board of career colleges and schools under Chapter 3332. 44167
of the Revised Code; 44168

(d) A private institution exempt from regulation under 44169
Chapter 3332. of the Revised Code as prescribed in section 44170
3333.046 of the Revised Code; 44171

(e) An Ohio technical center, as defined in section 3333.94 44172
of the Revised Code. 44173

(B) The chancellor shall establish the second chance grant 44174
program. Under the program, the chancellor shall award a ~~one-time~~ 44175
grant of not more than ~~two~~ three thousand dollars per academic 44176
year to each eligible student approved to participate in the 44177
program. The chancellor may award a grant to a student for each 44178
academic year until the student completes the degree, if the 44179
chancellor, in consultation with a qualifying institution, 44180
determines that subsequent awards beyond the first are an 44181
essential element of student success and degree completion. 44182

(C) Eligible students shall apply to participate in the 44183
program in a form and manner prescribed by the chancellor. The 44184
chancellor shall approve each applicant who is enrolled in a 44185
qualifying institution and who has a cost of attendance remaining 44186
for the academic year in which the application is approved after 44187
all other financial aid for which that applicant qualifies has 44188
been applied to the applicant's account at the institution. The 44189
chancellor shall approve applications in the order in which they 44190
are received. 44191

(D) The chancellor shall pay grants to the qualifying 44192
institution in which a participant is enrolled in the academic 44193

year in which the participant's application is approved. The 44194
qualifying institution shall apply the grant to a participant's 44195
cost of attendance for that academic year. If any amount of the 44196
grant remains after it is applied to the participant's cost of 44197
attendance for that year, the qualifying institution shall apply 44198
that remaining amount to the participant's cost of attendance for 44199
any other academic year in which the student is enrolled in the 44200
institution. The qualifying institution shall return to the 44201
chancellor any grant amount remaining after a participant 44202
graduates or disenrolls from the institution. 44203

(E) In each academic year, the chancellor shall submit to the 44204
general assembly, in accordance with section 101.68 of the Revised 44205
Code, a report that contains all of the following: 44206

(1) The number of eligible students participating in the 44207
program who received a grant in that academic year; 44208

(2) The qualifying institutions from which the participants 44209
disenrolled, as described in division (A)(2)(c) of this section; 44210

(3) The types of academic programs in which the participants 44211
were enrolled prior to disenrolling from qualifying institutions; 44212

(4) The types of academic programs in which participants were 44213
enrolled when they received grants under the program; 44214

(5) Information regarding how the grants were used; 44215

(6) If the participant completed a degree program with the 44216
grant. 44217

(F) The second chance grant program fund is hereby created in 44218
the state treasury, to consist of such amounts designated for the 44219
purposes of the fund by the general assembly. The fund shall be 44220
administered by the chancellor and shall be used to pay grants 44221
under the program established under this section. The fund also 44222
may be used by the chancellor to implement and administer the 44223

second chance grant program. 44224

(G) The chancellor shall adopt rules to administer the 44225
program. 44226

Sec. 3333.16. (A) As used in this section: 44227

(1) "State institution of higher education" means an 44228
institution of higher education as defined in section 3345.12 of 44229
the Revised Code. 44230

(2) "State university" has the same meaning as in section 44231
3345.011 of the Revised Code. 44232

(B) The chancellor of higher education shall do all of the 44233
following: 44234

(1) Establish policies and procedures applicable to all state 44235
institutions of higher education that ensure that students can 44236
begin higher education at any state institution of higher 44237
education and transfer coursework and degrees to any other state 44238
institution of higher education without unnecessary duplication or 44239
institutional barriers. The purpose of this requirement is to 44240
allow students to attain their highest educational aspirations in 44241
the most efficient and effective manner for the students and the 44242
state. These policies and procedures shall require state 44243
institutions of higher education to make changes or modifications, 44244
as needed, to strengthen course content so as to ensure 44245
equivalency for that course at any state institution of higher 44246
education. 44247

(2) Develop and implement a universal course equivalency 44248
classification system for state institutions of higher education 44249
so that the transfer of students and the transfer and articulation 44250
of equivalent courses or specified learning modules or units 44251
completed by students are not inhibited by inconsistent judgment 44252
about the application of transfer credits. Coursework completed 44253

within such a system at one state institution of higher education 44254
and transferred to another institution shall be applied to the 44255
student's degree objective in the same manner as equivalent 44256
coursework completed at the receiving institution. 44257

(3) Develop an electronic equivalency management tool to 44258
assist in the transfer of coursework and degrees between state 44259
institutions of higher education without unnecessary duplication 44260
or institutional barriers, to help minimize inconsistent judgment 44261
about the application of transfer credits, and to assist in 44262
allowing transfer credits to be applied to a student's degree 44263
objective in the same manner at each state institution of higher 44264
education. The electronic equivalency management tool shall 44265
include the universal documentation of course and program 44266
equivalencies statewide. Additionally, the electronic equivalency 44267
management tool shall be incorporated into a web site. 44268

(4) Develop a system of transfer policies that ensure that 44269
graduates with associate degrees which include completion of 44270
approved transfer modules shall be admitted to a state institution 44271
of higher education, shall be able to compete for admission to 44272
specific programs on the same basis as students native to the 44273
institution, and shall have priority over out-of-state associate 44274
degree graduates and transfer students. To assist a student in 44275
advising and transferring, all state institutions of higher 44276
education shall fully implement the information system for 44277
advising and transferring selected by, contracted for, or 44278
developed by the chancellor. 44279

(5) Examine the feasibility of developing a transfer 44280
marketing agenda that includes materials and interactive 44281
technology to inform the citizens of Ohio about the availability 44282
of transfer options at state institutions of higher education and 44283
to encourage adults to return to colleges and universities for 44284
additional education; 44285

(6) Study, in consultation with the state board of career 44286
colleges and schools, and in light of existing criteria and any 44287
other criteria developed by the articulation and transfer advisory 44288
council, the feasibility of credit recognition and transferability 44289
to state institutions of higher education for graduates who have 44290
received associate degrees from a career college or school with a 44291
certificate of registration from the state board of career 44292
colleges and schools under Chapter 3332. of the Revised Code. 44293

(C) All provisions of the existing articulation and transfer 44294
policy developed by the chancellor shall remain in effect except 44295
where amended by this section. 44296

(D) ~~Not later than December 1, 2018, the~~ The chancellor shall 44297
update and implement the policies and procedures established 44298
pursuant to this section to ensure that any associate degree 44299
offered at a state institution of higher education may be 44300
transferred and applied to a bachelor degree program in an 44301
equivalent field at any other state institution of higher 44302
education without unnecessary duplication or institutional 44303
barriers. The policies and procedures shall ensure that each 44304
transferred associate degree applies to the student's degree 44305
objective in the same manner as equivalent coursework completed by 44306
the student at the receiving institution. 44307

When updating and implementing the policies and procedures 44308
pursuant to this division, the chancellor shall seek input from 44309
faculty and academic leaders in each academic field or discipline. 44310

(E) If a state university refuses to accept and grant credit 44311
for any general education coursework that is both completed at a 44312
different state institution of higher education and subject to the 44313
policies, procedures, or systems prescribed under division (B) of 44314
this section, the state university shall provide the student that 44315
did not receive college credit for the completed general education 44316
coursework information to utilize the institution's transfer 44317

appeal process and information to utilize the department of higher education's student complaint portal. 44318
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~~(F) The Ohio articulation and transfer network oversight board established by the chancellor shall conduct a study of current rules regarding the transfer of college credit between state institutions of higher education. Not later than one year after the effective date of this amendment, the board shall issue a report to the general assembly, in accordance with section 101.68 of the Revised Code, that includes the findings of the board's study, as well as any recommendations regarding changes to the rules.~~ 44320
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Sec. 3333.24. (A) As used in this section: 44329

(1) "Eligible student" means a student to whom all of the following apply: 44330
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(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code. 44332
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(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded. 44335
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(c) The student enrolls in a qualified program at a community, state community, technical college, an Ohio technical center or state university branch campus. 44337
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(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria: 44340
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(a) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation. 44344
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(b) It is submitted by a community, state community, or technical college, an Ohio technical center or state university 44346
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branch campus and will meet regional workforce needs, as approved 44348
by the chancellor. 44349

(B) The chancellor of higher education shall establish the 44350
Ohio work ready grant program. Under the program, the chancellor 44351
shall award a grant of up to three thousand dollars to eligible 44352
students enrolled in a qualified program. Grant award amounts made 44353
to eligible students enrolled on either a full-time or part-time 44354
basis shall be computed in accordance with rules adopted by the 44355
chancellor. No student shall be eligible to receive a grant for 44356
more than six semesters or the equivalent of three academic years. 44357

(C) Eligible students shall apply to participate in the 44358
program in a form and manner prescribed by the chancellor. The 44359
chancellor shall determine the form and manner of payments. 44360

(D)(1) The program shall be funded in the sums and manner 44361
designated for such purpose by the general assembly, but the 44362
chancellor also may receive funds from other sources to support 44363
the program. 44364

(2) If, for any academic year, the amounts available for 44365
support of the program are inadequate to provide grants to all 44366
eligible students, the chancellor may establish different grant 44367
amounts based on the number of applicants and the total amount of 44368
funds set aside for that purpose. 44369

(E) The chancellor, in consultation with the providers of 44370
qualified programs, shall collect and report program metrics that 44371
include all of the following: 44372

(1) Demographics of recipients, including: 44373

(a) Age, disaggregated as follows: 44374

(i) Twenty-four years and younger; 44375

(ii) Twenty-five to thirty-four years; 44376

(iii) Thirty-five to forty-nine years; 44377

<u>(iv) Fifty years and older.</u>	44378
<u>(b) Gender;</u>	44379
<u>(c) Race and ethnicity;</u>	44380
<u>(d) Enrollment status as full- or part-time;</u>	44381
<u>(e) Pell grant status.</u>	44382
<u>(2) Success rates of recipients, including program retention and completion;</u>	44383
<u>(3) Total number of industry-recognized credentials awarded, disaggregated by subject or program area.</u>	44384
Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between April 6, 1917 <u>September 1, 1939</u> , and November 11, 1918 <u>September 2, 1945</u> , and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.	44387
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(B)(1) As used in this section:	44396
(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.	44397
	44398
(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.	44399
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(c) "Qualified former spouse" means the former spouse of a	44406

public service officer, or of a member of the armed services of 44407
the United States, who is the custodial parent of a minor child of 44408
that marriage pursuant to an order allocating the parental rights 44409
and responsibilities for care of the child issued pursuant to 44410
section 3109.04 of the Revised Code. 44411

(d) "Operation enduring freedom" means that period of 44412
conflict which began October 7, 2001, and ends on a date declared 44413
by the president of the United States or the congress. 44414

(e) "Operation Iraqi freedom" means that period of conflict 44415
which began March 20, 2003, and ends on a date declared by the 44416
president of the United States or the congress. 44417

(f) "Combat zone" means an area that the president of the 44418
United States by executive order designates, for purposes of 26 44419
U.S.C. 112, as an area in which armed forces of the United States 44420
are or have engaged in combat. 44421

(2) Subject to division (D) of this section, any resident of 44422
this state who is under twenty-six years of age, or under thirty 44423
years of age if the resident has been honorably discharged from 44424
the armed services of the United States, who is the child of a 44425
public service officer killed in the line of duty or of a member 44426
of the armed services of the United States killed in the line of 44427
duty during operation enduring freedom or operation Iraqi freedom, 44428
and who is admitted to any state university or college as defined 44429
in division (A)(1) of section 3345.12 of the Revised Code, 44430
community college, state community college, university branch, or 44431
technical college shall not be required to pay any tuition or any 44432
student fee for up to four academic years of education, which 44433
shall be at the undergraduate level, or a certificate program as 44434
prescribed under division (E) of this section. 44435

A child of a member of the armed services of the United 44436
States killed in the line of duty during operation enduring 44437

freedom or operation Iraqi freedom is eligible for a waiver of 44438
tuition and student fees under this division only if the student 44439
is not eligible for a war orphans and severely disabled veterans' 44440
children scholarship authorized by Chapter 5910. of the Revised 44441
Code. In any year in which the war orphans and severely disabled 44442
veterans' children scholarship board reduces the percentage of 44443
tuition covered by a war orphans and severely disabled veterans' 44444
children scholarship below one hundred per cent pursuant to 44445
division (A) of section 5910.04 of the Revised Code, the waiver of 44446
tuition and student fees under this division for a child of a 44447
member of the armed services of the United States killed in the 44448
line of duty during operation enduring freedom or operation Iraqi 44449
freedom shall be reduced by the same percentage. 44450

(3) Subject to division (D) of this section, any resident of 44451
this state who is the spouse or qualified former spouse of a 44452
public service officer killed in the line of duty, and who is 44453
admitted to any state university or college as defined in division 44454
(A)(1) of section 3345.12 of the Revised Code, community college, 44455
state community college, university branch, or technical college, 44456
shall not be required to pay any tuition or any student fee for up 44457
to four academic years of education, which shall be at the 44458
undergraduate level, or a certificate program as prescribed under 44459
division (E) of this section. 44460

(4) Any resident of this state who is the spouse or qualified 44461
former spouse of a member of the armed services of the United 44462
States killed in the line of duty while serving in a combat zone 44463
after May 7, 1975, and who is admitted to any state university or 44464
college as defined in division (A)(1) of section 3345.12 of the 44465
Revised Code, community college, state community college, 44466
university branch, or technical college, shall not be required to 44467
pay any tuition or any student fee for up to four years of 44468
academic education, which shall be at the undergraduate level, or 44469

a certificate program as prescribed under division (E) of this 44470
section. In order to qualify under division (B)(4) of this 44471
section, the spouse or qualified former spouse shall have been a 44472
resident of this state at the time the member was killed in the 44473
line of duty. 44474

(C) Any institution that is not subject to division (B) of 44475
this section and that holds a valid certificate of registration 44476
issued under Chapter 3332. of the Revised Code, a valid 44477
certificate issued under Chapter 4709. of the Revised Code, or a 44478
valid license issued under Chapter 4713. of the Revised Code, or 44479
that is nonprofit and has a certificate of authorization issued 44480
under section 1713.02 of the Revised Code, or that is a private 44481
institution exempt from regulation under Chapter 3332. of the 44482
Revised Code as prescribed in section 3333.046 of the Revised 44483
Code, which reduces tuition and student fees of a student who is 44484
eligible to attend an institution of higher education under the 44485
provisions of division (B) of this section by an amount indicated 44486
by the chancellor of higher education shall be eligible to receive 44487
a grant in that amount from the chancellor. 44488

Each institution that enrolls students under division (B) of 44489
this section shall report to the chancellor, by the first day of 44490
July of each year, the number of students who were so enrolled and 44491
the average amount of all such tuition and student fees waived 44492
during the preceding year. The chancellor shall determine the 44493
average amount of all such tuition and student fees waived during 44494
the preceding year. The average amount of the tuition and student 44495
fees waived under division (B) of this section during the 44496
preceding year shall be the amount of grants that participating 44497
institutions shall receive under this division during the current 44498
year, but no grant under this division shall exceed the tuition 44499
and student fees due and payable by the student prior to the 44500
reduction referred to in this division. The grants shall be made 44501

for two certificate programs or four years of undergraduate education of an eligible student. 44502
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(D) Notwithstanding anything to the contrary in section 3333.31 of the Revised Code, for the purposes of divisions (B)(2) and (3) of this section, the child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the United States killed in the line of duty shall be considered a resident of this state for the purposes of this section if the child, spouse, or qualified former spouse was a resident of this state at the time that the public service officer or member of the armed services was killed. 44504
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However, no child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the United States killed in the line of duty shall be required to be a resident of this state at the time the public service officer or member of the armed services of the United States was killed in order to receive benefits under divisions (B)(2) and (3) of this section. 44513
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(E) A child, spouse, or qualified former spouse of a public service officer or a member of the armed services killed in the line of duty shall receive benefits for a certificate program in accordance with division (B) or (C) of this section, except that a particular child, spouse, or qualified former spouse shall not receive benefits for: 44520
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(1) More than two certificate programs; 44526

(2) A total number of academic credits or instructional hours equivalent to more than four academic years; 44527
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(3) For any particular academic year, an amount that is greater than eight thousand dollars. 44529
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Sec. 3333.28. (A) The chancellor of higher education shall 44531

establish the nurse education assistance program, the purpose of 44532
which shall be to make loans to students enrolled in prelicensure 44533
nurse education programs at institutions approved by the board of 44534
nursing under section 4723.06 of the Revised Code and 44535
postlicensure nurse education programs approved by the chancellor 44536
under section 3333.04 of the Revised Code or offered by an 44537
institution holding a certificate of authorization issued under 44538
Chapter 1713. of the Revised Code. The board of nursing shall 44539
assist the chancellor in administering the program. 44540

(B) There is hereby created in the state treasury the nurse 44541
education assistance fund, which shall consist of all money 44542
transferred to it pursuant to section 4743.05 of the Revised Code. 44543
The fund shall be used by the chancellor for loans made under 44544
division (A) of this section and for expenses of administering the 44545
loan program. 44546

(C) Between July 1, 2005, and January 1, 2012, the chancellor 44547
shall distribute money in the nurse education assistance fund in 44548
the following manner: 44549

(1)(a) Fifty per cent of available funds shall be awarded as 44550
loans to registered nurses enrolled in postlicensure nurse 44551
education programs described in division (A) of this section. To 44552
be eligible for a loan, the applicant shall provide the chancellor 44553
with a letter of intent to practice as a faculty member at a 44554
prelicensure or postlicensure program for nursing in this state 44555
upon completion of the applicant's academic program. 44556

(b) If the borrower of a loan under division (C)(1)(a) of 44557
this section secures employment as a faculty member of an approved 44558
nursing education program in this state within six months 44559
following graduation from an approved nurse education program, the 44560
chancellor may forgive the principal and interest of the student's 44561
loans received under division (C)(1)(a) of this section at a rate 44562
of twenty-five per cent per year, for a maximum of four years, for 44563

each year in which the borrower is so employed. A deferment of the 44564
service obligation, and other conditions regarding the forgiveness 44565
of loans may be granted as provided by the rules adopted under 44566
division (D)(7) of this section. 44567

(c) Loans awarded under division (C)(1)(a) of this section 44568
shall be awarded on the basis of the student's expected family 44569
contribution, with preference given to those applicants with the 44570
lowest expected family contribution. However, the chancellor may 44571
consider other factors the chancellor determines relevant in 44572
ranking the applications. 44573

(d) Each loan awarded to a student under division (C)(1)(a) 44574
of this section shall be not less than five thousand dollars per 44575
year. 44576

(2) Twenty-five per cent of available funds shall be awarded 44577
to students enrolled in prelicensure nurse education programs for 44578
registered nurses, as defined in section 4723.01 of the Revised 44579
Code. 44580

(3) Twenty-five per cent of available funds shall be awarded 44581
to students enrolled in nurse education programs as determined by 44582
the chancellor, with preference given to programs aimed at 44583
increasing enrollment in an area of need. 44584

After January 1, 2012, the chancellor shall determine the 44585
manner in which to distribute loans under this section. 44586

(D) Subject to the requirements specified in division (C) of 44587
this section, the chancellor shall adopt rules in accordance with 44588
Chapter 119. of the Revised Code establishing: 44589

(1) Eligibility criteria for receipt of a loan; 44590

(2) Loan application procedures; 44591

(3) The amounts in which loans may be made and the total 44592
amount that may be loaned to an individual; 44593

(4) The total amount of loans that can be made each year;	44594
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	44595 44596
(6) Interest and principal repayment schedules;	44597
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	44598 44599 44600
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	44601 44602 44603 44604 44605
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	44606 44607 44608
(10) Any other matters incidental to the operation of the program.	44609 44610
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	44611 44612 44613 44614 44615 44616 44617
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.	44618 44619 44620 44621 44622
(G) The receipt of a loan under this section shall not affect	44623

a student's eligibility for assistance, or the amount of that 44624
assistance, granted under section ~~3333.12~~, 3333.122, 3333.22, 44625
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 44626
the rules of the chancellor may provide for taking assistance 44627
received under those sections into consideration when determining 44628
a student's eligibility for a loan under this section. 44629

(H) As used in this section, "active duty" means active duty 44630
pursuant to an executive order of the president of the United 44631
States, an act of the congress of the United States, or section 44632
5919.29 or 5923.21 of the Revised Code. 44633

Sec. 3333.302. (A) As used in this section: 44634

(1) "Academic record" includes grade point average, high 44635
school and college transcript information, standardized assessment 44636
scores, scores on the end-of-course examinations prescribed under 44637
section 3301.0712 of the Revised Code, and any other measure of 44638
postsecondary readiness determined appropriate by the chancellor 44639
of higher education. 44640

(2) "Postsecondary institution" means any of the following: 44641

(a) A state institution of higher education, as defined in 44642
section 3345.011 of the Revised Code; 44643

(b) A private nonprofit institution of higher education that 44644
holds a certificate of authorization under Chapter 1713. of the 44645
Revised Code; 44646

(c) An Ohio technical center, as defined in section 3333.94 44647
of the Revised Code. 44648

(3) "School governing body" means the board of education of a 44649
city, local, exempted village, or joint vocational school 44650
district, the governing authority of a chartered nonpublic school, 44651
the governing authority of a community school established under 44652
Chapter 3314. of the Revised Code, or the governing body of a STEM 44653

school established under Chapter 3326. of the Revised Code. 44654

(B) The chancellor of higher education, in consultation with 44655
the superintendent of public instruction, shall establish a direct 44656
admissions pilot program to notify students enrolled in grade 44657
twelve at participating high schools about whether they meet the 44658
admissions criteria for participating postsecondary institutions. 44659

Under the pilot program, the chancellor shall establish a 44660
process that uses a student's academic record to determine whether 44661
the student meets the admissions requirements. To the extent 44662
practicable, and in accordance with applicable law, the chancellor 44663
shall use using existing primary, secondary, and higher education 44664
student information systems to automate the process and use 44665
information held by a participating student's high school to 44666
minimize the need for the student to provide any additional 44667
information. 44668

The chancellor shall endeavor to implement the pilot program 44669
so that students graduating in the 2024-2025 school year may 44670
participate in the program. 44671

(C) The chancellor may do any of the following: 44672

(1) Establish eligibility requirements for students, school 44673
governing bodies, and postsecondary institutions who elect to 44674
participate in the pilot program; 44675

(2) Consult with stakeholders and form advisory councils as 44676
necessary to design and operate the pilot program; 44677

(3) Terminate the pilot program if the chancellor determines 44678
its operation is impracticable. 44679

(D) A school governing body or postsecondary institution 44680
shall apply to participate in the pilot program in a form and 44681
manner prescribed by the chancellor. The chancellor shall approve 44682
the applications of school governing bodies or postsecondary 44683

institutions that meet any eligibility requirements established 44684
under division (C) of this section. 44685

A participating school governing body may adopt a written 44686
policy authorizing any high school it operates to participate in 44687
the pilot program. Not later than ninety days after the adoption 44688
of the policy, the school governing body shall transmit an 44689
electronic copy of the policy to the chancellor and the state 44690
superintendent. 44691

A participating school governing body shall develop a 44692
procedure to determine whether a student who wants to participate 44693
in the pilot program meets any eligibility requirements 44694
established under division (C) of this section. 44695

(E) At least once each school year, the chancellor, in 44696
consultation with the state superintendent, shall issue a report 44697
on the pilot program. The chancellor shall set a deadline for the 44698
report's issuance. The report shall include information about the 44699
number of students who participate in the program. The report also 44700
shall evaluate, to the extent practicable, the impact of the 44701
program on postsecondary outcomes for students from populations 44702
traditionally underserved in higher education. 44703

The chancellor shall submit the report to the governor, the 44704
president of the senate, and the speaker of the house of 44705
representatives. 44706

(F) No student, school governing body, or postsecondary 44707
institution shall be required to participate in the pilot program. 44708

Sec. 3333.375. (A)(1) There are hereby created the Ohio 44709
outstanding scholarship and the Ohio priority needs fellowship 44710
programs payment funds, which shall be in the custody of the 44711
treasurer of state, but shall not be a part of the state treasury. 44712

(2) The payment funds shall consist solely of all moneys 44713

returned to the treasurer of state, as issuer of certain 44714
tax-exempt student loan revenue bonds, from all indentures of 44715
trust, both presently existing and future, created as a result of 44716
tax-exempt student loan revenue bonds issued under Chapter 3366. 44717
of the Revised Code, and any moneys earned from allowable 44718
investments of the payment funds under division (B) of this 44719
section. 44720

(3) Except as provided in division (E) of this section, the 44721
payment funds shall be used solely for scholarship and fellowships 44722
awarded under sections 3333.37 to 3333.375 of the Revised Code by 44723
the chancellor of higher education and for any necessary 44724
administrative expenses incurred by the chancellor in 44725
administering the scholarship and fellowship programs. 44726

(B) The treasurer of state may invest any moneys in the 44727
payment funds not currently needed for scholarship and fellowship 44728
payments in any kind of investments in which moneys of the public 44729
employees retirement system may be invested under Chapter 145. of 44730
the Revised Code. 44731

(C)(1) The instruments of title of all investments shall be 44732
delivered to the treasurer of state or to a qualified trustee 44733
designated by the treasurer of state as provided in section 135.18 44734
of the Revised Code. 44735

(2) The treasurer of state shall collect both principal and 44736
investment earnings on all investments as they become due and pay 44737
them into the payment funds. 44738

(3) All deposits to the payment funds shall be made in public 44739
depositories of this state and secured as provided in section 44740
135.18 of the Revised Code. 44741

(D) On or before March 1, 2001, and on or before the first 44742
day of March in each subsequent year, the treasurer of state shall 44743
provide to the chancellor a statement indicating the moneys in the 44744

Ohio outstanding scholarship and the Ohio priority needs 44745
fellowship programs payment funds that are available for the 44746
upcoming academic year to award scholarships and fellowships under 44747
sections 3333.37 to 3333.375 of the Revised Code. 44748

(E) The chancellor may use funds the treasurer has indicated 44749
as available pursuant to division (D) of this section to support 44750
distribution of state need-based financial aid in accordance with 44751
~~sections 3333.12 and~~ section 3333.122 of the Revised Code. 44752

Sec. 3333.38. (A) As used in this section: 44753

(1) "Institution of higher education" includes all of the 44754
following: 44755

(a) A state institution of higher education, as defined in 44756
section 3345.011 of the Revised Code; 44757

(b) A nonprofit institution issued a certificate of 44758
authorization under Chapter 1713. of the Revised Code; 44759

(c) A private institution exempt from regulation under 44760
Chapter 3332. of the Revised Code, as prescribed in section 44761
3333.046 of the Revised Code; 44762

(d) An institution of higher education with a certificate of 44763
registration from the state board of career colleges and schools 44764
under Chapter 3332. of the Revised Code. 44765

(2) "Student financial assistance supported by state funds" 44766
includes assistance granted under sections 3315.33, ~~3333.12,~~ 44767
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 44768
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 44769
award under the choose Ohio first scholarship program established 44770
under section 3333.61 of the Revised Code, or financed by an award 44771
under the Ohio co-op/internship program established under section 44772
3333.72 of the Revised Code, and any other post-secondary student 44773
financial assistance supported by state funds. 44774

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

Sec. 3333.393. (A) As used in this section and in section 3333.394 of the Revised Code:

(1) "Academic year" shall be as defined by the chancellor of

higher education. 44805

(2) "Parent" means the parent, guardian, or custodian of a 44806
qualified student as described by this section. 44807

(3) "Qualified service" means teaching at a qualifying 44808
school. 44809

(4) "Qualifying school" means a school district building 44810
identified as "high need" by the chancellor and meets both of the 44811
following conditions: 44812

(a) The school building has difficulty attracting and 44813
retaining classroom teachers who hold a valid educator license 44814
issued under section 3319.22 of the Revised Code; 44815

(b) The school is operated by the same school district from 44816
which the recipient of a scholarship graduated from high school or 44817
was employed. 44818

(5) "Qualifying employee" means an individual employed at a 44819
qualifying school and who either holds an educational aide permit 44820
or educational paraprofessional license issued under section 44821
3319.088 or a substitute license under section 3319.226 of the 44822
Revised Code. 44823

(B) The grow your own teacher college scholarship program is 44824
hereby established. Under the program, the chancellor of higher 44825
education, in conjunction with the department of education, shall 44826
award scholarships to the following: 44827

(1) Low-income high school seniors who commit to teaching in 44828
a qualifying school for a minimum of four years upon graduation 44829
from a teacher training program at a state institution of higher 44830
education or an Ohio nonprofit institution of higher education 44831
that has a certificate of authorization under Chapter 1713. of the 44832
Revised Code. 44833

(2) Qualifying employees who commit to teaching in a 44834

qualifying school for a minimum of four years upon graduation from 44835
a teacher training program at a state institution of higher 44836
education or an Ohio nonprofit institution of higher education 44837
that has a certificate of authorization under Chapter 1713. of the 44838
Revised Code. 44839

Each scholarship shall be awarded for up to four academic 44840
years and shall not exceed \$7,500 for each academic year. 44841

(C) The department and the chancellor shall develop an 44842
application process for awarding scholarships under the program. 44843
The department and the chancellor also shall appoint a highly 44844
qualified and diverse application committee to assist in the 44845
selection of scholarship recipients. 44846

(D)(1) Scholarships shall be awarded to students under 44847
division (B)(1) of this section who meet both of the following 44848
conditions: 44849

(a) Received a high school diploma or honors diploma under 44850
section 3313.61 of the Revised Code; 44851

(b) Commit to completing the four-year teaching obligation 44852
within not more than six years after graduating from the teacher 44853
training program. 44854

(2) Scholarships shall be awarded to qualifying employees 44855
under division (B)(2) of this section who commit to completing the 44856
four-year teaching obligation within not more than six years after 44857
graduating from the teacher training program. Qualifying employees 44858
shall be permitted to complete coursework associated with a 44859
teacher training program on evenings or weekends as necessary 44860
while maintaining employment at a qualifying school. 44861

(E) A teacher training program, in consultation with the 44862
department of education, may grant credit to a qualifying employee 44863
who has commensurate work experience at a qualifying school under 44864
this section for completion of a teacher training program. 44865

(F) The chancellor shall require that all applicants to the grow your own teacher program file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code. 44866
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(G) Recipients shall complete the four-year teaching commitment within not more than six years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.394 of the Revised Code. 44872
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Sec. 3333.394. (A)(1) Each recipient who accepts a scholarship under the grow your own teacher program under section 3333.393 of the Revised Code shall sign a promissory note payable to the state in the event the recipient does not satisfy the service requirement under division (G) of section 3333.393 of the Revised Code or the scholarship is terminated. The amount payable under the note shall be the amount of total scholarships accepted by the recipient under the program. 44877
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(2) Each recipient shall be awarded an amount of up to \$7,500 at the beginning of each school year in which the recipient begins or maintains qualifying employment as defined in section 3333.393 of the Revised Code. Upon completion of that school year, the amount the recipient received at the beginning of the year shall be forgiven. An individual may receive an award under this division for up to four years. 44885
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(3) Failure to complete a full school year of employment converts the award made under division (A)(1) of this section into a loan to be repaid. The loan to be repaid shall be the amount of the award made at the beginning of that school year. 44892
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(4) An award made under this division shall not exceed \$7,500 44896

in each school year. The total amount awarded to an individual 44897
under this section and section 3333.393 of the Revised Code shall 44898
not exceed the total cost of a qualifying employee's loans for a 44899
teacher training program. 44900

(B)(1) As specified in division (A)(2) of this section, the 44901
amount of the annual award made under division (A) of this section 44902
shall be forgiven following completion of one year of qualified 44903
employment by the recipient in accordance with division (G) of 44904
section 3333.393 of the Revised Code. 44905

(2) An award also shall be forgiven in the event that a 44906
recipient dies, becomes totally and permanently disabled, or is 44907
unable to complete the required qualified service as a result of a 44908
reduction in force at the recipient's school of employment before 44909
the end of the academic year. 44910

(C) The scholarship shall be deemed terminated upon the 44911
recipient's separation from employment at a qualifying school or 44912
the recipient's failure to meet the standards of the scholarship 44913
as determined by the department and the chancellor and shall be 44914
converted to a loan to be repaid under division (A) of this 44915
section. 44916

(D) The chancellor and the attorney general shall collect 44917
payments on the converted loan in accordance with section 131.02 44918
of the Revised Code, but shall not charge an interest rate on such 44919
payments. 44920

Sec. 3333.70. (A) The ~~director~~ chancellor of higher education 44921
shall establish and administer the Ohio higher education 44922
innovation grant program to promote educational excellence and 44923
economic efficiency throughout the state in order to stabilize or 44924
reduce student tuition rates at institutions of higher education. 44925
Under the program, the ~~director~~ chancellor shall award grants to 44926
state institutions of higher education, as defined in section 44927

3345.011 of the Revised Code, and private nonprofit institutions 44928
for innovative projects that incorporate academic achievement and 44929
economic efficiencies. State institutions of higher education and 44930
private nonprofit institutions may apply for grants and initiate 44931
collaboration with other institutions of higher education, either 44932
public or private, on such projects. 44933

(B) The ~~director~~ chancellor shall adopt rules to administer 44934
the program including, but not limited to, requirements that each 44935
grant application provides for all of the following: 44936

(1) A system by which to measure academic achievement and 44937
reductions in expenditures, both in funding and administration; 44938

(2) Demonstration of how the project will be sustained beyond 44939
the grant period and continue to provide substantial value and 44940
lasting impact; 44941

(3) Proof of commitment from all parties responsible for the 44942
implementation of the project; 44943

(4) Implementation of an ongoing evaluation process and 44944
improvement plans, as necessary. 44945

(C) As used in this section, "private nonprofit institution" 44946
means a nonprofit institution in this state that has a certificate 44947
of authorization pursuant to Chapter 1713. of the Revised Code. 44948

Sec. 3345.027. (A) As used in this section, "state 44949
institution of higher education" has the same meaning as in 44950
section 3345.011 of the Revised Code. 44951

(B) A state institution of higher education, ~~as defined in~~ 44952
~~section 3345.011 of the Revised Code,~~ shall not withhold a 44953
student's official transcripts from a potential employer because 44954
the student owes money to the institution, provided the student 44955
has authorized the transcripts to be sent to the employer and the 44956
employer affirms to the institution that the transcripts are a 44957

prerequisite of employment. 44958

(C)(1) Not later than December 1, 2023, the board of trustees 44959
of each state institution of higher education shall formally 44960
consider and adopt a resolution determining whether to end the 44961
practice of transcript withholding. Once adopted, each state 44962
institution shall submit a copy of the resolution to the 44963
chancellor of higher education. 44964

(2) In adopting the resolution required under this division, 44965
each board of trustees shall consider and evaluate all of the 44966
following factors: 44967

(a) The extent to which ending the practice of transcript 44968
withholding will promote the state's post-secondary education 44969
attainment and workforce goals; 44970

(b) The rate of collection on overdue balances resulting from 44971
the historical practice of transcript withholding, as documented 44972
by the attorney general; 44973

(c) The extent to which ending the practice of transcript 44974
withholding will help students who have disenrolled from the state 44975
institution complete an education, whether at the same institution 44976
or another state institution. 44977

If a board of trustees resolves to maintain the practice of 44978
transcript withholding, the board shall include in the resolution 44979
a summary of its evaluation of the factors contained in division 44980
(C)(2) of this section. 44981

(3) Not later than January 1, 2024, the chancellor shall 44982
provide a copy of each resolution submitted under this division to 44983
the governor, the speaker of the house of representatives, and the 44984
president of the senate. 44985

Sec. 3345.033. (A) As used in this section: 44986

"Rule" includes the enactment of a new rule or the amendment 44987

or rescission of an existing rule. 44988

"State institution of higher education" means a state 44989
university identified in section 3345.011 of the Revised Code, the 44990
northeast Ohio medical university, or a community college, state 44991
community college, or technical college. 44992

(B) When a state institution of higher education adopts a 44993
rule, the state institution of higher education shall post the 44994
rule on its web site, ~~and the director of the legislative service~~ 44995
~~commission shall publish or cause publication of the rule in the~~ 44996
~~register of Ohio and in any electronic Administrative Code~~ 44997
~~published by or under contract with the director. The state~~ 44998
~~institution of higher education also electronically shall file a~~ 44999
~~copy of the rule with the joint committee on agency rule review.~~ 45000
~~The rule is not subject to review by the joint committee. But the~~ 45001
~~joint committee shall accommodate the rule to the rule watch~~ 45002
~~system.~~ 45003

(C) A state institution of higher education shall maintain 45004
the posting of its rules on its web site, and periodically shall 45005
verify the posting. A state institution of higher education is not 45006
entitled to rely on a rule that is not currently posted on its web 45007
site. 45008

(D) A rule posted on a state institution of higher 45009
education's web site in accordance with this section is not 45010
subject to review by the joint committee on agency rule review. 45011
Such a rule is not subject to section 111.15 or 119.03 of the 45012
Revised Code unless the law requiring or permitting the rule to be 45013
adopted requires the rule to be adopted under either section. 45014

Sec. 3345.10. (A) As used in this section, "state institution 45015
of higher education" has the same meaning as in section 3345.011 45016
of the Revised Code. 45017

(B) Each state institution of higher education shall 45018
establish competitive bidding procedures for the purchase of 45019
printed material and shall award all contracts for the purchase of 45020
printed material in accordance with those procedures. The 45021
procedures shall require the institution to evaluate all bids 45022
received for all contracts for the purchase of printed material in 45023
accordance with the criteria and procedures established pursuant 45024
to divisions ~~(C)(1)~~(B)(1) and (2) of section 125.09 of the Revised 45025
Code for determining whether bidders will produce the printed 45026
material at manufacturing facilities within this state or in 45027
accordance with the criteria and procedures established pursuant 45028
to division ~~(C)(4)~~(B)(4) or (5) of that section for determining 45029
whether bidders are otherwise qualified. 45030

An institution shall select, in accordance with the 45031
procedures it establishes under this section, a bid from among 45032
bidders that fulfill the criteria specified in the applicable 45033
divisions of section 125.09 of the Revised Code where sufficient 45034
competition can be generated within this state to ensure that 45035
compliance with this requirement will not result in paying an 45036
excessive price or acquiring a disproportionately inferior 45037
product. If there are two or more bids from among those bidders, 45038
it shall be deemed that there is sufficient competition to prevent 45039
paying an excessive price or acquiring a disproportionately 45040
inferior product. 45041

Sec. 3345.14. (A) As used in this section, "state college or 45042
university" means any state university or college defined in 45043
division (A)(1) of section 3345.12 of the Revised Code, and any 45044
other institution of higher education defined in division (A)(2) 45045
of that section. 45046

(B) All rights to and interests in discoveries, inventions, 45047
or patents which result from research or investigation conducted 45048

in any experiment station, bureau, laboratory, research facility, 45049
or other facility of any state college or university, or by 45050
employees of any state college or university acting within the 45051
scope of their employment or with funding, equipment, or 45052
infrastructure provided by or through any state college or 45053
university, shall be the sole property of that college or 45054
university. No person, firm, association, corporation, or 45055
governmental agency which uses the facilities of such college or 45056
university in connection with such research or investigation and 45057
no faculty member, employee, or student of such college or 45058
university participating in or making such discoveries or 45059
inventions, shall have any rights to or interests in such 45060
discoveries or inventions, including income therefrom, except as 45061
may, by determination of the board of trustees of such college or 45062
university, be assigned, licensed, transferred, or paid to such 45063
persons or entities in accordance with division (C) of this 45064
section or in accordance with rules adopted under division (D) of 45065
this section. 45066

(C) As may be determined from time to time by the board of 45067
trustees of any state college or university, the college or 45068
university may retain, assign, license, transfer, sell, or 45069
otherwise dispose of, in whole or in part and upon such terms as 45070
the board of trustees may direct, any and all rights to, interests 45071
in, or income from any such discoveries, inventions, or patents 45072
which the college or university owns or may acquire. Such 45073
dispositions may be to any individual, firm, association, 45074
corporation, or governmental agency, or to any faculty member, 45075
employee, or student of the college or university as the board of 45076
trustees may direct. Any and all income or proceeds derived or 45077
retained from such dispositions shall be applied to the general or 45078
special use of the college or university as determined by the 45079
board of trustees of such college or university. 45080

(D)(1) Notwithstanding any provision of the Revised Code to 45081
the contrary, including but not limited to sections 102.03, 45082
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 45083
trustees of any state college or university shall adopt rules ~~in~~ 45084
~~accordance with section 111.15 of the Revised Code~~ that set forth 45085
circumstances under which an employee of the college or university 45086
may solicit or accept, and under which a person may give or 45087
promise to give to such an employee, a financial interest in any 45088
firm, corporation, or other association to which the board has 45089
assigned, licensed, transferred, or sold the college or 45090
university's interests in its intellectual property, including 45091
discoveries or inventions made or created by that employee or in 45092
patents issued to that employee. 45093

(2) Rules established under division (D)(1) of this section 45094
shall include the following: 45095

(a) A requirement that each college or university employee 45096
disclose to the college or university board of trustees any 45097
financial interest the employee holds in a firm, corporation, or 45098
other association as described in division (D)(1) of this section; 45099

(b) A requirement that all disclosures made under division 45100
(D)(2)(a) of this section are reviewed by officials designated by 45101
the college or university board of trustees. The officials 45102
designated under this division shall determine the information 45103
that shall be disclosed and safeguards that shall be applied in 45104
order to manage, reduce, or eliminate any actual or potential 45105
conflict of interest. 45106

(c) A requirement that in implementing division (D) of this 45107
section all members of the college or university board of trustees 45108
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 45109
of the Revised Code. 45110

(d) Guidelines to ensure that any financial interest held by 45111

any employee of the college or university does not result in 45112
misuse of the students, employees, or resources of the college or 45113
university for the benefit of the firm, corporation, or other 45114
association in which such interest is held or does not otherwise 45115
interfere with the duties and responsibilities of the employee who 45116
holds such an interest. 45117

(3) Rules established under division (D)(1) of this section 45118
may include other provisions at the discretion of the college or 45119
university board of trustees. 45120

(E) Notwithstanding division (D) of this section, the Ohio 45121
ethics commission retains authority to provide assistance to a 45122
college or university board of trustees in the implementation of 45123
division (D)(2) of this section and to address any matter that is 45124
outside the scope of the exception to division (B) of this section 45125
as set forth in division (D) of this section or as set forth in 45126
rules established under division (D) of this section. 45127

Sec. 3345.32. (A) As used in this section: 45128

(1) "State university or college" means the institutions 45129
described in section 3345.27 of the Revised Code and the northeast 45130
Ohio medical university. 45131

(2) "Resident" has the meaning specified by rule of the 45132
chancellor of higher education. 45133

(3) "Statement of selective service status" means a statement 45134
certifying one of the following: 45135

(a) That the individual filing the statement has registered 45136
with the selective service system in accordance with the "Military 45137
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 45138
amended; 45139

(b) That the individual filing the statement is not required 45140
to register with the selective service for one of the following 45141

reasons: 45142

(i) The individual is under eighteen or over twenty-six years 45143
of age. 45144

(ii) The individual is on active duty with the armed forces 45145
of the United States other than for training in a reserve or 45146
national guard unit. 45147

(iii) The individual is a nonimmigrant alien lawfully in the 45148
United States in accordance with section 101 (a)(15) of the 45149
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 45150

(iv) The individual is not a citizen of the United States and 45151
is a permanent resident of the Trust Territory of the Pacific 45152
Islands or the Northern Mariana Islands. 45153

(4) "Institution of higher education" means any eligible 45154
institution approved by the United States department of education 45155
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 45156
amended, or any institution whose students are eligible for 45157
financial assistance under any of the programs described by 45158
division (E) of this section. 45159

(B) The chancellor shall, by rule, specify the form of 45160
statements of selective service status to be filed in compliance 45161
with divisions (C) to (E) of this section. Each statement of 45162
selective service status shall contain a section wherein a male 45163
student born after December 31, 1959, certifies that the student 45164
has registered with the selective service system in accordance 45165
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 45166
App. 453, as amended. For those students not required to register 45167
with the selective service, as specified in divisions (A)(2)(b)(i) 45168
to (iv) of this section, a section shall be provided on the 45169
statement of selective service status for the certification of 45170
nonregistration and for an explanation of the reason for the 45171
exemption. The chancellor may require that such statements be 45172

accompanied by documentation specified by rule of the chancellor. 45173

(C) A state university or college that enrolls in any course, 45174
class, or program a male student born after December 31, 1959, who 45175
has not filed a statement of selective service status with the 45176
university or college shall, regardless of the student's 45177
residency, charge the student any tuition surcharge charged 45178
students who are not residents of this state. 45179

(D) No male born after December 31, 1959, shall be eligible 45180
to receive any loan, grant, scholarship, or other financial 45181
assistance for educational expenses granted under section 3315.33, 45182
~~3333.127~~, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 45183
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 45184
award under the choose Ohio first scholarship program established 45185
under section 3333.61 of the Revised Code, or financed by an award 45186
under the Ohio co-op/internship program established under section 45187
3333.72 of the Revised Code, unless that person has filed a 45188
statement of selective service status with that person's 45189
institution of higher education. 45190

(E) If an institution of higher education receives a 45191
statement from an individual certifying that the individual has 45192
registered with the selective service system in accordance with 45193
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 45194
453, as amended, or that the individual is exempt from 45195
registration for a reason other than that the individual is under 45196
eighteen years of age, the institution shall not require the 45197
individual to file any further statements. If it receives a 45198
statement certifying that the individual is not required to 45199
register because the individual is under eighteen years of age, 45200
the institution shall require the individual to file a new 45201
statement of selective service status each time the individual 45202
seeks to enroll for a new academic term or makes application for a 45203
new loan or loan guarantee or for any form of financial assistance 45204

for educational expenses, until it receives a statement certifying 45205
that the individual has registered with the selective service 45206
system or is exempt from registration for a reason other than that 45207
the individual is under eighteen years of age. 45208

Sec. 3345.57. (A) As used in this section, "state institution 45209
of higher education" has the same meaning as in section 3345.011 45210
of the Revised Code. 45211

(B) A state institution of higher education may establish a 45212
program under which an employee of the institution may donate that 45213
employee's accrued but unused paid leave to another employee of 45214
the institution who has no accrued but unused paid leave and who 45215
has a critical need for it because of circumstances such as a 45216
serious illness or the serious illness of a member of the 45217
employee's immediate family. If a state institution of higher 45218
education establishes a leave donation program under this section, 45219
the institution shall adopt rules ~~in accordance with section~~ 45220
~~111.15 of the Revised Code~~ to provide for the administration of 45221
the program. These rules shall include, but not be limited to, 45222
provisions that identify the circumstances under which leave may 45223
be donated and that specify the amount, types, and value of leave 45224
that may be donated. 45225

Sec. 3345.60. (A) As used in this section, "institution of 45226
higher education" includes all of the following: 45227

(1) A state institution of higher education as defined in 45228
section 3345.011 of the Revised Code; 45229

(2) A private, nonprofit institution in this state holding a 45230
certificate of authorization pursuant to Chapter 1713. of the 45231
Revised Code; 45232

(3) A career college or school that holds a certificate of 45233
registration from the state board of career colleges and schools 45234

under Chapter 3332. of the Revised Code or a private institution 45235
exempt from regulation under Chapter 3332. of the Revised Code as 45236
prescribed in section 3333.046 of the Revised Code, if the program 45237
has a certificate of authorization pursuant to Chapter 1713. of 45238
the Revised Code. 45239

(B) Each institution of higher education shall do both of the 45240
following: 45241

(1) Make explicitly clear on its web site that a student has 45242
a right to access a transcript for purposes of seeking employment 45243
regardless of whether that student owes an institutional debt; 45244

(2) Post a list of resources available to students who owe an 45245
institutional debt, including payment plans, opportunities for 45246
settlement, and any other programs that work to prevent students 45247
from dropping out. 45248

Sec. 3345.69. (A) As used in this section: 45249

(1) "State institution of higher education" has the same 45250
meaning as in section 3345.011 of the Revised Code. 45251

(2) "Board of trustees of a state institution of higher 45252
education" has the same meaning as in section 3345.61 of the 45253
Revised Code. 45254

(B) The chairperson of the interuniversity council of Ohio 45255
and the secretary of the Ohio association of community colleges 45256
shall assist in coordinating the organization and operation of a 45257
committee to carry out this section. The committee shall be 45258
comprised of the presidents of the state institutions of higher 45259
education or their designees. The committee, in consultation with 45260
the Ohio facilities construction commission, shall develop 45261
guidelines for the board of trustees of each state institution of 45262
higher education to use in ensuring energy efficiency and 45263
conservation in on- and off-campus buildings. At a minimum, 45264

guidelines under this section shall do all of the following: 45265

(1) Include a goal to reduce on- and off-campus building 45266
energy consumption by at least twenty per cent by 2014, using 45267
calendar year 2004 as the benchmark year, while recognizing the 45268
diverse nature and different energy demands and uses of such 45269
buildings and measures already taken to increase building energy 45270
efficiency and conservation; 45271

(2) Prescribe minimum energy efficiency and conservation 45272
standards for any new, on- or off-campus capital improvement 45273
project with a construction cost of one hundred thousand dollars 45274
or more, which standards shall be based on general building type 45275
and cost-effectiveness; 45276

(3) Prescribe minimum energy efficiency and conservation 45277
standards for the leasing of an off-campus space of at least 45278
twenty-thousand square feet; 45279

(4) Incorporate best practices into energy efficiency and 45280
conservation standards and plans; 45281

(5) Provide that each board develop its own fifteen-year plan 45282
for phasing in energy efficiency and conservation projects; 45283

(6) Provide that project impact assessments include the 45284
fiscal effects of energy efficiency and conservation 45285
recommendations and plans; 45286

(7) Establish mechanisms for each board to report 45287
periodically to the committee on its progress relative to the 45288
guidelines. 45289

(C) The board of trustees of a state institution of higher 45290
education shall adopt rules ~~under section 111.15 of the Revised~~ 45291
~~Code~~ to carry out the guidelines established pursuant to division 45292
(B) of this section, including in the execution of the board's 45293
authority under sections 3345.62 to 3345.66 of the Revised Code. 45294

Sec. 3354.121. (A)(1) Each community college district may 45295
acquire, by purchase, lease, lease-purchase, lease with option to 45296
purchase, or otherwise, construct, equip, furnish, reconstruct, 45297
alter, enlarge, remodel, renovate, rehabilitate, improve, 45298
maintain, repair, and operate, and lease to or from others, 45299
auxiliary facilities or education facilities, except housing and 45300
dining facilities, and may pay for the facilities out of available 45301
receipts of such district. To pay all or part of the costs of 45302
auxiliary facilities or education facilities, except housing and 45303
dining facilities, and any combination of them, and to refund 45304
obligations previously issued for such purpose, each community 45305
college district may issue obligations in the manner provided by 45306
and subject to the applicable provisions of section 3345.12 of the 45307
Revised Code. 45308

(2) A community college district that is located either 45309
within one mile of a four-year private, nonprofit institution of 45310
higher education in the state or within one-quarter mile of a 45311
facility that, on January 1, 2023, rented at least seventy-five 45312
rooms to students at such district, may acquire, by purchase, 45313
lease, lease-purchase, lease with option to purchase, or 45314
otherwise, construct, equip, furnish, reconstruct, alter, enlarge, 45315
remodel, renovate, rehabilitate, improve, maintain, repair, and 45316
operate, and lease to or from others, housing and dining 45317
facilities, and may pay for the facilities out of the available 45318
receipts of such district. To pay all or part of the costs of the 45319
housing and dining facilities, and to refund obligations 45320
previously issued for such purpose, the community college district 45321
may issue obligations in the manner provided by and subject to the 45322
applicable provisions of section 3345.12 of the Revised Code. 45323

(B) Except as otherwise provided in this section, the 45324
definitions set forth in section 3345.12 of the Revised Code apply 45325
to this section. 45326

(C) Fee variations provided for in division (G) of section 45327
3354.09 of the Revised Code need not be applied to fees pledged to 45328
secure obligations. 45329

(D) The obligations authorized by this section are not bonded 45330
indebtedness of the community college district, shall not 45331
constitute general obligations or the pledge of the full faith and 45332
credit of such district, and the holders or owners thereof shall 45333
have no right to require the board to levy or collect any taxes 45334
for the payment of bond service charges, but they shall have the 45335
right to payment thereof solely from the available receipts and 45336
funds pledged for such payment as authorized by section 3345.12 of 45337
the Revised Code and this section. 45338

The bond proceedings may provide the method whereby the 45339
general administrative overhead expense of the district shall be 45340
allocated among the several operations and facilities of the 45341
district for purposes of determining any operating and maintenance 45342
expenses payable from the pledged available receipts prior to the 45343
provision for payment of bond service charges, and for other 45344
purposes of the bond proceedings. 45345

(E) The powers granted in this section are in addition to any 45346
other powers at any time granted by the Constitution and laws of 45347
the state, and not in derogation thereof or restrictions thereon. 45348

Sec. 3365.07. The department of education shall calculate and 45349
pay state funds to colleges for participants in the college credit 45350
plus program under division (B) of section 3365.06 of the Revised 45351
Code pursuant to this section. For a nonpublic secondary school 45352
participant, a nonchartered nonpublic secondary school 45353
participant, or a home-instructed participant, the department 45354
shall pay state funds pursuant to this section only if that 45355
participant is awarded funding according to rules adopted by the 45356
chancellor of higher education, in consultation with the 45357

superintendent of public instruction, pursuant to section 3365.071 45358
of the Revised Code. The program shall be the sole mechanism by 45359
which state funds are paid to colleges for students to earn 45360
transcripted credit for college courses while enrolled in both a 45361
secondary school and a college, with the exception of state funds 45362
paid to colleges according to an agreement described in division 45363
(A)(1) of section 3365.02 of the Revised Code. 45364

(A) For each public or nonpublic secondary school participant 45365
enrolled in a public college: 45366

(1) If no agreement has been entered into under division 45367
(A)(2) of this section, both of the following shall apply: 45368

(a) The department shall pay to the college the applicable 45369
amount as follows: 45370

(i) For a participant enrolled in a college course delivered 45371
on the college campus, at another location operated by the 45372
college, or online, the lesser of the default ceiling amount or 45373
the college's standard rate; 45374

(ii) For a participant enrolled in a college course delivered 45375
at the participant's secondary school but taught by college 45376
faculty, the lesser of fifty per cent of the default ceiling 45377
amount or the college's standard rate; 45378

(iii) For a participant enrolled in a college course 45379
delivered at the participant's secondary school and taught by a 45380
high school teacher who has met the credential requirements 45381
established for purposes of the program in rules adopted by the 45382
chancellor, the default floor amount. 45383

(b) The participant's secondary school shall pay for 45384
textbooks, and the college shall waive payment of all other fees 45385
related to participation in the program. 45386

(2) The governing entity of a participant's secondary school 45387

and the college may enter into an agreement to establish an 45388
alternative payment structure for tuition, textbooks, and fees. 45389
Under such an agreement, payments for each participant made by the 45390
department shall be not less than the default floor amount, unless 45391
approved by the chancellor, and not more than either the default 45392
ceiling amount or the college's standard rate, whichever is less. 45393
The chancellor may approve an agreement that includes a payment 45394
below the default floor amount, as long as the provisions of the 45395
agreement comply with all other requirements of this chapter to 45396
ensure program quality. If no agreement is entered into under 45397
division (A)(2) of this section, both of the following shall 45398
apply: 45399

(a) The department shall pay to the college the applicable 45400
default amounts prescribed by division (A)(1)(a) of this section, 45401
depending upon the method of delivery and instruction. 45402

(b) In accordance with division (A)(1)(b) of this section, 45403
the participant's secondary school shall pay for textbooks, and 45404
the college shall waive payment of all other fees related to 45405
participation in the program. 45406

(3) No participant that is enrolled in a public college shall 45407
be charged for any tuition, textbooks, or other fees related to 45408
participation in the program. 45409

(B) For each public secondary school participant enrolled in 45410
a private college: 45411

(1) If no agreement has been entered into under division 45412
(B)(2) of this section, the department shall pay to the college 45413
the applicable amount calculated in the same manner as in division 45414
(A)(1)(a) of this section. 45415

(2) The governing entity of a participant's secondary school 45416
and the college may enter into an agreement to establish an 45417
alternative payment structure for tuition, textbooks, and fees. 45418

Under such an agreement, payments shall be not less than the 45419
default floor amount, unless approved by the chancellor, and not 45420
more than either the default ceiling amount or the college's 45421
standard rate, whichever is less. 45422

If an agreement is entered into under division (B)(2) of this 45423
section, both of the following shall apply: 45424

(a) The department shall make a payment to the college for 45425
each participant that is equal to the default floor amount, unless 45426
approved by the chancellor to pay an amount below the default 45427
floor amount. The chancellor may approve an agreement that 45428
includes a payment below the default floor amount, as long as the 45429
provisions of the agreement comply with all other requirements of 45430
this chapter to ensure program quality. 45431

(b) Payment for costs for the participant that exceed the 45432
amount paid by the department pursuant to division (B)(2)(a) of 45433
this section shall be negotiated by the school and the college. 45434
The agreement may include a stipulation permitting the charging of 45435
a participant. 45436

However, under no circumstances shall: 45437

(i) Payments for a participant made by the department under 45438
division (B)(2) of this section exceed the lesser of the default 45439
ceiling amount or the college's standard rate; 45440

(ii) The amount charged to a participant under division 45441
(B)(2) of this section exceed the difference between the maximum 45442
per participant charge amount and the default floor amount; 45443

(iii) The sum of the payments made by the department for a 45444
participant and the amount charged to that participant under 45445
division (B)(2) of this section exceed the following amounts, as 45446
applicable: 45447

(I) For a participant enrolled in a college course delivered 45448

on the college campus, at another location operated by the 45449
college, or online, the maximum per participant charge amount; 45450

(II) For a participant enrolled in a college course delivered 45451
at the participant's secondary school but taught by college 45452
faculty, one hundred twenty-five dollars; 45453

(III) For a participant enrolled in a college course 45454
delivered at the participant's secondary school and taught by a 45455
high school teacher who has met the credential requirements 45456
established for purposes of the program in rules adopted by the 45457
chancellor, one hundred dollars. 45458

(iv) A participant that is identified as economically 45459
disadvantaged according to rules adopted by the department be 45460
charged under division (B)(2) of this section for any tuition, 45461
textbooks, or other fees related to participation in the program. 45462

(C) For each nonpublic secondary school participant enrolled 45463
in a private or eligible out-of-state college, the department 45464
shall pay to the college the applicable amount calculated in the 45465
same manner as in division (A)(1)(a) of this section. Payment for 45466
costs for the participant that exceed the amount paid by the 45467
department shall be negotiated by the governing body of the 45468
nonpublic secondary school and the college. 45469

However, under no circumstances shall: 45470

(1) The payments for a participant made by the department 45471
under this division exceed the lesser of the default ceiling 45472
amount or the college's standard rate. 45473

(2) Any nonpublic secondary school participant, who is 45474
enrolled in that secondary school with a scholarship awarded under 45475
either the educational choice scholarship pilot program, as 45476
prescribed by sections 3310.01 to 3310.17, or the pilot project 45477
scholarship program, as prescribed by sections 3313.974 to 45478
3313.979 of the Revised Code, and who qualifies as a low-income 45479

student under either of those programs, be charged for any 45480
tuition, textbooks, or other fees related to participation in the 45481
college credit plus program. 45482

(D) For each nonchartered nonpublic secondary school 45483
participant and each home-instructed participant enrolled in a 45484
public, private, or eligible out-of-state college, the department 45485
shall pay to the college the lesser of the default ceiling amount 45486
or the college's standard rate, if that participant is enrolled in 45487
a college course delivered on the college campus, at another 45488
location operated by the college, or online. 45489

(E) Not later than thirty days after the end of each term, 45490
each college expecting to receive payment for the costs of a 45491
participant under this section shall notify the department of the 45492
number of enrolled credit hours for each participant. 45493

(F) The department shall make the applicable payments under 45494
this section to each college, which provided proper notification 45495
to the department under division (E) of this section, for the 45496
number of enrolled credit hours for participants enrolled in the 45497
college under division (B) of section 3365.06 of the Revised Code. 45498
Except in cases involving incomplete participant information or a 45499
dispute of participant information, payments shall be made by the 45500
last day of January for participants who were enrolled during the 45501
fall term and by the last day of July for participants who were 45502
enrolled during the spring term. The department shall not make any 45503
payments to a college under this section if a participant withdrew 45504
from a course prior to the date on which a withdrawal from the 45505
course would have negatively affected the participant's 45506
transcribed grade, as prescribed by the college's established 45507
withdrawal policy. 45508

(1) Payments made for public secondary school participants 45509
under this section shall be deducted as follows: 45510

(a) For a participant enrolled in a school district, from the school foundation payments made to the participant's school district. If the participant is enrolled in a joint vocational school district, a portion of the amount shall be deducted from the payments to the joint vocational school district and a portion shall be deducted from the payments to the participant's city, local, or exempted village school district in accordance with the full-time equivalency of the student's enrollment in each district.

(b) For a participant enrolled in a community school established under Chapter 3314. of the Revised Code, from the payments made to that school under section 3317.022 of the Revised Code;

(c) For a participant enrolled in a STEM school, from the payments made to that school under section 3317.022 of the Revised Code;

(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code;

(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of ~~that school~~ Ohio deaf and blind education services;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts deducted under divisions (F)(1)(a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (B) of section 3365.071 of the Revised Code

(2) Payments made for nonpublic secondary school 45542
participants, nonchartered nonpublic secondary school 45543
participants, and home-instructed participants under this section 45544
shall be deducted from moneys appropriated by the general assembly 45545
for such purpose. Payments shall be allocated and distributed in 45546
accordance with rules adopted by the chancellor, in consultation 45547
with the state superintendent, pursuant to division (A) of section 45548
3365.071 of the Revised Code. 45549

(G) Any public college that enrolls a student under division 45550
(B) of section 3365.06 of the Revised Code may include that 45551
student in the calculation used to determine its state share of 45552
instruction funds appropriated to the department of higher 45553
education by the general assembly. 45554

Sec. 3365.131. One or more public or nonpublic colleges, in 45555
collaboration with one or more industry partners, may submit to 45556
the chancellor of higher education a proposal to establish a 45557
statewide innovative waiver pathway. Under a pathway established 45558
under this section, a student who does not otherwise meet 45559
traditional college readiness standards may participate in the 45560
college credit plus program. Upon completing a pathway, a student 45561
shall receive an industry-recognized credential or a certificate 45562
aligned with an in-demand job, as defined in section 3333.94 of 45563
the Revised Code. 45564

The chancellor may approve a statewide innovative waiver 45565
pathway. Any public or nonpublic secondary school or public or 45566
nonpublic college may use an approved statewide innovative waiver 45567
pathway. 45568

The chancellor, in consultation with the superintendent of 45569
public instruction, may adopt guidelines and procedures regarding 45570
statewide innovative waiver pathways. 45571

Sec. 3375.41. When a board of library trustees appointed 45572
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 45573
or 3375.30 of the Revised Code determines to construct, demolish, 45574
alter, repair, or reconstruct a library or make any improvements 45575
or repairs, the cost of which will exceed ~~fifty thousand dollars~~ 45576
the amount specified in section 9.17 of the Revised Code, except 45577
in cases of urgent necessity or for the security and protection of 45578
library property, it shall proceed as follows: 45579

(A) The board shall advertise for a period of two weeks for 45580
sealed bids in a newspaper of general circulation in the district 45581
or as provided in section 7.16 of the Revised Code. If no 45582
newspaper has a general circulation in the district, the board 45583
shall post the advertisement in three public places in the 45584
district. The advertisement shall be entered in full by the fiscal 45585
officer on the record of proceedings of the board. 45586

(B) The sealed bids shall be filed with the fiscal officer by 45587
twelve noon of the last day stated in the advertisement. 45588

(C) The sealed bids shall be opened at the next meeting of 45589
the board, shall be publicly read by the fiscal officer, and shall 45590
be entered in full on the records of the board; provided that the 45591
board, by resolution, may provide for the public opening and 45592
reading of the bids by the fiscal officer, immediately after the 45593
time for their filing has expired, at the usual place of meeting 45594
of the board, and for the tabulation of the bids and a report of 45595
the tabulation to the board at its next meeting. 45596

(D) Each sealed bid shall contain the name of every person 45597
interested in it and shall meet the requirements of section 153.54 45598
of the Revised Code. 45599

(E) When both labor and materials are embraced in the work 45600
bid for, the board may require that each be separately stated in 45601
the sealed bid, with their price, or may require that bids be 45602

submitted without the separation. 45603

(F) None but the lowest responsible bid shall be accepted. 45604
The board may reject all the bids or accept any bid for both labor 45605
and material for the improvement or repair that is the lowest in 45606
the aggregate. 45607

(G) The contract shall be between the board and the bidders. 45608
The board shall pay the contract price for the work in cash at the 45609
times and in the amounts as provided by sections 153.12, 153.13, 45610
and 153.14 of the Revised Code. 45611

(H) When two or more bids are equal, in whole or in part, and 45612
are lower than any others, either may be accepted, but in no case 45613
shall the work be divided between these bidders. 45614

(I) When there is reason to believe there is collusion or 45615
combination among the bidders, the bids of those concerned in the 45616
collusion or combination shall be rejected. 45617

(J) No project subject to this section shall be divided into 45618
component parts, separate projects, or items of work in order to 45619
avoid the requirements of this section. 45620

Sec. 3501.01. As used in the sections of the Revised Code 45621
relating to elections and political communications: 45622

(A) "General election" means the election held on the first 45623
Tuesday after the first Monday in each November. 45624

(B) "Regular municipal election" means the election held on 45625
the first Tuesday after the first Monday in November in each 45626
odd-numbered year. 45627

(C) "Regular state election" means the election held on the 45628
first Tuesday after the first Monday in November in each 45629
even-numbered year. 45630

(D) "Special election" means any election other than those 45631

elections defined in other divisions of this section. A special 45632
election may be held only on the first Tuesday after the first 45633
Monday in May or November, on the first Tuesday after the first 45634
Monday in August in accordance with section 3501.022 of the 45635
Revised Code, or on the day authorized by a particular municipal 45636
or county charter for the holding of a primary election, except 45637
that in any year in which a presidential primary election is held, 45638
no special election shall be held in May, except as authorized by 45639
a municipal or county charter, but may be held on the third 45640
Tuesday after the first Monday in March. 45641

(E)(1) "Primary" or "primary election" means an election held 45642
for the purpose of nominating persons as candidates of political 45643
parties for election to offices, and for the purpose of electing 45644
persons as members of the controlling committees of political 45645
parties and as delegates and alternates to the conventions of 45646
political parties. Primary elections shall be held on the first 45647
Tuesday after the first Monday in May of each year except in years 45648
in which a presidential primary election is held. 45649

(2) "Presidential primary election" means a primary election 45650
as defined by division (E)(1) of this section at which an election 45651
is held for the purpose of choosing delegates and alternates to 45652
the national conventions of the major political parties pursuant 45653
to section 3513.12 of the Revised Code. Unless otherwise 45654
specified, presidential primary elections are included in 45655
references to primary elections. In years in which a presidential 45656
primary election is held, all primary elections shall be held on 45657
the third Tuesday after the first Monday in March except as 45658
otherwise authorized by a municipal or county charter. 45659

(F) "Political party" means any group of voters meeting the 45660
requirements set forth in section 3517.01 of the Revised Code for 45661
the formation and existence of a political party. 45662

(1) "Major political party" means any political party 45663

organized under the laws of this state whose candidate for 45664
governor or nominees for presidential electors received not less 45665
than twenty per cent of the total vote cast for such office at the 45666
most recent regular state election. 45667

(2) "Minor political party" means any political party 45668
organized under the laws of this state that meets either of the 45669
following requirements: 45670

(a) Except as otherwise provided in this division, the 45671
political party's candidate for governor or nominees for 45672
presidential electors received less than twenty per cent but not 45673
less than three per cent of the total vote cast for such office at 45674
the most recent regular state election. A political party that 45675
meets the requirements of this division remains a political party 45676
for a period of four years after meeting those requirements. 45677

(b) The political party has filed with the secretary of 45678
state, subsequent to its failure to meet the requirements of 45679
division (F)(2)(a) of this section, a petition that meets the 45680
requirements of section 3517.01 of the Revised Code. 45681

A newly formed political party shall be known as a minor 45682
political party until the time of the first election for governor 45683
or president which occurs not less than twelve months subsequent 45684
to the formation of such party, after which election the status of 45685
such party shall be determined by the vote for the office of 45686
governor or president. 45687

(G) "Dominant party in a precinct" or "dominant political 45688
party in a precinct" means that political party whose candidate 45689
for election to the office of governor at the most recent regular 45690
state election at which a governor was elected received more votes 45691
than any other person received for election to that office in such 45692
precinct at such election. 45693

(H) "Candidate" means any qualified person certified in 45694

accordance with the provisions of the Revised Code for placement 45695
on the official ballot of a primary, general, or special election 45696
to be held in this state, or any qualified person who claims to be 45697
a write-in candidate, or who knowingly assents to being 45698
represented as a write-in candidate by another at either a 45699
primary, general, or special election to be held in this state. 45700

(I) "Independent candidate" means any candidate who claims 45701
not to be affiliated with a political party, and whose name has 45702
been certified on the office-type ballot at a general or special 45703
election through the filing of a statement of candidacy and 45704
nominating petition, as prescribed in section 3513.257 of the 45705
Revised Code. 45706

(J) "Nonpartisan candidate" means any candidate whose name is 45707
required, pursuant to section 3505.04 of the Revised Code, to be 45708
listed on the nonpartisan ballot, including all candidates for 45709
judge of a municipal court, county court, or court of common 45710
pleas, for member of any board of education, for municipal or 45711
township offices in which primary elections are not held for 45712
nominating candidates by political parties, and for offices of 45713
municipal corporations having charters that provide for separate 45714
ballots for elections for these offices. 45715

(K) "Party candidate" means any candidate who claims to be a 45716
member of a political party and who has been certified to appear 45717
on the office-type ballot at a general or special election as the 45718
nominee of a political party because the candidate has won the 45719
primary election of the candidate's party for the public office 45720
the candidate seeks, has been nominated under section 3517.012, or 45721
is selected by party committee in accordance with section 3513.31 45722
of the Revised Code. 45723

(L) "Officer of a political party" includes, but is not 45724
limited to, any member, elected or appointed, of a controlling 45725
committee, whether representing the territory of the state, a 45726

district therein, a county, township, a city, a ward, a precinct, 45727
or other territory, of a major or minor political party. 45728

(M) "Question or issue" means any question or issue certified 45729
in accordance with the Revised Code for placement on an official 45730
ballot at a general or special election to be held in this state. 45731

(N) "Elector" or "qualified elector" means a person having 45732
the qualifications provided by law to be entitled to vote. 45733

(O) "Voter" means an elector who votes at an election. 45734

(P) "Voting residence" means that place of residence of an 45735
elector which shall determine the precinct in which the elector 45736
may vote. 45737

(Q) "Precinct" means a district within a county established 45738
by the board of elections of such county within which all 45739
qualified electors having a voting residence therein may vote at 45740
the same polling place. 45741

(R) "Polling place" means that place provided for each 45742
precinct at which the electors having a voting residence in such 45743
precinct may vote. 45744

(S) "Board" or "board of elections" means the board of 45745
elections appointed in a county pursuant to section 3501.06 of the 45746
Revised Code. 45747

(T) "Political subdivision" means a county, township, city, 45748
village, or school district. 45749

(U) "Election officer" or "election official" means any of 45750
the following: 45751

(1) Secretary of state; 45752

(2) Employees of the secretary of state serving the division 45753
of elections in the capacity of attorney, administrative officer, 45754
administrative assistant, elections administrator, office manager, 45755
or clerical supervisor; 45756

(3) Director of a board of elections;	45757
(4) Deputy director of a board of elections;	45758
(5) Member of a board of elections;	45759
(6) Employees of a board of elections;	45760
(7) Precinct election officials;	45761
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	45762 45763
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	45764 45765 45766 45767 45768 45769 45770
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	45771 45772 45773 45774
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental	45775 45776 45777 45778 45779 45780 45781 45782 45783 45784 45785 45786

disabilities, the opportunities for Ohioans with disabilities 45787
agency, and any other agency the secretary of state designates. 45788
"Designated agency" does not include public high schools and 45789
vocational schools, public libraries, or the office of a county 45790
treasurer. 45791

(Y) "National Voter Registration Act of 1993" means the 45792
"National Voter Registration Act of 1993," 107 Stat. 77, 42 45793
U.S.C.A. 1973gg. 45794

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 45795
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 45796

(AA)(1) "Photo identification" means one of the following 45797
documents that includes the individual's name and photograph and 45798
is not expired: 45799

(a) An Ohio driver's license, state identification card, or 45800
interim identification form issued by the registrar of motor 45801
vehicles or a deputy registrar under Chapter 4506. or 4507. of the 45802
Revised Code; 45803

(b) A United States passport or passport card; 45804

(c) A United States military identification card, Ohio 45805
national guard identification card, or United States department of 45806
veterans affairs identification card. 45807

(2) A "copy" of an individual's photo identification means 45808
images of both the front and back of a document described in 45809
division (AA)(1) of this section, except that if the document is a 45810
United States passport, a copy of the photo identification means 45811
an image of the passport's identification page that includes the 45812
individual's name, photograph, and other identifying information 45813
and the passport's expiration date. 45814

(BB) "Driver's license" means a license or permit issued by 45815
the registrar or a deputy registrar under Chapter 4506. or 4507. 45816

of the Revised Code that authorizes an individual to drive. 45817
"Driver's license" includes a driver's license, commercial 45818
driver's license, probationary license, restricted license, 45819
motorcycle operator's license, or temporary instruction permit 45820
identification card. "Driver's license" does not include a 45821
~~nonrenewable~~ limited term license issued under section 4507.09 of 45822
the Revised Code. 45823

(CC) "State identification card" means a card issued by the 45824
registrar or a deputy registrar under sections 4507.50 to 4507.52 45825
of the Revised Code. 45826

(DD) "Interim identification form" means the document issued 45827
by the registrar or a deputy registrar to an applicant for a 45828
driver's license or state identification card that contains all of 45829
the information otherwise found on the license or card and that an 45830
applicant may use as a form of identification until the physical 45831
license or card arrives in the mail. 45832

Sec. 3501.27. (A) All precinct election officials shall 45833
complete a program of instruction pursuant to division (B) of this 45834
section. No person who has been convicted of a felony or any 45835
violation of the election laws, who is unable to read and write 45836
the English language readily, or who is a candidate for an office 45837
to be voted for by the voters of the precinct in which the person 45838
is to serve shall serve as an election officer. A person when 45839
appointed as an election officer shall receive from the board of 45840
elections a certificate of appointment that may be revoked at any 45841
time by the board for good and sufficient reasons. The certificate 45842
shall be in the form the board prescribes and shall specify the 45843
precinct, ward, or district in and for which the person to whom it 45844
is issued is appointed to serve, the date of appointment, and the 45845
expiration of the person's term of service. 45846

(B) Each board shall establish a program as prescribed by the 45847

secretary of state for the instruction of election officers in the 45848
rules, procedures, and law relating to elections. In each program, 45849
the board shall use training materials prepared by the secretary 45850
of state and may use additional materials prepared by or on behalf 45851
of the board. The board may use the services of unpaid volunteers 45852
in conducting its program and may reimburse those volunteers for 45853
necessary and actual expenses incurred in participating in the 45854
program. 45855

The board shall train each new election officer before the 45856
new officer participates in the first election in that capacity. 45857
The board shall instruct election officials who have been trained 45858
previously only when the board or secretary of state considers 45859
that instruction necessary, but the board shall reinstruct such 45860
persons, other than voting location managers, at least once in 45861
every three years and shall reinstruct voting location managers 45862
before the primary election in even-numbered years. The board 45863
shall schedule any program of instruction within sixty days prior 45864
to the election in which the officials to be trained will 45865
participate. 45866

(C) The duties of a precinct election official in each 45867
polling place shall be performed only by an individual who has 45868
successfully completed the requirements of the program, unless 45869
such an individual is unavailable after reasonable efforts to 45870
obtain such services. 45871

(D) The secretary of state shall establish a program for the 45872
instruction of members of boards of elections and employees of 45873
boards in the rules, procedures, and law relating to elections. 45874
Each member and employee shall complete the training program 45875
within six months after the member's or employee's original 45876
appointment or employment, and thereafter each member and employee 45877
shall complete a training program to update their knowledge once 45878
every four years or more often as determined by the secretary of 45879

state. 45880

(E) The secretary of state shall ~~reimburse each county for~~ 45881
~~make grants to the boards of elections to pay~~ the cost of programs 45882
established pursuant to division (B) of this section, ~~once the~~ 45883
~~secretary of state has received an itemized statement of expenses~~ 45884
~~for such instruction programs from the county. The itemized~~ 45885
~~statement shall be in a form prescribed by the secretary of state.~~ 45886

Sec. 3509.05. (A) When an elector receives an absent voter's 45887
ballot pursuant to the elector's application or request, the 45888
elector shall, before placing any marks on the ballot, note 45889
whether there are any voting marks on it. If there are any voting 45890
marks, the ballot shall be returned immediately to the board of 45891
elections; otherwise, the elector shall cause the ballot to be 45892
marked, folded in a manner that the stub on it and the 45893
indorsements and facsimile signatures of the members of the board 45894
of elections on the back of it are visible, and placed and sealed 45895
within the identification envelope received from the board of 45896
elections for that purpose. Then, the elector shall cause the 45897
statement of voter on the outside of the identification envelope 45898
to be completed and signed, under penalty of election 45899
falsification. 45900

(B) The elector shall provide one of the following: 45901

(1) The elector's Ohio driver's license or state 45902
identification card number on the statement of voter on the 45903
identification envelope; 45904

(2) The last four digits of the elector's social security 45905
number on the statement of voter on the identification envelope; 45906

(3) A copy of the elector's photo identification in the 45907
return envelope with the identification envelope. 45908

(C)(1) The elector shall mail the identification envelope to 45909

the office of the board of elections in the return envelope, 45910
postage prepaid, or the elector may personally deliver it to the 45911
office of the board, or the spouse of the elector, the father, 45912
mother, father-in-law, mother-in-law, grandfather, grandmother, 45913
brother, or sister of the whole or half blood, or the son, 45914
daughter, adopting parent, adopted child, stepparent, stepchild, 45915
uncle, aunt, nephew, or niece of the elector may deliver it to the 45916
office of the board. The return envelope shall be returned by no 45917
other person, in no other manner, and to no other location, except 45918
as otherwise provided in section 3509.08 of the Revised Code. 45919

(2) If the board maintains multiple offices in the county, as 45920
permitted under division (C) of section 3501.10 of the Revised 45921
Code, the board may designate any of its offices for the return of 45922
absent voter's ballots under this section, provided that the board 45923
shall designate only one office to which absent voter's ballots 45924
shall be returned under this section. 45925

(3)(a) The board of elections may place not more than one 45926
secure receptacle outside the office of the board, on the property 45927
on which the office of the board is located, for the purpose of 45928
receiving absent voter's ballots under this section. 45929

(b) A secure receptacle shall be open to receive ballots only 45930
during the period beginning on the first day after the close of 45931
voter registration before the election and ending at seven-thirty 45932
p.m. on the day of the election. The receptacle shall be open to 45933
receive ballots at all times during that period. 45934

(c) A secure receptacle shall be monitored by recorded video 45935
surveillance at all times. The video recordings are a public 45936
record. The board shall do one of the following: 45937

(i) Make the video recordings available for inspection 45938
~~immediately upon request, notwithstanding any contrary provision~~ 45939
~~of in accordance with section 149.43 of the Revised Code.~~ 45940

(ii) Make each day's video recording available to the public 45941
on the internet for streaming or download without charge within 45942
~~twenty-four~~ seventy-two hours after the recording ends and make 45943
the video recordings available to the public upon request in 45944
accordance with section 149.43 of the Revised Code. 45945

(d) Only a bipartisan team of election officials may open a 45946
secure receptacle or handle its contents. A bipartisan team of 45947
election officials shall collect the contents of each secure 45948
receptacle and deliver them to the board for processing at least 45949
once each day and at seven-thirty p.m. on the day of the election. 45950
If, at seven-thirty p.m. on the day of the election, there are 45951
persons waiting in line to deposit absent voter's ballots in a 45952
receptacle, those persons shall be permitted to deposit the 45953
ballots. 45954

(4)(a) During the period beginning on the forty-fifth day 45955
before election day and ending on the day after election day, on 45956
each day the office of the board of elections is open for 45957
business, the board shall report to the secretary of state all of 45958
the following information concerning the previous business day: 45959

(i) The number of return envelopes purporting to contain 45960
absent voter's ballots or uniformed services or overseas absent 45961
voter's ballots the board received by personal delivery, other 45962
than to a receptacle described in division (C)(3) of this section; 45963

(ii) If the board has placed a secure receptacle outside the 45964
office of the board under division (C)(3) of this section, the 45965
number of return envelopes purporting to contain absent voter's 45966
ballots or uniformed services or overseas absent voter's ballots 45967
the board received in the receptacle. 45968

(b) As soon as practicable after receiving a report under 45969
division (C)(4)(a) of this section, the secretary of state shall 45970
make the information in the report available to the public on the 45971

secretary of state's official web site. 45972

(D)(1) Except as otherwise provided in division (D)(2) of 45973
this section, all envelopes containing marked absent voter's 45974
ballots shall be delivered to the office of the board not later 45975
than the close of the polls on the day of an election. Absent 45976
voter's ballots delivered to the office of the board later than 45977
the times specified shall not be counted, but shall be kept by the 45978
board in the sealed identification envelopes in which they are 45979
delivered, until the time provided by section 3505.31 of the 45980
Revised Code for the destruction of all other ballots used at the 45981
election for which ballots were provided, at which time they shall 45982
be destroyed. 45983

(2)(a) Except as otherwise provided in division (D)(2)(b) of 45984
this section, any return envelope that is postmarked prior to the 45985
day of the election shall be delivered to the director prior to 45986
the fifth day after the election. Ballots delivered in envelopes 45987
postmarked prior to the day of the election that are received 45988
after the close of the polls on election day through the fourth 45989
day thereafter shall be counted on the fifth day at the board of 45990
elections in the manner provided in divisions (C) and (D) of 45991
section 3509.06 of the Revised Code or in the manner provided in 45992
division (E) of that section, as applicable. Any such ballots that 45993
are received by the director later than the fourth day following 45994
the election shall not be counted, but shall be kept by the board 45995
in the sealed identification envelopes as provided in division (A) 45996
of this section. 45997

(b) Division (D)(2)(a) of this section shall not apply to any 45998
mail that is postmarked using a postage evidencing system, 45999
including a postage meter, as defined in 39 C.F.R. 501.1. 46000

Sec. 3517.02. (A)(1) All members of controlling committees of 46001
a major political party shall be elected by direct vote of the 46002

members of the party, except as otherwise provided in section 46003
3517.05 of the Revised Code. Their names shall be placed upon the 46004
official ballot, and, notwithstanding division (B) of section 46005
3513.23 of the Revised Code, the persons receiving the highest 46006
number of votes for committeepersons shall be the members of those 46007
controlling committees. ~~Each~~ 46008

(2) Each member of a controlling committee shall be a 46009
~~resident and~~ qualified elector of this state and, except as 46010
otherwise provided in division (A)(3) of this section, shall be a 46011
resident and qualified elector of the district, ward, or precinct 46012
that the member is elected to represent. ~~All~~ 46013

(3) A county controlling committee may adopt a bylaw 46014
specifying that a person who is appointed to fill a vacancy on the 46015
committee under section 3517.05 of the Revised Code is not 46016
required to be a resident of the precinct the person is to 46017
represent, so long as the person is a resident of the township or 46018
municipal corporation in which the precinct is located. A member 46019
of a county controlling committee who is appointed pursuant to 46020
such a bylaw shall have the same duties and privileges as a member 46021
of the committee who resides in the precinct the member 46022
represents. A county controlling committee that adopts such a 46023
bylaw shall file a copy of its updated constitution and bylaws 46024
with the board of elections. 46025

(B) All members of controlling committees of a minor 46026
political party shall be determined in accordance with party 46027
rules. 46028

(C) Each political party shall file with the office of the 46029
secretary of state a copy of its constitution and bylaws, if any, 46030
within thirty days of adoption or amendment. Each party shall also 46031
file with the office of the secretary of state a list of members 46032
of its controlling committees and other party officials within 46033
thirty days of their election or appointment. 46034

Sec. 3517.03. The controlling committees of each major political party or organization shall be a state central committee consisting of two members, one a man and one a woman, representing either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines; a county central committee consisting of one member ~~from~~ representing each election precinct in the county, or of one member ~~from~~ representing each ward in each city and ~~from~~ representing each township in the county, as the outgoing committee determines; and such district, city, township, or other committees as the rules of the party provide.

All the members of such committees shall be members of the party and shall be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year. Except as otherwise provided in section 3517.02 of the Revised Code, candidates for election as state central committee members shall be elected at primaries in the same manner as provided in sections 3513.01 to 3513.32 of the Revised Code for the nomination of candidates for office in a county. Candidates for election as members of the county central committee shall be elected at primaries in the same manner as provided in those sections for the nomination of candidates for county offices, except as otherwise provided in sections 3513.051 and 3517.02 of the Revised Code.

Each major party controlling committee shall elect an executive committee that shall have the powers granted to it by the party controlling committee, and provided to it by law. When a judicial, senatorial, or congressional district is comprised of more than one county, the chairperson and secretary of the county central committee from each county in that district shall constitute the judicial, senatorial, or congressional committee of the district. When a judicial, senatorial, or congressional

district is included within a county, the county central committee 46067
shall constitute the judicial, senatorial, or congressional 46068
committee of the district. 46069

A minor political party may elect controlling committees at a 46070
primary election in the even-numbered year by filing a plan for 46071
party organization with the secretary of state on or before the 46072
ninetieth day before the day of the primary election. The plan 46073
shall specify which offices are to be elected and provide the 46074
procedure for qualification of candidates for those offices. 46075
Candidates to be elected pursuant to the plan shall be designated 46076
and qualified on or before the ninetieth day before the day of the 46077
election. Such parties may, in lieu of electing a controlling 46078
committee or other officials, choose such committee or other 46079
officials in accordance with party rules. Each such party shall 46080
file the names and addresses of members of its controlling 46081
committee and party officers with the secretary of state. 46082

Sec. 3701.021. (A) The director of health shall adopt, in 46083
accordance with Chapter 119. of the Revised Code, such rules as 46084
are necessary to carry out sections 3701.021 to 3701.0210 of the 46085
Revised Code, including, but not limited to, rules to establish 46086
the following: 46087

(1) Subject to division (D) of this section, medical and 46088
financial eligibility requirements for the program for ~~medically~~ 46089
~~handicapped~~ children and youth with special health care needs; 46090

(2) Subject to division (C) of this section, eligibility 46091
requirements for providers who provide goods and services for the 46092
program for ~~medically handicapped~~ children and youth with special 46093
health care needs; 46094

(3) Procedures to be followed by the department of health in 46095
disqualifying providers for violating requirements adopted under 46096
division (A)(2) of this section; 46097

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	46098 46099 46100 46101
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	46102 46103
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children <u>and youth with special health care needs</u> and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	46104 46105 46106 46107 46108
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	46109 46110 46111
(8) Criteria for payment of approved providers who provide goods and services for medically handicapped children <u>and youth with special health care needs</u> ;	46112 46113 46114
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children <u>and youth with special health care needs</u> is cost-effective;	46115 46116 46117 46118
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	46119 46120 46121
(11) Terms of appointment for members of the medically handicapped children's <u>children and youth with special health care needs</u> medical advisory council created in section 3701.025 of the Revised Code;	46122 46123 46124 46125
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	46126 46127

(13) If a manufacturer discount program is established under 46128
division (J)(1) of section 3701.023 of the Revised Code, 46129
procedures for administering the program, including criteria and 46130
other requirements for participation in the program by 46131
manufacturers of drugs and nutritional formulas. 46132

(B) The department of health shall develop a manual of 46133
operational procedures and guidelines for the program for 46134
~~medically handicapped~~ children and youth with special health care 46135
needs to implement sections 3701.021 to 3701.0210 of the Revised 46136
Code. 46137

(C) A medicaid provider, as defined in section 5164.01 of the 46138
Revised Code, is eligible to be a provider of the same goods and 46139
services for the program for ~~medically handicapped~~ children and 46140
youth with special health care needs that the provider is approved 46141
to provide for the medicaid program and the director shall approve 46142
such a provider for participation in the program for ~~medically~~ 46143
~~handicapped~~ children and youth with special health care needs. 46144

(D) In establishing medical and financial eligibility 46145
requirements for the program for ~~medically handicapped~~ children 46146
and youth with special health care needs, the director of health 46147
shall not specify an age restriction that excludes from 46148
eligibility an individual who is either of the following: 46149

(1) Beginning on July 1, 2021, less than twenty-two years of 46150
age; 46151

(2) Beginning on July 1, 2022, less than twenty-three years 46152
of age. 46153

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of 46154
the Revised Code: 46155

(A) "~~Medically handicapped child~~ Child or youth with special 46156
health care needs" means an Ohio resident who meets the age 46157

requirements set forth in division (D) of section 3701.021 of the Revised Code who ~~suffers primarily from~~ has an organic disease, defect, or a congenital or acquired ~~physically handicapping and associated~~ medical condition that may hinder the achievement of normal growth and development.

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for ~~medically handicapped~~ children and youth with special health care needs.

(C) "Service coordination" means case management services provided to ~~medically handicapped~~ children and youth with special health care needs that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.

(D)(1) "Third party" means any person or government entity other than the following:

(a) A ~~medically handicapped~~ child or youth with special health care needs participating in the program for ~~medically handicapped~~ children and youth with special health care needs or the ~~child's~~ child or youth's parent or guardian;

(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;

(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.

(2) "Third party" includes all of the following:

(a) Any trust established to benefit a ~~medically handicapped~~ 46189
child or youth with special health care needs participating in the 46190
program or the ~~child's~~ child or youth's family or guardians, if 46191
the trust was established after the date the ~~medically handicapped~~ 46192
child or youth with special health care needs applied to 46193
participate in the program; 46194

(b) That portion of a trust designated to pay for the medical 46195
and ancillary care of a ~~medically handicapped~~ child or youth with 46196
special health care needs, if the trust was established on or 46197
before the date the ~~medically handicapped~~ child or youth with 46198
special health care needs applied to participate in the program; 46199

(c) The program awarding reparations to victims of crime 46200
established under sections 2743.51 to 2743.72 of the Revised Code. 46201

(E) "Third-party benefits" means any and all benefits paid by 46202
a third party to or on behalf of a ~~medically handicapped~~ child or 46203
youth with special health care needs participating in the program 46204
or the ~~child's~~ child or youth's parent or guardian for goods or 46205
services that are authorized by the department pursuant to 46206
division (B) or (D) of section 3701.023 of the Revised Code. 46207

(F) "Hemophilia program" means the hemophilia program the 46208
department of health is required to establish and administer under 46209
section 3701.029 of the Revised Code. 46210

Sec. 3701.023. (A) The department of health shall review 46211
applications for eligibility for the program for ~~medically~~ 46212
~~handicapped~~ children and youth with special health care needs that 46213
are submitted to the department by city and general health 46214
districts and physician providers approved in accordance with 46215
division (C) of this section. The department shall determine 46216
whether the applicants meet the medical and financial eligibility 46217
requirements established by the director of health pursuant to 46218
division (A)(1) of section 3701.021 of the Revised Code, and by 46219

the department in the manual of operational procedures and 46220
guidelines for the program for ~~medically handicapped~~ children and 46221
youth with special health care needs developed pursuant to 46222
division (B) of that section. Referrals of potentially eligible 46223
children and youth for the program may be submitted to the 46224
department on behalf of the child or youth by parents, guardians, 46225
public health nurses, or any other interested person. The 46226
department of health may designate other agencies to refer 46227
applicants to the department of health. 46228

(B) In accordance with the procedures established in rules 46229
adopted under division (A)(4) of section 3701.021 of the Revised 46230
Code, the department of health shall authorize a provider or 46231
providers to provide to any Ohio resident under twenty-one years 46232
of age, without charge to the resident or the resident's family 46233
and without restriction as to the economic status of the resident 46234
or the resident's family, diagnostic services necessary to 46235
determine whether the resident has a ~~medically handicapping~~ 46236
medical diagnosis resulting in, or potentially ~~medically~~ 46237
~~handicapping condition~~ resulting in, special health care needs. 46238

(C) The department of health shall review the applications of 46239
health professionals, hospitals, medical equipment suppliers, and 46240
other individuals, groups, or agencies that apply to become 46241
providers. The department shall enter into a written agreement 46242
with each applicant who is determined, pursuant to the 46243
requirements set forth in rules adopted under division (A)(2) of 46244
section 3701.021 of the Revised Code, to be eligible to be a 46245
provider in accordance with the provider agreement required by the 46246
medicaid program. No provider shall charge a ~~medically handicapped~~ 46247
child or youth with special health care needs or the ~~child's~~ child 46248
or youth's parent or guardian for services authorized by the 46249
department under division (B) or (D) of this section. 46250

The department, in accordance with rules adopted under 46251

division (A)(3) of section 3701.021 of the Revised Code, may 46252
disqualify any provider from further participation in the program 46253
for violating any requirement set forth in rules adopted under 46254
division (A)(2) of that section. The disqualification shall not 46255
take effect until a written notice, specifying the requirement 46256
violated and describing the nature of the violation, has been 46257
delivered to the provider and the department has afforded the 46258
provider an opportunity to appeal the disqualification under 46259
division (H) of this section. 46260

(D) The department of health shall evaluate applications from 46261
city and general health districts and approved physician providers 46262
for authorization to provide treatment services, service 46263
coordination, and related goods to children or youth determined to 46264
be eligible for the program for ~~medically handicapped~~ children and 46265
youth with special health care needs pursuant to division (A) of 46266
this section. The department shall authorize necessary treatment 46267
services, service coordination, and related goods for each 46268
eligible child or youth in accordance with an individual plan of 46269
treatment for the child or youth. As an alternative, the 46270
department may authorize payment of health insurance premiums on 46271
behalf of eligible children or youth when the department 46272
determines, in accordance with criteria set forth in rules adopted 46273
under division (A)(9) of section 3701.021 of the Revised Code, 46274
that payment of the premiums is cost-effective. 46275

(E) The department of health shall pay, from appropriations 46276
to the department, any necessary expenses, including but not 46277
limited to, expenses for diagnosis, treatment, service 46278
coordination, supportive services, transportation, and accessories 46279
and their upkeep, provided to ~~medically handicapped~~ children and 46280
youth with special health care needs, provided that the provision 46281
of the goods or services is authorized by the department under 46282
division (B) or (D) of this section. Money appropriated to the 46283

department of health may also be expended for reasonable 46284
administrative costs incurred by the program. The department of 46285
health also may purchase liability insurance covering the 46286
provision of services under the program for ~~medically handicapped~~ 46287
children and youth with special health care needs by physicians 46288
and other health care professionals. 46289

Payments made to providers by the department of health 46290
pursuant to this division for inpatient hospital care, outpatient 46291
care, and all other medical assistance furnished to eligible 46292
recipients shall be made in accordance with rules adopted by the 46293
director of health pursuant to division (A) of section 3701.021 of 46294
the Revised Code. 46295

The departments of health and medicaid shall jointly 46296
implement procedures to ensure that duplicate payments are not 46297
made under the program for ~~medically handicapped~~ children and 46298
youth with special health care needs and the medicaid program and 46299
to identify and recover duplicate payments. 46300

(F) At the time of applying for participation in the program 46301
for ~~medically handicapped~~ children and youth with special health 46302
care needs, a ~~medically handicapped~~ child or youth with special 46303
health care needs or the ~~child's~~ child or youth's parent or 46304
guardian shall disclose the identity of any third party against 46305
whom the child or youth or the ~~child's~~ child or youth's parent or 46306
guardian has or may have a right of recovery for goods and 46307
services provided under division (B) or (D) of this section. The 46308
department of health shall require a ~~medically handicapped~~ child 46309
or youth with special health care needs who receives services from 46310
the program or the ~~child's~~ child or youth's parent or guardian to 46311
apply for all third-party benefits for which the child or youth 46312
may be eligible and require the child or youth, parent, or 46313
guardian to apply all third-party benefits received to the amount 46314
determined under division (E) of this section as the amount 46315

payable for goods and services authorized under division (B) or 46316
(D) of this section. The department is the payer of last resort 46317
and shall pay for authorized goods or services, up to the amount 46318
determined under division (E) of this section for the authorized 46319
goods or services, only to the extent that payment for the 46320
authorized goods or services is not made through third-party 46321
benefits. When a third party fails to act on an application or 46322
claim for benefits by a ~~medically handicapped~~ child or youth with 46323
special health care needs or the ~~child's~~ child or youth's parent 46324
or guardian, the department shall pay for the goods or services 46325
only after ninety days have elapsed since the date the child or 46326
youth, parents, or guardians made an application or claim for all 46327
third-party benefits. Third-party benefits received shall be 46328
applied to the amount determined under division (E) of this 46329
section. Third-party payments for goods and services not 46330
authorized under division (B) or (D) of this section shall not be 46331
applied to payment amounts determined under division (E) of this 46332
section. Payment made by the department shall be considered 46333
payment in full of the amount determined under division (E) of 46334
this section. Medicaid payments for persons eligible for the 46335
medicaid program shall be considered payment in full of the amount 46336
determined under division (E) of this section. 46337

(G) The department of health shall administer a program to 46338
provide services to Ohio residents who are twenty-one or more 46339
years of age who have cystic fibrosis and who meet the eligibility 46340
requirements established in rules adopted by the director of 46341
health pursuant to division (A)(7) of section 3701.021 of the 46342
Revised Code, subject to all provisions of this section, but not 46343
subject to section 3701.024 of the Revised Code. 46344

(H) The department of health shall provide for appeals, in 46345
accordance with rules adopted under section 3701.021 of the 46346
Revised Code, of denials of applications for the program for 46347

~~medically handicapped~~ children and youth with special health care
needs under division (A) or (D) of this section, disqualification
of providers, or amounts paid under division (E) of this section.
Appeals under this division are not subject to Chapter 119. of the
Revised Code.

The department may designate ombudspersons to assist
~~medically handicapped~~ children and youth with special health care
needs or their parents or guardians, upon the request of the
children or youth, parents, or guardians, in filing appeals under
this division and to serve as ~~children's~~ children or youth's,
parents', or guardians' advocates in matters pertaining to the
administration of the program for ~~medically handicapped~~ children
and youth with special health care needs and eligibility for
program services. The ombudspersons shall receive no compensation
but shall be reimbursed by the department, in accordance with
rules of the office of budget and management, for their actual and
necessary travel expenses incurred in the performance of their
duties.

(I) The department of health, and city and general health
districts providing service coordination pursuant to division
(A)(2) of section 3701.024 of the Revised Code, shall provide
service coordination in accordance with the standards set forth in
the rules adopted under section 3701.021 of the Revised Code,
without charge, and without restriction as to economic status.

(J)(1) The department of health may establish a manufacturer
discount program under which a manufacturer of a drug or
nutritional formula is permitted to enter into an agreement with
the department to provide a discount on the price of the drug or
nutritional formula distributed to ~~medically handicapped~~ children
and youth with special health care needs participating in the
program for ~~medically handicapped~~ children and youth with special
health care needs. The program shall be administered in accordance

with rules adopted under section 3701.021 of the Revised Code. 46380

(2) If a manufacturer enters into an agreement with the 46381
department as described in division (J)(1) of this section, the 46382
manufacturer and the department may negotiate the amount and terms 46383
of the discount. 46384

(3) In lieu of establishing a discount program as described 46385
in division (J)(1) of this section, the department and a 46386
manufacturer of a drug or nutritional formula may discuss a 46387
donation of drugs, nutritional formulas, or money by the 46388
manufacturer to the department. 46389

(K) As used in this division "209(b) option" has the same 46390
meaning as in section 5166.01 of the Revised Code. 46391

The program for ~~medically handicapped~~ children and youth with 46392
special health care needs and the program the department of health 46393
administers pursuant to division (G) of this section shall 46394
continue to assist individuals who have cystic fibrosis and are 46395
enrolled in those programs in qualifying for medicaid under the 46396
spenddown process in the same manner it assists such individuals 46397
on ~~the effective date of this amendment~~ September 29, 2015, 46398
regardless of whether the department of medicaid continues to 46399
implement the 209(b) option. 46400

Sec. 3701.024. (A)(1) Under a procedure established in rules 46401
adopted under section 3701.021 of the Revised Code, the department 46402
of health shall determine the amount each county shall provide 46403
annually for the program for ~~medically handicapped~~ children and 46404
youth with special health care needs, based on a proportion of the 46405
county's total general property tax duplicate, not to exceed 46406
one-tenth of a mill, and charge the county for any part of 46407
expenses incurred under the program for treatment services on 46408
behalf of ~~medically handicapped~~ children and youth with special 46409
health care needs having legal settlement in the county that is 46410

not paid from federal funds or through the medicaid program. The 46411
department shall not charge the county for expenses exceeding the 46412
difference between the amount determined under division (A)(1) of 46413
this section and any amounts retained under divisions (A)(2) and 46414
(3) of this section. 46415

All amounts collected by the department under division (A)(1) 46416
of this section shall be deposited into the state treasury to the 46417
credit of the ~~medically handicapped children county~~ children and 46418
youth with special health care needs-county assessment fund, which 46419
is hereby created. The fund shall be used by the department to 46420
comply with sections 3701.021 to 3701.028 of the Revised Code. 46421

(2) The department, in accordance with rules adopted under 46422
section 3701.021 of the Revised Code, may allow each county to 46423
retain up to ten per cent of the amount determined under division 46424
(A)(1) of this section to provide funds to city or general health 46425
districts of the county with which the districts shall provide 46426
service coordination, public health nursing, or transportation 46427
services for ~~medically handicapped children~~ and youth with special 46428
health care needs. 46429

(3) In addition to any amount retained under division (A)(2) 46430
of this section, the department, in accordance with rules adopted 46431
under section 3701.021 of the Revised Code, may allow counties 46432
that it determines have significant numbers of potentially 46433
eligible ~~medically handicapped children~~ and youth with special 46434
health care needs to retain an amount equal to the difference 46435
between: 46436

(a) Twenty-five per cent of the amount determined under 46437
division (A)(1) of this section; 46438

(b) Any amount retained under division (A)(2) of this 46439
section. 46440

Counties shall use amounts retained under division (A)(3) of 46441

this section to provide funds to city or general health districts 46442
of the county with which the districts shall conduct outreach 46443
activities to increase participation in the program for ~~medically~~ 46444
~~handicapped~~ children and youth with special health care needs. 46445

(4) Prior to any increase in the millage charged to a county, 46446
the director of health shall hold a public hearing on the proposed 46447
increase and shall give notice of the hearing to each board of 46448
county commissioners that would be affected by the increase at 46449
least thirty days prior to the date set for the hearing. Any 46450
county commissioner may appear and give testimony at the hearing. 46451
Any increase in the millage any county is required to provide for 46452
the program for ~~medically handicapped~~ children and youth with 46453
special health care needs shall be determined, and notice of the 46454
amount of the increase shall be provided to each affected board of 46455
county commissioners, no later than the first day of June of the 46456
fiscal year next preceding the fiscal year in which the increase 46457
will take effect. 46458

(B) Each board of county commissioners shall establish a 46459
~~medically handicapped children's~~ children and youth with special 46460
health care needs fund and shall appropriate thereto an amount, 46461
determined in accordance with division (A)(1) of this section, for 46462
the county's share in providing medical, surgical, and other aid 46463
to ~~medically handicapped~~ children and youth with special health 46464
care needs residing in such county and for the purposes specified 46465
in divisions (A)(2) and (3) of this section. Each county shall use 46466
money retained under divisions (A)(2) and (3) of this section only 46467
for the purposes specified in those divisions. 46468

Sec. 3701.025. There is hereby created the ~~medically~~ 46469
~~handicapped children's~~ children and youth with special health care 46470
needs medical advisory council consisting of twenty-one members to 46471
be appointed by the director of health for terms set in accordance 46472

with rules adopted by the director under division (A)(11) of 46473
section 3701.021 of the Revised Code. The ~~medically handicapped~~ 46474
~~children's~~ children and youth with special health care needs 46475
medical advisory council shall advise the director regarding the 46476
administration of the program for ~~medically handicapped~~ children 46477
and youth with special health care needs, the suitable quality of 46478
medical practice for providers, and the requirements for medical 46479
eligibility for the program. 46480

All members of the council shall be licensed physicians, 46481
surgeons, dentists, and other professionals in the field of 46482
medicine, representative of the various disciplines involved in 46483
the treatment of children and youth with ~~medically handicapping~~ 46484
~~conditions~~ special health care needs, and representative of the 46485
treatment facilities involved, such as hospitals, private and 46486
public health clinics, and private physicians' offices, and shall 46487
be eligible for the program. 46488

Members of the council shall receive no compensation, but 46489
shall receive their actual and necessary travel expenses incurred 46490
in the performance of their official duties in accordance with the 46491
rules of the office of budget and management. 46492

Sec. 3701.026. (A) The acceptance of assistance under the 46493
program for ~~medically handicapped~~ children and youth with special 46494
health care needs gives a right of subrogation to the department 46495
of health against the liability of a third party for the costs of 46496
goods or services paid by the department under division (E) of 46497
section 3701.023 of the Revised Code. The department's subrogation 46498
claim shall not exceed the total cost of the goods and services 46499
paid under division (E) of section 3701.023 of the Revised Code. 46500

(B) To enforce its subrogation rights, the department may do 46501
any of the following: 46502

(1) Intervene or join in any action or proceeding brought by 46503

a ~~medically handicapped~~ child or youth with special health care needs or ~~his~~ the child or youth's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code;

(3) Initiate legal proceedings in conjunction with a ~~medically handicapped~~ child or youth with special health care needs or ~~his~~ the child or youth's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code.

(C) When an action or claim is brought against a third party by a ~~medically handicapped~~ child or youth with special health care needs participating in the program or ~~his~~ the child or youth's parent or guardian, the entire amount of any settlement or compromise of the action or claim, or any court award or judgment, is subject to the subrogation right of the department. If all or part of settlement, compromise, award, or judgment is established in the form of a trust to benefit the child or youth or ~~his~~ the child or youth's family or guardians, the department may waive its right of subrogation against all or part of the trust. Any settlement, compromise, award, or judgment that excludes the costs of goods and services paid under division (E) of section 3701.023 of the Revised Code shall not preclude the department from enforcing its subrogation right under this section.

(D) No settlement, compromise, judgment, or award or any recovery in any action or claim by a ~~medically handicapped~~ child or youth with special health care needs or ~~his~~ the child or youth's parent or guardian when the department has a right of subrogation shall be made final without first giving the department notice and the opportunity to perfect its right of

subrogation. If the department is not given notice, the child or 46536
youth, parent, or guardian is liable to reimburse the department 46537
for the cost of goods and services paid under division (E) of 46538
section 3701.023 of the Revised Code out of any recovery received. 46539
The third party becomes liable to the department as soon as the 46540
third party is notified in writing of the valid claims for 46541
subrogation under this section. 46542

(E) Subrogation does not apply to that portion of any 46543
judgment, award, settlement, or compromise of a claim, to the 46544
extent that attorney's fees, costs, or other expenses are incurred 46545
by a ~~medically handicapped~~ child or youth with special health care 46546
needs or ~~his~~ the child or youth's parent or guardian in securing 46547
the judgment, award, settlement, or compromise, or to the extent 46548
that the cost of goods and services specified in divisions (B) and 46549
(D) of section 3701.023 of the Revised Code are paid by the child 46550
or youth, parent, or guardian. Attorney's fees and costs or other 46551
expenses in securing any recovery shall not be assessed against 46552
any subrogated claim of the department. 46553

Sec. 3701.027. The department of health shall administer 46554
funds received from the "Maternal and Child Health Block Grant," 46555
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 46556
U.S.C.A. 701, as amended, for programs including the program for 46557
~~medically handicapped~~ children and youth with special health care 46558
needs, and to provide technical assistance and consultation to 46559
city and general health districts and local health planning 46560
organizations in implementing local, community-based, 46561
family-centered, coordinated systems of care for ~~medically~~ 46562
~~handicapped~~ children and youth with special health care needs. The 46563
department may make grants to persons and other entities for the 46564
provision of services with the funds. In addition, the department 46565
may use the funds to purchase liability insurance covering the 46566
provision of services under the programs by physicians and other 46567

health care professionals, and to pay health insurance premiums on 46568
behalf of ~~medically handicapped~~ children and youth with special 46569
health care needs participating in the program for ~~medically~~ 46570
~~handicapped~~ children and youth with special health care needs when 46571
the department determines, in accordance with criteria set forth 46572
in rules adopted under division (A)(9) of section 3701.021 of the 46573
Revised Code, that payment of the premiums is cost effective. 46574

In determining eligibility for services provided with funds 46575
received from the "Maternal and Child Health Block Grant," the 46576
department may use the application form established under section 46577
5163.40 of the Revised Code. The department may require applicants 46578
to furnish their social security numbers. Funds from the "Maternal 46579
and Child Health Block Grant" that are administered for the 46580
purpose of providing family planning services shall be distributed 46581
in accordance with section 3701.033 of the Revised Code. 46582

Sec. 3701.028. (A) The following records of the program for 46583
~~medically handicapped~~ children and youth with special health care 46584
needs and of programs funded with funds received from the 46585
"Maternal and Child Health Block Grant," Title V of the "Social 46586
Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, 46587
are confidential and are not public records within the meaning of 46588
section 149.43 of the Revised Code: 46589

(1) Records that pertain to medical history, diagnosis, 46590
treatment, or medical condition; 46591

(2) Reports of psychological diagnosis and treatment and 46592
reports of social workers; 46593

(3) Reports of public health nurses. 46594

(B) The department of health shall not release any records 46595
specified in division (A) of this section without consent of the 46596
subject of the record or, if the subject is a minor, ~~his~~ the 46597

minor's parent or guardian, except as necessary to do any of the 46598
following: 46599

(1) Administer the program for ~~medically handicapped~~ children 46600
and youth with special health care needs or other programs funded 46601
with funds received from the "Maternal and Child Health Block 46602
Grant"; 46603

(2) Coordinate the provision of services under the programs 46604
with other state agencies and city and general health districts; 46605

(3) Coordinate payment of providers. 46606

No person or government entity to whom the director, for the 46607
purposes specified in this division, releases records described in 46608
division (A) of this section shall release those records without 46609
consent of the subject of the record or, if the subject is a 46610
minor, ~~his~~ the minor's parent or guardian, except as necessary for 46611
any of the reasons described in this division. 46612

Sec. 3701.0210. The ~~medically handicapped children's~~ children 46613
and youth with special health care needs medical advisory council 46614
shall appoint a hemophilia advisory subcommittee to advise the 46615
director of health and council on all matters pertaining to the 46616
care and treatment of persons with hemophilia. The duties of the 46617
subcommittee include, but are not limited to, the monitoring of 46618
care and treatment of children and adults who suffer from 46619
hemophilia or from other similar blood disorders. 46620

The subcommittee shall consist of not fewer than fifteen 46621
members, each of whom shall be appointed to terms of four years. 46622
The members of the subcommittee shall elect a chairperson from 46623
among the appointed membership to serve a term of two years. 46624
Members of the subcommittee shall serve without compensation, 46625
except that they may be reimbursed for travel expenses to and from 46626
meetings of the subcommittee. 46627

Members shall be appointed to represent all geographic areas 46628
of this state. Not fewer than five members of the subcommittee 46629
shall be persons with hemophilia or family members of persons with 46630
hemophilia. Not fewer than five members shall be providers of 46631
health care services to persons with hemophilia. Not fewer than 46632
five members shall be experts in fields of importance to treatment 46633
of persons with hemophilia, including experts in infectious 46634
diseases, insurance, and law. 46635

Notwithstanding section 101.83 of the Revised Code, that 46636
section does not apply to the ~~medically handicapped children's~~ 46637
children and youth with special health care needs medical advisory 46638
council hemophilia advisory subcommittee, and the subcommittee 46639
shall not expire under that section. 46640

Sec. 3701.0212. (A) There is created the center for community 46641
health worker excellence, a public-private partnership to support 46642
and foster the practice of community health workers and improve 46643
access to community health worker services across this state. 46644

(B) The center shall be a public-private partnership governed 46646
by a board of directors comprised of the following members: 46647

(1) The director of the department of health or the 46648
director's designee; 46649

(2) The executive director of the commission on minority 46650
health or the director's designee; 46651

(3) The medicaid director or the director's designee; 46652

(4) The executive director of the board of nursing or the 46653
director's designee; 46654

(5) The superintendent of public instruction or the 46655
superintendent's designee; 46656

(6) A representative of an OhioMeansJobs center operator, as 46657

defined in section 6301.01 of the Revised Code, appointed by the 46658
director of job and family services; 46659

(7) An individual who provides services within one or more 46660
community HUBs that fully or substantially comply with the 46661
pathways community HUB certification standards developed by the 46662
pathways community HUB institute, appointed by the director of 46663
health; 46664

(8) A representative of the Ohio association of community 46665
health workers, appointed by that entity; 46666

(9) A representative of the Ohio health information 46667
partnership, appointed by that entity; 46668

(10) A representative of the center for community solutions, 46669
appointed by that entity; 46670

(11) A representative of the Ohio association of community 46671
colleges, appointed by that entity; 46672

(12) A representative of the Ohio association of community 46673
health centers, appointed by that entity; 46674

(13) A representative of the Ohio alliance for population 46675
health, appointed by that entity; 46676

(14) A member of the house of representatives, appointed by 46677
the speaker of the house of representatives; 46678

(15) A member of the senate, appointed by the president of 46679
the senate. 46680

(C) Initial appointments to the committee shall be made not 46681
later than sixty days after the effective date of this section. 46682
Terms shall be two years, and members may be reappointed. If an 46683
appointed member no longer satisfies the grounds upon which the 46684
member was appointed, the member is ineligible to continue to 46685
serve, and a new member shall be appointed in accordance with 46686
division (B) of this section. 46687

Vacancies shall be filled in the manner provided for original 46688
appointments. Any member appointed to fill a vacancy occurring 46689
prior to the expiration date of the term for which the member's 46690
predecessor was appointed shall hold office as a member for the 46691
remainder of that term. 46692

Members of the board shall serve without compensation, except 46693
to the extent that serving on the board is considered part of the 46694
member's regular duties of employment. Members shall be reimbursed 46695
for actual and necessary expenses incurred in the performance of 46696
official duties. 46697

(D) The board of directors shall annually select from its 46698
members a chairperson or co-chairpersons. 46699

(E) The board of directors shall meet at the call of the 46700
chairperson but not less than quarterly. A majority of the members 46701
of the board constitutes a quorum. The chairperson shall provide 46702
members with at least five days written notice of all meetings. 46703

(F) Under the direction and oversight of the board of 46704
directors, and as implemented by health impact Ohio and the Ohio 46705
alliance for population health at Ohio university, the center 46706
shall engage in all of the following activities: 46707

(1) Establishing an electronic platform that may be accessed 46708
statewide to connect community health workers with individuals or 46709
communities in need of their services; 46710

(2) Evaluating and reporting on the state of the community 46711
health workforce in Ohio, including the total number of community 46712
health workers employed, the settings in which they practice, the 46713
number certified by the board of nursing, the average income or 46714
hourly wage earned by a community health worker, the reimbursement 46715
rates and needs of community health workers, and any available 46716
funding sources; 46717

(3) Creating and maintaining a web site or other electronic 46718

tools to coordinate resources for individuals practicing or 46719
seeking to practice as community health workers, including 46720
resources related to recruitment, education, training, 46721
certification, employment, and mentorships; 46722

(4) Making continuing education hours or credits available 46723
for free to community health workers certified by the board of 46724
nursing; 46725

(5) Providing financial assistance to employers that host or 46726
offer practicums or other training to community health workers 46727
seeking certification by board of nursing. 46728

In performing the activities, the center, together with 46729
health impact Ohio and the Ohio alliance for population health at 46730
Ohio university, may as necessary collaborate with other 46731
organizations and institutions, in particular, clinisync, unite 46732
us, Ohio association of community health workers, board of 46733
nursing, and university of Toledo. 46734

(G) The board shall issue a report to the governor and 46735
general assembly describing its activities and any recommendations 46736
pertaining to community health workers by the first of January of 46737
each odd numbered calendar year. 46738

Sec. 3701.25. (A) As used in sections 3701.25 to 3701.255 of 46739
the Revised Code: 46740

(1) "Certified nurse practitioner" and "clinical nurse 46741
specialist" have the same meanings as in section 4723.01 of the 46742
Revised Code. 46743

(2) "Hospital" has the same meaning as in section 3722.01 of 46744
the Revised Code. 46745

(3) "Parkinson's disease" means a chronic and progressive 46746
neurological disorder resulting from a deficiency of the 46747
neurotransmitter dopamine as the consequence of specific 46748

degenerative changes in the area of the brain called the basal ganglia. It is characterized by tremor at rest, slow movements, muscle rigidity, stooped posture, and unsteady or shuffling gait. 46749
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(4) "Parkinsonisms" means conditions related to Parkinson's disease that cause a combination of the movement abnormalities seen in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech, or muscle stiffness, which often overlap with and can evolve from what appears to be Parkinson's disease. Examples of Parkinsonisms include: 46752
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(a) Multiple system atrophy; 46758

(b) Dementia with Lewy bodies; 46759

(c) Corticobasal degeneration; 46760

(d) Progressive supranuclear palsy. 46761

(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 46762
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(6) "Physician assistant" means an individual authorized under Chapter 4730. of the Revised Code to practice as a physician assistant. 46765
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(B) Within one year of the effective date of this section, the director of health shall establish and maintain a Parkinson's disease registry for the collection and monitoring of the incidence of Parkinson's disease in Ohio. 46768
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(C) The director shall supervise the registry and the collection and dissemination of data included in the registry. The director may enter into contracts, grants, or other agreements as necessary to maintain the registry, including data sharing contracts with data reporting entities and their associated electronic medical record systems vendors. The director shall include the data collected by the registry in the Ohio public 46772
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health information warehouse. 46779

(D) Within thirty days of the establishment of the registry 46780
and at least quarterly thereafter, each individual case of 46781
Parkinson's disease or a Parkinsonism shall be reported to the 46782
registry in a format specified by the director by one of the 46783
following: 46784

(1) The certified nurse practitioner, clinical nurse 46785
specialist, physician, or physician assistant who diagnosed or 46786
treated the individual's Parkinson's disease or Parkinsonism; 46787

(2) The group practice, hospital, or other health care 46788
facility that employs or contracts with the medical professional 46789
described in division (D)(1) of this section. 46790

(E) Each medical professional or health care facility 46791
specified in division (D) of this section shall inform patients 46792
diagnosed with Parkinson's disease or a Parkinsonism at the time 46793
of diagnosis or treatment of the Parkinson's disease registry and 46794
of the patient's right not to participate. If a patient chooses 46795
not to participate in the registry, the medical professional or 46796
health care facility shall report to the registry only the 46797
existence of the Parkinson's disease or Parkinsonism case and no 46798
other information. 46799

(F) The director or a representative of a director may 46800
inspect upon reasonable notice a representative sample of the 46801
medical records of patients with Parkinson's disease diagnosed, 46802
treated, or admitted at a group practice, hospital, or other 46803
health care facility. 46804

(G) Each medical professional or health care facility 46805
specified in division (D) of this section who in good faith 46806
submits a Parkinson's disease report to the registry is not liable 46807
in any cause of action arising from the submission of the report. 46808

(H) Nothing in sections 3701.25 to 3701.255 of the Revised 46809

Code shall be deemed to compel any individual to submit to any 46810
medical examination or supervision by the department of health, 46811
any of its authorized representatives, or an approved researcher. 46812
No individual who seeks information from or obtains registry data 46813
pursuant to section 3701.251 of the Revised Code shall contact a 46814
patient in the registry or a patient's family unless the director 46815
has first obtained the permission of the patient or the patient's 46816
family. The director shall coordinate its activities with the 46817
individual requesting such contact and may authorize the 46818
individual to perform these contacts under the direction of the 46819
director. 46820

(I) Facilities or individuals providing diagnostic or 46821
treatment services to patients with Parkinson's disease may 46822
maintain separate facility-based Parkinson's disease registries. 46823

(J) Within thirty days of the effective date of this section, 46824
the director shall publish the reporting requirements established 46825
by this section on the department of health's internet web site. 46826
The director also may notify professional associations 46827
representing health care providers and hospitals of the reporting 46828
requirements. 46829

Sec. 3701.251. (A) Except as otherwise provided in this 46830
section, all data collected by the Parkinson's disease registry is 46831
confidential. Notwithstanding any other law to the contrary, any 46832
disclosure of confidential data authorized by this section shall 46833
include only the data necessary for the stated purpose of the 46834
requested disclosure, shall be used only for the approved purpose, 46835
and shall not be further disclosed. 46836

(B) The director of health may enter into agreements to 46837
furnish data collected in the Parkinson's disease registry to 46838
other states' Parkinson's disease registries, federal Parkinson's 46839
disease control agencies, local health officers, and local health 46840

researchers. Before confidential data is disclosed to an 46841
out-of-state registry, federal agency, health officer, or 46842
researcher, the requesting entity shall agree in writing to 46843
maintain the confidentiality of that information. Researchers also 46844
shall do the following: 46845

(1) Obtain approval of their institutional review board in 46846
accordance with federal requirements for the protection of human 46847
subjects established in 45 C.F.R. 46, and, as applicable, 21 46848
C.F.R. 56, the HIPAA privacy rule as defined in section 3798.01 of 46849
the Revised Code, and other relevant federal regulations, state 46850
laws, and policies of the institution where the research will be 46851
conducted; 46852

(2) Provide documentation to the director that demonstrates 46853
to the director's satisfaction that the researcher has established 46854
the procedures and ability to maintain the confidentiality of the 46855
information. 46856

(C) The director shall maintain an accurate record of all 46857
individuals who are given access to confidential data. The record 46858
shall include the following: 46859

(1) Name of the department of health employee authorizing 46860
access; 46861

(2) Name, title, address, and organizational affiliation of 46862
the individual given access; 46863

(3) Dates of access; 46864

(4) Specific purpose for which the data will be used. 46865

Records of access shall be open to public inspection during 46866
the normal operating hours of the department. 46867

(D) Notwithstanding any other law to the contrary, 46868
confidential data shall not be disclosed, discoverable, or 46869
compelled to be produced in any civil, criminal, administrative, 46870

or other proceeding. Confidential data shall not be deemed 46871
admissible as evidence in any civil, criminal, administrative, or 46872
other tribunal or court for any reason. 46873

(E) This section does not prohibit the publication of reports 46874
and aggregate statistical data by the director that do not 46875
identify individual cases or individual sources of data. 46876

(F) The patient or the patient's guardian to whom the 46877
information pertains shall have access to the patient's own data. 46878

Sec. 3701.252. (A) There is hereby created the Parkinson's 46879
disease registry advisory committee. The committee shall consist 46880
of the director of health and the following members appointed by 46881
the director: 46882

(1) A neurologist; 46883

(2) A movement disorder specialist; 46884

(3) A primary care provider; 46885

(4) A physician informaticist; 46886

(5) A public health professional; 46887

(6) A population health researcher familiar with disease 46888
registries; 46889

(7) A Parkinson's disease researcher; 46890

(8) A patient living with Parkinson's disease; 46891

(9) Any other members the director deems necessary. 46892

(B) The committee shall do all of the following: 46893

(1) Assist the director of health in the development and 46894
implementation of the Parkinson's disease registry; 46895

(2) Determine what data shall be collected based on the 46896
following four core categories of data: 46897

<u>(a) Patient demographics;</u>	46898
<u>(b) Geography;</u>	46899
<u>(c) Diagnosis;</u>	46900
<u>(d) Information that enables de-duplication of patient records in the registry.</u>	46901 46902
<u>(3) Determine the information to be included on the department of health's Ohio Parkinson's research registry internet web site established pursuant to section 3701.254 of the Revised Code;</u>	46903 46904 46905 46906
<u>(4) Advise the director on maintaining and improving the registry;</u>	46907 46908
<u>(5) Conduct a review of the registry within five years of the effective date of this section, including how it is being used and whether it is fulfilling its intended purpose, and recommend any necessary changes to update the registry.</u>	46909 46910 46911 46912
<u>(C) The director shall serve as the chairperson of the committee.</u>	46913 46914
<u>(D) Each member shall serve without compensation except to the extent that serving on the committee is considered part of the member's regular duties of employment.</u>	46915 46916 46917
<u>(E) The committee shall meet at the call of the chairperson but not less than twice annually. The committee's first meeting shall occur within ninety days of the effective date of this section. Meetings may take place in-person or virtually at the discretion of the chairperson.</u>	46918 46919 46920 46921 46922
<u>(F) The department of health shall provide meeting space and other administrative support for the committee.</u>	46923 46924
<u>Sec. 3701.253. Within six months of the establishment of the Parkinson's disease registry, and annually thereafter, the</u>	46925 46926

director of health shall submit a report to the general assembly 46927
in accordance with section 101.68 of the Revised Code summarizing 46928
the following: 46929

(A) The incidence and rates of Parkinson's disease in Ohio by 46930
county; 46931

(B) The number of new cases reported to the Parkinson's 46932
disease registry in the previous year; 46933

(C) Demographic information including age, gender, and race. 46934

Sec. 3701.254. (A) Within one year of the effective date of 46935
this section, the director of health shall create and maintain the 46936
Ohio Parkinson's research registry internet web site. 46937

(B) The web site shall describe the registry and provide any 46938
relevant or helpful information as determined by the Parkinson's 46939
disease registry advisory committee pursuant to section 3701.252 46940
of the Revised Code. 46941

(C) The director shall publish the annual report described in 46942
section 3701.253 of the Revised Code on the web site. 46943

Sec. 3701.255. (A) The director of health shall adopt rules 46944
in accordance with Chapter 119. of the Revised Code to do all of 46945
the following regarding the Parkinson's disease registry: 46946

(1) Specify the data to be collected and the format in which 46947
it is to be submitted to the registry, in collaboration with the 46948
Parkinson's disease registry advisory committee established 46949
pursuant to section 3701.252 of the Revised Code; 46950

(2) Develop guidelines and procedures for requesting access 46951
to data, reviewing data access requests, and approving data access 46952
requests; 46953

(3) Create a coding system to remove individually identifying 46954
information from the data collected in the registry. 46955

(B) The director shall periodically review and revise data collection requirements to adapt to new knowledge and technology regarding Parkinson's disease and health data collection. 46956
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 46959
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Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section. 46963
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(2) Division (A)(1) of this section does not apply in any of the following circumstances: 46967
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(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices; 46969
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(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening; 46972
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(c) If appropriate laboratory equipment is not available. 46975

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate. 46976
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The council shall consist of fourteen members appointed by 46985

the director. In making appointments, the director shall select 46986
individuals and representatives of entities with interest and 46987
expertise in newborn screening, including such individuals and 46988
entities as health care professionals, hospitals, children's 46989
hospitals, regional genetic centers, regional sickle cell centers, 46990
newborn screening coordinators, and members of the public. 46991

The department of health shall provide meeting space, staff 46992
services, and other technical assistance required by the council 46993
in carrying out its duties. Members of the council shall serve 46994
without compensation, but shall be reimbursed for their actual and 46995
necessary expenses incurred in attending meetings of the council 46996
or performing assignments for the council. 46997

The council is not subject to sections 101.82 to 101.87 of 46998
the Revised Code. 46999

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 47000
director of health shall adopt rules in accordance with Chapter 47001
119. of the Revised Code specifying the disorders for which each 47002
newborn child must be screened. 47003

(b) In adopting the rules, all of the following apply: 47004

(i) The director shall specify Krabbe disease as a disorder 47005
for which a newborn child who is born on or after July 1, 2016, 47006
must be screened. 47007

(ii) The director shall specify spinal muscular atrophy and 47008
X-linked adrenoleukodystrophy as disorders for which a newborn 47009
child who is born on or after ~~the date that is two hundred forty~~ 47010
~~days after the effective date of this amendment~~ May 28, 2022, must 47011
be screened. 47012

(iii) The director shall specify Duchenne muscular dystrophy 47013
as a disorder for which a newborn child who is born on or after 47014
the date that is two hundred forty days after the effective date 47015
of this amendment must be screened. 47016

(iv) Not later than six months after receiving a 47017
recommendation as described in division (C)(3)(b) of this section, 47018
the director shall specify for screening a disorder recommended as 47019
described in division (C)(3)(b) of this section, with such 47020
screening to begin not later than one year after the date that the 47021
rule specifying the disorder for screening becomes effective. 47022

(2) The newborn screening advisory council shall evaluate 47023
genetic, metabolic, and endocrine disorders to assist the director 47024
in determining which disorders should be included in the 47025
screenings required under this section. In determining whether a 47026
disorder should be included, the council shall consider all of the 47027
following: 47028

(a) The disorder's incidence, mortality, and morbidity; 47029

(b) Whether the disorder causes disability if diagnosis, 47030
treatment, and early intervention are delayed; 47031

(c) The potential for successful treatment of the disorder; 47032

(d) The expected benefits to children and society in relation 47033
to the risks and costs associated with screening for the disorder; 47034

(e) Whether a screening for the disorder can be conducted 47035
without taking an additional blood sample or specimen; 47036

(f) Whether the secretary of the United States department of 47037
health and human services has included the disorder in the federal 47038
recommended uniform screening panel. 47039

(3)(a) Based on the considerations specified in division 47040
(C)(2) of this section, the council shall make recommendations to 47041
the director of health for the adoption of rules under division 47042
(C)(1) of this section. 47043

(b) In the case of a disorder included within the federal 47044
recommended uniform screening panel, the council shall determine 47045
not later than six months after the date of the disorder's 47046

inclusion on the federal panel whether or not to recommend to the 47047
director that each newborn child be screened for the disorder. If 47048
the council recommends screening for the disorder, the council 47049
shall submit to the director as soon as practicable a 47050
recommendation for such screening. 47051

(c) The director shall promptly and thoroughly review each 47052
recommendation the council submits. 47053

(D) The director shall adopt rules in accordance with Chapter 47054
119. of the Revised Code establishing standards and procedures for 47055
the screenings required by this section. The rules shall include 47056
standards and procedures for all of the following: 47057

(1) Causing rescreenings to be performed when initial 47058
screenings have abnormal results; 47059

(2) Designating the person or persons who will be responsible 47060
for causing screenings and rescreenings to be performed; 47061

(3) Giving to the parents of a child notice of the required 47062
initial screening and the possibility that rescreenings may be 47063
necessary; 47064

(4) Communicating to the parents of a child the results of 47065
the child's screening and any rescreenings that are performed; 47066

(5) Giving notice of the results of an initial screening and 47067
any rescreenings to the person who caused the child to be screened 47068
or rescreened, or to another person or government entity when the 47069
person who caused the child to be screened or rescreened cannot be 47070
contacted; 47071

(6) Referring children who receive abnormal screening or 47072
rescreening results to providers of follow-up services, including 47073
the services made available through funds disbursed under division 47074
(F) of this section. 47075

(E)(1) Except as provided in divisions (E)(2) and (3) of this 47076

section, all newborn screenings required by this section shall be 47077
performed by the public health laboratory authorized under section 47078
3701.22 of the Revised Code. 47079

(2) If the director determines that the public health 47080
laboratory is unable to perform screenings for all of the 47081
disorders specified in the rules adopted under division (C) of 47082
this section, the director shall select another laboratory to 47083
perform the screenings. The director shall select the laboratory 47084
by issuing a request for proposals. The director may accept 47085
proposals submitted by laboratories located outside this state. At 47086
the conclusion of the selection process, the director shall enter 47087
into a written contract with the selected laboratory. If the 47088
director determines that the laboratory is not complying with the 47089
terms of the contract, the director shall immediately terminate 47090
the contract and another laboratory shall be selected and 47091
contracted with in the same manner. 47092

(3) Any rescreening caused to be performed pursuant to this 47093
section may be performed by the public health laboratory or one or 47094
more other laboratories designated by the director. Any laboratory 47095
the director considers qualified to perform rescreenings may be 47096
designated, including a laboratory located outside this state. If 47097
more than one laboratory is designated, the person responsible for 47098
causing a rescreening to be performed is also responsible for 47099
selecting the laboratory to be used. 47100

(F)(1) The director shall adopt rules in accordance with 47101
Chapter 119. of the Revised Code establishing a fee that shall be 47102
charged and collected in addition to or in conjunction with any 47103
laboratory fee that is charged and collected for performing the 47104
screenings required by this section. The fee, which shall be not 47105
less than fourteen dollars, shall be disbursed as follows: 47106

(a) Not less than ten dollars and twenty-five cents shall be 47107
deposited in the state treasury to the credit of the genetics 47108

services fund, which is hereby created. Not less than seven 47109
dollars and twenty-five cents of each fee credited to the genetics 47110
services fund shall be used to defray the costs of the programs 47111
authorized by section 3701.502 of the Revised Code. Not less than 47112
three dollars from each fee credited to the genetics services fund 47113
shall be used to defray costs of phenylketonuria programs. 47114

(b) Not less than three dollars and seventy-five cents shall 47115
be deposited into the state treasury to the credit of the sickle 47116
cell fund, which is hereby created. Money credited to the sickle 47117
cell fund shall be used to defray costs of programs authorized by 47118
section 3701.131 of the Revised Code. 47119

(2) In adopting rules under division (F)(1) of this section, 47120
the director shall not establish a fee that differs according to 47121
whether a screening is performed by the public health laboratory 47122
or by another laboratory selected by the director pursuant to 47123
division (E)(2) of this section. 47124

Sec. 3701.507. (A) To assist in implementing sections 47125
3701.503 to 3701.509 of the Revised Code, the ~~medically~~ 47126
~~handicapped children's~~ children and youth with special health care 47127
needs medical advisory council created in section 3701.025 of the 47128
Revised Code shall appoint a permanent infant hearing screening 47129
subcommittee. The subcommittee shall consist of the following 47130
members: 47131

(1) One otolaryngologist; 47132

(2) One neonatologist; 47133

(3) One pediatrician; 47134

(4) One neurologist; 47135

(5) One hospital administrator; 47136

(6) Two or more audiologists who are experienced in infant 47137
hearing screening and evaluation; 47138

(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	47139 47140
(8) Two persons who are each a parent of a hearing-impaired child;	47141 47142
(9) One geneticist;	47143
(10) One epidemiologist;	47144
(11) One adult who is deaf or hearing impaired;	47145
(12) One representative from an organization for persons who are deaf or hearing impaired;	47146 47147
(13) One family advocate;	47148
(14) One nurse from a well-baby neonatal nursery;	47149
(15) One nurse from a special care neonatal nursery;	47150
(16) One teacher of persons who are deaf who works with infants and toddlers;	47151 47152
(17) One representative of the health insurance industry;	47153
(18) One representative of the <u>program for children and youth</u> with medical handicaps program <u>special health care needs</u> ;	47154 47155
(19) One representative of the department of education;	47156
(20) One representative of the department of medicaid;	47157
(21) Any other person the advisory council appoints.	47158
(B) The infant hearing subcommittee shall:	47159
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	47160 47161 47162
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	47163 47164 47165

(3) Consult with the director of health and advise and make 47166
recommendations regarding program development and implementation 47167
under sections 3701.503 to 3701.509 of the Revised Code, including 47168
all of the following: 47169

(a) Establishment under section 3701.504 of the Revised Code 47170
of the statewide hearing screening, tracking, and early 47171
intervention program to identify newborn and infant hearing 47172
impairment; 47173

(b) Identification of locations where hearing evaluations may 47174
be conducted; 47175

(c) Recommendations for methods and techniques of hearing 47176
screening and hearing evaluation; 47177

(d) Referral, data recording and compilation, and procedures 47178
to encourage follow-up hearing care; 47179

(e) Maintenance of a register of newborns and infants who do 47180
not pass the hearing screening; 47181

(f) Preparation of the information required by section 47182
3701.506 of the Revised Code. 47183

Sec. 3701.508. (A) The director of health shall adopt rules 47184
governing the statewide hearing screening, tracking, and early 47185
intervention program established under section 3701.504 of the 47186
Revised Code, including rules that do all of the following: 47187

(1) Specify how hospitals and freestanding birthing centers 47188
are to comply with the requirements of section 3701.505 of the 47189
Revised Code, including methods to be used for hearing screening, 47190
except that with regard to the physiologic equipment to be used 47191
for hearing screening, the rules may require only that the 47192
equipment be capable of giving reliable results and may not 47193
specify particular equipment or a particular type of equipment; 47194

(2) Provide that no newborn or infant shall be required to 47195

undergo a hearing screening if the parent, guardian, or custodian 47196
of the newborn or infant objects on the grounds that the screening 47197
conflicts with the parent's, guardian's, or custodian's religious 47198
tenets and practices; 47199

(3) Provide for situations in which the parent, guardian, or 47200
custodian of a newborn or infant objects to a hearing screening 47201
for reasons other than religious tenets and practices; 47202

(4) Specify how the department of health will determine 47203
whether a person is financially unable to pay for a hearing 47204
screening and define "third-party payer" for the purpose of 47205
reimbursement of hearing screening by the department under section 47206
3701.505 of the Revised Code; 47207

(5) Specify an inexpensive and efficient format and 47208
procedures for the submission of hearing screening information 47209
from hospitals and freestanding birthing centers to the department 47210
of health; 47211

(6) Specify a procedure whereby the department may conduct 47212
timely reviews of hearing screening information submissions for 47213
purposes of quality assurance, training, and disease prevention 47214
and control; 47215

(7) Specify any additional information that hospitals and 47216
freestanding birthing centers are to provide to the ~~medically~~ 47217
~~handicapped children's~~ children and youth with special health care 47218
needs medical advisory council's infant hearing screening 47219
subcommittee under section 3701.509 of the Revised Code. 47220

(B) In addition to the rules adopted under division (A) of 47221
this section, the director shall adopt rules that specify the 47222
training that must be completed by persons who will conduct 47223
hearing screenings. In adopting these rules, the director shall 47224
consider incorporating cost-saving training methods, including 47225
computer-assisted learning and on-site training. Neither the rules 47226

nor the director of health may establish a minimum educational 47227
level for persons conducting hearing screenings. 47228

(C) All rules adopted under this section shall be adopted in 47229
accordance with Chapter 119. of the Revised Code and shall be 47230
adopted so as to take effect not later than six months after 47231
August 1, 2002. 47232

Sec. 3701.509. (A) The department of health shall develop a 47233
mechanism to analyze and interpret the hearing screening 47234
information to be reported under division (B) of this section. The 47235
department shall notify all hospitals and freestanding birthing 47236
centers subject to the reporting requirements of the date the 47237
department anticipates that the mechanism will be complete. After 47238
the mechanism is complete, the department shall notify each 47239
hospital and freestanding birthing center subject to the reporting 47240
requirement of the date by which the hospital or center must 47241
submit its first report. 47242

(B) Subject to division (A) of this section and in accordance 47243
with rules adopted by the director of health under section 47244
3701.508 of the Revised Code, each hospital and freestanding 47245
birthing center that has conducted a hearing screening required by 47246
section 3701.505 of the Revised Code shall provide to the 47247
department of health for use by the ~~medically handicapped~~ 47248
~~children's~~ children and youth with special health care needs 47249
medical advisory council's infant hearing screening subcommittee 47250
information specifying all of the following: 47251

(1) The number of newborns born in the hospital or 47252
freestanding birthing center and the number of newborns and 47253
infants not screened because they were transferred to another 47254
hospital; 47255

(2) The number of newborns and infants referred to the 47256
hospital or freestanding birthing center for a hearing screening 47257

and the number of those newborns and infants who received a hearing screening;

(3) The number of newborns and infants who did not pass the hearing screenings conducted by the hospital or freestanding birthing center;

(4) Any other information concerning the program established under section 3701.504 of the Revised Code.

(C) The department of health shall conduct a timely review of the information submitted by hospitals and freestanding birthing centers in accordance with rules adopted by the director under section 3701.508 of the Revised Code.

(D) The infant hearing screening subcommittee, with the support of the department of health, shall compile and summarize the information submitted to the department by hospitals and freestanding birthing centers under division (B) of this section. Beginning with the first year after the mechanism developed under division (A) of this section is complete, the subcommittee shall annually prepare and transmit a report to the director of health, the speaker of the house of representatives, and the president of the senate. The council shall make the report available to the public.

(E) The department and all members of the subcommittee shall maintain the confidentiality of patient-identifying information submitted under division (B) of this section and section 3701.505 of the Revised Code. The information is not a public record under section 149.43 of the Revised Code, except to the extent that the information is used in preparing reports under this section.

Nothing in this division prohibits the department from providing patient-identifying information to other entities as it considers necessary to implement the statewide tracking and early intervention components of the program established under section

3701.504 of the Revised Code. Any entity that receives 47289
patient-identifying information from the department shall maintain 47290
the confidentiality of the information. 47291

Sec. 3701.741. (A) Each health care provider and medical 47292
records company shall provide copies of medical records in 47293
accordance with this section. 47294

(B) Except as provided in divisions (C) and (E) of this 47295
section, a health care provider or medical records company that 47296
receives a request for a copy of a patient's medical record shall 47297
charge not more than the amounts set forth in this section. 47298

(1) If the request is made by the patient ~~or~~, the patient's 47299
personal representative, or an individual authorized to access the 47300
patient's medical record through a valid power of attorney, total 47301
costs for copies and all services related to those copies shall 47302
~~not exceed the sum of the following:~~ 47303

~~(a) Except as provided in division (B)(1)(b) of this section,~~ 47304
~~with respect to data recorded on paper or electronically, the~~ 47305
~~following amounts adjusted in accordance with section 3701.742 of~~ 47306
~~the Revised Code:~~ 47307

~~(i) Two dollars and seventy four cents per page for the first~~ 47308
~~ten pages;~~ 47309

~~(ii) Fifty seven cents per page for pages eleven through~~ 47310
~~fifty;~~ 47311

~~(iii) Twenty three cents per page for pages fifty one and~~ 47312
~~higher;~~ 47313

~~(b) With respect to data resulting from an x ray, magnetic~~ 47314
~~resonance imaging (MRI), or computed axial tomography (CAT) scan~~ 47315
~~and recorded on paper or film, one dollar and eighty seven cents~~ 47316
~~per page;~~ 47317

~~(c) The actual cost of any related postage incurred by the~~ 47318

~~health care provider or medical records company reasonable,~~ 47319
cost-based amounts permitted to be charged to the patient under 47320
federal laws and regulations. 47321

(2) If the request is made ~~other than by the patient or the~~ 47322
~~patient's personal representative~~ anyone other than a person 47323
identified in division (B)(1) of this section, total costs for 47324
copies and all services related to those copies shall not exceed 47325
the sum of the following: 47326

(a) An initial fee of sixteen dollars and eighty-four cents 47327
adjusted in accordance with section 3701.742 of the Revised Code, 47328
which shall compensate for the records search; 47329

(b) Except as provided in division (B)(2)(c) of this section, 47330
with respect to data recorded on paper or electronically, the 47331
following amounts adjusted in accordance with section 3701.742 of 47332
the Revised Code: 47333

(i) One dollar and eleven cents per page for the first ten 47334
pages; 47335

(ii) Fifty-seven cents per page for pages eleven through 47336
fifty; 47337

(iii) Twenty-three cents per page for pages fifty-one and 47338
higher. 47339

(c) With respect to data resulting from an x-ray, magnetic 47340
resonance imaging (MRI), or computed axial tomography (CAT) scan 47341
and recorded on paper or film, one dollar and eighty-seven cents 47342
per page; 47343

(d) The actual cost of any related postage incurred by the 47344
health care provider or medical records company. 47345

(C)(1) On request, a health care provider or medical records 47346
company shall provide one copy of the patient's medical record and 47347
one copy of any records regarding treatment performed subsequent 47348

to the original request, not including copies of records already 47349
provided, without charge to the following: 47350

(a) The bureau of workers' compensation, in accordance with 47351
Chapters 4121. and 4123. of the Revised Code and the rules adopted 47352
under those chapters; 47353

(b) The industrial commission, in accordance with Chapters 47354
4121. and 4123. of the Revised Code and the rules adopted under 47355
those chapters; 47356

(c) The department of medicaid or a county department of job 47357
and family services, in accordance with Chapters 5160., 5161., 47358
5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code 47359
and the rules adopted under those chapters; 47360

(d) The attorney general, in accordance with sections 2743.51 47361
to 2743.72 of the Revised Code and any rules that may be adopted 47362
under those sections; 47363

(e) A patient, patient's personal representative, or 47364
authorized person if the medical record is necessary to support a 47365
claim under Title II or Title XVI of the "Social Security Act," 49 47366
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 47367
request is accompanied by documentation that a claim has been 47368
filed. 47369

(2) Nothing in division (C)(1) of this section requires a 47370
health care provider or medical records company to provide a copy 47371
without charge to any person or entity not listed in division 47372
(C)(1) of this section. 47373

(D) Division (C) of this section shall not be construed to 47374
supersede any rule of the bureau of workers' compensation, the 47375
industrial commission, or the department of medicaid. 47376

(E) A health care provider or medical records company may 47377
enter into a contract with either of the following for the copying 47378

of medical records at a fee other than as provided in division (B) 47379
of this section: 47380

(1) A patient, a patient's personal representative, or an 47381
authorized person; 47382

(2) An insurer authorized under Title XXXIX of the Revised 47383
Code to do the business of sickness and accident insurance in this 47384
state or health insuring corporations holding a certificate of 47385
authority under Chapter 1751. of the Revised Code. 47386

(F) This section does not apply to medical records the 47387
copying of which is covered by section 173.20 of the Revised Code 47388
or by 42 C.F.R. 483.10. 47389

Sec. 3701.78. (A) There is hereby created the commission on 47390
minority health, consisting of ~~twenty-one~~ twenty-two members. The 47391
governor shall appoint to the commission nine members from among 47392
health researchers, health planners, and health professionals. The 47393
governor also shall appoint two members who are representatives of 47394
the lupus awareness and education program. The speaker of the 47395
house of representatives shall appoint to the commission two 47396
members of the house of representatives, not more than one of whom 47397
is a member of the same political party, and the president of the 47398
senate shall appoint to the commission two members of the senate, 47399
not more than one of whom is a member of the same political party. 47400
The following shall be members of the commission: the directors of 47401
health, mental health and addiction services, developmental 47402
disabilities, aging, and job and family services, or their 47403
designees; the medicaid director, or the director's designee; and 47404
the superintendent of public instruction, or the superintendent's 47405
designee. 47406

The commission shall elect a chairperson from among its 47407
members. 47408

Of the members appointed by the governor, five shall be 47409
appointed to initial terms of one year, and four shall be 47410
appointed to initial terms of two years. Thereafter, all members 47411
appointed by the governor shall be appointed to terms of two 47412
years. All members of the commission appointed by the speaker of 47413
the house of representatives or the president of the senate shall 47414
be nonvoting members of the commission and be appointed within 47415
thirty days after the commencement of the first regular session of 47416
each general assembly, and shall serve until the expiration of the 47417
session of the general assembly during which they were appointed. 47418

Members of the commission shall serve without compensation, 47419
but shall be reimbursed for the actual and necessary expenses they 47420
incur in the performance of their official duties. 47421

(B) The commission shall promote health and the prevention of 47422
disease among members of minority groups. Each year the commission 47423
shall distribute grants from available funds to community-based 47424
health groups to be used to promote health and the prevention of 47425
disease among members of minority groups. As used in this 47426
division, "minority group" means any of the following economically 47427
disadvantaged groups: Blacks, American Indians, Hispanics, and 47428
Orientals. The commission shall adopt and maintain rules pursuant 47429
to Chapter 119. of the Revised Code to provide for the 47430
distribution of these grants. No group shall qualify to receive a 47431
grant from the commission unless it receives at least twenty per 47432
cent of its funds from sources other than grants distributed under 47433
this section. 47434

(C) The commission may appoint such employees as it considers 47435
necessary to carry out its duties under this section. The 47436
department of health shall provide office space for the 47437
commission. 47438

(D) The commission shall meet at the call of its chairperson 47439
to conduct its official business. A majority of the voting members 47440

of the commission constitute a quorum. The votes of at least eight 47441
voting members of the commission are necessary for the commission 47442
to take any official action or to approve the distribution of 47443
grants under this section. 47444

Sec. 3701.83. There is hereby created in the state treasury 47445
the general operations fund. Moneys in the fund shall be used for 47446
the purposes specified in sections 3701.04, 3701.344, 3702.20, 47447
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3724.14, 3729.07, 47448
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 47449
3749.07, 4736.06, and 4769.09 of the Revised Code. 47450

Sec. 3701.953. (A) The department of health shall create an 47451
infant mortality scorecard. The scorecard shall report all of the 47452
following: 47453

(1) The state's performance on population health measures, 47454
including the infant mortality rate, preterm birth rate, and low 47455
birth weight rate, delineated by race, ethnic group, region of the 47456
state, and the state as a whole; 47457

(2) Preliminary data the department possesses on the state's 47458
unexpected infant death rate; 47459

(3) To the extent such information is available, the state's 47460
performance on outcome measures identified by the department that 47461
are related to preconception health, reproductive health, prenatal 47462
care, labor and delivery, smoking, infant safe sleep practices, 47463
breastfeeding, and behavioral health, delineated by race, ethnic 47464
group, region of the state, and the state as a whole; 47465

(4) A comparison of the state's performance on the population 47466
health measures specified in division (A)(1) of this section and, 47467
to the extent such information is available, the state's 47468
performance on outcome measures specified in division (A)(3) of 47469
this section with the targets for the measures, or the targets for 47470

the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be ~~updated each calendar quarter and made available on the department's internet web site~~ built and automated to refresh data in real time on a data dashboard to be made publicly available.

(C) The scorecard shall include a description of the data sources and methodology used to complete the scorecard.

Sec. 3702.3012. (A) As used in this section, "surgical smoke" and "surgical smoke evacuation system" have the same meanings as in section 3727.25 of the Revised Code.

(B) Not later than one year after the effective date of this section, each ambulatory surgical facility shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system.

(C) The director of health may adopt any rules the director considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3702.511. (A) Except as provided in division (B) of this section and section 3702.512 of the Revised Code, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new long-term care facility;

(2) Replacement of an existing long-term care facility;	47500
(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of four million dollars or more, not including expenditures for equipment, staffing, or operational costs;	47501 47502 47503 47504
(4) An increase in long-term care bed capacity;	47505
(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	47506 47507 47508 47509
(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long term care beds;	47510 47511 47512
(7) Any failure to conduct a reviewable activity in substantial accord with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.	47513 47514 47515 47516 47517
(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	47518 47519
(1) Acquisition of computer hardware or software;	47520
(2) Acquisition of a telephone system;	47521
(3) Construction or acquisition of parking facilities;	47522
(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;	47523 47524 47525 47526
(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	47527 47528

(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds; 47529
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(7) Construction, repair, or renovation of bathroom facilities; 47532
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(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services; 47534
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47536
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(9) Removal of asbestos from a health care facility. 47538

Only that portion of a project that is described in this division is not reviewable. 47539
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Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process. 47541
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(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in the required time, the project shall be considered to have been ruled not a reviewable activity. 47546
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(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is 47556
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requested must meet the same requirements as all other 47559
applications. 47560

Each application shall include a plan for obligating the 47561
capital expenditures or implementing the proposed project on a 47562
timely basis in accordance with section 3702.524 of the Revised 47563
Code. Each application shall also include all other information 47564
required by rules adopted under division (B) of section 3702.57 of 47565
the Revised Code. 47566

(2) Each application shall be accompanied by the application 47567
fee established in rules adopted under division ~~(G)~~(F) of section 47568
3702.57 of the Revised Code. Application fees received by the 47569
director under this division shall be deposited into the state 47570
treasury to the credit of the certificate of need fund, which is 47571
hereby created. The director shall use the fund only to pay the 47572
costs of administering sections 3702.11 to 3702.20, 3702.30, and 47573
3702.51 to 3702.62 of the Revised Code and rules adopted under 47574
those sections. An application fee is nonrefundable unless the 47575
director determines that the application cannot be accepted. 47576

(3) The director shall review applications for certificates 47577
of need. As part of a review, the director shall determine whether 47578
an application is complete. The director shall not consider an 47579
application to be complete unless the application meets all 47580
criteria for a complete application specified in rules adopted 47581
under section 3702.57 of the Revised Code. For an application 47582
being considered under the standard review process, the director 47583
shall mail to the applicant a written notice that the application 47584
is complete, or a written request for additional information, not 47585
later than thirty days after receiving an application or a 47586
response to an earlier request for information. For an application 47587
for which expedited review is requested, the director's notice or 47588
request shall be mailed not later than fourteen days after the 47589
director receives the application or a response to an earlier 47590

request for information. Except as provided in section 3702.522 of 47591
the Revised Code, the director shall not make more than two 47592
requests for additional information. For either the standard or 47593
expedited review process, the director shall make a final 47594
determination regarding an application's completeness and issue a 47595
notice of the determination not later than one hundred eighty days 47596
after the date the director received the initial application. 47597

The director's determination that an application is not 47598
complete is final and not subject to appeal. 47599

(4) Except as necessary to comply with a subpoena issued 47600
under division (F) of this section, after a notice of completeness 47601
has been received, no person shall make revisions to information 47602
that was submitted to the director before the director mailed the 47603
notice of completeness or knowingly discuss in person or by 47604
telephone the merits of the application with the director. A 47605
person may supplement an application after a notice of 47606
completeness has been received by submitting clarifying 47607
information to the director. 47608

(C) All of the following apply to the process of granting or 47609
denying a certificate of need: 47610

(1) If the project proposed in a certificate of need 47611
application meets all of the applicable certificate of need 47612
criteria for approval under sections 3702.51 to 3702.62 of the 47613
Revised Code and the rules adopted under those sections, the 47614
director shall grant a certificate of need for all or part of the 47615
project that is the subject of the application by the applicable 47616
deadline specified in division (C)(4) of this section or any 47617
extension of it under division (C)(5) of this section. 47618

(2) The director's grant of a certificate of need does not 47619
affect, and sets no precedent for, the director's decision to 47620
grant or deny other applications for similar reviewable 47621

activities. 47622

(3) Any affected person may submit written comments regarding 47623
an application. The director shall consider all written comments 47624
received by the forty-fifth day after the application is submitted 47625
to the director, except that to be considered in an expedited 47626
review, written comments must be received by the twenty-first day 47627
after the application is submitted. 47628

(4) Except as provided in division (C)(5) of this section, 47629
the director shall grant or deny certificate of need applications 47630
not later than sixty days after mailing the notice of completeness 47631
unless the application is receiving expedited review. If the 47632
application is receiving expedited review, the director shall 47633
grant or deny the application not later than forty-five days after 47634
mailing the notice of completeness. 47635

(5) Except as provided in division (C)(6) of this section, 47636
the director or the applicant may extend the deadline prescribed 47637
in division (C)(4) of this section once, for no longer than thirty 47638
days, by written notice before the end of the deadline prescribed 47639
by division (C)(4) of this section. An extension by the director 47640
under division (C)(5) of this section shall apply to all 47641
applications that are in comparative review. 47642

(6) No applicant in a comparative review may extend the 47643
deadline specified in division (C)(4) of this section. 47644

(7) If the director does not grant or deny the certificate by 47645
the applicable deadline specified in division (C)(4) of this 47646
section or any extension of it under division (C)(5) of this 47647
section, the certificate shall be considered to have been granted. 47648

~~(8) In granting a certificate of need, the director shall 47649
specify as the maximum capital expenditure the certificate holder 47650
may obligate under the certificate a figure equal to one hundred 47651
ten per cent of the approved project cost. 47652~~

~~(9)~~ In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless 47685
any of the circumstances specified in division (B) of section 47686
3702.59 of the Revised Code apply to the new owner or operator. 47687

(F) When reviewing applications for certificates of need, 47688
considering appeals under section 3702.60 of the Revised Code, or 47689
monitoring activities of persons granted certificates of need, the 47690
director may issue and enforce, in the manner provided in section 47691
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 47692
compel a person to testify and produce documents relevant to 47693
review of the application, consideration of the appeal, or 47694
monitoring of the activities. In addition, the director or the 47695
director's designee may visit the sites where the activities are 47696
or will be conducted. 47697

(G) The director may withdraw certificates of need. 47698

(H) All long-term care facilities shall submit to the 47699
director, upon request, any information prescribed by rules 47700
adopted under division ~~(H)~~(G) of section 3702.57 of the Revised 47701
Code that is necessary to conduct reviews of certificate of need 47702
applications and to develop criteria for reviews. 47703

(I) Any decision to grant or deny a certificate of need shall 47704
consider the special needs and circumstances resulting from moral 47705
and ethical values and the free exercise of religious rights of 47706
long-term care facilities administered by religious organizations, 47707
and the special needs and circumstances of inner city and rural 47708
communities. 47709

Sec. 3702.532. When the director of health determines that a 47710
person has violated section 3702.53 of the Revised Code, the 47711
director shall send a notice to the person by certified mail, 47712
return receipt requested, specifying the activity constituting the 47713
violation and the penalties imposed under section 3702.54 ~~or~~ 47714
~~3702.541~~ of the Revised Code. 47715

~~Sec. 3702.54. Except as provided in section 3702.541 of the~~ 47716
~~Revised Code, divisions~~ Divisions (A) and (B) of this section 47717
apply when the director of health determines that a person has 47718
violated section 3702.53 of the Revised Code. 47719

(A) The director shall impose a civil penalty on the person 47720
in an amount equal to the greatest of the following: 47721

(1) Three thousand dollars; 47722

(2) Five per cent of the operating cost of the activity that 47723
constitutes the violation during the period of time it was 47724
conducted in violation of section 3702.53 of the Revised Code; 47725

(3) If a certificate of need was granted, two per cent of the 47726
total ~~approved~~ capital cost associated with implementation of the 47727
activity for which the certificate of need was granted. 47728

In no event, however, shall the penalty exceed two hundred 47729
fifty thousand dollars. 47730

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 47731
the director shall refuse to accept for review any application for 47732
a certificate of need filed by or on behalf of the person, or any 47733
successor to the person or entity related to the person, for a 47734
period of not less than one year and not more than three years 47735
after the director mails the notice of the director's 47736
determination under section 3702.532 of the Revised Code or, if 47737
the determination is appealed under section 3702.60 of the Revised 47738
Code, the issuance of the order upholding the determination that 47739
is not subject to further appeal. In determining the length of 47740
time during which applications will not be accepted, the director 47741
may consider any of the following: 47742

(a) The nature and magnitude of the violation; 47743

(b) The ability of the person to have averted the violation; 47744

(c) Whether the person disclosed the violation to the 47745

director before the director commenced ~~his~~ investigation of the 47746
violation; 47747

(d) The person's history of compliance with sections 3702.51 47748
to 3702.62 and the rules adopted under section 3702.57 of the 47749
Revised Code; 47750

(e) Any community hardship that may result from refusing to 47751
accept future applications from the person. 47752

(2) Notwithstanding the one-year minimum imposed by division 47753
(B)(1) of this section, the director may establish a period of 47754
less than one year during which the director will refuse to accept 47755
certificate of need applications if, after reviewing all 47756
information available to the director, the director determines and 47757
expressly indicates in the notice mailed under section 3702.532 of 47758
the Revised Code that refusing to accept applications for a longer 47759
period would result in hardship to the community in which the 47760
person provides long-term care services. The director's finding of 47761
community hardship shall not affect the granting or denial of any 47762
future certificate of need application filed by the person. 47763

Sec. 3702.544. Each person required by section 3702.54 ~~or~~ 47764
~~3702.541~~ of the Revised Code to pay a civil penalty shall do so 47765
not later than sixty days after receiving the notice mailed under 47766
section 3702.532 of the Revised Code or, if the person appeals 47767
under section 3702.60 of the Revised Code the director of health's 47768
determination that a violation has occurred, not later than sixty 47769
days after the issuance of an order upholding the director's 47770
determination that is not subject to further appeal. The civil 47771
penalties shall be paid to the director. The director shall 47772
deposit them into the certificate of need fund created by section 47773
3702.52 of the Revised Code. 47774

Sec. 3702.55. A person that the director of health determines 47775

has violated section 3702.53 of the Revised Code shall cease 47776
conducting the activity that constitutes the violation or 47777
utilizing the facility resulting from the violation not later than 47778
thirty days after the person receives the notice mailed under 47779
section 3702.532 of the Revised Code or, if the person appeals the 47780
director's determination under section 3702.60 of the Revised 47781
Code, thirty days after the person receives an order upholding the 47782
director's determination that is not subject to further appeal. 47783

If any person determined to have violated section 3702.53 of 47784
the Revised Code fails to cease conducting an activity or using a 47785
facility as required by this section or if the person continues to 47786
seek payment or reimbursement for services rendered or costs 47787
incurred in conducting the activity as prohibited by section 47788
3702.56 of the Revised Code, in addition to the penalties imposed 47789
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 47790

(A) The director of health may refuse to include any beds 47791
involved in the activity in the bed capacity of a hospital for 47792
purposes of registration under section 3701.07 of the Revised 47793
Code; 47794

(B) The director of health may refuse to license, or may 47795
revoke a license or reduce bed capacity previously granted to, a 47796
hospice care program under section 3712.04 of the Revised Code; a 47797
nursing home, residential care facility, or home for the aging 47798
under section 3721.02 of the Revised Code; or any beds within any 47799
of those facilities that are involved in the activity; 47800

(C) A political subdivision certified under section 3721.09 47801
of the Revised Code may refuse to license, or may revoke a license 47802
or reduce bed capacity previously granted to, a nursing home, 47803
residential care facility, or home for the aging, or any beds 47804
within any of those facilities that are involved in the activity; 47805

(D) The director of mental health and addiction services may 47806

refuse to license under section 5119.33 of the Revised Code, or 47807
may revoke a license or reduce bed capacity previously granted to, 47808
a hospital receiving mentally ill persons or beds within such a 47809
hospital that are involved in the activity; 47810

(E) The department of medicaid may refuse to enter into a 47811
provider agreement that includes a facility, beds, or services 47812
that result from the activity. 47813

Sec. 3702.57. (A) The director of health shall adopt rules 47814
establishing procedures and criteria for reviews of applications 47815
for certificates of need and issuance, denial, or withdrawal of 47816
certificates. 47817

(1) In adopting rules that establish criteria for reviews of 47818
applications of certificates of need, the director shall consider 47819
the availability of and need for long-term care beds to provide 47820
care and treatment to persons diagnosed as having traumatic brain 47821
injuries and shall prescribe criteria for reviewing applications 47822
that propose to add long-term care beds to provide care and 47823
treatment to persons diagnosed as having traumatic brain injuries. 47824

(2) The criteria for reviews of applications for certificates 47825
of need shall relate to the need for the reviewable activity and 47826
shall pertain to all of the following matters: 47827

(a) The impact of the reviewable activity on the cost and 47828
quality of long-term care services in the relevant service area, 47829
including, but not limited, to the historical and projected 47830
utilization of the services to which the application pertains and 47831
the effect of the reviewable activity on utilization of other 47832
providers of similar services; 47833

(b) The quality of the services to be provided as the result 47834
of the activity, as evidenced by the historical performance of the 47835
persons that will be involved in providing the services and by the 47836

provisions that are proposed in the application to ensure quality, 47837
including but not limited to adequate available personnel, 47838
available ancillary and support services, available equipment, 47839
size and configuration of physical plant, and relations with other 47840
providers; 47841

(c) The impact of the reviewable activity on the availability 47842
and accessibility of the type of services proposed in the 47843
application to the population of the relevant service area, and 47844
the level of access to the services proposed in the application 47845
that will be provided to medically underserved individuals such as 47846
recipients of public assistance and individuals who have no health 47847
insurance or whose health insurance is insufficient; 47848

(d) The activity's short- and long-term financial feasibility 47849
and cost-effectiveness, the impact of the activity on the 47850
applicant's costs and charges, and a comparison of the applicant's 47851
costs and charges with those of providers of similar services in 47852
the applicant's proposed service area; 47853

(e) The advantages, disadvantages, and costs of alternatives 47854
to the reviewable activity; 47855

(f) The impact of the activity on all other providers of 47856
similar services in the relevant service area, including the 47857
impact on their utilization, market share, and financial status; 47858

(g) The historical performance of the applicant and related 47859
or affiliated parties in complying with previously granted 47860
certificates of need and any applicable certification, 47861
accreditation, or licensure requirements; 47862

(h) The historical performance of the applicant and related 47863
or affiliated parties in providing cost-effective long-term care 47864
services; 47865

(i) The special needs and circumstances of the applicant or 47866
population proposed to be served by the proposed project, 47867

including research activities, prevalence of particular diseases, 47868
unusual demographic characteristics, cost-effective contractual 47869
affiliations, and other special circumstances; 47870

(j) The appropriateness of the zoning status of the proposed 47871
site of the activity; 47872

(k) The participation by the applicant in research conducted 47873
by the United States food and drug administration or clinical 47874
trials sponsored by the national institutes of health. 47875

(3) The criteria for reviews of applications shall include a 47876
formula for determining each county's long-term care bed need for 47877
purposes of section 3702.593 of the Revised Code and may include 47878
other formulas for determining need for beds. 47879

Any rules prescribing criteria that establish ratios of beds 47880
to population shall specify the bases for establishing the ratios 47881
or mitigating factors or exceptions to the ratios. 47882

(B) The director shall adopt rules specifying all of the 47883
following: 47884

(1) Information that must be provided in applications for 47885
certificates of need; 47886

(2) Procedures for reviewing applications for completeness of 47887
information; 47888

(3) Criteria for determining that the application is 47889
complete; 47890

(4) Procedures for making a final determination regarding an 47891
application's completeness and issuing a notice of the 47892
determination within the one-hundred-eighty-day time frame 47893
specified in division (B)(3) of section 3702.52 of the Revised 47894
Code. 47895

(C) The director shall adopt rules specifying requirements 47896
that holders of certificates of need must meet in order for the 47897

certificates to remain valid and establishing definitions and 47898
requirements for obligation of capital expenditures and 47899
implementation of projects authorized by certificates of need. 47900

The rules shall not specify a maximum capital expenditure 47901
that a certificate holder may obligate under a certificate of 47902
need. 47903

(D) The director shall adopt rules establishing criteria and 47904
procedures under which the director of health may withdraw a 47905
certificate of need if the holder fails to meet requirements for 47906
continued validity of the certificate. 47907

(E) The director shall adopt rules establishing procedures 47908
under which the department of health shall monitor project 47909
implementation activities of holders of certificates of need. The 47910
rules adopted under this division also may establish procedures 47911
for monitoring implementation activities of persons that have 47912
received nonreviewability rulings. 47913

~~(F) The director shall adopt rules establishing procedures 47914~~
~~under which the director of health shall review certificates of 47915~~
~~need whose holders exceed or appear likely to exceed an 47916~~
~~expenditure maximum specified in a certificate.~~ 47917

~~(G)~~ The director shall adopt rules establishing certificate 47918
of need application fees sufficient to pay the costs incurred by 47919
the department for administering sections 3702.51 to 3702.62 of 47920
the Revised Code. Unless rules are adopted under this division 47921
establishing different application fees, the application fee for a 47922
project not involving a capital expenditure shall be three 47923
thousand dollars and the application fee for a project involving a 47924
capital expenditure shall be nine-tenths of one per cent of the 47925
capital expenditure proposed subject to a minimum of three 47926
thousand dollars and a maximum of twenty thousand dollars. 47927

~~(H)~~(G) The director shall adopt rules specifying information 47928

that is necessary to conduct reviews of certificate of need 47929
applications and to develop criteria for reviews that long-term 47930
care facilities are to submit to the director under division (H) 47931
of section 3702.52 of the Revised Code. 47932

~~(I)~~(H) The director shall adopt rules defining "affiliated 47933
person," "related person," and "ultimate controlling interest" for 47934
purposes of section 3702.523 of the Revised Code. 47935

~~(J)~~(I) The director shall adopt rules prescribing 47936
requirements for holders of certificates of need to demonstrate to 47937
the director under section 3702.525 of the Revised Code that 47938
reasonable progress is being made toward completion of the 47939
reviewable activity and establishing standards by which the 47940
director shall determine whether reasonable progress is being 47941
made. 47942

~~(K)~~(J) The director shall adopt all rules under divisions (A) 47943
to ~~(J)~~(I) of this section in accordance with Chapter 119. of the 47944
Revised Code. The director may adopt other rules as necessary to 47945
carry out the purposes of sections 3702.51 to 3702.62 of the 47946
Revised Code. 47947

Sec. 3702.60. (A) The applicant for a certificate of need may 47948
appeal to the director of health a decision issued by the director 47949
to grant or deny a certificate of need application. The person 47950
that requested a reviewability ruling may appeal to the director 47951
with respect to the resulting ruling issued by the director. 47952

47953
The appeal by the applicant or person shall be made in 47954
accordance with Chapter 119. of the Revised Code, and the director 47955
shall provide an adjudication hearing in accordance with that 47956
chapter. In the appeal, the applicant or person must prove by a 47957
preponderance of the evidence that the director's decision or 47958
ruling is not in accordance with sections 3702.52 to 3702.62 of 47959

the Revised Code or rules adopted under those sections. 47960

The applicant or person that was a party to and participated 47961
in an adjudication hearing conducted under this division may 47962
appeal to the tenth district court of appeals the decision issued 47963
by the director following the adjudication hearing. 47964

(B) The holder of a certificate of need may appeal to the 47965
director in accordance with Chapter 119. of the Revised Code a 47966
decision issued by the director under section 3702.52 or 3702.525 47967
of the Revised Code to withdraw a certificate of need, and the 47968
director shall provide an adjudication hearing in accordance with 47969
that chapter. The person may appeal the director's ruling in the 47970
adjudication hearing to the tenth district court of appeals. 47971

(C) Any person determined by the director to have violated 47972
section 3702.53 of the Revised Code may appeal that determination, 47973
or the penalties imposed under section 3702.54 ~~or 3702.541~~ of the 47974
Revised Code, to the director in accordance with Chapter 119. of 47975
the Revised Code, and the director shall provide an adjudication 47976
hearing in accordance with that chapter. The person may appeal the 47977
director's ruling in the adjudication hearing to the tenth 47978
district court of appeals. 47979

(D) Each person appealing under this section to the director 47980
shall file with the director, not later than thirty days after the 47981
decision, ruling, or determination of the director was mailed, a 47982
notice of appeal designating the decision, ruling, or 47983
determination appealed from. 47984

(E) Each person appealing under this section to the tenth 47985
district court of appeals shall file with the court, not later 47986
than thirty days after the date the director's adjudication order 47987
was mailed, a notice of appeal designating the order appealed 47988
from. The appellant also shall file notice with the director not 47989
later than thirty days after the date the order was mailed. 47990

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (E)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(F) No person may intervene in an appeal brought under this section.

Sec. 3702.61. In addition to the sanctions imposed under sections 3702.54, ~~3702.541~~, and 3702.55 of the Revised Code, if

any person violates section 3702.53 of the Revised Code, the 48022
attorney general may commence necessary legal proceedings in the 48023
court of common pleas of Franklin county to enjoin the person from 48024
such violation until the requirements of sections 3702.51 to 48025
3702.62 of the Revised Code have been satisfied. At the request of 48026
the director of health, the attorney general shall commence any 48027
necessary proceedings. The court has jurisdiction to grant and, on 48028
a showing of a violation, shall grant appropriate injunctive 48029
relief. 48030

Sec. 3704.14. (A)(1) If the director of environmental 48031
protection determines that implementation of a motor vehicle 48032
inspection and maintenance program is necessary for the state to 48033
effectively comply with the federal Clean Air Act after June 30, 48034
~~2019~~ 2023, the director may provide for the implementation of the 48035
program in those counties in this state in which such a program is 48036
federally mandated. Upon making such a determination, the director 48037
of environmental protection may request the director of 48038
administrative services to extend the terms of the contract that 48039
was entered into under the authority of Am. Sub. H.B. 64 of the 48040
131st general assembly. Upon receiving the request, the director 48041
of administrative services shall extend the contract, beginning on 48042
July 1, ~~2019~~ 2023, in accordance with this section. The contract 48043
shall be extended for a period of up to twenty-four months with 48044
the contractor who conducted the motor vehicle inspection and 48045
maintenance program under that contract. 48046

(2) Prior to the expiration of the contract extension that is 48047
authorized by division (A)(1) of this section, the director of 48048
environmental protection shall request the director of 48049
administrative services to enter into a contract with a vendor to 48050
operate a decentralized motor vehicle inspection and maintenance 48051
program in each county in this state in which such a program is 48052
federally mandated through June 30, ~~2023~~ 2027, with an option for 48053

the state to renew the contract for a period of up to twenty-four 48054
months through June 30, ~~2025~~ 2029. The contract shall ensure that 48055
the decentralized motor vehicle inspection and maintenance program 48056
achieves at least the same emission reductions as achieved by the 48057
program operated under the authority of the contract that was 48058
extended under division (A)(1) of this section. The director of 48059
administrative services shall select a vendor through a 48060
competitive selection process in compliance with Chapter 125. of 48061
the Revised Code. 48062

(3) Notwithstanding any law to the contrary, the director of 48063
administrative services shall ensure that a competitive selection 48064
process regarding a contract to operate a decentralized motor 48065
vehicle inspection and maintenance program in this state 48066
incorporates the following, which shall be included in the 48067
contract: 48068

(a) For purposes of expanding the number of testing locations 48069
for consumer convenience, a requirement that the vendor utilize 48070
established local businesses, auto repair facilities, or leased 48071
properties to operate state-approved inspection and maintenance 48072
testing facilities; 48073

(b) A requirement that the vendor selected to operate the 48074
program provide notification of the program's requirements to each 48075
owner of a motor vehicle that is required to be inspected under 48076
the program. The contract shall require the notification to be 48077
provided not later than sixty days prior to the date by which the 48078
owner of the motor vehicle is required to have the motor vehicle 48079
inspected. The director of environmental protection and the vendor 48080
shall jointly agree on the content of the notice. However, the 48081
notice shall include at a minimum the locations of all inspection 48082
facilities within a specified distance of the address that is 48083
listed on the owner's motor vehicle registration; 48084

(c) A requirement that the vendor comply with testing 48085

methodology and supply the required equipment approved by the 48086
director of environmental protection as specified in the 48087
competitive selection process in compliance with Chapter 125. of 48088
the Revised Code. 48089

(4) A decentralized motor vehicle inspection and maintenance 48090
program operated under this section shall comply with division (B) 48091
of this section. The director of environmental protection shall 48092
administer the decentralized motor vehicle inspection and 48093
maintenance program operated under this section. 48094

(B) The decentralized motor vehicle inspection and 48095
maintenance program authorized by this section, at a minimum, 48096
shall do all of the following: 48097

(1) Comply with the federal Clean Air Act; 48098

(2) Provide for the issuance of inspection certificates; 48099

(3) Provide for a new car exemption for motor vehicles four 48100
years old or newer and provide that a new motor vehicle is exempt 48101
for four years regardless of whether legal title to the motor 48102
vehicle is transferred during that period; 48103

(4) Provide for an exemption for battery electric motor 48104
vehicles. 48105

(C) The director of environmental protection shall adopt 48106
rules in accordance with Chapter 119. of the Revised Code that the 48107
director determines are necessary to implement this section. The 48108
director may continue to implement and enforce rules pertaining to 48109
the motor vehicle inspection and maintenance program previously 48110
implemented under former section 3704.14 of the Revised Code as 48111
that section existed prior to its repeal and reenactment by Am. 48112
Sub. H.B. 66 of the 126th general assembly, provided that the 48113
rules do not conflict with this section. 48114

(D) There is hereby created in the state treasury the auto 48115

emissions test fund, which shall consist of money received by the 48116
director from any cash transfers, state and local grants, and 48117
other contributions that are received for the purpose of funding 48118
the program established under this section. The director of 48119
environmental protection shall use money in the fund solely for 48120
the implementation, supervision, administration, operation, and 48121
enforcement of the motor vehicle inspection and maintenance 48122
program established under this section. Money in the fund shall 48123
not be used for either of the following: 48124

(1) To pay for the inspection costs incurred by a motor 48125
vehicle dealer so that the dealer may provide inspection 48126
certificates to an individual purchasing a motor vehicle from the 48127
dealer when that individual resides in a county that is subject to 48128
the motor vehicle inspection and maintenance program; 48129

(2) To provide payment for more than one free passing 48130
emissions inspection or a total of three emissions inspections for 48131
a motor vehicle in any three-hundred-sixty-five-day period. The 48132
owner or lessee of a motor vehicle is responsible for inspection 48133
fees that are related to emissions inspections beyond one free 48134
passing emissions inspection or three total emissions inspections 48135
in any three-hundred-sixty-five-day period. Inspection fees that 48136
are charged by a contractor conducting emissions inspections under 48137
a motor vehicle inspection and maintenance program shall be 48138
approved by the director of environmental protection. 48139

(E) The motor vehicle inspection and maintenance program 48140
established under this section expires upon the termination of all 48141
contracts entered into under this section and shall not be 48142
implemented beyond the final date on which termination occurs. 48143

(F) As used in this section "battery electric motor vehicle" 48144
has the same meaning as in section 4501.01 of the Revised Code. 48145

Sec. 3705.091. (A) If the natural mother and alleged father 48146

of a child sign an acknowledgment of paternity affidavit prepared 48147
pursuant to section 3111.31 of the Revised Code with respect to 48148
that child at the office of the local registrar, the local 48149
registrar shall provide a notary public to notarize, or witnesses 48150
to witness, the acknowledgment. The local registrar shall send a 48151
signed and notarized or witnessed acknowledgment of paternity to 48152
the office of child support in the department of job and family 48153
services pursuant to section 3111.22 of the Revised Code. The 48154
local registrar shall send the acknowledgment no later than ten 48155
days after it has been signed and notarized or witnessed. If the 48156
local registrar knows a man is presumed under section 3111.03 of 48157
the Revised Code to be the father of the child and that the 48158
presumed father is not the man who signed or is attempting to sign 48159
an acknowledgment with respect to the child, the local registrar 48160
shall not notarize, witness, or send the acknowledgment pursuant 48161
to this section. 48162

(B) The local registrar of vital statistics shall provide an 48163
acknowledgment of paternity affidavit described in division (A) of 48164
this section to any person that requests it. 48165

(C) The department of health shall store all acknowledgments 48166
of paternity affidavits it receives pursuant to section 3111.24 of 48167
the Revised Code. The department of health shall send to the 48168
office any acknowledgment the department is storing that the 48169
office requests. The department of health shall adopt rules 48170
pursuant to Chapter 119. of the Revised Code to govern the method 48171
of storage of the acknowledgments and to implement this section. 48172

(D) The department of health and the department of job and 48173
family services shall enter into an agreement regarding expenses 48174
incurred by the department of health in comparing acknowledgment 48175
of paternity affidavits to birth records and storage of 48176
acknowledgment of paternity affidavits. 48177

Sec. 3705.17. The body of a person whose death occurs in this 48178
state shall not be interred, deposited in a vault or tomb, 48179
cremated, or otherwise disposed of by a funeral director until a 48180
burial permit is issued by a local registrar or sub-registrar of 48181
vital statistics. No such permit shall be issued by a local 48182
registrar or sub-registrar until a satisfactory death, fetal 48183
death, or provisional death certificate is filed with the local 48184
registrar or sub-registrar. When the medical certification as to 48185
the cause of death cannot be provided by the attending physician 48186
or coroner prior to burial, for sufficient cause, as determined by 48187
rule of the director of health, the funeral director may file a 48188
provisional death certificate with the local registrar or 48189
sub-registrar for the purpose of securing a burial or 48190
burial-transit permit. When the funeral director files a 48191
provisional death certificate to secure a burial or burial-transit 48192
permit, the funeral director shall file a satisfactory and 48193
complete death certificate within five days after the date of 48194
death. The director of health, by rule, may provide additional 48195
time for filing a satisfactory death certificate. A burial permit 48196
authorizing cremation shall not be issued upon the filing of a 48197
provisional certificate of death. 48198

When a funeral director or other person obtains a burial 48199
permit from a local registrar or sub-registrar, the registrar or 48200
sub-registrar shall charge a fee of three dollars for the issuance 48201
of the burial permit. Two dollars and fifty cents of each fee 48202
collected for a burial permit shall be paid into the state 48203
treasury to the credit of the ~~division of real estate in the~~ 48204
~~department of commerce~~ cemetery registration fund created under 48205
section 4767.03 of the Revised Code to be used by the division of 48206
real estate and professional licensing in the department of 48207
commerce in discharging its duties prescribed in Chapter 4767. of 48208
the Revised Code and the Ohio cemetery dispute resolution 48209

commission created by section 4767.05 of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public

inspection. 48242

Sec. 3706.01. As used in this chapter: 48243

(A) "Governmental agency" means a department, division, or 48244
other unit of state government, a municipal corporation, county, 48245
township, and other political subdivision, or any other public 48246
corporation or agency having the power to acquire, construct, or 48247
operate air quality facilities, the United States or any agency 48248
thereof, and any agency, commission, or authority established 48249
pursuant to an interstate compact or agreement. 48250

(B) "Person" means any individual, firm, partnership, 48251
association, or corporation, or any combination thereof. 48252

(C) "Air contaminant" means particulate matter, dust, fumes, 48253
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 48254
odorous substance, or any combination thereof. 48255

(D) "Air pollution" means the presence in the ambient air of 48256
one or more air contaminants in sufficient quantity and of such 48257
characteristics and duration as to injure human health or welfare, 48258
plant or animal life, or property, or that unreasonably interferes 48259
with the comfortable enjoyment of life or property. 48260

(E) "Ambient air" means that portion of the atmosphere 48261
outside of buildings and other enclosures, stacks, or ducts that 48262
surrounds human, plant, or animal life, or property. 48263

(F) "Emission" means the release into the outdoor atmosphere 48264
of an air contaminant. 48265

(G) "Air quality facility" means any of the following: 48266

(1) Any method, modification or replacement of property, 48267
process, device, structure, or equipment that removes, reduces, 48268
prevents, contains, alters, conveys, stores, disperses, or 48269
disposes of air contaminants or substances containing air 48270
contaminants, or that renders less noxious or reduces the 48271

concentration of air contaminants in the ambient air, including, 48272
without limitation, facilities and expenditures that qualify as 48273
air pollution control facilities under section 103 (C)(4)(F) of 48274
the Internal Revenue Code of 1954, as amended, and regulations 48275
adopted thereunder; 48276

(2) Motor vehicle inspection stations operated in accordance 48277
with, and any equipment used for motor vehicle inspections 48278
conducted under, section 3704.14 of the Revised Code and rules 48279
adopted under it; 48280

(3) Ethanol or other biofuel facilities, including any 48281
equipment used at the ethanol or other biofuel facility for the 48282
production of ethanol or other biofuels; 48283

(4) Any property or portion thereof used for the collection, 48284
storage, treatment, utilization, processing, or final disposal of 48285
a by-product or solid waste resulting from any method, process, 48286
device, structure, or equipment that removes, reduces, prevents, 48287
contains, alters, conveys, stores, disperses, or disposes of air 48288
contaminants, or that renders less noxious or reduces the 48289
concentration of air contaminants in the ambient air; 48290

(5) Any property, device, or equipment that promotes the 48291
reduction of emissions of air contaminants into the ambient air 48292
through improvements in the efficiency of energy utilization or 48293
energy conservation; 48294

(6) Any coal research and development project conducted under 48295
Chapter 1555. of the Revised Code; 48296

(7) As determined by the director of the Ohio coal 48297
development office, any property or portion thereof that is used 48298
for the collection, storage, treatment, utilization, processing, 48299
or final disposal of a by-product resulting from a coal research 48300
and development project as defined in section 1555.01 of the 48301
Revised Code or from the use of clean coal technology, excluding 48302

any property or portion thereof that is used primarily for other 48303
subsequent commercial purposes; 48304

(8) Any property or portion thereof that is part of the 48305
FutureGen project of the United States department of energy or 48306
related to the siting of the FutureGen project; 48307

(9) Any property, device, or equipment that promotes the 48308
reduction of emissions of air contaminants into the ambient air 48309
through the generation of clean, renewable energy with renewable 48310
energy resources or advanced energy resources as defined in 48311
section 3706.25 of the Revised Code; 48312

(10) Any property, device, structure, or equipment necessary 48313
for the manufacture and production of equipment described as an 48314
air quality facility under this chapter; 48315

(11) Any property, device, or equipment related to the 48316
recharging or refueling of vehicles that promotes the reduction of 48317
emissions of air contaminants into the ambient air through the use 48318
of an alternative fuel as defined in section 125.831 of the 48319
Revised Code or the use of a renewable energy resource as defined 48320
in section 3706.25 of the Revised Code; 48321

(12) Any special energy improvement project, as defined in 48322
section 1710.01 of the Revised Code, that promotes the reduction 48323
of emissions of air contaminants into the ambient air. 48324

"Air quality facility" further includes any property or 48325
system to be used in whole or in part for any of the purposes in 48326
divisions (G)(1) to ~~(11)~~ (12) of this section, whether another 48327
purpose is also served, and any property or system incidental to 48328
or that has to do with, or the end purpose of which is, any of the 48329
foregoing. Air quality facilities that are defined in this 48330
division for industry, commerce, distribution, or research, 48331
including public utility companies, are hereby determined to be 48332
those that qualify as facilities for the control of air pollution 48333

and thermal pollution related to air under Section 13 of Article 48334
VIII, Ohio Constitution. 48335

(H) "Project" or "air quality project" means any air quality 48336
facility, including undivided or other interests therein, acquired 48337
or to be acquired or constructed or to be constructed by the Ohio 48338
air quality development authority under this chapter, or acquired 48339
or to be acquired or constructed or to be constructed by a 48340
governmental agency or person with all or a part of the cost 48341
thereof being paid from a loan or grant from the authority under 48342
this chapter or otherwise paid from the proceeds of air quality 48343
revenue bonds, including all buildings and facilities that the 48344
authority determines necessary for the operation of the project, 48345
together with all property, rights, easements, and interests that 48346
may be required for the operation of the project. 48347

(I) "Cost" as applied to an air quality project means the 48348
cost of acquisition and construction, the cost of acquisition of 48349
all land, rights-of-way, property rights, easements, franchise 48350
rights, and interests required for such acquisition and 48351
construction, the cost of demolishing or removing any buildings or 48352
structures on land so acquired, including the cost of acquiring 48353
any lands to which such buildings or structures may be moved, the 48354
cost of acquiring or constructing and equipping a principal office 48355
and sub-offices of the authority, the cost of diverting highways, 48356
interchange of highways, and access roads to private property, 48357
including the cost of land or easements for such access roads, the 48358
cost of public utility and common carrier relocation or 48359
duplication, the cost of all machinery, furnishings, and 48360
equipment, financing charges, interest prior to and during 48361
construction and for no more than eighteen months after completion 48362
of construction, engineering, expenses of research and development 48363
with respect to air quality facilities, the cost of any commodity 48364
contract, including fees and expenses related thereto, legal 48365

expenses, plans, specifications, surveys, studies, estimates of 48366
cost and revenues, working capital, other expenses necessary or 48367
incident to determining the feasibility or practicability of 48368
acquiring or constructing such project, administrative expense, 48369
and such other expense as may be necessary or incident to the 48370
acquisition or construction of the project, the financing of such 48371
acquisition or construction, including the amount authorized in 48372
the resolution of the authority providing for the issuance of air 48373
quality revenue bonds to be paid into any special funds from the 48374
proceeds of such bonds, and the financing of the placing of such 48375
project in operation. Any obligation, cost, or expense incurred by 48376
any governmental agency or person for surveys, borings, 48377
preparation of plans and specifications, and other engineering 48378
services, or any other cost described above, in connection with 48379
the acquisition or construction of a project may be regarded as a 48380
part of the cost of that project and may be reimbursed out of the 48381
proceeds of air quality revenue bonds as authorized by this 48382
chapter. 48383

(J) "Owner" includes an individual, copartnership, 48384
association, or corporation having any title or interest in any 48385
property, rights, easements, or interests authorized to be 48386
acquired by this chapter. 48387

(K) "Revenues" means all rentals and other charges received 48388
by the authority for the use or services of any air quality 48389
project, any gift or grant received with respect to any air 48390
quality project, any moneys received with respect to the lease, 48391
sublease, sale, including installment sale or conditional sale, or 48392
other disposition of an air quality project, moneys received in 48393
repayment of and for interest on any loans made by the authority 48394
to a person or governmental agency, whether from the United States 48395
or any department, administration, or agency thereof, or 48396
otherwise, proceeds of such bonds to the extent that use thereof 48397

for payment of principal of, premium, if any, or interest on the 48398
bonds is authorized by the authority, amounts received or 48399
otherwise derived from a commodity contract or from the sale of 48400
the related commodity under such a contract, proceeds from any 48401
insurance, condemnation, or guaranty pertaining to a project or 48402
property mortgaged to secure bonds or pertaining to the financing 48403
of the project, and income and profit from the investment of the 48404
proceeds of air quality revenue bonds or of any revenues. 48405

(L) "Public roads" includes all public highways, roads, and 48406
streets in the state, whether maintained by the state, county, 48407
city, township, or other political subdivision. 48408

(M) "Public utility facilities" includes tracks, pipes, 48409
mains, conduits, cables, wires, towers, poles, and other equipment 48410
and appliances of any public utility. 48411

(N) "Construction," unless the context indicates a different 48412
meaning or intent, includes reconstruction, enlargement, 48413
improvement, or providing furnishings or equipment. 48414

(O) "Air quality revenue bonds," unless the context indicates 48415
a different meaning or intent, includes air quality revenue notes, 48416
air quality revenue renewal notes, and air quality revenue 48417
refunding bonds, except that notes issued in anticipation of the 48418
issuance of bonds shall have a maximum maturity of five years as 48419
provided in section 3706.05 of the Revised Code and notes or 48420
renewal notes issued as the definitive obligation may be issued 48421
maturing at such time or times with a maximum maturity of forty 48422
years from the date of issuance of the original note. 48423

(P) "Solid waste" means any garbage; refuse; sludge from a 48424
waste water treatment plant, water supply treatment plant, or air 48425
pollution control facility; and other discarded material, 48426
including solid, liquid, semisolid, or contained gaseous material 48427
resulting from industrial, commercial, mining, and agricultural 48428

operations, and from community activities, but not including solid 48429
or dissolved material in domestic sewage, or solid or dissolved 48430
material in irrigation return flows or industrial discharges that 48431
are point sources subject to permits under section 402 of the 48432
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 48433
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 48434
byproduct material as defined by the "Atomic Energy Act of 1954," 48435
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 48436

(Q) "Sludge" means any solid, semisolid, or liquid waste, 48437
other than a recyclable by-product, generated from a municipal, 48438
commercial, or industrial waste water treatment plant, water 48439
supply plant, or air pollution control facility or any other such 48440
wastes having similar characteristics and effects. 48441

(R) "Ethanol or other biofuel facility" means a plant at 48442
which ethanol or other biofuel is produced. 48443

(S) "Ethanol" means fermentation ethyl alcohol derived from 48444
agricultural products, including potatoes, cereal, grains, cheese 48445
whey, and sugar beets; forest products; or other renewable or 48446
biomass resources, including residue and waste generated from the 48447
production, processing, and marketing of agricultural products, 48448
forest products, and other renewable or biomass resources, that 48449
meets all of the specifications in the American society for 48450
testing and materials (ASTM) specification D 4806-88 and is 48451
denatured as specified in Parts 20 and 21 of Title 27 of the Code 48452
of Federal Regulations. 48453

(T) "Biofuel" means any fuel that is made from cellulosic 48454
biomass resources, including renewable organic matter, crop waste 48455
residue, wood, aquatic plants and other crops, animal waste, solid 48456
waste, or sludge, and that is used for the production of energy 48457
for transportation or other purposes. 48458

(U) "FutureGen project" means the buildings, equipment, and 48459

real property and functionally related buildings, equipment, and 48460
real property, including related research projects that support 48461
the development and operation of the buildings, equipment, and 48462
real property, designated by the United States department of 48463
energy and the FutureGen industrial alliance, inc., as the 48464
coal-fueled, zero-emissions power plant designed to prove the 48465
technical and economic feasibility of producing electricity and 48466
hydrogen from coal and nearly eliminating carbon dioxide emissions 48467
through capture and permanent storage. 48468

(V) "Commodity contract" means a contract or series of 48469
contracts entered into in connection with the acquisition or 48470
construction of air quality facilities for the purchase or sale of 48471
a commodity that is eligible for prepayment with the proceeds of 48472
federally tax exempt bonds under sections 103, 141, and 148 of the 48473
Internal Revenue Code of 1986, as amended, and regulations adopted 48474
under it. 48475

Sec. 3706.051. (A) The Ohio air quality development authority 48476
may enter into an agreement with the legislative authority of a 48477
municipal corporation or a board of township trustees that 48478
provides for all of the following: 48479

(1) The authority may issue revenue bonds or notes under 48480
section 3706.05 of the Revised Code for the purpose of paying any 48481
part of the cost of an air quality facility described under 48482
division (G)(12) of section 3706.01 of the Revised Code. 48483

(2) The municipal corporation or township may levy a special 48484
assessment under section 503.59 or 727.01 of the Revised Code upon 48485
property specially benefited by that air quality facility. 48486

(3) The municipal corporation or township shall pledge 48487
special assessments levied under division (A)(2) of this section 48488
for the payment of bonds or notes issued under division (A)(1) of 48489
this section. 48490

(B) If the municipal corporation or township is a participating political subdivision of a special improvement district organized under Chapter 1710. of the Revised Code for the purpose of developing and implementing plans for special energy improvement projects, the municipal corporation or township shall provide notice to the special improvement district of the following:

(1) The agreement entered into under division (A) of this section;

(2) The air quality facility for which property is to be assessed pursuant to that division.

Sec. 3706.12. The Ohio air quality development authority may charge, alter, and collect rentals or other charges for the use or services of any air quality project and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of such project, and fix the terms, conditions, rentals, or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or agency of the state and such contract may provide for acquisition by such person or governmental agency of all or any part of such air quality project for such consideration payable over the period of the contract or otherwise as the authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of air quality revenue bonds or notes or air quality revenue refunding bonds of the authority or any trust agreement securing the same. Any governmental agency that has power to construct, operate, and maintain air quality facilities may enter into a contract or lease with the authority whereby the use or services of any air quality project of the

authority will be made available to such governmental agency and 48522
may pay for such use or services such rentals or other charges as 48523
may be agreed to by the authority and such governmental agency. 48524

Any governmental agency or combination of governmental 48525
agencies may cooperate with the authority in the acquisition or 48526
construction of an air quality project and shall enter into such 48527
agreements with the authority as may be necessary, with a view to 48528
effective cooperative action and safeguarding of the respective 48529
interests of the parties thereto, which agreements shall provide 48530
for such contributions by the parties thereto in such proportion 48531
as may be agreed upon and such other terms as may be mutually 48532
satisfactory to the parties including without limitation the 48533
authorization of the construction of the project by one of the 48534
parties acting as agent for all of the parties and the ownership 48535
and control of the project by the authority to the extent 48536
necessary or appropriate for purposes of the issuance of air 48537
quality revenue bonds by the authority. Any governmental agency 48538
may provide the funds for the payment of such contribution as is 48539
required under such agreements by the levy of taxes, assessments 48540
or rentals and other charges for the use of the utility system of 48541
which the air quality project is a part or to which it is 48542
connected, if otherwise authorized by the laws governing such 48543
governmental agency in the construction of the type of air quality 48544
project provided for in the agreements, and may pay the proceeds 48545
from the collection of such taxes, assessments, utility rentals, 48546
or other charges to the authority pursuant to such agreements; or 48547
the governmental agency may issue bonds or notes, if authorized by 48548
such laws, in anticipation of the collection of such taxes, 48549
assessments, utility rentals, or other charges and may pay the 48550
proceeds of such bonds or notes to the authority pursuant to such 48551
agreements. In addition any governmental agency may provide the 48552
funds for the payment of such contribution by the appropriation of 48553
money or, if otherwise authorized by law, by the issuance of bonds 48554

or notes and may pay such appropriated money or the proceeds of 48555
such bonds or notes to the authority pursuant to such agreements. 48556
The agreement by the governmental agency to provide such 48557
contribution, whether from appropriated money or from the proceeds 48558
of such taxes, assessments, utility rentals, or other charges, or 48559
such bonds or notes, or any combination thereof, shall not be 48560
subject to Chapter 133. of the Revised Code or any regulations or 48561
limitations contained therein. The proceeds from the collection of 48562
such taxes or assessments, and any interest earned thereon, shall 48563
be paid into a special fund immediately upon the collection 48564
thereof by the governmental agency for the purpose of providing 48565
such contribution at the times required under such agreements. 48566

When the contribution of any governmental agency is to be 48567
made over a period of time from the proceeds of the collection of 48568
special assessments, the interest accrued and to accrue before the 48569
first installment of such assessments shall be collected which is 48570
payable by such governmental agency on such contribution under the 48571
terms and provisions of such agreements shall be treated as part 48572
of the cost of the improvement for which such assessments are 48573
levied, and that portion of such assessments as are collected in 48574
installments shall bear interest at the same rate as such 48575
governmental agency is obligated to pay on such contribution under 48576
the terms and provisions of such agreements and for the same 48577
period of time as the contribution is to be made under such 48578
agreements. If the assessment or any installment thereof is not 48579
paid when due, it shall bear interest until the payment thereof at 48580
the same rate as such contribution and the county auditor shall 48581
annually place on the tax list and duplicate the interest 48582
applicable to such assessment and the penalty and additional 48583
interest thereon as otherwise authorized by law. 48584

Any governmental agency, pursuant to a favorable vote of the 48585
electors in an election held before or after June 1, 1970, for the 48586

purpose of issuing bonds to provide funds to acquire, construct, 48587
or equip, or provide real estate and interests in real estate for, 48588
an air quality facility, whether or not such governmental agency, 48589
at the time of such election, had the authority to pay the 48590
proceeds from such bonds or notes issued in anticipation thereof 48591
to the authority as provided in this section, may issue such bonds 48592
or notes in anticipation of the issuance thereof and pay the 48593
proceeds thereof to the authority in accordance with its agreement 48594
with the authority; provided, that the legislative authority of 48595
the governmental agency find and determine that the air quality 48596
project to be acquired or constructed by the authority in 48597
cooperation with such governmental agency will serve the same 48598
public purpose and meet substantially the same public need as the 48599
facility otherwise proposed to be acquired or constructed by the 48600
governmental agency with the proceeds of such bonds or notes. 48601

The authority may enter into an agreement under this section 48602
with a municipal corporation, a township, or a special improvement 48603
district created under Chapter 1710. of the Revised Code pursuant 48604
to which the authority issues air quality revenue bonds or notes 48605
under section 3706.05 of the Revised Code and remits the proceeds 48606
to the municipal corporation, township, district, or other party 48607
to the transaction to pay any part of the cost of an air quality 48608
facility described in division (G)(12) of section 3706.01 of the 48609
Revised Code. Under the agreement, the municipal corporation, 48610
township, or district shall assign and remit the proceeds of a 48611
special assessment levied under Chapter 727. or section 1710.06 of 48612
the Revised Code for paying the costs of that air quality facility 48613
to the authority, or its agents or assignees, for the purpose of 48614
servicing those bonds and notes. 48615

Sec. 3711.14. (A) In accordance with Chapter 119. of the 48616
Revised Code, the director of health may do any of the following: 48617

(1) Impose a civil penalty of not less than one thousand 48618
dollars and not more than two hundred fifty thousand dollars on a 48619
person who violates a provision of this chapter or the rules 48620
adopted under it; 48621

(2) Summarily suspend, in accordance with division (B) of 48622
this section, a license issued under this chapter if the director 48623
believes there is clear and convincing evidence that the continued 48624
operation of a maternity unit, newborn care nursery, or maternity 48625
home presents a danger of immediate and serious harm to the 48626
public; 48627

(3) Revoke a license issued under this chapter if the 48628
director determines that a violation of a provision of this 48629
chapter or the rules adopted under it has occurred in such a 48630
manner as to pose an imminent threat of serious physical or 48631
life-threatening danger. 48632

(B) If the director suspends a license under division (A)(2) 48633
of this section, the director shall ~~issue~~ serve a written order of 48634
suspension ~~and cause it to be delivered by certified mail or in~~ 48635
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 48636
the Revised Code. The order shall not be subject to suspension by 48637
the court while an appeal filed under section 119.12 of the 48638
Revised Code is pending. If the individual subject to the 48639
suspension requests an adjudication, the date set for the 48640
adjudication shall be within fifteen days but not earlier than 48641
seven days after the individual makes the request, unless another 48642
date is agreed to by both the individual and the director. The 48643
summary suspension shall remain in effect, unless reversed by the 48644
director, until a final adjudication order issued by the director 48645
pursuant to this section and Chapter 119. of the Revised Code 48646
becomes effective. 48647

The director shall issue a final adjudication order not later 48648
than ninety days after completion of the adjudication. If the 48649

director does not issue a final order within the ninety-day 48650
period, the summary suspension shall be void, but any final 48651
adjudication order issued subsequent to the ninety-day period 48652
shall not be affected. 48653

(C) If the director issues an order revoking or suspending a 48654
license issued under this chapter and the license holder continues 48655
to operate a maternity unit, newborn care nursery, or maternity 48656
home, the director may ask the attorney general to apply to the 48657
court of common pleas of the county in which the person is located 48658
for an order enjoining the person from operating the unit, 48659
nursery, or home. The court shall grant the order on a showing 48660
that the person is operating the unit, nursery, or home. 48661

Sec. 3714.073. (A) In addition to the fee levied under 48662
division (A)(1) of section 3714.07 of the Revised Code, beginning 48663
July 1, 2005, there is hereby levied on the disposal of 48664
construction and demolition debris at a construction and 48665
demolition debris facility that is licensed under this chapter or 48666
at a solid waste facility that is licensed under Chapter 3734. of 48667
the Revised Code and on the disposal of asbestos or 48668
asbestos-containing materials or products at a construction and 48669
demolition debris facility that is licensed under this chapter or 48670
at a solid waste facility that is licensed under Chapter 3734. of 48671
the Revised Code the following fees: 48672

(1) A fee of twelve and one-half cents per cubic yard or 48673
twenty-five cents per ton, as applicable, the proceeds of which 48674
shall be deposited in the state treasury to the credit of the soil 48675
and water conservation district assistance fund created in section 48676
940.15 of the Revised Code; 48677

(2) A fee of ~~thirty-seven and one-half~~ thirty-five cents per 48678
cubic yard or ~~seventy-five~~ seventy cents per ton, as applicable, 48679
the proceeds of which shall be deposited in the state treasury to 48680

the credit of the recycling and litter prevention fund created in 48681
section 3736.03 of the Revised Code; 48682

(3) A fee of two and one-half cents per cubic yard or five 48683
cents per ton, as applicable, the proceeds of which shall be 48684
deposited in the state treasury to the credit of the waste 48685
management fund created in section 3734.061 of the Revised Code. 48686

(B) The owner or operator of a construction and demolition 48687
debris facility or a solid waste facility, as a trustee of the 48688
state, shall calculate the amount of money generated from the fees 48689
levied under this section and remit the money from the fees in the 48690
manner that is established in divisions (A)(2) and (3) of section 48691
3714.07 of the Revised Code for the fee that is levied under 48692
division (A)(1) of that section and may enter into an agreement 48693
for the quarterly payment of money generated from the fees in the 48694
manner established in division (B) of that section for the 48695
quarterly payment of money generated from the fee that is levied 48696
under division (A)(1) of that section. 48697

(C) The amount of money that is calculated by the owner or 48698
operator of a construction and demolition debris facility or a 48699
solid waste facility and remitted to a board of health or the 48700
director of environmental protection, as applicable, pursuant to 48701
this section shall be transmitted by the board or director to the 48702
treasurer of state not later than forty-five days after the 48703
receipt of the money to be credited to the soil and water 48704
conservation district assistance fund or the recycling and litter 48705
prevention fund, as applicable. 48706

(D) This section does not apply to the disposal of 48707
construction and demolition debris at a solid waste facility that 48708
is licensed under Chapter 3734. of the Revised Code if the owner 48709
or operator of the facility chooses to collect fees on the 48710
disposal of the construction and demolition debris and asbestos or 48711
asbestos-containing materials or products that are identical to 48712

the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code:

(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907.

of the Revised Code. 48744

(b) "Home" also means both of the following: 48745

(i) Any facility that a person, as defined in section 3702.51 48746
of the Revised Code, proposes for certification as a skilled 48747
nursing facility or nursing facility under Title XVIII or XIX of 48748
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 48749
as amended, and for which a certificate of need, other than a 48750
certificate to recategorize hospital beds as described in section 48751
3702.521 of the Revised Code or division (R)(7)(d) of the version 48752
of section 3702.51 of the Revised Code in effect immediately prior 48753
to April 20, 1995, has been granted to the person under sections 48754
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 48755

(ii) A county home or district home that is or has been 48756
licensed as a residential care facility. 48757

(c) "Home" does not mean any of the following: 48758

(i) Except as provided in division (A)(1)(b) of this section, 48759
a public hospital or hospital as defined in section 3701.01 or 48760
5122.01 of the Revised Code; 48761

(ii) A residential facility as defined in section 5119.34 of 48762
the Revised Code; 48763

(iii) A residential facility as defined in section 5123.19 of 48764
the Revised Code; 48765

(iv) A community addiction services provider as defined in 48766
section 5119.01 of the Revised Code; 48767

(v) A facility licensed under section 5119.37 of the Revised 48768
Code to operate an opioid treatment program; 48769

(vi) A facility providing services under contract with the 48770
department of developmental disabilities under section 5123.18 of 48771
the Revised Code; 48772

(vii) A facility operated by a hospice care program licensed 48773

under section 3712.04 of the Revised Code that is used exclusively 48774
for care of hospice patients; 48775

(viii) A facility operated by a pediatric respite care 48776
program licensed under section 3712.041 of the Revised Code that 48777
is used exclusively for the care of pediatric respite care 48778
patients or a location operated by a pediatric transition care 48779
program registered under section 3712.042 of the Revised Code that 48780
is used exclusively for the care of pediatric transition care 48781
patients; 48782

(ix) A facility, infirmary, or other entity that is operated 48783
by a religious order, provides care exclusively to members of 48784
religious orders who take vows of celibacy and live by virtue of 48785
their vows within the orders as if related, and does not 48786
participate in the medicare program or the medicaid program if on 48787
January 1, 1994, the facility, infirmary, or entity was providing 48788
care exclusively to members of the religious order; 48789

(x) A county home or district home that has never been 48790
licensed as a residential care facility. 48791

(2) "Unrelated individual" means one who is not related to 48792
the owner or operator of a home or to the spouse of the owner or 48793
operator as a parent, grandparent, child, grandchild, brother, 48794
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 48795
uncle. 48796

(3) "Mental impairment" does not mean mental illness, as 48797
defined in section 5122.01 of the Revised Code, or developmental 48798
disability, as defined in section 5123.01 of the Revised Code. 48799

(4) "Skilled nursing care" means procedures that require 48800
technical skills and knowledge beyond those the untrained person 48801
possesses and that are commonly employed in providing for the 48802
physical, mental, and emotional needs of the ill or otherwise 48803
incapacitated. "Skilled nursing care" includes, but is not limited 48804

to, the following: 48805

(a) Irrigations, catheterizations, application of dressings, 48806
and supervision of special diets; 48807

(b) Objective observation of changes in the patient's 48808
condition as a means of analyzing and determining the nursing care 48809
required and the need for further medical diagnosis and treatment; 48810

(c) Special procedures contributing to rehabilitation; 48811

(d) Administration of medication by any method ordered by a 48812
physician, such as hypodermically, rectally, or orally, including 48813
observation of the patient after receipt of the medication; 48814

(e) Carrying out other treatments prescribed by the physician 48815
that involve a similar level of complexity and skill in 48816
administration. 48817

(5)(a) "Personal care services" means services including, but 48818
not limited to, the following: 48819

(i) Assisting residents with activities of daily living; 48820

(ii) Assisting residents with self-administration of 48821
medication, in accordance with rules adopted under section 3721.04 48822
of the Revised Code; 48823

(iii) Preparing special diets, other than complex therapeutic 48824
diets, for residents pursuant to the instructions of a physician 48825
or a licensed dietitian, in accordance with rules adopted under 48826
section 3721.04 of the Revised Code. 48827

(b) "Personal care services" does not include "skilled 48828
nursing care" as defined in division (A)(4) of this section. A 48829
facility need not provide more than one of the services listed in 48830
division (A)(5)(a) of this section to be considered to be 48831
providing personal care services. 48832

(6) "Nursing home" means a home used for the reception and 48833
care of individuals who by reason of illness or physical or mental 48834

impairment require skilled nursing care and of individuals who 48835
require personal care services but not skilled nursing care. A 48836
nursing home is licensed to provide personal care services and 48837
skilled nursing care. 48838

(7) "Residential care facility" means a home that provides 48839
either of the following: 48840

(a) Accommodations for seventeen or more unrelated 48841
individuals and supervision and personal care services for three 48842
or more of those individuals who are dependent on the services of 48843
others by reason of age or physical or mental impairment; 48844

(b) Accommodations for three or more unrelated individuals, 48845
supervision and personal care services for at least three of those 48846
individuals who are dependent on the services of others by reason 48847
of age or physical or mental impairment, and, to at least one of 48848
those individuals, any of the skilled nursing care authorized by 48849
section 3721.011 of the Revised Code. 48850

(8) "Home for the aging" means a home that provides services 48851
as a residential care facility and a nursing home, except that the 48852
home provides its services only to individuals who are dependent 48853
on the services of others by reason of both age and physical or 48854
mental impairment. 48855

The part or unit of a home for the aging that provides 48856
services only as a residential care facility is licensed as a 48857
residential care facility. The part or unit that may provide 48858
skilled nursing care beyond the extent authorized by section 48859
3721.011 of the Revised Code is licensed as a nursing home. 48860

(9) "County home" and "district home" mean a county home or 48861
district home operated under Chapter 5155. of the Revised Code. 48862

(10) "Change of operator" has the same meaning as in section 48863
5165.01 of the Revised Code. 48864

(11) "Related party" has the same meaning as in section 48865
5165.01 of the Revised Code. 48866

(12) "SFF list" means the list of nursing facilities created 48867
by the United States department of health and human services under 48868
the special focus facility program. 48869

(13) "Special focus facility program" means the program 48870
conducted by the United States secretary of health and human 48871
services pursuant to section 1919(f)(10) of the "Social Security 48872
Act," 42 U.S.C. 1396r(f)(10). 48873

(B) The director of health may further classify homes. For 48874
the purposes of this chapter, any residence, institution, hotel, 48875
congregate housing project, or similar facility that meets the 48876
definition of a home under this section is such a home regardless 48877
of how the facility holds itself out to the public. 48878

(C) For purposes of this chapter, personal care services or 48879
skilled nursing care shall be considered to be provided by a 48880
facility if they are provided by a person employed by or 48881
associated with the facility or by another person pursuant to an 48882
agreement to which neither the resident who receives the services 48883
nor the resident's sponsor is a party. 48884

(D) Nothing in division (A)(4) of this section shall be 48885
construed to permit skilled nursing care to be imposed on an 48886
individual who does not require skilled nursing care. 48887

Nothing in division (A)(5) of this section shall be construed 48888
to permit personal care services to be imposed on an individual 48889
who is capable of performing the activity in question without 48890
assistance. 48891

(E) Division (A)(1)(c)(ix) of this section does not prohibit 48892
a facility, infirmary, or other entity described in that division 48893
from seeking licensure under sections 3721.01 to 3721.09 of the 48894
Revised Code or certification under Title XVIII or XIX of the 48895

"Social Security Act." However, such a facility, infirmary, or 48896
entity that applies for licensure or certification must meet the 48897
requirements of those sections or titles and the rules adopted 48898
under them and obtain a certificate of need from the director of 48899
health under section 3702.52 of the Revised Code. 48900

(F) Nothing in this chapter, or rules adopted pursuant to it, 48901
shall be construed as authorizing the supervision, regulation, or 48902
control of the spiritual care or treatment of residents or 48903
patients in any home who rely upon treatment by prayer or 48904
spiritual means in accordance with the creed or tenets of any 48905
recognized church or religious denomination. 48906

Sec. 3721.026. (A) ~~If the operation of a nursing home is~~ 48907
~~assigned or transferred to a different person, the person to whom~~ 48908
~~the operation is assigned or transferred must~~ undergoes a change 48909
of operator, all of the following requirements must be satisfied 48910
before the director of health may issue a license authorizing the 48911
person to operate the nursing home, ~~submit to the director~~ 48912
~~documentation showing that the person meets all of the following~~ 48913
~~requirements:~~ 48914

(1) ~~Unless the assignment or transfer is in the form of a~~ 48915
~~lease of the nursing home, the person has financial resources that~~ 48916
~~the director determines are sufficient to cover any reasonably~~ 48917
~~anticipated revenue shortfall for at least twelve months after the~~ 48918
~~assignment or transfer. The person completes a change of operator~~ 48919
license application on a form prescribed by the director and pays 48920
the applicable fee as determined by the director. The director 48921
shall make the application available on the department of health's 48922
publicly available web site. 48923

The change of operator license application established under 48924
this section shall include all of the following: 48925

(a) Full and complete disclosure of all direct and indirect 48926

<u>owners owning at least five per cent of each of the following:</u>	48927
<u>(i) The applicant, if the applicant is an entity;</u>	48928
<u>(ii) The owner of the nursing home, if the owner is a different person from the applicant;</u>	48929 48930
<u>(iii) The manager of the nursing home, if the manager is a different person from the applicant;</u>	48931 48932
<u>(iv) Each related party that provides or will provide services to the nursing home, whether through contracts with the applicant, owner, or manager of the nursing home.</u>	48933 48934 48935
<u>(b) Full and complete disclosure of the direct or indirect ownership interest of each individual identified in division (A)(1)(a) of this section in a current or previously licensed nursing home in this state or another state, including disclosure of whether any of the following occurred with respect to an identified nursing home within the five years immediately preceding the date of application:</u>	48936 48937 48938 48939 48940 48941 48942
<u>(i) Voluntary or involuntary closure of the nursing home;</u>	48943
<u>(ii) Voluntary or involuntary bankruptcy proceedings;</u>	48944
<u>(iii) Voluntary or involuntary receivership proceedings;</u>	48945
<u>(iv) License suspension, denial, or revocation;</u>	48946
<u>(v) Injunction proceedings initiated by a regulatory agency;</u>	48947
<u>(vi) The nursing home is listed in table A, table B, or table D on the SFF list under the special focus facility program;</u>	48948 48949
<u>(vii) A civil or criminal action was filed against it by a state or federal entity.</u>	48950 48951
<u>(c) Submission of all fully executed contracts with related parties, lease agreements, and management agreements pertaining to the nursing home;</u>	48952 48953 48954
<u>(d) Any additional information that the director considers</u>	48955

necessary to determine the ownership, operation, management, and control of the nursing home. 48956
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~~(2) If the assignment or transfer is in the form of a lease of the nursing home, either of the following applies to the person:~~ 48958
~~The application fee required under division (A)(1) of this section is credited to the general operations fund established under section 3701.83 of the Revised Code.~~ 48959
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~~(a) The person has obtained~~ (3) Except for applications that demonstrate that the applicant owns at least fifty per cent of the nursing home and its assets or at least fifty per cent of the entity that owns the nursing home and its assets the applicant submits evidence of a bond that has a term of at least twelve months, has an annual renewal, and is or other financial security reasonably acceptable to the director for an amount not less than one million the product of the number of licensed beds in the nursing home, as reflected in the application, multiplied by ten thousand dollars. 48963
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(a) The bond or other financial security shall be renewed or maintained for five years after the effective date of the change of operator. If the bond or other financial security is not renewed or maintained in accordance with this division, the director shall revoke the nursing home operator's license. The bond or other financial security shall be released five years after the effective date of the change of operator if none of the events described in division (A)(3)(b) of this section have occurred. 48973
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~~(b) If the person is unable to obtain a bond that meets the requirements of division (A)(2)(a) of this section at a cost the director determines to be reasonable or operates other nursing homes in this state, the person has financial resources that the director determines are sufficient to cover any reasonably anticipated revenue shortfall for at least twelve months after the~~ 48982
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<u>assignment or transfer. The director may utilize the bond or other</u>	48988
<u>financial security required under division (A)(3) of this section</u>	48989
<u>if any of the following occur during the five-year period for</u>	48990
<u>which the bond or other financial security is required:</u>	48991
<u>(1) The nursing home is voluntarily or involuntarily closed.</u>	48992
<u>(2) The nursing home or its owner or operator is the subject</u>	48993
<u>of voluntary or involuntary bankruptcy proceedings.</u>	48994
<u>(3) The nursing home or its owner or operator is the subject</u>	48995
<u>of voluntary or involuntary receivership proceedings.</u>	48996
<u>(4) The license to operate the nursing home is suspended,</u>	48997
<u>denied, or revoked.</u>	48998
<u>(5) The nursing home undergoes a change of operator, unless</u>	48999
<u>the new applicant submits a bond or other financial security in</u>	49000
<u>accordance with this section.</u>	49001
<u>(6) The nursing home appears in table A, table B, or table D</u>	49002
<u>on the SFF list under the special focus facility program.</u>	49003
(3) The person <u>(4) A person who is a direct or indirect owner</u>	49004
<u>of fifty per cent or more of the applicant is an individual who</u>	49005
<u>has at least five years of experience as an operator, manager, or</u>	49006
<u>either of the following:</u>	49007
<u>(a) An administrator of a nursing home located in this state</u>	49008
<u>or another state;</u>	49009
<u>(b) A direct or indirect owner of at least fifty per cent in</u>	49010
<u>either of the following:</u>	49011
<u>(i) An operator of a nursing home located in this state or</u>	49012
<u>another state;</u>	49013
<u>(ii) A manager of a nursing home located in this state or</u>	49014
<u>another state.</u>	49015
(4)(5) The person has <u>applicant submits copies of the nursing</u>	49016

home's policies and procedures, including plans for quality assurance and risk management that are required for the operation of the nursing home. 49017
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~~(5)(6)~~ The person has applicant submits general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 49020
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(7) The applicant demonstrates that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of nursing home residents. 49024
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~~(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for director shall conduct a survey of the nursing home for the twelve month period not more than sixty days after the assignment or transfer effective date of the operation of the nursing home change of operator.~~ 49027
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~~The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home.~~ 49033
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~~(C)(1)~~ The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. The director shall deny a change of operator license application if any of the requirements established by this section are not satisfied license application or if the applicant has or had fifty per cent or more direct or indirect ownership in the operator or manager of a current or previously licensed nursing home in this state or another state with respect to which any of 49039
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the following occurred within the five years immediately preceding 49048
the date of application: 49049

(a) Involuntary closure of the nursing home by a regulatory 49050
agency or voluntary closure in response to licensure or 49051
certification action; 49052

(b) Voluntary or involuntary bankruptcy proceedings that are 49053
not dismissed within sixty days; 49054

(c) Voluntary or involuntary receivership proceedings that 49055
are not dismissed within sixty days; 49056

(d) License suspension, denial, or revocation for failure to 49057
comply with operating standards. 49058

(2) An applicant may appeal the denial of a change of 49059
operator license application in accordance with Chapter 119. of 49060
the Revised Code. 49061

(C) An applicant shall notify the director within ten days of 49062
any change in the information or documentation required by this 49063
section, whether the change occurs before or after the effective 49064
date of the change of operator. If an applicant fails to notify 49065
the director in accordance with this division, the director shall 49066
impose a civil penalty of two thousand dollars for each day of 49067
noncompliance. 49068

(D) If the director becomes aware that a change of operator 49069
has occurred and the entering operator failed to submit an 49070
application in accordance with this section, or an application was 49071
filed but the information provided was fraudulent, the director 49072
shall impose a civil penalty of two thousand dollars for each day 49073
of noncompliance after the date the director becomes aware that 49074
the change of operator has occurred. If the entering operator 49075
fails to submit an application or new application in accordance 49076
with this section within sixty days of the director becoming aware 49077
of the change of operator, the director shall begin the process of 49078

revoking a nursing home license as specified in section 3721.03 of 49079
the Revised Code. 49080

(E) It is the intent of the general assembly in amending this 49081
section to require full and complete disclosure and transparency 49082
with respect to the ownership, operation, and management of each 49083
licensed nursing home located in this state. The director may 49084
adopt rules as necessary to implement this section. Any rules 49085
shall be adopted in accordance with Chapter 119. of the Revised 49086
Code. 49087

Sec. 3721.13. (A) The rights of residents of a home shall 49088
include, but are not limited to, the following: 49089

(1) The right to a safe and clean living environment pursuant 49090
to the medicare and medicaid programs and applicable state laws 49091
and rules adopted by the director of health; 49092

(2) The right to be free from physical, verbal, mental, and 49093
emotional abuse and to be treated at all times with courtesy, 49094
respect, and full recognition of dignity and individuality; 49095

(3) Upon admission and thereafter, the right to adequate and 49096
appropriate medical treatment and nursing care and to other 49097
ancillary services that comprise necessary and appropriate care 49098
consistent with the program for which the resident contracted. 49099
This care shall be provided without regard to considerations such 49100
as race, color, religion, national origin, age, or source of 49101
payment for care. 49102

(4) The right to have all reasonable requests and inquiries 49103
responded to promptly; 49104

(5) The right to have clothes and bed sheets changed as the 49105
need arises, to ensure the resident's comfort or sanitation; 49106

(6) The right to obtain from the home, upon request, the name 49107
and any specialty of any physician or other person responsible for 49108

the resident's care or for the coordination of care; 49109

(7) The right, upon request, to be assigned, within the 49110
capacity of the home to make the assignment, to the staff 49111
physician of the resident's choice, and the right, in accordance 49112
with the rules and written policies and procedures of the home, to 49113
select as the attending physician a physician who is not on the 49114
staff of the home. If the cost of a physician's services is to be 49115
met under a federally supported program, the physician shall meet 49116
the federal laws and regulations governing such services. 49117

(8) The right to participate in decisions that affect the 49118
resident's life, including the right to communicate with the 49119
physician and employees of the home in planning the resident's 49120
treatment or care and to obtain from the attending physician 49121
complete and current information concerning medical condition, 49122
prognosis, and treatment plan, in terms the resident can 49123
reasonably be expected to understand; the right of access to all 49124
information in the resident's medical record; and the right to 49125
give or withhold informed consent for treatment after the 49126
consequences of that choice have been carefully explained. When 49127
the attending physician finds that it is not medically advisable 49128
to give the information to the resident, the information shall be 49129
made available to the resident's sponsor on the resident's behalf, 49130
if the sponsor has a legal interest or is authorized by the 49131
resident to receive the information. The home is not liable for a 49132
violation of this division if the violation is found to be the 49133
result of an act or omission on the part of a physician selected 49134
by the resident who is not otherwise affiliated with the home. 49135

(9) The right to withhold payment for physician visitation if 49136
the physician did not visit the resident; 49137

(10) The right to confidential treatment of personal and 49138
medical records, and the right to approve or refuse the release of 49139
these records to any individual outside the home, except in case 49140

of transfer to another home, hospital, or health care system, as 49141
required by law or rule, or as required by a third-party payment 49142
contract; 49143

(11) The right to privacy during medical examination or 49144
treatment and in the care of personal or bodily needs; 49145

(12) The right to refuse, without jeopardizing access to 49146
appropriate medical care, to serve as a medical research subject; 49147

(13) The right to be free from physical or chemical 49148
restraints or prolonged isolation except to the minimum extent 49149
necessary to protect the resident from injury to self, others, or 49150
to property and except as authorized in writing by the attending 49151
physician for a specified and limited period of time and 49152
documented in the resident's medical record. Prior to authorizing 49153
the use of a physical or chemical restraint on any resident, the 49154
attending physician shall make a personal examination of the 49155
resident and an individualized determination of the need to use 49156
the restraint on that resident. 49157

Physical or chemical restraints or isolation may be used in 49158
an emergency situation without authorization of the attending 49159
physician only to protect the resident from injury to self or 49160
others. Use of the physical or chemical restraints or isolation 49161
shall not be continued for more than twelve hours after the onset 49162
of the emergency without personal examination and authorization by 49163
the attending physician. The attending physician or a staff 49164
physician may authorize continued use of physical or chemical 49165
restraints for a period not to exceed thirty days, and at the end 49166
of this period and any subsequent period may extend the 49167
authorization for an additional period of not more than thirty 49168
days. The use of physical or chemical restraints shall not be 49169
continued without a personal examination of the resident and the 49170
written authorization of the attending physician stating the 49171
reasons for continuing the restraint. 49172

If physical or chemical restraints are used under this 49173
division, the home shall ensure that the restrained resident 49174
receives a proper diet. In no event shall physical or chemical 49175
restraints or isolation be used for punishment, incentive, or 49176
convenience. 49177

(14) The right to the pharmacist of the resident's choice and 49178
the right to receive pharmaceutical supplies and services at 49179
reasonable prices not exceeding applicable and normally accepted 49180
prices for comparably packaged pharmaceutical supplies and 49181
services within the community; 49182

(15) The right to exercise all civil rights, unless the 49183
resident has been adjudicated incompetent pursuant to Chapter 49184
2111. of the Revised Code and has not been restored to legal 49185
capacity, as well as the right to the cooperation of the home's 49186
administrator in making arrangements for the exercise of the right 49187
to vote; 49188

(16) The right of access to opportunities that enable the 49189
resident, at the resident's own expense or at the expense of a 49190
third-party payer, to achieve the resident's fullest potential, 49191
including educational, vocational, social, recreational, and 49192
habilitation programs; 49193

(17) The right to consume a reasonable amount of alcoholic 49194
beverages at the resident's own expense, unless not medically 49195
advisable as documented in the resident's medical record by the 49196
attending physician or unless contradictory to written admission 49197
policies; 49198

(18) The right to use tobacco at the resident's own expense 49199
under the home's safety rules and under applicable laws and rules 49200
of the state, unless not medically advisable as documented in the 49201
resident's medical record by the attending physician or unless 49202
contradictory to written admission policies; 49203

(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician;

(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative;

(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

(a) Receive, send, and mail sealed, unopened correspondence;

(b) Reasonable access to a telephone for private communications;

(c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;

(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending

physician; 49235

(24) The right to retain and use personal clothing and a 49236
reasonable amount of possessions, in a reasonably secure manner, 49237
unless to do so would infringe on the rights of other residents or 49238
would not be medically advisable as documented in the resident's 49239
medical record by the attending physician; 49240

(25) The right to be fully informed, prior to or at the time 49241
of admission and during the resident's stay, in writing, of the 49242
basic rate charged by the home, of services available in the home, 49243
and of any additional charges related to such services, including 49244
charges for services not covered under the medicare or medicaid 49245
program. The basic rate shall not be changed unless thirty days' 49246
notice is given to the resident or, if the resident is unable to 49247
understand this information, to the resident's sponsor. 49248

(26) The right of the resident and person paying for the care 49249
to examine and receive a bill at least monthly for the resident's 49250
care from the home that itemizes charges not included in the basic 49251
rates; 49252

(27)(a) The right to be free from financial exploitation; 49253

(b) The right to manage the resident's own personal financial 49254
affairs, or, if the resident has delegated this responsibility in 49255
writing to the home, to receive upon written request at least a 49256
quarterly accounting statement of financial transactions made on 49257
the resident's behalf. The statement shall include: 49258

(i) A complete record of all funds, personal property, or 49259
possessions of a resident from any source whatsoever, that have 49260
been deposited for safekeeping with the home for use by the 49261
resident or the resident's sponsor; 49262

(ii) A listing of all deposits and withdrawals transacted, 49263
which shall be substantiated by receipts which shall be available 49264
for inspection and copying by the resident or sponsor. 49265

(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied.

(ii) If the resident appealed the denial, the denial was upheld.

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89,

or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 49296
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(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 49298
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(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 49301
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(31) The right not to be transferred or discharged from the home to a location that is incapable of meeting the resident's health care and safety needs. 49304
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(32) The right not to be transferred or discharged from the home without adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, including proper arrangements for medication, equipment, health care services, and other necessary services. 49307
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(33) All rights provided under 42 C.F.R. 483.15 and 483.21 and any other transfer or discharge rights provided under federal law. 49312
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(34) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents. 49315
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~~(32)~~(35) The right to have any significant change in the resident's health status reported to the resident's sponsor. As 49325
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soon as such a change is known to the home's staff, the home shall 49327
make a reasonable effort to notify the sponsor within twelve 49328
hours. 49329

~~(33)~~(36) The right, if the resident has requested the care 49330
and services of a hospice care program, to choose a hospice care 49331
program licensed under Chapter 3712. of the Revised Code that best 49332
meets the resident's needs. 49333

(B) A sponsor may act on a resident's behalf to assure that 49334
the home does not deny the residents' rights under sections 49335
3721.10 to 3721.17 of the Revised Code. 49336

(C) Any attempted waiver of the rights listed in division (A) 49337
of this section is void. 49338

Sec. 3721.16. For each resident of a home, ~~notice of all of~~ 49339
the following apply with respect to a proposed transfer or 49340
~~discharge shall be in accordance with this section.~~ from the home: 49341

(A)(1) The administrator of a home shall notify a resident in 49342
writing, and the resident's sponsor in writing by certified mail, 49343
return receipt requested, in advance of any proposed transfer or 49344
discharge from the home. The administrator shall send a copy of 49345
the notice to the state department of health. The notice shall be 49346
provided at least thirty days in advance of the proposed transfer 49347
or discharge, unless any of the following applies: 49348

(a) The resident's health has improved sufficiently to allow 49349
a more immediate discharge or transfer to a less skilled level of 49350
care; 49351

(b) The resident has resided in the home less than thirty 49352
days; 49353

(c) An emergency arises in which the safety of individuals in 49354
the home is endangered; 49355

(d) An emergency arises in which the health of individuals in 49356

the home would otherwise be endangered; 49357

(e) An emergency arises in which the resident's urgent 49358
medical needs necessitate a more immediate transfer or discharge. 49359

In any of the circumstances described in divisions (A)(1)(a) 49360
to (e) of this section, the notice shall be provided as many days 49361
in advance of the proposed transfer or discharge as is 49362
practicable. 49363

(2) The notice required under division (A)(1) of this section 49364
shall include all of the following: 49365

(a) The reasons for the proposed transfer or discharge; 49366

(b) The proposed date the resident is to be transferred or 49367
discharged; 49368

(c) Subject to division (A)(3) of this section, a proposed 49369
location to which the resident may relocate and a notice that the 49370
resident and resident's sponsor may choose another location to 49371
which the resident will relocate; 49372

(d) Notice of the right of the resident and the resident's 49373
sponsor to an impartial hearing at the home on the proposed 49374
transfer or discharge, and of the manner in which and the time 49375
within which the resident or sponsor may request a hearing 49376
pursuant to section 3721.161 of the Revised Code; 49377

(e) A statement that the resident will not be transferred or 49378
discharged before the date specified in the notice unless the home 49379
and the resident or, if the resident is not competent to make a 49380
decision, the home and the resident's sponsor, agree to an earlier 49381
date; 49382

(f) The address of the legal services office of the 49383
department of health; 49384

(g) The name, address, and telephone number of a 49385
representative of the state long-term care ombudsman program and, 49386

if the resident or patient has a developmental disability or 49387
mental illness, the name, address, and telephone number of the 49388
Ohio protection and advocacy system. 49389

(3) The proposed location to which a resident may relocate as 49390
specified pursuant to division (A)(2)(c) of this section in the 49391
proposed transfer or discharge notice shall be capable of meeting 49392
the resident's health-care and safety needs. The proposed location 49393
for relocation need not have accepted the resident at the time the 49394
notice is issued to the resident and resident's sponsor. 49395

(B) No home shall transfer or discharge a resident before the 49396
date specified in the notice required by division (A) of this 49397
section unless the home and the resident or, if the resident is 49398
not competent to make a decision, the home and the resident's 49399
sponsor, agree to an earlier date. 49400

(C) Transfer or discharge actions shall be documented in the 49401
resident's medical record by the home if there is a medical basis 49402
for the action. 49403

(D) A resident or resident's sponsor may challenge a transfer 49404
or discharge by requesting an impartial hearing pursuant to 49405
section 3721.161 of the Revised Code, unless the transfer or 49406
discharge is required because of one of the following reasons: 49407

(1) The home's license has been revoked under this chapter; 49408

(2) The home is being closed pursuant to section 3721.08, 49409
sections 5165.60 to 5165.89, or section 5155.31 of the Revised 49410
Code; 49411

(3) The resident is a recipient of medicaid and the home's 49412
participation in the medicaid program has been involuntarily 49413
terminated or denied by the federal government; 49414

(4) The resident is a beneficiary under the medicare program 49415
and the home's certification under the medicare program has been 49416

involuntarily terminated or denied by the federal government. 49417

(E) If a resident is to be transferred or discharged pursuant 49418
to this section, the home ~~from which the resident is being~~ 49419
~~transferred~~ proposing the transfer or ~~discharged~~ discharge shall 49420
provide the resident with adequate preparation prior to the 49421
transfer or discharge to ensure a safe and orderly transfer or 49422
discharge from the home, and the home or alternative setting to 49423
which the resident is to be transferred or discharged shall have 49424
accepted the resident for transfer or discharge. 49425

(F) At the time of a transfer or discharge of a resident who 49426
is a recipient of medicaid from a home to a hospital or for 49427
therapeutic leave, the home shall provide notice in writing to the 49428
resident and in writing by certified mail, return receipt 49429
requested, to the resident's sponsor, specifying the number of 49430
days, if any, during which the resident will be permitted under 49431
the medicaid program to return and resume residence in the home 49432
and specifying the medicaid program's coverage of the days during 49433
which the resident is absent from the home. An individual who is 49434
absent from a home for more than the number of days specified in 49435
the notice and continues to require the services provided by the 49436
facility shall be given priority for the first available bed in a 49437
semi-private room. 49438

Sec. 3721.161. (A) Not later than thirty days after the date 49439
a resident or the resident's sponsor receives under section 49440
3721.16 of the Revised Code a notice of a proposed transfer or 49441
discharge, whichever date of receiving the notice is later, the 49442
resident or resident's sponsor may challenge the proposed transfer 49443
or discharge by submitting a written request for a hearing to the 49444
state department of health. On receiving the request, the 49445
department shall conduct a hearing in accordance with section 49446
3721.162 of the Revised Code to determine whether the proposed 49447

transfer or discharge complies with ~~division~~ divisions (A)(30) to 49448
(33) of section 3721.13 and section 3721.16 of the Revised Code. 49449

(B) Except in the circumstances described in divisions 49450
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 49451
resident or the resident's sponsor submits a written hearing 49452
request not later than ten days after the date the resident or ~~the~~ 49453
resident's sponsor received notice of the proposed transfer or 49454
discharge, whichever date of receiving the notice is later, the 49455
home shall not transfer or discharge the resident unless the 49456
department determines after the hearing that the transfer or 49457
discharge complies with ~~division~~ divisions (A)(30) to (33) of 49458
section 3721.13 and section 3721.16 of the Revised Code or the 49459
department's determination to the contrary is reversed on appeal. 49460

(C) If a resident or the resident's sponsor does not request 49461
a hearing pursuant to division (A) of this section, the home may 49462
transfer or discharge the resident on the date specified in the 49463
notice required by division (A) of section 3721.16 of the Revised 49464
Code or thereafter, unless the home and the resident or, if the 49465
resident is not competent to make a decision, the home and the 49466
resident's sponsor, agree to an earlier date. 49467

(D) If ~~the~~ a resident or the resident's sponsor requests a 49468
hearing in writing pursuant to division (A) of this section and 49469
the home transfers or discharges the resident before the 49470
department issues a hearing decision, the home shall readmit the 49471
resident in the first available bed if the department determines 49472
after the hearing that the transfer or discharge does not comply 49473
with ~~division~~ divisions (A)(30) to (33) of section 3721.13 and 49474
section 3721.16 of the Revised Code or the department's 49475
determination to the contrary is reversed on appeal. 49476

Sec. 3721.162. (A) On receiving a request pursuant to section 49477
3721.161 of the Revised Code, the department of health shall 49478

conduct hearings under this section in accordance with 42 C.F.R. 49479
431, subpart E, to determine whether the proposed transfer or 49480
discharge of the resident from the home complies with ~~division~~ 49481
divisions (A)(30) to (33) of section 3721.13 and section 3721.16 49482
of the Revised Code. 49483

(B) The department shall employ or contract with an attorney 49484
to serve as hearing officer. The hearing officer shall conduct a 49485
hearing in the home not later than ten days after the date the 49486
department receives a request pursuant to section 3721.161 of the 49487
Revised Code, unless the resident and the home or, if the resident 49488
is not competent to make a decision, the resident's sponsor and 49489
the home, agree otherwise. The hearing shall be recorded on 49490
audiotape, but neither the recording nor a transcript of the 49491
recording shall be part of the official record of the hearing. A 49492
hearing conducted under this section is not subject to section 49493
121.22 of the Revised Code. 49494

(C) Unless the parties otherwise agree, the hearing officer 49495
shall issue a decision within five days of the date the hearing 49496
concludes. In all cases, a decision shall be issued not later than 49497
thirty days after the department receives a request pursuant to 49498
section 3721.161 of the Revised Code. The hearing officer's 49499
decision shall be served on the resident or resident's sponsor and 49500
the home by certified mail. The hearing officer's decision shall 49501
be considered the final decision of the department. 49502

(D) A resident, resident's sponsor, or home may appeal the 49503
decision of the department to the court of common pleas pursuant 49504
to section 119.12 of the Revised Code. The appeal shall be 49505
governed by section 119.12 of the Revised Code, except for all of 49506
the following: 49507

(1) The resident, resident's sponsor, or home shall file the 49508
appeal in the court of common pleas of the county in which the 49509
home is located. 49510

(2) The resident or resident's sponsor may apply to the court 49511
for designation as an indigent and, if the court grants the 49512
application, the resident or resident's sponsor shall not be 49513
required to furnish the costs of the appeal. 49514

(3) The appeal shall be filed with the department and the 49515
court within thirty days after the hearing officer's decision is 49516
served. The appealing party shall serve the opposing party a copy 49517
of the notice of appeal by hand-delivery or certified mail, return 49518
receipt requested. If the home is the appealing party, it shall 49519
provide a copy of the notice of appeal to both the resident and 49520
the resident's sponsor or attorney, if known. 49521

(4) The department shall not file a transcript of the hearing 49522
with the court unless the court orders it to do so. The court 49523
shall issue such an order only if it finds that the parties are 49524
unable to stipulate to the facts of the case and that the 49525
transcript is essential to the determination of the appeal. If the 49526
court orders the department to file the transcript, the department 49527
shall do so not later than thirty days after the day the court 49528
issues the order. 49529

(E) The court shall not require an appellant to pay a bond as 49530
a condition of issuing a stay pending its decision. 49531

(F) The resident, resident's sponsor, home, or department may 49532
commence a civil action in the court of common pleas of the county 49533
in which the home is located to enforce the decision of the 49534
department or the court. If the court finds that the resident or 49535
home has not complied with the decision, it shall enjoin the 49536
violation and order other appropriate relief, including attorney's 49537
fees. 49538

Sec. 3722.04. If a hospital licensed under this chapter is 49539
assigned, sold, or transferred to a new owner, within thirty days 49540
of the assignment, sale, or transfer, the new owner shall apply to 49541

the director of health for a license transfer. The application 49542
shall be submitted to the director in the form and manner 49543
prescribed in rules adopted under section 3722.06 of the Revised 49544
Code. 49545

The new owner is responsible for compliance with any action 49546
taken or proposed by the director under section 3722.07 or 3722.08 49547
of the Revised Code. If a notice has been ~~issued~~ served under 49548
~~section~~ sections 119.05 and 119.07 of the Revised Code, the new 49549
owner becomes party to the notice. 49550

Sec. 3722.07. (A) Each hospital licensed under this chapter 49551
shall comply with the requirements of this chapter and the rules 49552
adopted under it. 49553

(B) In accordance with Chapter 119. of the Revised Code, if 49554
the director of health finds that a license holder has violated 49555
any requirement of this chapter or the rules adopted under it, the 49556
director may do any of the following: 49557

(1) Impose a civil penalty of not less than one thousand 49558
dollars and not more than two hundred fifty thousand dollars; 49559

(2) Require the license holder to submit a plan to correct or 49560
mitigate the violation; 49561

(3) Suspend a health care service or revoke a license issued 49562
under this chapter if the director determines that the license 49563
holder is not in substantial compliance with this chapter or the 49564
rules adopted under it. 49565

(C)(1) If the director takes action under division (B)(3) of 49566
this section, the director shall give written notice of proposed 49567
action to the hospital. The notice shall specify all of the 49568
following: 49569

(a) The nature of the conditions giving rise to the 49570

director's judgment; 49571

(b) The measures that the director determines the hospital 49572
must take to respond to the conditions; 49573

(c) The date, which shall be not later than thirty days after 49574
the notice is delivered, on which the director intends to suspend 49575
the health care service or revoke the license if the conditions 49576
are not corrected and the director determines that the license 49577
holder has not come into substantial compliance with this chapter 49578
or the rules adopted under it. 49579

(2) If the licensed hospital notifies the director, within 49580
the period of time specified in division (C)(1)(c) of this 49581
section, that the conditions giving rise to the director's 49582
determination have been corrected and that the hospital is in 49583
substantial compliance with this chapter and the rules adopted 49584
under it, the director shall conduct an inspection. The director 49585
may suspend the health care service or revoke the license if the 49586
director determines on the basis of the inspection that the 49587
conditions have not been corrected and the license holder has not 49588
come into substantial compliance with this chapter or the rules 49589
adopted under it. 49590

(3) If the licensed hospital fails to notify the director, 49591
within the period of time specified in division (C)(1)(c) of this 49592
section, that the conditions giving rise to the director's 49593
determination have been corrected and that the hospital is in 49594
substantial compliance with this chapter and the rules adopted 49595
under it, the director may suspend the health care service or 49596
revoke the license. 49597

(D) If the director suspends a health care service or revokes 49598
a license under division (C) of this section, the director shall 49599
~~issue serve a written order of suspension or revocation and cause~~ 49600
~~it to be delivered by certified mail or in person~~ in accordance 49601

with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 49602
the license holder subject to the suspension or revocation 49603
requests an adjudication, the date set for the adjudication shall 49604
be within seven days after the license holder makes the request, 49605
unless another date is agreed to by both the individual and the 49606
director. The suspension or revocation shall remain in effect, 49607
unless reversed by the director, until a final adjudication order 49608
issued by the director pursuant to this section and Chapter 119. 49609
of the Revised Code becomes effective. 49610

The director shall issue a final adjudication order not later 49611
than fourteen days after completion of the adjudication. If the 49612
director does not issue a final order within the fourteen-day 49613
period, the suspension or revocation is void, but any final 49614
adjudication order issued subsequent to the fourteen-day period 49615
shall not be affected. 49616

(E) If the director issues a final adjudication order 49617
suspending a health care service or suspending or revoking a 49618
license issued under this chapter and the license holder continues 49619
to operate a hospital, the director may ask the attorney general 49620
to apply to the court of common pleas of the county in which the 49621
hospital is located for an order enjoining the license holder from 49622
operating the hospital. 49623

Sec. 3724.01. As used in this chapter: 49624

(A) "Controlling person" means either of the following: 49625

(1) A business entity, officer, program administrator, or 49626
director whose responsibilities include directing the management 49627
or policies of a health care staffing support service; 49628

(2) An individual who, directly or indirectly, owns an 49629
interest in a business entity described in division (A)(1) of this 49630
section. 49631

(B) "Health care personnel" means any licensed health care professional or unlicensed health care personnel who provides care, support, or services directly to patients. 49632
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(C) "Health care provider" means any of the following: 49635

(1) A home, as defined in section 3721.10 of the Revised Code; 49636
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(2) A home health agency, as defined in section 3740.01 of the Revised Code; 49638
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(3) A hospice care program, as defined in section 3712.01 of the Revised Code; 49640
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(4) A residential facility, as defined in section 5123.19 of the Revised Code; 49642
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(5) A residential facility, as defined in section 5119.34 of the Revised Code; 49644
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(6) A community addiction services provider, as defined in section 5119.01 of the Revised Code; 49646
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(7) A community mental health services provider, as defined in section 5119.01 of the Revised Code; 49648
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(8) A medicaid provider who provides medicaid waiver component services, as defined in section 5166.01 of the Revised Code. 49650
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(D) "Health care staffing support service" means a person that is regularly engaged in the business of providing, procuring, or matching, for a fee, health care personnel to serve as temporary staff for health care providers. "Health care staffing support service" includes an online health care staff matching service and a health care worker platform. "Health care staffing support service" does not include either of the following: 49653
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(1) An individual who is engaged only in providing or offering that individual's services to health care providers as a 49660
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temporary employee or contractor; 49662

(2) A government entity. 49663

(E) "Online health care staff matching service" means a 49664
person that operates or offers an electronic platform or 49665
application on which health care personnel employed by the service 49666
may be listed as available to serve as temporary staff for health 49667
care providers. 49668

(F) "Health care worker platform" means a person that 49669
operates or offers an electronic platform or application on which 49670
health care personnel who are independent contractors may be 49671
listed as available to serve as temporary staff for health care 49672
providers. 49673

Sec. 3724.02. (A) Each health care staffing support service 49674
shall annually register with the director of health. For purposes 49675
of the registration requirement, each physical location of a 49676
health care staffing support service shall separately register 49677
with the director. 49678

(B) The director shall establish registration application 49679
forms and procedures. Each registration application shall be 49680
accompanied by the fee set forth in division (C) of this section 49681
and include at least the following: 49682

(1)(a) The name and address of each owner with an interest of 49683
five per cent or more in the health care staffing support service, 49684
except that if that information does not result in a disclosure of 49685
at least eighty-five per cent of the ownership of the service, all 49686
owners shall be disclosed; 49687

(b) If an owner is not a natural person, the name and address 49688
of each natural person with more than a five per cent interest in 49689
that owner. 49690

(2) If the health care staffing support service or an owner 49691

is a corporation, a copy of the associated articles of 49692
incorporation and current bylaws, and the name and address of each 49693
officer and director; 49694

(3) A copy of the health care staffing support service's 49695
policies and procedures designed to ensure compliance with 49696
divisions (A)(4) and (5) of section 3724.07 of the Revised Code; 49697

(4) A copy of the health care staffing support service's 49698
policies and procedures regarding record retention and 49699
availability designed to ensure compliance with divisions (A)(6) 49700
and (7) of section 3724.07 of the Revised Code; 49701

(5) Certification that the health care staffing support 49702
service has not had a registration revoked under this chapter 49703
within the three years immediately preceding the date of the 49704
application. 49705

(C) Each applicant for registration of a health care staffing 49706
support service shall pay an application fee in the amount of two 49707
thousand dollars. The fee is nonrefundable. 49708

Sec. 3724.03. The director of health shall review each 49709
application received under section 3724.02 of the Revised Code for 49710
registration of a health care staffing support service. The 49711
director shall register a health care staffing support service if 49712
the applicant has submitted a complete application, paid the 49713
application fee, and demonstrated to the director's satisfaction 49714
that the requirements for registration as set forth in this 49715
chapter are met. 49716

Sec. 3724.04. A registration issued under this chapter to a 49717
health care staffing support service is valid for one year from 49718
the date of its issuance, unless one of the following is the case: 49719

(A) The service's registration is earlier revoked or 49720
suspended. 49721

(B) The service is sold. 49722

(C) The service's ownership or management is transferred such 49723
that forty per cent or more of the owners or managers of the 49724
service were not previously registered under this chapter. 49725

Sec. 3724.05. (A) A health care staffing support service that 49726
has provided staffing support services during the year preceding 49727
the health care staffing support service's registration renewal 49728
date may renew the service's registration by applying to the 49729
director of health using a registration renewal form established 49730
by the director and complying with any renewal application 49731
procedures established by the director. 49732

(B) The director of health shall establish forms and 49733
procedures for processing applications for the annual renewal of 49734
registrations issued under this chapter. The director shall charge 49735
a fee of two thousand dollars for renewal. The fee is 49736
nonrefundable. 49737

(C) An application for renewal shall include all of the 49738
following information: 49739

(1) A description of any changes to the items described in 49740
division (B) of section 3724.02 of the Revised Code; 49741

(2) Documentation demonstrating that the health care staffing 49742
support service provided staffing support services to health care 49743
providers during the calendar year immediately preceding the 49744
registration renewal date. 49745

(D) An applicant for registration renewal shall pay the 49746
renewal fee during the month of the renewal date. If an applicant 49747
fails to pay the renewal fee during that month, the applicant 49748
shall pay a late fee of two hundred dollars in addition to the 49749
renewal fee. If the renewal fee or any late fee is not paid by the 49750
thirtieth day after the renewal date, the director may, in 49751

accordance with Chapter 119. of the Revised Code, revoke the 49752
health care staffing support service's registration. 49753

(E) The director shall review all applications received for 49754
registration renewal. If an application is complete, the renewal 49755
fee and any late fee have been paid, and the director determines 49756
that the applicant meets all other eligibility requirements, the 49757
director shall renew the applicant's registration to operate a 49758
health care staffing support service. 49759

(F) A health care staffing support service that has not 49760
provided staffing support services during the year preceding the 49761
health care staffing support service's registration renewal date 49762
is ineligible for renewal, but may apply for a new registration 49763
under section 3724.02 of the Revised Code. 49764

Sec. 3724.06. (A) Except as provided in division (B) of this 49765
section, no person shall knowingly operate a health care staffing 49766
support service unless the person is registered under this 49767
chapter. 49768

(B) In the case of a health care staffing support service 49769
that is operating on the effective date of this section, an 49770
application for registration shall be submitted under section 49771
3724.02 of the Revised Code not later than thirty days after the 49772
effective date of this section. If the application is submitted 49773
accordingly, the staffing support service may continue to operate 49774
without being registered until the earlier of the following: 49775

(1) The date a final decision is made by the director of 49776
health to deny the registration; 49777

(2) The date that is one hundred twenty days after the 49778
effective date of this section. 49779

Sec. 3724.07. (A) Each health care staffing support service 49780
registered under this chapter shall do all of the following: 49781

(1)(a) Except as provided in division (A)(1)(b) of this section, ensure that when the health care staffing support service assigns or otherwise agrees to provide health care personnel to a health care provider to work for a specific shift or other time period, the assigned personnel or a substitute works for the agreed time period at no additional charge to the provider; 49782
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(b) In the case of a health care worker platform utilizing independent contractors, do all of the following: 49788
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(i) Use its best efforts to secure a substitute for assigned personnel who do not work an assigned shift or time period; 49790
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(ii) In its contracts with independent contractors, prohibit contractors from failing to work an assigned shift or time period, except for good cause or with twenty-four hours or more notice; 49792
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(iii) Exclude from the platform any contractor who violates the contractual provision required by division (A)(1)(b)(ii) of this section. 49795
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(2) Establish and provide to health care providers a schedule of fees and charges that shall not be modified except after providing written notice at least thirty days in advance of any change, or a shorter notice if the health care provider agrees in writing; 49798
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(3) Except in the case of a health care worker platform, employ, as an employee of the health care staffing support service, each individual that the service provides to a health care provider to serve as temporary health care personnel; 49803
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(4) Verify, maintain, and, upon request of a health care provider to which the health care staffing support service provides health care personnel, furnish supporting documentation that each individual provided to the provider to serve as temporary health care personnel, at the time of placement, meets all of the following: 49807
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<u>(a) Minimum licensing, training, and continuing education standards for the position in which the individual will be working;</u>	49813
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<u>(b) Criminal records check requirements for employees and temporary workers of the health care provider;</u>	49816
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<u>(c) Requirements for reviewing registries of persons with findings of abuse or neglect;</u>	49818
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<u>(d) Requirements for determining whether exclusions from medicare or medicaid exist;</u>	49820
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<u>(e) All of the health care provider's health requirements for employees or temporary workers, including requirements relating to testing for and vaccination against infectious disease and requirements relating to drug testing;</u>	49822
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<u>(f) Any other qualification or requirement mandated by law for a health care provider's employees or temporary workers.</u>	49826
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<u>(5) Prohibit all health care staffing support service employees or contractors from recruiting employees of the health care provider with which health care personnel are placed, and instruct all health care staffing support service employees or contractors regarding this prohibition;</u>	49828
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<u>(6) Make health care staffing support service records immediately available to the director of health during normal business hours;</u>	49833
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<u>(7) Retain health care staffing support service records for a minimum of five years or a longer period if required by state or federal law;</u>	49836
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<u>(8) Except in the case of a health care worker platform that requires its contractors to carry professional liability insurance that meets the requirements of this division, carry professional liability insurance that covers at least one million dollars per</u>	49839
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occurrence and three million dollars aggregate to protect against 49843
loss, damage, or expense incident to a claim arising out of the 49844
death or injury of any person as the result of negligence or 49845
malpractice in the provision of health care services by the health 49846
care staffing support service or any of the service's employees; 49847

(9) Except in the case of a health care worker platform that 49848
requires its contractors to carry occupational accident insurance, 49849
secure and maintain workers' compensation coverage in accordance 49850
with Chapters 4121., 4123., 4127., and 4131. of the Revised Code; 49851

(10) Except in the case of a health care worker platform that 49852
requires its contractors to have surety bonds meeting the 49853
requirements of this division, carry a surety bond for employee 49854
dishonesty that provides coverage in an amount that is not less 49855
than one hundred thousand dollars. 49856

(B) A health care staffing support service shall not attempt 49857
to require a health care provider, by contract or otherwise, to 49858
waive any of the requirements of this chapter or the rules adopted 49859
under it as a condition of supplying personnel to the provider. 49860
Any waiver of the requirements that may result from such an 49861
attempt is void and unenforceable. 49862

Sec. 3724.08. In addition to other activities prohibited by 49863
this chapter, a health care staffing support service is subject to 49864
all of the following: 49865

(A) The staffing support service shall not restrict the 49866
employment opportunities of its employees or contractors, 49867
including by requiring either of the following: 49868

(1) That an employee or contractor enter into a 49869
post-termination of services noncompete agreement; 49870

(2) That an employee or contractor accept an employment or 49871
contractual buyout. 49872

(B) The staffing support service shall not require, in any contract with an employee, independent contractor, or health care provider, the payment of liquidated damages, employment fees, or other compensation related to an employee or contractor being hired as a permanent employee of the health care provider. 49873
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(C)(1) Except as provided in division (C)(2) of this section, the staffing support service shall not recruit, solicit, or entice an employee of a health care provider to leave employment with the provider. 49878
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(2) Nothing in division (C)(1) of this section or in any other provision of this chapter shall be construed to prohibit a health care staffing support service from doing either of the following: 49882
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(a) Generally advertising to the public that the staffing support service is seeking workers or that it may pay a signing bonus; 49886
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(b) Offering or paying a signing bonus to an individual who was or is an employee of a health care provider so long as the staffing support service did not initiate contact related to employment while the individual was actively employed by a health care provider. 49889
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(D) The staffing support service shall not pay or make a gift to any employee of a health care provider. 49894
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(E) Except in the case of a health care worker platform, the staffing support service shall not contract with individuals as independent contractors for use by the service in providing temporary health care personnel to health care providers. 49896
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Sec. 3724.09. (A)(1) A health care staffing support service shall not bill or receive payments from an applicable health care provider for any category of health care personnel listed in the 49900
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medicaid cost reports submitted under section 5124.10 or 5165.10 49903
of the Revised Code at a rate that is higher than one hundred 49904
fifty per cent of the statewide direct care median hourly wage for 49905
that category of personnel, as that wage is determined by the 49906
department of medicaid from the cost reports for the most recent 49907
calendar year for which the department of medicaid has determined 49908
such a median wage, multiplied by the rate of inflation estimated 49909
under division (A)(3) of this section. The department of medicaid 49910
shall calculate and publish statewide direct care median hourly 49911
wages for all personnel categories reported on the cost reports as 49912
soon as practicable after receiving the reports. 49913

(2) A maximum rate established under division (A)(1) of this 49914
section includes all charges for administrative fees, contract 49915
fees, shift bonuses, or any other charges in addition to the 49916
hourly rates for the health care personnel supplied to a health 49917
care provider, except that the health care staffing support 49918
service may charge the provider an additional hourly amount of not 49919
more than ten per cent of the maximum rate for an individual who 49920
directly provides care to patients with an infectious disease for 49921
which a declared public health emergency is in effect. 49922

(3) The department of medicaid shall estimate the rate of 49923
inflation for the twelve-month period beginning on the first day 49924
of July of the cost report year and ending on the last day of June 49925
of the calendar year for which the rate is determined, using the 49926
following: 49927

(a) Subject to division (A)(3)(b) of this section, the 49928
employment cost index for total compensation, health care and 49929
social assistance component, published by the United States bureau 49930
of labor statistics; 49931

(b) If the United States bureau of labor statistics ceases to 49932
publish the index specified in division (A)(3)(a) of this section, 49933

the index that is subsequently published by the bureau and covers 49934
the staff costs of health care providers. 49935

(B) The medicaid director may establish median hourly wages 49936
for any category of personnel not reported on cost reports 49937
submitted under section 5124.10 or 5165.10 of the Revised Code 49938
based on data submitted by health care providers that utilize that 49939
category of personnel or based on any other data that the director 49940
considers appropriate. If the medicaid director establishes a 49941
median hourly wage for a category of personnel under this 49942
division, the wage that is established shall be used to set a 49943
maximum rate for the category of personnel in the same manner that 49944
a maximum rate applies under division (A) of this section. 49945

Sec. 3724.10. (A) An applicant for or holder of a 49946
registration issued under this chapter is subject to disciplinary 49947
actions by the director of health as specified in divisions (B) 49948
and (C) of this section. 49949

(B) The director may deny, refuse to renew, revoke, or 49950
suspend a health care staffing support service registration for 49951
any of the following reasons: 49952

(1) Lack of financial solvency or suitability; 49953

(2) Inadequate treatment and care or criminal activity by 49954
personnel supplied by the staffing support service or by any 49955
person managing the service, except that the director may not 49956
revoke the registration of a health care worker platform solely 49957
for the conduct of independent contractors that are on the 49958
platform; 49959

(3) Interference with a survey or other inspection conducted 49960
under section 3724.12 of the Revised Code; 49961

(4) Failure to comply with the conditions or requirements 49962
that must be met to obtain and retain a registration; 49963

(5) Failure to comply with any other requirement of this chapter or the rules adopted under it. 49964
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(C) The director shall revoke the registration of a health care staffing support service that knowingly provides to a health care provider a person with an illegally or fraudulently obtained or issued diploma, registration, license, certificate, criminal records check, or other item required for employment by a health care provider. 49966
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(D) In addition to the disciplinary actions described in divisions (B) and (C) of this section, the director shall fine a health care staffing support service found to be in violation of section 3724.09 of the Revised Code in an amount that is equal to two hundred per cent of the amount billed or received in excess of the maximum permitted under that section. 49972
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A health care staffing support service may request a reconsideration by the director of a fine imposed under this division. The reconsideration process is not subject to Chapter 119. of the Revised Code. 49978
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(E) Except as provided in division (D) of this section, all actions for imposing disciplinary actions and fines under this section shall be taken in accordance with Chapter 119. of the Revised Code. 49982
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(F)(1) The controlling person of a health care staffing support service whose registration has not been renewed or has been revoked is not eligible to apply for or to be granted a registration for five years following the date that the registration is terminated for failure to renew or the date of the final order of revocation. 49986
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(2) The director shall not issue or renew a registration to operate a health care staffing support service if a controlling person of the staffing support service includes any individual or 49992
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entity that was a controlling person of a staffing support service 49995
whose registration was not renewed or was revoked during the 49996
five-year period immediately preceding the date the application 49997
for registration or renewal under consideration was submitted. 49998

Sec. 3724.11. The director of health shall establish a system 49999
for the reporting of complaints against a health care staffing 50000
support service or its employees or contractors. Reports may be 50001
made by any individual. The director shall investigate all 50002
complaints made against a health care staffing support service. 50003

Sec. 3724.12. In addition to administering the registration 50004
requirements of this chapter and investigating complaints under 50005
section 3724.11 of the Revised Code, the director of health shall 50006
oversee the operation of health care staffing support services by 50007
doing both of the following: 50008

(A) Conducting surveys or other inspections; 50009

(B) Taking any other actions the director considers necessary 50010
to ensure compliance with this chapter and the rules adopted under 50011
it. 50012

Sec. 3724.13. The director of health shall adopt rules as the 50013
director considers necessary to implement this chapter. All rules 50014
adopted under this section shall be adopted in accordance with 50015
Chapter 119. of the Revised Code. 50016

Sec. 3724.14. All registration application fees, registration 50017
renewal fees, and fines collected under this chapter, other than 50018
financial penalties imposed under section 3724.99 of the Revised 50019
Code, shall be deposited in the state treasury to the credit of 50020
the general operations fund created under section 3701.83 of the 50021
Revised Code. The amounts shall be used solely for purposes of 50022
administering and enforcing this chapter and the rules adopted 50023

under it. 50024

Sec. 3724.99. Whoever violates section 3724.06 of the Revised 50025
Code is guilty of a misdemeanor of the second degree on a first 50026
offense; for each subsequent offense, the person is guilty of a 50027
misdemeanor of the first degree. 50028

Sec. 3725.05. No plasmapheresis center shall be certified by 50029
the director of health unless all federal requirements for the 50030
collection of plasma by plasmapheresis under the "Public Health 50031
Service Act," 58 Stat. 682 (1944) 42 U.S.C. 201, as amended, are 50032
met and: 50033

(A) A test approved by the director of health for hepatitis B 50034
antigen is made on a sample of blood taken from the donor at the 50035
time of blood collection-; 50036

(B) No person who has ever shown a positive test for 50037
hepatitis B antigen or who has a history of hepatitis serves as a 50038
donor for plasma, with the exception of plasma intended for 50039
special purposes approved by the director of health; 50040

(C) A qualified licensed physician, known as the medical 50041
director, is responsible for compliance with this chapter and 50042
rules adopted thereunder, and for maintaining the health and 50043
safety of participants in the plasmapheresis procedure-; 50044

(D) ~~A licensed physician, a registered nurse, or a medical~~ 50045
~~technologist approved by the director of health~~ One of the 50046
following individuals is in attendance at all times when a donor 50047
is undergoing plasmapheresis, and is responsible for supervising 50048
the procedure and the maintenance of sterile technique-; 50049

(1) A physician authorized under Chapter 4731. of the Revised 50050
Code to practice medicine and surgery or osteopathic medicine and 50051
surgery; 50052

(2) A licensed practical nurse or registered nurse as defined 50053
in section 4723.01 of the Revised Code; 50054

(3) An individual who is certified as an emergency medical 50055
technician-intermediate or emergency medical technician-paramedic 50056
under Chapter 4765. of the Revised Code, but is not attending or 50057
supervising the procedure or maintaining sterile technique in the 50058
individual's capacity as an emergency medical technician; 50059

(4) Another qualified medical staff person, including a 50060
medical technologist, approved by the director of health. 50061

(E) Handwashing facilities are present in the room where the 50062
blood is drawn and in the room where the formed elements are 50063
separated from the plasma. 50064

Sec. 3727.11. A hospital shall not represent itself as a 50065
comprehensive stroke center, thrombectomy-capable stroke center, 50066
primary stroke center, or acute stroke ready hospital unless it is 50067
recognized as such by the department of health under section 50068
3727.13 of the Revised Code. 50069

This section does not prohibit a hospital from representing 50070
itself as having a relationship or affiliation with a hospital 50071
recognized by the department of health under section 3727.13 of 50072
the Revised Code or a hospital in another state that is certified 50073
as a comprehensive stroke center, thrombectomy-capable stroke 50074
center, primary stroke center, or acute stroke ready hospital by 50075
an accrediting organization approved by the federal centers for 50076
medicare and medicaid services. 50077

Sec. 3727.12. (A) A person or government entity seeking 50078
recognition of a hospital as a comprehensive stroke center, 50079
thrombectomy-capable stroke center, primary stroke center, or 50080
acute stroke ready hospital by the department of health under 50081
section 3727.13 of the Revised Code shall file with the department 50082

an application for recognition. The application shall be submitted 50083
in the manner prescribed by the department. 50084

(B)(1) To be eligible for recognition as a comprehensive 50085
stroke center under section 3727.13 of the Revised Code, a 50086
hospital must be certified as a comprehensive stroke center by an 50087
accrediting organization approved by the federal centers for 50088
medicare and medicaid services or an organization acceptable to 50089
the department under division (C) of this section. 50090

(2) To be eligible for recognition as a thrombectomy-capable 50091
stroke center under section 3727.13 of the Revised Code, a 50092
hospital must be certified as a thrombectomy-capable stroke center 50093
by an accrediting organization approved by the federal centers for 50094
medicare and medicaid services or an organization acceptable to 50095
the department under division (C) of this section. 50096

(3) To be eligible for recognition as a primary stroke center 50097
under section 3727.13 of the Revised Code, a hospital must be 50098
certified as a primary stroke center by an accrediting 50099
organization approved by the federal centers for medicare and 50100
medicaid services or an organization acceptable to the department 50101
under division (C) of this section. 50102

~~(3)~~(4) To be eligible for recognition as an acute stroke 50103
ready hospital under section 3727.13 of the Revised Code, a 50104
hospital must be certified as an acute stroke ready hospital by an 50105
accrediting organization approved by the federal centers for 50106
medicare and medicaid services or an organization acceptable to 50107
the department under division (C) of this section. 50108

(C) For purposes of division (B) of this section, to be 50109
acceptable to the department an organization must certify 50110
comprehensive stroke centers, thrombectomy-capable stroke center, 50111
primary stroke centers, or acute stroke ready hospitals in 50112
accordance with nationally recognized certification guidelines. 50113

Sec. 3727.13. (A)(1) The department of health shall recognize 50114
as a comprehensive stroke center a hospital that satisfies the 50115
requirements of division (B)(1) of section 3727.12 of the Revised 50116
Code and submits a complete application. 50117

~~(2)(a)(2)~~ The department shall recognize as a 50118
thrombectomy-capable stroke center a hospital that satisfies the 50119
requirements of division (B)(2) of section 3727.12 of the Revised 50120
Code and submits a complete application. 50121

(3)(a) The department shall recognize as a primary stroke 50122
center a hospital that satisfies the requirements of division 50123
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code and submits a 50124
complete application. 50125

(b) If a hospital satisfying the requirements of division 50126
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code has attained 50127
supplementary levels of stroke care distinction as identified by 50128
an accrediting organization approved by the federal centers for 50129
medicare and medicaid services or an organization accepted by the 50130
department under section 3727.12 of the Revised Code, including by 50131
offering patients mechanical endovascular therapy, the department 50132
shall include that distinction in its recognition. 50133

~~(3)(4)~~ The department shall recognize as an acute stroke 50134
ready hospital a hospital that satisfies the requirements of 50135
division ~~(B)(3)~~ (B)(4) of section 3727.12 of the Revised Code and 50136
submits a complete application. 50137

(B) The department shall end its recognition of a hospital 50138
made under division (A) of this section if the accrediting 50139
organization described in division (B) of section 3727.12 of the 50140
Revised Code that certified the hospital revokes, rescinds, or 50141
otherwise terminates the hospital's certification with that 50142
organization or the certification expires. 50143

(C) Not later than the first day of January and July each year, the department shall compile and send a list of hospitals recognized under division (A) of this section to the medical director and cooperating physician advisory board of each emergency medical service organization, as defined in section 4765.01 of the Revised Code. The department also shall maintain a comprehensive list of recognized hospitals on its internet web site and update the list not later than thirty days after a hospital is recognized under division (A) of this section or its recognition ends under division (B) of this section.

Sec. 3727.131. (A)(1) In an effort to improve the quality of care for patients affected by stroke, the department of health shall establish and maintain a process for the collection, transmission, compilation, and oversight of data related to stroke care. Such data shall be collected, transmitted, compiled, and overseen in a manner prescribed by the director of health.

As part of the process and except as provided in division (A)(2) of this section, the department shall establish or utilize a stroke registry database to store information, statistics, and other data on stroke care, including information, statistics, and data that align with nationally recognized treatment guidelines and performance measures.

(2) If the department established or utilized, prior to the effective date of this section, a stroke registry database that meets the requirements of this section, then both of the following apply:

(a) Division (A)(1) of this section shall not be construed to require the department to establish or utilize another such database.

(b) The department shall maintain both the process and stroke registry database described in this section, including in the

event federal moneys are no longer available to support the 50175
process or database. 50176

(B) Not later than six months after the effective date of 50177
this section, the director of health shall adopt rules as 50178
necessary to implement this section, including rules specifying 50179
all of the following: 50180

(1) The information, statistics, and other data to be 50181
collected, which shall do both of the following: 50182

(a) Align with stroke consensus metrics developed and 50183
approved by both of the following: (i) The United States centers 50184
for disease control and prevention; (ii) Accreditation 50185
organizations that are approved by the United States centers for 50186
medicare and medicaid services and that certify stroke centers. 50187

(b) Include at a minimum both of the following: 50188

(i) Data that is consistent with nationally recognized 50189
treatment guidelines for patients with confirmed stroke; 50190

(ii) In the case of mechanical endovascular thrombectomy, 50191
data regarding the treatment's processes, complications, and 50192
outcomes, including data required by national certifying 50193
organizations. 50194

(2) The manner in which the information, statistics, and 50195
other data are to be collected; 50196

(3) The manner in which the information, statistics, and 50197
other data are to be transmitted for inclusion in the stroke 50198
registry database. 50199

(C) When adopting rules as described in division (B) of this 50200
section, all of the following apply: 50201

(1) The director of health shall do all of the following: 50202

(a) Consider nationally recognized stroke care performance 50203
measures; 50204

(b) Designate an electronic platform for the collection and transmission of data. 50205
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When designating the platform, the director shall consider nationally recognized stroke data platforms. 50207
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(c) In an effort to avoid duplication and redundancy, coordinate, to every extent possible, with hospitals recognized by the department under section 3727.13 of the Revised Code and national voluntary health organizations involved in stroke quality improvement. 50209
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(2) The director of health may specify that, of the information, statistics, or other data that is collected, only samples are to be transmitted for inclusion in the stroke registry database. 50214
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(3) The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 50218
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(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 50220
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(D)(1) Except as provided in division (D)(2) of this section, each hospital that is recognized by the department under section 3727.13 of the Revised Code as a comprehensive stroke center, thrombectomy-capable stroke center, or primary stroke center shall do both of the following: 50224
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(a) Collect the information, statistics, and other data specified by the director in rules adopted under division (B) of this section; 50229
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(b) Transmit the information, statistics, and other data for inclusion in the stroke registry database. 50232
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A hospital may contract with a third-party organization for 50234

the collection and transmission of the information, statistics, and other data. If a hospital contracts with a third-party organization, the organization shall collect and transmit such information, statistics, and other data for inclusion in the stroke registry database.

(2) The data described in division (B)(1)(b)(ii) of this section shall be collected and transmitted only by a hospital that is recognized by the department under section 3727.13 of the Revised Code as a thrombectomy-capable stroke center.

(3) In the case of a hospital that is recognized by the department under section 3727.13 of the Revised Code as an acute stroke ready hospital, the collection and transmission of the data described in division (B) of this section is encouraged.

(E) The information, statistics, or other data collected or transmitted as required or encouraged by this section shall not identify or tend to identify any particular patient.

(F) The department may establish an oversight committee to advise and monitor the department in implementing this section and to assist the department in developing short- and long-term goals for the stroke registry database.

If established, the membership of the committee shall consist of individuals with expertise or experience in data collection, data management, or stroke care, including both of the following:

(1) Individuals representing organizations advocating on behalf of those with stroke or cardiovascular conditions;

(2) Individuals representing hospitals recognized by the department under section 3727.13 of the Revised Code.

Sec. 3727.14. If an accrediting organization approved by the federal centers for medicare and medicaid services or an organization that certifies hospitals in accordance with

nationally recognized certification guidelines establishes a level 50265
of stroke certification that is in addition to the ~~three~~ four 50266
levels described in sections 3727.11 to 3727.13 of the Revised 50267
Code, the department of health shall recognize a hospital 50268
certified at that additional level. 50269

For purposes of this section, the department and a hospital 50270
shall comply with sections 3727.11 to 3727.13 of the Revised Code 50271
as if the certification and recognition described in this section 50272
were one of the ~~three~~ four levels described in sections 3727.11 to 50273
3727.13 of the Revised Code. 50274

Sec. 3727.17. Each hospital shall provide a staff person to 50275
do all of the following: 50276

(A) Meet with each unmarried mother who gave birth in or en 50277
route to the hospital within twenty-four hours after the birth or 50278
before the mother is released from the hospital; 50279

(B) Attempt to meet with the father of the unmarried mother's 50280
child if possible; 50281

(C) Explain to the unmarried mother and the father, if the 50282
father is present, the benefit to the child of establishing a 50283
parent and child relationship between the father and the child and 50284
the various proper procedures for establishing a parent and child 50285
relationship; 50286

(D) Present to the unmarried mother and, if possible, the 50287
father, the pamphlet or statement regarding the rights and 50288
responsibilities of a natural parent prepared by the department of 50289
job and family services pursuant to section 3111.32 of the Revised 50290
Code; 50291

(E) Provide the unmarried mother, and if possible the father, 50292
all forms and statements necessary to voluntarily establish a 50293
parent and child relationship, including the acknowledgment of 50294

paternity form prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code; 50295
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(F) Upon both the mother's and father's request, help the mother and father complete any specific form or statement necessary to establish a parent and child relationship; 50297
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(G) Present to an unmarried mother who is not a recipient of medicaid or a participant in Ohio works first an application for Title IV-D services; 50300
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(H) Mail the voluntary acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job and family services. 50303
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Each hospital shall provide a notary public to notarize, or witnesses to witness, an acknowledgment of paternity signed by the mother and father. If a hospital knows or determines that a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed or is attempting to sign an acknowledgment with respect to the child, the hospital shall take no further action with regard to the acknowledgment and shall not mail the acknowledgment pursuant to this section. 50306
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A hospital may contract with a person or government entity to fulfill its responsibilities under this section and sections 3111.71 to 3111.74 of the Revised Code. Services provided by a hospital under this section or pursuant to a contract under sections 3111.71 and 3111.77 of the Revised Code do not constitute the practice of law. A hospital shall not be subject to criminal or civil liability for any damage or injury alleged to result from services provided pursuant to this section or sections 3111.71 to 3111.74 of the Revised Code unless the hospital acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 50315
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Sec. 3727.25. (A) As used in this section: 50326

(1) "Surgical smoke" means the airborne byproduct of an 50327
energy-generating device used in a surgical procedure, including 50328
smoke plume, bioaerosols, gases, laser-generated contaminants, and 50329
dust. 50330

(2) "Surgical smoke evacuation system" means equipment 50331
designed to capture, filter, and eliminate surgical smoke at the 50332
point of origin, before the smoke makes contact with the eyes or 50333
respiratory tract of individuals. 50334

(B) Not later than one year after the effective date of this 50335
section, each hospital that offers surgical services shall adopt 50336
and implement a policy designed to prevent human exposure to 50337
surgical smoke during any planned surgical procedure that is 50338
likely to generate surgical smoke. The policy shall include the 50339
use of a surgical smoke evacuation system. 50340

(C) The director of health may adopt any rules the director 50341
considers necessary to implement this section. The rules shall be 50342
adopted in accordance with Chapter 119. of the Revised Code. 50343

Sec. 3733.41. As used in sections ~~3733.41 to 3733.49~~ of the 50344
Revised Code this chapter: 50345

(A) "Agricultural labor camp" means one or more buildings or 50346
structures, trailers, tents, or vehicles, together with any land 50347
appertaining thereto, established, operated, or used as temporary 50348
living quarters for two or more families or five or more persons 50349
intending to engage in or engaged in agriculture or related food 50350
processing, whether occupancy is by rent, lease, or mutual 50351
agreement. "Agricultural labor camp" does not include a hotel or 50352
motel, or a manufactured home park regulated pursuant to sections 50353
4781.26 to 4781.52 of the Revised Code, and rules adopted 50354
thereunder. 50355

(B) "Board of health" means the board of health of a city or
general health district or the authority having the duties of a
board of health in any city as authorized by section 3709.05 of
the Revised Code or an authorized representative of the board of
health.

(C) "Director" means the director of health or the authorized
representative of the director of health.

(D) "Licensor" means the director of health.

(E) "Person" means the state, any political subdivision,
public or private corporation, partnership, association, trust,
individual, or other entity.

(F) "State monitor advocate" means an individual appointed
under 20 C.F.R. 653.108.

Sec. 3733.43. (A) Except as otherwise provided in this
division, prior to the fifteenth day of April in each year, every
person who intends to operate an agricultural labor camp shall
make application to the licensor for a license to operate such
camp, effective for the calendar year in which it is issued. The
licensor may accept an application on or after the fifteenth day
of April. The license fees specified in this division shall be
submitted to the licensor with the application for a license. No
agricultural labor camp shall be operated in this state without a
license. Any person operating an agricultural labor camp without a
current and valid agricultural labor camp license is not excepted
from compliance with ~~sections 3733.41 to 3733.49 of the Revised
Code~~ this chapter by holding a valid and current hotel license.
Each person proposing to open an agricultural labor camp shall
submit with the application for a license any plans required by
any rule adopted under section 3733.42 of the Revised Code. For
any license issued on or after July 1, 2009, the annual license
fee is one hundred fifty dollars, unless the application for a

license is made on or after the fifteenth day of April in any 50387
given year, in which case the annual license fee is one hundred 50388
sixty-six dollars. For any license issued on or after July 1, 50389
2009, an additional fee of twenty dollars per housing unit per 50390
year shall be assessed to defray the costs of enforcing ~~sections~~ 50391
~~3733.41 to 3733.49 of the Revised Code~~ this chapter, unless the 50392
application for a license is made on or after the fifteenth day of 50393
April in any given year, in which case an additional fee of 50394
forty-two dollars and fifty cents per housing unit shall be 50395
assessed. All fees collected under this division shall be 50396
deposited in the state treasury to the credit of the general 50397
operations fund created in section 3701.83 of the Revised Code and 50398
shall be used for the administration and enforcement of ~~sections~~ 50399
~~3733.41 to 3733.49 of the Revised Code~~ this chapter and rules 50400
adopted thereunder. 50401

(B) Any license under this section may be denied, suspended, 50402
or revoked by the licensor for violation of ~~sections 3733.41 to~~ 50403
~~3733.49 of the Revised Code~~ this chapter or the rules adopted 50404
thereunder. Unless there is an immediate serious public health 50405
hazard, no denial, suspension, or revocation of a license shall be 50406
made effective until the person operating the agricultural labor 50407
camp has been given notice in writing of the specific violations 50408
and a reasonable time to make corrections. When the licensor 50409
determines that an immediate serious public health hazard exists, 50410
the licensor shall issue an order denying or suspending the 50411
license without a prior hearing. 50412

(C) All proceedings under this section are subject to Chapter 50413
119. of the Revised Code except as provided in section 3733.431 of 50414
the Revised Code. 50415

(D) Every occupant of an agricultural labor camp shall keep 50416
that part of the dwelling unit, and premises thereof, that the 50417
occupant occupies and controls in a clean and sanitary condition. 50418

Sec. 3733.431. Chapter 119. of the Revised Code applies to 50419
all adjudications under ~~sections 3733.41 to 3733.49 of the Revised~~ 50420
~~Code~~ this chapter except that: 50421

(A) The director of health shall notify a licensee that ~~he~~ 50422
the licensee is entitled to a hearing if ~~he~~ the licensee requests 50423
it within ten days of the time the notice informing ~~him~~ the 50424
licensee of ~~his~~ the licensee's right to a hearing was mailed; 50425

(B) If the licensee requests a hearing, the date set for the 50426
hearing shall be within ten days after the licensee has requested 50427
a hearing; 50428

(C) The director shall not apply for a postponement or 50429
continuation of an adjudication hearing. If the licensee requests 50430
a postponement or continuation of an adjudication hearing, it 50431
shall not be granted unless the licensee demonstrates that an 50432
unusual hardship will be incurred in meeting the hearing date. If 50433
the director grants a postponement or continuation on the grounds 50434
of an unusual hardship to the licensee, the record shall document 50435
the nature and cause of the unusual hardship. 50436

(D) If the director of health appoints a referee or examiner 50437
to conduct the hearing: 50438

(1) A copy of the written adjudication report and 50439
recommendation of the referee or examiner shall be served by 50440
certified mail upon the director and the licensee or ~~his~~ the 50441
licensee's attorney or other representative of record within three 50442
working days of the conclusion of the hearing; 50443

(2) The licensee is not entitled to file written objections 50444
to the report; 50445

(3) The director shall approve, modify, or disapprove of the 50446
report and recommendations within three working days of receiving 50447
the report. 50448

(E) A notice of appeal of an adverse adjudication decision 50449
shall be filed within fifteen days of the mailing of the 50450
director's order; 50451

(F) The court shall not suspend an adjudication order pending 50452
disposition of the appeal. Any adjudication order issued by the 50453
director shall remain in force pending final disposition of the 50454
appeal. 50455

Sec. 3733.45. (A) The licensor shall inspect all agricultural 50456
labor camps and shall require compliance with ~~sections 3733.41 to~~ 50457
~~3733.49 of the Revised Code~~ this chapter and the rules adopted 50458
thereunder prior to the issuance of a license. Upon receipt of a 50459
complaint from the ~~migrant agricultural ombudsperson~~ state monitor 50460
advocate or upon the basis of a licensor's own information that an 50461
agricultural labor camp is operating without a license, the 50462
licensor shall inspect the camp. If the camp is operating without 50463
a license, the licensor shall require the camp to comply with 50464
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 50465
the rules adopted under ~~those sections~~ it. No license shall be 50466
issued unless results of water supply tests indicate that the 50467
water supply meets required standards or if any violations exist 50468
concerning sanitation, drainage, or habitability of housing units. 50469
50470

(B) The licensor shall, upon issuance of each license, 50471
distribute posters containing the toll-free telephone number of 50472
the ~~migrant agricultural ombudsperson established in section~~ 50473
~~3733.49 of the Revised Code~~ state monitor advocate and information 50474
in English and Spanish describing the purpose of the 50475
~~ombudsperson's state monitor advocate's office, as provided in~~ 50476
~~that section~~ under 20 C.F.R. Parts 651, 653, 654, and 658. The 50477
licensor shall provide at least two posters to the licensee, one 50478
for the licensee's personal use and at least one that shall be 50479

posted in a conspicuous place within the camp. 50480

(C) The licensor may, upon proper identification to the 50481
operator or the operator's agent, enter on any property or into 50482
any structure at any reasonable time for the purpose of making 50483
inspections required by this section. 50484

The licensor shall make at least one inspection prior to 50485
licensing. The licensor shall make such other inspections as the 50486
licensor considers necessary to enforce ~~sections 3733.41 to~~ 50487
~~3733.49 of the Revised Code~~ this chapter adequately. 50488

(D) Any plans submitted to the licensor shall be in 50489
compliance with rules adopted pursuant to section 3733.42 of the 50490
Revised Code and shall be approved or disapproved within thirty 50491
days after they are filed. 50492

(E) The licensor shall issue an annual report that shall 50493
accurately reflect the results of that year's inspections, 50494
including, but not limited to, numbers of inspections, number of 50495
violations found, and action taken in regard to violations. The 50496
report shall also include an assessment of any problems found in 50497
that year and proposed solutions for them. 50498

Sec. 3733.46. (A) The director of health is the licensor and 50499
shall administer and enforce ~~sections 3733.41 to 3733.49 of the~~ 50500
~~Revised Code~~ this chapter and the rules adopted thereunder. 50501

(B) If the director determines that a board of health can 50502
satisfactorily enforce ~~sections 3733.41 to 3733.49 of the Revised~~ 50503
~~Code~~ this chapter and the rules adopted thereunder, ~~he~~ the 50504
director shall delegate ~~his~~ the director's authority to enforce 50505
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 50506
the rules adopted thereunder to the board. The director may enter 50507
an agreement with a board of health to which ~~he~~ the director has 50508
delegated ~~his~~ the director's authority to enforce ~~sections 3733.41~~ 50509

~~to 3733.49 of the Revised Code~~ this chapter, to provide funds to 50510
the board of health to carry out this duty. The director shall 50511
retain authority to issue, deny, renew, suspend, or revoke 50512
licenses authorizing the operation of agricultural labor camps. 50513

Sec. 3733.47. The attorney general, or the prosecuting 50514
attorney of the county, or the city director of law shall upon 50515
complaint of the licenser prosecute to termination or bring an 50516
action for a temporary restraining order or preliminary or 50517
permanent injunction against any person violating ~~sections 3733.41~~ 50518
~~to 3733.49 of the Revised Code~~ this chapter or the rules adopted 50519
thereunder. The common pleas court in which an action for a 50520
temporary restraining order or preliminary or permanent injunction 50521
is filed has the jurisdiction to grant such relief upon a showing 50522
that the respondent named in the complaint is in violation of 50523
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter or 50524
the rules adopted thereunder. 50525

Sec. 3733.471. (A) Any person who believes that violations of 50526
~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or 50527
Chapter 4111. of the Revised Code are taking place may report or 50528
cause reports to be made of the information directly to the 50529
~~migrant agricultural ombudsman's office as provided in section~~ 50530
~~3733.49 of the Revised Code~~ state monitor advocate. No person who 50531
files a report is liable for civil damages resulting from the 50532
report if the report was made on the basis of personal knowledge 50533
and belief, and not on the basis of hearsay, and was made in good 50534
faith and without recklessness as to the truth of the information 50535
contained in the report. 50536

(B) The ~~migrant agricultural ombudsman's office~~ state monitor 50537
advocate shall immediately forward to the attorney general all 50538
reports that ~~it~~ the state monitor advocate receives under division 50539
(A) of this section. Within forty-eight hours of receiving a 50540

report alleging that conditions in violation of ~~sections 3733.41~~ 50541
~~to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 50542
Revised Code exist that cause a direct or serious threat to the 50543
health or safety of migrant agricultural laborers, the attorney 50544
general, or the attorney general in conjunction with the director 50545
of health, shall investigate the complaint. If after an 50546
investigation period, which shall not exceed forty-eight hours, 50547
the attorney general finds probable cause to believe that existing 50548
conditions cause a direct or serious threat to the health or 50549
safety of the laborers, the attorney general, or the attorney 50550
general in conjunction with the appropriate prosecuting attorney, 50551
shall bring an action for a temporary restraining order or a 50552
preliminary or permanent injunction. 50553

(C) The attorney general, or the attorney general in 50554
conjunction with the director of health, shall, within seven days 50555
of receiving a complaint that does not allege a serious health or 50556
safety violation of ~~sections 3733.41 to 3733.49~~ this chapter, 50557
Chapter 4109., or Chapter 4111. of the Revised Code, begin an 50558
investigation of the complaint. If after an investigation period, 50559
which shall not exceed fourteen days, the attorney general finds 50560
probable cause to believe that a violation of ~~sections 3733.41 to~~ 50561
~~3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 50562
Revised Code exists, ~~he~~ the attorney general shall refer the 50563
matter to the appropriate prosecuting attorney, who shall 50564
prosecute the complaint. 50565

(D) The ~~migrant agricultural ombudsman's office~~ state monitor 50566
advocate shall treat as confidential all information that ~~it~~ the 50567
state monitor advocate receives as a result of reports filed with 50568
~~it~~ the state monitor advocate under division (A) of this section 50569
and shall not reveal that information to any person except under 50570
division (B) of this section or as required in the course of an 50571
investigation or prosecution. 50572

Sec. 3734.01. As used in this chapter: 50573

(A) "Board of health" means the board of health of a city or 50574
general health district or the authority having the duties of a 50575
board of health in any city as authorized by section 3709.05 of 50576
the Revised Code. 50577

(B) "Director" means the director of environmental 50578
protection. 50579

(C) "Health district" means a city or general health district 50580
as created by or under authority of Chapter 3709. of the Revised 50581
Code. 50582

(D) "Agency" means the environmental protection agency. 50583

(E) "Solid wastes" means such unwanted residual solid or 50584
semisolid material as results from industrial, commercial, 50585
agricultural, and community operations, excluding earth or 50586
material from construction, mining, or demolition operations, or 50587
other waste materials of the type that normally would be included 50588
in demolition debris, nontoxic fly ash and bottom ash, including 50589
at least ash that results from the combustion of coal and ash that 50590
results from the combustion of coal in combination with scrap 50591
tires where scrap tires comprise not more than fifty per cent of 50592
heat input in any month, spent nontoxic foundry sand, nontoxic, 50593
nonhazardous, unwanted fired and unfired, glazed and unglazed, 50594
structural products made from shale and clay products, and slag 50595
and other substances that are not harmful or inimical to public 50596
health, and includes, but is not limited to, garbage, scrap tires, 50597
combustible and noncombustible material, street dirt, and debris. 50598
"Solid wastes" does not include any material that is an infectious 50599
waste ~~or~~, a hazardous waste, or any post-use polymers and 50600
recovered feedstocks converted at an advanced recycling facility 50601
or held at such a facility prior to conversion through an advanced 50602
recycling process. 50603

(F) "Disposal" means the discharge, deposit, injection, 50604
dumping, spilling, leaking, emitting, or placing of any solid 50605
wastes or hazardous waste into or on any land or ground or surface 50606
water or into the air, except if the disposition or placement 50607
constitutes storage or treatment or, if the solid wastes consist 50608
of scrap tires, the disposition or placement constitutes a 50609
beneficial use or occurs at a scrap tire recovery facility 50610
licensed under section 3734.81 of the Revised Code. "Disposal" 50611
does not include ~~the process of converting post-use polymers and~~ 50612
~~recoverable feedstocks using gasification or pyrolysis~~ advanced 50613
recycling. 50614

(G) "Person" includes the state, any political subdivision 50615
and other state or local body, the United States and any agency or 50616
instrumentality thereof, and any legal entity defined as a person 50617
under section 1.59 of the Revised Code. 50618

(H) "Open burning" means the burning of solid wastes in an 50619
open area or burning of solid wastes in a type of chamber or 50620
vessel that is not approved or authorized in rules adopted by the 50621
director under section 3734.02 of the Revised Code or, if the 50622
solid wastes consist of scrap tires, in rules adopted under 50623
division (V) of this section or section 3734.73 of the Revised 50624
Code, or the burning of treated or untreated infectious wastes in 50625
an open area or in a type of chamber or vessel that is not 50626
approved in rules adopted by the director under section 3734.021 50627
of the Revised Code. 50628

(I) "Open dumping" means the depositing of solid wastes into 50629
a body or stream of water or onto the surface of the ground at a 50630
site that is not licensed as a solid waste facility under section 50631
3734.05 of the Revised Code or, if the solid wastes consist of 50632
scrap tires, as a scrap tire collection, storage, monocell, 50633
monofill, or recovery facility under section 3734.81 of the 50634
Revised Code; the depositing of solid wastes that consist of scrap 50635

tires onto the surface of the ground at a site or in a manner not 50636
specifically identified in divisions (C)(2) to (5), (7), or (10) 50637
of section 3734.85 of the Revised Code; the depositing of 50638
untreated infectious wastes into a body or stream of water or onto 50639
the surface of the ground; or the depositing of treated infectious 50640
wastes into a body or stream of water or onto the surface of the 50641
ground at a site that is not licensed as a solid waste facility 50642
under section 3734.05 of the Revised Code. 50643

(J) "Hazardous waste" means any waste or combination of 50644
wastes in solid, liquid, semisolid, or contained gaseous form that 50645
in the determination of the director, because of its quantity, 50646
concentration, or physical or chemical characteristics, may do 50647
either of the following: 50648

(1) Cause or significantly contribute to an increase in 50649
mortality or an increase in serious irreversible or incapacitating 50650
reversible illness; 50651

(2) Pose a substantial present or potential hazard to human 50652
health or safety or to the environment when improperly stored, 50653
treated, transported, disposed of, or otherwise managed. 50654

"Hazardous waste" includes any substance identified by 50655
regulation as hazardous waste under the "Resource Conservation and 50656
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 50657
amended, and does not include any substance that is subject to the 50658
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 50659
amended. 50660

(K) "Treat" or "treatment," when used in connection with 50661
hazardous waste, means any method, technique, or process, 50662
including neutralization, designed to change the physical, 50663
chemical, or biological character or composition of any hazardous 50664
waste so as to neutralize the waste; recover energy or material 50665
resources from the waste; render the waste nonhazardous or less 50666

hazardous, safer to transport, store, or dispose of, or amenable 50667
for recovery or storage; or reduce the volume of the waste. When 50668
used in connection with infectious wastes, "treat" or "treatment" 50669
means any method, technique, or process that renders the wastes 50670
noninfectious so that it is no longer an infectious waste and is 50671
no longer an infectious substance as defined in applicable federal 50672
law, including, without limitation, steam sterilization and 50673
incineration, and, in the instance of wastes identified in 50674
division (R)(7) of this section, to substantially reduce or 50675
eliminate the potential for the wastes to cause lacerations or 50676
puncture wounds. 50677

(L) "Manifest" means the form used for identifying the 50678
quantity, composition, origin, routing, and destination of 50679
hazardous waste during its transportation from the point of 50680
generation to the point of disposal, treatment, or storage. 50681

(M)(1) When used in connection with hazardous waste, 50682
"storage" means the holding of hazardous waste for a temporary 50683
period in such a manner that it remains retrievable and 50684
substantially unchanged physically and chemically and, at the end 50685
of the period, is treated; disposed of; stored elsewhere; or 50686
reused, recycled, or reclaimed in a beneficial manner; 50687

(2) When used in connection with scrap tires, "storage" means 50688
the holding of scrap tires for a temporary period in such a manner 50689
that they remain retrievable and, at the end of that period, are 50690
beneficially used; stored elsewhere; placed in a scrap tire 50691
monocell or monofill facility licensed under section 3734.81 of 50692
the Revised Code; processed at a scrap tire recovery facility 50693
licensed under that section or a solid waste incineration or 50694
energy recovery facility subject to regulation under this chapter; 50695
or transported to a scrap tire monocell, monofill, or recovery 50696
facility, any other solid waste facility authorized to dispose of 50697
scrap tires, or a facility that will beneficially use the scrap 50698

tires, that is located in another state and is operating in 50699
compliance with the laws of the state in which the facility is 50700
located; 50701

(3) When used in connection with ~~recoverable~~ recovered 50702
feedstocks or post-use polymers, "storage" means holding 50703
~~recoverable~~ recovered feedstocks or post-use polymers for a period 50704
of less than ninety days, provided all of the following apply: 50705

(a) The ~~recoverable~~ recovered feedstocks or post-use polymers 50706
remain retrievable and substantially unchanged physically and 50707
chemically; 50708

(b) The storage of ~~recoverable~~ recovered feedstocks or 50709
post-use polymers does not cause a nuisance; 50710

(c) The storage of ~~recoverable~~ recovered feedstocks or 50711
post-use polymers does not pose a threat from vectors; 50712

(d) The storage of ~~recoverable~~ recovered feedstocks or 50713
post-use polymers does not adversely impact public health, safety, 50714
or the environment; 50715

(e) Prior to the end of the storage period of less than 50716
ninety days, the ~~recoverable~~ recovered feedstocks or post-use 50717
polymers are converted ~~using gasification or pyrolysis through~~ 50718
advanced recycling. 50719

(N) "Facility" means any site, location, tract of land, 50720
installation, or building used for incineration, composting, 50721
sanitary landfilling, or other methods of disposal of solid wastes 50722
or, if the solid wastes consist of scrap tires, for the 50723
collection, storage, or processing of the solid wastes; for the 50724
transfer of solid wastes; for the treatment of infectious wastes; 50725
or for the storage, treatment, or disposal of hazardous waste. 50726

(O) "Closure" means the time at which a hazardous waste 50727
facility will no longer accept hazardous waste for treatment, 50728

storage, or disposal, the time at which a solid waste facility 50729
will no longer accept solid wastes for transfer or disposal or, if 50730
the solid wastes consist of scrap tires, for storage or 50731
processing, or the effective date of an order revoking the permit 50732
for a hazardous waste facility or the registration certificate, 50733
permit, or license for a solid waste facility, as applicable. 50734
"Closure" includes measures performed to protect public health or 50735
safety, to prevent air or water pollution, or to make the facility 50736
suitable for other uses, if any, including, but not limited to, 50737
the removal of processing residues resulting from solid wastes 50738
that consist of scrap tires; the establishment and maintenance of 50739
a suitable cover of soil and vegetation over cells in which 50740
hazardous waste or solid wastes are buried; minimization of 50741
erosion, the infiltration of surface water into such cells, the 50742
production of leachate, and the accumulation and runoff of 50743
contaminated surface water; the final construction of facilities 50744
for the collection and treatment of leachate and contaminated 50745
surface water runoff, except as otherwise provided in this 50746
division; the final construction of air and water quality 50747
monitoring facilities, except as otherwise provided in this 50748
division; the final construction of methane gas extraction and 50749
treatment systems; or the removal and proper disposal of hazardous 50750
waste or solid wastes from a facility when necessary to protect 50751
public health or safety or to abate or prevent air or water 50752
pollution. With regard to a solid waste facility that is a scrap 50753
tire facility, "closure" includes the final construction of 50754
facilities for the collection and treatment of leachate and 50755
contaminated surface water runoff and the final construction of 50756
air and water quality monitoring facilities only if those actions 50757
are determined to be necessary. 50758

(P) "Premises" means either of the following: 50759

(1) Geographically contiguous property owned by a generator; 50760

(2) Noncontiguous property that is owned by a generator and 50761
connected by a right-of-way that the generator controls and to 50762
which the public does not have access. Two or more pieces of 50763
property that are geographically contiguous and divided by public 50764
or private right-of-way or rights-of-way are a single premises. 50765

(Q) "Post-closure" means that period of time following 50766
closure during which a hazardous waste facility is required to be 50767
monitored and maintained under this chapter and rules adopted 50768
under it, including, without limitation, operation and maintenance 50769
of methane gas extraction and treatment systems, or the period of 50770
time after closure during which a scrap tire monocell or monofill 50771
facility licensed under section 3734.81 of the Revised Code is 50772
required to be monitored and maintained under this chapter and 50773
rules adopted under it. 50774

(R) "Infectious wastes" means any wastes or combination of 50775
wastes that include cultures and stocks of infectious agents and 50776
associated biologicals, human blood and blood products, and 50777
substances that were or are likely to have been exposed to or 50778
contaminated with or are likely to transmit an infectious agent or 50779
zoonotic agent, including all of the following: 50780

(1) Laboratory wastes; 50781

(2) Pathological wastes; 50782

(3) Animal blood and blood products; 50783

(4) Animal carcasses and parts; 50784

(5) Waste materials from the rooms of humans, or the 50785
enclosures of animals, that have been isolated because of 50786
diagnosed communicable disease that are likely to transmit 50787
infectious agents. Such waste materials from the rooms of humans 50788
do not include any wastes of patients who have been placed on 50789
blood and body fluid precautions under the universal precaution 50790
system established by the centers for disease control in the 50791

public health service of the United States department of health 50792
and human services, except to the extent specific wastes generated 50793
under the universal precautions system have been identified as 50794
infectious wastes by rules adopted under division (R)(7) of this 50795
section. 50796

(6) Sharp wastes used in the treatment, diagnosis, or 50797
inoculation of human beings or animals; 50798

(7) Any other waste materials generated in the diagnosis, 50799
treatment, or immunization of human beings or animals, in research 50800
pertaining thereto, or in the production or testing of 50801
biologicals, that the director of health, by rules adopted in 50802
accordance with Chapter 119. of the Revised Code, identifies as 50803
infectious wastes after determining that the wastes present a 50804
substantial threat to human health when improperly managed because 50805
they are contaminated with, or are likely to be contaminated with, 50806
infectious agents. 50807

As used in this division, "blood products" does not include 50808
patient care waste such as bandages or disposable gowns that are 50809
lightly soiled with blood or other body fluids unless those wastes 50810
are soiled to the extent that the generator of the wastes 50811
determines that they should be managed as infectious wastes. 50812

(S) "Infectious agent" means a type of microorganism, 50813
pathogen, virus, or proteinaceous infectious particle that can 50814
cause or significantly contribute to disease in or death of human 50815
beings. 50816

(T) "Zoonotic agent" means a type of microorganism, pathogen, 50817
or virus that causes disease in vertebrate animals, is 50818
transmissible to human beings, and can cause or significantly 50819
contribute to disease in or death of human beings. 50820

(U) "Solid waste transfer facility" means any site, location, 50821
tract of land, installation, or building that is used or intended 50822

to be used primarily for the purpose of transferring solid wastes 50823
that were generated off the premises of the facility from vehicles 50824
or containers into other vehicles for transportation to a solid 50825
waste disposal facility. "Solid waste transfer facility" does not 50826
include an advanced recycling facility or any facility that 50827
consists solely of portable containers that have an aggregate 50828
volume of fifty cubic yards or less nor any facility where 50829
legitimate recycling activities are conducted. 50830

(V) "Beneficially use" includes: 50831

(1) With regard to scrap tires, to use a scrap tire in a 50832
manner that results in a commodity for sale or exchange or in any 50833
other manner authorized as a beneficial use in rules adopted by 50834
the director in accordance with Chapter 119. of the Revised Code; 50835

(2) With regard to material from a horizontal well that has 50836
come in contact with a refined oil-based substance and that is not 50837
technologically enhanced naturally occurring radioactive material, 50838
to use the material in any manner authorized as a beneficial use 50839
in rules adopted by the director under section 3734.125 of the 50840
Revised Code. 50841

(W) "Commercial car," "commercial tractor," "farm machinery," 50842
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 50843
the same meanings as in section 4501.01 of the Revised Code. 50844

(X) "Construction equipment" means road rollers, traction 50845
engines, power shovels, power cranes, and other equipment used in 50846
construction work, or in mining or producing or processing 50847
aggregates, and not designed for or used in general highway 50848
transportation. 50849

(Y) "Motor vehicle salvage dealer" has the same meaning as in 50850
section 4738.01 of the Revised Code. 50851

(Z) "Scrap tire" means an unwanted or discarded tire. 50852

(AA) "Scrap tire collection facility" means any facility that 50853
meets all of the following qualifications: 50854

(1) The facility is used for the receipt and storage of whole 50855
scrap tires from the public prior to their transportation to a 50856
scrap tire storage, monocell, monofill, or recovery facility 50857
licensed under section 3734.81 of the Revised Code; a solid waste 50858
incineration or energy recovery facility subject to regulation 50859
under this chapter; a premises within the state where the scrap 50860
tires will be beneficially used; or a scrap tire storage, 50861
monocell, monofill, or recovery facility, any other solid waste 50862
disposal facility authorized to dispose of scrap tires, or a 50863
facility that will beneficially use the scrap tires, that is 50864
located in another state, and that is operating in compliance with 50865
the laws of the state in which the facility is located. 50866

(2) The facility exclusively stores scrap tires in portable 50867
containers. 50868

(3) The aggregate storage of the portable containers in which 50869
the scrap tires are stored does not exceed five thousand cubic 50870
feet. 50871

(BB) "Scrap tire monocell facility" means an individual site 50872
within a solid waste landfill that is used exclusively for the 50873
environmentally sound storage or disposal of whole scrap tires or 50874
scrap tires that have been shredded, chipped, or otherwise 50875
mechanically processed. 50876

(CC) "Scrap tire monofill facility" means an engineered 50877
facility used or intended to be used exclusively for the storage 50878
or disposal of scrap tires, including at least facilities for the 50879
submergence of whole scrap tires in a body of water. 50880

(DD) "Scrap tire recovery facility" means any facility, or 50881
portion thereof, for the processing of scrap tires for the purpose 50882
of extracting or producing usable products, materials, or energy 50883

from the scrap tires through a controlled combustion process, 50884
mechanical process, or chemical process. "Scrap tire recovery 50885
facility" includes any facility that uses the controlled 50886
combustion of scrap tires in a manufacturing process to produce 50887
process heat or steam or any facility that produces usable heat or 50888
electric power through the controlled combustion of scrap tires in 50889
combination with another fuel, but does not include any solid 50890
waste incineration or energy recovery facility that is designed, 50891
constructed, and used for the primary purpose of incinerating 50892
mixed municipal solid wastes and that burns scrap tires in 50893
conjunction with mixed municipal solid wastes, or any tire 50894
retreading business, tire manufacturing finishing center, or tire 50895
adjustment center having on the premises of the business a single, 50896
covered scrap tire storage area at which not more than four 50897
thousand scrap tires are stored. 50898

(EE) "Scrap tire storage facility" means any facility where 50899
whole scrap tires are stored prior to their transportation to a 50900
scrap tire monocell, monofill, or recovery facility licensed under 50901
section 3734.81 of the Revised Code; a solid waste incineration or 50902
energy recovery facility subject to regulation under this chapter; 50903
a premises within the state where the scrap tires will be 50904
beneficially used; or a scrap tire storage, monocell, monofill, or 50905
recovery facility, any other solid waste disposal facility 50906
authorized to dispose of scrap tires, or a facility that will 50907
beneficially use the scrap tires, that is located in another 50908
state, and that is operating in compliance with the laws of the 50909
state in which the facility is located. 50910

(FF) "Used oil" means any oil that has been refined from 50911
crude oil, or any synthetic oil, that has been used and, as a 50912
result of that use, is contaminated by physical or chemical 50913
impurities. "Used oil" includes only those substances identified 50914
as used oil by the United States environmental protection agency 50915

under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 50916
U.S.C.A. 6901a, as amended. 50917

(GG) "Accumulated speculatively" has the same meaning as in 50918
rules adopted by the director under section 3734.12 of the Revised 50919
Code. 50920

(HH) "Horizontal well" has the same meaning as in section 50921
1509.01 of the Revised Code. 50922

(II) "Technologically enhanced naturally occurring 50923
radioactive material" has the same meaning as in section 3748.01 50924
of the Revised Code. 50925

(JJ) "Post-use polymer" means a plastic ~~polymer~~ to which ~~both~~ 50926
all of the following apply: 50927

(1) It is derived from any ~~source and is not being used for~~ 50928
~~its original intended purpose~~ industrial, commercial, 50929
agricultural, or domestic activities, and includes pre-consumer 50930
recovered materials and post-consumer materials. 50931

(2) Its use or intended use is ~~to manufacture crude oil,~~ 50932
~~fuels, other as feedstock for the manufacturing of feedstocks,~~ raw 50933
materials, other intermediate products, or final products using 50934
~~pyrolysis or gasification~~ advanced recycling. 50935

~~"Post-use polymer"~~ (3) It has been sorted from solid waste 50936
and other regulated waste, but may contain incidental contaminants 50937
or impurities, such as paper labels or metal rings. 50938

(4) It is not mixed with solid waste or hazardous waste 50939
onsite or during processing at the advanced recycling facility. 50940

(5) It is processed at an advanced recycling facility or held 50941
at such facility prior to processing. 50942

(KK) "Pyrolysis" means a manufacturing process through which 50943
post-use polymers or recovered feedstocks are heated in the 50944
absence of oxygen until melted and thermally decomposed, either 50945

noncatalytically or catalytically, and are then cooled, condensed, 50946
and converted to one of the following: 50947

~~(1) Crude oil, diesel, gasoline, home heating oil, or another~~ 50948
~~fuel;~~ 50949

~~(2) Feedstocks;~~ 50950

~~(3) Diesel and gasoline blendstocks;~~ 50951

~~(4) Chemicals, waxes, or lubricants;~~ 50952

~~(5) Other~~ into valuable raw materials, intermediate products, 50953
~~or~~ final products, plastic monomers, chemicals, naphtha, waxes, or 50954
plastic and chemical feedstocks that are returned to economic 50955
utility in the form of raw materials and products. 50956

(LL) "Gasification" means a manufacturing process through 50957
which ~~recoverable~~ post-use polymers or recovered feedstocks are 50958
heated ~~and converted into a fuel gas mixture~~ in an 50959
~~oxygen deficient~~ oxygen-controlled atmosphere, ~~and the mixture is~~ 50960
converted into fuel, ~~including ethanol and transportation fuel,~~ 50961
syngas, followed by conversion into valuable raw, intermediate, 50962
and final products, including plastic monomers, chemicals, ~~or~~ 50963
~~other~~ waxes, lubricants, coatings, and plastic and chemical 50964
feedstocks that are returned to economic utility in the form of 50965
raw materials or products. 50966

(MM) "~~Recoverable~~ Recovered feedstock" means one or more of 50967
the following materials, ~~derived from nonrecycled waste,~~ that have 50968
not been mixed with solid waste or hazardous waste on-site or 50969
during processing at an advanced recycling facility and have been 50970
processed for use as a feedstock in a gasification facility: 50971

(1) Post-use polymers; 50972

(2) Materials for which the United States environmental 50973
protection agency has made a non-waste determination ~~under 40~~ 50974
~~C.F.R. 241.3(e)~~ or has otherwise determined are feedstocks and are 50975

not solid waste. 50976

"Recovered feedstock" does not include unprocessed municipal solid waste. 50977
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(NN) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other recycled products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis, and other similar technologies. "Advanced recycling" does not include incineration of plastics or waste-to-energy processes and products sold as fuel. "Advanced recycling" is "recycling" as defined in section 3736.01 of the Revised Code. 50979
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(OO) "Recycled products" include products produced at advanced recycling facilities including, monomers, oligomers, recycled plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives. 50989
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(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling. 50993
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(OO) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. 50996
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(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products. 51001
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(SS) "Recycled plastic" means products that are produced from 51006

<u>either of the following:</u>	51007
<u>(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics;</u>	51008
<u>(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system.</u>	51010
<u>(TT) "Solvolysis" means a manufacturing process to make useful products through which post-use polymers are purified by removing additives and contaminants with the aid of solvents and are heated at low temperatures or pressurized. "Solvolysis" includes hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.</u>	51011
<u>(UU) "Useful products" means products produced through solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials.</u>	51012
<u>(VV) "Third-party certification system" means an international and multi-national third-party certification system that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. "Third-party certification system" includes international sustainability and carbon certification, underwriter laboratories, SCS recycled content, roundtable on sustainable biomaterials, ecoloop, and REDcert2.</u>	51013
<u>Sec. 3734.48. (A) As used in this section:</u>	51014
<u>(1) "Coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, as defined in 40 C.F.R. Part 257.</u>	51015
<u>(2) "Coal combustion residuals landfill" means an area of</u>	51016
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land or an excavation that receives coal combustion residuals that 51037
is not a coal combustion residuals surface impoundment, an 51038
underground injection well, a salt dome formation, a salt bed 51039
formation, an underground or surface mine, or a cave. "Coal 51040
combustion residuals landfill" includes sand and gravel pits and 51041
quarries that receive coal combustion residuals, coal combustion 51042
residuals piles, and any practice that does not meet the 51043
definition of a beneficial use of coal combustion residuals under 51044
40 C.F.R. Part 257. 51045

(3) "Coal combustion residuals pile" means any 51046
noncontainerized accumulation of solid, nonflowing coal combustion 51047
residuals that is placed on the land. "Coal combustion residuals 51048
pile" does not mean coal combustion residuals that are 51049
beneficially used off-site. 51050

(4) "Coal combustion residuals surface impoundment" means a 51051
natural topographic depression, manmade excavation, or diked area 51052
that is designed to hold an accumulation of coal combustion 51053
residuals and liquids and a coal combustion residual unit at which 51054
coal combustion residuals are treated, stored, or disposed in 51055
accordance with 40 C.F.R. Part 257. 51056

(5) "Coal combustion residuals unit" means any coal 51057
combustion residuals landfill, coal combustion residuals surface 51058
impoundment, including any lateral expansion of a coal combustion 51059
residuals unit, or a combination thereof. "Coal combustion 51060
residuals unit" includes both new units and units existing prior 51061
to the effective date of this section unless otherwise specified 51062
in 40 C.F.R. Part 257. 51063

(B) The director of environmental protection, in accordance 51064
with Chapter 119. of the Revised Code, shall adopt rules having 51065
uniform application throughout the state governing coal combustion 51066
residuals units. The director shall ensure that the rules are 51067
equivalent to, but not more stringent than, 40 C.F.R. Part 257. 51068

<u>The rules shall address all of the following:</u>	51069
<u>(1) Additional definitions relating to coal combustion residuals;</u>	51070
<u>(2) Siting criteria;</u>	51071
<u>(3) Groundwater monitoring requirements; (4) Design and construction requirements;</u>	51072
<u>(5) Financial assurance requirements;</u>	51073
<u>(6) Closure and post-closure requirements;</u>	51074
<u>(7) Any other requirement that the director determines is necessary for the administration of this section.</u>	51075
<u>(C) Except as provided in division (D) of this section, a coal combustion residuals unit that is subject to rules adopted under this section or 40 C.F.R. Part 257 is not subject to any of the following:</u>	51076
<u>(1) Any other section of this chapter;</u>	51077
<u>(2) Rules adopted under any other section of this chapter;</u>	51078
<u>(3) Section 6111.04 of the Revised Code.</u>	51079
<u>(D) The director may adopt rules under this section that require a coal combustion residuals unit to obtain a permit-to-install or national pollutant discharge elimination system permit under section 6111.03 of the Revised Code.</u>	51080
<u>(E) The director shall prescribe and furnish any forms necessary to administer and enforce this section. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this section.</u>	51081
<u>(F) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.</u>	51082
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Sec. 3734.57. (A) The following fees are hereby levied on the 51098
transfer or disposal of solid wastes in this state: 51099

(1) ~~Ninety~~ Seventy-one cents per ton through June 30, ~~2024~~ 51100
2026, ~~twenty eleven~~ cents of the proceeds of which shall be 51101
deposited in the state treasury to the credit of the hazardous 51102
waste facility management fund created in section 3734.18 of the 51103
Revised Code and ~~seventy~~ sixty cents of the proceeds of which 51104
shall be deposited in the state treasury to the credit of the 51105
hazardous waste clean-up fund created in section 3734.28 of the 51106
Revised Code; 51107

(2) An additional ~~seventy-five~~ ninety cents per ton through 51108
June 30, ~~2024~~ 2026, the proceeds of which shall be deposited in 51109
the state treasury to the credit of the waste management fund 51110
created in section 3734.061 of the Revised Code; 51111

(3) An additional two dollars and ~~eighty-five~~ eighty-one 51112
cents per ton through June 30, ~~2024~~ 2026, the proceeds of which 51113
shall be deposited in the state treasury to the credit of the 51114
environmental protection fund created in section 3745.015 of the 51115
Revised Code; 51116

(4) An additional twenty-five cents per ton through June 30, 51117
~~2024~~ 2026, the proceeds of which shall be deposited in the state 51118
treasury to the credit of the soil and water conservation district 51119
assistance fund created in section 940.15 of the Revised Code; 51120

(5) An additional eight cents per ton through June 30, 2026, 51121
the proceeds of which shall be deposited in the state treasury to 51122
the credit of the national priority list remedial support fund 51123
created in section 3734.579 of the Revised Code. 51124

In the case of solid wastes that are taken to a solid waste 51125
transfer facility located in this state prior to being transported 51126
for disposal at a solid waste disposal facility located in this 51127

state or outside of this state, the fees levied under this 51128
division shall be collected by the owner or operator of the 51129
transfer facility as a trustee for the state. The amount of fees 51130
required to be collected under this division at such a transfer 51131
facility shall equal the total tonnage of solid wastes received at 51132
the facility multiplied by the fees levied under this division. In 51133
the case of solid wastes that are not taken to a solid waste 51134
transfer facility located in this state prior to being transported 51135
to a solid waste disposal facility, the fees shall be collected by 51136
the owner or operator of the solid waste disposal facility as a 51137
trustee for the state. The amount of fees required to be collected 51138
under this division at such a disposal facility shall equal the 51139
total tonnage of solid wastes received at the facility that was 51140
not previously taken to a solid waste transfer facility located in 51141
this state multiplied by the fees levied under this division. Fees 51142
levied under this division do not apply to materials separated 51143
from a mixed waste stream for recycling by a generator or 51144
materials removed from the solid waste stream through recycling, 51145
as "recycling" is defined in rules adopted under section 3734.02 51146
of the Revised Code. 51147

The owner or operator of a solid waste transfer facility or 51148
disposal facility, as applicable, shall prepare and file with the 51149
director of environmental protection each month a return 51150
indicating the total tonnage of solid wastes received at the 51151
facility during that month and the total amount of the fees 51152
required to be collected under this division during that month. In 51153
addition, the owner or operator of a solid waste disposal facility 51154
shall indicate on the return the total tonnage of solid wastes 51155
received from transfer facilities located in this state during 51156
that month for which the fees were required to be collected by the 51157
transfer facilities. The monthly returns shall be filed on a form 51158
prescribed by the director. Not later than thirty days after the 51159
last day of the month to which a return applies, the owner or 51160

operator shall mail to the director the return for that month 51161
together with the fees required to be collected under this 51162
division during that month as indicated on the return or may 51163
submit the return and fees electronically in a manner approved by 51164
the director. If the return is filed and the amount of the fees 51165
due is paid in a timely manner as required in this division, the 51166
owner or operator may retain a discount of three-fourths of one 51167
per cent of the total amount of the fees that are required to be 51168
paid as indicated on the return. 51169

The owner or operator may request an extension of not more 51170
than thirty days for filing the return and remitting the fees, 51171
provided that the owner or operator has submitted such a request 51172
in writing to the director together with a detailed description of 51173
why the extension is requested, the director has received the 51174
request not later than the day on which the return is required to 51175
be filed, and the director has approved the request. If the fees 51176
are not remitted within thirty days after the last day of the 51177
month to which the return applies or are not remitted by the last 51178
day of an extension approved by the director, the owner or 51179
operator shall not retain the three-fourths of one per cent 51180
discount and shall pay an additional ten per cent of the amount of 51181
the fees for each month that they are late. For purposes of 51182
calculating the late fee, the first month in which fees are late 51183
begins on the first day after the deadline has passed for timely 51184
submitting the return and fees, and one additional month shall be 51185
counted every thirty days thereafter. 51186

The owner or operator of a solid waste facility may request a 51187
refund or credit of fees levied under this division and remitted 51188
to the director that have not been paid to the owner or operator. 51189
Such a request shall be made only if the fees have not been 51190
collected by the owner or operator, have become a debt that has 51191
become worthless or uncollectable for a period of six months or 51192

more, and may be claimed as a deduction, including a deduction 51193
claimed if the owner or operator keeps accounts on an accrual 51194
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 51195
U.S.C. 166, as amended, and regulations adopted under it. Prior to 51196
making a request for a refund or credit, an owner or operator 51197
shall make reasonable efforts to collect the applicable fees. A 51198
request for a refund or credit shall not include any costs 51199
resulting from those efforts to collect unpaid fees. 51200

A request for a refund or credit of fees shall be made in 51201
writing, on a form prescribed by the director, and shall be 51202
supported by evidence that may be required in rules adopted by the 51203
director under this chapter. After reviewing the request, and if 51204
the request and evidence submitted with the request indicate that 51205
a refund or credit is warranted, the director shall grant a refund 51206
to the owner or operator or shall permit a credit to be taken by 51207
the owner or operator on a subsequent monthly return submitted by 51208
the owner or operator. The amount of a refund or credit shall not 51209
exceed an amount that is equal to ninety days' worth of fees owed 51210
to an owner or operator by a particular debtor of the owner or 51211
operator. A refund or credit shall not be granted by the director 51212
to an owner or operator more than once in any twelve-month period 51213
for fees owed to the owner or operator by a particular debtor. 51214

If, after receiving a refund or credit from the director, an 51215
owner or operator receives payment of all or part of the fees, the 51216
owner or operator shall remit the fees with the next monthly 51217
return submitted to the director together with a written 51218
explanation of the reason for the submittal. 51219

For purposes of computing the fees levied under this division 51220
or division (B) of this section, any solid waste transfer or 51221
disposal facility that does not use scales as a means of 51222
determining gate receipts shall use a conversion factor of three 51223
cubic yards per ton of solid waste or one cubic yard per ton for 51224

baled waste, as applicable. 51225

The fees levied under this division and divisions (B) and (C) 51226
of this section are in addition to all other applicable fees and 51227
taxes and shall be paid by the customer or a political subdivision 51228
to the owner or operator of a solid waste transfer or disposal 51229
facility. In the alternative, the fees shall be paid by a customer 51230
or political subdivision to a transporter of waste who 51231
subsequently transfers the fees to the owner or operator of such a 51232
facility. The fees shall be paid notwithstanding the existence of 51233
any provision in a contract that the customer or a political 51234
subdivision may have with the owner or operator or with a 51235
transporter of waste to the facility that would not require or 51236
allow such payment regardless of whether the contract was entered 51237
prior to or after October 16, 2009. For those purposes, "customer" 51238
means a person who contracts with, or utilizes the solid waste 51239
services of, the owner or operator of a solid waste transfer or 51240
disposal facility or a transporter of solid waste to such a 51241
facility. 51242

(B) For the purposes specified in division (G) of this 51243
section, the solid waste management policy committee of a county 51244
or joint solid waste management district may levy fees upon the 51245
following activities: 51246

(1) The disposal at a solid waste disposal facility located 51247
in the district of solid wastes generated within the district; 51248

(2) The disposal at a solid waste disposal facility within 51249
the district of solid wastes generated outside the boundaries of 51250
the district, but inside this state; 51251

(3) The disposal at a solid waste disposal facility within 51252
the district of solid wastes generated outside the boundaries of 51253
this state. 51254

The solid waste management plan of the county or joint 51255

district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the

largest quantities of solid wastes, as determined by the 51288
committee, and to their local trade associations. The committee 51289
shall make good faith efforts to identify those generators within 51290
the district and their local trade associations, but the 51291
nonprovision of notice under this division to a particular 51292
generator or local trade association does not invalidate the 51293
proceedings under this division. The publication shall occur at 51294
least thirty days before the hearing. After the hearing, the 51295
committee may make such revisions to the proposed fees as it 51296
considers appropriate and thereafter, by resolution, shall adopt 51297
the revised fee schedule. Upon adopting the revised fee schedule, 51298
the committee shall deliver a copy of the resolution doing so to 51299
the board of county commissioners of each county forming the 51300
district and to the legislative authority of each municipal 51301
corporation and township under the jurisdiction of the district. 51302
Within sixty days after the delivery of a copy of the resolution 51303
adopting the proposed revised fees by the policy committee, each 51304
such board and legislative authority, by ordinance or resolution, 51305
shall approve or disapprove the revised fees and deliver a copy of 51306
the ordinance or resolution to the committee. If any such board or 51307
legislative authority fails to adopt and deliver to the policy 51308
committee an ordinance or resolution approving or disapproving the 51309
revised fees within sixty days after the policy committee 51310
delivered its resolution adopting the proposed revised fees, it 51311
shall be conclusively presumed that the board or legislative 51312
authority has approved the proposed revised fees. The committee 51313
shall determine if the resolution has been ratified in the same 51314
manner in which it determines if a draft solid waste management 51315
plan has been ratified under division (B) of section 3734.55 of 51316
the Revised Code. 51317

The committee may amend the schedule of fees levied pursuant 51318
to a resolution adopted and ratified under this division by 51319
adopting a resolution establishing the proposed amount of the 51320

amended fees. The committee may repeal the fees levied pursuant to 51321
such a resolution by adopting a resolution proposing to repeal 51322
them. Upon adopting such a resolution, the committee shall proceed 51323
to obtain ratification of the resolution in accordance with this 51324
division. 51325

Not later than fourteen days after declaring the new fees to 51326
be ratified or the fees to be repealed under this division, the 51327
committee shall notify by certified mail the owner or operator of 51328
each solid waste disposal facility that is required to collect the 51329
fees of the ratification and the amount of the fees or of the 51330
repeal of the fees. Collection of any fees shall commence or 51331
collection of repealed fees shall cease on the first day of the 51332
second month following the month in which notification is sent to 51333
the owner or operator. 51334

Fees levied under this division also may be established, 51335
amended, or repealed by a solid waste management policy committee 51336
through the adoption of a new district solid waste management 51337
plan, the adoption of an amended plan, or the amendment of the 51338
plan or amended plan in accordance with sections 3734.55 and 51339
3734.56 of the Revised Code or the adoption or amendment of a 51340
district plan in connection with a change in district composition 51341
under section 3734.521 of the Revised Code. 51342

Not later than fourteen days after the director issues an 51343
order approving a district's solid waste management plan, amended 51344
plan, or amendment to a plan or amended plan that establishes, 51345
amends, or repeals a schedule of fees levied by the district, the 51346
committee shall notify by certified mail the owner or operator of 51347
each solid waste disposal facility that is required to collect the 51348
fees of the approval of the plan or amended plan, or the amendment 51349
to the plan, as appropriate, and the amount of the fees, if any. 51350
In the case of an initial or amended plan approved under section 51351
3734.521 of the Revised Code in connection with a change in 51352

district composition, other than one involving the withdrawal of a 51353
county from a joint district, the committee, within fourteen days 51354
after the change takes effect pursuant to division (G) of that 51355
section, shall notify by certified mail the owner or operator of 51356
each solid waste disposal facility that is required to collect the 51357
fees that the change has taken effect and of the amount of the 51358
fees, if any. Collection of any fees shall commence or collection 51359
of repealed fees shall cease on the first day of the second month 51360
following the month in which notification is sent to the owner or 51361
operator. 51362

If, in the case of a change in district composition involving 51363
the withdrawal of a county from a joint district, the director 51364
completes the actions required under division (G)(1) or (3) of 51365
section 3734.521 of the Revised Code, as appropriate, forty-five 51366
days or more before the beginning of a calendar year, the policy 51367
committee of each of the districts resulting from the change that 51368
obtained the director's approval of an initial or amended plan in 51369
connection with the change, within fourteen days after the 51370
director's completion of the required actions, shall notify by 51371
certified mail the owner or operator of each solid waste disposal 51372
facility that is required to collect the district's fees that the 51373
change is to take effect on the first day of January immediately 51374
following the issuance of the notice and of the amount of the fees 51375
or amended fees levied under divisions (B)(1) to (3) of this 51376
section pursuant to the district's initial or amended plan as so 51377
approved or, if appropriate, the repeal of the district's fees by 51378
that initial or amended plan. Collection of any fees set forth in 51379
such a plan or amended plan shall commence on the first day of 51380
January immediately following the issuance of the notice. If such 51381
an initial or amended plan repeals a schedule of fees, collection 51382
of the fees shall cease on that first day of January. 51383

If, in the case of a change in district composition involving 51384

the withdrawal of a county from a joint district, the director 51385
completes the actions required under division (G)(1) or (3) of 51386
section 3734.521 of the Revised Code, as appropriate, less than 51387
forty-five days before the beginning of a calendar year, the 51388
director, on behalf of each of the districts resulting from the 51389
change that obtained the director's approval of an initial or 51390
amended plan in connection with the change proceedings, shall 51391
notify by certified mail the owner or operator of each solid waste 51392
disposal facility that is required to collect the district's fees 51393
that the change is to take effect on the first day of January 51394
immediately following the mailing of the notice and of the amount 51395
of the fees or amended fees levied under divisions (B)(1) to (3) 51396
of this section pursuant to the district's initial or amended plan 51397
as so approved or, if appropriate, the repeal of the district's 51398
fees by that initial or amended plan. Collection of any fees set 51399
forth in such a plan or amended plan shall commence on the first 51400
day of the second month following the month in which notification 51401
is sent to the owner or operator. If such an initial or amended 51402
plan repeals a schedule of fees, collection of the fees shall 51403
cease on the first day of the second month following the month in 51404
which notification is sent to the owner or operator. 51405

If the schedule of fees that a solid waste management 51406
district is levying under divisions (B)(1) to (3) of this section 51407
is amended or repealed, the fees in effect immediately prior to 51408
the amendment or repeal shall continue to be collected until 51409
collection of the amended fees commences or collection of the 51410
repealed fees ceases, as applicable, as specified in this 51411
division. In the case of a change in district composition, money 51412
so received from the collection of the fees of the former 51413
districts shall be divided among the resulting districts in 51414
accordance with division (B) of section 343.012 of the Revised 51415
Code and the agreements entered into under division (B) of section 51416
343.01 of the Revised Code to establish the former and resulting 51417

districts and any amendments to those agreements. 51418

For the purposes of the provisions of division (B) of this 51419
section establishing the times when newly established or amended 51420
fees levied by a district are required to commence and the 51421
collection of fees that have been amended or repealed is required 51422
to cease, "fees" or "schedule of fees" includes, in addition to 51423
fees levied under divisions (B)(1) to (3) of this section, those 51424
levied under section 3734.573 or 3734.574 of the Revised Code. 51425

(C) For the purposes of defraying the added costs to a 51426
municipal corporation or township of maintaining roads and other 51427
public facilities and of providing emergency and other public 51428
services, and compensating a municipal corporation or township for 51429
reductions in real property tax revenues due to reductions in real 51430
property valuations resulting from the location and operation of a 51431
solid waste disposal facility within the municipal corporation or 51432
township, a municipal corporation or township in which such a 51433
solid waste disposal facility is located may levy a fee of not 51434
more than twenty-five cents per ton on the disposal of solid 51435
wastes at a solid waste disposal facility located within the 51436
boundaries of the municipal corporation or township regardless of 51437
where the wastes were generated. 51438

The legislative authority of a municipal corporation or 51439
township may levy fees under this division by enacting an 51440
ordinance or adopting a resolution establishing the amount of the 51441
fees. Upon so doing the legislative authority shall mail a 51442
certified copy of the ordinance or resolution to the board of 51443
county commissioners or directors of the county or joint solid 51444
waste management district in which the municipal corporation or 51445
township is located or, if a regional solid waste management 51446
authority has been formed under section 343.011 of the Revised 51447
Code, to the board of trustees of that regional authority, the 51448
owner or operator of each solid waste disposal facility in the 51449

municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied

under divisions (A), (B), and (C) of this section shall be 51513
collected by the owner or operator of the landfill where the 51514
unprocessed waste or compost product is disposed of. 51515

(7) When solid wastes that consist of scrap tires are 51516
processed at a scrap tire recovery facility, the fees levied under 51517
divisions (A), (B), and (C) of this section shall be levied upon 51518
the disposal of the fly ash and bottom ash or other solid wastes 51519
remaining after the processing of the scrap tires and shall be 51520
collected by the owner or operator of the solid waste disposal 51521
facility where the ash or other solid wastes are disposed of. 51522

(8) The director of environmental protection may issue an 51523
order exempting from the fees levied under this section solid 51524
wastes, including, but not limited to, scrap tires, that are 51525
generated, transferred, or disposed of as a result of a contract 51526
providing for the expenditure of public funds entered into by the 51527
administrator or regional administrator of the United States 51528
environmental protection agency, the director of environmental 51529
protection, or the director of administrative services on behalf 51530
of the director of environmental protection for the purpose of 51531
remediating conditions at a hazardous waste facility, solid waste 51532
facility, or other location at which the administrator or regional 51533
administrator or the director of environmental protection has 51534
reason to believe that there is a substantial threat to public 51535
health or safety or the environment or that the conditions are 51536
causing or contributing to air or water pollution or soil 51537
contamination. An order issued by the director of environmental 51538
protection under division (D)(8) of this section shall include a 51539
determination that the amount of the fees not received by a solid 51540
waste management district as a result of the order will not 51541
adversely impact the implementation and financing of the 51542
district's approved solid waste management plan and any approved 51543
amendments to the plan. Such an order is a final action of the 51544

director of environmental protection. 51545

(E) The fees levied under divisions (B) and (C) of this 51546
section shall be collected by the owner or operator of the solid 51547
waste disposal facility where the wastes are disposed of as a 51548
trustee for the county or joint district and municipal corporation 51549
or township where the wastes are disposed of. Moneys from the fees 51550
levied under division (B) of this section shall be forwarded to 51551
the board of county commissioners or board of directors of the 51552
district in accordance with rules adopted under division (H) of 51553
this section. Moneys from the fees levied under division (C) of 51554
this section shall be forwarded to the treasurer or such other 51555
officer of the municipal corporation as, by virtue of the charter, 51556
has the duties of the treasurer or to the fiscal officer of the 51557
township, as appropriate, in accordance with those rules. 51558

(F) Moneys received by the treasurer or other officer of the 51559
municipal corporation under division (E) of this section shall be 51560
paid into the general fund of the municipal corporation. Moneys 51561
received by the fiscal officer of the township under that division 51562
shall be paid into the general fund of the township. The treasurer 51563
or other officer of the municipal corporation or the township 51564
fiscal officer, as appropriate, shall maintain separate records of 51565
the moneys received from the fees levied under division (C) of 51566
this section. 51567

(G) Moneys received by the board of county commissioners or 51568
board of directors under division (E) of this section or section 51569
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 51570
shall be paid to the county treasurer, or other official acting in 51571
a similar capacity under a county charter, in a county district or 51572
to the county treasurer or other official designated by the board 51573
of directors in a joint district and kept in a separate and 51574
distinct fund to the credit of the district. If a regional solid 51575
waste management authority has been formed under section 343.011 51576

of the Revised Code, moneys received by the board of trustees of 51577
that regional authority under division (E) of this section shall 51578
be kept by the board in a separate and distinct fund to the credit 51579
of the district. Moneys in the special fund of the county or joint 51580
district arising from the fees levied under division (B) of this 51581
section and the fee levied under division (A) of section 3734.573 51582
of the Revised Code shall be expended by the board of county 51583
commissioners or directors of the district in accordance with the 51584
district's solid waste management plan or amended plan approved 51585
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 51586
exclusively for the following purposes: 51587

(1) Preparation of the solid waste management plan of the 51588
district under section 3734.54 of the Revised Code, monitoring 51589
implementation of the plan, and conducting the periodic review and 51590
amendment of the plan required by section 3734.56 of the Revised 51591
Code by the solid waste management policy committee; 51592

(2) Implementation of the approved solid waste management 51593
plan or amended plan of the district, including, without 51594
limitation, the development and implementation of solid waste 51595
recycling or reduction programs; 51596

(3) Providing financial assistance to boards of health within 51597
the district, if solid waste facilities are located within the 51598
district, for enforcement of this chapter and rules, orders, and 51599
terms and conditions of permits, licenses, and variances adopted 51600
or issued under it, other than the hazardous waste provisions of 51601
this chapter and rules adopted and orders and terms and conditions 51602
of permits issued under those provisions; 51603

(4) Providing financial assistance to each county within the 51604
district to defray the added costs of maintaining roads and other 51605
public facilities and of providing emergency and other public 51606
services resulting from the location and operation of a solid 51607
waste facility within the county under the district's approved 51608

solid waste management plan or amended plan; 51609

(5) Pursuant to contracts entered into with boards of health 51610
within the district, if solid waste facilities contained in the 51611
district's approved plan or amended plan are located within the 51612
district, for paying the costs incurred by those boards of health 51613
for collecting and analyzing samples from public or private water 51614
wells on lands adjacent to those facilities; 51615

(6) Developing and implementing a program for the inspection 51616
of solid wastes generated outside the boundaries of this state 51617
that are disposed of at solid waste facilities included in the 51618
district's approved solid waste management plan or amended plan; 51619

(7) Providing financial assistance to boards of health within 51620
the district for the enforcement of section 3734.03 of the Revised 51621
Code or to local law enforcement agencies having jurisdiction 51622
within the district for enforcing anti-littering laws and 51623
ordinances; 51624

(8) Providing financial assistance to boards of health of 51625
health districts within the district that are on the approved list 51626
under section 3734.08 of the Revised Code to defray the costs to 51627
the health districts for the participation of their employees 51628
responsible for enforcement of the solid waste provisions of this 51629
chapter and rules adopted and orders and terms and conditions of 51630
permits, licenses, and variances issued under those provisions in 51631
the training and certification program as required by rules 51632
adopted under division (L) of section 3734.02 of the Revised Code; 51633

(9) Providing financial assistance to individual municipal 51634
corporations and townships within the district to defray their 51635
added costs of maintaining roads and other public facilities and 51636
of providing emergency and other public services resulting from 51637
the location and operation within their boundaries of a 51638
composting, energy or resource recovery, incineration, or 51639

recycling facility that either is owned by the district or is 51640
furnishing solid waste management facility or recycling services 51641
to the district pursuant to a contract or agreement with the board 51642
of county commissioners or directors of the district; 51643

(10) Payment of any expenses that are agreed to, awarded, or 51644
ordered to be paid under section 3734.35 of the Revised Code and 51645
of any administrative costs incurred pursuant to that section. In 51646
the case of a joint solid waste management district, if the board 51647
of county commissioners of one of the counties in the district is 51648
negotiating on behalf of affected communities, as defined in that 51649
section, in that county, the board shall obtain the approval of 51650
the board of directors of the district in order to expend moneys 51651
for administrative costs incurred. 51652

Prior to the approval of the district's solid waste 51653
management plan under section 3734.55 of the Revised Code, moneys 51654
in the special fund of the district arising from the fees shall be 51655
expended for those purposes in the manner prescribed by the solid 51656
waste management policy committee by resolution. 51657

Notwithstanding division (G)(6) of this section as it existed 51658
prior to October 29, 1993, or any provision in a district's solid 51659
waste management plan prepared in accordance with division 51660
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 51661
prior to that date, any moneys arising from the fees levied under 51662
division (B)(3) of this section prior to January 1, 1994, may be 51663
expended for any of the purposes authorized in divisions (G)(1) to 51664
(10) of this section. 51665

(H) The director shall adopt rules in accordance with Chapter 51666
119. of the Revised Code prescribing procedures for collecting and 51667
forwarding the fees levied under divisions (B) and (C) of this 51668
section to the boards of county commissioners or directors of 51669
county or joint solid waste management districts and to the 51670
treasurers or other officers of municipal corporations and the 51671

fiscal officers of townships. The rules also shall prescribe the 51672
dates for forwarding the fees to the boards and officials and may 51673
prescribe any other requirements the director considers necessary 51674
or appropriate to implement and administer divisions (A), (B), and 51675
(C) of this section. 51676

Sec. 3734.579. (A) There is hereby created in the state 51677
treasury the national priority list remedial support fund. The 51678
fund shall consist of transfer and disposal fees paid into the 51679
fund under division (A)(5) of section 3734.57 of the Revised Code. 51680

(B) The director of environmental protection shall use the 51681
fund to pay for the state's removal and remedial actions and long 51682
term operation and maintenance costs or applicable cost shares for 51683
actions taken under the federal "Comprehensive Environmental 51684
Response, Compensation, and Liability Act of 1980," 42 U.S.C. 51685
9601, et seq. The director may use money in the fund to enter into 51686
contracts and grant agreements with federal, state, or local 51687
government agencies, nonprofit organizations, colleges, and 51688
universities to carry out the responsibilities of the 51689
environmental protection agency for which money may be expended 51690
from the fund. 51691

Sec. 3734.74. The director of environmental protection, in 51692
accordance with Chapter 119. of the Revised Code, shall adopt and 51693
may amend or rescind rules governing the transportation of scrap 51694
tires and the registration of persons engaged in the 51695
transportation of scrap tires. The rules shall do all of the 51696
following: 51697

(A) Require that, before being issued a registration 51698
certificate under section 3734.83 of the Revised Code, a 51699
transporter submit a surety bond, a letter of credit, or other 51700
financial assurance acceptable to the director, as specified by 51701

the director in the rules, in an amount of not ~~less~~ more than 51702
~~twenty ten~~ thousand dollars as the director considers necessary to 51703
cover the costs of cleanup of tires improperly accumulated or 51704
discarded by the transporter and to cover liability for sudden 51705
accidental occurrences that result in damage or injury to persons 51706
or property or to the environment; 51707

(B) Establish a system of shipping papers to accompany 51708
shipments of scrap tires. The shipping paper for each shipment 51709
shall include at least all of the following information: 51710

(1) The name and address of each transporter who transported 51711
the shipment of scrap tires; 51712

(2) The number of the registration certificate issued under 51713
section 3734.83 of the Revised Code for each transporter who 51714
transported the shipment of scrap tires, the signature of the 51715
individual transporting the scrap tires for each transporter, and 51716
the date or dates on which they were transported; 51717

(3) The quantity in weight or volume of the scrap tires being 51718
transported; 51719

(4) The address of the scrap tire collection, storage, 51720
monocell, monofill, or recovery facility, or other premises, where 51721
the scrap tires were deposited, or of any other registered 51722
transporter with whom the scrap tires were deposited, and the 51723
signature of the individual accepting receipt of the scrap tires 51724
for the facility or other transporter. 51725

The rules adopted under division (B) of this section shall 51726
require that the shipping papers be prepared on a form prescribed 51727
by the director and that all shipping papers be retained by a 51728
registered transporter for not less than three years. 51729

(C) Require that each registered transporter submit a report 51730
to the director not later than the thirty-first day of January of 51731
each year concerning all shipments of scrap tires transported by 51732

the transporter during the preceding calendar year. The report shall include at least the following information:

(1) The total quantity in weight or volume of scrap tires transported by the registered transporter;

(2) The total quantity in weight or volume of scrap tires transported to each collection, storage, monocell, monofill, or recovery facility, or other premises, or deposited with another registered transporter.

Sec. 3734.822. (A) As used in this section, "political subdivision" means any body corporate and politic that is responsible for governmental activities in a geographic area smaller than the state, including a county, municipal corporation, and township.

(B) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The director of environmental protection may make grants from the fund for the following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored or hosted by the state, including any state agency, or by any solid waste management districts district or other political subdivision.

Grants awarded under division ~~(A)(1)~~(B)(1) of this section may be awarded to individuals, businesses, and entities certified under division (F)(6) of section 3734.49 of the Revised Code.

~~(B)(C)~~ Projects and activities that are eligible for grants under division ~~(A)(1)~~(B)(1) of this section shall be evaluated for

funding using, at a minimum, the following criteria: 51763

(1) The degree to which a proposed project contributes to the 51764
increased use of scrap tires generated in this state; 51765

(2) The degree of local financial support for a proposed 51766
project; 51767

(3) The technical merit and quality of a proposed project. 51768

Sec. 3734.83. (A) Except as provided in division (D) of this 51769
section, no person shall transport scrap tires anywhere in this 51770
state unless the business or governmental entity that employs the 51771
person first registers with and obtains a registration certificate 51772
from the director of environmental protection. No more than one 51773
registration certificate shall be required of any single business 51774
or governmental entity. An applicant shall file an application 51775
with the director in such form as the director prescribes. The 51776
application shall contain such information as the director 51777
prescribes, including at least the name and address of the 51778
principal office of the applicant in this state, provided that the 51779
information shall not include the license plate number or vehicle 51780
identification number of any motor vehicle used by the applicant 51781
to transport scrap tires. ~~Each application for a registration 51782
certificate shall be accompanied by a registration fee of not more 51783
than three hundred dollars as established by rules adopted by the 51784
director in accordance with Chapter 119. of the Revised Code, 51785
except that a motor vehicle salvage dealer licensed under Chapter 51786
4738. of the Revised Code shall be issued a registration 51787
certificate or renewal of a registration certificate under this 51788
section without the payment of any registration fee if the salvage 51789
dealer transports only scrap tires obtained as a direct 51790
consequence of receiving motor vehicles for salvage and transports 51791
the tires only on motor vehicles owned or leased by him. 51792~~

A registration certificate issued under this section is valid 51793

for one year from its effective date and may be renewed annually 51794
for a term of one year by submission to the director of a renewal 51795
application on a form prescribed by the director ~~and payment of~~ 51796
~~the registration fee established in rules adopted under this~~ 51797
~~section. The registration and renewal fees shall be credited to~~ 51798
~~the scrap tire management fund created in section 3734.82 of the~~ 51799
~~Revised Code.~~ 51800

A transporter registered under this division shall maintain a 51801
copy of the registration certificate in each motor vehicle used by 51802
the registrant to transport scrap tires. 51803

(B) The director may issue an order in accordance with 51804
Chapter 119. of the Revised Code denying, suspending, or revoking 51805
the registration certificate of a person who is registered under 51806
this section and who has violated, or whose employee has violated, 51807
any of the scrap tire provisions of this chapter or a rule adopted 51808
under them while transporting scrap tires. A transporter whose 51809
registration certificate has been denied, suspended, or revoked 51810
shall immediately notify each of ~~his~~ the transporter's customers 51811
of that fact by certified mail. 51812

(C) Except as provided in division (D) of this section, no 51813
person who possesses scrap tires shall cause them to be 51814
transported by any person who is not registered as a transporter 51815
under this section. 51816

(D) Divisions (A) and (C) of this section do not apply to any 51817
of the following: 51818

(1) A person who transports ten or fewer scrap tires in a 51819
single load; ~~any~~ 51820

(2) Any person who transports scrap tires for ~~his~~ the 51821
person's own use in agriculture or in producing or processing 51822
aggregates; ~~any~~ 51823

(3) Any political subdivision engaging in the collection of 51824

solid wastes other than scrap tires, or any person engaging in the 51825
collection of such solid wastes under a license or franchise from 51826
a political subdivision, when ten or fewer scrap tires are 51827
transported with any single load of other types of solid wastes; 51828
~~or any~~ 51829

(4) Any person who is engaged primarily in the retail sale of 51830
tires for farm machinery, construction equipment, commercial cars, 51831
commercial tractors, motor buses, or semitrailers and who 51832
transports twenty-five or fewer whole scrap tires in a single load 51833
and not more than two hundred fifty scrap tires in a calendar 51834
year, all of which tires either are or were used primarily as 51835
tires for farm machinery, construction equipment, commercial cars, 51836
commercial tractors, motor buses, or semitrailers; 51837

(5) Any of the following entities conducting a scrap tire 51838
clean up event or community tire amnesty collection event that has 51839
received written concurrence from the environmental protection 51840
agency: 51841

(a) A nonprofit organization; 51842

(b) Federal, state, or local government; 51843

(c) A university; 51844

(d) Other civic organization. 51845

(E) A transporter of scrap tires is liable for the safe 51846
delivery of any scrap tires from the time ~~he~~ the transporter 51847
obtains them until ~~he~~ the transporter delivers them to a scrap 51848
tire collection, storage, monocell, monofill, or recovery facility 51849
licensed under section 3734.81 of the Revised Code; delivers them 51850
to a solid waste incineration or energy recovery facility subject 51851
to regulation under this chapter; delivers them to a premises 51852
where they will be beneficially used; delivers them to another 51853
transporter registered under this section; or transports them out 51854
of the state. A generator of scrap tires who has complied with 51855

division (C) of this section is not liable under statute or common 51856
law in ~~his~~ the capacity as the generator of the scrap tires for 51857
the actions or omissions of any transporter registered under this 51858
section or any scrap tire collection, storage, monocell, monofill, 51859
or recovery facility licensed under section 3734.81 of the Revised 51860
Code, or any solid waste incineration or energy recovery facility 51861
subject to regulation under this chapter, with respect to the 51862
scrap tires transported by the registered transporter and is not 51863
liable in ~~his~~ the capacity as the generator of the scrap tires for 51864
violations of any scrap tire provision of this chapter or rules 51865
adopted under those provisions governing scrap tire collection, 51866
storage, monocell, monofill, or recovery facilities and the 51867
transportation of scrap tires, or any other provision of this 51868
chapter and rules adopted under it governing solid waste 51869
incineration and energy recovery facilities, with respect to the 51870
scrap tires handled by any such licensed facility or transported 51871
by the registered transporter. 51872

This division does not apply to a person who transports ten 51873
or fewer scrap tires in a single load or who transports any number 51874
of scrap tires for ~~his~~ the person's own use in agriculture or in 51875
producing or processing aggregates. 51876

(F) A generator of scrap tires who, in good faith and prior 51877
to the time when transporters of scrap tires are required to be 51878
registered pursuant to rules adopted under section 3734.74 of the 51879
Revised Code, caused scrap tires generated by ~~him~~ the generator to 51880
be transported by another is not liable under statute or common 51881
law in ~~his~~ the capacity as the generator of the scrap tires for 51882
the actions or omissions of the transporter, or of any other 51883
person to whom the transporter delivered the scrap tires, with 51884
respect to the scrap tires transported by the transporter. 51885

Sec. 3734.85. (A) On and after the effective date of the 51886

rules adopted under sections 3734.70, 3734.71, 3734.72, and 51887
3734.73 of the Revised Code, the director of environmental 51888
protection may take action under this section to abate 51889
accumulations of scrap tires. If the director determines that an 51890
accumulation of scrap tires constitutes a danger to the public 51891
health or safety or to the environment, the director shall issue 51892
an order under section 3734.13 of the Revised Code to the person 51893
responsible for the accumulation of scrap tires directing that 51894
~~person, within one hundred twenty days after the issuance of the~~ 51895
~~order,~~ to remove the accumulation of scrap tires from the premises 51896
on which it is located and transport the tires to a scrap tire 51897
storage, monocell, monofill, or recovery facility licensed under 51898
section 3734.81 of the Revised Code, to such a facility in another 51899
state operating in compliance with the laws of the state in which 51900
it is located, or to any other solid waste disposal facility in 51901
another state that is operating in compliance with the laws of 51902
that state. If the person responsible for causing the accumulation 51903
of scrap tires is a person different from the owner of the land on 51904
which the accumulation is located, the director may issue such an 51905
order to the landowner. 51906

If the director is unable to ascertain immediately the 51907
identity of the person responsible for causing the accumulation of 51908
scrap tires, the director shall examine the records of the 51909
applicable board of health and law enforcement agencies to 51910
ascertain that person's identity. Before initiating any 51911
enforcement or removal actions under this division against the 51912
owner of the land on which the accumulation is located, the 51913
director shall initiate any such actions against the person that 51914
the director has identified as responsible for causing the 51915
accumulation of scrap tires. Failure of the director to make 51916
diligent efforts to ascertain the identity of the person 51917
responsible for causing the accumulation of scrap tires or to 51918
initiate an action against the person responsible for causing the 51919

accumulation shall not constitute an affirmative defense by a 51920
landowner to an enforcement action initiated by the director under 51921
this division requiring immediate removal of any accumulation of 51922
scrap tires. 51923

Upon the written request of the recipient of an order issued 51924
under this division, the director may extend the time for 51925
compliance with the order if the request demonstrates that the 51926
recipient has acted in good faith to comply with the order. If the 51927
recipient of an order issued under this division fails to comply 51928
with each milestone established in the order within ~~one hundred~~ 51929
~~twenty days after the issuance of~~ the period of time specified in 51930
the order or, if the time for compliance with the order was so 51931
extended, within that time, the director shall take such actions 51932
as the director considers reasonable and necessary to remove and 51933
properly manage the scrap tires located on the land named in the 51934
order. The director, through employees of the environmental 51935
protection agency or a contractor, may enter upon the land on 51936
which the accumulation of scrap tires is located and remove and 51937
transport them to a scrap tire recovery facility for processing, 51938
to a scrap tire storage facility for storage, or to a scrap tire 51939
monocell or monofill facility for storage or disposal. 51940

When performing a removal action under this section, the 51941
director also may remove, transport, and dispose of any of the 51942
following if the removal is required by the order issued under 51943
this division: 51944

(1) Any additional solid wastes that were open dumped on the 51945
land named in the order; 51946

(2) Any construction and demolition debris that was illegally 51947
disposed of on the land named in the order. 51948

The director shall enter into contracts for the storage, 51949
disposal, or processing of scrap tires removed through removal 51950

operations conducted under this section. 51951

If a person to whom a removal order is issued under this 51952
division fails to comply with the order and if the director 51953
performs a removal action under this section, the person to whom 51954
the removal order is issued is liable to the director for the 51955
costs incurred by the director for conducting the removal 51956
operation~~7. The costs incurred include the storage at a scrap tire~~ 51957
~~storage facility, storage, transportation, processing, or disposal~~ 51958
~~at a scrap tire monocell or monofill facility, or processing of~~ 51959
~~the scrap tires so removed, the transportation of the scrap tires~~ 51960
~~from the site of the accumulation to the scrap tire storage,~~ 51961
~~monocell, monofill, or recovery facility where the scrap tires~~ 51962
~~were stored, disposed of, or processed or any additional solid~~ 51963
~~wastes or construction and demolition debris removed in accordance~~ 51964
~~with this division,~~ and the administrative and legal expenses 51965
incurred by the director in connection with the removal operation. 51966
The director shall keep an itemized record of those costs. Upon 51967
completion of the actions for which the costs were incurred, the 51968
director ~~shall~~ may record the costs at the office of the county 51969
recorder of the county in which the accumulation of scrap tires 51970
~~was, additional solid wastes, and construction and demolition~~ 51971
~~debris were~~ located. The costs so recorded constitute a lien on 51972
the property on which the accumulation of scrap tires ~~was,~~ 51973
~~additional solid wastes, and construction and demolition debris~~ 51974
~~were~~ located until discharged. Upon the written request of the 51975
director, the attorney general shall bring a civil action against 51976
the person responsible for the accumulation of the scrap tires 51977
that were the subject of the removal operation to recover the 51978
costs for which the person is liable under this division. Any 51979
money so received or recovered shall be credited to the scrap tire 51980
management fund created in section 3734.82 of the Revised Code. 51981

If, in a civil action brought under this division, an owner 51982

of real property is ordered to pay to the director the costs of a 51983
removal action that removed an accumulation of scrap tires from 51984
the person's land or if a lien is placed on the person's land for 51985
the costs of such a removal action, and, in either case, if the 51986
landowner was not the person responsible for causing the 51987
accumulation of scrap tires so removed, the landowner may bring a 51988
civil action against the person who was responsible for causing 51989
the accumulation to recover the amount of the removal costs that 51990
the court ordered the landowner to pay to the director or the 51991
amount of the removal costs certified to the county recorder as a 51992
lien on the landowner's property, whichever is applicable. If the 51993
landowner prevails in the civil action against the person who was 51994
responsible for causing the accumulation of scrap tires, the 51995
court, as it considers appropriate, may award to the landowner the 51996
reasonable attorney's fees incurred by the landowner for bringing 51997
the action, court costs, and other reasonable expenses incurred by 51998
the landowner in connection with the civil action. A landowner 51999
shall bring such a civil action within two years after making the 52000
final payment of the removal costs to the director pursuant to the 52001
judgment rendered against the landowner in the civil action 52002
brought under this division upon the director's request or within 52003
two years after the director certified the costs of the removal 52004
action to the county recorder, as appropriate. A person who, at 52005
the time that a removal action was conducted under this division, 52006
owned the land on which the removal action was performed may bring 52007
an action under this division to recover the costs of the removal 52008
action from the person responsible for causing the accumulation of 52009
scrap tires so removed regardless of whether the person owns the 52010
land at the time of bringing the action. 52011

Subject to the limitations set forth in division (G) of 52012
section 3734.82 of the Revised Code, the director may use moneys 52013
in the scrap tire management fund for conducting removal actions 52014
under this division. Any moneys recovered under this division 52015

shall be credited to the scrap tire management fund. 52016

(B) The director shall initiate enforcement and removal 52017
actions under division (A) of this section in accordance with the 52018
following descending listing of priorities: 52019

(1) Accumulations of scrap tires that the director finds 52020
constitute a fire hazard or threat to public health; 52021

(2) Accumulations of scrap tires determined by the director 52022
to contain more than one million scrap tires; 52023

(3) Accumulations of scrap tires in densely populated areas; 52024

(4) Other accumulations of scrap tires that the director or 52025
board of health of the health district in which the accumulation 52026
is located determines constitute a public nuisance; 52027

(5) Any other accumulations of scrap tires present on 52028
premises operating without a valid license issued under section 52029
3734.05 or 3734.81 of the Revised Code. 52030

(C) The director shall not take enforcement and removal 52031
actions under division (A) of this section against the owner or 52032
operator of, or the owner of the land on which is located, any of 52033
the following: 52034

(1) A premises where not more than one hundred scrap tires 52035
are present at any time; 52036

(2) The premises of a business engaging in the sale of tires 52037
at retail that meets either of the following criteria: 52038

(a) Not more than one thousand scrap tires are present on the 52039
premises at any time in an unsecured, uncovered outdoor location. 52040

(b) Any number of scrap tires are secured in a building or a 52041
covered, enclosed container, trailer, or installation. 52042

(3) The premises of a tire retreading business, a tire 52043
manufacturing finishing center, or a tire adjustment center on 52044

which is located a single, covered scrap tire storage area where 52045
not more than four thousand scrap tires are stored; 52046

(4) The premises of a business that removes tires from motor 52047
vehicles in the ordinary course of business and on which is 52048
located a single scrap tire storage area that occupies not more 52049
than twenty-five hundred square feet; 52050

(5) A solid waste facility licensed under section 3734.05 of 52051
the Revised Code that stores scrap tires on the surface of the 52052
ground if the total land area on which scrap tires are actually 52053
stored does not exceed ten thousand square feet; 52054

(6) A premises where not more than two hundred fifty scrap 52055
tires are stored or kept for agricultural use; 52056

(7) A construction site where scrap tires are stored for use 52057
or used in road resurfacing or the construction of embankments; 52058

(8) A scrap tire collection, storage, monocell, monofill, or 52059
recovery facility licensed under section 3734.81 of the Revised 52060
Code; 52061

(9) A solid waste incineration or energy recovery facility 52062
that is subject to regulation under this chapter and that burns 52063
scrap tires; 52064

(10) A premises where scrap tires are beneficially used and 52065
for which the notice required by rules adopted under section 52066
3734.84 of the Revised Code has been given; 52067

(11) A transporter registered under section 3734.83 of the 52068
Revised Code that collects and holds scrap tires in a covered 52069
trailer or vehicle for not longer than thirty days prior to 52070
transporting them to their final destination. 52071

(D) Nothing in this section restricts any right any person 52072
may have under statute or common law to enforce or seek 52073
enforcement of any law applicable to the management of scrap 52074

tires, abate a nuisance, or seek any other appropriate relief. 52075

(E) An owner of real property is not liable under division 52076
(A) of this section for the cost of the removal of up to ten 52077
thousand scrap tires on the owner's property, or more at the 52078
director's discretion, and no lien shall attach to the property 52079
under this section, if all of the following conditions are met: 52080

(1) The tires were placed on the property after the owner 52081
acquired title to the property, or the tires were placed on the 52082
property before the owner acquired title to the property and the 52083
owner acquired title to the property by bequest or devise. 52084

(2) The owner of the property did not have knowledge that the 52085
tires were being placed on the property, or the owner posted on 52086
the property signs prohibiting dumping or took other action to 52087
prevent the placing of tires on the property. 52088

(3) The owner of the property did not participate in or 52089
consent to the placing of the tires on the property. 52090

(4) The owner of the property received no financial benefit 52091
from the placing of the tires on the property or otherwise having 52092
the tires on the property. 52093

(5) Title to the property was not transferred to the owner 52094
for the purpose of evading liability under division (A) of this 52095
section. 52096

(6) The person responsible for placing the tires on the 52097
property, in doing so, was not acting as an agent for the owner of 52098
the property. 52099

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 52100
defray the cost of administering and enforcing the scrap tire 52101
provisions of this chapter, rules adopted under those provisions, 52102
and terms and conditions of orders, variances, and licenses issued 52103
under those provisions; to abate accumulations of scrap tires; to 52104

make grants supporting market development activities for scrap 52105
tires and synthetic rubber from tire manufacturing processes and 52106
tire recycling processes and to support scrap tire amnesty and 52107
cleanup events; to make loans to promote the recycling or recovery 52108
of energy from scrap tires; and to defray the costs of 52109
administering and enforcing sections 3734.90 to 3734.9014 of the 52110
Revised Code, a fee of fifty cents per tire is hereby levied on 52111
the sale of tires. The proceeds of the fee shall be deposited in 52112
the state treasury to the credit of the scrap tire management fund 52113
created in section 3734.82 of the Revised Code. The fee is levied 52114
from the first day of the calendar month that begins next after 52115
thirty days from October 29, 1993, through June 30, ~~2024~~ 2026. 52116

(2) Beginning on July 1, 2011, and ending on June 30, ~~2024~~ 52117
2026, there is hereby levied an additional fee of fifty cents per 52118
tire on the sale of tires the proceeds of which shall be deposited 52119
in the state treasury to the credit of the soil and water 52120
conservation district assistance fund created in section 940.15 of 52121
the Revised Code. 52122

(B) Only one sale of the same article shall be used in 52123
computing the amount of the fee due. 52124

Sec. 3737.02. (A) The fire marshal may collect fees to cover 52125
the costs of performing inspections and other duties that the fire 52126
marshal is authorized or required by law to perform. Except as 52127
provided in division (B) of this section, all fees collected by 52128
the fire marshal shall be deposited to the credit of the fire 52129
marshal's fund. 52130

(B)(1) All of the following shall be credited to the 52131
underground storage tank administration fund, which is hereby 52132
created in the state treasury: 52133

(a) Fees collected under sections 3737.88 and 3737.881 of the 52134
Revised Code for operation of the underground storage tank and 52135

underground storage tank installer certification programs; 52136

(b) Moneys recovered under section 3737.89 of the Revised 52137
Code for the state's costs of undertaking corrective or 52138
enforcement actions under that section or section 3737.882 of the 52139
Revised Code; 52140

(c) Fines and penalties collected under section 3737.882 of 52141
the Revised Code and other moneys, including corrective action 52142
enforcement case settlements or bankruptcy case awards or 52143
settlements, received by the fire marshal under sections 3737.88 52144
to 3737.89 of the Revised Code. 52145

(2) All interest earned on moneys credited to the underground 52146
storage tank administration fund shall be credited to the fund. 52147
Moneys credited to the underground storage tank administration 52148
fund shall be used by the fire marshal for implementation and 52149
enforcement of underground storage tank, corrective action, and 52150
installer certification programs under sections 3737.88 to 3737.89 52151
of the Revised Code. 52152

~~(C) There is hereby created in the state treasury the 52153
underground storage tank revolving loan fund. The fund shall 52154
consist of amounts repaid for underground storage tank revolving 52155
loans under section 3737.883 of the Revised Code and moneys 52156
described in division (B)(1)(c) of this section that are allocated 52157
to the fund in accordance with division (D)(1) of this section. 52158
Moneys in the fund shall be used by the fire marshal to make 52159
underground storage tank revolving loans under section 3737.883 of 52160
the Revised Code. 52161~~

~~(D)(1) If the director of commerce determines that the cash 52162
balance in the underground storage tank administration fund is in 52163
excess of the amount needed for implementation and enforcement of 52164
the underground storage tank, corrective action, and installer 52165
certification programs under sections 3737.88 to 3737.89 of the 52166~~

~~Revised Code, the director may certify the excess amount to the 52167
director of budget and management. Upon certification, the 52168
director of budget and management may transfer from the 52169
underground storage tank administration fund to the underground 52170
storage tank revolving loan fund any amount up to, but not 52171
exceeding, the amount certified by the director of commerce, 52172
provided the amount transferred consists only of moneys described 52173
in division (B)(1)(c) of this section. 52174~~

~~(2) If the director of commerce determines that the cash 52175
balance in the underground storage tank administration fund is 52176
insufficient to implement and enforce the underground storage 52177
tank, corrective action, and installer certification programs 52178
under sections 3737.88 to 3737.89 of the Revised Code, the 52179
director may certify the amount needed to the director of budget 52180
and management. Upon certification, the director of budget and 52181
management may transfer from the underground storage tank 52182
revolving loan fund to the underground storage tank administration 52183
fund any amount up to, but not exceeding, the amount certified by 52184
the director of commerce. 52185~~

~~(E) The fire marshal shall take all actions necessary to 52186
obtain any federal funding available to carry out the fire 52187
marshal's responsibilities under sections 3737.88 to 3737.89 of 52188
the Revised Code and federal laws regarding the cleaning up of 52189
releases of petroleum, as "release" is defined in section 3737.87 52190
of the Revised Code, including, without limitation, any federal 52191
funds that are available to reimburse the state for the costs of 52192
undertaking corrective actions for such releases of petroleum. The 52193
state may, when appropriate, return to the United States any 52194
federal funds recovered under sections 3737.882 and 3737.89 of the 52195
Revised Code. 52196~~

Sec. 3737.83. The fire marshal shall, as part of the state 52197

fire code, adopt rules to: 52198

(A) Establish minimum standards of performance for fire 52199
protection equipment and fire fighting equipment; 52200

(B) Establish minimum standards of training, fix minimum 52201
qualifications, and require certificates for all persons who 52202
engage in the business for profit of installing, testing, 52203
repairing, or maintaining fire protection equipment; 52204

(C) Provide for the issuance of certificates required under 52205
division (B) of this section and establish the fees to be charged 52206
for such certificates. A certificate shall be granted, renewed, or 52207
revoked according to rules the fire marshal shall adopt. 52208

(D) Establish minimum standards of flammability for consumer 52209
goods in any case where the federal government or any department 52210
or agency thereof has established, or may from time to time 52211
establish standards of flammability for consumer goods. The 52212
standards established by the fire marshal shall be identical to 52213
the minimum federal standards. 52214

In any case where the federal government or any department or 52215
agency thereof, establishes standards of flammability for consumer 52216
goods subsequent to the adoption of a flammability standard by the 52217
fire marshal, standards previously adopted by the fire marshal 52218
shall not continue in effect to the extent such standards are not 52219
identical to the minimum federal standards. 52220

With respect to the adoption of minimum standards of 52221
flammability, this division shall supersede any authority granted 52222
a political subdivision by any other section of the Revised Code. 52223

(E) Establish minimum standards pursuant to section 5104.05 52224
of the Revised Code for fire prevention and fire safety in child 52225
day-care centers and in type A family day-care homes, as defined 52226
in section 5104.01 of the Revised Code. 52227

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G)(1) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G)(1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3737.833. (A) As used in this section, "retail establishment" means a place of business open to the general public for the sale of goods or services.

(B) If the fire code official having jurisdiction over a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by the state fire code adopted pursuant to sections 3737.82 and 3737.83 of the Revised Code, for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any fire code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that fire code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3737.88. (A)(1) The fire marshal shall have 52259
responsibility for implementation of the underground storage tank 52260
program and corrective action program for releases of petroleum 52261
from underground storage tanks established by the "Resource 52262
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 52263
6901, as amended. To implement the programs, the fire marshal may 52264
adopt, amend, and rescind such rules, conduct such inspections, 52265
require annual registration of underground storage tanks, issue 52266
such citations and orders to enforce those rules, enter into 52267
environmental covenants in accordance with sections 5301.80 to 52268
5301.92 of the Revised Code, and perform such other duties, as are 52269
consistent with those programs. The fire marshal, by rule, may 52270
delegate the authority to conduct inspections of underground 52271
storage tanks to certified fire safety inspectors. 52272

(2) In the place of any rules regarding release containment 52273
and release detection for underground storage tanks adopted under 52274
division (A)(1) of this section, the fire marshal, by rule, shall 52275
designate areas as being sensitive for the protection of human 52276
health and the environment and adopt alternative rules regarding 52277
release containment and release detection methods for new and 52278
upgraded underground storage tank systems located in those areas. 52279
In designating such areas, the fire marshal shall take into 52280
consideration such factors as soil conditions, hydrogeology, water 52281
use, and the location of public and private water supplies. Not 52282
later than July 11, 1990, the fire marshal shall file the rules 52283
required under this division with the secretary of state, director 52284
of the legislative service commission, and joint committee on 52285
agency rule review in accordance with divisions (B) and (C) of 52286
section 119.03 of the Revised Code. 52287

(3) Notwithstanding sections 3737.87 to 3737.89 of the 52288
Revised Code, a person who is not a responsible person, as 52289
determined by the fire marshal pursuant to this chapter, may 52290

conduct a voluntary action in accordance with Chapter 3746. of the 52291
Revised Code and rules adopted under it for either of the 52292
following: 52293

(a) A class C release; 52294

(b) A release, other than a class C release, that is subject 52295
to the rules adopted by the fire marshal under division (B) of 52296
section 3737.882 of the Revised Code pertaining to a corrective 52297
action, provided that both of the following apply: 52298

(i) The voluntary action also addresses hazardous substances 52299
or petroleum that is not subject to the rules adopted under 52300
division (B) of section 3737.882 of the Revised Code pertaining to 52301
a corrective action. 52302

(ii) The fire marshal has not issued an administrative order 52303
concerning the release or referred the release to the attorney 52304
general for enforcement. 52305

The director of environmental protection, pursuant to section 52306
3746.12 of the Revised Code, may issue a covenant not to sue to 52307
any person who properly completes a voluntary action with respect 52308
to any such release in accordance with Chapter 3746. of the 52309
Revised Code and rules adopted under it. 52310

(B) Before adopting any rule under this section or section 52311
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 52312
file written notice of the proposed rule with the chairperson of 52313
the state fire council, and, within sixty days after notice is 52314
filed, the council may file responses to or comments on and may 52315
recommend alternative or supplementary rules to the fire marshal. 52316
At the end of the sixty-day period or upon the filing of 52317
responses, comments, or recommendations by the council, the fire 52318
marshal may adopt the rule filed with the council or any 52319
alternative or supplementary rule recommended by the council. 52320

(C) The state fire council may recommend courses of action to 52321

be taken by the fire marshal in carrying out the fire marshal's 52322
duties under this section. The council shall file its 52323
recommendations in the office of the fire marshal, and, within 52324
sixty days after the recommendations are filed, the fire marshal 52325
shall file with the chairperson of the council comments on, and 52326
proposed action in response to, the recommendations. 52327

(D) For the purpose of sections 3737.87 to 3737.89 of the 52328
Revised Code, the fire marshal shall adopt, and may amend and 52329
rescind, rules identifying or listing hazardous substances. The 52330
rules shall be consistent with and equivalent in scope, coverage, 52331
and content to regulations identifying or listing hazardous 52332
substances adopted under the "Comprehensive Environmental 52333
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 52334
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 52335
not identify or list as a hazardous substance any hazardous waste 52336
identified or listed in rules adopted under division (A) of 52337
section 3734.12 of the Revised Code. 52338

(E) Except as provided in division (A)(3) of this section, 52339
the fire marshal shall have exclusive jurisdiction to regulate the 52340
storage, treatment, and disposal of petroleum contaminated soil 52341
generated from corrective actions undertaken in response to 52342
releases of petroleum from underground storage tank systems. The 52343
fire marshal may adopt, amend, or rescind such rules as the fire 52344
marshal considers to be necessary or appropriate to regulate the 52345
storage, treatment, or disposal of petroleum contaminated soil so 52346
generated. 52347

(F) The fire marshal shall adopt, amend, and rescind rules 52348
under sections 3737.88 to ~~3737.883~~ 3737.882 of the Revised Code in 52349
accordance with Chapter 119. of the Revised Code. 52350

Sec. 3737.882. (A) If, after an examination or inspection, 52351
the fire marshal or an assistant fire marshal finds that a release 52352

of petroleum is suspected, the fire marshal shall take such action 52353
as the fire marshal considers necessary to ensure that a suspected 52354
release is confirmed or disproved and, if the occurrence of a 52355
release is confirmed, to correct the release. These actions may 52356
include one or more of the following: 52357

(1) Issuance of a citation and order requiring the 52358
responsible person to undertake, in a manner consistent with the 52359
requirements of section 9003 of the "Resource Conservation and 52360
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 52361
amended, applicable regulations adopted thereunder, and rules 52362
adopted under division (B) of this section, such actions as are 52363
necessary to protect human health and the environment, including, 52364
without limitation, the investigation of a suspected release; 52365

(2) Requesting the attorney general to bring a civil action 52366
for appropriate relief, including a temporary restraining order or 52367
preliminary or permanent injunction, in the court of common pleas 52368
of the county in which a suspected release is located or in which 52369
the release occurred, to obtain the corrective action necessary to 52370
protect human health and the environment. In granting any such 52371
relief, the court shall ensure that the terms of the temporary 52372
restraining order or injunction are sufficient to provide 52373
comprehensive corrective action to protect human health and the 52374
environment. 52375

(3) Entry onto premises and undertaking corrective action 52376
with respect to a release of petroleum if, in the fire marshal's 52377
judgment, such action is necessary to protect human health and the 52378
environment. Any corrective action undertaken by the fire marshal 52379
or assistant fire marshal under division (A)(3) of this section 52380
shall be consistent with the requirements of sections 9003 and 52381
9005 of the "Resource Conservation and Recovery Act of 1976," 98 52382
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 52383
6991e, respectively, as amended, applicable regulations adopted 52384

thereunder, and rules adopted under division (B) of this section. 52385

(B) The fire marshal shall adopt, and may amend and rescind, 52386
such rules as the fire marshal considers necessary to establish 52387
standards for corrective actions for suspected and confirmed 52388
releases of petroleum and standards for the recovery of costs 52389
incurred for undertaking corrective or enforcement actions with 52390
respect to such releases. The rules also shall include 52391
requirements for financial responsibility for the cost of 52392
corrective actions for and compensation of bodily injury and 52393
property damage incurred by third parties that are caused by 52394
releases of petroleum. Rules regarding financial responsibility 52395
shall, without limitation, require responsible persons to provide 52396
evidence that the parties guaranteeing payment of the deductible 52397
amount established under division (E) or (F) of section 3737.91 of 52398
the Revised Code are, at a minimum, secondarily liable for all 52399
corrective action and third-party liability costs incurred within 52400
the scope of the deductible amount. The rules shall be consistent 52401
with sections 9003 and 9005 of the "Resource Conservation and 52402
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 52403
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 52404
applicable regulations adopted thereunder. 52405

(C)(1) No person shall violate or fail to comply with a rule 52406
adopted under division (A) of section 3737.88 of the Revised Code 52407
or division (B) of this section, and no person shall violate or 52408
fail to comply with the terms of any order issued under division 52409
(A) of section 3737.88 of the Revised Code or division (A)(1) of 52410
this section. 52411

(2) Whoever violates division (C)(1) of this section or 52412
division (F) of section 3737.881 of the Revised Code shall pay a 52413
civil penalty of not more than ten thousand dollars for each day 52414
that the violation continues. The fire marshal may, by order, 52415
assess a civil penalty under this division, or the fire marshal 52416

may request the attorney general to bring a civil action for 52417
imposition of the civil penalty in the court of common pleas of 52418
the county in which the violation occurred. If the fire marshal 52419
determines that a responsible person is in violation of division 52420
(C)(1) of this section or division (F) of section 3737.881 of the 52421
Revised Code, the fire marshal may request the attorney general to 52422
bring a civil action for appropriate relief, including a temporary 52423
restraining order or preliminary or permanent injunction, in the 52424
court of common pleas of the county in which the underground 52425
storage tank or, in the case of a violation of division (F)(3) of 52426
section 3737.881 of the Revised Code, the training program that is 52427
the subject of the violation is located. The court shall issue a 52428
temporary restraining order or an injunction upon a demonstration 52429
that a violation of division (C)(1) of this section or division 52430
(F) of section 3737.881 of the Revised Code has occurred or is 52431
occurring. 52432

Any action brought by the attorney general under this 52433
division is a civil action, governed by the Rules of Civil 52434
Procedure and other rules of practice and procedure applicable to 52435
civil actions. 52436

~~Nothing in section 3737.883 of the Revised Code limits the 52437
powers of the fire marshal or the attorney general under this 52438
division. 52439~~

(D) Orders issued under division (A) of section 3737.88 of 52440
the Revised Code and divisions (A)(1) and (C) of this section, and 52441
appeals thereof, are subject to and governed by Chapter 3745. of 52442
the Revised Code. Such orders shall be issued without the 52443
necessity for issuance of a proposed action under that chapter. 52444
For purposes of appeals of any such orders, the term "director" as 52445
used in Chapter 3745. of the Revised Code includes the fire 52446
marshal and an assistant fire marshal. 52447

(E) Any restrictions on the use of real property for the 52448

purpose of the achievement by an owner or operator of applicable 52449
standards pursuant to rules adopted under division (B) of this 52450
section shall be contained in a deed or in another instrument that 52451
is signed and acknowledged by the property owner in the same 52452
manner as a deed or an environmental covenant that is entered into 52453
in accordance with sections 5301.80 to 5301.92 of the Revised 52454
Code. The deed, other instrument containing the restrictions, or 52455
environmental covenant shall be filed and recorded in the office 52456
of the county recorder of the county in which the property is 52457
located. Pursuant to Chapter 5309. of the Revised Code, if the use 52458
restrictions or environmental covenant are connected with 52459
registered land, as defined in section 5309.01 of the Revised 52460
Code, the restrictions or environmental covenant shall be entered 52461
as a memorial on the page of the register where the title of the 52462
owner is registered. 52463

(F) Any restrictions on the use of real property for the 52464
purpose of the achievement by a person that is not a responsible 52465
person, or by a person undertaking a voluntary action of 52466
applicable standards pursuant to rules adopted under division (B) 52467
of this section shall be contained in an environmental covenant 52468
that is entered into in accordance with sections 5301.80 to 52469
5301.92 of the Revised Code. The environmental covenant shall be 52470
filed and recorded in the office of the county recorder of the 52471
county in which the property is located. Pursuant to Chapter 5309. 52472
of the Revised Code, if the environmental covenant is connected 52473
with registered land, as defined in section 5309.01 of the Revised 52474
Code, the environmental covenant shall be entered as a memorial on 52475
the page of the register where the title of the owner is 52476
registered. 52477

Sec. 3740.01. As used in this chapter: 52478

(A) "Community-based long-term care provider" means a 52479

provider, as defined in section 173.39 of the Revised Code. 52480

(B) "Community-based long-term care subcontractor" means a 52481
subcontractor, as defined in section 173.38 of the Revised Code. 52482

(C) "Criminal records check" has the same meaning as in 52483
section 109.572 of the Revised Code. 52484

(D) "Direct care" means any of the following: 52485

(1) Any service identified in divisions (G)(1) to (6) of this 52486
section that is provided in a patient's place of residence used as 52487
the patient's home; 52488

(2) Any activity that requires the person performing the 52489
activity to be routinely alone with a patient or to routinely have 52490
access to a patient's personal property or financial documents 52491
regarding a patient; 52492

(3) For each home health agency individually, any other 52493
routine service or activity that the chief administrator of the 52494
home health agency designates as direct care. 52495

(E) "Disqualifying offense" means any of the offenses listed 52496
or described in divisions (A)(3)(a) to (e) of section 109.572 of 52497
the Revised Code. 52498

(F) "Employee" means a person employed by a home health 52499
agency in a full-time, part-time, or temporary position that 52500
involves providing direct care to an individual and a person who 52501
works in such a position due to being referred to a home health 52502
agency by an employment service. 52503

(G) "Home health agency" means a person or government entity, 52504
other than a nursing home, residential care facility, hospice care 52505
program, pediatric respite care program, pediatric transition care 52506
program, informal respite care provider, provider certified by the 52507
department of developmental disabilities under Chapter 5123. of 52508
the Revised Code, residential facility licensed under section 52509

5119.34 or 5123.19 of the Revised Code, shared living provider, or 52510
immediate family member, that has the primary function of 52511
providing any of the following services to a patient at a place of 52512
residence used as the patient's home: 52513

- (1) Skilled nursing care; 52514
- (2) Physical therapy; 52515
- (3) Occupational therapy; 52516
- (4) Speech-language pathology; 52517
- (5) Medical social services; 52518
- (6) Home health aide services. 52519

(H) "Home health aide services" means any of the following 52520
services provided by an employee of a home health agency: 52521

- (1) Hands-on bathing or assistance with a tub bath or shower; 52522
- (2) Assistance with dressing, ambulation, and toileting; 52523
- (3) Catheter care but not insertion; 52524
- (4) Meal preparation and feeding. 52525

(I) "Hospice care program," "pediatric respite care program," 52526
and "pediatric transition care program" have the same meanings as 52527
in section 3712.01 of the Revised Code. 52528

(J) "Immediate family member" means a parent, stepparent, 52529
grandparent, legal guardian, grandchild, brother, sister, 52530
stepsibling, spouse, son, daughter, stepchild, aunt, uncle, 52531
mother-in-law, father-in-law, brother-in-law, sister-in-law, 52532
son-in-law, and daughter-in-law. 52533

(K) "Medical social services" means services provided by a 52534
social worker under the direction of a patient's attending 52535
physician. 52536

(L) "Minor drug possession offense" has the same meaning as 52537

in section 2925.01 of the Revised Code. 52538

(M) "Nonagency provider" means a person who provides direct 52539
care to an individual on a self-employed basis and does not 52540
employ, directly or through contract, another person to provide 52541
the services. "Nonagency provider" does not include any of the 52542
following: 52543

(1) A caregiver who is an immediate family member of the 52544
individual receiving direct care; 52545

(2) A person who provides direct care to not more than two 52546
individuals who are not immediate family members of the care 52547
provider; 52548

(3) A volunteer; 52549

(4) A person who is certified under section 5104.12 of the 52550
Revised Code to provide publicly funded child care as an in-home 52551
aide; 52552

(5) A person who provides privately funded child care; 52553

(6) A caregiver who is certified by the department of 52554
developmental disabilities under Chapter 5123. of the Revised 52555
Code; 52556

(7) A person who operates a residential facility licensed 52557
under section 5119.34 of the Revised Code; 52558

(8) A person who provides self-directed services, as that 52559
term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a 52560
person who is certified by the department of aging or registered 52561
as a self-directed individual provider through an area agency on 52562
aging. 52563

(N) "Nonmedical home health services" means any of the 52564
following: 52565

(1) Any service identified in divisions (H)(1) to (4) of this 52566
section; 52567

(2) Personal care services;	52568
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.	52569 52570 52571
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	52572 52573 52574
(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	52575 52576
(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:	52577 52578
(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;	52579 52580 52581
(2) Assistance managing the individual's home and handling personal affairs;	52582 52583
(3) Assistance with self-administration of medications;	52584
(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;	52585 52586 52587 52588
(5) Respite services for the individual's caregiver;	52589
(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.	52590 52591 52592
(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	52593 52594
(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.	52595 52596

~~(T)~~ "Skilled home health services" means any of the following: 52597
52598

(1) Any service identified in divisions (G)(1) to (5) of this section; 52599
52600

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code. 52601
52602
52603

~~(U)~~(T) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 52604
52605
52606

~~(V)~~(U) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 52607
52608

~~(W)~~(V) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 52609
52610

Sec. 3742.11. (A) As used in this section, "renovation, repair, and painting rule" means the rule adopted by the United States environmental protection agency pursuant to the "Toxic Substances Control Act of 1978," 15 U.S.C. 2601. 52611
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(B) The director of health may enter into agreements with the United States environmental protection agency for the administration and enforcement of the renovation, repair, and painting rule. The director also may accept available assistance in support of any agreement. 52615
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(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this section. If the director adopts such rules, the director shall specify all of the following in the rules: 52620
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52622
52623

(1) Provisions governing application for certification, approval and denial of certification, and renewal, suspension, and revocation of certification under this section; 52624
52625
52626

<u>(2) Fees for any certification issued or renewed under this section;</u>	52627
	52628
<u>(3) Requirements for training and certification, which must include levels of training and periodic refresher training for certifications issued under this section;</u>	52629
	52630
	52631
<u>(4) Procedures to be followed by a person certified under this section to undertake renovation, repair, and painting projects and to prevent public exposure to lead hazards and ensure worker protection during renovation, repair, or painting projects;</u>	52632
	52633
	52634
	52635
<u>(5) Provisions governing the imposition of civil penalties for violations of procedures adopted under this section. Civil penalties shall not exceed five thousand dollars per violation.</u>	52636
	52637
	52638
<u>(6) Record-keeping and reporting requirements for a person certified under this section;</u>	52639
	52640
<u>(7) Procedures for the approval of training providers under this section, including specific training course requirements;</u>	52641
	52642
<u>(8) Any other procedures and requirements that the director determines necessary for the implementation of this section.</u>	52643
	52644
Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.	52645
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	52652
(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code	52653
	52654
	52655
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shall pay the fees set forth in this division. For the purposes of 52657
this division, total emissions of air contaminants may be 52658
calculated using engineering calculations, emissions factors, 52659
material balance calculations, or performance testing procedures, 52660
as authorized by the director. 52661

The following fees shall be assessed on the total actual 52662
emissions from a source in tons per year of the regulated 52663
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 52664
organic compounds, and lead: 52665

(1) Fifteen dollars per ton on the total actual emissions of 52666
each such regulated pollutant during the period July through 52667
December 1993, to be collected no sooner than July 1, 1994; 52668

(2) Twenty dollars per ton on the total actual emissions of 52669
each such regulated pollutant during calendar year 1994, to be 52670
collected no sooner than April 15, 1995; 52671

(3) Twenty-five dollars per ton on the total actual emissions 52672
of each such regulated pollutant in calendar year 1995, and each 52673
subsequent calendar year, to be collected no sooner than the 52674
fifteenth day of April of the year next succeeding the calendar 52675
year in which the emissions occurred. 52676

The fees levied under this division do not apply to that 52677
portion of the emissions of a regulated pollutant at a facility 52678
that exceed four thousand tons during a calendar year. 52679

(C)(1) The fees assessed under division (B) of this section 52680
are for the purpose of providing funding for the Title V permit 52681
program. 52682

(2) The fees assessed under division (B) of this section do 52683
not apply to emissions from any electric generating unit 52684
designated as a Phase I unit under Title IV of the federal Clean 52685
Air Act prior to calendar year 2000. Those fees shall be assessed 52686
on the emissions from such a generating unit commencing in 52687

calendar year 2001 based upon the total actual emissions from the 52688
generating unit during calendar year 2000 and shall continue to be 52689
assessed each subsequent calendar year based on the total actual 52690
emissions from the generating unit during the preceding calendar 52691
year. 52692

(3) The director shall issue invoices to owners or operators 52693
of air contaminant sources who are required to pay a fee assessed 52694
under division (B) or (D) of this section. Any such invoice shall 52695
be issued no sooner than the applicable date when the fee first 52696
may be collected in a year under the applicable division, shall 52697
identify the nature and amount of the fee assessed, and shall 52698
indicate that the fee is required to be paid within thirty days 52699
after the issuance of the invoice. 52700

(D)(1) Except as provided in division (D)(2) of this section, 52701
beginning January 1, 2004, each person who owns or operates an air 52702
contaminant source; who is required to apply for a permit to 52703
operate pursuant to rules adopted under division (G), or a 52704
variance pursuant to division (H), of section 3704.03 of the 52705
Revised Code; and who is not required to apply for and obtain a 52706
Title V permit under section 3704.03 of the Revised Code shall pay 52707
a single fee based upon the sum of the actual annual emissions 52708
from the facility of the regulated pollutants particulate matter, 52709
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 52710
accordance with the following schedule: 52711

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	52715
10 or more, but less than 50	200	52716
50 or more, but less than 100	300	52717
100 or more	700	52718

(2)(a) As used in division (D) of this section, "synthetic 52719

minor facility" means a facility for which one or more permits to
install or permits to operate have been issued for the air
contaminant sources at the facility that include terms and
conditions that lower the facility's potential to emit air
contaminants below the major source thresholds established in
rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2024~~ 2026,
each person who owns or operates a synthetic minor facility shall
pay an annual fee based on the sum of the actual annual emissions
from the facility of particulate matter, sulfur dioxide, nitrogen
dioxide, organic compounds, and lead in accordance with the
following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(3) The fees assessed under division (D)(1) of this section
shall be collected annually no sooner than the fifteenth day of
April, commencing in 2005. The fees assessed under division (D)(2)
of this section shall be collected no sooner than the fifteenth
day of April, commencing in 2000. The fees assessed under division
(D) of this section in a calendar year shall be based upon the sum

of the actual emissions of those regulated pollutants during the 52752
preceding calendar year. For the purpose of division (D) of this 52753
section, emissions of air contaminants may be calculated using 52754
engineering calculations, emission factors, material balance 52755
calculations, or performance testing procedures, as authorized by 52756
the director. The director, by rule, may require persons who are 52757
required to pay the fees assessed under division (D) of this 52758
section to pay those fees biennially rather than annually. 52759

(E)(1) Consistent with the need to cover the reasonable costs 52760
of the Title V permit program, the director annually shall 52761
increase the fees prescribed in division (B) of this section by 52762
the percentage, if any, by which the consumer price index for the 52763
most recent calendar year ending before the beginning of a year 52764
exceeds the consumer price index for calendar year 1989. Upon 52765
calculating an increase in fees authorized by division (E)(1) of 52766
this section, the director shall compile revised fee schedules for 52767
the purposes of division (B) of this section and shall make the 52768
revised schedules available to persons required to pay the fees 52769
assessed under that division and to the public. 52770

(2) For the purposes of division (E)(1) of this section: 52771

(a) The consumer price index for any year is the average of 52772
the consumer price index for all urban consumers published by the 52773
United States department of labor as of the close of the 52774
twelve-month period ending on the thirty-first day of August of 52775
that year. 52776

(b) If the 1989 consumer price index is revised, the director 52777
shall use the revision of the consumer price index that is most 52778
consistent with that for calendar year 1989. 52779

(F) Each person who is issued a permit to install pursuant to 52780
rules adopted under division (F) of section 3704.03 of the Revised 52781
Code on or after July 1, 2003, shall pay the fees specified in the 52782

following schedules:		52783
(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		52784
Input capacity (maximum)		52785
(million British thermal units per hour)	Permit to install	52786
Greater than 0, but less than 10	\$ 200	52787
10 or more, but less than 100	400	52788
100 or more, but less than 300	1000	52789
300 or more, but less than 500	2250	52790
500 or more, but less than 1000	3750	52791
1000 or more, but less than 5000	6000	52792
5000 or more	9000	52793
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		52794
		52795
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		52796
Generating capacity (mega watts)	Permit to install	52797
0 or more, but less than 10	\$ 25	52798
10 or more, but less than 25	150	52799
25 or more, but less than 50	300	52800
50 or more, but less than 100	500	52801
100 or more, but less than 250	1000	52802
250 or more	2000	52803
(3) Incinerators		52804
Input capacity (pounds per hour)	Permit to install	52805
0 to 100	\$ 100	52806
101 to 500	500	52807
501 to 2000	1000	52808
2001 to 20,000	1500	52809

more than 20,000	3750	52814
(4)(a) Process		52815
Process weight rate (pounds per hour)	Permit to install	52816
0 to 1000	\$ 200	52817
1001 to 5000	500	52818
5001 to 10,000	750	52819
10,001 to 50,000	1000	52820
more than 50,000	1250	52821

In any process where process weight rate cannot be 52822
ascertained, the minimum fee shall be assessed. A boiler, furnace, 52823
combustion turbine, stationary internal combustion engine, or 52824
process heater designed to provide direct heat or power to a 52825
process not designed to generate electricity shall be assessed a 52826
fee established in division (F)(4)(a) of this section. A 52827
combustion turbine or stationary internal combustion engine 52828
designed to generate electricity shall be assessed a fee 52829
established in division (F)(2) of this section. 52830

(b) Notwithstanding division (F)(4)(a) of this section, any 52831
person issued a permit to install pursuant to rules adopted under 52832
division (F) of section 3704.03 of the Revised Code shall pay the 52833
fees set forth in division (F)(4)(c) of this section for a process 52834
used in any of the following industries, as identified by the 52835
applicable two-digit, three-digit, or four-digit standard 52836
industrial classification code according to the Standard 52837
Industrial Classification Manual published by the United States 52838
office of management and budget in the executive office of the 52839
president, 1987, as revised: 52840

- Major group 10, metal mining; 52841
- Major group 12, coal mining; 52842
- Major group 14, mining and quarrying of nonmetallic minerals; 52843
- Industry group 204, grain mill products; 52844

2873 Nitrogen fertilizers;		52845
2874 Phosphatic fertilizers;		52846
3281 Cut stone and stone products;		52847
3295 Minerals and earth, ground or otherwise treated;		52848
4221 Grain elevators (storage only);		52849
5159 Farm related raw materials;		52850
5261 Retail nurseries and lawn and garden supply stores.		52851
(c) The fees set forth in the following schedule apply to the		52852
issuance of a permit to install pursuant to rules adopted under		52853
division (F) of section 3704.03 of the Revised Code for a process		52854
identified in division (F)(4)(b) of this section:		52855
Process weight rate (pounds per	Permit to install	52856
hour)		
0 to 10,000	\$ 200	52857
10,001 to 50,000	400	52858
50,001 to 100,000	500	52859
100,001 to 200,000	600	52860
200,001 to 400,000	750	52861
400,001 or more	900	52862
(5) Storage tanks		52863
Gallons (maximum useful capacity)	Permit to install	52864
0 to 20,000	\$ 100	52865
20,001 to 40,000	150	52866
40,001 to 100,000	250	52867
100,001 to 500,000	400	52868
500,001 or greater	750	52869
(6) Gasoline/fuel dispensing facilities		52870
For each gasoline/fuel		52871
dispensing facility (includes all	Permit to install	52872
units at the facility)	\$ 100	52873

(7) Dry cleaning facilities		52874
For each dry cleaning		52875
facility (includes all units	Permit to install	52876
at the facility)	\$ 100	52877
(8) Registration status		52878
For each source covered	Permit to install	52879
by registration status	\$ 75	52880
(G) An owner or operator who is responsible for an asbestos		52881
demolition or renovation project pursuant to rules adopted under		52882
section 3704.03 of the Revised Code shall pay, upon submitting a		52883
notification pursuant to rules adopted under that section, the		52884
fees set forth in the following schedule:		52885
Action	Fee	52886
Each notification	\$75	52887
Asbestos removal	\$3/unit	52888
Asbestos cleanup	\$4/cubic yard	52889
For purposes of this division, "unit" means any combination of		52890
linear feet or square feet equal to fifty.		52891
(H) A person who is issued an extension of time for a permit		52892
to install an air contaminant source pursuant to rules adopted		52893
under division (F) of section 3704.03 of the Revised Code shall		52894
pay a fee equal to one-half the fee originally assessed for the		52895
permit to install under this section, except that the fee for such		52896
an extension shall not exceed two hundred dollars.		52897
(I) A person who is issued a modification to a permit to		52898
install an air contaminant source pursuant to rules adopted under		52899
section 3704.03 of the Revised Code shall pay a fee equal to		52900
one-half of the fee that would be assessed under this section to		52901
obtain a permit to install the source. The fee assessed by this		52902
division only applies to modifications that are initiated by the		52903
owner or operator of the source and shall not exceed two thousand		52904

dollars. 52905

(J) Notwithstanding division (F) of this section, a person 52906
who applies for or obtains a permit to install pursuant to rules 52907
adopted under division (F) of section 3704.03 of the Revised Code 52908
after the date actual construction of the source began shall pay a 52909
fee for the permit to install that is equal to twice the fee that 52910
otherwise would be assessed under the applicable division unless 52911
the applicant received authorization to begin construction under 52912
division (W) of section 3704.03 of the Revised Code. This division 52913
only applies to sources for which actual construction of the 52914
source begins on or after July 1, 1993. The imposition or payment 52915
of the fee established in this division does not preclude the 52916
director from taking any administrative or judicial enforcement 52917
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 52918
of the Revised Code, or a rule adopted under any of them, in 52919
connection with a violation of rules adopted under division (F) of 52920
section 3704.03 of the Revised Code. 52921

As used in this division, "actual construction of the source" 52922
means the initiation of physical on-site construction activities 52923
in connection with improvements to the source that are permanent 52924
in nature, including, without limitation, the installation of 52925
building supports and foundations and the laying of underground 52926
pipework. 52927

(K)(1) Money received under division (B) of this section 52928
shall be deposited in the state treasury to the credit of the 52929
Title V clean air fund created in section 3704.035 of the Revised 52930
Code. Annually, not more than fifty cents per ton of each fee 52931
assessed under division (B) of this section on actual emissions 52932
from a source and received by the environmental protection agency 52933
pursuant to that division may be transferred by the director using 52934
an interstate transfer voucher to the state treasury to the credit 52935
of the small business assistance fund created in section 3706.19 52936

of the Revised Code. In addition, annually, the amount of money 52937
necessary for the operation of the office of ombudsperson as 52938
determined under division (B) of that section shall be transferred 52939
to the state treasury to the credit of the small business 52940
ombudsperson fund created by that section. 52941

(2) Money received by the agency pursuant to divisions (D), 52942
(F), (G), (H), (I), and (J) of this section shall be deposited in 52943
the state treasury to the credit of the non-Title V clean air fund 52944
created in section 3704.035 of the Revised Code. 52945

(L)(1) A person applying for a plan approval for a wastewater 52946
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 52947
of the Revised Code shall pay a nonrefundable fee of one hundred 52948
dollars plus sixty-five one-hundredths of one per cent of the 52949
estimated project cost through June 30, ~~2024~~ 2026, and a 52950
nonrefundable application fee of one hundred dollars plus 52951
two-tenths of one per cent of the estimated project cost on and 52952
after July 1, ~~2024~~ 2026, except that the total fee shall not 52953
exceed fifteen thousand dollars through June 30, ~~2024~~ 2026, and 52954
five thousand dollars on and after July 1, ~~2024~~ 2026. The fee 52955
shall be paid at the time the application is submitted. 52956

(2) A person who has entered into an agreement with the 52957
director under section 6111.14 of the Revised Code shall pay an 52958
administrative service fee for each plan submitted under that 52959
section for approval that shall not exceed the minimum amount 52960
necessary to pay administrative costs directly attributable to 52961
processing plan approvals. The director annually shall calculate 52962
the fee and shall notify all persons who have entered into 52963
agreements under that section, or who have applied for agreements, 52964
of the amount of the fee. 52965

(3)(a)(i) Not later than January 30, ~~2022~~ 2024, and January 52966
30, ~~2023~~ 2025, a person holding an NPDES discharge permit issued 52967
pursuant to Chapter 6111. of the Revised Code with an average 52968

daily discharge flow of five thousand gallons or more shall pay a 52969
nonrefundable annual discharge fee. Any person who fails to pay 52970
the fee at that time shall pay an additional amount that equals 52971
ten per cent of the required annual discharge fee. 52972

(ii) The billing year for the annual discharge fee 52973
established in division (L)(3)(a)(i) of this section shall consist 52974
of a twelve-month period beginning on the first day of January of 52975
the year preceding the date when the annual discharge fee is due. 52976
In the case of an existing source that permanently ceases to 52977
discharge during a billing year, the director shall reduce the 52978
annual discharge fee, including the surcharge applicable to 52979
certain industrial facilities pursuant to division (L)(3)(c) of 52980
this section, by one-twelfth for each full month during the 52981
billing year that the source was not discharging, but only if the 52982
person holding the NPDES discharge permit for the source notifies 52983
the director in writing, not later than the first day of October 52984
of the billing year, of the circumstances causing the cessation of 52985
discharge. 52986

(iii) The annual discharge fee established in division 52987
(L)(3)(a)(i) of this section, except for the surcharge applicable 52988
to certain industrial facilities pursuant to division (L)(3)(c) of 52989
this section, shall be based upon the average daily discharge flow 52990
in gallons per day calculated using first day of May through 52991
thirty-first day of October flow data for the period two years 52992
prior to the date on which the fee is due. In the case of NPDES 52993
discharge permits for new sources, the fee shall be calculated 52994
using the average daily design flow of the facility until actual 52995
average daily discharge flow values are available for the time 52996
period specified in division (L)(3)(a)(iii) of this section. The 52997
annual discharge fee may be prorated for a new source as described 52998
in division (L)(3)(a)(ii) of this section. 52999

(b)(i) An NPDES permit holder that is a public discharger 53000

shall pay the fee specified in the following schedule:		53001
Average daily	Fee due by	53002
discharge flow	January 30,	53003
	2022 <u>2024</u> , and	53004
	January 30, 2023	53005
	<u>2025</u>	
5,000 to 49,999	\$ 200	53006
50,000 to 100,000	500	53007
100,001 to 250,000	1,050	53008
250,001 to 1,000,000	2,600	53009
1,000,001 to 5,000,000	5,200	53010
5,000,001 to 10,000,000	10,350	53011
10,000,001 to 20,000,000	15,550	53012
20,000,001 to 50,000,000	25,900	53013
50,000,001 to 100,000,000	41,400	53014
100,000,001 or more	62,100	53015
(ii) Public dischargers owning or operating two or more		53016
publicly owned treatment works serving the same political		53017
subdivision, as "treatment works" is defined in section 6111.01 of		53018
the Revised Code, and that serve exclusively political		53019
subdivisions having a population of fewer than one hundred		53020
thousand persons shall pay an annual discharge fee under division		53021
(L)(3)(b)(i) of this section that is based on the combined average		53022
daily discharge flow of the treatment works.		53023
(c)(i) An NPDES permit holder that is an industrial		53024
discharger, other than a coal mining operator identified by P in		53025
the third character of the permittee's NPDES permit number, shall		53026
pay the fee specified in the following schedule:		53027
Average daily	Fee due by	53028
discharge flow	January 30,	53029
	2022 <u>2024</u> , and	53030
	January 30, 2023	53031

	<u>2025</u>	
5,000 to 49,999	\$ 250	53032
50,000 to 250,000	1,200	53033
250,001 to 1,000,000	2,950	53034
1,000,001 to 5,000,000	5,850	53035
5,000,001 to 10,000,000	8,800	53036
10,000,001 to 20,000,000	11,700	53037
20,000,001 to 100,000,000	14,050	53038
100,000,001 to 250,000,000	16,400	53039
250,000,001 or more	18,700	53040

(ii) In addition to the fee specified in the above schedule, 53041
an NPDES permit holder that is an industrial discharger classified 53042
as a major discharger during all or part of the annual discharge 53043
fee billing year specified in division (L)(3)(a)(ii) of this 53044
section shall pay a nonrefundable annual surcharge of seven 53045
thousand five hundred dollars not later than January 30, ~~2022~~ 53046
2024, and not later than January 30, ~~2023~~ 2025. Any person who 53047
fails to pay the surcharge at that time shall pay an additional 53048
amount that equals ten per cent of the amount of the surcharge. 53049

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 53050
section, a public discharger, that is not a separate municipal 53051
storm sewer system, identified by I in the third character of the 53052
permittee's NPDES permit number and an industrial discharger 53053
identified by I, J, L, V, W, X, Y, or Z in the third character of 53054
the permittee's NPDES permit number shall pay a nonrefundable 53055
annual discharge fee of one hundred eighty dollars not later than 53056
January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. 53057
Any person who fails to pay the fee at that time shall pay an 53058
additional amount that equals ten per cent of the required fee. 53059

(4) Each person obtaining an NPDES permit for municipal storm 53060
water discharge shall pay a nonrefundable storm water annual 53061
discharge fee of ten dollars per one-tenth of a square mile of 53062

area permitted. The fee shall not exceed ten thousand dollars and 53063
shall be payable on or before January 30, 2004, and the thirtieth 53064
day of January of each year thereafter. Any person who fails to 53065
pay the fee on the date specified in division (L)(4) of this 53066
section shall pay an additional amount per year equal to ten per 53067
cent of the annual fee that is unpaid. 53068

(5) The director shall transmit all moneys collected under 53069
division (L) of this section to the treasurer of state for deposit 53070
into the state treasury to the credit of the surface water 53071
protection fund created in section 6111.038 of the Revised Code. 53072

(6) As used in this section: 53073

(a) "NPDES" means the federally approved national pollutant 53074
discharge elimination system individual and general program for 53075
issuing, modifying, revoking, reissuing, terminating, monitoring, 53076
and enforcing permits and imposing and enforcing pretreatment 53077
requirements under Chapter 6111. of the Revised Code and rules 53078
adopted under it. 53079

(b) "Public discharger" means any holder of an NPDES permit 53080
identified by P in the second character of the NPDES permit number 53081
assigned by the director. 53082

(c) "Industrial discharger" means any holder of an NPDES 53083
permit identified by I in the second character of the NPDES permit 53084
number assigned by the director. 53085

(d) "Major discharger" means any holder of an NPDES permit 53086
classified as major by the regional administrator of the United 53087
States environmental protection agency in conjunction with the 53088
director. 53089

(M) Through June 30, ~~2024~~ 2026, a person applying for a 53090
license or license renewal to operate a public water system under 53091
section 6109.21 of the Revised Code shall pay the appropriate fee 53092
established under this division at the time of application to the 53093

director. Any person who fails to pay the fee at that time shall 53094
pay an additional amount that equals ten per cent of the required 53095
fee. The director shall transmit all moneys collected under this 53096
division to the treasurer of state for deposit into the drinking 53097
water protection fund created in section 6109.30 of the Revised 53098
Code. 53099

Except as provided in divisions (M)(4) and (5) of this 53100
section, fees required under this division shall be calculated and 53101
paid in accordance with the following schedule: 53102

(1) For the initial license required under section 6109.21 of 53103
the Revised Code for any public water system that is a community 53104
water system as defined in section 6109.01 of the Revised Code, 53105
and for each license renewal required for such a system prior to 53106
January 31, ~~2024~~ 2026, the fee is: 53107

Number of service connections	Fee amount	
Not more than 49	\$ 112	53108
50 to 99	176	53109
		53110
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	53111
2,500 to 4,999	1.48	53112
5,000 to 7,499	1.42	53113
7,500 to 9,999	1.34	53114
10,000 to 14,999	1.16	53115
15,000 to 24,999	1.10	53116
25,000 to 49,999	1.04	53117
50,000 to 99,999	.92	53118
100,000 to 149,999	.86	53119
150,000 to 199,999	.80	53120
200,000 or more	.76	53121

A public water system may determine how it will pay the total 53122
amount of the fee calculated under division (M)(1) of this 53123
section, including the assessment of additional user fees that may 53124
53125

be assessed on a volumetric basis. 53126

As used in division (M)(1) of this section, "service 53127
connection" means the number of active or inactive pipes, 53128
goosenecks, pigtails, and any other fittings connecting a water 53129
main to any building outlet. 53130

(2) For the initial license required under section 6109.21 of 53131
the Revised Code for any public water system that is not a 53132
community water system and serves a nontransient population, and 53133
for each license renewal required for such a system prior to 53134
January 31, ~~2024~~ 2026, the fee is: 53135

Population served	Fee amount	
Fewer than 150	\$ 112	53137
150 to 299	176	53138
300 to 749	384	53139
750 to 1,499	628	53140
1,500 to 2,999	1,268	53141
3,000 to 7,499	2,816	53142
7,500 to 14,999	5,510	53143
15,000 to 22,499	9,048	53144
22,500 to 29,999	12,430	53145
30,000 or more	16,820	53146

As used in division (M)(2) of this section, "population 53147
served" means the total number of individuals having access to the 53148
water supply during a twenty-four-hour period for at least sixty 53149
days during any calendar year. In the absence of a specific 53150
population count, that number shall be calculated at the rate of 53151
three individuals per service connection. 53152

(3) For the initial license required under section 6109.21 of 53153
the Revised Code for any public water system that is not a 53154
community water system and serves a transient population, and for 53155
each license renewal required for such a system prior to January 53156
31, ~~2024~~ 2026, the fee is: 53157

Number of wells or sources, other	Fee amount	53158
than surface water, supplying system		
1	\$112	53159
2	112	53160
3	176	53161
4	278	53162
5	568	53163
System designated as using a		53164
surface water source	792	53165
As used in division (M)(3) of this section, "number of wells		53166
or sources, other than surface water, supplying system" means		53167
those wells or sources that are physically connected to the		53168
plumbing system serving the public water system.		53169
(4) A public water system designated as using a surface water		53170
source shall pay a fee of seven hundred ninety-two dollars or the		53171
amount calculated under division (M)(1) or (2) of this section,		53172
whichever is greater.		53173
(5) An applicant for an initial license who is proposing to		53174
operate a new public water supply system shall submit a fee that		53175
equals a prorated amount of the appropriate fee for the remainder		53176
of the licensing year.		53177
(N)(1) A person applying for a plan approval for a public		53178
water supply system under section 6109.07 of the Revised Code		53179
shall pay a fee of one hundred fifty dollars plus thirty-five		53180
hundredths of one per cent of the estimated project cost, except		53181
that the total fee shall not exceed twenty thousand dollars		53182
through June 30, 2024 <u>2026</u> , and fifteen thousand dollars on and		53183
after July 1, 2024 <u>2026</u> . The fee shall be paid at the time the		53184
application is submitted.		53185
(2) A person who has entered into an agreement with the		53186
director under division (A)(2) of section 6109.07 of the Revised		53187
Code shall pay an administrative service fee for each plan		53188

submitted under that section for approval that shall not exceed 53189
the minimum amount necessary to pay administrative costs directly 53190
attributable to processing plan approvals. The director annually 53191
shall calculate the fee and shall notify all persons that have 53192
entered into agreements under that division, or who have applied 53193
for agreements, of the amount of the fee. 53194

(3) Through June 30, ~~2024~~ 2026, the following fee, on a per 53195
survey basis, shall be charged any person for services rendered by 53196
the state in the evaluation of laboratories and laboratory 53197
personnel for compliance with accepted analytical techniques and 53198
procedures established pursuant to Chapter 6109. of the Revised 53199
Code for determining the qualitative characteristics of water: 53200

microbiological		53201
MMO-MUG	\$2,000	53202
MF	2,100	53203
MMO-MUG and MF	2,550	53204
organic chemical	5,400	53205
trace metals	5,400	53206
standard chemistry	2,800	53207
limited chemistry	1,550	53208

On and after July 1, ~~2024~~ 2026, the following fee, on a per 53209
survey basis, shall be charged any such person: 53210

microbiological	\$ 1,650	53211
organic chemicals	3,500	53212
trace metals	3,500	53213
standard chemistry	1,800	53214
limited chemistry	1,000	53215

The fee for those services shall be paid at the time the request 53216
for the survey is made. Through June 30, ~~2024~~ 2026, an individual 53217
laboratory shall not be assessed a fee under this division more 53218
than once in any three-year period unless the person requests the 53219
addition of analytical methods or analysts, in which case the 53220

person shall pay five hundred dollars for each additional survey 53221
requested. 53222

As used in division (N)(3) of this section: 53223

(a) "MF" means membrane filtration. 53224

(b) "MMO" means minimal medium ONPG. 53225

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 53226

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 53227

The director shall transmit all moneys collected under this 53228
division to the treasurer of state for deposit into the drinking 53229
water protection fund created in section 6109.30 of the Revised 53230
Code. 53231

(O) Any person applying to the director to take an 53232
examination for certification as an operator of a water supply 53233
system or wastewater system under Chapter 6109. or 6111. of the 53234
Revised Code that is administered by the director, at the time the 53235
application is submitted, shall pay a fee in accordance with the 53236
following schedule through November 30, ~~2024~~ 2026: 53237

Class A operator	\$ 80	53238
Class I operator	105	53239
Class II operator	120	53240
Class III operator	130	53241
Class IV operator	145	53242

On and after December 1, ~~2024~~ 2026, the applicant shall pay a 53243
fee in accordance with the following schedule: 53244

Class A operator	\$ 50	53245
Class I operator	70	53246
Class II operator	80	53247
Class III operator	90	53248
Class IV operator	100	53249

Any person applying to the director for certification as an 53250

operator of a water supply system or wastewater system who has 53251
passed an examination administered by an examination provider 53252
approved by the director shall pay a certification fee of 53253
forty-five dollars. 53254

A person shall pay a biennial certification renewal fee for 53255
each applicable class of certification in accordance with the 53256
following schedule: 53257

Class A operator	\$25	53258
Class I operator	35	53259
Class II operator	45	53260
Class III operator	55	53261
Class IV operator	65	53262

If a certification renewal fee is received by the director 53263
more than thirty days, but not more than one year, after the 53264
expiration date of the certification, the person shall pay a 53265
certification renewal fee in accordance with the following 53266
schedule: 53267

Class A operator	\$45	53268
Class I operator	55	53269
Class II operator	65	53270
Class III operator	75	53271
Class IV operator	85	53272

A person who requests a replacement certificate shall pay a 53273
fee of twenty-five dollars at the time the request is made. 53274

Any person applying to be a water supply system or wastewater 53275
treatment system examination provider shall pay an application fee 53276
of five hundred dollars. Any person approved by the director as a 53277
water supply system or wastewater treatment system examination 53278
provider shall pay an annual fee that is equal to ten per cent of 53279
the fees that the provider assesses and collects for administering 53280
water supply system or wastewater treatment system certification 53281
examinations in this state for the calendar year. The fee shall be 53282

paid not later than forty-five days after the end of a calendar 53283
year. 53284

The director shall transmit all moneys collected under this 53285
division to the treasurer of state for deposit into the drinking 53286
water protection fund created in section 6109.30 of the Revised 53287
Code. 53288

(P) Any person submitting an application for an industrial 53289
water pollution control certificate under section 6111.31 of the 53290
Revised Code, as that section existed before its repeal by H.B. 95 53291
of the 125th general assembly, shall pay a nonrefundable fee of 53292
five hundred dollars at the time the application is submitted. The 53293
director shall transmit all moneys collected under this division 53294
to the treasurer of state for deposit into the surface water 53295
protection fund created in section 6111.038 of the Revised Code. A 53296
person paying a certificate fee under this division shall not pay 53297
an application fee under division (S)(1) of this section. On and 53298
after June 26, 2003, persons shall file such applications and pay 53299
the fee as required under sections 5709.20 to 5709.27 of the 53300
Revised Code, and proceeds from the fee shall be credited as 53301
provided in section 5709.212 of the Revised Code. 53302

(Q) Except as otherwise provided in division (R) of this 53303
section, a person issued a permit by the director for a new solid 53304
waste disposal facility other than an incineration or composting 53305
facility, a new infectious waste treatment facility other than an 53306
incineration facility, or a modification of such an existing 53307
facility that includes an increase in the total disposal or 53308
treatment capacity of the facility pursuant to Chapter 3734. of 53309
the Revised Code shall pay a fee of ten dollars per thousand cubic 53310
yards of disposal or treatment capacity, or one thousand dollars, 53311
whichever is greater, except that the total fee for any such 53312
permit shall not exceed eighty thousand dollars. A person issued a 53313
modification of a permit for a solid waste disposal facility or an 53314

infectious waste treatment facility that does not involve an 53315
increase in the total disposal or treatment capacity of the 53316
facility shall pay a fee of one thousand dollars. A person issued 53317
a permit to install a new, or modify an existing, solid waste 53318
transfer facility under that chapter shall pay a fee of two 53319
thousand five hundred dollars. A person issued a permit to install 53320
a new or to modify an existing solid waste incineration or 53321
composting facility, or an existing infectious waste treatment 53322
facility using incineration as its principal method of treatment, 53323
under that chapter shall pay a fee of one thousand dollars. The 53324
increases in the permit fees under this division resulting from 53325
the amendments made by Amended Substitute House Bill 592 of the 53326
117th general assembly do not apply to any person who submitted an 53327
application for a permit to install a new, or modify an existing, 53328
solid waste disposal facility under that chapter prior to 53329
September 1, 1987; any such person shall pay the permit fee 53330
established in this division as it existed prior to June 24, 1988. 53331
In addition to the applicable permit fee under this division, a 53332
person issued a permit to install or modify a solid waste facility 53333
or an infectious waste treatment facility under that chapter who 53334
fails to pay the permit fee to the director in compliance with 53335
division (V) of this section shall pay an additional ten per cent 53336
of the amount of the fee for each week that the permit fee is 53337
late. 53338

Permit and late payment fees paid to the director under this 53339
division shall be credited to the general revenue fund. 53340

(R)(1) A person issued a registration certificate for a scrap 53341
tire collection facility under section 3734.75 of the Revised Code 53342
shall pay a fee of two hundred dollars, except that if the 53343
facility is owned or operated by a motor vehicle salvage dealer 53344
licensed under Chapter 4738. of the Revised Code, the person shall 53345
pay a fee of twenty-five dollars. 53346

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1)(a) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2024~~ 2026, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2024~~ 2026.

(b)(i) Except as otherwise provided in divisions (S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2024~~ 2026, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2024~~ 2026, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	53403
1,001 to 5,000	100	53404
5,001 to 50,000	200	53405
50,001 to 100,000	300	53406
100,001 to 300,000	525	53407
over 300,000	750	53408

(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this

section, the application and design flow discharge fee for an 53410
NPDES permit for a public discharger identified by the letter I in 53411
the third character of the NPDES permit number shall not exceed 53412
nine hundred fifty dollars. 53413

(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this 53414
section, the application and design flow discharge fee for an 53415
NPDES permit for a coal mining operation regulated under Chapter 53416
1513. of the Revised Code shall not exceed four hundred fifty 53417
dollars per mine. 53418

(v) A person issued a modification of an NPDES permit shall 53419
pay a nonrefundable modification fee equal to the application fee 53420
and one-half the design flow discharge fee based on each point 53421
source, if applicable, that would be charged for an NPDES permit, 53422
except that the modification fee shall not exceed six hundred 53423
dollars. 53424

(c) In addition to the application fee established under 53425
division (S)(1)(b)(i) of this section, any person applying for an 53426
NPDES general storm water construction permit shall pay a 53427
nonrefundable fee of twenty dollars per acre for each acre that is 53428
permitted above five acres at the time the application is 53429
submitted. However, the per acreage fee shall not exceed three 53430
hundred dollars. In addition to the application fee established 53431
under division (S)(1)(b)(i) of this section, any person applying 53432
for an NPDES general storm water industrial permit shall pay a 53433
nonrefundable fee of one hundred fifty dollars at the time the 53434
application is submitted. 53435

(d) The director shall transmit all moneys collected under 53436
division (S)(1) of this section pursuant to Chapter 6109. of the 53437
Revised Code to the treasurer of state for deposit into the 53438
drinking water protection fund created in section 6109.30 of the 53439
Revised Code. 53440

(e) The director shall transmit all moneys collected under 53441
division (S)(1) of this section pursuant to Chapter 6111. of the 53442
Revised Code and under division (S)(2) of this section to the 53443
treasurer of state for deposit into the surface water protection 53444
fund created in section 6111.038 of the Revised Code. 53445

(f) If a person submits an electronic application for a 53446
registration certificate, permit, variance, or plan approval for 53447
which an application fee is established under division (S)(1) of 53448
this section, the person shall pay all applicable fees as 53449
expeditiously as possible after the submission of the electronic 53450
application. An application for a registration certificate, 53451
permit, variance, or plan approval for which an application fee is 53452
established under division (S)(1) of this section shall not be 53453
reviewed or processed until the applicable application fee, and 53454
any other fees established under this division, are paid. 53455

(2) A person applying for coverage under an NPDES general 53456
discharge permit for household sewage treatment systems shall pay 53457
a nonrefundable fee of two hundred dollars at the time of 53458
application for initial permit coverage. No fee is required for an 53459
application for permit coverage renewal. 53460

(T) The director may adopt, amend, and rescind rules in 53461
accordance with Chapter 119. of the Revised Code that do all of 53462
the following: 53463

(1) Prescribe fees to be paid by applicants for and holders 53464
of any license, permit, variance, plan approval, or certification 53465
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 53466
the Revised Code that are not specifically established in this 53467
section. The fees shall be designed to defray the cost of 53468
processing, issuing, revoking, modifying, denying, and enforcing 53469
the licenses, permits, variances, plan approvals, and 53470
certifications. 53471

The director shall transmit all moneys collected under rules 53472
adopted under division (T)(1) of this section pursuant to Chapter 53473
6109. of the Revised Code to the treasurer of state for deposit 53474
into the drinking water protection fund created in section 6109.30 53475
of the Revised Code. 53476

The director shall transmit all moneys collected under rules 53477
adopted under division (T)(1) of this section pursuant to Chapter 53478
6111. of the Revised Code to the treasurer of state for deposit 53479
into the surface water protection fund created in section 6111.038 53480
of the Revised Code. 53481

(2) Exempt the state and political subdivisions thereof, 53482
including education facilities or medical facilities owned by the 53483
state or a political subdivision, or any person exempted from 53484
taxation by section 5709.07 or 5709.12 of the Revised Code, from 53485
any fee required by this section; 53486

(3) Provide for the waiver of any fee, or any part thereof, 53487
otherwise required by this section whenever the director 53488
determines that the imposition of the fee would constitute an 53489
unreasonable cost of doing business for any applicant, class of 53490
applicants, or other person subject to the fee; 53491

(4) Prescribe measures that the director considers necessary 53492
to carry out this section. 53493

(U) When the director reasonably demonstrates that the direct 53494
cost to the state associated with the issuance of a permit, 53495
license, variance, plan approval, or certification exceeds the fee 53496
for the issuance or review specified by this section, the director 53497
may condition the issuance or review on the payment by the person 53498
receiving the issuance or review of, in addition to the fee 53499
specified by this section, the amount, or any portion thereof, in 53500
excess of the fee specified under this section. The director shall 53501
not so condition issuances for which a fee is prescribed in 53502

division (S)(1)(b)(iii) of this section. 53503

(V) Except as provided in divisions (L), (M), (P), and (S) of 53504
this section or unless otherwise prescribed by a rule of the 53505
director adopted pursuant to Chapter 119. of the Revised Code, all 53506
fees required by this section are payable within thirty days after 53507
the issuance of an invoice for the fee by the director or the 53508
effective date of the issuance of the license, permit, variance, 53509
plan approval, or certification. If payment is late, the person 53510
responsible for payment of the fee shall pay an additional ten per 53511
cent of the amount due for each month that it is late. 53512

(W) As used in this section, "fuel-burning equipment," 53513
"fuel-burning equipment input capacity," "incinerator," 53514
"incinerator input capacity," "process," "process weight rate," 53515
"storage tank," "gasoline dispensing facility," "dry cleaning 53516
facility," "design flow discharge," and "new source treatment 53517
works" have the meanings ascribed to those terms by applicable 53518
rules or standards adopted by the director under Chapter 3704. or 53519
6111. of the Revised Code. 53520

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 53521
(J) of this section, and in any other provision of this section 53522
pertaining to fees paid pursuant to Chapter 3704. of the Revised 53523
Code: 53524

(1) "Facility," "federal Clean Air Act," "person," and "Title 53525
V permit" have the same meanings as in section 3704.01 of the 53526
Revised Code. 53527

(2) "Title V permit program" means the following activities 53528
as necessary to meet the requirements of Title V of the federal 53529
Clean Air Act and 40 C.F.R. part 70, including at least: 53530

(a) Preparing and adopting, if applicable, generally 53531
applicable rules or guidance regarding the permit program or its 53532
implementation or enforcement; 53533

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 53534
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 53538
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(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 53541
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(e) Emission and ambient monitoring; 53544

(f) Modeling, analyses, or demonstrations; 53545

(g) Preparing inventories and tracking emissions; 53546

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 53547
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(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. 53554
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(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage 53557
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sludge facility shall be calculated using the first day of January 53564
through the thirty-first day of December of the calendar year 53565
preceding the date on which payment of the fee is due. 53566

(2)(a) Except as provided in division (Y)(2)(d) of this 53567
section, each sewage sludge facility shall pay a minimum annual 53568
sewage sludge fee of one hundred dollars. 53569

(b) The annual sludge fee required to be paid by a sewage 53570
sludge facility that treats or disposes of exceptional quality 53571
sludge in this state shall be thirty-five per cent less per dry 53572
ton of exceptional quality sludge than the fee assessed under 53573
division (Y)(1) of this section, subject to the following 53574
exceptions: 53575

(i) Except as provided in division (Y)(2)(d) of this section, 53576
a sewage sludge facility that treats or disposes of exceptional 53577
quality sludge shall pay a minimum annual sewage sludge fee of one 53578
hundred dollars. 53579

(ii) A sewage sludge facility that treats or disposes of 53580
exceptional quality sludge shall not be required to pay the annual 53581
sludge fee for treatment or disposal in this state of exceptional 53582
quality sludge generated outside of this state and contained in 53583
bags or other containers not greater than one hundred pounds in 53584
capacity. 53585

A thirty-five per cent reduction for exceptional quality 53586
sludge applies to the maximum annual fees established under 53587
division (Y)(3) of this section. 53588

(c) A sewage sludge facility that transfers sewage sludge to 53589
another sewage sludge facility in this state for further treatment 53590
prior to disposal in this state shall not be required to pay the 53591
annual sludge fee for the tons of sewage sludge that have been 53592
transferred. In such a case, the sewage sludge facility that 53593
disposes of the sewage sludge shall pay the annual sludge fee. 53594

However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of

sewage sludge that are transferred. However, the entity or 53626
facility generating or treating the sewage sludge shall pay the 53627
one-hundred-dollar minimum fee required under division (Y)(2)(a) 53628
of this section. 53629

(b) In the case of an entity that generates sewage sludge and 53630
transfers the sewage sludge to a landfill for disposal or to a 53631
sewage sludge facility for land reclamation or surface disposal, 53632
the entity generating the sewage sludge, and not the landfill or 53633
sewage sludge facility, shall pay the annual sludge fee for the 53634
tons of sewage sludge that are transferred. 53635

(5) Not later than the first day of April of the calendar 53636
year following March 17, 2000, and each first day of April 53637
thereafter, the director shall issue invoices to persons who are 53638
required to pay the annual sludge fee. The invoice shall identify 53639
the nature and amount of the annual sludge fee assessed and state 53640
the first day of May as the deadline for receipt by the director 53641
of objections regarding the amount of the fee and the first day of 53642
July as the deadline for payment of the fee. 53643

Not later than the first day of May following receipt of an 53644
invoice, a person required to pay the annual sludge fee may submit 53645
objections to the director concerning the accuracy of information 53646
regarding the number of dry tons of sewage sludge used to 53647
calculate the amount of the annual sludge fee or regarding whether 53648
the sewage sludge qualifies for the exceptional quality sludge 53649
discount established in division (Y)(2)(b) of this section. The 53650
director may consider the objections and adjust the amount of the 53651
fee to ensure that it is accurate. 53652

If the director does not adjust the amount of the annual 53653
sludge fee in response to a person's objections, the person may 53654
appeal the director's determination in accordance with Chapter 53655
119. of the Revised Code. 53656

Not later than the first day of June, the director shall 53657
notify the objecting person regarding whether the director has 53658
found the objections to be valid and the reasons for the finding. 53659
If the director finds the objections to be valid and adjusts the 53660
amount of the annual sludge fee accordingly, the director shall 53661
issue with the notification a new invoice to the person 53662
identifying the amount of the annual sludge fee assessed and 53663
stating the first day of July as the deadline for payment. 53664

Not later than the first day of July, any person who is 53665
required to do so shall pay the annual sludge fee. Any person who 53666
is required to pay the fee, but who fails to do so on or before 53667
that date shall pay an additional amount that equals ten per cent 53668
of the required annual sludge fee. 53669

(6) The director shall transmit all moneys collected under 53670
division (Y) of this section to the treasurer of state for deposit 53671
into the surface water protection fund created in section 6111.038 53672
of the Revised Code. The moneys shall be used to defray the costs 53673
of administering and enforcing provisions in Chapter 6111. of the 53674
Revised Code and rules adopted under it that govern the use, 53675
storage, treatment, or disposal of sewage sludge. 53676

(7) Beginning in fiscal year 2001, and every two years 53677
thereafter, the director shall review the total amount of moneys 53678
generated by the annual sludge fees to determine if that amount 53679
exceeded six hundred thousand dollars in either of the two 53680
preceding fiscal years. If the total amount of moneys in the fund 53681
exceeded six hundred thousand dollars in either fiscal year, the 53682
director, after review of the fee structure and consultation with 53683
affected persons, shall issue an order reducing the amount of the 53684
fees levied under division (Y) of this section so that the 53685
estimated amount of moneys resulting from the fees will not exceed 53686
six hundred thousand dollars in any fiscal year. 53687

If, upon review of the fees under division (Y)(7) of this 53688

section and after the fees have been reduced, the director 53689
determines that the total amount of moneys collected and 53690
accumulated is less than six hundred thousand dollars, the 53691
director, after review of the fee structure and consultation with 53692
affected persons, may issue an order increasing the amount of the 53693
fees levied under division (Y) of this section so that the 53694
estimated amount of moneys resulting from the fees will be 53695
approximately six hundred thousand dollars. Fees shall never be 53696
increased to an amount exceeding the amount specified in division 53697
(Y)(7) of this section. 53698

Notwithstanding section 119.06 of the Revised Code, the 53699
director may issue an order under division (Y)(7) of this section 53700
without the necessity to hold an adjudicatory hearing in 53701
connection with the order. The issuance of an order under this 53702
division is not an act or action for purposes of section 3745.04 53703
of the Revised Code. 53704

(8) As used in division (Y) of this section: 53705

(a) "Sewage sludge facility" means an entity that performs 53706
treatment on or is responsible for the disposal of sewage sludge. 53707

(b) "Sewage sludge" means a solid, semi-solid, or liquid 53708
residue generated during the treatment of domestic sewage in a 53709
treatment works as defined in section 6111.01 of the Revised Code. 53710
"Sewage sludge" includes, but is not limited to, scum or solids 53711
removed in primary, secondary, or advanced wastewater treatment 53712
processes. "Sewage sludge" does not include ash generated during 53713
the firing of sewage sludge in a sewage sludge incinerator, grit 53714
and screenings generated during preliminary treatment of domestic 53715
sewage in a treatment works, animal manure, residue generated 53716
during treatment of animal manure, or domestic septage. 53717

(c) "Exceptional quality sludge" means sewage sludge that 53718
meets all of the following qualifications: 53719

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	53720 53721
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	53722 53723
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	53724 53725
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	53726 53727
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	53728 53729 53730
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	53731 53732 53733
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	53734 53735 53736 53737 53738
(g) "Land reclamation" means the returning of disturbed land to productive use.	53739 53740
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	53741 53742 53743 53744
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	53745 53746 53747 53748
(j) "Incineration facility" includes all incinerators owned	53749

or operated by the same entity and located on a contiguous tract 53750
of land. Areas of land are considered to be contiguous even if 53751
they are separated by a public road or highway. 53752

(k) "Annual sludge fee" means the fee assessed under division 53753
(Y)(1) of this section. 53754

(l) "Landfill" means a sanitary landfill facility, as defined 53755
in rules adopted under section 3734.02 of the Revised Code, that 53756
is licensed under section 3734.05 of the Revised Code. 53757

(m) "Preexisting land reclamation project" means a 53758
property-specific land reclamation project that has been in 53759
continuous operation for not less than five years pursuant to 53760
approval of the activity by the director and includes the 53761
implementation of a community outreach program concerning the 53762
activity. 53763

"**Sec. 3748.03.** ~~(A)(1)~~(A)(1)(a) The governor, on behalf of the 53764
state, may enter into agreements with the United States nuclear 53765
regulatory commission as authorized by section 274(b) of the 53766
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 53767
amended, for the discontinuation of specified licensing and 53768
related regulatory authority of the commission with respect to 53769
byproduct material, source material, the commercial disposal of 53770
low-level radioactive waste, and special nuclear material in 53771
quantities not sufficient to form a critical mass and the 53772
assumption of that authority by the state. 53773

(b) The governor, on behalf of the state, may also enter into 53774
agreements described in division (A)(1)(a) of this section with 53775
the the United States department of energy or branches of the 53776
United States military. 53777

(2) The governor shall appoint a state liaison officer to the 53778
United States nuclear regulatory commission, who shall serve at 53779

the pleasure of the governor. 53780

(B) The ~~general assembly hereby designates the~~ department of 53781
health, in addition to the Ohio nuclear development authority as 53782
~~the agency~~ authorized ~~to~~ by division (F) of section 4164.11 of the 53783
Revised Code, may pursue agreement state status, on behalf of the 53784
governor, for the assumption by the state of specified licensing 53785
and related regulatory authority from the commission pursuant to 53786
division (A) of this section. The department shall and the Ohio 53787
nuclear development authority may enter into negotiations with the 53788
commission for that purpose. 53789

(C) Any person who, on the effective date of an agreement 53790
entered into by the state and the commission pursuant to divisions 53791
(A) and (B) of this section, holds a license issued by the 53792
commission for radioactive materials that are subject to the 53793
agreement is deemed to hold a license issued under this chapter 53794
and rules adopted under it. That license shall expire ninety days 53795
after the holder receives a notice of expiration from the 53796
department or on the date of expiration specified in the license 53797
issued by the commission, whichever is later, provided that no 53798
such license shall expire during the ninety days immediately 53799
following the effective date of the agreement. 53800

Sec. 3748.23. The rules adopted under this chapter shall 53801
neither conflict with nor supersede the rules adopted under 53802
Chapter 4164. of the Revised Code. 53803

Sec. 3770.03. (A)(1) The state lottery commission shall 53804
promulgate rules pursuant to Chapter 119. of the Revised Code, and 53805
shall adopt operating procedures, under which a statewide lottery 53806
and statewide joint lottery may be conducted, which includes, and 53807
since the original enactment of this section has included, the 53808
authority for the commission to operate video lottery terminal 53809

games and all other lottery games. Any reference in this chapter 53810
to tickets shall not be construed to in any way limit the 53811
authority of the commission to operate video lottery terminal 53812
games or lottery sports gaming. ~~Nothing in this chapter shall~~ 53813
~~restrict the authority of the commission to promulgate rules~~ 53814
~~related to the operation of games utilizing video lottery~~ 53815
~~terminals as described in section 3770.21 of the Revised Code. The~~ 53816
~~rules shall be promulgated pursuant to Chapter 119. of the Revised~~ 53817
~~Code, except that instant game rules shall be promulgated pursuant~~ 53818
~~to section 111.15 of the Revised Code but are not subject to~~ 53819
~~division (D) of that section. Subjects covered in these rules~~ 53820
~~shall~~ 53821

(2) Except regarding matters about which this chapter 53822
explicitly requires the commission to promulgate rules under 53823
Chapter 119. of the Revised Code, the commission instead may adopt 53824
operating procedures for the conduct of lottery games. Those 53825
operating procedures shall include, but need not be limited to, 53826
the following: 53827

~~(1)~~(a) The type of lottery to be conducted; 53828

~~(2)~~(b) The prices of tickets in the lottery; 53829

~~(3)~~(c) The number, nature, and value of prize awards, the 53830
manner and frequency of prize drawings, and the manner in which 53831
prizes shall be awarded to holders of winning tickets. 53832

(3) The commission shall publish all of its operating 53833
procedures on its official web site and shall make copies of its 53834
operating procedures available to the public upon request. 53835

(4) An operating procedure adopted under this section is not 53836
considered a rule under section 111.15 of the Revised Code. 53837

(5) All rules of the commission that are in effect on the 53838
effective date of this amendment remain effective unless the 53839

commission rescinds them. 53840

(B) The commission shall promulgate rules, ~~in addition to~~ 53841
~~those described in division (A) of this section,~~ pursuant to 53842
Chapter 119. of the Revised Code ~~under which a statewide lottery~~ 53843
~~and statewide joint lottery games may be conducted.~~ Subjects 53844
~~covered in these rules shall include, but not be limited to,~~ 53845
concerning all of the following: 53846

(1) The locations at which lottery tickets may be sold and 53847
the manner in which they are to be sold. These rules may authorize 53848
the sale of lottery tickets by commission personnel or other 53849
licensed individuals from traveling show wagons at the state fair, 53850
and at any other expositions the director of the commission 53851
considers acceptable. These rules shall prohibit commission 53852
personnel or other licensed individuals from soliciting from an 53853
exposition the right to sell lottery tickets at that exposition, 53854
but shall allow commission personnel or other licensed individuals 53855
to sell lottery tickets at an exposition if the exposition 53856
requests commission personnel or licensed individuals to do so. 53857
These rules may also address the accessibility of sales agent 53858
locations to commission products in accordance with the "Americans 53859
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et 53860
seq. 53861

(2) The manner in which lottery sales revenues are to be 53862
collected, including authorization for the director to impose 53863
penalties for failure by lottery sales agents to transfer revenues 53864
to the commission in a timely manner; 53865

(3) The amount of compensation to be paid to licensed lottery 53866
sales agents; 53867

(4) The substantive criteria for the licensing of lottery 53868
sales agents consistent with section 3770.05 of the Revised Code, 53869
and procedures for revoking or suspending their licenses 53870

consistent with Chapter 119. of the Revised Code. If 53871
circumstances, such as the nonpayment of funds owed by a lottery 53872
sales agent, or other circumstances related to the public safety, 53873
convenience, or trust, require immediate action, the director may 53874
suspend a license without affording an opportunity for a prior 53875
hearing under section 119.07 of the Revised Code. 53876

(5) Special game rules to implement any agreements signed by 53877
the governor that the director enters into with other lottery 53878
jurisdictions under division (J) of section 3770.02 of the Revised 53879
Code to conduct statewide joint lottery games. The rules shall 53880
require that the entire net proceeds of those games that remain, 53881
after associated operating expenses, prize disbursements, lottery 53882
sales agent bonuses, commissions, and reimbursements, and any 53883
other expenses necessary to comply with the agreements or the 53884
rules are deducted from the gross proceeds of those games, be 53885
transferred to the lottery profits education fund under division 53886
(B) of section 3770.06 of the Revised Code. 53887

~~(6) Any other subjects the commission determines are necessary~~ 53888
~~for~~ Rules establishing any of the following with respect to the 53889
operation of video lottery terminal games, ~~including the~~ 53890
~~establishment of any:~~ 53891

(a) Any fees, fines, or payment schedules, ~~or the~~ 53892
~~establishment of a;~~ 53893

(b) Any voluntary exclusion program. 53894

(C) Chapter 2915. of the Revised Code does not apply to, 53895
affect, or prohibit lotteries conducted pursuant to this chapter. 53896

(D) The commission may promulgate rules, ~~in addition to those~~ 53897
~~described in divisions (A) and (B) of this section,~~ pursuant to 53898
Chapter 119. of the Revised Code that establish any standards 53899
governing the display of advertising and celebrity images on 53900
lottery tickets and on other items that are used in the conduct 53901

of, or to promote, the statewide lottery and statewide joint 53902
lottery games. Any revenue derived from the sale of advertising 53903
displayed on lottery tickets and on those other items shall be 53904
considered, for purposes of section 3770.06 of the Revised Code, 53905
to be related proceeds in connection with the statewide lottery or 53906
gross proceeds from statewide joint lottery games, as applicable. 53907

(E)(1) The commission shall meet with the director at least 53908
once each month and shall convene other meetings at the request of 53909
the chairperson or any five of the members. No action taken by the 53910
commission shall be binding unless at least five of the members 53911
present vote in favor of the action. A written record shall be 53912
made of the proceedings of each meeting and shall be transmitted 53913
forthwith to the governor, the president of the senate, the senate 53914
minority leader, the speaker of the house of representatives, and 53915
the house minority leader. 53916

(2) The director shall present to the commission a report 53917
each month, showing the total revenues, prize disbursements, and 53918
operating expenses of the state lottery for the preceding month. 53919
As soon as practicable after the end of each fiscal year, the 53920
commission shall prepare and transmit to the governor and the 53921
general assembly a report of lottery revenues, prize 53922
disbursements, and operating expenses for the preceding fiscal 53923
year and any recommendations for legislation considered necessary 53924
by the commission. 53925

Sec. 3770.06. (A) There is hereby created the state lottery 53926
gross revenue fund, which shall be in the custody of the treasurer 53927
of state but shall not be part of the state treasury. All gross 53928
revenues received from sales of lottery tickets, fines, fees, and 53929
related proceeds in connection with the statewide lottery, all 53930
gross proceeds of lottery sports gaming described in sections 53931
3770.23 to 3770.25 of the Revised Code, and all gross proceeds 53932

from statewide joint lottery games shall be deposited into the 53933
fund. The treasurer of state shall invest any portion of the fund 53934
not needed for immediate use in the same manner as, and subject to 53935
all provisions of law with respect to the investment of, state 53936
funds. The treasurer of state shall disburse money from the fund 53937
on order of the director of the state lottery commission or the 53938
director's designee. 53939

Except for gross proceeds from statewide joint lottery games, 53940
all revenues of the state lottery gross revenue fund that are not 53941
paid to holders of winning lottery tickets, that are not required 53942
to meet short-term prize liabilities, that are not credited to 53943
lottery sales agents in the form of bonuses, commissions, or 53944
reimbursements, that are not paid to financial institutions to 53945
reimburse those institutions for sales agent nonsufficient funds, 53946
and that are collected from sales agents for remittance to 53947
insurers under contract to provide sales agent bonding services 53948
shall be transferred to the state lottery fund, which is hereby 53949
created in the state treasury. In addition, all revenues of the 53950
state lottery gross revenue fund that represent the gross proceeds 53951
from the statewide joint lottery games and that are not paid to 53952
holders of winning lottery tickets, that are not required to meet 53953
short-term prize liabilities, that are not credited to lottery 53954
sales agents in the form of bonuses, commissions, or 53955
reimbursements, and that are not necessary to cover operating 53956
expenses associated with those games or to otherwise comply with 53957
the agreements signed by the governor that the director enters 53958
into under division (J) of section 3770.02 of the Revised Code or 53959
the rules the commission adopts under division (B)(5) of section 53960
3770.03 of the Revised Code shall be transferred to the state 53961
lottery fund. All investment earnings of the fund shall be 53962
credited to the fund. Moneys shall be disbursed from the fund 53963
pursuant to vouchers approved by the director. Total disbursements 53964

for monetary prize awards to holders of winning lottery tickets in 53965
connection with the statewide lottery, other than lottery sports 53966
gaming, and purchases of goods and services awarded as prizes to 53967
holders of winning lottery tickets shall be of an amount equal to 53968
at least fifty per cent of the total revenue accruing from the 53969
sale of lottery tickets. 53970

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 53971
there is hereby established in the state treasury the lottery 53972
profits education fund. Whenever, in the judgment of the director 53973
of the state lottery commission, the amount to the credit of the 53974
state lottery fund that does not represent proceeds from statewide 53975
joint lottery games is in excess of that needed to meet the 53976
maturing obligations of the commission and as working capital for 53977
its further operations, the director of the state lottery 53978
commission shall recommend the amount of the excess to be 53979
transferred to the lottery profits education fund, and the 53980
director of budget and management may transfer the excess to the 53981
lottery profits education fund in connection with the statewide 53982
lottery. In addition, whenever, in the judgment of the director of 53983
the state lottery commission, the amount to the credit of the 53984
state lottery fund that represents proceeds from statewide joint 53985
lottery games equals the entire net proceeds of those games as 53986
described in division (B)(5) of section 3770.03 of the Revised 53987
Code and the rules adopted under that division, the director of 53988
the state lottery commission shall recommend the amount of the 53989
proceeds to be transferred to the lottery profits education fund, 53990
and the director of budget and management may transfer those 53991
proceeds to the lottery profits education fund. Investment 53992
earnings of the lottery profits education fund shall be credited 53993
to the fund. 53994

The lottery profits education fund shall be used solely for 53995
the support of elementary, secondary, vocational, and special 53996

education programs as determined in appropriations made by the 53997
general assembly, or as provided in applicable bond proceedings 53998
for the payment of debt service on obligations issued to pay costs 53999
of capital facilities, including those for a system of common 54000
schools throughout the state pursuant to section 2n of Article 54001
VIII, Ohio Constitution. When determining the availability of 54002
money in the lottery profits education fund, the director of 54003
budget and management may consider all balances and estimated 54004
revenues of the fund. 54005

(C) There is hereby established in the state treasury the 54006
deferred prizes trust fund. With the approval of the director of 54007
budget and management, an amount sufficient to fund annuity prizes 54008
shall be transferred from the state lottery fund and credited to 54009
the trust fund. The treasurer of state shall credit all earnings 54010
arising from investments purchased under this division to the 54011
trust fund. Within sixty days after the end of each fiscal year, 54012
the treasurer of state shall certify to the director of budget and 54013
management whether the actuarial amount of the trust fund is 54014
sufficient over the fund's life for continued funding of all 54015
remaining deferred prize liabilities as of the last day of the 54016
fiscal year just ended. Also, within that sixty days, the director 54017
of budget and management shall certify the amount of investment 54018
earnings necessary to have been credited to the trust fund during 54019
the fiscal year just ending to provide for such continued funding 54020
of deferred prizes. Any earnings credited in excess of the latter 54021
certified amount shall be transferred to the lottery profits 54022
education fund. 54023

To provide all or a part of the amounts necessary to fund 54024
deferred prizes awarded by the commission in connection with the 54025
statewide lottery, the treasurer of state, in consultation with 54026
the commission, may invest moneys contained in the deferred prizes 54027
trust fund which represents proceeds from the statewide lottery in 54028

obligations of the type permitted for the investment of state 54029
funds but whose maturities are thirty years or less. 54030

Notwithstanding the requirements of any other section of the 54031
Revised Code, to provide all or part of the amounts necessary to 54032
fund deferred prizes awarded by the commission in connection with 54033
statewide joint lottery games, the treasurer of state, in 54034
consultation with the commission, may invest moneys in the trust 54035
fund which represent proceeds derived from the statewide joint 54036
lottery games in accordance with the rules the commission adopts 54037
under division (B)(5) of section 3770.03 of the Revised Code. 54038

Investments of the trust fund are not subject to the provisions of 54039
division (A)(11) of section 135.143 of the Revised Code limiting 54040
to twenty-five per cent the amount of the state's total average 54041
portfolio that may be invested in debt interests other than 54042
commercial paper and limiting to five per cent the amount that may 54043
be invested in debt interests, including commercial paper, of a 54044
single issuer. 54045

All purchases made under this division shall be effected on a 54046
delivery versus payment method and shall be in the custody of the 54047
treasurer of state. 54048

The treasurer of state may retain an investment advisor, if 54049
necessary. The commission shall pay any costs incurred by the 54050
treasurer of state in retaining an investment advisor. 54051

(D) The auditor of state shall conduct annual audits of all 54052
funds and any other audits as the auditor of state or the general 54053
assembly considers necessary. The auditor of state may examine all 54054
records, files, and other documents of the commission, and records 54055
of lottery sales agents that pertain to their activities as 54056
agents, for purposes of conducting authorized audits. 54057

(E) The state lottery commission shall establish an internal 54058
audit plan before the beginning of each fiscal year, subject to 54059
the approval of the office of internal audit in the office of 54060

budget and management. At the end of each fiscal year, the 54061
commission shall prepare and submit an annual report to the office 54062
of internal audit for the office's review and approval, specifying 54063
the internal audit work completed by the end of that fiscal year 54064
and reporting on compliance with the annual internal audit plan. 54065
Any preliminary or final report of the findings and 54066
recommendations of an internal audit performed by the commission 54067
under this division, and all associated work papers, are 54068
confidential and are not public records under section 149.43 of 54069
the Revised Code until after the final report of the internal 54070
audit's findings and recommendations is submitted to the director 54071
of the commission and to the chairperson of the commission or the 54072
chairperson's designee. 54073

(F) Whenever, in the judgment of the director of budget and 54074
management, an amount of net state lottery proceeds is necessary 54075
to be applied to the payment of debt service on obligations, all 54076
as defined in sections 151.01 and 151.03 of the Revised Code, the 54077
director shall transfer that amount directly from the state 54078
lottery fund or from the lottery profits education fund to the 54079
bond service fund defined in those sections. The provisions of 54080
this division are subject to any prior pledges or obligation of 54081
those amounts to the payment of bond service charges as defined in 54082
division (C) of section 3318.21 of the Revised Code, as referred 54083
to in division (B) of this section. 54084

Sec. 3770.071. ~~(A)(1)~~ If the amount of the prize money or the 54085
cost of goods or services awarded as a lottery prize award meets 54086
or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, 54087
or a subsequent analogous section of the Internal Revenue Code, 54088
the director of the state lottery commission or the director's 54089
designee shall ~~require the person entitled to the prize award to~~ 54090
~~affirm in writing, under oath, or by electronic means, consult the~~ 54091
data match program established under section 3123.89 of the 54092

~~Revised Code to determine whether or not the person is in subject to a final and enforceable determination of default made under a support order sections 3123.01 to 3123.07 of the Revised Code. The director or the director's designee also may take any additional appropriate steps to determine if the person entitled to the prize award is in default under a support order. If the person entitled to the prize award affirms that the person is in default under a support order, or if the director or the director's designee determines that the person is in default under a support order, the director or the director's designee shall temporarily withhold payment of the prize award and notify the child support enforcement agency that administers the support order that the person is entitled to a prize award, of the amount of the prize award, and, if the prize award is to be paid in annual installments, of the number of installments.~~

~~(2) Upon receipt of the notice from the director or the director's designee, the child support enforcement agency shall conduct an investigation to determine whether the person entitled to the lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If the agency determines that the person is so subject, it shall issue an intercept directive as described in section 3123.89 of the Revised Code to the director at lottery commission headquarters requiring the director or the director's designee to deduct shall withhold an amount from any unpaid the prize award or any annual installment payment of an unpaid prize award, a specified amount for support in satisfaction of the support order under which the person is in default in accordance with section 3123.89 of the Revised Code. To the extent possible, the amount specified to be deducted under the intercept directive shall satisfy the amount ordered for support in the support order under which the person is in default.~~

~~A child support enforcement agency shall issue an intercept directive within thirty days from the date the director or the director's designee notifies the agency under division (A)(1) of this section. Within thirty days after the date on which the agency issues the intercept directive, the director or the director's designee shall pay the amount specified in the intercept directive to the office of child support in the department of job and family services. But, if the prize award is to be paid in annual installments, the director or the director's designee, on the date the next installment payment is due, shall deduct the amount specified in the intercept directive from that installment and, if necessary, any subsequent annual installments, at the time those installments become due and owing to the prize winner, and pay the amount to the office of child support.~~

~~(B) As used in this section:~~

~~(1) "Support order" has the same meaning as in section 3119.01 of the Revised Code.~~

~~(2) "Default" has the same meaning as in section 3121.01 of the Revised Code.~~

~~(C) No person shall knowingly make a false affirmation or oath required by division (A) of this section.~~

Sec. 3770.99. (A) Whoever is prohibited from claiming a lottery prize award under division (E) of section 3770.07 of the Revised Code and attempts to claim or is paid a lottery prize award is guilty of a minor misdemeanor, and shall provide restitution to the state lottery commission of any moneys erroneously paid as a lottery prize award to that person.

(B) Whoever violates ~~division (C) of section 3770.071 or~~ section 3770.08 of the Revised Code is guilty of a misdemeanor of the third degree.

Sec. 3772.01. As used in this chapter:	54155
(A) "Applicant" means any person who applies to the commission for a license under this chapter.	54156 54157
(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.	54158 54159 54160 54161
(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution.	54162 54163
(D) "Casino game" means any slot machine or table game as defined in this chapter.	54164 54165
(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009; horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009; or sports gaming.	54166 54167 54168 54169 54170 54171 54172 54173 54174 54175 54176 54177
(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code.	54178 54179 54180
(G) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility.	54181 54182 54183 54184

"Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming.

(H) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission.

(I) "Cheat" means to alter the result of a casino game, the element of chance, the operation of a machine used in a casino game, or the method of selection of criteria that determines (a) the result of the casino game, (b) the amount or frequency of payment in a casino game, (c) the value of a wagering instrument, or (d) the value of a wagering credit. "Cheat" does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code.

(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group

of individuals, however organized, who supplies gaming-related 54216
equipment, goods, or services to a casino operator or management 54217
company, that are directly related to or affect casino gaming 54218
authorized under this chapter, including, but not limited to, the 54219
manufacture, sale, distribution, or repair of slot machines and 54220
table game equipment. 54221

(M) "Holding company" means any corporation, firm, 54222
partnership, limited partnership, limited liability company, 54223
trust, or other form of business organization not a natural person 54224
which directly or indirectly does any of the following: 54225

(1) Has the power or right to control a casino operator, 54226
management company, or gaming-related vendor license applicant or 54227
licensee; 54228

(2) Holds an ownership interest of five per cent or more, as 54229
determined by the commission, in a casino operator, management 54230
company, or gaming-related vendor license applicant or licensee; 54231

(3) Holds voting rights with the power to vote five per cent 54232
or more of the outstanding voting rights of a casino operator, 54233
management company, or gaming-related vendor applicant or 54234
licensee. 54235

(N) "Initial investment" includes costs related to 54236
demolition, engineering, architecture, design, site preparation, 54237
construction, infrastructure improvements, land acquisition, 54238
fixtures and equipment, insurance related to construction, and 54239
leasehold improvements. 54240

(O) "Institutional investor" means any of the following 54241
entities owning five per cent or more, but less than twenty-five 54242
per cent, of an ownership interest in a casino facility, casino 54243
operator, management company, or holding company: a corporation, 54244
bank, insurance company, pension fund or pension fund trust, 54245
retirement fund, including funds administered by a public agency, 54246

employees' profit-sharing fund or employees' profit-sharing trust, 54247
any association engaged, as a substantial part of its business or 54248
operations, in purchasing or holding securities, including a hedge 54249
fund, mutual fund, or private equity fund, or any trust in respect 54250
of which a bank is trustee or cotrustee, investment company 54251
registered under the "Investment Company Act of 1940," 15 U.S.C. 54252
80a-1 et seq., collective investment trust organized by banks 54253
under Part Nine of the Rules of the Comptroller of the Currency, 54254
closed-end investment trust, chartered or licensed life insurance 54255
company or property and casualty insurance company, investment 54256
advisor registered under the "Investment Advisors Act of 1940," 15 54257
U.S.C. 80b-1 et seq., and such other persons as the commission 54258
may reasonably determine to qualify as an institutional investor 54259
for reasons consistent with this chapter, and that does not 54260
exercise control over the affairs of a licensee and its ownership 54261
interest in a licensee is for investment purposes only, as set 54262
forth in division (F) of section 3772.10 of the Revised Code. 54263

(P) "Key employee" means any executive, employee, agent, or 54264
other individual who has the power to exercise significant 54265
influence over decisions concerning any part of the operation of a 54266
person that has applied for or holds a casino operator, management 54267
company, or gaming-related vendor license or the operation of a 54268
holding company of a person that has applied for or holds a casino 54269
operator, management company, or gaming-related vendor license, 54270
including: 54271

(1) An officer, director, trustee, partner, or an equivalent 54272
fiduciary; 54273

(2) An individual who holds a direct or indirect ownership 54274
interest of five per cent or more; 54275

(3) An individual who performs the function of a principal 54276
executive officer, principal operating officer, principal 54277
accounting officer, or an equivalent officer; 54278

(4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.

(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club,

society, or other unincorporated entity or organization; entities 54310
that are disregarded for federal income tax purposes; and any 54311
other nongovernmental, artificial, legal entity that is capable of 54312
engaging in business. 54313

(V) "Problem casino gambling and addictions fund" means the 54314
state problem gambling and addictions fund described in Section 54315
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 54316
shall be used for treatment of problem gambling and substance 54317
abuse, and for related research. 54318

(W) "Promotional gaming credit" means a slot machine or table 54319
game credit, discount, or other similar item issued to a patron to 54320
enable the placement of, or increase in, a wager at a slot machine 54321
or table game. 54322

(X) "Slot machine" means any mechanical, electrical, or other 54323
device or machine which, upon insertion of a coin, token, ticket, 54324
or similar object, or upon payment of any consideration, is 54325
available to play or operate, the play or operation of which, 54326
whether by reason of the skill of the operator or application of 54327
the element of chance, or both, makes individual prize 54328
determinations for individual participants in cash, premiums, 54329
merchandise, tokens, or any thing of value, whether the payoff is 54330
made automatically from the machine or in any other manner, but 54331
does not include any device that is a skill-based amusement 54332
machine, or an electronic instant bingo system, as defined in 54333
section 2915.01 of the Revised Code. 54334

(Y) "Table game" means any game played with cards, dice, or 54335
any mechanical, electromechanical, or electronic device or machine 54336
for money, casino credit, or any representative of value. "Table 54337
game" does not include slot machines. 54338

(Z) "Upfront license" means the first plenary license issued 54339
to a casino operator. 54340

(AA) "Voluntary exclusion program" means a program provided 54341
by the commission that allows persons to voluntarily exclude 54342
themselves from the gaming areas of facilities under the 54343
jurisdiction of the commission by placing their name on a 54344
voluntary exclusion list and following the procedures set forth by 54345
the commission. 54346

(BB) "Sports gaming," "sports gaming proprietor," "sports 54347
gaming facility," "sporting event," "mobile management services 54348
provider," and "management services provider" have the same 54349
meanings as in section 3775.01 of the Revised Code. A person is 54350
considered to be involved in a sporting event if division (F)(3)
of section 3775.13 of the Revised Code applies to the person with 54351
respect to that sporting event. 54352
54353

Sec. 3772.031. (A)(1) The general assembly finds that the 54354
exclusion or ejection of certain persons from casino facilities 54355
and from sports gaming is necessary to effectuate the intents and 54356
purposes of this chapter and Chapter 3775. of the Revised Code and 54357
to maintain strict and effective regulation of casino gaming and 54358
sports gaming. The general assembly specifically finds that the 54359
exclusion from sports gaming of persons who threaten violence or
harm against persons who are involved in sporting events, where 54360
the threat is related to sports gaming, is necessary to effectuate
the intent of Chapter 3775. Of the Revised Code and to protect the 54361
interests of this state. 54362
54363
54364

(2) The commission, by rule, shall provide for a list of 54365
persons who are to be excluded or ejected from a casino facility 54366
and a list of persons who are to be excluded or ejected from a 54367
sports gaming facility and from participating in the play or 54368
operation of sports gaming in this state. Persons included on an 54369
exclusion list shall be identified by name and physical 54370
description. The commission shall publish the exclusion lists on 54371

its web site, and shall transmit a copy of the exclusion lists 54372
periodically to casino operators and sports gaming proprietors, as 54373
applicable, as they are initially issued and thereafter as they 54374
are revised from time to time. 54375

(3) A casino operator shall take steps necessary to ensure 54376
that all its key employees and casino gaming employees are aware 54377
of and understand the casino exclusion list and its function, and 54378
that all its key employees and casino gaming employees are kept 54379
aware of the content of the casino exclusion list as it is issued 54380
and thereafter revised from time to time. 54381

(4) A sports gaming proprietor shall take steps necessary to 54382
ensure that its appropriate agents and employees are aware of and 54383
understand the sports gaming exclusion list and its function, and 54384
that all its appropriate agents and employees are kept aware of 54385
the content of the sports gaming exclusion list as it is issued 54386
and thereafter revised from time to time. 54387

(B) The casino exclusion list may include any person whose 54388
presence in a casino facility is determined by the commission to 54389
pose a threat to the interests of the state, to achieving the 54390
intents and purposes of this chapter, or to the strict and 54391
effective regulation of casino gaming. The sports gaming exclusion 54392
list may include any person who threatens violence or harm against 54393
any person who is involved in a sporting event, where the threat 54394
is related to sports gaming, or whose presence in a sports gaming 54395
facility or whose participation in the play or operation of sports 54396
gaming in this state is determined by the commission to pose a 54397
threat to the interests of the state, to achieving the intents and 54398
purposes of Chapter 3775. of the Revised Code, or to the strict 54399
and effective regulation of sports gaming. In determining whether 54400
to include a person on an exclusion list, the commission may 54401
consider: 54402

(1) Any prior conviction of a crime that is a felony under 54403

the laws of this state, another state, or the United States, a 54404
crime involving moral turpitude, or a violation of the gaming laws 54405
of this state, another state, or the United States; and 54406

(2) A violation, or a conspiracy to violate, any provision of 54407
this chapter or Chapter 3775. of the Revised Code, as applicable, 54408
that consists of: 54409

(a) A failure to disclose an interest in a gaming facility or 54410
a sports gaming-related person or entity for which the person must 54411
obtain a license; 54412

(b) Purposeful evasion of taxes or fees; 54413

(c) A notorious or unsavory reputation that would adversely 54414
affect public confidence and trust that casino gaming or sports 54415
gaming is free from criminal or corruptive elements; or 54416

(d) A violation of an order of the commission or of any other 54417
governmental agency that warrants exclusion or ejection of the 54418
person from a casino facility, from a sports gaming facility, or 54419
from participating in the play or operation of sports gaming in 54420
this state. 54421

(3) If the person has pending charges or indictments for a 54422
gaming or gambling crime or a crime related to the integrity of 54423
gaming operations in any state; 54424

(4) If the person's conduct or reputation is such that the 54425
person's presence within a casino facility or in the sports gaming 54426
industry in this state may call into question the honesty and 54427
integrity of the casino gaming or sports gaming operations or 54428
interfere with the orderly conduct of the casino gaming or sports 54429
gaming operations; 54430

(5) If the person is a career or professional offender whose 54431
presence in a casino facility or in the sports gaming industry in 54432
this state would be adverse to the interest of licensed gaming in 54433

this state; 54434

(6) If the person has a known relationship or connection with 54435
a career or professional offender whose presence in a casino 54436
facility or in the sports gaming industry in this state would be 54437
adverse to the interest of licensed gaming in this state; 54438

(7) If the commission has suspended the person's gaming 54439
privileges; 54440

(8) If the commission has revoked the person's licenses 54441
related to this chapter or Chapter 3775. of the Revised Code; 54442

(9) If the commission determines that the person poses a 54443
threat to the safety of patrons or employees of a casino facility 54444
or a sports gaming facility; 54445

(10) If the person has threatened violence or harm against a 54446
person who is involved in the sporting event, where the threat was 54447
related to sports gaming with respect to that sporting event; 54448

(11) If the person has a history of conduct involving the 54449
disruption of gaming operations within a casino facility or in the 54450
sports gaming industry in this state. 54451

Race, color, creed, national origin or ancestry, or sex are 54452
not grounds for placing a person on an exclusion list. 54453

(C) The commission shall notify a person of the commission's 54454
intent to include such person on one or both exclusion lists. The 54455
notice shall be provided by personal service, by certified mail to 54456
the person's last known address, or, if service cannot be 54457
accomplished by personal service or certified mail, by publication 54458
daily for two weeks in a newspaper of general circulation within 54459
the county in which the person resides and in a newspaper of 54460
general circulation within each county in which a casino facility 54461
or sports gaming facility, as applicable, is located. 54462

(D)(1) Except as otherwise provided in this section, a person 54463

who receives notice of intent to include the person on an 54464
exclusion list is entitled, upon the person's request, to an 54465
adjudication hearing under Chapter 119. of the Revised Code, in 54466
which the person may demonstrate why the person should not be 54467
included on the exclusion list or lists. The person shall request 54468
such an adjudication hearing not later than thirty days after the 54469
person receives the notice by personal service or certified mail, 54470
or not later than thirty days after the last newspaper publication 54471
of the notice. 54472

(2) If the person does not request a hearing in accordance 54473
with division (D)(1) of this section, the commission may, but is 54474
not required to, conduct an adjudication hearing under Chapter 54475
119. of the Revised Code. The commission may reopen an 54476
adjudication under this section at any time. 54477

(3) If the adjudication hearing, order, or any appeal thereof 54478
under Chapter 119. of the Revised Code results in an order that 54479
the person should not be included on the exclusion list or lists, 54480
the commission shall publish a revised exclusion list that does 54481
not include the person. The commission also shall notify casino 54482
operators or sports gaming proprietors, as applicable, that the 54483
person has been removed from the exclusion list or lists. A casino 54484
operator shall take all steps necessary to ensure its key 54485
employees and casino gaming employees are made aware that the 54486
person has been removed from the casino exclusion list. A sports 54487
gaming proprietor shall take all steps necessary to ensure its 54488
appropriate agents and employees are made aware that the person 54489
has been removed from the sports gaming exclusion list. 54490

(E) This section does not apply to any voluntary exclusion 54491
list created as part of a voluntary exclusion program under this 54492
chapter or Chapter 3775. of the Revised Code. 54493

Sec. 3775.01. As used in this chapter: 54494

(A) "Applicant" means a person that applies to the Ohio casino control commission for a license under this chapter.	54495 54496
(B) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.	54497 54498
(C) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.	54499 54500 54501 54502
(D) "Commission" means the Ohio casino control commission.	54503
(E) "Esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.	54504 54505 54506
(F) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.	54507 54508
(G)(1) "Mobile management services provider" means a person that contracts with a type A sports gaming proprietor under section 3775.05 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a mobile management services provider under that section.	54509 54510 54511 54512 54513 54514
(2) "Management services provider" means a person that contracts with a type B sports gaming proprietor under section 3775.051 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a management services provider under that section.	54515 54516 54517 54518 54519 54520
(H) "Official league data" means statistics, results, outcomes, and other data related to a sporting event provided by the appropriate sports governing body or its designee.	54521 54522 54523
(I) "Online sports pool" means sports gaming in which a wager	54524

on a sporting event is made through a computer or mobile device 54525
and accepted through an online gaming web site that is operated by 54526
a type A sports gaming proprietor or mobile management services 54527
provider. 54528

(J) "Professional sport or athletic event" means an event at 54529
which two or more persons participate in sports or athletic events 54530
and receive compensation, or the potential for compensation based 54531
on their performance, in excess of actual expenses for their 54532
participation in the event. 54533

(K) "Professional sports organization" means any of the 54534
following: 54535

(1) The owner of a professional sports team in this state 54536
that is a member of the national football league, the national 54537
hockey league, major league baseball, major league soccer, or the 54538
national basketball association; 54539

(2) The owner of a sports facility in this state that hosts 54540
an annual tournament on the professional golf association tour or 54541
a wholly owned for-profit subsidiary of the owner, if the owner is 54542
a nonprofit corporation or organization; 54543

(3) A promoter of a national association for stock car auto 54544
racing national touring race conducted in this state. 54545

(L) "Promotional gaming credit" means a credit, discount, or 54546
other similar item issued to a patron to enable the placement of, 54547
or increase in, a wager on a sporting event. 54548

(M) "Proposition bet" means a wager on a sporting event that 54549
is based on whether an identified instance or statistical 54550
achievement will occur, will be achieved, or will be surpassed, 54551
other than the score or outcome of the sporting event or parts of 54552
the sporting event, such as quarters, halves, periods, or innings. 54553

(N)(1) Except as otherwise provided in divisions (N)(2) and 54554

(3) of this section, "sporting event" means any professional sport 54555
or athletic event, any collegiate sport or athletic event, any 54556
Olympic or international sports competition event, any motor race 54557
event, any esports event, or any other special event the Ohio 54558
casino control commission authorizes for sports gaming, the 54559
individual performance statistics of athletes or participants in 54560
such an event, or a combination of those. 54561

(2) "Sporting event" does not include an event for primary or 54562
secondary school students, whether conducted or sponsored by a 54563
primary or secondary school or by another person, or the 54564
individual performance statistics of athletes or participants in 54565
such an event. 54566

(3) "Sporting event" includes an event that involves athletes 54567
or participants who are under eighteen years of age, or the 54568
individual performance statistics of athletes or participants in 54569
the event, only if the Ohio casino control commission authorizes 54570
the event for sports gaming. 54571

(0)(1) "Sports gaming" means the business of accepting wagers 54572
on sporting events. 54573

(2) Except as otherwise provided in division (0)(3) of this 54574
section and in section 3770.25 of the Revised Code, "sports 54575
gaming" includes any system or method of wagering on sporting 54576
events that the Ohio casino control commission approves, including 54577
exchange wagering, parlays, spreads, over-under, moneyline, 54578
in-game wagering, single game bets, teaser bets, in-play bets, 54579
proposition bets, pools, pari-mutuel sports wagering pools, or 54580
straight bets. 54581

(3) "Sports gaming" does not include any of the following: 54582

(a) Wagering on horse racing; 54583

(b) Lottery games authorized under Chapter 3770. of the 54584
Revised Code, including video lottery terminals, other than 54585

lottery sports gaming authorized under sections 3770.23 to 3770.25	54586
of the Revised Code;	54587
(c) Casino gaming authorized under division (C) of Section 6	54588
of Article XV, Ohio Constitution and Chapter 3772. of the Revised	54589
Code;	54590
(d) Fantasy contests authorized under Chapter 3774. of the	54591
Revised Code.	54592
(P) "Sports gaming equipment" means any of the following that	54593
directly relate to or affect, or are used or consumed in, the	54594
operation of sports gaming:	54595
(1) Any mechanical, electronic, or other device, mechanism,	54596
or equipment, including a self-service sports gaming terminal;	54597
(2) Any software, application, components, or other goods;	54598
(3) Anything to be installed or used on a patron's personal	54599
device.	54600
(Q) "Sports gaming facility" means a designated area of a	54601
building or structure in which patrons may place wagers on	54602
sporting events with a type B sports gaming proprietor either in	54603
person or using self-service sports gaming terminals.	54604
(R) "Sports gaming license" means a sports gaming proprietor	54605
license, a mobile management services provider license, a	54606
management services provider license, a sports gaming occupational	54607
license, a type C sports gaming host license, or a sports gaming	54608
supplier license issued by the Ohio casino control commission	54609
under this chapter.	54610
(S) "Sports gaming licensee" means a person who holds a valid	54611
sports gaming license.	54612
(T) "Sports gaming proprietor" means a person licensed by the	54613
Ohio casino control commission to offer sports gaming in this	54614
state as a type A, type B, or type C sports gaming proprietor.	54615

(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code. 54616
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(V)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes. 54618
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(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services provider solely on that basis. 54624
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(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis. 54630
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(W) "Sports gaming voluntary exclusion program" means the program described in division (B)(11) of section 3775.02 of the Revised Code. 54635
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(X) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event. 54638
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(Y) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through an online sports pool. 54642
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(Z) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer 54645
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sports gaming at a sports gaming facility. 54647

(AA) "Type C sports gaming proprietor" means a sports gaming 54648
proprietor licensed by the Ohio casino control commission to offer 54649
sports gaming through self-service or clerk-operated sports gaming 54650
terminals located at type C sports gaming hosts' facilities. 54651

(BB) "Type C sports gaming host" means the owner of a 54652
facility with a an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit 54653
issued under Chapter 4303. of the Revised Code who is licensed by 54654
the Ohio casino control commission to offer sports gaming at the 54655
facility through a type C sports gaming proprietor. 54656

(CC) "Video lottery sales agent" means an agent of the state 54657
lottery authorized to operate video lottery terminals under 54658
section 3770.21 of the Revised Code. 54659

(DD) "Wager" or "bet" means to risk a sum of money or thing 54660
of value on an uncertain occurrence. 54661

Sec. 3775.04. (A)(1) A type A sports gaming proprietor 54662
license authorizes a sports gaming proprietor to offer sports 54663
gaming through one or more online sports pools. 54664

(2)(a) Except as otherwise provided under division (A)(2)(b) 54665
of this section, the Ohio casino control commission shall license 54666
not more than twenty-five type A sports gaming proprietors at any 54667
one time. 54668

(b) When twenty-five type A sports gaming proprietors are 54669
licensed in this state, the commission may issue additional type A 54670
sports gaming proprietor licenses to eligible applicants who 54671
demonstrate to the commission that the sports gaming market in 54672
this state needs additional type A sports gaming proprietors. 54673

(3) A type A sports gaming proprietor shall meet at least one 54674
of the following requirements at all times: 54675

(a) The type A sports gaming proprietor also shall operate a 54676

sports gaming facility under a type B sports gaming proprietor license. 54677
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(b) The type A sports gaming proprietor shall maintain at least one operational place of business in this state at which the sports gaming proprietor regularly maintains multiple employees. 54679
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(4) The commission shall adopt by rule a procedure allowing the commission to revoke a type A sports gaming proprietor license if the licensee does not offer sports gaming to patrons under the license for a continuous period of one year or more. 54682
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(B)(1) A type B sports gaming proprietor license authorizes a sports gaming proprietor to offer sports gaming at one sports gaming facility at a location specified on the license. 54686
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(2) The commission shall license not more than forty type B sports gaming proprietors at any one time. 54689
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(3)(a)(i) Except as otherwise provided in division (B)(3)(a)(ii) of this section, no sports gaming facility shall be located in a county with a population of less than one hundred thousand, as determined by the 2010 federal decennial census. 54691
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(ii) The commission may issue an initial or renewed type B sports gaming proprietor license for one sports gaming facility to be located in a county with a population of fifty thousand or more, but less than one hundred thousand, as determined by the 2010 federal decennial census, at any one time, if the commission determines, in consultation with the department of development, that the county received at least five million visitors for purposes of tourism during the most recent calendar year for which the necessary data are available. 54695
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(b)(i) Except as otherwise provided in division (B)(3)(b)(ii) of this section, not more than one sports gaming facility shall be located in a county with a population of one hundred thousand or more, but less than four hundred thousand, as determined by the 54704
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2010 federal decennial census, at any one time. 54708

(ii) Not more than two sports gaming facilities shall be 54709
located in a county with a population of one hundred thousand or 54710
more, but less than four hundred thousand, as determined by the 54711
2010 federal decennial census, at any one time, if a video lottery 54712
sales agent operates video lottery terminals at a facility in the 54713
county. 54714

(c) Not more than three sports gaming facilities shall be 54715
located in a county with a population of four hundred thousand or 54716
more, but less than eight hundred thousand, as determined by the 54717
2010 federal decennial census, at any one time. 54718

(d) Not more than ~~five~~ seven sports gaming facilities shall 54719
be located in a county with a population of eight hundred thousand 54720
or more, as determined by the 2010 federal decennial census, at 54721
any one time. 54722

(4) The commission shall issue an initial type B sports 54723
gaming proprietor license only to a person who conducts 54724
significant economic activity in the county in which the sports 54725
gaming facility is to be located, as determined by the commission 54726
in consultation with the department of development. 54727

(C)(1) A type C sports gaming proprietor license authorizes a 54728
sports gaming proprietor to offer sports gaming through 54729
self-service or clerk-operated sports gaming terminals located at 54730
one or more type C sports gaming hosts' facilities under section 54731
3770.25 of the Revised Code. 54732

(2) The commission shall license at least two, and not more 54733
than twenty, type C sports gaming proprietors at any one time. 54734
However, if only one eligible and suitable person applies for a 54735
type C sports gaming proprietor license, the commission shall 54736
issue the license. 54737

(D) An applicant for an initial or renewed type A, type B, or 54738

type C sports gaming proprietor license shall do all of the 54739
following: 54740

(1) Submit a written application on a form furnished by the 54741
commission. 54742

(a) If the application is for an initial type B sports gaming 54743
proprietor license, the application shall specify both of the 54744
following: 54745

(i) The intended location of the sports gaming facility or, 54746
at a minimum, the county in which the sports gaming facility is to 54747
be located if the license is granted; 54748

(ii) The expected overall capital investment in the sports 54749
gaming facility, including its size, furnishings, and equipment. 54750

(b) If the application is for a renewed type B sports gaming 54751
proprietor license, the application shall specify one of the 54752
following, as applicable: 54753

(i) If the sports gaming proprietor does not intend to 54754
relocate the sports gaming facility, the location of the sports 54755
gaming facility; 54756

(ii) If the sports gaming proprietor intends to relocate the 54757
sports gaming facility, the intended new location of the sports 54758
gaming facility or, at a minimum, the county in which the sports 54759
gaming facility is to be located if the renewal is granted. 54760

(2) Pay the fee required under division (C)(3) of section 54761
109.572 of the Revised Code, along with a nonrefundable 54762
application fee in an amount prescribed by the commission by rule; 54763

(3) Submit an audit of the applicant's financial transactions 54764
and the condition of the applicant's total operations for the 54765
previous fiscal year prepared by a certified public accountant in 54766
accordance with generally accepted accounting principles and state 54767
and federal laws; 54768

(4) Satisfy any other requirements for licensure under this chapter and rules adopted under this chapter. 54769
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(E) After receiving a sports gaming proprietor license, the sports gaming proprietor shall pay the following nonrefundable license fees, as applicable, not later than the dates indicated, and shall give to the state a surety bond, in an amount and in the form approved by the commission, to guarantee that the sports gaming proprietor faithfully makes all payments required by this chapter and rules adopted under this chapter during the period of the license: 54771
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(1) For an initial or renewed type A sports gaming proprietor license: 54779
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	Upon issuance of license	One year after license issued	Two years after license issued	Three years after license issued	Four years after license issued	
Initial or renewed license - type A sports gaming proprietor that is a professional sports organization and that is not contracting with more than one	\$500,000	\$125,000	\$125,000	\$125,000	\$125,000	54781 54782

mobile management services provider Initial or	\$750,000	\$187,500	\$187,500	\$187,500	\$187,500	54783
renewed license - any other type A sports gaming proprietor that is not contracting with more than one mobile management services provider Initial	\$1,666,667	\$416,667	\$416,667	\$416,667	\$416,667	54784
license - type A sports gaming proprietor that is a professional sports organization and that is contracting with two						

mobile management services providers						
Initial	\$2,500,000	\$625,000	\$625,000	\$625,000	\$625,000	54785
license - any other type A sports gaming proprietor that is contracting with two mobile management services providers						
Renewed	\$500,000	\$125,000	\$125,000	\$125,000	\$125,000	54786
license - type A sports gaming proprietor that is a professional sports organization and that is contracting with two mobile management						

services providers						
Renewed	\$750,000	\$187,500	\$187,500	\$187,500	\$187,500	54787
license - any other type A sports gaming proprietor that is contracting with two mobile management services providers						
(2) For an initial or renewed type B sports gaming proprietor						54788
license:						54789
	Upon	One year	Two years	Three years	Four years	54790
	issuance of	after	after	after	after	
	license	license	license	license	license	
		issued	issued	issued	issued	
Type B	\$100,000	\$10,000	\$10,000	\$10,000	\$10,000	54791
sports gaming proprietor that is also a type A sports gaming proprietor						
Type B	\$50,000	\$10,000	\$10,000	\$10,000	\$10,000	54792
sports						

gaming
proprietor
that is not
also a type
A sports
gaming
proprietor

(3) For a type C sports gaming proprietor license, one 54793
hundred thousand dollars upon being issued an initial license and 54794
twenty-five thousand dollars upon being issued a renewed license. 54795

(F)(1) A sports gaming proprietor license shall be valid for 54796
a term of five years. 54797

(2) Upon the expiration of a sports gaming proprietor 54798
license, the sports gaming proprietor may apply to renew the 54799
license in the same manner as for an initial license, unless the 54800
license is suspended or revoked or the commission determines that 54801
the sports gaming proprietor is not in compliance with this 54802
chapter and the rules adopted under this chapter. 54803

Sec. 3775.07. (A)(1) The owner of a facility with a an A-1-A, 54804
A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of 54805
the Revised Code who offers sports gaming through a type C sports 54806
gaming proprietor using self-service or clerk-operated sports 54807
gaming terminals located at the facility shall hold an appropriate 54808
and valid type C sports gaming host license issued by the Ohio 54809
casino control commission at all times. 54810

(2) The commission shall issue a type C sports gaming host 54811
license to any eligible applicant that the state lottery 54812
commission recommends. Notwithstanding any contrary provision of 54813
this chapter, an applicant for an initial or renewed type C sports 54814
gaming host license is not required to undergo a criminal 54815
background check or licensure suitability investigation in order 54816

to receive the license. The commission shall investigate the 54817
applicant to determine whether the applicant is eligible for the 54818
license and to ensure that the applicant complies with all 54819
applicable provisions of this chapter and of the rules of the 54820
commission. 54821

(B) An applicant for an initial or renewed type C sports 54822
gaming host license shall apply for the license on a form 54823
prescribed by the commission and shall pay a nonrefundable 54824
application fee in an amount prescribed by the commission by rule. 54825

(C) Upon receiving an initial or renewed type C sports gaming 54826
host license, the applicant shall pay a nonrefundable license fee 54827
of one thousand dollars. 54828

(D)(1) Subject to division (D)(2) of this section, a type C 54829
sports gaming proprietor and a type C sports gaming host may enter 54830
into an agreement specifying the terms under which the type C 54831
sports gaming host offers sports gaming through the type C sports 54832
gaming proprietor, such as terms requiring the type C sports 54833
gaming proprietor and the type C sports gaming host to share the 54834
proceeds of sports gaming conducted at the type C sports gaming 54835
host's facility. A type C sports gaming proprietor shall notify 54836
the Ohio casino control commission of each type C sports gaming 54837
host that offers sports gaming through the type C sports gaming 54838
proprietor. 54839

(2) A type C sports gaming proprietor shall not require a 54840
type C sports gaming host to pay any portion of the cost of 54841
acquiring, installing, operating, adapting, or maintaining any 54842
self-service sports gaming terminal in a type C sports gaming 54843
host's facility. 54844

(3) Subject to the terms of the type C sports gaming hosts's 54845
agreement with a type C sports gaming proprietor, a type C sports 54846
gaming host may offer sports gaming through a different type C 54847

sports gaming proprietor than the one identified in the type C 54848
sports gaming host's license application during the period of the 54849
license. The type C sports gaming proprietor shall notify the 54850
commission of the change before the change takes effect, in 54851
accordance with the rules of the commission. 54852

(E) A type C sports gaming host license shall be valid for a 54853
term of three years. In order to renew a type C sports gaming host 54854
license, the licensee shall apply to the commission for a renewed 54855
license in the same manner as for an initial license. 54856

Sec. 3781.032. (A) As used in this section: 54857

(1) "Retail establishment" means a place of business open to 54858
the general public for the sale of goods or services. 54859

(2) "State and local building code" means Chapters 3781. and 54860
3791. of the Revised Code, rules adopted pursuant to those 54861
chapters, and municipal corporation regulations adopted in 54862
accordance with section 3781.01 of the Revised Code. 54863

(B) If the department or agency of the state or any political 54864
subdivision having jurisdiction to enforce state and local 54865
building code on a retail establishment, including a retail 54866
establishment that is under construction and not yet open to the 54867
public, is unable to conduct an inspection or issue a permit 54868
required by state and local building code for more than five 54869
business days, the owner, operator, or developer of the retail 54870
establishment may seek a temporary permit from any building code 54871
official authorized to conduct such an inspection or issue such a 54872
permit elsewhere in this state. If that building code official 54873
grants a temporary permit, the permit is valid for fourteen 54874
calendar days. 54875

Sec. 3781.062. The director of commerce, in collaboration 54876
with the state fire marshal, the board of building standards, and 54877

representatives of local building departments, shall develop 54878
guidelines for the enforcement of the Ohio building code and state 54879
fire code in a coordinated manner, including the interaction of 54880
exemptions from one code with the requirements of the other code. 54881

Sec. 3781.10. (A)(1) The board of building standards shall 54882
formulate and adopt rules governing the erection, construction, 54883
repair, alteration, and maintenance of all buildings or classes of 54884
buildings specified in section 3781.06 of the Revised Code, 54885
including land area incidental to those buildings, the 54886
construction of industrialized units, the installation of 54887
equipment, and the standards or requirements for materials used in 54888
connection with those buildings. The board shall incorporate those 54889
rules into separate residential and nonresidential building codes. 54890
The standards shall relate to the conservation of energy and the 54891
safety and sanitation of those buildings. 54892

(2) The rules governing nonresidential buildings are the 54893
lawful minimum requirements specified for those buildings and 54894
industrialized units, except that no rule other than as provided 54895
in division (C) of section 3781.108 of the Revised Code that 54896
specifies a higher requirement than is imposed by any section of 54897
the Revised Code is enforceable. The rules governing residential 54898
buildings are uniform requirements for residential buildings in 54899
any area with a building department certified to enforce the state 54900
residential building code. In no case shall any local code or 54901
regulation differ from the state residential building code unless 54902
that code or regulation addresses subject matter not addressed by 54903
the state residential building code or is adopted pursuant to 54904
section 3781.01 of the Revised Code. 54905

(3) The rules adopted pursuant to this section are complete, 54906
lawful alternatives to any requirements specified for buildings or 54907
industrialized units in any section of the Revised Code. Except as 54908

otherwise provided in division (I) of this section, the board 54909
shall, on its own motion or on application made under sections 54910
3781.12 and 3781.13 of the Revised Code, formulate, propose, 54911
adopt, modify, amend, or repeal the rules to the extent necessary 54912
or desirable to effectuate the purposes of sections 3781.06 to 54913
3781.18 of the Revised Code. 54914

(B) The board shall report to the general assembly proposals 54915
for amendments to existing statutes relating to the purposes 54916
declared in section 3781.06 of the Revised Code that public health 54917
and safety and the development of the arts require and shall 54918
recommend any additional legislation to assist in carrying out 54919
fully, in statutory form, the purposes declared in that section. 54920
The board shall prepare and submit to the general assembly a 54921
summary report of the number, nature, and disposition of the 54922
petitions filed under sections 3781.13 and 3781.14 of the Revised 54923
Code. 54924

(C) On its own motion or on application made under sections 54925
3781.12 and 3781.13 of the Revised Code, and after thorough 54926
testing and evaluation, the board shall determine by rule that any 54927
particular fixture, device, material, process of manufacture, 54928
manufactured unit or component, method of manufacture, system, or 54929
method of construction complies with performance standards adopted 54930
pursuant to section 3781.11 of the Revised Code. The board shall 54931
make its determination with regard to adaptability for safe and 54932
sanitary erection, use, or construction, to that described in any 54933
section of the Revised Code, wherever the use of a fixture, 54934
device, material, method of manufacture, system, or method of 54935
construction described in that section of the Revised Code is 54936
permitted by law. The board shall amend or annul any rule or issue 54937
an authorization for the use of a new material or manufactured 54938
unit on any like application. No department, officer, board, or 54939
commission of the state other than the board of building standards 54940

or the board of building appeals shall permit the use of any 54941
fixture, device, material, method of manufacture, newly designed 54942
product, system, or method of construction at variance with what 54943
is described in any rule the board of building standards adopts or 54944
issues or that is authorized by any section of the Revised Code. 54945
Nothing in this section shall be construed as requiring approval, 54946
by rule, of plans for an industrialized unit that conforms with 54947
the rules the board of building standards adopts pursuant to 54948
section 3781.11 of the Revised Code. 54949

(D) The board shall recommend rules, codes, and standards to 54950
help carry out the purposes of section 3781.06 of the Revised Code 54951
and to help secure uniformity of state administrative rulings and 54952
local legislation and administrative action to the bureau of 54953
workers' compensation, the director of commerce, any other 54954
department, officer, board, or commission of the state, and to 54955
legislative authorities and building departments of counties, 54956
townships, and municipal corporations, and shall recommend that 54957
they audit those recommended rules, codes, and standards by any 54958
appropriate action that they are allowed pursuant to law or the 54959
constitution. 54960

(E)(1) The board shall certify municipal, township, and 54961
county building departments, the personnel of those building 54962
departments, persons described in division (E)(7) of this section, 54963
and employees of individuals, firms, the state, or corporations 54964
described in division (E)(7) of this section to exercise 54965
enforcement authority, to accept and approve plans and 54966
specifications, and to make inspections, pursuant to sections 54967
3781.03, 3791.04, and 4104.43 of the Revised Code. 54968

(2) The board shall certify departments, personnel, and 54969
persons to enforce the state residential building code, to enforce 54970
the nonresidential building code, or to enforce both the 54971
residential and the nonresidential building codes. Any department, 54972

personnel, or person may enforce only the type of building code 54973
for which certified. 54974

(3) The board shall not require a building department, its 54975
personnel, or any persons that it employs to be certified for 54976
residential building code enforcement if that building department 54977
does not enforce the state residential building code. The board 54978
shall specify, in rules adopted pursuant to Chapter 119. of the 54979
Revised Code, the requirements for certification for residential 54980
and nonresidential building code enforcement, which shall be 54981
consistent with this division. The requirements for residential 54982
and nonresidential certification may differ. Except as otherwise 54983
provided in this division, the requirements shall include, but are 54984
not limited to, the satisfactory completion of an initial 54985
examination and, to remain certified, the completion of a 54986
specified number of hours of continuing building code education 54987
within each three-year period following the date of certification 54988
which shall be not less than thirty hours. The rules shall provide 54989
that continuing education credits and certification issued by the 54990
council of American building officials, national model code 54991
organizations, and agencies or entities the board recognizes are 54992
acceptable for purposes of this division. The rules shall specify 54993
requirements that are consistent with the provisions of section 54994
5903.12 of the Revised Code relating to active duty military 54995
service and are compatible, to the extent possible, with 54996
requirements the council of American building officials and 54997
national model code organizations establish. 54998

(4) The board shall establish and collect a certification and 54999
renewal fee for building department personnel, and persons and 55000
employees of persons, firms, or corporations as described in this 55001
section, who are certified pursuant to this division. 55002

(5) Any individual certified pursuant to this division shall 55003
complete the number of hours of continuing building code education 55004

that the board requires or, for failure to do so, forfeit 55005
certification. 55006

(6) This division does not require or authorize the board to 55007
certify personnel of municipal, township, and county building 55008
departments, and persons and employees of persons, firms, or 55009
corporations as described in this section, whose responsibilities 55010
do not include the exercise of enforcement authority, the approval 55011
of plans and specifications, or making inspections under the state 55012
residential and nonresidential building codes. 55013

(7) Enforcement authority for approval of plans and 55014
specifications and enforcement authority for inspections may be 55015
exercised, and plans and specifications may be approved and 55016
inspections may be made on behalf of a municipal corporation, 55017
township, or county, by any of the following who the board of 55018
building standards certifies: 55019

(a) Officers or employees of the municipal corporation, 55020
township, or county; 55021

(b) Persons, or employees of persons, firms, or corporations, 55022
pursuant to a contract to furnish architectural, engineering, or 55023
other services to the municipal corporation, township, or county; 55024

(c) Officers or employees of, and persons under contract 55025
with, a municipal corporation, township, county, health district, 55026
or other political subdivision, pursuant to a contract to furnish 55027
architectural, engineering, or other services; 55028

(d) Officers or employees of the division of industrial 55029
compliance in the department of commerce pursuant to a contract 55030
authorized by division (B) of section 121.083 of the Revised Code. 55031

(8) Municipal, township, and county building departments have 55032
jurisdiction within the meaning of sections 3781.03, 3791.04, and 55033
4104.43 of the Revised Code, only with respect to the types of 55034
buildings and subject matters for which they are certified under 55035

this section. 55036

(9) A certified municipal, township, or county building 55037
department may exercise enforcement authority, accept and approve 55038
plans and specifications, and make inspections pursuant to 55039
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 55040
park district created pursuant to Chapter 1545. of the Revised 55041
Code upon the approval, by resolution, of the board of park 55042
commissioners of the park district requesting the department to 55043
exercise that authority and conduct those activities, as 55044
applicable. 55045

(10) Certification shall be granted upon application by the 55046
municipal corporation, the board of township trustees, or the 55047
board of county commissioners and approval of that application by 55048
the board of building standards. The application shall set forth: 55049

(a) Whether the certification is requested for residential or 55050
nonresidential buildings, or both; 55051

(b) The number and qualifications of the staff composing the 55052
building department; 55053

(c) The names, addresses, and qualifications of persons, 55054
firms, or corporations contracting to furnish work or services 55055
pursuant to division (E)(7)(b) of this section; 55056

(d) The names of any other municipal corporation, township, 55057
county, health district, or political subdivision under contract 55058
to furnish work or services pursuant to division (E)(7) of this 55059
section; 55060

(e) The proposed budget for the operation of the building 55061
department. 55062

(11) The board of building standards shall adopt rules 55063
governing all of the following: 55064

(a) The certification of building department personnel and 55065

persons and employees of persons, firms, or corporations 55066
exercising authority pursuant to division (E)(7) of this section. 55067
The rules shall disqualify any employee of the department or 55068
person who contracts for services with the department from 55069
performing services for the department when that employee or 55070
person would have to pass upon, inspect, or otherwise exercise 55071
authority over any labor, material, or equipment the employee or 55072
person furnishes for the construction, alteration, or maintenance 55073
of a building or the preparation of working drawings or 55074
specifications for work within the jurisdictional area of the 55075
department. The department shall provide other similarly qualified 55076
personnel to enforce the residential and nonresidential building 55077
codes as they pertain to that work. 55078

(b) The minimum services to be provided by a certified 55079
building department. 55080

(12) The board of building standards may revoke or suspend 55081
certification to enforce the residential and nonresidential 55082
building codes, on petition to the board by any person affected by 55083
that enforcement or approval of plans, or by the board on its own 55084
motion. Hearings shall be held and appeals permitted on any 55085
proceedings for certification or revocation or suspension of 55086
certification in the same manner as provided in section 3781.101 55087
of the Revised Code for other proceedings of the board of building 55088
standards. 55089

(13) Upon certification, and until that authority is revoked, 55090
any county or township building department shall enforce the 55091
residential and nonresidential building codes for which it is 55092
certified without regard to limitation upon the authority of 55093
boards of county commissioners under Chapter 307. of the Revised 55094
Code or boards of township trustees under Chapter 505. of the 55095
Revised Code. 55096

(F) In addition to hearings sections 3781.06 to 3781.18 and 55097

3791.04 of the Revised Code require, the board of building 55098
standards shall make investigations and tests, and require from 55099
other state departments, officers, boards, and commissions 55100
information the board considers necessary or desirable to assist 55101
it in the discharge of any duty or the exercise of any power 55102
mentioned in this section or in sections 3781.06 to 3781.18, 55103
3791.04, and 4104.43 of the Revised Code. 55104

(G) The board shall adopt rules and establish reasonable fees 55105
for the review of all applications submitted where the applicant 55106
applies for authority to use a new material, assembly, or product 55107
of a manufacturing process. The fee shall bear some reasonable 55108
relationship to the cost of the review or testing of the 55109
materials, assembly, or products and for the notification of 55110
approval or disapproval as provided in section 3781.12 of the 55111
Revised Code. 55112

(H) The residential construction advisory committee shall 55113
provide the board with a proposal for a state residential building 55114
code that the committee recommends pursuant to division (D)(1) of 55115
section 4740.14 of the Revised Code. Upon receiving a 55116
recommendation from the committee that is acceptable to the board, 55117
the board shall adopt rules establishing that code as the state 55118
residential building code. 55119

(I)(1) The committee may provide the board with proposed 55120
rules to update or amend the state residential building code that 55121
the committee recommends pursuant to division (E) of section 55122
4740.14 of the Revised Code. 55123

(2) If the board receives a proposed rule to update or amend 55124
the state residential building code as provided in division (I)(1) 55125
of this section, the board either may accept or reject the 55126
proposed rule for incorporation into the residential building 55127
code. If the board does not act to either accept or reject the 55128
proposed rule within ninety days after receiving the proposed rule 55129

from the committee as described in division (I)(1) of this 55130
section, the proposed rule shall become part of the residential 55131
building code. 55132

(J) The board shall cooperate with the director of job and 55133
family services when the director promulgates rules pursuant to 55134
section 5104.05 of the Revised Code regarding safety and 55135
sanitation in type A family day-care homes. 55136

(K) The board shall adopt rules to implement the requirements 55137
of section 3781.108 of the Revised Code. 55138

(L) The board shall establish a grant program to assist 55139
building departments certified by the board pursuant to division 55140
(E) of this section in the recruitment, training, and retention of 55141
qualified personnel. 55142

Sec. 3781.102. (A) Any county or municipal building 55143
department certified pursuant to division (E) of section 3781.10 55144
of the Revised Code as of September 14, 1970, and that, as of that 55145
date, was inspecting single-family, two-family, and three-family 55146
residences, and any township building department certified 55147
pursuant to division (E) of section 3781.10 of the Revised Code, 55148
is hereby declared to be certified to inspect single-family, 55149
two-family, and three-family residences containing industrialized 55150
units, and shall inspect the buildings or classes of buildings 55151
subject to division (E) of section 3781.10 of the Revised Code. 55152

(B) Each board of county commissioners may adopt, by 55153
resolution, rules establishing standards and providing for the 55154
licensing of electrical and heating, ventilating, and air 55155
conditioning contractors who are not required to hold a valid and 55156
unexpired license pursuant to Chapter 4740. of the Revised Code. 55157

Rules adopted by a board of county commissioners pursuant to 55158
this division may be enforced within the unincorporated areas of 55159

the county and within any municipal corporation where the 55160
legislative authority of the municipal corporation has contracted 55161
with the board for the enforcement of the county rules within the 55162
municipal corporation pursuant to section 307.15 of the Revised 55163
Code. The rules shall not conflict with rules adopted by the board 55164
of building standards pursuant to section 3781.10 of the Revised 55165
Code or by the department of commerce pursuant to Chapter 3703. of 55166
the Revised Code. This division does not impair or restrict the 55167
power of municipal corporations under Section 3 of Article XVIII, 55168
Ohio Constitution, to adopt rules concerning the erection, 55169
construction, repair, alteration, and maintenance of buildings and 55170
structures or of establishing standards and providing for the 55171
licensing of specialty contractors pursuant to section 715.27 of 55172
the Revised Code. 55173

A board of county commissioners, pursuant to this division, 55174
may require all electrical contractors and heating, ventilating, 55175
and air conditioning contractors, other than those who hold a 55176
valid and unexpired license issued pursuant to Chapter 4740. of 55177
the Revised Code, to successfully complete an examination, test, 55178
or demonstration of technical skills, and may impose a fee and 55179
additional requirements for a license to engage in their 55180
respective occupations within the jurisdiction of the board's 55181
rules under this division. 55182

(C) No board of county commissioners shall require any 55183
specialty contractor who holds a valid and unexpired license 55184
issued pursuant to Chapter 4740. of the Revised Code to 55185
successfully complete an examination, test, or demonstration of 55186
technical skills in order to engage in the type of contracting for 55187
which the license is held, within the unincorporated areas of the 55188
county and within any municipal corporation whose legislative 55189
authority has contracted with the board for the enforcement of 55190
county regulations within the municipal corporation, pursuant to 55191

section 307.15 of the Revised Code. 55192

(D) A board may impose a fee for registration of a specialty 55193
contractor who holds a valid and unexpired license issued pursuant 55194
to Chapter 4740. of the Revised Code before that specialty 55195
contractor may engage in the type of contracting for which the 55196
license is held within the unincorporated areas of the county and 55197
within any municipal corporation whose legislative authority has 55198
contracted with the board for the enforcement of county 55199
regulations within the municipal corporation, pursuant to section 55200
307.15 of the Revised Code, provided that the fee is the same for 55201
all specialty contractors who wish to engage in that type of 55202
contracting. If a board imposes such a fee, the board immediately 55203
shall permit a specialty contractor who presents proof of holding 55204
a valid and unexpired license and pays the required fee to engage 55205
in the type of contracting for which the license is held within 55206
the unincorporated areas of the county and within any municipal 55207
corporation whose legislative authority has contracted with the 55208
board for the enforcement of county regulations within the 55209
municipal corporation, pursuant to section 307.15 of the Revised 55210
Code. 55211

(E) The political subdivision associated with each municipal, 55212
township, and county building department the board of building 55213
standards certifies pursuant to division (E) of section 3781.10 of 55214
the Revised Code may prescribe fees to be paid by persons, 55215
political subdivisions, or any department, agency, board, 55216
commission, or institution of the state, for the acceptance and 55217
approval of plans and specifications, and for the making of 55218
inspections, pursuant to sections 3781.03 and 3791.04 of the 55219
Revised Code. 55220

(F) Each political subdivision that prescribes fees pursuant 55221
to division (E) of this section shall collect, on behalf of the 55222
board of building standards, fees equal to the following: 55223

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;	55224 55225
(2) One per cent of the fees the political subdivision collects in connection with residential buildings.	55226 55227
(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.	55228 55229 55230 55231 55232 55233 55234
(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:	55235 55236 55237
(a) Operating costs of the board;	55238
(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;	55239 55240 55241
(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.	55242 55243 55244
<u>(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code.</u>	55245 55246
(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating,	55247 55248 55249 55250 55251 55252 55253

ventilating, and air conditioning contractor, for the 55254
construction, replacement, maintenance, or repair of one-family, 55255
two-family, or three-family dwelling houses or accessory 55256
structures incidental to those dwelling houses. 55257

(I) A board of county commissioners shall not register a 55258
specialty contractor who is required to hold a license under 55259
Chapter 4740. of the Revised Code but does not hold a valid 55260
license issued under that chapter. 55261

(J) As used in this section, "specialty contractor" means a 55262
heating, ventilating, and air conditioning contractor, 55263
refrigeration contractor, electrical contractor, plumbing 55264
contractor, or hydronics contractor, as those contractors are 55265
described in Chapter 4740. of the Revised Code. 55266

Sec. 3796.02. There is hereby established a division of 55267
marijuana control in the department of commerce. The medical 55268
marijuana control program in the department of commerce and the 55269
state board of pharmacy is hereby established in the division of 55270
marijuana control. The ~~department~~ division shall provide for the 55271
licensure of medical marijuana cultivators ~~and~~, processors, retail 55272
dispensaries, and ~~the licensure of~~ laboratories that test medical 55273
marijuana. The ~~board~~ division shall also provide for ~~the licensure~~ 55274
~~of retail dispensaries and~~ the registration of patients and their 55275
caregivers. The ~~department and board~~ division shall administer the 55276
medical marijuana control program. 55277

Sec. 3796.03. ~~(A)(1) Except as provided in division (A)(2) of~~ 55278
~~this section, not later than one year after September 8, 2016, the~~ 55279
~~department of commerce~~ (A) The division of marijuana control shall 55280
adopt rules establishing standards and procedures for the medical 55281
marijuana control program. 55282

~~(2) The department shall adopt rules establishing standards~~ 55283

and procedures for the licensure of cultivators not later than two	55284
hundred forty days after September 8, 2016.	55285
(3) All rules adopted under this section shall be adopted in	55286
accordance with Chapter 119. of the Revised Code.	55287
(B) The rules shall do all of the following:	55288
(1) Establish application procedures and fees for licenses it	55289
issues under this chapter;	55290
(2) Specify both of the following:	55291
(a) The conditions that must be met to be eligible for	55292
licensure;	55293
(b) In accordance with section 9.79 of the Revised Code, the	55294
criminal offenses for which an applicant will be disqualified from	55295
licensure pursuant to that section.	55296
(3) Establish, in accordance with section 3796.05 of the	55297
Revised Code, the number of cultivator licenses <u>and retail</u>	55298
<u>dispensary licenses</u> that will be permitted at any one time;	55299
(4) Establish a license renewal schedule, renewal procedures,	55300
and renewal fees;	55301
(5) Specify reasons for which a license may be suspended,	55302
including without prior hearing, revoked, or not be renewed or	55303
issued and the reasons for which a civil penalty may be imposed on	55304
a license holder;	55305
(6) Establish standards under which a license suspension may	55306
be lifted;	55307
(7) <u>Establish procedures for registration of patients and</u>	55308
<u>caregivers and requirements that must be met to be eligible for</u>	55309
<u>registration;</u>	55310
(8) <u>Establish training requirements for employees of retail</u>	55311
<u>dispensaries;</u>	55312

(9) Specify if a cultivator, processor, ~~retail dispensary~~, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, ~~retail dispensary~~, or laboratory, may remain in operation or shall relocate or have its license revoked by the ~~board~~ division; 55313
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~~(8)~~(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 55320
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(11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana; 55323
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(12) Establish procedures for the issuance of patient or caregiver identification cards; 55326
55327

(13) Specify the forms of or methods of using medical marijuana that are attractive to children; 55328
55329

(14) Specify both of the following: 55330

(a) Subject to division ~~(B)(8)(b)~~(B)(14)(b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder; 55331
55332
55333

(b) Which of the criminal offenses specified pursuant to division ~~(B)(8)(a)~~(B)(14)(a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins. 55334
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~~(9)~~(15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter; 55339
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55341

(16) Establish, in accordance with section 3796.05 of the 55342

Revised Code, standards and procedures for the testing of medical 55343
marijuana by a laboratory licensed under this chapter. 55344

(C) In addition to the rules described in division (B) of 55345
this section, the ~~department~~ division may adopt any other rules it 55346
considers necessary for the program's administration and the 55347
implementation and enforcement of this chapter. 55348

(D) When adopting rules under this section, the ~~department~~ 55349
division shall consider standards and procedures that have been 55350
found to be best practices relative to the use and regulation of 55351
medical marijuana. 55352

Sec. 3796.032. This chapter does not authorize the ~~department~~ 55353
~~of commerce or the state board of pharmacy~~ division of marijuana 55354
control to oversee or limit research conducted at a state 55355
university, academic medical center, or private research and 55356
development organization that is related to marijuana and is 55357
approved by an agency, board, center, department, or institute of 55358
the United States government, including any of the following: 55359

(A) The agency for health care research and quality; 55360

(B) The national institutes of health; 55361

(C) The national academy of sciences; 55362

(D) The centers for medicare and medicaid services; 55363

(E) The United States department of defense; 55364

(F) The centers for disease control and prevention; 55365

(G) The United States department of veterans affairs; 55366

(H) The drug enforcement administration; 55367

(I) The food and drug administration; 55368

(J) Any board recognized by the national institutes of health 55369
for the purpose of evaluating the medical value of health care 55370

services. 55371

Sec. 3796.05. (A) When establishing the number of cultivator 55372
licenses that will be permitted at any one time, the ~~department of~~ 55373
~~commerce~~ division of marijuana control shall consider both of the 55374
following: 55375

(1) The population of this state; 55376

(2) The number of patients seeking to use medical marijuana. 55377

(B) When establishing the number of retail dispensary 55378
licenses that will be permitted at any one time, the ~~state board~~ 55379
~~of pharmacy~~ division shall consider all of the following: 55380

(1) The population of this state; 55381

(2) The number of patients seeking to use medical marijuana; 55382

(3) The geographic distribution of dispensary sites in an 55383
effort to ensure patient access to medical marijuana. 55384

(C) When establishing standards and procedures for the 55385
testing of medical marijuana, the ~~department~~ division shall do all 55386
of the following: 55387

(1) Specify when testing must be conducted; 55388

(2) Determine the minimum amount of medical marijuana that 55389
must be tested; 55390

(3) Specify the manner in which testing is to be conducted in 55391
an effort to ensure uniformity of medical marijuana products 55392
processed for and dispensed to patients; 55393

(4) Specify the manner in which test results are provided. 55394

Sec. 3796.06. (A) Only the following forms of medical 55395
marijuana may be dispensed under this chapter: 55396

(1) Oils; 55397

(2) Tinctures;	55398
(3) Plant material;	55399
(4) Edibles;	55400
(5) Patches;	55401
(6) Any other form approved by the state board of pharmacy	55402
<u>division of marijuana control</u> under section 3796.061 of the	55403
Revised Code.	55404
(B) With respect to the methods of using medical marijuana,	55405
all of the following apply:	55406
(1) The smoking or combustion of medical marijuana is	55407
prohibited.	55408
(2) The vaporization of medical marijuana is permitted + .	55409
(3) The state board of pharmacy <u>division</u> may approve	55410
additional methods of using medical marijuana, other than smoking	55411
or combustion, under section 3796.061 of the Revised Code.	55412
(C) Any form or method that is considered attractive to	55413
children, as specified in rules adopted by the board <u>division</u> , is	55414
prohibited.	55415
(D) With respect to tetrahydrocannabinol content, all of the	55416
following apply:	55417
(1) Plant material shall have a tetrahydrocannabinol content	55418
of not more than thirty-five per cent.	55419
(2) Extracts shall have a tetrahydrocannabinol content of not	55420
more than seventy per cent.	55421
Sec. 3796.061. (A) Any person may submit a petition to the	55422
state board of pharmacy <u>division of marijuana control</u> requesting	55423
that a form of or method of using medical marijuana be approved	55424
for the purposes of section 3796.06 of the Revised Code. A	55425

petition shall be submitted to the ~~board~~ division in a manner 55426
prescribed by the ~~board~~ division. A petition shall not seek to 55427
approve a method of using medical marijuana that involves smoking 55428
or combustion. 55429

(B) On receipt of a petition, the ~~board~~ division shall review 55430
it to determine whether to approve the form of or method of using 55431
medical marijuana described in the petition. The ~~board~~ division 55432
may consolidate the review of petitions for the same or similar 55433
forms or methods. In making its determination, the ~~board~~ division 55434
shall consult with one or more experts and review any relevant 55435
scientific evidence. 55436

(C) The ~~board~~ division shall approve or deny the petition in 55437
accordance with any rules adopted by the ~~board~~ division under this 55438
section. The ~~board's~~ division's decision is final. 55439

(D) The ~~board~~ division may adopt rules as necessary to 55440
implement this section. The rules shall be adopted in accordance 55441
with Chapter 119. of the Revised Code. 55442

Sec. 3796.08. (A)(1) A Until one hundred eighty days 55443
following the effective date of this amendment, a patient seeking 55444
to use medical marijuana or a caregiver seeking to assist a 55445
patient in the use or administration of medical marijuana shall 55446
apply to the state board of pharmacy for registration. On and 55447
after one hundred eighty days following the effective date of this 55448
amendment, a patient seeking to use medical marijuana or a 55449
caregiver seeking to assist a patient in the use or administration 55450
of medical marijuana shall apply to the division of marijuana 55451
control for registration. The physician who holds a certificate to 55452
recommend issued by the state medical board and is treating the 55453
patient or the physician's delegate shall submit the application 55454
on the patient's or caregiver's behalf in the manner established 55455
in rules adopted under section ~~3796.04~~ 3796.03 of the Revised 55456

Code.	55457
(2) The application shall include all of the following:	55458
(a) A statement from the physician certifying all of the following:	55459
	55460
(i) That a bona fide physician-patient relationship exists between the physician and patient;	55461
	55462
(ii) That the patient has been diagnosed with a qualifying medical condition;	55463
	55464
(iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report;	55465
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	55468
(iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history.	55469
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	55471
(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana;	55472
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	55475
(c) In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana.	55476
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	55478
(3) If the application is complete and meets the requirements established in rules, the board <u>or division, as applicable,</u> shall register the patient or caregiver and issue to the patient or caregiver an identification card.	55479
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	55482
(B) The board <u>or division, as applicable,</u> shall not make public any information reported to or collected by the board <u>or division, as applicable,</u> under this section that identifies or	55483
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	55485

would tend to identify any specific patient. 55486

Information collected by the board or division, as 55487
applicable, pursuant to this section is confidential and not a 55488
public record. The board or division, as applicable, may share 55489
identifying information with a licensed retail dispensary for the 55490
purpose of confirming that a person has a valid registration. 55491
Information that does not identify a person may be released in 55492
summary, statistical, or aggregate form. 55493

(C) A registration expires according to the renewal schedule 55494
established in rules adopted under section ~~3796.04~~ 3796.03 of the 55495
Revised Code and may be renewed in accordance with procedures 55496
established in those rules. 55497

Sec. 3796.10. (A) An entity that seeks to dispense at retail 55498
medical marijuana shall file an application for licensure with the 55499
~~state board of pharmacy~~ division of marijuana control. The entity 55500
shall file an application for each location from which it seeks to 55501
operate. Each application shall be submitted in accordance with 55502
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 55503

(B) The ~~board~~ division shall issue a license to an applicant 55504
if all of the following conditions are met: 55505

(1) The report of the criminal records check conducted 55506
pursuant to section 3796.12 of the Revised Code with respect to 55507
the application demonstrates that the person subject to the 55508
criminal records check requirement has not been convicted of or 55509
pleaded guilty to any of the disqualifying offenses specified in 55510
rules adopted under section 9.79 and division (B)(2)(b) of section 55511
~~3796.04~~ 3796.03 of the Revised Code. 55512

(2) The applicant demonstrates that it does not have an 55513
ownership or investment interest in or compensation arrangement 55514
with any of the following: 55515

(a) A laboratory licensed under this chapter;	55516
(b) An applicant for a license to conduct laboratory testing.	55517
(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:	55518
(a) A laboratory licensed under this chapter;	55519
(b) An applicant for a license to conduct laboratory testing.	55520
(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.	55521
(5) The information provided to the board <u>division</u> pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.	55522
(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	55523
(C) The board <u>division</u> shall issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures.	55524
As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those	55525

owners have control over the management and day-to-day operations 55546
of the business and an interest in the capital, assets, and 55547
profits and losses of the business proportionate to their 55548
percentage of ownership. 55549

(D) A license expires according to the renewal schedule 55550
established in rules adopted under section ~~3796.04~~ 3796.03 of the 55551
Revised Code and may be renewed in accordance with the procedures 55552
established in those rules. 55553

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the 55554
Revised Code or any other public records law to the contrary or 55555
any law relating to the confidentiality of tax return information, 55556
upon the request of the ~~department of commerce or state board of~~ 55557
~~pharmacy~~ division of marijuana control, the department of taxation 55558
shall provide to the ~~department of commerce or board~~ division all 55559
of the following information: 55560

(a) Whether an applicant for licensure under this chapter is 55561
in compliance with the applicable tax laws of this state; 55562

(b) Any past or pending violation by the applicant of those 55563
tax laws, and any penalty imposed on the applicant for such a 55564
violation. 55565

(2) The ~~department of commerce or board~~ division shall 55566
request the information only as it pertains to an application for 55567
licensure that the ~~department of commerce or board~~ division, as 55568
applicable, is reviewing. 55569

(3) The department of taxation may charge the ~~department of~~ 55570
~~commerce or board~~ division a reasonable fee to cover the 55571
administrative cost of providing the information. 55572

(B) Information received under this section is confidential. 55573
Except as otherwise permitted by other state law or federal law, 55574
the ~~department of commerce or board~~ division shall not make the 55575

information available to any person other than the applicant for 55576
licensure to whom the information applies. 55577

Sec. 3796.12. (A) As used in this section, "criminal records 55578
check" has the same meaning as in section 109.572 of the Revised 55579
Code. 55580

(B)(1) As part of the application process for a license 55581
issued under this chapter, the ~~department of commerce or state~~ 55582
~~board of pharmacy, whichever is issuing the license,~~ division of 55583
marijuana control shall require each of the following to complete 55584
a criminal records check: 55585

(a) An administrator or other person responsible for the 55586
daily operation of the entity seeking the license; 55587

(b) An owner or prospective owner, officer or prospective 55588
officer, or board member or prospective board member of the entity 55589
seeking the license. 55590

(2) If a person subject to the criminal records check 55591
requirement does not present proof of having been a resident of 55592
this state for the five-year period immediately prior to the date 55593
the criminal records check is requested or provide evidence that 55594
within that five-year period the superintendent of the bureau of 55595
criminal identification and investigation has requested 55596
information about the person from the federal bureau of 55597
investigation in a criminal records check, the ~~department or board~~ 55598
division shall request that the person obtain through the 55599
superintendent a criminal records request from the federal bureau 55600
of investigation as part of the criminal records check of the 55601
person. Even if a person presents proof of having been a resident 55602
of this state for the five-year period, the ~~department or board~~ 55603
division may request that the person obtain information through 55604
the superintendent from the federal bureau of investigation in the 55605
criminal records check. 55606

(C) The ~~department or board~~ division shall provide the 55607
following to each person who is subject to the criminal records 55608
check requirement: 55609

(1) Information about accessing, completing, and forwarding 55610
to the superintendent of the bureau of criminal identification and 55611
investigation the form prescribed pursuant to division (C)(1) of 55612
section 109.572 of the Revised Code and the standard impression 55613
sheet to obtain fingerprint impressions prescribed pursuant to 55614
division (C)(2) of that section; 55615

(2) Written notification that the person is to instruct the 55616
superintendent to submit the completed report of the criminal 55617
records check directly to the ~~department or board~~ division. 55618

(D) Each person who is subject to the criminal records check 55619
requirement shall pay to the bureau of criminal identification and 55620
investigation the fee prescribed pursuant to division (C)(3) of 55621
section 109.572 of the Revised Code for the criminal records check 55622
conducted of the person. 55623

(E) The report of any criminal records check conducted by the 55624
bureau of criminal identification and investigation in accordance 55625
with section 109.572 of the Revised Code and pursuant to a request 55626
made under this section is not a public record for the purposes of 55627
section 149.43 of the Revised Code and shall not be made available 55628
to any person other than the following: 55629

(1) The person who is the subject of the criminal records 55630
check or the person's representative; 55631

(2) The members and staff of the ~~department or board~~ 55632
division; 55633

(3) A court, hearing officer, or other necessary individual 55634
involved in a case dealing with either of the following: 55635

(a) A license denial resulting from the criminal records 55636

check; 55637

(b) A civil or criminal action regarding the medical 55638
marijuana control program or any violation of this chapter. 55639

(F) The ~~department or board~~ division shall deny a license if, 55640
after receiving the information and notification required by this 55641
section, a person subject to the criminal records check 55642
requirement fails to do either of the following: 55643

(1) Access, complete, or forward to the superintendent of the 55644
bureau of criminal identification and investigation the form 55645
prescribed pursuant to division (C)(1) of section 109.572 of the 55646
Revised Code or the standard impression sheet prescribed pursuant 55647
to division (C)(2) of that section; 55648

(2) Instruct the superintendent to submit the completed 55649
report of the criminal records check directly to the ~~department or~~ 55650
~~board~~ division. 55651

Sec. 3796.13. (A) Each person seeking employment with an 55652
entity licensed under this chapter shall comply with sections 55653
4776.01 to 4776.04 of the Revised Code. Except as provided in 55654
division (B) of this section, such an entity shall not employ the 55655
person unless the person ~~complies with those sections and the~~ has 55656
submitted a criminal records check under those sections. The 55657
report of the resulting criminal records check ~~demonstrates~~ shall 55658
demonstrate that the person has not been convicted of or pleaded 55659
guilty to ~~the following~~; 55660

~~(1) Any~~ any of the disqualifying offenses specified in rules 55661
adopted under division ~~(B)(8)(a)~~ (B)(14)(a) of section 3796.03 of 55662
the Revised Code if the person is seeking employment with an 55663
entity licensed by the ~~department of commerce~~ division of 55664
marijuana control under this chapter; 55665

~~(2) Any of the disqualifying offenses specified in rules~~ 55666

~~adopted under division (B)(14)(a) of section 3796.04 of the~~ 55667
~~Revised Code if the person is seeking employment with an entity~~ 55668
~~licensed by the state board of pharmacy under this chapter.~~ 55669

(B) An entity is not prohibited by division (A) of this 55670
section from employing a person if ~~the following applies:~~ 55671

~~(1) In the case of a person seeking employment with an entity~~ 55672
~~licensed by the department of commerce under this chapter,~~ 55673
disqualifying offense the person was convicted of or pleaded 55674
guilty to is one of the offenses specified in rules adopted under 55675
division ~~(B)(8)(b)~~ (B)(14)(b) of section 3796.03 of the Revised 55676
Code and the person was convicted of or pleaded guilty to the 55677
offense more than five years before the date the employment 55678
begins. 55679

~~(2) In the case of a person seeking employment with an entity~~ 55680
~~licensed by the state board of pharmacy under this chapter,~~ 55681
disqualifying offense the person was convicted of or pleaded 55682
guilty to is one of the offenses specified in rules adopted under 55683
division ~~(B)(14)(b)~~ of section 3796.04 of the Revised Code and the 55684
person was convicted of or pleaded guilty to the offense more than 55685
five years before the date the employment begins. 55686

Sec. 3796.14. ~~(A)(1)(A)~~ The department of commerce division 55687
of marijuana control may do any of the following for any reason 55688
specified in rules adopted under section 3796.03 of the Revised 55689
Code: 55690

~~(a)(1)~~ Suspend, suspend without prior hearing, revoke, or 55691
refuse to renew a license it issued under this chapter or a 55692
license or a registration the state board of pharmacy issued prior 55693
to the transfer of regulatory authority over the medical marijuana 55694
control program to the division; 55695

~~(b)(2)~~ Refuse to issue a license; 55696

~~(e)(3) Impose on a license holder a civil penalty in an amount to be determined by the department division.~~ 55697
55698

(4) With respect to a suspension of a retail dispensary license without prior hearing, the division may utilize a telephone conference call to review the allegations and take a vote. The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana by the license holder presents a danger of immediate and serious harm to others. The suspension shall remain in effect, unless lifted by the division, until the division issues its final adjudication order. If the division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing. 55699
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The ~~department's~~ division's actions under ~~this~~ division (A) of this section shall be taken in accordance with Chapter 119. of the Revised Code. 55711
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~~(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder.~~ 55714
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~~(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:~~ 55718
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55720

~~(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;~~ 55721
55722

~~(b) Refuse to issue a license;~~ 55723

~~(c) Impose on a license holder a civil penalty in an amount to be determined by the board.~~ 55724
55725

~~The board's actions under this division shall be taken in~~ 55726

~~accordance with Chapter 119. of the Revised Code.~~ 55727

~~(2)(B) The board division may inspect all of the following 55728
for any reason specified in rules adopted under section 3796.03 of 55729
the Revised Code without prior notice to the applicant or license 55730
holder: 55731~~

~~(a)(1) The premises of an applicant for licensure or holder 55732
of a current, valid cultivator, processor, retail dispensary, or 55733
laboratory license issued under this chapter; 55734~~

~~(b) The premises of and all (2) All records maintained 55735
pursuant to this chapter by a holder of a current, ~~valid retail~~ 55736
~~dispensary~~ license. 55737~~

~~(3) With respect to a suspension without prior hearing, the 55738
board may utilize a telephone conference call to review the 55739
allegations and take a vote. The board shall suspend without prior 55740
hearing only if it finds clear and convincing evidence that 55741
continued distribution of medical marijuana presents a danger of 55742
immediate and serious harm to others. The board shall comply with 55743
section 119.07 of the Revised Code. 55744~~

~~The suspension shall remain in effect, unless lifted by the 55745
board, until the board issues its final adjudication order. If the 55746
board does not issue the order within ninety days after the 55747
adjudication hearing, the suspension shall be lifted on the 55748
ninety first day following the hearing. 55749~~

~~(C) Whenever it appears to the division, from its files, upon 55750
complaint, or otherwise, that any person or entity has engaged in, 55751
is engaged in, or is about to engage in any practice declared to 55752
be illegal or prohibited by this chapter or the rules adopted 55753
under this chapter, or when the division believes it to be in the 55754
best interest of the public or patients, the division may do any 55755
of the following: 55756~~

~~(1) Investigate the person or entity as authorized pursuant 55757~~

to this chapter or the rules adopted under this chapter; 55758

(2) Issue subpoenas to any person or entity for the purpose 55759
of compelling either of the following: 55760

(a) The attendance and testimony of witnesses; 55761

(b) The production of books, accounts, papers, records, or 55762
documents. 55763

(D) If a person or entity fails to comply with any order of 55764
the division or a subpoena issued by the division pursuant to this 55765
section, a judge of the court of common pleas of the county in 55766
which the person resides or the entity may be served, on 55767
application of the division, shall compel obedience by attachment 55768
proceedings as for contempt, as in the case of disobedience with 55769
respect to the requirements of a subpoena issued from such court 55770
or a refusal to testify in such court. 55771

Sec. 3796.15. (A) ~~The state board of pharmacy division of~~ 55772
~~marijuana control shall enforce this chapter, or cause it to be~~ 55773
~~enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23~~ 55774
~~of the Revised Code. If it the division has information that any~~ 55775
~~provision of those sections this chapter or any rule adopted under~~ 55776
this chapter has been violated, it shall investigate the matter 55777
and take any action as it considers appropriate. 55778

(B) Nothing in this chapter shall be construed to require the 55779
~~state board of pharmacy division~~ to enforce minor violations if 55780
the ~~board~~ division determines that the public interest is 55781
adequately served by a notice or warning to the alleged offender. 55782

(C) If the ~~board~~ division suspends, revokes, or refuses to 55783
renew any license or registration issued under this chapter and 55784
determines that there is clear and convincing evidence of a danger 55785
of immediate and serious harm to any person, the ~~board~~ division 55786
may place under seal all medical marijuana owned by or in the 55787

possession, custody, or control of the affected license holder or 55788
registrant. Except as provided in this division, the ~~board~~ 55789
division of marijuana control shall not dispose of the medical 55790
marijuana sealed under this division until the license holder or 55791
registrant exhausts all of the holder's or registrant's appeal 55792
rights under Chapter 119. of the Revised Code. The court involved 55793
in such an appeal may order the ~~board~~ division, during the 55794
pendency of the appeal, to sell medical marijuana that is 55795
perishable. The ~~board~~ division shall deposit the proceeds of the 55796
sale with the court. 55797

Sec. 3796.16. (A)(1) The ~~state board of pharmacy~~ division of 55798
marijuana control shall attempt in good faith to negotiate and 55799
enter into a reciprocity agreement with any other state under 55800
which a medical marijuana registry identification card or 55801
equivalent authorization that is issued by the other state is 55802
recognized in this state, if the ~~board~~ division determines that 55803
both of the following apply: 55804

(a) The eligibility requirements imposed by the other state 55805
for that authorization are substantially comparable to the 55806
eligibility requirements for a patient or caregiver registration 55807
and identification card issued under this chapter. 55808

(b) The other state recognizes a patient or caregiver 55809
registration and identification card issued under this chapter. 55810

(2) The ~~board~~ division shall not negotiate any agreement with 55811
any other state under which an authorization issued by the other 55812
state is recognized in this state other than as provided in 55813
division (A)(1) of this section. 55814

(B) If a reciprocity agreement is entered into in accordance 55815
with division (A) of this section, the authorization issued by the 55816
other state shall be recognized in this state, shall be accepted 55817
and valid in this state, and grants the patient or caregiver the 55818

same right to use, possess, obtain, or administer medical 55819
marijuana in this state as a patient or caregiver who was 55820
registered and issued an identification card under this chapter. 55821

(C) The ~~board~~ division may adopt any rules as necessary to 55822
implement this section. 55823

Sec. 3796.17. The ~~state board of pharmacy~~ division of 55824
marijuana control shall establish a toll-free telephone line to 55825
respond to inquiries from patients, caregivers, and health 55826
professionals regarding adverse reactions to medical marijuana and 55827
to provide information about available services and assistance. 55828
The ~~board~~ division may contract with a separate entity to 55829
establish and maintain the telephone line on behalf of the ~~board~~ 55830
division. 55831

Sec. 3796.19. (A) Notwithstanding any conflicting provision 55832
of the Revised Code, the holder of a current, valid processor 55833
license issued under this chapter may do any of the following: 55834

(1) Obtain medical marijuana from one or more licensed 55835
cultivators; 55836

(2) Subject to division (B) of this section, process medical 55837
marijuana obtained from one or more licensed cultivators into a 55838
form described in section 3796.06 of the Revised Code; 55839

(3) Deliver or sell processed medical marijuana to one or 55840
more licensed retail dispensaries. 55841

(B) When processing medical marijuana, a licensed processor 55842
shall do both of the following: 55843

(1) Package the medical marijuana in accordance with 55844
child-resistant effectiveness standards described in 16 C.F.R. 55845
1700.15(b) on ~~the effective date of this section~~ September 8, 55846
2016; 55847

(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content; 55848
55849

(3) Comply with any packaging or labeling requirements 55850
established in rules adopted by the ~~department of commerce~~ 55851
division of marijuana control under section 3796.03 of the Revised 55852
Code. 55853

Sec. 3796.20. (A) Notwithstanding any conflicting provision 55854
of the Revised Code, the holder of a current, valid retail 55855
dispensary license issued under this chapter, or previously issued 55856
by the state board of pharmacy, may do both of the following: 55857

(1) Obtain medical marijuana from one or more processors; 55858

(2) Dispense or sell medical marijuana in accordance with 55859
division (B) of this section. 55860

(B) When dispensing or selling medical marijuana, a licensed 55861
retail dispensary shall do all of the following: 55862

(1) Dispense or sell only upon a showing of a current, valid 55863
identification card and in accordance with a written 55864
recommendation issued by a physician ~~in accordance with an~~ holding 55865
a certificate to recommend issued by the state medical board under 55866
section 4731.30 of the Revised Code; 55867

(2) Report to the drug database the information required by 55868
section 4729.771 of the Revised Code; 55869

(3) Label the package containing medical marijuana with the 55870
following information: 55871

(a) The name and address of the licensed processor and retail 55872
dispensary; 55873

(b) The name of the patient and caregiver, if any; 55874

(c) The name of the physician who recommended treatment with 55875
medical marijuana; 55876

(d) The directions for use, if any, as recommended by the physician;	55877 55878
(e) The date on which the medical marijuana was dispensed;	55879
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	55880 55881
(C) When operating a licensed retail dispensary, both of the following apply:	55882 55883
(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	55884 55885 55886
(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.	55887 55888 55889
Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	55890 55891 55892 55893
(1) Use medical marijuana;	55894
(2) Possess medical marijuana, subject to division (B) of this section;	55895 55896
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	55897 55898
(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	55899 55900 55901
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:	55902 55903 55904
(1) Obtaining, using, or possessing medical marijuana;	55905

(2) Possessing any paraphernalia or accessories specified in rules adopted under section ~~3796.04~~ 3796.03 of the ~~Revise~~ Revised Code. 55906
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(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana. 55909
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Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following: 55912
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(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section; 55916
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(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana; 55919
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(3) Possess any paraphernalia or accessories specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 55921
55922

(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient. 55923
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(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of following in accordance with this chapter: 55929
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(1) Obtaining or possessing medical marijuana on behalf of a registered patient; 55932
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(2) Assisting a registered patient in the use or administration of medical marijuana; 55934
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(3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	55936 55937
(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.	55938 55939 55940
Sec. 3796.27. (A) As used in this section:	55941
(1) "Financial institution" means any of the following:	55942
(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;	55943 55944 55945 55946
(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.	55947 55948 55949
(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable.	55950 55951 55952 55953
(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is in compliance with this chapter and the applicable tax laws of this state.	55954 55955 55956 55957 55958 55959 55960 55961 55962 55963 55964 55965

(C)(1) Notwithstanding section 149.43 of the Revised Code or 55966
any other public records law to the contrary, upon the request of 55967
a financial institution, the ~~department of commerce or state board~~ 55968
~~of pharmacy~~ division of marijuana control shall provide to the 55969
financial institution all of the following information: 55970

(a) Whether a person with whom the financial institution is 55971
seeking to do business is a cultivator, processor, retail 55972
dispensary, or laboratory licensed under this chapter; 55973

(b) The name of any other business or individual affiliated 55974
with the person; 55975

(c) An unredacted copy of the application for a license under 55976
this chapter, and any supporting documentation, that was submitted 55977
by the person; 55978

(d) If applicable, information relating to sales and volume 55979
of product sold by the person; 55980

(e) Whether the person is in compliance with this chapter; 55981

(f) Any past or pending violation by the person of this 55982
chapter, and any penalty imposed on the person for such a 55983
violation. 55984

(2) The ~~department or board~~ division may charge a financial 55985
institution a reasonable fee to cover the administrative cost of 55986
providing the information. 55987

(D) Information received by a financial institution under 55988
division (C) of this section is confidential. Except as otherwise 55989
permitted by other state law or federal law, a financial 55990
institution shall not make the information available to any person 55991
other than the customer to whom the information applies and any 55992
trustee, conservator, guardian, personal representative, or agent 55993
of that customer. 55994

Sec. 3796.30. (A) Except as provided in division (B) of this 55995

section, no medical marijuana cultivator, processor, retail 55996
dispensary, or laboratory that tests medical marijuana shall be 55997
located within five hundred feet of the boundaries of a parcel of 55998
real estate having situated on it a school, church, public 55999
library, public playground, or public park. 56000

If the relocation of a cultivator, processor, retail 56001
dispensary, or laboratory licensed under this chapter results in 56002
the cultivator, processor, retail dispensary, or laboratory being 56003
located within five hundred feet of the boundaries of a parcel of 56004
real estate having situated on it a school, church, public 56005
library, public playground, or public park, the ~~department of~~ 56006
~~commerce or state board of pharmacy~~ division of marijuana control 56007
shall revoke the license it previously issued to the cultivator, 56008
processor, retail dispensary, or laboratory. 56009

(B) This section does not apply to research related to 56010
marijuana conducted at a state university, academic medical 56011
center, or private research and development organization as part 56012
of a research protocol approved by an institutional review board 56013
or equivalent entity. 56014

(C) As used in this section and sections ~~3796.04~~ 3796.03 and 56015
3796.12 of the Revised Code: 56016

"Church" has the meaning defined in section 1710.01 of the 56017
Revised Code. 56018

"Public library" means a library provided for under Chapter 56019
3375. of the Revised Code. 56020

"Public park" means a park established by the state or a 56021
political subdivision of the state including a county, township, 56022
municipal corporation, or park district. 56023

"Public playground" means a playground established by the 56024
state or a political subdivision of the state including a county, 56025
township, municipal corporation, or park district. 56026

"School" means a child day-care center as defined under 56027
section 5104.01 of the Revised Code, a preschool as defined under 56028
section 2950.034 of the Revised Code, or a public or nonpublic 56029
primary school or secondary school. 56030

Sec. 3796.32. The state board of pharmacy shall allow the 56031
division of marijuana control to access the drug database 56032
established and maintained by the board pursuant to section 56033
4729.75 of the Revised Code as needed to ensure compliance with 56034
this chapter and rules adopted under this chapter. 56035

Sec. 3798.12. As used in this section, "agency" has the same 56036
meaning as in section 111.15 of the Revised Code, except that 56037
"agency" includes a state college or university, a community 56038
college district, a technical college district, or state community 56039
college. 56040

(A) Except as provided in division (B) of this section, any 56041
of the following pertaining to the confidentiality, privacy, 56042
security, or privileged status of protected health information 56043
transacted, maintained in, or accessed through a health 56044
information exchange is unenforceable if it conflicts with this 56045
chapter: 56046

(1) A section of the Revised Code that is not in this 56047
chapter; 56048

(2) A rule as defined in section 119.01 of the Revised Code; 56049

(3) An internal management rule as defined in section 111.15 56050
of the Revised Code; 56051

(4) Guidance issued by an agency; 56052

(5) Orders or regulations of a board of health of a city 56053
health district made under section 3709.20 of the Revised Code; 56054

(6) Orders or regulations of a board of health of a general 56055

health district made under section 3709.21 of the Revised Code;	56056
(7) An ordinance or resolution adopted by a political subdivision;	56057 56058
(8) A professional code of ethics.	56059
(B) Division (A) of this section does not render unenforceable or restrict in any manner any of the following:	56060 56061
(1) A provision of the Revised Code that on the effective date of this section <u>September 10, 2012</u> , requires a person or governmental entity to disclose protected health information to a state agency, political subdivision, or other governmental entity;	56062 56063 56064 56065
(2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code;	56066 56067 56068
(3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;	56069 56070 56071
(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;	56072 56073
(5) An item described in divisions (A)(1) to (8) of this section that governs any of the following:	56074 56075
(a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;	56076 56077 56078
(b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;	56079 56080 56081
(c) The process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code;	56082 56083 56084 56085

(d) The process for determining whether a minor has been emancipated. 56086
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(6) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code. 56088
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Sec. 3901.021. (A) Three-fourths of all appointment and other fees collected under division (B) of section 3905.20 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund, which is hereby created. The remaining one-fourth shall be credited to the general revenue fund. Other revenues collected by the superintendent of insurance, such as registration fees for sponsored seminars or conferences and grants from private entities, shall be paid into the state treasury to the credit of the department of insurance operating fund. 56093
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(B) Seven-tenths of all fees collected under divisions (A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund. The remaining three-tenths shall be credited to the general revenue fund. 56103
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(C) All operating expenses of the department of insurance ~~except~~, including those expenses defined under section 3901.07 of the Revised Code, shall be paid from the department of insurance operating fund. 56108
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Sec. 3901.07. (A) As used in this section, "insurer" means any person doing or authorized to do any insurance business in this state. 56112
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(B)(1) Before issuing any license to do the business of 56115

insurance in this state, the superintendent of insurance, or a 56116
person appointed by ~~him~~ the superintendent, may examine the 56117
financial affairs of any insurer. 56118

(2) The superintendent, or any person appointed by ~~him~~ the 56119
superintendent, may examine, as often as ~~he~~ the superintendent or 56120
appointee considers it desirable, the affairs of any insurer and 56121
of any person as to any matter relevant to the financial affairs 56122
of the insurer or to the examination. 56123

(3) The superintendent, or any person appointed by ~~him~~ the 56124
superintendent, shall examine each domestic insurer at least once 56125
every three years as to its condition, fulfillment of its 56126
contractual obligations, and compliance with applicable laws, 56127
provided that ~~he~~ the superintendent or appointee may defer making 56128
the examination for a longer period not to exceed five years. 56129

(C) In scheduling and determining the nature, scope, and 56130
frequency of any examination authorized or required by division 56131
(B) of this section, the superintendent shall consider such 56132
matters as the results of financial statement analyses and ratios, 56133
changes in management or ownership, actuarial opinions, reports of 56134
independent certified public accountants, and any other criteria 56135
~~he~~ the superintendent considers appropriate. 56136

(D) The superintendent, in lieu of making any examination 56137
authorized or required by division (B) of this section, may accept 56138
the report of an examination of a foreign or alien insurer made 56139
and certified by the superintendent of insurance or other 56140
insurance supervisory official of the state or government of 56141
domicile or state of entry. The examination of an alien insurer 56142
shall be limited to its United States business except as otherwise 56143
required by the superintendent. 56144

(E) Whenever the superintendent determines to examine the 56145
affairs of any insurer pursuant to any examination authorized or 56146

required by division (B) of this section, ~~he~~ the superintendent 56147
shall appoint as examiners one or more competent persons not 56148
employed by or interested in any insurer except as a policyholder. 56149
The superintendent shall instruct the examiners as to the scope of 56150
the examination. 56151

Each examiner appointed under this division shall have 56152
convenient access at all reasonable hours to the books, records, 56153
files, securities, and other documents of the insurer, its 56154
managers, agents, or other persons that are relevant to the 56155
examination. The examiner may administer oaths and examine any 56156
person under oath as to any matter relevant to the affairs of the 56157
insurer or the examination. 56158

(F) If the superintendent finds the accounts of an insurer 56159
being examined pursuant to any examination authorized or required 56160
by division (B) of this section to be inadequate or improperly 56161
kept or posted and if the insurer has been afforded a reasonable 56162
opportunity to correct the accounts, the superintendent may employ 56163
or require the insurer to employ experts to rewrite, post, or 56164
balance the accounts. The employment of experts under this 56165
division shall be at the expense of the insurer. 56166

(G) In connection with any examination authorized or required 56167
by division (B) of this section, the superintendent may appoint 56168
one or more competent persons to appraise the real property of the 56169
insurer or any real property on which the insurer holds security. 56170

(H) The examiner in charge of any examination authorized or 56171
required by division (B) of this section shall make a true report 56172
of the examination, verified under oath, that shall comprise only 56173
facts appearing upon the books, records, or other documents of the 56174
insurer or its agents or other persons examined, or as ascertained 56175
from the sworn testimony of its officers or agents or other 56176
persons examined concerning its affairs, and such conclusions and 56177
recommendations as may be reasonably warranted from those facts. 56178

The reports so verified shall be prima-facie evidence in any 56179
action or proceeding for the rehabilitation or liquidation of the 56180
insurer brought in the name of the state against the insurer or 56181
its officers or agents. 56182

(I) The examined insurer, within thirty days after the 56183
postmark on the envelope in which the report was mailed, may file 56184
with the superintendent written objections to the report. The 56185
objections shall be attached to and made a part of the report, 56186
which then shall be placed in the files of the department of 56187
insurance as a public record. 56188

(J)(1) The officers, directors, managers, employees, and 56189
agents of an insurer shall facilitate in every way any examination 56190
authorized or required by division (B) of this section and, to the 56191
extent of their authority, aid the examiners and persons appointed 56192
or employed pursuant to divisions (E), (F), and (G) of this 56193
section in conducting the examination. 56194

(2) No officer, director, manager, employee, or agent of an 56195
insurer shall do any of the following: 56196

(a) Fail to comply with division (J)(1) of this section; 56197

(b) Refuse, without just cause, to be examined under oath; 56198

(c) Knowingly obstruct or interfere with an examiner or any 56199
person appointed or employed pursuant to division (E), (F), or (G) 56200
of this section in the exercise of his the examiner's, 56201
appointee's, or employee's authority under this section. 56202

(3) No insurer shall refuse to submit to an examination 56203
authorized or required by division (B) of this section. The 56204
superintendent, in accordance with Chapter 119. of the Revised 56205
Code, may suspend or revoke or refuse to issue or renew the 56206
license of any insurer that violates division (J)(3) of this 56207
section. 56208

(K) Personnel conducting an examination shall be compensated 56209
for each day or portion thereof worked at the rates provided in 56210
the examiners' handbook published by the national association of 56211
insurance commissioners or the rates applicable to such personnel 56212
under section 124.15 or 124.152 of the Revised Code, whichever are 56213
higher. Such personnel shall also be reimbursed for their travel 56214
and living expenses at rates not to exceed the rates provided in 56215
the examiners' handbook published by the association. Personnel 56216
who are appointed by the superintendent, but are not employees of 56217
the department of insurance, shall be compensated for their work 56218
and travel and living expenses at reasonable and customary rates. 56219

(L) If an examination is made of any insurer, the expenses 56220
thereof shall be paid by the insurer. 56221

The superintendent shall provide each insurer with an 56222
itemized statement of the expenses incurred in the performance of 56223
the examination functions authorized or required by this section. 56224
Upon receipt of the superintendent's statement, the insurer shall 56225
remit the amount thereof to the superintendent who shall remit to 56226
the treasurer of state pursuant to section ~~3901.071~~ 3901.021 of 56227
the Revised Code for deposit in the ~~superintendent's examination~~ 56228
department of insurance operating fund. 56229

(M) As used in this section, "expenses" means: 56230

(1) The entire compensation for each day or portion thereof 56231
worked by all personnel, including those who are not employees of 56232
the department of insurance, in: 56233

(a) The conduct of such examination calculated at the rates 56234
provided in the examiners' handbook published by the national 56235
association of insurance commissioners; 56236

(b) The review and analysis of the annual and any interim 56237
financial statements of insurers licensed in this state; 56238

(c) The ongoing evaluation and monitoring of the financial 56239

affairs of licensed insurers;	56240
(d) The preparation of the premium or franchise tax liability of licensed insurers;	56241 56242
(e) The review and evaluation of foreign and alien insurers seeking a license in this state;	56243 56244
(f) A portion of the training and continuing education costs of examiners.	56245 56246
(2) Travel and living expenses of all personnel, including those who are not employees of the department, directly engaged in the conduct of such examination calculated at rates not to exceed the rates provided in the examiners' handbook published by the association;	56247 56248 56249 56250 56251
(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;	56252 56253
(4) An allocated share of all expenses not paid as described in division (M)(1), (2), or (3) of this section that are necessarily incurred in carrying out the duties of the superintendent under this section, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section.	56254 56255 56256 56257 56258 56259 56260
Sec. 3901.071. All moneys collected by the superintendent of insurance for expenses incurred by the superintendent in conducting examinations pursuant to the Revised Code of the financial affairs of any insurance company doing business in this state, for which the insurance company examined is required to pay the costs, shall be paid to the superintendent. The superintendent shall deposit the money in the state treasury to the credit of the superintendent's examination fund, which is hereby established. Any funds expended or obligated therefrom by the superintendent	56261 56262 56263 56264 56265 56266 56267 56268 56269

~~shall be expended or obligated solely for defrayment of the costs~~ 56270
~~of examinations of the financial affairs of insurance companies~~ 56271
~~made by the superintendent pursuant to the Revised Code department~~ 56272
~~of insurance operating fund.~~ For purposes of this section, 56273
"insurance company" means any domestic or foreign stock company, 56274
risk retention group, mutual company, mutual protective 56275
association, fraternal benefit society, reciprocal or 56276
inter-insurance exchange, and health insuring corporation, 56277
regardless of the type of coverage written, benefits provided, or 56278
guarantees made by each. 56279

Sec. 3902.63. (A) As used in this section, "licensed health 56280
professional" means the following: 56281

(1) A physician authorized under Chapter 4731. of the Revised 56282
Code to practice medicine and surgery or osteopathic medicine and 56283
surgery; 56284

(2) An advanced practice registered nurse who holds a 56285
current, valid license issued under Chapter 4723. of the Revised 56286
Code that authorizes the practice of nursing as an advanced 56287
practice registered nurse and is designated as a clinical 56288
specialist, certified nurse-midwife, or certified nurse 56289
practitioner; 56290

(3) A physician assistant licensed under Chapter 4730. of the 56291
Revised Code. 56292

(B) A health benefit plan shall cover pasteurized human donor 56293
milk and human milk fortifiers, in both hospital and home 56294
settings, for an infant whose gestationally corrected age is less 56295
than twelve months, if all of the following apply: 56296

(1) A licensed health professional signs an order stating 56297
that human donor milk or human milk fortifiers are medically 56298
necessary because the infant meets any of the following criteria: 56299

(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels. 56300
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(b) The infant has a gestational age at birth of thirty-four weeks or less. 56302
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(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant. 56304
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(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 56308
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(C) Reimbursement for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services. 56313
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(D) The superintendent of insurance may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 56316
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Sec. 3919.19. Each corporation, company, or association organized under section 3919.01 of the Revised Code and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the 56319
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~~superintendent's examination~~ department of insurance operating 56330
fund. 56331

Sec. 3921.28. (A)(1) Each domestic fraternal benefit society 56332
and each applicant for a certificate of incorporation as a 56333
domestic fraternal benefit society shall be subject to examination 56334
by the superintendent of insurance in accordance with section 56335
3901.07 of the Revised Code. Section 3901.07 of the Revised Code 56336
shall govern every aspect of the examination, including the 56337
circumstances under and frequency with which it is conducted, and 56338
the authority of the superintendent and any examiner or other 56339
person appointed by the superintendent. 56340

(2)(a) A domestic fraternal benefit society shall be liable 56341
for the payment of any additional expense of an examination 56342
resulting from unreasonable delays by the society in fulfilling a 56343
request for documents or information by the examiner conducting 56344
the examination. A delay is deemed unreasonable if the examiner 56345
has made two separate unfulfilled requests for the same documents 56346
or information. A request for records or information from an 56347
examiner shall allow the fraternal benefit society a minimum of 56348
ten business days to fulfill the request. 56349

(b) In the event of an unreasonable delay, the examiner shall 56350
notify the superintendent, who shall set a hearing, under Chapter 56351
119. of the Revised Code, to determine if there has been an 56352
unreasonable delay because of the fraternal benefit society's 56353
response to a request for documents or information and to 56354
calculate the additional expense incurred by the superintendent as 56355
a result of the unreasonable delay. 56356

(3) A summary of the examination of the superintendent and 56357
any recommendations or statements of the superintendent that 56358
accompany the report, shall be read at the first meeting of the 56359
board of directors or corresponding body of the society following 56360

the receipt thereof, and if directed so to do by the 56361
superintendent, shall also be read at the first meeting of the 56362
supreme legislative or governing body of the society following the 56363
receipt thereof. A copy of the report, recommendations, and 56364
statements of the superintendent shall be furnished by the society 56365
to each member of the board of directors or other governing body. 56366

(B) Each foreign or alien fraternal benefit society 56367
transacting or applying for admission to transact business in this 56368
state shall be subject to examination by the superintendent in 56369
accordance with section 3901.07 of the Revised Code. Section 56370
3901.07 of the Revised Code shall govern every aspect of the 56371
examination, including the circumstances under and frequency with 56372
which it is conducted, the authority of the superintendent and any 56373
examiner or other person appointed by the superintendent, the 56374
liability for the assessment of expenses incurred in conducting 56375
the examination, and the remittance of the assessment to the 56376
~~superintendent's examination~~ department of insurance operating 56377
fund. 56378

Sec. 3930.13. The Ohio commercial insurance joint 56379
underwriting association shall be subject to examination by the 56380
superintendent of insurance in accordance with section 3901.07 of 56381
the Revised Code. Section 3901.07 of the Revised Code shall govern 56382
every aspect of the examination, including the circumstances under 56383
and frequency with which it is conducted, the authority of the 56384
superintendent and any examiner or other person appointed by the 56385
superintendent, the liability for the assessment of expenses 56386
incurred in conducting the examination, and the remittance of the 56387
assessment to the ~~superintendent's examination~~ department of 56388
insurance operating fund. 56389

Sec. 3931.08. Each attorney designated under section 3931.01 56390
of the Revised Code and each applicant for a license under section 56391

3931.10 of the Revised Code shall be subject to examination by the 56392
superintendent of insurance in accordance with section 3901.07 of 56393
the Revised Code. Section 3901.07 of the Revised Code shall govern 56394
every aspect of the examination, including the circumstances under 56395
and frequency with which it is conducted, the authority of the 56396
superintendent and any examiner or other person appointed by the 56397
superintendent, the liability for the assessment of expenses 56398
incurred in conducting the examination, and the remittance of the 56399
assessment to the ~~superintendent's examination~~ department of 56400
insurance operating fund. 56401

As used in section "expenses" means those items included 56402
under division (M) of section 3901.07 of the Revised Code. 56403

Sec. 3959.12. (A) Any license issued under sections 3959.01 56404
to 3959.16 of the Revised Code may be suspended for a period not 56405
to exceed two years, revoked, or not renewed by the superintendent 56406
of insurance after notice to the licensee and hearing in 56407
accordance with Chapter 119. of the Revised Code. The 56408
superintendent may suspend, revoke, or refuse to renew a license 56409
if upon investigation and proof the superintendent finds that the 56410
licensee has done any of the following: 56411

(1) Knowingly violated any provision of sections 3959.01 to 56412
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 56413
the superintendent; 56414

(2) Knowingly made a material misstatement in the application 56415
for the license; 56416

(3) Obtained or attempted to obtain a license through 56417
misrepresentation or fraud; 56418

(4) Misappropriated or converted to the licensee's own use or 56419
improperly withheld insurance company premiums or contributions 56420
held in a fiduciary capacity, excluding, however, any interest 56421

earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor; 56422
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(5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices; 56424
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(6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent; 56426
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(7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code; 56429
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(8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code; 56433
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(9) Been convicted of a financially related felony; 56437

(10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code. 56438
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(B) Upon receipt of notice of the order of suspension in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code. 56440
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(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years. 56445
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(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, 56449
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the superintendent finds that the licensee has done either of the following: 56452
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(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services; 56454
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(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section. 56457
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Sec. 3964.03. (A) A captive insurance company shall be organized under Chapter 1701., 1702., 1705., or 1706. of the Revised Code. 56460
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(B) A captive insurance company shall not operate in this state unless all of the following are met: 56463
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(1) The captive insurance company obtains from the superintendent a license to do the business of captive insurance in this state. 56465
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(2) The captive insurance company's board of directors holds at least one meeting each year in this state. 56468
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(3) The captive insurance company maintains its principal place of business in this state. 56470
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(4) The person managing the captive insurance company is a resident of this state. 56472
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(5) The captive insurance company appoints a registered agent to accept service of process and act on its behalf in this state. 56474
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(C) Whenever an agent required under division (B)(5) of this section cannot, with reasonable diligence, be found at the registered office of the captive insurance company, the superintendent shall be an agent of such a captive insurance company upon whom any process, notice, or demand may be served. 56476
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- (D) A captive insurance company seeking a license to be a captive insurance company in this state shall file an application with the superintendent and shall submit all of the following along with the application:
- (1) A certified copy of its articles of incorporation, bylaws, or other organizational document and code of regulations;
 - (2) A statement, made under oath by the president and secretary, in a form prescribed by the superintendent, showing the captive insurance company's financial condition;
 - (3) A statement of the captive insurance company's assets relative to its risks, detailing the amount of assets and their liquidity;
 - (4) An account of the adequacy of the expertise, experience, and character of the person or persons who will manage the captive insurance company;
 - (5) An account of the loss prevention programs of the persons that the captive insurance company insures;
 - (6) Actuarial assumptions and methodologies that will be utilized in calculating reserves;
 - (7) Any other information considered necessary by the superintendent to determine whether the proposed captive insurance company will be able to meet its obligations.
- (E)(1) A special purpose financial captive insurance company shall follow the national association of insurance commissioner's accounting practices and procedures manual.
- (2)(a) Upon request, the superintendent may allow a special purpose financial captive insurance company to use a reserve basis other than that found in the national association of insurance commissioner's accounting practices and procedures manual.
 - (b) The superintendent, in accordance with Chapter 119. of

the Revised Code, shall adopt rules that define acceptable 56511
alternative reserve bases. 56512

(c) Such rules shall be adopted prior to availability for use 56513
of any such alternative reserve basis and shall ensure that the 56514
resulting reserves meet all of the following conditions: 56515

(i) Quantify the benefits and guarantees, and the funding, 56516
associated with the contracts and their risks at a level of 56517
conservatism that reflects conditions that include unfavorable 56518
events that have a reasonable probability of occurring during the 56519
lifetime of the contracts. For policies or contracts with 56520
significant tail risk, reflects conditions appropriately adverse 56521
to quantify the tail risk. 56522

(ii) Incorporate assumptions, risk analysis methods, and 56523
financial models and management techniques that are consistent 56524
with, but not necessarily identical to, those utilized within the 56525
company's overall risk assessment process, while recognizing 56526
potential differences in financial reporting structures and any 56527
prescribed assumptions or methods; 56528

(iii) Provide margins for uncertainty including adverse 56529
deviation and estimation error, such that the greater the 56530
uncertainty the larger the margin and resulting reserve. 56531

(d) An alternative basis for calculating a reserve approved 56532
by the superintendent shall be treated as a public document after 56533
the date the alternative basis for calculating the reserve has 56534
been approved, regardless of the application of the uniform trade 56535
secrets act set forth in sections 1333.61 to 1333.69 of the 56536
Revised Code. 56537

(3) The special purpose financial captive insurance company 56538
shall submit a request for an alternative reserve basis in 56539
writing, and affirmed by the company's appointed actuary, that 56540
includes, at a minimum, the following information for the 56541

superintendent to consider in evaluating the request: 56542

(a) The reserves based on the national association of 56543
insurance commissioner's accounting practices and procedures 56544
manual and the reserves based on the proposed alternative method 56545
for calculation and the difference between these two calculations; 56546

(b) A detailed analysis of the proposed alternative method 56547
explaining why the use of an alternative basis for calculating the 56548
reserve is appropriate; 56549

(c) All assumptions utilized within the proposed alternative 56550
method, together with the source of the assumptions, as well as 56551
information, satisfactory to the superintendent, supporting the 56552
appropriateness of the assumptions and analysis and identifying 56553
the assumptions that result in the greatest variability in the 56554
reserve and how that analysis was used in setting those 56555
assumptions; 56556

(d) A detailed overview of the corporate governance and 56557
oversight of the actuarial valuation function; 56558

(e) Any other information the superintendent may require to 56559
assess the proposed alternative method for approval or 56560
disapproval. 56561

(4) At the expense of the special purpose financial captive 56562
insurance company, the superintendent may require the company to 56563
secure the affirmation of an independent qualified actuary in 56564
support of any alternative basis for calculating the reserve that 56565
is requested pursuant to this section or to assist the 56566
superintendent in the review of said request. 56567

(5) If the superintendent approves the use of an alternative 56568
basis for calculating a reserve, the special purpose financial 56569
captive insurance company, and the ceding insurer shall each 56570
include a note in its financial statements disclosing the use of a 56571
basis other than the national association of insurance 56572

commissioner's accounting practices and procedures manual and the 56573
difference between the reserve amount determined under the 56574
alternative basis and the reserve amount that would have been 56575
determined had the company utilized the national association of 56576
insurance commissioner's accounting practices and procedures 56577
manual. 56578

(6)(a) The superintendent shall establish an acceptable total 56579
capital and surplus requirement for each insurance company that 56580
will cede risks and obligations to a special purpose financial 56581
captive insurance company. The total capital and surplus 56582
requirement must be met at the time the special purpose financial 56583
captive insurance company applies for a license to do the business 56584
of captive insurance. The total capital and surplus requirement 56585
shall be determined in accordance with a minimum required total 56586
capital and surplus methodology that meets both of the following 56587
requirements: 56588

(i) Is consistent with current risk-based capital principles; 56589

(ii) Takes into account all material risks and obligations, 56590
as well as the assets, of the insurance company. 56591

(b) An insurance company ceding risks and obligations to a 56592
special purpose financial captive insurance company shall fully 56593
disclose all material risks and obligations, as well as its assets 56594
and all affiliated captive insurance company risks. The ceding 56595
insurance company shall advise the superintendent whenever there 56596
is a material change to such risks, obligations, or assets. 56597

(F) In determining whether to approve an application for a 56598
license, the superintendent shall consider all of the following: 56599

(1) The character, reputation, financial standing, and 56600
purposes of the incorporators, or other founders, of the captive 56601
insurance company; 56602

(2) The character, reputation, financial responsibility, 56603

experience relating to insurance, and business qualifications of 56604
the officers and directors of the captive insurance company; 56605

(3) The amount of liquidity and assets of the captive 56606
insurance company relative to the risks to be assumed; 56607

(4) The adequacy of the expertise, experience, and character 56608
of the person or persons who will manage the captive insurance 56609
company; 56610

(5) The overall soundness of the plan of operation; 56611

(6) The adequacy of the loss prevention programs of the 56612
persons that the captive insurance company insures. 56613

(G)(1) Each captive insurance company that offers direct 56614
insurance to its parent shall submit to the superintendent for 56615
approval a detailed description of the coverages, deductibles, 56616
coverage limits, proposed rates or rating plans, documentation 56617
from a qualified actuary that demonstrates the actuarial soundness 56618
of the proposed rates or rating plans, and other such additional 56619
information as the superintendent may require. 56620

(2)(a) Any captive insurance company licensed under the 56621
provisions of this chapter that seeks to make any material change 56622
to any item described in division (G)(1) of this section shall 56623
submit to the superintendent for approval a detailed description 56624
of the revision, documentation from a qualified actuary that 56625
demonstrates the actuarial soundness of the revised rates or 56626
rating plans, and other such additional information as the 56627
superintendent may require. 56628

(b) Each filing under division (G)(2)(a) of this section is 56629
deemed approved thirty days after the filing is received by the 56630
superintendent of insurance, unless the filing is disapproved by 56631
the superintendent during that thirty-day period. 56632

(c) If at any time subsequent to the thirty-day review period 56633

the superintendent finds that a filing does not demonstrate 56634
actuarial soundness, the superintendent shall hold a hearing 56635
requiring the captive insurance company to show cause why an order 56636
should not be made by the superintendent to disapprove the revised 56637
rates or rating plans. 56638

(d) If, upon such a hearing, the superintendent finds that 56639
the captive insurance company failed to demonstrate the actuarial 56640
soundness of the rates or rating plans, the superintendent shall 56641
issue an order directing the captive insurance company to cease 56642
and desist from using the revised rates or rating plans and to use 56643
rates or rating plans as determined appropriate by the 56644
superintendent. 56645

(H) Except as otherwise provided in this division, documents 56646
and information submitted by a captive insurance company pursuant 56647
to this section are not subject to section 149.43 of the Revised 56648
Code, and are confidential, and may not be disclosed by the 56649
superintendent or any employee of the department of insurance 56650
without the written consent of the company. 56651

(1) Such documents and information may be discoverable in a 56652
civil action in which the captive insurance company filing the 56653
material is a party upon a finding by a court of competent 56654
jurisdiction that the information sought is relevant and necessary 56655
to the case and the information sought is unavailable from other, 56656
nonconfidential sources. 56657

(2) The superintendent may, at the superintendent's sole 56658
discretion, share documents required under this section with the 56659
chief deputy rehabilitator, the chief deputy liquidator, other 56660
deputy rehabilitators and liquidators, and any other person 56661
employed by, or acting on behalf of the superintendent pursuant to 56662
Chapter 3901. or 3903. of the Revised Code, with other local, 56663
state, federal, and international regulatory and law enforcement 56664
agencies, with local, state, and federal prosecutors, and with the 56665

national association of insurance commissioners and its affiliates 56666
and subsidiaries provided that the recipient agrees to maintain 56667
the confidential or privileged status of the documents and has 56668
authority to do so. 56669

(I)(1) Each applicant for a license to do the business of a 56670
captive insurance company in this state shall pay to the 56671
superintendent a nonrefundable fee of five hundred dollars for 56672
processing its application for a license. The superintendent is 56673
authorized to retain legal, financial, and examination services 56674
from outside the department, at the expense of the applicant. Each 56675
captive insurance company shall annually pay a license renewal fee 56676
of five hundred dollars. 56677

(2) The fees collected pursuant to division (I)(1) of this 56678
section shall be deposited into the state treasury to the credit 56679
of the ~~captive department of insurance regulation and supervision~~ 56680
~~operating fund created under section 3964.15 of the Revised Code.~~ 56681

Sec. 3964.13. (A)(1) Not later than the second day of March 56682
of each year, a captive insurance company shall pay to the 56683
superintendent of insurance a fee computed in accordance with both 56684
of the following: 56685

(a) 0.35 per cent on its net direct premiums; 56686

(b) 0.15 per cent on revenue from assumed reinsurance 56687
premiums. 56688

(2) The annual minimum aggregate fee to be paid by a captive 56689
insurance company calculated under this division shall be seven 56690
thousand five hundred dollars. The annual maximum aggregate fee to 56691
be paid by a captive insurance company calculated under this 56692
division shall be two hundred fifty thousand dollars. 56693

(B) The fee on reinsurance premiums set forth under division 56694
(A)(1)(b) of this section shall not be levied on premiums for 56695

risks or portions of risks that are subject to the fee under 56696
division (A)(1)(a) of this section. 56697

(C) A captive insurance company shall not pay any reinsurance 56698
fee pursuant to division (A)(1)(b) of this section on revenue 56699
related to the receipt of assets by the captive insurance company 56700
in exchange for the assumption of loss reserves and other 56701
liabilities of another insurance company that is under common 56702
ownership and control with the captive insurance company, if the 56703
transaction is part of a plan to discontinue the operation of the 56704
other insurance company and the intent of the exchange is to renew 56705
or maintain such business with the captive insurance company. 56706

(D)(1) The fee imposed in division (A) of this section shall 56707
be calculated on an annual basis, notwithstanding policies, 56708
contracts, insurance, or contracts of reinsurance issued on a 56709
multi-year basis. 56710

(2) In the case of multi-year policies or contracts, the 56711
premium shall be prorated for purposes of determining the fee 56712
required under division (A) of this section. 56713

(E) All fees collected under this section shall be deposited 56714
into the state treasury to the credit of the ~~captive~~ department of 56715
insurance ~~regulation and supervision~~ operating fund. 56716

Sec. 3964.15. (A) ~~There is hereby created in the state~~ 56717
~~treasury the captive insurance regulation and supervision fund,~~ 56718
~~which shall consist of all fees, fines, penalties, and assessments~~ 56719
~~received by the superintendent under this chapter.~~ 56720

~~(B)~~ The superintendent may charge captive insurance companies 56721
for any of the following expenses incurred in carrying out this 56722
chapter: 56723

(1) The entire compensation for each day, or portion thereof, 56724
worked by all personnel, including those who are not employees of 56725

the department of insurance, in any of the following capacities:	56726
(a) The conduct of an examination, calculated at the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners;	56727 56728 56729
(b) The review and analysis of a company's annual report submitted pursuant to section 3964.07 of the Revised Code, and any interim financial statements and examination reports or related documents of captive insurance companies in this state;	56730 56731 56732 56733
(c) The ongoing evaluation and monitoring of the financial affairs of captive insurance companies;	56734 56735
(d) The determination and review of the premium franchise fee liability of a captive insurance company;	56736 56737
(e) The training and continuing education costs of examiners and analysts.	56738 56739
(2) Travel and living expenses of all personnel, including those who are not employees of the department of insurance, directly engaged in the conduct of an examination calculated at rates not to exceed the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners;	56740 56741 56742 56743 56744 56745
(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;	56746 56747
(4) An allocated share of all expenses not described in division (B) (1) <u>(A)(1)</u> , (2), or (3) of this section, but that are necessarily incurred in carrying out the duties of the superintendent under this chapter, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to section 3964.08 of the Revised Code.	56748 56749 56750 56751 56752 56753 56754
(C) <u>(B)</u> All amounts collected by the superintendent under	56755

division ~~(B)~~(A) of this section shall be deposited into the state 56756
treasury to the credit of the ~~captive~~ department of insurance 56757
~~regulation and supervision~~ operating fund. 56758

~~(D) At the discretion of the superintendent, the expenses of~~ 56759
~~the captive insurance regulation and supervision fund may be~~ 56760
~~covered by the department of insurance operating fund created~~ 56761
~~under section 3901.021 of the Revised Code.~~ 56762

~~(E)~~(C) As used in this section, "examination" means the 56763
examination required under section 3964.08 of the Revised Code. 56764

Sec. 4117.14. (A) The procedures contained in this section 56765
govern the settlement of disputes between an exclusive 56766
representative and a public employer concerning the termination or 56767
modification of an existing collective bargaining agreement or 56768
negotiation of a successor agreement, or the negotiation of an 56769
initial collective bargaining agreement. 56770

(B)(1) In those cases where there exists a collective 56771
bargaining agreement, any public employer or exclusive 56772
representative desiring to terminate, modify, or negotiate a 56773
successor collective bargaining agreement shall: 56774

(a) Serve written notice upon the other party of the proposed 56775
termination, modification, or successor agreement. The party must 56776
serve the notice not less than sixty days prior to the expiration 56777
date of the existing agreement or, in the event the existing 56778
collective bargaining agreement does not contain an expiration 56779
date, not less than sixty days prior to the time it is proposed to 56780
make the termination or modifications or to make effective a 56781
successor agreement. 56782

(b) Offer to bargain collectively with the other party for 56783
the purpose of modifying or terminating any existing agreement or 56784
negotiating a successor agreement; 56785

(c) Notify the state employment relations board of the offer 56786
by serving upon the board a copy of the written notice to the 56787
other party and a copy of the existing collective bargaining 56788
agreement. 56789

(2) In the case of initial negotiations between a public 56790
employer and an exclusive representative, where a collective 56791
bargaining agreement has not been in effect between the parties, 56792
any party may serve notice upon the board and the other party 56793
setting forth the names and addresses of the parties and offering 56794
to meet, for a period of ninety days, with the other party for the 56795
purpose of negotiating a collective bargaining agreement. 56796

If the settlement procedures specified in divisions (B), (C), 56797
and (D) of this section govern the parties, where those procedures 56798
refer to the expiration of a collective bargaining agreement, it 56799
means the expiration of the sixty-day period to negotiate a 56800
collective bargaining agreement referred to in this subdivision, 56801
or in the case of initial negotiations, it means the ninety-day 56802
period referred to in this subdivision. 56803

(3) The parties shall continue in full force and effect all 56804
the terms and conditions of any existing collective bargaining 56805
agreement, without resort to strike or lock-out, for a period of 56806
sixty days after the party gives notice or until the expiration 56807
date of the collective bargaining agreement, whichever occurs 56808
later, or for a period of ninety days where applicable. 56809

(4) Upon receipt of the notice, the parties shall enter into 56810
collective bargaining. 56811

(C) In the event the parties are unable to reach an 56812
agreement, they may submit, at any time prior to forty-five days 56813
before the expiration date of the collective bargaining agreement, 56814
the issues in dispute to any mutually agreed upon dispute 56815
settlement procedure which supersedes the procedures contained in 56816

this section.	56817
(1) The procedures may include:	56818
(a) Conventional arbitration of all unsettled issues;	56819
(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;	56820 56821
(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;	56822 56823
(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted;	56824 56825 56826 56827 56828
(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third member. Once appointed, the council shall make a final settlement of the issues submitted to it pursuant to division (G) of this section.	56829 56830 56831 56832 56833 56834 56835 56836 56837 56838
(f) Any other dispute settlement procedure mutually agreed to by the parties.	56839 56840
(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.	56841 56842 56843 56844 56845 56846

The board shall intervene and investigate the dispute to 56847
determine whether the parties have engaged in collective 56848
bargaining. 56849

If an impasse exists or forty-five days before the expiration 56850
date of the collective bargaining agreement if one exists, the 56851
board shall appoint a mediator to assist the parties in the 56852
collective bargaining process. 56853

(3) Any time after the appointment of a mediator, either 56854
party may request the appointment of a fact-finding panel. Within 56855
fifteen days after receipt of a request for a fact-finding panel, 56856
the board shall appoint a fact-finding panel of not more than 56857
three members who have been selected by the parties in accordance 56858
with rules established by the board, from a list of qualified 56859
persons maintained by the board. 56860

(a) The fact-finding panel shall, in accordance with rules 56861
and procedures established by the board that include the 56862
regulation of costs and expenses of fact-finding, gather facts and 56863
make recommendations for the resolution of the matter. The board 56864
shall by its rules require each party to specify in writing the 56865
unresolved issues and its position on each issue to the 56866
fact-finding panel. The fact-finding panel shall make final 56867
recommendations as to all the unresolved issues. 56868

(b) The board may continue mediation, order the parties to 56869
engage in collective bargaining until the expiration date of the 56870
agreement, or both. 56871

(4) The following guidelines apply to fact-finding: 56872

(a) The fact-finding panel may establish times and place of 56873
hearings which shall be, where feasible, in the jurisdiction of 56874
the state. 56875

(b) The fact-finding panel shall conduct the hearing pursuant 56876
to rules established by the board. 56877

(c) Upon request of the fact-finding panel, the board shall 56878
issue subpoenas for hearings conducted by the panel. 56879

(d) The fact-finding panel may administer oaths. 56880

(e) The board shall prescribe guidelines for the fact-finding 56881
panel to follow in making findings. In making its recommendations, 56882
the fact-finding panel shall take into consideration the factors 56883
listed in divisions (G)(7)(a) to (f) of this section. 56884

(f) The fact-finding panel may attempt mediation at any time 56885
during the fact-finding process. From the time of appointment 56886
until the fact-finding panel makes a final recommendation, it 56887
shall not discuss the recommendations for settlement of the 56888
dispute with parties other than the direct parties to the dispute. 56889

(5) The fact-finding panel, acting by a majority of its 56890
members, shall transmit its findings of fact and recommendations 56891
on the unresolved issues to the public employer and employee 56892
organization involved and to the board no later than fourteen days 56893
after the appointment of the fact-finding panel, unless the 56894
parties mutually agree to an extension. The parties shall share 56895
the cost of the fact-finding panel in a manner agreed to by the 56896
parties. 56897

(6)(a) Not later than seven days after the findings and 56898
recommendations are sent, the legislative body, by a three-fifths 56899
vote of its total membership, and in the case of the public 56900
employee organization, the membership, by a three-fifths vote of 56901
the total membership, may reject the recommendations; if neither 56902
rejects the recommendations, the recommendations shall be deemed 56903
agreed upon as the final resolution of the issues submitted and a 56904
collective bargaining agreement shall be executed between the 56905
parties, including the fact-finding panel's recommendations, 56906
except as otherwise modified by the parties by mutual agreement. 56907
If either the legislative body or the public employee organization 56908

rejects the recommendations, the board shall publicize the 56909
findings of fact and recommendations of the fact-finding panel. 56910
The board shall adopt rules governing the procedures and methods 56911
for public employees to vote on the recommendations of the 56912
fact-finding panel. 56913

(b) As used in division (C)(6)(a) of this section, 56914
"legislative body" means the controlling board when the state or 56915
any of its agencies, authorities, commissions, boards, or other 56916
branch of public employment is party to the fact-finding process. 56917

(D) If the parties are unable to reach agreement within seven 56918
days after the publication of findings and recommendations from 56919
the fact-finding panel or the collective bargaining agreement, if 56920
one exists, has expired, then the: 56921

(1) Public employees, who are members of a police or fire 56922
department, members of the state highway patrol, deputy sheriffs, 56923
dispatchers employed by a police, fire, or sheriff's department or 56924
the state highway patrol or civilian dispatchers employed by a 56925
public employer other than a police, fire, or sheriff's department 56926
to dispatch police, fire, sheriff's department, or emergency 56927
medical or rescue personnel and units, an exclusive nurse's unit, 56928
employees of ~~the state school for the deaf or the state school for~~ 56929
~~the blind~~ Ohio deaf and blind education services, employees of any 56930
public employee retirement system, corrections officers, guards at 56931
penal or mental institutions, special police officers appointed in 56932
accordance with sections 5119.08 and 5123.13 of the Revised Code, 56933
psychiatric attendants employed at mental health forensic 56934
facilities, youth leaders employed at juvenile correctional 56935
facilities, or members of a law enforcement security force that is 56936
established and maintained exclusively by a board of county 56937
commissioners and whose members are employed by that board, shall 56938
submit the matter to a final offer settlement procedure pursuant 56939
to a board order issued forthwith to the parties to settle by a 56940

conciliator selected by the parties. The parties shall request 56941
from the board a list of five qualified conciliators and the 56942
parties shall select a single conciliator from the list by 56943
alternate striking of names. If the parties cannot agree upon a 56944
conciliator within five days after the board order, the board 56945
shall on the sixth day after its order appoint a conciliator from 56946
a list of qualified persons maintained by the board or shall 56947
request a list of qualified conciliators from the American 56948
arbitration association and appoint therefrom. 56949

(2) Public employees other than those listed in division 56950
(D)(1) of this section have the right to strike under Chapter 56951
4117. of the Revised Code provided that the employee organization 56952
representing the employees has given a ten-day prior written 56953
notice of an intent to strike to the public employer and to the 56954
board, and further provided that the strike is for full, 56955
consecutive work days and the beginning date of the strike is at 56956
least ten work days after the ending date of the most recent prior 56957
strike involving the same bargaining unit; however, the board, at 56958
its discretion, may attempt mediation at any time. 56959

(E) Nothing in this section shall be construed to prohibit 56960
the parties, at any time, from voluntarily agreeing to submit any 56961
or all of the issues in dispute to any other alternative dispute 56962
settlement procedure. An agreement or statutory requirement to 56963
arbitrate or to settle a dispute pursuant to a final offer 56964
settlement procedure and the award issued in accordance with the 56965
agreement or statutory requirement is enforceable in the same 56966
manner as specified in division (B) of section 4117.09 of the 56967
Revised Code. 56968

(F) Nothing in this section shall be construed to prohibit a 56969
party from seeking enforcement of a collective bargaining 56970
agreement or a conciliator's award as specified in division (B) of 56971
section 4117.09 of the Revised Code. 56972

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section: 56973
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(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time. 56975
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(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable. 56981
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(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position. 56984
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(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing. 56992
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(5) The conciliator may administer oaths. 56994

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact-finders. 56995
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(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers, taking into consideration the following: 57000
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- (a) Past collectively bargained agreements, if any, between the parties; 57004
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- (b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved; 57006
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- (c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service; 57011
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- (d) The lawful authority of the public employer; 57015
- (e) The stipulations of the parties; 57016
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. 57017
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- (8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code. 57023
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- (9) If more than one conciliator is used, the determination must be by majority vote. 57025
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- (10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board. 57027
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- (11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective 57032
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only at the start of the fiscal year next commencing after the 57034
date of the final offer settlement award; provided that if a new 57035
fiscal year has commenced since the issuance of the board order to 57036
submit to a final offer settlement procedure, the awarded 57037
increases may be retroactive to the commencement of the new fiscal 57038
year. The parties may, at any time, amend or modify a 57039
conciliator's award or order by mutual agreement. 57040

(12) The parties shall bear equally the cost of the final 57041
offer settlement procedure. 57042

(13) Conciliators appointed pursuant to this section shall be 57043
residents of the state. 57044

(H) All final offer settlement awards and orders of the 57045
conciliator made pursuant to Chapter 4117. of the Revised Code are 57046
subject to review by the court of common pleas having jurisdiction 57047
over the public employer as provided in Chapter 2711. of the 57048
Revised Code. If the public employer is located in more than one 57049
court of common pleas district, the court of common pleas in which 57050
the principal office of the chief executive is located has 57051
jurisdiction. 57052

(I) The issuance of a final offer settlement award 57053
constitutes a binding mandate to the public employer and the 57054
exclusive representative to take whatever actions are necessary to 57055
implement the award. 57056

Sec. 4117.15. (A) Whenever a strike by members of a police or 57057
fire department, members of the state highway patrol, deputy 57058
sheriffs, dispatchers employed by a police, fire, or sheriff's 57059
department or the state highway patrol or civilian dispatchers 57060
employed by a public employer other than a police, fire, or 57061
sheriff's department to dispatch police, fire, sheriff's 57062
department, or emergency medical or rescue personnel and units, an 57063
exclusive nurse's unit, employees of ~~the state school for the deaf~~ 57064

~~or the state school for the blind~~ Ohio deaf and blind education services, employees of any public employee retirement system, correction officers, guards at penal or mental institutions, or special police officers appointed in accordance with sections 5119.08 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, a strike by other public employees during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code, or a strike during the term or extended term of a collective bargaining agreement occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located.

(B) An unfair labor practice by a public employer is not a defense to the injunction proceeding noted in division (A) of this section. Allegations of unfair labor practices during the settlement procedures set forth in section 4117.14 of the Revised Code shall receive priority by the state employment relations board.

(C) No public employee is entitled to pay or compensation from the public employer for the period engaged in any strike.

Sec. 4121.443. (A) The bureau of workers' compensation may summarily suspend the certification of a provider to participate in the health partnership program created under sections 4121.44 and 4121.441 of the Revised Code without a prior hearing if the bureau determines any of the following apply to the provider:

(1) The professional license, certification, or registration held by the provider to practice the provider's profession has

been revoked or suspended for an indefinite period of time or for 57096
a period of more than thirty days, subsequent to the provider's 57097
certification to participate in the health partnership program. 57098

(2) The provider has been convicted of or has pleaded guilty 57099
to a violation of section 2913.48 or sections 2923.31 to 2923.36 57100
of the Revised Code or has been convicted of or pleaded guilty to 57101
any other criminal offense related to the delivery of or billing 57102
for health care services. 57103

(3) The bureau determines, by clear and convincing evidence, 57104
that the continued participation by the provider in the health 57105
partnership program presents a danger of immediate and serious 57106
harm to claimants. 57107

(B) The bureau shall ~~issue~~ serve a written order of summary 57108
suspension ~~by certified mail or in person~~ in accordance with 57109
~~section~~ sections 119.05 and 119.07 of the Revised Code. If the 57110
provider subject to the summary suspension requests an 57111
adjudicatory hearing by the bureau, the date set for the hearing 57112
shall be not later than fifteen days, but not earlier than seven 57113
days, after the provider requests the hearing, unless otherwise 57114
agreed to by both the bureau and the provider. 57115

(C) If an order issued pursuant to this section is appealed, 57116
the court may stay execution of the order and fix the terms of the 57117
stay, if the court finds both of the following: 57118

(1) That an unusual hardship to the appellant will result 57119
from execution of the order pending appeal; 57120

(2) That the health, safety, and welfare of the public will 57121
not be threatened by staying execution of the order pending 57122
appeal. 57123

(D) A court or agency order staying the suspension of a 57124
professional license, certification, or registration shall not 57125
affect the ability of the bureau to suspend the certification of a 57126

provider to participate in the health partnership program under 57127
this section. 57128

(E) The summary suspension of a certification of a provider 57129
under this section shall not affect the ability of that provider 57130
to receive payment for services rendered prior to the effective 57131
date of the suspension. 57132

(F) Any summary suspension imposed under this section shall 57133
remain in effect, unless reversed on appeal, until a final 57134
adjudication order issued by the bureau pursuant to this section 57135
and Chapter 119. of the Revised Code takes effect. The bureau 57136
shall issue its final adjudication order within seventy-five days 57137
after completion of its hearing. A failure to issue the order 57138
within the seventy-five-day time period shall result in 57139
dissolution of the summary suspension order but shall not 57140
invalidate any subsequent, final adjudication order. 57141

(G) As used in this section, "provider" does not include a 57142
hospital. 57143

Sec. 4123.543. (A) As used in this section, "customer model 57144
enterprise," "employer model enterprise," "inmate," and "federal 57145
prison industries enhancement certification program" have the same 57146
meanings as in section 5145.163 of the Revised Code. 57147

(B)(1) The department of rehabilitation and correction shall 57148
be considered the employer of an inmate for purposes of this 57149
chapter and Chapters 4121., 4127., and 4131. of the Revised Code 57150
if the inmate works in a customer model enterprise. 57151

(2) If the enterprise for which an inmate works is an 57152
employer model enterprise, the private participant of the 57153
enterprise shall be considered the employer of the inmate for 57154
purposes of this chapter. 57155

(C)(1) An inmate who is injured or who contracts an 57156

occupational disease arising out of participation in authorized 57157
work activity in the federal prison industries enhancement 57158
certification program may file a claim for compensation or 57159
benefits under this chapter and Chapters 4121., 4127., and 4131. 57160
of the Revised Code while the claimant is in the custody of the 57161
department. 57162

(2) The dependent of an inmate who is killed or dies as the 57163
result of an occupational disease contracted in the course of 57164
participation in authorized work activity in the federal prison 57165
industries enhancement certification program may file a claim for 57166
compensation and benefits under this chapter and Chapters 4121., 57167
4127., and 4131. of the Revised Code. 57168

(D) Notwithstanding any provision of this chapter or Chapter 57169
4121. of the Revised Code to the contrary, a claimant who files a 57170
claim pursuant to division (C)(1) of this section while in the 57171
custody of the department shall receive medical treatment and have 57172
medical determinations for purposes of this chapter and Chapter 57173
4121. of the Revised Code made by the department's medical 57174
providers. Medical determinations made by the department's 57175
providers shall be limited to initial claim allowances and 57176
requests for additional conditions. The claimant may request a 57177
review by the department's chief medical officer. In the event of 57178
an appeal, the claimant may receive a medical evaluation from a 57179
medical practitioner affiliated within the department's network of 57180
third-party medical contractors or a medical practitioner in a 57181
managed care organization certified by the bureau of workers' 57182
compensation under section 4121.44 of the Revised Code and located 57183
in Franklin county. 57184

(E) In accordance with division (J) of section 4123.54 of the 57185
Revised Code, compensation or benefits are not payable to a 57186
claimant during the period of confinement of the claimant in any 57187
correctional institution or county jail. Any remaining amount of 57188

an award of compensation or benefits for an injury or occupational 57189
disease arising out of participation in authorized work activity 57190
in the federal prison industries enhancement certification program 57191
shall be paid to or on behalf of a claimant after the claimant is 57192
released from imprisonment. If a claimant is reimprisoned, 57193
compensation and benefits shall be suspended during the claimant's 57194
imprisonment but shall resume on the claimant's release from 57195
imprisonment. 57196

(F) The administrator of workers' compensation may adopt 57197
rules necessary to implement this section. 57198

Sec. 4141.02. A nonprofit organization that does not meet the 57199
definition of employer for purposes of this chapter pursuant to 57200
division (A)(1)(a) of section 4141.01 of the Revised Code, and 57201
that does not elect to become an employer subject to this chapter 57202
pursuant to division (A)(4) of section 4141.01 of the Revised 57203
Code, shall notify the organization's employees upon hiring that 57204
the organization, and the employee's employment with the 57205
organization, are exempt from this chapter. 57206

Sec. 4141.21. (A) Except as provided in division (B) of this 57207
section 4141.162 of the Revised Code, and subject to section 57208
4141.43 of the Revised Code, the information maintained by the 57209
director of job and family services or the unemployment 57210
compensation review commission or furnished to the director or 57211
commission by employers or employees pursuant to this chapter is 57212
for the exclusive use and information of the department of job and 57213
family services and the commission in the discharge of their 57214
duties and shall not be open to the public or be used in any court 57215
in any action or proceeding pending therein, or be admissible in 57216
evidence in any action, other than one arising under this chapter 57217
or section 5733.42 of the Revised Code disclosed. All of the Such 57218
information is not a public record under section 149.43 of the 57219

<u>Revised Code.</u>	57220
<u>(B) The director may adopt rules in accordance with Chapter</u>	57221
<u>119. of the Revised Code to allow for the disclosure of</u>	57222
<u>information otherwise protected from disclosure under division (A)</u>	57223
<u>of this section that conform to requirements of federal law</u>	57224
<u>governing such disclosure, including rules that allow for the</u>	57225
<u>following:</u>	57226
<u>(1) The release of information by the consent of the director</u>	57227
<u>or the commission;</u>	57228
<u>(2) The release of information in accordance with sections</u>	57229
<u>1347.08, 4141.162, and 4141.43 of the Revised Code or in</u>	57230
<u>accordance with an order of a judge of a court of record;</u>	57231
<u>(3) The release of information about an individual or</u>	57232
<u>employer to that individual or employer, or to the individual's or</u>	57233
<u>employer's authorized representative, on request;</u>	57234
<u>(4) The release of information and records necessary or</u>	57235
<u>useful in the determination of any particular claim for benefits</u>	57236
<u>or necessary in verifying any charge to an employer's account</u>	57237
<u>under sections 4141.23 to 4141.26 of the Revised Code shall be</u>	57238
<u>available for examination and use by the employer and the employee</u>	57239
<u>involved or their authorized representatives in the hearing of</u>	57240
<u>such cases, and that information may be tabulated and published;</u>	57241
	57242
<u>(5) The release of information in statistical form for the</u>	57243
<u>use and information of the state departments and the public or an</u>	57244
<u>agency or other entity.</u>	57245
Sec. 4141.241. (A)(1) Any nonprofit organization described in	57246
division (X) of section 4141.01 of the Revised Code, which becomes	57247
subject to this chapter on or after January 1, 1972, shall pay	57248
contributions under section 4141.25 of the Revised Code, unless it	57249

elects, in accordance with this division, to pay to the director 57250
of job and family services for deposit in the unemployment 57251
compensation fund an amount in lieu of contributions equal to the 57252
amount of regular benefits plus one half of extended benefits paid 57253
from that fund that is attributable to service in the employ of 57254
the nonprofit organization to individuals whose service, during 57255
the base period of the claims, was within the effective period of 57256
such election. 57257

(2) Any nonprofit organization which becomes subject to this 57258
chapter after January 1, 1972, may elect to become liable for 57259
payments in lieu of contributions for a period of not less than 57260
the remainder of that calendar year and the next calendar year, 57261
beginning with the date on which such subjectivity begins, by 57262
filing a written notice of its election with the director not 57263
later than thirty days immediately following the date of the 57264
determination of such subjectivity. 57265

(3) Any nonprofit organization which makes an election in 57266
accordance with this division will continue to be liable for 57267
payments in lieu of contributions for the period described in this 57268
division and until it files with the director a written notice 57269
terminating its election. The notice shall be filed not later than 57270
thirty days prior to the beginning of the calendar year for which 57271
the termination is to become effective. 57272

(4) Any nonprofit organization which has been paying 57273
contributions for a period subsequent to January 1, 1972, may 57274
change to a reimbursable basis by filing with the director, not 57275
later than thirty days prior to the beginning of any calendar 57276
year, a written notice of election to become liable for payments 57277
in lieu of contributions. The election shall not be terminable by 57278
the organization during that calendar year and the next calendar 57279
year. 57280

(5) The director, in accordance with any rules the director 57281

prescribes, shall notify each nonprofit organization of any 57282
determination which the director may make of its status as an 57283
employer and of the effective date of any election which it makes 57284
and of any termination of the election. Any determinations shall 57285
be subject to reconsideration, appeal, and review in accordance 57286
with section 4141.26 of the Revised Code. 57287

(B) Except as provided in division (I) of section 4141.29 of 57288
the Revised Code, benefits based on service with a nonprofit 57289
organization granted a reimbursing status under this section shall 57290
be payable in the same amount, on the same terms, and subject to 57291
the same conditions, as benefits payable on the basis of other 57292
service subject to this chapter. Payments in lieu of contributions 57293
shall be made in accordance with this division and division (D) of 57294
section 4141.24 of the Revised Code. 57295

(1)(a) At the end of each calendar quarter, or at the end of 57296
any other period as determined by the director under division 57297
(D)(4) of section 4141.24 of the Revised Code, the director shall 57298
bill each nonprofit organization or group of such organizations 57299
which has elected to make payments in lieu of contributions for an 57300
amount equal to the full amount of regular benefits plus one half 57301
of the amount of extended benefits paid during such quarter or 57302
other prescribed period which is attributable to service in the 57303
employ of such organization. 57304

(b) In the computation of the amount of benefits to be 57305
charged to employers liable for payments in lieu of contributions, 57306
all benefits attributable to service described in division 57307
(B)(1)(a) of this section shall be computed and charged to such 57308
organization as described in division (D) of section 4141.24 of 57309
the Revised Code, and, except as provided in division (D)(2) of 57310
section 4141.24 of the Revised Code, no portion of the amount may 57311
be charged to the mutualized account established by division (B) 57312
of section 4141.25 of the Revised Code. 57313

(c) The director may prescribe regulations under which 57314
organizations, which have elected to make payments in lieu of 57315
contributions, may request permission to make such payments in 57316
equal installments throughout the year with an adjustment at the 57317
end of the year for any excess or shortage of the amount of such 57318
installment payments compared with the total amount of benefits 57319
actually charged the organization's account during the year. In 57320
making any adjustment, where the total installment payments are 57321
less than the actual benefits charged, the organization shall be 57322
liable for payment of the unpaid balance in accordance with 57323
division (B)(2) of this section. If the total installment payments 57324
exceed the actual benefits charged, all or part of the excess may, 57325
at the discretion of the director, be refunded or retained in the 57326
fund as part of the payments which may be required in the next 57327
year. 57328

(2) Payment of any bill rendered under division (B)(1) of 57329
this section shall be made not later than thirty days after the 57330
bill was mailed to the last known address of the organization or 57331
was otherwise delivered to it, unless there has been an 57332
application for review and redetermination in accordance with 57333
division (B)(4) of this section. 57334

(3) Payments made by an organization under this section shall 57335
not be deducted or deductible, in whole or in part, from the 57336
remuneration of individuals in the employ of the organization. 57337

(4) An organization may file an application for review and 57338
redetermination of the amounts appearing on any bill rendered to 57339
such organization under division (B)(1) of this section. The 57340
application shall be filed and determined under division (D)(4) of 57341
section 4141.24 of the Revised Code. 57342

(5) Past-due payments of amounts in lieu of contributions 57343
shall be subject to the same interest rates and collection 57344
procedures that apply to past-due contributions under sections 57345

4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 57346
to file a required quarterly report within the time prescribed by 57347
the director, the nonprofit organization shall be subject to a 57348
forfeiture pursuant to section 4141.20 of the Revised Code for 57349
each quarterly report that is not timely filed. 57350

All interest and forfeitures collected under this division 57351
shall be paid into the unemployment compensation special 57352
administrative fund as provided in section 4141.11 of the Revised 57353
Code. 57354

(6) All payments in lieu of contributions collected under 57355
this section shall be paid into the unemployment compensation fund 57356
as provided in section 4141.09 of the Revised Code. Any refunds of 57357
such payments shall be paid from the unemployment compensation 57358
fund, as provided in section 4141.09 of the Revised Code. 57359

(C)(1) Any nonprofit organization, or group of such 57360
organizations approved under division (D) of this section, that 57361
elects to become liable for payments in lieu of contributions 57362
shall be required within thirty days after the effective date of 57363
its election, to execute and file with the director a surety bond 57364
approved by the director ~~or it may elect instead to deposit with~~ 57365
~~the director approved municipal or other bonds, or approved~~ 57366
~~securities, or a combination thereof, or other forms of collateral~~ 57367
~~security approved by the director.~~ 57368

(2)(a) The amount of the bond ~~or deposit~~ required shall be 57369
equal to three per cent of the organization's wages paid for 57370
employment as defined in section 4141.01 of the Revised Code that 57371
would have been taxable had the organization been a subject 57372
employer during the four calendar quarters immediately preceding 57373
the effective date of the election, or the amount established by 57374
the director within the limitation provided in division 57375
~~(C)(2)(d)~~ (C)(2)(c) of this section, whichever is the less. The 57376
effective date of the amount of the bond ~~or other collateral~~ 57377

~~security~~ required after the employer initially is determined by 57378
the director to be liable for payments in lieu of contributions 57379
shall be the renewal date ~~in the case of a the bond ~~or the~~~~ 57380
~~biennial anniversary of the effective date of election in the case~~ 57381
~~of deposit of securities or other forms of collateral security~~ 57382
~~approved by the director, whichever date shall be most recent and~~ 57383
~~applicable.~~ If the nonprofit organization did not pay wages in 57384
each of such four calendar quarters, the amount of the bond ~~or~~ 57385
~~deposit~~ shall be as determined by the director under regulations 57386
prescribed for this purpose. 57387

(b) ~~Any bond or other form of collateral security approved by~~ 57388
~~the director~~ deposited under this division shall be in force for a 57389
period of not less than two calendar years and shall be renewed 57390
with the approval of the director, at such times as the director 57391
may prescribe, but not less frequently than at two-year intervals 57392
as long as the organization continues to be liable for payments in 57393
lieu of contributions. The director shall require adjustments to 57394
be made in a previously filed bond ~~or other form of collateral~~ 57395
~~security~~ as the director considers appropriate. If the bond ~~or~~ 57396
~~other form of collateral security~~ is to be increased, the adjusted 57397
bond ~~or collateral security~~ shall be filed by the organization 57398
within thirty days of the date that notice of the required 57399
adjustment was mailed or otherwise delivered to it. Failure by any 57400
organization covered by such bond ~~or collateral security~~ to pay 57401
the full amount of payments in lieu of contributions when due, 57402
together with any applicable interest provided for in division 57403
(B)(5) of this section, shall render the surety liable on the bond 57404
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 57405
~~security~~, as though the surety was the organization. 57406

(c) ~~Any securities accepted in lieu of surety bond by the~~ 57407
~~director shall be deposited with the treasurer of state who shall~~ 57408
~~have custody thereof and retain the same in the treasurer of~~ 57409

~~state's possession, or release them, according to conditions 57410
prescribed by regulations of the director. Income from the 57411
securities, held in custody by the treasurer of state, shall 57412
accrue to the benefit of the depositor and shall be distributed to 57413
the depositor in the absence of any notification from the director 57414
that the depositor is in default on any payment owed to the 57415
director. The director may require the sale of any such bonds to 57416
the extent necessary to satisfy any unpaid payments in lieu of 57417
contributions, together with any applicable interest or 57418
forfeitures provided for in division (B)(5) of this section. The 57419
director shall require the employer within thirty days following 57420
any sale of deposited securities, under this subdivision, to 57421
deposit additional securities, surety bond, or combination of 57422
both, to make whole the employer's security deposit at the 57423
approved level. Any cash remaining from the sale of such 57424
securities may, at the discretion of the director, be refunded in 57425
whole or in part, or be paid into the unemployment compensation 57426
fund to cover future payments required of the organization. 57427~~

(d) The required bond ~~or deposit~~ for any nonprofit 57428
organization, or group of such organizations approved by the 57429
director under division (D) of this section, that is determined by 57430
the director to be liable for payments in lieu of contributions 57431
effective beginning on and after January 1, 1996, but prior to 57432
January 1, 1998, and the required bond ~~or deposit~~ for any renewed 57433
elections under division (C)(2)(b) of this section effective 57434
during that period shall not exceed one million two hundred fifty 57435
thousand dollars. The required bond ~~or deposit~~ for any nonprofit 57436
organization, or group of such organizations approved by the 57437
director under division (D) of this section, that is determined to 57438
be liable for payments in lieu of contributions effective on and 57439
after January 1, 1998, and the required bond ~~or deposit~~ for any 57440
renewed elections effective on and after January 1, 1998, shall 57441
not exceed two million dollars. 57442

(3) If any nonprofit organization fails to file a bond ~~or~~ 57443
~~make a deposit~~, or to file a bond in an increased amount ~~or to~~ 57444
~~make whole the amount of a previously made deposit~~, as provided 57445
under this division, the director may terminate the organization's 57446
election to make payments in lieu of contributions effective for 57447
the quarter following such failure and the termination shall 57448
continue for not less than the remainder of that calendar year and 57449
the next calendar year, beginning with the quarter in which the 57450
termination becomes effective; except that the director may extend 57451
for good cause the applicable filing, ~~deposit, or adjustment~~ 57452
period by not more than thirty days. 57453

(D)(1) Two or more nonprofit organizations that have become 57454
liable for payments in lieu of contributions, in accordance with 57455
division (A) of this section, may file a joint application to the 57456
director for the establishment of the group account for the 57457
purpose of sharing the cost of benefits paid that are attributable 57458
to service in the employ of those employers. Notwithstanding 57459
division (E) of section 4141.242 of the Revised Code, hospitals 57460
operated by this state or a political subdivision may participate 57461
in a group account with nonprofit organizations under the 57462
procedures set forth in this section. Each application shall 57463
identify and authorize a group representative to act as the 57464
group's agent for the purposes of this division. 57465

(2) Upon the director's approval of the application, the 57466
director shall establish a group account for the employers 57467
effective as of the beginning of the calendar quarter in which the 57468
director receives the application and shall notify the group's 57469
representative of the effective date of the account. The account 57470
shall remain in effect for not less than two years and thereafter 57471
until terminated by the director or upon application by the group. 57472

(3) Upon establishment of the account, each member of the 57473
group shall be liable, in the event that the group representative 57474

fails to pay any bill issued to it pursuant to division (B) of 57475
this section, for payments in lieu of contributions with respect 57476
to each calendar quarter in the amount that bears the same ratio 57477
to the total benefits paid in the quarter that are attributable to 57478
service performed in the employ of all members of the group as the 57479
total wages paid for service in employment by the member in the 57480
quarter bear to the total wages paid during the quarter for 57481
service performed in the employ of all members of the group. 57482

(4) The director shall adopt regulations as considered 57483
necessary with respect to the following: applications for 57484
establishment, bonding, maintenance, and termination of group 57485
accounts that are authorized by this section; addition of new 57486
members to and withdrawal of active members from such accounts; 57487
and the determination of the amounts that are payable under this 57488
division by the group representative and in the event of default 57489
in payment by the group representative, members of the group, and 57490
the time and manner of payments. 57491

Sec. 4141.28. BENEFITS 57492

(A) FILINGS 57493

Applications for determination of benefit rights and claims 57494
for benefits shall be filed with the director of job and family 57495
services. Such applications and claims also may be filed with an 57496
employee of another state or federal agency charged with the duty 57497
of accepting applications and claims for unemployment benefits or 57498
with an employee of the unemployment insurance commission of 57499
Canada. 57500

When an unemployed individual files an application for 57501
determination of benefit rights, the director shall furnish the 57502
individual with an explanation of the individual's appeal rights. 57503
The explanation shall describe clearly the different levels of 57504
appeal and explain where and when each appeal must be filed. 57505

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 57506

In filing an application, an individual shall furnish the 57507
director with the name and address of the individual's most recent 57508
separating employer and the individual's statement of the reason 57509
for separation from the employer. The director shall promptly 57510
notify the individual's most recent separating employer of the 57511
filing and request the reason for the individual's unemployment, 57512
unless that notice is not necessary under conditions the director 57513
establishes by rule. The director may request from the individual 57514
or any employer information necessary for the determination of the 57515
individual's right to benefits. The employer shall provide the 57516
information requested within ten working days after the request is 57517
sent. If an employer fails to provide requested information within 57518
ten working days, the director shall provide to the tax 57519
commissioner the individual's and employer's names, addresses, 57520
taxpayer identification numbers if available, and any additional 57521
information required by the tax commissioner. The tax commissioner 57522
shall confirm to the director whether the individual was included 57523
on the most recent annual return filed by the employer pursuant to 57524
division (F) of section 5747.07 of the Revised Code. The tax 57525
commissioner shall inform the director if the tax commissioner is 57526
unable to provide the requested confirmation. If necessary to 57527
ensure prompt determination and payment of benefits, the director 57528
shall base the determination on the information that is available. 57529

An individual filing an application for determination of 57530
benefit rights shall disclose, at the time of filing, whether or 57531
not the individual owes child support obligations. 57532

An individual filing an application for determination of 57533
benefit rights shall furnish proof of identity at the time of 57534
filing in the manner prescribed by the director. The director 57535
shall adopt rules to prescribe the manner in which an applicant 57536
shall furnish proof of identity. 57537

(C) MASS LAYOFFS 57538

An employer who lays off or separates within any seven-day 57539
period fifty or more individuals because of lack of work shall 57540
furnish notice to the director of the dates of layoff or 57541
separation and the approximate number of individuals being laid 57542
off or separated. The notice shall be furnished at least three 57543
working days prior to the date of the first day of such layoff or 57544
separation. In addition, at the time of the layoff or separation 57545
the employer shall furnish to the individual and to the director 57546
information necessary to determine the individual's eligibility 57547
for unemployment compensation. 57548

(D) DETERMINATION OF BENEFIT RIGHTS 57549

The director shall promptly examine any application for 57550
determination of benefit rights. On the basis of the information 57551
available to the director under this chapter, the director shall 57552
determine whether or not the application is valid, and if valid, 57553
the date on which the benefit year shall commence and the weekly 57554
benefit amount. The director shall promptly notify the applicant, 57555
employers in the applicant's base period, and any other interested 57556
parties of the determination and the reasons for it. In addition, 57557
the determination issued to the claimant shall include the total 57558
amount of benefits payable. The determination issued to each 57559
chargeable base period employer shall include the total amount of 57560
benefits that may be charged to the employer's account. 57561

(E) CLAIM FOR BENEFITS 57562

The director shall examine the first claim and any additional 57563
claim for benefits. On the basis of the information available, the 57564
director shall determine whether the claimant's most recent 57565
separation and, to the extent necessary, prior separations from 57566
work, allow the claimant to qualify for benefits. Written notice 57567
of the determination granting or denying benefits shall be sent to 57568

the claimant, the most recent separating employer, and any other 57569
employer involved in the determination, except that written notice 57570
is not required to be sent to the claimant if the reason for 57571
separation is lack of work and the claim is allowed. 57572

If the director identifies an eligibility issue, the director 57573
shall immediately send notice to the claimant of the issue 57574
identified, specify the week or weeks involved, and identify what 57575
the claimant must do to address the issue or who the claimant may 57576
contact for more information. The claimant has a minimum of five 57577
business days after the notice is sent to respond to the 57578
information included in the notice, and after the time allowed as 57579
determined by the director, the director shall make a 57580
determination. The claimant's response may include a request for a 57581
fact-finding interview when the eligibility issue is raised by an 57582
informant or source other than the claimant, or when the 57583
eligibility issue, if determined adversely, disqualifies the 57584
claimant for the duration of the claimant's period of 57585
unemployment. 57586

When the determination of a continued claim for benefits 57587
results in a disallowed claim, the director shall notify the 57588
claimant of the disallowance and the reasons for it. 57589

(F) ELIGIBILITY NOTICE 57590

Any base period or subsequent employer of a claimant who has 57591
knowledge of specific facts affecting the claimant's right to 57592
receive benefits for any week may notify the director in writing 57593
of those facts. The director shall prescribe a form for such 57594
eligibility notice, but failure to use the form shall not preclude 57595
the director's examination of any notice. 57596

To be considered valid, an eligibility notice must: contain 57597
in writing, a statement that identifies either a source who has 57598
firsthand knowledge of the information or an informant who can 57599

identify the source; provide specific and detailed information 57600
that may potentially disqualify the claimant; provide the name and 57601
address of the source or the informant; and appear to the director 57602
to be reliable and credible. 57603

An eligibility notice is timely filed if received or 57604
postmarked prior to or within forty-five calendar days after the 57605
end of the week with respect to which a claim for benefits is 57606
filed by the claimant. An employer who timely files a valid 57607
eligibility notice shall be an interested party to the claim for 57608
benefits which is the subject of the notice. 57609

The director shall consider the information contained in the 57610
eligibility notice, together with other available information. 57611
After giving the claimant notice and an opportunity to respond, 57612
the director shall make a determination and inform the notifying 57613
employer, the claimant, and other interested parties of the 57614
determination. 57615

(G) CORRECTED DETERMINATION 57616

If the director finds within the two hundred eight calendar 57617
weeks beginning with the Sunday of the week during which an 57618
application for benefit rights was filed that a determination made 57619
by the director was erroneous due to an error in an employer's 57620
report or any typographical or clerical error in the director's 57621
determination, or as shown by correct remuneration information 57622
received by the director, the director shall issue a corrected 57623
determination to all interested parties. The corrected 57624
determination shall take precedence over and void the prior 57625
determination of the director. The director shall not issue a 57626
corrected determination when the commission or a court has 57627
jurisdiction with respect to that determination. 57628

(H) EFFECT OF COMMISSION DECISIONS 57629

In making determinations, the director shall follow decisions 57630

of the unemployment compensation review commission which have 57631
become final with respect to claimants similarly situated. 57632

(I) PROMPT PAYMENTS 57633

If benefits are allowed by the director, a hearing officer, 57634
the commission, or a court, the director shall pay benefits 57635
promptly, notwithstanding any further appeal, provided that if 57636
benefits are denied on appeal, of which the parties have notice 57637
and an opportunity to be heard, the director shall withhold 57638
payment of benefits pending a decision on any further appeal. 57639

Sec. 4141.31. (A) Benefits otherwise payable for any week 57640
shall be reduced by the amount of remuneration or other payments a 57641
claimant receives with respect to such week as follows: 57642

(1) Remuneration in lieu of notice; 57643

(2) Compensation for wage loss under division (B) of section 57644
4123.56 of the Revised Code or a similar provision under the 57645
workers' compensation law of any state or the United States; 57646

(3) Payments in the form of retirement, or pension allowances 57647
as provided under section 4141.312 of the Revised Code; 57648

(4) Except as otherwise provided in division (D) of this 57649
section, remuneration in the form of separation or termination pay 57650
paid to an employee at the time of the employee's separation from 57651
employment; 57652

(5) ~~Vacation pay or allowance~~ Amounts payable under the law, 57653
terms of a labor-management contract or agreement, or other 57654
contract of hire, which payments are allocated to designated 57655
weeks, for either of the following: 57656

(a) Vacation pay or allowance; 57657

(b) Holiday pay or allowance. 57658

(6) Bonuses payable under the law, terms of a 57659

labor-management contract or agreement, or other contract of hire; 57660

(7) The determinable value of cost savings days. 57661

If payments under this division are paid with respect to a 57662
month then the amount of remuneration deemed to be received with 57663
respect to any week during such month shall be computed by 57664
multiplying such monthly amount by twelve and dividing the product 57665
by fifty-two. If there is no designation of the period with 57666
respect to which payments to an individual are made under this 57667
section then an amount equal to such individual's normal weekly 57668
wage shall be attributed to and deemed paid with respect to the 57669
first and each succeeding week following the individual's 57670
separation or termination from the employment of the employer 57671
making the payment until such amount so paid is exhausted. 57672

If benefits for any week, when reduced as provided in this 57673
division, result in an amount not a multiple of one dollar, such 57674
benefits shall be rounded to the next lower multiple of one 57675
dollar. 57676

Any payment allocated by the employer or the director of job 57677
and family services to weeks under division (A)(1), (4), or (5) of 57678
this section shall be deemed to be remuneration for the purposes 57679
of establishing a qualifying week and a benefit year under 57680
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 57681

(B) Benefits payable for any week shall not be reduced by the 57682
amount of remuneration a claimant receives with respect to such 57683
week in the form of drill or reserve pay received by a member of 57684
the Ohio national guard or the armed forces reserve for attendance 57685
at a regularly scheduled drill or meeting. 57686

(C) No benefits shall be paid for any week with respect to 57687
which or a part of which an individual has received or is seeking 57688
unemployment benefits under an unemployment compensation law of 57689
any other state or of the United States, provided the 57690

disqualifications shall not apply if the appropriate agency of 57691
such other state or of the United States finally determines that 57692
an individual is not entitled to such unemployment benefits. A law 57693
of the United States providing any payment of any type and in any 57694
amounts for periods of unemployment due to lack of work shall be 57695
considered an unemployment compensation law of the United States. 57696

(D) Benefits payable for any week shall not be reduced by the 57697
amount of military severance, disability, or separation pay paid 57698
to an individual who is a former member of the armed forces of the 57699
United States. 57700

(E) Remuneration for personal services includes cost savings 57701
days, as defined in division (DD) of section 4141.01 of the 57702
Revised Code, for which employees continue to accrue employee 57703
benefits that have a determinable value. Any unemployment 57704
compensation benefits that may be payable as a result of cost 57705
savings days shall be reduced as provided in division (A)(6) of 57706
this section. 57707

Sec. 4141.43. (A) ~~The Except as provided in division (B) of 57708
this section, the director of job and family services may 57709
~~cooperate with the industrial commission, the bureau of workers'~~ 57710
~~compensation, the United States internal revenue service, the~~ 57711
~~United States employment service, and other similar departments~~ 57712
~~and agencies, as determined by the director, in the exchange or~~ 57713
~~disclosure of information as to wages, employment, payrolls,~~ 57714
~~unemployment, and other information. The director may employ,~~ 57715
~~jointly with one or more of such agencies or departments,~~ 57716
~~auditors, examiners, inspectors, and other employees necessary for~~ 57717
~~the administration of this chapter and employment and training~~ 57718
~~services for workers in the state.~~ 57719~~

~~(B) The director may make the state's record relating to the 57720
administration of this chapter available to the railroad 57721~~

~~retirement board and may furnish the board at the board's expense~~ 57722
~~such copies thereof as the board deems necessary for its purposes~~ 57723
adopt rules to allow for the disclosure of information otherwise 57724
protected from disclosure under section 4141.21 of the Revised 57725
Code that conform to requirements of federal law governing such 57726
disclosure as follows: 57727

(1) To a federal or state public official, or an agent or 57728
contractor of such an official, for use in the performance of 57729
official duties, including research related to the administration 57730
of those duties; 57731

(2) Pursuant to an order of a judge of a court of record; 57732

(3) Pursuant to a subpoena issued by a local, state, or 57733
federal government official, other than a clerk of court on behalf 57734
of a litigant; 57735

(4) To a prosecuting authority, law enforcement officer, or 57736
law enforcement agency if the director determines that providing 57737
the information is in the best interests of the public and does 57738
not interfere with the efficient administration of the department 57739
of job and family services; 57740

(5) To a consumer reporting agency; 57741

(6) Pursuant to a requirement of federal law. 57742

(B) Information otherwise protected from disclosure under 57743
section 4141.21 of the Revised Code shall not be disclosed for the 57744
purpose of solicitation of contributions or expenditures to or on 57745
behalf of a candidate for public or political office or to a 57746
political party. 57747

(C) The director may afford reasonable cooperation with every 57748
agency of the United States charged with the administration of any 57749
unemployment compensation law. 57750

(D) The director may enter into arrangements with the 57751

appropriate agencies of other states or of the United States or 57752
Canada whereby individuals performing services in this and other 57753
states for a single employer under circumstances not specifically 57754
provided for in division (B) of section 4141.01 of the Revised 57755
Code or in similar provisions in the unemployment compensation 57756
laws of such other states shall be deemed to be engaged in 57757
employment performed entirely within this state or within one of 57758
such other states or within Canada, and whereby potential rights 57759
to benefits accumulated under the unemployment compensation laws 57760
of several states or under such a law of the United States, or 57761
both, or of Canada may constitute the basis for the payment of 57762
benefits through a single appropriate agency under terms that the 57763
director finds will be fair and reasonable as to all affected 57764
interests and will not result in any substantial loss to the 57765
unemployment compensation fund. 57766

(E) The director may enter into agreements with the 57767
appropriate agencies of other states or of the United States or 57768
Canada: 57769

(1) Whereby services or wages upon the basis of which an 57770
individual may become entitled to benefits under the unemployment 57771
compensation law of another state or of the United States or 57772
Canada shall be deemed to be employment or wages for employment by 57773
employers for the purposes of qualifying claimants for benefits 57774
under this chapter, and the director may estimate the number of 57775
weeks of employment represented by the wages reported to the 57776
director for such claimants by such other agency, provided such 57777
other state agency or agency of the United States or Canada has 57778
agreed to reimburse the unemployment compensation fund for such 57779
portion of benefits paid under this chapter upon the basis of such 57780
services or wages as the director finds will be fair and 57781
reasonable as to all affected interests; 57782

(2) Whereby the director will reimburse other state or 57783

federal or Canadian agencies charged with the administration of 57784
unemployment compensation laws with such reasonable portion of 57785
benefits, paid under the law of such other states or of the United 57786
States or of Canada upon the basis of employment or wages for 57787
employment by employers, as the director finds will be fair and 57788
reasonable as to all affected interests. Reimbursements so payable 57789
shall be deemed to be benefits for the purpose of section 4141.09 57790
and division (A) of section 4141.30 of the Revised Code. However, 57791
no reimbursement so payable shall be charged against any 57792
employer's account for the purposes of section 4141.24 of the 57793
Revised Code if the employer's account, under the same or similar 57794
circumstances, with respect to benefits charged under the 57795
provisions of this chapter, other than this section, would not be 57796
charged or, if the claimant at the time the claimant files the 57797
combined wage claim cannot establish benefit rights under this 57798
chapter. This noncharging shall not be applicable to a nonprofit 57799
organization that has elected to make payments in lieu of 57800
contributions under section 4141.241 of the Revised Code, except 57801
as provided in division (D)(2) of section 4141.24 of the Revised 57802
Code. The director may make to other state or federal or Canadian 57803
agencies and receive from such other state or federal or Canadian 57804
agencies reimbursements from or to the unemployment compensation 57805
fund, in accordance with arrangements pursuant to this section. 57806

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 57807
the Revised Code, the director may enter into agreements with 57808
other states whereby services performed for a crew leader, as 57809
defined in division (BB) of section 4141.01 of the Revised Code, 57810
may be covered in the state in which the crew leader either: 57811

(a) Has the crew leader's place of business or from which the 57812
crew leader's business is operated or controlled; 57813

(b) Resides if the crew leader has no place of business in 57814
any state. 57815

(F) The director may apply for an advance to the unemployment 57816
compensation fund and do all things necessary or required to 57817
obtain such advance and arrange for the repayment of such advance 57818
in accordance with Title XII of the "Social Security Act" as 57819
amended. 57820

(G) The director may enter into reciprocal agreements or 57821
arrangements with the appropriate agencies of other states in 57822
regard to services on vessels engaged in interstate or foreign 57823
commerce whereby such services for a single employer, wherever 57824
performed, shall be deemed performed within this state or within 57825
such other states. 57826

(H) The director shall participate in any arrangements for 57827
the payment of compensation on the basis of combining an 57828
individual's wages and employment, covered under this chapter, 57829
with the individual's wages and employment covered under the 57830
unemployment compensation laws of other states which are approved 57831
by the United States secretary of labor in consultation with the 57832
state unemployment compensation agencies as reasonably calculated 57833
to assure the prompt and full payment of compensation in such 57834
situations and which include provisions for: 57835

(1) Applying the base period of a single state law to a claim 57836
involving the combining of an individual's wages and employment 57837
covered under two or more state unemployment compensation laws, 57838
and 57839

(2) Avoiding the duplicate use of wages and employment by 57840
reason of such combining. 57841

~~(I)~~(I)(1) The director shall cooperate with the United States 57842
department of labor to the fullest extent consistent with this 57843
chapter, and shall take such action, through the adoption of 57844
appropriate rules, regulations, and administrative methods and 57845
standards, as may be necessary to secure to this state and its 57846

citizens all advantages available under the provisions of the 57847
"Social Security Act" that relate to unemployment compensation, 57848
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 57849
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 57850
113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment 57851
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 57852
"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et 57853
seq. 57854

(2) Nothing in division (I)(1) of this section requires the 57855
director to participate in, nor precludes the director from 57856
ceasing to participate in, any voluntary, optional, special, or 57857
emergency program offered by the federal government, including 57858
programs offered under any of the federal acts listed in division 57859
(I)(1) of this section, the "Coronavirus Aid, Relief, and Economic 57860
Security Act," 15 U.S.C. 9023, or any other federal program 57861
enacted to address exceptional unemployment conditions. 57862

(J) The director may disclose wage information furnished to 57863
or maintained by the director under Chapter 4141. of the Revised 57864
Code to a consumer reporting agency as defined by the "Fair Credit 57865
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 57866
the purpose of verifying an individual's income under a written 57867
agreement that requires all of the following: 57868

(1) A written statement of informed consent from the 57869
individual whose information is to be disclosed; 57870

(2) A written statement confirming that the consumer 57871
reporting agency and any other entity to which the information is 57872
disclosed or released will safeguard the information from illegal 57873
or unauthorized disclosure; 57874

(3) A written statement confirming that the consumer 57875
reporting agency will pay to the bureau all costs associated with 57876
the disclosure. 57877

The director shall prescribe a manner and format in which 57878
this information may be provided. 57879

~~(K) The director shall adopt rules defining the requirements 57880
of the release of individual income verification information 57881
specified in division (J) of this section, which shall include all 57882
terms and conditions necessary to meet the requirements of federal 57883
law as interpreted by the United States department of labor or 57884
considered necessary by the director for the proper administration 57885
of this division. 57886~~

~~(L) The director shall disclose information furnished to or 57887
maintained by the director under this chapter upon request and on 57888
a reimbursable basis as required by section 303 of the "Social 57889
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 57890
Revenue Code," 26 U.S.C.A. 3304. 57891~~

Sec. 4164.01. As used in this chapter, unless the context 57892
otherwise requires: 57893

(A) "Authority" means the Ohio nuclear development authority 57894
created and constituted under section 4164.04 of the Revised Code. 57895

(B) "Council" means the Ohio nuclear development authority 57896
nominating council created and constituted under section 4164.09 57897
of the Revised Code. 57898

Sec. 4164.02. It is the intent of the general assembly in 57899
enacting this chapter of the Revised Code to encourage its use as 57900
a model for future legislation to further the pursuit of 57901
innovative research and development for any industry in this 57902
state. 57903

Sec. 4164.04. There is hereby created and constituted within 57904
the department of development, the Ohio nuclear development 57905
authority. The authority's exercise of powers conferred by this 57906

chapter is the performance of an essential governmental function 57907
and addresses matters of public necessity for which public moneys 57908
may be spent. 57909

Sec. 4164.05. (A) The authority shall consist of nine members 57910
appointed by the governor, representing the following three 57911
stakeholder groups within the 57912
nuclear-engineering-and-manufacturing industry: 57913

(1) Safety; 57914

(2) Industry; 57915

(3) Engineering research and development. 57916

(B)(1) A member appointed from the safety group shall hold at 57917
least a bachelor's degree in nuclear, mechanical, chemical, or 57918
electrical engineering and at least one of the following shall 57919
also apply: 57920

(a) The member is a recognized professional in 57921
nuclear-reactor safety or developing ISO 9000 standards. 57922

(b) The member has been employed by or has worked closely 57923
with the United States department of energy or the nuclear 57924
regulatory commission and the member also has a professional 57925
background in nuclear-energy-technology development or 57926
advanced-nuclear-reactor concepts. 57927

(c) The member has been employed by a contractor that has 57928
built concept reactors and the member also worked with hazardous 57929
substances, either nuclear or chemical, during that employment. 57930

(2) A member appointed from the industry group shall have at 57931
least five years of experience in one or more of the following: 57932

(a) Nuclear-power-plant operation; 57933

(b) Processing and extracting isotopes; 57934

(c) Managing a facility that deals with hazardous substances, 57935

<u>either nuclear or chemical;</u>	57936
<u>(d) Handling and storing nuclear waste.</u>	57937
<u>(3) A member appointed from the engineering research and development group shall hold at least a bachelor's degree in nuclear, mechanical, chemical, or electrical engineering and the member shall also be a recognized professional in at least one of the following areas of study:</u>	57938
<u>(a) Advanced nuclear reactors;</u>	57939
<u>(b) Materials science involving the study of alloys and metallurgy, ceramics, or composites;</u>	57940
<u>(c) Molten-salt chemistry;</u>	57941
<u>(d) Solid-state chemistry;</u>	57942
<u>(e) Chemical physics;</u>	57943
<u>(f) Actinide chemistry;</u>	57944
<u>(g) Instrumentation and sensors;</u>	57945
<u>(h) Control systems.</u>	57946
<u>(C) The members shall be United States citizens and residents of this state.</u>	57947
<u>(D) The members shall serve five-year terms.</u>	57948
<u>(E) Any appointment to fill a vacancy on the authority shall be made for the unexpired term of the member whose death, resignation, or removal created the vacancy.</u>	57949
<u>(F) Initial appointments under this section shall be made not later than one hundred twenty days after the effective date of this section.</u>	57950
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vacancy not later than thirty days after receipt of the council's 57964
recommendations. 57965

Sec. 4164.052. The governor, in the governor's discretion, 57966
may reject all of the nominees recommended by the council and 57967
reconvene the council for it to recommend additional nominees. If 57968
the governor reconvenes the council and the council provides a 57969
second list of nominees, the governor shall make the required 57970
appointment from one of the names on the first or second list. 57971

Sec. 4164.053. All appointments by the governor to the 57972
authority are subject to the advice and consent of the senate. 57973

Sec. 4164.07. Immediately after appointment to the authority 57974
under section 4164.05 of the Revised Code, the members shall enter 57975
upon the performance of their duties. 57976

Sec. 4164.08. Notwithstanding any law to the contrary, no 57977
officer or employee of this state shall be deemed to have 57978
forfeited, or shall have forfeited, the officer's or employee's 57979
office or employment due to acceptance of membership on the 57980
authority or by providing service to the authority. 57981

Sec. 4164.09. There is hereby created the Ohio nuclear 57982
development authority nominating council. 57983

Sec. 4164.091. The council shall review, evaluate, and make 57984
recommendations to the governor regarding potential appointees to 57985
serve as members of the authority. 57986

Sec. 4164.092. (A) Consistent with division (B) of section 57987
4164.05 of the Revised Code, and for the purpose of making initial 57988
and subsequent appointments, and for filling vacancies, the 57989
council shall provide the governor with a list of individuals who 57990

are, in the judgment of the council, the most fully qualified to 57991
become members of the authority. 57992

(B) For each initial appointment, and for each subsequent or 57993
vacancy appointment, the council shall provide a list of four 57994
possible appointees. 57995

(C) The council shall provide the lists at the following 57996
times: 57997

(1) For each subsequent appointment, not more than 57998
eighty-five, nor less than sixty, days before the expiration of 57999
the term of an authority member to be renewed or replaced; 58000

(2) For each vacancy appointment, not more than thirty days 58001
after the death of, resignation of, or termination of service by, 58002
an authority member for whom a vacancy exists. 58003

Sec. 4164.093. In reviewing, evaluating, and recommending 58004
potential appointees to serve as members of the authority, the 58005
council may solicit and accept comments from, and cooperate with, 58006
any individual. 58007

Sec. 4164.094. The council may make recommendations to the 58008
general assembly concerning changes in law to assist the council 58009
in the performance of its duties. 58010

Sec. 4164.096. The council shall consist of seven members: 58011

(A) The president of the senate, or the president's designee; 58012

(B) The speaker of the house of representatives, or the 58013
speaker's designee. 58014

(C) Five members of the Ohio state university's nuclear 58015
engineering external advisory board. 58016

Sec. 4164.097. (A) Of the seven members of the council, the 58017

five members from the Ohio state university's nuclear engineering 58018
external advisory board shall be appointed by the governor. 58019

(B) Initial appointments under this section shall be made not 58020
later than thirty days after the effective date of this section. 58021

Sec. 4164.098. The term of office for council members 58022
appointed by the governor shall be two years. Each appointed 58023
member shall serve as a member of the council from the date of 58024
appointment until the end of the term for which the member was 58025
appointed. 58026

The president of the senate, or the president's designee, and 58027
the speaker of the house of representatives, or the speaker's 58028
designee, shall serve on the council only during the tenure of the 58029
president or speaker. 58030

Sec. 4164.099. Any member appointed to fill a vacancy 58031
occurring before the expiration of the term for which the member 58032
was appointed shall hold office for the remainder of such term. 58033
Any member shall continue in office after the expiration date of 58034
the term for which the member was appointed until the member's 58035
successor takes office, or until a period of sixty days has 58036
elapsed, whichever occurs first. Each vacancy of an appointed 58037
member shall be filled by appointment not later than sixty days 58038
after the vacancy occurs and shall be filled in the same manner as 58039
the original appointment. 58040

Sec. 4164.0911. The council shall elect a chairperson and a 58041
secretary at its initial meeting. 58042

Sec. 4164.0912. The council shall hold its initial meeting 58043
not later than sixty days after the effective date of this 58044
section. Subsequent meetings of the council may be called by the 58045
chairperson. Special meetings shall be called by the chairperson 58046

upon receipt of a written request for a meeting signed by two or more members of the council. 58047
58048

Sec. 4164.0913. Before each meeting of the council, written notice of the time and place of each meeting shall be sent to each member of the council by mail or electronic mail. 58049
58050
58051

Sec. 4164.0914. Four members of the council, or their alternates, constitute a quorum. No measure shall be voted on, or any action taken by the council unless a quorum is present. 58052
58053
58054

Sec. 4164.0916. The council shall keep a record of its proceedings. 58055
58056

Sec. 4164.0917. The council may adopt bylaws governing its proceedings. 58057
58058

Sec. 4164.0918. Members of the council shall serve without compensation. 58059
58060

Sec. 4164.10. The authority is established for both of the following purposes: 58061
58062

(A) To be an information resource for this state, the United States nuclear regulatory commission, all branches of the United States military, and the United States department of energy on advanced-nuclear-research reactors, isotopes, and isotope technologies; 58063
58064
58065
58066
58067

(B) To make this state all of the following: 58068

(1) A leader in the development and construction of new-type advanced-nuclear-research reactors; 58069
58070

(2) A national and global leader in the commercial production of isotopes and research; 58071
58072

(3) A leader in the research and development of 58073
high-level-nuclear-waste reduction and storage technology. 58074

Sec. 4164.11. The authority shall have all powers necessary 58075
and convenient for carrying out its statutory purposes, including 58076
the following powers: 58077

(A) To adopt bylaws for the management and regulation of its 58078
affairs; 58079

(B) To develop and adopt a strategic plan for carrying out 58080
the purposes set forth in this chapter; 58081

(C) To foster innovative partnerships and relationships in 58082
the state and among the state's public institutions of higher 58083
education, private companies, federal laboratories, and nonprofit 58084
organizations, to accomplish the purposes set forth in this 58085
chapter; 58086

(D) To identify and support, in cooperation with the public 58087
and private sectors, the development of education programs related 58088
to Ohio's isotope industry; 58089

(E) To assume, with the advice and consent of the Senate, any 58090
regulatory powers delegated from the United States nuclear 58091
regulatory commission, the United States department of energy, or 58092
any branch of the United States military, or similar federal 58093
agencies, departments, or programs, governing the construction and 58094
operation of noncommercial power-producing nuclear reactors and 58095
the handling of radioactive materials; 58096

(F) To act in place of the governor in approving agreements 58097
with the United States nuclear regulatory commission and 58098
joint-development agreements with the United States department of 58099
energy or an equivalent regulatory agency in the event that any of 58100
the following occur: 58101

(1) The authority requests the commission to delegate rules 58102

for a state-based nuclear research-and-development program. 58103

(2) The authority requests to jointly develop 58104
advanced-nuclear-research-reactor technology with the department 58105
under the department's authority. 58106

(3) The authority requests to jointly develop 58107
advanced-nuclear-research-reactor technology with the United 58108
States department of defense or another United States military 58109
agency under the authority of the department or agency. 58110

Sec. 4164.12. For the purpose of carrying out the Ohio 58111
nuclear development authority's duties under sections 4164.01 to 58112
4164.20 of the Revised Code, the authority may make use of the 58113
staff and experts employed at the department of development in 58114
such manner as is provided by mutual arrangement between the 58115
authority and the department. 58116

Sec. 4164.13. Meetings of the authority shall be held in 58117
compliance with section 121.22 of the Revised Code. 58118

Sec. 4164.15. The authority shall work with industrial and 58119
academic institutions and the United States department of energy 58120
or branches of the United States military to approve designs for 58121
the commercialization of advanced-nuclear-reactor components, 58122
which may include any of the following: 58123

(A) Advanced-nuclear-reactor-neutronics analysis and 58124
experimentation, including reactor, plant, shielding, nuclear 58125
data, source-program software, nuclear database, conceptual 58126
design, core and system design, certification in the phases, 58127
core-management and fuel-management technology, modeling, and 58128
calculation; 58129

(B) Advanced-nuclear-reactor safety and plant safety, 58130
including reactor-system safety standards, accident-analysis 58131

<u>software, and accident-management regulations;</u>	58132
<u>(C) Advanced-nuclear-reactor fuels and materials, including</u>	58133
<u>long-life fuel, clad materials, structural materials, component</u>	58134
<u>materials, absorber materials, circuit materials, raw materials,</u>	58135
<u>fuels-and-materials research and development, testing programs</u>	58136
<u>used to develop fuels and materials-manufacturing processes,</u>	58137
<u>experimental data, formulae, technological processes, and</u>	58138
<u>facilities and equipment used to manufacture</u>	58139
<u>advanced-nuclear-reactor fuels and materials;</u>	58140
<u>(D) Advanced-nuclear-reactor-nuclear-steam-supply systems and</u>	58141
<u>their associated components and equipment, including design</u>	58142
<u>standards, component, equipment, and systems design, thermal</u>	58143
<u>hydraulics, mechanics, and chemistry analysis;</u>	58144
<u>(E) Advanced-nuclear-reactor engineered-safety features and</u>	58145
<u>their associated components, including design standards, component</u>	58146
<u>design, system design, and structural design;</u>	58147
<u>(F) Advanced-nuclear-reactor building, including containment</u>	58148
<u>design, structural analysis, and architectural analysis;</u>	58149
<u>(G) Advanced-nuclear-reactor instrumentation and control and</u>	58150
<u>application of computer science, including survey, monitor,</u>	58151
<u>control, and protection systems;</u>	58152
<u>(H) Advanced-nuclear-reactor-quality practices,</u>	58153
<u>nondestructive-inspection practices, and in-service-inspection</u>	58154
<u>technology;</u>	58155
<u>(I) Advanced-nuclear-reactor plant design and construction,</u>	58156
<u>debug, test-run, operation, maintenance, and decommissioning</u>	58157
<u>technology;</u>	58158
<u>(J) Advanced-nuclear-reactor economic methodology and</u>	58159
<u>evaluation technology;</u>	58160
<u>(K) Treatment, storage, recycling, and disposal technology</u>	58161

<u>for advanced-nuclear-reactor and system-spent fuel;</u>	58162
<u>(L) Treatment, storage, and disposal technology for</u>	58163
<u>advanced-nuclear-reactor and system radioactive waste;</u>	58164
<u>(M) Other areas that the parties or their executive agents</u>	58165
<u>agree upon in writing.</u>	58166
<u>Sec. 4164.16. The authority shall give priority to projects</u>	58167
<u>that reduce nuclear waste and produce isotopes.</u>	58168
<u>Sec. 4164.18. On or before the fourth day of July of each</u>	58169
<u>year, the authority shall submit an annual report of its</u>	58170
<u>activities to the governor, the speaker of the house of</u>	58171
<u>representatives, the president of the senate, and the chairs of</u>	58172
<u>the house and senate committees that oversee energy-related</u>	58173
<u>issues. The report shall be posted to the authority's web site.</u>	58174
<u>Sec. 4164.19. Nothing in this chapter shall be construed to</u>	58175
<u>supersede any agreement between the department of health and the</u>	58176
<u>United States nuclear regulatory commission entered into under</u>	58177
<u>section 3748.03 of the Revised Code with respect to regulating</u>	58178
<u>activities not within the scope of activities of the authority.</u>	58179
<u>Sec. 4164.20. (A) The authority shall, under Chapter 119. of</u>	58180
<u>the Revised Code, adopt rules provided for by the United States</u>	58181
<u>nuclear regulatory commission, department of energy, department of</u>	58182
<u>defense or another United States military agency, or a comparable</u>	58183
<u>federal agency for an Ohio state nuclear technology research</u>	58184
<u>program for the purposes of developing and studying</u>	58185
<u>advanced-nuclear research reactors to produce isotopes and to</u>	58186
<u>reduce this state's high-level nuclear waste. The rules shall</u>	58187
<u>reasonably ensure Ohioans of their safety in respect to nuclear</u>	58188
<u>technology research and development and radioactive materials.</u>	58189

(B) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 4301.441. Any information provided to a state agency by the department of taxation in accordance with ~~division (C)(11) of~~ section 5703.21 of the Revised Code for the purpose of verifying a permit holder's gallonage or noncompliance with taxes levied under this chapter or Chapter 4305. of the Revised Code shall not be disclosed publicly by that agency, except for purposes of enforcement, to deny the renewal of a liquor permit, or to report such information to the alcohol and tobacco tax and trade bureau in the United States department of the treasury.

Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in an agency store;

(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor

vehicle on any street, highway, or other public or private 58219
property open to the public for purposes of vehicular travel or 58220
parking; 58221

(5) Except as provided in division (D) or (E) of this 58222
section, while being in or on a stationary motor vehicle on any 58223
street, highway, or other public or private property open to the 58224
public for purposes of vehicular travel or parking. 58225

(C)(1) A person may have in the person's possession an opened 58226
container of any of the following: 58227

(a) Beer or intoxicating liquor that has been lawfully 58228
purchased for consumption on the premises where bought from the 58229
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 58230
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 58231
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, 58232
F-7, or F-8 permit; 58233

(b) Beer, wine, or mixed beverages served for consumption on 58234
the premises by the holder of an F-3 permit, wine served as a 58235
tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for 58236
consumption on the premises of a farmers market for which an F-10 58237
permit has been issued, or wine served for consumption on the 58238
premises by the holder of an F-4 or F-6 permit; 58239

(c) Beer or intoxicating liquor consumed on the premises of a 58240
convention facility as provided in section 4303.201 of the Revised 58241
Code; 58242

(d) Beer or intoxicating liquor to be consumed during 58243
tastings and samplings approved by rule of the liquor control 58244
commission; 58245

(e) Spirituous liquor to be consumed for purposes of a 58246
tasting sample, as defined in section 4301.171 of the Revised 58247
Code; 58248

(f) Beer, wine, or mixed beverages to be consumed on a boat 58249
as provided in section 4303.187 of the Revised Code; 58250

(g) Beer or intoxicating liquor to be consumed in an outdoor 58251
area described in division (B)(1) of section 4303.188 of the 58252
Revised Code. 58253

(2) A person may have in the person's possession on an F 58254
liquor permit premises an opened container of beer or intoxicating 58255
liquor that was not purchased from the holder of the F permit if 58256
the premises for which the F permit is issued is a music festival 58257
and the holder of the F permit grants permission for that 58258
possession on the premises during the period for which the F 58259
permit is issued. As used in this division, "music festival" means 58260
a series of outdoor live musical performances, extending for a 58261
period of at least three consecutive days and located on an area 58262
of land of at least forty acres. 58263

(3)(a) A person may have in the person's possession on a D-2 58264
liquor permit premises an opened or unopened container of wine 58265
that was not purchased from the holder of the D-2 permit if the 58266
premises for which the D-2 permit is issued is an outdoor 58267
performing arts center, the person is attending an orchestral 58268
performance, and the holder of the D-2 permit grants permission 58269
for the possession and consumption of wine in certain 58270
predesignated areas of the premises during the period for which 58271
the D-2 permit is issued. 58272

(b) As used in division (C)(3)(a) of this section: 58273

(i) "Orchestral performance" means a concert comprised of a 58274
group of not fewer than forty musicians playing various musical 58275
instruments. 58276

(ii) "Outdoor performing arts center" means an outdoor 58277
performing arts center that is located on not less than one 58278
hundred fifty acres of land and that is open for performances from 58279

the first day of April to the last day of October of each year. 58280

(4) A person may have in the person's possession an opened or 58281
unopened container of beer or intoxicating liquor at an outdoor 58282
location at which the person is attending an orchestral 58283
performance as defined in division (C)(3)(b)(i) of this section if 58284
the person with supervision and control over the performance 58285
grants permission for the possession and consumption of beer or 58286
intoxicating liquor in certain predesignated areas of that outdoor 58287
location. 58288

(5) A person may have in the person's possession on an F-9 58289
liquor permit premises an opened or unopened container of beer or 58290
intoxicating liquor that was not purchased from the holder of the 58291
F-9 permit if the person is attending either of the following: 58292

(a) An orchestral performance and the F-9 permit holder 58293
grants permission for the possession and consumption of beer or 58294
intoxicating liquor in certain predesignated areas of the premises 58295
during the period for which the F-9 permit is issued; 58296

(b) An outdoor performing arts event or orchestral 58297
performance that is free of charge and the F-9 permit holder 58298
annually hosts not less than twenty-five other events or 58299
performances that are free of charge on the permit premises. 58300

As used in division (C)(5) of this section, "orchestral 58301
performance" has the same meaning as in division (C)(3)(b) of this 58302
section. 58303

(6)(a) A person may have in the person's possession on the 58304
property of an outdoor motorsports facility an opened or unopened 58305
container of beer or intoxicating liquor that was not purchased 58306
from the owner of the facility if both of the following apply: 58307

(i) The person is attending a racing event at the facility; 58308
and 58309

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility. 58310
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(b) As used in division (C)(6)(a) of this section: 58313

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations. 58314
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(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply: 58316
58317

(I) It is two and four-tenths miles or more in length. 58318

(II) It is located on two hundred acres or more of land. 58319

(III) The primary business of the owner of the facility is the hosting and promoting of racing events. 58320
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(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility. 58322
58323

(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply: 58324
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(i) The permit holder's premises is located within the outdoor refreshment area. 58331
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(ii) The permit held by the permit holder has an outdoor refreshment area designation. 58333
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(b) Division (C)(7) of this section does not authorize a person to do either of the following: 58335
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(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or 58337
58338

intoxicating liquor acquired elsewhere; 58339

(ii) Possess an opened container of beer or intoxicating 58340
liquor while being in or on a motor vehicle within an outdoor 58341
refreshment area, unless the possession is otherwise authorized 58342
under division (D) or (E) of this section. 58343

(c) As used in division (C)(7) of this section, "D class 58344
permit holder" does not include a D-6 or D-8 permit holder. 58345

(8)(a) A person may have in the person's possession on the 58346
property of a market, within a defined F-8 permit premises, an 58347
opened container of beer or intoxicating liquor that was purchased 58348
from a D permit premises that is located immediately adjacent to 58349
the market if both of the following apply: 58350

(i) The market grants permission for the possession and 58351
consumption of beer and intoxicating liquor within the defined F-8 58352
permit premises; 58353

(ii) The market is hosting an event pursuant to an F-8 permit 58354
and the market has notified the division of liquor control about 58355
the event in accordance with division (A)(3) of section 4303.208 58356
of the Revised Code. 58357

(b) As used in division (C)(8) of this section, "market" 58358
means a market, for which an F-8 permit is held, that has been in 58359
operation since 1860. 58360

(D) This section does not apply to a person who pays all or a 58361
portion of the fee imposed for the use of a chauffeured limousine 58362
pursuant to a prearranged contract, or the guest of the person, 58363
when all of the following apply: 58364

(1) The person or guest is a passenger in the limousine. 58365

(2) The person or guest is located in the limousine, but is 58366
not occupying a seat in the front compartment of the limousine 58367
where the operator of the limousine is located. 58368

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 58369
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(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply: 58372
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(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with. 58376
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(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. 58381
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(F)(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply: 58387
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(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking. 58392
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(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 58394
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(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine. 58397
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(d) The person has in their possession on the commercial 58399
quadricycle not more than either thirty-six ounces of beer or 58400
eighteen ounces of wine. 58401

(2) The legislative authority of a municipal corporation or 58402
township may enact an ordinance or adopt a resolution, as 58403
applicable, that prohibits a passenger riding on a commercial 58404
quadricycle from possessing an opened container of beer or wine. 58405

(3) As used in this section, "commercial quadricycle" means a 58406
vehicle that has fully-operative pedals for propulsion entirely by 58407
human power and that meets all of the following requirements: 58408

(a) It has four wheels and is operated in a manner similar to 58409
a bicycle. 58410

(b) It has at least five seats for passengers. 58411

(c) It is designed to be powered by the pedaling of the 58412
operator and the passengers. 58413

(d) It is used for commercial purposes. 58414

(e) It is operated by the vehicle owner or an employee of the 58415
owner. 58416

(G) This section does not apply to a person that has in the 58417
person's possession an opened container of beer or intoxicating 58418
liquor on the premises of a market if the beer or intoxicating 58419
liquor has been purchased from a D liquor permit holder that is 58420
located in the market. 58421

As used in division (G) of this section, "market" means an 58422
establishment that: 58423

(1) Leases space in the market to individual vendors, not 58424
less than fifty per cent of which are retail food establishments 58425
or food service operations licensed under Chapter 3717. of the 58426
Revised Code; 58427

(2) Has an indoor sales floor area of not less than 58428

twenty-two thousand square feet; 58429

(3) Hosts a farmer's market on each Saturday from April 58430
through December. 58431

(H)(1) As used in this section, "alcoholic beverage" has the 58432
same meaning as in section 4303.185 of the Revised Code. 58433

(2) An alcoholic beverage in a closed container being 58434
transported under section 4303.185 of the Revised Code to its 58435
final destination is not an opened container for the purposes of 58436
this section if the closed container is securely sealed in such a 58437
manner that it is visibly apparent if the closed container has 58438
been subsequently opened or tampered with after sealing. 58439

(I) This section does not apply to a person who has in the 58440
person's possession an opened container of beer or intoxicating 58441
liquor in a public-use airport, as described in division 58442
(D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both 58443
of the following apply: 58444

(1) Consumption of the opened container of beer or 58445
intoxicating liquor occurs in the area of the airport terminal 58446
that is restricted to persons taking flights to and from the 58447
airport; and 58448

(2) The consumption is authorized under division (D)(2)(a) of 58449
section 4303.181 of the Revised Code. 58450

(J) This section does not apply to a person that has in the 58451
person's possession an opened container of homemade beer or wine 58452
that is served in accordance with division (E) of section 4301.201 58453
of the Revised Code. 58454

Sec. 4303.041. (A) An A-3a permit may be issued to a 58455
distiller that manufactures less than one hundred thousand gallons 58456
of spirituous liquor per year. An A-3a permit holder may sell to a 58457
personal consumer, in sealed containers for consumption off the 58458

premises where manufactured, spirituous liquor that the permit 58459
holder manufactures, but sales to the personal consumer may occur 58460
only by an in-person transaction at the permit premises. The A-3a 58461
permit holder shall not ship, send, or use an H permit holder to 58462
deliver spirituous liquor to the personal consumer. 58463

"Distiller" means a person in this state who mashes, 58464
ferments, distills, and ages spirituous liquor. 58465

~~(B)(1)~~(B) Except as otherwise provided in this section, no 58466
A-3a permit shall be issued unless the sale of spirituous liquor 58467
by the glass for consumption on the premises or by the package for 58468
consumption off the premises is authorized in the election 58469
precinct in which the A-3a permit is proposed to be located. 58470

~~(2) Division (B)(1) of this section does not prohibit the 58471
issuance of an A-3a permit to an applicant for such a permit who 58472
has filed an application with the division of liquor control 58473
before March 22, 2012. 58474~~

(C)(1) An A-3a permit holder may offer for sale tasting 58475
samples of spirituous liquor. The A-3a permit holder shall not 58476
serve more than four tasting samples of spirituous liquor per 58477
person per day. A tasting sample shall not exceed a quarter ounce. 58478
Tasting samples shall be only for the purpose of allowing a 58479
purchaser to determine, by tasting only, the quality and character 58480
of the spirituous liquor. The tasting samples shall be offered for 58481
sale in accordance with rules adopted by the division of liquor 58482
control. 58483

(2) An A-3a permit holder shall sell not more than three 58484
liters of spirituous liquor per day from the permit premises to 58485
the same personal consumer. 58486

(D) An A-3a permit holder may sell spirituous liquor in 58487
sealed containers for consumption off the premises where 58488

manufactured as an independent contractor under agreement, by 58489
virtue of the permit, with the division of liquor control. The 58490
price at which the A-3a permit holder shall sell each spirituous 58491
liquor product to a personal consumer is to be determined by the 58492
division of liquor control. For an A-3a permit holder to purchase 58493
and then offer spirituous liquor for retail sale, the spirituous 58494
liquor need not first leave the physical possession of the A-3a 58495
permit holder to be so registered. The spirituous liquor that the 58496
A-3a permit holder buys from the division of liquor control shall 58497
be maintained in a separate area of the permit premises for sale 58498
to personal consumers. The A-3a permit holder shall sell such 58499
spirituous liquor in sealed containers for consumption off the 58500
premises where manufactured as an independent contractor by virtue 58501
of the permit issued by the division of liquor control, but the 58502
permit holder shall not be compensated as provided in division 58503
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 58504
holder shall be subject to audit by the division of liquor 58505
control. Each A-3a permit holder shall execute and file with the 58506
division a surety bond, in an amount established by the division, 58507
that is conditioned on the faithful performance of the permit 58508
holder's duties as prescribed by the division. 58509

~~(D)~~(E) The fee for the A-3a permit is two dollars per 58510
fifty-gallon barrel. 58511

~~(E)~~(F) The holder of an A-3a permit may also exercise the 58512
same privileges as the holder of an A-3 permit. 58513

Sec. 4303.187. (A) The division of liquor control may issue a 58514
D-10 permit to the owner or operator of a retail food 58515
establishment or a food service operation licensed under Chapter 58516
3717. of the Revised Code that operates as a restaurant for 58517
purposes of this chapter and that meets all of the following: 58518

(1) The owner or operator holds a D class permit for the 58519

restaurant; 58520

(2) The restaurant is located on, or immediately adjacent to, the shoreline of a navigable body of water; 58521
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(3) The restaurant offers to its patrons boat rides on a boat that is owned or operated by the owner or operator of the restaurant and that is operated on the navigable body of water. 58523
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(B) A D-10 permit holder may sell beer, wine, or mixed beverages in glass or container for consumption on the boat that is owned or operated by the permit holder and that is operated on the navigable body of water that the permit holder's restaurant is located on or immediately adjacent to. 58526
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(C) A D-10 permit holder may sell beer, wine, or mixed beverages during the same hours as a holder of a D-5 permit as authorized under this chapter or Chapter 4301. of the Revised Code or the rules of the liquor control commission. 58531
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(D) The fee for the D-10 permit is one hundred dollars. 58535

Sec. 4303.188. (A) As used in this section: 58536

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor. 58537
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(2) "Personal consumer" means an individual who is at least twenty-one years of age and who intends to use a purchased alcoholic beverage only for personal consumption and not for resale or other commercial purposes. 58539
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(3) "Qualified permit holder" has the same meaning as in section 4301.82 of the Revised Code. 58543
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(B)(1) Notwithstanding any other provision of law to the contrary and in addition to areas in which a qualified permit holder is authorized to sell alcoholic beverages under the qualified permit holder's permit, a qualified permit holder may 58545
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sell alcoholic beverages by the individual drink for consumption 58549
as follows: 58550

(a) In any area of the qualified permit holder's property in 58551
which sales are not currently authorized and that is outdoors, 58552
including the qualified permit holder's parking area; 58553

(b) In any outdoor area of public property that is 58554
immediately adjacent to the qualified permit holder's premises and 58555
that is owned by a municipal corporation or township, provided 58556
that the permit holder obtains written consent in accordance with 58557
division (C) of this section; 58558

(c) In any outdoor area of private property that is 58559
immediately adjacent to the qualified permit holder's premises, 58560
provided that the permit holder obtains the written consent of the 58561
owner of the private property. 58562

(2) If a qualified permit holder sells alcoholic beverages in 58563
the outdoor area, the qualified permit holder shall clearly 58564
delineate the area where personal consumers may consume alcoholic 58565
beverages. 58566

(C) For purposes of division (B)(1)(b) of this section, a 58567
qualified permit holder shall obtain the written consent of either 58568
of the following: 58569

(1) If the public property is located in a municipal 58570
corporation, the executive officer of the municipal corporation or 58571
the executive officer's designee. If the executive officer or the 58572
executive officer's designee denies consent, the qualified permit 58573
holder may appeal the denial to the legislative authority of the 58574
municipal corporation. The legislative authority may adopt a 58575
resolution requesting the executive officer to reconsider the 58576
executive officer's denial. 58577

(2) If the public property is located in the unincorporated 58578
area of a township, the legislative authority of the township by 58579

the adoption of a resolution consenting to the sale of alcoholic beverages in the outdoor area. 58580
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(D) A qualified permit holder that intends to sell alcoholic beverages by the individual drink in an outdoor area under division (B)(1) of this section shall notify the division of liquor control and the investigative unit of the department of public safety of the area in which the qualified permit holder intends to sell the alcoholic beverages. The qualified permit holder shall provide the notice not later than ten days prior to the commencement of such sales. 58582
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(E) A qualified permit holder or the holder's employee shall deliver each alcoholic beverage sold to a personal consumer in an outdoor area authorized under this section. 58590
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Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that: 58593
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(1) Is exempt from federal income taxation; 58596

(2) Has a membership of two hundred fifty or more persons. 58597

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics: 58598
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(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event. 58601
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(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state. 58604
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(3) The event includes the sale of food for consumption on the premises where sold. 58607
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(4) The event features at least twenty A-1c permit holders, 58609
who are members of the nonprofit organization that has organized 58610
the event, as participants. The nonprofit organization may allow 58611
any number of A-1 permit holders to participate in the event. 58612

(C) An F-11 permit holder may sell, at the event, beer that 58613
it has purchased from the A-1 or A-1c permit holders that are 58614
participating in the event or from the participating A-1 or A-1c 58615
permit holder's assigned B-1 permit holder. The F-11 permit holder 58616
may sell the beer in four-ounce samples or in containers not 58617
exceeding sixteen ounces for consumption on the premises where 58618
sold. 58619

The F-11 permit holder may sell beer on the F-11 permit 58620
premises only where and when the sale of beer is otherwise 58621
permitted by law. 58622

(D) The F-11 permit holder shall clearly define and 58623
sufficiently restrict the premises of the event to allow proper 58624
enforcement of the permit by state and local law enforcement 58625
officers. If an F-11 permit is issued for all or a portion of the 58626
same premises for which another class of permit is issued, that 58627
permit holder's privileges are suspended in that portion of the 58628
premises in which the F-11 permit is in effect. 58629

(E)(1) No F-11 permit is effective for more than seventy-two 58630
consecutive hours. However, for purposes of an exposition at the 58631
state fairgrounds, an F-11 permit is effective for the duration of 58632
the exposition. 58633

(2) No sales of beer shall take place under an F-11 permit 58634
after one a.m. 58635

(F) The division shall not issue more than six F-11 permits 58636
to the same nonprofit organization in any one calendar year. 58637

(G) An applicant for an F-11 permit shall apply for the 58638
permit not later than thirty days prior to the first day of the 58639

event for which the permit is sought. In the application, the 58640
applicant shall list all of the A-1 and A-1c permit holders that 58641
will participate in the event. The fee for the F-11 permit is 58642
sixty dollars for each day of the event. 58643

The division shall prepare and make available an F-11 permit 58644
application form and may require applicants for and holders of the 58645
F-11 permit to provide information that is in addition to that 58646
required by this section and that is necessary for the 58647
administration of this section. 58648

(H)(1) An F-11 permit holder is responsible, and is subject 58649
to penalties, for any violations of this chapter or Chapter 4301. 58650
of the Revised Code that occur during the event. 58651

(2) An F-11 permit holder shall not allow an A-1 or A-1c 58652
permit holder to participate in the event if the A-1 or A-1c 58653
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 58654
permit holder is under suspension. 58655

(3) The division may refuse to issue an F-11 permit to an 58656
applicant if both of the following apply: 58657

(a) The applicant has pleaded guilty to or has been convicted 58658
of violating this chapter or Chapter 4301. of the Revised Code 58659
while operating under a previously issued F-11 permit. 58660

(b) The violation occurred within the two years preceding the 58661
filing of the new F-11 permit application. 58662

(I) Notwithstanding any provision of section 4301.24 of the 58663
Revised Code or any rule adopted by the liquor control commission 58664
to the contrary, employees of an A-1 or A-1c permit holder or B-1 58665
permit holder, or employees or agents of a B-1 permit holder may 58666
assist an F-11 permit holder in serving beer at an event for which 58667
an F-11 permit is issued. 58668

Sec. 4303.271. (A) Except as provided in divisions (B) and 58669

(D) of this section, the holder of a permit issued under sections 58670
4303.02 to 4303.232 of the Revised Code, who files an application 58671
for the renewal of the same class of permit for the same premises, 58672
shall be entitled to the renewal of the permit. The division of 58673
liquor control shall renew the permit unless the division rejects 58674
for good cause any renewal application, subject to the right of 58675
the applicant to appeal the rejection to the liquor control 58676
commission. 58677

(B) The legislative authority of the municipal corporation, 58678
the board of township trustees, or the board of county 58679
commissioners of the county in which a permit premises is located 58680
may object to the renewal of a permit issued under sections 58681
4303.11 to 4303.183 of the Revised Code for any of the reasons 58682
contained in division (A) of section 4303.292 of the Revised Code. 58683
Any objection shall be made no later than thirty days prior to the 58684
expiration of the permit, and the division shall accept the 58685
objection if it is postmarked no later than thirty days prior to 58686
the expiration of the permit. The objection shall be made by a 58687
resolution specifying the reasons for objecting to the renewal and 58688
requesting a hearing, but no objection shall be based upon 58689
noncompliance of the permit premises with local zoning regulations 58690
that prohibit the sale of beer or intoxicating liquor in an area 58691
zoned for commercial or industrial uses, for a permit premises 58692
that would otherwise qualify for a proper permit issued by the 58693
division. The resolution shall be accompanied by a statement by 58694
the chief legal officer of the political subdivision that, in the 58695
chief legal officer's opinion, the objection is based upon 58696
substantial legal grounds within the meaning and intent of 58697
division (A) of section 4303.292 of the Revised Code. 58698

Upon receipt of a resolution of a legislative authority or 58699
board objecting to the renewal of a permit and a statement from 58700
the chief legal officer, the division shall set a time for the 58701

hearing and send by certified mail to the permit holder, at the 58702
permit holder's usual place of business, a copy of the resolution 58703
and notice of the hearing. The division shall then hold a hearing 58704
in the central office of the division, except that, upon written 58705
request of the legislative authority or board, the hearing shall 58706
be held in the county seat of the county in which the permit 58707
premises is located, to determine whether the renewal shall be 58708
denied for any of the reasons contained in division (A) of section 58709
4303.292 of the Revised Code. Only the reasons for refusal 58710
contained in division (A) of section 4303.292 of the Revised Code 58711
and specified in the resolution of objection shall be considered 58712
at the hearing. 58713

The permit holder and the objecting legislative authority or 58714
board shall be parties to the proceedings under this section and 58715
shall have the right to be present, to be represented by counsel, 58716
to offer evidence, to require the attendance of witnesses, and to 58717
cross-examine witnesses at the hearing. 58718

(C) An application for renewal of a permit shall be filed 58719
with the division at least fifteen days prior to the expiration of 58720
an existing permit, and the existing permit shall continue in 58721
effect as provided in section 119.06 of the Revised Code until the 58722
application is approved or rejected by the division. Any holder of 58723
a permit, which has expired through failure to be renewed as 58724
provided in this section, shall obtain a renewal of the permit, 58725
upon filing an application for renewal with the division, at any 58726
time within thirty days from the date of the expired permit. A 58727
penalty of ten per cent of the permit fee shall be paid by the 58728
permit holder if the application for renewal is not filed at least 58729
fifteen days prior to the expiration of the permit. 58730

(D)(1) Annually, the tax commissioner shall examine the 58731
department of taxation's records for the horse-racing, alcoholic 58732
beverage, motor fuel, petroleum activity, sales or use, cigarette, 58733

other tobacco products, employer withholding, commercial activity, 58734
and gross casino revenue tax and gross receipts taxes levied 58735
pursuant to section 5739.101 of the Revised Code for each holder 58736
of a permit issued under sections 4303.02 to 4303.232 of the 58737
Revised Code to determine if the permit holder is delinquent in 58738
filing any returns, submitting any information required by the 58739
commissioner, or remitting any payments with respect to those 58740
taxes or any fees, charges, penalties, or interest related to 58741
those taxes. 58742

If any delinquency or liability exists, the commissioner 58743
shall send a notice of that fact ~~by certified mail, return receipt~~ 58744
~~requested,~~ to the permit holder in the manner provided in section 58745
5703.37 of the Revised Code. The notice shall specify, in as much 58746
detail as is possible, the periods for which returns have not been 58747
filed and the nature and amount of unpaid assessments and other 58748
liabilities and shall be sent on or before the first day of the 58749
third month preceding the month in which the permit expires. The 58750
commissioner also shall notify the division of liquor control of 58751
the delinquency or liability, identifying the permit holder by 58752
name and permit number. 58753

(2)(a) Except as provided in division (D)(4) of this section, 58754
the division of liquor control shall not renew the permit of any 58755
permit holder the tax commissioner has identified as being 58756
delinquent in filing any returns, providing any information, or 58757
remitting any payments with respect to the taxes listed in 58758
division (D)(1) of this section as of the first day of the sixth 58759
month preceding the month in which the permit expires, or of any 58760
permit holder the commissioner has identified as having been 58761
assessed by the department on or before the first day of the third 58762
month preceding the month in which the permit expires, until the 58763
division is notified by the commissioner that the delinquency, 58764
liability, or assessment has been resolved. 58765

(b)(i) Within ninety days after the date on which the permit expires, any permit holder whose permit is not renewed under this division may file an appeal with the liquor control commission. The commission shall notify the tax commissioner regarding the filing of any such appeal. During the period in which the appeal is pending, the permit shall not be renewed by the division. The permit shall be reinstated if the permit holder and the commissioner or the attorney general demonstrate to the liquor control commission that the commissioner's notification of a delinquency or assessment was in error or that the issue of the delinquency or assessment has been resolved.

(ii) A permit holder who has filed an appeal under division (D)(2)(b)(i) of this section may file a motion to withdraw the appeal. The division of liquor control may renew a permit holder's permit if the permit holder has withdrawn such an appeal and the division receives written certification from the tax commissioner that the permit holder's delinquency or assessment has been resolved.

(3) A permit holder notified of delinquency or liability under this section may protest the notification to the tax commissioner on the basis that no return or information is delinquent and no tax, fee, charge, penalty, or interest is outstanding. The commissioner shall expeditiously consider any evidence submitted by the permit holder and, if it is determined that the notification was in error, immediately shall inform the division of liquor control that the renewal application may be granted. The renewal shall not be denied if the delinquency or unreported liability is the subject of a bona fide dispute as to the validity of the delinquency or unreported liability and is the subject of an assessment and of an appeal properly filed by the permit holder.

(4) If the commissioner concludes that under the

circumstances the permit holder's delinquency or liability has 58798
been conditionally resolved, the commissioner shall allow the 58799
permit to be renewed, conditioned upon the permit holder's 58800
continuing performance in satisfying the delinquency and 58801
liability. The conditional nature of the renewal shall be 58802
specified in the notification given to the division of liquor 58803
control under division (D)(1) of this section. Upon receipt of 58804
notice of the resolution, the division shall issue a conditional 58805
renewal. If the taxpayer defaults on any agreement to pay the 58806
delinquency or liability or fails to keep subsequent tax or fee 58807
payments current, the liquor control commission, upon request and 58808
proof of the default or failure to keep subsequent tax or fee 58809
payments current, shall indefinitely suspend the permit holder's 58810
permit until all taxes or fees and interest due are paid. 58811

(5) The commissioner may adopt rules to assist in 58812
administering the duties imposed by this section. 58813

Sec. 4303.30. The rights granted by any ~~D-2, D-3, D-3a, D-4,~~ 58814
~~D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k,~~ 58815
~~D-5l, D-5m, D-5n, D-5o, or D-6~~ permit that authorizes on-premises 58816
consumption of beer, mixed beverages, wine, or spirituous liquor 58817
shall be exercised at not more than two fixed counters, commonly 58818
known as bars, in rooms or places on the permit premises, where 58819
beer, mixed beverages, wine, or spirituous liquor is sold to the 58820
public for consumption on the premises. For each additional fixed 58821
counter on the permit premises where those beverages are sold for 58822
consumption on the premises, the permit holder shall obtain a 58823
duplicate ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f,~~ 58824
~~D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6~~ 58825
permit for the class of permit already issued. 58826

The holder of any ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b,~~ 58827
~~D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,~~ 58828

~~or D-6~~ such permit shall be granted, upon application to the 58829
division of liquor control, a duplicate ~~D-2, D-3, D-3a, D-4, D-4a,~~ 58830
~~D-5, D-5a, D-5b, D-5c, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l,~~ 58831
~~D-5m, D-5n, D-5o,~~ ~~or D-6~~ permit for each additional fixed counter 58832
on the permit premises at which beer, mixed beverages, wine, or 58833
spirituous liquor is sold for consumption on the premises, 58834
provided the application is made in the same manner as an 58835
application for an original permit. The application shall be 58836
identified with DUPLICATE printed on the permit application form 58837
furnished by the department, in boldface type. The application 58838
shall identify by name, or otherwise amply describe, the room or 58839
place on the premises where the duplicate permit is to be 58840
operative. Each duplicate permit shall be issued only to the same 58841
individual, firm, or corporation as that of the original permit 58842
and shall be an exact duplicate in size and word content as the 58843
original permit, except that it shall show on it the name or other 58844
ample identification of the room, or place, for which it is issued 58845
and shall have DUPLICATE printed on it in boldface type. A 58846
duplicate permit shall bear the same number as the original 58847
permit. The fee for a duplicate permit is: ~~D-1, one hundred~~ 58848
~~dollars; D-2, one hundred dollars; D-3, four hundred dollars;~~ 58849
~~D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one~~ 58850
~~thousand dollars; D-5a, one thousand dollars; D-5b, one thousand~~ 58851
~~dollars; D-5c, four hundred dollars; D-5e, six hundred fifty~~ 58852
~~dollars; D-5f, one thousand dollars; D-5o, one thousand dollars;~~ 58853
~~D-6, one hundred dollars when issued to the holder of a D-4a~~ 58854
~~permit; and in all other cases one hundred dollars or an amount~~ 58855
which is twenty per cent of the fees fee payable for the ~~A-1 A,~~ 58856
~~D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5c, D-5f, D-5g, D-5h,~~ 58857
~~D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,~~ and ~~D-6~~ permits the 58858
original permit issued to the same premises, whichever is higher. 58859
Application for a duplicate permit may be filed any time during 58860
the life of an original permit. The fee for each duplicate ~~D-2,~~ 58861

~~D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 58862
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ permit shall be 58863
paid in accordance with section 4303.24 of the Revised Code. 58864

Sec. 4503.03. (A)(1)(a) Except as provided in division (B) of 58865
this section, the registrar of motor vehicles may designate one or 58866
more of the following persons to act as a deputy registrar in each 58867
county: 58868

(i) The county auditor in any county, ~~subject to division~~ 58869
~~(A)(1)(b)(i) of this section;~~ 58870

(ii) The clerk of a court of common pleas in any county, ~~7~~ 58871
~~subject to division (A)(1)(b)(ii) of this section;~~ 58872

(iii) An individual; 58873

(iv) A nonprofit corporation as defined in division (C) of 58874
section 1702.01 of the Revised Code. 58875

~~(b)(i) If the population of a county is forty thousand or~~ 58876
~~less according to the most recent federal decennial census and if~~ 58877
~~the county auditor is designated by the registrar as a deputy~~ 58878
~~registrar, no other person need be designated in the county to act~~ 58879
~~as a deputy registrar.~~ 58880

~~(ii) The registrar may designate a clerk of a court of common~~ 58881
~~pleas as a deputy registrar if the population of the county is~~ 58882
~~forty thousand or less according to the last federal census. In a~~ 58883
~~county with a population greater than forty thousand but not more~~ 58884
~~than fifty thousand according to the last federal census, the~~ 58885
~~clerk of a court of common pleas is eligible to act as a deputy~~ 58886
~~registrar and may participate in the competitive selection process~~ 58887
~~for the award of a deputy registrar contract by applying in the~~ 58888
~~same manner as any other person. All fees collected and retained~~ 58889
by a clerk for conducting deputy registrar services shall be paid 58890
into the county treasury to the credit of the certificate of title 58891

administration fund created under section 325.33 of the Revised Code. 58892
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~~Notwithstanding the county population restrictions in division (A)(1)(b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.~~ 58894
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~~(e)(b)~~ As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A)(1) of this section. 58900
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(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers in the same manner as the registrar. Such deputies shall be located in such locations ~~in the county~~ as the registrar sees fit. ~~There~~ Except as provided in division (A)(3) of this section, there shall be at least one deputy registrar in each county. 58905
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(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply: 58912
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(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy registrar; 58914
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(b) Neither the county auditor nor the clerk of court of common pleas agrees to be designated as a deputy registrar; 58918
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(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar; 58920
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(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county. 58922
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(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply: 58925
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(a) The county auditor requests to be designated as a deputy registrar; 58927
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(b) The clerk of court of common pleas requests to be designated as a deputy registrar; 58929
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(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county; 58931
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(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process. 58934
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Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code. 58940
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(B)(1) The registrar shall not designate any person to act as a deputy registrar under division (A)(1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (C)(4) of 58942
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section 3517.01 of the Revised Code or "political action committee" as defined in division (C)(8) of that section that is primarily associated with that political party. For purposes of this division, contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated with contributions to that political party.

The contribution limitations contained in this division do not apply to any county auditor or clerk of a court of common pleas. A county auditor or clerk of a court of common pleas is not required to file the disclosure statement or pay the filing fee required under section 4503.033 of the Revised Code. The limitations of this division also do not apply to a deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision.

(2) The registrar shall not designate either of the following to act as a deputy registrar:

(a) Any elected public official other than a county auditor or, as authorized by division ~~(A)(1)(b)~~(A)(1) of this section, a clerk of a court of common pleas, acting in an official capacity, except that, the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision;

(b) Any person holding a current, valid contract to conduct motor vehicle inspections under section 3704.14 of the Revised Code.

(3) As used in division (B) of this section, "political subdivision" has the same meaning as in section 3501.01 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section,

deputy registrars are independent contractors and neither they nor 58984
their employees are employees of this state, except that nothing 58985
in this section shall affect the status of county auditors or 58986
clerks of courts of common pleas as public officials, nor the 58987
status of their employees as employees of any of the counties of 58988
this state, which are political subdivisions of this state. Each 58989
deputy registrar shall be responsible for the payment of all 58990
unemployment compensation premiums, all workers' compensation 58991
premiums, social security contributions, and any and all taxes for 58992
which the deputy registrar is legally responsible. Each deputy 58993
registrar shall comply with all applicable federal, state, and 58994
local laws requiring the withholding of income taxes or other 58995
taxes from the compensation of the deputy registrar's employees. 58996
Each deputy registrar shall maintain during the entire term of the 58997
deputy registrar's contract a policy of business liability 58998
insurance satisfactory to the registrar and shall hold the 58999
department of public safety, the director of public safety, the 59000
bureau of motor vehicles, and the registrar harmless upon any and 59001
all claims for damages arising out of the operation of the deputy 59002
registrar agency. 59003

(2) For purposes of Chapter 4141. of the Revised Code, 59004
determinations concerning the employment of deputy registrars and 59005
their employees shall be made under Chapter 4141. of the Revised 59006
Code. 59007

(D)(1) With the approval of the director, the registrar shall 59008
adopt rules governing deputy registrars. The rules shall do all of 59009
the following: 59010

(a) Establish requirements governing the terms of the 59011
contract between the registrar and each deputy registrar and the 59012
services to be performed; 59013

(b) Establish requirements governing the amount of bond to be 59014
given as provided in this section; 59015

- (c) Establish requirements governing the size and location of the deputy's office; 59016
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- (d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment; 59018
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- (e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements; 59022
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- (f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause; 59025
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- (g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend; 59031
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- (h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county; 59037
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- (i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state; 59040
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- ~~(j) Except as provided in division (D)(2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;~~ 59042
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- ~~(k) For the duration of any deputy registrar contract,~~ 59045

~~require that the deputy registrar occupy a primary residence in a location that is within a one hour commute time from the deputy registrar's office or offices. The rules shall require the registrar to determine commute time by using multiple established internet based mapping services.~~

~~(l)~~ Establish procedures for a deputy registrar to request the authority to collect reinstatement fees under sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, and 4511.191 of the Revised Code and to transmit the reinstatement fees and two dollars of the service fee collected under those sections. The registrar shall ensure that at least one deputy registrar in each county has the necessary equipment and is able to accept reinstatement fees. The registrar shall deposit the service fees received from a deputy registrar under those sections into the public safety - highway purposes fund created in section 4501.06 of the Revised Code and shall use the money for deputy registrar equipment necessary in connection with accepting reinstatement fees.

~~(m)~~(k) Establish standards for a deputy registrar, when the deputy registrar is not a county auditor or a clerk of a court of common pleas, to sell advertising rights to third party businesses to be placed in the deputy registrar's office;

~~(n)~~(l) Allow any deputy registrar that is not a county auditor or a clerk of a court of common pleas to operate a vending machine;

~~(o)~~(m) Establish such other requirements as the registrar and director consider necessary to provide a high level of service.

(2) ~~Notwithstanding division (D)(1)(j) of this section, the~~ The rules may allow both of the following:

(a) The registrar to award a contract to a deputy registrar to operate more than one deputy registrar's office if determined

by the registrar to be practical; 59077

(b) A nonprofit corporation formed for the purposes of 59078
providing automobile-related services to its members or the public 59079
and that provides such services from more than one location in 59080
this state to operate a deputy registrar office at any location. 59081

(3) As a daily adjustment, the bureau of motor vehicles shall 59082
credit to a deputy registrar the amount established under section 59083
4503.038 of the Revised Code for each damaged license plate or 59084
validation sticker the deputy registrar replaces as a service to a 59085
member of the public. 59086

(4)(a) With the prior approval of the registrar, each deputy 59087
registrar may conduct at the location of the deputy registrar's 59088
office any business that is consistent with the functions of a 59089
deputy registrar and that is not specifically mandated or 59090
authorized by this or another chapter of the Revised Code or by 59091
implementing rules of the registrar. 59092

(b) In accordance with guidelines the director of public 59093
safety shall establish, a deputy registrar may operate or contract 59094
for the operation of a vending machine at a deputy registrar 59095
location if products of the vending machine are consistent with 59096
the functions of a deputy registrar. 59097

(c) A deputy registrar may enter into an agreement with the 59098
Ohio turnpike and infrastructure commission pursuant to division 59099
(A)(11) of section 5537.04 of the Revised Code for the purpose of 59100
allowing the general public to acquire from the deputy registrar 59101
the electronic toll collection devices that are used under the 59102
multi-jurisdiction electronic toll collection agreement between 59103
the Ohio turnpike and infrastructure commission and any other 59104
entities or agencies that participate in such an agreement. The 59105
approval of the registrar is not necessary if a deputy registrar 59106
engages in this activity. 59107

(5) Not later than July 1, 2025, the registrar shall provide every deputy registrar access to an internet-based application programming interface that does all of the following:

(a) Assigns each deputy registrar a unique credential for use of the interface;

(b) Allows each deputy registrar to provide online services and transactions for bureau of motor vehicle services otherwise provided at a deputy registrar agency;

(c) Limits the use of the interface to the deputy registrars, the authorized agents of the deputy registrars, and the authorized agents of the registrar necessary for technical support.

The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer division (D)(5) of this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (D)(5) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

(6) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(E)(1) Unless otherwise terminated and except for interim contracts lasting not longer than one year, contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration as follows:

(a) For contracts entered into between July 1, 1996 and June 29, 2014, for a period of not less than two years, but not more than three years;

(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy

registrar. 59138

(2) All contracts with deputy registrars shall expire on the 59139
last Saturday of June in the year of their expiration. Prior to 59140
the expiration of any deputy registrar contract, the registrar, 59141
with the approval of the director, may award a one-year contract 59142
extension to any deputy registrar who has provided exemplary 59143
service based upon objective performance evaluations. 59144

(3)(a) The auditor of state may examine the accounts, 59145
reports, systems, and other data of each deputy registrar at least 59146
every two years. The registrar, with the approval of the director, 59147
shall immediately remove a deputy who violates any provision of 59148
the Revised Code related to the duties as a deputy, any rule 59149
adopted by the registrar, or a term of the deputy's contract with 59150
the registrar. The registrar also may remove a deputy who, in the 59151
opinion of the registrar, has engaged in any conduct that is 59152
either unbecoming to one representing this state or is 59153
inconsistent with the efficient operation of the deputy's office. 59154

(b) If the registrar, with the approval of the director, 59155
determines that there is good cause to believe that a deputy 59156
registrar or a person proposing for a deputy registrar contract 59157
has engaged in any conduct that would require the denial or 59158
termination of the deputy registrar contract, the registrar may 59159
require the production of books, records, and papers as the 59160
registrar determines are necessary, and may take the depositions 59161
of witnesses residing within or outside the state in the same 59162
manner as is prescribed by law for the taking of depositions in 59163
civil actions in the court of common pleas, and for that purpose 59164
the registrar may issue a subpoena for any witness or a subpoena 59165
duces tecum to compel the production of any books, records, or 59166
papers, directed to the sheriff of the county where the witness 59167
resides or is found. Such a subpoena shall be served and returned 59168
in the same manner as a subpoena in a criminal case is served and 59169

returned. The fees of the sheriff shall be the same as that 59170
allowed in the court of common pleas in criminal cases. Witnesses 59171
shall be paid the fees and mileage provided for under section 59172
119.094 of the Revised Code. The fees and mileage shall be paid 59173
from the fund in the state treasury for the use of the agency in 59174
the same manner as other expenses of the agency are paid. 59175

In any case of disobedience or neglect of any subpoena served 59176
on any person or the refusal of any witness to testify to any 59177
matter regarding which the witness lawfully may be interrogated, 59178
the court of common pleas of any county where the disobedience, 59179
neglect, or refusal occurs or any judge of that court, on 59180
application by the registrar, shall compel obedience by attachment 59181
proceedings for contempt, as in the case of disobedience of the 59182
requirements of a subpoena issued from that court, or a refusal to 59183
testify in that court. 59184

(4) Nothing in division (E) of this section shall be 59185
construed to require a hearing of any nature prior to the 59186
termination of any deputy registrar contract by the registrar, 59187
with the approval of the director, for cause. 59188

(F) Except as provided in section 2743.03 of the Revised 59189
Code, no court, other than the court of common pleas of Franklin 59190
county, has jurisdiction of any action against the department of 59191
public safety, the director, the bureau, or the registrar to 59192
restrain the exercise of any power or authority, or to entertain 59193
any action for declaratory judgment, in the selection and 59194
appointment of, or contracting with, deputy registrars. Neither 59195
the department, the director, the bureau, nor the registrar is 59196
liable in any action at law for damages sustained by any person 59197
because of any acts of the department, the director, the bureau, 59198
or the registrar, or of any employee of the department or bureau, 59199
in the performance of official duties in the selection and 59200
appointment of, and contracting with, deputy registrars. 59201

(G) The registrar shall assign to each deputy registrar a series of numbers sufficient to supply the demand at all times in the area the deputy registrar serves, and the registrar shall keep a record in the registrar's office of the numbers within the series assigned. Except as otherwise provided in section 3.061 of the Revised Code, each deputy shall be required to give bond in the amount of at least twenty-five thousand dollars, or in such higher amount as the registrar determines necessary, based on a uniform schedule of bond amounts established by the registrar and determined by the volume of registrations handled by the deputy. The form of the bond shall be prescribed by the registrar. The bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

(H) Each deputy registrar shall keep a file of each application received by the deputy and shall register that motor vehicle with the name and address of its owner.

(I) Upon request, a deputy registrar shall make the physical inspection of a motor vehicle and issue the physical inspection certificate required in section 4505.061 of the Revised Code.

(J) Each deputy registrar shall file a report semiannually with the registrar of motor vehicles listing the number of applicants for licenses the deputy has served, the number of voter registration applications the deputy has completed and transmitted to the board of elections, and the number of voter registration applications declined.

Sec. 4503.038. (A) Not later than ninety days after ~~the effective date of this amendment~~ July 3, 2019, the registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a service fee that applies for purposes of sections 4503.03, 4503.036, 4503.042, 4503.10,

4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 59233
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 59234
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 59235
shall be ~~five~~ six dollars. 59236

(B) Not later than ninety days after ~~the effective date of~~ 59237
~~this amendment~~ July 3, 2019, the registrar shall adopt rules in 59238
accordance with Chapter 119. of the Revised Code establishing 59239
prorated service fees that apply for purposes of multi-year 59240
registrations authorized under section 4503.103 of the Revised 59241
Code. 59242

(C) Notwithstanding any provision of section 121.95 of the 59243
Revised Code to the contrary, a regulatory restriction contained 59244
in a rule adopted under this section is not subject to sections 59245
121.95 to 121.953 of the Revised Code. 59246

Sec. 4503.065. (A)(1) Division (A) of this section applies to 59247
any of the following persons: 59248

(a) An individual who is permanently and totally disabled; 59249

(b) An individual who is sixty-five years of age or older; 59250

(c) An individual who is the surviving spouse of a deceased 59251
person who was permanently and totally disabled or sixty-five 59252
years of age or older and who applied and qualified for a 59253
reduction in assessable value under this section in the year of 59254
death, provided the surviving spouse is at least fifty-nine but 59255
not sixty-five or more years of age on the date the deceased 59256
spouse dies. 59257

(2) The manufactured home tax on a manufactured or mobile 59258
home that is paid pursuant to division (C) of section 4503.06 of 59259
the Revised Code and that is owned and occupied as a home by an 59260
individual whose domicile is in this state and to whom this 59261
section applies, shall be reduced for any tax year for which an 59262

application for such reduction has been approved, provided the 59263
individual did not acquire ownership from a person, other than the 59264
individual's spouse, related by consanguinity or affinity for the 59265
purpose of qualifying for the reduction. An owner includes a 59266
settlor of a revocable or irrevocable inter vivos trust holding 59267
the title to a manufactured or mobile home occupied by the settlor 59268
as of right under the trust. 59269

(a) For manufactured and mobile homes for which the tax 59270
imposed by section 4503.06 of the Revised Code is computed under 59271
division (D)(2) of that section, the reduction shall equal one of 59272
the following amounts, as applicable to the person: 59273

(i) If the person received a reduction under this section for 59274
tax year 2007, the greater of the reduction for that tax year or 59275
the amount computed under division (A)(2)(b) of this section; 59276

(ii) If the person received, for any homestead, a reduction 59277
under division (A) of this section for tax year 2014 or under 59278
division (A)(1) of section 323.152 of the Revised Code for tax 59279
year 2013 or the person is the surviving spouse of such a person 59280
and the surviving spouse is at least fifty-nine years of age on 59281
the date the deceased spouse dies, the amount computed under 59282
division (A)(2)(b) of this section. ~~For purposes of divisions~~ 59283
~~(A)(2)(a)(ii) and (iii) of this section, a person receives a~~ 59284
~~reduction under division (A) of this section or division (A)(1) of~~ 59285
~~section 323.152 of the Revised Code for tax year 2014 or 2013,~~ 59286
~~respectively, if the person files a late application for that~~ 59287
~~respective tax year that is approved by the county auditor under~~ 59288
~~section 4503.066 or 323.153 of the Revised Code.~~ 59289

(iii) If the person is not described in division (A)(2)(a)(i) 59290
or (ii) of this section and the person's total income does not 59291
exceed thirty thousand dollars, as adjusted under division 59292
(A)(2)(e) of this section, the amount computed under division 59293
(A)(2)(b) of this section. 59294

(b) The amount of the reduction under division (A)(2)(b) of this section equals the product of the following: 59295
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(i) Twenty-five thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section; 59297
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(ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent; 59300
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(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code; 59303
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(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code. 59307
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(c) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal one of the following amounts, as applicable to the person: 59311
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(i) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (A)(2)(d) of this section; 59315
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(ii) If the person received, for any homestead, a reduction under division (A) of this section for tax year 2014 or under division (A)(1) of section 323.152 of the Revised Code for tax year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(2)(d) of this section. ~~For purposes of divisions (A)(2)(e)(ii) and (iii) of this section, a person receives a~~ 59318
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~~reduction under division (A) of this section or under division 59326
(A)(1) of section 323.152 of the Revised Code for tax year 2014 or 59327
2013, respectively, if the person files a late application for a 59328
refund of overpayments for that respective tax year that is 59329
approved by the county auditor under section 4503.066 of the 59330
Revised Code. 59331~~

(iii) If the person is not described in division (A)(2)(c)(i) 59332
or (ii) of this section and the person's total income does not 59333
exceed thirty thousand dollars, as adjusted under division 59334
(A)(2)(e) of this section, the amount computed under division 59335
(A)(2)(d) of this section. 59336

(d) The amount of the reduction under division (A)(2)(d) of 59337
this section equals the product of the following: 59338

(i) Twenty-five thousand dollars of the cost to the owner, or 59339
the market value at the time of purchase, whichever is greater, as 59340
those terms are used in division (D)(1) of section 4503.06 of the 59341
Revised Code, and as adjusted under division (A)(2)(e) of this 59342
section; 59343

(ii) The percentage from the appropriate schedule in division 59344
(D)(1)(b) of section 4503.06 of the Revised Code; 59345

(iii) The assessment percentage of forty per cent used in 59346
division (D)(1)(b) of section 4503.06 of the Revised Code; 59347

(iv) The tax rate of the taxing district in which the home 59348
has its situs. 59349

(e) ~~Each calendar year, the~~ The tax commissioner shall adjust 59350
the income threshold described in divisions (A)(2)(a)(iii) and 59351
(A)(2)(c)(iii) and the reduction amounts described in divisions 59352
(A)(2)(b)(i), (A)(2)(d)(i), (B)(1), (B)(2), (C)(1), and (C)(2) of 59353
this section by completing the following calculations in September 59354
of each year: 59355

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year; 59356
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(ii) Multiply that percentage increase by the total income threshold or reduction amount for the ensuing tax year, as applicable; 59361
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(iii) Add the resulting product to the total income threshold or reduction amount, as applicable for the ensuing tax year; 59364
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(iv) Round the resulting sum to the nearest multiple of one hundred dollars. 59366
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The commissioner shall certify the amount resulting from ~~the~~ each adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the second ensuing tax year. The commissioner shall not make the applicable adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold or the reduction amount for the ensuing tax year. 59368
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(B) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by a disabled veteran shall be reduced for any tax year for which an application for such reduction has been approved, provided the disabled veteran did not acquire ownership from a person, other than the disabled veteran's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes an owner within the meaning of division (A)(2) of this section. 59375
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(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the 59384
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product obtained by multiplying fifty thousand dollars of the true 59387
value of the property in money, as adjusted under division 59388
(A)(2)(e) of this section, by the amounts described in divisions 59389
(A)(2)(b)(ii) to (iv) of this section. 59390

(2) For manufactured and mobile homes for which the tax 59391
imposed by section 4503.06 of the Revised Code is computed under 59392
division (D)(1) of that section, the reduction shall equal the 59393
product obtained by multiplying fifty thousand dollars of the cost 59394
to the owner, or the market value at the time of purchase, 59395
whichever is greater, as those terms are used in division (D)(1) 59396
of section 4503.06 of the Revised Code, as adjusted under division 59397
(A)(2)(e) of this section, by the amounts described in divisions 59398
(A)(2)(d)(ii) to (iv) of this section. 59399

The reduction is in lieu of any reduction under section 59400
4503.0610 of the Revised Code or division (A) or (C) of this 59401
section. The reduction applies to only one manufactured or mobile 59402
home owned and occupied by a disabled veteran. 59403

If a manufactured or mobile home qualifies for a reduction in 59404
taxes under this division for the year in which the disabled 59405
veteran dies, and the disabled veteran is survived by a spouse who 59406
occupied the home when the disabled veteran died and who acquires 59407
ownership of the home, the reduction shall continue through the 59408
year in which the surviving spouse dies or remarries. 59409

(C) The manufactured home tax levied pursuant to division (C) 59410
of section 4503.06 of the Revised Code on a manufactured or mobile 59411
home that is owned and occupied by the surviving spouse of a 59412
public service officer killed in the line of duty shall be reduced 59413
for any tax year for which an application for such reduction has 59414
been approved, provided the surviving spouse did not acquire 59415
ownership from a person, other than the surviving spouse's 59416
deceased public service officer spouse, related by consanguinity 59417
or affinity for the purpose of qualifying for the reduction. An 59418

owner includes an owner within the meaning of division (A)(2) of this section. 59419
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(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(b)(ii) to (iv) of this section. 59421
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(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(d)(ii) to (iv) of this section. 59428
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The reduction is in lieu of any reduction under section 4503.0610 of the Revised Code or division (A) or (B) of this section. The reduction applies to only one manufactured or mobile home owned and occupied by such a surviving spouse. A manufactured or mobile home qualifies for a reduction in taxes under this division for the tax year in which the public service officer dies through the tax year in which the surviving spouse dies or remarries. 59437
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(D) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction to which the owner or spouse is entitled under division (A), (B), or (C) of this section and the 59445
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amount of the reduction under the homestead exemption. 59451

(E) No reduction shall be made with respect to the home of 59452
any person convicted of violating division (C) or (D) of section 59453
4503.066 of the Revised Code for a period of three years following 59454
the conviction. 59455

Sec. 4503.27. A manufacturer, dealer, or distributor shall 59456
~~make application~~ apply for registration, for each place in this 59457
state at which the business of manufacturing, dealing, or 59458
distributing of motor vehicles is carried on. The application 59459
shall show the make of motor vehicles manufactured, dealt in, or 59460
distributed at such place and shall show the taxing district in 59461
which the place of business is located. Upon the filing of such 59462
application and the payment of the annual tax ~~and postage therefor~~ 59463
imposed by section 4503.09 of the Revised Code, the registrar of 59464
motor vehicles shall assign to the applicant a distinctive number 59465
~~which that~~ must be carried and displayed by each such motor 59466
vehicle in like manner as provided by law for other motor vehicles 59467
while it is operated on the public highway until it is sold or 59468
transferred. At the time the registrar assigns the distinctive 59469
number the registrar shall furnish one ~~placard~~ license plate with 59470
the number thereon. Such manufacturer, dealer, or distributor may 59471
procure a reasonable number of ~~certified copies of the~~ additional 59472
registration ~~certificate~~ certificates upon the payment for each of 59473
an annual fee of five dollars and the appropriate postage as 59474
required by the registrar. With each ~~of the certified copies~~ 59475
additional registration certificate the registrar shall furnish 59476
one ~~placard~~ license plate with the same numbering provided in the 59477
original registration certificate, and shall add thereto such 59478
special designation as necessary to distinguish one ~~set of~~ 59479
~~placards~~ license plate from another. 59480

The registrar shall not assign any distinctive number and 59481

shall not furnish any ~~placards~~ license plates to any dealer or distributor unless the dealer or distributor, at the time of ~~making~~ application for the ~~placards~~ license plates, produces evidence to show that the dealer or distributor is the holder either of a motor vehicle dealer's license required by section 4517.04 or 4517.05 of the Revised Code or a distributor's license required by section 4517.08 of the Revised Code. Such evidence shall be presented in the manner prescribed by the registrar.

Sec. 4503.271. A new motor vehicle may be operated on the public roads or highways of this state without displaying a license plate ~~or placard~~ issued to a manufacturer, dealer, or distributor under section 4503.27 of the Revised Code or any other license plate specified in the Revised Code if all of the following apply to the new motor vehicle:

(A) The new motor vehicle was being transported on a railroad car;

(B) The railroad car or the train of which the railroad car was a part was involved in an accident that required the unloading of the new motor vehicle from the railroad car in order to preserve its condition or to facilitate the process of returning the accident site to its normal state;

(C) The operator of the new motor vehicle was instructed by a law enforcement officer at the accident site to drive the new motor vehicle from the accident site directly to another location for the purpose of removing the new motor vehicle from the accident site and storing the new motor vehicle;

(D) The operator of the new motor vehicle proceeds from the accident site to the storage location utilizing the most direct route.

Sec. 4503.28. (A) No person who is a manufacturer of, dealer

in, or distributor of motor vehicles shall fail to file an 59512
application for registration ~~and~~ to pay the tax for the 59513
registration, and to apply for and pay the legal fees for as many 59514
~~certified copies of the~~ additional registration certificates as 59515
the law requires. 59516

(B) Whoever violates this section is guilty of a misdemeanor 59517
of the fourth degree. 59518

Sec. 4503.30. (A) Any ~~placards~~ license plates issued by the 59519
registrar of motor vehicles and bearing the distinctive number 59520
assigned to a manufacturer, dealer, or distributor pursuant to 59521
section 4503.27 of the Revised Code may be displayed on any motor 59522
vehicle, other than commercial cars, or on any motorized bicycle 59523
owned by the manufacturer, dealer, or distributor, or lawfully in 59524
the possession or control of the manufacturer, or the agent or 59525
employee of the manufacturer, the dealer, or the agent or employee 59526
of the dealer, the distributor, or the agent or employee of the 59527
distributor, ~~and~~. Such license plates shall be displayed on no 59528
other motor vehicle or motorized bicycle. ~~A placard~~ 59529

(B)(1) A license plate issued to a dealer under section 59530
4503.27 of the Revised Code may be displayed on a motor vehicle, 59531
other than a commercial car, owned by a dealer when the vehicle is 59532
in transit from a dealer to a purchaser, when the vehicle is being 59533
demonstrated for sale or lease, or when the vehicle otherwise is 59534
being utilized by the dealer. A 59535

(2) A vehicle bearing a ~~placard~~ license plate issued to a 59536
dealer under section 4503.27 of the Revised Code may be operated 59537
by the dealer, an agent or employee of the dealer, a prospective 59538
purchaser, or a third party operating the vehicle with the 59539
permission of the dealer. 59540

~~Such placards~~ (C) A license plate issued to a manufacturer, 59541

dealer, or distributor pursuant to section 4503.27 of the Revised Code may be displayed on commercial cars only when the cars are in transit from a manufacturer to a dealer, from a distributor to a dealer or distributor, or from a dealer to a purchaser, or when the cars are being demonstrated for sale or lease, ~~and~~. Such a license plate shall not be displayed when the cars are being used for delivery, hauling, transporting, or other commercial purpose.

~~(B)~~(D) Whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of motor vehicles may apply for a reasonable number of commercial car demonstration ~~placards~~ license plates. The application shall show the make of commercial cars, commercial tractors, trailers, and semitrailers manufactured, dealt, or distributed in and shall show the taxing district in which the applicant's place of business is located.

Upon the filing of such application and the payment of an annual fee of five hundred dollars and appropriate postage as required by the registrar of motor vehicles, the registrar shall assign to the applicant a distinctive ~~placard~~ and number and the requested license plates with the number thereon. Such ~~placards~~ license plates shall be known as "commercial car demonstration ~~placards~~ license plates," and shall expire on a date prescribed by the registrar. Upon the first application by any person for such ~~placards~~ license plates, the registrar shall prorate the annual fee in accordance with section 4503.11 of the Revised Code; for all renewals or replacements of such ~~placards~~ license plates, the registrar shall collect the full amount of the annual fee.

Commercial car demonstration ~~placards~~ license plates may be displayed on commercial cars, commercial tractors, trailers and semitrailers owned by the manufacturer, dealer, or distributor,

when those vehicles are operated by or being demonstrated to a prospective purchaser. In addition to the purposes permitted by section 4503.30 of the Revised Code, the ~~placards~~ license plates provided for in this section may be displayed on vehicles operated or used for delivery, hauling, transporting, or any other lawful purpose. When such ~~placards~~ license plates are used, the ~~placards~~ license plates provided for in section 4503.30 of the Revised Code need not be displayed.

The operator of any commercial car, commercial tractor, trailer, or semitrailer displaying the ~~placards~~ license plates provided for in this section, at all times, shall carry with the operator a letter from the manufacturer, dealer, or distributor authorizing the use of such manufacturer's, dealer's, or distributor's commercial car demonstration ~~placards~~ license plates.

When such ~~placards~~ license plates are used on any commercial car or commercial tractor, such power unit shall be considered duly registered and licensed for the purposes of section 4503.38 of the Revised Code.

(B) No manufacturer, dealer, or distributor of motor vehicles shall use the commercial car demonstration ~~placard~~ license plates for purposes other than those authorized by this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree.

Sec. 4503.31. (A) As used in this section, "person" includes, but is not limited to, any person engaged in the business of manufacturing or distributing, or selling at retail, displaying, offering for sale, or dealing in, motorized bicycles who is not subject to section 4503.09 of the Revised Code, or an Ohio nonprofit corporation engaged in the business of testing of motor vehicles.

(B) Persons other than manufacturers, dealers, or distributors may register annually with the registrar of motor vehicles and obtain ~~placards~~ license plates to be displayed on motor vehicles as provided by this section. Applications for annual registration shall be made at the time provided for payment of the tax ~~and postage~~ otherwise imposed on manufacturers, dealers, or distributors by section 4503.09 of the Revised Code and shall be in the manner to be prescribed by the registrar. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year. Applicants may procure a reasonable number of ~~certified copies of such~~ additional registration certificates upon the payment of a fee of five dollars and appropriate postage as required by the registrar for each copy.

(C) Upon the filing of the application and the payment of the fee and postage prescribed by this section, the registrar shall issue to each applicant a certificate of registration and assign a distinctive number and furnish one ~~placard~~ license plate with the number thereon. With each ~~of the certified copies of the~~ additional registration certificate provided for in this section the registrar shall furnish one ~~placard~~ license plate with the same numbering assigned in the original registration certificate and shall add thereto such special designation as necessary to distinguish one ~~set of placards~~ license plate from another. All ~~placards~~ license plates furnished by the registrar pursuant to this section shall be so marked as to be distinguishable from ~~placards~~ license plates issued to dealers, manufacturers, or distributors. ~~Placards~~

(D) Except as provided by divisions (E) and (F) of this section, license plates issued pursuant to this section may be used only on ~~motor~~ the following:

(1) Motor vehicles or motorized bicycles owned and being used

in testing or being demonstrated for purposes of sale or lease; ~~or~~ 59636
~~on motor~~ 59637

(2) Motor vehicles subject to the rights and remedies of a 59638
secured party being exercised under Chapter 1309. of the Revised 59639
Code; ~~or on motor~~ 59640

(3) Motor vehicles being held or transported by any insurance 59641
company for purposes of salvage disposition; ~~or on motor~~ 59642

(4) Motor vehicles being transported by any persons regularly 59643
engaged in salvage operations or scrap metal processing from the 59644
point of acquisition to their established place of business; ~~or on~~ 59645
~~motor~~ 59646

(5) Motor vehicles owned by or in the lawful possession of an 59647
Ohio nonprofit corporation while being used in the testing of 59648
those motor vehicles. 59649

~~Placards~~ (E) License plates issued pursuant to this section 59650
also may be used by ~~persons~~ all of the following: 59651

(1) Persons regularly engaged in the business of 59652
rustproofing, reconditioning, or installing equipment or trim on 59653
motor vehicles for motor vehicle dealers and shall be used 59654
exclusively when such motor vehicles are being transported to or 59655
from the motor vehicle dealer's place of business; ~~and by persons~~ 59656

(2) Persons engaged in manufacturing articles for attachment 59657
to motor vehicles when such motor vehicles are being transported 59658
to or from places where mechanical equipment is attached to the 59659
chassis of such new motor vehicles; ~~or on motor vehicles being~~ 59660
~~towed by any persons~~ 59661

(3) Persons regularly and primarily engaged in the business 59662
of towing motor vehicles while such ~~vehicle is~~ motor vehicles are 59663
being towed to a point of storage. 59664

~~Placards~~ (F) License plates issued pursuant to this section 59665

also may be used on trailers being transported by persons engaged 59666
in the business of selling tangible personal property other than 59667
motor vehicles. 59668

(G) No person required to register an apportionable vehicle 59669
under the international registration plan shall apply for or 59670
receive a ~~placard~~ license plate for that vehicle under this 59671
section. 59672

(H) The fees collected by the registrar pursuant to this 59673
section shall be paid into the public safety - highway purposes 59674
fund established in section 4501.06 of the Revised Code and used 59675
for the purposes described in that section. 59676

Sec. 4503.311. A manufacturer of or dealer in trailers for 59677
transporting watercraft may apply for registration with the 59678
registrar of motor vehicles for each place in this state where the 59679
manufacturer or dealer carries on the business of manufacturing or 59680
dealing in such trailers. Applications for annual registration 59681
shall be made at the time provided for payment of the tax imposed 59682
on manufacturers and dealers by section 4503.09 of the Revised 59683
Code and shall be in the manner to be prescribed by the registrar. 59684
The fee for such registration shall be twenty-five dollars and 59685
shall not be reduced when the registration is for a part of a 59686
year. 59687

Upon the filing of such application and the payment of the 59688
fee and appropriate postage as required by the registrar ~~of motor~~ 59689
~~vehicles~~, the registrar shall assign to the applicant a 59690
distinctive number which shall be displayed on the rear of each 59691
trailer while it is operated on the public highway. Such trailer 59692
may be operated on the public highway while loaded, until it is 59693
sold or transferred. At the time the registrar assigns the 59694
distinctive number, the registrar shall furnish one ~~placard~~ 59695
license plate with the number thereon. Such manufacturer or dealer 59696

may procure a reasonable number of ~~certified copies of the~~ 59697
additional registration certificate certificates upon the payment 59698
of a fee of five dollars and postage. With each ~~of such certified~~ 59699
~~copies~~ additional registration certificate, the registrar shall 59700
furnish one ~~placard~~ license plate with the same number provided in 59701
the original registration certificate, and shall add thereto such 59702
special designation as necessary to distinguish one ~~set of~~ 59703
~~placards~~ license plate from another. All ~~placards~~ license plates 59704
furnished by the registrar pursuant to this section shall be so 59705
marked as to be distinguishable from ~~placards~~ license plates 59706
issued to dealers in or manufacturers of motor vehicles. 59707

The fees collected by the registrar pursuant to this section 59708
shall be paid into the public safety - highway purposes fund 59709
established in section 4501.06 of the Revised Code and used for 59710
the purposes described in that section. 59711

Sec. 4503.312. As used in this section: 59712

(A) "Utility trailer" means any trailer, except a travel 59713
trailer or trailer for transporting watercraft, having a gross 59714
weight of less than four thousand pounds. 59715

(B) "Snowmobile" and "all-purpose vehicle" have the same 59716
meanings as in section 4519.01 of the Revised Code. 59717

(C) "Distributor" means any person authorized by a 59718
manufacturer of utility trailers or trailers for transporting 59719
motorcycles, snowmobiles, or all-purpose vehicles to distribute 59720
new trailers to persons for purposes of resale. 59721

A manufacturer, distributor, or retail seller of utility 59722
trailers or trailers for transporting motorcycles, snowmobiles, or 59723
all-purpose vehicles may apply for registration with the registrar 59724
of motor vehicles for each place in this state where the 59725
manufacturer, distributor, or retail seller carries on the 59726

business of manufacturing, distributing, or selling at retail such 59727
trailers. Applications for annual registration shall be made at 59728
the time provided for payment of the tax imposed by section 59729
4503.09 of the Revised Code; shall be in the manner to be 59730
prescribed by the registrar; and shall be accompanied by an 59731
affidavit certifying that the applicant is a manufacturer, 59732
distributor, or retail seller of utility trailers or trailers for 59733
transporting motorcycles, snowmobiles, or all-purpose vehicles. 59734
The fee for such registration shall be twenty-five dollars and 59735
shall not be reduced when the registration is for a part of a 59736
year. 59737

Upon the filing of the application and affidavit, and payment 59738
of the fee and appropriate postage as required by the registrar, 59739
the registrar shall assign to the applicant a distinctive number 59740
which shall be displayed on the rear of each trailer when it is 59741
operated on the public highway. Any trailer for transporting 59742
motorcycles, snowmobiles, or all-purpose vehicles that is not 59743
loaded may be operated on the public highway until it is sold or 59744
transferred; and any utility trailer that is not loaded, or that 59745
is being used to transport another utility trailer for purposes of 59746
demonstration or delivery, may be operated on the public highway 59747
until it is sold or transferred. 59748

At the time the registrar assigns the distinctive number, the 59749
registrar shall furnish one ~~placard~~ license plate with the number 59750
thereon. The manufacturer, distributor, or retail seller may 59751
procure a reasonable number of ~~certified copies of the additional~~ 59752
registration ~~certificate~~ certificates upon the payment of a fee of 59753
five dollars and postage. With each ~~of such certified copies~~ 59754
additional registration certificate, the registrar shall furnish 59755
one ~~placard~~ license plate with the same number provided in the 59756
original registration certificate, and shall add thereto such 59757
special designation as necessary to distinguish one ~~set of~~ 59758

~~placards~~ license plate from another. All ~~placards~~ license plates 59759
furnished by the registrar pursuant to this section shall be so 59760
marked as to be distinguishable from ~~placards~~ license plates 59761
issued to dealers in or manufacturers of motor vehicles or 59762
trailers for transporting watercraft. 59763

The fees collected by the registrar pursuant to this section 59764
shall be paid into the public safety - highway purposes fund 59765
established by section 4501.06 of the Revised Code and used for 59766
the purposes described in that section. 59767

Sec. 4503.32. (A) No person shall use the license ~~placards~~ 59768
plates provided for in section 4503.31 of the Revised Code 59769
contrary to said section. 59770

(B) Whoever violates this section is guilty of a misdemeanor 59771
of the third degree. 59772

Sec. 4503.33. A person, firm, or corporation engaged in this 59773
state as a drive-away operator or trailer transporter or both in 59774
the business of transporting and delivering, by means of the full 59775
mount method, the saddle mount method, the tow bar method, 59776
tow-away method, or any combination thereof, or under their own 59777
power, new motor vehicles from the manufacturer or any other point 59778
of origin to any point of destination, or used motor vehicles from 59779
any individual, firm, or corporation to any point of destination, 59780
or both, shall ~~make application~~ apply to the registrar of motor 59781
vehicles for an "in transit" permit. This application shall be 59782
accompanied by a registration fee of fifty dollars, and shall show 59783
such information as is considered necessary by the registrar. Upon 59784
the filing of the application and the payment of the annual fee 59785
and appropriate postage as required by the registrar, the 59786
registrar shall issue to each permittee a certificate of 59787
registration bearing a distinctive number or designation of the 59788

registration and one ~~placard~~ license plate bearing a corresponding 59789
number or designation, ~~which placard must.~~ The license plate shall 59790
be carried and displayed by each such motor vehicle in like manner 59791
as provided by law for other motor vehicles while operated upon a 59792
public highway in transit from the manufacturer or any other point 59793
of origin to any point of destination. 59794

A permittee may procure a reasonable number of ~~certified~~ 59795
~~copies of such~~ additional registration certificate certificates 59796
upon the payment of a fee of three dollars and postage. With each 59797
such ~~certified copy~~ additional registration certificate the 59798
registrar shall furnish one ~~placard~~ license plate with the same 59799
numbering or designation provided in the original registration 59800
certificate, and the registrar may add thereto such special 59801
designation as may be necessary to distinguish one ~~placard~~ license 59802
plate from another. 59803

No person required to register an apportionable vehicle under 59804
the international registration plan shall apply for or receive a 59805
~~placard~~ license plate for that vehicle under this section. 59806

Sec. 4503.34. (A) No person who is a drive-away operator or 59807
trailer transporter, or both, engaged in the business of 59808
transporting and delivering new motor vehicles or used motor 59809
vehicles, or both, by means of the full mount method, the saddle 59810
mount method, the tow bar method, the tow-away method, or any 59811
combination thereof, or under their own power, shall fail to file 59812
an application as required by section 4503.33 of the Revised Code, 59813
~~and~~ to pay the fees therefor, and to apply for and pay the legal 59814
fees for as many ~~certified copies~~ additional registration 59815
certificates thereof as said section requires. 59816

(B) Whoever violates this section is guilty of a minor 59817
misdemeanor. 59818

Sec. 4503.44. (A) As used in this section and in section 59819
4511.69 of the Revised Code: 59820

(1) "Person with a disability that limits or impairs the 59821
ability to walk" means any person who, as determined by a health 59822
care provider, meets any of the following criteria: 59823

(a) Cannot walk two hundred feet without stopping to rest; 59824

(b) Cannot walk without the use of, or assistance from, a 59825
brace, cane, crutch, another person, prosthetic device, 59826
wheelchair, or other assistive device; 59827

(c) Is restricted by a lung disease to such an extent that 59828
the person's forced (respiratory) expiratory volume for one 59829
second, when measured by spirometry, is less than one liter, or 59830
the arterial oxygen tension is less than sixty millimeters of 59831
mercury on room air at rest; 59832

(d) Uses portable oxygen; 59833

(e) Has a cardiac condition to the extent that the person's 59834
functional limitations are classified in severity as class III or 59835
class IV according to standards set by the American heart 59836
association; 59837

(f) Is severely limited in the ability to walk due to an 59838
arthritic, neurological, or orthopedic condition; 59839

(g) Is blind, legally blind, or severely visually impaired. 59840

(2) "Organization" means any private organization or 59841
corporation, or any governmental board, agency, department, 59842
division, or office, that, as part of its business or program, 59843
transports persons with disabilities that limit or impair the 59844
ability to walk on a regular basis in a motor vehicle that has not 59845
been altered for the purpose of providing it with accessible 59846
equipment for use by persons with disabilities. This definition 59847
does not apply to division (I) of this section. 59848

(3) "Health care provider" means a physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor as defined in this section except that an optometrist shall only make determinations as to division (A)(1)(g) of this section.

(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.

(6) "Advanced practice registered nurse" means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.

(7) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.

(8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code.

(9) "Removable windshield placard" includes a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified.

(B)(1) An organization, or a person with a disability that limits or impairs the ability to walk, may apply for the registration of any motor vehicle the organization or person owns or leases. When a motor vehicle has been altered for the purpose of providing it with accessible equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar of motor vehicles or a deputy

registrar for registration under this section. The application for 59880
registration of a motor vehicle owned or leased by a person with a 59881
disability that limits or impairs the ability to walk shall be 59882
accompanied by a signed statement from the applicant's health care 59883
provider certifying that the applicant meets at least one of the 59884
criteria contained in division (A)(1) of this section and that the 59885
disability is expected to continue for more than six consecutive 59886
months. The application for registration of a motor vehicle that 59887
has been altered for the purpose of providing it with accessible 59888
equipment for a person with a disability that limits or impairs 59889
the ability to walk but is owned by someone other than such a 59890
person shall be accompanied by such documentary evidence of 59891
vehicle alterations as the registrar may require by rule. 59892

(2) When an organization, a person with a disability that 59893
limits or impairs the ability to walk, or a person who does not 59894
have a disability that limits or impairs the ability to walk but 59895
owns a motor vehicle that has been altered for the purpose of 59896
providing it with accessible equipment for a person with a 59897
disability that limits or impairs the ability to walk first 59898
submits an application for registration of a motor vehicle under 59899
this section and every fifth year thereafter, the organization or 59900
person shall submit a signed statement from the applicant's health 59901
care provider, a completed application, and any required 59902
documentary evidence of vehicle alterations as provided in 59903
division (B)(1) of this section, and also a power of attorney from 59904
the owner of the motor vehicle if the applicant leases the 59905
vehicle. Upon submission of these items, the registrar or deputy 59906
registrar shall issue to the applicant appropriate vehicle 59907
registration and a set of license plates and validation stickers, 59908
or validation stickers alone when required by section 4503.191 of 59909
the Revised Code. In addition to the letters and numbers 59910
ordinarily inscribed thereon, the license plates shall be 59911
imprinted with the international symbol of access. The license 59912

plates and validation stickers shall be issued upon payment of the 59913
regular license fee as prescribed under section 4503.04 of the 59914
Revised Code and any motor vehicle tax levied under Chapter 4504. 59915
of the Revised Code, and the payment of a service fee equal to the 59916
amount ~~specified in division (D) or (G) of~~ established under 59917
section ~~4503.10~~ 4503.038 of the Revised Code. 59918

(3) A person with a disability that limits or impairs the 59919
ability to walk, but whose disability is not readily apparent to 59920
another person, may apply to the registrar, in accordance with 59921
divisions (B)(1) and (2) of this section, for a license plate with 59922
an orange international symbol of access imprinted on the plate. 59923
The registrar shall provide for and issue such a license plate. 59924

All other rules relating to the issuance, expiration, 59925
revocation, surrender, and proper display of a license plate apply 59926
to a license plate issued under this division. Nothing in this 59927
division shall be construed to require a person who qualifies for 59928
a license plate under division (B) of this section to apply for 59929
and obtain the license plate with the orange international symbol 59930
of access. 59931

(C)(1) A person with a disability that limits or impairs the 59932
ability to walk may apply to the registrar ~~of motor vehicles~~ for a 59933
removable windshield placard by completing and signing an 59934
application provided by the registrar. ~~The~~ 59935

(2) The person shall include with the application a 59936
prescription from the person's health care provider prescribing 59937
such a placard for the person based upon a determination that the 59938
person meets at least one of the criteria contained in division 59939
(A)(1) of this section. The health care provider shall state on 59940
the prescription the length of time the health care provider 59941
expects the applicant to have the disability that limits or 59942
impairs the person's ability to walk. If the length of time the 59943
applicant is expected to have the disability is six consecutive 59944

months or less, the applicant shall submit an application for a temporary removable windshield placard. If the length of time the applicant is expected to have the disability is permanent, the applicant shall submit an application for a permanent removable windshield placard. All other applicants shall submit an application for a standard removable windshield placard.

(3) In addition to one placard or one or more sets of license plates, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion determines that good and justifiable cause exists to approve the request for the additional placard.

~~(2)~~(4) An organization may apply to the registrar of motor vehicles for a standard removable windshield placard by completing and signing an application provided by the registrar. The organization shall comply with any procedures the registrar establishes by rule. The organization shall include with the application documentary evidence that the registrar requires by rule showing that the organization regularly transports persons with disabilities that limit or impair the ability to walk.

~~(3) Upon~~ (5) The registrar or deputy registrar shall issue to an applicant a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, as applicable, upon receipt of a all of the following:

(a) A completed and signed application for a removable windshield placard,~~the;~~

(b) The accompanying documents required under division ~~(C)(1)~~ or ~~(2)(C)(2)~~ or (4) of this section,~~and payment;~~

(c) Payment of a service fee equal to the amount ~~specified in~~

~~division (D) or (G) of established under section 4503.10 4503.038~~ 59976
of the Revised Code, ~~the registrar or deputy registrar shall issue~~ 59977
~~to the applicant a removable windshield placard, which for a~~ 59978
standard removable windshield placard or a temporary removable 59979
windshield placard, or payment of fifteen dollars for a permanent 59980
windshield placard. 59981

(6) The removable windshield placard shall bear display the 59982
date of expiration on both sides of the placard, or the word 59983
"permanent" if the placard is a permanent removable windshield 59984
placard, and shall be valid until expired, revoked, or 59985
surrendered. ~~Every~~ Except for a permanent removable windshield 59986
placard, which has no expiration, a removable windshield placard 59987
~~expires as described in division (C)(4) of this section, but in on~~ 59988
the earliest of the following two dates: 59989

(a) The date that the person issued the placard is expected 59990
to no longer have the disability that limits or impairs the 59991
ability to walk, as indicated on the prescription submitted with 59992
the application for the placard; 59993

(b) Five years after the date of issuance on the placard. 59994

In no case shall a removable windshield placard be valid for 59995
a period of less than sixty days. ~~Removable~~ 59996

(7) Standard removable windshield placards shall be renewable 59997
upon application ~~as provided in division (C)(1) or (2) of this~~ 59998
~~section~~ and upon payment of a service fee equal to the amount 59999
~~specified in division (D) or (G) of established under~~ 60000
4503.10 4503.038 of the Revised Code ~~for the renewal of a~~ 60001
~~removable windshield placard.~~ The registrar shall provide the 60002
application form and shall determine the information to be 60003
included thereon. ~~The~~ 60004

(8) The registrar also shall determine the form and size of 60005
each type of the removable windshield placard, the material of 60006

which it is to be made, any differences in color between each type 60007
of placard to make them readily identifiable, and any other 60008
information to be included thereon, and shall adopt rules relating 60009
to the issuance, expiration, revocation, surrender, and proper 60010
display of such placards. A temporary removable windshield placard 60011
shall display the word "temporary" in letters of such size as the 60012
registrar shall prescribe. Any placard issued after October 14, 60013
1999, shall be manufactured in a manner that allows the expiration 60014
date of the placard to be indicated on it through the punching, 60015
drilling, boring, or creation by any other means of holes in the 60016
placard. 60017

(4)(9) In addition to the designs of the removable windshield 60018
placards specified in division (C)(8) of this section, the 60019
registrar shall provide for and issue an orange standard removable 60020
windshield placard with a white international symbol of access 60021
imprinted on it. A person with a disability that limits or impairs 60022
the ability to walk whose disability is not readily apparent to 60023
another person may apply to the registrar for the orange standard 60024
removable windshield placard. The placard shall otherwise be 60025
created with the same form, size, and material and shall display 60026
the same information as the standard removable windshield placard. 60027
All other requirements established under this section and under 60028
rules relating to the issuance, expiration, revocation, surrender, 60029
and proper display of a standard removable windshield placard 60030
shall apply. Nothing in this division shall be construed to 60031
require a person to apply for and obtain a placard issued in 60032
accordance with division (C)(9) of this section, instead of the 60033
other removable windshield placards issued under this section. 60034

(10) At the time a removable windshield placard is issued to 60035
a person with a disability that limits or impairs the ability to 60036
walk, the registrar or deputy registrar shall enter into the 60037
records of the bureau of motor vehicles the last date on which the 60038

person will have that disability, as indicated on the accompanying 60039
prescription. ~~Not~~ For a standard removable windshield placard, not 60040
less than thirty days prior to that date and ~~all removable~~ 60041
~~windshield placard~~ any renewal dates, the bureau shall send a 60042
renewal notice to that person at the person's last known address 60043
as shown in the records of the bureau, informing the person that 60044
the person's removable windshield placard will expire on the 60045
indicated date ~~not to exceed five years from the date of issuance,~~ 60046
and that the person is required to renew the placard by submitting 60047
to the registrar or a deputy registrar another prescription, ~~as~~ 60048
~~described in division (C)(1) or (2) of this section,~~ and by 60049
complying with the renewal provisions ~~prescribed in division~~ 60050
~~(C)(3) of this section.~~ If such a prescription is not received by 60051
the registrar or a deputy registrar by that date, the placard 60052
issued to that person expires and no longer is valid, and this 60053
fact shall be recorded in the records of the bureau. 60054

~~(5)(11)~~ At least once every year, on a date determined by the 60055
registrar, the bureau shall examine the records of the office of 60056
vital statistics, located within the department of health, that 60057
pertain to deceased persons, and also the bureau's records of all 60058
persons who have been issued removable windshield placards ~~and~~ 60059
~~temporary removable windshield placards.~~ If the records of the 60060
office of vital statistics indicate that a person to whom a 60061
removable windshield placard ~~or temporary removable windshield~~ 60062
~~placard~~ has been issued is deceased, the bureau shall cancel that 60063
placard, and note the cancellation in its records. 60064

The office of vital statistics shall make available to the 60065
bureau all information necessary to enable the bureau to comply 60066
with division ~~(C)(5)~~ (C)(11) of this section. 60067

~~(6)(12)~~ Nothing in this section shall be construed to require 60068
a person or organization to apply for a removable windshield 60069
placard or accessible license plates if the accessible license 60070

plates issued to the person or organization under prior law have 60071
not expired or been surrendered or revoked. 60072

~~(D)(1)(a) A person with a disability that limits or impairs 60073
the ability to walk may apply to the registrar or a deputy 60074
registrar for a temporary removable windshield placard. The 60075
application for a temporary removable windshield placard shall be 60076
accompanied by a prescription from the applicant's health care 60077
provider prescribing such a placard for the applicant, provided 60078
that the applicant meets at least one of the criteria contained in 60079
division (A)(1) of this section and that the disability is 60080
expected to continue for six consecutive months or less. The 60081
health care provider shall state on the prescription the length of 60082
time the health care provider expects the applicant to have the 60083
disability that limits or impairs the applicant's ability to walk, 60084
which cannot exceed six months from the date of the prescription. 60085
Upon receipt of an application for a temporary removable 60086
windshield placard, presentation of the prescription from the 60087
applicant's health care provider, and payment of a service fee 60088
equal to the amount specified in division (D) or (C) of section 60089
4503.10 of the Revised Code, the registrar or deputy registrar 60090
shall issue to the applicant a temporary removable windshield 60091
placard. 60092~~

~~(b)(D) Any active-duty member of the armed forces of the 60093
United States, including the reserve components of the armed 60094
forces and the national guard, who has an illness or injury that 60095
limits or impairs the ability to walk may apply to the registrar 60096
or a deputy registrar for a temporary removable windshield 60097
placard. With the application, the person shall present evidence 60098
of the person's active-duty status and the illness or injury. 60099
Evidence of the illness or injury may include a current department 60100
of defense convalescent leave statement, any department of defense 60101
document indicating that the person currently has an ill or 60102~~

injured casualty status or has limited duties, or a prescription 60103
from any health care provider prescribing the placard for the 60104
applicant. Upon receipt of the application and the necessary 60105
evidence, the registrar or deputy registrar shall issue the 60106
applicant the temporary removable windshield placard without the 60107
payment of any service fee. 60108

~~(2) The temporary removable windshield placard shall be of 60109
the same size and form as the removable windshield placard, shall 60110
be printed in white on a red-colored background, and shall bear 60111
the word "temporary" in letters of such size as the registrar 60112
shall prescribe. A temporary removable windshield placard also 60113
shall bear the date of expiration on the front and back of the 60114
placard, and shall be valid until expired, surrendered, or 60115
revoked, but in no case shall such a placard be valid for a period 60116
of less than sixty days. The registrar shall provide the 60117
application form and shall determine the information to be 60118
included on it, provided that the registrar shall not require a 60119
health care provider's prescription or certification for a person 60120
applying under division (D)(1)(b) of this section. The registrar 60121
also shall determine the material of which the temporary removable 60122
windshield placard is to be made and any other information to be 60123
included on the placard and shall adopt rules relating to the 60124
issuance, expiration, surrender, revocation, and proper display of 60125
those placards. Any temporary removable windshield placard issued 60126
after October 14, 1999, shall be manufactured in a manner that 60127
allows for the expiration date of the placard to be indicated on 60128
it through the punching, drilling, boring, or creation by any 60129
other means of holes in the placard. 60130~~

(E) If an applicant for a removable windshield placard is a 60131
veteran of the armed forces of the United States whose disability, 60132
as defined in division (A)(1) of this section, is 60133
service-connected, the registrar or deputy registrar, upon receipt 60134

of the application, presentation of a signed statement from the 60135
applicant's health care provider certifying the applicant's 60136
disability, and presentation of such documentary evidence from the 60137
department of veterans affairs that the disability of the 60138
applicant meets at least one of the criteria identified in 60139
division (A)(1) of this section and is service-connected as the 60140
registrar may require by rule, but without the payment of any 60141
service fee, shall issue the applicant a removable windshield 60142
placard that is valid until expired, surrendered, or revoked. 60143

~~(F)~~(F)(1) Upon a conviction of a violation of division (H) or 60144
(I) of this section, the court shall report the conviction, and 60145
send the placard, if available, to the registrar, who thereupon 60146
shall revoke the privilege of using the placard and send notice in 60147
writing to the placardholder at that holder's last known address 60148
as shown in the records of the bureau, and the placardholder shall 60149
return the placard if not previously surrendered to the court, to 60150
the registrar within ten days following mailing of the notice. 60151

(2) Whenever a person to whom a removable windshield placard 60152
has been issued moves to another state, the person shall surrender 60153
the placard to the registrar; and whenever an organization to 60154
which a placard has been issued changes its place of operation to 60155
another state, the organization shall surrender the placard to the 60156
registrar. 60157

(3) If a person no longer requires a permanent removable 60158
windshield placard, the person shall notify and surrender the 60159
placard to the registrar or deputy registrar within ten days of no 60160
longer requiring the placard. The person may still apply for a 60161
standard removable windshield placard or temporary removable 60162
windshield placard, if applicable. 60163

(G) Subject to division (F) of section 4511.69 of the Revised 60164
Code, the operator of a motor vehicle displaying a removable 60165
windshield placard, ~~temporary removable windshield placard,~~ or the 60166

accessible license plates authorized by this section is entitled 60167
to park the motor vehicle in any accessible parking location 60168
reserved for persons with disabilities that limit or impair the 60169
ability to walk. 60170

(H) No person or organization that is not eligible for the 60171
issuance of license plates or any placard under this section shall 60172
willfully and falsely represent that the person or organization is 60173
so eligible. 60174

No person or organization shall display license plates issued 60175
under this section unless the license plates have been issued for 60176
the vehicle on which they are displayed and are valid. 60177

(I) No person or organization to which a removable windshield 60178
~~placard or temporary removable windshield placard~~ is issued shall 60179
do either of the following: 60180

(1) Display or permit the display of the placard on any motor 60181
vehicle when having reasonable cause to believe the motor vehicle 60182
is being used in connection with an activity that does not include 60183
providing transportation for persons with disabilities that limit 60184
or impair the ability to walk; 60185

(2) Refuse to return or surrender the placard, when required. 60186

(J) If a removable windshield placard, ~~temporary removable~~ 60187
~~windshield placard,~~ or parking card is lost, destroyed, or 60188
mutilated, the placardholder or cardholder may obtain a duplicate 60189
by doing both of the following: 60190

(1) Furnishing suitable proof of the loss, destruction, or 60191
mutilation to the registrar; 60192

(2) Paying a service fee equal to the amount ~~specified in~~ 60193
~~division (D) or (G) of section 4503.10 of the Revised Code~~ paid 60194
when the placardholder obtained the original placard. 60195

Any placardholder or cardholder who loses a placard ~~or card~~ 60196

and, after obtaining a duplicate, finds the original, immediately 60197
shall surrender the original placard ~~or card~~ to the registrar. 60198

(K)(1) The registrar shall pay all fees received under this 60199
section for the issuance of removable windshield placards ~~or~~ 60200
~~temporary removable windshield placards~~ or duplicate removable 60201
windshield placards ~~or cards~~ into the state treasury to the credit 60202
of the public safety - highway purposes fund created in section 60203
4501.06 of the Revised Code. 60204

(2) In addition to the fees collected under this section, the 60205
registrar or deputy registrar shall ask each person applying for a 60206
removable windshield placard ~~or temporary removable windshield~~ 60207
~~placard~~ or duplicate removable windshield placard or license plate 60208
issued under this section, whether the person wishes to make a 60209
two-dollar voluntary contribution to support rehabilitation 60210
employment services. The registrar shall transmit the 60211
contributions received under this division to the treasurer of 60212
state for deposit into the rehabilitation employment fund, which 60213
is hereby created in the state treasury. A deputy registrar shall 60214
transmit the contributions received under this division to the 60215
registrar in the time and manner prescribed by the registrar. The 60216
contributions in the fund shall be used by the opportunities for 60217
Ohioans with disabilities agency to purchase services related to 60218
vocational evaluation, work adjustment, personal adjustment, job 60219
placement, job coaching, and community-based assessment from 60220
accredited community rehabilitation program facilities. 60221

(L) For purposes of enforcing this section, every peace 60222
officer is deemed to be an agent of the registrar. Any peace 60223
officer or any authorized employee of the bureau of motor vehicles 60224
who, in the performance of duties authorized by law, becomes aware 60225
of a person whose removable windshield placard or parking card has 60226
been revoked pursuant to this section, may confiscate that placard 60227
or parking card and return it to the registrar. The registrar 60228

shall prescribe any forms used by law enforcement agencies in 60229
administering this section. 60230

No peace officer, law enforcement agency employing a peace 60231
officer, or political subdivision or governmental agency employing 60232
a peace officer, and no employee of the bureau is liable in a 60233
civil action for damages or loss to persons arising out of the 60234
performance of any duty required or authorized by this section. As 60235
used in this division, "peace officer" has the same meaning as in 60236
division (B) of section 2935.01 of the Revised Code. 60237

(M) All applications for registration of motor vehicles, and 60238
~~removable windshield placards, and temporary removable windshield~~ 60239
~~placards~~ issued under this section, all renewal notices for such 60240
items, and all other publications issued by the bureau that relate 60241
to this section shall set forth the criminal penalties that may be 60242
imposed upon a person who violates any provision relating to 60243
accessible license plates issued under this section, the parking 60244
of vehicles displaying such license plates, and the issuance, 60245
procurement, use, and display of removable windshield placards and 60246
~~temporary removable windshield placards~~ issued under this section. 60247

(N) Whoever violates this section is guilty of a misdemeanor 60248
of the fourth degree. 60249

Sec. 4505.061. (A) If the application for a certificate of 60250
title refers to a motor vehicle last previously registered in 60251
another state, the application shall be accompanied by a physical 60252
inspection certificate issued by the ~~department of public safety~~ 60253
registrar of motor vehicles. A physical inspection of a motor 60254
vehicle shall consist of verifying the make, body type, model, and 60255
mileage of, and manufacturer's vehicle identification number ~~of~~ 60256
from, the motor vehicle for which the certificate of title is 60257
desired. 60258

(B) The physical inspection certificate shall be in such form 60259

as is designated by the registrar ~~of motor vehicles. The~~ Except as 60260
provided for in division (C) of this section, the physical 60261
inspection of the motor vehicle shall ~~be made~~ occur at a either of 60262
the following: 60263

(1) A deputy registrar's office, ~~or at an;~~ 60264

(2) An established place of business ~~operated by~~ of a 60265
licensed motor vehicle dealer located in this state. ~~Additionally,~~ 60266
the 60267

(C) The physical inspection of a salvage vehicle owned by an 60268
insurance company may be made at an established place of business 60269
~~operated by a~~ of any of the following that is licensed and located 60270
in this state: 60271

(1) A motor vehicle salvage dealer, ~~;~~ 60272

(2) A salvage motor vehicle auction, ~~or;~~ 60273

(3) A salvage motor vehicle pool ~~licensed under Chapter 4738.~~ 60274
~~of the Revised Code. The~~ 60275

(D) The deputy registrar, motor vehicle dealer, motor vehicle 60276
salvage dealer, salvage motor vehicle auction, or salvage motor 60277
vehicle pool may charge a maximum fee equal to the amount 60278
established under section 4503.038 of the Revised Code for 60279
conducting the physical inspection. 60280

(E) The clerk of the court of common pleas shall charge a fee 60281
of one dollar and fifty cents for the processing of each physical 60282
inspection certificate. The clerk shall retain fifty cents of the 60283
one dollar and fifty cents so charged and shall pay the remaining 60284
one dollar to the registrar by monthly returns, which shall be 60285
forwarded to the registrar not later than the fifth day of the 60286
month next succeeding that in which the certificate is received by 60287
the clerk. The registrar shall pay such remaining sums into the 60288
public safety - highway purposes fund established by section 60289

4501.06 of the Revised Code. 60290

Sec. 4506.04. (A) No person shall do any of the following: 60291

(1) Drive a commercial motor vehicle while having in the 60292
person's possession or otherwise under the person's control more 60293
than one valid driver's license issued by this state, any other 60294
state, or by a foreign jurisdiction; 60295

(2) Drive a commercial motor vehicle on a highway in this 60296
state in violation of an out-of-service order, while the person's 60297
driving privilege is suspended, revoked, or canceled, or while the 60298
person is subject to disqualification; 60299

(3) Drive a motor vehicle on a highway in this state under 60300
authority of a commercial driver's license issued by another state 60301
or a foreign jurisdiction, after having been a resident of this 60302
state for thirty days or longer; 60303

(4) Knowingly give false information in any application or 60304
certification required by section 4506.07 of the Revised Code; 60305

(5) Knowingly provide false statements or engage in any 60306
fraudulent act related to testing for a commercial driver's 60307
license as required in section 4506.09 of the Revised Code. 60308

(B) The department of public safety shall give every 60309
conviction occurring out of this state and notice of which is 60310
received after December 31, 1989, full faith and credit and treat 60311
it for sanctioning purposes under this chapter as though the 60312
conviction had occurred in this state. 60313

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 60314
section is guilty of a misdemeanor of the first degree. 60315

(2) Whoever violates division (A)(4) or (5) of this section 60316
is guilty of falsification, a misdemeanor of the first degree. In 60317
addition, the provisions of section 4507.19 of the Revised Code 60318
apply. 60319

Sec. 4506.06. (A) The registrar of motor vehicles, upon 60320
receiving an application for a commercial driver's license 60321
temporary instruction permit, may issue the permit to any person 60322
who is at least eighteen years of age and holds a valid driver's 60323
license, other than a restricted license, issued under Chapter 60324
4507. of the Revised Code. The registrar shall not issue a 60325
commercial driver's license temporary instruction permit for a 60326
period exceeding ~~six~~ twelve months. ~~The registrar shall grant only~~ 60327
~~one renewal of such a permit in a two-year period.~~ A commercial 60328
driver's license temporary instruction permit is a prerequisite ~~to~~ 60329
~~the~~ for the following: 60330

(1) An initial issuance of a commercial driver's license ~~and~~ 60331
~~the~~ when a skills test is required; 60332

(2) An upgrade of a commercial driver's license ~~if the~~ 60333
~~upgrade requires~~ when a skills test is required. 60334

(B) The holder of a commercial driver's license temporary 60335
instruction permit, unless otherwise disqualified, may drive a 60336
commercial motor vehicle only when the holder has the permit in 60337
the holder's actual possession and is accompanied by a person who: 60338

(1) Holds a valid commercial driver's license and all 60339
necessary endorsements for the type of vehicle being driven; 60340

(2) Occupies a seat beside the permit holder for the purpose 60341
of giving instruction in driving the motor vehicle; and 60342

(3) Has the permit holder under observation and direct 60343
supervision. 60344

(C)(1) The director of public safety shall adopt rules, in 60345
accordance with Chapter 119. of the Revised Code, authorizing the 60346
waiver of the knowledge test that is generally required in order 60347
to obtain a commercial driver's license temporary instruction 60348
permit. In order to obtain the waiver, an applicant for a 60349

commercial driver's license temporary instruction permit shall 60350
certify and provide evidence that, during the one-year period 60351
immediately preceding the application for the permit, all of the 60352
following apply: 60353

(a) As authorized under 49 C.F.R. 383.77, the applicant is or 60354
was regularly employed and designated as one of the following: 60355

(i) A motor transport operator - 88M, army; 60356

(ii) A PATRIOT launching station operator - 14T, army; 60357

(iii) A fueler - 92F, army; 60358

(iv) A vehicle operator - 2T1, air force; 60359

(v) A fueler - 2F0, air force; 60360

(vi) A pavement and construction equipment operator - 3E2, 60361
air force; 60362

(vii) A motor vehicle operator - 3531, marine corps; 60363

(viii) An equipment operator - E.O., navy. 60364

(b) The applicant has been operating a vehicle representative 60365
of the type of commercial motor vehicle that the applicant expects 60366
to operate upon separation from the military or operated such a 60367
vehicle immediately preceding such separation. 60368

(c) The applicant has not held more than one license 60369
simultaneously, excluding any military license. 60370

(d) The applicant has not had any license suspended, revoked, 60371
or canceled. 60372

(e) The applicant has not had any convictions, for any type 60373
of motor vehicle, for the offenses for which disqualification is 60374
prescribed in section 4506.16 of the Revised Code. 60375

(f) The applicant has not had more than one conviction, for 60376
any type of motor vehicle, for a serious traffic violation. 60377

(g) The applicant has not had any violation of a military, 60378
state, or local law relating to motor vehicle traffic control, 60379
other than a parking violation, arising in connection with any 60380
traffic accident and has no record of an accident in which the 60381
applicant was at fault. 60382

(2) The waiver established under division (C) of this section 60383
does not apply to a United States reserve technician. 60384

(D) Whoever violates division (A) or (B) of this section is 60385
guilty of a misdemeanor of the first degree. 60386

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 60387
approval by the director of public safety, shall adopt rules 60388
conforming with applicable standards adopted by the federal motor 60389
carrier safety administration as regulations under Pub. L. No. 60390
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 60391
31317. The rules shall establish requirements for the 60392
qualification and testing of persons applying for a commercial 60393
driver's license, which are in addition to other requirements 60394
established by this chapter. Except as provided in division (B) of 60395
this section, the highway patrol or any other employee of the 60396
department of public safety the registrar authorizes shall 60397
supervise and conduct the testing of persons applying for a 60398
commercial driver's license. 60399

(B) The director may adopt rules, in accordance with Chapter 60400
119. of the Revised Code and applicable requirements of the 60401
federal motor carrier safety administration, authorizing the 60402
skills test specified in this section to be administered by any 60403
person, by an agency of this or another state, or by an agency, 60404
department, or instrumentality of local government. Each party 60405
authorized under this division to administer the skills test may 60406
charge a maximum divisible fee of one hundred fifteen dollars for 60407
each skills test given as part of a commercial driver's license 60408

examination. The fee shall consist of not more than twenty-seven 60409
dollars for the pre-trip inspection portion of the test, not more 60410
than twenty-seven dollars for the off-road maneuvering portion of 60411
the test, and not more than sixty-one dollars for the on-road 60412
portion of the test. Each such party may require an appointment 60413
fee in the same manner provided in division (E)(2) of this 60414
section, except that the maximum amount such a party may require 60415
as an appointment fee is one hundred fifteen dollars. The skills 60416
test administered by another party under this division shall be 60417
the same as otherwise would be administered by this state. The 60418
other party shall enter into an agreement with the director that, 60419
without limitation, does all of the following: 60420

(1) Allows the director or the director's representative and 60421
the federal motor carrier safety administration or its 60422
representative to conduct random examinations, inspections, and 60423
audits of the other party, whether covert or overt, without prior 60424
notice; 60425

(2) Requires the director or the director's representative to 60426
conduct on-site inspections of the other party at least annually; 60427

(3) Requires that all examiners of the other party meet the 60428
same qualification and training standards as examiners of the 60429
department of public safety, including criminal background checks 60430
and the standards applicable to the class of vehicle and 60431
endorsements for which an applicant taking the skills test is 60432
applying, to the extent necessary to conduct skills tests in the 60433
manner required by 49 C.F.R. 383.110 through 383.135. In 60434
accordance with federal guidelines, any examiner employed on July 60435
1, 2017, shall have a criminal background check conducted at least 60436
once, and any examiner hired after July 1, 2015, shall have a 60437
criminal background check conducted after the examiner is 60438
initially hired. 60439

(4) Requires either that state employees take, at least 60440

annually and as though the employees were test applicants, the tests actually administered by the other party, that the director test a sample of drivers who were examined by the other party to compare the test results, or that state employees accompany a test applicant during an actual test;

(5) Unless the other party is a governmental entity, requires the other party to initiate and maintain a bond in an amount determined by the director to sufficiently pay for the retesting of drivers in the event that the other party or its skills test examiners are involved in fraudulent activities related to skills testing;

(6) Requires the other party to use only skills test examiners who have successfully completed a commercial driver's license examiner training course as prescribed by the director, and have been certified by the state as a commercial driver's license skills test examiner qualified to administer the applicable skills tests;

(7) Requires the other party to use designated road test routes that have been approved by the director;

(8) Requires the other party to schedule all skills test appointments through a system or method provided by the director. If a system or method is not provided by the director, the other party ~~to~~ shall submit a schedule of skills test appointments to the director weekly. The director may request that any additions to the schedule of skills test appointments, made after the weekly submission, be submitted to the director not later than two business days prior to each the additional skills test+ appointment.

(9) Requires the other party to maintain copies of the following records at its principal place of business:

(a) The other party's commercial driver's license skills

testing program certificate;	60472
(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;	60473 60474 60475
(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;	60476 60477
(d) A complete list of the test routes that have been approved by the director;	60478 60479
(e) A complete and accurate copy of each examiner's training record;	60480 60481
<u>(f) A copy of the agreement that the other party made with the director.</u>	60482 60483
(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;	60484 60485 60486
(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two <u>ten</u> different individuals per calendar year;	60487 60488 60489
(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.	60490 60491 60492 60493 60494
(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the	60495 60496 60497 60498 60499 60500 60501

department shall be limited to persons applying for a commercial driver's license with a school bus endorsement. 60502
60503

(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements: 60504
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60506
60507

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following: 60508
60509
60510

(i) Active duty military personnel; 60511

(ii) A member of the military reserves; 60512

(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians; 60513
60514
60515

(iv) Active duty U.S. coast guard personnel. 60516

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply: 60517
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60519

(i) The applicant has not had more than one license, excluding any military license. 60520
60521

(ii) The applicant has not had any license suspended, revoked, or canceled. 60522
60523

(iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code. 60524
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(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation. 60527
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(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a 60529
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parking violation arising in connection with any traffic accident 60531
and has no record of an accident in which the applicant was at 60532
fault. 60533

(c) In accordance with rules adopted by the director, the 60534
applicant certifies and also provides evidence of all of the 60535
following: 60536

(i) That the applicant is or was regularly employed in a 60537
military position requiring operation of a commercial motor 60538
vehicle; 60539

(ii) That the applicant was exempt from the requirements of 60540
this chapter under division (B)(6) of section 4506.03 of the 60541
Revised Code; 60542

(iii) That, for at least two years immediately preceding the 60543
date of application or at least two years immediately preceding 60544
the date the applicant separated from military service or 60545
employment, the applicant regularly operated a vehicle 60546
representative of the commercial motor vehicle type that the 60547
applicant operates or expects to operate. 60548

(2) The waiver established under division (D)(1) of this 60549
section does not apply to United States reserve technicians. 60550

(E)(1) The department of public safety may charge and collect 60551
a divisible fee of fifty dollars for each skills test given as 60552
part of a commercial driver's license examination. The fee shall 60553
consist of ten dollars for the pre-trip inspection portion of the 60554
test, ten dollars for the off-road maneuvering portion of the 60555
test, and thirty dollars for the on-road portion of the test. 60556

(2) No applicant is eligible to take the skills test until a 60557
minimum of fourteen days have elapsed since the initial issuance 60558
of a commercial driver's license temporary instruction permit to 60559
the applicant. The director may require an applicant for a 60560
commercial driver's license who schedules an appointment with the 60561

highway patrol or other authorized employee of the department of 60562
public safety to take all portions of the skills test and to pay 60563
an appointment fee of fifty dollars at the time of scheduling the 60564
appointment. If the applicant appears at the time and location 60565
specified for the appointment and takes all portions of the skills 60566
test during that appointment, the appointment fee serves as the 60567
skills test fee. If the applicant schedules an appointment to take 60568
all portions of the skills test and fails to appear at the time 60569
and location specified for the appointment, the director shall not 60570
refund any portion of the appointment fee. If the applicant 60571
schedules an appointment to take all portions of the skills test 60572
and appears at the time and location specified for the 60573
appointment, but declines or is unable to take all portions of the 60574
skills test, the director shall not refund any portion of the 60575
appointment fee. If the applicant cancels a scheduled appointment 60576
forty-eight hours or more prior to the time of the appointment 60577
time, the applicant shall not forfeit the appointment fee. 60578

An applicant for a commercial driver's license who schedules 60579
an appointment to take one or more, but not all, portions of the 60580
skills test is required to pay an appointment fee equal to the 60581
costs of each test scheduled, as prescribed in division (E)(1) of 60582
this section, when scheduling such an appointment. If the 60583
applicant appears at the time and location specified for the 60584
appointment and takes all the portions of the skills test during 60585
that appointment that the applicant was scheduled to take, the 60586
appointment fee serves as the skills test fee. If the applicant 60587
schedules an appointment to take one or more, but not all, 60588
portions of the skills test and fails to appear at the time and 60589
location specified for the appointment, the director shall not 60590
refund any portion of the appointment fee. If the applicant 60591
schedules an appointment to take one or more, but not all, 60592
portions of the skills test and appears at the time and location 60593
specified for the appointment, but declines or is unable to take 60594

all portions of the skills test that the applicant was scheduled 60595
to take, the director shall not refund any portion of the 60596
appointment fee. If the applicant cancels a scheduled appointment 60597
forty-eight hours or more prior to the time of the appointment 60598
time, the applicant shall not forfeit the appointment fee. 60599

(3) The department of public safety shall deposit all fees it 60600
collects under division (E) of this section in the public safety - 60601
highway purposes fund established in section 4501.06 of the 60602
Revised Code. 60603

(F)(1) Unless an applicant for a commercial driver's license 60604
has successfully completed the training required under 49 C.F.R. 60605
380, subpart F, the applicant is not eligible to do any of the 60606
following: 60607

(a) Take the skills test required for initial issuance of a 60608
class A or a class B commercial driver's license; 60609

(b) Take the skills test required for initial issuance of a 60610
passenger (P) or school bus (S) endorsement on the applicant's 60611
commercial driver's license; 60612

(c) Take the knowledge test required for initial issuance of 60613
a hazardous materials (H) endorsement on the applicant's 60614
commercial driver's license. 60615

Before an applicant takes the applicable skills or knowledge 60616
test, the registrar shall electronically verify, through the 60617
federal motor carrier safety administration's training provider 60618
registry, that an applicant has completed the required training 60619
under 49 C.F.R. 380, subpart F. 60620

(2) The training required under 49 C.F.R. 380, subpart F, and 60621
under division (F)(1) of this section may be provided by either of 60622
the following: 60623

(a) A driver training school pursuant to section 4508.031 of 60624

the Revised Code; 60625

(b) An authorized driver training provider listed on the 60626
federal motor carrier safety administration's training provider 60627
registry. 60628

(G) A person who has successfully completed commercial 60629
driver's license training in this state but seeks a commercial 60630
driver's license in another state where the person is domiciled 60631
may schedule an appointment to take the skills test in this state 60632
and shall pay the appropriate appointment fee. Upon the person's 60633
completion of the skills test, this state shall electronically 60634
transmit the applicant's results to the state where the person is 60635
domiciled. If a person who is domiciled in this state takes a 60636
skills test in another state, this state shall accept the results 60637
of the skills test from the other state. If the person passed the 60638
other state's skills test and meets all of the other licensing 60639
requirements set forth in this chapter and rules adopted under 60640
this chapter, the registrar of motor vehicles or a deputy 60641
registrar shall issue a commercial driver's license to that 60642
person. 60643

(H) Unless otherwise specified, the director or the 60644
director's representative shall conduct the examinations, 60645
inspections, audits, and test monitoring set forth in divisions 60646
(B)(2),(3), and (4) of this section at least annually. If the 60647
other party or any of its skills test examiners fail to comply 60648
with state or federal standards for the skills testing program, 60649
the director or the director's representative shall take prompt 60650
and appropriate remedial action against the party and its skills 60651
test examiners. Remedial action may include termination of the 60652
agreement or revocation of a skills test examiner's certification. 60653

(I) As used in this section, "skills test" means a test of an 60654
applicant's ability to drive the type of commercial motor vehicle 60655
for which the applicant seeks a commercial driver's license by 60656

having the applicant drive such a motor vehicle while under the 60657
supervision of an authorized state driver's license examiner or 60658
tester. 60659

Sec. 4506.10. (A) No person who holds a valid commercial 60660
driver's license shall drive a commercial motor vehicle unless the 60661
person is physically qualified to do so. 60662

(1) Any person applying for a commercial driver's license or 60663
commercial driver's license temporary instruction permit, the 60664
renewal or upgrade of a commercial driver's license or commercial 60665
driver's license temporary instruction permit, or the transfer of 60666
a commercial driver's license from out of state shall self-certify 60667
to the registrar for purposes of 49 C.F.R. 383.71, one of the 60668
following in regard to the applicant's operation of a commercial 60669
motor vehicle, as applicable: 60670

(a)(i) If the applicant operates or expects to operate a 60671
commercial motor vehicle in interstate or foreign commerce and is 60672
subject to and meets the requirements under 49 C.F.R. part 391, 60673
the applicant shall self-certify that the applicant is 60674
non-excepted interstate and shall provide the registrar with the 60675
original or a copy of a medical examiner's certificate and each 60676
subsequently issued medical examiner's certificate prepared by a 60677
qualified medical examiner to maintain a medically certified 60678
status on the applicant's commercial driver licensing system 60679
driver record; 60680

(ii) If the applicant operates or expects to operate a 60681
commercial motor vehicle in interstate commerce, but engages in 60682
transportation or operations excepted under 49 C.F.R. 390.3(f), 60683
391.2, 391.68, or 398.3 from all or parts of the qualification 60684
requirements of 49 C.F.R. part 391, the applicant shall 60685
self-certify that the applicant is excepted interstate and is not 60686
required to obtain a medical examiner's certificate. 60687

(b)(i) If the applicant operates only in intrastate commerce 60688
and is subject to state driver qualification requirements, the 60689
applicant shall self-certify that the applicant is non-excepted 60690
intrastate; 60691

(ii) If the applicant operates only in intrastate commerce 60692
and is excepted from all or parts of the state driver 60693
qualification requirements, the applicant shall self-certify that 60694
the applicant is excepted intrastate. 60695

(2) Notwithstanding the expiration date on a person's 60696
commercial driver's license or commercial driver's license 60697
temporary instruction permit, every commercial driver's license or 60698
commercial driver's license temporary instruction permit holder 60699
shall provide the registrar with the certification required by 60700
this section, on or after January 30, 2012, but prior to January 60701
30, 2014. 60702

(B) A person is qualified to drive a school bus if the person 60703
holds a valid commercial driver's license along with the proper 60704
endorsements, and if the person has been certified as medically 60705
qualified in accordance with rules adopted by the department of 60706
education. 60707

(C)(1) Except as provided in division (C)(2) of this section, 60708
only a medical examiner who is listed on the national registry of 60709
certified medical examiners established by the federal motor 60710
carrier safety administration shall perform a medical examination 60711
required by this section. 60712

(2) A person licensed under Chapter 4725. of the Revised Code 60713
to practice optometry in this state, or licensed under any similar 60714
law of another state, may perform any part of an examination 60715
required by this section that pertains to visual acuity, field of 60716
vision, and the ability to recognize colors. 60717

(3) The individual who performed an examination conducted 60718

pursuant to this section shall complete any written documentation 60719
of a physical examination on a form that substantially complies 60720
with the requirements of 49 C.F.R. 391.43(h). 60721

(D) Whenever good cause appears, the registrar, upon issuing 60722
a commercial driver's license or commercial driver's license 60723
temporary instruction permit under this chapter, may impose 60724
restrictions suitable to the licensee's driving ability with 60725
respect to the type of motor vehicle or special mechanical control 60726
devices required on a motor vehicle that the licensee may operate, 60727
or such other restrictions applicable to the licensee as the 60728
registrar determines to be necessary. 60729

The registrar may either issue a special restricted license 60730
or may set forth upon the usual license form the restrictions 60731
imposed. 60732

The registrar, upon receiving satisfactory evidence of any 60733
violation of the restrictions of the license, may impose a class D 60734
license suspension of the license for the period of time specified 60735
in division (B)(4) of section 4510.02 of the Revised Code. 60736

The registrar, upon receiving satisfactory evidence that an 60737
applicant or holder of a commercial driver's license or commercial 60738
driver's license temporary instruction permit has violated 60739
division (A)(4) or (A)(5) of section 4506.04 of the Revised Code 60740
~~and knowingly given false information in any application or~~ 60741
~~certification required by section 4506.07 of the Revised Code,~~ 60742
shall cancel the person's commercial driver's license or 60743
commercial driver's license temporary instruction permit or any 60744
pending application from the person for a commercial driver's 60745
license, commercial driver's license temporary instruction permit, 60746
or class D driver's license for a period of at least sixty days, 60747
during which time no application for a commercial driver's 60748
license, commercial driver's license temporary instruction permit, 60749
or class D driver's license shall be received from the person. 60750

(E) Whoever violates this section is guilty of a misdemeanor 60751
of the first degree. 60752

Sec. 4506.11. (A) Every commercial driver's license shall be 60753
marked "commercial driver's license" or "CDL" and shall be of such 60754
material and so designed as to prevent its reproduction or 60755
alteration without ready detection. The commercial driver's 60756
license for licensees under twenty-one years of age shall have 60757
characteristics prescribed by the registrar of motor vehicles 60758
distinguishing it from that issued to a licensee who is twenty-one 60759
years of age or older. Every commercial driver's license shall 60760
display all of the following information: 60761

(1) The name and residence address of the licensee; 60762

(2) A ~~color~~ photograph of the licensee showing the licensee's 60763
uncovered face; 60764

(3) A physical description of the licensee, including sex, 60765
height, weight, and color of eyes and hair; 60766

(4) The licensee's date of birth; 60767

(5) The licensee's social security number if the person has 60768
requested that the number be displayed in accordance with section 60769
4501.31 of the Revised Code or if federal law requires the social 60770
security number to be displayed and any number or other identifier 60771
the director of public safety considers appropriate and 60772
establishes by rules adopted under Chapter 119. of the Revised 60773
Code and in compliance with federal law; 60774

(6) The licensee's signature; 60775

(7) The classes of commercial motor vehicles the licensee is 60776
authorized to drive and any endorsements or restrictions relating 60777
to the licensee's driving of those vehicles; 60778

(8) The name of this state; 60779

- (9) The dates of issuance and of expiration of the license; 60780
- (10) If the licensee has certified willingness to make an 60781
anatomical gift under section 2108.05 of the Revised Code, any 60782
symbol chosen by the registrar of motor vehicles to indicate that 60783
the licensee has certified that willingness; 60784
- (11) If the licensee has executed a durable power of attorney 60785
for health care or a declaration governing the use or 60786
continuation, or the withholding or withdrawal, of life-sustaining 60787
treatment and has specified that the licensee wishes the license 60788
to indicate that the licensee has executed either type of 60789
instrument, any symbol chosen by the registrar to indicate that 60790
the licensee has executed either type of instrument; 60791
- (12) ~~On and after October 7, 2009, if~~ If the licensee has 60792
specified that the licensee wishes the license to indicate that 60793
the licensee is a veteran, active duty, or reservist of the armed 60794
forces of the United States and has presented a copy of the 60795
licensee's DD-214 form or an equivalent document, any symbol 60796
chosen by the registrar to indicate that the licensee is a 60797
veteran, active duty, or reservist of the armed forces of the 60798
United States; 60799
- (13) If the licensee is a noncitizen of the United States, a 60800
notation designating that the licensee is a noncitizen; 60801
- (14) Any other information the registrar considers advisable 60802
and requires by rule. 60803
- (B) The registrar may establish and maintain a file of 60804
negatives of photographs taken for the purposes of this section. 60805
- (C) Neither the registrar nor any deputy registrar shall 60806
issue a commercial driver's license to anyone under twenty-one 60807
years of age that does not have the characteristics prescribed by 60808
the registrar distinguishing it from the commercial driver's 60809
license issued to persons who are twenty-one years of age or 60810

older. 60811

(D) Whoever violates division (C) of this section is guilty 60812
of a minor misdemeanor. 60813

Sec. 4506.15. (A) No person who holds a commercial driver's 60814
license or commercial driver's license temporary instruction 60815
permit or who operates a motor vehicle for which a commercial 60816
driver's license or permit is required shall do any of the 60817
following: 60818

(1) Drive a commercial motor vehicle while having a 60819
measurable or detectable amount of alcohol or of a controlled 60820
substance in the person's blood, breath, or urine; 60821

(2) Drive a commercial motor vehicle while having an alcohol 60822
concentration of four-hundredths of one per cent or more by whole 60823
blood or breath; 60824

(3) Drive a commercial motor vehicle while having an alcohol 60825
concentration of forty-eight-thousandths of one per cent or more 60826
by blood serum or blood plasma; 60827

(4) Drive a commercial motor vehicle while having an alcohol 60828
concentration of fifty-six-thousandths of one per cent or more by 60829
urine; 60830

(5) Drive a motor vehicle while under the influence of a 60831
controlled substance; 60832

(6) Drive a motor vehicle in violation of section 4511.19 of 60833
the Revised Code or a municipal OVI ordinance as defined in 60834
section 4511.181 of the Revised Code; 60835

(7) Use a motor vehicle in the commission of a felony; 60836

(8) Refuse to submit to a test under section 4506.17 or 60837
4511.191 of the Revised Code; 60838

(9) Operate a commercial motor vehicle while the person's 60839

commercial driver's license or permit or other commercial driving 60840
privileges are revoked, suspended, canceled, or disqualified; 60841

(10) Cause a fatality through the negligent operation of a 60842
commercial motor vehicle, including, but not limited to, the 60843
offenses of aggravated vehicular homicide, vehicular homicide, and 60844
vehicular manslaughter; 60845

(11) Fail to stop after an accident in violation of sections 60846
4549.02 to 4549.03 of the Revised Code; 60847

(12) Drive a commercial motor vehicle in violation of any 60848
provision of sections 4511.61 to 4511.63 of the Revised Code or 60849
any federal or local law or ordinance pertaining to 60850
railroad-highway grade crossings; 60851

(13) Use a motor vehicle in the commission of a felony 60852
involving the manufacture, distribution, or dispensing of a 60853
controlled substance as defined in section 3719.01 of the Revised 60854
Code or the possession with intent to manufacture, distribute, or 60855
dispense a controlled substance; 60856

(14) Use a commercial motor vehicle in the commission of a 60857
violation of section 2905.32 of the Revised Code or any other 60858
substantially equivalent offense established under federal law or 60859
the laws of another state. 60860

(B) Whoever violates this section is guilty of a misdemeanor 60861
of the first degree. 60862

(C) The offenses established under this section are strict 60863
liability offenses and section 2901.20 of the Revised Code does 60864
not apply. The designation of these offenses as strict liability 60865
offenses shall not be construed to imply that any other offense, 60866
for which there is no specified degree of culpability, is not a 60867
strict liability offense. 60868

Sec. 4506.16. (A) Any person who is found to have been 60869

convicted of a violation of an out-of-service order shall be 60870
disqualified by the registrar of motor vehicles as follows: 60871

(1) If the person has not been convicted previously of a 60872
violation of an out-of-service order, the period of 60873
disqualification is one hundred eighty days. 60874

(2) If, during any ten-year period, the driver is convicted 60875
of a second violation of an out-of-service order in an incident 60876
separate from the incident that resulted in the first violation, 60877
the period of disqualification is two years. 60878

(3) If, during any ten-year period, the driver is convicted 60879
of a third or subsequent violation of an out-of-service order in 60880
an incident separate from the incidents that resulted in the 60881
previous violations during that ten-year period, the period of 60882
disqualification is three years. 60883

(B)(1) A driver is disqualified for one hundred eighty days 60884
if the driver is convicted of a first violation of an 60885
out-of-service order while transporting hazardous materials 60886
required to be placarded under the "Hazardous Materials 60887
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 60888
amended, or while operating a motor vehicle designed to transport 60889
sixteen or more passengers, including the driver. 60890

(2) A driver is disqualified for a period of three years if, 60891
during any ten-year period, the driver is convicted of a second or 60892
subsequent violation, in an incident separate from the incident 60893
that resulted in a previous violation during that ten-year period, 60894
of an out-of-service order while transporting hazardous materials 60895
required to be placarded under that act, or while operating a 60896
motor vehicle designed to transport sixteen or more passengers, 60897
including the driver. 60898

(C) Whoever violates division (A)(1) of section 4506.15 of 60899
the Revised Code or a similar law of another state or a foreign 60900

jurisdiction, immediately shall be placed out-of-service for 60901
twenty-four hours, in addition to any disqualification required by 60902
this section and any other penalty imposed by the Revised Code. 60903

(D) The registrar of motor vehicles shall disqualify any 60904
holder of a commercial driver's license or commercial driver's 60905
license temporary instruction permit, or any operator of a 60906
commercial motor vehicle for which a commercial driver's license 60907
or permit is required, from operating a commercial motor vehicle 60908
as follows: 60909

(1) Upon a first conviction for a violation of any provision 60910
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 60911
or a similar law of another state or a foreign jurisdiction, or 60912
upon a first suspension imposed under section 4511.191 of the 60913
Revised Code or a similar law of another state or foreign 60914
jurisdiction, one year; 60915

(2) Upon a second conviction for a violation of any provision 60916
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 60917
or a similar law of another state or a foreign jurisdiction, or 60918
upon a second suspension imposed under section 4511.191 of the 60919
Revised Code or a similar law of another state or foreign 60920
jurisdiction, or any combination of such violations arising from 60921
two or more separate incidents, the person shall be disqualified 60922
for life or for any other period of time as determined by the 60923
United States secretary of transportation and designated by the 60924
director of public safety by rule; 60925

(3) Upon a first conviction for any of the following 60926
violations while transporting hazardous materials, three years: 60927

(a) Divisions (A)(2) to (12) of section 4506.15 of the 60928
Revised Code; 60929

(b) A similar law of another state or a foreign jurisdiction. 60930

(4) Upon conviction of a violation of division (A)(13) or 60931

(A)(14) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life;

(5)(a) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(6)(a) Upon conviction of two serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or commercial driver's license temporary instruction permit, or noncommercial motor vehicle driving privileges, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be

disqualified for one hundred twenty days if the conviction results 60964
in the suspension, cancellation, or revocation of the holder's 60965
commercial driver's license or permit, or noncommercial motor 60966
vehicle driving privileges, which disqualification shall be 60967
imposed consecutively to any other separate disqualification 60968
imposed under division (D)(5) or (6) of this section. 60969

(7) Upon a first conviction involving the operation of a 60970
commercial motor vehicle in violation of any provisions of 60971
sections 4511.61 to 4511.63 of the Revised Code or a similar law 60972
of another state or foreign jurisdiction, not less than sixty 60973
days; 60974

(8) Upon a second conviction involving the operation of a 60975
commercial motor vehicle in violation of any provisions of 60976
sections 4511.61 to 4511.63 of the Revised Code or a similar law 60977
of another state or foreign jurisdiction within three years of the 60978
first such conviction, not less than one hundred twenty days; 60979

(9) Upon a third or subsequent conviction involving the 60980
operation of a commercial motor vehicle in violation of any 60981
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 60982
similar law of another state or foreign jurisdiction within three 60983
years of the first such conviction, not less than one year; 60984

(10) Upon receiving notification from the federal motor 60985
carrier safety administration, the registrar immediately, prior to 60986
any hearing, shall disqualify any commercial motor vehicle driver 60987
whose driving is determined to constitute an imminent hazard as 60988
defined under federal motor carrier safety regulation 49 C.F.R. 60989
383.52. 60990

(E) For the purposes of this section, conviction of a 60991
violation for which disqualification is required includes 60992
conviction under any municipal ordinance that is substantially 60993
similar to any section of the Revised Code that is set forth in 60994

division (D) of this section and may be evidenced by any of the 60995
following: 60996

(1) A judgment entry of a court of competent jurisdiction in 60997
this or any other state; 60998

(2) An administrative order of a state agency of this or any 60999
other state having statutory jurisdiction over commercial drivers; 61000

(3) A computer record obtained from or through the commercial 61001
driver's license information system; 61002

(4) A computer record obtained from or through a state agency 61003
of this or any other state having statutory jurisdiction over 61004
commercial drivers or the records of commercial drivers. 61005

(F) For purposes of this section, conviction of disqualifying 61006
offenses committed in a noncommercial motor vehicle are included 61007
if either of the following applies: 61008

(1) The offense occurred after the person obtained the 61009
person's commercial driver's license or commercial driver's 61010
license temporary instruction permit. 61011

(2) The offense occurs on or after September 30, 2005. 61012

(G) If a person commits a serious traffic violation by 61013
operating a commercial motor vehicle without having a commercial 61014
driver's license or commercial driver's license temporary 61015
instruction permit in the person's possession as described in 61016
division (II)(3)(e) of section 4506.01 of the Revised Code and the 61017
person then submits proof to either the enforcement agency that 61018
issued the citation for the violation or to the court with 61019
jurisdiction over the case before the date of the person's initial 61020
appearance that shows that the person held a valid commercial 61021
driver's license or permit at the time of the violation, the 61022
violation shall not be deemed to be a serious traffic violation. 61023

(H) Any record described in division (C) of this section 61024

shall be deemed to be self-authenticating when it is received by 61025
the bureau of motor vehicles. 61026

(I) When disqualifying a driver, the registrar shall cause 61027
the records of the bureau to be updated to reflect that action 61028
within ten days after it occurs. 61029

(J) The registrar immediately shall notify a driver who is 61030
finally convicted of any offense described in section 4506.15 of 61031
the Revised Code or division (D)(4), (5), or (6) of this section 61032
and thereby is subject to disqualification, of the offense or 61033
offenses involved, of the length of time for which 61034
disqualification is to be imposed, and that the driver may request 61035
a hearing within thirty days of the mailing of the notice to show 61036
cause why the driver should not be disqualified from operating a 61037
commercial motor vehicle. If a request for such a hearing is not 61038
made within thirty days of the mailing of the notice, the order of 61039
disqualification is final. The registrar may designate hearing 61040
examiners who, after affording all parties reasonable notice, 61041
shall conduct a hearing to determine whether the disqualification 61042
order is supported by reliable evidence. The registrar shall adopt 61043
rules to implement this division. 61044

(K) Any person who is disqualified from operating a 61045
commercial motor vehicle under this section may apply to the 61046
registrar for a driver's license to operate a motor vehicle other 61047
than a commercial motor vehicle, provided the person's commercial 61048
driver's license is not otherwise suspended. A person whose 61049
commercial driver's license is suspended shall not apply to the 61050
registrar for or receive a driver's license under Chapter 4507. of 61051
the Revised Code during the period of suspension. 61052

(L) The disqualifications imposed under this section are in 61053
addition to any other penalty imposed by the Revised Code. 61054

(M) Any conviction for an offense that would lead to 61055

disqualification as specified in this section, whether committed 61056
in a commercial motor vehicle or a vehicle other than a commercial 61057
motor vehicle, shall be counted for the purposes of determining 61058
the number of violations and the appropriate disqualification 61059
period under this section. 61060

Sec. 4506.17. (A) Both of the following are deemed to have 61061
given consent to a test or tests of the person's whole blood, 61062
blood serum or plasma, breath, or urine for the purpose of 61063
determining the person's alcohol concentration or the presence of 61064
any controlled substance or a metabolite of a controlled 61065
substance: 61066

(1) A person while operating a commercial motor vehicle that 61067
requires a commercial driver's license or commercial driver's 61068
license temporary instruction permit; 61069

(2) A person who holds a commercial driver's license or 61070
commercial driver's license temporary instruction permit while 61071
operating a motor vehicle, including a commercial motor vehicle. 61072

(B) A test or tests as provided in division (A) of this 61073
section may be administered at the direction of a peace officer 61074
having reasonable ground to stop or detain the person and, after 61075
investigating the circumstances surrounding the operation of the 61076
motor vehicle, also having reasonable ground to believe the person 61077
was driving the motor vehicle while having a measurable or 61078
detectable amount of alcohol or of a controlled substance or a 61079
metabolite of a controlled substance in the person's whole blood, 61080
blood serum or plasma, breath, or urine. Any such test shall be 61081
given within two hours of the time of the alleged violation. 61082

(C) A person requested by a peace officer to submit to a test 61083
under division (A) of this section shall be advised by the peace 61084
officer that a refusal to submit to the test will result in the 61085
person immediately being placed out-of-service for a period of 61086

twenty-four hours and being disqualified from operating a 61087
commercial motor vehicle for a period of not less than one year, 61088
and that the person is required to surrender the person's 61089
commercial driver's license or permit to the peace officer. 61090

(D) If a person refuses to submit to a test after being 61091
warned as provided in division (C) of this section or submits to a 61092
test that discloses the presence of an amount of alcohol or a 61093
controlled substance prohibited by divisions (A)(1) to ~~(5)~~(6) of 61094
section 4506.15 of the Revised Code or a metabolite of a 61095
controlled substance, the person immediately shall surrender the 61096
person's commercial driver's license or permit to the peace 61097
officer. The peace officer shall forward the license or permit, 61098
together with a sworn report, to the registrar of motor vehicles 61099
certifying that the test was requested pursuant to division (A) of 61100
this section and that the person either refused to submit to 61101
testing or submitted to a test that disclosed the presence of one 61102
of the prohibited concentrations of a substance listed in 61103
divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code 61104
or a metabolite of a controlled substance. The form and contents 61105
of the report required by this section shall be established by the 61106
registrar by rule, but shall contain the advice to be read to the 61107
driver and a statement to be signed by the driver acknowledging 61108
that the driver has been read the advice and that the form was 61109
shown to the driver. 61110

(E) Upon receipt of a sworn report from a peace officer as 61111
provided in division (D) of this section, or upon receipt of 61112
notification that a person has been disqualified under a similar 61113
law of another state or foreign jurisdiction, the registrar shall 61114
disqualify the person named in the report from driving a 61115
commercial motor vehicle for the period described below: 61116

(1) Upon a first incident, one year; 61117

(2) Upon an incident of refusal or of a prohibited 61118

concentration of alcohol, a controlled substance, or a metabolite 61119
of a controlled substance after one or more previous incidents of 61120
either refusal or of a prohibited concentration of alcohol, a 61121
controlled substance, or a metabolite of a controlled substance, 61122
the person shall be disqualified for life or such lesser period as 61123
prescribed by rule by the registrar. 61124

(F) A test of a person's whole blood or a person's blood 61125
serum or plasma given under this section shall comply with the 61126
applicable provisions of division (D) of section 4511.19 of the 61127
Revised Code and any physician, registered nurse, emergency 61128
medical technician-intermediate, emergency medical 61129
technician-paramedic, or qualified technician, chemist, or 61130
phlebotomist who withdraws whole blood or blood serum or plasma 61131
from a person under this section, and any hospital, first-aid 61132
station, clinic, or other facility at which whole blood or blood 61133
serum or plasma is withdrawn from a person pursuant to this 61134
section, is immune from criminal liability, and from civil 61135
liability that is based upon a claim of assault and battery or 61136
based upon any other claim of malpractice, for any act performed 61137
in withdrawing whole blood or blood serum or plasma from the 61138
person. The immunity provided in this division also extends to an 61139
emergency medical service organization that employs an emergency 61140
medical technician-intermediate or emergency medical 61141
technician-paramedic who withdraws blood under this section. 61142

(G) When a person submits to a test under this section, the 61143
results of the test, at the person's request, shall be made 61144
available to the person, the person's attorney, or the person's 61145
agent, immediately upon completion of the chemical test analysis. 61146
The person also may have an additional test administered by a 61147
physician, a registered nurse, or a qualified technician, chemist, 61148
or phlebotomist of the person's own choosing as provided in 61149
division (D) of section 4511.19 of the Revised Code for tests 61150

administered under that section, and the failure to obtain such a 61151
test has the same effect as in that division. 61152

(H) No person shall refuse to immediately surrender the 61153
person's commercial driver's license or permit to a peace officer 61154
when required to do so by this section. 61155

(I) A peace officer issuing an out-of-service order or 61156
receiving a commercial driver's license or permit surrendered 61157
under this section may remove or arrange for the removal of any 61158
commercial motor vehicle affected by the issuance of that order or 61159
the surrender of that license. 61160

(J)(1) Except for civil actions arising out of the operation 61161
of a motor vehicle and civil actions in which the state is a 61162
plaintiff, no peace officer of any law enforcement agency within 61163
this state is liable in compensatory damages in any civil action 61164
that arises under the Revised Code or common law of this state for 61165
an injury, death, or loss to person or property caused in the 61166
performance of official duties under this section and rules 61167
adopted under this section, unless the officer's actions were 61168
manifestly outside the scope of the officer's employment or 61169
official responsibilities, or unless the officer acted with 61170
malicious purpose, in bad faith, or in a wanton or reckless 61171
manner. 61172

(2) Except for civil actions that arise out of the operation 61173
of a motor vehicle and civil actions in which the state is a 61174
plaintiff, no peace officer of any law enforcement agency within 61175
this state is liable in punitive or exemplary damages in any civil 61176
action that arises under the Revised Code or common law of this 61177
state for any injury, death, or loss to person or property caused 61178
in the performance of official duties under this section of the 61179
Revised Code and rules adopted under this section, unless the 61180
officer's actions were manifestly outside the scope of the 61181
officer's employment or official responsibilities, or unless the 61182

officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 61183
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(K) When disqualifying a driver, the registrar shall cause the records of the bureau of motor vehicles to be updated to reflect the disqualification within ten days after it occurs. 61185
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(L) The registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division. 61188
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(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person whose commercial driver's license or permit is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension. 61200
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(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree. 61208
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(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 61210
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Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 61214
"motorized bicycle," "state," "owner," "operator," "chauffeur," 61215
and "highways" have the same meanings as in section 4501.01 of the 61216
Revised Code. 61217

"Driver's license" means a class D license issued to any 61218
person to operate a motor vehicle or motor-driven cycle, other 61219
than a commercial motor vehicle, and includes "probationary 61220
license," "restricted license," "limited term license," and any 61221
operator's or chauffeur's license issued before January 1, 1990. 61222

"Probationary license" means the license issued to any person 61223
between sixteen and eighteen years of age to operate a motor 61224
vehicle. 61225

"Restricted license" means the license issued to any person 61226
to operate a motor vehicle subject to conditions or restrictions 61227
imposed by the registrar of motor vehicles. 61228

"Commercial driver's license" means the license issued to a 61229
person under Chapter 4506. of the Revised Code to operate a 61230
commercial motor vehicle. 61231

"Commercial motor vehicle" has the same meaning as in section 61232
4506.01 of the Revised Code. 61233

"Motorcycle operator's temporary instruction permit, license, 61234
or endorsement" includes a temporary instruction permit, license, 61235
or endorsement for a motor-driven cycle or motor scooter unless 61236
otherwise specified. 61237

"Motorized bicycle license" means the license issued under 61238
section 4511.521 of the Revised Code to any person to operate a 61239
motorized bicycle including a "probationary motorized bicycle 61240
license." 61241

"Probationary motorized bicycle license" means the license 61242
issued under section 4511.521 of the Revised Code to any person 61243

between fourteen and sixteen years of age to operate a motorized bicycle. 61244
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"Identification card" means a card issued under sections 4507.50 ~~and 4507.51~~ to 4507.52 of the Revised Code. 61246
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"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis. 61248
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"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis. 61251
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(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar. 61254
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To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary. 61259
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The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a ~~color~~ photograph of the applicant for such license or card as required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code. 61261
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The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, 61268
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unless they are specifically authorized to exercise such powers by 61275
such sections. 61276

(C) No agent for any insurance company, writing automobile 61277
insurance, shall be appointed deputy registrar, and any such 61278
appointment is void. No deputy registrar shall in any manner 61279
solicit any form of automobile insurance, nor in any manner 61280
advise, suggest, or influence any licensee or applicant for 61281
license for or against any kind or type of automobile insurance, 61282
insurance company, or agent, nor have the deputy registrar's 61283
office directly connected with the office of any automobile 61284
insurance agent, nor impart any information furnished by any 61285
applicant for a license or identification card to any person, 61286
except the registrar. This division shall not apply to any 61287
nonprofit corporation appointed deputy registrar. 61288

(D) The registrar shall immediately remove a deputy registrar 61289
who violates the requirements of this chapter. 61290

Sec. 4507.06. (A)(1) Every application for a driver's 61291
license, motorcycle operator's license or endorsement, or 61292
motor-driven cycle or motor scooter license or endorsement, or 61293
duplicate of any such license or endorsement, shall be made upon 61294
the approved form furnished by the registrar of motor vehicles and 61295
shall be signed by the applicant. 61296

Every application shall state the following: 61297

(a) The applicant's name, date of birth, social security 61298
number if such has been assigned, sex, general description, 61299
including height, weight, color of hair, and eyes, residence 61300
address, including county of residence, duration of residence in 61301
this state, and country of citizenship; 61302

(b) Whether the applicant previously has been licensed as an 61303
operator, chauffeur, driver, commercial driver, or motorcycle 61304

operator and, if so, when, by what state, and whether such license 61305
is suspended or canceled at the present time and, if so, the date 61306
of and reason for the suspension or cancellation; 61307

(c) Whether the applicant is now or ever has been afflicted 61308
with epilepsy, or whether the applicant now has any physical or 61309
mental disability or disease and, if so, the nature and extent of 61310
the disability or disease, giving the names and addresses of 61311
physicians then or previously in attendance upon the applicant; 61312

(d) Whether an applicant for a duplicate driver's license, 61313
duplicate license containing a motorcycle operator endorsement, or 61314
duplicate license containing a motor-driven cycle or motor scooter 61315
endorsement has pending a citation for violation of any motor 61316
vehicle law or ordinance, a description of any such citation 61317
pending, and the date of the citation; 61318

(e) If an applicant has not certified the applicant's 61319
willingness to make an anatomical gift under section 2108.05 of 61320
the Revised Code, whether the applicant wishes to certify 61321
willingness to make such an anatomical gift, which shall be given 61322
no consideration in the issuance of a license or endorsement; 61323

(f) Whether the applicant has executed a valid durable power 61324
of attorney for health care pursuant to sections 1337.11 to 61325
1337.17 of the Revised Code or has executed a declaration 61326
governing the use or continuation, or the withholding or 61327
withdrawal, of life-sustaining treatment pursuant to sections 61328
2133.01 to 2133.15 of the Revised Code and, if the applicant has 61329
executed either type of instrument, whether the applicant wishes 61330
the applicant's license to indicate that the applicant has 61331
executed the instrument; 61332

(g) Whether the applicant is a veteran, active duty, or 61333
reservist of the armed forces of the United States and, if the 61334
applicant is such, whether the applicant wishes the applicant's 61335

license to indicate that the applicant is a veteran, active duty, 61336
or reservist of the armed forces of the United States by a 61337
military designation on the license. 61338

(2) Every applicant for a driver's license applying in person 61339
at a deputy registrar office shall be photographed ~~in color~~ at the 61340
time the application for the license is made. The application 61341
shall state any additional information that the registrar 61342
requires. 61343

(B) The registrar or a deputy registrar, in accordance with 61344
section 3503.11 of the Revised Code, shall register as an elector 61345
any person who applies for a license or endorsement under division 61346
(A) of this section, or for a renewal or duplicate of the license 61347
or endorsement, if the applicant is eligible and wishes to be 61348
registered as an elector. The decision of an applicant whether to 61349
register as an elector shall be given no consideration in the 61350
decision of whether to issue the applicant a license or 61351
endorsement, or a renewal or duplicate. 61352

(C) The registrar or a deputy registrar, in accordance with 61353
section 3503.11 of the Revised Code, shall offer the opportunity 61354
of completing a notice of change of residence or change of name to 61355
any applicant for a driver's license or endorsement under division 61356
(A) of this section, or for a renewal or duplicate of the license 61357
or endorsement, if the applicant is a registered elector who has 61358
changed the applicant's residence or name and has not filed such a 61359
notice. 61360

(D) In addition to any other information it contains, the 61361
approved form furnished by the registrar of motor vehicles for an 61362
application for a license or endorsement or an application for a 61363
duplicate of any such license or endorsement shall inform 61364
applicants that the applicant must present a copy of the 61365
applicant's DD-214 or an equivalent document in order to qualify 61366
to have the license or duplicate indicate that the applicant is a 61367

veteran, active duty, or reservist of the armed forces of the 61368
United States based on a request made pursuant to division 61369
(A)(1)(g) of this section. 61370

Sec. 4507.061. (A) ~~Beginning on and after July 1, 2022, the~~ 61371
The registrar of motor vehicles may authorize the online renewal 61372
of a driver's license, commerical driver's license, or 61373
identification card issued by the bureau of motor vehicles for 61374
eligible applicants. An applicant is eligible for online renewal 61375
if all of the following apply: 61376

(1) The applicant's current driver's license, commerical 61377
driver's license, or identification card was processed in person 61378
at a deputy registrar office. 61379

(2) The applicant has a photo on file with the bureau of 61380
motor vehicles from the applicant's current driver's license, 61381
commerical driver's license, or identification card. 61382

(3) The applicant's current driver's license, commerical 61383
driver's license, or identification card expires on the birthday 61384
of the applicant in the fourth year after the date it was issued. 61385

(4) The applicant is applying for a driver's license, 61386
commerical driver's license, or identification card that expires 61387
on the birthday of the applicant in the fourth year after the date 61388
it is issued. 61389

(5) The applicant's current driver's license, commerical 61390
driver's license, or identification card is unexpired or expired 61391
not more than six months prior to the date of the application. 61392

(6) The applicant is a citizen or a permanent resident of the 61393
United States and a permanent resident of this state. 61394

(7) ~~The applicant is~~ applicant's current driver's license, 61395
commercial driver's license, or identification card was issued 61396
when the applicant was twenty-one years of age or older, ~~but,~~ 61397

- (8) The applicant is less than sixty-five years of age. 61398
- ~~(8)~~(9) The applicant's current driver's license, commerical driver's license, or driving privileges are not suspended, 61399
canceled, revoked, or restricted, and the applicant is not 61400
otherwise prohibited by law from obtaining a driver's license, 61401
commerical driver's license, or identification card. 61402
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- ~~(9)~~(10) The applicant has no changes to the applicant's name 61404
or personal information, other than a change of address. 61405
- ~~(10)~~(11) The applicant has no medical restrictions that would 61406
require the applicant to apply for a driver's license, commerical driver's license, or identification card in person at a deputy 61407
registrar office. The registrar shall determine the medical 61408
restrictions that require in person applications. 61409
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- (12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements. 61411
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- (13) For a commercial driver's license, the applicant is not under any restriction specified by any federal regulation. 61415
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- (B) An applicant may not submit an application online for any 61417
of the following: 61418
- (1) A temporary instruction permit; 61419
- (2) A ~~commercial driver's license or a~~ commercial driver's 61420
license temporary instruction permit; 61421
- (3) An initial issuance of an Ohio driver's license, commerical driver's license, or identification card; 61422
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- (4) An initial issuance of a federally compliant driver's 61424
license or identification card; 61425
- (5) An ignition interlock license; 61426

(6) A ~~nonrenewable~~ limited term driver's license or nonrenewable commercial driver's license. 61427
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(C) The registrar may require an applicant to provide a 61429
digital copy of any identification documents and supporting 61430
documents as required by statute or administrative rule to comply 61431
with current state and federal requirements. 61432

(D) Except as otherwise provided, an applicant shall comply 61433
with all other applicable laws related to the issuance of a 61434
driver's license, commercial driver's license, or identification 61435
card in order to renew a driver's license, commercial driver's 61436
license, or identification card under this section. 61437

(E) The registrar may adopt rules in accordance with Chapter 61438
119. of the Revised Code to implement and administer this section. 61439

Sec. 4507.07. (A) As used in this section: 61440

(1) "Minor's representative" means a person who has custody 61441
of a minor under the age of eighteen and who is one of the 61442
following: 61443

(a) A representative of a PCPA or PCSA; 61444

(b) A resource caregiver who has placement of a child in the 61445
custody of a PCPA or PCSA. 61446

(2) "PCPA" means a private child placing agency. 61447

(3) "PCSA" means a public children services agency. 61448

(4) "Resource caregiver" has the same meaning as in section 61449
5103.02 of the Revised Code. 61450

(B)(1) The registrar of motor vehicles shall not grant the 61451
application of any minor under eighteen years of age for a 61452
probationary license, a restricted license, or a temporary 61453
instruction permit, unless the application is signed by one of the 61454
minor's parents, the minor's guardian, another person having 61455

custody of the applicant, or, if there is no parent or guardian, a responsible person who is willing to assume the obligation imposed under this section. A responsible person may include a minor's representative.

(2) At the time a minor under eighteen years of age submits an application for a license or permit at a driver's license examining station, the adult who signs the application shall present identification establishing that the adult is the individual whose signature appears on the application. The registrar shall prescribe, by rule, the types of identification that are suitable for the purposes of this paragraph. If the adult who signs the application does not provide identification as required by this paragraph, the application shall not be accepted.

(3) When a minor under eighteen years of age applies for a probationary license, a restricted license, or a temporary instruction permit, the registrar shall give the adult who signs the application notice of the potential liability that may be imputed to the adult pursuant to division ~~(B)~~(C)(1) of this section and notice of how the adult may prevent any liability from being imputed to the adult pursuant to that division.

~~(B)~~ Any (C)(1) Except as otherwise provided in divisions (C)(2) and (3) of this section, any negligence, or willful or wanton misconduct, that is committed by a minor under eighteen years of age when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a probationary license, restricted license, or temporary instruction permit, which person shall be jointly and severally liable with the minor for any damages caused by the negligence or the willful or wanton misconduct. This joint and several liability is not subject to section 2307.22 or 2315.36 of the Revised Code with respect to a tort claim that otherwise is subject to that section.

(2) There shall be no imputed liability imposed under this 61488
division (C)(1) of this section if a minor under eighteen years of 61489
age has proof of financial responsibility with respect to the 61490
operation of a motor vehicle owned by the minor or, if the minor 61491
is not the owner of a motor vehicle, with respect to the minor's 61492
operation of any motor vehicle, in the form and in the amounts 61493
required under Chapter 4509. of the Revised Code. 61494

~~(C)~~(3) There is no imputed liability under division (C)(1) of 61495
this section with respect to a minor's representative who signs an 61496
application for a probationary license, a restricted license, or a 61497
temporary instruction permit on behalf of the minor under division 61498
(B) of this section. 61499

(4) The department of job and family services or minor's 61500
representative shall verify that the minor has proof of financial 61501
responsibility in the form and amounts required by Chapter 4509. 61502
of the Revised Code before the minor's representative signs the 61503
minor's application for a probationary license, restricted 61504
license, or temporary instruction permit. The department may 61505
provide proof of financial responsibility for the minor directly 61506
or through a third party acting on its behalf. The department, 61507
third party, or minor's representative shall provide the registrar 61508
proof of financial responsibility in the form and amounts required 61509
by Chapter 4509. of the Revised Code. 61510

(D)(1) Any person who has signed the application of a minor 61511
under eighteen years of age for a license or permit subsequently 61512
may surrender to the registrar the license or temporary 61513
instruction permit of the minor and request that the license or 61514
permit be canceled. The registrar then shall cancel the license or 61515
temporary instruction permit, and the person who signed the 61516
application of the minor shall be relieved from the liability 61517
imposed by division ~~(B)~~(C)(1) of this section. 61518

(2) If the department of job and family services or a minor's 61519

representative determines that a minor does not have proof of 61520
financial responsibility, the department or minor's representative 61521
shall notify the registrar and surrender the minor's license or 61522
temporary instruction permit and request that it be canceled. The 61523
registrar shall cancel the license or temporary instruction 61524
permit. 61525

~~(D)~~(E) Any minor under eighteen years of age whose 61526
probationary license, restricted license, or temporary instruction 61527
permit is surrendered to the registrar by the person who signed 61528
the application for the license or permit and whose license or 61529
temporary instruction permit subsequently is canceled by the 61530
registrar may obtain a new license or temporary instruction permit 61531
without having to undergo the examinations otherwise required by 61532
sections 4507.11 and 4507.12 of the Revised Code and without 61533
having to tender the fee for that license or temporary instruction 61534
permit, if the minor is able to produce another parent, guardian, 61535
other person having custody of the minor, or other adult, and that 61536
adult is willing to assume the liability imposed under division 61537
~~(B)~~(C)(1) of this section. That adult shall comply with the 61538
procedures contained in division ~~(A)~~(B) of this section. 61539

Sec. 4507.08. (A) No probationary license shall be issued to 61540
any person under the age of eighteen who has been adjudicated an 61541
unruly or delinquent child or a juvenile traffic offender for 61542
having committed any act that if committed by an adult would be a 61543
drug abuse offense, as defined in section 2925.01 of the Revised 61544
Code, a violation of division (B) of section 2917.11, or a 61545
violation of division (A) of section 4511.19 of the Revised Code, 61546
unless the person has been required by the court to attend a drug 61547
abuse or alcohol abuse education, intervention, or treatment 61548
program specified by the court and has satisfactorily completed 61549
the program. 61550

(B) No temporary instruction permit or driver's license shall 61551
be issued to any person whose license has been suspended, during 61552
the period for which the license was suspended, nor to any person 61553
whose license has been canceled, under Chapter 4510. or any other 61554
provision of the Revised Code. 61555

(C) No temporary instruction permit or driver's license shall 61556
be issued to any person whose commercial driver's license is 61557
suspended under Chapter 4510. or any other provision of the 61558
Revised Code during the period of the suspension. 61559

No temporary instruction permit or driver's license shall be 61560
issued to any person when issuance is prohibited by division (A) 61561
of section 4507.091 of the Revised Code. 61562

(D) No temporary instruction permit or driver's license shall 61563
be issued to, or retained by, any of the following persons: 61564

(1) Any person who has alcoholism, or is addicted to the use 61565
of controlled substances to the extent that the use constitutes an 61566
impairment to the person's ability to operate a motor vehicle with 61567
the required degree of safety; 61568

(2) Any person who is under the age of eighteen and has been 61569
adjudicated an unruly or delinquent child or a juvenile traffic 61570
offender for having committed any act that if committed by an 61571
adult would be a drug abuse offense, as defined in section 2925.01 61572
of the Revised Code, a violation of division (B) of section 61573
2917.11, or a violation of division (A) of section 4511.19 of the 61574
Revised Code, unless the person has been required by the court to 61575
attend a drug abuse or alcohol abuse education, intervention, or 61576
treatment program specified by the court and has satisfactorily 61577
completed the program; 61578

(3) Any person who, in the opinion of the registrar, has a 61579
physical or mental disability or disease that prevents the person 61580
from exercising reasonable and ordinary control over a motor 61581

vehicle while operating the vehicle upon the highways, except that 61582
a restricted license ~~effective for six months~~ may be issued to any 61583
person otherwise qualified who is or has been subject to any 61584
condition resulting in episodic impairment of consciousness or 61585
loss of muscular control and whose condition, in the opinion of 61586
the registrar, is dormant or is sufficiently under medical control 61587
that the person is capable of exercising reasonable and ordinary 61588
control over a motor vehicle. A restricted license ~~effective for~~ 61589
~~six months~~ shall be issued to any person who otherwise is 61590
qualified and who is subject to any condition that causes episodic 61591
impairment of consciousness or a loss of muscular control if the 61592
person presents a statement from a licensed physician that the 61593
person's condition is under effective medical control and the 61594
period of time for which the control has been continuously 61595
maintained, unless, thereafter, a medical examination is ordered 61596
and, pursuant thereto, cause for denial is found. 61597

A person to whom a ~~six-month~~ restricted license has been 61598
issued shall give notice of the person's medical condition to the 61599
registrar on forms provided by the registrar and signed by the 61600
licensee's physician at intervals required by the registrar. The 61601
~~notice shall be sent to the registrar six months after the~~ 61602
~~issuance of the license. Subsequent restricted licenses issued to~~ 61603
~~the same individual shall be effective for six months~~ determine 61604
the validity period of a restricted license. 61605

(4) Any person who is unable to understand highway warnings 61606
or traffic signs or directions given in the English language; 61607

(5) Any person making an application whose driver's license 61608
or driving privileges are under cancellation, revocation, or 61609
suspension in the jurisdiction where issued or any other 61610
jurisdiction, until the expiration of one year after the license 61611
was canceled or revoked or until the period of suspension ends. 61612
Any person whose application is denied under this division may 61613

file a petition in the municipal court or county court in whose 61614
jurisdiction the person resides agreeing to pay the cost of the 61615
proceedings and alleging that the conduct involved in the offense 61616
that resulted in suspension, cancellation, or revocation in the 61617
foreign jurisdiction would not have resulted in a suspension, 61618
cancellation, or revocation had the offense occurred in this 61619
state. If the petition is granted, the petitioner shall notify the 61620
registrar by a certified copy of the court's findings and a 61621
license shall not be denied under this division. 61622

(6) Any person who is under a class one or two suspension 61623
imposed for a violation of section 2903.01, 2903.02, 2903.04, 61624
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 61625
Code or whose driver's or commercial driver's license or permit 61626
was permanently revoked prior to January 1, 2004, for a 61627
substantially equivalent violation pursuant to section 4507.16 of 61628
the Revised Code; 61629

(7) Any person who is not a resident or temporary resident of 61630
this state. 61631

(E) No person whose driver's license or permit has been 61632
suspended under Chapter 4510. of the Revised Code or any other 61633
provision of the Revised Code shall have driving privileges 61634
reinstated if the registrar determines that a warrant has been 61635
issued in this state or any other state for the person's arrest 61636
and that warrant is an active warrant. 61637

Sec. 4507.09. ~~(A)~~(A)(1) Except as provided in division (B) of 61638
this section, every driver's license issued to a resident of this 61639
state expires on the birthday of the applicant in the fourth or 61640
eighth year after the date it is issued, based on the period of 61641
renewal requested by the applicant. A ~~person~~ resident who is 61642
sixty-five years of age or older may only apply for a driver's 61643
license that expires on the birthday of the applicant in the 61644

fourth year after the date it is issued. ~~Every driver's license~~ 61645
~~issued to a temporary resident expires in accordance with rules~~ 61646
~~adopted by the registrar of motor vehicles.~~ In no event shall any 61647
license be issued for a period longer than eight years and ninety 61648
days. 61649

Subject to the requirements of section 4507.12 of the Revised 61650
Code, every driver's license issued to a resident is renewable at 61651
any time prior to its expiration ~~and any license of a temporary~~ 61652
~~resident is nonrenewable. A nonrenewable~~ 61653

(2) A driver's license issued to a temporary resident shall 61654
expire in accordance with rules adopted by the registrar of motor 61655
vehicles. A driver's license issued to a temporary resident is a 61656
limited term license, but may be ~~replaced with a new license~~ 61657
renewed within ninety days prior to its expiration in accordance 61658
with division (E) of this section. ~~No~~ 61659

(3) No refund shall be made or credit given for the unexpired 61660
portion of the driver's license that is renewed. The registrar ~~of~~ 61661
~~motor vehicles~~ shall notify each person whose driver's license has 61662
expired within forty-five days after the date of expiration. 61663
Notification shall be made by regular mail sent to the person's 61664
last known address as shown in the records of the bureau of motor 61665
vehicles. Failure to provide such notification shall not be 61666
construed as a renewal or extension of any license. ~~For~~ 61667

(4) For the purposes of this section, the date of birth of 61668
any applicant born on the twenty-ninth day of February shall be 61669
deemed to be the first day of March in any year in which there is 61670
no twenty-ninth day of February. 61671

(B) Every driver's license or renewal of a driver's license 61672
issued to ~~an~~ a resident applicant who is sixteen years of age or 61673
older, but less than twenty-one years of age, expires on the 61674
twenty-first birthday of the applicant, except that an applicant 61675

who applies no more than thirty days before the applicant's 61676
twenty-first birthday shall be issued a license in accordance with 61677
division (A) of this section. 61678

(C) Each person licensed as a driver under this chapter shall 61679
notify the registrar of any change in the person's address within 61680
ten days following that change. The notification shall be in 61681
writing on a form provided by the registrar and shall include the 61682
full name, date of birth, license number, county of residence, 61683
social security number, and new address of the person. 61684

(D) No driver's license shall be renewed when renewal is 61685
prohibited by division (A) of section 4507.091 of the Revised 61686
Code. 61687

~~(E) A nonrenewable (E)(1) Except as provided in division 61688
(E)(2) of this section, a limited term license shall not be issued 61689
to a temporary resident for a period longer than the expiration 61690
date of the temporary resident's authorized stay in the United 61691
States, or for four years from the date of issuance, whichever 61692
date is earliest. 61693~~

~~(2) If there is no expiration date for a temporary resident's 61694
authorized stay in the United States, a limited term license shall 61695
not be issued to the temporary resident for a period longer than 61696
one year from the date of issuance. 61697~~

~~(3) A limited term license may be replaced with a new license 61698
renewed within ninety days prior to its expiration upon the 61699
applicant's presentation of documentation verifying the 61700
applicant's legal presence or continued temporary lawful status in 61701
the United States. A nonrenewable license expires on the same date 61702
listed on the legal presence documentation, or on the same date in 61703
the fourth year after the date the nonrenewable license is issued, 61704
whichever comes first. 61705~~

(3) A nonrenewable limited term license is not transferable, 61706

and the applicant may not rely on it to obtain a driver's license 61707
in another state. 61708

~~(4) In accordance with Chapter 119. of the Revised Code, the 61709
registrar of motor vehicles shall adopt rules governing 61710
nonrenewable limited term licenses for temporary residents. At a 61711
minimum, the rules shall include provisions specifying all of the 61712
following: 61713~~

~~(1) That no nonrenewable license may extend beyond the 61714
duration of the applicant's temporary residence in this state; 61715~~

~~(2) That no nonrenewable license may be replaced by a new 61716
license unless the applicant provides acceptable documentation of 61717
the person's identity and of the applicant's continued temporary 61718
residence in this state; 61719~~

~~(3) That no nonrenewable license is valid to apply for a 61720
driver's license in any other state; 61721~~

~~(4) That every nonrenewable license may contain any security 61722
features that the registrar prescribes. 61723~~

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 61724
issue a driver's license to every person licensed as an operator 61725
of motor vehicles other than commercial motor vehicles. No person 61726
licensed as a commercial motor vehicle driver under Chapter 4506. 61727
of the Revised Code need procure a driver's license, but no person 61728
shall drive any commercial motor vehicle unless licensed as a 61729
commercial motor vehicle driver. 61730

(2) Every driver's license shall display all of the following 61731
information: 61732

(a) The distinguishing number assigned to the licensee; 61733

(b) The licensee's name and date of birth; 61734

(c) The licensee's residence address and county of residence; 61735

(d) A color photograph of the licensee;	61736
(e) A brief description of the licensee for the purpose of identification;	61737 61738
(f) A facsimile of the signature of the licensee as it appears on the application for the license;	61739 61740
(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject;	61741 61742 61743
(h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	61744 61745 61746 61747 61748 61749 61750
(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;	61751 61752 61753 61754 61755 61756 61757
(j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;	61758 61759
(k) Any additional information that the registrar requires by rule.	61760 61761
(3) No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be	61762 61763 61764 61765

displayed on the license, the social security number shall be 61766
displayed on the license notwithstanding this section. 61767

(4) The driver's license for licensees under twenty-one years 61768
of age shall have characteristics prescribed by the registrar 61769
distinguishing it from that issued to a licensee who is twenty-one 61770
years of age or older, except that a driver's license issued to a 61771
person who applies no more than thirty days before the applicant's 61772
twenty-first birthday shall have the characteristics of a license 61773
issued to a person who is twenty-one years of age or older. 61774

(5) The ~~driver's~~ limited term license issued to a temporary 61775
resident shall contain the word "~~nonrenewable~~" "limited term" and 61776
shall have any additional characteristics prescribed by the 61777
registrar distinguishing it from a license issued to a resident. 61778

(6) Every driver's or commercial driver's license displaying 61779
a motorcycle operator's endorsement and every restricted license 61780
to operate a motor vehicle also shall display the designation 61781
"novice," if the endorsement or license is issued to a person who 61782
is eighteen years of age or older and previously has not been 61783
licensed to operate a motorcycle by this state or another 61784
jurisdiction recognized by this state. The "novice" designation 61785
shall be effective for one year after the date of issuance of the 61786
motorcycle operator's endorsement or license. 61787

(7) Each license issued under this section shall be of such 61788
material and so designed as to prevent its reproduction or 61789
alteration without ready detection. 61790

(B) Except in regard to a driver's license issued to a person 61791
who applies no more than thirty days before the applicant's 61792
twenty-first birthday, neither the registrar nor any deputy 61793
registrar shall issue a driver's license to anyone under 61794
twenty-one years of age that does not have the characteristics 61795
prescribed by the registrar distinguishing it from the driver's 61796

license issued to persons who are twenty-one years of age or older. 61797
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(C) The registrar shall ensure that driver's licenses issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37. 61799
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(D) Whoever violates division (B) of this section is guilty of a minor misdemeanor. 61802
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Sec. 4507.18. (A) The registrar of motor vehicles shall permit all of the following to renew a driver's license or motorcycle operator's endorsement issued by this state by electronic means: 61804
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(1) Any person who is on active duty in the armed forces of the United States who is stationed outside of this state; 61808
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(2) The spouse of a person described in division (A)(1) of this section who is also outside of this state; 61810
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(3) The dependents of a person described in division (A)(1) of this section who are also outside of this state. 61812
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(B) The registrar shall require all of the following: 61814

(1) That the applicant provide a digital copy of the applicant's military identification card or military dependent identification card; 61815
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(2) That any spouse or dependent applicant provide a digital copy of a form provided by the registrar demonstrating that the applicant received and passed a vision examination in accordance with the vision requirements under section 4507.12 of the Revised Code; 61818
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(3) That the applicant provide a digital copy of a current two inch by two inch ~~color~~ passport quality photograph with a white background to be used as the applicant's new driver's 61823
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license or motorcycle operator's endorsement photograph; 61826

(4) That the applicant provide a digital copy of any 61827
identification documents and supporting documents as required by 61828
statute or administrative rule to comply with current state and 61829
federal requirements. 61830

(C) The registrar shall make it possible for applicants to 61831
upload and send by electronic means all required copies of 61832
supporting documents and photographs for a driver's license or 61833
motorcycle operator's endorsement renewal under this section. 61834

(D)(1) This section does not impact a person's ability to use 61835
the exemption from the license requirements available under 61836
division (B) of section 4507.03 of the Revised Code. 61837

(2) This section does not prevent a person who is permitted 61838
to renew a driver's license or motorcycle operator's endorsement 61839
by electronic means under this section from making an application, 61840
as provided in section 4507.10 of the Revised Code, in person at a 61841
deputy ~~registrar~~ registrar's office. 61842

(E) The registrar shall adopt rules under Chapter 119. of the 61843
Revised Code to implement and administer this section. 61844

Sec. 4507.50. (A)(1) The registrar of motor vehicles or a 61845
deputy registrar shall issue an identification card to a person 61846
when all of the following apply: 61847

(a) The registrar or deputy registrar receives an application 61848
completed in accordance with section 4507.51 of the Revised Code 61849
and, if the person is under seventeen years of age, payment of the 61850
applicable fees. 61851

(b) The person is a resident or a temporary resident of this 61852
state. 61853

(c) The person is not licensed as an operator of a motor 61854
vehicle in this state or another licensing jurisdiction. 61855

(d) The person does not hold an identification card from another jurisdiction. 61856
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(2)(a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply: 61858
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(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees. 61861
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(ii) The person is a resident or temporary resident of this state. 61864
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(iii) The person's Ohio driver's or commercial driver's license has been suspended or canceled. 61866
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(iv) The person does not hold an identification card from another jurisdiction. 61868
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(b) The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid ~~during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter for a temporary period. The temporary period shall be in accordance with the expiration dates specified in section 4507.501 of the Revised Code.~~ 61870
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(c) The cardholder shall surrender the temporary identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued. 61879
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(B)(1) Except as provided in division (D) of this section, an applicant who is under seventeen years of age shall pay the following fees prior to issuance of an identification card or a 61883
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temporary identification card: 61886

(a) A fee of three dollars and fifty cents if the card will 61887
expire on the applicant's birthday four years after the date of 61888
issuance or a fee of six dollars if the card will expire on the 61889
applicant's birthday eight years after the date of issuance; 61890

(b) A fee equal to the amount established under section 61891
4503.038 of the Revised Code if the card will expire on the 61892
applicant's birthday four years after the date of issuance or 61893
twice that amount if the card will expire on the applicant's 61894
birthday eight years after the date of issuance; 61895

(c) A fee of one dollar and fifty cents if the card will 61896
expire on the applicant's birthday four years after the date of 61897
issuance or three dollars if the card will expire on the 61898
applicant's birthday eight years after the date of issuance, for 61899
the authentication of the documents required for processing an 61900
identification card or temporary identification card. A deputy 61901
registrar that authenticates the required documents shall retain 61902
the entire amount of the fee. 61903

(2) The fees collected for issuing an identification card 61904
under this section, except for any fees allowed to the deputy 61905
registrar, shall be paid into the state treasury to the credit of 61906
the public safety - highway purposes fund created in section 61907
4501.06 of the Revised Code. 61908

(C) A person seventeen years of age or older may apply to the 61909
registrar or a deputy registrar for the issuance to that person of 61910
an identification card or a temporary identification card under 61911
this section without payment of any fee prescribed in division (B) 61912
of this section. 61913

(D) A resident who is ~~eligible for an identification card~~ 61914
~~with an expiration date that is in accordance with division~~ 61915
~~(A)(8)(b) of section 4507.52 of the Revised Code~~ permanently or 61916

irreversibly disabled and who is under seventeen years of age may 61917
apply to the registrar or a deputy registrar for the issuance of 61918
an identification card under this section without payment of any 61919
fee as prescribed in division (B) of this section. As used in this 61920
section, "permanently or irreversibly disabled" means a condition 61921
of disability from which there is no present indication of 61922
recovery. 61923

An application made under division (D) of this section shall 61924
be accompanied by such documentary evidence of disability as the 61925
registrar may require by rule. 61926

Sec. 4507.501. (A) An identification card issued to a 61927
resident shall expire, unless canceled or surrendered earlier, on 61928
the birthday of the cardholder in the fourth or the eighth year 61929
after the date on which it is issued, based on the period of 61930
renewal requested by the applicant. 61931

(B) A temporary identification card issued to a resident 61932
shall expire on the earliest of the following dates: 61933

(1) After the effective dates of the suspension or 61934
cancellation of the cardholder's driver's or commercial driver's 61935
license; 61936

(2) The birthday of the cardholder in the fourth year after 61937
the date on which it is issued. 61938

(C)(1) Subject to rules adopted under division (D) of this 61939
section, a limited term identification card issued to a temporary 61940
resident who has a definite expiration date for the resident's 61941
authorized stay in the United States shall expire on the earliest 61942
of the following dates: 61943

(a) The expiration date of the applicant's authorized stay in 61944
the United States; 61945

(b) Four years from the date of issuance. 61946

(2) Subject to rules adopted under division (D) of this section, a limited term identification card issued to a temporary resident who has no expiration date for the applicant's authorized stay in the United States shall expire one year from the date of issuance. 61947
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(D) The registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code governing limited term identification cards for temporary residents and limited term temporary identification cards for temporary residents. 61952
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(E) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee, if required, in accordance with section 4507.50 of the Revised Code. A limited term identification card or limited term temporary identification card may only be renewed upon verification of the applicant's continued temporary lawful status in the United States and the applicant's compliance with any other applicable requirements. 61956
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Sec. 4507.51. (A)(1) Every application for an identification card or duplicate shall be made on a form furnished or in a manner specified by the registrar of motor vehicles, shall be signed by the applicant, and by the applicant's parent or guardian if the applicant is under eighteen years of age, and shall contain the following information pertaining to the applicant: name, date of birth, sex, general description including the applicant's height, weight, hair color, and eye color, address, country of citizenship, and social security number. The application also shall include, for an applicant who has not already certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift and shall include information about the requirements of sections 2108.01 to 61964
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2108.29 of the Revised Code that apply to persons who are less 61978
than eighteen years of age. The statement regarding willingness to 61979
make such a donation shall be given no consideration in the 61980
decision of whether to issue an identification card. Each 61981
applicant applying in person at a deputy registrar office shall be 61982
photographed ~~in color~~ at the time of making application. 61983

(2)(a) The application also shall state whether the applicant 61984
has executed a valid durable power of attorney for health care 61985
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 61986
executed a declaration governing the use or continuation, or the 61987
withholding or withdrawal, of life-sustaining treatment pursuant 61988
to sections 2133.01 to 2133.15 of the Revised Code and, if the 61989
applicant has executed either type of instrument, whether the 61990
applicant wishes the identification card issued to indicate that 61991
the applicant has executed the instrument. 61992

(b) The application also shall state whether the applicant is 61993
a veteran, active duty, or reservist of the armed forces of the 61994
United States and, if the applicant is such, whether the applicant 61995
wishes the identification card issued to indicate that the 61996
applicant is a veteran, active duty, or reservist of the armed 61997
forces of the United States by a military designation on the 61998
identification card. 61999

(3) The registrar or deputy registrar, in accordance with 62000
section 3503.11 of the Revised Code, shall register as an elector 62001
any person who applies for an identification card or duplicate if 62002
the applicant is eligible and wishes to be registered as an 62003
elector. The decision of an applicant whether to register as an 62004
elector shall be given no consideration in the decision of whether 62005
to issue the applicant an identification card or duplicate. 62006

(B) Except as provided in section 4507.061 of the Revised 62007
Code, the application for an identification card or duplicate 62008

shall be filed in the office of the registrar or deputy registrar. 62009
Each applicant shall present documentary evidence as required by 62010
the registrar of the applicant's age and identity, and the 62011
applicant shall swear that all information given is true. An 62012
identification card issued by the department of rehabilitation and 62013
correction under section 5120.59 of the Revised Code or an 62014
identification card issued by the department of youth services 62015
under section 5139.511 of the Revised Code shall be sufficient 62016
documentary evidence under this division upon verification of the 62017
applicant's social security number by the registrar or a deputy 62018
registrar. Upon issuing an identification card under this section 62019
for a person who has been issued an identification card under 62020
section 5120.59 or section 5139.511 of the Revised Code, the 62021
registrar or deputy registrar shall destroy the identification 62022
card issued under section 5120.59 or section 5139.511 of the 62023
Revised Code. 62024

All applications for an identification card or duplicate 62025
under this section shall be filed in duplicate, and if submitted 62026
to a deputy registrar, a copy shall be forwarded to the registrar. 62027
The registrar shall prescribe rules for the manner in which a 62028
deputy registrar is to file and maintain applications and other 62029
records. The registrar shall maintain a suitable, indexed record 62030
of all applications denied and cards issued or canceled. 62031

(C) In addition to any other information it contains, the 62032
form furnished by the registrar of motor vehicles for an 62033
application for an identification card or duplicate shall inform 62034
applicants that the applicant must present a copy of the 62035
applicant's DD-214 or an equivalent document in order to qualify 62036
to have the card or duplicate indicate that the applicant is an 62037
honorably discharged veteran of the armed forces of the United 62038
States based on a request made pursuant to division (A)(2)(b) of 62039
this section. 62040

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, ~~who currently is not licensed to operate a motor vehicle in the state of Ohio.~~

(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including, if the cardholder is a noncitizen of the United States, a notation designating that the cardholder is a noncitizen. The identification card shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding this section.

(3) The identification card also shall display the ~~color~~ photograph of the cardholder.

(4) If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument.

(5) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the cardholder's DD-214 form or an equivalent document, the card also shall display any symbol chosen by the registrar to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States.

(6) The card shall be designed as to prevent its reproduction or alteration without ready detection.

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

~~(8)(a) Except as provided in division (A)(8)(b) of this section, every (8) Every~~ identification card issued to a resident of this state shall ~~expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth or the eighth year after the date on which it is issued, based on the period of renewal requested by the applicant~~ display the expiration date of the card, in accordance with section 4507.501 of the Revised Code.

~~(b) Upon request, the registrar or a deputy registrar shall issue an identification card to a resident of this state who is permanently or irreversibly disabled that shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the eighth year after the date on which it is issued. The registrar shall issue a reminder notice to a cardholder, at the~~

~~last known address of the cardholder, six months before the
identification card is scheduled to expire. The registrar shall
adopt rules governing the documentation a cardholder shall submit
to certify that the cardholder is permanently or irreversibly
disabled.~~

~~As used in this section, "permanently or irreversibly
disabled" means a condition of disability from which there is no
present indication of recovery.~~

~~(e)(9) Every identification card issued to a temporary
resident shall expire in accordance with section 4507.501 of the
Revised Code and rules adopted by the registrar and is
nonrenewable, but may be replaced with a new identification card
upon the applicant's compliance with all applicable requirements
limited term. Every limited term identification card and limited
term temporary identification card shall contain the words
"limited term" and shall have any additional characteristics
prescribed by the registrar distinguishing it from an
identification card issued to a resident.~~

~~(9) A cardholder may renew the cardholder's identification
card within ninety days prior to the day on which it expires by
filing an application and paying the prescribed fee, if required,
in accordance with section 4507.50 of the Revised Code.~~

~~(10) If a cardholder applies for a driver's or commercial
driver's license in this state or another licensing jurisdiction,
the cardholder shall surrender the cardholder's identification
card to the registrar or any deputy registrar before the license
is issued.~~

(B)(1) If a card is lost, destroyed, or mutilated, the person
to whom the card was issued may obtain a duplicate by doing both
of the following:

(a) Furnishing suitable proof of the loss, destruction, or

mutilation to the registrar or a deputy registrar; 62135

(b) Filing an application and presenting documentary evidence 62136
under section 4507.51 of the Revised Code. 62137

(2) A cardholder may apply to obtain a reprint of the 62138
cardholder's identification card through electronic means in 62139
accordance with section 4507.40 of the Revised Code. 62140

~~(3) Any person who loses a card and, after obtaining a 62141
duplicate or reprint, finds the original, immediately shall 62142
surrender the original to the registrar or a deputy registrar. 62143~~

~~(4) A cardholder may obtain a replacement identification card 62144
that reflects any change of the cardholder's name by furnishing 62145
suitable proof of the change to the registrar or a deputy 62146
registrar and surrendering the cardholder's existing card. 62147~~

~~(5)(4) Except as provided in division (A)(6)(B)(5) or (7)(6) 62148
of this section, when a cardholder applies for a duplicate, 62149
reprint, or replacement identification card, the cardholder shall 62150
pay the following fees: 62151~~

(a) Two dollars and fifty cents; 62152

(b) A deputy registrar or service fee equal to the amount 62153
established under section 4503.038 of the Revised Code. 62154

~~(6)(5) The following cardholders may apply for a duplicate, 62155
reprint, or replacement identification card without payment of any 62156
fee prescribed in division (B)(5)(B)(4) of this section: 62157~~

(a) A disabled veteran who has a service-connected disability 62158
rated at one hundred per cent by the veterans' administration; 62159

(b) A resident who is permanently or irreversibly disabled 62160
~~and who is unemployed. 62161~~

~~(7)(6) A cardholder who is seventeen years of age or older 62162
may apply for a replacement identification card without payment of 62163
any fee prescribed in division (B)(5)(B)(4) of this section. 62164~~

~~(8)(7)~~ A duplicate, reprint, or replacement identification card expires on the same date as the card it replaces.

(C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered. ~~The registrar also shall cancel any card that is surrendered to the registrar or to a deputy registrar after the holder has obtained a duplicate, reprint, replacement, or driver's or commercial driver's license.~~

(D)(1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 4508.06. (A) The director of public safety may refuse to 62195
issue, or may suspend or revoke, a license or may impose a fine of 62196
not more than ten thousand dollars per occurrence in any case in 62197
which the director finds the applicant or licensee has violated 62198
any of the provisions of this chapter, or any of the rules adopted 62199
by the director, or has failed to pay a fine imposed under this 62200
division. No person whose license has been suspended or revoked 62201
under this section shall fail to return the license to the 62202
director. 62203

(B) In addition to the reasons for a suspension under 62204
division (A) of this section, the director may suspend a driver 62205
training instructor license without a prior hearing if the 62206
director believes there exists clear and convincing evidence of 62207
any of the following: 62208

(1) The license holder has engaged in conduct that presents a 62209
clear and present danger to a student or students. 62210

(2) The license holder has engaged in inappropriate contact 62211
with a student. "Inappropriate contact" means any of the 62212
following: 62213

(a) Causing or attempting to cause "physical harm," as 62214
defined in division (A)(3) of section 2901.01 of the Revised Code; 62215

(b) "Sexual activity," as defined in division (C) of section 62216
2907.01 of the Revised Code; 62217

(c) Engaging in any communication, either directly or through 62218
"telecommunication," as defined in division (X) of section 2913.01 62219
of the Revised Code, that is of a sexual nature or intended to 62220
abuse, threaten, or harass the student. 62221

(3) The license holder has been convicted of a felony, or a 62222
misdemeanor that directly relates to the fitness of that person to 62223
provide driving instruction. 62224

(C) In addition to the reasons for a suspension under 62225
division (A) of this section, the director may suspend a driver 62226
training school license without a prior hearing if the director 62227
believes there exists clear and convincing evidence of any of the 62228
following: 62229

(1) There exists a clear and present danger to the health, 62230
safety, or welfare of students should the school be permitted to 62231
continue operation. 62232

(2) At the time the contract for training was signed, there 62233
was no intention to provide training, or no ability to provide 62234
training to students. 62235

(3) Any school official knowingly allowed inappropriate 62236
contact, as defined in division (B)(2) of this section, between 62237
instructors and students. 62238

(D) Immediately following a decision to impose a suspension 62239
without a prior hearing under division (B) or (C) of this section, 62240
the director, in accordance with ~~section~~ sections 119.05 and 62241
119.07 of the Revised Code, shall issue a written order of 62242
suspension, cause it to be ~~delivered to~~ served on the license 62243
holder, and notify the license holder of the opportunity for a 62244
hearing. If timely requested by the license holder, a hearing 62245
shall be conducted in accordance with Chapter 119. of the Revised 62246
Code. 62247

(E) The director shall deposit all fines collected under 62248
division (A) of this section into the state treasury to the credit 62249
of the public safety - highway purposes fund created by section 62250
4501.06 of the Revised Code. 62251

(F) Whoever fails to return a license that has been suspended 62252
or revoked under division (A), (B), or (C) of this section is 62253
guilty of failing to return a suspended or revoked license, a 62254
minor misdemeanor or, on a second or subsequent offense within two 62255

years after the first offense, a misdemeanor of the fourth degree. 62256

Sec. 4510.43. (A)(1) The director of public safety, upon 62257
consultation with the director of health and in accordance with 62258
Chapter 119. of the Revised Code, shall certify immobilizing and 62259
disabling devices and, subject to section 4510.45 of the Revised 62260
Code, shall publish and make available to the courts, without 62261
charge, a list of licensed manufacturers of ignition interlock 62262
devices and approved devices together with information about the 62263
manufacturers of the devices and where they may be obtained. The 62264
manufacturer of an immobilizing or disabling device shall pay the 62265
cost of obtaining the certification of the device to the director 62266
of public safety, and the director shall deposit the payment in 62267
the state indigent drivers alcohol treatment fund established by 62268
section 4511.191 of the Revised Code. 62269

(2) The director of public safety, in accordance with Chapter 62270
119. of the Revised Code, shall adopt and publish rules setting 62271
forth the requirements for obtaining the certification of an 62272
immobilizing or disabling device. The director of public safety 62273
shall not certify an immobilizing or disabling device under this 62274
section unless it meets the requirements specified and published 62275
by the director in the rules adopted pursuant to this division. A 62276
certified device may consist of an ignition interlock device, an 62277
ignition blocking device initiated by time or magnetic or 62278
electronic encoding, an activity monitor, or any other device that 62279
reasonably assures compliance with an order granting limited 62280
driving privileges. Ignition interlock devices shall be certified 62281
annually. 62282

The requirements for an immobilizing or disabling device that 62283
is an ignition interlock device shall require that the 62284
manufacturer of the device submit to the department of public 62285
safety a certificate from an independent testing laboratory 62286

indicating that the device meets or exceeds the standards of the national highway traffic safety administration, as defined in section 4511.19 of the Revised Code, that are in effect at the time of the director's decision regarding certification of the device, shall include provisions for setting a minimum and maximum calibration range, and shall include, but shall not be limited to, specifications that the device complies with all of the following:

- (a) It does not impede the safe operation of the vehicle.
- (b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle, and the features are operating and functioning.
- (c) It correlates well with established measures of alcohol impairment.
- (d) It works accurately and reliably in an unsupervised environment.
- (e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.
- (f) It is difficult to circumvent and requires premeditation to do so.
- (g) It minimizes inconvenience to a sober user.
- (h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.
- (i) It operates reliably over the range of automobile environments.
- (j) It is made by a manufacturer who is covered by product liability insurance.
- (k) Beginning January 1, 2020, it is equipped with a camera.

(3) The director of public safety may adopt, in whole or in

part, the guidelines, rules, regulations, studies, or independent 62316
laboratory tests performed and relied upon by other states, or 62317
their agencies or commissions, in the certification or approval of 62318
immobilizing or disabling devices. 62319

(4) The director of public safety shall adopt rules in 62320
accordance with Chapter 119. of the Revised Code for the design of 62321
a warning label that shall be affixed to each immobilizing or 62322
disabling device upon installation. The label shall contain a 62323
warning that any person tampering, circumventing, or otherwise 62324
misusing the device is subject to a fine, imprisonment, or both 62325
and may be subject to civil liability. 62326

(5) The director of public safety shall establish a 62327
certificate of installation that a manufacturer of immobilizing or 62328
disabling devices shall sign and provide to a person upon the 62329
completion of the installation of such a device on the person's 62330
motor vehicle. The director also shall adopt rules in accordance 62331
with Chapter 119. of the Revised Code that govern procedures for 62332
confirming and inspecting the installation of immobilizing or 62333
disabling devices. 62334

(B) A court considering the use of a prototype device in a 62335
pilot program shall advise the director of public safety, thirty 62336
days before the use, of the prototype device and its protocol, 62337
methodology, manufacturer, and licensor, lessor, other agent, or 62338
owner, and the length of the court's pilot program. A prototype 62339
device shall not be used for a violation of section 4510.14 or 62340
4511.19 of the Revised Code, a violation of a municipal OVI 62341
ordinance, or in relation to a suspension imposed under section 62342
4511.191 of the Revised Code. A court that uses a prototype device 62343
in a pilot program, periodically during the existence of the 62344
program and within fourteen days after termination of the program, 62345
shall report in writing to the director of public safety regarding 62346
the effectiveness of the prototype device and the program. 62347

(C) If a person has been granted limited or unlimited driving 62348
privileges with a condition of the privileges being that the motor 62349
vehicle that is operated under the privileges must be equipped 62350
with an immobilizing or disabling device, the person may operate a 62351
motor vehicle that is owned by the person's employer only if the 62352
person is required to operate that motor vehicle in the course and 62353
scope of the offender's employment. Such a person may operate that 62354
vehicle without the installation of an immobilizing or disabling 62355
device, provided that the employer has been notified that the 62356
person has limited driving privileges and of the nature of the 62357
restriction and further provided that the person has proof of the 62358
employer's notification in the person's possession while operating 62359
the employer's vehicle for normal business duties. A motor vehicle 62360
owned by a business that is partly or entirely owned or controlled 62361
by a person with limited driving privileges is not a motor vehicle 62362
owned by an employer, for purposes of this division. 62363

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock 62364
devices that desires for its devices to be certified under section 62365
4510.43 of the Revised Code and then to be included on the list of 62366
certified devices that the department of public safety compiles 62367
and makes available to courts pursuant to that section first shall 62368
obtain a license from the department under this section. The 62369
department, in accordance with Chapter 119. of the Revised Code, 62370
shall adopt any rules that are necessary to implement this 62371
licensing requirement. 62372

(2) A manufacturer shall apply to the department for the 62373
license and shall include all information the department may 62374
require by rule. Each application, including an application for 62375
license renewal, shall be accompanied by an application fee of one 62376
hundred dollars, which the department shall deposit into the state 62377
treasury to the credit of the state indigent drivers alcohol 62378
treatment fund created by section 4511.191 of the Revised Code. 62379

Each application also shall be accompanied by a signed agreement, 62380
in a form established by the director, affirming that the 62381
manufacturer agrees to install and monitor all devices produced by 62382
that manufacturer and affirming that the manufacturer agrees to 62383
charge a reduced fee, established by the department, for the 62384
installation and monitoring of a device used by a person who is 62385
deemed to be an indigent offender by the court that granted 62386
limited or unlimited driving privileges to the offender subject to 62387
the condition that the offender use a certified ignition interlock 62388
device. 62389

(3) Upon receipt of a completed application, if the 62390
department finds that a manufacturer has complied with all 62391
application requirements, the department shall issue a license to 62392
the manufacturer. A manufacturer that has been issued a license 62393
under this section is eligible immediately to have the models of 62394
ignition interlock devices it produces certified under section 62395
4510.43 of the Revised Code and then included on the list of 62396
certified devices that the department compiles and makes available 62397
to courts pursuant to that section. 62398

(4)(a) A license issued under this section shall expire 62399
annually on a date selected by the department. The department 62400
shall reject the license application of a manufacturer if any of 62401
the following apply: 62402

(i) The application is not accompanied by the application fee 62403
or the required agreement. 62404

(ii) The department finds that the manufacturer has not 62405
complied with all application requirements. 62406

(iii) The license application is a renewal application and 62407
the manufacturer failed to file the annual report or failed to pay 62408
the fee as required by division (B) of this section. 62409

(iv) The license application is a renewal application and the 62410

manufacturer failed to monitor or report violations as required 62411
under section 4510.46 of the Revised Code. 62412

(b) The department may reject the license application of a 62413
manufacturer if the manufacturer has a history of failing to 62414
properly install immobilizing or disabling devices. 62415

(c) A manufacturer whose license application is rejected by 62416
the department may appeal the decision to the director of public 62417
safety. The director or the director's designee shall hold a 62418
hearing on the matter not more than thirty days from the date of 62419
the manufacturer's appeal. If the director or the director's 62420
designee upholds the denial of the manufacturer's application for 62421
a license, the manufacturer may appeal the decision to the 62422
Franklin county court of common pleas. If the director or the 62423
director's designee reverses the denial of the manufacturer's 62424
application for a license, the director or the director's designee 62425
shall issue a written order directing that the department issue a 62426
license to the manufacturer. 62427

(B) Every manufacturer of ignition interlock devices that is 62428
issued a license under this section shall file an annual report 62429
with the department on a form the department prescribes on or 62430
before a date the department prescribes. The annual report shall 62431
state the amount of net profit the manufacturer earned during a 62432
twelve-month period specified by the department that is 62433
attributable to the sales of that manufacturer's certified 62434
ignition interlock devices to purchasers in this state. Each 62435
manufacturer shall pay a fee equal to five per cent of the amount 62436
of the net profit described in this division. 62437

The department may permit annual reports to be filed via 62438
electronic means. 62439

(C) The department shall deposit all fees it receives from 62440
manufacturers under this section into the state treasury to the 62441

credit of the state indigent drivers alcohol treatment fund 62442
created by section 4511.191 of the Revised Code. All money so 62443
deposited into that fund that is paid by the department of mental 62444
health and addiction services to county indigent drivers alcohol 62445
treatment funds, county juvenile indigent drivers alcohol 62446
treatment funds, and municipal indigent drivers alcohol treatment 62447
funds shall be used only as described in division (H)(3) of 62448
section 4511.191 of the Revised Code. 62449

(D)(1) The director may make an assessment, based on any 62450
information in the director's possession, against any manufacturer 62451
that fails to file an annual report or pay the fee required by 62452
division (B) of this section. The director, in accordance with 62453
Chapter 119. of the Revised Code, shall adopt rules governing 62454
assessments and assessment procedures and related provisions. In 62455
adopting these rules, the director shall incorporate the 62456
provisions of section 5751.09 of the Revised Code to the greatest 62457
extent possible, except that the director is not required to 62458
incorporate any provisions of that section that by their nature 62459
are not applicable, appropriate, or necessary to assessments made 62460
by the director under this section. 62461

(2) A manufacturer may appeal the final determination of the 62462
director regarding an assessment made by the director under this 62463
section. The director, in accordance with Chapter 119. of the 62464
Revised Code, shall adopt rules governing such appeals. In 62465
adopting these rules, the director shall incorporate the 62466
provisions of section 5717.02 of the Revised Code to the greatest 62467
extent possible, except that the director is not required to 62468
incorporate any provisions of that section that by their nature 62469
are not applicable, appropriate, or necessary to appeals of 62470
assessments made by the director under this section. 62471

(E) The director, in accordance with Chapter 119. of the 62472
Revised Code, shall adopt a penalty schedule setting forth the 62473

monetary penalties to be imposed upon a manufacturer that is 62474
issued a license under this section and fails to file an annual 62475
report or pay the fee required by division (B) of this section in 62476
a timely manner. The penalty amounts shall not exceed the maximum 62477
penalty amounts established in section 5751.06 of the Revised Code 62478
for similar or equivalent facts or circumstances. 62479

(F)(1) No manufacturer of ignition interlock devices that is 62480
required by division (B) of this section to file an annual report 62481
with the department or to pay a fee shall fail to do so as 62482
required by that division. 62483

(2) No manufacturer of ignition interlock devices that is 62484
required by division (B) of this section to file an annual report 62485
with the department shall file a report that contains incorrect or 62486
erroneous information. 62487

(G) Whoever violates division (F)(2) of this section is 62488
guilty of a misdemeanor of the first degree. The department shall 62489
remove from the list of certified devices described in division 62490
(A)(1) of this section the ignition interlock devices manufactured 62491
by a manufacturer that violates division (F)(1) or (2) of this 62492
section. 62493

Sec. 4511.191. (A)(1) As used in this section: 62494

(a) "Physical control" has the same meaning as in section 62495
4511.194 of the Revised Code. 62496

(b) "Alcohol monitoring device" means any device that 62497
provides for continuous alcohol monitoring, any ignition interlock 62498
device, any immobilizing or disabling device other than an 62499
ignition interlock device that is constantly available to monitor 62500
the concentration of alcohol in a person's system, or any other 62501
device that provides for the automatic testing and periodic 62502
reporting of alcohol consumption by a person and that a court 62503

orders a person to use as a sanction imposed as a result of the 62504
person's conviction of or plea of guilty to an offense. 62505

(c) "Community addiction services provider" has the same 62506
meaning as in section 5119.01 of the Revised Code. 62507

(d) "IDATF" means indigent drivers alcohol treatment fund. 62508

(2) Any person who operates a vehicle, streetcar, or 62509
trackless trolley upon a highway or any public or private property 62510
used by the public for vehicular travel or parking within this 62511
state or who is in physical control of a vehicle, streetcar, or 62512
trackless trolley shall be deemed to have given consent to a 62513
chemical test or tests of the person's whole blood, blood serum or 62514
plasma, breath, or urine to determine the alcohol, drug of abuse, 62515
controlled substance, metabolite of a controlled substance, or 62516
combination content of the person's whole blood, blood serum or 62517
plasma, breath, or urine if arrested for a violation of division 62518
(A) or (B) of section 4511.19 of the Revised Code, section 62519
4511.194 of the Revised Code or a substantially equivalent 62520
municipal ordinance, or a municipal OVI ordinance. 62521

(3) The chemical test or tests under division (A)(2) of this 62522
section shall be administered at the request of a law enforcement 62523
officer having reasonable grounds to believe the person was 62524
operating or in physical control of a vehicle, streetcar, or 62525
trackless trolley in violation of a division, section, or 62526
ordinance identified in division (A)(2) of this section. The law 62527
enforcement agency by which the officer is employed shall 62528
designate which of the tests shall be administered. 62529

(4) Any person who is dead or unconscious, or who otherwise 62530
is in a condition rendering the person incapable of refusal, shall 62531
be deemed to have consented as provided in division (A)(2) of this 62532
section, and the test or tests may be administered, subject to 62533
sections 313.12 to 313.16 of the Revised Code. 62534

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this

division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) of section 4511.19 of the Revised Code or one

other equivalent offense, the suspension shall be a class B 62600
suspension imposed for the period of time specified in division 62601
(B)(2) of section 4510.02 of the Revised Code. 62602

(c) If the arrested person, within ten years of the date on 62603
which the person refused the request to consent to the chemical 62604
test, had refused two previous requests to consent to a chemical 62605
test, had been convicted of or pleaded guilty to two violations of 62606
division (A) of section 4511.19 of the Revised Code or other 62607
equivalent offenses, or had refused one previous request to 62608
consent to a chemical test and also had been convicted of or 62609
pleaded guilty to one violation of division (A) of section 4511.19 62610
of the Revised Code or other equivalent offenses, which violation 62611
or offense arose from an incident other than the incident that led 62612
to the refusal, the suspension shall be a class A suspension 62613
imposed for the period of time specified in division (B)(1) of 62614
section 4510.02 of the Revised Code. 62615

(d) If the arrested person, within ten years of the date on 62616
which the person refused the request to consent to the chemical 62617
test, had refused three or more previous requests to consent to a 62618
chemical test, had been convicted of or pleaded guilty to three or 62619
more violations of division (A) of section 4511.19 of the Revised 62620
Code or other equivalent offenses, or had refused a number of 62621
previous requests to consent to a chemical test and also had been 62622
convicted of or pleaded guilty to a number of violations of 62623
division (A) of section 4511.19 of the Revised Code or other 62624
equivalent offenses that cumulatively total three or more such 62625
refusals, convictions, and guilty pleas, the suspension shall be 62626
for five years. 62627

(2) The registrar shall terminate a suspension of the 62628
driver's or commercial driver's license or permit of a resident or 62629
of the operating privilege of a nonresident, or a denial of a 62630
driver's or commercial driver's license or permit, imposed 62631

pursuant to division (B)(1) of this section upon receipt of notice 62632
that the person has entered a plea of guilty to, or that the 62633
person has been convicted after entering a plea of no contest to, 62634
operating a vehicle in violation of section 4511.19 of the Revised 62635
Code or in violation of a municipal OVI ordinance, if the offense 62636
for which the conviction is had or the plea is entered arose from 62637
the same incident that led to the suspension or denial. 62638

The registrar shall credit against any judicial suspension of 62639
a person's driver's or commercial driver's license or permit or 62640
nonresident operating privilege imposed pursuant to section 62641
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 62642
Revised Code for a violation of a municipal OVI ordinance, any 62643
time during which the person serves a related suspension imposed 62644
pursuant to division (B)(1) of this section. 62645

(C)(1) Upon receipt of the sworn report of the law 62646
enforcement officer who arrested a person for a violation of 62647
division (A) or (B) of section 4511.19 of the Revised Code or a 62648
municipal OVI ordinance that was completed and sent to the 62649
registrar and a court pursuant to section 4511.192 of the Revised 62650
Code in regard to a person whose test results indicate that the 62651
person's whole blood, blood serum or plasma, breath, or urine 62652
contained at least the concentration of alcohol specified in 62653
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 62654
Revised Code or at least the concentration of a listed controlled 62655
substance or a listed metabolite of a controlled substance 62656
specified in division (A)(1)(j) of section 4511.19 of the Revised 62657
Code, the registrar shall enter into the registrar's records the 62658
fact that the person's driver's or commercial driver's license or 62659
permit or nonresident operating privilege was suspended by the 62660
arresting officer under this division and section 4511.192 of the 62661
Revised Code and the period of the suspension, as determined under 62662
divisions (C)(1)(a) to (d) of this section. The suspension shall 62663

be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 62695
of the operating privilege of a nonresident, or a denial of a 62696
driver's or commercial driver's license or permit, imposed 62697
pursuant to division (C)(1) of this section upon receipt of notice 62698
that the person has entered a plea of guilty to, or that the 62699
person has been convicted after entering a plea of no contest to, 62700
operating a vehicle in violation of section 4511.19 of the Revised 62701
Code or in violation of a municipal OVI ordinance, if the offense 62702
for which the conviction is had or the plea is entered arose from 62703
the same incident that led to the suspension or denial. 62704

The registrar shall credit against any judicial suspension of 62705
a person's driver's or commercial driver's license or permit or 62706
nonresident operating privilege imposed pursuant to section 62707
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 62708
Revised Code for a violation of a municipal OVI ordinance, any 62709
time during which the person serves a related suspension imposed 62710
pursuant to division (C)(1) of this section. 62711

(D)(1) A suspension of a person's driver's or commercial 62712
driver's license or permit or nonresident operating privilege 62713
under this section for the time described in division (B) or (C) 62714
of this section is effective immediately from the time at which 62715
the arresting officer serves the notice of suspension upon the 62716
arrested person. Any subsequent finding that the person is not 62717
guilty of the charge that resulted in the person being requested 62718
to take the chemical test or tests under division (A) of this 62719
section does not affect the suspension. 62720

(2) If a person is arrested for operating a vehicle, 62721
streetcar, or trackless trolley in violation of division (A) or 62722
(B) of section 4511.19 of the Revised Code or a municipal OVI 62723
ordinance, or for being in physical control of a vehicle, 62724
streetcar, or trackless trolley in violation of section 4511.194 62725
of the Revised Code or a substantially equivalent municipal 62726

ordinance, regardless of whether the person's driver's or 62727
commercial driver's license or permit or nonresident operating 62728
privilege is or is not suspended under division (B) or (C) of this 62729
section or Chapter 4510. of the Revised Code, the person's initial 62730
appearance on the charge resulting from the arrest shall be held 62731
within five days of the person's arrest or the issuance of the 62732
citation to the person, subject to any continuance granted by the 62733
court pursuant to section 4511.197 of the Revised Code regarding 62734
the issues specified in that division. 62735

(E) When it finally has been determined under the procedures 62736
of this section and sections 4511.192 to 4511.197 of the Revised 62737
Code that a nonresident's privilege to operate a vehicle within 62738
this state has been suspended, the registrar shall give 62739
information in writing of the action taken to the motor vehicle 62740
administrator of the state of the person's residence and of any 62741
state in which the person has a license. 62742

(F) At the end of a suspension period under this section, 62743
under section 4511.194, section 4511.196, or division (G) of 62744
section 4511.19 of the Revised Code, or under section 4510.07 of 62745
the Revised Code for a violation of a municipal OVI ordinance and 62746
upon the request of the person whose driver's or commercial 62747
driver's license or permit was suspended and who is not otherwise 62748
subject to suspension, cancellation, or disqualification, the 62749
registrar shall return the driver's or commercial driver's license 62750
or permit to the person upon the occurrence of all of the 62751
conditions specified in divisions (F)(1) and (2) of this section: 62752

(1) A showing that the person has proof of financial 62753
responsibility, a policy of liability insurance in effect that 62754
meets the minimum standards set forth in section 4509.51 of the 62755
Revised Code, or proof, to the satisfaction of the registrar, that 62756
the person is able to respond in damages in an amount at least 62757
equal to the minimum amounts specified in section 4509.51 of the 62758

Revised Code. 62759

(2) Subject to the limitation contained in division (F)(3) of 62760
this section, payment by the person to the registrar or an 62761
eligible deputy registrar of a license reinstatement fee of four 62762
hundred seventy-five dollars, which fee shall be deposited in the 62763
state treasury and credited as follows: 62764

(a) One hundred twelve dollars and fifty cents shall be 62765
credited to the statewide treatment and prevention fund created by 62766
section 4301.30 of the Revised Code. Money credited to the fund 62767
under this section shall be used for purposes identified under 62768
section 5119.22 of the Revised Code. 62769

(b) Seventy-five dollars shall be credited to the reparations 62770
fund created by section 2743.191 of the Revised Code. 62771

(c) Thirty-seven dollars and fifty cents shall be credited to 62772
the state indigent drivers alcohol treatment fund, which is hereby 62773
established in the state treasury. The department of mental health 62774
and addiction services shall distribute the moneys in that fund to 62775
the county ~~indigent drivers alcohol treatment funds~~ IDATFs, the 62776
county juvenile ~~indigent drivers alcohol treatment funds~~ IDATFs, 62777
and the municipal ~~indigent drivers alcohol treatment funds~~ IDATFs 62778
that are required to be established by counties and municipal 62779
corporations pursuant to division (H) of this section to be used 62780
only as provided in division (H)(3) of this section. Moneys in the 62781
fund that are not distributed to a county ~~indigent drivers alcohol~~ 62782
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 62783
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 62784
~~treatment fund~~ IDATF under division (H) of this section because 62785
the director of mental health and addiction services does not have 62786
the information necessary to identify the county or municipal 62787
corporation where the offender or juvenile offender was arrested 62788
may be transferred by the director of budget and management to the 62789
statewide treatment and prevention fund created by section 4301.30 62790

of the Revised Code, upon certification of the amount by the 62791
director of mental health and addiction services. 62792

(d) Seventy-five dollars shall be credited to the 62793
opportunities for Ohioans with disabilities agency established by 62794
section 3304.15 of the Revised Code, to the services for 62795
rehabilitation fund, which is hereby established. The fund shall 62796
be used to match available federal matching funds where 62797
appropriate, ~~and or~~ for any other purpose or program of the agency 62798
~~to rehabilitate persons with disabilities to help them become~~ 62799
~~employed and independent.~~ 62800

(e) Seventy-five dollars shall be deposited into the state 62801
treasury and credited to the drug abuse resistance education 62802
programs fund, which is hereby established, to be used by the 62803
attorney general for the purposes specified in division (F)(4) of 62804
this section. 62805

(f) Thirty dollars shall be credited to the public safety - 62806
highway purposes fund created by section 4501.06 of the Revised 62807
Code. 62808

(g) Twenty dollars shall be credited to the trauma and 62809
emergency medical services fund created by section 4513.263 of the 62810
Revised Code. 62811

(h) Fifty dollars shall be credited to the indigent drivers 62812
interlock and alcohol monitoring fund, which is hereby established 62813
in the state treasury. Moneys in the fund shall be distributed by 62814
the department of public safety to the county indigent drivers 62815
interlock and alcohol monitoring funds, the county juvenile 62816
indigent drivers interlock and alcohol monitoring funds, and the 62817
municipal indigent drivers interlock and alcohol monitoring funds 62818
that are required to be established by counties and municipal 62819
corporations pursuant to this section, and shall be used only to 62820
pay the cost of an immobilizing or disabling device, including a 62821

certified ignition interlock device, or an alcohol monitoring 62822
device used by an offender or juvenile offender who is ordered to 62823
use the device by a county, juvenile, or municipal court judge and 62824
who is determined by the county, juvenile, or municipal court 62825
judge not to have the means to pay for the person's use of the 62826
device. 62827

(3) If a person's driver's or commercial driver's license or 62828
permit is suspended under this section, under section 4511.196 or 62829
division (G) of section 4511.19 of the Revised Code, under section 62830
4510.07 of the Revised Code for a violation of a municipal OVI 62831
ordinance or under any combination of the suspensions described in 62832
division (F)(3) of this section, and if the suspensions arise from 62833
a single incident or a single set of facts and circumstances, the 62834
person is liable for payment of, and shall be required to pay to 62835
the registrar or an eligible deputy registrar, only one 62836
reinstatement fee of four hundred seventy-five dollars. The 62837
reinstatement fee shall be distributed by the bureau in accordance 62838
with division (F)(2) of this section. 62839

(4) The attorney general shall use amounts in the drug abuse 62840
resistance education programs fund to award grants to law 62841
enforcement agencies to establish and implement drug abuse 62842
resistance education programs in public schools. Grants awarded to 62843
a law enforcement agency under this section shall be used by the 62844
agency to pay for not more than fifty per cent of the amount of 62845
the salaries of law enforcement officers who conduct drug abuse 62846
resistance education programs in public schools. The attorney 62847
general shall not use more than six per cent of the amounts the 62848
attorney general's office receives under division (F)(2)(e) of 62849
this section to pay the costs it incurs in administering the grant 62850
program established by division (F)(2)(e) of this section and in 62851
providing training and materials relating to drug abuse resistance 62852
education programs. 62853

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish ~~an indigent drivers alcohol treatment fund~~ IDATF and a juvenile ~~indigent drivers alcohol treatment fund~~ IDATF. Each municipal corporation in which there is a municipal court shall establish an ~~indigent drivers alcohol treatment fund~~ IDATF. All revenue that the general assembly appropriates to the ~~indigent drivers alcohol treatment~~

~~fund state IDATF~~ for transfer to a county ~~indigent drivers alcohol~~ 62886
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 62887
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 62888
~~treatment fund IDATF~~, all portions of fees that are paid under 62889
division (F) of this section and that are credited under that 62890
division to the ~~indigent drivers alcohol treatment fund state~~ 62891
~~IDATF~~ in the state treasury for a county ~~indigent drivers alcohol~~ 62892
~~treatment fund IDATF~~, a county juvenile ~~indigent drivers alcohol~~ 62893
~~treatment fund IDATF~~, or a municipal ~~indigent drivers alcohol~~ 62894
~~treatment fund IDATF~~, all portions of additional costs imposed 62895
under section 2949.094 of the Revised Code that are specified for 62896
deposit into a county, county juvenile, or municipal ~~indigent~~ 62897
~~drivers alcohol treatment fund IDATF~~ by that section, and all 62898
portions of fines that are specified for deposit into a county or 62899
municipal ~~indigent drivers alcohol treatment fund IDATF~~ by section 62900
4511.193 of the Revised Code shall be deposited into that county 62901
~~indigent drivers alcohol treatment fund IDATF~~, county juvenile 62902
~~indigent drivers alcohol treatment fund IDATF~~, or municipal 62903
~~indigent drivers alcohol treatment fund IDATF~~. The portions of the 62904
fees paid under division (F) of this section that are to be so 62905
deposited shall be determined in accordance with division (H)(2) 62906
of this section. Additionally, all portions of fines that are paid 62907
for a violation of section 4511.19 of the Revised Code or of any 62908
prohibition contained in Chapter 4510. of the Revised Code, and 62909
that are required ~~under section 4511.19 or any provision of~~ 62910
~~Chapter 4510. of the Revised Code~~ to be deposited into a county 62911
~~indigent drivers alcohol treatment fund IDATF~~ or municipal 62912
~~indigent drivers alcohol treatment fund IDATF~~ shall be deposited 62913
into the appropriate fund in accordance with the applicable 62914
division of the section or provision. 62915

(2) That portion of the license reinstatement fee that is 62916
paid under division (F) of this section and that is credited under 62917
that division to the ~~indigent drivers alcohol treatment fund IDATF~~ 62918

shall be deposited into a county ~~indigent drivers alcohol~~ 62919
~~treatment fund~~ IDATF, a county juvenile ~~indigent drivers alcohol~~ 62920
~~treatment fund~~ IDATF, or a municipal ~~indigent drivers alcohol~~ 62921
~~treatment fund~~ IDATF as follows: 62922

(a) Regarding a suspension imposed under this section, that 62923
portion of the fee shall be deposited as follows: 62924

(i) If the fee is paid by a person who was charged in a 62925
county court with the violation that resulted in the suspension or 62926
in the imposition of the court costs, the portion shall be 62927
deposited into the county ~~indigent drivers alcohol treatment fund~~ 62928
IDATF under the control of that court; 62929

(ii) If the fee is paid by a person who was charged in a 62930
juvenile court with the violation that resulted in the suspension 62931
or in the imposition of the court costs, the portion shall be 62932
deposited into the county juvenile ~~indigent drivers alcohol~~ 62933
~~treatment fund~~ IDATF established in the county served by the 62934
court; 62935

(iii) If the fee is paid by a person who was charged in a 62936
municipal court with the violation that resulted in the suspension 62937
or in the imposition of the court costs, the portion shall be 62938
deposited into the municipal ~~indigent drivers alcohol treatment~~ 62939
~~fund~~ IDATF under the control of that court. 62940

(b) Regarding a suspension imposed under section 4511.19 of 62941
the Revised Code or under section 4510.07 of the Revised Code for 62942
a violation of a municipal OVI ordinance, that portion of the fee 62943
shall be deposited as follows: 62944

(i) If the fee is paid by a person whose license or permit 62945
was suspended by a county court, the portion shall be deposited 62946
into the county ~~indigent drivers alcohol treatment fund~~ IDATF 62947
under the control of that court; 62948

(ii) If the fee is paid by a person whose license or permit 62949

was suspended by a municipal court, the portion shall be deposited 62950
into the municipal ~~indigent drivers alcohol treatment fund~~ IDATE 62951
under the control of that court. 62952

(3)(a) As used in division (H)(3) of this section, "indigent 62953
person" means a person who is ~~convicted~~ determined to be indigent 62954
by a court under division (H)(4) of this section and to whom one 62955
or more of the following apply: 62956

(i) The person is convicted of a criminal offense, and the 62957
court determines that substance abuse was a contributing factor 62958
leading to the commission of that offense. 62959

(ii) The person is adjudicated a delinquent child or found to 62960
be a juvenile traffic offender, and the court determines that 62961
substance abuse was a contributing factor leading to that 62962
adjudication or finding. 62963

(iii) The person is convicted of a violation of division (A) 62964
or (B) of section 4511.19 of the Revised Code or a substantially 62965
similar municipal ordinance ~~or found to be a juvenile traffic~~ 62966
~~offender by reason of a violation of division (A) or (B) of~~ 62967
~~section 4511.19 of the Revised Code or a substantially similar~~ 62968
~~municipal ordinance, who~~ and is ordered by the court to attend an 62969
alcohol and drug addiction treatment program, ~~and who is~~ 62970
~~determined by the court under division (H)(5) of this section to~~ 62971
~~be unable to pay the cost of the assessment or the cost of~~ 62972
~~attendance at the treatment program.~~ 62973

(iv) The person is found to be a juvenile traffic offender by 62974
reason of a violation of division (A) or (B) of section 4511.19 of 62975
the Revised Code or a substantially similar municipal ordinance 62976
and is ordered by the court to attend an alcohol and drug 62977
addiction treatment program. 62978

(b) A county, juvenile, or municipal court judge, by order, 62979
may make expenditures from a county ~~indigent drivers alcohol~~ 62980

~~treatment fund IDATF~~, a county juvenile indigent drivers alcohol 62981
~~treatment fund IDATF~~, or a municipal indigent drivers alcohol 62982
~~treatment fund IDATF~~ with respect to an indigent person for any of 62983
the following: 62984

(i) To pay the cost of an assessment that is conducted by an 62985
appropriately licensed clinician at either a driver intervention 62986
program that is certified under section 5119.38 of the Revised 62987
Code or at a community addiction services provider whose alcohol 62988
and drug addiction services are certified under section 5119.36 of 62989
the Revised Code; 62990

(ii) To pay the cost of alcohol addiction services, drug 62991
addiction services, or integrated alcohol and drug addiction 62992
services at a community addiction services provider whose alcohol 62993
and drug addiction services are certified under section 5119.36 of 62994
the Revised Code; 62995

(iii) To pay the cost of transportation to attend an 62996
assessment as provided under division (H)(3)(b)(i) of this section 62997
or addiction services as provided under division (H)(3)(b)(ii) of 62998
this section. 62999

(iv) To pay the cost of recovery supports, as defined in 63000
section 5119.01 of the Revised Code. 63001

The alcohol and drug addiction services board or the board of 63002
alcohol, drug addiction, and mental health services established 63003
pursuant to section 340.02 or 340.021 of the Revised Code and 63004
serving the alcohol, drug addiction, and mental health service 63005
district in which the court is located shall administer the 63006
indigent drivers alcohol treatment program of the court. When a 63007
court orders an offender or juvenile traffic offender to obtain an 63008
assessment or attend an alcohol and drug addiction treatment 63009
program, the board shall determine which program is suitable to 63010
meet the needs of the offender or juvenile traffic offender, and 63011

when a suitable program is located and space is available at the 63012
program, the offender or juvenile traffic offender shall attend 63013
the program designated by the board. ~~A reasonable amount not to 63014
exceed five per cent of the amounts credited to and deposited into 63015
the county indigent drivers alcohol treatment fund, the county 63016
juvenile indigent drivers alcohol treatment fund, or the municipal 63017
indigent drivers alcohol treatment fund serving every court whose 63018
program is administered by that board shall be paid to the board 63019
to cover the costs it incurs in administering those indigent 63020
drivers alcohol treatment programs.~~ 63021

(c) If a county, juvenile, or municipal court, in 63022
consultation with the board of alcohol, drug addiction, and mental 63023
health services serving the alcohol, drug addiction, and mental 63024
health service district in which the court is located, determines 63025
that the amount of money in its county IDATF, county juvenile 63026
IDATF, or municipal IDATF, as applicable, is more than sufficient 63027
to satisfy the purposes of the fund, the court may take one or 63028
more of the following actions: 63029

(i) Transfer an amount determined appropriate by the court 63030
from that fund to another court in the same county to be used as 63031
specified in division (H)(3)(b) of this section. If funds are so 63032
transferred, the court initiating the transfer shall notify the 63033
board it consulted with pursuant to division (H)(3)(c) of this 63034
section. 63035

(ii) Transfer an amount determined appropriate by the court 63036
from that fund to the board of alcohol, drug addiction, and mental 63037
health services it consulted with pursuant to division (H)(3)(c) 63038
of this section. Such money shall be used by the board in a manner 63039
consistent with division (H)(3)(b) of this section. 63040

(iii) Spend an amount determined appropriate by the court to 63041
cover part or all of the cost of purchasing alcohol monitoring 63042
devices to be used in conjunction with division (H)(3)(d) of this 63043

section, upon exhaustion of moneys in the indigent drivers 63044
interlock and alcohol monitoring fund for the use of an alcohol 63045
monitoring device. 63046

(iv) Spend an amount determined appropriate by the court for 63047
staffing, equipment, supplies, training, drug testing, or any 63048
other expenses associated with the administration of any 63049
specialized docket program established within the court and 63050
certified by the supreme court. 63051

(d) Upon exhaustion of moneys in the indigent drivers 63052
interlock and alcohol monitoring fund for the use of an alcohol 63053
monitoring device, a county, juvenile, or municipal court judge 63054
may use moneys in the county ~~indigent drivers alcohol treatment~~ 63055
fund IDATF, county juvenile ~~indigent drivers alcohol treatment~~ 63056
fund IDATF, or municipal ~~indigent drivers alcohol treatment fund~~ 63057
IDATF in either of the following manners: 63058

(i) If the source of the moneys was an appropriation of the 63059
general assembly, a portion of a fee that was paid under division 63060
(F) of this section, a portion of a fine that was specified for 63061
deposit into the fund by section 4511.193 of the Revised Code, or 63062
a portion of a fine that was paid for a violation of section 63063
4511.19 of the Revised Code or of a provision contained in Chapter 63064
4510. of the Revised Code that was required to be deposited into 63065
the fund, to pay for the continued use of an alcohol monitoring 63066
device by an offender or juvenile traffic offender, in conjunction 63067
with a treatment program approved by the department of mental 63068
health and addiction services, when such use is determined 63069
clinically necessary by the treatment program and when the court 63070
determines that the offender or juvenile traffic offender is 63071
unable to pay all or part of the daily monitoring or cost of the 63072
device; 63073

(ii) If the source of the moneys was a portion of an 63074
additional court cost imposed under section 2949.094 of the 63075

Revised Code, to pay for the continued use of an alcohol 63076
monitoring device by an offender or juvenile traffic offender when 63077
the court determines that the offender or juvenile traffic 63078
offender is unable to pay all or part of the daily monitoring or 63079
cost of the device. The moneys may be used for a device as 63080
described in this division if the use of the device is in 63081
conjunction with a treatment program approved by the department of 63082
mental health and addiction services, when the use of the device 63083
is determined clinically necessary by the treatment program, but 63084
the use of a device is not required to be in conjunction with a 63085
treatment program approved by the department in order for the 63086
moneys to be used for the device as described in this division. 63087

~~(4) If a county, juvenile, or municipal court determines, in 63088
consultation with the alcohol and drug addiction services board or 63089
the board of alcohol, drug addiction, and mental health services 63090
established pursuant to section 340.02 or 340.021 of the Revised 63091
Code and serving the alcohol, drug addiction, and mental health 63092
district in which the court is located, that the funds in the 63093
county indigent drivers alcohol treatment fund, the county 63094
juvenile indigent drivers alcohol treatment fund, or the municipal 63095
indigent drivers alcohol treatment fund under the control of the 63096
court are more than sufficient to satisfy the purpose for which 63097
the fund was established, as specified in divisions (H)(1) to (3) 63098
of this section, the court may declare a surplus in the fund. If 63099
the court declares a surplus in the fund, the court may take one 63100
or more of the following actions with regard to the amount of the 63101
surplus in the fund: 63102~~

~~(a) Expend any of the surplus amount for alcohol and drug 63103
abuse assessment and treatment, and for the cost of transportation 63104
related to assessment and treatment, of persons who are charged in 63105
the court with committing a criminal offense or with being a 63106
delinquent child or juvenile traffic offender and in relation to 63107~~

~~whom both of the following apply:~~ 63108

~~(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.~~ 63109
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~~(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.~~ 63112
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~~(b) Expend any of the surplus amount to pay all or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(c) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.~~ 63115
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~~(c) Transfer to another court in the same county any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section. If surplus funds are transferred to another court, the court that transfers the funds shall notify the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which that court is located.~~ 63120
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~~(d) Transfer to the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which the court is located any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section or for board contracted recovery support services.~~ 63128
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~~(e) Expend any of the surplus amount for the cost of staffing, equipment, training, drug testing, supplies, and other expenses of any specialized docket program established within the court and certified by the supreme court.~~ 63135
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~~(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the~~ 63139
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The court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination determine if an offender, juvenile traffic offender, or delinquent child is indigent and does not have the means to pay for any item specified in divisions (H)(3)(b)(i) to (H)(3)(b)(iv) of this section. 63145
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~~(6) The court shall identify and refer any community addiction services provider that intends to provide alcohol and drug addiction services and has not had its alcohol and drug addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the community addiction services provider to have its alcohol and drug addiction services certified by the department. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a community addiction services provider interested in having its alcohol and drug addiction services certified makes an application pursuant to section 5119.36 of the Revised Code, the community addiction services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical assistance to the applicant. If the interested community addiction services provider withdraws the certification application, the~~ 63151
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~~department must notify the court, and the court shall not provide~~ 63171
~~the interested community addiction services provider with any~~ 63172
~~further surplus funds.~~ 63173

(7)(a)(5)(a) Not later than the fifteenth day of July of each 63174
year, each court with a county IDATF, county juvenile IDATF, or 63175
municipal IDATF, as applicable, shall submit all of the following 63176
information to the board of alcohol, drug addiction, and mental 63177
health services serving the alcohol, drug addiction, and mental 63178
health service district in which the court is located: 63179

(i) The balance of funds in each fund specified in division 63180
(H)(5)(a) of this section under the court's control on the 63181
thirtieth day of June of that year; 63182

(ii) The amount, if any, the court transferred from each fund 63183
specified in division (H)(5)(a) of this section to another court 63184
in its same county; 63185

(iii) The amount the court spent in the state fiscal year 63186
that ended on the thirtieth day of June of that year from each 63187
fund specified in division (H)(5)(a) of this section; 63188

(iv) The number of indigent persons served in the state 63189
fiscal year that ended on the thirtieth day of June of that year 63190
from each fund specified in division (H)(5)(a) of this section. 63191

(b) Each alcohol and drug addiction services board and board 63192
of alcohol, drug addiction, and mental health services established 63193
pursuant to section 340.02 or 340.021 of the Revised Code shall 63194
compile the information submitted by each court under division 63195
(H)(5)(a) of this section into an annual report for that board's 63196
area, clearly delineating the items specified in that division for 63197
each court. A board shall submit to the department of mental 63198
health and addiction services an its annual report for each 63199
indigent drivers alcohol treatment fund in that board's area to 63200
the department of mental health and addiction services not later 63201

than the first day of September of each year. 63202

~~(b) The report, which shall be submitted not later than sixty 63203
days after the end of the state fiscal year, shall provide the 63204
total payment that was made from the fund, including the number of 63205
indigent consumers that received treatment services and the number 63206
of indigent consumers that received an alcohol monitoring device. 63207
The report shall identify the treatment program and expenditure 63208
for an alcohol monitoring device for which that payment was made. 63209
The report shall include the fiscal year balance of each indigent 63210
drivers alcohol treatment fund located in that board's area. In 63211
the event that a surplus is declared in the fund pursuant to 63212
division (H)(4) of this section, the report also shall provide the 63213
total payment that was made from the surplus moneys and identify 63214
the authorized purpose for which that payment was made. 63215~~

(c) If a board is unable to obtain adequate information ~~to~~ 63216
~~develop the report to submit to the department for a~~ from any 63217
~~particular indigent drivers alcohol treatment fund~~ court for 63218
purposes of preparing its annual report, the board shall ~~submit a~~ 63219
~~report detailing the effort made in obtaining the information~~ 63220
specify that fact in the annual report. 63221

(I)(1) Each county shall establish an indigent drivers 63222
interlock and alcohol monitoring fund and a juvenile indigent 63223
drivers interlock and alcohol treatment fund. Each municipal 63224
corporation in which there is a municipal court shall establish an 63225
indigent drivers interlock and alcohol monitoring fund. All 63226
revenue that the general assembly appropriates to the indigent 63227
drivers interlock and alcohol monitoring fund for transfer to a 63228
county indigent drivers interlock and alcohol monitoring fund, a 63229
county juvenile indigent drivers interlock and alcohol monitoring 63230
fund, or a municipal indigent drivers interlock and alcohol 63231
monitoring fund, all portions of license reinstatement fees that 63232
are paid under division (F)(2) of this section and that are 63233

credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county ~~indigent drivers alcohol treatment fund~~ IDATF, the county juvenile ~~indigent drivers alcohol treatment fund~~ IDATF, or the municipal ~~indigent drivers alcohol treatment fund~~ IDATF under the control of that court to be utilized in accordance with division (H) of this section.

Sec. 4511.204. (A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

(B) Division (A) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties;

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that

is currently directing traffic to stop, or parked on a road or 63296
highway due to an emergency or road closure; 63297

(4) A person using and holding an electronic wireless 63298
communications device directly near the person's ear for the 63299
purpose of making, receiving, or conducting a telephone call, 63300
provided that the person does not manually enter letters, numbers, 63301
or symbols into the device; 63302

(5) A person receiving wireless messages on an electronic 63303
wireless communications device regarding the operation or 63304
navigation of a motor vehicle; safety-related information, 63305
including emergency, traffic, or weather alerts; or data used 63306
primarily by the motor vehicle, provided that the person does not 63307
hold or support the device with any part of the person's body; 63308

(6) A person using the speaker phone function of the 63309
electronic wireless communications device, provided that the 63310
person does not hold or support the device with any part of the 63311
person's body; 63312

(7) A person using an electronic wireless communications 63313
device for navigation purposes, provided that the person does not 63314
do either of the following during the use: 63315

(a) Manually enter letters, numbers, or symbols into the 63316
device; 63317

(b) Hold or support the device with any part of the person's 63318
body; 63319

(8) A person using a feature or function of the electronic 63320
wireless communications device with a single touch or single 63321
swipe, provided that the person does not do either of the 63322
following during the use: 63323

(a) Manually enter letters, numbers, or symbols into the 63324
device; 63325

(b) Hold or support the device with any part of the person's body;.	63326 63327
(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;	63328 63329
(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;	63330 63331 63332 63333
(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;	63334 63335 63336 63337 63338 63339 63340
(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:	63341 63342 63343 63344
(a) Manually enter letters, numbers, or symbols into the device;	63345 63346
(b) Hold or support the device with any part of the person's body.	63347 63348
(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.	63349 63350 63351
(C)(1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.	63352 63353 63354 63355

(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:

(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(b) Ensure that such report indicates the offender's race.

(D)(1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

(a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed

for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section 4511.991 of the Revised Code. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court within 90 days of the violation of division (A) of this section. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under divisions (D)(1)(b) and (c) of this section if the offender commits a subsequent violation or violations of division (A) of this section within two years of the offense for which the course was completed.

(3) The court may impose any other penalty authorized under sections 2929.21 to 2929.28 of the Revised Code. However, the court shall not impose a fine or a suspension not otherwise specified in division (D)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in division (D)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with section 4510.036 of the Revised Code.

(5) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense,

for which there is no specified degree of culpability, is not a 63419
strict liability offense. 63420

(E) This section shall not be construed as invalidating, 63421
preempting, or superseding a substantially equivalent municipal 63422
ordinance that prescribes penalties for violations of that 63423
ordinance that are greater than the penalties prescribed in this 63424
section for violations of this section. 63425

(F) A prosecution for an offense in violation of this section 63426
does not preclude a prosecution for an offense in violation of a 63427
substantially equivalent municipal ordinance based on the same 63428
conduct. However, the two offenses are allied offenses of similar 63429
import under section 2941.25 of the Revised Code. 63430

(G)(1) A law enforcement officer does not have probable cause 63431
and shall not stop the operator of a motor vehicle for purposes of 63432
enforcing this section unless the officer visually observes the 63433
operator using, holding, or physically supporting with any part of 63434
the person's body the electronic wireless communications device. 63435

(2) A law enforcement officer who stops the operator of a 63436
motor vehicle, trackless trolley, or streetcar for a violation of 63437
division (A) of this section shall inform the operator that the 63438
operator may decline a search of the operator's electronic 63439
wireless communications device. The officer shall not do any of 63440
the following: 63441

(a) Access the device without a warrant, unless the operator 63442
voluntarily and unequivocally gives consent for the officer to 63443
access the device; 63444

(b) Confiscate the device while awaiting the issuance of a 63445
warrant to access the device; 63446

(c) Obtain consent from the operator to access the device 63447
through coercion or any other improper means. Any consent by the 63448
operator to access the device shall be voluntary and unequivocal 63449

before the officer may access the device without a warrant.	63450
(H) As used in this section:	63451
(1) "Electronic wireless communications device" includes any of the following:	63452 63453
(a) A wireless telephone;	63454
(b) A text-messaging device;	63455
(c) A personal digital assistant;	63456
(d) A computer, including a laptop computer and a computer tablet;	63457 63458
(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;	63459 63460
(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.	63461 63462 63463
An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.	63464 63465 63466 63467
(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.	63468 63469 63470 63471 63472
(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.	63473 63474
(4) "Utility service vehicle" means a vehicle owned or operated by a utility.	63475 63476
Sec. 4511.34. (A) <u>As used in this section:</u>	63477

(1) "Connected vehicle" means a motor vehicle that exchanges information with another motor vehicle, with infrastructure, or with other road users by way of electronic communications technology. 63478
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(2) "Vehicle platoon" means the linking of two or more connected vehicles using electronic vehicle-to-vehicle communication technology where the first connected vehicle in the platoon sets the speed and direction for the rest of the connected vehicles enabling all connected vehicles in the platoon to follow at a close distance. 63482
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(B)(1) The operator of a motor vehicle, streetcar, or trackless trolley shall not follow another vehicle, streetcar, or trackless trolley more closely than is reasonable and prudent, having due regard for the speed of such vehicle, streetcar, or trackless trolley, and the traffic upon and the condition of the highway. 63488
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(2) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks. 63494
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(3) Outside a municipal corporation, the driver of any truck, or motor vehicle when drawing another vehicle, while ascending to the crest of a grade beyond which the driver's view of a roadway is obstructed, shall not follow within three hundred feet of another truck, or motor vehicle drawing another vehicle. This paragraph shall not apply to ~~any~~ either of the following: 63502
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(a) Any lane specially designated for use by trucks; 63508

(b) A vehicle platoon. 63509

(4) Motor vehicles being driven upon any roadway outside of a 63510
business or residence district in a caravan or motorcade, shall 63511
maintain a sufficient space between such vehicles so an overtaking 63512
vehicle may enter and occupy such space without danger. This 63513
paragraph shall not apply to funeral processions. 63514

~~(B)~~(C) Except as otherwise provided in this division, whoever 63515
violates this section is guilty of a minor misdemeanor. If, within 63516
one year of the offense, the offender previously has been 63517
convicted of or pleaded guilty to one predicate motor vehicle or 63518
traffic offense, whoever violates this section is guilty of a 63519
misdemeanor of the fourth degree. If, within one year of the 63520
offense, the offender previously has been convicted of two or more 63521
predicate motor vehicle or traffic offenses, whoever violates this 63522
section is guilty of a misdemeanor of the third degree. 63523

If the offender commits the offense while distracted and the 63524
distracting activity is a contributing factor to the commission of 63525
the offense, the offender is subject to the additional fine 63526
established under section 4511.991 of the Revised Code. 63527

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 63528
roadway where there is an adjacent curb shall be stopped or parked 63529
with the right-hand wheels of the vehicle parallel with and not 63530
more than twelve inches from the right-hand curb, unless it is 63531
impossible to approach so close to the curb; in such case the stop 63532
shall be made as close to the curb as possible and only for the 63533
time necessary to discharge and receive passengers or to load or 63534
unload merchandise. Local authorities by ordinance may permit 63535
angle parking on any roadway under their jurisdiction, except that 63536
angle parking shall not be permitted on a state route within a 63537
municipal corporation unless an unoccupied roadway width of not 63538
less than twenty-five feet is available for free-moving traffic. 63539

(B) Local authorities by ordinance may permit parking of 63540
vehicles with the left-hand wheels adjacent to and within twelve 63541
inches of the left-hand curb of a one-way roadway. 63542

(C)(1)(a) Except as provided in division (C)(1)(b) of this 63543
section, no vehicle or trackless trolley shall be stopped or 63544
parked on a road or highway with the vehicle or trackless trolley 63545
facing in a direction other than the direction of travel on that 63546
side of the road or highway. 63547

(b) The operator of a motorcycle may back the motorcycle into 63548
an angled parking space so that when the motorcycle is parked it 63549
is facing in a direction other than the direction of travel on the 63550
side of the road or highway. 63551

(2) The operator of a motorcycle may back the motorcycle into 63552
a parking space that is located on the side of, and parallel to, a 63553
road or highway. The motorcycle may face any direction when so 63554
parked. Not more than two motorcycles at a time shall be parked in 63555
a parking space as described in division (C)(2) of this section 63556
irrespective of whether or not the space is metered. 63557

(D) Notwithstanding any statute or any rule, resolution, or 63558
ordinance adopted by any local authority, air compressors, 63559
tractors, trucks, and other equipment, while being used in the 63560
construction, reconstruction, installation, repair, or removal of 63561
facilities near, on, over, or under a street or highway, may stop, 63562
stand, or park where necessary in order to perform such work, 63563
provided a flagperson is on duty or warning signs or lights are 63564
displayed as may be prescribed by the director of transportation. 63565

(E) Accessible parking locations and privileges for persons 63566
with disabilities that limit or impair the ability to walk shall 63567
be provided and designated by all political subdivisions and by 63568
the state and all agencies and instrumentalities thereof at all 63569
offices and facilities, where parking is provided, whether owned, 63570

rented, or leased, and at all publicly owned parking garages. The 63571
locations shall be designated through the posting of an elevated 63572
sign, whether permanently affixed or movable, imprinted with the 63573
international symbol of access and shall be reasonably close to 63574
exits, entrances, elevators, and ramps. All elevated signs posted 63575
in accordance with this division and division (C) of section 63576
3781.111 of the Revised Code shall be mounted on a fixed or 63577
movable post, and the distance from the ground to the bottom edge 63578
of the sign shall measure not less than five feet. If a new sign 63579
or a replacement sign designating an accessible parking location 63580
is posted on or after October 14, 1999, there also shall be 63581
affixed upon the surface of that sign or affixed next to the 63582
designating sign a notice that states the fine applicable for the 63583
offense of parking a motor vehicle in the designated accessible 63584
parking location if the motor vehicle is not legally entitled to 63585
be parked in that location. 63586

(F)(1)(a) No person shall stop, stand, or park any motor 63587
vehicle at accessible parking locations provided under division 63588
(E) of this section or at accessible clearly marked parking 63589
locations provided in or on privately owned parking lots, parking 63590
garages, or other parking areas and designated in accordance with 63591
that division, unless one of the following applies: 63592

(i) The motor vehicle is being operated by or for the 63593
transport of a person with a disability that limits or impairs the 63594
ability to walk and is displaying a valid removable windshield 63595
placard or accessible license plates; 63596

(ii) The motor vehicle is being operated by or for the 63597
transport of a person with a disability and is displaying a 63598
parking card or accessible license plates. 63599

(b) Any motor vehicle that is parked in an accessible marked 63600
parking location in violation of division (F)(1)(a)(i) or (ii) of 63601
this section may be towed or otherwise removed from the parking 63602

location by the law enforcement agency of the political 63603
subdivision in which the parking location is located. A motor 63604
vehicle that is so towed or removed shall not be released to its 63605
owner until the owner presents proof of ownership of the motor 63606
vehicle and pays all towing and storage fees normally imposed by 63607
that political subdivision for towing and storing motor vehicles. 63608
If the motor vehicle is a leased vehicle, it shall not be released 63609
to the lessee until the lessee presents proof that that person is 63610
the lessee of the motor vehicle and pays all towing and storage 63611
fees normally imposed by that political subdivision for towing and 63612
storing motor vehicles. 63613

(c) If a person is charged with a violation of division 63614
(F)(1)(a)(i) or (ii) of this section, it is an affirmative defense 63615
to the charge that the person suffered an injury not more than 63616
seventy-two hours prior to the time the person was issued the 63617
ticket or citation and that, because of the injury, the person 63618
meets at least one of the criteria contained in division (A)(1) of 63619
section 4503.44 of the Revised Code. 63620

(2) No person shall stop, stand, or park any motor vehicle in 63621
an area that is commonly known as an access aisle, which area is 63622
marked by diagonal stripes and is located immediately adjacent to 63623
an accessible parking location provided under division (E) of this 63624
section or at an accessible clearly marked parking location 63625
provided in or on a privately owned parking lot, parking garage, 63626
or other parking area and designated in accordance with that 63627
division. 63628

(G) When a motor vehicle is being operated by or for the 63629
transport of a person with a disability that limits or impairs the 63630
ability to walk and is displaying a removable windshield placard 63631
~~or a temporary removable windshield placard~~ or accessible license 63632
plates, or when a motor vehicle is being operated by or for the 63633
transport of a person with a disability and is displaying a 63634

parking card or accessible license plates, the motor vehicle is 63635
permitted to park for a period of two hours in excess of the legal 63636
parking period permitted by local authorities, except where local 63637
ordinances or police rules provide otherwise or where the vehicle 63638
is parked in such a manner as to be clearly a traffic hazard. 63639

(H) No owner of an office, facility, or parking garage where 63640
accessible parking locations are required to be designated in 63641
accordance with division (E) of this section shall fail to 63642
properly mark the accessible parking locations in accordance with 63643
that division or fail to maintain the markings of the accessible 63644
locations, including the erection and maintenance of the fixed or 63645
movable signs. 63646

(I) Nothing in this section shall be construed to require a 63647
person or organization to apply for a removable windshield placard 63648
or accessible license plates if the parking card or accessible 63649
license plates issued to the person or organization under prior 63650
law have not expired or been surrendered or revoked. 63651

(J)(1) Whoever violates division (A) or (C) of this section 63652
is guilty of a minor misdemeanor. 63653

(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this 63654
section is guilty of a misdemeanor and shall be punished as 63655
provided in division (J)(2)(a) and (b) of this section. Except as 63656
otherwise provided in division (J)(2)(a) of this section, an 63657
offender who violates division (F)(1)(a)(i) or (ii) of this 63658
section shall be fined not less than two hundred fifty nor more 63659
than five hundred dollars. An offender who violates division 63660
(F)(1)(a)(i) or (ii) of this section shall be fined not more than 63661
one hundred dollars if the offender, prior to sentencing, proves 63662
either of the following to the satisfaction of the court: 63663

(i) At the time of the violation of division (F)(1)(a)(i) of 63664
this section, the offender or the person for whose transport the 63665

motor vehicle was being operated had been issued a removable 63666
windshield placard that then was valid or accessible license 63667
plates that then were valid but the offender or the person 63668
neglected to display the placard or license plates as described in 63669
division (F)(1)(a)(i) of this section. 63670

(ii) At the time of the violation of division (F)(1)(a)(ii) 63671
of this section, the offender or the person for whose transport 63672
the motor vehicle was being operated had been issued a parking 63673
card that then was valid or accessible license plates that then 63674
were valid but the offender or the person neglected to display the 63675
card or license plates as described in division (F)(1)(a)(ii) of 63676
this section. 63677

(b) In no case shall an offender who violates division 63678
(F)(1)(a)(i) or (ii) of this section be sentenced to any term of 63679
imprisonment. 63680

An arrest or conviction for a violation of division 63681
(F)(1)(a)(i) or (ii) of this section does not constitute a 63682
criminal record and need not be reported by the person so arrested 63683
or convicted in response to any inquiries contained in any 63684
application for employment, license, or other right or privilege, 63685
or made in connection with the person's appearance as a witness. 63686

The clerk of the court shall pay every fine collected under 63687
divisions (J)(2) and (3) of this section to the political 63688
subdivision in which the violation occurred. Except as provided in 63689
division (J)(2) of this section, the political subdivision shall 63690
use the fine moneys it receives under divisions (J)(2) and (3) of 63691
this section to pay the expenses it incurs in complying with the 63692
signage and notice requirements contained in division (E) of this 63693
section. The political subdivision may use up to fifty per cent of 63694
each fine it receives under divisions (J)(2) and (3) of this 63695
section to pay the costs of educational, advocacy, support, and 63696
assistive technology programs for persons with disabilities, and 63697

for public improvements within the political subdivision that 63698
benefit or assist persons with disabilities, if governmental 63699
agencies or nonprofit organizations offer the programs. 63700

(3) Whoever violates division (F)(2) of this section shall be 63701
fined not less than two hundred fifty nor more than five hundred 63702
dollars. 63703

In no case shall an offender who violates division (F)(2) of 63704
this section be sentenced to any term of imprisonment. An arrest 63705
or conviction for a violation of division (F)(2) of this section 63706
does not constitute a criminal record and need not be reported by 63707
the person so arrested or convicted in response to any inquiries 63708
contained in any application for employment, license, or other 63709
right or privilege, or made in connection with the person's 63710
appearance as a witness. 63711

(4) Whoever violates division (H) of this section shall be 63712
punished as follows: 63713

(a) Except as otherwise provided in division (J)(4) of this 63714
section, the offender shall be issued a warning. 63715

(b) If the offender previously has been convicted of or 63716
pleaded guilty to a violation of division (H) of this section or 63717
of a municipal ordinance that is substantially similar to that 63718
division, the offender shall not be issued a warning but shall be 63719
fined not more than twenty-five dollars for each parking location 63720
that is not properly marked or whose markings are not properly 63721
maintained. 63722

(K) As used in this section: 63723

(1) "Person with a disability" means any person who has lost 63724
the use of one or both legs or one or both arms, who is blind, 63725
deaf, or unable to move without the aid of crutches or a 63726
wheelchair, or whose mobility is restricted by a permanent 63727
cardiovascular, pulmonary, or other disabling condition. 63728

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Accessible license plates" and "removable windshield placard" mean any license plates ~~or, standard~~ removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard ~~or temporary removable windshield placard~~ issued by a state, district, country, or sovereignty.

Sec. 4511.76. (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763

of the Revised Code. The rules may relate to the condition of the 63760
equipment to be operated; the liability and property damage 63761
insurance carried by the applicant; the posting of satisfactory 63762
and sufficient bond; and such other rules as the director of 63763
public safety determines reasonably necessary for the safety of 63764
the pupils to be transported. 63765

(E) A chartered nonpublic school may own and operate, or 63766
contract with a vendor that supplies, a vehicle originally 63767
designed for not more than nine passengers, not including the 63768
driver, to transport students to and from regularly scheduled 63769
school sessions when one of the following applies: 63770

(1) A student's school district of residence has declared the 63771
transportation of the student impractical pursuant to section 63772
3327.02 of the Revised Code; or 63773

(2) A student does not live within thirty minutes of the 63774
chartered nonpublic school and the student's school district is 63775
not required to transport the student under section 3327.01 of the 63776
Revised Code. 63777

(F) A school district may own and operate, or contract with a 63778
vendor that supplies, a vehicle originally designed for not more 63779
than nine passengers, not including the driver, to transport 63780
students to and from regularly scheduled school sessions, if all 63781
of the following apply to the operation of that vehicle: 63782

(1) The number of students to be transported is not more than 63783
nine; 63784

(2) The students attend a chartered nonpublic school, and the 63785
school district regularly transports students to that chartered 63786
nonpublic school; 63787

(3) The driver of the vehicle meets the requirements 63788
specified for a driver of a school bus or motor van under section 63789
3327.10 of the Revised Code and any corresponding rules adopted by 63790

the department of education. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students.

(G) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.

~~(G)~~(H) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.991. (A) As used in this section and each section referenced in division (B) of this section, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

(a) Using an electronic wireless communications device, as defined in section 4511.204 of the Revised Code, in violation of that section;

(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(2) "Distracted" does not include operating a motor vehicle

while wearing an earphone or earplug over or in both ears at the 63821
same time. A person who so wears earphones or earplugs may be 63822
charged with a violation of section 4511.84 of the Revised Code. 63823

(3) "Distracted" does not include conducting any activity 63824
while operating a utility service vehicle or a vehicle for or on 63825
behalf of a utility, provided that the driver of the vehicle is 63826
acting in response to an emergency, power outage, or a 63827
circumstance affecting the health or safety of individuals. 63828

As used in division (A)(3) of this section: 63829

(a) "Utility" means an entity specified in division (A), (C), 63830
(D), (E), or (G) of section 4905.03 of the Revised Code. 63831

(b) "Utility service vehicle" means a vehicle owned or 63832
operated by a utility. 63833

(B) If an offender violates section 4511.03, 4511.051, 63834
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 63835
4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 63836
4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 63837
4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 63838
4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 63839
4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 63840
4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised 63841
Code while distracted and the distracting activity is a 63842
contributing factor to the commission of the violation, the 63843
offender is subject to the applicable penalty for the violation 63844
and, notwithstanding section 2929.28 of the Revised Code, is 63845
subject to an additional fine of not more than one hundred dollars 63846
as follows: 63847

(1) Subject to Traffic Rule 13, if a law enforcement officer 63848
issues an offender a ticket, citation, or summons for a violation 63849
of any of the aforementioned sections of the Revised Code that 63850
indicates that the offender was distracted while committing the 63851

violation and that the distracting activity was a contributing 63852
factor to the commission of the violation, the offender may enter 63853
a written plea of guilty and waive the offender's right to contest 63854
the ticket, citation, or summons in a trial provided that the 63855
offender pays the total amount of the fine established for the 63856
violation and pays the additional fine of one hundred dollars. 63857

In lieu of payment of the additional fine of one hundred 63858
dollars, the offender instead may elect to attend a distracted 63859
driving safety course, the duration and contents of which shall be 63860
established by the director of public safety. If the offender 63861
attends and successfully completes the course, the offender shall 63862
be issued written evidence that the offender successfully 63863
completed the course. The offender shall be required to pay the 63864
total amount of the fine established for the violation, but shall 63865
not be required to pay the additional fine of one hundred dollars, 63866
so long as the offender submits to the court both the offender's 63867
payment in full and such written evidence within ninety days of 63868
the underlying violation that resulted in the imposition of the 63869
additional fine under division (B) of this section. 63870

(2) If the offender appears in person to contest the ticket, 63871
citation, or summons in a trial and the offender pleads guilty to 63872
or is convicted of the violation, the court, in addition to all 63873
other penalties provided by law, may impose the applicable penalty 63874
for the violation and may impose the additional fine of not more 63875
than one hundred dollars. 63876

If the court imposes upon the offender the applicable penalty 63877
for the violation and an additional fine of not more than one 63878
hundred dollars, the court shall inform the offender that, in lieu 63879
of payment of the additional fine of not more than one hundred 63880
dollars, the offender instead may elect to attend the distracted 63881
driving safety course described in division (B)(1) of this 63882
section. If the offender elects the course option and attends and 63883

successfully completes the course, the offender shall be issued 63884
written evidence that the offender successfully completed the 63885
course. The offender shall be required to pay the total amount of 63886
the fine established for the violation, but shall not be required 63887
to pay the additional fine of not more than one hundred dollars, 63888
so long as the offender submits to the court the offender's 63889
payment and such written evidence within ninety days of the 63890
underlying violation that resulted in the imposition of the 63891
additional fine under division (B) of this section. 63892

(C) If a law enforcement officer issues an offender a ticket, 63893
citation, or summons for a violation of any of the sections of the 63894
Revised Code listed in division (B) of this section that indicates 63895
that the offender was distracted while committing the violation 63896
and that the distracting activity was a contributing factor to the 63897
commission of the violation, the officer shall do both of the 63898
following: 63899

(1) Report the issuance of the ticket, citation, or summons 63900
to the officer's law enforcement agency; 63901

(2) Ensure that such report indicates the offender's race. 63902

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 63903
headlights also is equipped with any auxiliary lights or spotlight 63904
or any other light on the front thereof projecting a beam of an 63905
intensity greater than three hundred candle power, not more than a 63906
total of five of any such lights on the front of a vehicle shall 63907
be lighted at any one time when the vehicle is upon a highway. 63908

(B) Any lighted light or illuminating device upon a motor 63909
vehicle, other than headlights, spotlights, signal lights, or 63910
auxiliary driving lights, that projects a beam of light of an 63911
intensity greater than three hundred candle power, shall be so 63912
directed that no part of the beam will strike the level of the 63913
roadway on which the vehicle stands at a distance of more than 63914

seventy-five feet from the vehicle. 63915

(C)(1) Flashing lights are prohibited on motor vehicles, 63916
except as a means for indicating a right or a left turn, or in the 63917
presence of a vehicular traffic hazard requiring unusual care in 63918
approaching, or overtaking or passing. 63919

(2) The prohibition in division (C)(1) of this section does 63920
not apply to any of the following: 63921

(a) Emergency vehicles, road service vehicles servicing or 63922
towing a disabled vehicle, stationary waste collection vehicles 63923
actively collecting garbage, refuse, trash, or recyclable 63924
materials on the roadside, rural mail delivery vehicles, vehicles 63925
as provided in section 4513.182 of the Revised Code, highway 63926
maintenance vehicles, and similar equipment operated by the 63927
department or local authorities, provided such vehicles are 63928
equipped with and display, when used on a street or highway for 63929
the special purpose necessitating such lights, a flashing, 63930
oscillating, or rotating amber light; 63931

(b) Vehicles or machinery permitted by section 4513.111 of 63932
the Revised Code to have a flashing red light; 63933

(c) Farm machinery and vehicles escorting farm machinery, 63934
provided such machinery and vehicles are equipped with and 63935
display, when used on a street or highway, a flashing, 63936
oscillating, or rotating amber light. Farm machinery also may 63937
display the lights described in section 4513.111 of the Revised 63938
Code. 63939

(d) A funeral hearse or funeral escort vehicle, provided that 63940
the funeral hearse or funeral escort vehicle is equipped with and 63941
displays, when used on a street or highway for the special purpose 63942
necessitating such lights, a flashing, oscillating, or rotating 63943
purple or amber light; 63944

(e) A vehicle being used for emergency preparedness, 63945

response, and recovery activities, as those terms are defined in 63946
section 5502.21 of the Revised Code, that is equipped with and 63947
displays, when used on a street or highway for the special purpose 63948
necessitating such lights, a flashing, oscillating, or rotating 63949
amber or red and white light, provided that the vehicle is being 63950
operated by a person from one of the following and the vehicle is 63951
clearly marked with the applicable agency's or authority's 63952
insignia: 63953

(i) The Ohio emergency management agency; 63954

(ii) A countywide emergency management agency established 63955
under section 5502.26 of the Revised Code; 63956

(iii) A regional authority for emergency management 63957
established under section 5502.27 of the Revised Code; 63958

(iv) A program for emergency management established under 63959
section 5502.271 of the Revised Code. 63960

(3) Division (C)(1) of this section does not apply to 63961
animal-drawn vehicles subject to section 4513.114 of the Revised 63962
Code. 63963

(D)(1) Except a person operating a public safety vehicle, as 63964
defined in division (E) of section 4511.01 of the Revised Code, an 63965
emergency management agency vehicle, as described in division 63966
(C)(2)(e) of this section, or a school bus, no person shall 63967
operate, move, or park upon, or permit to stand within the 63968
right-of-way of any public street or highway any vehicle or 63969
equipment that is equipped with and displaying a flashing red or a 63970
flashing combination red and white light, or an oscillating or 63971
rotating red light, or a combination red and white oscillating or 63972
rotating light. 63973

(2) Except a public law enforcement officer, or other person 63974
sworn to enforce the criminal and traffic laws of the state, 63975
operating a public safety vehicle when on duty, no person shall 63976

operate, move, or park upon, or permit to stand within the 63977
right-of-way of any street or highway any vehicle or equipment 63978
that is equipped with, or upon which is mounted, and displaying a 63979
flashing blue or a flashing combination blue and white light, or 63980
an oscillating or rotating blue light, or a combination blue and 63981
white oscillating or rotating light. 63982

(E) This section does not prohibit the use of warning lights 63983
required by law or the simultaneous flashing of turn signals on 63984
disabled vehicles or on vehicles being operated in unfavorable 63985
atmospheric conditions in order to enhance their visibility. This 63986
section also does not prohibit the simultaneous flashing of turn 63987
signals or warning lights either on farm machinery or vehicles 63988
escorting farm machinery, when used on a street or highway. 63989

(F) Whoever violates this section is guilty of a minor 63990
misdemeanor. 63991

Sec. 4513.71. (A) As used in this section: 63992

(1) "Towing service" and "storage facility" have the same 63993
meanings as in section 4513.70 of the Revised Code. 63994

(2) "Motor vehicle owner" means any person that holds title 63995
to or is a lienholder of a towed motor vehicle. 63996

(B)(1) A motor vehicle owner may commence a civil action 63997
against a towing service or storage facility for either of the 63998
following reasons: 63999

(a) The recovery of a motor vehicle, cargo, or personal 64000
property that was removed, towed, or stored pursuant to section 64001
4513.66 of the Revised Code; 64002

(b) Objecting to the amount billed by the towing service or 64003
storage facility. 64004

(2) The motor vehicle owner may commence the civil action on 64005
behalf of that owner or on behalf of a third party for whom the 64006

owner commercially transports the cargo that is the subject of the 64007
civil action. 64008

(C) A towing service or storage facility may commence a civil 64009
action against a motor vehicle owner for payment of the amount 64010
billed by the towing service or storage facility in accordance 64011
with this section if all of the following apply: 64012

(1) The motor vehicle, cargo, or personal property was 64013
removed, towed, or stored pursuant to section 4513.66 of the 64014
Revised Code; 64015

(2) The motor vehicle owner has not paid the amount billed or 64016
commenced a civil action in accordance with division (B) of this 64017
section within forty-five days after the motor vehicle owner 64018
received the bill sent by the towing service or storage facility; 64019

(3) The towing service or storage facility is not seeking 64020
title to the motor vehicle, if applicable, in accordance with 64021
section 4505.104 of the Revised Code, until judgment is entered in 64022
any civil action filed under this section. 64023

(D) The motor vehicle owner, towing service, or storage 64024
facility may file the action in the municipal or county court with 64025
territorial jurisdiction over the location from which the motor 64026
vehicle, cargo, or personal property was removed, towed, or 64027
stored. 64028

(E) If the motor vehicle owner objects to the amount billed 64029
by the towing service or storage facility, the motor vehicle owner 64030
shall include in the owner's complaint, answer, or objection to 64031
the action, as applicable, the amount of the bill that is 64032
undisputed and the reasons the owner objects to the remainder of 64033
the bill. The motor vehicle owner shall file a copy of the bill 64034
and any evidence supporting the assertion that the billed amount 64035
is unreasonable. The motor vehicle owner shall pay the undisputed 64036
amount to the towing service or service facility and post a bond 64037

equal to the disputed amount of the bill. 64038

(F) Not later than two business days after receipt of payment 64039
of the undisputed amount of the bill and service of the motor 64040
vehicle owner's complaint or answer to the civil action, as 64041
applicable, the towing service or storage facility shall release 64042
the motor vehicle, cargo, or personal property that is the subject 64043
of the complaint to the motor vehicle owner. 64044

(G) When an action filed under this section involves a 64045
dispute over the amount of the bill, the court shall make a 64046
determination as to whether the amount charged by the towing 64047
service or facility is unreasonable. If the court determines that 64048
the amount is reasonable, the court shall order the motor vehicle 64049
owner to pay the amount billed minus the undisputed amount that 64050
the owner previously paid to the towing service or storage 64051
facility. If the court determines that the amount charged was 64052
unreasonable, the court shall determine a reasonable amount and 64053
order the motor vehicle owner to pay that amount minus the 64054
undisputed amount that the owner previously paid to the towing 64055
service or storage facility. The court may also require either 64056
party to pay or refund any additional amount and may impose any 64057
monetary penalties that the court determines to be appropriate. 64058

(H) Any money owed by the motor vehicle owner shall be paid 64059
from the bond posted by the owner. If any amount of the bond 64060
remains after payment, the remainder shall be returned to the 64061
motor vehicle owner. 64062

Sec. 4516.01. As used in this chapter: 64063

(A) "Car sharing period" means the period of time that 64064
commences with the car sharing delivery period or, if there is no 64065
car sharing delivery period, with the car sharing start time, in 64066
accordance with the peer-to-peer car sharing program agreement, 64067
and ends with the car sharing termination time. 64068

(B) "Car sharing delivery period" means the period of time in which a shared vehicle is being delivered to the location for the shared vehicle driver to take possession of the shared vehicle, in accordance with the peer-to-peer car sharing program agreement.

(C) "Car sharing start time" means either the point in time when the shared vehicle driver takes possession of the shared vehicle or the point in time when the shared vehicle driver was scheduled to take possession of the shared vehicle, whichever occurs first.

(D) "Car sharing termination time" means the point in time when the earliest of the following events occurs:

(1) The expiration time established in the peer-to-peer car sharing program agreement for use of the shared vehicle, provided that the shared vehicle is returned to the location designated in the agreement by the expiration time;

(2) The shared vehicle is returned to an alternate location, if the shared vehicle owner and the shared vehicle driver agree on the alternate location, as communicated through the peer-to-peer car sharing program, and the alternate location is incorporated into the peer-to-peer car sharing program agreement.

(3) The shared vehicle owner or the owner's designee takes possession of the shared vehicle.

(E) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(F) "Motor-vehicle liability policy" has the same meaning as in section 4509.01 of the Revised Code.

(G) "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the motor vehicle's owner through a peer-to-peer car sharing program.

(H) "Peer-to-peer car sharing program" or "program" means a

person who operates a business platform that connects a shared 64099
vehicle owner to a shared vehicle driver to enable the sharing of 64100
vehicles for financial consideration. "Peer-to-peer car sharing 64101
program" does not include a motor vehicle leasing dealer as 64102
defined in section 4517.01 of the Revised Code or a motor vehicle 64103
renting dealer as defined in section 4549.65 of the Revised Code. 64104

(I) "Peer-to-peer car sharing program agreement" or 64105
"agreement" means an agreement established through the 64106
peer-to-peer car sharing program that serves as a contract between 64107
the peer-to-peer car sharing program, the shared vehicle owner, 64108
and the shared vehicle driver and describes the specific terms and 64109
conditions of the agreement, including the car sharing period and 64110
the location or locations for transfer of possession. 64111

(J) "Proof of financial responsibility" has the same meaning 64112
as in section 4509.01 of the Revised Code. 64113

(K) "Safety recall" means a recall issued pursuant to 49 64114
U.S.C. 30118 pertaining to a defect related to motor vehicle 64115
safety or noncompliance with an applicable federal motor vehicle 64116
safety standard. 64117

(L) "Shared vehicle" means a personal motor vehicle that is 64118
registered as a passenger car under Chapter 4503. of the Revised 64119
Code or a substantially similar law in another state and that is 64120
enrolled in a peer-to-peer car sharing program. 64121

(M) "Shared vehicle driver" means a person authorized by a 64122
shared vehicle owner, in accordance with the terms and conditions 64123
of a peer-to-peer car sharing program agreement, to operate a 64124
shared vehicle during a car sharing period. 64125

(N) "Shared vehicle owner" means a registered owner of a 64126
shared vehicle or a person designated by the registered owner. 64127

Sec. 4516.02. (A) A peer-to-peer car sharing program shall 64128

collect ~~all of~~ the following information before entering into a 64129
peer-to-peer car sharing program agreement including, but not 64130
limited to: 64131

(1) The name and address of the shared vehicle owner and the 64132
shared vehicle driver; 64133

(2) The driver's license number and state of issuance of the 64134
shared vehicle driver; 64135

~~(3) The name, address, driver's license number, and state of~~ 64136
~~issuance of~~ and any other person who will operate the shared 64137
vehicle during the car sharing period; 64138

~~(4) Information regarding whether the shared vehicle owner~~ 64139
~~and the shared vehicle driver have motor vehicle liability policy~~ 64140
~~or other proof of financial responsibility and information related~~ 64141
~~to that policy or proof and any policy limits;~~ 64142

~~(5) Whether the shared vehicle owner knows of any safety~~ 64143
~~recalls regarding the shared vehicle;~~ 64144

~~(6) Verification that the shared vehicle is registered in~~ 64145
~~accordance with the requirements established under Chapter 4503.~~ 64146
~~of the Revised Code or a substantially similar law in another~~ 64147
~~state.~~ 64148

(B) ~~A peer to peer car sharing program shall not allow a~~ 64149
~~peer to peer car sharing program agreement through its platform if~~ 64150
~~the program knows that the person who will operate the shared~~ 64151
~~vehicle is not a party to the agreement or knows that such a~~ 64152
~~person does not have a valid driver's license.~~ 64153

~~(C) A peer to peer car sharing program shall not allow a~~ 64154
~~peer to peer car sharing agreement through its platform if the~~ 64155
~~shared vehicle that is the subject of the agreement is not~~ 64156
~~registered.~~ 64157

~~(D) A peer-to-peer car sharing program shall collect, verify,~~ 64158

and maintain records pertaining to the use of each shared vehicle 64159
enrolled in the program, including records pertaining to all of 64160
the following: 64161

(1) The dates, times, and duration of time that the shared 64162
vehicle is in use through the program; 64163

~~(2) The dates, times, and duration of time that the shared 64164
vehicle driver possesses the shared vehicle through the program;~~ 64165

~~(3) Any fees or other financial consideration paid by the 64166
shared vehicle driver;~~ 64167

~~(4)(3) Any revenues or other financial consideration received 64168
by the shared vehicle owner;~~ 64169

~~(5)(4) Any other information or data that is necessary to 64170
establish the car sharing period, including the car sharing 64171
delivery period, the car sharing start time, and the car sharing 64172
termination time, for the shared vehicle.~~ 64173

~~(E)(1)(C)(1) The program shall provide the records required 64174
by division ~~(D)(B)~~ of this section, upon request, to any shared 64175
vehicle owner, shared vehicle driver, the shared vehicle owner's 64176
insurer, or the shared vehicle driver's insurer for purposes of 64177
facilitating the investigation of a claim, incident, or accident. 64178~~

(2) Upon receipt of a valid warrant, the program shall 64179
provide the records required by division ~~(D)(B)~~ of this section to 64180
law enforcement. 64181

~~(F)(D) The program shall retain records required by division 64182
~~(D)(B)~~ of this section regarding each car sharing period for not 64183
less than three years after the car sharing period. 64184~~

Sec. 4516.05. (A) When a motor vehicle owner registers as a 64185
shared vehicle owner with a peer-to-peer car sharing program and 64186
before the shared vehicle owner makes the shared vehicle available 64187
for peer-to-peer car sharing, the program shall do all of the 64188

following: 64189

(1) Verify that the shared vehicle does not have any 64190
outstanding safety recalls on the vehicle; 64191

(2) Provide notice to the shared vehicle owner of the owner's 64192
responsibilities under division (B) of this section. 64193

(B)(1) If a shared vehicle owner receives actual notice of a 64194
safety recall on the shared vehicle, the shared vehicle owner 64195
shall not make the shared vehicle available through a peer-to-peer 64196
car sharing program until the safety recall repair is made. 64197

(2) If the shared vehicle owner receives actual notice of a 64198
safety recall on the shared vehicle after the shared vehicle is 64199
available through a peer-to-peer car sharing program but while the 64200
shared vehicle is not currently possessed by a shared vehicle 64201
driver, the shared vehicle owner shall remove the shared vehicle 64202
from availability until the safety recall repair is made. 64203

(3) If the shared vehicle owner receives actual notice of a 64204
safety recall on the shared vehicle while the vehicle is possessed 64205
by a shared vehicle driver, the shared vehicle owner shall notify 64206
the peer-to-peer car sharing program about the safety recall, so 64207
that the car sharing period can be terminated to allow the shared 64208
vehicle owner to address the safety recall repair. 64209

~~(C) The peer to peer car sharing program shall establish 64210
commercially reasonable procedures to determine any safety recalls 64211
that apply to a shared vehicle registered with the program after 64212
the initial registration of the shared vehicle with the program. 64213~~

Sec. 4516.06. ~~(A) Peer to peer~~ Nothing in this chapter shall 64214
be construed to exempt any person involved in peer-to-peer car 64215
sharing and a peer to peer car sharing program agreement are a 64216
consumer transaction for purposes from the provisions of sections 64217
1345.01 to 1345.13 of the Revised Code. ~~The peer to peer car~~ 64218

~~sharing program and the shared vehicle owner are the suppliers and 64219
the shared vehicle driver is the consumer for purposes of those 64220
sections. 64221~~

~~(B) A peer to peer car sharing program is not liable for a 64222
violation under sections 1345.01 to 1345.13 of the Revised Code 64223
when the alleged violation is the result of false, misleading, or 64224
inaccurate information provided to the program by a shared vehicle 64225
owner or a shared vehicle driver and the program relied on that 64226
information in good faith. 64227~~

Sec. 4516.08. (A) It is not the intent of the general 64228
assembly that any provision in Chapter 4516. of the Revised Code 64229
be interpreted as either limiting or restricting an insurer's 64230
ability to exclude insurance coverage from any insurance policy or 64231
an insurer's ability to underwrite any insurance policy. 64232

(B) An insurer's ability to exclude or limit coverage and to 64233
otherwise underwrite a policy of insurance includes, but is not 64234
limited to, all of the following: 64235

(1) Liability coverage for bodily injury and property damage; 64236

(2) Uninsured or underinsured motorist coverage; 64237

(3) Medical payments coverage; 64238

(4) Comprehensive physical damage coverage; 64239

(5) Collision physical damage coverage; 64240

(6) Loss of earnings coverage. 64241

(C) Nothing in this chapter is intended to invalidate or 64242
limit an exclusion contained in a policy of motor vehicle 64243
liability insurance, including any insurance policy that is in use 64244
or that is approved for use that excludes coverage while a motor 64245
vehicle is made available for rent, share, hire, or during any 64246
business use. 64247

Sec. 4516.09. (A) Except as provided in division (B) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for any death, bodily injury, or property damage to a third party or an uninsured or underinsured motorist that is proximately caused by the operation of the shared vehicle during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement. The amount shall be not less than that specified in division (A)(1) of section 4516.10 of the Revised Code.

(B) The assumption of liability under division (A) of this section does not apply if either of the following occurs:

(1) The shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the program regarding the shared vehicle owner's motor-vehicle liability policy, other proof of financial responsibility, or the type or condition of the shared vehicle before the car sharing period in which the loss occurs;

(2) The shared vehicle owner and the shared vehicle driver conspire to have the shared vehicle driver fail to return the shared vehicle, in violation of the terms of the peer-to-peer car sharing agreement.

(C) A peer-to-peer car sharing program shall have either a policy of insurance or a self-insurance mechanism in order to cover its liabilities and obligations under this section and sections 4516.10 and 4516.11 of the Revised Code.

Sec. 4516.10. (A)(1) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are each covered by a motor-vehicle liability policy or other proof of financial responsibility ~~that recognizes their status as a shared vehicle~~

~~owner or shared vehicle driver and provides coverage for the~~ 64278
~~operation of the shared vehicle during the car sharing period.~~ 64279
Each policy or proof shall ~~be maintained in the following amounts~~ 64280
provide coverage in an amount that is not less than the amounts 64281
specified in section 4509.51 of the Revised Code. The policy or 64282
proof shall do either of the following: 64283

(a) ~~At least twenty five thousand dollars because of bodily~~ 64284
~~injury to or death of one person in any one accident~~ Recognize 64285
that the motor vehicle insured under the policy or proof is a 64286
shared vehicle; 64287

(b) ~~At least fifty thousand dollars because of bodily injury~~ 64288
~~or death of two or more persons in any one accident;~~ 64289

(c) ~~At least twenty five thousand dollars because of injury~~ 64290
~~to property of others in any one accident~~ Not expressly exclude 64291
the use of the motor vehicle insured under the policy or proof as 64292
a shared vehicle by a shared vehicle driver. 64293

(2) The insurance required by division (A)(1) of this section 64294
may be satisfied by any of the following or a combination of any 64295
of the following: 64296

(a) A motor-vehicle liability policy or other proof of 64297
financial responsibility that is maintained by the shared vehicle 64298
owner; 64299

(b) A motor-vehicle liability policy or other proof of 64300
financial responsibility that is maintained by the shared vehicle 64301
driver; 64302

(c) A motor-vehicle liability policy or other proof of 64303
financial responsibility that is maintained by the peer-to-peer 64304
car sharing program. 64305

(3)(a) Whichever motor-vehicle liability policy or other 64306
proof of financial responsibility under division (A)(2) of this 64307

section that is satisfying the insurance required under division 64308
(A)(1) of this section as specified in the peer-to-peer car 64309
sharing program agreement is the primary insurance during each car 64310
sharing period. 64311

(b) If a claim occurs in a state with minimum proof of 64312
financial responsibility limits higher than those specified in 64313
section 4509.51 of the Revised Code, the motor-vehicle liability 64314
policy or other proof of financial responsibility that is 64315
maintained by the peer-to-peer car sharing program under division 64316
(A)(2)(c) of this section shall satisfy any difference in minimum 64317
coverage amounts, up to the applicable policy limits. 64318

(c) Except as provided by division (A) of section 4516.11 of 64319
the Revised Code, the person or entity providing the primary 64320
insurance under division (A)(3)(a) of this section shall assume 64321
primary liability for a claim when either of the following occurs: 64322

(i) A dispute exists as to who was operating the shared 64323
vehicle at the time of the loss, and the peer-to-peer car sharing 64324
program does not have available, did not retain, or fails to 64325
provide the records required by section 4516.02 of the Revised 64326
Code. 64327

(ii) A dispute exists as to whether the shared vehicle was 64328
returned to the originally agreed upon location or an 64329
alternatively agreed upon location for transfer of possession in 64330
accordance with the peer-to-peer car sharing program agreement. 64331

(4)(a) If the motor-vehicle liability policy or other proof 64332
of financial responsibility maintained by a shared vehicle owner 64333
or shared vehicle driver does not provide liability coverage for 64334
peer-to-peer car sharing in the amounts required by division 64335
(A)(1) of this section, the insurance maintained by the 64336
peer-to-peer car sharing program shall provide the required 64337
coverage, beginning with the first dollar of the claim and shall 64338

have the duty to defend the claim. 64339

(b) A motor-vehicle liability policy or other proof of 64340
financial responsibility maintained by a peer-to-peer car sharing 64341
program in accordance with this section shall not require the 64342
shared vehicle owner's or shared vehicle driver's insurer to first 64343
deny a claim before providing coverage. 64344

(B) A motor-vehicle liability policy that meets the 64345
requirements of this section satisfies the requirement for proof 64346
of financial responsibility for motor vehicles under Chapter 4509. 64347
of the Revised Code. 64348

~~(C)(1) The peer to peer car sharing program shall examine the 64349
motor vehicle liability policy or other proof of financial 64350
responsibility maintained by a shared vehicle owner or a shared 64351
vehicle driver to determine whether that policy or proof provides 64352
or excludes coverage for peer to peer car sharing prior to 64353
entering into a peer to peer car sharing agreement with that 64354
shared vehicle owner or shared vehicle driver if either of the 64355
following occur:~~ 64356

~~(a) The shared vehicle owner or the shared vehicle driver 64357
refuses insurance coverage provided by the program. 64358~~

~~(b) The shared vehicle owner or the shared vehicle driver 64359
claims the policy or proof maintained by that shared vehicle owner 64360
or shared vehicle driver provides coverage for peer to peer car 64361
sharing. 64362~~

~~(2) The peer to peer car sharing program may require 64363
increased limits of insurance beyond what is required by division 64364
(A)(1) of this section as a condition of participation in the 64365
agreement. 64366~~

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 64367
Revised Code: 64368

(A) "Persons" includes individuals, ~~firms~~, partnerships, 64369
associations, joint stock companies, corporations, sole 64370
proprietorships, limited liability companies, limited liability 64371
partnerships, business trusts, and any other legally recognized 64372
business entities or any combinations of individuals. 64373

(B) "Motor vehicle" means motor vehicle as defined in section 64374
4501.01 of the Revised Code and also includes "all-purpose 64375
vehicle" and "off-highway motorcycle" as those terms are defined 64376
in section 4519.01 of the Revised Code. "Motor vehicle" does not 64377
include a snowmobile as defined in section 4519.01 of the Revised 64378
Code or manufactured and mobile homes. 64379

(C) "New motor vehicle" means a motor vehicle, the legal 64380
title to which has never been transferred by a manufacturer, 64381
remanufacturer, distributor, or dealer to an ultimate purchaser. 64382

(D) "Ultimate purchaser" means, with respect to any new motor 64383
vehicle, the first person, other than a dealer purchasing in the 64384
capacity of a dealer, who in good faith purchases such new motor 64385
vehicle for purposes other than resale. 64386

(E) "Business" includes any activities engaged in by any 64387
person for the object of gain, benefit, or advantage either direct 64388
or indirect, including activities conducted through the internet 64389
or another computer network. 64390

(F) "Engaging in business" means commencing, conducting, or 64391
continuing in business, or liquidating a business when the 64392
liquidator thereof holds self out to be conducting such business; 64393
making a casual sale or otherwise making transfers in the ordinary 64394
course of business when the transfers are made in connection with 64395
the disposition of all or substantially all of the transferor's 64396
assets is not engaging in business. 64397

(G) "Retail sale" or "~~sale~~ selling at retail" means the act 64398
or attempted act of selling, bartering, exchanging, or otherwise 64399

disposing of a motor vehicle, including through use of the 64400
internet or another computer network, to an ultimate purchaser for 64401
use as a consumer. 64402

(H) "Retail installment contract" includes any contract in 64403
the form of a note, chattel mortgage, conditional sales contract, 64404
lease, agreement, or other instrument payable in one or more 64405
installments over a period of time and arising out of the retail 64406
sale of a motor vehicle. 64407

(I) "Farm machinery" means all machines and tools used in the 64408
production, harvesting, and care of farm products. 64409

(J) "Dealer" or "motor vehicle dealer" means any new motor 64410
vehicle dealer, any motor vehicle leasing dealer, and any used 64411
motor vehicle dealer. 64412

(K) "New motor vehicle dealer" means any person engaged in 64413
the business of selling at retail, displaying, offering for sale, 64414
or dealing in new motor vehicles pursuant to a contract or 64415
agreement entered into with the manufacturer, remanufacturer, or 64416
distributor of the motor vehicles. 64417

(L) "Used motor vehicle dealer" means any person engaged in 64418
the business of selling, displaying, offering for sale, or dealing 64419
in used motor vehicles, at retail or wholesale, but does not mean 64420
any new motor vehicle dealer selling, displaying, offering for 64421
sale, or dealing in used motor vehicles incidentally to engaging 64422
in the business of selling, displaying, offering for sale, or 64423
dealing in new motor vehicles, any person engaged in the business 64424
of dismantling, salvaging, or rebuilding motor vehicles by means 64425
of using used parts, or any public officer performing official 64426
duties. 64427

(M) "Motor vehicle leasing dealer" means any person engaged 64428
in the business of regularly making available, offering to make 64429
available, or arranging for another person to use a motor vehicle 64430

pursuant to a bailment, lease, sublease, or other contractual 64431
arrangement under which a charge is made for its use at a periodic 64432
rate for a term of thirty days or more, and title to the motor 64433
vehicle is in and remains in the motor vehicle leasing dealer who 64434
originally leases it, irrespective of whether or not the motor 64435
vehicle is the subject of a later sublease, and not in the user, 64436
but including any financial institution acting as a lessor for a 64437
lease or sublease. "Motor vehicle leasing dealer" does not mean 64438
include a new motor vehicle dealer that is not the lessor and that 64439
only assists in arranging a lease on the lessor's behalf or a 64440
manufacturer or its affiliate leasing to its employees or to 64441
dealers. 64442

(N) "Salesperson" means any person employed by a dealer to 64443
sell, display, and offer for sale, or deal in motor vehicles for a 64444
commission, compensation, or other valuable consideration, but 64445
does not mean any public officer performing official duties. 64446

(O) "Casual sale" means any transfer of a motor vehicle by a 64447
person other than a new motor vehicle dealer, used motor vehicle 64448
dealer, motor vehicle salvage dealer, as defined in division (A) 64449
of section 4738.01 of the Revised Code, salesperson, motor vehicle 64450
auction owner, manufacturer, or distributor acting in the capacity 64451
of a dealer, salesperson, auction owner, manufacturer, or 64452
distributor, to a person who purchases the motor vehicle for use 64453
as a consumer. 64454

(P) "Motor vehicle auction owner" means any person who is 64455
engaged wholly or in part in the business of auctioning motor 64456
vehicles, but does not mean a construction equipment auctioneer or 64457
a construction equipment auction licensee. 64458

(Q) "Manufacturer" means a person who manufactures, 64459
assembles, or imports motor vehicles, including motor homes, but 64460
does not mean a person who only assembles or installs a body, 64461
special equipment unit, finishing trim, or accessories on a motor 64462

vehicle chassis supplied by a manufacturer or distributor. 64463

(R) "Tent-type fold-out camping trailer" means any vehicle 64464
intended to be used, when stationary, as a temporary shelter with 64465
living and sleeping facilities, and that is subject to the 64466
following properties and limitations: 64467

(1) A minimum of twenty-five per cent of the fold-out portion 64468
of the top and sidewalls combined must be constructed of canvas, 64469
vinyl, or other fabric, and form an integral part of the shelter. 64470

(2) When folded, the unit must not exceed: 64471

(a) Fifteen feet in length, exclusive of bumper and tongue; 64472

(b) Sixty inches in height from the point of contact with the 64473
ground; 64474

(c) Eight feet in width; 64475

(d) One ton gross weight at time of sale. 64476

(S) "Distributor" means any person authorized by a motor 64477
vehicle manufacturer to distribute new motor vehicles to licensed 64478
new motor vehicle dealers, but does not mean a person who only 64479
assembles or installs a body, special equipment unit, finishing 64480
trim, or accessories on a motor vehicle chassis supplied by a 64481
manufacturer or distributor. 64482

(T) "Flea market" means a market place, other than a dealer's 64483
location licensed under this chapter, where a space or location is 64484
provided for a fee or compensation to a seller to exhibit and 64485
offer for sale or trade, motor vehicles to the general public. 64486

(U) "Franchise" means any written agreement, contract, or 64487
understanding between any motor vehicle manufacturer or 64488
remanufacturer engaged in commerce and any motor vehicle dealer 64489
that purports to fix the legal rights and liabilities of the 64490
parties to such agreement, contract, or understanding. 64491

(V) "Franchisee" means a person who receives new motor 64492

vehicles from the franchisor under a franchise agreement and who 64493
offers, sells, and provides service for such new motor vehicles to 64494
the general public. 64495

(W) "Franchisor" means a new motor vehicle manufacturer, 64496
remanufacturer, or distributor who supplies new motor vehicles 64497
under a franchise agreement to a franchisee. 64498

(X) "Dealer organization" means a state or local trade 64499
association the membership of which is comprised predominantly of 64500
new motor vehicle dealers. 64501

(Y) "Factory representative" means a representative employed 64502
by a manufacturer, remanufacturer, or by a factory branch 64503
primarily for the purpose of promoting the sale of its motor 64504
vehicles, parts, or accessories to dealers or for supervising or 64505
contacting its dealers or prospective dealers. 64506

(Z) "Administrative or executive management" means those 64507
individuals who are not subject to federal wage and hour laws. 64508

(AA) "Good faith" means honesty in the conduct or transaction 64509
concerned and the observance of reasonable commercial standards of 64510
fair dealing in the trade as is defined in section 1301.201 of the 64511
Revised Code, including, but not limited to, the duty to act in a 64512
fair and equitable manner so as to guarantee freedom from 64513
coercion, intimidation, or threats of coercion or intimidation; 64514
provided however, that recommendation, endorsement, exposition, 64515
persuasion, urging, or argument shall not be considered to 64516
constitute a lack of good faith. 64517

(BB) "Coerce" means to compel or attempt to compel by failing 64518
to act in good faith or by threat of economic harm, breach of 64519
contract, or other adverse consequences. Coerce does not mean to 64520
argue, urge, recommend, or persuade. 64521

(CC) "Relevant market area" means any area within a radius of 64522
ten miles from the site of a potential new dealership, except that 64523

for manufactured home or recreational vehicle dealerships the 64524
radius shall be twenty-five miles. The ten-mile radius shall be 64525
measured from the dealer's established place of business that is 64526
used exclusively for the purpose of selling, displaying, offering 64527
for sale, or dealing in motor vehicles. 64528

(DD) "Wholesale" or "at wholesale" means the act or attempted 64529
act of selling, bartering, exchanging, or otherwise disposing of a 64530
motor vehicle to a transferee for the purpose of resale and not 64531
for ultimate consumption by that transferee. 64532

(EE) "Motor vehicle wholesaler" means any person licensed as 64533
a dealer under the laws of another state and engaged in the 64534
business of selling, displaying, or offering for sale used motor 64535
vehicles, at wholesale, but does not mean any motor vehicle dealer 64536
as defined in this section. 64537

(FF)(1) "Remanufacturer" means a person who assembles or 64538
installs passenger seating, walls, a roof elevation, or a body 64539
extension on a conversion van with the motor vehicle chassis 64540
supplied by a manufacturer or distributor, a person who modifies a 64541
truck chassis supplied by a manufacturer or distributor for use as 64542
a public safety or public service vehicle, a person who modifies a 64543
motor vehicle chassis supplied by a manufacturer or distributor 64544
for use as a limousine or hearse, or a person who modifies an 64545
incomplete motor vehicle cab and chassis supplied by a new motor 64546
vehicle dealer or distributor for use as a tow truck, but does not 64547
mean either of the following: 64548

(a) A person who assembles or installs passenger seating, a 64549
roof elevation, or a body extension on a recreational vehicle as 64550
defined in division (Q) and referred to in division (B) of section 64551
4501.01 of the Revised Code; 64552

(b) A person who assembles or installs equipment or 64553
accessories for ~~persons~~ a person with ~~disabilities~~ a disability 64554

that limits or impairs the ability to walk, as defined in section 64555
4503.44 of the Revised Code, upon a motor vehicle chassis supplied 64556
by a manufacturer or distributor. 64557

(2) For the purposes of division (FF)(1) of this section, 64558
"public safety vehicle or public service vehicle" means a fire 64559
truck, ambulance, school bus, street sweeper, garbage packing 64560
truck, or cement mixer, or a mobile self-contained facility 64561
vehicle. 64562

(3) For the purposes of division (FF)(1) of this section, 64563
"limousine" means a motor vehicle, designed only for the purpose 64564
of carrying nine or fewer passengers, that a person modifies by 64565
cutting the original chassis, lengthening the wheelbase by forty 64566
inches or more, and reinforcing the chassis in such a way that all 64567
modifications comply with all applicable federal motor vehicle 64568
safety standards. No person shall qualify as or be deemed to be a 64569
remanufacturer who produces limousines unless the person has a 64570
written agreement with the manufacturer of the chassis the person 64571
utilizes to produce the limousines to complete properly the 64572
remanufacture of the chassis into limousines. 64573

(4) For the purposes of division (FF)(1) of this section, 64574
"hearse" means a motor vehicle, designed only for the purpose of 64575
transporting a single casket, that is equipped with a compartment 64576
designed specifically to carry a single casket that a person 64577
modifies by cutting the original chassis, lengthening the 64578
wheelbase by ten inches or more, and reinforcing the chassis in 64579
such a way that all modifications comply with all applicable 64580
federal motor vehicle safety standards. No person shall qualify as 64581
or be deemed to be a remanufacturer who produces hearses unless 64582
the person has a written agreement with the manufacturer of the 64583
chassis the person utilizes to produce the hearses to complete 64584
properly the remanufacture of the chassis into hearses. 64585

(5) For the purposes of division (FF)(1) of this section, 64586

"mobile self-contained facility vehicle" means a mobile classroom vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, testing laboratory, and mobile display vehicle, each of which is designed for purposes other than for passenger transportation and other than the transportation or displacement of cargo, freight, materials, or merchandise. A vehicle is remanufactured into a mobile self-contained facility vehicle in part by the addition of insulation to the body shell, and installation of all of the following: a generator, electrical wiring, plumbing, holding tanks, doors, windows, cabinets, shelving, and heating, ventilating, and air conditioning systems.

(6) For the purposes of division (FF)(1) of this section, "tow truck" means both of the following:

(a) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a wrecker body it purchases from a manufacturer or distributor of wrecker bodies, installs an emergency flashing light pylon and emergency lights upon the mast of the wrecker body or rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping so as to create a complete motor vehicle capable of lifting and towing another motor vehicle.

(b) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a car carrier body it purchases from a manufacturer or distributor of car carrier bodies, installs an emergency flashing light pylon and emergency lights upon the rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads

and other custom-ordered items such as painting, special 64619
lettering, and safety striping. 64620

As used in division (FF)(6)(b) of this section, "car carrier 64621
body" means a mechanical or hydraulic apparatus capable of lifting 64622
and holding a motor vehicle on a flat level surface so that one or 64623
more motor vehicles can be transported, once the car carrier is 64624
permanently installed upon an incomplete cab and chassis. 64625

(GG) "~~Operating~~ Operate as a new motor vehicle dealership" 64626
means engaging in activities such as displaying, offering for 64627
sale, and selling new motor vehicles at retail, operating a 64628
service facility to perform repairs and maintenance on motor 64629
vehicles, offering for sale and selling motor vehicle parts at 64630
retail, and conducting all other acts that are usual and customary 64631
to the operation of a new motor vehicle dealership. For the 64632
purposes of this chapter only, possession of either a valid new 64633
motor vehicle dealer franchise agreement or a new motor vehicle 64634
dealers license, or both of these items, is not evidence that a 64635
person is operating as a new motor vehicle dealership. 64636

(HH) "Outdoor power equipment" means garden and small utility 64637
tractors, walk-behind and riding mowers, chainsaws, and tillers. 64638

(II) "Remote service facility" means premises that are 64639
separate from a licensed new motor vehicle dealer's sales facility 64640
by not more than one mile and that are used by the dealer to 64641
perform repairs, warranty work, recall work, and maintenance on 64642
motor vehicles pursuant to a franchise agreement entered into with 64643
a manufacturer of motor vehicles. A remote service facility shall 64644
be deemed to be part of the franchise agreement and is subject to 64645
all the rights, duties, obligations, and requirements of Chapter 64646
4517. of the Revised Code that relate to the performance of motor 64647
vehicle repairs, warranty work, recall work, and maintenance work 64648
by new motor vehicle dealers. 64649

(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code. 64650
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(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter. 64652
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(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm trucks, and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries. 64656
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(MM) "Local market conditions" includes, but is not limited to: 64662
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(1) Demographics in the franchisee's area; 64664

(2) Geographical and market characteristics in the franchisee's area; 64665
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(3) Local economic circumstances; 64667

(4) The proximity of other motor vehicle dealers of the same line-make; 64668
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(5) The proximity of motor vehicle manufacturing facilities; 64670

(6) The buying patterns of motor vehicle purchasers; 64671

(7) Customer drive time and drive distance. 64672

(NN) "Established place of business" means a permanent, enclosed building or structure that meets all of the following requirements: 64673
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(1) It is either owned, leased, or rented by the motor vehicle dealer. 64676
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(2) It meets local zoning or municipal requirements. 64678

(3) It is regularly occupied by at least one person. 64679

(4) It is easily accessible to the public. 64680

(5) The records and files necessary to conduct the business 64681
are generally kept and maintained at the location or are readily 64682
accessible and available for reasonable inspection from the 64683
location. 64684

"Established place of business" does not mean a residence, 64685
tent, temporary stand, storage shed, lot, or any temporary 64686
quarters, unless authorized by the registrar of motor vehicles. 64687

Sec. 4517.05. (A) Each person applying for a used motor 64688
vehicle dealer's license shall ~~annually~~ biennially, before the 64689
first day of April, make out and deliver to the registrar of motor 64690
vehicles, upon a blank to be furnished by the registrar for that 64691
purpose, a separate application for license for each county in 64692
which such business is to be conducted. The application shall be 64693
in the form prescribed by the registrar, shall be signed and sworn 64694
to by the applicant, and, in addition to such other information as 64695
is required by the registrar, shall include the information 64696
specified in divisions (A) to (H) of section 4517.04 of the 64697
Revised Code. The application shall be accompanied by a 64698
photograph, as prescribed by the registrar, of each place of 64699
business operated, or to be operated, by the applicant. An 64700
application for a used motor vehicle dealer's license by any 64701
person who is subject to division (B)(1) of this section shall be 64702
accompanied by documentation, as prescribed by the motor vehicle 64703
dealers board, showing that within the immediately preceding six 64704
months, an owner, officer, partner, or director of the business 64705
entity applying for the used motor vehicle dealer's license has 64706
successfully completed a used motor vehicle dealer training 64707
course. 64708

(B)(1) Except as provided in divisions (B)(2) and (3) of this 64709

section, an owner, officer, partner, or director of a business 64710
entity applying for a used motor vehicle dealer license ninety 64711
days or more after ~~the effective date of this amendment~~ September 64712
4, 2012, shall, within six months immediately preceding the date 64713
of applying for the license, successfully complete a used motor 64714
vehicle dealer training course that complies with the rules of the 64715
motor vehicle dealers board adopted under division (C) of this 64716
section. 64717

(2) No person applying for a used motor vehicle dealer's 64718
license shall be required to have an owner, officer, partner, or 64719
director of the business entity complete a used motor vehicle 64720
dealer training course if any owner, officer, partner, or director 64721
of the business entity held a used or new motor vehicle dealer's 64722
license within the two-year period immediately preceding the date 64723
of application and the previously held license was not revoked or 64724
suspended. 64725

(3) No person applying for a used motor vehicle dealer's 64726
license shall be required to have an owner, officer, partner, or 64727
director of the related business entity complete a used motor 64728
vehicle dealer training course if the person holds a salvage motor 64729
vehicle auction license pursuant to Chapter 4738. of the Revised 64730
Code or a motor vehicle auction owner license pursuant to Chapter 64731
4517. of the Revised Code. 64732

(C)(1) In accordance with Chapter 119. of the Revised Code, 64733
the motor vehicle dealers board shall adopt rules governing used 64734
motor vehicle dealer training courses. The rules shall do all of 64735
the following: 64736

(a) Require a course provider to be an institution of higher 64737
education, as defined in section 3345.12 of the Revised Code, or a 64738
relevant professional or trade association that has been in 64739
existence for more than five years and has a majority of members 64740
who are motor vehicle dealers licensed in this state; 64741

- (b) Establish any additional qualifications for course providers; 64742
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- (c) Establish the course curriculum, which shall include information on applicable federal and state law, including consumer protection laws, and shall require at least six hours but not more than twenty-four hours of instruction; 64744
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- (d) Prescribe the form for the certificate of completion, which shall require the course provider to attest that the person named on the certificate successfully completed at least six hours of used motor vehicle dealer training; 64748
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- (e) Establish any other reasonable requirements the board considers necessary. 64752
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- (2) The board shall maintain information received from any course provider concerning course location, content, length, and cost and shall provide the information to any person upon request. 64754
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- (3) The registrar shall not issue a used motor vehicle dealer license to any person subject to division (B)(1) of this section unless an owner, officer, partner, or director of a business entity applying for the used motor vehicle dealer license has successfully completed a used motor vehicle dealer training course that complies with the requirements of this division. 64757
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- (D)(1) Any person offering used motor vehicle dealer training courses shall do all of the following: 64763
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- (a) Conform the course to rules of the motor vehicle dealers board; 64765
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- (b) Establish reasonable fees for courses offered; 64767
- (c) Issue, on a form prescribed by the board, a certificate of completion to each person who successfully completes a course of instruction; 64768
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- (d) Notify the board of the course location, content, length, 64771

and cost. 64772

(2) A course provider may use information and material from 64773
the bureau of motor vehicles and the attorney general. 64774

(E) Nothing in this section shall affect or apply to new 64775
motor vehicle dealer licensing. 64776

Sec. 4517.06. Each person applying for a motor vehicle 64777
leasing dealer's license shall ~~annually~~ biennially, before the 64778
first day of April, make out and deliver to the registrar of motor 64779
vehicles, upon a blank to be furnished by the registrar for that 64780
purpose, a separate application for license for each county in 64781
which the business of leasing motor vehicles, as described in 64782
division (M) of section 4517.01 of the Revised Code, is to be 64783
conducted. The application shall be in the form prescribed by the 64784
registrar, shall be signed and sworn to ~~be~~ by the applicant, and, 64785
in addition to such other information as is required by the 64786
registrar, shall include the information specified in divisions 64787
(A) to (H) of section 4517.04 of the Revised Code. The application 64788
shall be accompanied by a photograph, as prescribed by the 64789
registrar, of each place of business operated, or to be operated, 64790
by the applicant. 64791

Sec. 4517.07. Each person applying for a motor vehicle 64792
auction owner's license shall ~~annually~~ biennially, before the 64793
first day of April, make out and deliver to the registrar of motor 64794
vehicles, upon a blank to be furnished by the registrar for that 64795
purpose, a separate application for license for each county in 64796
which such business is to be conducted. The application shall be 64797
in the form prescribed by the registrar, shall be signed and sworn 64798
to by the applicant, and, in addition to such other information as 64799
is required by the registrar, shall include the information 64800
specified in divisions (A) to (H) of section 4517.04 of the 64801

Revised Code. The application shall be accompanied by a 64802
photograph, as prescribed by the registrar, of each place of 64803
business operated, or to be operated, by the applicant. 64804

The business records, relating to the auctioning of motor 64805
vehicles, of a licensed motor vehicle auction owner shall be open 64806
for reasonable inspection by the registrar or ~~his~~ the registrar's 64807
authorized agent. 64808

Sec. 4517.08. Each person applying for a distributor's 64809
license shall ~~annually~~ biennially, before the first day of April, 64810
make out and deliver to the registrar of motor vehicles, upon a 64811
blank to be furnished by the registrar for that purpose, a 64812
separate application for license for each place of business 64813
maintained. The application shall be in the form prescribed by the 64814
registrar, shall be signed and sworn to by the applicant, and, in 64815
addition to such other information as is required by the 64816
registrar, shall include: 64817

(A) Name of applicant and location of principal place of 64818
distribution; 64819

(B) The county or counties in which business is to be 64820
conducted; 64821

(C) A statement showing the makes of motor vehicles to be 64822
distributed; 64823

(D) The information specified in divisions (B), (C), (E), 64824
(F), (G), and (H) of section 4517.04 of the Revised Code. 64825

At the time of application, the applicant shall furnish to 64826
the registrar a true copy of ~~his~~ the applicant's appointment as a 64827
distributor by a motor vehicle manufacturer. The appointment shall 64828
be signed and sworn to by the applicant. The application shall 64829
also be accompanied by a photograph, as prescribed by the 64830
registrar, of each place of business operated, or to be operated, 64831

by the applicant. 64832

Sec. 4517.10. ~~At~~ Except as provided by section 4517.101 of 64833
the Revised Code, at the time the registrar of motor vehicles 64834
grants the application of any person for a license as motor 64835
vehicle dealer, motor vehicle leasing dealer, distributor, motor 64836
vehicle auction owner, or motor vehicle salesperson, the registrar 64837
shall issue to the person a license. The registrar shall prescribe 64838
different forms for the licenses of motor vehicle dealers, motor 64839
vehicle leasing dealers, distributors, motor vehicle auction 64840
owners, and motor vehicle salespersons, and all licenses shall 64841
include the name and post-office address of the person licensed. 64842

The fee for a motor vehicle dealer's license and a motor 64843
vehicle leasing dealer's license shall be fifty dollars. In 64844
addition to the license fee, the registrar shall collect from each 64845
applicant for an initial motor vehicle dealer's license and motor 64846
vehicle leasing dealer's license a separate fee in an amount equal 64847
to the last assessment required by section 4505.181 of the Revised 64848
Code for all motor vehicle dealers and motor vehicle leasing 64849
dealers. The registrar shall deposit the separate fee into the 64850
state treasury to the credit of the title defect recision fund 64851
created in section 1345.52 of the Revised Code. The fee for a 64852
salesperson's license shall be ten dollars. The fee for a motor 64853
vehicle auction owner's license shall be one hundred dollars for 64854
each location. The fee for a distributor's license shall be one 64855
hundred dollars for each distributorship. In all cases, the fee 64856
shall accompany the application for license. 64857

The registrar may require each applicant for a license issued 64858
under this chapter to pay an additional fee, which shall be used 64859
by the registrar to pay the costs of obtaining a record of any 64860
arrests and convictions of the applicant from the Ohio bureau of 64861
identification and investigation. The amount of the fee shall be 64862

equal to that paid by the registrar to obtain such record. 64863

If a motor vehicle dealer or a motor vehicle leasing dealer 64864
has more than one place of business in the county, the dealer 64865
shall make application, in such form as the registrar prescribes, 64866
for a certified copy of the license issued to the dealer for each 64867
place of business operated. In the event of the loss, mutilation, 64868
or destruction of a license issued under sections 4517.01 to 64869
4517.65 of the Revised Code, any licensee may make application to 64870
the registrar, in such form as the registrar prescribes, for a 64871
duplicate copy thereof. The fee for a certified or duplicate copy 64872
of a motor vehicle dealer's, motor vehicle leasing dealer's, 64873
distributor's, or auction owner's license, is two dollars, and the 64874
fee for a duplicate copy of a salesperson's license is one dollar. 64875
All fees for such copies shall accompany the applications. 64876

Beginning on September 16, 2004, all motor vehicle dealers' 64877
licenses, motor vehicle leasing dealers' licenses, distributors' 64878
licenses, auction owners' licenses, and all salespersons' licenses 64879
issued or renewed shall expire biennially on a day within the 64880
two-year cycle that is prescribed by the registrar, unless sooner 64881
suspended or revoked. Before the first day after the day 64882
prescribed by the registrar in the year that the license expires, 64883
each licensed motor vehicle dealer, motor vehicle leasing dealer, 64884
distributor, and auction owner and each licensed salesperson, in 64885
the year in which the license will expire, shall file an 64886
application, in such form as the registrar prescribes, for the 64887
renewal of such license. The fee for renewing a motor vehicle 64888
dealer's license and a motor vehicle leasing dealer's license 64889
shall be fifty dollars. The fee for renewing a salesperson's 64890
license shall be ten dollars. The fee for renewing a motor vehicle 64891
auction owner's license shall be one hundred dollars for each 64892
location. The fee for renewing a distributor's license shall be 64893
one hundred dollars for each distributorship. In all cases the 64894

license renewal fee shall accompany the renewal application. 64895

Any salesperson's license shall be suspended upon the 64896
termination, suspension, or revocation of the license of the motor 64897
vehicle dealer for whom the salesperson is acting, or upon the 64898
salesperson leaving the service of the motor vehicle dealer; 64899
provided that upon the termination, suspension, or revocation of 64900
the license of the motor vehicle dealer for whom the salesperson 64901
is acting, or upon the salesperson leaving the service of a 64902
licensed motor vehicle dealer, the licensed salesperson, upon 64903
entering the service of any other licensed motor vehicle dealer, 64904
shall make application to the registrar, in such form as the 64905
registrar prescribes, to have the salesperson's license 64906
reinstated, transferred, and registered as a salesperson for the 64907
other dealer. If the information contained in the application is 64908
satisfactory to the registrar, the registrar shall have the 64909
salesperson's license reinstated, transferred, and registered as a 64910
salesperson for the other dealer. The fee for the reinstatement 64911
and transfer of license shall be two dollars. No license issued to 64912
a motor vehicle dealer, motor vehicle leasing dealer, auction 64913
owner, or salesperson, under sections 4517.01 to 4517.65 of the 64914
Revised Code shall be transferable to any other person. 64915

Each motor vehicle dealer, motor vehicle leasing dealer, 64916
distributor, and auction owner shall keep the dealer's or auction 64917
owner's license or a certified copy thereof posted in a 64918
conspicuous place in each place of business. A dealer shall keep a 64919
current list of the dealer's licensed salespersons, showing the 64920
names, addresses, and serial numbers of their licenses and shall 64921
make the list available upon request. Each salesperson shall keep 64922
the salesperson's license or a certified copy thereof at the 64923
salesperson's place of business and shall provide such license or 64924
copy upon demand to any inspector of the bureau of motor vehicles, 64925
state highway patrol trooper, police officer, or person with whom 64926

the salesperson seeks to transact business as a motor vehicle salesperson. 64927
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The notice of refusal to grant a license shall disclose the reason for refusal. 64929
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Sec. 4517.101. (A) When a person is first issued a used motor vehicle dealer license under this chapter, the registrar of motor vehicles shall issue a provisional license for a period of one hundred eighty days from the date of issuance. Not later than one hundred eighty days after the date of issuance of the provisional license, the registrar, or an agent of the registrar, shall inspect or cause to be inspected the place of business of the person who is the holder of the provisional license. 64931
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(B) If the person conducting the inspection determines that the provisional license holder has complied with all the requirements with which holders of used motor vehicle dealer licenses under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar that the provisional license holder is in compliance, and the registrar shall issue to the provisional license holder a used motor vehicle dealer license without provisional status. A license without provisional status remains valid until its expiration date unless it is suspended or revoked in accordance with this chapter. 64939
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(C) If the person conducting the inspection determines that the provisional license holder has not complied with all the requirements with which holders of used motor vehicle dealer licenses issued under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar of the noncompliance. In accordance with Chapter 119. of the Revised Code, the registrar shall send the provisional license holder 64950
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written notice informing the holder that the holder's license is 64958
revoked and that the holder may appeal the revocation to the motor 64959
vehicle dealers board. Immediately upon revoking the provisional 64960
license of the license holder, the registrar shall enter a final 64961
order together with the registrar's findings and certify the same 64962
to the motor vehicle dealers board. 64963

(D) Notwithstanding any other provision of this section, any 64964
owner, officer, partner, or director of the applicant business 64965
entity that currently holds a valid new motor vehicle dealer 64966
license or held a new motor vehicle dealer license within the 64967
two-year period immediately preceding the date of the application 64968
that was not suspended or revoked is exempt from the issuance of a 64969
provisional used motor vehicle dealer license. 64970

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor 64971
vehicle leasing dealer, or distributor shall notify the registrar 64972
of motor vehicles concerning any change in status as a dealer, 64973
motor vehicle leasing dealer, or distributor during the period for 64974
which the dealer, or distributor is licensed, if the change of 64975
status concerns any of the following: 64976

(1) Personnel of owners, partners, officers, or directors; 64977

(2) Location of office or principal place of business; 64978

(3) The business telephone number or electronic mail address 64979
for the motor vehicle dealer, motor vehicle leasing dealer, or 64980
distributor; 64981

(4) In the case of a motor vehicle dealer, any contract or 64982
agreement with any manufacturer or distributor; and in the case of 64983
a distributor, any contract or agreement with any manufacturer. 64984

(B) The notification required by division (A) of this section 64985
shall be made by filing with the registrar, within fifteen days 64986
after the change of status, a supplemental statement in a form 64987

prescribed by the registrar showing in what respect the status has 64988
been changed. If the change involves a change in any contract or 64989
agreement between any manufacturer or distributor, and dealer, or 64990
any manufacturer and distributor, the supplemental statement shall 64991
be accompanied by such copies of contracts, statements, and 64992
certificates as would have been required by sections 4517.01 to 64993
4517.45 of the Revised Code if the change had occurred prior to 64994
the licensee's application for license. 64995

The motor vehicle dealers board may adopt a rule exempting 64996
from the notification requirement of division (A)(1) of this 64997
section any dealer if stock in the dealer or its parent company is 64998
publicly traded and if there are public records with state or 64999
federal agencies that provide the information required by division 65000
(A)(1) of this section. 65001

(C) Whoever violates this section is guilty of a misdemeanor 65002
of the fourth degree. 65003

Sec. 4701.13. The accountancy board shall publish ~~annually~~ 65004
and maintain a printed publicly available and searchable 65005
electronic register. The ~~printed~~ register shall contain ~~in~~ 65006
~~separate lists~~ the names and business addresses, license numbers, 65007
license types, license status, and disciplinary history for any 65008
actions taken under section 4701.16 of the Revised Code of all 65009
certified public accountants and public accountants holding ~~Ohio~~ 65010
~~permits~~ licenses issued under this chapter as of the date ~~of~~ 65011
~~preparation of~~ the register is accessed. 65012

Sec. 4703.01. The governor shall appoint an architects board, 65013
which shall be composed of five individuals, four of whom shall be 65014
architects who have been in active practice in the state for not 65015
less than ~~ten~~ five years previous to their appointment, and one of 65016
whom shall be a member of the general public and who is not an 65017

architect. 65018

At the expiration of the term of office of each of the 65019
members the governor shall, with the advice and consent of the 65020
senate appoint a successor. Terms of office shall be for five 65021
years, commencing on the third day of October and ending on the 65022
second day of October. Each member shall hold office from the date 65023
of appointment until the end of the term for which appointed. The 65024
governor may, upon bona fide complaint and for good cause shown, 65025
after ten days' notice to the member against whom charges may be 65026
filed, and after opportunity for hearing, remove any member of 65027
said board for inefficiency, neglect of duty, or malfeasance in 65028
office. Any member appointed to fill a vacancy occurring prior to 65029
the expiration of the term for which the member's predecessor was 65030
appointed shall hold office for the remainder of such term. Any 65031
member shall continue in office subsequent to the expiration date 65032
of the member's term until the member's successor takes office, or 65033
until a period of sixty days has elapsed, whichever occurs first. 65034

The members of said board shall, before entering upon the 65035
discharge of their duties, subscribe to and file with the 65036
secretary of state the constitutional oath of office. 65037

Sec. 4703.15. (A) The architects board may by three 65038
concurring votes deny renewal of, revoke, or suspend any 65039
certificate of qualification to practice architecture, issued or 65040
renewed under sections 4703.10, 4703.13, and 4703.14 of the 65041
Revised Code, or any certificate of authorization, issued or 65042
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 65043
proof satisfactory to the board is presented in any of the 65044
following cases: 65045

(1) In case it is shown that the certificate was obtained by 65046
fraud; 65047

(2) In case the holder of the certificate has been found 65048

guilty by the board or by a court of justice of any fraud or 65049
deceit in the holder's professional practice, or has been 65050
convicted of a felony by a court of justice; 65051

(3) In case the holder has been found guilty by the board of 65052
gross negligence, incompetency, or misconduct in the performance 65053
of the holder's services as an architect or in the practice of 65054
architecture; 65055

(4) In case the holder of the certificate has been found 65056
guilty by the board of signing plans for the construction of a 65057
building as a "registered architect" where the holder is not the 65058
actual architect of such building and where the holder is without 65059
prior written consent of the architect originating the design or 65060
other documents used in the plans; 65061

(5) In case the holder of the certificate has been found 65062
guilty by the board of aiding and abetting another person or 65063
persons not properly registered as required by sections 4703.01 to 65064
4703.19 of the Revised Code, in the performance of activities that 65065
in any manner or extent constitute the practice of architecture. 65066

(B) In addition to disciplinary action the board may take 65067
against a certificate holder under division (A) of this section or 65068
section 4703.151 of the Revised Code, the board may impose a fine 65069
against a certificate holder who obtained a certificate by fraud 65070
or who is found guilty of any act specified in divisions (A)(2) to 65071
(A)(5) of this section or who violates any rule governing the 65072
standards of service, conduct, and practice adopted pursuant to 65073
section 4703.02 of the Revised Code. The fine imposed shall be not 65074
more than one thousand dollars for each offense but shall not 65075
exceed five thousand dollars regardless of the number of offenses 65076
the certificate holder has committed between the time the fine is 65077
imposed and the time any previous fine was imposed. 65078

(C) If a person fails to request a hearing within thirty days 65079

after the date the board, in accordance with ~~section~~ sections 65080
119.05 and 119.07 of the Revised Code, notifies the person of the 65081
board's intent to act against the person under division (A) of 65082
this section, the board by a majority vote of a quorum of the 65083
board members may take the action against a person without holding 65084
an adjudication hearing. 65085

Sec. 4703.44. The administrative procedures of the Ohio 65086
landscape architects board shall be governed by Chapter 119. of 65087
the Revised Code, and the board's authorized representatives may 65088
administer oaths, take depositions, and issue subpoenas to compel 65089
the attendance of witnesses and the production of books, papers, 65090
records, memoranda, or other information necessary to the carrying 65091
out of sections 4703.30 to 4703.52 of the Revised Code. 65092

If a person fails to request a hearing within thirty days 65093
after the date the board, in accordance with ~~section~~ sections 65094
119.05 and 119.07 of the Revised Code, notifies the person of the 65095
board's intent to act against the person under section 4703.41 of 65096
the Revised Code, the board, by a majority vote of a quorum of the 65097
board members, may take the action against a person without 65098
holding an adjudication hearing. 65099

Sec. 4707.101. (A) A licensed auctioneer shall complete eight 65100
hours of continuing education in accordance with this section 65101
prior to renewal of the license under section 4707.10 of the 65102
Revised Code. The auction firm manager of a licensed auction firm 65103
shall complete eight hours of continuing education in accordance 65104
with this section prior to the renewal of the auction firm license 65105
under section 4707.10 of the Revised Code. 65106

(B)(1) Except as provided in division (B)(2) of this section, 65107
a licensed auctioneer and an auction firm manager shall complete 65108
the eight hours of continuing education as follows: 65109

(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.

(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.

(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:

(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;

(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.

(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:

(1) The area of instruction has been approved by the appropriate state governing body in the other state.

(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state.

(D) The continuing education requirements established under this section do not apply to a licensed auctioneer to which both of the following apply:

(1) The licensed auctioneer was licensed as an apprentice

auctioneer under section 4707.09 of the Revised Code, as it 65140
existed prior to its repeal by H.B. 321 of the 134th general 65141
assembly on September 13, 2022. 65142

(2) The licensed auctioneer completed that apprenticeship 65143
prior to that date. 65144

Sec. 4713.64. (A) The state cosmetology and barber board may 65145
take disciplinary action under this chapter for any of the 65146
following: 65147

(1) Failure to comply with the safety, sanitation, and 65148
licensing requirements of this chapter or rules adopted under it; 65149

(2) Continued practice by an individual knowingly having an 65150
infectious or contagious disease; 65151

(3) Habitual drunkenness or addiction to any habit-forming 65152
drug; 65153

(4) Willful false and fraudulent or deceptive advertising; 65154

(5) Falsification of any record or application required to be 65155
filed with the board; 65156

(6) Failure to pay a fine or abide by a suspension order 65157
issued by the board; 65158

(7) Failure to cooperate with an investigation or inspection; 65159

(8) Failure to respond to a subpoena; 65160

(9) Conviction of or plea of guilty to a violation of section 65161
2905.32 of the Revised Code; 65162

(10) In the case of a salon, any individual's conviction of 65163
or plea of guilty to a violation of section 2905.32 of the Revised 65164
Code for an activity that took place on the premises of the salon. 65165

(B) On determining that there is cause for disciplinary 65166
action, the board may do one or more of the following: 65167

(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter; 65168
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(2) Impose a fine; 65170

(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses. 65171
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(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code. 65173
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(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code. 65176
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(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code. 65183
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(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code. 65192
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(E)(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not 65195
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previously been fined for that offense. Any fines issued for 65199
additional violations during such an inspection shall not be more 65200
than one hundred dollars for each additional violation. The fine 65201
shall be not more than five hundred dollars if the violator has 65202
been fined for the same offense once before. Any fines issued for 65203
additional violations during a second inspection shall not be more 65204
than two hundred dollars for each additional violation. The fine 65205
shall be not more than one thousand dollars if the violator has 65206
been fined for the same offense two or more times before. Any 65207
fines issued for additional violations during a third inspection 65208
shall not be more than three hundred dollars for each additional 65209
violation. 65210

(2) The board shall issue an order notifying a violator of a 65211
fine imposed under division (E)(1) of this section. The notice 65212
shall specify the date by which the fine is to be paid. The date 65213
shall be less than forty-five days after the board issues the 65214
order. 65215

(3) At the request of a violator who is temporarily unable to 65216
pay a fine, or upon its own motion, the board may extend the time 65217
period within which the violator shall pay the fine up to ninety 65218
days after the date the board issues the order. 65219

(4) If a violator fails to pay a fine by the date specified 65220
in the board's order and does not request an extension within ten 65221
days after the date the board issues the order, or if the violator 65222
fails to pay the fine within the extended time period as described 65223
in division (E)(3) of this section, the board shall add to the 65224
fine an additional penalty equal to ten per cent of the fine. 65225

(5) If a violator fails to pay a fine within ninety days 65226
after the board issues the order, the board shall add to the fine 65227
interest at a rate specified by the board in rules adopted under 65228
section 4713.08 of the Revised Code. 65229

(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit

holder, or registrant fails to correct an unsafe condition that 65262
exists in violation of the board's rules or fails to cooperate in 65263
an inspection. If a violation of this chapter or rules adopted 65264
under it has resulted in a condition reasonably believed by an 65265
inspector to create an immediate danger to the health and safety 65266
of any individual using the facility, the inspector may suspend 65267
the license or permit of the facility or the individual 65268
responsible for the violation without a prior hearing until the 65269
condition is corrected or until a hearing in accordance with 65270
Chapter 119. of the Revised Code is held or a consent agreement is 65271
entered into and the board either upholds the suspension or 65272
reinstates the license, permit, or registration. 65273

(I) The board shall not take disciplinary action against an 65274
individual licensed to operate a salon or school of cosmetology 65275
for a violation of this chapter that was committed by an 65276
individual licensed to practice a branch of cosmetology, while 65277
practicing within the salon or school, when the individual's 65278
actions were beyond the control of the salon owner or school. 65279

~~(J) In addition to the methods of notification required under 65280
section 119.07 of the Revised Code, the board may send the notices 65281
required under divisions (C)(2), (E)(2), and (G) of this section 65282
by any delivery method that is traceable and requires that the 65283
delivery person obtain a signature to verify that the notice has 65284
been delivered. The board also may send the notices by electronic 65285
mail, provided that the electronic mail delivery system certifies 65286
that a notice has been received. 65287~~

Sec. 4715.036. (A) As used in this section: 65288

(1) "Personal identifying information" has the same meaning 65289
as in section 2913.49 of the Revised Code. 65290

(2) "Confidential law enforcement investigatory record" has 65291
the same meaning as in section 149.43 of the Revised Code, except 65292

that it excludes information provided by an information source or 65293
witness to whom confidentiality has been reasonably promised, 65294
which information would reasonably tend to disclose the source's 65295
or witness's identity. 65296

(B) If the state dental board notifies an applicant, license 65297
holder, or other individual of an opportunity for a hearing 65298
pursuant to ~~section~~ sections 119.05 and 119.07 of the Revised 65299
Code, the board shall state in the notice that the individual is 65300
entitled to receive at least sixty days before the hearing, on the 65301
individual's request and as described in division (C) of this 65302
section, one copy of each item the board procures or creates in 65303
the course of its investigation on the individual. Such items may 65304
include, but are not limited to, the one or more complaints filed 65305
with the board; correspondence, reports, and statements; 65306
deposition transcripts; and patient dental records. 65307

(C) On receipt of a request for copies of investigative items 65308
from an individual who is notified under division (B) of this 65309
section of an opportunity for a hearing, the board shall provide 65310
the copies to the individual in accordance with, and subject to, 65311
all of the following: 65312

(1) The board shall provide the copies in a timely manner. 65313

(2) The board may charge a fee for providing the copies, but 65314
the amount of the fee shall be set at a reasonable cost to the 65315
individual. 65316

(3) Before providing the copies, the board shall determine 65317
whether the investigative items contain any personal identifying 65318
information regarding a complainant. If the board determines that 65319
the investigative items contain such personal identifying 65320
information, or any other information that would reveal the 65321
complainant's identity, the board shall redact the information 65322
from the copies it provides to the individual. 65323

(4) The board shall not provide either of the following: 65324

(a) Any information that is subject to the attorney-client 65325
privilege or work product doctrine, or that would reveal the 65326
investigatory processes or methods of investigation used by the 65327
board; 65328

(b) Any information that would constitute a confidential law 65329
enforcement investigatory record. 65330

(D) If a request for copies of investigative items is made 65331
pursuant to this section, the board in its scheduling of a hearing 65332
for the individual shall, notwithstanding section 119.07 of the 65333
Revised Code, schedule the hearing for a date that is at least 65334
sixty-one days after the board provides the individual with the 65335
copies of the items. 65336

(E)(1) After the board notifies an individual of an 65337
opportunity for a hearing, the individual may ask the board to 65338
issue either or both of the following: 65339

(a) A subpoena to compel the attendance and testimony of any 65340
witness at the hearing; 65341

(b) A subpoena for the production of books, records, papers, 65342
or other tangible items. 65343

(2) On receipt of an individual's request under division 65344
(E)(1) of this section, the board shall issue the subpoena. 65345

In the case of a subpoena for the production of books, 65346
records, papers, or other tangible items, the person or government 65347
entity subject to the subpoena shall comply with the subpoena at 65348
least thirty days prior to the date the individual's hearing is 65349
scheduled to be held. 65350

Sec. 4715.30. (A) Except as provided in division (K) of this 65351
section, an applicant for or holder of a certificate or license 65352
issued under this chapter is subject to disciplinary action by the 65353

state dental board for any of the following reasons: 65354

(1) Employing or cooperating in fraud or material deception 65355
in applying for or obtaining a license or certificate; 65356

(2) Obtaining or attempting to obtain money or anything of 65357
value by intentional misrepresentation or material deception in 65358
the course of practice; 65359

(3) Advertising services in a false or misleading manner or 65360
violating the board's rules governing time, place, and manner of 65361
advertising; 65362

(4) Commission of an act that constitutes a felony in this 65363
state, regardless of the jurisdiction in which the act was 65364
committed; 65365

(5) Commission of an act in the course of practice that 65366
constitutes a misdemeanor in this state, regardless of the 65367
jurisdiction in which the act was committed; 65368

(6) Conviction of, a plea of guilty to, a judicial finding of 65369
guilt of, a judicial finding of guilt resulting from a plea of no 65370
contest to, or a judicial finding of eligibility for intervention 65371
in lieu of conviction for, any felony or of a misdemeanor 65372
committed in the course of practice; 65373

(7) Engaging in lewd or immoral conduct in connection with 65374
the provision of dental services; 65375

(8) Selling, prescribing, giving away, or administering drugs 65376
for other than legal and legitimate therapeutic purposes, or 65377
conviction of, a plea of guilty to, a judicial finding of guilt 65378
of, a judicial finding of guilt resulting from a plea of no 65379
contest to, or a judicial finding of eligibility for intervention 65380
in lieu of conviction for, a violation of any federal or state law 65381
regulating the possession, distribution, or use of any drug; 65382

(9) Providing or allowing dental hygienists, expanded 65383

function dental auxiliaries, or other practitioners of auxiliary 65384
dental occupations working under the certificate or license 65385
holder's supervision, or a dentist holding a temporary limited 65386
continuing education license under division (C) of section 4715.16 65387
of the Revised Code working under the certificate or license 65388
holder's direct supervision, to provide dental care that departs 65389
from or fails to conform to accepted standards for the profession, 65390
whether or not injury to a patient results; 65391

(10) Inability to practice under accepted standards of the 65392
profession because of physical or mental disability, dependence on 65393
alcohol or other drugs, or excessive use of alcohol or other 65394
drugs; 65395

(11) Violation of any provision of this chapter or any rule 65396
adopted thereunder; 65397

(12) Failure to use universal blood and body fluid 65398
precautions established by rules adopted under section 4715.03 of 65399
the Revised Code; 65400

(13) Except as provided in division (H) of this section, 65401
either of the following: 65402

(a) Waiving the payment of all or any part of a deductible or 65403
copayment that a patient, pursuant to a health insurance or health 65404
care policy, contract, or plan that covers dental services, would 65405
otherwise be required to pay if the waiver is used as an 65406
enticement to a patient or group of patients to receive health 65407
care services from that certificate or license holder; 65408

(b) Advertising that the certificate or license holder will 65409
waive the payment of all or any part of a deductible or copayment 65410
that a patient, pursuant to a health insurance or health care 65411
policy, contract, or plan that covers dental services, would 65412
otherwise be required to pay. 65413

(14) Failure to comply with section 4715.302 or 4729.79 of 65414

the Revised Code, unless the state board of pharmacy no longer 65415
maintains a drug database pursuant to section 4729.75 of the 65416
Revised Code; 65417

(15) Any of the following actions taken by an agency 65418
responsible for authorizing, certifying, or regulating an 65419
individual to practice a health care occupation or provide health 65420
care services in this state or another jurisdiction, for any 65421
reason other than the nonpayment of fees: the limitation, 65422
revocation, or suspension of an individual's license to practice; 65423
acceptance of an individual's license surrender; denial of a 65424
license; refusal to renew or reinstate a license; imposition of 65425
probation; or issuance of an order of censure or other reprimand; 65426

(16) Failure to cooperate in an investigation conducted by 65427
the board under division (D) of section 4715.03 of the Revised 65428
Code, including failure to comply with a subpoena or order issued 65429
by the board or failure to answer truthfully a question presented 65430
by the board at a deposition or in written interrogatories, except 65431
that failure to cooperate with an investigation shall not 65432
constitute grounds for discipline under this section if a court of 65433
competent jurisdiction has issued an order that either quashes a 65434
subpoena or permits the individual to withhold the testimony or 65435
evidence in issue; 65436

(17) Failure to comply with the requirements in section 65437
3719.061 of the Revised Code before issuing for a minor a 65438
prescription for an opioid analgesic, as defined in section 65439
3719.01 of the Revised Code; 65440

(18) Failure to comply with the requirements of sections 65441
4715.71 and 4715.72 of the Revised Code regarding the operation of 65442
a mobile dental facility. 65443

(B) A manager, proprietor, operator, or conductor of a dental 65444
facility shall be subject to disciplinary action if any dentist, 65445

dental hygienist, expanded function dental auxiliary, or qualified 65446
personnel providing services in the facility is found to have 65447
committed a violation listed in division (A) of this section and 65448
the manager, proprietor, operator, or conductor knew of the 65449
violation and permitted it to occur on a recurring basis. 65450

(C) Subject to Chapter 119. of the Revised Code, the board 65451
may take one or more of the following disciplinary actions if one 65452
or more of the grounds for discipline listed in divisions (A) and 65453
(B) of this section exist: 65454

(1) Censure the license or certificate holder; 65455

(2) Place the license or certificate on probationary status 65456
for such period of time the board determines necessary and require 65457
the holder to: 65458

(a) Report regularly to the board upon the matters which are 65459
the basis of probation; 65460

(b) Limit practice to those areas specified by the board; 65461

(c) Continue or renew professional education until a 65462
satisfactory degree of knowledge or clinical competency has been 65463
attained in specified areas. 65464

(3) Suspend the certificate or license; 65465

(4) Revoke the certificate or license. 65466

Where the board places a holder of a license or certificate 65467
on probationary status pursuant to division (C)(2) of this 65468
section, the board may subsequently suspend or revoke the license 65469
or certificate if it determines that the holder has not met the 65470
requirements of the probation or continues to engage in activities 65471
that constitute grounds for discipline pursuant to division (A) or 65472
(B) of this section. 65473

Any order suspending a license or certificate shall state the 65474
conditions under which the license or certificate will be 65475

restored, which may include a conditional restoration during which 65476
time the holder is in a probationary status pursuant to division 65477
(C)(2) of this section. The board shall restore the license or 65478
certificate unconditionally when such conditions are met. 65479

(D) If the physical or mental condition of an applicant or a 65480
license or certificate holder is at issue in a disciplinary 65481
proceeding, the board may order the license or certificate holder 65482
to submit to reasonable examinations by an individual designated 65483
or approved by the board and at the board's expense. The physical 65484
examination may be conducted by any individual authorized by the 65485
Revised Code to do so, including a physician assistant, a clinical 65486
nurse specialist, a certified nurse practitioner, or a certified 65487
nurse-midwife. Any written documentation of the physical 65488
examination shall be completed by the individual who conducted the 65489
examination. 65490

Failure to comply with an order for an examination shall be 65491
grounds for refusal of a license or certificate or summary 65492
suspension of a license or certificate under division (E) of this 65493
section. 65494

(E) If a license or certificate holder has failed to comply 65495
with an order under division (D) of this section, the board may 65496
apply to the court of common pleas of the county in which the 65497
holder resides for an order temporarily suspending the holder's 65498
license or certificate, without a prior hearing being afforded by 65499
the board, until the board conducts an adjudication hearing 65500
pursuant to Chapter 119. of the Revised Code. If the court 65501
temporarily suspends a holder's license or certificate, the board 65502
shall give written notice of the suspension personally or by 65503
certified mail to the license or certificate holder. Such notice 65504
shall inform the license or certificate holder of the right to a 65505
hearing pursuant to Chapter 119. of the Revised Code. 65506

(F) Any holder of a certificate or license issued under this 65507

chapter who has pleaded guilty to, has been convicted of, or has 65508
had a judicial finding of eligibility for intervention in lieu of 65509
conviction entered against the holder in this state for aggravated 65510
murder, murder, voluntary manslaughter, felonious assault, 65511
kidnapping, rape, sexual battery, gross sexual imposition, 65512
aggravated arson, aggravated robbery, or aggravated burglary, or 65513
who has pleaded guilty to, has been convicted of, or has had a 65514
judicial finding of eligibility for treatment or intervention in 65515
lieu of conviction entered against the holder in another 65516
jurisdiction for any substantially equivalent criminal offense, is 65517
automatically suspended from practice under this chapter in this 65518
state and any certificate or license issued to the holder under 65519
this chapter is automatically suspended, as of the date of the 65520
guilty plea, conviction, or judicial finding, whether the 65521
proceedings are brought in this state or another jurisdiction. 65522
Continued practice by an individual after the suspension of the 65523
individual's certificate or license under this division shall be 65524
considered practicing without a certificate or license. The board 65525
shall notify the suspended individual of the suspension of the 65526
individual's certificate or license under this division ~~by~~ 65527
~~certified mail or in person~~ in accordance with ~~section~~ sections 65528
119.05 and 119.07 of the Revised Code. If an individual whose 65529
certificate or license is suspended under this division fails to 65530
make a timely request for an adjudicatory hearing, the board shall 65531
enter a final order revoking the individual's certificate or 65532
license. 65533

(G) If the supervisory investigative panel determines both of 65534
the following, the panel may recommend that the board suspend an 65535
individual's certificate or license without a prior hearing: 65536

(1) That there is clear and convincing evidence that an 65537
individual has violated division (A) of this section; 65538

(2) That the individual's continued practice presents a 65539

danger of immediate and serious harm to the public. 65540

Written allegations shall be prepared for consideration by 65541
the board. The board, upon review of those allegations and by an 65542
affirmative vote of not fewer than four dentist members of the 65543
board and seven of its members in total, excluding any member on 65544
the supervisory investigative panel, may suspend a certificate or 65545
license without a prior hearing. A telephone conference call may 65546
be utilized for reviewing the allegations and taking the vote on 65547
the summary suspension. 65548

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 65549
~~certified mail or in person~~ in accordance with ~~section~~ sections 65550
119.05 and 119.07 of the Revised Code. The order shall not be 65551
subject to suspension by the court during pendency or any appeal 65552
filed under section 119.12 of the Revised Code. If the individual 65553
subject to the summary suspension requests an adjudicatory hearing 65554
by the board, the date set for the hearing shall be within fifteen 65555
days, but not earlier than seven days, after the individual 65556
requests the hearing, unless otherwise agreed to by both the board 65557
and the individual. 65558

Any summary suspension imposed under this division shall 65559
remain in effect, unless reversed on appeal, until a final 65560
adjudicative order issued by the board pursuant to this section 65561
and Chapter 119. of the Revised Code becomes effective. The board 65562
shall issue its final adjudicative order within seventy-five days 65563
after completion of its hearing. A failure to issue the order 65564
within seventy-five days shall result in dissolution of the 65565
summary suspension order but shall not invalidate any subsequent, 65566
final adjudicative order. 65567

(H) Sanctions shall not be imposed under division (A)(13) of 65568
this section against any certificate or license holder who waives 65569
deductibles and copayments as follows: 65570

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person who holds a certificate or license issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

(I) In no event shall the board consider or raise during a hearing required by Chapter 119. of the Revised Code the circumstances of, or the fact that the board has received, one or more complaints about a person unless the one or more complaints are the subject of the hearing or resulted in the board taking an action authorized by this section against the person on a prior occasion.

(J) The board may share any information it receives pursuant to an investigation under division (D) of section 4715.03 of the Revised Code, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or

complainants whose confidentiality was protected by the state 65603
dental board when the information was in the board's possession. 65604
Measures to ensure confidentiality that may be taken by the court 65605
include sealing its records or deleting specific information from 65606
its records. 65607

(K) The board shall not refuse to issue a license or 65608
certificate to an applicant for either of the following reasons 65609
unless the refusal is in accordance with section 9.79 of the 65610
Revised Code: 65611

(1) A conviction or plea of guilty to an offense; 65612

(2) A judicial finding of eligibility for treatment or 65613
intervention in lieu of a conviction. 65614

Sec. 4717.04. (A) The board of embalmers and funeral 65615
directors shall adopt rules in accordance with Chapter 119. of the 65616
Revised Code for the government, transaction of the business, and 65617
the management of the affairs of the board of embalmers and 65618
funeral directors and the crematory review board, and for the 65619
administration and enforcement of this chapter. These rules shall 65620
include all of the following: 65621

(1) The nature, scope, content, and form of the application 65622
that must be completed and license examination that must be passed 65623
in order to receive an embalmer's license or a funeral director's 65624
license under section 4717.05 of the Revised Code. The rules shall 65625
ensure both of the following: 65626

(a) That the embalmer's license examination tests the 65627
applicant's knowledge through at least a comprehensive section and 65628
an Ohio laws section; 65629

(b) That the funeral director's license examination tests the 65630
applicant's knowledge through at least a comprehensive section, an 65631
Ohio laws section, and a sanitation section. 65632

- (2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director; 65633
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65635
- (3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination; 65636
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- (4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter; 65640
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- (5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter; 65644
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- (6) Continuing education requirements for licensed embalmers and funeral directors; 65649
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- (7) Requirements for the licensing and operation of funeral homes; 65651
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- (8) Requirements for the licensing and operation of embalming facilities; 65653
65654
- (9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter: 65655
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65658
- (a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license; 65659
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- (b) Purposely violating any provision of sections 4717.01 to 65662

4717.15 of the Revised Code or a rule adopted under any of those 65663
sections; division (A) or (B) of section 4717.23; division (B)(1) 65664
or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions 65665
(H) to (K) of section 4717.26; division (D)(1) of section 4717.27; 65666
or divisions (A) to (C) of section 4717.28 of the Revised Code; 65667

(c) Committing unprofessional conduct; 65668

(d) Knowingly permitting an unlicensed person, other than a 65669
person serving an apprenticeship, to engage in the profession or 65670
business of embalming or funeral directing under the licensee's 65671
supervision; 65672

(e) Refusing to promptly submit the custody of a dead human 65673
body or cremated remains upon the express order of the person 65674
legally entitled to the body; 65675

(f) Transferring a license to operate a funeral home, 65676
embalming facility, or crematory facility from one owner or 65677
operator to another, or from one location to another, without 65678
notifying the board and following the requirements of section 65679
4717.11 of the Revised Code; 65680

(g) Misleading the public using false or deceptive 65681
advertising; 65682

(h) Failing to forward to the board on or before its due date 65683
the annual report of preneed funeral sales required by division 65684
(J) of section 4717.31 of the Revised Code. If the annual report 65685
is sent to the board by United States mail, it shall be postmarked 65686
on or before the due date for the submission of the annual report 65687
in order to be timely filed with the board. Mail that is not 65688
postmarked shall be considered filed on the date it is received by 65689
the board. 65690

Each instance of the commission of any of the types of 65691
conduct described in division (A)(9) of this section is a separate 65692
violation. The rules adopted under division (A)(9) of this section 65693

shall establish the amount of the forfeiture for a violation of 65694
each of those divisions. The forfeiture for a first violation 65695
shall not exceed five thousand dollars, and the forfeiture for a 65696
second or subsequent violation shall not exceed ten thousand 65697
dollars. The amount of the forfeiture may differ among the types 65698
of violations according to what the board considers the 65699
seriousness of each violation. 65700

(10) Requirements for the licensing and operation of 65701
crematory facilities; 65702

(11) Procedures for the board to take possession of and to 65703
arrange the lawful disposition of unclaimed cremated remains that 65704
were held or stored at a funeral home or crematory that has been 65705
closed; 65706

(12) Procedures for the issuance of duplicate licenses; 65707

(13) Requirements for criminal records checks of applicants 65708
under section 4776.03 of the Revised Code; 65709

(14) The amount and content of corrective action courses 65710
required by the board under section 4717.14 of the Revised Code. 65711

(B) The board may adopt rules governing the educational 65712
standards for licensure as an embalmer or funeral director, or 65713
obtaining a permit to be a crematory operator, and the standards 65714
of service and practice to be followed in embalming, funeral 65715
directing, and cremation, and in the operation of funeral homes, 65716
embalming facilities, and crematory facilities in this state. 65717

(C) Nothing in this chapter authorizes the board of embalmers 65718
and funeral directors to regulate cemeteries, except that the 65719
board shall license and regulate funeral homes, embalming 65720
facilities, and crematory facilities located at cemeteries in 65721
accordance with this chapter. 65722

(D) If the executive director of the board has knowledge or 65723

notice of a violation of division (A)(1), (3), (5), or (6) of 65724
section 4717.13 of the Revised Code or that a person is engaging 65725
in the business or profession of funeral directing in violation of 65726
division (A)(14) of that section, the executive director shall 65727
~~investigate the matter, and, upon probable cause appearing, cause~~ 65728
~~an attorney employed by or contracting with the board to file a~~ 65729
~~complaint and prosecute the offender. When requested by the~~ 65730
~~executive director, the prosecuting attorney of the proper county~~ 65731
~~or the attorney general shall take charge of and conduct such~~ 65732
prosecution notify the appropriate law enforcement authority for 65733
investigation. 65734

Sec. 4717.14. (A) The board of embalmers and funeral 65735
directors may, except as provided in division (G) of this section, 65736
refuse to grant or renew, or may suspend or revoke, any license or 65737
permit issued under this chapter or may require the holder of a 65738
license or permit to take corrective action courses for any of the 65739
following reasons: 65740

(1) The holder of a license or permit obtained the license or 65741
permit by fraud or misrepresentation either in the application or 65742
in passing the examination. 65743

(2) The licensee or permit holder has been convicted of or 65744
has pleaded guilty to a felony or of any crime involving moral 65745
turpitude. 65746

(3) The applicant, licensee, or permit holder has recklessly 65747
violated any provision of sections 4717.01 to 4717.15 or a rule 65748
adopted under any of those sections; division (A) or (B) of 65749
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 65750
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 65751
division (D)(1) of section 4717.27; or divisions (A) to (C) of 65752
section 4717.28 of the Revised Code; or any provisions of sections 65753
4717.31 to 4717.38 of the Revised Code; any rule or order of the 65754

department of health or a board of health of a health district 65755
governing the disposition of dead human bodies; or any other rule 65756
or order applicable to the applicant or licensee. 65757

(4) The licensee or permit holder has committed immoral or 65758
unprofessional conduct. 65759

(5) The applicant or licensee knowingly permitted an 65760
unlicensed person, other than a person serving an apprenticeship, 65761
to engage in the profession or business of embalming or funeral 65762
directing under the applicant's or licensee's supervision. 65763

(6) The applicant, licensee, or permit holder has been 65764
habitually intoxicated, or is addicted to the use of morphine, 65765
cocaine, or other habit-forming or illegal drugs. 65766

(7) The applicant, licensee, or permit holder has refused to 65767
promptly submit the custody of a dead human body or cremated 65768
remains upon the express order of the person legally entitled to 65769
the body or cremated remains. 65770

(8) The licensee or permit holder loaned the licensee's own 65771
license or the permit holder's own permit, or the applicant, 65772
licensee, or permit holder borrowed or used the license or permit 65773
of another person, or knowingly aided or abetted the granting of 65774
an improper license or permit. 65775

(9) The applicant, licensee, or permit holder misled the 65776
public by using false or deceptive advertising. As used in this 65777
division, "false and deceptive advertising" includes, but is not 65778
limited to, any of the following: 65779

(a) Using the names of persons who are not licensed to 65780
practice funeral directing in a way that leads the public to 65781
believe that such persons are engaging in funeral directing; 65782

(b) Using any name for the funeral home other than the name 65783
under which the funeral home is licensed; 65784

(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the holder of a license or permit issued under this chapter and that the licensee's or permit holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license or permit holder's permit without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board.

The board, after reviewing the written allegations, may suspend a license or permit without a prior hearing.

Notwithstanding section 121.22 of the Revised Code, the board 65816
may suspend a license or permit under this division by utilizing a 65817
telephone conference call to review the allegations and to take a 65818
vote. 65819

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 65820
~~a delivery system or in person~~ in accordance with ~~section~~ sections 65821
119.05 and 119.07 of the Revised Code. Such an order is not 65822
subject to suspension by the court during the pendency of any 65823
appeal filed under section 119.12 of the Revised Code. If the 65824
licensee or permit holder requests an adjudicatory hearing by the 65825
board, the date set for the hearing shall be within fifteen days, 65826
but not earlier than seven days, after the licensee or permit 65827
holder has requested a hearing, unless the board and the licensee 65828
or permit holder agree to a different time for holding the 65829
hearing. 65830

Upon issuing a written order of suspension to the holder of a 65831
license to operate a crematory facility, the board of embalmers 65832
and funeral directors shall send written notice of the issuance of 65833
the order to the crematory review board. The crematory review 65834
board shall hold an adjudicatory hearing on the order under 65835
division (F) of section 4717.03 of the Revised Code within fifteen 65836
days, but not earlier than seven days, after the issuance of the 65837
order, unless the crematory review board and the licensee agree to 65838
a different time for holding the adjudicatory hearing. 65839

Any summary suspension imposed under this division shall 65840
remain in effect, unless reversed on appeal, until a final 65841
adjudicatory order issued by the board of embalmers and funeral 65842
directors pursuant to this division and Chapter 119. of the 65843
Revised Code, or division (F) of section 4717.03 of the Revised 65844
Code, as applicable, becomes effective. The board of embalmers and 65845
funeral directors shall issue its final adjudicatory order within 65846
sixty days after the completion of its hearing or, in the case of 65847

the summary suspension of a license to operate a crematory 65848
facility, within sixty days after completion of the adjudicatory 65849
hearing by the crematory review board. A failure to issue the 65850
order within that time results in the dissolution of the summary 65851
suspension order, but does not invalidate any subsequent final 65852
adjudicatory order. 65853

(D) If the board of embalmers and funeral directors suspends 65854
or revokes a funeral director's license or a license to operate a 65855
funeral home for any reason identified in division (A) of this 65856
section, the board may file a complaint with the court of common 65857
pleas in the county where the violation occurred requesting 65858
appointment of a receiver and the sequestration of the assets of 65859
the funeral home that held the suspended or revoked license or the 65860
licensed funeral home that employs the funeral director that held 65861
the suspended or revoked license. If the court of common pleas is 65862
satisfied with the application for a receivership, the court may 65863
appoint a receiver. 65864

The board or a receiver may employ and procure whatever 65865
assistance or advice is necessary in the receivership or 65866
liquidation and distribution of the assets of the funeral home, 65867
and, for that purpose, may retain officers or employees of the 65868
funeral home as needed. All expenses of the receivership or 65869
liquidation shall be paid from the assets of the funeral home and 65870
shall be a lien on those assets, and that lien shall be a priority 65871
to any other lien. 65872

(E) Any holder of a license or permit issued under this 65873
chapter who has pleaded guilty to, has been found by a judge or 65874
jury to be guilty of, or has had a judicial finding of eligibility 65875
for treatment in lieu of conviction entered against the individual 65876
in this state for aggravated murder, murder, voluntary 65877
manslaughter, felonious assault, kidnapping, rape, sexual battery, 65878
gross sexual imposition, aggravated arson, aggravated robbery, or 65879

aggravated burglary, or who has pleaded guilty to, has been found 65880
by a judge or jury to be guilty of, or has had a judicial finding 65881
of eligibility for treatment in lieu of conviction entered against 65882
the individual in another jurisdiction for any substantially 65883
equivalent criminal offense, is hereby suspended from practice 65884
under this chapter by operation of law, and any license or permit 65885
issued to the individual under this chapter is hereby suspended by 65886
operation of law as of the date of the guilty plea, verdict or 65887
finding of guilt, or judicial finding of eligibility for treatment 65888
in lieu of conviction, regardless of whether the proceedings are 65889
brought in this state or another jurisdiction. The board shall 65890
notify the suspended individual of the suspension of the 65891
individual's license or permit by the operation of ~~this division~~ 65892
~~by a delivery system or in person~~ law in accordance with ~~section~~ 65893
sections 119.05 and 119.07 of the Revised Code. If an individual 65894
whose license or permit is suspended under this division fails to 65895
make a timely request for an adjudicatory hearing, the board shall 65896
enter a final order revoking the license. 65897

(F) No person whose license or permit has been suspended or 65898
revoked under or by the operation of this section shall knowingly 65899
practice embalming, funeral directing, or cremation, or operate a 65900
funeral home, embalming facility, or crematory facility until the 65901
board has reinstated the person's license or permit. 65902

(G) The board shall not refuse to issue a license or permit 65903
to an applicant because of a conviction of or plea of guilty to a 65904
criminal offense unless the refusal is in accordance with section 65905
9.79 of the Revised Code. 65906

Sec. 4717.26. (A) The crematory facility may schedule the 65907
time for the cremation of a dead human body to occur at the 65908
crematory facility's own convenience at any time after the 65909
conditions set forth in division (A) or (B) of section 4717.23 of 65910

the Revised Code, as applicable, have been met and the decedent or body parts have been delivered to the facility, unless, in the case of a dead human body, the crematory facility has received specific instructions to the contrary on the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code. The crematory facility becomes responsible for a dead human body or body parts when the body or body parts have been delivered to or accepted by the facility or an employee or agent of the facility.

(B) No crematory operator or crematory facility shall fail to do either of the following:

(1) Upon receipt at the crematory facility of any dead human body that has not been embalmed, and subject to the prohibition set forth in division (C)(1) of this section, place the body in a holding or refrigerated facility at the crematory facility and keep the body in the holding or refrigerated facility until near the time the cremation process commences or until the body is held at the facility for eight hours or longer. If the body is held for eight hours or longer, place the body in a refrigerated facility at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative 65942
container in which the body was delivered to or accepted by the 65943
crematory facility; 65944

(2) Fail to cremate the casket or alternative container in 65945
which the body was delivered or accepted, in its entirety with the 65946
body. 65947

(D) No crematory facility shall simultaneously cremate more 65948
than one decedent or body parts removed from more than one 65949
decedent or living person in the same cremation chamber unless the 65950
cremation authorization forms executed under section 4717.21, 65951
4717.24, or 4717.25 of the Revised Code authorizing the cremation 65952
of each of the decedents or body parts removed from each decedent 65953
or living person specifically authorize such a simultaneous 65954
cremation. This division does not prohibit the use of cremation 65955
equipment that contains more than one cremation chamber. 65956

(E) No crematory facility shall permit any persons other than 65957
employees of the crematory facility, the authorizing agent for the 65958
cremation of the decedent who is to be, is being, or was cremated, 65959
persons designated to be present at the cremation of the decedent 65960
on the cremation authorization form executed under section 4717.21 65961
or 4717.24 of the Revised Code, and persons authorized by the 65962
individual who is actually in charge of the crematory facility, to 65963
be present in the holding facility or cremation room while any 65964
dead human bodies or body parts are being held there prior to 65965
cremation or are being cremated or while any cremated remains are 65966
being removed from the cremation chamber. 65967

(F)(1) No crematory facility shall remove any dental gold, 65968
body parts, organs, or other items of value from a dead human body 65969
prior to the cremation or from the cremated remains after 65970
cremation unless the cremation authorization form authorizing the 65971
cremation of the decedent executed under section 4717.21 or 65972
4717.24 of the Revised Code specifically authorizes the removal 65973

thereof. 65974

(2) No crematory facility that removes any dental gold, body 65975
parts, organs, or other items from a dead human body or assists in 65976
such removal shall charge a fee for doing so that exceeds the 65977
actual cost to the crematory facility for performing or assisting 65978
in the removal. 65979

(G) Upon the completion of each cremation, the crematory 65980
facility shall remove from the cremation chamber all of the 65981
cremation residue that is practicably recoverable. If the 65982
cremation authorization form executed under section 4717.21, 65983
4717.24, or 4717.25 of the Revised Code specifies that the 65984
cremated remains are to be placed in an urn, the crematory 65985
facility shall place them in the type of urn specified on the 65986
authorization form. If the authorization form does not specify 65987
that the cremated remains are to be placed in an urn, the 65988
crematory facility shall place them in a temporary container. If 65989
not all of the recovered cremated remains will fit in the urn 65990
selected or the temporary container, the crematory facility shall 65991
place the remainder in a separate temporary container, and the 65992
cremated remains placed in the separate temporary container shall 65993
be delivered, released, or disposed of along with those in the urn 65994
or other temporary container. Nothing in this section requires a 65995
crematory facility to recover any specified quantity or quality of 65996
cremated remains upon the completion of a cremation, but only 65997
requires a crematory facility to recover from the cremation 65998
chamber all of the cremation residue that is practicably 65999
recoverable. 66000

(H) No crematory facility shall knowingly represent to an 66001
authorizing agent or a designee of an authorizing agent that an 66002
urn or temporary container contains the recovered cremated remains 66003
of a specific decedent or of body parts removed from a specific 66004
decedent or living person when it does not. This division does not 66005

prohibit the making of such a representation because of the 66006
presence in the recovered cremated remains of de minimus amounts 66007
of the cremated remains of another decedent or of body parts 66008
removed from another decedent or living person that were not 66009
practicably recoverable and that remained in the cremation chamber 66010
after the cremated remains from previous cremations were removed. 66011

(I) No crematory facility or funeral director shall ship or 66012
cause to be shipped any cremated remains by a class or method of 66013
mail, common carrier service, or delivery service that does not 66014
have an internal system for tracing the location of the cremated 66015
remains during shipment and that does not require a signed receipt 66016
from the person accepting delivery of the cremated remains. 66017

(J) No crematory facility shall fail to establish and 66018
maintain a system for accurately identifying each dead human body 66019
in the facility's possession, and for identifying each decedent or 66020
living person from which body parts in the facility's possession 66021
were removed, throughout all phases of the holding and cremation 66022
process. 66023

(K) No crematory facility shall knowingly use or allow the 66024
use of the same cremation chamber for the cremation of dead human 66025
bodies, or human body parts, and animals. 66026

Sec. 4723.281. (A) As used in this section, with regard to 66027
offenses committed in Ohio, "aggravated murder," "murder," 66028
"voluntary manslaughter," "felonious assault," "kidnapping," 66029
"rape," "sexual battery," "gross sexual imposition," "aggravated 66030
arson," "aggravated robbery," and "aggravated burglary" mean such 66031
offenses as defined in Title XXIX of the Revised Code; with regard 66032
to offenses committed in other jurisdictions, the terms mean 66033
offenses comparable to offenses defined in Title XXIX of the 66034
Revised Code. 66035

(B) When there is clear and convincing evidence that 66036

continued practice by an individual licensed under this chapter 66037
presents a danger of immediate and serious harm to the public, as 66038
determined on consideration of the evidence by the president and 66039
the executive director of the board of nursing, the president and 66040
director shall impose on the individual a summary suspension 66041
without a hearing. An individual serving as president or executive 66042
director in the absence of the president or executive director may 66043
take any action that this section requires or authorizes the 66044
president or executive director to take. 66045

Immediately following the decision to impose a summary 66046
suspension, the board shall ~~issue~~ serve a written order of 66047
suspension ~~and cause it to be delivered by certified mail or in~~ 66048
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 66049
the Revised Code. The order shall not be subject to suspension by 66050
the court during the pendency of any appeal filed under section 66051
119.12 of the Revised Code. If the individual subject to the 66052
suspension requests an adjudication, the date set for the 66053
adjudication shall be within fifteen days but not earlier than 66054
seven days after the individual makes the request, unless another 66055
date is agreed to by both the individual and the board. The 66056
summary suspension shall remain in effect, unless reversed by the 66057
board, until a final adjudication order issued by the board 66058
pursuant to this section and Chapter 119. of the Revised Code 66059
becomes effective. 66060

The board shall issue its final adjudication order within 66061
ninety days after completion of the adjudication. If the board 66062
does not issue a final order within the ninety-day period, the 66063
summary suspension shall be void, but any final adjudication order 66064
issued subsequent to the ninety-day period shall not be affected. 66065

(C) The license or certificate issued to an individual under 66066
this chapter is automatically suspended on that individual's 66067
conviction of, plea of guilty to, or judicial finding with regard 66068

to any of the following: aggravated murder, murder, voluntary
manslaughter, felonious assault, kidnapping, rape, sexual battery,
gross sexual imposition, aggravated arson, aggravated robbery, or
aggravated burglary. The suspension shall remain in effect from
the date of the conviction, plea, or finding until an adjudication
is held under Chapter 119. of the Revised Code. If the board has
knowledge that an automatic suspension has occurred, it shall
notify the individual subject to the suspension. If the individual
is notified and either fails to request an adjudication within the
time periods established by Chapter 119. of the Revised Code or
fails to participate in the adjudication, the board shall enter a
final order permanently revoking the person's license or
certificate.

Sec. 4723.89. (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who
provides continuous physical, emotional, and informational support
to a pregnant woman during any of the following periods,
regardless of whether the woman's pregnancy results in a live
birth:

(a) The antepartum period;

(b) The intrapartum period;

(c) The postpartum period.

(2) "Doula certification organization" means all of the
following organizations that are recognized, at an international,
national, state, or local level, for training and certifying
doulas:

(a) Birthing beautiful communities;

(b) Restoring our own through transformation;

(c) The international childbirth education association;

<u>(d) DONA international;</u>	66098
<u>(e) Birthworks international;</u>	66099
<u>(f) Childbirth and postpartum professional association;</u>	66100
<u>(g) Childbirth international;</u>	66101
<u>(h) Commonsense childbirth inc.;</u>	66102
<u>(i) Any other recognized organization that the board of nursing considers appropriate.</u>	66103 66104
<u>(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.</u>	66105 66106 66107 66108
<u>(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:</u>	66109 66110 66111 66112
<u>(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;</u>	66113 66114 66115 66116 66117
<u>(2) Requirements for renewal of a certificate and continuing education;</u>	66118 66119
<u>(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;</u>	66120 66121 66122
<u>(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding three hundred per cent of the federal poverty line;</u>	66123 66124 66125
<u>(5) Requirements and standards of practice for certified</u>	66126

doulas; 66127

(6) The amount of a fine to be imposed under division (E) of this section; 66128
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(7) Any other standards or procedures the board considers necessary to implement this section. 66130
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(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board. 66132
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(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid. 66136
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Sec. 4723.90. (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board. 66142
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(B)(1) The advisory board shall consist of at least thirteen but not more than fifteen members appointed by the board of nursing, including at least one representative from birthing beautiful communities and one representative from restoring our own through transformation. 66145
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The overall composition of the membership of the advisory board shall be as follows: 66150
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(a) At least three members shall represent communities most impacted by negative maternal and infant health outcomes. 66152
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(b) At least six members shall be doulas with current, valid certification from a doula certification organization. 66154
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(c) At least one member shall be a public health official, physician, nurse, or social worker. 66156
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(d) At least one member shall be a consumer. 66158

(2) Both of the following apply to the board of nursing in appointing members to the advisory board: 66159
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(a) A good faith effort shall be made to select members who represent counties with higher rates of infant and maternal mortality, particularly those counties with the largest disparities. 66161
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(b) Priority shall be given to individuals with direct service experience providing care to infants and pregnant and postpartum women. 66165
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(C) The advisory board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. The advisory board may replace a chairperson in the same manner. 66168
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(D) Of the initial appointments to the advisory board, half shall be appointed to a term of one year and half shall be appointed to a term of two years. Thereafter, all terms shall be two years. The board of nursing shall fill a vacancy as soon as practicable. 66171
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(E) If requested, a member shall receive per diem compensation for, as well as reimbursement of actual and necessary expenses incurred pursuant to, fulfilling the member's duties on the advisory board. 66176
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(F) The advisory board shall meet at the call of the advisory board's chairperson as often as the chairperson determines necessary for timely completion of the board's duties as described in this section. 66180
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(G) The board of nursing shall provide meeting space, staff services, and other technical assistance required by the advisory 66184
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board in carrying out its duties. 66186

(H) The advisory board shall do all of the following: 66187

(1) Provide general advice, guidance, and recommendations to 66188
the board of nursing regarding doula certification and the 66189
adoption of rules under divisions (C)(3) and (5) of section 66190
4723.89 of the Revised Code; 66191

(2) Provide general advice, guidance, and recommendations to 66192
the department of medicaid regarding the program operated under 66193
section 5164.071 of the Revised Code; 66194

(3) Make recommendations to the medicaid director regarding 66195
the adoption of rules for purposes of section 5164.071 of the 66196
Revised Code. 66197

Sec. 4725.24. If the secretary of the state vision 66198
professionals board and the board's supervising member of 66199
investigations determine that there is clear and convincing 66200
evidence that an optometrist has violated division (B) of section 66201
4725.19 of the Revised Code and that the optometrist's continued 66202
practice presents a danger of immediate and serious harm to the 66203
public, they may recommend that the board suspend without a prior 66204
hearing the optometrist's certificate of licensure. Written 66205
allegations shall be prepared for consideration by the full board. 66206

The board, upon review of those allegations and by an 66207
affirmative vote of three members other than the secretary and 66208
supervising member may order the suspension without a prior 66209
hearing. A telephone conference call may be utilized for reviewing 66210
the allegations and taking the vote on the summary suspension. 66211

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 66212
~~certified mail or in person~~ in accordance with ~~section~~ sections 66213
119.05 and 119.07 of the Revised Code. The order shall not be 66214
subject to suspension by the court during pendency of any appeal 66215

filed under section 119.12 of the Revised Code. If the individual 66216
subject to the summary suspension requests an adjudicatory hearing 66217
by the board, the date set for the hearing shall be within fifteen 66218
days, but not earlier than seven days, after the individual 66219
requests the hearing, unless otherwise agreed to by both the board 66220
and the individual. 66221

Any summary suspension imposed under this division shall 66222
remain in effect, unless reversed on appeal, until a final 66223
adjudicative order issued by the board pursuant to section 4725.19 66224
of the Revised Code and Chapter 119. of the Revised Code becomes 66225
effective. The board shall issue its final adjudicative order 66226
within sixty days after completion of its hearing. A failure to 66227
issue the order within sixty days shall result in dissolution of 66228
the summary suspension order but shall not invalidate any 66229
subsequent, final adjudicative order. 66230

Sec. 4730.25. (A) The state medical board, by an affirmative 66231
vote of not fewer than six members, may revoke or may refuse to 66232
grant a license to practice as a physician assistant to a person 66233
found by the board to have committed fraud, misrepresentation, or 66234
deception in applying for or securing the license. 66235

(B) Except as provided in division (N) of this section, the 66236
board, by an affirmative vote of not fewer than six members, 66237
shall, to the extent permitted by law, limit, revoke, or suspend 66238
an individual's license to practice as a physician assistant or 66239
prescriber number, refuse to issue a license to an applicant, 66240
refuse to renew a license, refuse to reinstate a license, or 66241
reprimand or place on probation the holder of a license for any of 66242
the following reasons: 66243

(1) Failure to practice in accordance with the supervising 66244
physician's supervision agreement with the physician assistant, 66245
including, if applicable, the policies of the health care facility 66246

in which the supervising physician and physician assistant are practicing;	66247 66248
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	66249 66250 66251
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	66252 66253 66254 66255
(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	66256 66257 66258 66259
(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	66260 66261 66262 66263
(6) Administering drugs for purposes other than those authorized under this chapter;	66264 66265
(7) Willfully betraying a professional confidence;	66266
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.	66267 66268 66269 66270 66271 66272 66273
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because	66274 66275 66276

of a failure to disclose material facts, is intended or is likely 66277
to create false or unjustified expectations of favorable results, 66278
or includes representations or implications that in reasonable 66279
probability will cause an ordinarily prudent person to 66280
misunderstand or be deceived. 66281

(9) Representing, with the purpose of obtaining compensation 66282
or other advantage personally or for any other person, that an 66283
incurable disease or injury, or other incurable condition, can be 66284
permanently cured; 66285

(10) The obtaining of, or attempting to obtain, money or 66286
anything of value by fraudulent misrepresentations in the course 66287
of practice; 66288

(11) A plea of guilty to, a judicial finding of guilt of, or 66289
a judicial finding of eligibility for intervention in lieu of 66290
conviction for, a felony; 66291

(12) Commission of an act that constitutes a felony in this 66292
state, regardless of the jurisdiction in which the act was 66293
committed; 66294

(13) A plea of guilty to, a judicial finding of guilt of, or 66295
a judicial finding of eligibility for intervention in lieu of 66296
conviction for, a misdemeanor committed in the course of practice; 66297

(14) A plea of guilty to, a judicial finding of guilt of, or 66298
a judicial finding of eligibility for intervention in lieu of 66299
conviction for, a misdemeanor involving moral turpitude; 66300

(15) Commission of an act in the course of practice that 66301
constitutes a misdemeanor in this state, regardless of the 66302
jurisdiction in which the act was committed; 66303

(16) Commission of an act involving moral turpitude that 66304
constitutes a misdemeanor in this state, regardless of the 66305
jurisdiction in which the act was committed; 66306

(17) A plea of guilty to, a judicial finding of guilt of, or 66307
a judicial finding of eligibility for intervention in lieu of 66308
conviction for violating any state or federal law regulating the 66309
possession, distribution, or use of any drug, including 66310
trafficking in drugs; 66311

(18) Any of the following actions taken by the state agency 66312
responsible for regulating the practice of physician assistants in 66313
another state, for any reason other than the nonpayment of fees: 66314
the limitation, revocation, or suspension of an individual's 66315
license to practice; acceptance of an individual's license 66316
surrender; denial of a license; refusal to renew or reinstate a 66317
license; imposition of probation; or issuance of an order of 66318
censure or other reprimand; 66319

(19) A departure from, or failure to conform to, minimal 66320
standards of care of similar physician assistants under the same 66321
or similar circumstances, regardless of whether actual injury to a 66322
patient is established; 66323

(20) Violation of the conditions placed by the board on a 66324
license to practice as a physician assistant; 66325

(21) Failure to use universal blood and body fluid 66326
precautions established by rules adopted under section 4731.051 of 66327
the Revised Code; 66328

(22) Failure to cooperate in an investigation conducted by 66329
the board under section 4730.26 of the Revised Code, including 66330
failure to comply with a subpoena or order issued by the board or 66331
failure to answer truthfully a question presented by the board at 66332
a deposition or in written interrogatories, except that failure to 66333
cooperate with an investigation shall not constitute grounds for 66334
discipline under this section if a court of competent jurisdiction 66335
has issued an order that either quashes a subpoena or permits the 66336
individual to withhold the testimony or evidence in issue; 66337

(23) Assisting suicide, as defined in section 3795.01 of the Revised Code; 66338
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(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 66340
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(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 66342
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 66345
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 66349
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(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 66352
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code. 66358
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66360

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute 66361
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the findings and order of the board with respect to the matter 66369
addressed in the agreement. If the board refuses to ratify a 66370
consent agreement, the admissions and findings contained in the 66371
consent agreement shall be of no force or effect. 66372

(D) For purposes of divisions (B)(12), (15), and (16) of this 66373
section, the commission of the act may be established by a finding 66374
by the board, pursuant to an adjudication under Chapter 119. of 66375
the Revised Code, that the applicant or license holder committed 66376
the act in question. The board shall have no jurisdiction under 66377
these divisions in cases where the trial court renders a final 66378
judgment in the license holder's favor and that judgment is based 66379
upon an adjudication on the merits. The board shall have 66380
jurisdiction under these divisions in cases where the trial court 66381
issues an order of dismissal upon technical or procedural grounds. 66382

(E) The sealing or expungement of conviction records by any 66383
court shall have no effect upon a prior board order entered under 66384
the provisions of this section or upon the board's jurisdiction to 66385
take action under the provisions of this section if, based upon a 66386
plea of guilty, a judicial finding of guilt, or a judicial finding 66387
of eligibility for intervention in lieu of conviction, the board 66388
issued a notice of opportunity for a hearing prior to the court's 66389
order to seal or expunge the records. The board shall not be 66390
required to seal, destroy, redact, or otherwise modify its records 66391
to reflect the court's sealing or expungement of conviction 66392
records. 66393

(F) For purposes of this division, any individual who holds a 66394
license issued under this chapter, or applies for a license issued 66395
under this chapter, shall be deemed to have given consent to 66396
submit to a mental or physical examination when directed to do so 66397
in writing by the board and to have waived all objections to the 66398
admissibility of testimony or examination reports that constitute 66399
a privileged communication. 66400

(1) In enforcing division (B)(4) of this section, the board, 66401
upon a showing of a possible violation, may compel any individual 66402
who holds a license issued under this chapter or who has applied 66403
for a license pursuant to this chapter to submit to a mental 66404
examination, physical examination, including an HIV test, or both 66405
a mental and physical examination. The expense of the examination 66406
is the responsibility of the individual compelled to be examined. 66407
Failure to submit to a mental or physical examination or consent 66408
to an HIV test ordered by the board constitutes an admission of 66409
the allegations against the individual unless the failure is due 66410
to circumstances beyond the individual's control, and a default 66411
and final order may be entered without the taking of testimony or 66412
presentation of evidence. If the board finds a physician assistant 66413
unable to practice because of the reasons set forth in division 66414
(B)(4) of this section, the board shall require the physician 66415
assistant to submit to care, counseling, or treatment by 66416
physicians approved or designated by the board, as a condition for 66417
an initial, continued, reinstated, or renewed license. An 66418
individual affected under this division shall be afforded an 66419
opportunity to demonstrate to the board the ability to resume 66420
practicing in compliance with acceptable and prevailing standards 66421
of care. 66422

(2) For purposes of division (B)(5) of this section, if the 66423
board has reason to believe that any individual who holds a 66424
license issued under this chapter or any applicant for a license 66425
suffers such impairment, the board may compel the individual to 66426
submit to a mental or physical examination, or both. The expense 66427
of the examination is the responsibility of the individual 66428
compelled to be examined. Any mental or physical examination 66429
required under this division shall be undertaken by a treatment 66430
provider or physician qualified to conduct such examination and 66431
chosen by the board. 66432

Failure to submit to a mental or physical examination ordered 66433
by the board constitutes an admission of the allegations against 66434
the individual unless the failure is due to circumstances beyond 66435
the individual's control, and a default and final order may be 66436
entered without the taking of testimony or presentation of 66437
evidence. If the board determines that the individual's ability to 66438
practice is impaired, the board shall suspend the individual's 66439
license or deny the individual's application and shall require the 66440
individual, as a condition for initial, continued, reinstated, or 66441
renewed licensure, to submit to treatment. 66442

Before being eligible to apply for reinstatement of a license 66443
suspended under this division, the physician assistant shall 66444
demonstrate to the board the ability to resume practice or 66445
prescribing in compliance with acceptable and prevailing standards 66446
of care. The demonstration shall include the following: 66447

(a) Certification from a treatment provider approved under 66448
section 4731.25 of the Revised Code that the individual has 66449
successfully completed any required inpatient treatment; 66450

(b) Evidence of continuing full compliance with an aftercare 66451
contract or consent agreement; 66452

(c) Two written reports indicating that the individual's 66453
ability to practice has been assessed and that the individual has 66454
been found capable of practicing according to acceptable and 66455
prevailing standards of care. The reports shall be made by 66456
individuals or providers approved by the board for making such 66457
assessments and shall describe the basis for their determination. 66458

The board may reinstate a license suspended under this 66459
division after such demonstration and after the individual has 66460
entered into a written consent agreement. 66461

When the impaired physician assistant resumes practice or 66462
prescribing, the board shall require continued monitoring of the 66463

physician assistant. The monitoring shall include compliance with 66464
the written consent agreement entered into before reinstatement or 66465
with conditions imposed by board order after a hearing, and, upon 66466
termination of the consent agreement, submission to the board for 66467
at least two years of annual written progress reports made under 66468
penalty of falsification stating whether the physician assistant 66469
has maintained sobriety. 66470

(G) If the secretary and supervising member determine that 66471
there is clear and convincing evidence that a physician assistant 66472
has violated division (B) of this section and that the 66473
individual's continued practice or prescribing presents a danger 66474
of immediate and serious harm to the public, they may recommend 66475
that the board suspend the individual's license without a prior 66476
hearing. Written allegations shall be prepared for consideration 66477
by the board. 66478

The board, upon review of those allegations and by an 66479
affirmative vote of not fewer than six of its members, excluding 66480
the secretary and supervising member, may suspend a license 66481
without a prior hearing. A telephone conference call may be 66482
utilized for reviewing the allegations and taking the vote on the 66483
summary suspension. 66484

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 66485
~~certified mail or in person~~ in accordance with ~~section~~ sections 66486
119.05 and 119.07 of the Revised Code. The order shall not be 66487
subject to suspension by the court during pendency of any appeal 66488
filed under section 119.12 of the Revised Code. If the physician 66489
assistant requests an adjudicatory hearing by the board, the date 66490
set for the hearing shall be within fifteen days, but not earlier 66491
than seven days, after the physician assistant requests the 66492
hearing, unless otherwise agreed to by both the board and the 66493
license holder. 66494

A summary suspension imposed under this division shall remain 66495

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder,

murder, voluntary manslaughter, felonious assault, kidnapping, 66528
rape, sexual battery, gross sexual imposition, aggravated arson, 66529
aggravated robbery, or aggravated burglary. Continued practice 66530
after the suspension shall be considered practicing without a 66531
license. 66532

The board shall notify the individual subject to the 66533
suspension ~~by certified mail or in person~~ in accordance with 66534
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 66535
individual whose license is suspended under this division fails to 66536
make a timely request for an adjudication under Chapter 119. of 66537
the Revised Code, the board shall enter a final order permanently 66538
revoking the individual's license to practice. 66539

(J) In any instance in which the board is required by Chapter 66540
119. of the Revised Code to give notice of opportunity for hearing 66541
and the individual subject to the notice does not timely request a 66542
hearing in accordance with section 119.07 of the Revised Code, the 66543
board is not required to hold a hearing, but may adopt, by an 66544
affirmative vote of not fewer than six of its members, a final 66545
order that contains the board's findings. In that final order, the 66546
board may order any of the sanctions identified under division (A) 66547
or (B) of this section. 66548

(K) Any action taken by the board under division (B) of this 66549
section resulting in a suspension shall be accompanied by a 66550
written statement of the conditions under which the physician 66551
assistant's license may be reinstated. The board shall adopt rules 66552
in accordance with Chapter 119. of the Revised Code governing 66553
conditions to be imposed for reinstatement. Reinstatement of a 66554
license suspended pursuant to division (B) of this section 66555
requires an affirmative vote of not fewer than six members of the 66556
board. 66557

(L) When the board refuses to grant or issue to an applicant 66558
a license to practice as a physician assistant, revokes an 66559

individual's license, refuses to renew an individual's license, or 66560
refuses to reinstate an individual's license, the board may 66561
specify that its action is permanent. An individual subject to a 66562
permanent action taken by the board is forever thereafter 66563
ineligible to hold the license and the board shall not accept an 66564
application for reinstatement of the license or for issuance of a 66565
new license. 66566

(M) Notwithstanding any other provision of the Revised Code, 66567
all of the following apply: 66568

(1) The surrender of a license issued under this chapter is 66569
not effective unless or until accepted by the board. Reinstatement 66570
of a license surrendered to the board requires an affirmative vote 66571
of not fewer than six members of the board. 66572

(2) An application made under this chapter for a license may 66573
not be withdrawn without approval of the board. 66574

(3) Failure by an individual to renew a license in accordance 66575
with section 4730.14 of the Revised Code shall not remove or limit 66576
the board's jurisdiction to take disciplinary action under this 66577
section against the individual. 66578

(N) The board shall not refuse to issue a license to an 66579
applicant because of a conviction, plea of guilty, judicial 66580
finding of guilt, judicial finding of eligibility for intervention 66581
in lieu of conviction, or the commission of an act that 66582
constitutes a criminal offense, unless the refusal is in 66583
accordance with section 9.79 of the Revised Code. 66584

Sec. 4731.07. (A) The state medical board shall keep a record 66585
of its proceedings. The minutes of a meeting of the board shall, 66586
on approval by the board, constitute an official record of its 66587
proceedings. 66588

(B) The board shall keep a register of applicants for 66589

licenses and certificates issued under this chapter; licenses 66590
issued under Chapters 4730., 4760., 4762., 4774., and 4778.; and 66591
licenses and limited permits issued under Chapters 4759. and 4761. 66592
of the Revised Code; and applicants for licenses, licenses issued, 66593
and licenses suspended or revoked under Chapter 4787. of the 66594
Revised Code. The register shall show the name of the applicant 66595
and whether the applicant was granted or refused the license, 66596
certificate, or limited permit being sought. 66597

With respect to applicants to practice medicine and surgery 66598
or osteopathic medicine and surgery, the register shall show the 66599
name of the institution that granted the applicant the degree of 66600
doctor of medicine or osteopathic medicine. With respect to 66601
applicants to practice respiratory care, the register shall show 66602
the addresses of the person's last known place of business and 66603
residence, the effective date and identification number of the 66604
license or limited permit, and, if applicable, the name and 66605
location of the institution that granted the person's degree or 66606
certificate of completion of respiratory care educational 66607
requirements and the date the degree or certificate of completion 66608
was issued. 66609

(C) The books and records of the board shall be prima-facie 66610
evidence of matters therein contained. 66611

Sec. 4731.22. (A) The state medical board, by an affirmative 66612
vote of not fewer than six of its members, may limit, revoke, or 66613
suspend a license or certificate to practice or certificate to 66614
recommend, refuse to grant a license or certificate, refuse to 66615
renew a license or certificate, refuse to reinstate a license or 66616
certificate, or reprimand or place on probation the holder of a 66617
license or certificate if the individual applying for or holding 66618
the license or certificate is found by the board to have committed 66619
fraud during the administration of the examination for a license 66620

or certificate to practice or to have committed fraud, 66621
misrepresentation, or deception in applying for, renewing, or 66622
securing any license or certificate to practice or certificate to 66623
recommend issued by the board. 66624

(B) Except as provided in division (P) of this section, the 66625
board, by an affirmative vote of not fewer than six members, 66626
shall, to the extent permitted by law, limit, revoke, or suspend a 66627
license or certificate to practice or certificate to recommend, 66628
refuse to issue a license or certificate, refuse to renew a 66629
license or certificate, refuse to reinstate a license or 66630
certificate, or reprimand or place on probation the holder of a 66631
license or certificate for one or more of the following reasons: 66632

(1) Permitting one's name or one's license or certificate to 66633
practice to be used by a person, group, or corporation when the 66634
individual concerned is not actually directing the treatment 66635
given; 66636

(2) Failure to maintain minimal standards applicable to the 66637
selection or administration of drugs, or failure to employ 66638
acceptable scientific methods in the selection of drugs or other 66639
modalities for treatment of disease; 66640

(3) Except as provided in section 4731.97 of the Revised 66641
Code, selling, giving away, personally furnishing, prescribing, or 66642
administering drugs for other than legal and legitimate 66643
therapeutic purposes or a plea of guilty to, a judicial finding of 66644
guilt of, or a judicial finding of eligibility for intervention in 66645
lieu of conviction of, a violation of any federal or state law 66646
regulating the possession, distribution, or use of any drug; 66647

(4) Willfully betraying a professional confidence. 66648

For purposes of this division, "willfully betraying a 66649
professional confidence" does not include providing any 66650

information, documents, or reports under sections 307.621 to 66651
307.629 of the Revised Code to a child fatality review board; does 66652
not include providing any information, documents, or reports under 66653
sections 307.631 to 307.6410 of the Revised Code to a drug 66654
overdose fatality review committee, a suicide fatality review 66655
committee, or hybrid drug overdose fatality and suicide fatality 66656
review committee; does not include providing any information, 66657
documents, or reports under sections 307.651 to 307.659 of the 66658
Revised Code to a domestic violence fatality review board; does 66659
not include providing any information, documents, or reports to 66660
the director of health pursuant to guidelines established under 66661
section 3701.70 of the Revised Code; does not include written 66662
notice to a mental health professional under section 4731.62 of 66663
the Revised Code; and does not include the making of a report of 66664
an employee's use of a drug of abuse, or a report of a condition 66665
of an employee other than one involving the use of a drug of 66666
abuse, to the employer of the employee as described in division 66667
(B) of section 2305.33 of the Revised Code. Nothing in this 66668
division affects the immunity from civil liability conferred by 66669
section 2305.33 or 4731.62 of the Revised Code upon a physician 66670
who makes a report in accordance with section 2305.33 or notifies 66671
a mental health professional in accordance with section 4731.62 of 66672
the Revised Code. As used in this division, "employee," 66673
"employer," and "physician" have the same meanings as in section 66674
2305.33 of the Revised Code. 66675

(5) Making a false, fraudulent, deceptive, or misleading 66676
statement in the solicitation of or advertising for patients; in 66677
relation to the practice of medicine and surgery, osteopathic 66678
medicine and surgery, podiatric medicine and surgery, or a limited 66679
branch of medicine; or in securing or attempting to secure any 66680
license or certificate to practice issued by the board. 66681

As used in this division, "false, fraudulent, deceptive, or 66682

misleading statement" means a statement that includes a 66683
misrepresentation of fact, is likely to mislead or deceive because 66684
of a failure to disclose material facts, is intended or is likely 66685
to create false or unjustified expectations of favorable results, 66686
or includes representations or implications that in reasonable 66687
probability will cause an ordinarily prudent person to 66688
misunderstand or be deceived. 66689

(6) A departure from, or the failure to conform to, minimal 66690
standards of care of similar practitioners under the same or 66691
similar circumstances, whether or not actual injury to a patient 66692
is established; 66693

(7) Representing, with the purpose of obtaining compensation 66694
or other advantage as personal gain or for any other person, that 66695
an incurable disease or injury, or other incurable condition, can 66696
be permanently cured; 66697

(8) The obtaining of, or attempting to obtain, money or 66698
anything of value by fraudulent misrepresentations in the course 66699
of practice; 66700

(9) A plea of guilty to, a judicial finding of guilt of, or a 66701
judicial finding of eligibility for intervention in lieu of 66702
conviction for, a felony; 66703

(10) Commission of an act that constitutes a felony in this 66704
state, regardless of the jurisdiction in which the act was 66705
committed; 66706

(11) A plea of guilty to, a judicial finding of guilt of, or 66707
a judicial finding of eligibility for intervention in lieu of 66708
conviction for, a misdemeanor committed in the course of practice; 66709

(12) Commission of an act in the course of practice that 66710
constitutes a misdemeanor in this state, regardless of the 66711
jurisdiction in which the act was committed; 66712

(13) A plea of guilty to, a judicial finding of guilt of, or 66713
a judicial finding of eligibility for intervention in lieu of 66714
conviction for, a misdemeanor involving moral turpitude; 66715

(14) Commission of an act involving moral turpitude that 66716
constitutes a misdemeanor in this state, regardless of the 66717
jurisdiction in which the act was committed; 66718

(15) Violation of the conditions of limitation placed by the 66719
board upon a license or certificate to practice; 66720

(16) Failure to pay license renewal fees specified in this 66721
chapter; 66722

(17) Except as authorized in section 4731.31 of the Revised 66723
Code, engaging in the division of fees for referral of patients, 66724
or the receiving of a thing of value in return for a specific 66725
referral of a patient to utilize a particular service or business; 66726

(18) Subject to section 4731.226 of the Revised Code, 66727
violation of any provision of a code of ethics of the American 66728
medical association, the American osteopathic association, the 66729
American podiatric medical association, or any other national 66730
professional organizations that the board specifies by rule. The 66731
state medical board shall obtain and keep on file current copies 66732
of the codes of ethics of the various national professional 66733
organizations. The individual whose license or certificate is 66734
being suspended or revoked shall not be found to have violated any 66735
provision of a code of ethics of an organization not appropriate 66736
to the individual's profession. 66737

For purposes of this division, a "provision of a code of 66738
ethics of a national professional organization" does not include 66739
any provision that would preclude the making of a report by a 66740
physician of an employee's use of a drug of abuse, or of a 66741
condition of an employee other than one involving the use of a 66742
drug of abuse, to the employer of the employee as described in 66743

division (B) of section 2305.33 of the Revised Code. Nothing in 66744
this division affects the immunity from civil liability conferred 66745
by that section upon a physician who makes either type of report 66746
in accordance with division (B) of that section. As used in this 66747
division, "employee," "employer," and "physician" have the same 66748
meanings as in section 2305.33 of the Revised Code. 66749

(19) Inability to practice according to acceptable and 66750
prevailing standards of care by reason of mental illness or 66751
physical illness, including, but not limited to, physical 66752
deterioration that adversely affects cognitive, motor, or 66753
perceptive skills. 66754

In enforcing this division, the board, upon a showing of a 66755
possible violation, may compel any individual authorized to 66756
practice by this chapter or who has submitted an application 66757
pursuant to this chapter to submit to a mental examination, 66758
physical examination, including an HIV test, or both a mental and 66759
a physical examination. The expense of the examination is the 66760
responsibility of the individual compelled to be examined. Failure 66761
to submit to a mental or physical examination or consent to an HIV 66762
test ordered by the board constitutes an admission of the 66763
allegations against the individual unless the failure is due to 66764
circumstances beyond the individual's control, and a default and 66765
final order may be entered without the taking of testimony or 66766
presentation of evidence. If the board finds an individual unable 66767
to practice because of the reasons set forth in this division, the 66768
board shall require the individual to submit to care, counseling, 66769
or treatment by physicians approved or designated by the board, as 66770
a condition for initial, continued, reinstated, or renewed 66771
authority to practice. An individual affected under this division 66772
shall be afforded an opportunity to demonstrate to the board the 66773
ability to resume practice in compliance with acceptable and 66774
prevailing standards under the provisions of the individual's 66775

license or certificate. For the purpose of this division, any 66776
individual who applies for or receives a license or certificate to 66777
practice under this chapter accepts the privilege of practicing in 66778
this state and, by so doing, shall be deemed to have given consent 66779
to submit to a mental or physical examination when directed to do 66780
so in writing by the board, and to have waived all objections to 66781
the admissibility of testimony or examination reports that 66782
constitute a privileged communication. 66783

(20) Except as provided in division (F)(1)(b) of section 66784
4731.282 of the Revised Code or when civil penalties are imposed 66785
under section 4731.225 of the Revised Code, and subject to section 66786
4731.226 of the Revised Code, violating or attempting to violate, 66787
directly or indirectly, or assisting in or abetting the violation 66788
of, or conspiring to violate, any provisions of this chapter or 66789
any rule promulgated by the board. 66790

This division does not apply to a violation or attempted 66791
violation of, assisting in or abetting the violation of, or a 66792
conspiracy to violate, any provision of this chapter or any rule 66793
adopted by the board that would preclude the making of a report by 66794
a physician of an employee's use of a drug of abuse, or of a 66795
condition of an employee other than one involving the use of a 66796
drug of abuse, to the employer of the employee as described in 66797
division (B) of section 2305.33 of the Revised Code. Nothing in 66798
this division affects the immunity from civil liability conferred 66799
by that section upon a physician who makes either type of report 66800
in accordance with division (B) of that section. As used in this 66801
division, "employee," "employer," and "physician" have the same 66802
meanings as in section 2305.33 of the Revised Code. 66803

(21) The violation of section 3701.79 of the Revised Code or 66804
of any abortion rule adopted by the director of health pursuant to 66805
section 3701.341 of the Revised Code; 66806

(22) Any of the following actions taken by an agency 66807

responsible for authorizing, certifying, or regulating an 66808
individual to practice a health care occupation or provide health 66809
care services in this state or another jurisdiction, for any 66810
reason other than the nonpayment of fees: the limitation, 66811
revocation, or suspension of an individual's license to practice; 66812
acceptance of an individual's license surrender; denial of a 66813
license; refusal to renew or reinstate a license; imposition of 66814
probation; or issuance of an order of censure or other reprimand; 66815

(23) The violation of section 2919.12 of the Revised Code or 66816
the performance or inducement of an abortion upon a pregnant woman 66817
with actual knowledge that the conditions specified in division 66818
(B) of section 2317.56 of the Revised Code have not been satisfied 66819
or with a heedless indifference as to whether those conditions 66820
have been satisfied, unless an affirmative defense as specified in 66821
division (H)(2) of that section would apply in a civil action 66822
authorized by division (H)(1) of that section; 66823

(24) The revocation, suspension, restriction, reduction, or 66824
termination of clinical privileges by the United States department 66825
of defense or department of veterans affairs or the termination or 66826
suspension of a certificate of registration to prescribe drugs by 66827
the drug enforcement administration of the United States 66828
department of justice; 66829

(25) Termination or suspension from participation in the 66830
medicare or medicaid programs by the department of health and 66831
human services or other responsible agency; 66832

(26) Impairment of ability to practice according to 66833
acceptable and prevailing standards of care because of habitual or 66834
excessive use or abuse of drugs, alcohol, or other substances that 66835
impair ability to practice. 66836

For the purposes of this division, any individual authorized 66837
to practice by this chapter accepts the privilege of practicing in 66838

this state subject to supervision by the board. By filing an 66839
application for or holding a license or certificate to practice 66840
under this chapter, an individual shall be deemed to have given 66841
consent to submit to a mental or physical examination when ordered 66842
to do so by the board in writing, and to have waived all 66843
objections to the admissibility of testimony or examination 66844
reports that constitute privileged communications. 66845

If it has reason to believe that any individual authorized to 66846
practice by this chapter or any applicant for licensure or 66847
certification to practice suffers such impairment, the board may 66848
compel the individual to submit to a mental or physical 66849
examination, or both. The expense of the examination is the 66850
responsibility of the individual compelled to be examined. Any 66851
mental or physical examination required under this division shall 66852
be undertaken by a treatment provider or physician who is 66853
qualified to conduct the examination and who is chosen by the 66854
board. 66855

Failure to submit to a mental or physical examination ordered 66856
by the board constitutes an admission of the allegations against 66857
the individual unless the failure is due to circumstances beyond 66858
the individual's control, and a default and final order may be 66859
entered without the taking of testimony or presentation of 66860
evidence. If the board determines that the individual's ability to 66861
practice is impaired, the board shall suspend the individual's 66862
license or certificate or deny the individual's application and 66863
shall require the individual, as a condition for initial, 66864
continued, reinstated, or renewed licensure or certification to 66865
practice, to submit to treatment. 66866

Before being eligible to apply for reinstatement of a license 66867
or certificate suspended under this division, the impaired 66868
practitioner shall demonstrate to the board the ability to resume 66869
practice in compliance with acceptable and prevailing standards of 66870

care under the provisions of the practitioner's license or 66871
certificate. The demonstration shall include, but shall not be 66872
limited to, the following: 66873

(a) Certification from a treatment provider approved under 66874
section 4731.25 of the Revised Code that the individual has 66875
successfully completed any required inpatient treatment; 66876

(b) Evidence of continuing full compliance with an aftercare 66877
contract or consent agreement; 66878

(c) Two written reports indicating that the individual's 66879
ability to practice has been assessed and that the individual has 66880
been found capable of practicing according to acceptable and 66881
prevailing standards of care. The reports shall be made by 66882
individuals or providers approved by the board for making the 66883
assessments and shall describe the basis for their determination. 66884

The board may reinstate a license or certificate suspended 66885
under this division after that demonstration and after the 66886
individual has entered into a written consent agreement. 66887

When the impaired practitioner resumes practice, the board 66888
shall require continued monitoring of the individual. The 66889
monitoring shall include, but not be limited to, compliance with 66890
the written consent agreement entered into before reinstatement or 66891
with conditions imposed by board order after a hearing, and, upon 66892
termination of the consent agreement, submission to the board for 66893
at least two years of annual written progress reports made under 66894
penalty of perjury stating whether the individual has maintained 66895
sobriety. 66896

(27) A second or subsequent violation of section 4731.66 or 66897
4731.69 of the Revised Code; 66898

(28) Except as provided in division (N) of this section: 66899

(a) Waiving the payment of all or any part of a deductible or 66900

copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the

Revised Code;	66932
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	66933 66934 66935 66936 66937 66938 66939 66940 66941 66942
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	66943 66944 66945
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	66946 66947 66948
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	66949 66950
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	66951 66952
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	66953 66954 66955
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	66956 66957 66958
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management	66959 66960 66961

clinic;	66962
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	66963 66964 66965 66966
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	66967 66968 66969 66970
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	66971 66972 66973 66974 66975
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	66976 66977 66978 66979 66980
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	66981 66982 66983 66984
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	66985 66986 66987 66988 66989
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section	66990 66991 66992

3719.01 of the Revised Code;	66993
(49) Failure to comply with the requirements of section	66994
4731.30 of the Revised Code or rules adopted under section	66995
4731.301 of the Revised Code when recommending treatment with	66996
medical marijuana;	66997
(50) Practicing at a facility, clinic, or other location that	66998
is subject to licensure as a category III terminal distributor of	66999
dangerous drugs with an office-based opioid treatment	67000
classification unless the person operating that place has obtained	67001
and maintains the license with the classification;	67002
(51) Owning a facility, clinic, or other location that is	67003
subject to licensure as a category III terminal distributor of	67004
dangerous drugs with an office-based opioid treatment	67005
classification unless that place is licensed with the	67006
classification;	67007
(52) A pattern of continuous or repeated violations of	67008
division (E)(2) or (3) of section 3963.02 of the Revised Code;	67009
(53) Failure to fulfill the responsibilities of a	67010
collaboration agreement entered into with an athletic trainer as	67011
described in section 4755.621 of the Revised Code;	67012
(54) Failure to take the steps specified in section 4731.911	67013
of the Revised Code following an abortion or attempted abortion in	67014
an ambulatory surgical facility or other location that is not a	67015
hospital when a child is born alive.	67016
(C) Disciplinary actions taken by the board under divisions	67017
(A) and (B) of this section shall be taken pursuant to an	67018
adjudication under Chapter 119. of the Revised Code, except that	67019
in lieu of an adjudication, the board may enter into a consent	67020
agreement with an individual to resolve an allegation of a	67021
violation of this chapter or any rule adopted under it. A consent	67022
agreement, when ratified by an affirmative vote of not fewer than	67023

six members of the board, shall constitute the findings and order 67024
of the board with respect to the matter addressed in the 67025
agreement. If the board refuses to ratify a consent agreement, the 67026
admissions and findings contained in the consent agreement shall 67027
be of no force or effect. 67028

A telephone conference call may be utilized for ratification 67029
of a consent agreement that revokes or suspends an individual's 67030
license or certificate to practice or certificate to recommend. 67031
The telephone conference call shall be considered a special 67032
meeting under division (F) of section 121.22 of the Revised Code. 67033

If the board takes disciplinary action against an individual 67034
under division (B) of this section for a second or subsequent plea 67035
of guilty to, or judicial finding of guilt of, a violation of 67036
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 67037
action shall consist of a suspension of the individual's license 67038
or certificate to practice for a period of at least one year or, 67039
if determined appropriate by the board, a more serious sanction 67040
involving the individual's license or certificate to practice. Any 67041
consent agreement entered into under this division with an 67042
individual that pertains to a second or subsequent plea of guilty 67043
to, or judicial finding of guilt of, a violation of that section 67044
shall provide for a suspension of the individual's license or 67045
certificate to practice for a period of at least one year or, if 67046
determined appropriate by the board, a more serious sanction 67047
involving the individual's license or certificate to practice. 67048

(D) For purposes of divisions (B)(10), (12), and (14) of this 67049
section, the commission of the act may be established by a finding 67050
by the board, pursuant to an adjudication under Chapter 119. of 67051
the Revised Code, that the individual committed the act. The board 67052
does not have jurisdiction under those divisions if the trial 67053
court renders a final judgment in the individual's favor and that 67054
judgment is based upon an adjudication on the merits. The board 67055

has jurisdiction under those divisions if the trial court issues 67056
an order of dismissal upon technical or procedural grounds. 67057

(E) The sealing or expungement of conviction records by any 67058
court shall have no effect upon a prior board order entered under 67059
this section or upon the board's jurisdiction to take action under 67060
this section if, based upon a plea of guilty, a judicial finding 67061
of guilt, or a judicial finding of eligibility for intervention in 67062
lieu of conviction, the board issued a notice of opportunity for a 67063
hearing prior to the court's order to seal or expunge the records. 67064
The board shall not be required to seal, expunge, destroy, redact, 67065
or otherwise modify its records to reflect the court's sealing of 67066
conviction records. 67067

(F)(1) The board shall investigate evidence that appears to 67068
show that a person has violated any provision of this chapter or 67069
any rule adopted under it. Any person may report to the board in a 67070
signed writing any information that the person may have that 67071
appears to show a violation of any provision of this chapter or 67072
any rule adopted under it. In the absence of bad faith, any person 67073
who reports information of that nature or who testifies before the 67074
board in any adjudication conducted under Chapter 119. of the 67075
Revised Code shall not be liable in damages in a civil action as a 67076
result of the report or testimony. Each complaint or allegation of 67077
a violation received by the board shall be assigned a case number 67078
and shall be recorded by the board. 67079

(2) Investigations of alleged violations of this chapter or 67080
any rule adopted under it shall be supervised by the supervising 67081
member elected by the board in accordance with section 4731.02 of 67082
the Revised Code and by the secretary as provided in section 67083
4731.39 of the Revised Code. The president may designate another 67084
member of the board to supervise the investigation in place of the 67085
supervising member. No member of the board who supervises the 67086
investigation of a case shall participate in further adjudication 67087

of the case. 67088

(3) In investigating a possible violation of this chapter or 67089
any rule adopted under this chapter, or in conducting an 67090
inspection under division (E) of section 4731.054 of the Revised 67091
Code, the board may question witnesses, conduct interviews, 67092
administer oaths, order the taking of depositions, inspect and 67093
copy any books, accounts, papers, records, or documents, issue 67094
subpoenas, and compel the attendance of witnesses and production 67095
of books, accounts, papers, records, documents, and testimony, 67096
except that a subpoena for patient record information shall not be 67097
issued without consultation with the attorney general's office and 67098
approval of the secretary and supervising member of the board. 67099

(a) Before issuance of a subpoena for patient record 67100
information, the secretary and supervising member shall determine 67101
whether there is probable cause to believe that the complaint 67102
filed alleges a violation of this chapter or any rule adopted 67103
under it and that the records sought are relevant to the alleged 67104
violation and material to the investigation. The subpoena may 67105
apply only to records that cover a reasonable period of time 67106
surrounding the alleged violation. 67107

(b) On failure to comply with any subpoena issued by the 67108
board and after reasonable notice to the person being subpoenaed, 67109
the board may move for an order compelling the production of 67110
persons or records pursuant to the Rules of Civil Procedure. 67111

(c) A subpoena issued by the board may be served by a 67112
sheriff, the sheriff's deputy, or a board employee or agent 67113
designated by the board. Service of a subpoena issued by the board 67114
may be made by delivering a copy of the subpoena to the person 67115
named therein, reading it to the person, or leaving it at the 67116
person's usual place of residence, usual place of business, or 67117
address on file with the board. When serving a subpoena to an 67118
applicant for or the holder of a license or certificate issued 67119

under this chapter, service of the subpoena may be made by 67120
certified mail, return receipt requested, and the subpoena shall 67121
be deemed served on the date delivery is made or the date the 67122
person refuses to accept delivery. If the person being served 67123
refuses to accept the subpoena or is not located, service may be 67124
made to an attorney who notifies the board that the attorney is 67125
representing the person. 67126

(d) A sheriff's deputy who serves a subpoena shall receive 67127
the same fees as a sheriff. Each witness who appears before the 67128
board in obedience to a subpoena shall receive the fees and 67129
mileage provided for under section 119.094 of the Revised Code. 67130

(4) All hearings, investigations, and inspections of the 67131
board shall be considered civil actions for the purposes of 67132
section 2305.252 of the Revised Code. 67133

(5) A report required to be submitted to the board under this 67134
chapter, a complaint, or information received by the board 67135
pursuant to an investigation or pursuant to an inspection under 67136
division (E) of section 4731.054 of the Revised Code is 67137
confidential and not subject to discovery in any civil action. 67138

The board shall conduct all investigations or inspections and 67139
proceedings in a manner that protects the confidentiality of 67140
patients and persons who file complaints with the board. The board 67141
shall not make public the names or any other identifying 67142
information about patients or complainants unless proper consent 67143
is given or, in the case of a patient, a waiver of the patient 67144
privilege exists under division (B) of section 2317.02 of the 67145
Revised Code, except that consent or a waiver of that nature is 67146
not required if the board possesses reliable and substantial 67147
evidence that no bona fide physician-patient relationship exists. 67148

The board may share any information it receives pursuant to 67149
an investigation or inspection, including patient records and 67150

patient record information, with law enforcement agencies, other 67151
licensing boards, and other governmental agencies that are 67152
prosecuting, adjudicating, or investigating alleged violations of 67153
statutes or administrative rules. An agency or board that receives 67154
the information shall comply with the same requirements regarding 67155
confidentiality as those with which the state medical board must 67156
comply, notwithstanding any conflicting provision of the Revised 67157
Code or procedure of the agency or board that applies when it is 67158
dealing with other information in its possession. In a judicial 67159
proceeding, the information may be admitted into evidence only in 67160
accordance with the Rules of Evidence, but the court shall require 67161
that appropriate measures are taken to ensure that confidentiality 67162
is maintained with respect to any part of the information that 67163
contains names or other identifying information about patients or 67164
complainants whose confidentiality was protected by the state 67165
medical board when the information was in the board's possession. 67166
Measures to ensure confidentiality that may be taken by the court 67167
include sealing its records or deleting specific information from 67168
its records. 67169

(6) On a quarterly basis, the board shall prepare a report 67170
that documents the disposition of all cases during the preceding 67171
three months. The report shall contain the following information 67172
for each case with which the board has completed its activities: 67173

(a) The case number assigned to the complaint or alleged 67174
violation; 67175

(b) The type of license or certificate to practice, if any, 67176
held by the individual against whom the complaint is directed; 67177

(c) A description of the allegations contained in the 67178
complaint; 67179

(d) The disposition of the case. 67180

The report shall state how many cases are still pending and 67181

shall be prepared in a manner that protects the identity of each 67182
person involved in each case. The report shall be a public record 67183
under section 149.43 of the Revised Code. 67184

(G) If the secretary and supervising member determine both of 67185
the following, they may recommend that the board suspend an 67186
individual's license or certificate to practice or certificate to 67187
recommend without a prior hearing: 67188

(1) That there is clear and convincing evidence that an 67189
individual has violated division (B) of this section; 67190

(2) That the individual's continued practice presents a 67191
danger of immediate and serious harm to the public. 67192

Written allegations shall be prepared for consideration by 67193
the board. The board, upon review of those allegations and by an 67194
affirmative vote of not fewer than six of its members, excluding 67195
the secretary and supervising member, may suspend a license or 67196
certificate without a prior hearing. A telephone conference call 67197
may be utilized for reviewing the allegations and taking the vote 67198
on the summary suspension. 67199

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 67200
~~certified mail or in person~~ in accordance with ~~section~~ sections 67201
119.05 and 119.07 of the Revised Code. The order shall not be 67202
subject to suspension by the court during pendency of any appeal 67203
filed under section 119.12 of the Revised Code. If the individual 67204
subject to the summary suspension requests an adjudicatory hearing 67205
by the board, the date set for the hearing shall be within fifteen 67206
days, but not earlier than seven days, after the individual 67207
requests the hearing, unless otherwise agreed to by both the board 67208
and the individual. 67209

Any summary suspension imposed under this division shall 67210
remain in effect, unless reversed on appeal, until a final 67211
adjudicative order issued by the board pursuant to this section 67212

and Chapter 119. of the Revised Code becomes effective. The board 67213
shall issue its final adjudicative order within seventy-five days 67214
after completion of its hearing. A failure to issue the order 67215
within seventy-five days shall result in dissolution of the 67216
summary suspension order but shall not invalidate any subsequent, 67217
final adjudicative order. 67218

(H) If the board takes action under division (B)(9), (11), or 67219
(13) of this section and the judicial finding of guilt, guilty 67220
plea, or judicial finding of eligibility for intervention in lieu 67221
of conviction is overturned on appeal, upon exhaustion of the 67222
criminal appeal, a petition for reconsideration of the order may 67223
be filed with the board along with appropriate court documents. 67224
Upon receipt of a petition of that nature and supporting court 67225
documents, the board shall reinstate the individual's license or 67226
certificate to practice. The board may then hold an adjudication 67227
under Chapter 119. of the Revised Code to determine whether the 67228
individual committed the act in question. Notice of an opportunity 67229
for a hearing shall be given in accordance with Chapter 119. of 67230
the Revised Code. If the board finds, pursuant to an adjudication 67231
held under this division, that the individual committed the act or 67232
if no hearing is requested, the board may order any of the 67233
sanctions identified under division (B) of this section. 67234

(I) The license or certificate to practice issued to an 67235
individual under this chapter and the individual's practice in 67236
this state are automatically suspended as of the date of the 67237
individual's second or subsequent plea of guilty to, or judicial 67238
finding of guilt of, a violation of section 2919.123 or 2919.124 67239
of the Revised Code. In addition, the license or certificate to 67240
practice or certificate to recommend issued to an individual under 67241
this chapter and the individual's practice in this state are 67242
automatically suspended as of the date the individual pleads 67243
guilty to, is found by a judge or jury to be guilty of, or is 67244

subject to a judicial finding of eligibility for intervention in 67245
lieu of conviction in this state or treatment or intervention in 67246
lieu of conviction in another jurisdiction for any of the 67247
following criminal offenses in this state or a substantially 67248
equivalent criminal offense in another jurisdiction: aggravated 67249
murder, murder, voluntary manslaughter, felonious assault, 67250
kidnapping, rape, sexual battery, gross sexual imposition, 67251
aggravated arson, aggravated robbery, or aggravated burglary. 67252
Continued practice after suspension shall be considered practicing 67253
without a license or certificate. 67254

The board shall notify the individual subject to the 67255
suspension ~~by certified mail or in person~~ in accordance with 67256
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 67257
individual whose license or certificate is automatically suspended 67258
under this division fails to make a timely request for an 67259
adjudication under Chapter 119. of the Revised Code, the board 67260
shall do whichever of the following is applicable: 67261

(1) If the automatic suspension under this division is for a 67262
second or subsequent plea of guilty to, or judicial finding of 67263
guilt of, a violation of section 2919.123 or 2919.124 of the 67264
Revised Code, the board shall enter an order suspending the 67265
individual's license or certificate to practice for a period of at 67266
least one year or, if determined appropriate by the board, 67267
imposing a more serious sanction involving the individual's 67268
license or certificate to practice. 67269

(2) In all circumstances in which division (I)(1) of this 67270
section does not apply, enter a final order permanently revoking 67271
the individual's license or certificate to practice. 67272

(J) If the board is required by Chapter 119. of the Revised 67273
Code to give notice of an opportunity for a hearing and if the 67274
individual subject to the notice does not timely request a hearing 67275
in accordance with section 119.07 of the Revised Code, the board 67276

is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be

considered a special meeting under division (F) of section 121.22 67309
of the Revised Code. Reinstatement of a license or certificate 67310
surrendered to the board requires an affirmative vote of not fewer 67311
than six members of the board. 67312

(2) An application for a license or certificate made under 67313
the provisions of this chapter may not be withdrawn without 67314
approval of the board. 67315

(3) Failure by an individual to renew a license or 67316
certificate to practice in accordance with this chapter or a 67317
certificate to recommend in accordance with rules adopted under 67318
section 4731.301 of the Revised Code shall not remove or limit the 67319
board's jurisdiction to take any disciplinary action under this 67320
section against the individual. 67321

(4) At the request of the board, a license or certificate 67322
holder shall immediately surrender to the board a license or 67323
certificate that the board has suspended, revoked, or permanently 67324
revoked. 67325

(N) Sanctions shall not be imposed under division (B)(28) of 67326
this section against any person who waives deductibles and 67327
copayments as follows: 67328

(1) In compliance with the health benefit plan that expressly 67329
allows such a practice. Waiver of the deductibles or copayments 67330
shall be made only with the full knowledge and consent of the plan 67331
purchaser, payer, and third-party administrator. Documentation of 67332
the consent shall be made available to the board upon request. 67333

(2) For professional services rendered to any other person 67334
authorized to practice pursuant to this chapter, to the extent 67335
allowed by this chapter and rules adopted by the board. 67336

(O) Under the board's investigative duties described in this 67337
section and subject to division (F) of this section, the board 67338
shall develop and implement a quality intervention program 67339

designed to improve through remedial education the clinical and 67340
communication skills of individuals authorized under this chapter 67341
to practice medicine and surgery, osteopathic medicine and 67342
surgery, and podiatric medicine and surgery. In developing and 67343
implementing the quality intervention program, the board may do 67344
all of the following: 67345

(1) Offer in appropriate cases as determined by the board an 67346
educational and assessment program pursuant to an investigation 67347
the board conducts under this section; 67348

(2) Select providers of educational and assessment services, 67349
including a quality intervention program panel of case reviewers; 67350

(3) Make referrals to educational and assessment service 67351
providers and approve individual educational programs recommended 67352
by those providers. The board shall monitor the progress of each 67353
individual undertaking a recommended individual educational 67354
program. 67355

(4) Determine what constitutes successful completion of an 67356
individual educational program and require further monitoring of 67357
the individual who completed the program or other action that the 67358
board determines to be appropriate; 67359

(5) Adopt rules in accordance with Chapter 119. of the 67360
Revised Code to further implement the quality intervention 67361
program. 67362

An individual who participates in an individual educational 67363
program pursuant to this division shall pay the financial 67364
obligations arising from that educational program. 67365

(P) The board shall not refuse to issue a license to an 67366
applicant because of a conviction, plea of guilty, judicial 67367
finding of guilt, judicial finding of eligibility for intervention 67368
in lieu of conviction, or the commission of an act that 67369
constitutes a criminal offense, unless the refusal is in 67370

accordance with section 9.79 of the Revised Code. 67371

Sec. 4731.224. (A) Within sixty days after the imposition of 67372
any formal disciplinary action taken by any health care facility, 67373
including a hospital, health care facility operated by a health 67374
insuring corporation, ambulatory surgical center, or similar 67375
facility, against any individual holding a valid license or 67376
certificate to practice issued pursuant to this chapter, the chief 67377
administrator or executive officer of the facility shall report to 67378
the state medical board the name of the individual, the action 67379
taken by the facility, and a summary of the underlying facts 67380
leading to the action taken. Upon request, the board shall be 67381
provided certified copies of the patient records that were the 67382
basis for the facility's action. Prior to release to the board, 67383
the summary shall be approved by the peer review committee that 67384
reviewed the case or by the governing board of the facility. As 67385
used in this division, "formal disciplinary action" means any 67386
action resulting in the revocation, restriction, reduction, or 67387
termination of clinical privileges for violations of professional 67388
ethics, or for reasons of medical incompetence or medical 67389
malpractice. "Formal disciplinary action" includes a summary 67390
action, an action that takes effect notwithstanding any appeal 67391
rights that may exist, and an action that results in an individual 67392
surrendering clinical privileges while under investigation and 67393
during proceedings regarding the action being taken or in return 67394
for not being investigated or having proceedings held. "Formal 67395
disciplinary action" does not include any action taken for the 67396
sole reason of failure to maintain records on a timely basis or 67397
failure to attend staff or section meetings. 67398

The filing or nonfiling of a report with the board, 67399
investigation by the board, or any disciplinary action taken by 67400
the board, shall not preclude any action by a health care facility 67401
to suspend, restrict, or revoke the individual's clinical 67402

privileges. 67403

In the absence of fraud or bad faith, no individual or entity 67404
that provides patient records to the board shall be liable in 67405
damages to any person as a result of providing the records. 67406

(B)(1) Except as provided in division (B)(2) of this section, 67407
if any individual authorized to practice under this chapter or any 67408
professional association or society of such individuals believes 67409
that a violation of any provision of this chapter, Chapter 4730., 67410
4759., 4760., 4761., 4762., 4774., ~~or 4778.~~ or 4787. of the 67411
Revised Code, or any rule of the board has occurred, the 67412
individual, association, or society shall report to the board the 67413
information upon which the belief is based. 67414

(2) If any individual authorized to practice under this 67415
chapter or any professional association or society of such 67416
individuals believes that a violation of division (B)(26) of 67417
section 4731.22 of the Revised Code has occurred, the individual, 67418
association, or society shall report the information upon which 67419
the belief is based to the monitoring organization conducting the 67420
program established by the board under section 4731.251 of the 67421
Revised Code. If any such report is made to the board, it shall be 67422
referred to the monitoring organization unless the board is aware 67423
that the individual who is the subject of the report does not meet 67424
the program eligibility requirements of section 4731.252 of the 67425
Revised Code. 67426

(C) Any professional association or society composed 67427
primarily of doctors of medicine and surgery, doctors of 67428
osteopathic medicine and surgery, doctors of podiatric medicine 67429
and surgery, or practitioners of limited branches of medicine that 67430
suspends or revokes an individual's membership for violations of 67431
professional ethics, or for reasons of professional incompetence 67432
or professional malpractice, within sixty days after a final 67433
decision shall report to the board, on forms prescribed and 67434

provided by the board, the name of the individual, the action 67435
taken by the professional organization, and a summary of the 67436
underlying facts leading to the action taken. 67437

The filing of a report with the board or decision not to file 67438
a report, investigation by the board, or any disciplinary action 67439
taken by the board, does not preclude a professional organization 67440
from taking disciplinary action against an individual. 67441

(D) Any insurer providing professional liability insurance to 67442
an individual authorized to practice under this chapter, or any 67443
other entity that seeks to indemnify the professional liability of 67444
such an individual, shall notify the board within thirty days 67445
after the final disposition of any written claim for damages where 67446
such disposition results in a payment exceeding twenty-five 67447
thousand dollars. The notice shall contain the following 67448
information: 67449

(1) The name and address of the person submitting the 67450
notification; 67451

(2) The name and address of the insured who is the subject of 67452
the claim; 67453

(3) The name of the person filing the written claim; 67454

(4) The date of final disposition; 67455

(5) If applicable, the identity of the court in which the 67456
final disposition of the claim took place. 67457

(E) The board may investigate possible violations of this 67458
chapter or the rules adopted under it that are brought to its 67459
attention as a result of the reporting requirements of this 67460
section, except that the board shall conduct an investigation if a 67461
possible violation involves repeated malpractice. As used in this 67462
division, "repeated malpractice" means three or more claims for 67463
medical malpractice within the previous five-year period, each 67464

resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the individual who is the subject of the reports or summaries. The individual shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that, pursuant to this section, reports to the board, reports to the monitoring organization described in section 4731.251 of the Revised Code, or refers an

impaired practitioner to a treatment provider approved by the 67497
board under section 4731.25 of the Revised Code shall not be 67498
subject to suit for civil damages as a result of the report, 67499
referral, or provision of the information. 67500

(I) In the absence of fraud or bad faith, no professional 67501
association or society of individuals authorized to practice under 67502
this chapter that sponsors a committee or program to provide peer 67503
assistance to practitioners with substance abuse problems, no 67504
representative or agent of such a committee or program, no 67505
representative or agent of the monitoring organization described 67506
in section 4731.251 of the Revised Code, and no member of the 67507
state medical board shall be held liable in damages to any person 67508
by reason of actions taken to refer a practitioner to a treatment 67509
provider approved under section 4731.25 of the Revised Code for 67510
examination or treatment. 67511

Sec. 4731.24. Except as provided in sections 4731.281 and 67512
4731.40 of the Revised Code, all receipts of the state medical 67513
board, from any source, shall be deposited in the state treasury. 67514
The funds shall be deposited to the credit of the state medical 67515
board operating fund, which is hereby created. Except as provided 67516
in sections 4730.252, 4731.225, 4731.24, 4759.071, 4760.133, 67517
4761.091, 4762.133, 4774.133, and 4778.141 of the Revised Code, 67518
all funds deposited into the state treasury under this section 67519
shall be used solely for the administration and enforcement of 67520
this chapter and Chapters 4730., 4759., 4760., 4761., 4762., 67521
4774., ~~and~~ 4778., and 4787. of the Revised Code by the board. 67522

Sec. 4731.25. The state medical board, in accordance with 67523
Chapter 119. of the Revised Code, shall adopt and may amend and 67524
rescind rules establishing standards for approval of physicians 67525
and facilities as treatment providers for practitioners suffering 67526
or showing evidence of suffering impairment as described in 67527

division (B)(5) of section 4730.25, division (B)(26) of section 67528
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 67529
section 4760.13, division (A)(18) of section 4761.09, division 67530
(B)(6) of section 4762.13, division (B)(6) of section 4774.13, ~~or~~ 67531
division (B)(6) of section 4778.14, or division (C)(4) of section 67532
4787.10 of the Revised Code. The rules shall include standards for 67533
both inpatient and outpatient treatment and for care and 67534
monitoring that continues after treatment. The rules shall provide 67535
that in order to be approved, a treatment provider must have the 67536
capability of making an initial examination to determine what type 67537
of treatment an impaired practitioner requires. Subject to the 67538
rules, the board shall review and approve treatment providers on a 67539
regular basis. The board, at its discretion, may withdraw or deny 67540
approval subject to the rules. 67541

An approved impaired practitioner treatment provider shall do 67542
all of the following: 67543

(A) Report to the board the name of any practitioner 67544
suffering or showing evidence of suffering impairment who fails to 67545
comply within one week with a referral for examination; 67546

(B) Report to the board the name of any impaired practitioner 67547
who fails to enter treatment within forty-eight hours following 67548
the provider's determination that the practitioner needs 67549
treatment; 67550

(C) Require every practitioner who enters treatment to agree 67551
to a treatment contract establishing the terms of treatment and 67552
aftercare, including any required supervision or restrictions of 67553
practice during treatment or aftercare; 67554

(D) Require a practitioner to suspend practice upon entry 67555
into any required inpatient treatment; 67556

(E) Report to the board any failure by an impaired 67557

practitioner to comply with the terms of the treatment contract 67558
during inpatient or outpatient treatment or aftercare; 67559

(F) Report to the board the resumption of practice of any 67560
impaired practitioner before the treatment provider has made a 67561
clear determination that the practitioner is capable of practicing 67562
according to acceptable and prevailing standards of care; 67563

(G) Require a practitioner who resumes practice after 67564
completion of treatment to comply with an aftercare contract that 67565
meets the requirements of rules adopted by the board for approval 67566
of treatment providers; 67567

(H) Report the identity of any practitioner practicing under 67568
the terms of an aftercare contract to hospital administrators, 67569
medical chiefs of staff, and chairpersons of impaired practitioner 67570
committees of all health care institutions at which the 67571
practitioner holds clinical privileges or otherwise practices. If 67572
the practitioner does not hold clinical privileges at any health 67573
care institution, the treatment provider shall report the 67574
practitioner's identity to the impaired practitioner committee of 67575
the county medical society, osteopathic academy, or podiatric 67576
medical association in every county in which the practitioner 67577
practices. If there are no impaired practitioner committees in the 67578
county, the treatment provider shall report the practitioner's 67579
identity to the president or other designated member of the county 67580
medical society, osteopathic academy, or podiatric medical 67581
association. 67582

(I) Report to the board the identity of any practitioner who 67583
suffers a relapse at any time during or following aftercare. 67584

Any individual authorized to practice under this chapter who 67585
enters into treatment by an approved treatment provider shall be 67586
deemed to have waived any confidentiality requirements that would 67587
otherwise prevent the treatment provider from making reports 67588

required under this section. 67589

In the absence of fraud or bad faith, no person or 67590
organization that conducts an approved impaired practitioner 67591
treatment program, no member of such an organization, and no 67592
employee, representative, or agent of the treatment provider shall 67593
be held liable in damages to any person by reason of actions taken 67594
or recommendations made by the treatment provider or its 67595
employees, representatives, or agents. 67596

Sec. 4731.37. (A) As used in this section: 67597

(1) "Physician" means an individual authorized under this 67598
chapter to practice medicine and surgery or osteopathic medicine 67599
and surgery. 67600

(2) "Sonographer" means an individual who uses ultrasonic 67601
imaging devices to produce diagnostic images, scans, or videos or 67602
three-dimensional volumes of anatomical and diagnostic data. 67603

(B) A physician may delegate to a sonographer the authority 67604
to administer intravenously an ultrasound enhancing agent if all 67605
of the following conditions are met: 67606

(1) The physician's normal course of practice and expertise 67607
includes the intravenous administration of ultrasound enhancing 67608
agents. 67609

(2) The facility where the physician practices has developed, 67610
in accordance with clinical standards and industry guidelines, 67611
standards for administering ultrasound enhancing agents 67612
intravenously and has included the facility's standards in a 67613
written practice protocol. 67614

(3) The sonographer, as determined by the facility where the 67615
physician practices, satisfies all of the following: 67616

(a) Has successfully completed an education and training 67617
program in sonography; 67618

<u>(b) Is certified or registered as a sonographer by another jurisdiction or a nationally recognized accrediting organization;</u>	67619
	67620
<u>(c) Has successfully completed training in the intravenous administration of ultrasound enhancing agents that was provided in any of the following ways:</u>	67621
	67622
	67623
<u>(i) As part of an education and training program in sonography;</u>	67624
	67625
<u>(ii) As part of training provided to the sonographer by the physician who delegates to the sonographer the authority to administer intravenously an ultrasound enhancing agent;</u>	67626
	67627
	67628
<u>(iii) As part of a training program developed and offered by the facility in which the physician practices.</u>	67629
	67630
<u>(C) A sonographer may administer intravenously an ultrasound enhancing agent if all of the following conditions are met:</u>	67631
	67632
<u>(1) In accordance with division (B) of this section, a physician delegates to the sonographer the authority to administer the agent.</u>	67633
	67634
	67635
<u>(2) The sonographer administers the agent in accordance with the written practice protocol described in division (B) of this section.</u>	67636
	67637
	67638
<u>(3) The delegating physician is physically present at the facility where the sonographer administers the agent.</u>	67639
	67640
<u>Division (C)(3) of this section does not require the delegating physician to be in the same room as the sonographer when the sonographer administers the agent.</u>	67641
	67642
	67643
<u>(D) This section does not prohibit any of the following from administering intravenously an ultrasound enhancing agent:</u>	67644
	67645
<u>(1) An individual who is otherwise authorized by the Revised Code to administer intravenously an ultrasound enhancing agent, including a physician assistant licensed under Chapter 4730. of</u>	67646
	67647
	67648

the Revised Code or a registered nurse or licensed practical nurse 67649
licensed under Chapter 4723. of the Revised Code; 67650

(2) An individual who meets all of the following conditions: 67651

(a) Has successfully completed an education and training 67652
program in sonography; 67653

(b) Has applied for certification or registration as a 67654
sonographer with another jurisdiction or a nationally recognized 67655
accrediting organization; 67656

(c) Is awaiting that certification's or registration's 67657
issuance; 67658

(d) Administers intravenously an ultrasound enhancing agent 67659
under the general supervision of a physician and the direct 67660
supervision of either a sonographer described in divisions (B) and 67661
(C) of this section or an individual otherwise authorized to 67662
administer intravenously ultrasound enhancing agents. 67663

(3) An individual who is enrolled in an education and 67664
training program in sonography and, as part of the program, 67665
administers intravenously ultrasound enhancing agents. 67666

(E) For purposes of this section, the authority to administer 67667
an ultrasound enhancing agent intravenously also includes the 67668
authority to insert, maintain, and remove any mechanism necessary 67669
for the agent's administration. 67670

Sec. 4731.481. No physician shall do either of the following: 67671
67672

(A) Furnish a person with a prescription in order to enable 67673
the person to be issued a standard removable windshield placard, 67674
temporary removable windshield placard, permanent removable 67675
windshield placard, or license plates under section 4503.44 of the 67676
Revised Code, knowing that the person does not meet any of the 67677
criteria contained in division (A)(1) of that section; 67678

(B) Furnish a person with a prescription described in 67679
division (A) of this section and knowingly misstate on the 67680
prescription the length of time the physician expects the person 67681
to have the disability that limits or impairs the person's ability 67682
to walk in order to enable the person to retain a placard issued 67683
under section 4503.44 of the Revised Code for a period of time 67684
longer than that which would be estimated by a similar 67685
practitioner under the same or similar circumstances. 67686

Sec. 4732.17. (A) Subject to division (F) of this section and 67687
except as provided in division (G) of this section, the state 67688
board of psychology may take any of the actions specified in 67689
division (C) of this section against an applicant for or a person 67690
who holds a license issued under this chapter on any of the 67691
following grounds as applicable: 67692

(1) Conviction, including a plea of guilty or no contest, of 67693
a felony, or of any offense involving moral turpitude, in a court 67694
of this or any other state or in a federal court; 67695

(2) A judicial finding of eligibility for intervention in 67696
lieu of conviction for a felony or any offense involving moral 67697
turpitude in a court of this or any other state or in a federal 67698
court; 67699

(3) Using fraud or deceit in the procurement of the license 67700
to practice psychology, independent school psychology, or school 67701
psychology or knowingly assisting another in the procurement of 67702
such a license through fraud or deceit; 67703

(4) Accepting commissions or rebates or other forms of 67704
remuneration for referring persons to other professionals; 67705

(5) Willful, unauthorized communication of information 67706
received in professional confidence; 67707

(6) Being negligent in the practice of psychology, 67708

independent school psychology, or school psychology; 67709

(7) Inability to practice according to acceptable and 67710
prevailing standards of care by reason of a mental, emotional, 67711
physiological, or pharmacological condition or substance abuse; 67712

(8) Subject to section 4732.28 of the Revised Code, violating 67713
any rule of professional conduct promulgated by the board; 67714

(9) Practicing in an area of psychology for which the person 67715
is clearly untrained or incompetent; 67716

(10) An adjudication by a court, as provided in section 67717
5122.301 of the Revised Code, that the person is incompetent for 67718
the purpose of holding the license. Such person may have the 67719
person's license issued or restored only upon determination by a 67720
court that the person is competent for the purpose of holding the 67721
license and upon the decision by the board that such license be 67722
issued or restored. The board may require an examination prior to 67723
such issuance or restoration. 67724

(11) Waiving the payment of all or any part of a deductible 67725
or copayment that a patient, pursuant to a health insurance or 67726
health care policy, contract, or plan that covers psychological 67727
services, would otherwise be required to pay if the waiver is used 67728
as an enticement to a patient or group of patients to receive 67729
health care services from that provider; 67730

(12) Advertising that the person will waive the payment of 67731
all or any part of a deductible or copayment that a patient, 67732
pursuant to a health insurance or health care policy, contract, or 67733
plan that covers psychological services, would otherwise be 67734
required to pay; 67735

(13) Any of the following actions taken by the agency 67736
responsible for authorizing or certifying the person to practice 67737
or regulating the person's practice of a health care occupation or 67738
provision of health care services in this state or another 67739

jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:	67740 67741 67742
(a) Limitation, revocation, or suspension of the person's license to practice;	67743 67744
(b) Acceptance of the person's license surrender;	67745
(c) Denial of a license to the person;	67746
(d) Refuse to renew or reinstate the person's license;	67747
(e) Imposition of probation on the person;	67748
(f) Issuance of an order of censure or other reprimand against the person;	67749 67750
(g) Other negative action or finding against the person about which information is available to the public.	67751 67752
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	67753 67754 67755 67756
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	67757 67758 67759
(16) Unless the person is an independent school psychologist or school psychologist licensed under this chapter:	67760 67761
(a) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	67762 67763 67764 67765 67766
(b) Offering or rendering independent school psychological or school psychological services after a license issued under this	67767 67768

chapter has been placed in retired status pursuant to section 67769
4732.142 of the Revised Code. 67770

(17) Violating any adjudication order or consent agreement 67771
adopted by the board; 67772

(18) Failure to submit to mental, cognitive, substance abuse, 67773
or medical evaluations, or a combination of these evaluations, 67774
ordered by the board under division (E) of this section. 67775

(B) Notwithstanding divisions (A)(11) and (12) of this 67776
section, sanctions shall not be imposed against any license holder 67777
who waives deductibles and copayments: 67778

(1) In compliance with the health benefit plan that expressly 67779
allows such a practice. Waiver of the deductibles or copays shall 67780
be made only with the full knowledge and consent of the plan 67781
purchaser, payer, and third-party administrator. Such consent 67782
shall be made available to the board upon request. 67783

(2) For professional services rendered to any other person 67784
licensed pursuant to this chapter to the extent allowed by this 67785
chapter and the rules of the board. 67786

(C) For any of the reasons specified in division (A) of this 67787
section, the board may do one or more of the following: 67788

(1) Refuse to issue a license to an applicant; 67789

(2) Issue a reprimand to a license holder; 67790

(3) Suspend the license of a license holder; 67791

(4) Revoke the license of a license holder; 67792

(5) Limit or restrict the areas of practice of an applicant 67793
or a license holder; 67794

(6) Require mental, substance abuse, or physical evaluations, 67795
or any combination of these evaluations, of an applicant or a 67796
license holder; 67797

(7) Require remedial education and training of an applicant 67798
or a license holder. 67799

(D) When it revokes the license of a license holder under 67800
division (C)(4) of this section, the board may specify that the 67801
revocation is permanent. An individual subject to permanent 67802
revocation is forever thereafter ineligible to hold a license, and 67803
the board shall not accept an application for reinstatement of the 67804
license or issuance of a new license. 67805

(E) When the board issues a notice of opportunity for a 67806
hearing on the basis of division (A)(7) of this section, the 67807
supervising member of the board, with cause and upon consultation 67808
with the board's executive director and the board's legal counsel, 67809
may compel the applicant or license holder to submit to mental, 67810
cognitive, substance abuse, or medical evaluations, or a 67811
combination of these evaluations, by a person or persons selected 67812
by the board. Notice shall be given to the applicant or license 67813
holder in writing signed by the supervising member, the executive 67814
director, and the board's legal counsel. The applicant or license 67815
holder is deemed to have given consent to submit to these 67816
evaluations and to have waived all objections to the admissibility 67817
of testimony or evaluation reports that constitute a privileged 67818
communication. The expense of the evaluation or evaluations shall 67819
be the responsibility of the applicant or license holder who is 67820
evaluated. 67821

(F) Before the board may take action under this section, 67822
written charges shall be filed with the board by the secretary and 67823
a hearing shall be had thereon in accordance with Chapter 119. of 67824
the Revised Code, except as follows: 67825

(1) On receipt of a complaint that any of the grounds listed 67826
in division (A) of this section exist, the state board of 67827
psychology may suspend a license issued under this chapter prior 67828
to holding a hearing in accordance with Chapter 119. of the 67829

Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall

provide the requested list of witnesses, summary of their 67861
testimony, and copies of documents to the requesting party, unless 67862
the hearing officer or presiding board member grants an extension. 67863
Failure to timely provide a list or copies requested in accordance 67864
with this section may, at the discretion of the hearing officer or 67865
presiding board member, result in exclusion from the hearing of 67866
the witnesses, testimony, or documents. 67867

(4) In addition to subpoenas for the production of books, 67868
records, and papers requested under Chapter 119. of the Revised 67869
Code, either party may ask the board to issue a subpoena for the 67870
production of other tangible items. 67871

The person subject to a subpoena for the production of books, 67872
records, papers, or other tangible items shall respond to the 67873
subpoena at least twenty days prior to the date of the hearing. If 67874
a person fails to respond to a subpoena issued by the board, after 67875
providing reasonable notice to the person, the board, the hearing 67876
officer, or both may proceed with enforcement of the subpoena 67877
pursuant to section 119.09 of the Revised Code. 67878

(G) The board shall not refuse to issue a license to an 67879
applicant because of a conviction or plea of guilty or no contest 67880
to an offense or a judicial finding of eligibility for 67881
intervention in lieu of conviction, unless the refusal is in 67882
accordance with section 9.79 of the Revised Code. 67883

Sec. 4734.161. No chiropractor shall do either of the 67884
following: 67885

(A) Furnish a person with a prescription in order to enable 67886
the person to be issued a standard removable windshield placard, 67887
temporary removable windshield placard, permanent removable 67888
windshield placard, or license plates under section 4503.44 of the 67889
Revised Code, knowing that the person does not meet any of the 67890
criteria contained in division (A)(1) of that section; 67891

(B) Furnish a person with a prescription described in 67892
division (A) of this section and knowingly misstate on the 67893
prescription the length of time the chiropractor expects the 67894
person to have the disability that limits or impairs the person's 67895
ability to walk in order to enable the person to retain a placard 67896
issued under section 4503.44 of the Revised Code for a period of 67897
time longer than that which would be estimated by a similar 67898
practitioner under the same or similar circumstances. 67899

Sec. 4734.36. A chiropractor who in this state pleads guilty 67900
to or is convicted of aggravated murder, murder, voluntary 67901
manslaughter, felonious assault, kidnapping, rape, sexual battery, 67902
gross sexual imposition, aggravated arson, aggravated robbery, or 67903
aggravated burglary, or who in another jurisdiction pleads guilty 67904
to or is convicted of any substantially equivalent criminal 67905
offense, is automatically suspended from practice in this state 67906
and the license issued under this chapter to practice chiropractic 67907
is automatically suspended as of the date of the guilty plea or 67908
conviction. If applicable, the chiropractor's certificate issued 67909
under this chapter to practice acupuncture is automatically 67910
suspended at the same time. Continued practice after suspension 67911
under this section shall be considered practicing chiropractic 67912
without a license and, if applicable, acupuncture without a 67913
certificate. On receiving notice or otherwise becoming aware of 67914
the conviction, the state chiropractic board shall notify the 67915
individual of the suspension under this section ~~by certified mail~~ 67916
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 67917
of the Revised Code. If an individual whose license and, if 67918
applicable, certificate to practice acupuncture is suspended under 67919
this section fails to make a timely request for an adjudication, 67920
the board shall enter a final order revoking the individual's 67921
license and, if applicable, certificate to practice acupuncture. 67922

Sec. 4734.37. If the state chiropractic board determines that 67923
there is clear and convincing evidence that a person who has been 67924
granted a license to practice chiropractic and, if applicable, 67925
certificate to practice acupuncture under this chapter has 67926
committed an act that subjects the person's license and, if 67927
applicable, certificate to board action under section 4734.31 of 67928
the Revised Code and that the person's continued practice presents 67929
a danger of immediate and serious harm to the public, the board 67930
may suspend the license and, if applicable, certificate without a 67931
prior hearing. A telephone conference call may be utilized for 67932
reviewing the matter and taking the vote. 67933

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 67934
~~certified mail or in person~~ in accordance with ~~section~~ sections 67935
119.05 and 119.07 of the Revised Code. The order is not subject to 67936
suspension by the court during pendency of any appeal filed under 67937
section 119.12 of the Revised Code. If the person subject to the 67938
suspension requests an adjudication by the board, the date set for 67939
the adjudication shall be within twenty days, but not earlier than 67940
seven days, after the request, unless otherwise agreed to by both 67941
the board and the person subject to the suspension. 67942

Any summary suspension imposed under this section shall 67943
remain in effect, unless reversed on appeal, until a final 67944
adjudicative order issued by the board pursuant to section 4734.31 67945
and Chapter 119. of the Revised Code becomes effective. The board 67946
shall issue its final adjudicative order within sixty days after 67947
completion of its adjudication. A failure to issue the order 67948
within sixty days shall result in dissolution of the summary 67949
suspension order but shall not invalidate any subsequent, final 67950
adjudicative order. 67951

Sec. 4735.01. As used in this chapter: 67952

(A) "Real estate broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration does any of the following:

(1) Sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate;

(2) Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate;

(3) Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate;

(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;

(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;

(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;

(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;

(8) Is engaged in the business of charging an advance fee or

contracting for collection of a fee in connection with any 67983
contract whereby the broker undertakes primarily to promote the 67984
sale, exchange, purchase, rental, or leasing of real estate 67985
through its listing in a publication issued primarily for such 67986
purpose, or for referral of information concerning such real 67987
estate to brokers, or both, except that this division does not 67988
apply to a publisher of listings or compilations of sales of real 67989
estate by their owners; 67990

(9) Collects rental information for purposes of referring 67991
prospective tenants to rental units or locations of such units and 67992
charges the prospective tenants a fee. 67993

(B) "Real estate" includes leaseholds as well as any and 67994
every interest or estate in land situated in this state, whether 67995
corporeal or incorporeal, whether freehold or nonfreehold, and the 67996
improvements on the land, but does not include cemetery interment 67997
rights. 67998

(C) "Real estate salesperson" means any person associated 67999
with a licensed real estate broker to do or to deal in any acts or 68000
transactions set out or comprehended by the definition of a real 68001
estate broker, for compensation or otherwise. 68002

(D) "Institution of higher education" includes all of the 68003
following: 68004

(1) A state institution of higher education, as defined in 68005
section 3345.011 of the Revised Code; 68006

(2) A nonprofit institution issued a certificate of 68007
authorization under Chapter 1713. of the Revised Code; 68008

(3) A private institution exempt from regulation under 68009
Chapter 3332. of the Revised Code, as prescribed in section 68010
3333.046 of the Revised Code. 68011

(4) An institution with a certificate of registration from 68012

the state board of career colleges and schools under Chapter 3332. 68013
of the Revised Code that is approved to offer degree programs in 68014
accordance with section 3332.05 of the Revised Code. 68015

(E) "Foreign real estate" means real estate not situated in 68016
this state and any interest in real estate not situated in this 68017
state. 68018

(F) "Foreign real estate dealer" includes any person, 68019
partnership, association, limited liability company, limited 68020
liability partnership, or corporation, foreign or domestic, who 68021
for another, whether pursuant to a power of attorney or otherwise, 68022
and who for a fee, commission, or other valuable consideration, or 68023
with the intention, or in the expectation, or upon the promise of 68024
receiving or collecting a fee, commission, or other valuable 68025
consideration, does or deals in any act or transaction specified 68026
or comprehended in division (A) of this section with respect to 68027
foreign real estate. 68028

(G) "Foreign real estate salesperson" means any person 68029
associated with a licensed foreign real estate dealer to do or 68030
deal in any act or transaction specified or comprehended in 68031
division (A) of this section with respect to foreign real estate, 68032
for compensation or otherwise. 68033

(H) Any person, partnership, association, limited liability 68034
company, limited liability partnership, or corporation, who, for 68035
another, in consideration of compensation, by fee, commission, 68036
salary, or otherwise, or with the intention, in the expectation, 68037
or upon the promise of receiving or collecting a fee, does, or 68038
offers, attempts, or agrees to engage in, any single act or 68039
transaction contained in the definition of a real estate broker, 68040
whether an act is an incidental part of a transaction, or the 68041
entire transaction, shall be constituted a real estate broker or 68042
real estate salesperson under this chapter. 68043

(I)(1) The terms "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson" do not include a person, partnership, association, limited liability company, limited liability partnership, or corporation, or the regular employees thereof, who perform any of the acts or transactions specified or comprehended in division (A) of this section, whether or not for, or with the intention, in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration:

(a) With reference to real estate situated in this state owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;

(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation;

(c) As a public officer while performing the officer's official duties;

(d) As an attorney at law in the performance of the attorney's duties;

(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;

(f) As a person who engages in the sale of manufactured homes

as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;

(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;

(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code;

(i) As an oil and gas land professional employed by the person, partnership, association, limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties.

(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I)(1)(a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or comprehended by division (A) of this section.

(J) "Disabled licensee" means a person licensed pursuant to this chapter who is under a severe disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of

real estate and professional licensing." 68106

(L) "Superintendent" or "superintendent of real estate" means 68107
the superintendent of the division of real estate and professional 68108
licensing of this state. Whenever the division or superintendent 68109
of real estate is referred to or designated in any statute, rule, 68110
contract, or other document, the reference or designation shall be 68111
deemed to refer to the division or superintendent of real estate 68112
and professional licensing, as the case may be. 68113

(M) "Inactive license" means the license status in which a 68114
salesperson's license is in the possession of the division, 68115
renewed as required under this chapter or rules adopted under this 68116
chapter, and not associated with a real estate broker. 68117

(N) "Broker's license on deposit" means the license status in 68118
which a broker's license is in the possession of the division of 68119
real estate and professional licensing and renewed as required 68120
under this chapter or rules adopted under this chapter. 68121

(O) "Suspended license" means the license status that 68122
prohibits a licensee from providing services that require a 68123
license under this chapter for a specified interval of time. 68124

(P) "Reactivate" means the process prescribed by the 68125
superintendent of real estate and professional licensing to remove 68126
a license from an inactive, suspended, or broker's license on 68127
deposit status to allow a licensee to provide services that 68128
require a license under this chapter. 68129

(Q) "Revoked" means the license status in which the license 68130
is void and not eligible for reactivation. 68131

(R) "Commercial real estate" means any parcel of real estate 68132
in this state other than real estate containing one to four 68133
residential units. "Commercial real estate" does not include 68134
single-family residential units such as condominiums, townhouses, 68135
manufactured homes, or homes in a subdivision when sold, leased, 68136

or otherwise conveyed on a unit-by-unit basis, even when those units are a part of a larger building or parcel of real estate containing more than four residential units.

(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in

accordance with the terms specified in the listing agreement or if 68167
the property is sold or leased during the term of the listing 68168
agreement, unless the property is sold or leased solely through 68169
the efforts of the seller or to the specifically exempted persons 68170
or entities. 68171

(W) "Exclusive purchaser agency agreement" means an agency 68172
agreement between a purchaser and broker that meets the 68173
requirements of section 4735.55 of the Revised Code and does both 68174
of the following: 68175

(1) Grants the broker the exclusive right to represent the 68176
purchaser in the purchase or lease of property; 68177

(2) Provides the broker will be compensated in accordance 68178
with the terms specified in the exclusive agency agreement or if a 68179
property is purchased or leased by the purchaser during the term 68180
of the agency agreement unless the property is specifically 68181
exempted in the agency agreement. 68182

The agreement may authorize the broker to receive 68183
compensation from the seller or the seller's agent and may provide 68184
that the purchaser is not obligated to compensate the broker if 68185
the property is purchased or leased solely through the efforts of 68186
the purchaser. 68187

(X) "Seller" means a party in a real estate transaction who 68188
is the potential transferor of property. "Seller" includes an 68189
owner of property who is seeking to sell the property and a 68190
landlord who is seeking to rent or lease property to another 68191
person. 68192

(Y) "Resigned" means the license status in which a license 68193
has been voluntarily and permanently surrendered to or is 68194
otherwise in the possession of the division of real estate and 68195
professional licensing, may not be renewed or reactivated in 68196
accordance with the requirements specified in this chapter or the 68197

rules adopted pursuant to it, and is not associated with a real estate broker. 68198
68199

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law. 68200
68201

(AA) "Associate broker" means an individual licensed as a real estate broker under this chapter who does not function as the principal broker or a management level licensee. 68202
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68204

(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees. 68205
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(CC) "Credit-eligible course" means a credit or noncredit-bearing course that is both of the following: 68212
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(1) The course is offered by an institution of higher education. 68214
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(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education. 68216
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(DD) "Distance education" means courses required by divisions (B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both. 68219
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(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter. 68225
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68227

(FF) "Management level licensee" means a licensee who is 68228
employed by or affiliated with a real estate broker and who has 68229
supervisory responsibility over other licensees employed by or 68230
affiliated with that real estate broker. 68231

(GG) "Oil and gas land professional" means a person regularly 68232
engaged in the preparation and negotiation of agreements for the 68233
purpose of exploring for, transporting, producing, or developing 68234
oil and gas mineral interests, including, but not limited to, oil 68235
and gas leases and pipeline easements. 68236

(HH) "Principal broker" means an individual licensed as a 68237
real estate broker under this chapter who oversees and directs the 68238
operations of the brokerage. 68239

(II) "Right-to-list home sale agreement" means an agreement 68240
whereby the owner of residential real estate agrees to provide 68241
another person with exclusive rights to list the real estate for 68242
sale at a future date in exchange for monetary consideration, or 68243
an equivalent to monetary consideration, and that meets one or 68244
both of the following: 68245

(1) The agreement states that it runs with the land or 68246
otherwise purports to bind future owners of the residential real 68247
estate; 68248

(2) The agreement purports to be a lien, encumbrance, or 68249
other real property security interest. 68250

Sec. 4735.03. There is hereby created the Ohio real estate 68251
commission, consisting of five members who shall be appointed by 68252
the governor, with the advice and consent of the senate. Four 68253
members shall have been engaged in the real estate business as 68254
licensed real estate brokers in the state for a period of ten 68255
years immediately preceding the appointment. One member shall 68256
represent the public. Terms of office shall be for five years, 68257

commencing on the first day of July and ending on the thirtieth 68258
day of June. Each member shall hold office from the date of 68259
appointment until the end of the term for which appointed. No more 68260
than three members shall be members of any one political party and 68261
no member of the commission concurrently may be a member of the 68262
commission and the real estate appraiser board created pursuant to 68263
section 4763.02 of the Revised Code. Each member, before entering 68264
upon the duties of office, shall subscribe to and file with the 68265
secretary of state the constitutional oath of office. All 68266
vacancies which occur shall be filled in the manner prescribed for 68267
the regular appointments to the commission. Any member appointed 68268
to fill a vacancy occurring prior to the expiration of the term 68269
for which the member's predecessor was appointed shall hold office 68270
for the remainder of such term. Any member shall continue in 68271
office subsequent to the expiration date of the member's term 68272
until the member's successor takes office, or until a period of 68273
sixty days has elapsed, whichever occurs first. No member shall 68274
hold office for more than two consecutive full terms. Annually, 68275
upon the qualification of the member appointed in such year, the 68276
commission shall organize by selecting from its members a 68277
president and vice-president, and shall do all things necessary 68278
and proper to carry out and enforce this chapter. A majority of 68279
the members of the commission shall constitute a quorum, but a 68280
lesser number may adjourn from time to time. Each member of the 68281
commission shall receive an amount fixed pursuant to section 68282
124.14 of the Revised Code for each day employed in the discharge 68283
of official duties, and the member's actual and necessary expenses 68284
incurred in the discharge of those duties. 68285

The commission or the superintendent of real estate may 68286
investigate complaints concerning the violation of section 4735.02 68287
or 4735.25 of the Revised Code and may subpoena witnesses in 68288
connection with such investigations as provided in section 4735.04 68289
of the Revised Code. The commission or the superintendent may make 68290

application to the appropriate court for an order enjoining the 68291
violation of section 4735.02 or 4735.25 of the Revised Code, and 68292
upon a showing by the commission or the superintendent that any 68293
person, firm, partnership, association, limited liability company, 68294
limited liability partnership, or corporation has violated or is 68295
about to violate section 4735.02 or 4735.25 of the Revised Code, 68296
an injunction, restraining order, or such other order as may be 68297
appropriate shall be granted by such court. 68298

The commission shall: 68299

(A) Adopt canons of ethics for the real estate industry; 68300

(B) Upon appeal by any party affected, or may upon its own 68301
motion, review any order or application determination of the 68302
superintendent, and may reverse, vacate, or modify any order of 68303
the superintendent; 68304

(C) Administer ~~the real estate education and research fund~~ 68305
and hear appeals from orders of the superintendent regarding 68306
claims ~~against that fund~~ or against the real estate recovery fund; 68307

(D) Direct the superintendent on the content, scheduling, 68308
instruction, and offerings of real estate courses for salesperson 68309
and broker educational requirements; 68310

(E) Disseminate to licensees and the public, information 68311
relative to commission activities and decisions; 68312

(F) Notify licensees of changes in state and federal civil 68313
rights laws pertaining to discrimination in the purchase or sale 68314
of real estate and relevant case law, and inform licensees that 68315
they are subject to disciplinary action if they do not comply with 68316
the changes; 68317

(G) Publish and furnish to public libraries and to brokers 68318
booklets on housing and remedies available to dissatisfied clients 68319
under this chapter and Chapter 4112. of the Revised Code; 68320

(H) Provide training to commission members and employees of 68321
the division of real estate and professional licensing on issues 68322
relative to the real estate industry, which may include but not be 68323
limited to investigative techniques, real estate law, and real 68324
estate practices and procedures. 68325

Sec. 4735.05. (A) The Ohio real estate commission is a part 68326
of the department of commerce for administrative purposes. The 68327
director of commerce is ex officio the executive officer of the 68328
commission, or the director may designate any employee of the 68329
department as superintendent of real estate and professional 68330
licensing to act as executive officer of the commission. 68331

The commission and the real estate appraiser board created 68332
pursuant to section 4763.02 of the Revised Code shall each submit 68333
to the director a list of three persons whom the commission and 68334
the board consider qualified to be superintendent within sixty 68335
days after the office of superintendent becomes vacant. The 68336
director shall appoint a superintendent from the lists submitted 68337
by the commission and the board, and the superintendent shall 68338
serve at the pleasure of the director. 68339

(B) The superintendent, except as otherwise provided, shall 68340
do all of the following in regard to this chapter: 68341

(1) Administer this chapter; 68342

(2) Issue all orders necessary to implement this chapter; 68343

(3) Investigate complaints concerning the violation of this 68344
chapter or the conduct of any licensee; 68345

(4) Establish and maintain an investigation and audit section 68346
to investigate complaints and conduct inspections, audits, and 68347
other inquiries as in the judgment of the superintendent are 68348
appropriate to enforce this chapter. The investigators or auditors 68349
have the right to review and audit the business records of 68350

licensees and continuing education course providers during normal 68351
business hours. 68352

(5) Appoint a hearing examiner for any proceeding involving 68353
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 68354
the Revised Code; 68355

(6) Administer the real estate recovery fund. 68356

(C) The superintendent may do all of the following: 68357

(1) In connection with investigations and audits under 68358
division (B) of this section, subpoena witnesses as provided in 68359
section 4735.04 of the Revised Code; 68360

(2) Apply to the appropriate court to enjoin any violation of 68361
this chapter. Upon a showing by the superintendent that any person 68362
has violated or is about to violate any provision of this chapter, 68363
the court shall grant an injunction, restraining order, or other 68364
appropriate order. 68365

(3) Recommend the appointment of an ancillary trustee who is 68366
qualified as determined by the superintendent in any of the 68367
following instances: 68368

(a) Upon the death of a licensed broker, if there is no other 68369
licensed broker within the brokerage, upon application by any 68370
interested party, subject to the approval by the appropriate 68371
probate court, to conclude the business transactions of the 68372
deceased broker; 68373

(b) Upon the revocation of a licensed broker, if there is no 68374
other licensed broker within the brokerage, to conclude the 68375
business transactions of the revoked broker; 68376

(c) Upon the incapacitation, suspension, or incarceration of 68377
a licensed broker, if there is no other licensed broker within the 68378
brokerage, to continue the business transactions of the brokerage 68379
for a period of time not to exceed the period of incapacitation, 68380

suspension, or incarceration. 68381

(4) In conjunction with the enforcement of this chapter, when 68382
the superintendent of real estate has reasonable cause to believe 68383
that an applicant or licensee has committed a criminal offense, 68384
the superintendent of real estate may request the superintendent 68385
of the bureau of criminal identification and investigation to 68386
conduct a criminal records check of the applicant or licensee. The 68387
superintendent of the bureau of criminal identification and 68388
investigation shall obtain information from the federal bureau of 68389
investigation as part of the criminal records check of the 68390
applicant or licensee. The superintendent of real estate may 68391
assess the applicant or licensee a fee equal to the fee assessed 68392
for the criminal records check. 68393

(5) In conjunction with the enforcement of this chapter, 68394
issue advisory letters in lieu of initiating disciplinary action 68395
under section 4735.051 or 4735.052 of the Revised Code or issuing 68396
a citation under section 4735.16 or 4735.181 of the Revised Code. 68397

(D) All information that is obtained by investigators and 68398
auditors performing investigations or conducting inspections, 68399
audits, and other inquiries pursuant to division (B)(4) of this 68400
section, from licensees, complainants, or other persons, and all 68401
reports, documents, and other work products that arise from that 68402
information and that are prepared by the investigators, auditors, 68403
or other personnel of the department, shall be held in confidence 68404
by the superintendent, the investigators and auditors, and other 68405
personnel of the department. ~~Notwithstanding any provision of the~~ 68406
~~Revised Code to the contrary, all~~ All information obtained by 68407
investigators or auditors from an informal mediation meeting held 68408
pursuant to section 4735.051 of the Revised Code, including but 68409
not limited to the agreement to mediate and the accommodation 68410
agreement, shall be held in confidence by the superintendent, 68411
investigators, auditors, and other personnel of the department. 68412

(E) This section does not require or prevent the division of 68413
real estate and professional licensing from releasing information 68414
relating to licensees to the ~~superintendent of financial~~ 68415
~~institutions for purposes relating to the administration of~~ 68416
~~Chapter 1322. of the Revised Code, division of financial~~ 68417
institutions, division of securities, and the division of 68418
industrial compliance for purposes relating to the administration 68419
of the Revised Code chapters enforced by those divisions; to the 68420
superintendent of insurance for purposes relating to the 68421
administration of Chapter 3953. of the Revised Code~~;~~i to the 68422
attorney general~~;~~i or to ~~local~~ law enforcement agencies and ~~local~~ 68423
prosecutors. Information released by the division pursuant to this 68424
section remains confidential. 68425

Sec. 4735.052. (A) Upon receipt of a written complaint or 68426
upon the superintendent's own motion, the superintendent may 68427
investigate any person that has allegedly violated section 68428
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 68429
superintendent shall not initiate an investigation, pursuant to 68430
this section, of any person who held a suspended or inactive 68431
license under this chapter on the date of the alleged violation. 68432

(B) If, after investigation, the superintendent determines 68433
there exists reasonable evidence of a violation of section 68434
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 68435
business days after that determination, the superintendent shall 68436
send the party who is the subject of the investigation, a written 68437
notice, by regular mail, that includes all of the following 68438
information: 68439

(1) A description of the activity in which the party 68440
allegedly is engaging or has engaged that is a violation of 68441
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 68442

(2) The applicable law allegedly violated; 68443

(3) A statement informing the party that a hearing concerning the alleged violation will be held, upon the party's request, before a hearing examiner pursuant to Chapter 119. of the Revised Code.

(C)(1) If a hearing is requested, the hearing examiner shall hear the testimony of all parties present at the hearing and consider any written testimony submitted pursuant to this section, and determine if there has been a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code.

(2) After the conclusion of formal hearings, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the commission, the complainant, and the parties. Within twenty days of receipt of such copy of the written report of findings of fact and conclusions of law, the parties and the division may file with the commission written objections to the report, which shall be considered by the commission before approving, modifying, or disapproving the report.

(3) The commission shall review the hearing examiner's report at the next regularly scheduled commission meeting held at least twenty business days after receipt of the hearing examiner's report. The commission shall hear the testimony of the complainant or the parties upon request.

(4) The commission shall decide whether to impose disciplinary sanctions upon a party for a violation of section 4735.02 or 4735.023 of the Revised Code. If the commission finds that a violation has occurred, the commission may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation. Each day a violation occurs or continues is a separate violation. The commission shall determine the terms of payment. The commission shall maintain a record of the proceedings of the hearing and issue a written opinion to all parties, citing

its findings and grounds for any action taken. 68476

(D) Civil penalties collected under this section shall be 68477
deposited in the real estate operating fund, which is created in 68478
the state treasury under section 4735.211 of the Revised Code. 68479

(E) If a party fails to pay a civil penalty assessed pursuant 68480
to this section within the time prescribed by the commission, the 68481
superintendent shall forward to the attorney general the name of 68482
the party, any other identifying information, and the amount of 68483
the civil penalty, for the purpose of collecting that civil 68484
penalty. In addition to the civil penalty assessed pursuant to 68485
this section, the party also shall pay any fee assessed by the 68486
attorney general for collection of the civil penalty. 68487

(F) The superintendent may reserve the right to bring a civil 68488
action against a party that fails to pay a civil penalty for 68489
breach of contract in a court of competent jurisdiction. 68490

Sec. 4735.06. (A) Application for a license as a real estate 68491
broker shall be made to the superintendent of real estate on forms 68492
furnished by the superintendent and filed with the superintendent 68493
and shall be signed by the applicant or its members or officers. 68494
Each application shall state the name of the person applying and 68495
the location of the place of business for which the license is 68496
desired, and give such other information as the superintendent 68497
requires in the form of application prescribed by the 68498
superintendent. 68499

(B)(1) If the applicant is a partnership, limited liability 68500
company, limited liability partnership, or association, the names 68501
of all the members also shall be stated, and, if the applicant is 68502
a corporation, the names of its president and of each of its 68503
officers also shall be stated. 68504

The superintendent has the right to reject the application of 68505

any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation.

(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria:

(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the public.

(3) The superintendent may approve the use of more than one trade name for a brokerage.

(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the

brokerage in all advertising. 68537

(C) A fee of one hundred thirty-five dollars shall accompany 68538
the application for a real estate broker's license. The initial 68539
licensing period commences at the time the license is issued and 68540
ends on the applicant's first birthday thereafter. However, if the 68541
applicant was an inactive or active salesperson immediately 68542
preceding application for a broker's license, then the initial 68543
licensing period shall commence at the time the broker's license 68544
is issued and ends on the date the licensee's continuing education 68545
is due as set when the applicant was a salesperson. The 68546
application fee shall be nonrefundable. A fee of one hundred 68547
thirty-five dollars shall be charged by the superintendent for 68548
each successive application made by an applicant. In the case of 68549
issuance of a three-year license, upon passing the examination, or 68550
upon waiver of the examination requirement, if the superintendent 68551
determines it is necessary, the applicant shall submit an 68552
additional fee determined by the superintendent based upon the 68553
number of years remaining in a real estate salesperson's licensing 68554
period. 68555

~~(D) One dollar of each application fee for a real estate 68556
broker's license shall be credited to the real estate education 68557
and research fund, which is hereby created in the state treasury. 68558~~
The Ohio real estate commission may use the division of real 68559
estate operating fund created under section 4735.211 of the 68560
Revised Code in discharging the duties prescribed in divisions 68561
(E), (F), (G), and (H) of section 4735.03 of the Revised Code and 68562
~~shall~~ may use it in the advancement of education and research in 68563
real estate at any institution of higher education in the state, 68564
or in contracting with any such institution or a trade 68565
organization for a particular research or educational project in 68566
the field of real estate, or in advancing loans, not exceeding two 68567
thousand dollars, to applicants for salesperson licenses, to 68568

defray the costs of satisfying the educational requirements of 68569
division (F) of section 4735.09 of the Revised Code. Such loans 68570
shall be made according to rules established by the commission 68571
under the procedures of Chapter 119. of the Revised Code, and they 68572
shall be repaid to the fund within three years of the time they 68573
are made. No more than twenty-five thousand dollars shall be lent 68574
from the fund in any one fiscal year. 68575

The governor may appoint a representative from the executive 68576
branch to be a member ex officio of the commission for the purpose 68577
of advising on research requests or educational projects. The 68578
commission shall report to the general assembly on the third 68579
Tuesday after the third Monday in January of each year setting 68580
forth the total amount contained in the fund and the amount of 68581
each research grant that it has authorized and the amount of each 68582
research grant requested. A copy of all research reports shall be 68583
submitted to the state library of Ohio and the library of the 68584
legislative service commission. 68585

(E) If the superintendent, with the consent of the 68586
commission, enters into an agreement with a national testing 68587
service to administer the real estate broker's examination, 68588
pursuant to division (A) of section 4735.07 of the Revised Code, 68589
the superintendent may require an applicant to pay the testing 68590
service's examination fee directly to the testing service. If the 68591
superintendent requires the payment of the examination fee 68592
directly to the testing service, each applicant shall submit to 68593
the superintendent a processing fee in an amount determined by the 68594
Ohio real estate commission pursuant to division (A)(2) of section 68595
4735.10 of the Revised Code. 68596

Sec. 4735.07. (A) The superintendent of real estate, with the 68597
consent of the Ohio real estate commission, may enter into 68598
agreements with recognized national testing services to administer 68599

the real estate broker's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination.

(B) No applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest and truthful;

(2)(a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant will again violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) Has been a licensed real estate broker or salesperson for at least ~~two years; during at least~~ two of the five years preceding the person's application, ~~has worked as a licensed real estate broker or salesperson for an average of at least thirty~~

~~hours per week;~~ and has completed one of the following: 68630

(a) At least twenty real estate transactions, in which 68631
property was sold for another by the applicant while acting in the 68632
capacity of a real estate broker or salesperson; 68633

(b) Such equivalent experience as is defined by rules adopted 68634
by the commission. 68635

(6)(a) If licensed as a real estate salesperson prior to 68636
August 1, 2001, successfully has completed at an institution of 68637
higher education all of the following credit-eligible courses by 68638
either classroom instruction or distance education: 68639

(i) Thirty hours of instruction in real estate practice; 68640

(ii) Thirty hours of instruction that includes the subjects 68641
of Ohio real estate law, municipal, state, and federal civil 68642
rights law, new case law on housing discrimination, desegregation 68643
issues, and methods of eliminating the effects of prior 68644
discrimination. If feasible, the instruction in Ohio real estate 68645
law shall be taught by a member of the faculty of an accredited 68646
law school. If feasible, the instruction in municipal, state, and 68647
federal civil rights law, new case law on housing discrimination, 68648
desegregation issues, and methods of eliminating the effects of 68649
prior discrimination shall be taught by a staff member of the Ohio 68650
civil rights commission who is knowledgeable with respect to those 68651
subjects. The requirements of this division do not apply to an 68652
applicant who is admitted to practice before the supreme court. 68653

(iii) Thirty hours of instruction in real estate appraisal; 68654

(iv) Thirty hours of instruction in real estate finance; 68655

(v) Three quarter hours, or its equivalent in semester hours, 68656
in financial management; 68657

(vi) Three quarter hours, or its equivalent in semester 68658
hours, in human resource or personnel management; 68659

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics; 68660
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(viii) Three quarter hours, or its equivalent in semester hours, in business law. 68662
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(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education: 68664
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(i) Forty hours of instruction in real estate practice; 68668

(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court. 68669
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(iii) Twenty hours of instruction in real estate appraisal; 68682

(iv) Twenty hours of instruction in real estate finance; 68683

(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 68684
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(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 68686
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do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.

(e) Successful completion of the instruction required by division (B)(6)(a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the

superintendent. The broker's license shall not be reactivated by 68753
the superintendent until it is established, to the satisfaction of 68754
the superintendent, that the requirements of this division have 68755
been met and that the licensee is in compliance with this chapter. 68756
A licensee's license is revoked automatically without the taking 68757
of any action by the superintendent if the licensee fails to 68758
submit proof of completion of the education requirements specified 68759
under division (G)(1) of this section within twelve months of the 68760
date the license is suspended. 68761

(2) If the license of a real estate broker is suspended 68762
pursuant to division (G)(1) of this section, the license of a real 68763
estate salesperson associated with that broker correspondingly is 68764
suspended pursuant to division (H) of section 4735.20 of the 68765
Revised Code. However, the suspended license of the associated 68766
real estate salesperson shall be reactivated and no fee shall be 68767
charged or collected for that reactivation if all of the following 68768
occur: 68769

(a) That broker subsequently submits satisfactory proof to 68770
the superintendent that the broker has complied with the 68771
requirements of division (G)(1) of this section and requests that 68772
the broker's license as a real estate broker be reactivated; 68773

(b) The superintendent then reactivates the broker's license 68774
as a real estate broker; 68775

(c) The associated real estate salesperson intends to 68776
continue to be associated with that broker and otherwise is in 68777
compliance with this chapter. 68778

Sec. 4735.09. (A) Application for a license as a real estate 68779
salesperson shall be made to the superintendent of real estate on 68780
forms furnished by the superintendent and signed by the applicant. 68781
The application shall be in the form prescribed by the 68782
superintendent and shall contain such information as is required 68783

by this chapter and the rules of the Ohio real estate commission. 68784
The application shall be accompanied by the recommendation of the 68785
real estate broker with whom the applicant is associated or with 68786
whom the applicant intends to be associated, certifying that the 68787
applicant is honest and truthful, and has not been finally 68788
adjudged by a court to have violated any municipal, state, or 68789
federal civil rights laws relevant to the protection of purchasers 68790
or sellers of real estate, which conviction or adjudication the 68791
applicant has not disclosed to the superintendent, and 68792
recommending that the applicant be admitted to the real estate 68793
salesperson examination. 68794

(B) A fee of eighty-one dollars shall accompany the 68795
application, which fee includes the fee for the initial year of 68796
the licensing period, if a license is issued. The initial year of 68797
the licensing period commences at the time the license is issued 68798
and ends on the applicant's first birthday thereafter. The 68799
application fee shall be nonrefundable. A fee of eighty-one 68800
dollars shall be charged by the superintendent for each successive 68801
application made by the applicant. ~~One dollar of each application~~ 68802
~~fee shall be credited to the real estate education and research~~ 68803
~~fund.~~ 68804

(C) There shall be no limit placed on the number of times an 68805
applicant may retake the examination. 68806

(D) The superintendent, with the consent of the commission, 68807
may enter into an agreement with a recognized national testing 68808
service to administer the real estate salesperson's examination 68809
under the superintendent's supervision and control, consistent 68810
with the requirements of this chapter as to the contents of the 68811
examination. 68812

If the superintendent, with the consent of the commission, 68813
enters into an agreement with a national testing service to 68814

administer the real estate salesperson's examination, the 68815
superintendent may require an applicant to pay the testing 68816
service's examination fee directly to the testing service. If the 68817
superintendent requires the payment of the examination fee 68818
directly to the testing service, each applicant shall submit to 68819
the superintendent a processing fee in an amount determined by the 68820
Ohio real estate commission pursuant to division (A)(1) of section 68821
4735.10 of the Revised Code. 68822

(E) The superintendent shall issue a real estate 68823
salesperson's license when satisfied that the applicant has 68824
received a passing score on each portion of the salesperson's 68825
examination as determined by rule by the real estate commission, 68826
except that the superintendent may waive one or more of the 68827
requirements of this section in the case of an applicant who is a 68828
licensed real estate salesperson in another state pursuant to a 68829
reciprocity agreement with the licensing authority of the state 68830
from which the applicant holds a valid real estate salesperson's 68831
license. 68832

(F) No applicant for a salesperson's license shall take the 68833
salesperson's examination who has not established to the 68834
satisfaction of the superintendent that the applicant: 68835

(1) Is honest and truthful; 68836

(2)(a) Has not been convicted of a disqualifying offense as 68837
determined in accordance with section 9.79 of the Revised Code; 68838

(b) Has not been finally adjudged by a court to have violated 68839
any municipal, state, or federal civil rights laws relevant to the 68840
protection of purchasers or sellers of real estate or, if the 68841
applicant has been so adjudged, at least two years have passed 68842
since the court decision and the superintendent has disregarded 68843
the adjudication because the applicant has proven, by a 68844
preponderance of the evidence, that the applicant is honest and 68845

truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved. 68846
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(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule; 68848
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(4) Is at least eighteen years of age; 68854

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education; 68855
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(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education: 68858
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(a) Forty hours of instruction in real estate practice; 68861

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court. 68862
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(c) Twenty hours of instruction in real estate appraisal; 68875

(d) Twenty hours of instruction in real estate finance. 68876

(G)(1) Successful completion of the instruction required by 68877
division (F)(6) of this section shall be determined by the law in 68878
effect on the date the instruction was completed. 68879

(2) Division (F)(6)(c) of this section does not apply to any 68880
new applicant who holds a valid Ohio real estate appraiser license 68881
or certificate issued prior to the date of application for a real 68882
estate salesperson's license. 68883

(H) Only for noncredit course offerings, an institution of 68884
higher education shall obtain approval from the appropriate state 68885
authorizing entity prior to offering a real estate course that is 68886
designed and marketed as satisfying the salesperson license 68887
education requirements of division (F)(6) of this section. The 68888
state authorizing entity may consult with the superintendent in 68889
reviewing the course for compliance with this section. 68890

(I) Any person who has not been licensed as a real estate 68891
salesperson or broker within a four-year period immediately 68892
preceding the person's current application for the salesperson's 68893
examination shall have successfully completed the prelicensure 68894
instruction required by division (F)(6) of this section within a 68895
ten-year period immediately preceding the person's current 68896
application for the salesperson's examination. 68897

(J) Not earlier than the date of issue of a real estate 68898
salesperson's license to a licensee, but not later than twelve 68899
months after the date of issue of a real estate salesperson 68900
license to a licensee, the licensee shall submit proof 68901
satisfactory to the superintendent, on forms made available by the 68902
superintendent, of the completion of twenty hours of instruction 68903
that shall be completed in schools, seminars, and educational 68904
institutions approved by the commission. The instruction shall 68905
include, but is not limited to, current practices relating to 68906

commercial real estate, property management, short sales, and land 68907
contracts; contract law; federal and state programs; economic 68908
conditions; and fiduciary responsibility. Approval of the 68909
curriculum and providers shall be granted according to rules 68910
adopted pursuant to section 4735.10 of the Revised Code and may be 68911
taken through classroom instruction or distance education. 68912

If proof of completion of the required instruction is not 68913
submitted within twelve months of the date a license is issued 68914
under this section, the licensee's license is suspended 68915
automatically without the taking of any action by the 68916
superintendent. The superintendent immediately shall notify the 68917
broker with whom such salesperson is associated of the suspension 68918
of the salesperson's license. A salesperson whose license has been 68919
suspended under this division shall have twelve months after the 68920
date of the suspension of the salesperson's license to submit 68921
proof of successful completion of the instruction required under 68922
this division. No such license shall be reactivated by the 68923
superintendent until it is established, to the satisfaction of the 68924
superintendent, that the requirements of this division have been 68925
met and that the licensee is in compliance with this chapter. A 68926
licensee's license is revoked automatically without the taking of 68927
any action by the superintendent when the licensee fails to submit 68928
the required proof of completion of the education requirements 68929
under division (I) of this section within twelve months of the 68930
date the license is suspended. 68931

(K) Examinations shall be administered with reasonable 68932
accommodations in accordance with the requirements of the 68933
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 68934
U.S.C. 12189. The contents of an examination shall be consistent 68935
with the classroom instructional requirements of division (F)(6) 68936
of this section. An applicant who has completed the classroom 68937
instructional requirements of division (F)(6) of this section at 68938

the time of application shall be examined no later than twelve 68939
months after the applicant is notified of the applicant's 68940
admission to the examination. 68941

Sec. 4735.12. (A) The real estate recovery fund is hereby 68942
created in the state treasury, to be administered by the 68943
superintendent of real estate. Amounts collected by the 68944
superintendent as prescribed in this section and interest earned 68945
on the assets of the fund shall be credited by the treasurer of 68946
state to the fund. The amount of money in the fund shall be 68947
ascertained by the superintendent as of the first day of July of 68948
each year. 68949

The commission, in accordance with rules adopted under 68950
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 68951
impose a special assessment not to exceed ten dollars per year for 68952
each year of a licensing period on each licensee filing a notice 68953
of renewal under section 4735.14 of the Revised Code if the amount 68954
available in the fund is less than two hundred fifty thousand 68955
dollars on the first day of July preceding that filing. The 68956
commission shall not impose a special assessment if the amount 68957
available in the fund exceeds two hundred fifty thousand dollars 68958
on the first day of July preceding that filing. 68959

(B)(1) Any person who obtains a final judgment in any court 68960
of competent jurisdiction against any broker or salesperson 68961
licensed under this chapter, on the grounds of conduct that is in 68962
violation of this chapter or the rules adopted under it, and that 68963
is associated with an act or transaction that only a licensed real 68964
estate broker or licensed real estate salesperson is authorized to 68965
perform as specified in division (A) or (C) of section 4735.01 of 68966
the Revised Code, may file a verified application, as described in 68967
division (B)(3) of this section, in the court of common pleas of 68968
Franklin county for an order directing payment out of the real 68969

estate recovery fund of the portion of the judgment that remains 68970
unpaid and that represents the actual and direct loss sustained by 68971
the applicant. 68972

(2) Punitive damages, attorney's fees, and interest on a 68973
judgment are not recoverable from the fund. In the discretion of 68974
the superintendent of real estate, court costs may be recovered 68975
from the fund, and, if the superintendent authorizes the recovery 68976
of court costs, the order of the court of common pleas then may 68977
direct their payment from the fund. 68978

(3) The application shall specify the nature of the act or 68979
transaction upon which the underlying judgment was based, the 68980
activities of the applicant in pursuit of remedies available under 68981
law for the collection of judgments, and the actual and direct 68982
losses, attorney's fees, and the court costs sustained or incurred 68983
by the applicant. The applicant shall attach to the application a 68984
copy of each pleading and order in the underlying court action. 68985

(4) The court shall order the superintendent to make such 68986
payments out of the fund when the person seeking the order has 68987
shown all of the following: 68988

(a) The person has obtained a judgment, as provided in this 68989
division; 68990

(b) All appeals from the judgment have been exhausted and the 68991
person has given notice to the superintendent, as required by 68992
division (C) of this section; 68993

(c) The person is not a spouse of the judgment debtor, or the 68994
personal representative of such spouse; 68995

(d) The person has diligently pursued the person's remedies 68996
against all the judgment debtors and all other persons liable to 68997
the person in the transaction for which the person seeks recovery 68998
from the fund; 68999

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 69000
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 69003
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(a) Actions arising from property management accounts maintained in the name of the property owner; 69005
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(b) A bonding company when it is not a principal in a real estate transaction; 69007
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(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 69009
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 69013
69014

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that 69015
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the superintendent shall give written notice to the applicant at 69031
least ten days before such motion. The superintendent may, subject 69032
to court approval, compromise a claim based upon the application 69033
of an aggrieved party. The superintendent shall not be bound by 69034
any prior compromise or stipulation of the judgment debtor. 69035

(D) Notwithstanding any other provision of this section, the 69036
liability of the fund shall not exceed forty thousand dollars for 69037
any one licensee. If a licensee's license is reactivated as 69038
provided in division (E) of this section, the liability of the 69039
fund for the licensee under this section shall again be forty 69040
thousand dollars, but only for transactions that occur subsequent 69041
to the time of reactivation. 69042

If the forty-thousand-dollar liability of the fund is 69043
insufficient to pay in full the valid claims of all aggrieved 69044
persons by whom claims have been filed against any one licensee, 69045
the forty thousand dollars shall be distributed among them in the 69046
ratio that their respective claims bear to the aggregate of valid 69047
claims or in such other manner as the court finds equitable. 69048
Distribution of moneys shall be among the persons entitled to 69049
share in it, without regard to the order of priority in which 69050
their respective judgments may have been obtained or their claims 69051
have been filed. Upon petition of the superintendent, the court 69052
may require all claimants and prospective claimants against one 69053
licensee to be joined in one action, to the end that the 69054
respective rights of all such claimants to the fund may be 69055
equitably adjudicated and settled. 69056

(E) If the superintendent pays from the fund any amount in 69057
settlement of a claim or toward satisfaction of a judgment against 69058
a licensed broker or salesperson, the license of the broker or 69059
salesperson shall be automatically suspended upon the date of 69060
payment from the fund. The superintendent shall not reactivate the 69061
suspended license of that broker or salesperson until the broker 69062

or salesperson has repaid in full, plus interest per annum at the 69063
rate specified in division (A) of section 1343.03 of the Revised 69064
Code, the amount paid from the fund on the broker's or 69065
salesperson's account. A discharge in bankruptcy does not relieve 69066
a person from the suspension and requirements for reactivation 69067
provided in this section unless the underlying judgment has been 69068
included in the discharge and has not been reaffirmed by the 69069
debtor. 69070

(F) If, at any time, the money deposited in the fund is 69071
insufficient to satisfy any duly authorized claim or portion of a 69072
claim, the superintendent shall, when sufficient money has been 69073
deposited in the fund, satisfy such unpaid claims or portions, in 69074
the order that such claims or portions were originally filed, plus 69075
accumulated interest per annum at the rate specified in division 69076
(A) of section 1343.03 of the Revised Code. 69077

(G) When, upon the order of the court, the superintendent has 69078
paid from the fund any sum to the judgment creditor, the 69079
superintendent shall be subrogated to all of the rights of the 69080
judgment creditor to the extent of the amount so paid, and the 69081
judgment creditor shall assign all the judgment creditor's right, 69082
title, and interest in the judgment to the superintendent to the 69083
extent of the amount so paid. Any amount and interest so recovered 69084
by the superintendent on the judgment shall be deposited in the 69085
fund. 69086

(H) Nothing contained in this section shall limit the 69087
authority of the superintendent to take disciplinary action 69088
against any licensee under other provisions of this chapter; nor 69089
shall the repayment in full of all obligations to the fund by any 69090
licensee nullify or modify the effect of any other disciplinary 69091
proceeding brought pursuant to this chapter. 69092

(I) The superintendent ~~shall~~ may collect from the fund a 69093
service fee in an amount equivalent to the interest rate specified 69094

in division (A) of section 1343.03 of the Revised Code multiplied 69095
by the annual interest earned on the assets of the fund, to defray 69096
the expenses incurred in the administration of the fund. 69097

Sec. 4735.13. (A) Every real estate broker licensed under 69098
this chapter shall have and maintain a definite place of business 69099
in this state. A post office box address is not a definite place 69100
of business for purposes of this section. The license of a real 69101
estate broker shall be prominently displayed in the office or 69102
place of business of the broker, and no license shall authorize 69103
the licensee to do business except from the location specified in 69104
it. If the broker maintains more than one place of business within 69105
the state, the broker shall apply for and procure a duplicate 69106
license for each branch office maintained by the broker. Each 69107
branch office shall be in the charge of a licensed broker or 69108
salesperson. The branch office license shall be prominently 69109
displayed at the branch office location. 69110

(B) The license of each real estate salesperson shall be 69111
mailed to and remain in the possession of the licensed broker with 69112
whom the salesperson is or is to be associated until the licensee 69113
places the license on inactive or resigned status or until the 69114
salesperson leaves the brokerage or is terminated. The broker 69115
shall keep each salesperson's license in a way that it can, and 69116
shall on request, be made immediately available for public 69117
inspection at the office or place of business of the broker. 69118
Except as provided in divisions (G) and (H) of this section, 69119
immediately upon the salesperson's leaving the association or 69120
termination of the association of a real estate salesperson with 69121
the broker, the broker shall return the salesperson's license to 69122
the superintendent of real estate. 69123

The failure of a broker to return the license of a real 69124
estate salesperson or broker who leaves or who is terminated, via 69125

certified mail return receipt requested, within three business 69126
days of the receipt of a written request from the superintendent 69127
for the return of the license, is prima-facie evidence of 69128
misconduct under division (A)(6) of section 4735.18 of the Revised 69129
Code. 69130

(C) A licensee shall notify the superintendent in writing 69131
within fifteen days of any of the following occurrences: 69132

(1) The licensee is convicted of a felony. 69133

(2) The licensee is convicted of a crime involving moral 69134
turpitude. 69135

(3) The licensee is found to have violated any federal, 69136
state, or municipal civil rights law pertaining to discrimination 69137
in housing. 69138

(4) The licensee is found to have engaged in a discriminatory 69139
practice pertaining to housing accommodations described in 69140
division (H) of section 4112.02 of the Revised Code. 69141

(5) The licensee is the subject of an order by the department 69142
of commerce, the department of insurance, or the department of 69143
agriculture revoking or permanently surrendering any professional 69144
license, certificate, or registration. 69145

(6) The licensee is the subject of an order by any government 69146
agency concerning real estate, financial matters, or the 69147
performance of fiduciary duties with respect to any license, 69148
certificate, or registration. 69149

If a licensee fails to notify the superintendent within the 69150
required time, the superintendent immediately may suspend the 69151
license of the licensee. 69152

Any court that convicts a licensee of a violation of any 69153
municipal civil rights law pertaining to housing discrimination 69154
also shall notify the Ohio civil rights commission within fifteen 69155

days of the conviction. 69156

(D) In case of any change of business location, a broker 69157
shall give notice to the superintendent, on a form prescribed by 69158
the superintendent, within thirty days after the change of 69159
location, whereupon the superintendent shall issue new licenses 69160
for the unexpired period without charge. If a broker changes a 69161
business location without giving the required notice and without 69162
receiving new licenses that action is prima-facie evidence of 69163
misconduct under division (A)(6) of section 4735.18 of the Revised 69164
Code. 69165

(E) If a real estate broker desires to associate with another 69166
real estate broker in the capacity of a real estate salesperson, 69167
the broker shall apply to the superintendent to deposit the 69168
broker's real estate broker's license with the superintendent and 69169
for the issuance of a real estate salesperson's license. The 69170
application shall be made on a form prescribed by the 69171
superintendent and shall be accompanied by the recommendation of 69172
the real estate broker with whom the applicant intends to become 69173
associated and a fee of thirty-four dollars for the real estate 69174
salesperson's license. ~~One dollar of the fee shall be credited to~~ 69175
~~the real estate education and research fund.~~ If the superintendent 69176
is satisfied that the applicant is honest and truthful, has not 69177
been convicted of a disqualifying offense as determined in 69178
accordance with section 9.79 of the Revised Code, and has not been 69179
finally adjudged by a court to have violated any municipal, state, 69180
or federal civil rights laws relevant to the protection of 69181
purchasers or sellers of real estate, and that the association of 69182
the real estate broker and the applicant will be in the public 69183
interest, the superintendent shall grant the application and issue 69184
a real estate salesperson's license to the applicant. Any license 69185
so deposited with the superintendent shall be subject to this 69186
chapter. A broker who intends to deposit the broker's license with 69187

the superintendent, as provided in this section, shall give 69188
written notice of this fact in a format prescribed by the 69189
superintendent to all salespersons associated with the broker when 69190
applying to place the broker's license on deposit. 69191

(F) If a real estate broker desires to become a member or 69192
officer of a partnership, association, limited liability company, 69193
limited liability partnership, or corporation that is or intends 69194
to become a licensed real estate broker, the broker shall notify 69195
the superintendent of the broker's intentions. The notice of 69196
intention shall be on a form prescribed by the superintendent and 69197
shall be accompanied by a fee of thirty-four dollars. ~~One dollar~~ 69198
~~of the fee shall be credited to the real estate education and~~ 69199
~~research fund.~~ 69200

A licensed real estate broker who is a member or officer of a 69201
partnership, association, limited liability company, limited 69202
liability partnership, or corporation shall only act as a real 69203
estate broker for such partnership, association, limited liability 69204
company, limited liability partnership, or corporation. 69205

(G)(1) If a real estate broker or salesperson enters the 69206
armed forces, the broker or salesperson may place the broker's or 69207
salesperson's license on deposit with the Ohio real estate 69208
commission. The licensee shall not be required to renew the 69209
license until the renewal date that follows the date of discharge 69210
from the armed forces. Any license deposited with the commission 69211
shall be subject to this chapter. 69212

Any licensee whose license is on deposit under this division 69213
and who fails to meet the continuing education requirements of 69214
section 4735.141 of the Revised Code because the licensee is in 69215
the armed forces shall satisfy the commission that the licensee 69216
has complied with the continuing education requirements within 69217
twelve months of the licensee's first birthday after discharge or 69218
within the amount of time equal to the total number of months the 69219

licensee spent on active duty, whichever is greater. The licensee 69220
shall submit proper documentation of active duty service and the 69221
length of that active duty service to the superintendent. The 69222
extension shall not exceed the total number of months that the 69223
licensee served in active duty. The superintendent shall notify 69224
the licensee of the licensee's obligations under section 4735.141 69225
of the Revised Code at the time the licensee applies for 69226
reactivation of the licensee's license. 69227

(2) If a licensee is a spouse of a member of the armed forces 69228
and the spouse's service resulted in the licensee's absence from 69229
this state, both of the following apply: 69230

(a) The licensee shall not be required to renew the license 69231
until the renewal date that follows the date of the spouse's 69232
discharge from the armed forces. 69233

(b) If the licensee fails to meet the continuing education 69234
requirements of section 4735.141 of the Revised Code, the licensee 69235
shall satisfy the commission that the licensee has complied with 69236
the continuing education requirements within twelve months after 69237
the licensee's first birthday after the spouse's discharge or 69238
within the amount of time equal to the total number of months the 69239
licensee's spouse spent on active duty, whichever is greater. The 69240
licensee shall submit proper documentation of the spouse's active 69241
duty service and the length of that active duty service. This 69242
extension shall not exceed the total number of months that the 69243
licensee's spouse served in active duty. 69244

(3) In the case of a licensee as described in division (G)(2) 69245
of this section, who holds the license through a reciprocity 69246
agreement with another state, the spouse's service shall have 69247
resulted in the licensee's absence from the licensee's state of 69248
residence for the provisions of that division to apply. 69249

(4) As used in this division, "armed forces" means the armed 69250

forces of the United States or reserve component of the armed 69251
forces of the United States including the Ohio national guard or 69252
the national guard of any other state. 69253

(H) If a licensed real estate salesperson submits an 69254
application to the superintendent to leave the association of one 69255
broker to associate with a different broker, the broker possessing 69256
the licensee's license need not return the salesperson's license 69257
to the superintendent. The superintendent may process the 69258
application regardless of whether the licensee's license is 69259
returned to the superintendent. 69260

Sec. 4735.143. (A) Each person applying for a license 69261
pursuant to section 4735.07 or 4735.09 of the Revised Code shall 69262
submit one complete set of fingerprint impressions directly to the 69263
superintendent of the bureau of criminal identification and 69264
investigation for the purpose of conducting a criminal records 69265
check. The applicant shall provide the fingerprint impressions 69266
using a method the superintendent of the bureau of criminal 69267
identification and investigation prescribes and fill out the form 69268
the superintendent prescribes pursuant to division (C) of section 69269
109.572 of the Revised Code. Upon receiving an application under 69270
this section, the superintendent of real estate and professional 69271
licensing shall request the superintendent of the bureau of 69272
criminal identification and investigation, or a vendor approved by 69273
the bureau, to conduct a criminal records check based on the 69274
applicant's fingerprint impressions in accordance with division 69275
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 69276
division ~~(K)~~(L) of section 121.08 of the Revised Code, the 69277
superintendent of real estate and professional licensing shall 69278
request that criminal record information based on the applicant's 69279
fingerprints be obtained from the federal bureau of investigation 69280
as part of the criminal records check. Any fee required under 69281
division (C)(3) of section 109.572 of the Revised Code shall be 69282

paid by the applicant. 69283

(B) An applicant who disclosed on the application that the 69284
applicant has been convicted of any criminal offense shall only be 69285
permitted to take the examination after the results of the 69286
criminal records check have been received by the superintendent 69287
and the superintendent has made a determination to disregard the 69288
conviction because the applicant has proven to the superintendent, 69289
by a preponderance of the evidence, that the applicant's 69290
activities and employment record since the conviction show that 69291
the applicant is honest, truthful, and of good reputation, and 69292
there is no basis in fact for believing that the applicant again 69293
will violate the laws involved. 69294

(C) Persons who have indicated on the application that they 69295
have not been convicted of any criminal offense, shall, if all 69296
other requirements for licensure have been satisfied, be permitted 69297
to take the real estate examination for which the applicant has 69298
applied prior to the superintendent's receipt of the results of 69299
the criminal records check. If the applicant receives a passing 69300
score on the examination and meets the other requirements for the 69301
license, the superintendent shall issue a provisional license 69302
pending the results of the criminal records check. During this 69303
provisional status, the licensee may perform acts that require a 69304
real estate license. If the results of the criminal records check 69305
subsequently confirm that the licensee has no convictions, the 69306
provisional status shall be removed. If it is determined that the 69307
licensee has been convicted of any criminal offense, the 69308
superintendent may immediately suspend the license of the 69309
licensee. 69310

(D) Any entity offering the prelicensure education required 69311
to obtain a real estate license in this state shall, prior to a 69312
student's enrollment in a class, notify the student of both of the 69313

following: 69314

(1) That a conviction of a criminal offense may disqualify an individual from obtaining a real estate license; 69315
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(2) The student's rights under section 9.78 of the Revised Code to request a determination as to whether such a conviction will disqualify the student. 69317
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Sec. 4735.15. (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows: 69320
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(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company, limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, thirty-four dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent. 69322
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(2) Reactivation or transfer of a license by a real estate salesperson, thirty-four dollars. 69331
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(B) Except as may otherwise be specified pursuant to division (F) of this section or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code, the nonrefundable fees are as follows for each licensing period: 69333
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(1) Branch office license, twenty dollars; 69338

(2) Renewal of a three-year real estate broker's license, two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, 69339
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limited liability company, limited liability partnership, or 69344
corporation that is a real estate broker. If the real estate 69345
broker has not less than eleven nor more than twenty real estate 69346
salespersons associated with the broker, an additional fee of 69347
sixty-four dollars shall be assessed to the brokerage. For every 69348
additional ten real estate salespersons or fraction of that 69349
number, the brokerage assessment fee shall be increased in the 69350
amount of thirty-seven dollars. 69351

(3) Renewal of a three-year real estate salesperson's 69352
license, one hundred eighty-two dollars; 69353

(4) Renewal of a real estate broker's or salesperson's 69354
license filed within twelve months after the licensee's renewal 69355
date, an additional late filing penalty of fifty per cent of the 69356
required three-year fee; 69357

(5) Foreign real estate dealer's license and each renewal of 69358
the license, thirty dollars per salesperson employed by the 69359
dealer, but not less than two hundred three dollars; 69360

(6) Foreign real estate salesperson's license and each 69361
renewal of the license, sixty-eight dollars. 69362

(C) All fees collected under this section shall be paid to 69363
the treasurer of state. ~~One dollar of each such fee shall be 69364
credited to the real estate education and research fund, except 69365
that for fees that are assessed only once every three years, one 69366
dollar and fifty cents of each triennial fee shall be credited to 69367
the real estate education and research fund.~~ 69368

(D) In all cases, the fee and any penalty shall accompany the 69369
application for the license, license transfer, or license 69370
reactivation or shall accompany the filing of the renewal. 69371

(E) The commission may establish by rule reasonable fees for 69372
services not otherwise established by this chapter. 69373

(F) The commission may adopt rules that provide for a 69374
reduction in the fees established in divisions (B)(2) and (3) of 69375
this section. 69376

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 69377
Code, the superintendent of real estate, upon the superintendent's 69378
own motion, may investigate the conduct of any licensee. Subject 69379
to division (E) of this section and section 4735.32 of the Revised 69380
Code, the Ohio real estate commission shall impose disciplinary 69381
sanctions upon any licensee who, whether or not acting in the 69382
licensee's capacity as a real estate broker or salesperson, or in 69383
handling the licensee's own property, is found to have been 69384
convicted of a felony or a crime of moral turpitude, and may 69385
impose disciplinary sanctions upon any licensee who, in the 69386
licensee's capacity as a real estate broker or salesperson, or in 69387
handling the licensee's own property, is found guilty of: 69388

(1) Knowingly making any misrepresentation; 69389

(2) Making any false promises with intent to influence, 69390
persuade, or induce; 69391

(3) A continued course of misrepresentation or the making of 69392
false promises through agents, salespersons, advertising, or 69393
otherwise; 69394

(4) Acting for more than one party in a transaction except as 69395
permitted by and in compliance with section 4735.71 of the Revised 69396
Code; 69397

(5) Failure within a reasonable time to account for or to 69398
remit any money coming into the licensee's possession which 69399
belongs to others; 69400

(6) Dishonest or illegal dealing, gross negligence, 69401
incompetency, or misconduct; 69402

(7)(a) By final adjudication by a court, a violation of any 69403

municipal or federal civil rights law relevant to the protection 69404
of purchasers or sellers of real estate or, by final adjudication 69405
by a court, any unlawful discriminatory practice pertaining to the 69406
purchase or sale of real estate prohibited by Chapter 4112. of the 69407
Revised Code, provided that such violation arose out of a 69408
situation wherein parties were engaged in bona fide efforts to 69409
purchase, sell, or lease real estate, in the licensee's practice 69410
as a licensed real estate broker or salesperson; 69411

(b) A second or subsequent violation of any unlawful 69412
discriminatory practice pertaining to the purchase or sale of real 69413
estate prohibited by Chapter 4112. of the Revised Code or any 69414
second or subsequent violation of municipal or federal civil 69415
rights laws relevant to purchasing or selling real estate whether 69416
or not there has been a final adjudication by a court, provided 69417
that such violation arose out of a situation wherein parties were 69418
engaged in bona fide efforts to purchase, sell, or lease real 69419
estate. For any second offense under this division, the commission 69420
shall suspend for a minimum of two months or revoke the license of 69421
the broker or salesperson. For any subsequent offense, the 69422
commission shall revoke the license of the broker or salesperson. 69423

(8) Procuring a license under this chapter, for the licensee 69424
or any salesperson by fraud, misrepresentation, or deceit; 69425

(9) Having violated or failed to comply with any provision of 69426
sections 4735.51 to 4735.74 of the Revised Code or having 69427
willfully disregarded or violated any other provisions of this 69428
chapter; 69429

(10) As a real estate broker, having demanded, without 69430
reasonable cause, other than from a broker licensed under this 69431
chapter, a commission to which the licensee is not entitled, or, 69432
as a real estate salesperson, having demanded, without reasonable 69433
cause, a commission to which the licensee is not entitled; 69434

- (11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code; 69435
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- (12) Having falsely represented membership in any real estate professional association of which the licensee is not a member; 69441
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- (13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal; 69443
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- (14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance; 69446
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- (15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction; 69451
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- (16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property; 69454
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- (17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent; 69457
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- (18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal; 69460
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- (19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant 69463
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knowing that such seller, purchaser, lessor, or tenant is 69465
represented by another broker under a written exclusive agency 69466
agreement, exclusive right to sell or lease listing agreement, or 69467
exclusive purchaser agency agreement with respect to such property 69468
except as provided for in section 4735.75 of the Revised Code; 69469

(20) Having offered real property for sale or for lease 69470
without the knowledge and consent of the owner or the owner's 69471
authorized agent, or on any terms other than those authorized by 69472
the owner or the owner's authorized agent; 69473

(21) Having published advertising, whether printed, radio, 69474
display, or of any other nature, which was misleading or 69475
inaccurate in any material particular, or in any way having 69476
misrepresented any properties, terms, values, policies, or 69477
services of the business conducted; 69478

(22) Having knowingly withheld from or inserted in any 69479
statement of account or invoice any statement that made it 69480
inaccurate in any material particular; 69481

(23) Having published or circulated unjustified or 69482
unwarranted threats of legal proceedings which tended to or had 69483
the effect of harassing competitors or intimidating their 69484
customers; 69485

(24) Having failed to keep complete and accurate records of 69486
all transactions for a period of three years from the date of the 69487
transaction, such records to include copies of listing forms, 69488
earnest money receipts, offers to purchase and acceptances of 69489
them, records of receipts and disbursements of all funds received 69490
by the licensee as broker and incident to the licensee's 69491
transactions as such, and records required pursuant to divisions 69492
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 69493
other instruments or papers related to the performance of any of 69494
the acts set forth in the definition of a real estate broker; 69495

(25) Failure of a real estate broker or salesperson to 69496
furnish all parties involved in a real estate transaction true 69497
copies of all listings and other agreements to which they are a 69498
party, at the time each party signs them; 69499

(26) Failure to maintain at all times a special or trust bank 69500
account in a depository of a state or federally chartered 69501
institution located in this state. The account shall be 69502
noninterest-bearing, separate and distinct from any personal or 69503
other account of the broker, and, except as provided in division 69504
(A)(27) of this section, shall be used for the deposit and 69505
maintenance of all escrow funds, security deposits, and other 69506
moneys received by the broker in a fiduciary capacity. The name, 69507
account number, if any, and location of the depository wherein 69508
such special or trust account is maintained shall be submitted in 69509
writing to the superintendent. Checks drawn on such special or 69510
trust bank accounts are deemed to meet the conditions imposed by 69511
section 1349.21 of the Revised Code. Funds deposited in the trust 69512
or special account in connection with a purchase agreement shall 69513
be maintained in accordance with section 4735.24 of the Revised 69514
Code. 69515

(27) Failure to maintain at all times a special or trust bank 69516
account in a depository of a state or federally chartered 69517
institution in this state, to be used exclusively for the deposit 69518
and maintenance of all rents, security deposits, escrow funds, and 69519
other moneys received by the broker in a fiduciary capacity in the 69520
course of managing real property. This account shall be separate 69521
and distinct from any other account maintained by the broker. The 69522
name, account number, and location of the depository shall be 69523
submitted in writing to the superintendent. This account may earn 69524
interest, which shall be paid to the property owners on a pro rata 69525
basis. 69526

Division (A)(27) of this section does not apply to brokers 69527

who are not engaged in the management of real property on behalf of real property owners. 69528
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(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party; 69530
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(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson; 69532
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(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction; 69535
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(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it; 69541
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(32) Performing any service for another constituting the practice of law, as determined by any court of law; 69544
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(33) Having been adjudicated incompetent ~~for the purpose of holding the license~~ by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability. 69546
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(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code; 69551
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(35) Having knowingly inserted or participated in inserting 69557

any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;

(37) Having failed to comply with section 4735.24 of the Revised Code;

(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties;

(39) Entering into a right-to-list home sale agreement.

(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated

if the commission finds that the dealer had knowledge of the 69589
salesperson's actions that violated this section. 69590

(D) The commission may suspend, in whole or in part, the 69591
imposition of the penalty of suspension of a license under this 69592
section. 69593

(E) A person licensed under this chapter who represents a 69594
party to a transaction or a proposed transaction involving the 69595
sale, purchase, exchange, lease, or management of real property 69596
that is or will be used in the cultivation, processing, 69597
dispensing, or testing of medical marijuana under Chapter 3796. of 69598
the Revised Code, or who receives, holds, or disburses funds from 69599
a real estate brokerage trust account in connection with such a 69600
transaction, shall not be subject to disciplinary sanctions under 69601
this chapter solely because the licensed person engaged in 69602
activities permitted under this chapter and related to activities 69603
under Chapter 3796. of the Revised Code. 69604

Sec. 4735.211. All fines imposed under section 4735.051 of 69605
the Revised Code, and all fees and charges collected under 69606
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 69607
4735.28, and 4735.29 of the Revised Code, except such fees as are 69608
paid to the ~~real estate education and research fund and real~~ 69609
estate recovery fund as provided in this chapter, shall be paid 69610
into the state treasury to the credit of the division of real 69611
estate operating fund, which is hereby created. ~~All operating~~ 69612
Operating expenses of the division of real estate shall be paid 69613
from the division of real estate operating fund. 69614

The division of real estate operating fund shall be assessed 69615
a proportionate share of the administrative costs of the 69616
department of commerce in accordance with procedures prescribed by 69617
the director of commerce. Such assessments shall be paid from the 69618
division of real estate operating fund to the division of 69619

administration fund. 69620

~~If funds in the division of real estate operating fund are 69621
determined by the director of commerce to be in excess of those 69622
necessary to fund all the expenses of the division in any 69623
biennium, the director may pay the excess funds to the real estate 69624
education and research fund. 69625~~

Sec. 4738.071. (A) When a person is first issued a license 69626
under this chapter, the registrar of motor vehicles shall issue a 69627
provisional license ~~shall have provisional status~~ for a period of 69628
one hundred eighty days from the date of issuance. Not later than 69629
one hundred eighty days after the date of issuance of a the 69630
provisional license, the registrar of motor vehicles, or an agent 69631
of the registrar, shall inspect or cause to be inspected the place 69632
of business of ~~any~~ the person who is the holder of the provisional 69633
license. ~~If~~ 69634

(B) If the person conducting the inspection determines that 69635
the provisional license holder has complied with all the 69636
requirements with which holders of licenses issued under this 69637
chapter are required to comply, ~~he~~ the person shall notify the 69638
license holder of that fact. The notification initially may be 69639
verbal, but shall be followed by a written notice. The person 69640
conducting the inspection ~~also~~ shall notify the registrar of that 69641
fact, and the registrar shall ~~send~~ issue to the provisional 69642
license holder ~~written notice informing him that his~~ a license ~~no~~ 69643
~~longer has~~ without provisional status ~~and shall remain.~~ A license 69644
without provisional status remains valid until its expiration date 69645
unless it is suspended or revoked in accordance with this chapter. 69646

(C) If the person conducting the inspection determines that 69647
the provisional license holder has not complied with all the 69648
requirements with which holders of licenses issued under this 69649
chapter are required to comply, ~~he~~ the person shall notify the 69650

provisional license holder of that fact. The notification 69651
initially may be verbal, but shall be followed by a written 69652
notice. The person conducting the inspection ~~also~~ shall notify the 69653
registrar of ~~that fact,~~ and the noncompliance. In accordance with 69654
Chapter 119. of the Revised Code, the registrar shall send the 69655
provisional license holder written notice informing ~~him~~ the 69656
license holder that ~~his~~ the holder's license is revoked and that 69657
~~he~~ the holder may appeal the revocation to the motor vehicle 69658
salvage dealer's licensing board. Immediately upon revoking the 69659
provisional license of the license holder, the registrar shall 69660
enter a final order together with ~~his~~ the registrar's findings and 69661
certify the same to the motor vehicle salvage dealer's licensing 69662
board. 69663

Sec. 4738.08. (A) Any person licensed under this chapter 69664
shall notify the registrar of motor vehicles concerning any change 69665
in the status of ~~his~~ the person's business during the period for 69666
which ~~he~~ the person is licensed, if the change of status concerns 69667
the following: 69668

~~(A)~~(1) Personnel of owners, partners, officers, or directors; 69669

~~(B)~~(2) Location of office or principal place of business; 69670

(3) Contact information where the person can be reached, 69671
including a valid telephone number and electronic mail address. 69672

(B) Notification shall be made by filing with the registrar, 69673
within fifteen days after the change of status, a supplemental 69674
statement in a form prescribed by the registrar showing in what 69675
respects the status has been changed. 69676

Sec. 4740.16. (A) An investigator appointed by the director 69677
of commerce, on behalf of the appropriate specialty section of the 69678
Ohio construction industry licensing board may investigate any 69679
person who allegedly has violated section 4740.13 of the Revised 69680

Code. If, after an investigation pursuant to section 4740.05 of 69681
the Revised Code, the appropriate specialty section determines 69682
that reasonable evidence exists that a person has violated section 69683
4740.13 of the Revised Code, the appropriate specialty section 69684
shall ~~send~~ serve a written notice to that person in the same 69685
manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the 69686
Revised Code for licensees. 69687

(B) The appropriate specialty section shall hold a hearing 69688
regarding the alleged violation in the same manner prescribed for 69689
an adjudication hearing under section 119.09 of the Revised Code. 69690
If the appropriate specialty section, after the hearing, 69691
determines a violation has occurred, the appropriate specialty 69692
section, upon an affirmative vote of a majority of its members, 69693
may impose a fine on the person, not exceeding one thousand 69694
dollars per violation per day and may file a complaint against the 69695
person with the appropriate local prosecutor for criminal 69696
prosecution. The appropriate specialty section's determination is 69697
an order that the person may appeal in accordance with section 69698
119.12 of the Revised Code. 69699

(C) If the appropriate specialty section assesses a person a 69700
civil penalty for a violation of section 4740.13 of the Revised 69701
Code and the person fails to pay that civil penalty within the 69702
time period prescribed by the appropriate specialty section, the 69703
appropriate specialty section shall forward to the attorney 69704
general the name of the person and the amount of the civil penalty 69705
for the purpose of collecting that civil penalty. In addition to 69706
the civil penalty assessed pursuant to this section, the person 69707
also shall pay any fee assessed by the attorney general for 69708
collection of the civil penalty. 69709

(D) If a person fails to request a hearing within thirty days 69710
after the date the appropriate specialty section, in accordance 69711

with section 119.07 of the Revised Code, notifies the person of 69712
the section's intent to act against the person under division (A) 69713
of this section, the section, by majority vote of a quorum of the 69714
section members, may take the action against a person without 69715
holding an adjudication hearing. 69716

Sec. 4741.22. (A) The state veterinary medical licensing 69717
board may, except as provided in division (B) of this section, 69718
refuse to issue or renew a license, limited license, registration, 69719
or temporary permit to or of any applicant who, and may issue a 69720
reprimand to, suspend or revoke the license, limited license, 69721
registration, or the temporary permit of, or impose a civil 69722
penalty pursuant to this section upon any person holding a 69723
license, limited license, or temporary permit to practice 69724
veterinary medicine or any person registered as a registered 69725
veterinary technician who: 69726

(1) In the conduct of the person's practice does not conform 69727
to the rules of the board or the standards of the profession 69728
governing proper, humane, sanitary, and hygienic methods to be 69729
used in the care and treatment of animals; 69730

(2) Uses fraud, misrepresentation, or deception in any 69731
application or examination for licensure, or any other 69732
documentation created in the course of practicing veterinary 69733
medicine; 69734

(3) Is found to be physically or psychologically addicted to 69735
alcohol or an illegal or controlled substance, as defined in 69736
section 3719.01 of the Revised Code, to such a degree as to render 69737
the person unfit to practice veterinary medicine; 69738

(4) Directly or indirectly employs or lends the person's 69739
services to a solicitor for the purpose of obtaining patients; 69740

(5) Obtains a fee on the assurance that an incurable disease 69741

can be cured;	69742
(6) Advertises in a manner that violates section 4741.21 of the Revised Code;	69743 69744
(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	69745 69746 69747
(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	69748 69749 69750
(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;	69751 69752 69753 69754 69755 69756
(10) Is convicted of any violation of section 959.13 of the Revised Code;	69757 69758
(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	69759 69760
(12) Fails to report promptly to the proper official any known reportable disease;	69761 69762
(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	69763 69764
(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	69765 69766 69767 69768
(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;	69769 69770 69771

- (16) Is guilty of gross incompetence or gross negligence; 69772
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia; 69773
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- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration; 69779
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- (19) Represents self as a specialist unless certified as a specialist by the board; 69781
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- (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law; 69783
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- (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery; 69788
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- (22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient; 69792
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- (23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code; 69795
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- (24) Violates any order of the board or fails to comply with a subpoena of the board; 69799
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- (25) Fails to maintain medical records as required by rule of 69801

the board; 69802

(26) Engages in cruelty to animals; 69803

(27) Uses, prescribes, or sells any veterinary prescription 69804
drug or biologic, or prescribes any extra-label use of any 69805
over-the-counter drug or dangerous drug in the absence of a valid 69806
veterinary-client-patient relationship. 69807

(B) The board shall not refuse to issue a license, limited 69808
license, registration, or temporary permit to an applicant because 69809
of a conviction of or plea of guilty to an offense unless the 69810
refusal is in accordance with section 9.79 of the Revised Code. 69811

(C) Except as provided in division ~~(D)~~(F) of this section, 69812
before the board may revoke, deny, refuse to renew, or suspend a 69813
license, registration, or temporary permit or otherwise discipline 69814
the holder of a license, registration, or temporary permit, the 69815
executive director shall file written charges with the board. The 69816
board shall conduct a hearing on the charges as provided in 69817
Chapter 119. of the Revised Code. 69818

(D)(1) Except as otherwise provided in division (D)(2) of 69819
this section, if the board, after a hearing conducted pursuant to 69820
Chapter 119. of the Revised Code, revokes, refuses to renew, or 69821
suspends a license, registration, or temporary permit for a 69822
violation of this section, section 4741.23, division (C) or (D) of 69823
section 4741.19, or division (B), (C), or (D) of section 4741.21 69824
of the Revised Code, the board may impose a civil penalty upon the 69825
holder of the license, permit, or registration of not less than 69826
one hundred dollars or more than one thousand dollars. 69827

(2) Except as provided in division (D) of this section, the 69828
board shall impose a civil penalty for a violation of division 69829
(B)(1) of section 959.07 or division (C) of section 959.09 of the 69830
Revised Code by a licensed veterinarian as follows: 69831

(a) One hundred dollars for a second violation of division 69832

(B)(1) of section 959.07 of the Revised Code or a first violation of division (C) of section 959.09 of the Revised Code;

(b) Five hundred dollars for any subsequent violation of division (B)(1) of section 959.07 or division (C) of section 959.09 of the Revised Code.

(3) In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.

(E) For a first violation of division (B)(1) of section 959.07 of the Revised Code by a licensed veterinarian, the board shall issue a confidential written warning to the licensed veterinarian and shall not take any other disciplinary action under this section. The board shall include in the warning an explanation of the violation and the reporting requirement specified under section 959.07 of the Revised Code.

(F) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

(2) The individual's continued practice presents a danger of immediate and serious harm to the public.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing.

A telephone conference call may be utilized for reviewing the 69864
allegations and taking the vote on the suspension. 69865

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 69866
~~certified mail or in person~~ in accordance with ~~section~~ sections 69867
119.05 and 119.07 of the Revised Code. If the individual subject 69868
to the suspension requests an adjudicatory hearing by the board, 69869
the date set for the hearing shall be not later than fifteen days, 69870
but not earlier than seven days after the individual requests the 69871
hearing unless otherwise agreed to by both the board and the 69872
individual. 69873

A suspension imposed under this division shall remain in 69874
effect, unless reversed on appeal, until a final adjudicative 69875
order issued by the board under this section and Chapter 119. of 69876
the Revised Code becomes effective. The board shall issue its 69877
final adjudicative order not later than ninety days after 69878
completion of its hearing. Failure to issue the order within 69879
ninety days results in dissolution of the suspension order, but 69880
does not invalidate any subsequent, final adjudicative order. 69881

~~(F)~~(G) A license or registration issued to an individual 69882
under this chapter is automatically suspended upon that 69883
individual's conviction of or plea of guilty to or upon a judicial 69884
finding with regard to any of the following: aggravated murder, 69885
murder, voluntary manslaughter, felonious assault, kidnapping, 69886
rape, sexual battery, gross sexual imposition, aggravated arson, 69887
aggravated robbery, or aggravated burglary. The suspension shall 69888
remain in effect from the date of the conviction, plea, or finding 69889
until an adjudication is held under Chapter 119. of the Revised 69890
Code. If the board has knowledge that an automatic suspension has 69891
occurred, it shall notify the individual subject to the 69892
suspension. If the individual is notified and either fails to 69893
request an adjudication within the time periods established by 69894
Chapter 119. of the Revised Code or fails to participate in the 69895

adjudication, the board shall enter a final order permanently 69896
revoking the individual's license or registration. 69897

Sec. 4743.05. (A) Except as otherwise provided in sections 69898
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 69899
Revised Code, all money collected under Chapters 3773., 4701., 69900
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 69901
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 69902
4758., 4771., 4775., 4779., ~~and 4781.,~~ and 4789. of the Revised 69903
Code shall be paid into the state treasury to the credit of the 69904
occupational licensing and regulatory fund, which is hereby 69905
created for use in administering such chapters. 69906

(B) At the end of each quarter, the director of budget and 69907
management shall transfer from the occupational licensing and 69908
regulatory fund to the nurse education assistance fund created in 69909
section 3333.28 of the Revised Code the amount certified to the 69910
director under division (B) of section 4723.08 of the Revised 69911
Code. 69912

(C) At the end of each quarter, the director shall transfer 69913
from the occupational licensing and regulatory fund to the 69914
certified public accountant education assistance fund created in 69915
section 4701.26 of the Revised Code the amount certified to the 69916
director under division (H)(2) of section 4701.10 of the Revised 69917
Code. 69918

(D) On August 30, 2021, and every two years thereafter, the 69919
director shall transfer from the occupational licensing and 69920
regulatory fund to the veterinary student debt assistance fund 69921
created in section 4741.56 of the Revised Code the amount 69922
certified to the director under section 4741.57 of the Revised 69923
Code. 69924

Sec. 4745.05. Each licensing agency shall ask each person 69925

applying for or renewing a license whether the person wishes to 69926
make a voluntary contribution to the save our sight fund 69927
established under section 3701.21 of the Revised Code. All 69928
donations collected under this section during each calendar 69929
quarter shall be forwarded to the treasurer of state, who shall 69930
deposit the donations into the save our sight fund. 69931

Sec. 4751.02. (A) There is hereby established in the 69932
department of aging a board of executives of long-term services 69933
and supports, which board shall be composed of the following 69934
eleven members: 69935

(1) Four members who are nursing home administrators, owners 69936
of nursing homes, or officers of corporations owning nursing 69937
homes, and who shall have an understanding of person-centered 69938
care, and experience with a range of long-term services and 69939
supports settings; 69940

(2)(a) Three members who work in long-term services and 69941
supports settings that are not nursing homes, and who shall have 69942
an understanding of person-centered care, and experience with a 69943
range of long-term services and supports settings; 69944

(b) At least one of the members described in division 69945
(A)(2)(a) of this section shall be a home health administrator, 69946
hospice administrator, an owner of a home health agency or hospice 69947
care program, or an officer of a home health agency or hospice 69948
care program. 69949

(3) One member who is a member of the academic community; 69950

(4) One member who is a consumer of services ~~offered~~, or who 69951
represents a consumer of services, in a long-term services and 69952
supports setting; 69953

(5) One nonvoting member who is a representative of the 69954
department of health, designated by the director of health, who is 69955

involved in the nursing home survey and certification process, who 69956
shall serve in an advisory capacity only; 69957

(6) One nonvoting member who is a representative of the 69958
office of the state long-term care ombudsman, designated by the 69959
state long-term care ombudsman, who shall serve in an advisory 69960
capacity only. 69961

All members of the board shall be citizens of the United 69962
States and residents of this state. No member of the board who is 69963
appointed under divisions (A)(3) to (6) of this section may have 69964
or acquire any direct financial interest in a nursing home or 69965
long-term services and supports settings. 69966

(B) The term of office for each appointed member of the board 69967
shall be for three years, commencing on the twenty-eighth day of 69968
May and ending on the twenty-seventh day of May. Each member shall 69969
serve from the date of appointment until the end of the term for 69970
which appointed. No member shall serve more than two consecutive 69971
full terms. 69972

(C) Appointments to the board shall be made by the governor. 69973
Any member appointed to fill a vacancy occurring prior to the 69974
expiration of the term for which the member's predecessor was 69975
appointed shall hold office for the remainder of such term. Any 69976
appointed member shall continue in office subsequent to the 69977
expiration date of the member's term until the member's successor 69978
takes office, or until a period of sixty days has elapsed, 69979
whichever occurs first. 69980

(D) The governor may remove any member of the board for 69981
misconduct, incapacity, incompetence, or neglect of duty after the 69982
member so charged has been served with a written statement of 69983
charges and has been given an opportunity to be heard. 69984

(E) Each member of the board, except the member designated by 69985
the director of health and the member designated by the ombudsman, 69986

shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it.

Sec. 4751.30. (A) Any person may submit to the board of executives of long-term services and supports a complaint that the person reasonably believes that another person has violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. All of the following apply to complaints submitted to the board under this section:

(1) They are Complaints and all information and documentation related to an investigation conducted by the board pursuant to a complaint, are confidential and not subject to discovery in any civil action, except that the confidential information may be used by the board in any hearing it conducts pursuant to Chapter 119. of the Revised Code.

(2) They Complaints are not public records for purposes of section 149.43 of the Revised Code.

(3) ~~They~~ Complaints are not subject to inspection or copying under section 1347.08 of the Revised Code. 70017
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(B) Except as provided in division (D) of section 4751.31 of the Revised Code, the board shall protect the confidentiality of each person who submits a complaint to the board under this section. Any entity that receives confidential information shall maintain the confidentiality of the information in the same manner as the board, notwithstanding any conflicting provision of the Revised Code or procedure of the entity. 70019
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(C) Information that is confidential under this section may be admitted in a judicial proceeding only in accordance with the Rules of Evidence of the court. The court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or a person who submitted a complaint to the board under this section. The court shall take measures to ensure confidentiality, which may include sealing records or redacting or deleting specific information from records. 70026
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Sec. 4755.11. (A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an occupational therapist license or occupational therapy assistant license, or may reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, for any of the following: 70036
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(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred; 70045
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(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;	70048 70049
(3) Violation of any lawful order or rule of the occupational therapy section;	70050 70051
(4) Obtaining or attempting to obtain a license issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities;	70052 70053 70054 70055
(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	70056 70057
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	70058 70059
(7) Communicating, without authorization, information received in professional confidence;	70060 70061
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist or occupational therapy assistant;	70062 70063 70064 70065
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	70066 70067
(10) Failing the licensing or Ohio jurisprudence examination;	70068
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	70069 70070
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	70071 70072 70073 70074
(13) Except as provided in division (C) of this section:	70075
(a) Waiving the payment of all or any part of a deductible or	70076

copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist or occupational therapy assistant without a current and valid license issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant or licensee is incompetent for the purpose of holding a license and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not 70108
constitute grounds for discipline under this section if a court of 70109
competent jurisdiction issues an order that either quashes a 70110
subpoena or permits the individual to withhold the testimony or 70111
evidence at issue. 70112

(20) Conviction of a misdemeanor reasonably related to the 70113
practice of occupational therapy, regardless of the state or 70114
country in which the conviction occurred; 70115

(21) Inability to practice according to acceptable and 70116
prevailing standards of care because of mental or physical 70117
illness, including physical deterioration that adversely affects 70118
cognitive, motor, or perception skills; 70119

(22) Violation of conditions, limitations, or agreements 70120
placed by the occupational therapy section on a license to 70121
practice; 70122

(23) Making a false, fraudulent, deceptive, or misleading 70123
statement in the solicitation of or advertising for patients in 70124
relation to the practice of occupational therapy; 70125

(24) Failure to complete continuing education requirements as 70126
prescribed in rules adopted by the occupational therapy section 70127
under section 4755.06 of the Revised Code; 70128

(25) Regardless of whether it is consensual, engaging in any 70129
of the following with a patient other than the spouse of the 70130
occupational therapist or occupational therapy assistant: 70131

(a) Sexual conduct, as defined in section 2907.01 of the 70132
Revised Code; 70133

(b) Sexual contact, as defined in section 2907.01 of the 70134
Revised Code; 70135

(c) Verbal behavior that is sexually demeaning to the patient 70136
or may be reasonably interpreted by the patient as sexually 70137

demeaning. 70138

(B) The occupational therapy section shall not refuse to 70139
issue a license to an applicant because of a criminal conviction 70140
unless the refusal is in accordance with section 9.79 of the 70141
Revised Code. 70142

(C) Sanctions shall not be imposed under division (A)(13) of 70143
this section against any individual who waives deductibles and 70144
copayments as follows: 70145

(1) In compliance with the health benefit plan that expressly 70146
allows such a practice. Waiver of the deductibles or copayments 70147
shall be made only with the full knowledge and consent of the plan 70148
purchaser, payer, and third-party administrator. Documentation of 70149
the consent shall be made available to the section upon request. 70150

(2) For professional services rendered to any other person 70151
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 70152
Code to the extent allowed by those sections and the rules of the 70153
occupational therapy section. 70154

(D) Except as provided in division (E) of this section, the 70155
suspension or revocation of a license under this section is not 70156
effective until either the order for suspension or revocation has 70157
been affirmed following an adjudication hearing, or the time for 70158
requesting a hearing has elapsed. 70159

When a license is revoked under this section, application for 70160
reinstatement may not be made sooner than one year after the date 70161
of revocation. The occupational therapy section may accept or 70162
refuse an application for reinstatement and may require that the 70163
applicant pass an examination as a condition of reinstatement. 70164

When a license holder is placed on probation under this 70165
section, the occupational therapy section's probation order shall 70166
be accompanied by a statement of the conditions under which the 70167
individual may be removed from probation and restored to 70168

unrestricted practice. 70169

(E) On receipt of a complaint that a person who holds a 70170
license issued by the occupational therapy section has committed 70171
any of the prohibited actions listed in division (A) of this 70172
section, the section may immediately suspend the license prior to 70173
holding a hearing in accordance with Chapter 119. of the Revised 70174
Code if it determines, based on the complaint, that the licensee 70175
poses an immediate threat to the public. The section may review 70176
the allegations and vote on the suspension by telephone conference 70177
call. If the section votes to suspend a license under this 70178
division, the section shall ~~issue~~ serve a written order of summary 70179
suspension to the licensee in accordance with ~~section~~ sections 70180
119.05 and 119.07 of the Revised Code. If the individual whose 70181
license is suspended fails to make a timely request for an 70182
adjudication under Chapter 119. of the Revised Code, the section 70183
shall enter a final order permanently revoking the individual's 70184
license. Notwithstanding section 119.12 of the Revised Code, a 70185
court of common pleas shall not grant a suspension of the 70186
section's order of summary suspension pending the determination of 70187
an appeal filed under that section. Any order of summary 70188
suspension issued under this division shall remain in effect, 70189
unless reversed on appeal, until a final adjudication order issued 70190
by the section pursuant to division (A) of this section becomes 70191
effective. The section shall issue its final adjudication order 70192
regarding an order of summary suspension issued under this 70193
division not later than ninety days after completion of its 70194
hearing. Failure to issue the order within ninety days shall 70195
result in immediate dissolution of the suspension order, but shall 70196
not invalidate any subsequent, final adjudication order. 70197

(F) If any person other than a person who holds a license 70198
issued under section 4755.08 of the Revised Code has engaged in 70199
any practice that is prohibited under sections 4755.04 to 4755.13 70200

of the Revised Code or the rules of the occupational therapy 70201
section, the section may apply to the court of common pleas of the 70202
county in which the violation occurred, for an injunction or other 70203
appropriate order restraining this conduct, and the court shall 70204
issue this order. 70205

Sec. 4755.411. The physical therapy section of the Ohio 70206
occupational therapy, physical therapy, and athletic trainers 70207
board shall adopt rules in accordance with Chapter 119. of the 70208
Revised Code pertaining to the following: 70209

(A) Fees for the verification of a license and license 70210
reinstatement, and other fees established by the section; 70211

(B) Provisions for the section's government and control of 70212
its actions and business affairs; 70213

(C) Minimum curricula for physical therapy education programs 70214
that prepare graduates to be licensed in this state as physical 70215
therapists and physical therapist assistants; 70216

(D) Eligibility criteria to take the examinations required 70217
under sections 4755.43 and 4755.431 of the Revised Code; 70218

(E) The form and manner for filing applications for licensure 70219
with the section; 70220

(F) For purposes of section 4755.46 of the Revised Code, all 70221
of the following: 70222

(1) A schedule regarding when licenses to practice as a 70223
physical therapist and physical therapist assistant expire during 70224
a biennium; 70225

(2) An additional fee, not to exceed thirty-five dollars, 70226
that may be imposed if a licensee files a late application for 70227
renewal; 70228

(3) The conditions under which the license of a person who 70229

files a late application for renewal will be reinstated. 70230

(G) The issuance, renewal, suspension, and permanent 70231
revocation of a license and the conduct of hearings; 70232

(H) Appropriate ethical conduct in the practice of physical 70233
therapy; 70234

(I) Requirements, including continuing education 70235
requirements, for restoring licenses that are inactive or have 70236
lapsed through failure to renew; 70237

(J) Conditions that may be imposed for reinstatement of a 70238
license following suspension pursuant to section 4755.47 of the 70239
Revised Code; 70240

(K) For purposes of sections 4755.45 and 4755.451 of the 70241
Revised Code, both of the following: 70242

(1) Identification of the credentialing organizations from 70243
which the section will accept education equivalency evaluations 70244
for foreign physical therapist education and foreign physical 70245
therapist assistant education. The physical therapy section shall 70246
identify only those credentialing organizations that use a course 70247
evaluation tool or form approved by the physical therapy section. 70248

(2) Evidence, other than the evaluations described in 70249
division (K)(1) of this section, that the section will consider 70250
for purposes of evaluating whether an applicant's education is 70251
reasonably equivalent to the educational requirements that were in 70252
force for licensure in this state as a physical therapist or 70253
physical therapist assistant on the date of either of the 70254
following: 70255

(a) The applicant's initial licensure or registration in 70256
another state or country; 70257

(b) The applicant's completion of a physical therapist 70258
education program or physical therapist assistant education 70259

program if the country in which the education program was 70260
completed does not issue a physical therapist or physical 70261
therapist assistant license or registration. 70262

(L) Standards of conduct for physical therapists and physical 70263
therapist assistants, including requirements for supervision, 70264
delegation, and practicing with or without referral or 70265
prescription; 70266

(M) Appropriate display of a license; 70267

(N) Procedures for a licensee to follow in notifying the 70268
section within thirty days of a change in name or address, or 70269
both; 70270

(O) The amount and content of corrective action courses 70271
required by the board under section 4755.47 of the Revised Code. 70272

Sec. 4755.45. (A) The physical therapy section of the Ohio 70273
occupational therapy, physical therapy, and athletic trainers 70274
board shall issue to an applicant a license to practice as a 70275
physical therapist without requiring the applicant to have passed 70276
the national examination for physical therapists described in 70277
division (A) of section 4755.43 of the Revised Code within one 70278
year of filing an application described in section 4755.42 of the 70279
Revised Code if all of the following conditions are ~~true~~ met: 70280

(1) The applicant presents evidence satisfactory to the 70281
physical therapy section that the applicant received a score on 70282
the national physical therapy examination described in division 70283
(A) of section 4755.43 of the Revised Code that would have been a 70284
passing score according to the board in the year the applicant sat 70285
for the examination; 70286

(2) The applicant presents evidence satisfactory to the 70287
physical therapy section that the applicant passed the 70288
jurisprudence examination described in division (B) of section 70289

4755.43 of the Revised Code;	70290
(3) The applicant holds <u>either</u> :	70291
(a) <u>Hold</u> s a current and valid license or registration to practice physical therapy in another state or country;	70292 70293
(b) <u>Completed a physical therapist education program in a country that does not issue a physical therapist license or registration.</u>	70294 70295 70296
(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of <u>either of the following</u> :	70297 70298 70299 70300
(a) <u>The</u> applicant's initial licensure or registration in the other state or country;	70301 70302
(b) <u>The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration.</u>	70303 70304 70305 70306
(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code;	70307 70308
(6) The applicant is not in violation of any section of this chapter or rule adopted under it.	70309 70310
(B) For purposes of division (A)(4) of this section, if <u>If</u> , after receiving the results of an <u>education</u> equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education is <u>does</u> not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country <u>meet</u>	70311 70312 70313 70314 70315 70316 70317 70318 70319

the conditions of division (A)(4) of this section, the section 70320
shall send a written notice to the applicant stating that the 70321
section is denying the applicant's application and stating the 70322
specific reason why the section is denying the applicant's 70323
application. The section shall send the notice to the applicant 70324
through certified mail within thirty days after the section makes 70325
that determination. 70326

Sec. 4755.451. (A) The physical therapy section of the Ohio 70327
occupational therapy, physical therapy, and athletic trainers 70328
board shall issue to an applicant a license as a physical 70329
therapist assistant without requiring the applicant to have passed 70330
the national examination for physical therapist assistants 70331
described in division (A) of section 4755.431 of the Revised Code 70332
within one year of filing an application described in section 70333
4755.421 of the Revised Code if all of the following conditions 70334
are ~~true~~ met: 70335

(1) The applicant presents evidence satisfactory to the 70336
physical therapy section that the applicant received a score on 70337
the national physical therapy examination described in division 70338
(A) of section 4755.431 of the Revised Code that would have been a 70339
passing score according to the board in the year the applicant sat 70340
for the examination; 70341

(2) The applicant presents evidence satisfactory to the 70342
physical therapy section that the applicant passed the 70343
jurisprudence examination described in division (B) of section 70344
4755.431 of the Revised Code; 70345

(3) The applicant ~~holds~~ either: 70346

(a) Holds a current and valid license or registration to 70347
practice as a physical therapist assistant in another state or 70348
country; 70349

(b) Completed a physical therapist assistant education program in a country that does not issue a physical therapist assistant license or registration. 70350
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(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following: 70353
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(a) The applicant's initial licensure or registration in the other state or country; 70357
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(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration. 70359
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(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 70363
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 70365
70366

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 70367
after receiving the results of an education equivalency evaluation 70368
from a credentialing organization identified by the section 70369
pursuant to rules adopted under section 4755.411 of the Revised 70370
Code, the section determines that, regardless of the results of 70371
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 70372
~~equivalent to the educational requirements that were in force for~~ 70373
~~licensure in this state on the date of the applicant's initial~~ 70374
~~licensure or registration in another state or foreign country~~ meet 70375
the conditions of division (A)(4) of this section, the section 70376
shall send a written notice to the applicant stating that the 70377
section is denying the applicant's application and stating the 70378
specific reason why the section is denying the applicant's 70379
application. The section shall send the notice to the applicant 70380

through certified mail within thirty days after the section makes 70381
the determination. 70382

Sec. 4755.47. (A) In accordance with Chapter 119. of the 70383
Revised Code, the physical therapy section of the Ohio 70384
occupational therapy, physical therapy, and athletic trainers 70385
board may, except as provided in division (B) of this section, 70386
refuse to grant a license to an applicant for an initial or 70387
renewed license as a physical therapist or physical therapist 70388
assistant or, by an affirmative vote of not less than five 70389
members, may limit, suspend, or revoke the license of a physical 70390
therapist or physical therapist assistant or reprimand, fine, 70391
place a license holder on probation, or require the license holder 70392
to take corrective action courses, on any of the following 70393
grounds: 70394

(1) Habitual indulgence in the use of controlled substances, 70395
other habit-forming drugs, or alcohol to an extent that affects 70396
the individual's professional competency; 70397

(2) Conviction of a felony or a crime involving moral 70398
turpitude, regardless of the state or country in which the 70399
conviction occurred; 70400

(3) Obtaining or attempting to obtain a license issued by the 70401
physical therapy section by fraud or deception, including the 70402
making of a false, fraudulent, deceptive, or misleading statement; 70403

(4) An adjudication by a court, as provided in section 70404
5122.301 of the Revised Code, that the applicant or licensee is 70405
incompetent for the purpose of holding the license and has not 70406
thereafter been restored to legal capacity for that purpose; 70407

(5) Subject to section 4755.471 of the Revised Code, 70408
violation of the code of ethics adopted by the physical therapy 70409
section; 70410

- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;
- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;
- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;
- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;
- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	70441 70442
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	70443 70444 70445 70446
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	70447 70448 70449 70450
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	70451 70452 70453
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	70454 70455 70456 70457 70458 70459
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	70460 70461 70462 70463 70464
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	70465 70466 70467 70468
(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;	70469 70470 70471

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the physical therapist or physical therapist assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;

(27) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health

care services from that provider; 70502

(b) Advertising that the individual will waive the payment of 70503
all or any part of a deductible or copayment that a patient, 70504
pursuant to a health insurance or health care policy, contract, or 70505
plan that covers physical therapy, would otherwise be required to 70506
pay. 70507

(28) Violation of any section of this chapter or rule adopted 70508
under it. 70509

(B) The physical therapy section shall not refuse to issue a 70510
license to an applicant because of a criminal conviction unless 70511
the refusal is in accordance with section 9.79 of the Revised 70512
Code. 70513

(C) Sanctions shall not be imposed under division (A)(27) of 70514
this section against any individual who waives deductibles and 70515
copayments as follows: 70516

(1) In compliance with the health benefit plan that expressly 70517
allows such a practice. Waiver of the deductibles or copayments 70518
shall be made only with the full knowledge and consent of the plan 70519
purchaser, payer, and third-party administrator. Documentation of 70520
the consent shall be made available to the physical therapy 70521
section upon request. 70522

(2) For professional services rendered to any other person 70523
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 70524
Code to the extent allowed by those sections and the rules of the 70525
physical therapy section. 70526

(D) When a license is revoked under this section, application 70527
for reinstatement may not be made sooner than one year after the 70528
date of revocation. The physical therapy section may accept or 70529
refuse an application for reinstatement and may require that the 70530
applicant pass an examination as a condition for reinstatement. 70531

When a license holder is placed on probation under this 70532
section, the physical therapy section's order for placement on 70533
probation shall be accompanied by a statement of the conditions 70534
under which the individual may be removed from probation and 70535
restored to unrestricted practice. 70536

(E) When an application for an initial or renewed license is 70537
refused under this section, the physical therapy section shall 70538
notify the applicant in writing of the section's decision to 70539
refuse issuance of a license and the reason for its decision. 70540

(F) On receipt of a complaint that a person licensed by the 70541
physical therapy section has committed any of the actions listed 70542
in division (A) of this section, the physical therapy section may 70543
immediately suspend the license of the physical therapist or 70544
physical therapist assistant prior to holding a hearing in 70545
accordance with Chapter 119. of the Revised Code if it determines, 70546
based on the complaint, that the person poses an immediate threat 70547
to the public. The physical therapy section may review the 70548
allegations and vote on the suspension by telephone conference 70549
call. If the physical therapy section votes to suspend a license 70550
under this division, the physical therapy section shall ~~issue~~ 70551
serve a written order of summary suspension to the person in 70552
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 70553
Code. If the person fails to make a timely request for an 70554
adjudication under Chapter 119. of the Revised Code, the physical 70555
therapy section shall enter a final order permanently revoking the 70556
person's license. Notwithstanding section 119.12 of the Revised 70557
Code, a court of common pleas shall not grant a suspension of the 70558
physical therapy section's order of summary suspension pending the 70559
determination of an appeal filed under that section. Any order of 70560
summary suspension issued under this division shall remain in 70561
effect, unless reversed on appeal, until a final adjudication 70562
order issued by the physical therapy section pursuant to division 70563

(A) of this section becomes effective. The physical therapy 70564
section shall issue its final adjudication order regarding an 70565
order of summary suspension issued under this division not later 70566
than ninety days after completion of its hearing. Failure to issue 70567
the order within ninety days shall result in immediate dissolution 70568
of the suspension order, but shall not invalidate any subsequent, 70569
final adjudication order. 70570

Sec. 4755.482. (A) Except as otherwise provided in divisions 70571
(B) and (C) of this section, a person shall not teach a physical 70572
therapy theory and procedures course in physical therapy education 70573
without obtaining a license as a physical therapist from the 70574
physical therapy section of the Ohio occupational therapy, 70575
physical therapy, and athletic trainers board. 70576

(B) A person who is registered or licensed as a physical 70577
therapist under the laws of another state shall not teach a 70578
physical therapy theory and procedures course in physical therapy 70579
education for more than one year without obtaining a license as a 70580
physical therapist from the physical therapy section. 70581

(C) A person who is registered or licensed as a physical 70582
therapist under the laws of a foreign country and is not 70583
registered or licensed as a physical therapist in any state who 70584
wishes to teach a physical therapy theory and procedures course in 70585
physical therapy education in this state, or an institution that 70586
wishes the person to teach such a course at the institution, may 70587
apply to the physical therapy section to request authorization for 70588
the person to teach such a course for a period of not more than 70589
one year. Any member of the physical therapy section may approve 70590
the person's or institution's application. No person described in 70591
this division shall teach such a course for longer than one year 70592
without obtaining a license from the physical therapy section. 70593

(D) The physical therapy section may investigate any person 70594

who allegedly has violated this section. The physical therapy 70595
section has the same powers to investigate an alleged violation of 70596
this section as those powers specified in section 4755.02 of the 70597
Revised Code. If, after investigation, the physical therapy 70598
section determines that reasonable evidence exists that a person 70599
has violated this section, within seven days after that 70600
determination, the physical therapy section shall ~~send~~ serve a 70601
written notice to that person in the same manner as prescribed in 70602
~~section~~ sections 119.05 and 119.07 of the Revised Code for 70603
licensees, except that the notice shall specify that a hearing 70604
will be held and specify the date, time, and place of the hearing. 70605

The physical therapy section shall hold a hearing regarding 70606
the alleged violation in the same manner prescribed for an 70607
adjudication hearing under section 119.09 of the Revised Code. If 70608
the physical therapy section, after the hearing, determines a 70609
violation has occurred, the physical therapy section may 70610
discipline the person in the same manner as the physical therapy 70611
section disciplines licensees under section 4755.47 of the Revised 70612
Code. The physical therapy section's determination is an order 70613
that the person may appeal in accordance with section 119.12 of 70614
the Revised Code. 70615

If a person who allegedly committed a violation of this 70616
section fails to appear for a hearing, the physical therapy 70617
section may request the court of common pleas of the county where 70618
the alleged violation occurred to compel the person to appear 70619
before the physical therapy section for a hearing. If the physical 70620
therapy section assesses a person a civil penalty for a violation 70621
of this section and the person fails to pay that civil penalty 70622
within the time period prescribed by the physical therapy section, 70623
the physical therapy section shall forward to the attorney general 70624
the name of the person and the amount of the civil penalty for the 70625
purpose of collecting that civil penalty. In addition to the civil 70626

penalty assessed pursuant to this section, the person also shall 70627
pay any fee assessed by the attorney general for collection of the 70628
civil penalty. 70629

Sec. 4755.64. (A) In accordance with Chapter 119. of the 70630
Revised Code, the athletic trainers section of the Ohio 70631
occupational therapy, physical therapy, and athletic trainers 70632
board may suspend, revoke, or, except as provided in division (B) 70633
of this section, refuse to issue or renew an athletic trainers 70634
license, or reprimand, fine, or place a licensee on probation, for 70635
any of the following: 70636

(1) Conviction of a felony or offense involving moral 70637
turpitude, regardless of the state or country in which the 70638
conviction occurred; 70639

(2) Violation of sections 4755.61 to 4755.65 of the Revised 70640
Code or any order issued or rule adopted thereunder; 70641

(3) Obtaining a license through fraud, false or misleading 70642
representation, or concealment of material facts; 70643

(4) Negligence or gross misconduct in the practice of 70644
athletic training; 70645

(5) Violating the standards of ethical conduct in the 70646
practice of athletic training as adopted by the athletic trainers 70647
section under section 4755.61 of the Revised Code; 70648

(6) Using any controlled substance or alcohol to the extent 70649
that the ability to practice athletic training at a level of 70650
competency is impaired; 70651

(7) Practicing in an area of athletic training for which the 70652
individual is untrained or incompetent, or practicing without the 70653
referral of a practitioner described in division (A) of section 70654
4755.623 of the Revised Code; 70655

(8) Employing, directing, or supervising a person in the 70656

performance of athletic training procedures who is not authorized 70657
to practice as a licensed athletic trainer under this chapter; 70658

(9) Misrepresenting educational attainments or the functions 70659
the individual is authorized to perform for the purpose of 70660
obtaining some benefit related to the individual's athletic 70661
training practice; 70662

(10) Failing the licensing examination; 70663

(11) Aiding or abetting the unlicensed practice of athletic 70664
training; 70665

(12) Denial, revocation, suspension, or restriction of 70666
authority to practice a health care occupation, including athletic 70667
training, for any reason other than a failure to renew, in Ohio or 70668
another state or jurisdiction; 70669

(13) Regardless of whether it is consensual, engaging in any 70670
of the following with a patient other than the spouse of the 70671
athletic trainer: 70672

(a) Sexual conduct, as defined in section 2907.01 of the 70673
Revised Code; 70674

(b) Sexual contact, as defined in section 2907.01 of the 70675
Revised Code; 70676

(c) Verbal behavior that is sexually demeaning to the patient 70677
or may be reasonably interpreted by the patient as sexually 70678
demeaning; 70679

(14) In the case of an athletic trainer who has entered into 70680
a collaboration agreement as described in section 4755.621 of the 70681
Revised Code, failing to practice in accordance with the 70682
agreement. 70683

(B) The athletic trainers section shall not refuse to issue a 70684
license to an applicant because of a criminal conviction unless 70685
the refusal is in accordance with section 9.79 of the Revised 70686

Code. 70687

(C) If the athletic trainers section places a licensee on 70688
probation under division (A) of this section, the section's order 70689
for placement on probation shall be accompanied by a written 70690
statement of the conditions under which the person may be removed 70691
from probation and restored to unrestricted practice. 70692

(D) A licensee whose license has been revoked under division 70693
(A) of this section may apply to the athletic trainers section for 70694
reinstatement of the license one year following the date of 70695
revocation. The athletic trainers section may accept or deny the 70696
application for reinstatement and may require that the applicant 70697
pass an examination as a condition for reinstatement. 70698

(E) On receipt of a complaint that a person licensed by the 70699
athletic trainers section has committed any of the prohibited 70700
actions listed in division (A) of this section, the section may 70701
immediately suspend the license of a licensed athletic trainer 70702
prior to holding a hearing in accordance with Chapter 119. of the 70703
Revised Code if it determines, based on the complaint, that the 70704
licensee poses an immediate threat to the public. The section may 70705
review the allegations and vote on the suspension by telephone 70706
conference call. If the section votes to suspend a license under 70707
this division, the section shall ~~issue~~ serve a written order of 70708
summary suspension to the licensed athletic trainer in accordance 70709
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 70710
the individual whose license is suspended fails to make a timely 70711
request for an adjudication under Chapter 119. of the Revised 70712
Code, the section shall enter a final order permanently revoking 70713
the individual's license. Notwithstanding section 119.12 of the 70714
Revised Code, a court of common pleas shall not grant a suspension 70715
of the section's order of summary suspension pending the 70716
determination of an appeal filed under that section. Any order of 70717
summary suspension issued under this division shall remain in 70718

effect, unless reversed on appeal, until a final adjudication 70719
order issued by the section pursuant to division (A) of this 70720
section becomes effective. The section shall issue its final 70721
adjudication order regarding an order of summary suspension issued 70722
under this division not later than ninety days after completion of 70723
its hearing. Failure to issue the order within ninety days shall 70724
result in immediate dissolution of the suspension order, but shall 70725
not invalidate any subsequent, final adjudication order. 70726

Sec. 4757.03. (A) There is hereby created the counselor, 70727
social worker, and marriage and family therapist board, consisting 70728
of fifteen members. The governor shall appoint the members with 70729
the advice and consent of the senate. 70730

(1) Four members shall be individuals licensed under this 70731
chapter as licensed professional clinical counselors or licensed 70732
professional counselors. At all times, the counselor membership 70733
shall include at least one individual who has received a doctoral 70734
degree in counseling from an accredited educational institution 70735
recognized by the board and holds a graduate level teaching 70736
position in a counselor education program. 70737

(2) Four members shall be individuals licensed under this 70738
chapter as independent marriage and family therapists or marriage 70739
and family therapists. At all times, the marriage and family 70740
therapist membership shall include one educator who holds a 70741
teaching position in a master's degree marriage and family therapy 70742
program at an accredited educational institution recognized by the 70743
board. 70744

(3) ~~Two~~ Four members shall be individuals licensed under this 70745
chapter as independent social workers. ~~Two members~~ or social 70746
workers, provided that at least one member, at the time the member 70747
is appointed to the board, shall be individuals licensed under 70748
this chapter as a social workers, ~~at least one of whom must hold a~~ 70749

~~bachelor's or master's degree in social work from an accredited educational institution recognized by the board worker.~~ At all times, ~~the social worker membership~~ at least one of the members appointed under this division shall include ~~one~~ an educator who holds a teaching position in a baccalaureate or master's degree social work program at an accredited educational institution recognized by the board.

(4) Three members shall be representatives of the general public who have not practiced professional counseling, marriage and family therapy, or social work and have not been involved in the delivery of professional counseling, marriage and family therapy, or social work services. At least one of the members representing the general public shall be at least sixty years of age. During their terms the public members shall not practice professional counseling, marriage and family therapy, or social work or be involved in the delivery of professional counseling, marriage and family therapy, or social work services.

(B) Both of the following apply to each member specified in divisions (A)(1), (2), and (3) of this section:

(1) During the five years preceding appointment to the board, the member shall have actively engaged in the practice of the member's profession. A member holding a teaching position shall have actively engaged in the practice of the member's profession by conducting research in the member's profession or by educating and training master's, doctoral, or postdoctoral students in the member's profession, as applicable.

(2) During the two years immediately preceding appointment, the member shall have devoted the majority of their professional time to the activity described in division (B)(1) of this section while residing in this state.

(C) At least three members, one from each of the board's

professional standards committees, during the five years preceding 70781
appointment, shall have practiced at a public agency or at an 70782
organization that is certified or licensed by the department of 70783
developmental disabilities, the department of alcohol and drug 70784
addiction services, the department of job and family services, or 70785
the department of mental health. 70786

(D) Not more than eight members of the board may be members 70787
of the same political party ~~or sex~~. 70788

(E) At least one member of the board shall be of African, 70789
Native American, Hispanic, or Asian descent. 70790

(F) Terms of office shall be three years, each term ending on 70791
the same day of the same month of the year as did the term that it 70792
succeeds. As a result of the dates of initial appointment, the 70793
number of terms expiring each year are four, five, or six. 70794

(G) A member shall hold office from the date of appointment 70795
until the end of the term for which the member was appointed. A 70796
member appointed to fill a vacancy occurring prior to the 70797
expiration of the term for which the member's predecessor was 70798
appointed shall hold office for the remainder of that term. A 70799
member shall continue in office after the expiration date of the 70800
member's term until a successor takes office. Members may be 70801
reappointed, except that if a person has held office for two 70802
consecutive full terms, the person shall not be reappointed to the 70803
board sooner than one year after the expiration of the second full 70804
term as a member of the board. 70805

Sec. 4757.361. (A) As used in this section, with regard to 70806
offenses committed in Ohio, "aggravated murder," "murder," 70807
"voluntary manslaughter," "felonious assault," "kidnapping," 70808
"rape," "sexual battery," "gross sexual imposition," "aggravated 70809
arson," "aggravated robbery," and "aggravated burglary" mean such 70810
offenses as defined in Title XXIX of the Revised Code; with regard 70811

to offenses committed in other jurisdictions, the terms mean 70812
offenses comparable to offenses defined in Title XXIX of the 70813
Revised Code. 70814

(B) When there is clear and convincing evidence that 70815
continued practice by an individual licensed under this chapter 70816
presents a danger of immediate and serious harm to the public, as 70817
determined on consideration of the evidence by the professional 70818
standards committees of the counselor, social worker, and marriage 70819
and family therapist board, the appropriate committee shall impose 70820
on the individual a summary suspension without a hearing. 70821

Immediately following the decision to impose a summary 70822
suspension, the appropriate committee shall ~~issue~~ serve a written 70823
order of suspension ~~and cause it to be delivered by certified mail~~ 70824
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 70825
of the Revised Code. The order shall not be subject to suspension 70826
by the court during the pendency of any appeal filed under section 70827
119.12 of the Revised Code. If the individual subject to the 70828
suspension requests an adjudication, the date set for the 70829
adjudication shall be within fifteen days but not earlier than 70830
seven days after the individual makes the request, unless another 70831
date is agreed to by both the individual and the committee 70832
imposing the suspension. The summary suspension shall remain in 70833
effect, unless reversed by the committee, until a final 70834
adjudication order issued by the committee pursuant to this 70835
section and Chapter 119. of the Revised Code becomes effective. 70836

The committee shall issue its final adjudication order within 70837
ninety days after completion of the adjudication. If the committee 70838
does not issue a final order within the ninety-day period, the 70839
summary suspension shall be void, but any final adjudication order 70840
issued subsequent to the ninety-day period shall not be affected. 70841

(C) The license issued to an individual under this chapter is 70842

automatically suspended on that individual's conviction of, plea 70843
of guilty to, or judicial finding with regard to any of the 70844
following: aggravated murder, murder, voluntary manslaughter, 70845
felonious assault, kidnapping, rape, sexual battery, gross sexual 70846
imposition, aggravated arson, aggravated robbery, or aggravated 70847
burglary. The suspension shall remain in effect from the date of 70848
the conviction, plea, or finding until an adjudication is held 70849
under Chapter 119. of the Revised Code. If the appropriate 70850
committee has knowledge that an automatic suspension has occurred, 70851
it shall notify the individual subject to the suspension. If the 70852
individual is notified and either fails to request an adjudication 70853
within the time periods established by Chapter 119. of the Revised 70854
Code or fails to participate in the adjudication, the committee 70855
shall enter a final order permanently revoking the person's 70856
license or certificate. 70857

Sec. 4759.07. (A) The state medical board, by an affirmative 70858
vote of not fewer than six members, shall, except as provided in 70859
division (B) of this section, and to the extent permitted by law, 70860
limit, revoke, or suspend an individual's license or limited 70861
permit, refuse to issue a license or limited permit to an 70862
individual, refuse to renew a license or limited permit, refuse to 70863
reinstate a license or limited permit, or reprimand or place on 70864
probation the holder of a license or limited permit for one or 70865
more of the following reasons: 70866

(1) Except when civil penalties are imposed under section 70867
4759.071 of the Revised Code, violating or attempting to violate, 70868
directly or indirectly, or assisting in or abetting the violation 70869
of, or conspiring to violate, any provision of this chapter or the 70870
rules adopted by the board; 70871

(2) Making a false, fraudulent, deceptive, or misleading 70872
statement in the solicitation of or advertising for patients; in 70873

relation to the practice of dietetics; or in securing or 70874
attempting to secure any license or permit issued by the board 70875
under this chapter. 70876

As used in division (A)(2) of this section, "false, 70877
fraudulent, deceptive, or misleading statement" means a statement 70878
that includes a misrepresentation of fact, is likely to mislead or 70879
deceive because of a failure to disclose material facts, is 70880
intended or is likely to create false or unjustified expectations 70881
of favorable results, or includes representations or implications 70882
that in reasonable probability will cause an ordinarily prudent 70883
person to misunderstand or be deceived. 70884

(3) Committing fraud during the administration of the 70885
examination for a license to practice or committing fraud, 70886
misrepresentation, or deception in applying for, renewing, or 70887
securing any license or permit issued by the board; 70888

(4) A plea of guilty to, a judicial finding of guilt of, or a 70889
judicial finding of eligibility for intervention in lieu of 70890
conviction for, a felony; 70891

(5) Commission of an act that constitutes a felony in this 70892
state, regardless of the jurisdiction in which the act was 70893
committed; 70894

(6) A plea of guilty to, a judicial finding of guilt of, or a 70895
judicial finding of eligibility for intervention in lieu of 70896
conviction for, a misdemeanor committed in the course of practice; 70897

(7) Commission of an act in the course of practice that 70898
constitutes a misdemeanor in this state, regardless of the 70899
jurisdiction in which the act was committed; 70900

(8) A plea of guilty to, a judicial finding of guilt of, or a 70901
judicial finding of eligibility for intervention in lieu of 70902
conviction for, a misdemeanor involving moral turpitude; 70903

- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 70904
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- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics; 70907
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- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 70909
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- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 70913
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- (13) Violation of the conditions of limitation placed by the board on a license or permit; 70916
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- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills; 70918
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- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 70922
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- (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs; 70931
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(17) Termination or suspension from participation in the 70934
medicare or medicaid programs by the department of health and 70935
human services or other responsible agency for any act or acts 70936
that also would constitute a violation of division (A)(11), (12), 70937
or (14) of this section; 70938

(18) Impairment of ability to practice according to 70939
acceptable and prevailing standards of care because of habitual or 70940
excessive use or abuse of drugs, alcohol, or other substances that 70941
impair ability to practice; 70942

(19) Failure to cooperate in an investigation conducted by 70943
the board under division (B) of section 4759.05 of the Revised 70944
Code, including failure to comply with a subpoena or order issued 70945
by the board or failure to answer truthfully a question presented 70946
by the board in an investigative interview, an investigative 70947
office conference, at a deposition, or in written interrogatories, 70948
except that failure to cooperate with an investigation shall not 70949
constitute grounds for discipline under this section if a court of 70950
competent jurisdiction has issued an order that either quashes a 70951
subpoena or permits the individual to withhold the testimony or 70952
evidence in issue; 70953

(20) Representing with the purpose of obtaining compensation 70954
or other advantage as personal gain or for any other person, that 70955
an incurable disease or injury, or other incurable condition, can 70956
be permanently cured. 70957

(B) The board shall not refuse to issue a license or limited 70958
permit to an applicant because of a plea of guilty to, a judicial 70959
finding of guilt of, or a judicial finding of eligibility for 70960
intervention in lieu of conviction for an offense unless the 70961
refusal is in accordance with section 9.79 of the Revised Code. 70962

(C) Any action taken by the board under division (A) of this 70963
section resulting in a suspension from practice shall be 70964

accompanied by a written statement of the conditions under which 70965
the individual's license or permit may be reinstated. The board 70966
shall adopt rules governing conditions to be imposed for 70967
reinstatement. Reinstatement of a license or permit suspended 70968
pursuant to division (A) of this section requires an affirmative 70969
vote of not fewer than six members of the board. 70970

(D) When the board refuses to grant or issue a license or 70971
permit to an applicant, revokes an individual's license or permit, 70972
refuses to renew an individual's license or permit, or refuses to 70973
reinstate an individual's license or permit, the board may specify 70974
that its action is permanent. An individual subject to a permanent 70975
action taken by the board is forever thereafter ineligible to hold 70976
a license or permit and the board shall not accept an application 70977
for reinstatement of the license or permit or for issuance of a 70978
new license or permit. 70979

(E) Disciplinary actions taken by the board under division 70980
(A) of this section shall be taken pursuant to an adjudication 70981
under Chapter 119. of the Revised Code, except that in lieu of an 70982
adjudication, the board may enter into a consent agreement with an 70983
individual to resolve an allegation of a violation of this chapter 70984
or any rule adopted under it. A consent agreement, when ratified 70985
by an affirmative vote of not fewer than six members of the board, 70986
shall constitute the findings and order of the board with respect 70987
to the matter addressed in the agreement. If the board refuses to 70988
ratify a consent agreement, the admissions and findings contained 70989
in the consent agreement shall be of no force or effect. 70990

A telephone conference call may be utilized for ratification 70991
of a consent agreement that revokes or suspends an individual's 70992
license or permit. The telephone conference call shall be 70993
considered a special meeting under division (F) of section 121.22 70994
of the Revised Code. 70995

(F) In enforcing division (A)(14) of this section, the board, 70996

upon a showing of a possible violation, may compel any individual 70997
authorized to practice by this chapter or who has submitted an 70998
application pursuant to this chapter to submit to a mental 70999
examination, physical examination, including an HIV test, or both 71000
a mental and a physical examination. The expense of the 71001
examination is the responsibility of the individual compelled to 71002
be examined. Failure to submit to a mental or physical examination 71003
or consent to an HIV test ordered by the board constitutes an 71004
admission of the allegations against the individual unless the 71005
failure is due to circumstances beyond the individual's control, 71006
and a default and final order may be entered without the taking of 71007
testimony or presentation of evidence. If the board finds an 71008
individual unable to practice because of the reasons set forth in 71009
division (A)(14) of this section, the board shall require the 71010
individual to submit to care, counseling, or treatment by 71011
physicians approved or designated by the board, as a condition for 71012
initial, continued, reinstated, or renewed authority to practice. 71013
An individual affected under this division shall be afforded an 71014
opportunity to demonstrate to the board the ability to resume 71015
practice in compliance with acceptable and prevailing standards 71016
under the provisions of the individual's license or permit. For 71017
the purpose of division (A)(14) of this section, any individual 71018
who applies for or receives a license or permit under this chapter 71019
accepts the privilege of practicing in this state and, by so 71020
doing, shall be deemed to have given consent to submit to a mental 71021
or physical examination when directed to do so in writing by the 71022
board, and to have waived all objections to the admissibility of 71023
testimony or examination reports that constitute a privileged 71024
communication. 71025

(G) For the purposes of division (A)(18) of this section, any 71026
individual authorized to practice by this chapter accepts the 71027
privilege of practicing in this state subject to supervision by 71028
the board. By filing an application for or holding a license or 71029

permit under this chapter, an individual shall be deemed to have 71030
given consent to submit to a mental or physical examination when 71031
ordered to do so by the board in writing, and to have waived all 71032
objections to the admissibility of testimony or examination 71033
reports that constitute privileged communications. 71034

If it has reason to believe that any individual authorized to 71035
practice by this chapter or any applicant for a license or permit 71036
suffers such impairment, the board may compel the individual to 71037
submit to a mental or physical examination, or both. The expense 71038
of the examination is the responsibility of the individual 71039
compelled to be examined. Any mental or physical examination 71040
required under this division shall be undertaken by a treatment 71041
provider or physician who is qualified to conduct the examination 71042
and who is chosen by the board. 71043

Failure to submit to a mental or physical examination ordered 71044
by the board constitutes an admission of the allegations against 71045
the individual unless the failure is due to circumstances beyond 71046
the individual's control, and a default and final order may be 71047
entered without the taking of testimony or presentation of 71048
evidence. If the board determines that the individual's ability to 71049
practice is impaired, the board shall suspend the individual's 71050
license or permit or deny the individual's application and shall 71051
require the individual, as a condition for an initial, continued, 71052
reinstated, or renewed license or permit, to submit to treatment. 71053

Before being eligible to apply for reinstatement of a license 71054
or permit suspended under this division, the impaired practitioner 71055
shall demonstrate to the board the ability to resume practice in 71056
compliance with acceptable and prevailing standards of care under 71057
the provisions of the practitioner's license or permit. The 71058
demonstration shall include, but shall not be limited to, the 71059
following: 71060

(1) Certification from a treatment provider approved under 71061

section 4731.25 of the Revised Code that the individual has 71062
successfully completed any required inpatient treatment; 71063

(2) Evidence of continuing full compliance with an aftercare 71064
contract or consent agreement; 71065

(3) Two written reports indicating that the individual's 71066
ability to practice has been assessed and that the individual has 71067
been found capable of practicing according to acceptable and 71068
prevailing standards of care. The reports shall be made by 71069
individuals or providers approved by the board for making the 71070
assessments and shall describe the basis for their determination. 71071

The board may reinstate a license or permit suspended under 71072
this division after that demonstration and after the individual 71073
has entered into a written consent agreement. 71074

When the impaired practitioner resumes practice, the board 71075
shall require continued monitoring of the individual. The 71076
monitoring shall include, but not be limited to, compliance with 71077
the written consent agreement entered into before reinstatement or 71078
with conditions imposed by board order after a hearing, and, upon 71079
termination of the consent agreement, submission to the board for 71080
at least two years of annual written progress reports made under 71081
penalty of perjury stating whether the individual has maintained 71082
sobriety. 71083

(H) If the secretary and supervising member determine both of 71084
the following, they may recommend that the board suspend an 71085
individual's license or permit without a prior hearing: 71086

(1) That there is clear and convincing evidence that an 71087
individual has violated division (A) of this section; 71088

(2) That the individual's continued practice presents a 71089
danger of immediate and serious harm to the public. 71090

Written allegations shall be prepared for consideration by 71091

the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(I) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the

board may order any of the sanctions identified under division (A) 71124
of this section. 71125

(J) For purposes of divisions (A)(5), (7), and (9) of this 71126
section, the commission of the act may be established by a finding 71127
by the board, pursuant to an adjudication under Chapter 119. of 71128
the Revised Code, that the individual committed the act. The board 71129
does not have jurisdiction under those divisions if the trial 71130
court renders a final judgment in the individual's favor and that 71131
judgment is based upon an adjudication on the merits. The board 71132
has jurisdiction under those divisions if the trial court issues 71133
an order of dismissal upon technical or procedural grounds. 71134

(K) The sealing or expungement of conviction records by any 71135
court shall have no effect upon a prior board order entered under 71136
this section or upon the board's jurisdiction to take action under 71137
this section if, based upon a plea of guilty, a judicial finding 71138
of guilt, or a judicial finding of eligibility for intervention in 71139
lieu of conviction, the board issued a notice of opportunity for a 71140
hearing prior to the court's order to seal or expunge the records. 71141
The board shall not be required to seal, destroy, redact, or 71142
otherwise modify its records to reflect the court's sealing or 71143
expungement of conviction records. 71144

(L) If the board takes action under division (A)(4), (6), or 71145
(8) of this section, and the judicial finding of guilt, guilty 71146
plea, or judicial finding of eligibility for intervention in lieu 71147
of conviction is overturned on appeal, upon exhaustion of the 71148
criminal appeal, a petition for reconsideration of the order may 71149
be filed with the board along with appropriate court documents. 71150
Upon receipt of a petition for reconsideration and supporting 71151
court documents, the board shall reinstate the individual's 71152
license or permit. The board may then hold an adjudication under 71153
Chapter 119. of the Revised Code to determine whether the 71154
individual committed the act in question. Notice of an opportunity 71155

for a hearing shall be given in accordance with Chapter 119. of 71156
the Revised Code. If the board finds, pursuant to an adjudication 71157
held under this division, that the individual committed the act or 71158
if no hearing is requested, the board may order any of the 71159
sanctions identified under division (A) of this section. 71160

(M) The license or permit issued to an individual under this 71161
chapter and the individual's practice in this state are 71162
automatically suspended as of the date the individual pleads 71163
guilty to, is found by a judge or jury to be guilty of, or is 71164
subject to a judicial finding of eligibility for intervention in 71165
lieu of conviction in this state or treatment or intervention in 71166
lieu of conviction in another jurisdiction for any of the 71167
following criminal offenses in this state or a substantially 71168
equivalent criminal offense in another jurisdiction: aggravated 71169
murder, murder, voluntary manslaughter, felonious assault, 71170
kidnapping, rape, sexual battery, gross sexual imposition, 71171
aggravated arson, aggravated robbery, or aggravated burglary. 71172
Continued practice after suspension shall be considered practicing 71173
without a license or permit. 71174

The board shall ~~notify~~ serve the individual subject to the 71175
suspension ~~by certified mail or in person~~ in accordance with 71176
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71177
individual whose license or permit is automatically suspended 71178
under this division fails to make a timely request for an 71179
adjudication under Chapter 119. of the Revised Code, the board 71180
shall enter a final order permanently revoking the individual's 71181
license or permit. 71182

(N) Notwithstanding any other provision of the Revised Code, 71183
all of the following apply: 71184

(1) The surrender of a license or permit issued under this 71185
chapter shall not be effective unless or until accepted by the 71186
board. A telephone conference call may be utilized for acceptance 71187

of the surrender of an individual's license or permit. The 71188
telephone conference call shall be considered a special meeting 71189
under division (F) of section 121.22 of the Revised Code. 71190
Reinstatement of a license or permit surrendered to the board 71191
requires an affirmative vote of not fewer than six members of the 71192
board. 71193

(2) An application for a license or permit made under the 71194
provisions of this chapter may not be withdrawn without approval 71195
of the board. 71196

(3) Failure by an individual to renew a license or permit in 71197
accordance with this chapter shall not remove or limit the board's 71198
jurisdiction to take any disciplinary action under this section 71199
against the individual. 71200

(4) At the request of the board, a license or permit holder 71201
shall immediately surrender to the board a license or permit that 71202
the board has suspended, revoked, or permanently revoked. 71203

Sec. 4760.13. (A) The state medical board, by an affirmative 71204
vote of not fewer than six members, may revoke or may refuse to 71205
grant a license to practice as an anesthesiologist assistant to a 71206
person found by the board to have committed fraud, 71207
misrepresentation, or deception in applying for or securing the 71208
license. 71209

(B) The board, by an affirmative vote of not fewer than six 71210
members, shall, except as provided in division (C) of this 71211
section, and to the extent permitted by law, limit, revoke, or 71212
suspend an individual's license to practice as an anesthesiologist 71213
assistant, refuse to issue a license to an applicant, refuse to 71214
renew a license, refuse to reinstate a license, or reprimand or 71215
place on probation the holder of a license for any of the 71216
following reasons: 71217

(1) Permitting the holder's name or license to be used by another person;	71218 71219
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	71220 71221 71222
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	71223 71224 71225 71226
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	71227 71228 71229 71230
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	71231 71232 71233 71234
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	71235 71236 71237 71238
(7) Willfully betraying a professional confidence;	71239
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.	71240 71241 71242
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results,	71243 71244 71245 71246 71247

or includes representations or implications that in reasonable 71248
probability will cause an ordinarily prudent person to 71249
misunderstand or be deceived. 71250

(9) The obtaining of, or attempting to obtain, money or a 71251
thing of value by fraudulent misrepresentations in the course of 71252
practice; 71253

(10) A plea of guilty to, a judicial finding of guilt of, or 71254
a judicial finding of eligibility for intervention in lieu of 71255
conviction for, a felony; 71256

(11) Commission of an act that constitutes a felony in this 71257
state, regardless of the jurisdiction in which the act was 71258
committed; 71259

(12) A plea of guilty to, a judicial finding of guilt of, or 71260
a judicial finding of eligibility for intervention in lieu of 71261
conviction for, a misdemeanor committed in the course of practice; 71262

(13) A plea of guilty to, a judicial finding of guilt of, or 71263
a judicial finding of eligibility for intervention in lieu of 71264
conviction for, a misdemeanor involving moral turpitude; 71265

(14) Commission of an act in the course of practice that 71266
constitutes a misdemeanor in this state, regardless of the 71267
jurisdiction in which the act was committed; 71268

(15) Commission of an act involving moral turpitude that 71269
constitutes a misdemeanor in this state, regardless of the 71270
jurisdiction in which the act was committed; 71271

(16) A plea of guilty to, a judicial finding of guilt of, or 71272
a judicial finding of eligibility for intervention in lieu of 71273
conviction for violating any state or federal law regulating the 71274
possession, distribution, or use of any drug, including 71275
trafficking in drugs; 71276

(17) Any of the following actions taken by the state agency 71277

responsible for regulating the practice of anesthesiologist 71278
assistants in another jurisdiction, for any reason other than the 71279
nonpayment of fees: the limitation, revocation, or suspension of 71280
an individual's license to practice; acceptance of an individual's 71281
license surrender; denial of a license; refusal to renew or 71282
reinstate a license; imposition of probation; or issuance of an 71283
order of censure or other reprimand; 71284

(18) Violation of the conditions placed by the board on a 71285
license to practice; 71286

(19) Failure to use universal blood and body fluid 71287
precautions established by rules adopted under section 4731.051 of 71288
the Revised Code; 71289

(20) Failure to cooperate in an investigation conducted by 71290
the board under section 4760.14 of the Revised Code, including 71291
failure to comply with a subpoena or order issued by the board or 71292
failure to answer truthfully a question presented by the board at 71293
a deposition or in written interrogatories, except that failure to 71294
cooperate with an investigation shall not constitute grounds for 71295
discipline under this section if a court of competent jurisdiction 71296
has issued an order that either quashes a subpoena or permits the 71297
individual to withhold the testimony or evidence in issue; 71298

(21) Failure to comply with any code of ethics established by 71299
the national commission for the certification of anesthesiologist 71300
assistants; 71301

(22) Failure to notify the state medical board of the 71302
revocation or failure to maintain certification from the national 71303
commission for certification of anesthesiologist assistants. 71304

(C) The board shall not refuse to issue a certificate to an 71305
applicant because of a plea of guilty to, a judicial finding of 71306
guilt of, or a judicial finding of eligibility for intervention in 71307
lieu of conviction for an offense unless the refusal is in 71308

accordance with section 9.79 of the Revised Code. 71309

(D) Disciplinary actions taken by the board under divisions 71310
(A) and (B) of this section shall be taken pursuant to an 71311
adjudication under Chapter 119. of the Revised Code, except that 71312
in lieu of an adjudication, the board may enter into a consent 71313
agreement with an anesthesiologist assistant or applicant to 71314
resolve an allegation of a violation of this chapter or any rule 71315
adopted under it. A consent agreement, when ratified by an 71316
affirmative vote of not fewer than six members of the board, shall 71317
constitute the findings and order of the board with respect to the 71318
matter addressed in the agreement. If the board refuses to ratify 71319
a consent agreement, the admissions and findings contained in the 71320
consent agreement shall be of no force or effect. 71321

(E) For purposes of divisions (B)(11), (14), and (15) of this 71322
section, the commission of the act may be established by a finding 71323
by the board, pursuant to an adjudication under Chapter 119. of 71324
the Revised Code, that the applicant or license holder committed 71325
the act in question. The board shall have no jurisdiction under 71326
these divisions in cases where the trial court renders a final 71327
judgment in the license holder's favor and that judgment is based 71328
upon an adjudication on the merits. The board shall have 71329
jurisdiction under these divisions in cases where the trial court 71330
issues an order of dismissal on technical or procedural grounds. 71331

(F) The sealing or expungement of conviction records by any 71332
court shall have no effect on a prior board order entered under 71333
the provisions of this section or on the board's jurisdiction to 71334
take action under the provisions of this section if, based upon a 71335
plea of guilty, a judicial finding of guilt, or a judicial finding 71336
of eligibility for intervention in lieu of conviction, the board 71337
issued a notice of opportunity for a hearing prior to the court's 71338
order to seal or expunge the records. The board shall not be 71339
required to seal, destroy, redact, or otherwise modify its records 71340

to reflect the court's sealing or expungement of conviction 71341
records. 71342

(G) For purposes of this division, any individual who holds a 71343
license to practice issued under this chapter, or applies for a 71344
license to practice, shall be deemed to have given consent to 71345
submit to a mental or physical examination when directed to do so 71346
in writing by the board and to have waived all objections to the 71347
admissibility of testimony or examination reports that constitute 71348
a privileged communication. 71349

(1) In enforcing division (B)(5) of this section, the board, 71350
on a showing of a possible violation, may compel any individual 71351
who holds a license to practice issued under this chapter or who 71352
has applied for a license to practice pursuant to this chapter to 71353
submit to a mental or physical examination, or both. A physical 71354
examination may include an HIV test. The expense of the 71355
examination is the responsibility of the individual compelled to 71356
be examined. Failure to submit to a mental or physical examination 71357
or consent to an HIV test ordered by the board constitutes an 71358
admission of the allegations against the individual unless the 71359
failure is due to circumstances beyond the individual's control, 71360
and a default and final order may be entered without the taking of 71361
testimony or presentation of evidence. If the board finds an 71362
anesthesiologist assistant unable to practice because of the 71363
reasons set forth in division (B)(5) of this section, the board 71364
shall require the anesthesiologist assistant to submit to care, 71365
counseling, or treatment by physicians approved or designated by 71366
the board, as a condition for an initial, continued, reinstated, 71367
or renewed license to practice. An individual affected by this 71368
division shall be afforded an opportunity to demonstrate to the 71369
board the ability to resume practicing in compliance with 71370
acceptable and prevailing standards of care. 71371

(2) For purposes of division (B)(6) of this section, if the 71372

board has reason to believe that any individual who holds a 71373
license to practice issued under this chapter or any applicant for 71374
a license to practice suffers such impairment, the board may 71375
compel the individual to submit to a mental or physical 71376
examination, or both. The expense of the examination is the 71377
responsibility of the individual compelled to be examined. Any 71378
mental or physical examination required under this division shall 71379
be undertaken by a treatment provider or physician qualified to 71380
conduct such examination and chosen by the board. 71381

Failure to submit to a mental or physical examination ordered 71382
by the board constitutes an admission of the allegations against 71383
the individual unless the failure is due to circumstances beyond 71384
the individual's control, and a default and final order may be 71385
entered without the taking of testimony or presentation of 71386
evidence. If the board determines that the individual's ability to 71387
practice is impaired, the board shall suspend the individual's 71388
license or deny the individual's application and shall require the 71389
individual, as a condition for an initial, continued, reinstated, 71390
or renewed license to practice, to submit to treatment. 71391

Before being eligible to apply for reinstatement of a license 71392
suspended under this division, the anesthesiologist assistant 71393
shall demonstrate to the board the ability to resume practice in 71394
compliance with acceptable and prevailing standards of care. The 71395
demonstration shall include the following: 71396

(a) Certification from a treatment provider approved under 71397
section 4731.25 of the Revised Code that the individual has 71398
successfully completed any required inpatient treatment; 71399

(b) Evidence of continuing full compliance with an aftercare 71400
contract or consent agreement; 71401

(c) Two written reports indicating that the individual's 71402
ability to practice has been assessed and that the individual has 71403

been found capable of practicing according to acceptable and 71404
prevailing standards of care. The reports shall be made by 71405
individuals or providers approved by the board for making such 71406
assessments and shall describe the basis for their determination. 71407

The board may reinstate a license suspended under this 71408
division after such demonstration and after the individual has 71409
entered into a written consent agreement. 71410

When the impaired anesthesiologist assistant resumes 71411
practice, the board shall require continued monitoring of the 71412
anesthesiologist assistant. The monitoring shall include 71413
monitoring of compliance with the written consent agreement 71414
entered into before reinstatement or with conditions imposed by 71415
board order after a hearing, and, on termination of the consent 71416
agreement, submission to the board for at least two years of 71417
annual written progress reports made under penalty of 71418
falsification stating whether the anesthesiologist assistant has 71419
maintained sobriety. 71420

(H) If the secretary and supervising member determine that 71421
there is clear and convincing evidence that an anesthesiologist 71422
assistant has violated division (B) of this section and that the 71423
individual's continued practice presents a danger of immediate and 71424
serious harm to the public, they may recommend that the board 71425
suspend the individual's license without a prior hearing. Written 71426
allegations shall be prepared for consideration by the board. 71427

The board, on review of the allegations and by an affirmative 71428
vote of not fewer than six of its members, excluding the secretary 71429
and supervising member, may suspend a license without a prior 71430
hearing. A telephone conference call may be utilized for reviewing 71431
the allegations and taking the vote on the summary suspension. 71432

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71433
~~certified mail or in person~~ in accordance with ~~section~~ sections 71434

119.05 and 119.07 of the Revised Code. The order shall not be 71435
subject to suspension by the court during pendency of any appeal 71436
filed under section 119.12 of the Revised Code. If the 71437
anesthesiologist assistant requests an adjudicatory hearing by the 71438
board, the date set for the hearing shall be within fifteen days, 71439
but not earlier than seven days, after the anesthesiologist 71440
assistant requests the hearing, unless otherwise agreed to by both 71441
the board and the license holder. 71442

A summary suspension imposed under this division shall remain 71443
in effect, unless reversed on appeal, until a final adjudicative 71444
order issued by the board pursuant to this section and Chapter 71445
119. of the Revised Code becomes effective. The board shall issue 71446
its final adjudicative order within sixty days after completion of 71447
its hearing. Failure to issue the order within sixty days shall 71448
result in dissolution of the summary suspension order, but shall 71449
not invalidate any subsequent, final adjudicative order. 71450

(I) If the board takes action under division (B)(11), (13), 71451
or (14) of this section, and the judicial finding of guilt, guilty 71452
plea, or judicial finding of eligibility for intervention in lieu 71453
of conviction is overturned on appeal, on exhaustion of the 71454
criminal appeal, a petition for reconsideration of the order may 71455
be filed with the board along with appropriate court documents. On 71456
receipt of a petition and supporting court documents, the board 71457
shall reinstate the license to practice. The board may then hold 71458
an adjudication under Chapter 119. of the Revised Code to 71459
determine whether the individual committed the act in question. 71460
Notice of opportunity for hearing shall be given in accordance 71461
with Chapter 119. of the Revised Code. If the board finds, 71462
pursuant to an adjudication held under this division, that the 71463
individual committed the act, or if no hearing is requested, it 71464
may order any of the sanctions specified in division (B) of this 71465
section. 71466

(J) The license to practice of an anesthesiologist assistant 71467
and the assistant's practice in this state are automatically 71468
suspended as of the date the anesthesiologist assistant pleads 71469
guilty to, is found by a judge or jury to be guilty of, or is 71470
subject to a judicial finding of eligibility for intervention in 71471
lieu of conviction in this state or treatment of intervention in 71472
lieu of conviction in another jurisdiction for any of the 71473
following criminal offenses in this state or a substantially 71474
equivalent criminal offense in another jurisdiction: aggravated 71475
murder, murder, voluntary manslaughter, felonious assault, 71476
kidnapping, rape, sexual battery, gross sexual imposition, 71477
aggravated arson, aggravated robbery, or aggravated burglary. 71478
Continued practice after the suspension shall be considered 71479
practicing without a license. 71480

The board shall ~~notify~~ serve the individual subject to the 71481
suspension ~~by certified mail or in person~~ in accordance with 71482
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71483
individual whose license is suspended under this division fails to 71484
make a timely request for an adjudication under Chapter 119. of 71485
the Revised Code, the board shall enter a final order permanently 71486
revoking the individual's license to practice. 71487

(K) In any instance in which the board is required by Chapter 71488
119. of the Revised Code to give notice of opportunity for hearing 71489
and the individual subject to the notice does not timely request a 71490
hearing in accordance with section 119.07 of the Revised Code, the 71491
board is not required to hold a hearing, but may adopt, by an 71492
affirmative vote of not fewer than six of its members, a final 71493
order that contains the board's findings. In the final order, the 71494
board may order any of the sanctions identified under division (A) 71495
or (B) of this section. 71496

(L) Any action taken by the board under division (B) of this 71497
section resulting in a suspension shall be accompanied by a 71498

written statement of the conditions under which the 71499
anesthesiologist assistant's license may be reinstated. The board 71500
shall adopt rules in accordance with Chapter 119. of the Revised 71501
Code governing conditions to be imposed for reinstatement. 71502
Reinstatement of a license suspended pursuant to division (B) of 71503
this section requires an affirmative vote of not fewer than six 71504
members of the board. 71505

(M) When the board refuses to grant or issue a license to 71506
practice as an anesthesiologist assistant to an applicant, revokes 71507
an individual's license, refuses to renew an individual's license, 71508
or refuses to reinstate an individual's license, the board may 71509
specify that its action is permanent. An individual subject to a 71510
permanent action taken by the board is forever thereafter 71511
ineligible to hold a license to practice as an anesthesiologist 71512
assistant and the board shall not accept an application for 71513
reinstatement of the license or for issuance of a new license. 71514

(N) Notwithstanding any other provision of the Revised Code, 71515
all of the following apply: 71516

(1) The surrender of a license to practice issued under this 71517
chapter is not effective unless or until accepted by the board. 71518
Reinstatement of a license surrendered to the board requires an 71519
affirmative vote of not fewer than six members of the board. 71520

(2) An application made under this chapter for a license to 71521
practice may not be withdrawn without approval of the board. 71522

(3) Failure by an individual to renew a license to practice 71523
in accordance with section 4760.06 of the Revised Code shall not 71524
remove or limit the board's jurisdiction to take disciplinary 71525
action under this section against the individual. 71526

Sec. 4761.09. (A) The state medical board, by an affirmative 71527
vote of not fewer than six members, shall, except as provided in 71528

division (B) of this section, and to the extent permitted by law, 71529
limit, revoke, or suspend an individual's license or limited 71530
permit, refuse to issue a license or limited permit to an 71531
individual, refuse to renew a license or limited permit, refuse to 71532
reinstate a license or limited permit, or reprimand or place on 71533
probation the holder of a license or limited permit for one or 71534
more of the following reasons: 71535

(1) A plea of guilty to, a judicial finding of guilt of, or a 71536
judicial finding of eligibility for intervention in lieu of 71537
conviction for, a felony; 71538

(2) Commission of an act that constitutes a felony in this 71539
state, regardless of the jurisdiction in which the act was 71540
committed; 71541

(3) A plea of guilty to, a judicial finding of guilt of, or a 71542
judicial finding of eligibility for intervention in lieu of 71543
conviction for, a misdemeanor committed in the course of practice; 71544

(4) Commission of an act in the course of practice that 71545
constitutes a misdemeanor in this state, regardless of the 71546
jurisdiction in which the act was committed; 71547

(5) A plea of guilty to, a judicial finding of guilt of, or a 71548
judicial finding of eligibility for intervention in lieu of 71549
conviction for, a misdemeanor involving moral turpitude; 71550

(6) Commission of an act involving moral turpitude that 71551
constitutes a misdemeanor in this state, regardless of the 71552
jurisdiction in which the act was committed; 71553

(7) Except when civil penalties are imposed under section 71554
4761.091 of the Revised Code, violating or attempting to violate, 71555
directly or indirectly, or assisting in or abetting the violation 71556
of, or conspiring to violate, any provision of this chapter or the 71557
rules adopted by the board; 71558

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;

(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(13) Violation of the conditions of limitation placed by the board upon a license or permit;

(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely

affects cognitive, motor, or perceptive skills; 71590

(15) Any of the following actions taken by an agency 71591
responsible for authorizing, certifying, or regulating an 71592
individual to practice a health care occupation or provide health 71593
care services in this state or another jurisdiction, for any 71594
reason other than the nonpayment of fees: the limitation, 71595
revocation, or suspension of an individual's license; acceptance 71596
of an individual's license surrender; denial of a license; refusal 71597
to renew or reinstate a license; imposition of probation; or 71598
issuance of an order of censure or other reprimand; 71599

(16) The revocation, suspension, restriction, reduction, or 71600
termination of practice privileges by the United States department 71601
of defense or department of veterans affairs; 71602

(17) Termination or suspension from participation in the 71603
medicare or medicaid programs by the department of health and 71604
human services or other responsible agency for any act or acts 71605
that also would constitute a violation of division (A)(10), (12), 71606
or (14) of this section; 71607

(18) Impairment of ability to practice according to 71608
acceptable and prevailing standards of care because of habitual or 71609
excessive use or abuse of drugs, alcohol, or other substances that 71610
impair ability to practice; 71611

(19) Failure to cooperate in an investigation conducted by 71612
the board under division (E) of section 4761.03 of the Revised 71613
Code, including failure to comply with a subpoena or order issued 71614
by the board or failure to answer truthfully a question presented 71615
by the board in an investigative interview, an investigative 71616
office conference, at a deposition, or in written interrogatories, 71617
except that failure to cooperate with an investigation shall not 71618
constitute grounds for discipline under this section if a court of 71619
competent jurisdiction has issued an order that either quashes a 71620

subpoena or permits the individual to withhold the testimony or 71621
evidence in issue; 71622

(20) Practicing in an area of respiratory care for which the 71623
person is clearly untrained or incompetent or practicing in a 71624
manner that conflicts with section 4761.17 of the Revised Code; 71625

(21) Employing, directing, or supervising a person who is not 71626
authorized to practice respiratory care under this chapter in the 71627
performance of respiratory care procedures; 71628

(22) Misrepresenting educational attainments or authorized 71629
functions for the purpose of obtaining some benefit related to the 71630
practice of respiratory care; 71631

(23) Assisting suicide as defined in section 3795.01 of the 71632
Revised Code; 71633

(24) Representing, with the purpose of obtaining compensation 71634
or other advantage as personal gain or for any other person, that 71635
an incurable disease or injury, or other incurable condition, can 71636
be permanently cured. 71637

Disciplinary actions taken by the board under division (A) of 71638
this section shall be taken pursuant to an adjudication under 71639
Chapter 119. of the Revised Code, except that in lieu of an 71640
adjudication, the board may enter into a consent agreement with an 71641
individual to resolve an allegation of a violation of this chapter 71642
or any rule adopted under it. A consent agreement, when ratified 71643
by an affirmative vote of not fewer than six members of the board, 71644
shall constitute the findings and order of the board with respect 71645
to the matter addressed in the agreement. If the board refuses to 71646
ratify a consent agreement, the admissions and findings contained 71647
in the consent agreement shall be of no effect. 71648

A telephone conference call may be utilized for ratification 71649
of a consent agreement that revokes or suspends an individual's 71650
license or permit. The telephone conference call shall be 71651

considered a special meeting under division (F) of section 121.22 71652
of the Revised Code. 71653

(B) The board shall not refuse to issue a license or limited 71654
permit to an applicant because of a plea of guilty to, a judicial 71655
finding of guilt of, or a judicial finding of eligibility for 71656
intervention in lieu of conviction for an offense unless the 71657
refusal is in accordance with section 9.79 of the Revised Code. 71658

(C) Any action taken by the board under division (A) of this 71659
section resulting in a suspension from practice shall be 71660
accompanied by a written statement of the conditions under which 71661
the individual's license or permit may be reinstated. The board 71662
shall adopt rules governing conditions to be imposed for 71663
reinstatement. Reinstatement of a license or permit suspended 71664
pursuant to division (A) of this section requires an affirmative 71665
vote of not fewer than six members of the board. 71666

(D) When the board refuses to grant or issue a license or 71667
permit to an applicant, revokes an individual's license or permit, 71668
refuses to renew an individual's license or permit, or refuses to 71669
reinstate an individual's license or permit, the board may specify 71670
that its action is permanent. An individual subject to a permanent 71671
action taken by the board is forever thereafter ineligible to hold 71672
a license or permit and the board shall not accept an application 71673
for reinstatement of the license or permit or for issuance of a 71674
new license or permit. 71675

(E) If the board is required by Chapter 119. of the Revised 71676
Code to give notice of an opportunity for a hearing and if the 71677
individual subject to the notice does not timely request a hearing 71678
in accordance with section 119.07 of the Revised Code, the board 71679
is not required to hold a hearing, but may adopt, by an 71680
affirmative vote of not fewer than six of its members, a final 71681
order that contains the board's findings. In the final order, the 71682
board may order any of the sanctions identified under division (A) 71683

of this section. 71684

(F) In enforcing division (A)(14) of this section, the board, 71685
upon a showing of a possible violation, may compel any individual 71686
authorized to practice by this chapter or who has submitted an 71687
application pursuant to this chapter to submit to a mental 71688
examination, physical examination, including an HIV test, or both 71689
a mental and a physical examination. The expense of the 71690
examination is the responsibility of the individual compelled to 71691
be examined. Failure to submit to a mental or physical examination 71692
or consent to an HIV test ordered by the board constitutes an 71693
admission of the allegations against the individual unless the 71694
failure is due to circumstances beyond the individual's control, 71695
and a default and final order may be entered without the taking of 71696
testimony or presentation of evidence. If the board finds an 71697
individual unable to practice because of the reasons set forth in 71698
division (A)(14) of this section, the board shall require the 71699
individual to submit to care, counseling, or treatment by 71700
physicians approved or designated by the board, as a condition for 71701
initial, continued, reinstated, or renewed authority to practice. 71702
An individual affected under this division shall be afforded an 71703
opportunity to demonstrate to the board the ability to resume 71704
practice in compliance with acceptable and prevailing standards 71705
under the provisions of the individual's license or permit. For 71706
the purpose of division (A)(14) of this section, any individual 71707
who applies for or receives a license or permit to practice under 71708
this chapter accepts the privilege of practicing in this state 71709
and, by so doing, shall be deemed to have given consent to submit 71710
to a mental or physical examination when directed to do so in 71711
writing by the board, and to have waived all objections to the 71712
admissibility of testimony or examination reports that constitute 71713
a privileged communication. 71714

(G) For the purposes of division (A)(18) of this section, any 71715

individual authorized to practice by this chapter accepts the 71716
privilege of practicing in this state subject to supervision by 71717
the board. By filing an application for or holding a license or 71718
permit under this chapter, an individual shall be deemed to have 71719
given consent to submit to a mental or physical examination when 71720
ordered to do so by the board in writing, and to have waived all 71721
objections to the admissibility of testimony or examination 71722
reports that constitute privileged communications. 71723

If it has reason to believe that any individual authorized to 71724
practice by this chapter or any applicant for a license or permit 71725
suffers such impairment, the board may compel the individual to 71726
submit to a mental or physical examination, or both. The expense 71727
of the examination is the responsibility of the individual 71728
compelled to be examined. Any mental or physical examination 71729
required under this division shall be undertaken by a treatment 71730
provider or physician who is qualified to conduct the examination 71731
and who is chosen by the board. 71732

Failure to submit to a mental or physical examination ordered 71733
by the board constitutes an admission of the allegations against 71734
the individual unless the failure is due to circumstances beyond 71735
the individual's control, and a default and final order may be 71736
entered without the taking of testimony or presentation of 71737
evidence. If the board determines that the individual's ability to 71738
practice is impaired, the board shall suspend the individual's 71739
license or permit or deny the individual's application and shall 71740
require the individual, as a condition for an initial, continued, 71741
reinstated, or renewed license or permit, to submit to treatment. 71742

Before being eligible to apply for reinstatement of a license 71743
or permit suspended under this division, the impaired practitioner 71744
shall demonstrate to the board the ability to resume practice in 71745
compliance with acceptable and prevailing standards of care under 71746
the provisions of the practitioner's license or permit. The 71747

demonstration shall include, but shall not be limited to, the 71748
following: 71749

(1) Certification from a treatment provider approved under 71750
section 4731.25 of the Revised Code that the individual has 71751
successfully completed any required inpatient treatment; 71752

(2) Evidence of continuing full compliance with an aftercare 71753
contract or consent agreement; 71754

(3) Two written reports indicating that the individual's 71755
ability to practice has been assessed and that the individual has 71756
been found capable of practicing according to acceptable and 71757
prevailing standards of care. The reports shall be made by 71758
individuals or providers approved by the board for making the 71759
assessments and shall describe the basis for their determination. 71760

The board may reinstate a license or permit suspended under 71761
this division after that demonstration and after the individual 71762
has entered into a written consent agreement. 71763

When the impaired practitioner resumes practice, the board 71764
shall require continued monitoring of the individual. The 71765
monitoring shall include, but not be limited to, compliance with 71766
the written consent agreement entered into before reinstatement or 71767
with conditions imposed by board order after a hearing, and, upon 71768
termination of the consent agreement, submission to the board for 71769
at least two years of annual written progress reports made under 71770
penalty of perjury stating whether the individual has maintained 71771
sobriety. 71772

(H) If the secretary and supervising member determine both of 71773
the following, they may recommend that the board suspend an 71774
individual's license or permit without a prior hearing: 71775

(1) That there is clear and convincing evidence that an 71776
individual has violated division (A) of this section; 71777

(2) That the individual's continued practice presents a 71778
danger of immediate and serious harm to the public. 71779

Written allegations shall be prepared for consideration by 71780
the board. The board, upon review of those allegations and by an 71781
affirmative vote of not fewer than six of its members, excluding 71782
the secretary and supervising member, may suspend a license or 71783
permit without a prior hearing. A telephone conference call may be 71784
utilized for reviewing the allegations and taking the vote on the 71785
summary suspension. 71786

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 71787
~~certified mail or in person~~ in accordance with ~~section~~ sections 71788
119.05 and 119.07 of the Revised Code. The order shall not be 71789
subject to suspension by the court during pendency of any appeal 71790
filed under section 119.12 of the Revised Code. If the individual 71791
subject to the summary suspension requests an adjudicatory hearing 71792
by the board, the date set for the hearing shall be within fifteen 71793
days, but not earlier than seven days, after the individual 71794
requests the hearing, unless otherwise agreed to by both the board 71795
and the individual. 71796

Any summary suspension imposed under this division shall 71797
remain in effect, unless reversed on appeal, until a final 71798
adjudicative order issued by the board pursuant to this section 71799
and Chapter 119. of the Revised Code becomes effective. The board 71800
shall issue its final adjudicative order within seventy-five days 71801
after completion of its hearing. A failure to issue the order 71802
within seventy-five days shall result in dissolution of the 71803
summary suspension order but shall not invalidate any subsequent, 71804
final adjudicative order. 71805

(I) For purposes of divisions (A)(2), (4), and (6) of this 71806
section, the commission of the act may be established by a finding 71807
by the board, pursuant to an adjudication under Chapter 119. of 71808
the Revised Code, that the individual committed the act. The board 71809

does not have jurisdiction under those divisions if the trial 71810
court renders a final judgment in the individual's favor and that 71811
judgment is based upon an adjudication on the merits. The board 71812
has jurisdiction under those divisions if the trial court issues 71813
an order of dismissal upon technical or procedural grounds. 71814

(J) The sealing or expungement of conviction records by any 71815
court shall have no effect upon a prior board order entered under 71816
this section or upon the board's jurisdiction to take action under 71817
this section if, based upon a plea of guilty, a judicial finding 71818
of guilt, or a judicial finding of eligibility for intervention in 71819
lieu of conviction, the board issued a notice of opportunity for a 71820
hearing prior to the court's order to seal or expunge the records. 71821
The board shall not be required to seal, destroy, redact, or 71822
otherwise modify its records to reflect the court's sealing or 71823
expungement of conviction records. 71824

(K) If the board takes action under division (A)(1), (3), or 71825
(5) of this section, and the judicial finding of guilt, guilty 71826
plea, or judicial finding of eligibility for intervention in lieu 71827
of conviction is overturned on appeal, upon exhaustion of the 71828
criminal appeal, a petition for reconsideration of the order may 71829
be filed with the board along with appropriate court documents. 71830
Upon receipt of a petition for reconsideration and supporting 71831
court documents, the board shall reinstate the individual's 71832
license or permit. The board may then hold an adjudication under 71833
Chapter 119. of the Revised Code to determine whether the 71834
individual committed the act in question. Notice of an opportunity 71835
for a hearing shall be given in accordance with Chapter 119. of 71836
the Revised Code. If the board finds, pursuant to an adjudication 71837
held under this division, that the individual committed the act or 71838
if no hearing is requested, the board may order any of the 71839
sanctions identified under division (A) of this section. 71840

(L) The license or permit issued to an individual under this 71841

chapter and the individual's practice in this state are 71842
automatically suspended as of the date the individual pleads 71843
guilty to, is found by a judge or jury to be guilty of, or is 71844
subject to a judicial finding of eligibility for intervention in 71845
lieu of conviction in this state or treatment or intervention in 71846
lieu of conviction in another jurisdiction for any of the 71847
following criminal offenses in this state or a substantially 71848
equivalent criminal offense in another jurisdiction: aggravated 71849
murder, murder, voluntary manslaughter, felonious assault, 71850
kidnapping, rape, sexual battery, gross sexual imposition, 71851
aggravated arson, aggravated robbery, or aggravated burglary. 71852
Continued practice after suspension shall be considered practicing 71853
without a license or permit. 71854

The board shall ~~notify~~ serve the individual subject to the 71855
suspension ~~by certified mail or in person~~ in accordance with 71856
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 71857
individual whose license or permit is automatically suspended 71858
under this division fails to make a timely request for an 71859
adjudication under Chapter 119. of the Revised Code, the board 71860
shall enter a final order permanently revoking the individual's 71861
license or permit. 71862

(M) Notwithstanding any other provision of the Revised Code, 71863
all of the following apply: 71864

(1) The surrender of a license or permit issued under this 71865
chapter shall not be effective unless or until accepted by the 71866
board. A telephone conference call may be utilized for acceptance 71867
of the surrender of an individual's license or permit. The 71868
telephone conference call shall be considered a special meeting 71869
under division (F) of section 121.22 of the Revised Code. 71870
Reinstatement of a license or permit surrendered to the board 71871
requires an affirmative vote of not fewer than six members of the 71872
board. 71873

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or

conspiring to violate, any provision of this chapter, Chapter 71904
4731. of the Revised Code, or the rules adopted by the board; 71905

(4) A departure from, or failure to conform to, minimal 71906
standards of care of similar practitioners under the same or 71907
similar circumstances whether or not actual injury to the patient 71908
is established; 71909

(5) Inability to practice according to acceptable and 71910
prevailing standards of care by reason of mental illness or 71911
physical illness, including physical deterioration that adversely 71912
affects cognitive, motor, or perceptive skills; 71913

(6) Impairment of ability to practice according to acceptable 71914
and prevailing standards of care because of habitual or excessive 71915
use or abuse of drugs, alcohol, or other substances that impair 71916
ability to practice; 71917

(7) Willfully betraying a professional confidence; 71918

(8) Making a false, fraudulent, deceptive, or misleading 71919
statement in soliciting or advertising for patients or in securing 71920
or attempting to secure a license to practice as an oriental 71921
medicine practitioner or license to practice as an acupuncturist. 71922

As used in this division, "false, fraudulent, deceptive, or 71923
misleading statement" means a statement that includes a 71924
misrepresentation of fact, is likely to mislead or deceive because 71925
of a failure to disclose material facts, is intended or is likely 71926
to create false or unjustified expectations of favorable results, 71927
or includes representations or implications that in reasonable 71928
probability will cause an ordinarily prudent person to 71929
misunderstand or be deceived. 71930

(9) Representing, with the purpose of obtaining compensation 71931
or other advantage personally or for any other person, that an 71932
incurable disease or injury, or other incurable condition, can be 71933
permanently cured; 71934

- (10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 71935
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 71938
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 71941
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 71944
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 71947
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 71950
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 71953
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 71956
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- (18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of 71961
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an individual's license to practice; acceptance of an individual's	71965
license surrender; denial of a license; refusal to renew or	71966
reinstate a license; imposition of probation; or issuance of an	71967
order of censure or other reprimand;	71968
(19) Violation of the conditions placed by the board on a	71969
license to practice as an oriental medicine practitioner or	71970
license to practice as an acupuncturist;	71971
(20) Failure to use universal blood and body fluid	71972
precautions established by rules adopted under section 4731.051 of	71973
the Revised Code;	71974
(21) Failure to cooperate in an investigation conducted by	71975
the board under section 4762.14 of the Revised Code, including	71976
failure to comply with a subpoena or order issued by the board or	71977
failure to answer truthfully a question presented by the board at	71978
a deposition or in written interrogatories, except that failure to	71979
cooperate with an investigation shall not constitute grounds for	71980
discipline under this section if a court of competent jurisdiction	71981
has issued an order that either quashes a subpoena or permits the	71982
individual to withhold the testimony or evidence in issue;	71983
(22) Failure to comply with the standards of the national	71984
certification commission for acupuncture and oriental medicine	71985
regarding professional ethics, commitment to patients, commitment	71986
to the profession, and commitment to the public;	71987
(23) Failure to have adequate professional liability	71988
insurance coverage in accordance with section 4762.22 of the	71989
Revised Code;	71990
(24) Failure to maintain a current and active designation as	71991
a diplomate in oriental medicine, diplomate of acupuncture and	71992
Chinese herbology, or diplomate in acupuncture, as applicable,	71993
from the national certification commission for acupuncture and	71994
oriental medicine, including revocation by the commission of the	71995

individual's designation, failure by the individual to meet the 71996
commission's requirements for redesignation, or failure to notify 71997
the board that the appropriate designation has not been 71998
maintained. 71999

(C) The board shall not refuse to issue a certificate to an 72000
applicant because of a plea of guilty to, a judicial finding of 72001
guilt of, or a judicial finding of eligibility for intervention in 72002
lieu of conviction for an offense unless the refusal is in 72003
accordance with section 9.79 of the Revised Code. 72004

(D) Disciplinary actions taken by the board under divisions 72005
(A) and (B) of this section shall be taken pursuant to an 72006
adjudication under Chapter 119. of the Revised Code, except that 72007
in lieu of an adjudication, the board may enter into a consent 72008
agreement with an oriental medicine practitioner or acupuncturist 72009
or applicant to resolve an allegation of a violation of this 72010
chapter or any rule adopted under it. A consent agreement, when 72011
ratified by an affirmative vote of not fewer than six members of 72012
the board, shall constitute the findings and order of the board 72013
with respect to the matter addressed in the agreement. If the 72014
board refuses to ratify a consent agreement, the admissions and 72015
findings contained in the consent agreement shall be of no force 72016
or effect. 72017

(E) For purposes of divisions (B)(12), (15), and (16) of this 72018
section, the commission of the act may be established by a finding 72019
by the board, pursuant to an adjudication under Chapter 119. of 72020
the Revised Code, that the applicant or license holder committed 72021
the act in question. The board shall have no jurisdiction under 72022
these divisions in cases where the trial court renders a final 72023
judgment in the license holder's favor and that judgment is based 72024
upon an adjudication on the merits. The board shall have 72025
jurisdiction under these divisions in cases where the trial court 72026
issues an order of dismissal upon technical or procedural grounds. 72027

(F) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or entered into a consent agreement prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice issued under this chapter, or applies for a license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license to practice issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice

because of the reasons set forth in division (B)(5) of this 72060
section, the board shall require the individual to submit to care, 72061
counseling, or treatment by physicians approved or designated by 72062
the board, as a condition for an initial, continued, reinstated, 72063
or renewed license to practice. An individual affected by this 72064
division shall be afforded an opportunity to demonstrate to the 72065
board the ability to resume practicing in compliance with 72066
acceptable and prevailing standards of care. 72067

(2) For purposes of division (B)(6) of this section, if the 72068
board has reason to believe that any individual who holds a 72069
license to practice issued under this chapter or any applicant for 72070
a license suffers such impairment, the board may compel the 72071
individual to submit to a mental or physical examination, or both. 72072
The expense of the examination is the responsibility of the 72073
individual compelled to be examined. Any mental or physical 72074
examination required under this division shall be undertaken by a 72075
treatment provider or physician qualified to conduct such 72076
examination and chosen by the board. 72077

Failure to submit to a mental or physical examination ordered 72078
by the board constitutes an admission of the allegations against 72079
the individual unless the failure is due to circumstances beyond 72080
the individual's control, and a default and final order may be 72081
entered without the taking of testimony or presentation of 72082
evidence. If the board determines that the individual's ability to 72083
practice is impaired, the board shall suspend the individual's 72084
license or deny the individual's application and shall require the 72085
individual, as a condition for an initial, continued, reinstated, 72086
or renewed license, to submit to treatment. 72087

Before being eligible to apply for reinstatement of a license 72088
suspended under this division, the oriental medicine practitioner 72089
or acupuncturist shall demonstrate to the board the ability to 72090
resume practice in compliance with acceptable and prevailing 72091

standards of care. The demonstration shall include the following: 72092

(a) Certification from a treatment provider approved under 72093
section 4731.25 of the Revised Code that the individual has 72094
successfully completed any required inpatient treatment; 72095

(b) Evidence of continuing full compliance with an aftercare 72096
contract or consent agreement; 72097

(c) Two written reports indicating that the individual's 72098
ability to practice has been assessed and that the individual has 72099
been found capable of practicing according to acceptable and 72100
prevailing standards of care. The reports shall be made by 72101
individuals or providers approved by the board for making such 72102
assessments and shall describe the basis for their determination. 72103

The board may reinstate a license suspended under this 72104
division after such demonstration and after the individual has 72105
entered into a written consent agreement. 72106

When the impaired individual resumes practice, the board 72107
shall require continued monitoring of the individual. The 72108
monitoring shall include monitoring of compliance with the written 72109
consent agreement entered into before reinstatement or with 72110
conditions imposed by board order after a hearing, and, upon 72111
termination of the consent agreement, submission to the board for 72112
at least two years of annual written progress reports made under 72113
penalty of falsification stating whether the individual has 72114
maintained sobriety. 72115

(H) If the secretary and supervising member determine both of 72116
the following, they may recommend that the board suspend an 72117
individual's license to practice without a prior hearing: 72118

(1) That there is clear and convincing evidence that an 72119
oriental medicine practitioner or acupuncturist has violated 72120
division (B) of this section; 72121

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the oriental medicine practitioner or acupuncturist requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing is requested, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may

be filed with the board along with appropriate court documents. 72154
Upon receipt of a petition and supporting court documents, the 72155
board shall reinstate the license. The board may then hold an 72156
adjudication under Chapter 119. of the Revised Code to determine 72157
whether the individual committed the act in question. Notice of 72158
opportunity for hearing shall be given in accordance with Chapter 72159
119. of the Revised Code. If the board finds, pursuant to an 72160
adjudication held under this division, that the individual 72161
committed the act, or if no hearing is requested, it may order any 72162
of the sanctions specified in division (B) of this section. 72163

(J) The license to practice of an oriental medicine 72164
practitioner or acupuncturist and the practitioner's or 72165
acupuncturist's practice in this state are automatically suspended 72166
as of the date the practitioner or acupuncturist pleads guilty to, 72167
is found by a judge or jury to be guilty of, or is subject to a 72168
judicial finding of eligibility for intervention in lieu of 72169
conviction in this state or treatment or intervention in lieu of 72170
conviction in another jurisdiction for any of the following 72171
criminal offenses in this state or a substantially equivalent 72172
criminal offense in another jurisdiction: aggravated murder, 72173
murder, voluntary manslaughter, felonious assault, kidnapping, 72174
rape, sexual battery, gross sexual imposition, aggravated arson, 72175
aggravated robbery, or aggravated burglary. Continued practice 72176
after the suspension shall be considered practicing without a 72177
license. 72178

The board shall ~~notify~~ serve the individual subject to the 72179
suspension ~~by certified mail or in person~~ in accordance with 72180
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 72181
individual whose license is suspended under this division fails to 72182
make a timely request for an adjudication under Chapter 119. of 72183
the Revised Code, the board shall enter a final order permanently 72184
revoking the individual's license. 72185

(K) In any instance in which the board is required by Chapter 72186
119. of the Revised Code to give notice of opportunity for hearing 72187
and the individual subject to the notice does not timely request a 72188
hearing in accordance with section 119.07 of the Revised Code, the 72189
board is not required to hold a hearing, but may adopt, by an 72190
affirmative vote of not fewer than six of its members, a final 72191
order that contains the board's findings. In the final order, the 72192
board may order any of the sanctions identified under division (A) 72193
or (B) of this section. 72194

(L) Any action taken by the board under division (B) of this 72195
section resulting in a suspension shall be accompanied by a 72196
written statement of the conditions under which the license may be 72197
reinstated. The board shall adopt rules in accordance with Chapter 72198
119. of the Revised Code governing conditions to be imposed for 72199
reinstatement. Reinstatement of a license suspended pursuant to 72200
division (B) of this section requires an affirmative vote of not 72201
fewer than six members of the board. 72202

(M) When the board refuses to grant or issue a license to an 72203
applicant, revokes an individual's license, refuses to renew an 72204
individual's license, or refuses to reinstate an individual's 72205
license, the board may specify that its action is permanent. An 72206
individual subject to a permanent action taken by the board is 72207
forever thereafter ineligible to hold a license to practice as an 72208
oriental medicine practitioner or license to practice as an 72209
acupuncturist and the board shall not accept an application for 72210
reinstatement of the license or for issuance of a new license. 72211

(N) Notwithstanding any other provision of the Revised Code, 72212
all of the following apply: 72213

(1) The surrender of a license to practice as an oriental 72214
medicine practitioner or license to practice as an acupuncturist 72215
issued under this chapter is not effective unless or until 72216
accepted by the board. Reinstatement of a license surrendered to 72217

the board requires an affirmative vote of not fewer than six 72218
members of the board. 72219

(2) An application made under this chapter for a license may 72220
not be withdrawn without approval of the board. 72221

(3) Failure by an individual to renew a license in accordance 72222
with section 4762.06 of the Revised Code shall not remove or limit 72223
the board's jurisdiction to take disciplinary action under this 72224
section against the individual. 72225

Sec. 4763.05. (A)(1)(a) A person shall make application for 72226
an initial state-certified general real estate appraiser 72227
certificate, an initial state-certified residential real estate 72228
appraiser certificate, an initial state-licensed residential real 72229
estate appraiser license, or an initial state-registered real 72230
estate appraiser assistant registration in writing to the 72231
superintendent of real estate on a form the superintendent 72232
prescribes. The application shall include the address of the 72233
applicant's principal place of business and all other addresses at 72234
which the applicant currently engages in the business of 72235
performing real estate appraisals and the address of the 72236
applicant's current residence. The superintendent shall retain the 72237
applicant's current residence address in a separate record which 72238
does not constitute a public record for purposes of section 149.43 72239
of the Revised Code. The application shall indicate whether the 72240
applicant seeks certification as a general real estate appraiser 72241
or as a residential real estate appraiser, licensure as a 72242
residential real estate appraiser, or registration as a real 72243
estate appraiser assistant and be accompanied by the prescribed 72244
examination and certification, registration, or licensure fees set 72245
forth in section 4763.09 of the Revised Code. The application also 72246
shall include a pledge, signed by the applicant, that the 72247
applicant will comply with the standards set forth in this 72248

chapter; and a statement that the applicant understands the types 72249
of misconduct for which disciplinary proceedings may be initiated 72250
against the applicant pursuant to this chapter. 72251

(b) Upon the filing of an application and payment of any 72252
examination and certification, registration, or licensure fees, 72253
the superintendent of real estate shall request the superintendent 72254
of the bureau of criminal identification and investigation, or a 72255
vendor approved by the bureau, to conduct a criminal records check 72256
based on the applicant's fingerprints in accordance with section 72257
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 72258
section 121.08 of the Revised Code, the superintendent of real 72259
estate shall request that criminal record information from the 72260
federal bureau of investigation be obtained as part of the 72261
criminal records check. Any fee required under division (C)(3) of 72262
section 109.572 of the Revised Code shall be paid by the 72263
applicant. 72264

(2) For purposes of providing funding for the real estate 72265
appraiser recovery fund established by section 4763.16 of the 72266
Revised Code, the real estate appraiser board shall levy an 72267
assessment against each person issued an initial certificate, 72268
registration, or license and against current licensees, 72269
registrants, and certificate holders, as required by board rule. 72270
The assessment is in addition to the application and examination 72271
fees for initial applicants required by division (A)(1) of this 72272
section and the renewal fees required for current certificate 72273
holders, registrants, and licensees. The superintendent of real 72274
estate shall deposit the assessment into the state treasury to the 72275
credit of the real estate appraiser recovery fund. The assessment 72276
for initial certificate holders, registrants, and licensees shall 72277
be paid prior to the issuance of a certificate, registration, or 72278
license, and for current certificate holders, registrants, and 72279
licensees, at the time of renewal. 72280

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) A person who has obtained a residential real estate appraiser license, a residential real estate appraiser certificate, or a general real estate appraiser certificate from another state may apply to obtain a license or certificate issued under this chapter provided the state that issued the license or certificate has requirements that meet or exceed the requirements found in this chapter. The board shall adopt rules relating to this division. The application for obtaining a license or certificate under this division may include any of the following:

- (a) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; 72313
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- (b) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter; 72315
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- (c) A consent to service of process. 72318
- (2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply: 72319
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- (i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction. 72323
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- (ii) The appraiser's business in this state is of a temporary nature. 72325
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- (iii) The appraiser registers with the board pursuant to this division. 72327
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- (b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction. 72329
72330
72331
72332
- (c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following: 72333
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- (i) A pledge, signed by the applicant, that the applicant 72342

will comply with the standards set forth in this chapter; 72343

(ii) A statement that the applicant understands the types of 72344
misconduct for which disciplinary proceedings may be initiated 72345
against the applicant pursuant to this chapter; 72346

(iii) A consent to service of process. 72347

(3) The board may enter into reciprocal agreements with other 72348
states. The board shall prescribe reciprocal agreement 72349
requirements by rule. 72350

(F) The superintendent shall not issue a certificate, 72351
registration, or license to, or recognize on a temporary basis an 72352
appraiser from another state that is a corporation, partnership, 72353
or association. This prohibition shall not be construed to prevent 72354
a certificate holder or licensee from signing an appraisal report 72355
on behalf of a corporation, partnership, or association. 72356

(G) Every person licensed, registered, or certified under 72357
this chapter shall notify the superintendent, on a form provided 72358
by the superintendent, of a change in the address of the 72359
licensee's, registrant's, or certificate holder's principal place 72360
of business or residence within thirty days of the change. If a 72361
licensee's, registrant's, or certificate holder's license, 72362
registration, or certificate is revoked or not renewed, the 72363
licensee, registrant, or certificate holder immediately shall 72364
return the annual and any renewal certificate, registration, or 72365
license to the superintendent. 72366

(H)(1) The superintendent shall not issue a certificate, 72367
registration, or license to any person, or recognize on a 72368
temporary basis an appraiser from another state, who does not meet 72369
applicable minimum criteria for state certification, registration, 72370
or licensure prescribed by federal law or rule. 72371

(2) The superintendent shall not refuse to issue a general 72372
real estate appraiser certificate, residential real estate 72373

appraiser certificate, residential real estate appraiser license, 72374
or real estate appraiser assistant registration to any person 72375
because of a conviction of or plea of guilty to any criminal 72376
offense unless the refusal is in accordance with section 9.79 of 72377
the Revised Code. 72378

Sec. 4763.11. (A) Within ten business days after a person 72379
files a written complaint against a person certified, registered, 72380
or licensed under this chapter with the division of real estate, 72381
the superintendent of real estate shall acknowledge receipt of the 72382
complaint by sending notice to the certificate holder, registrant, 72383
or licensee that includes a copy of the complaint. The 72384
acknowledgement to the complainant and the notice to the 72385
certificate holder, registrant, or licensee may state that an 72386
informal mediation meeting will be held with the complainant, the 72387
certificate holder, registrant, or licensee, and an investigator 72388
from the investigation and audit section of the division, if the 72389
complainant and certificate holder, registrant, or licensee both 72390
file a request for such a meeting within twenty calendar days 72391
after the acknowledgment and notice are mailed. 72392

(B) If the complainant and certificate holder, registrant, or 72393
licensee both file with the division requests for an informal 72394
mediation meeting, the superintendent shall notify the complainant 72395
and certificate holder, registrant, or licensee of the date of the 72396
meeting, by regular mail. If the complainant and certificate 72397
holder, registrant, or licensee reach an accommodation at an 72398
informal mediation meeting, the investigator shall report the 72399
accommodation to the superintendent, the complainant, and the 72400
certificate holder, registrant, or licensee and the complaint file 72401
shall be closed upon the superintendent receiving satisfactory 72402
notice that the accommodation has been fulfilled. 72403

(C) If the complainant and certificate holder, registrant, or 72404

licensee fail to agree to an informal mediation meeting or fail to 72405
reach an accommodation agreement, or fail to fulfill an 72406
accommodation agreement, the superintendent shall assign the 72407
complaint to an investigator for an investigation into the conduct 72408
of the certificate holder, registrant, or licensee against whom 72409
the complaint is filed. 72410

(D) Upon the conclusion of the investigation, the 72411
investigator shall file a written report of the results of the 72412
investigation with the superintendent. The superintendent shall 72413
review the report and determine whether there exists reasonable 72414
and substantial evidence of a violation of division (G) of this 72415
section by the certificate holder, registrant, or licensee. 72416

(1) If the superintendent finds evidence exists showing a 72417
violation of division (G) of this section by a certificate holder, 72418
registrant, or licensee, the superintendent shall notify the 72419
complainant and certificate holder, registrant, or licensee of the 72420
determination. The certificate holder, registrant, or licensee may 72421
enter into a settlement agreement with the superintendent. The 72422
settlement agreement is subject to board approval, and the board 72423
shall prescribe requirements by rule for such settlement 72424
agreements. The certificate holder, registrant, or licensee may 72425
request a hearing pursuant to Chapter 119. of the Revised Code. If 72426
a formal hearing is conducted, the hearing examiner shall file a 72427
report that contains findings of fact and conclusions of law with 72428
the division hearing administrator. The division hearing 72429
administrator shall serve the hearing examiner report on the 72430
superintendent, the assistant attorney general representing the 72431
superintendent in the matter, the board, the complainant and the 72432
certificate holder, licensee, or registrant, and if applicable, 72433
counsel representing the complainant, certificate holder, 72434
licensee, or registrant. Service of the hearing examiner report on 72435
the complainant and on the certificate holder, licensee, or 72436

registrant shall comply with division (K) of this section. Service 72437
of the hearing examiner's report on the superintendent, the 72438
assistant attorney general representing the superintendent in the 72439
matter, and the board shall be by either regular mail or 72440
electronic means. Service of the hearing examiner report on 72441
counsel representing the complainant, certificate holder, 72442
licensee, or registrant shall be by regular mail. 72443

Within ten calendar days of receipt by the assistant attorney 72444
general representing the superintendent of the copy of the hearing 72445
examiner's report served by the division hearing administrator, 72446
the assistant attorney general may file with the board written 72447
objections to the hearing examiner's report, which shall be 72448
considered by the board before approving, modifying, or rejecting 72449
the hearing examiner's report. Within ten calendar days of receipt 72450
by the certificate holder, licensee, or registrant of the copy of 72451
the hearing examiner's report served by the division hearing 72452
administrator, the certificate holder, licensee, or registrant may 72453
file with the board written objections to the hearing examiner's 72454
report, which shall be considered by the board before approving, 72455
modifying, or rejecting the hearing examiner's report. Within ten 72456
calendar days of receipt by the superintendent of the copy of the 72457
hearing examiner's report served by the division hearing 72458
administrator, the superintendent may grant an extension of time 72459
to file written objections to the hearing examiner's report for 72460
good cause shown. 72461

(2) If the superintendent finds, following the conclusion of 72462
the investigation, that evidence does not exist showing a 72463
violation of division (G) of this section by the certificate 72464
holder, registrant, or licensee, the superintendent shall notify 72465
the complainant and certificate holder, registrant, or licensee of 72466
that determination and the basis for the determination. Within 72467
fifteen business days after the superintendent notifies the 72468

complainant and certificate holder, registrant, or licensee that 72469
such evidence does not exist, the complainant may file with the 72470
division a request that the real estate appraiser board review the 72471
determination. If the complainant files such request, the board 72472
shall review the determination at the next regularly scheduled 72473
meeting held at least fifteen business days after the request is 72474
filed but no longer than six months after the request is filed. 72475
The board may hear the testimony of the complainant, certificate 72476
holder, registrant, or licensee at the meeting upon the request of 72477
that party. If the board affirms the determination of the 72478
superintendent, the superintendent shall notify the complainant 72479
and the certificate holder, registrant, or licensee within five 72480
business days thereafter. If the board reverses the determination 72481
of the superintendent, the matter shall be returned to the 72482
superintendent for additional investigation or review. 72483

(E) The board shall review the hearing examiner's report and 72484
the evidence at the next regularly scheduled board meeting held at 72485
least fifteen business days after receipt of the examiner's 72486
report. The board may hear the testimony of the complainant, 72487
certificate holder, registrant, or licensee upon request. If the 72488
complainant is the Ohio civil rights commission, the board shall 72489
review the complaint. 72490

(F) If the board determines that a licensee, registrant, or 72491
certificate holder has violated this chapter for which 72492
disciplinary action may be taken under division (G) of this 72493
section, after review of the hearing examiner's report and the 72494
evidence as provided in division (E) of this section, or after 72495
review of a settlement agreement entered into pursuant to division 72496
(D)(1) of this section, the board shall order the disciplinary 72497
action the board considers appropriate, which may include, but is 72498
not limited to, any of the following: 72499

(1) Reprimand of the certificate holder, registrant, or 72500

licensee;	72501
(2) Imposition of a fine, not exceeding, two thousand five hundred dollars per violation;	72502 72503
(3) Requirement of the completion of additional education courses. Any course work imposed pursuant to this section shall not count toward continuing education requirements or prelicense or precertification requirements set forth in section 4763.05 of the Revised Code.	72504 72505 72506 72507 72508
(4) Suspension of the certificate, registration, or license for a specific period of time;	72509 72510
(5) Revocation or surrender of the certificate, registration, or license.	72511 72512
The decision and order of the board is final, except that following the review of the hearing examiner report and the evidence as provided in division (E) of this section, the decision and order of the board is subject to review in the manner provided for in Chapter 119. of the Revised Code and appeal to any court of common pleas. If the board orders a disciplinary action as provided in division (F)(2) or (3) of this section, the superintendent may grant an extension of time to satisfy the board-ordered disciplinary action for good cause shown.	72513 72514 72515 72516 72517 72518 72519 72520 72521
(G) The board shall take any disciplinary action authorized by this section against a certificate holder, registrant, or licensee or an applicant who obtains a certificate, registration, or license pursuant to this chapter who is found to have committed any of the following acts, omissions, or violations:	72522 72523 72524 72525 72526
(1) As an applicant, procuring or attempting to procure a certificate, registration, or license pursuant to section 4763.05, 4763.06, or 4763.07 of the Revised Code by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application	72527 72528 72529 72530 72531

for certification, registration, or licensure, or by any means of fraud or misrepresentation; 72532
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(2) Paying, or attempting to pay, anything of value, other than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a certificate, registration, or license; 72534
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(3) In a criminal proceeding, being convicted of or pleading guilty or no contest to a felony; a crime involving moral turpitude; or a crime involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, drug trafficking, or any criminal offense involving money or securities, including a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense; 72538
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(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person; 72546
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(5) Violation of any of the standards for the development, preparation, communication, or reporting of an appraisal report set forth in this chapter and rules of the board; 72549
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(6) Failure or refusal to exercise reasonable diligence in developing, preparing, or communicating an appraisal report; 72552
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(7) Negligence or incompetence in developing, preparing, communicating, or reporting an appraisal report; 72554
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(8) Violating this chapter or the rules adopted thereunder; 72556

(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences 72557
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resulting from the appraisal assignment;	72562
(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;	72563 72564 72565 72566
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in performing any appraisal of real estate;	72567 72568 72569 72570
(12) Violating any federal or state civil rights law;	72571
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	72572 72573 72574 72575
(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code.	72576 72577 72578 72579 72580 72581 72582
(15) Failing to provide notice to the board as required in division (I) of this section;	72583 72584
(16) In the case of a certificate holder acting as a supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;	72585 72586 72587 72588 72589 72590 72591 72592

(17) Being sanctioned or disciplined in another jurisdiction 72593
as a real estate appraiser; 72594

(18) Failing to provide assistance, whenever possible, to the 72595
members and staff of the board or to the division of real estate 72596
in the enforcement of this chapter and the rules adopted under it. 72597

(H) The board immediately shall notify the superintendent of 72598
real estate of any disciplinary action taken under this section 72599
against a certificate holder, registrant, or licensee who also is 72600
licensed under Chapter 4735. of the Revised Code, and also shall 72601
notify any other federal, state, or local agency and any other 72602
public or private association that the board determines is 72603
responsible for licensing or otherwise regulating the professional 72604
or business activity of the appraiser. Additionally, the board 72605
shall notify the complainant and any other party who may have 72606
suffered financial loss because of the certificate holder's, 72607
registrant's, or licensee's violations, that the complainant or 72608
other party may sue for recovery under section 4763.16 of the 72609
Revised Code. The notice provided under this division shall 72610
specify the conduct for which the certificate holder, registrant, 72611
or licensee was disciplined and the disciplinary action taken by 72612
the board and the result of that conduct. 72613

(I) A certificate holder, registrant, or licensee shall 72614
notify the board within fifteen days of the agency's issuance of 72615
an order revoking or permanently surrendering any professional 72616
license, certificate, or registration by any public entity other 72617
than the division of real estate. A certificate holder, 72618
registrant, or licensee who is convicted of or pleads guilty or no 72619
contest to a crime as described in division (G)(3) of this section 72620
shall notify the board of the conviction or plea within fifteen 72621
days of the conviction or plea. 72622

(J) If the board determines that a certificate holder, 72623
registrant, or licensee has violated this chapter for which 72624

disciplinary action may be taken under division (G) of this 72625
section as a result of an investigation conducted by the 72626
superintendent upon the superintendent's own motion or upon the 72627
request of the board, the superintendent shall notify the 72628
certificate holder, registrant, or licensee of the certificate 72629
holder's, registrant's, or licensee's right to a hearing pursuant 72630
to Chapter 119. of the Revised Code and, if applicable, to an 72631
appeal of a final determination of such administrative proceedings 72632
to any court of common pleas. 72633

(K) Notwithstanding ~~section~~ sections 119.05 and 119.07 of the 72634
Revised Code, acknowledgment of complaint notices issued under 72635
division (A) of this section and continuance notices associated 72636
with hearings conducted under this section may be sent by regular 72637
mail and a certificate of mailing shall be obtained for the 72638
notices. All other notices issued to a complainant and to a 72639
certificate holder, registrant, licensee, or other party pursuant 72640
to this section shall be mailed via certified mail, return receipt 72641
requested. When any notice is sent by certified mail, return 72642
receipt requested, and is returned because the notice was 72643
unclaimed, then that notice is deemed served if the superintendent 72644
subsequently sends the notice by regular mail and a certificate of 72645
mailing is obtained for the notice. If a notice, whether sent by 72646
certified mail, return receipt requested, or by regular mail with 72647
a certificate of mailing, is returned for failure of delivery, 72648
then the superintendent shall make personal delivery of the notice 72649
by an employee or agent of the department of commerce or shall 72650
cause a summary of the substantive provisions of the notice to be 72651
published once a week for three consecutive weeks in a newspaper 72652
of general circulation in the county where the last known address 72653
of the party is located. When notice is given by publication, a 72654
proof of publication affidavit, with the first publication of the 72655
notice set forth in the affidavit, shall be mailed by regular mail 72656
to the party at the party's last known address. The notice shall 72657

be deemed received as of the date of the last publication of the 72658
summary. An employee or agent of the department of commerce may 72659
make personal delivery of the notice upon the party at any time. 72660
Refusal of delivery by personal service or by mail is not failure 72661
of delivery and service is deemed to be complete. Failure of 72662
delivery occurs only when a mailed notice is returned by the 72663
postal authorities marked undeliverable, address or addressee 72664
unknown, or forwarding address unknown or expired. 72665

Sec. 4763.15. Except for moneys required to be transferred 72666
into the real estate appraiser recovery fund pursuant to section 72667
4763.16 of the Revised Code ~~or as required pursuant to this~~ 72668
~~section,~~ the superintendent of real estate may deposit all fees 72669
collected under this chapter into the state treasury to the credit 72670
of the real estate ~~appraiser~~ operating fund, ~~which is hereby~~ 72671
created under section 4735.211 of the Revised Code. All operating 72672
expenses of the real estate appraiser board and the superintendent 72673
of real estate relating to the administration and enforcement of 72674
this chapter and Chapter 4768. of the Revised Code shall be paid 72675
from ~~this~~ the real estate operating fund. ~~The fund shall be~~ 72676
~~assessed a proportionate share of the administrative cost of the~~ 72677
~~department of commerce in accordance with procedures prescribed by~~ 72678
~~the director of commerce, and the assessment shall be paid from~~ 72679
~~the operating fund to the division of administration fund.~~ 72680

~~If, in any biennium, the director of commerce determines that~~ 72681
~~moneys in the operating fund exceed those necessary to fund the~~ 72682
~~activities of the board and of the superintendent of real estate~~ 72683
~~that relate to this chapter and Chapter 4768. of the Revised Code,~~ 72684
~~the director may pay the excess funds to the real estate appraiser~~ 72685
~~recovery fund.~~ 72686

Sec. 4763.16. (A) The real estate appraiser recovery fund is 72687
hereby created in the state treasury, to be administered by the 72688

superintendent of real estate. The treasurer of state shall credit 72689
to the fund amounts collected by the superintendent as prescribed 72690
in this section and interest earned on the assets of the fund. The 72691
superintendent shall ascertain the balance of the fund as of the 72692
first day of October of each year. If that balance is less than 72693
two hundred thousand dollars at any time, the director of budget 72694
and management, upon the request of the superintendent and 72695
approval of the controlling board, may transfer from the real 72696
estate ~~appraiser~~ operating fund created under section 4735.211 of 72697
the Revised Code to the real estate appraiser recovery fund a sum 72698
as will bring the real estate appraiser recovery fund to that 72699
amount. 72700

(B) When any person obtains a final judgment in any court of 72701
competent jurisdiction against a certificate holder, registrant, 72702
or licensee, based upon conduct that is in violation of this 72703
chapter or the rules adopted under it, which conduct occurred on 72704
or after the date of their certification, registration, or 72705
licensure, and that is associated with an act or transaction of a 72706
certificate holder, registrant, or licensee specified in this 72707
chapter, that person may file a verified complaint, as described 72708
in this division, in the Franklin county court of common pleas for 72709
an order directing payment out of the real estate appraiser 72710
recovery fund of the portion of the judgment that remains unpaid 72711
and that represents the actual and direct loss of the person for 72712
the act or transaction upon which the underlying judgment was 72713
based, and court costs, if awarded in the underlying judgment, 72714
provided that no person shall receive more than ten thousand 72715
dollars from the fund for any one judgment. A bonding or insurance 72716
company or any partnership, corporation, or association that uses 72717
any tool to develop a valuation of real property for purposes of a 72718
loan or that employs, retains, or engages as an independent 72719
contractor a person licensed, registered, or certified as a real 72720
estate appraiser in its usual or occasional operations may not 72721

seek an order directing, and is not eligible for, payment out of 72722
the fund. Punitive or exemplary damages are not recoverable from 72723
the fund. 72724

The complaint shall specify the nature of the act or 72725
transaction upon which the underlying judgment was based, the 72726
activities of the applicant in pursuit of remedies available under 72727
law for the collection of judgments, and the amount of the fee 72728
paid by the applicant to the certificate holder, registrant, or 72729
licensee. The applicant shall attach to the complaint a copy of 72730
each pleading and order in the underlying court action. 72731

The Franklin county court of common pleas shall order the 72732
superintendent to make payments out of the fund when the person 72733
seeking the order has shown all of the following: 72734

(1) The person has obtained a judgment, as provided in this 72735
division; 72736

(2) All appeals from the judgment have been exhausted and the 72737
person has given notice to the superintendent, as required by 72738
division (C) of this section; 72739

(3) The person is not a spouse of the certificate holder, 72740
registrant, or licensee, or the personal representative of the 72741
spouse; 72742

(4) The person has diligently pursued the person's remedies 72743
against all the certificate holders, registrants, licensees, and 72744
all other persons liable to the person in the transaction for 72745
which the person seeks recovery from the fund; 72746

(5) The person is making a complaint not more than one year 72747
after termination of all proceedings, including appeals, in 72748
connection with the judgment. 72749

(C) A person who applies to the Franklin county court of 72750
common pleas for an order directing payment out of the fund shall 72751

file notice of the complaint with the superintendent. The 72752
superintendent shall send notice to the affected certificate 72753
holder, registrant, or licensee, where possible. The 72754
superintendent may defend the action on behalf of the fund and 72755
shall have recourse to all appropriate means of defense and 72756
review, including examination of witnesses. The superintendent may 72757
move the court at any time to dismiss the complaint when it 72758
appears there are no triable issues and the complaint is without 72759
merit. The motion may be supported by affidavit of any person 72760
having knowledge of the facts and may be made on the basis that 72761
the complaint, including the judgment referred to in the 72762
complaint, does not form the basis for a meritorious recovery 72763
claim. The superintendent may, subject to court approval, 72764
compromise a claim based upon the complaint of an aggrieved party. 72765
The superintendent is not bound by any prior compromise or 72766
stipulation of the certificate holder, registrant, or licensee. 72767
Upon petition of the superintendent, the court may require all 72768
claimants and prospective claimants against one certificate 72769
holder, registrant, or licensee to be joined in one action, to the 72770
end that the respective rights of all such claimants to the fund 72771
may be equitably adjudicated and settled. 72772

(D) If the superintendent pays from the fund any amount in 72773
settlement of a claim or toward satisfaction of a judgment against 72774
a certificate holder, registrant, or licensee, the certificate, 72775
registration, or license of the certificate holder, registrant, or 72776
licensee automatically is suspended upon the date of payment from 72777
the fund. No certificate, registration, or license that has been 72778
suspended pursuant to this division shall be reinstated until the 72779
certificate holder, registrant, or licensee has repaid in full, 72780
plus interest per annum at the rate specified in division (A) of 72781
section 1343.03 of the Revised Code, the amount paid from the fund 72782
on the certificate holder's, registrant's, or licensee's account. 72783
A discharge in bankruptcy does not relieve a person from the 72784

suspension and requirements for reinstatement provided in this 72785
section. 72786

(E) If, at any time, the money deposited in the fund is 72787
insufficient to satisfy any duly authorized claim or portion of a 72788
claim, the superintendent shall, when sufficient money has been 72789
deposited in the fund, satisfy the unpaid claims or portions, in 72790
the order that the claims or portions were originally filed, plus 72791
accumulated interest per annum at the rate specified in division 72792
(A) of section 1343.03 of the Revised Code. 72793

(F) When, upon the order of the court, the superintendent has 72794
paid from the fund any sum to the judgment creditor, the 72795
superintendent is subrogated to all of the rights of the judgment 72796
creditor to the extent of the amount so paid, and the judgment 72797
creditor shall assign all of the judgment creditor's right, title, 72798
and interest in the judgment to the superintendent to the extent 72799
of the amount so paid. The superintendent shall deposit in the 72800
fund any amount and interest so recovered by the superintendent on 72801
the judgment. 72802

(G) Nothing contained in this section shall limit the 72803
authority of the real estate appraiser board to take disciplinary 72804
action against a certificate holder, registrant, or licensee under 72805
other provisions of this chapter. The repayment in full of all 72806
obligations to the fund by a certificate holder, registrant, or 72807
licensee does not nullify or modify the effect of any other 72808
disciplinary proceeding brought pursuant to this chapter, unless 72809
repayment is imposed as a condition in that proceeding. 72810

(H) The superintendent shall collect from the fund a service 72811
fee in an amount equivalent to the interest rate specified in 72812
division (A) of section 1343.03 of the Revised Code multiplied by 72813
the annual interest earned on the assets of the fund, to defray 72814
the expenses incurred in the administration of the fund. 72815

Sec. 4764.04. (A) There is hereby created the Ohio home 72816
inspector board consisting of seven members. The governor shall 72817
appoint five members who are licensed home inspectors. The 72818
president of the senate and the speaker of the house of 72819
representatives each shall appoint one member who represents the 72820
public and has no financial interest in the home inspection 72821
industry. Not more than four members of the board shall be members 72822
of the same political party. 72823

(B) The governor, president of the senate, and speaker of the 72824
house of representatives shall make the initial appointments to 72825
the board not later than ninety days after ~~the effective date of~~ 72826
~~this section~~ April 5, 2019. Of the initial appointments to the 72827
board, the governor shall appoint one member to a term ending one 72828
year after ~~the effective date of this section~~ April 5, 2019, two 72829
members to a term ending three years after that date, and two 72830
members to a term ending five years after that date. The president 72831
of the senate shall appoint one member to a term ending two years 72832
after that date, and the speaker of the house of representatives 72833
shall appoint one member to a term ending four years after that 72834
date. Thereafter, each term shall be for five years, ending on the 72835
same day of the same month as the term that it succeeds. Each 72836
member shall hold office from the date of appointment until the 72837
end of the term for which the member was appointed. Vacancies 72838
shall be filled in the manner provided for original appointments. 72839
A member appointed to fill a vacancy prior to the expiration of a 72840
term shall hold office for the remainder of that term. A member 72841
shall continue in office subsequent to the expiration of the term 72842
until the member's successor takes office. 72843

(C) Annually, at the first regularly scheduled board meeting 72844
following the first day of September, the board shall organize by 72845
selecting from among its members a chairperson and a vice 72846
chairperson by majority vote. The board shall meet at least once 72847

per calendar quarter to conduct its business. A majority of the 72848
members of the board constitutes a quorum to transact and vote on 72849
all business that comes before the board. 72850

(D) The members of the board shall not be compensated but 72851
shall be reimbursed for actual expenses reasonably incurred in the 72852
performance of their duties as members. 72853

(E) The person who, or office that, appointed a member may 72854
remove that member for misconduct, neglect of duty, incapacity, or 72855
malfeasance. 72856

(F) The Ohio home inspector board is a part of the department 72857
of commerce for administrative purposes. The director of commerce 72858
is ex officio the executive officer of the board, or the director 72859
may designate the superintendent of real estate and professional 72860
licensing to act as executive officer of the board. 72861

Sec. 4764.05. (A) The In addition to any other duties imposed 72862
on the Ohio home inspector board, the board shall adopt rules, in 72863
accordance with Chapter 119. of the Revised Code, in furtherance 72864
of this chapter, including, but not limited to, rules to do all of 72865
the following: 72866

(1) Establish standards to govern the issuance, renewal, 72867
suspension, and revocation of licenses, other sanctions that may 72868
be imposed for violations of this chapter, the conduct of hearings 72869
related to these actions, and the process of reactivating a 72870
license; 72871

(2) Establish the amount of the following fees: 72872

(a) Establish the following fees in an amount that is 72873
sufficient to defray necessary expenses incurred in the 72874
administration of this chapter: 72875

(i) The fee for applying for and receiving a license issued 72876
under section 4764.07 of the Revised Code and the special 72877

assessment for the home inspection recovery fund created in 72878
section 4764.21 of the Revised Code, which together shall not 72879
exceed two hundred fifty dollars; 72880

(ii) The fee for renewal of a license under section 4764.09 72881
of the Revised Code and the special assessment for the home 72882
inspection recovery fund created in section 4764.21 of the Revised 72883
Code, which together shall not exceed two hundred fifty dollars. 72884

(b) The renewal late fee described in division (B)(2) of 72885
section 4764.09 of the Revised Code; 72886

(c) The fee an institution or organization described in 72887
division (A)(7) of this section shall pay to receive approval to 72888
offer continuing education courses and programs; 72889

(d) The fee an institution or organization that is approved 72890
to offer continuing education courses and programs shall pay for 72891
each course or program that the institution or organization wishes 72892
to have the superintendent of real estate and professional 72893
licensing approve pursuant to the rules adopted by the board under 72894
division (A)(8) of this section; 72895

(e) Any other fees as required by this chapter. 72896

(3) In accordance with division (C) of this section, specify 72897
methods and procedures the board shall use to approve a curriculum 72898
of education a person must successfully complete to obtain a 72899
license under this chapter; 72900

(4) In accordance with division (D) of this section, specify 72901
methods and procedures the board shall use to approve a curriculum 72902
of experience that a person may elect to complete the proof of 72903
experience requirement specified in division (D)(6) of section 72904
4764.07 of the Revised Code; 72905

(5) Establish the administrative reporting and review 72906
requirements for parallel inspections or equivalency for field 72907

experience to assure that an applicant for a license satisfies the 72908
requirements of division (D)(6) of section 4764.07 of the Revised 72909
Code, as applicable; 72910

(6) Establish a curriculum for continuing education that a 72911
licensed home inspector shall complete to satisfy the requirements 72912
for continuing education specified in section 4764.08 of the 72913
Revised Code and procedures to assure continuing education 72914
requirements are updated periodically to make those requirements 72915
consistent with home inspection industry practices; 72916

(7) Establish requirements an institution or organization 72917
shall satisfy to obtain approval to provide courses or programs 72918
that enable a licensed home inspector to satisfy the requirements 72919
for continuing education specified in section 4764.08 of the 72920
Revised Code and establish procedures that the superintendent of 72921
real estate and professional licensing shall use to approve an 72922
institution or organization that satisfies the requirements the 72923
board establishes; 72924

(8) Establish procedures and standards that the 72925
superintendent shall use to approve courses and programs, 72926
including online courses and programs, offered by an institution 72927
or organization that is approved by the superintendent to offer 72928
continuing education courses or programs pursuant to the rules 72929
adopted by the board under division (A)(7) of this section; 72930

(9) Establish reporting requirements for a licensed home 72931
inspector to follow to demonstrate that the licensed home 72932
inspector successfully completed the continuing education 72933
requirements specified in section 4764.08 of the Revised Code; 72934

(10) Establish requirements for conducting home inspections, 72935
standards of practice for home inspectors, and conflict of 72936
interest prohibitions to the extent that those provisions do not 72937
conflict with divisions (A)(2) to (5) of section 4764.14 of the 72938

Revised Code;	72939
(11) Specify requirements for settlement agreements entered into between the superintendent and a licensed home inspector under division (C) of section 4764.13 of the Revised Code;	72940 72941 72942
(12) Establish procedures for providing licensees with notice and applications for renewal under section 4764.09 of the Revised Code;	72943 72944 72945
(13) Establish a set of standards of practice and canons of ethics for the home inspection industry;	72946 72947
(14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter;	72948 72949 72950 72951 72952
(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions;	72953 72954 72955
<u>(16) Authorize the board, as the board determines appropriate, to request the superintendent of real estate and professional licensing to initiate investigations for possible violations of this chapter or the rules adopted pursuant thereto;</u>	72956 72957 72958 72959
<u>(17) Any other rules necessary in furtherance of this chapter.</u>	72960 72961
(B) The board shall do all of the following:	72962
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	72963 72964 72965 72966
(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under	72967 72968

section 4764.21 of the Revised Code;	72969
(3) Disseminate to licensees and the public information relative to board activities and decisions;	72970 72971
(4) <u>(3)</u> Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.	72972 72973 72974 72975
(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:	72976 72977 72978 72979
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum.	72980 72981 72982 72983
(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least eighty hours of classroom or online prelicensing instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative matters required by the board.	72984 72985 72986 72987 72988 72989
(3) The curriculum satisfies any other requirements the board established in rules it adopts.	72990 72991
(D) The board shall determine the equivalency of field experience that a person may elect to complete to satisfy the proof of experience requirement specified in division (D)(6) of section 4764.07 of the Revised Code. The board shall approve only a curriculum of experience that includes a requirement that a person, to successfully complete the curriculum, must perform at least forty hours of work in the home inspection field that allows the person to obtain practical experience or training regarding	72992 72993 72994 72995 72996 72997 72998 72999

home inspections. The board shall approve only a curriculum of 73000
experience that includes a requirement that a person, to 73001
successfully complete the curriculum, must complete a peer review 73002
session with a licensed home inspector approved by the board 73003
before applying for a license. The peer review session may be used 73004
as part of the required eighty hours of prelicensing education. 73005

Sec. 4764.06. (A) The superintendent of real estate and 73006
professional licensing shall do all of the following: 73007

(1) Administer this chapter; 73008

(2) Provide the Ohio home inspector board with meeting space, 73009
staff services, and other technical assistance required by the 73010
board to carry out the duties of the board under this chapter; 73011

(3) Provide each applicant for a home inspector license with 73012
a copy of the requirements for home inspections specified in rules 73013
adopted by the board pursuant to division (A)(10) of section 73014
4764.05 of the Revised Code, and make those requirements available 73015
to the public by posting them on the web site maintained by the 73016
department of commerce; 73017

(4) In accordance with division (B) of this section, issue a 73018
home inspector license to, or renew a home inspector license for, 73019
any person who satisfies the requirements specified in this 73020
chapter for such licensure or renewal, and make a list of those 73021
licensed home inspectors available to the public by posting the 73022
list on the web site maintained by the department of commerce; 73023

(5) Administer the home inspector recovery fund created under 73024
section 4764.21 of the Revised Code; 73025

(6) Establish procedures, in accordance with division ~~(K)~~(L) 73026
of section 121.08 of the Revised Code, to have fingerprint-based 73027
criminal records checks conducted by the bureau of criminal 73028
identification and investigation for all applicants for licensure; 73029

(7) In accordance with the procedures specified in rules 73030
adopted by the board in accordance with division (A)(7) of section 73031
4764.05 of the Revised Code, approve an institution or 73032
organization wishing to provide continuing education courses or 73033
programs if that institution or organization satisfies the 73034
requirements specified in rules adopted by the board in accordance 73035
with that division and pays the fee established in rules adopted 73036
by the board pursuant to division (A)(2)(c) of that section; 73037

(8) In accordance with the procedures specified in rules 73038
adopted by the board in accordance with division (A)(8) of section 73039
4764.05 of the Revised Code, approve a course or program that a 73040
licensed home inspector may complete to satisfy the continuing 73041
education requirements specified in section 4764.08 of the Revised 73042
Code if all of the following are satisfied: 73043

(a) The course or program is offered by an institution or 73044
organization approved by the superintendent pursuant to division 73045
(A)(7) of this section. 73046

(b) The course or program satisfies the standards established 73047
in rules adopted by the board pursuant to division (A)(8) of 73048
section 4764.05 of the Revised Code. 73049

(c) The institution or organization pays the fee established 73050
in rules adopted by the board pursuant to division (A)(2)(d) of 73051
section 4764.05 of the Revised Code. 73052

(9) Issue all orders necessary to implement this chapter; 73053

(10) In accordance with section 4764.12 of the Revised Code, 73054
investigate complaints concerning an alleged violation of this 73055
chapter or the conduct of any licensee and subpoena witnesses in 73056
connection with those investigations, as provided in that section. 73057
The subpoena may contain a direction that the witness produce and 73058
bring any documents, work files, inspection reports, records, or 73059
papers mentioned in the subpoena. 73060

(11) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The superintendent shall utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code to assist in performing the duties specified in division (A)(10) of this section.

(12) Specify the information that must be provided on an application for licensure under this chapter;

(13) Establish procedures for processing, approving, and denying applications for licensure under this chapter;

(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter;

(15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division (A)(6) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code.

(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities.

Sec. 4764.07. (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing:

(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides;

(2) The fee established in rules adopted by the Ohio home

inspector board pursuant to division (A)(2)(a) of section 4764.05 73091
of the Revised Code. 73092

(B) Each person applying for a license shall submit one 73093
complete set of fingerprints directly to the superintendent of the 73094
bureau of criminal identification and investigation for the 73095
purpose of conducting a criminal records check. The person shall 73096
provide the fingerprints using a method the superintendent of the 73097
bureau of criminal identification and investigation prescribes 73098
pursuant to division (C)(2) of section 109.572 of the Revised Code 73099
and fill out the form the superintendent of the bureau of criminal 73100
identification and investigation prescribes pursuant to division 73101
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 73102
application under this section, the superintendent of real estate 73103
and professional licensing shall request the superintendent of the 73104
bureau of criminal identification and investigation, or a vendor 73105
approved by the bureau, to conduct a criminal records check based 73106
on the applicant's fingerprint impressions in accordance with 73107
division (A)(15) of section 109.572 of the Revised Code. 73108
Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised 73109
Code, the superintendent of real estate and professional licensing 73110
shall request that criminal record information based on the 73111
applicant's fingerprints be obtained from the federal bureau of 73112
investigation as part of the criminal records check. Any fee 73113
required under division (C)(3) of section 109.572 of the Revised 73114
Code shall be paid by the applicant. 73115

(C) The superintendent shall issue a license to perform home 73116
inspections to applicants who satisfy the requirements set forth 73117
in this section, subject to section 4768.14 of the Revised Code. 73118

(D) Except as otherwise specified in division (E) of this 73119
section, the application shall include all of the following: 73120

(1) A pledge the applicant signs, agreeing to comply with the 73121
rules adopted by the board pursuant to division (A)(10) of section 73122

4764.05 of the Revised Code;	73123
(2) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;	73124 73125 73126
(3) Proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy in accordance with division (A) of section 4764.11 of the Revised Code;	73127 73128 73129 73130
(4) Proof of successfully passing, within two years before the date of the application, the national home inspector examination;	73131 73132 73133
(5) Proof of successfully completing a curriculum of education approved by the board in accordance with rules the board adopts pursuant to division (A)(3) of section 4764.05 of the Revised Code;	73134 73135 73136 73137
(6) Proof that the applicant has experience in the field of home inspections through either of the following:	73138 73139
(a) Successful completion of a curriculum of experience approved by the board in accordance with rules the board adopts pursuant to divisions (A)(4) and (D) of section 4764.05 of the Revised Code;	73140 73141 73142 73143
(b) Successful completion of ten parallel inspections or equivalent experience as determined by the board pursuant to division (A)(5) of section 4764.05 of the Revised Code;	73144 73145 73146
(7) Proof that the applicant is at least eighteen years of age;	73147 73148
(8) Proof that the applicant has graduated from the twelfth grade, received a general educational development diploma, or satisfactorily completed a program that is the equivalent to graduating from the twelfth grade or receiving a general	73149 73150 73151 73152

educational development diploma; 73153

(9) Any other information the board requires that the board 73154
determines is relevant to receiving a license to practice as a 73155
licensed home inspector. 73156

(E) The superintendent shall not require a person described 73157
in division (B) or (C) of section 4764.03 of the Revised Code who 73158
wishes to obtain a license to perform home inspections under this 73159
chapter to submit proof of education and experience as required 73160
under divisions (D)(5) and (6) of this section in the person's 73161
application in order for that person to receive a license. Such a 73162
person, however, shall satisfy all other requirements specified in 73163
divisions (A) and (D) of this section and provide proof of 73164
licensure in good standing described in division (B) or (C) of 73165
section 4764.03 of the Revised Code to receive a license. 73166

(F) The act of submitting an application to the 73167
superintendent does not create, shall not be construed as 73168
creating, and is not intended to indicate licensure as a home 73169
inspector. 73170

Sec. 4764.08. During each three-year period that a license is 73171
valid, a licensed home inspector shall successfully complete not 73172
less than ~~fourteen~~ forty-two hours of continuing education 73173
instruction ~~annually~~ in courses or programs directly applicable to 73174
the standards of practice and requirements specified in rules 73175
adopted by the Ohio home inspector board pursuant to division 73176
(A)(10) of section 4764.05 of the Revised Code. 73177

The superintendent of real estate and professional licensing 73178
shall accept only those courses and programs the superintendent 73179
approves in accordance with division (A)(8) of section 4764.06 of 73180
the Revised Code prior to the date the licensed home inspector 73181
completes the course or program. The superintendent shall not 73182
include parallel inspections completed by a person for credit 73183

toward satisfying the continuing education requirements specified 73184
in this section. 73185

Sec. 4764.16. (A) Upon receipt of a written complaint or upon 73186
the motion of the superintendent of real estate and professional 73187
licensing, the superintendent may investigate any person who is 73188
not a licensed home inspector who has allegedly violated section 73189
4764.02 of the Revised Code. 73190

(B) The superintendent has the same powers to investigate an 73191
alleged violation of section 4764.02 of the Revised Code by a 73192
person who is not licensed as a home inspector as those powers are 73193
specified in section 4764.12 of the Revised Code. If, after an 73194
investigation pursuant to section 4764.12 of the Revised Code, the 73195
superintendent determines that reasonable evidence exists that an 73196
unlicensed person has violated section 4764.02 of the Revised 73197
Code, within seven days after that determination, the 73198
superintendent shall ~~send~~ serve a written notice ~~to that person by~~ 73199
~~regular mail~~ in accordance with sections 119.05 and 119.07 of the 73200
Revised Code and shall include in the notice the information 73201
specified in section 119.07 of the Revised Code for notices given 73202
to licensees, except that the notice shall specify that a hearing 73203
will be held and specify the date, time, and place of the hearing. 73204

(C) The Ohio home inspector board shall hold a hearing 73205
regarding the alleged violation in the same manner prescribed for 73206
an adjudication hearing under section 119.09 of the Revised Code. 73207
If the board, after the hearing, determines a violation has 73208
occurred, the board may impose a civil penalty on the person, not 73209
exceeding five hundred dollars per violation which is distinct 73210
from any criminal fine imposed pursuant to section 4764.99 of the 73211
Revised Code. Each day a violation occurs or continues is a 73212
separate violation. The superintendent may approve a payment plan 73213
if the unlicensed person requests such. The board shall maintain a 73214

transcript of the proceedings of the hearing and issue a written order to all parties, citing its findings and grounds for any action taken. The board's determination regarding a violation of section 4764.02 of the Revised Code is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(D) If the unlicensed person who allegedly committed a violation of section 4764.02 of the Revised Code fails to appear for a hearing, the board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the board for a hearing.

(E) If the board assesses an unlicensed person a civil penalty for a violation of section 4764.02 of the Revised Code and the person fails to pay that civil penalty within the time period prescribed by the board, the superintendent shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

If the board finds, or an unlicensed person admits to the board, a violation of section 4764.02 of the Revised Code, the superintendent shall not issue to the person a home inspector license without prior board approval.

Sec. 4764.18. Except as provided in section 4764.21 of the Revised Code, the superintendent of real estate and professional licensing shall deposit all money collected under this chapter in the state treasury to the credit of the home inspectors real estate operating fund, ~~which is hereby created. Money credited to the fund shall be used solely by the superintendent to pay costs associated with the administration and enforcement of this chapter.~~

Sec. 4764.21. (A) The home inspection recovery fund is hereby 73246
created in the state treasury, to be administered by the 73247
superintendent of real estate and professional licensing. Amounts 73248
collected by the superintendent as prescribed in this section and 73249
interest earned on the assets of the fund shall be ascertained by 73250
the superintendent as of the first day of July each year. 73251

The Ohio home inspector board, in accordance with rules 73252
adopted under division (A)(2) of section 4764.05 of the Revised 73253
Code, shall impose a special assessment not to exceed five dollars 73254
per year for each year of a licensing period on each person 73255
applying for a license under section 4764.07 of the Revised Code 73256
and on each licensee filing a notice of renewal under section 73257
4764.09 of the Revised Code if the amount available in the fund is 73258
less than ~~two hundred and fifty thousand~~ one million dollars on 73259
the first day of July preceding that filing. ~~The board may impose~~ 73260
~~a special assessment not to exceed three dollars per year for each~~ 73261
~~year of a licensing period if the amount available is greater than~~ 73262
~~five hundred thousand dollars, but less than one million dollars~~ 73263
~~on the first day of July preceding that filing.~~ The board shall 73264
not impose a special assessment if the amount available in the 73265
fund equals or exceeds one million dollars on the first day of 73266
July preceding that filing. 73267

(B)(1) Any person who obtains a final judgment in any court 73268
of competent jurisdiction against any home inspector licensed 73269
under this chapter, on the grounds of conduct that is in violation 73270
of this chapter or the rules adopted under it, and that is 73271
associated with an act or transaction that only a licensed home 73272
inspector is authorized to perform as specified in section 4764.02 73273
of the Revised Code, may file an application, as described in 73274
division (B)(3) of this section, in the court of common pleas of 73275
Franklin county for an order directing payment out of the home 73276
inspection recovery fund of the portion of the judgment that 73277

remains unpaid and that represents an actual and direct loss 73278
sustained by the applicant. 73279

(2) Punitive damages, attorney's fees, and interest on a 73280
judgment are not recoverable from the fund. The superintendent may 73281
allow court costs to be recovered from the fund, and, if the 73282
superintendent authorizes the recovery of court costs, the order 73283
of the court of common pleas then may direct their payment from 73284
the fund. 73285

(3) The applicant shall describe in the application the 73286
nature of the act or transaction on which the underlying judgment 73287
was based, the activities of the applicant in pursuit of remedies 73288
available under law for the collection of judgments, and the 73289
actual and direct losses, attorney's fees, and the court costs 73290
sustained or incurred by the applicant. The applicant shall attach 73291
to the application a copy of each pleading and order in the 73292
underlying court action. 73293

(4) The court shall order the superintendent to make payments 73294
out of the fund when the person seeking the order has shown all of 73295
the following: 73296

(a) The person has obtained a judgment, as provided in this 73297
division; 73298

(b) All appeals from the judgment have been exhausted and the 73299
person has given notice to the superintendent, as required by 73300
division (C) of this section; 73301

(c) The person is not a spouse of the judgment debtor, or the 73302
personal representative of the spouse; 73303

(d) The person has diligently pursued the person's remedies 73304
against all the judgment debtors and all other persons liable to 73305
the person in the transaction for which the person seeks recovery 73306
from the fund; 73307

(e) The person is applying not more than one year after 73308
termination of all proceedings, including appeals, in connection 73309
with the judgment. 73310

(5) Divisions (B)(1) to (4) of this section do not apply to 73311
any of the following: 73312

(a) Actions arising from home inspections conducted by an 73313
unlicensed individual; 73314

(b) A bonding company when it is not a principal in the real 73315
estate transaction; 73316

(c) A person in an action for the payment of a fee or other 73317
compensation for the performance of an act or transaction 73318
specified or comprehended in division (A) or (C) of section 73319
4764.02 of the Revised Code; 73320

(d) Losses incurred by investors in real estate if the 73321
applicant and the licensee are principals in the investment. 73322

(C) A person who applies to a court of common pleas for an 73323
order directing payment out of the fund shall file notice of the 73324
application with the superintendent. The superintendent may defend 73325
any action on behalf of the fund and shall have recourse to all 73326
appropriate means of defense and review, including examination of 73327
witnesses, verification of actual and direct losses, and 73328
challenges to the underlying judgment required in division 73329
(B)(4)(a) of this section to determine whether the underlying 73330
judgment is based on activity only a licensed home inspector is 73331
permitted to perform. The superintendent may move the court at any 73332
time to dismiss the application when it appears there are no 73333
triable issues and the application is without merit. The motion 73334
may be supported by affidavit of any person having knowledge of 73335
the facts and may be made on the basis that the application, 73336
including the judgment referred to in it, does not form the basis 73337
for a meritorious recovery claim; provided, that the 73338

superintendent shall give written notice to the applicant at least 73339
ten days before making the motion. The superintendent may, subject 73340
to court approval, compromise a claim based upon the application 73341
of an aggrieved party. The superintendent shall not be bound by 73342
any prior compromise or stipulation of the judgment debtor. 73343

(D) Notwithstanding any other provision of this section to 73344
the contrary, the liability of the fund shall not exceed forty 73345
thousand dollars for any one licensee. If a licensee's license is 73346
reactivated as provided in division (E) of this section, the 73347
liability of the fund for the licensee under this section shall 73348
again be forty thousand dollars, but only for transactions that 73349
occur subsequent to the time of reactivation. 73350

If the forty-thousand-dollar liability of the fund is 73351
insufficient to pay in full the valid claims of all aggrieved 73352
persons by whom claims have been filed against any one licensee, 73353
the forty thousand dollars shall be distributed among them in the 73354
ratio that their respective claims bear to the aggregate of valid 73355
claims or in any other manner as the court finds equitable. 73356
Distribution of moneys shall be among the persons entitled to 73357
share in it, without regard to the order of priority in which 73358
their respective judgments may have been obtained or their claims 73359
have been filed. Upon petition of the superintendent, the court 73360
may require all claimants and prospective claimants against one 73361
licensee to be joined in one action, to the end that the 73362
respective rights of all the claimants to the fund may be 73363
equitably adjudicated and settled. 73364

(E) If the superintendent pays from the fund any amount in 73365
settlement of a claim or toward satisfaction of a judgment against 73366
a licensed home inspector, the superintendent may suspend the home 73367
inspector's license. The superintendent shall not reactivate the 73368
suspended license of that home inspector until the home inspector 73369
has repaid in full, plus interest per annum at the rate specified 73370

in division (A) of section 1343.03 of the Revised Code, the amount 73371
paid from the fund on the home inspector's account. A discharge in 73372
bankruptcy does not relieve a person from the suspension and 73373
requirements for reactivation provided in this section unless the 73374
underlying judgment has been included in the discharge and has not 73375
been reaffirmed by the debtor. 73376

(F) If, at any time, the money deposited in the fund is 73377
insufficient to satisfy any duly authorized claim or portion of a 73378
claim, the superintendent shall, when sufficient money has been 73379
deposited in the fund, satisfy the unpaid claims or portions, in 73380
the order that the claims or portions were originally filed, plus 73381
accumulated interest per annum at the rate specified in division 73382
(A) of section 1343.03 of the Revised Code. 73383

(G) When, upon the order of the court, the superintendent has 73384
paid from the fund any sum to the judgment creditor, the 73385
superintendent shall be subrogated to all of the rights of the 73386
judgment creditor to the extent of the amount so paid, and the 73387
judgment creditor shall assign all the judgment creditor's right, 73388
title, and interest in the judgment to the superintendent to the 73389
extent of the amount so paid. Any amount and interest so recovered 73390
by the superintendent on the judgment shall be deposited in the 73391
fund. 73392

(H) Nothing contained in this section shall limit the 73393
authority of the superintendent to take disciplinary action 73394
against any licensee under other provisions of this chapter; nor 73395
shall the repayment in full of all obligations to the fund by any 73396
licensee nullify or modify the effect of any other disciplinary 73397
proceeding brought pursuant to this chapter. 73398

(I) The superintendent shall collect from the fund a service 73399
fee in an amount equivalent to the interest rate specified in 73400
division (A) of section 1343.03 of the Revised Code multiplied by 73401
the annual interest earned on the assets of the fund, to defray 73402

the expenses incurred in the administration of the fund. 73403

Sec. 4765.02. (A)(1) There is hereby created the state board 73404
of emergency medical, fire, and transportation services within the 73405
division of emergency medical services of the department of public 73406
safety. The board shall consist of the members specified in this 73407
section who are residents of this state. The governor, with the 73408
advice and consent of the senate, shall appoint all members of the 73409
board, except the employee of the department of public safety 73410
designated by the director of public safety under this section to 73411
be a member of the board. In making the appointments, the governor 73412
shall appoint only members with background or experience in 73413
emergency medical services or trauma care and shall attempt to 73414
include members representing urban and rural areas, various 73415
geographical regions of the state, and various schools of 73416
training. 73417

(2) One member of the board shall be a physician certified by 73418
the American board of emergency medicine or the American 73419
osteopathic board of emergency medicine who is active in the 73420
practice of emergency medicine and is actively involved with an 73421
emergency medical service organization. The governor shall appoint 73422
this member from among ~~three~~ persons nominated by the Ohio chapter 73423
of the American college of emergency physicians and ~~three~~ persons 73424
nominated by the Ohio osteopathic association. One member shall be 73425
a physician certified by the American board of surgery or the 73426
American osteopathic board of surgery who is active in the 73427
practice of trauma surgery and is actively involved with emergency 73428
medical services. The governor shall appoint this member from 73429
among ~~three~~ persons nominated by the Ohio chapter of the American 73430
college of surgeons and ~~three~~ persons nominated by the Ohio 73431
osteopathic association. One member shall be a physician certified 73432
by the American academy of pediatrics or American osteopathic 73433
board of pediatrics who is active in the practice of pediatric 73434

emergency medicine and actively involved with an emergency medical 73435
service organization. The governor shall appoint this member from 73436
among ~~three~~ persons nominated by the Ohio chapter of the American 73437
academy of pediatrics and ~~three~~ persons nominated by the Ohio 73438
osteopathic association. One member shall be the administrator of 73439
a hospital located in this state. The governor shall appoint this 73440
member from among ~~three~~ persons nominated by OHA: the association 73441
for hospitals and health systems, ~~three~~ persons nominated by the 73442
Ohio osteopathic association, and ~~three~~ persons nominated by the 73443
association of Ohio children's hospitals. One member shall be an 73444
adult or pediatric trauma program manager or trauma program 73445
director who is involved in the daily management of a verified 73446
trauma center. The governor shall appoint this member from among 73447
~~three~~ persons nominated by the Ohio nurses association, ~~three~~ 73448
persons nominated by the Ohio society of trauma nurse leaders, and 73449
~~three~~ persons nominated by the Ohio state council of the emergency 73450
nurses association. One member shall be the chief of a fire 73451
department that is also an emergency medical service organization 73452
in which more than fifty per cent of the persons who provide 73453
emergency medical services are full-time paid employees. The 73454
governor shall appoint this member from among ~~three~~ persons 73455
nominated by the Ohio fire chiefs' association. One member shall 73456
be the chief of a fire department that is also an emergency 73457
medical service organization in which more than fifty per cent of 73458
the persons who provide emergency medical services are volunteers. 73459
The governor shall appoint this member from among ~~three~~ persons 73460
nominated by the Ohio fire chiefs' association. One member shall 73461
be a person who is certified to teach under section 4765.23 of the 73462
Revised Code and holds a valid certificate to practice as an EMT, 73463
AEMT, or paramedic. ~~The governor shall appoint this member from~~ 73464
~~among three persons nominated by the Ohio emergency medical~~ 73465
~~technician instructors association and the Ohio~~ 73466
~~instructor/coordinators' society.~~ One member shall be an EMT, 73467

AEMT, or paramedic, and one member shall be a paramedic. The 73468
governor shall appoint these members from among ~~three~~ EMTs ~~or~~ 73469
AEMTs, and ~~three~~ paramedics nominated by the Ohio association of 73470
professional fire fighters and ~~three~~ EMTs, ~~three~~ AEMTs, and ~~three~~ 73471
paramedics nominated by the northern Ohio fire fighters. One 73472
member shall be an EMT, AEMT, or paramedic, and one member shall 73473
be a paramedic. The governor shall appoint these members from 73474
among ~~three~~ EMTs ~~or~~ AEMTs, and ~~three~~ paramedics nominated by the 73475
Ohio state firefighter's association. One member shall be a person 73476
whom the governor shall appoint from among an EMT, AEMT, or a 73477
paramedic nominated by the Ohio association of emergency medical 73478
services or the Ohio ambulance and medical transportation 73479
association. One member shall be an EMT, AEMT, or a paramedic, 73480
whom the governor shall appoint from among ~~three~~ persons nominated 73481
by the Ohio ambulance and medical transportation association. One 73482
member shall be a paramedic, whom the governor shall appoint from 73483
among ~~three~~ persons nominated by the Ohio ambulance and medical 73484
transportation association. One member shall be the owner or 73485
operator of a private emergency medical service organization whom 73486
the governor shall appoint from among ~~three~~ persons nominated by 73487
the Ohio ambulance and medical transportation association. One 73488
member shall be a member of a third-service emergency medical 73489
service agency or organization whom the governor shall appoint 73490
from among ~~three~~ persons nominated by the Ohio EMS chiefs 73491
association. One member shall be a provider of mobile intensive 73492
care unit transportation in this state whom the governor shall 73493
appoint from among ~~three~~ persons nominated by the Ohio association 73494
of critical care transport. One member shall be a provider of 73495
air-medical transportation in this state whom the governor shall 73496
appoint from among ~~three~~ persons nominated by the Ohio association 73497
of critical care transport. One member shall be the owner or 73498
operator of a nonemergency medical service organization in this 73499
state that provides ambulette services whom the governor shall 73500

appoint from among ~~three~~ persons nominated by the Ohio ambulance and medical transportation association. 73501
73502

The governor may refuse to appoint any of the persons 73503
nominated by one or more organizations under division (A)(2) of 73504
this section, except the employee of the department of public 73505
safety designated by the director of public safety under this 73506
section to be a member of the board. In that event, the 73507
organization or organizations shall continue to nominate ~~the~~ 73508
~~required number of~~ persons until the governor appoints to the 73509
board one or more of the persons nominated by the organization or 73510
organizations. If any nominating organization ceases to exist or 73511
fails to make a nomination of a member within sixty days of a 73512
vacancy, the governor may appoint any person who meets the 73513
designated professional qualifications for that member. 73514

The director of public safety shall designate an employee of 73515
the department of public safety to serve as a member of the board 73516
at the director's pleasure. This member shall serve as a liaison 73517
between the department and the division of emergency medical 73518
services in cooperation with the executive director of the board. 73519

(B) Terms of office of all members appointed by the governor 73520
shall be for three years, each term ending on the same day of the 73521
same month as did the term it succeeds. Each member shall hold 73522
office from the date of appointment until the end of the term for 73523
which the member was appointed. A member shall continue in office 73524
subsequent to the expiration date of the member's term until the 73525
member's successor takes office, or until a period of ~~sixty days~~ 73526
three years has elapsed, whichever occurs first. 73527

Each vacancy shall be filled in the same manner as the 73528
original appointment. A member appointed to fill a vacancy 73529
occurring prior to the expiration of the term for which the 73530
member's predecessor was appointed shall hold office for the 73531
remainder of the unexpired term. 73532

The term of a member shall expire if the member ceases to meet any of the requirements to be appointed as that member. The governor may remove any member from office for neglect of duty, malfeasance, misfeasance, or nonfeasance, after an adjudication hearing held in accordance with Chapter 119. of the Revised Code.

(C) The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as board members.

(D) The board shall organize by annually selecting a chair and vice-chair from among its members. The board may adopt bylaws to regulate its affairs. A majority of all members of the board shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the board. The board shall meet at least four times annually and at the call of the chair. The chair shall call a meeting on the request of the executive director or the medical director of the board or on the written request of five members. The board shall maintain written or electronic records of its meetings.

(E) Upon twenty-four hours' notice from a member of the board, the member's employer shall release the member from the member's employment duties to attend meetings of the full board. Nothing in this division requires the employer of a member of the board to compensate the member for time the member is released from employment duties under this paragraph, but any civil immunity, workers' compensation, disability, or similar coverage that applies to a member of the board as a result of the member's employment shall continue to apply while the member is released from employment duties under this paragraph.

Sec. 4765.04. (A) The firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of

the members of the board who are chiefs of fire departments, and 73564
the members of the board who are emergency medical 73565
technicians-basic, emergency medical technicians-intermediate, and 73566
emergency medical technicians-paramedic appointed from among 73567
persons nominated by the Ohio association of professional fire 73568
fighters or the northern Ohio fire fighters and from among persons 73569
nominated by the Ohio state firefighter's association. Each member 73570
of the committee, except the chairperson, may designate a person 73571
with fire experience to serve in that member's place. The members 73572
of the committee or their designees shall select a chairperson 73573
from among the members or their designees. 73574

The committee may conduct investigations in the course of 73575
discharging its duties under this chapter. In the course of an 73576
investigation, the committee may issue subpoenas. If a person 73577
subpoenaed fails to comply with the subpoena, the committee may 73578
authorize its chairperson to apply to the court of common pleas in 73579
the county where the person to be subpoenaed resides for an order 73580
compelling compliance in the same manner as compliance with a 73581
subpoena issued by the court is compelled. 73582

(B) The trauma committee of the state board of emergency 73583
medical, fire, and transportation services is hereby created and 73584
shall consist of the following members appointed by the director 73585
of public safety: 73586

(1) A physician who is certified by the American board of 73587
surgery or American osteopathic board of surgery and actively 73588
practices general trauma surgery, appointed from among ~~three~~ 73589
persons nominated by the Ohio chapter of the American college of 73590
surgeons, ~~three~~ persons nominated by the Ohio state medical 73591
association, and ~~three~~ persons nominated by the Ohio osteopathic 73592
association; 73593

(2) A physician who is certified by the American board of 73594

surgery or the American osteopathic board of surgery and actively 73595
practices orthopedic trauma surgery, appointed from among ~~three~~ 73596
persons nominated by the Ohio orthopedic society and ~~three~~ persons 73597
nominated by the Ohio osteopathic association; 73598

(3) A physician who is certified by the American board of 73599
neurological surgeons or the American osteopathic board of surgery 73600
and actively practices neurosurgery on trauma victims, appointed 73601
from among ~~three~~ persons nominated by the Ohio state neurological 73602
society and ~~three~~ persons nominated by the Ohio osteopathic 73603
association; 73604

(4) A physician who is certified by the American board of 73605
surgeons or American osteopathic board of surgeons and actively 73606
specializes in treating burn victims, appointed from among ~~three~~ 73607
persons nominated by the Ohio chapter of the American college of 73608
surgeons and ~~three~~ persons nominated by the Ohio osteopathic 73609
association; 73610

(5) A dentist who is certified by the American board of oral 73611
and maxillofacial surgery and actively practices oral and 73612
maxillofacial surgery, appointed from among ~~three~~ persons 73613
nominated by the Ohio dental association; 73614

(6) A physician who is certified by the American board of 73615
physical medicine and rehabilitation or American osteopathic board 73616
of physical medicine and rehabilitation and actively provides 73617
rehabilitative care to trauma victims, appointed from among ~~three~~ 73618
persons nominated by the Ohio society of physical medicine and 73619
rehabilitation and ~~three~~ persons nominated by the Ohio osteopathic 73620
association; 73621

(7) A physician who is certified by the American board of 73622
surgery or American osteopathic board of surgery with special 73623
qualifications in pediatric surgery and actively practices 73624
pediatric trauma surgery, appointed from among ~~three~~ persons 73625

nominated by the Ohio chapter of the American academy of 73626
pediatrics and ~~three~~ persons nominated by the Ohio osteopathic 73627
association; 73628

(8) A physician who is certified by the American board of 73629
emergency medicine or American osteopathic board of emergency 73630
medicine, actively practices emergency medicine, and is actively 73631
involved in emergency medical services, appointed from among ~~three~~ 73632
persons nominated by the Ohio chapter of the American college of 73633
emergency physicians and ~~three~~ persons nominated by the Ohio 73634
osteopathic association; 73635

(9) A physician who is certified by the American board of 73636
pediatrics, American osteopathic board of pediatrics, American 73637
board of emergency medicine, or American osteopathic board of 73638
emergency medicine, is sub-boarded in pediatric emergency 73639
medicine, actively practices pediatric emergency medicine, and is 73640
actively involved in emergency medical services, appointed from 73641
among ~~three~~ persons nominated by the Ohio chapter of the American 73642
academy of pediatrics, ~~three~~ persons nominated by the Ohio chapter 73643
of the American college of emergency physicians, and ~~three~~ persons 73644
nominated by the Ohio osteopathic association; 73645

(10) A physician who is certified by the American board of 73646
surgery, American osteopathic board of surgery, American board of 73647
emergency medicine, or American osteopathic board of emergency 73648
medicine and is the chief medical officer of an air medical 73649
organization, appointed from among ~~three~~ persons nominated by the 73650
Ohio association of air medical services; 73651

(11) A coroner or medical examiner appointed from among ~~three~~ 73652
~~people~~ persons nominated by the Ohio state coroners' association; 73653

(12) A registered nurse who actively practices trauma nursing 73654
at an adult or pediatric trauma center, appointed from among ~~three~~ 73655
persons nominated by the Ohio association of trauma nurse 73656

coordinators; 73657

(13) A registered nurse who actively practices emergency 73658
nursing and is actively involved in emergency medical services, 73659
appointed from among ~~three~~ persons nominated by the Ohio chapter 73660
of the emergency nurses' association; 73661

(14) The chief trauma registrar of an adult or pediatric 73662
trauma center, appointed from among ~~three~~ persons nominated by the 73663
alliance of Ohio trauma registrars; 73664

(15) The administrator of an adult or pediatric trauma 73665
center, appointed from among ~~three~~ persons nominated by the Ohio 73666
hospital association, ~~three~~ persons nominated by the Ohio 73667
osteopathic association, ~~three~~ persons nominated by the 73668
association of Ohio children's hospitals, and ~~three~~ persons 73669
nominated by the health forum of Ohio; 73670

(16) The administrator of a hospital that is not a trauma 73671
center and actively provides emergency care to adult or pediatric 73672
trauma patients, appointed from among ~~three~~ persons nominated by 73673
the Ohio hospital association, ~~three~~ persons nominated by the Ohio 73674
osteopathic association, ~~three~~ persons nominated by the 73675
association of Ohio children's hospitals, and ~~three~~ persons 73676
nominated by the health forum of Ohio; 73677

(17) The operator of an ambulance company that actively 73678
provides trauma care to emergency patients, appointed from among 73679
~~three~~ persons nominated by the Ohio ambulance association; 73680

(18) The chief of a fire department that actively provides 73681
trauma care to emergency patients, appointed from among ~~three~~ 73682
persons nominated by the Ohio fire chiefs' association; 73683

(19) An EMT or paramedic who is certified under this chapter 73684
and actively provides trauma care to emergency patients, appointed 73685
from among ~~three~~ persons nominated by the Ohio association of 73686
professional firefighters, ~~three~~ persons nominated by the northern 73687

Ohio fire fighters, ~~three~~ persons nominated by the Ohio state 73688
firefighters' association, and ~~three~~ persons nominated by the Ohio 73689
association of emergency medical services; 73690

(20) A person who actively advocates for trauma victims, 73691
appointed from ~~three~~ persons nominated by the Ohio brain injury 73692
association; 73693

(21) A physician or nurse who has substantial administrative 73694
responsibility for trauma care provided in or by an adult or 73695
pediatric trauma center, appointed from among ~~three~~ persons 73696
nominated by the Ohio hospital association, ~~three~~ persons 73697
nominated by the Ohio osteopathic association, ~~three~~ persons 73698
nominated by the association of Ohio children's hospitals, and 73699
~~three~~ persons nominated by the health forum of Ohio; 73700

(22) Three representatives of hospitals that are not trauma 73701
centers and actively provide emergency care to trauma patients, 73702
appointed from among ~~three~~ persons nominated by the Ohio hospital 73703
association, ~~three~~ persons nominated by the Ohio osteopathic 73704
association, ~~three~~ persons nominated by the association of Ohio 73705
children's hospitals, and ~~three~~ persons nominated by the health 73706
forum of Ohio. The representatives may be hospital administrators, 73707
physicians, nurses, or other clinical professionals. 73708

Members of the committee shall have substantial experience in 73709
the categories they represent, shall be residents of this state, 73710
and may be members of the state board of emergency medical, fire, 73711
and transportation services. In appointing members of the 73712
committee, the director shall attempt to include members 73713
representing urban and rural areas, various geographical areas of 73714
the state, and various schools of training. The director shall not 73715
appoint to the committee more than one member who is employed by 73716
or who primarily practices at the same hospital, ~~health system~~, or 73717
emergency medical service organization. 73718

The director may refuse to appoint any of the persons 73719
nominated by an organization or organizations under this division. 73720
In that event, the organization or organizations shall continue to 73721
nominate ~~the required number of~~ persons until the director 73722
appoints to the committee one or more of the persons nominated by 73723
the organization or organizations. If any nominating organization 73724
ceases to exist or fails to make a nomination of a member to the 73725
committee within sixty days of a vacancy, the director may appoint 73726
any person who meets the designated professional qualifications 73727
for that member. 73728

Initial appointments to the committee shall be made by the 73729
director not later than ninety days after November 3, 2000. 73730
Members of the committee shall serve at the pleasure of the 73731
director, except that any member of the committee who ceases to be 73732
qualified for the position to which the member was appointed shall 73733
cease to be a member of the committee. Vacancies on the committee 73734
shall be filled in the same manner as original appointments. 73735

The members of the committee shall serve without compensation 73736
but shall be reimbursed for actual and necessary expenses incurred 73737
in carrying out duties as members of the committee. 73738

The committee shall select a chairperson and vice-chairperson 73739
from among its members. A majority of all members of the committee 73740
shall constitute a quorum. No action shall be taken without the 73741
concurrence of a majority of all members of the committee. The 73742
committee shall meet at the call of the chair, upon written 73743
request of five members of the committee, and at the direction of 73744
the state board of emergency medical, fire, and transportation 73745
services. The committee shall not meet at times or locations that 73746
conflict with meetings of the board. The executive director and 73747
medical director of the state board of emergency medical, fire, 73748
and transportation services may participate in any meeting of the 73749
committee and shall do so at the request of the committee. 73750

The committee shall advise and assist the state board of 73751
emergency medical, fire, and transportation services in matters 73752
related to adult and pediatric trauma care and the establishment 73753
and operation of the state trauma registry. In matters relating to 73754
the state trauma registry, the board and the committee shall 73755
consult with trauma registrars from adult and pediatric trauma 73756
centers in the state. The committee may appoint a subcommittee to 73757
advise and assist with the trauma registry. The subcommittee may 73758
include persons with expertise relevant to the trauma registry who 73759
are not members of the board or committee. 73760

(C)(1) The medical transportation committee of the state 73761
board of emergency medical, fire, and transportation services is 73762
hereby created. The committee shall consist of members appointed 73763
by the board in accordance with rules adopted by the board. In 73764
appointing members of the committee, the board shall attempt to 73765
include members representing urban and rural areas and various 73766
geographical areas of the state, and shall ensure the members have 73767
substantial experience in the transportation of patients, 73768
including addressing the unique issues of mobile intensive care 73769
and air medical services. The members of the committee shall be 73770
residents of this state and may be members of the board. The 73771
members of the committee shall serve without compensation but 73772
shall be reimbursed for actual and necessary expenses incurred in 73773
carrying out duties as members of the committee. The committee 73774
shall select a chairperson and vice-chairperson from among its 73775
members. A majority of all members of the committee shall 73776
constitute a quorum. No action shall be taken without the 73777
concurrence of a majority of all members of the committee. The 73778
committee shall meet at the call of the chair and at the direction 73779
of the board. The committee shall not meet at times or locations 73780
that conflict with meetings of the board. The committee shall 73781
advise and assist the board in matters related to the licensing of 73782
nonemergency medical service, emergency medical service, and air 73783

medical service organizations in this state. 73784

(2) There is hereby created the critical care subcommittee of 73785
the medical transportation committee. The membership of the 73786
subcommittee and the conduct of the subcommittee's business shall 73787
conform to rules adopted by the board. The subcommittee shall 73788
advise and assist the committee and board in matters relating to 73789
mobile intensive care and air medical service organizations in 73790
this state. 73791

(D) The state board of emergency medical, fire, and 73792
transportation services may appoint other committees and 73793
subcommittees as it considers necessary. 73794

(E) The state board of emergency medical, fire, and 73795
transportation services, and any of its committees or 73796
subcommittees, may request assistance from any state agency. The 73797
board and its committees and subcommittees may permit persons who 73798
are not members of those bodies to participate in deliberations of 73799
those bodies, but no person who is not a member of the board shall 73800
vote on the board and no person who is not a member of a committee 73801
created under division (A), (B), or (C) of this section shall vote 73802
on that committee. 73803

(F) Sections 101.82 to 101.87 of the Revised Code do not 73804
apply to the committees established under divisions (A), (B), and 73805
(C) of this section. 73806

Sec. 4765.11. (A) The state board of emergency medical, fire, 73807
and transportation services shall adopt, and may amend and 73808
rescind, rules in accordance with Chapter 119. of the Revised Code 73809
and divisions (C) and (D) of this section that establish all of 73810
the following: 73811

(1) Procedures for its governance and the control of its 73812
actions and business affairs; 73813

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;

(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;

(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;

(9) Standards for certificates of accreditation and certificates of approval;

(10) Qualifications for certificates to teach;	73844
(11) Requirements for a certificate to practice;	73845
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	73846 73847 73848 73849 73850
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	73851 73852 73853 73854 73855
(14) Examinations for certificates to practice;	73856
(15) Procedures for administering examinations for certificates to practice;	73857 73858
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	73859 73860 73861 73862
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	73863 73864
(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;	73865 73866 73867 73868 73869 73870 73871
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including	73872 73873

designations of the persons who are required to report information	73874
to the board and the types of information to be reported;	73875
(20) Procedures for administering the emergency medical	73876
services grant program established under section 4765.07 of the	73877
Revised Code;	73878
(21) Procedures consistent with Chapter 119. of the Revised	73879
Code for appealing decisions of the board;	73880
(22) Minimum qualifications and peer review and quality	73881
improvement requirements for persons who provide medical direction	73882
to emergency medical service personnel, including, subject to	73883
division (B) of section 4765.42 of the Revised Code,	73884
qualifications for a physician to be eligible to serve as the	73885
medical director of an emergency medical service organization or a	73886
member of its cooperating physician advisory board;	73887
(23) The manner in which a patient, or a patient's parent,	73888
guardian, or custodian, may consent to the board releasing	73889
identifying information about the patient under division (D) of	73890
section 4765.102 of the Revised Code;	73891
(24) Circumstances under which a training program or	73892
continuing education program, or portion of either type of	73893
program, may be taught by a person who does not hold a certificate	73894
to teach issued under section 4765.23 of the Revised Code;	73895
(25) Certification cycles for certificates issued under	73896
sections 4765.23 and 4765.30 of the Revised Code and certificates	73897
issued by the executive director of the state board of emergency	73898
medical, fire, and transportation services under section 4765.55	73899
of the Revised Code that establish a common expiration date for	73900
all certificates.	73901
(B) The board may adopt, and may amend and rescind, rules in	73902
accordance with Chapter 119. of the Revised Code and divisions (C)	73903
and (D) of this section that establish any of the following:	73904

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code; 73905
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(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code; 73908
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(3) Procedures and requirements for conducting background checks on applicants for the issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice in accordance with section 109.578 of the Revised Code; 73911
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(4) Any other rules necessary to implement this chapter. 73916

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients. 73917
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(D) On and after April 6, 2023, the executive director shall not ~~require certification~~ issue to any new applicant a certificate to practice as an emergency medical services assistant instructor and shall not adopt or enforce rules or issue a certificate regarding the position of an emergency medical services assistant instructor. Any emergency medical services assistant instructor certificate that was issued in accordance with rules adopted under division (A) of this section prior to April 6, 2023, ~~remain~~ remains valid only until the expiration date of the certificate, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate ~~shall not~~ may be renewed by the holder of that certificate. The board shall adopt, 73923
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amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate this division.

(E) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.

Sec. 4765.112. (A) The state board of emergency medical, fire, and transportation services, by an affirmative vote of the majority of its members, may suspend without a prior hearing a certificate to practice issued under this chapter if the board determines that there is clear and convincing evidence that continued practice by the certificate holder presents a danger of immediate and serious harm to the public and that the certificate holder has done any of the following:

(1) Furnished false, fraudulent, or misleading information to the board;

(2) Engaged in activities that exceed those permitted by the individual's certificate;

(3) In a court of this or any other state or federal court been convicted of, pleaded guilty to, or been the subject of a

judicial finding of guilt of, a judicial finding of guilt 73966
resulting from a plea of no contest to, or a judicial finding of 73967
eligibility for intervention in lieu of conviction for, a felony 73968
or for a misdemeanor committed in the course of practice or 73969
involving gross immorality or moral turpitude. 73970

(B) Immediately following the decision to impose a summary 73971
suspension, the board, in accordance with ~~section~~ sections 119.05 73972
and 119.07 of the Revised Code, shall ~~issue~~ serve a written order 73973
of suspension, ~~cause it to be delivered to~~ on the certificate 73974
holder, and notify the certificate holder of the opportunity for a 73975
hearing. If timely requested by the certificate holder, a hearing 73976
shall be conducted in accordance with section 4765.115 of the 73977
Revised Code. 73978

Sec. 4765.114. (A) A certificate to practice emergency 73979
medical services issued under this chapter is automatically 73980
suspended on the certificate holder's conviction of, plea of 73981
guilty to, or judicial finding of guilt of any of the following: 73982
aggravated murder, murder, voluntary manslaughter, felonious 73983
assault, kidnapping, rape, sexual battery, gross sexual 73984
imposition, aggravated arson, aggravated burglary, aggravated 73985
robbery, or a substantially equivalent offense committed in this 73986
or another jurisdiction. Continued practice after the suspension 73987
is practicing without a certificate. 73988

(B) If the state board of emergency medical, fire, and 73989
transportation services has knowledge that an automatic suspension 73990
has occurred, it shall ~~notify~~ serve, in accordance with ~~section~~ 73991
sections 119.05 and 119.07 of the Revised Code, the certificate 73992
holder of the suspension and of the opportunity for a hearing. If 73993
timely requested by the certificate holder, a hearing shall be 73994
conducted in accordance with section 4765.115 of the Revised Code. 73995

Sec. 4765.55. (A) The executive director of the state board 73996
of emergency medical, fire, and transportation services, with the 73997
advice and counsel of the firefighter and fire safety inspector 73998
training committee of the state board of emergency medical, fire, 73999
and transportation services, shall assist in the establishment and 74000
maintenance by any state agency, or any county, township, city, 74001
village, school district, or educational service center of a fire 74002
service training program for the training of all persons in 74003
positions of any fire training certification level approved by the 74004
executive director, including full-time paid firefighters, 74005
part-time paid firefighters, volunteer firefighters, and fire 74006
safety inspectors in this state. The executive director, with the 74007
advice and counsel of the committee, shall adopt rules to regulate 74008
those firefighter and fire safety inspector training programs, and 74009
other training programs approved by the executive director. The 74010
rules may include, but need not be limited to, training 74011
curriculum, certification examinations, training schedules, 74012
minimum hours of instruction, attendance requirements, required 74013
equipment and facilities, basic physical requirements, and methods 74014
of training for all persons in positions of any fire training 74015
certification level approved by the executive director, including 74016
full-time paid firefighters, part-time paid firefighters, 74017
volunteer firefighters, and fire safety inspectors. The rules 74018
adopted to regulate training programs for volunteer firefighters 74019
shall not require more than thirty-six hours of training. 74020

The executive director, with the advice and counsel of the 74021
committee, shall provide for the classification and chartering of 74022
fire service training programs in accordance with rules adopted 74023
under division (B) of this section, and may take action against 74024
any chartered training program or applicant, in accordance with 74025
rules adopted under divisions (B)(4) and (5) of this section, for 74026
failure to meet standards set by the adopted rules. 74027

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:

(a) Failure to satisfy the education or training requirements of this section;

(b) Conviction of a felony offense;

(c) Conviction of a misdemeanor involving moral turpitude;

(d) Conviction of a misdemeanor committed in the course of practice;

(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.

(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken

under division (B)(4) of this section against persons holding 74058
certificates and charters regulated by this section, the fines to 74059
be deposited into the trauma and emergency medical services fund 74060
established under section 4513.263 of the Revised Code; 74061

(6) Continuing education requirements for certificate 74062
holders, including a requirement that credit shall be granted for 74063
in-service training programs conducted by local entities. The 74064
continuing education requirements shall not require more than 74065
thirty-six hours of continuing education every three-year 74066
certification cycle. Local entities may require additional 74067
continuing education, provided that completion of such additional 74068
continuing education is not required for renewal of certification. 74069

(7) Procedures for considering the granting of an extension 74070
or exemption of fire service continuing education requirements; 74071

(8) Certification cycles for which the certificates and 74072
charters regulated by this section are valid; 74073

(9) If determined necessary by the executive director, 74074
procedures and requirements for conducting background checks on 74075
applicants for the issuance and renewal of certification as a fire 74076
safety inspector in accordance with section 109.578 of the Revised 74077
Code. 74078

(C)(1) The executive director, with the advice and counsel of 74079
the firefighter and fire safety inspector training committee of 74080
the state board of emergency medical, fire, and transportation 74081
services, shall issue or renew an instructor certificate to teach 74082
the training programs and continuing education classes regulated 74083
by this section to any applicant that the executive director 74084
determines meets the qualifications established in rules adopted 74085
under division (B) of this section, and may take disciplinary 74086
action against an instructor certificate holder or applicant in 74087
accordance with rules adopted under division (B) of this section. 74088

(2) On and after ~~the effective date of this amendment~~ April 6, 2023, the executive director shall not ~~require certification~~ issue to any new applicant a certificate to practice as an assistant fire instructor ~~and shall not adopt or enforce rules or issue a certificate regarding the position of assistant fire instructor~~. Any assistant fire instructor certificate that was issued in accordance with rules adopted under division (B) of this section prior to ~~the effective date of this amendment~~ April 6, 2023, remains valid ~~until the expiration date of the certificate~~, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate ~~shall not~~ may be renewed by the holder of that certificate. The executive director shall adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate division (C)(2) of this section.

(3) The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section.

(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(E) Certificates issued under this section shall be on a form

prescribed by the executive director, with the advice and counsel 74121
of the firefighter and fire safety inspector training committee of 74122
the state board of emergency medical, fire, and transportation 74123
services. 74124

(F)(1) The executive director, with the advice and counsel of 74125
the firefighter and fire safety inspector training committee of 74126
the state board of emergency medical, fire, and transportation 74127
services, shall establish criteria for evaluating the standards 74128
maintained by other states and the branches of the United States 74129
military for firefighter, fire safety inspector, and fire 74130
instructor training programs, and other training programs 74131
recognized by the executive director, to determine whether the 74132
standards are equivalent to those established under this section 74133
and shall establish requirements and procedures for issuing a 74134
certificate to each person who presents proof to the executive 74135
director of having satisfactorily completed a training program 74136
that meets those standards. 74137

(2) The executive director, with the committee's advice and 74138
counsel, shall adopt rules establishing requirements and 74139
procedures for issuing a fire training certificate in lieu of 74140
completing a chartered training program. 74141

(G) Nothing in this section invalidates any other section of 74142
the Revised Code relating to the fire training academy. Section 74143
4765.11 of the Revised Code does not affect any powers and duties 74144
granted to the executive director under this section. 74145

(H) Notwithstanding any provision of division (B)(4) of this 74146
section to the contrary, the executive director shall not adopt 74147
rules for refusing to issue any of the certificates or charters 74148
regulated by this section to an applicant because of a criminal 74149
conviction unless the rules establishing grounds and procedures 74150
for refusal are in accordance with section 9.79 of the Revised 74151
Code. 74152

Sec. 4766.07. (A) Except as otherwise provided by rule of the 74153
state board of emergency medical, fire, and transportation 74154
services, each emergency medical service organization, 74155
nonemergency medical service organization, and air medical service 74156
organization subject to licensure under this chapter shall possess 74157
a valid permit for each ambulance, ambulette, rotorcraft air 74158
ambulance, fixed wing air ambulance, and nontransport vehicle it 74159
owns or leases that is or will be used by the licensee to perform 74160
the services permitted by the license. Each licensee and license 74161
applicant shall submit the appropriate fee and an application for 74162
a permit for each ambulance, ambulette, rotorcraft air ambulance, 74163
fixed wing air ambulance, and nontransport vehicle to the state 74164
board of emergency medical, fire, and transportation services on 74165
forms provided by the board. The application shall include 74166
documentation that the vehicle or aircraft meets the appropriate 74167
standards set by the board, that the vehicle or aircraft has been 74168
inspected pursuant to division (C) of this section, that the 74169
permit applicant maintains insurance as provided in section 74170
4766.06 of the Revised Code, and that the vehicle or aircraft and 74171
permit applicant meet any other requirements established under 74172
rules adopted by the board. 74173

The state board of emergency medical, fire, and 74174
transportation services may adopt rules in accordance with Chapter 74175
119. of the Revised Code to authorize the temporary use of a 74176
vehicle or aircraft for which a permit is not possessed under this 74177
section in back-up or disaster situations. 74178

(B)(1) Within ~~sixty~~ forty-five days after receiving a 74179
completed application for a permit, the board shall issue or deny 74180
the permit. The board shall deny an application if it determines 74181
that the permit applicant, vehicle, or aircraft does not meet the 74182
requirements of this chapter and the rules adopted under it that 74183
apply to permits for ambulances, ambulettes, rotorcraft air 74184

ambulances, fixed wing air ambulances, and nontransport vehicles. 74185
The board shall send notice of the denial of an application by 74186
certified mail to the permit applicant. The permit applicant may 74187
request a hearing within ten days after receipt of the notice. If 74188
the board receives a timely request, it shall hold a hearing in 74189
accordance with Chapter 119. of the Revised Code. 74190

(2) If the board issues the vehicle permit for an ambulance, 74191
ambulette, or nontransport vehicle, it also shall issue a decal, 74192
in a form prescribed by rule, to be displayed on the rear window 74193
of the vehicle. The board shall not issue a decal until all of the 74194
requirements for licensure and permit issuance have been met. 74195

(3) If the board issues the aircraft permit for a rotorcraft 74196
air ambulance or fixed wing air ambulance, it also shall issue a 74197
decal, in a form prescribed by rule, to be displayed on the left 74198
fuselage aircraft window in a manner that complies with all 74199
applicable federal aviation regulations. The board shall not issue 74200
a decal until all of the requirements for licensure and permit 74201
issuance have been met. 74202

(C) In addition to any other requirements that the board 74203
establishes by rule, a licensee or license applicant applying for 74204
an initial vehicle or aircraft permit under division (A) of this 74205
section shall submit to the board the vehicle or aircraft for 74206
which the permit is sought. Thereafter, a licensee shall annually 74207
submit to the board each vehicle or aircraft for which a permit 74208
has been issued. 74209

(1) The board shall conduct a physical inspection of an 74210
ambulance, ambulette, or nontransport vehicle to determine its 74211
roadworthiness and compliance with standard motor vehicle 74212
requirements. 74213

(2) The board shall conduct a physical inspection of the 74214
medical equipment, communication system, and interior of an 74215

ambulance to determine the operational condition and safety of the 74216
equipment and the ambulance's interior and to determine whether 74217
the ambulance is in compliance with the federal requirements for 74218
ambulance construction that were in effect at the time the 74219
ambulance was manufactured, as specified by the general services 74220
administration in the various versions of its publication titled 74221
"federal specification for the star-of-life ambulance, 74222
KKK-A-1822." 74223

(3) The board shall conduct a physical inspection of the 74224
equipment, communication system, and interior of an ambulette to 74225
determine the operational condition and safety of the equipment 74226
and the ambulette's interior and to determine whether the 74227
ambulette is in compliance with state requirements for ambulette 74228
construction. The board shall determine by rule requirements for 74229
the equipment, communication system, interior, and construction of 74230
an ambulette. 74231

(4) The board shall conduct a physical inspection of the 74232
medical equipment, communication system, and interior of a 74233
rotorcraft air ambulance or fixed wing air ambulance to determine 74234
the operational condition and safety of the equipment and the 74235
aircraft's interior. 74236

(5) The board shall issue a certificate to the applicant for 74237
each vehicle or aircraft that passes the inspection and may assess 74238
a fee for each inspection, as established by the board. 74239

(6) The board shall adopt rules regarding the implementation 74240
and coordination of inspections. The rules may permit the board to 74241
contract with a third party to conduct the inspections required of 74242
the board under this section. 74243

Sec. 4766.11. (A) The state board of emergency medical, fire, 74244
and transportation services may investigate alleged violations of 74245
this chapter or the rules adopted under it and may investigate any 74246

complaints received regarding alleged violations. 74247

In addition to any other remedies available and regardless of 74248
whether an adequate remedy at law exists, the board may apply to 74249
the court of common pleas in the county where a violation of any 74250
provision of this chapter or any rule adopted pursuant thereto is 74251
occurring for a temporary or permanent injunction restraining a 74252
person from continuing to commit that violation. On a showing that 74253
a person has committed a violation, the court shall grant the 74254
injunction. 74255

In conducting an investigation under this section, the board 74256
may issue subpoenas compelling the attendance and testimony of 74257
witnesses and the production of books, records, and other 74258
documents pertaining to the investigation. If a person fails to 74259
obey a subpoena from the board, the board may apply to the court 74260
of common pleas in the county where the investigation is being 74261
conducted for an order compelling the person to comply with the 74262
subpoena. On application by the board, the court shall compel 74263
obedience by attachment proceedings for contempt, as in the case 74264
of disobedience of the requirements of a subpoena from the court 74265
or a refusal to testify therein. 74266

(B) The board may suspend a license issued under this chapter 74267
without a prior hearing if it determines that there is evidence 74268
that the license holder is subject to action under this section 74269
and that there is clear and convincing evidence that continued 74270
operation by the license holder presents a danger of immediate and 74271
serious harm to the public. The chairperson and executive director 74272
of the board shall make a preliminary determination and describe 74273
the evidence on which they made their determination to the board 74274
members. The board by resolution may designate another board 74275
member to act in place of the chairperson or another employee to 74276
act in place of the executive director in the event that the 74277

chairperson or executive director is unavailable or unable to act. 74278
Upon review of the allegations, the board, by the affirmative vote 74279
of a majority of its members, may suspend the license without a 74280
hearing. 74281

Immediately following the decision by the board to suspend a 74282
license under this division, the board shall ~~issue~~ serve a written 74283
order of suspension ~~and cause it to be delivered~~ in accordance 74284
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 74285
the license holder subject to the suspension requests an 74286
adjudication hearing by the board, the date set for the 74287
adjudication shall be within fifteen days but not earlier than 74288
seven days after the request unless another date is agreed to by 74289
the license holder and the board. 74290

Any summary suspension imposed under this division remains in 74291
effect, unless reversed by the board, until a final adjudicative 74292
order issued by the board pursuant to this section and Chapter 74293
119. of the Revised Code becomes effective. The board shall issue 74294
its final adjudicative order not less than ninety days after 74295
completion of its adjudication hearing. Failure to issue the order 74296
by that day shall cause the summary suspension order to end, but 74297
such failure shall not affect the validity of any subsequent final 74298
adjudication order. 74299

Sec. 4767.03. (A)(1) The owner or the person responsible for 74300
the operation and maintenance of a cemetery shall apply to the 74301
division of real estate in the department of commerce to register 74302
the cemetery on forms prescribed by the division. With the 74303
application, the applicant shall submit the documentation required 74304
in division (A) of section 4767.04 of the Revised Code and a 74305
registration fee of twenty-five dollars for one cemetery, forty 74306
dollars for two cemeteries, and fifty dollars for three or more 74307
cemeteries, except that no fee shall be required of any political 74308

subdivision. 74309

(2) The director of commerce, by rule adopted in accordance 74310
with Chapter 119. of the Revised Code, may reduce the amount of 74311
the registration fee required by this section in any year if the 74312
director determines that the total amount of funds the fee is 74313
generating at the amount specified by this section exceeds the 74314
amount of funds the division of real estate and the Ohio cemetery 74315
dispute resolution commission created by section 4767.05 of the 74316
Revised Code need to carry out their powers and duties under this 74317
chapter. If the director so reduces the amount of the registration 74318
fee, the director shall reduce it for all owners or other persons 74319
required to pay the fee under division (A)(1) of this section and 74320
shall require that the reduced fee be paid according to the number 74321
of cemeteries owned, operated, or maintained as required under 74322
that division. If the director has reduced the fee under division 74323
(A)(2) of this section, the director may later raise it up to the 74324
amounts specified in division (A)(1) of this section if, in any 74325
year, the director determines that the total amount of funds the 74326
fee is generating at the reduced amount is insufficient for the 74327
division of real estate and the Ohio cemetery dispute resolution 74328
commission to carry out their powers and duties under this 74329
chapter. 74330

(B) Upon receipt of the completed application form, 74331
documentation, and, if required, registration fee, the division of 74332
real estate shall issue a certificate of registration to the 74333
applicant. The applicant shall display the certificate in a 74334
conspicuous place on the premises of the cemetery for which the 74335
registration was obtained, except that, if the applicant is the 74336
governing body of a political subdivision or person acting on 74337
behalf of that governing body, the certificate shall be kept on 74338
file and be available for public inspection at the office of the 74339
governing body. 74340

(C) Except as otherwise provided in this division, each 74341
registration issued pursuant to this section shall expire annually 74342
on the thirtieth day of September and shall be renewed by the 74343
owner or the person responsible for the operation and maintenance 74344
of the cemetery for the continued operation of the cemetery. The 74345
renewal fee shall be the same as the initial registration fees 74346
prescribed in division (A) of this section. 74347

The registration of a cemetery operated and maintained by a 74348
political subdivision shall not expire unless the political 74349
subdivision ceases to operate and maintain the cemetery. A 74350
political subdivision operating and maintaining a cemetery is not 74351
required to renew or update the registration of that cemetery 74352
unless there is a change in the information required under 74353
division (A) of section 4767.04 of the Revised Code or unless 74354
additional land is acquired to increase the size of the cemetery. 74355

(D) All registration and renewal fees collected pursuant to 74356
this section shall be paid into the state treasury to the credit 74357
of the cemetery registration fund, which is hereby created in the 74358
state treasury. The division of real estate in the department of 74359
commerce ~~to be used by the division shall use the fund~~ to carry 74360
out its powers and duties under this chapter and by the Ohio 74361
cemetery dispute resolution commission created by section 4767.05 74362
of the Revised Code. 74363

Sec. 4767.10. (A) ~~The cemetery grant fund is created in the~~ 74364
~~state treasury.~~ The division of real estate in the department of 74365
commerce ~~shall deposit into the fund one dollar of each two~~ 74366
~~dollars and fifty cents portion of the burial permit fee received~~ 74367
~~under section 3705.17 of the Revised Code. The division shall use~~ 74368
~~moneys in the fund~~ one dollar of each burial permit fee collected 74369
pursuant to section 3705.17 of the Revised Code and paid into the 74370
state treasury to the credit of the cemetery registration fund 74371

~~created under section 4767.03 of the Revised Code to advance~~ 74372
~~grants to cemeteries registered with the division to defray the~~ 74373
~~costs of exceptional cemetery maintenance or training cemetery~~ 74374
~~personnel in the maintenance and operation of cemeteries. The~~ 74375
~~division may not provide a grant to a corporation or association~~ 74376
~~that operates a cemetery for profit. In each fiscal year, the~~ 74377
~~division may not advance grants totaling more than eighty per cent~~ 74378
~~of the appropriation to the cemetery grant fund for that fiscal~~ 74379
~~year.~~ The division shall advance grants from the cemetery 74380
registration fund in accordance with rules adopted by the Ohio 74381
cemetery dispute resolution commission under Chapter 119. of the 74382
Revised Code. 74383

(B) The director of commerce may increase, by rule adopted 74384
under Chapter 119. of the Revised Code, the amount of total grants 74385
the division may advance in a fiscal year if the director 74386
determines the total amount of funds generated exceeds the amount 74387
of funds the division needs to carry out its powers and duties 74388
under this section. If the director determines the increased 74389
amount depletes the amount of funds the division needs to carry 74390
out its powers and duties under this section, the director may 74391
decrease the amount not below the amount specified in division (A) 74392
of this section. 74393

Sec. 4768.03. The real estate appraiser board shall do all of 74394
the following: 74395

(A) Adopt rules, in accordance with Chapter 119. of the 74396
Revised Code in furtherance of this chapter, including, but not 74397
limited to, all of the following: 74398

(1) Procedures for criminal records checks that are required 74399
under section 4768.06 of the Revised Code, in accordance with 74400
division ~~(K)~~(L) of section 121.08 and division (C) of section 74401

4768.06 of the Revised Code;	74402
(2) The following nonrefundable fees:	74403
(a) The initial appraisal management company license fee,	74404
which shall not exceed two thousand dollars;	74405
(b) The annual renewal fee, which shall not exceed two	74406
thousand dollars;	74407
(c) The late filing fee, which shall not exceed one thousand	74408
dollars, for the renewal of a license under division (C) of	74409
section 4768.07 of the Revised Code.	74410
(3) Requirements for settlement agreements that the	74411
superintendent of real estate and professional licensing and an	74412
appraisal management company or other person may enter into under	74413
division (H) of section 4768.13 or division (C) of section 4768.14	74414
of the Revised Code;	74415
(4) Presumptions of compliance with regard to the customary	74416
and reasonable fees required under division (B) of section 4768.12	74417
of the Revised Code. In adopting rules under division (A)(4) of	74418
this section, the board shall consider presumptions of compliance	74419
promulgated for the same purpose under the federal "Truth in	74420
Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.;	74421
(5) Rules regarding consent to service of process for	74422
appraisal management companies in accordance with division (A)(6)	74423
of section 4768.06 of the Revised Code.	74424
(B) Determine the appropriate disciplinary actions to be	74425
taken against a person, including a licensee, under section	74426
4768.13 of the Revised Code;	74427
(C) Hear appeals, pursuant to Chapter 119. of the Revised	74428
Code, from decisions and orders that the superintendent issues	74429
pursuant to this chapter;	74430
(D) Request that the superintendent initiate an investigation	74431

of a violation of this chapter or the rules adopted under it, as 74432
the board determines appropriate. 74433

Sec. 4768.06. (A) To obtain an appraisal management company 74434
license, each applicant shall submit all of the following to the 74435
superintendent of real estate and professional licensing: 74436

(1) A completed application on a form the superintendent 74437
provides; 74438

(2) The name of a controlling person who will be the main 74439
contact between the appraisal management company and the division 74440
of real estate and professional licensing and the real estate 74441
appraiser board; 74442

(3) Payment of the fee established for initial licensure 74443
under division (A)(2) of section 4768.03 of the Revised Code; 74444

(4) A list of all owners and controlling persons of the 74445
appraisal management company; 74446

(5) A statement that each owner and controlling person of the 74447
appraisal management company satisfies the requirements set forth 74448
in divisions (B)(1) to (4) of this section; 74449

(6) A completed consent to service of process in this state 74450
as prescribed by rule of the real estate appraiser board; 74451

(7) A statement that the applicant understands the grounds 74452
for any disciplinary action that may be initiated under this 74453
chapter; 74454

(8) The name of each state in which the appraisal management 74455
company holds an appraisal management company license, 74456
certificate, or registration and affirmation that the applicant is 74457
in good standing in each state where the applicant holds a 74458
license, certificate, or registration; 74459

(9) A statement that the applicant acknowledges that a system 74460

or process must be in place to verify that any appraiser added to 74461
the appraisal management company's appraiser panel for the purpose 74462
of performing real estate appraisal services in this state holds a 74463
license or certificate under Chapter 4763. of the Revised Code and 74464
is in good standing with this state; 74465

(10) A statement that the applicant acknowledges that a 74466
system or process must be in place to review the work of 74467
appraisers who are performing real estate appraisal services for 74468
compliance with the uniform standards of professional appraisal 74469
practice; 74470

(11) A statement that the applicant acknowledges that a 74471
system or process must be in place to verify that any employee of, 74472
or independent contractor to, the appraisal management company 74473
that performs an appraisal review shall be an appraiser licensed 74474
or certified pursuant to Chapter 4763. of the Revised Code, 74475
provided the property that is the subject of the appraisal is 74476
located in this state; 74477

(12) A statement that the applicant acknowledges that the 74478
controlling person who will be the main contact between the 74479
appraisal management company and the division of real estate and 74480
professional licensing and the real estate appraiser board 74481
described in division (A)(2) of this section has successfully 74482
completed fifteen hours of uniform standards of professional 74483
appraisal practice and thereafter must complete seven hours of 74484
instruction in uniform standards of professional appraisal 74485
practice at least once every two years; 74486

(13) A statement that the applicant acknowledges that a 74487
system or process must be in place to disclose to its client the 74488
actual fees paid to an appraiser for appraisal services separately 74489
from any other fees or charges for appraisal management services; 74490

(14) A statement that the applicant acknowledges that a 74491

system or process must be in place to disclose the license, 74492
certificate, or registration number of the appraisal management 74493
company on each engagement letter used in assigning an appraisal 74494
request for real estate appraisal assignments within the state; 74495

(15) A statement that the applicant acknowledges that it is 74496
required to report suspected violations of Chapter 4763. of the 74497
Revised Code by a person licensed, registered, or certified under 74498
that chapter; 74499

(16) A statement that the applicant acknowledges that the 74500
real estate appraiser board or the superintendent may require the 74501
applicant to submit to an audit, conducted by staff of the 74502
division of real estate and professional licensing, of the 74503
applicant's operations or books; 74504

(17) A statement that the applicant acknowledges that it is 74505
required to comply with section 129e of the "Truth in Lending 74506
Act," 82 Stat. 146, 15 U.S.C. 1639e. 74507

(B) Each owner and controlling person of an appraisal 74508
management company shall satisfy all of the following criteria: 74509

(1) Be an individual who is at least eighteen years of age; 74510

(2) Have graduated the twelfth grade or received a 74511
certificate of high school equivalence as defined in section 74512
4109.06 of the Revised Code; 74513

(3) Be honest, truthful, and of good moral character; 74514

(4) Have not had a license, certificate, or registration to 74515
act as an appraiser that has been refused, denied, canceled, 74516
surrendered, or revoked in this state or in any other state for a 74517
substantive reason. A designated controlling person may have had a 74518
license or certificate to act as an appraiser refused, denied, 74519
canceled, revoked, or surrendered in lieu of revocation in a state 74520
for a nonsubstantive reason if the license or certificate was 74521

subsequently granted or reinstated; 74522

(5) Submit to a criminal records check in accordance with 74523
this section and any rule that the superintendent adopts under 74524
division (A)(1) of section 4768.03 of the Revised Code. 74525

(C) Upon receiving an application under this section, the 74526
superintendent shall request the superintendent of the bureau of 74527
criminal identification and investigation, or a vendor approved by 74528
the bureau, to conduct a criminal records check based on the 74529
fingerprint impressions of each owner and controlling person of 74530
the applicant in accordance with division (A)(15) of section 74531
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 74532
section 121.08 of the Revised Code, the superintendent of real 74533
estate and professional licensing shall request that the 74534
superintendent of the bureau of criminal identification and 74535
investigation obtain criminal record information from the federal 74536
bureau of investigation be obtained as part of the criminal 74537
records check. Any fee required under division (C)(3) of section 74538
109.572 of the Revised Code shall be paid by the applicant. 74539

(D)(1) Subject to section 4768.08 of the Revised Code and 74540
except as provided in division (D)(2) of this section, the 74541
superintendent shall issue a license to the applicant if the 74542
applicant and each owner and controlling person of the applicant 74543
satisfies the requirements of this section. 74544

(2) The superintendent shall not issue a license to an 74545
applicant if any owner or controlling person of the applicant has 74546
been convicted of or pleaded guilty or no contest to a felony. 74547
However, if an owner or controlling person of the applicant has 74548
pleaded guilty or no contest to or been convicted of a felony, the 74549
superintendent shall not consider the conviction or plea if the 74550
person has proven to the superintendent, by a preponderance of the 74551
evidence, that the person's activities and employment record since 74552
the conviction or plea show that the person is honest, truthful, 74553

and of good moral character, and there is no basis in fact for 74554
believing that the person will commit a felony again. 74555

(E) A license issued under this section shall be valid for 74556
one year after the date of issue. 74557

Sec. 4768.14. (A) Upon receipt of a written complaint or upon 74558
the superintendent of real estate and professional licensing's own 74559
motion, the superintendent may investigate any person that 74560
allegedly violated division (A)(1) of section 4768.02 of the 74561
Revised Code. 74562

(B) If, after investigation, the superintendent determines 74563
there exists reasonable evidence of a violation of division (A)(1) 74564
of section 4768.02 of the Revised Code, within fourteen business 74565
days after that determination, the superintendent shall send the 74566
party who is the subject of the investigation a written notice, by 74567
regular mail, that includes all of the following information: 74568

(1) A description of the activity in which the party 74569
allegedly is engaging or has engaged that is a violation of 74570
division (A)(1) of section 4768.02 of the Revised Code; 74571

(2) The applicable law allegedly violated; 74572

(3) A statement informing the party that a hearing concerning 74573
the alleged violation will be held before a hearing examiner, and 74574
a statement giving the date and place of that hearing; 74575

(4) A statement informing the party that the party or the 74576
party's attorney may appear in person at the hearing and present 74577
evidence and examine witnesses appearing for and against the 74578
party, or the party may submit written testimony stating any 74579
positions, arguments, or contentions. 74580

(C) At any time after the superintendent notifies a person of 74581
the superintendent's determination in accordance with division (B) 74582
of this section but before a hearing is held on the matter, the 74583

person may apply to the superintendent to enter into a settlement 74584
agreement regarding the alleged violation. The superintendent and 74585
the person shall comply with the requirements for settlement 74586
agreements established by rules adopted by the board under 74587
division (A)(3) of section 4768.03 of the Revised Code. If the 74588
parties enter into the settlement agreement, the hearing before 74589
the hearing examiner shall be postponed and the board shall review 74590
the settlement agreement at its next regularly scheduled meeting. 74591
If the board disapproves the settlement agreement, the hearing 74592
before the hearing examiner shall be rescheduled. 74593

(D) The hearing examiner shall hear the testimony of all 74594
parties present at the hearing and consider any written testimony 74595
submitted pursuant to division (B)(4) of this section. At the 74596
conclusion of the hearing, the hearing examiner shall determine if 74597
there has been a violation of division (A)(1) of section 4768.02 74598
of the Revised Code. 74599

(E) After the conclusion of formal hearings, the hearing 74600
examiner shall file with the superintendent, the real estate 74601
appraiser board, the complainant, and the parties a written report 74602
setting forth the examiner's findings of fact and conclusions of 74603
law and a recommendation of the action to be taken by the 74604
superintendent. Within ten days of receiving a copy of that 74605
report, the parties and the division of real estate and 74606
professional licensing may file with the board written objections 74607
to the report. The board shall consider the objections before 74608
approving, modifying, or disapproving the report. 74609

The board shall review the hearing examiner's report at the 74610
next regularly scheduled board meeting held at least fifteen 74611
business days after receipt of the hearing examiner's report. The 74612
board shall hear the testimony of the complainant or the parties. 74613

(F) After reviewing the hearing examiner's report pursuant to 74614
division (E) of this section, or after reviewing the settlement 74615

agreement pursuant to division (C) of this section, the board 74616
shall decide whether to impose sanctions upon a party for a 74617
violation of division (A)(1) of section 4768.02 of the Revised 74618
Code. The board may assess a civil penalty in an amount it 74619
determines, not to exceed one thousand dollars per violation, not 74620
to exceed ten thousand dollars in aggregate. Each day a violation 74621
occurs or continues is a separate violation. The board shall 74622
determine the terms of payment. The board shall maintain a 74623
transcript of the proceedings of the hearing and issue a written 74624
opinion to all parties, citing its findings and grounds for any 74625
action taken. If the board approved a settlement agreement entered 74626
into pursuant to division (C) of this section in relation to the 74627
violation, the civil penalty shall not be inconsistent with that 74628
settlement agreement. 74629

(G) Civil penalties collected under this section shall be 74630
deposited in the real estate ~~appraiser~~ operating fund created 74631
under section ~~4763.15~~ 4735.211 of the Revised Code. 74632

(H) If a party fails to pay a civil penalty assessed pursuant 74633
to this section within the time prescribed by the board, the 74634
superintendent shall forward to the attorney general the name of 74635
the party and the amount of the civil penalty, for the purpose of 74636
collecting that civil penalty. The party shall pay the fee 74637
assessed by the attorney general for collection of the civil 74638
penalty in addition to the civil penalty assessed pursuant to this 74639
section in an amount not to exceed ten thousand dollars. 74640

Sec. 4768.15. The superintendent of real estate and 74641
professional licensing shall deposit all moneys collected under 74642
this chapter into the state treasury to the credit of the real 74643
estate ~~appraiser~~ operating fund created under section ~~4763.15~~ 74644
4735.211 of the Revised Code. 74645

Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a radiologist assistant to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely

affects cognitive, motor, or perceptive skills;	74676
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	74677 74678 74679 74680
(7) Willfully betraying a professional confidence;	74681
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	74682 74683 74684
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	74685 74686 74687 74688 74689 74690 74691 74692
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	74693 74694 74695
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	74696 74697 74698
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	74699 74700 74701
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	74702 74703 74704
(13) A plea of guilty to, a judicial finding of guilt of, or	74705

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 74706
74707

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 74708
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 74711
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 74714
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 74719
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 74727
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 74729
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(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to 74732
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cooperate with an investigation shall not constitute grounds for 74737
discipline under this section if a court of competent jurisdiction 74738
has issued an order that either quashes a subpoena or permits the 74739
individual to withhold the testimony or evidence in issue; 74740

(21) Failure to maintain a license as a radiographer under 74741
Chapter 4773. of the Revised Code; 74742

(22) Failure to maintain certification as a registered 74743
radiologist assistant from the American registry of radiologic 74744
technologists, including revocation by the registry of the 74745
assistant's certification or failure by the assistant to meet the 74746
registry's requirements for annual registration, or failure to 74747
notify the board that the certification as a registered 74748
radiologist assistant has not been maintained; 74749

(23) Failure to comply with any of the rules of ethics 74750
included in the standards of ethics established by the American 74751
registry of radiologic technologists, as those rules apply to an 74752
individual who holds the registry's certification as a registered 74753
radiologist assistant. 74754

(C) The board shall not refuse to issue a license to an 74755
applicant because of a plea of guilty to, a judicial finding of 74756
guilt of, or a judicial finding of eligibility for intervention in 74757
lieu of conviction for an offense unless the refusal is in 74758
accordance with section 9.79 of the Revised Code. 74759

(D) Disciplinary actions taken by the board under divisions 74760
(A) and (B) of this section shall be taken pursuant to an 74761
adjudication under Chapter 119. of the Revised Code, except that 74762
in lieu of an adjudication, the board may enter into a consent 74763
agreement with a radiologist assistant or applicant to resolve an 74764
allegation of a violation of this chapter or any rule adopted 74765
under it. A consent agreement, when ratified by an affirmative 74766
vote of not fewer than six members of the board, shall constitute 74767

the findings and order of the board with respect to the matter 74768
addressed in the agreement. If the board refuses to ratify a 74769
consent agreement, the admissions and findings contained in the 74770
consent agreement shall be of no force or effect. 74771

(E) For purposes of divisions (B)(11), (14), and (15) of this 74772
section, the commission of the act may be established by a finding 74773
by the board, pursuant to an adjudication under Chapter 119. of 74774
the Revised Code, that the applicant or license holder committed 74775
the act in question. The board shall have no jurisdiction under 74776
these divisions in cases where the trial court renders a final 74777
judgment in the license holder's favor and that judgment is based 74778
upon an adjudication on the merits. The board shall have 74779
jurisdiction under these divisions in cases where the trial court 74780
issues an order of dismissal on technical or procedural grounds. 74781

(F) The sealing or expungement of conviction records by any 74782
court shall have no effect on a prior board order entered under 74783
the provisions of this section or on the board's jurisdiction to 74784
take action under the provisions of this section if, based upon a 74785
plea of guilty, a judicial finding of guilt, or a judicial finding 74786
of eligibility for intervention in lieu of conviction, the board 74787
issued a notice of opportunity for a hearing prior to the court's 74788
order to seal or expunge the records. The board shall not be 74789
required to seal, destroy, redact, or otherwise modify its records 74790
to reflect the court's sealing or expungement of conviction 74791
records. 74792

(G) For purposes of this division, any individual who holds a 74793
license to practice as a radiologist assistant issued under this 74794
chapter, or applies for a license, shall be deemed to have given 74795
consent to submit to a mental or physical examination when 74796
directed to do so in writing by the board and to have waived all 74797
objections to the admissibility of testimony or examination 74798
reports that constitute a privileged communication. 74799

(1) In enforcing division (B)(5) of this section, the board, 74800
on a showing of a possible violation, may compel any individual 74801
who holds a license to practice as a radiologist assistant issued 74802
under this chapter or who has applied for a license to submit to a 74803
mental or physical examination, or both. A physical examination 74804
may include an HIV test. The expense of the examination is the 74805
responsibility of the individual compelled to be examined. Failure 74806
to submit to a mental or physical examination or consent to an HIV 74807
test ordered by the board constitutes an admission of the 74808
allegations against the individual unless the failure is due to 74809
circumstances beyond the individual's control, and a default and 74810
final order may be entered without the taking of testimony or 74811
presentation of evidence. If the board finds a radiologist 74812
assistant unable to practice because of the reasons set forth in 74813
division (B)(5) of this section, the board shall require the 74814
radiologist assistant to submit to care, counseling, or treatment 74815
by physicians approved or designated by the board, as a condition 74816
for an initial, continued, reinstated, or renewed license. An 74817
individual affected by this division shall be afforded an 74818
opportunity to demonstrate to the board the ability to resume 74819
practicing in compliance with acceptable and prevailing standards 74820
of care. 74821

(2) For purposes of division (B)(6) of this section, if the 74822
board has reason to believe that any individual who holds a 74823
license to practice as a radiologist assistant issued under this 74824
chapter or any applicant for a license suffers such impairment, 74825
the board may compel the individual to submit to a mental or 74826
physical examination, or both. The expense of the examination is 74827
the responsibility of the individual compelled to be examined. Any 74828
mental or physical examination required under this division shall 74829
be undertaken by a treatment provider or physician qualified to 74830
conduct such examination and chosen by the board. 74831

Failure to submit to a mental or physical examination ordered 74832
by the board constitutes an admission of the allegations against 74833
the individual unless the failure is due to circumstances beyond 74834
the individual's control, and a default and final order may be 74835
entered without the taking of testimony or presentation of 74836
evidence. If the board determines that the individual's ability to 74837
practice is impaired, the board shall suspend the individual's 74838
license or deny the individual's application and shall require the 74839
individual, as a condition for an initial, continued, reinstated, 74840
or renewed license to practice, to submit to treatment. 74841

Before being eligible to apply for reinstatement of a license 74842
suspended under this division, the radiologist assistant shall 74843
demonstrate to the board the ability to resume practice in 74844
compliance with acceptable and prevailing standards of care. The 74845
demonstration shall include the following: 74846

(a) Certification from a treatment provider approved under 74847
section 4731.25 of the Revised Code that the individual has 74848
successfully completed any required inpatient treatment; 74849

(b) Evidence of continuing full compliance with an aftercare 74850
contract or consent agreement; 74851

(c) Two written reports indicating that the individual's 74852
ability to practice has been assessed and that the individual has 74853
been found capable of practicing according to acceptable and 74854
prevailing standards of care. The reports shall be made by 74855
individuals or providers approved by the board for making such 74856
assessments and shall describe the basis for their determination. 74857

The board may reinstate a license suspended under this 74858
division after such demonstration and after the individual has 74859
entered into a written consent agreement. 74860

When the impaired radiologist assistant resumes practice, the 74861
board shall require continued monitoring of the radiologist 74862

assistant. The monitoring shall include monitoring of compliance 74863
with the written consent agreement entered into before 74864
reinstatement or with conditions imposed by board order after a 74865
hearing, and, on termination of the consent agreement, submission 74866
to the board for at least two years of annual written progress 74867
reports made under penalty of falsification stating whether the 74868
radiologist assistant has maintained sobriety. 74869

(H) If the secretary and supervising member determine that 74870
there is clear and convincing evidence that a radiologist 74871
assistant has violated division (B) of this section and that the 74872
individual's continued practice presents a danger of immediate and 74873
serious harm to the public, they may recommend that the board 74874
suspend the individual's license to practice without a prior 74875
hearing. Written allegations shall be prepared for consideration 74876
by the board. 74877

The board, on review of the allegations and by an affirmative 74878
vote of not fewer than six of its members, excluding the secretary 74879
and supervising member, may suspend a license without a prior 74880
hearing. A telephone conference call may be utilized for reviewing 74881
the allegations and taking the vote on the summary suspension. 74882

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 74883
~~certified mail or in person~~ in accordance with ~~section~~ sections 74884
119.05 and 119.07 of the Revised Code. The order shall not be 74885
subject to suspension by the court during pendency of any appeal 74886
filed under section 119.12 of the Revised Code. If the radiologist 74887
assistant requests an adjudicatory hearing by the board, the date 74888
set for the hearing shall be within fifteen days, but not earlier 74889
than seven days, after the radiologist assistant requests the 74890
hearing, unless otherwise agreed to by both the board and the 74891
license holder. 74892

A summary suspension imposed under this division shall remain 74893
in effect, unless reversed on appeal, until a final adjudicative 74894

order issued by the board pursuant to this section and Chapter 74895
119. of the Revised Code becomes effective. The board shall issue 74896
its final adjudicative order within sixty days after completion of 74897
its hearing. Failure to issue the order within sixty days shall 74898
result in dissolution of the summary suspension order, but shall 74899
not invalidate any subsequent, final adjudicative order. 74900

(I) If the board takes action under division (B)(10), (12), 74901
or (13) of this section, and the judicial finding of guilt, guilty 74902
plea, or judicial finding of eligibility for intervention in lieu 74903
of conviction is overturned on appeal, on exhaustion of the 74904
criminal appeal, a petition for reconsideration of the order may 74905
be filed with the board along with appropriate court documents. On 74906
receipt of a petition and supporting court documents, the board 74907
shall reinstate the license to practice as a radiologist 74908
assistant. The board may then hold an adjudication under Chapter 74909
119. of the Revised Code to determine whether the individual 74910
committed the act in question. Notice of opportunity for hearing 74911
shall be given in accordance with Chapter 119. of the Revised 74912
Code. If the board finds, pursuant to an adjudication held under 74913
this division, that the individual committed the act, or if no 74914
hearing is requested, it may order any of the sanctions specified 74915
in division (B) of this section. 74916

(J) The license to practice of a radiologist assistant and 74917
the assistant's practice in this state are automatically suspended 74918
as of the date the radiologist assistant pleads guilty to, is 74919
found by a judge or jury to be guilty of, or is subject to a 74920
judicial finding of eligibility for intervention in lieu of 74921
conviction in this state or treatment of intervention in lieu of 74922
conviction in another jurisdiction for any of the following 74923
criminal offenses in this state or a substantially equivalent 74924
criminal offense in another jurisdiction: aggravated murder, 74925
murder, voluntary manslaughter, felonious assault, kidnapping, 74926

rape, sexual battery, gross sexual imposition, aggravated arson, 74927
aggravated robbery, or aggravated burglary. Continued practice 74928
after the suspension shall be considered practicing without a 74929
license. 74930

The board shall ~~notify~~ serve the individual subject to the 74931
suspension ~~by certified mail or in person~~ in accordance with 74932
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 74933
individual whose license is suspended under this division fails to 74934
make a timely request for an adjudication under Chapter 119. of 74935
the Revised Code, the board shall enter a final order permanently 74936
revoking the individual's license. 74937

(K) In any instance in which the board is required by Chapter 74938
119. of the Revised Code to give notice of opportunity for hearing 74939
and the individual subject to the notice does not timely request a 74940
hearing in accordance with section 119.07 of the Revised Code, the 74941
board is not required to hold a hearing, but may adopt, by an 74942
affirmative vote of not fewer than six of its members, a final 74943
order that contains the board's findings. In the final order, the 74944
board may order any of the sanctions identified under division (A) 74945
or (B) of this section. 74946

(L) Any action taken by the board under division (B) of this 74947
section resulting in a suspension shall be accompanied by a 74948
written statement of the conditions under which the radiologist 74949
assistant's license may be reinstated. The board shall adopt rules 74950
in accordance with Chapter 119. of the Revised Code governing 74951
conditions to be imposed for reinstatement. Reinstatement of a 74952
license suspended pursuant to division (B) of this section 74953
requires an affirmative vote of not fewer than six members of the 74954
board. 74955

(M) When the board refuses to grant or issue a license to 74956
practice as a radiologist assistant to an applicant, revokes an 74957
individual's license, refuses to renew an individual's license, or 74958

refuses to reinstate an individual's license, the board may 74959
specify that its action is permanent. An individual subject to a 74960
permanent action taken by the board is forever thereafter 74961
ineligible to hold a license to practice as a radiologist 74962
assistant and the board shall not accept an application for 74963
reinstatement of the license or for issuance of a new license. 74964

(N) Notwithstanding any other provision of the Revised Code, 74965
all of the following apply: 74966

(1) The surrender of a license to practice as a radiologist 74967
assistant issued under this chapter is not effective unless or 74968
until accepted by the board. Reinstatement of a license 74969
surrendered to the board requires an affirmative vote of not fewer 74970
than six members of the board. 74971

(2) An application made under this chapter for a license to 74972
practice may not be withdrawn without approval of the board. 74973

(3) Failure by an individual to renew a license to practice 74974
in accordance with section 4774.06 of the Revised Code shall not 74975
remove or limit the board's jurisdiction to take disciplinary 74976
action under this section against the individual. 74977

Sec. 4776.01. As used in this chapter: 74978

(A) "License" means an authorization evidenced by a license, 74979
certificate, registration, permit, card, or other authority that 74980
is issued or conferred by a licensing agency to a licensee or to 74981
an applicant for an initial license by which the licensee or 74982
initial license applicant has or claims the privilege to engage in 74983
a profession, occupation, or occupational activity, or, except in 74984
the case of the state dental board, to have control of and operate 74985
certain specific equipment, machinery, or premises, over which the 74986
licensing agency has jurisdiction. 74987

(B) Except as provided in section 4776.20 of the Revised 74988

Code, "licensee" means the person to whom the license is issued by 74989
a licensing agency. "Licensee" includes a person who, for purposes 74990
of section 3796.13 of the Revised Code, has complied with sections 74991
4776.01 to 4776.04 of the Revised Code and has been determined by 74992
the ~~department of commerce or state board of pharmacy~~ division of
marijuana control, as the applicable licensing agency, to meet the 74993
requirements for employment. 74994
74995

(C) Except as provided in section 4776.20 of the Revised 74996
Code, "licensing agency" means any of the following: 74997

(1) The board authorized by Chapters 4701., 4717., 4725., 74998
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 74999
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 75000
4779., ~~and~~ 4783., and 4787. of the Revised Code to issue a license 75001
to engage in a specific profession, occupation, or occupational 75002
activity, or to have charge of and operate certain specific 75003
equipment, machinery, or premises. 75004

(2) The state dental board, relative to its authority to 75005
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 75006
4715.27 of the Revised Code; 75007

(3) The ~~department of commerce or state board of pharmacy~~ 75008
division of marijuana control, relative to its authority under 75009
Chapter 3796. of the Revised Code and any rules adopted under that 75010
chapter with respect to a person who is subject to section 3796.13 75011
of the Revised Code; 75012

(4) The director of agriculture, relative to the director's 75013
authority to issue licenses under Chapter 928. of the Revised 75014
Code. 75015

(D) "Applicant for an initial license" includes persons 75016
seeking a license for the first time and persons seeking a license 75017
by reciprocity, endorsement, or similar manner of a license issued 75018
in another state. "Applicant for an initial license" also includes 75019

a person who, for purposes of section 3796.13 of the Revised Code, 75020
is required to comply with sections 4776.01 to 4776.04 of the 75021
Revised Code. 75022

(E) "Applicant for a restored license" includes persons 75023
seeking restoration of a license under section 4730.14, 4730.28, 75024
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 75025
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 75026
or 4778.071 of the Revised Code. "Applicant for a restored 75027
license" does not include a person seeking restoration of a 75028
license under section 4751.33 of the Revised Code. 75029

(F) "Criminal records check" has the same meaning as in 75030
section 109.572 of the Revised Code. 75031

Sec. 4776.20. (A) As used in this section: 75032

(1) "Licensing agency" means, in addition to each board 75033
identified in division (C) of section 4776.01 of the Revised Code, 75034
the board or other government entity authorized to issue a license 75035
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 75036
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 75037
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 75038
4766., 4771., 4773., ~~and~~ 4781., 4787., and 4789. of the Revised 75039
Code. "Licensing agency" includes an administrative officer that 75040
has authority to issue a license. 75041

(2) "Licensee" means, in addition to a licensee as described 75042
in division (B) of section 4776.01 of the Revised Code, the person 75043
to whom a license is issued by the board or other government 75044
entity authorized to issue a license under Chapters 4703., 4707., 75045
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 75046
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 75047
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., ~~and~~ 75048
4781., 4787., and 4789. of the Revised Code. 75049

(3) "Prosecutor" has the same meaning as in section 2935.01 75050
of the Revised Code. 75051

(B) On a licensee's conviction of, plea of guilty to, 75052
judicial finding of guilt of, or judicial finding of guilt 75053
resulting from a plea of no contest to the offense of trafficking 75054
in persons in violation of section 2905.32 of the Revised Code, 75055
the prosecutor in the case shall promptly notify the licensing 75056
agency of the conviction, plea, or finding and provide the 75057
licensee's name and residential address. On receipt of this 75058
notification, the licensing agency shall immediately suspend the 75059
licensee's license. 75060

(C) If there is a conviction of, plea of guilty to, judicial 75061
finding of guilt of, or judicial finding of guilt resulting from a 75062
plea of no contest to the offense of trafficking in persons in 75063
violation of section 2905.32 of the Revised Code and all or part 75064
of the violation occurred on the premises of a facility that is 75065
licensed by a licensing agency, the prosecutor in the case shall 75066
promptly notify the licensing agency of the conviction, plea, or 75067
finding and provide the facility's name and address and the 75068
offender's name and residential address. On receipt of this 75069
notification, the licensing agency shall immediately suspend the 75070
facility's license. 75071

(D) Notwithstanding any provision of the Revised Code to the 75072
contrary, the suspension of a license under division (B) or (C) of 75073
this section shall be implemented by a licensing agency without a 75074
prior hearing. After the suspension, the licensing agency shall 75075
give written notice to the subject of the suspension of the right 75076
to request a hearing under Chapter 119. of the Revised Code. After 75077
a hearing is held, the licensing agency shall either revoke or 75078
permanently revoke the license of the subject of the suspension, 75079
unless it determines that the license holder has not been 75080
convicted of, pleaded guilty to, been found guilty of, or been 75081

found guilty based on a plea of no contest to the offense of 75082
trafficking in persons in violation of section 2905.32 of the 75083
Revised Code. 75084

Sec. 4778.14. (A) The state medical board, by an affirmative 75085
vote of not fewer than six members, may revoke or may refuse to 75086
grant a license to practice as a genetic counselor to an 75087
individual found by the board to have committed fraud, 75088
misrepresentation, or deception in applying for or securing the 75089
license. 75090

(B) The board, by an affirmative vote of not fewer than six 75091
members, shall, except as provided in division (C) of this 75092
section, and to the extent permitted by law, limit, revoke, or 75093
suspend an individual's license to practice as a genetic 75094
counselor, refuse to issue a license to an applicant, refuse to 75095
renew a license, refuse to reinstate a license, or reprimand or 75096
place on probation the holder of a license for any of the 75097
following reasons: 75098

(1) Permitting the holder's name or license to be used by 75099
another person; 75100

(2) Failure to comply with the requirements of this chapter, 75101
Chapter 4731. of the Revised Code, or any rules adopted by the 75102
board; 75103

(3) Violating or attempting to violate, directly or 75104
indirectly, or assisting in or abetting the violation of, or 75105
conspiring to violate, any provision of this chapter, Chapter 75106
4731. of the Revised Code, or the rules adopted by the board; 75107

(4) A departure from, or failure to conform to, minimal 75108
standards of care of similar practitioners under the same or 75109
similar circumstances whether or not actual injury to the patient 75110
is established; 75111

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of 75142
conviction for, a misdemeanor committed in the course of practice; 75143

(13) A plea of guilty to, a judicial finding of guilt of, or 75144
a judicial finding of eligibility for intervention in lieu of 75145
conviction for, a misdemeanor involving moral turpitude; 75146

(14) Commission of an act in the course of practice that 75147
constitutes a misdemeanor in this state, regardless of the 75148
jurisdiction in which the act was committed; 75149

(15) Commission of an act involving moral turpitude that 75150
constitutes a misdemeanor in this state, regardless of the 75151
jurisdiction in which the act was committed; 75152

(16) A plea of guilty to, a judicial finding of guilt of, or 75153
a judicial finding of eligibility for intervention in lieu of 75154
conviction for violating any state or federal law regulating the 75155
possession, distribution, or use of any drug, including 75156
trafficking in drugs; 75157

(17) Any of the following actions taken by an agency 75158
responsible for authorizing, certifying, or regulating an 75159
individual to practice a health care occupation or provide health 75160
care services in this state or in another jurisdiction, for any 75161
reason other than the nonpayment of fees: the limitation, 75162
revocation, or suspension of an individual's license to practice; 75163
acceptance of an individual's license surrender; denial of a 75164
license; refusal to renew or reinstate a license; imposition of 75165
probation; or issuance of an order of censure or other reprimand; 75166

(18) Violation of the conditions placed by the board on a 75167
license to practice as a genetic counselor; 75168

(19) Failure to cooperate in an investigation conducted by 75169
the board under section 4778.18 of the Revised Code, including 75170
failure to comply with a subpoena or order issued by the board or 75171
failure to answer truthfully a question presented by the board at 75172

a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Failure to maintain the individual's status as a certified genetic counselor;

(21) Failure to comply with the code of ethics established by the national society of genetic counselors.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or took other formal action under Chapter 119. of the Revised Code prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice as a genetic counselor, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a genetic counselor or who has

applied for a license to practice as a genetic counselor to submit 75236
to a mental or physical examination, or both. A physical 75237
examination may include an HIV test. The expense of the 75238
examination is the responsibility of the individual compelled to 75239
be examined. Failure to submit to a mental or physical examination 75240
or consent to an HIV test ordered by the board constitutes an 75241
admission of the allegations against the individual unless the 75242
failure is due to circumstances beyond the individual's control, 75243
and a default and final order may be entered without the taking of 75244
testimony or presentation of evidence. If the board finds a 75245
genetic counselor unable to practice because of the reasons set 75246
forth in division (B)(5) of this section, the board shall require 75247
the genetic counselor to submit to care, counseling, or treatment 75248
by physicians approved or designated by the board, as a condition 75249
for an initial, continued, reinstated, or renewed license to 75250
practice. An individual affected by this division shall be 75251
afforded an opportunity to demonstrate to the board the ability to 75252
resume practicing in compliance with acceptable and prevailing 75253
standards of care. 75254

(2) For purposes of division (B)(6) of this section, if the 75255
board has reason to believe that any individual who holds a 75256
license to practice as a genetic counselor or any applicant for a 75257
license suffers such impairment, the board may compel the 75258
individual to submit to a mental or physical examination, or both. 75259
The expense of the examination is the responsibility of the 75260
individual compelled to be examined. Any mental or physical 75261
examination required under this division shall be undertaken by a 75262
treatment provider or physician qualified to conduct such 75263
examination and chosen by the board. 75264

Failure to submit to a mental or physical examination ordered 75265
by the board constitutes an admission of the allegations against 75266
the individual unless the failure is due to circumstances beyond 75267

the individual's control, and a default and final order may be 75268
entered without the taking of testimony or presentation of 75269
evidence. If the board determines that the individual's ability to 75270
practice is impaired, the board shall suspend the individual's 75271
license or deny the individual's application and shall require the 75272
individual, as a condition for an initial, continued, reinstated, 75273
or renewed license, to submit to treatment. 75274

Before being eligible to apply for reinstatement of a license 75275
suspended under this division, the genetic counselor shall 75276
demonstrate to the board the ability to resume practice in 75277
compliance with acceptable and prevailing standards of care. The 75278
demonstration shall include the following: 75279

(a) Certification from a treatment provider approved under 75280
section 4731.25 of the Revised Code that the individual has 75281
successfully completed any required inpatient treatment; 75282

(b) Evidence of continuing full compliance with an aftercare 75283
contract or consent agreement; 75284

(c) Two written reports indicating that the individual's 75285
ability to practice has been assessed and that the individual has 75286
been found capable of practicing according to acceptable and 75287
prevailing standards of care. The reports shall be made by 75288
individuals or providers approved by the board for making such 75289
assessments and shall describe the basis for their determination. 75290

The board may reinstate a license suspended under this 75291
division after such demonstration and after the individual has 75292
entered into a written consent agreement. 75293

When the impaired genetic counselor resumes practice, the 75294
board shall require continued monitoring of the genetic counselor. 75295
The monitoring shall include monitoring of compliance with the 75296
written consent agreement entered into before reinstatement or 75297
with conditions imposed by board order after a hearing, and, on 75298

termination of the consent agreement, submission to the board for 75299
at least two years of annual written progress reports made under 75300
penalty of falsification stating whether the genetic counselor has 75301
maintained sobriety. 75302

(H) If the secretary and supervising member determine both of 75303
the following, they may recommend that the board suspend an 75304
individual's license to practice without a prior hearing: 75305

(1) That there is clear and convincing evidence that a 75306
genetic counselor has violated division (B) of this section; 75307

(2) That the individual's continued practice presents a 75308
danger of immediate and serious harm to the public. 75309

Written allegations shall be prepared for consideration by 75310
the board. The board, on review of the allegations and by an 75311
affirmative vote of not fewer than six of its members, excluding 75312
the secretary and supervising member, may suspend a license 75313
without a prior hearing. A telephone conference call may be 75314
utilized for reviewing the allegations and taking the vote on the 75315
summary suspension. 75316

The board shall ~~issue~~ serve a written order of suspension by 75317
~~certified mail or in person~~ in accordance with ~~section~~ sections 75318
119.05 and 119.07 of the Revised Code. The order shall not be 75319
subject to suspension by the court during pendency of any appeal 75320
filed under section 119.12 of the Revised Code. If the genetic 75321
counselor requests an adjudicatory hearing by the board, the date 75322
set for the hearing shall be within fifteen days, but not earlier 75323
than seven days, after the genetic counselor requests the hearing, 75324
unless otherwise agreed to by both the board and the genetic 75325
counselor. 75326

A summary suspension imposed under this division shall remain 75327
in effect, unless reversed on appeal, until a final adjudicative 75328
order issued by the board pursuant to this section and Chapter 75329

119. of the Revised Code becomes effective. The board shall issue 75330
its final adjudicative order within sixty days after completion of 75331
its hearing. Failure to issue the order within sixty days shall 75332
result in dissolution of the summary suspension order, but shall 75333
not invalidate any subsequent, final adjudicative order. 75334

(I) If the board takes action under division (B)(10), (12), 75335
or (13) of this section, and the judicial finding of guilt, guilty 75336
plea, or judicial finding of eligibility for intervention in lieu 75337
of conviction is overturned on appeal, on exhaustion of the 75338
criminal appeal, a petition for reconsideration of the order may 75339
be filed with the board along with appropriate court documents. On 75340
receipt of a petition and supporting court documents, the board 75341
shall reinstate the license to practice as a genetic counselor. 75342
The board may then hold an adjudication under Chapter 119. of the 75343
Revised Code to determine whether the individual committed the act 75344
in question. Notice of opportunity for hearing shall be given in 75345
accordance with Chapter 119. of the Revised Code. If the board 75346
finds, pursuant to an adjudication held under this division, that 75347
the individual committed the act, or if no hearing is requested, 75348
it may order any of the sanctions specified in division (B) of 75349
this section. 75350

(J) The license to practice as a genetic counselor and the 75351
counselor's practice in this state are automatically suspended as 75352
of the date the genetic counselor pleads guilty to, is found by a 75353
judge or jury to be guilty of, or is subject to a judicial finding 75354
of eligibility for intervention in lieu of conviction in this 75355
state or treatment of intervention in lieu of conviction in 75356
another jurisdiction for any of the following criminal offenses in 75357
this state or a substantially equivalent criminal offense in 75358
another jurisdiction: aggravated murder, murder, voluntary 75359
manslaughter, felonious assault, kidnapping, rape, sexual battery, 75360
gross sexual imposition, aggravated arson, aggravated robbery, or 75361

aggravated burglary. Continued practice after the suspension shall 75362
be considered practicing without a license. 75363

The board shall ~~notify~~ serve the individual subject to the 75364
suspension ~~by certified mail or in person~~ in accordance with 75365
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 75366
individual whose license is suspended under this division fails to 75367
make a timely request for an adjudication under Chapter 119. of 75368
the Revised Code, the board shall enter a final order permanently 75369
revoking the individual's license to practice. 75370

(K) In any instance in which the board is required by Chapter 75371
119. of the Revised Code to give notice of opportunity for hearing 75372
and the individual subject to the notice does not timely request a 75373
hearing in accordance with section 119.07 of the Revised Code, the 75374
board is not required to hold a hearing, but may adopt, by an 75375
affirmative vote of not fewer than six of its members, a final 75376
order that contains the board's findings. In the final order, the 75377
board may order any of the sanctions identified under division (A) 75378
or (B) of this section. 75379

(L) Any action taken by the board under division (B) of this 75380
section resulting in a suspension shall be accompanied by a 75381
written statement of the conditions under which the license of the 75382
genetic counselor may be reinstated. The board shall adopt rules 75383
in accordance with Chapter 119. of the Revised Code governing 75384
conditions to be imposed for reinstatement. Reinstatement of a 75385
license suspended pursuant to division (B) of this section 75386
requires an affirmative vote of not fewer than six members of the 75387
board. 75388

(M) When the board refuses to grant or issue a license to 75389
practice as a genetic counselor to an applicant, revokes an 75390
individual's license, refuses to renew an individual's license, or 75391
refuses to reinstate an individual's license, the board may 75392
specify that its action is permanent. An individual subject to a 75393

permanent action taken by the board is forever thereafter 75394
ineligible to hold a license to practice as a genetic counselor 75395
and the board shall not accept an application for reinstatement of 75396
the license or for issuance of a new license. 75397

(N) Notwithstanding any other provision of the Revised Code, 75398
all of the following apply: 75399

(1) The surrender of a license to practice as a genetic 75400
counselor is not effective unless or until accepted by the board. 75401
A telephone conference call may be utilized for acceptance of the 75402
surrender of an individual's license. The telephone conference 75403
call shall be considered a special meeting under division (F) of 75404
section 121.22 of the Revised Code. Reinstatement of a license 75405
surrendered to the board requires an affirmative vote of not fewer 75406
than six members of the board. 75407

(2) An application made under this chapter for a license to 75408
practice may not be withdrawn without approval of the board. 75409

(3) Failure by an individual to renew a license in accordance 75410
with section 4778.06 of the Revised Code shall not remove or limit 75411
the board's jurisdiction to take disciplinary action under this 75412
section against the individual. 75413

Sec. 4779.29. If the Ohio occupational therapy, physical 75414
therapy, and athletic trainers board determines that there is 75415
clear and convincing evidence that an individual licensed under 75416
this chapter is engaging or has engaged in conduct described in 75417
division (A) of section 4779.28 of the Revised Code and that the 75418
license holder's continued practice presents a danger of immediate 75419
and serious harm to the public, the board may suspend the 75420
individual's license without an adjudicatory hearing. A telephone 75421
conference call may be used for reviewing the matter and taking 75422
the vote. 75423

If the board votes to suspend an individual's license, the board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order is not subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days, after the request, unless otherwise agreed to by the board and the license holder.

Any suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 119.12 of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue an order within sixty days shall result in the dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

Sec. 4779.35. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint an orthotics, prosthetics, and pedorthics advisory council for the purpose of advising the board on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice of orthotics, prosthetics, and pedorthics.

The advisory council shall consist of not more than five individuals knowledgeable in the area of orthotics, prosthetics, and pedorthics. A majority of the council members shall be individuals actively engaged in the practice of orthotics, prosthetics, and pedorthics who meet the requirements for licensure under Chapter 4779. of the Revised Code.

The Ohio orthotics and prosthetics association, or its 75455
successor organization, may nominate the names of up to three 75456
qualified individuals for consideration by the board in making 75457
appointments for each vacancy on the council. 75458

(B) ~~Not later than ninety days after January 1, 2018, the~~ 75459
~~board shall make initial appointments to the council.~~ Members 75460
shall serve three-year ~~staggered~~ terms of office in accordance 75461
with rules adopted by the board. ~~Thereafter, terms of office shall~~ 75462
~~be for three years,~~ with each term ending on the same day of the 75463
same month as did the term that it succeeds. A council member 75464
shall continue in office subsequent to the expiration date of the 75465
member's term until a successor is appointed and takes office, or 75466
until a period of ~~sixty~~ ninety days has elapsed, whichever occurs 75467
first. Each council member shall hold office from the date of 75468
appointment until the end of the term for which the member was 75469
appointed. 75470

(C) With approval from the director of administrative 75471
services, members may receive an amount fixed under division (J) 75472
of section 124.15 of the Revised Code for each day the member is 75473
performing the member's official duties and be reimbursed for 75474
actual and necessary expenses incurred in performing those duties. 75475

(D) The council shall meet at least ~~four~~ three times per year 75476
and at such other times as may be necessary to carry out its 75477
responsibilities. 75478

(E) The council shall submit to the board recommendations 75479
concerning all of the following: 75480

(1) Requirements for issuing a license to practice orthotics, 75481
prosthetics, and pedorthics, including the educational and 75482
experience requirements that must be met to receive a license; 75483

(2) Existing and proposed rules pertaining to the practice of 75484
orthotics, prosthetics, and pedorthics and the administration and 75485

enforcement of this chapter;	75486
(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;	75487 75488 75489
(4) Procedures for the issuance and renewal of licenses;	75490
(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;	75491 75492
(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics;	75493 75494
(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;	75495 75496 75497
(8) The safe and effective practice of orthotics, prosthetics, and pedorthics;	75498 75499
(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.	75500 75501 75502 75503 75504
Sec. 4781.04. (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:	75505 75506 75507
(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;	75508 75509 75510 75511 75512
(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the division of industrial	75513 75514

compliance, any building department or personnel of any 75515
department, or any private third party, certified pursuant to 75516
section 4781.07 of the Revised Code shall conduct all inspections 75517
of the installation of manufactured housing located in 75518
~~manufactured home parks~~ this state to determine compliance with 75519
the uniform installation standards the division of industrial 75520
compliance establishes pursuant to this section. 75521

(3) Govern the design, construction, installation, approval, 75522
and inspection of foundations and the base support systems for 75523
manufactured housing. The rules shall specify that the division of 75524
industrial compliance, any building department or personnel of any 75525
department, or any private third party, certified pursuant to 75526
section 4781.07 of the Revised Code shall conduct all inspections 75527
of the installation, foundations, and base support systems of 75528
manufactured housing located in manufactured home parks to 75529
determine compliance with the uniform installation standards and 75530
foundation and base support system design the division of 75531
industrial compliance establishes pursuant to this section. 75532

(4) Govern the training, experience, and education 75533
requirements for manufactured housing installers; 75534

(5) Establish a code of ethics for manufactured housing 75535
installers; 75536

(6) Govern the issuance, revocation, and suspension of 75537
licenses to manufactured housing installers; 75538

(7) Establish fees for the issuance and renewal of licenses, 75539
for conducting inspections to determine an applicant's compliance 75540
with this chapter and the rules adopted pursuant to it, and for 75541
the division's expenses incurred in implementing this chapter; 75542

(8) Establish conditions under which a licensee may enter 75543
into contracts to fulfill the licensee's responsibilities; 75544

(9) Govern the investigation of complaints concerning any 75545

complaints involving the conduct of any licensed manufactured 75546
housing installer or person installing manufactured housing 75547
without a license; 75548

(10) Establish a dispute resolution program for the timely 75549
resolution of warranty issues involving new manufactured homes, 75550
disputes regarding responsibility for the correction or repair of 75551
defects in manufactured housing, and the installation of 75552
manufactured housing. The rules shall provide for the timely 75553
resolution of disputes between manufacturers, manufactured housing 75554
dealers, and installers regarding the correction or repair of 75555
defects in manufactured housing that are reported by the purchaser 75556
of the home during the one-year period beginning on the date of 75557
installation of the home. The rules also shall provide that 75558
decisions made regarding the dispute under the program are not 75559
binding upon the purchaser of the home or the other parties 75560
involved in the dispute unless the purchaser so agrees in a 75561
written acknowledgement that the purchaser signs and delivers to 75562
the program within ten business days after the decision is issued. 75563

(11) Establish the requirements and procedures for the 75564
certification of building departments and building department 75565
personnel pursuant to section 4781.07 of the Revised Code; 75566

(12) Establish fees to be charged to building departments and 75567
building department personnel applying for certification and 75568
renewal of certification pursuant to section 4781.07 of the 75569
Revised Code; 75570

(13) Develop a policy regarding the maintenance of records 75571
for any inspection authorized or conducted pursuant to this 75572
chapter. Any record maintained under division (A)(13) of this 75573
section shall be a public record under section 149.43 of the 75574
Revised Code. 75575

(B) The division of industrial compliance shall do all of the 75576

following:	75577
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate;	75578 75579 75580 75581
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	75582 75583 75584
(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;	75585 75586
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	75587 75588
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	75589 75590
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	75591 75592 75593
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	75594 75595
(8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts;	75596 75597 75598 75599 75600
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;	75601 75602 75603
(10) Determine appropriate disciplinary actions for violations of this chapter;	75604 75605
(11) Conduct audits and inquiries of manufactured housing	75606

installers as appropriate for the enforcement of this chapter. The 75607
division, or any person the division employs for the purpose, may 75608
review and audit the business records of any manufactured housing 75609
installer during normal business hours. 75610

(12) Approve an installation training course, which may be 75611
offered by the Ohio manufactured homes association or other 75612
entity. 75613

(C) Nothing in this section, or in any rule adopted by the 75614
division of industrial compliance, shall be construed to limit the 75615
authority of a board of health to enforce section 3701.344 or 75616
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 75617
authority of the department of administrative services to lease 75618
space for the use of a state agency and to group together state 75619
offices in any city in the state as provided in section 123.01 of 75620
the Revised Code. 75621

(D) The department of commerce, division of real estate and 75622
professional licensing may adopt rules pursuant to Chapter 119. of 75623
the Revised Code necessary for administration of the provisions of 75624
this chapter related to manufactured home dealers, brokers, and 75625
salespersons. 75626

Sec. 4781.121. (A) The division of industrial compliance, 75627
pursuant to section 4781.04 of the Revised Code, may investigate 75628
any person who allegedly has committed a violation. If, after an 75629
investigation the division determines that reasonable evidence 75630
exists that a person has committed a violation, within seven days 75631
after that determination, the division shall ~~send~~ serve a written 75632
notice to that person in the same manner as prescribed in ~~section~~ 75633
sections 119.05 and 119.07 of the Revised Code for licensees, 75634
except that the notice shall specify that a hearing will be held 75635
and specify the date, time, and place of the hearing. 75636

(B) The division of industrial compliance shall hold a 75637

hearing regarding the alleged violation in the same manner 75638
prescribed for an adjudication hearing under section 119.09 of the 75639
Revised Code. If the division, after the hearing, determines that 75640
a violation has occurred, the division may impose a fine not 75641
exceeding one thousand dollars per violation per day. The 75642
division's determination is an order that the person may appeal in 75643
accordance with section 119.12 of the Revised Code. 75644

(C) If the person who allegedly committed a violation fails 75645
to appear for a hearing, the division of industrial compliance may 75646
request the court of common pleas of the county where the alleged 75647
violation occurred to compel the person to appear before the 75648
division for a hearing. 75649

(D) If the division assesses a person a civil penalty for a 75650
violation and the person fails to pay that civil penalty within 75651
the time period prescribed by the division pursuant to section 75652
131.02 of the Revised Code, the division shall forward to the 75653
attorney general the name of the person and the amount of the 75654
civil penalty for the purpose of collecting that civil penalty. In 75655
addition to the civil penalty assessed pursuant to this section, 75656
the person also shall pay any fee assessed by the attorney general 75657
for collection of the civil penalty. 75658

(E) The authority provided to the division of industrial 75659
compliance pursuant to this section, and any fine imposed under 75660
this section, shall be in addition to, and not in lieu of, all 75661
penalties and other remedies provided in this chapter. Any fines 75662
collected pursuant to this section shall be used solely to 75663
administer and enforce this chapter and rules adopted under it. 75664
Any fees collected pursuant to this section shall be transmitted 75665
to the treasurer of state and shall be credited to the industrial 75666
compliance operating fund created in section 121.084 of the 75667
Revised Code and the rules adopted thereunder. The fees shall be 75668
used only for the purpose of administering and enforcing sections 75669

4781.26 to 4781.35 of the Revised Code and the rules adopted 75670
thereunder. 75671

(F) As used in this section, "violation" means a violation of 75672
section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted 75673
pursuant to section 4781.04 of the Revised Code. 75674

Sec. 4781.17. (A) Each person applying for a manufactured 75675
housing dealer's license or manufactured housing broker's license 75676
shall complete and deliver to the department of commerce, division 75677
of real estate, before the first day of April, a separate 75678
application for license for each county in which the business of 75679
selling or brokering manufactured or mobile homes is to be 75680
conducted. The application shall be in the form prescribed by the 75681
division of real estate and accompanied by the fee established by 75682
the division of real estate. The applicant shall sign and swear to 75683
the application that shall include all of the following: 75684

(1) Name of applicant and location of principal place of 75685
business; 75686

(2) Name or style under which business is to be conducted 75687
and, if a corporation, the state of incorporation; 75688

(3) Name and address of each owner or partner and, if a 75689
corporation, the names of the officers and directors; 75690

(4) The county in which the business is to be conducted and 75691
the address of each place of business therein; 75692

(5) A statement of the previous history, record, and 75693
association of the applicant and of each owner, partner, officer, 75694
and director, that is sufficient to establish to the satisfaction 75695
of the division of real estate the reputation in business of the 75696
applicant; 75697

(6) A statement showing whether the applicant has previously 75698
applied for a manufactured housing dealer's license, manufactured 75699

housing broker's license, manufactured housing salesperson's 75700
license, or, prior to July 1, 2010, a motor vehicle dealer's 75701
license, manufactured home broker's license, or motor vehicle 75702
salesperson's license, and the result of the application, and 75703
whether the applicant has ever been the holder of any such license 75704
that was revoked or suspended; 75705

(7) If the applicant is a corporation or partnership, a 75706
statement showing whether any partner, employee, officer, or 75707
director has been refused a manufactured housing dealer's license, 75708
manufactured housing broker's license, manufactured housing 75709
salesperson's license, or, prior to July 1, 2010, a motor vehicle 75710
dealer's license, manufactured home broker's license, or motor 75711
vehicle salesperson's license, or has been the holder of any such 75712
license that was revoked or suspended; 75713

(8) Any other information required by the division of real 75714
estate. 75715

(B) Each person applying for a manufactured housing 75716
salesperson's license shall complete and deliver to the division 75717
of real estate before the first day of July an application for 75718
license. The application shall be in the form prescribed by the 75719
division of real estate and shall be accompanied by the fee 75720
established by the division. The applicant shall sign and swear to 75721
the application that shall include all of the following: 75722

(1) Name and post-office address of the applicant; 75723

(2) Name and post-office address of the manufactured housing 75724
dealer or manufactured housing broker for whom the applicant 75725
intends to act as salesperson; 75726

(3) A statement of the applicant's previous history, record, 75727
and association, that is sufficient to establish to the 75728
satisfaction of the division of real estate the applicant's 75729
reputation in business; 75730

(4) A statement as to whether the applicant intends to engage 75731
in any occupation or business other than that of a manufactured 75732
housing salesperson; 75733

(5) A statement as to whether the applicant has ever had any 75734
previous application for a manufactured housing salesperson 75735
license refused or, prior to July 1, 2010, any application for a 75736
motor vehicle salesperson license refused, and whether the 75737
applicant has previously had a manufactured housing salesperson or 75738
motor vehicle salesperson license revoked or suspended; 75739

(6) A statement as to whether the applicant was an employee 75740
of or salesperson for a manufactured housing dealer or 75741
manufactured housing broker whose license was suspended or 75742
revoked; 75743

(7) A statement of the manufactured housing dealer or 75744
manufactured housing broker named therein, designating the 75745
applicant as the dealer's or broker's salesperson; 75746

(8) Any other information required by the division of real 75747
estate. 75748

(C) Any application for a manufactured housing dealer or 75749
manufactured housing broker delivered to the division of real 75750
estate under this section also shall be accompanied by a 75751
photograph, as prescribed by the division, of each place of 75752
business operated, or to be operated, by the applicant. 75753

(D) The division of real estate shall deposit all license 75754
fees into the state treasury to the credit of the ~~manufactured~~ 75755
~~homes regulatory~~ real estate operating fund created under section 75756
4735.211 of the Revised Code. 75757

Sec. 4781.54. (A) The division of real estate and 75758
professional licensing shall deposit all the fees collected in the 75759
administration and enforcement sections 4781.16 to 4781.25 of the 75760

Revised Code into the ~~manufactured homes regulatory~~ real estate 75761
operating fund, ~~which is hereby created under section 4735.211 of~~ 75762
the Revised Code. ~~All~~ In addition to the purposes described in 75763
section 4735.211 of the Revised Code, money deposited into the 75764
fund shall be used ~~to pay the operating expenses of the division~~ 75765
~~or~~ as ~~otherwise~~ described in ~~those~~ sections 4781.16 to 4781.25 of 75766
the Revised Code. 75767

(B) The division of industrial compliance shall deposit all 75768
fees collected in the administration and enforcement sections of 75769
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 75770
Code into the industrial compliance operating fund created in 75771
section 121.084 of the Revised Code. All money deposited into the 75772
fund shall be used to pay the operating expenses of the division 75773
or as otherwise described in those sections. 75774

Sec. 4783.10. On receipt of a complaint that any of the 75775
grounds listed in division (A) of section 4783.09 of the Revised 75776
Code exist, the state board of psychology may suspend the 75777
certificate of the certified Ohio behavior analyst prior to 75778
holding a hearing in accordance with Chapter 119. of the Revised 75779
Code if it determines, based on the complaint, that an immediate 75780
threat to the public exists. 75781

After suspending a certificate pursuant to this section, the 75782
board shall ~~notify~~ serve notice on the certified Ohio behavior 75783
analyst of the suspension in accordance with ~~section~~ sections 75784
119.05 and 119.07 of the Revised Code. If the individual whose 75785
certificate is suspended fails to make a timely request for an 75786
adjudication under Chapter 119. of the Revised Code, the board 75787
shall enter a final order permanently revoking the individual's 75788
certificate. 75789

Sec. 4787.01. As used in this chapter: 75790

(A) "Client" means an individual who receives music therapy services. 75791
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(B) "Licensee" means a music therapist who is licensed to practice music therapy pursuant to this chapter. 75793
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(C) "Music therapy" means the clinical use of music interventions by an individual to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan developed for a client. 75795
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(D) "Music therapy services" means the services a licensee is authorized to provide pursuant to section 4787.08 of the Revised Code to achieve the goals of music therapy. 75799
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Sec. 4787.02. (A) Beginning one year after the effective date of this section, no person shall knowingly provide music therapy services or use the title "music therapist" or a similar title unless the person holds a license issued under this chapter that is in good standing. 75802
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(B) This chapter does not apply to any of the following individuals: 75807
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(1) An individual performing services or participating in activities as an integral part of a program of study in an accredited music therapy program, if the individual does not represent the individual's self as a music therapist; 75809
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(2) An individual who holds a professional license in this state or an employee who is supervised by an individual who holds a professional license in this state who is performing services, including the use of music in the services, that are incidental to the practice of the individual's profession, if the individual does not represent the individual's self as a music therapist; 75813
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(3) Any individual whose training and national certification attests to the individual's preparation and ability to practice 75819
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the individual's certified profession or occupation, if the 75821
individual does not represent the individual's self as a music 75822
therapist; 75823

(4) Any individual who practices music therapy under the 75824
supervision of a licensee, if the individual does not represent 75825
the individual's self as a music therapist. 75826

Sec. 4787.03. (A) The state medical board may adopt rules as 75827
the board considers necessary to carry out this chapter. The rules 75828
may include either of the following: 75829

(1) Requirements for continuing education for music 75830
therapists in addition to those required under section 4787.06 of 75831
the Revised Code; 75832

(2) Requirements for issuing a license to practice music 75833
therapy to an individual who holds a license to practice music 75834
therapy in another country. 75835

(B) The board shall enforce this chapter and any rules 75836
adopted pursuant to it. 75837

(C) The board, on request and payment of a fee established by 75838
the board, shall provide a copy of the list maintained pursuant to 75839
section 4731.07 of the Revised Code, as it pertains to this 75840
chapter. Any fee charged by the board for providing the copy shall 75841
not exceed the actual cost incurred by the board to make the copy. 75842

Sec. 4787.04. (A) There is created within the state medical 75843
board the music therapy advisory committee consisting of five 75844
individuals familiar with the practice of music therapy. The 75845
committee shall provide the board with expertise and assistance in 75846
carrying out its duties pursuant to this chapter. 75847

The committee shall consist of the following members: 75848

(1) Three members who are licensed under this chapter to 75849

practice as music therapists in this state; 75850

(2) One member who is a licensed health care professional who is not a licensee; 75851
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(3) One member who is a consumer. 75853

(B) Not later than ninety days after the effective date of this section, the board shall make initial appointments to the committee. The board shall appoint two members to terms ending one year after the effective date of this section, one member to a term ending two years after the effective date of this section, one member to a term ending three years after the effective date of this section, and one member to a term ending four years after the effective date of this section. Thereafter, terms of office for all members are four years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. 75854
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Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of the member's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. 75867
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(C) Members of the committee shall serve without compensation and shall not be reimbursed for expenses. 75875
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(D) The committee shall meet at least once per year or as otherwise called by the board. 75877
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(E) The board shall consult with the committee before changing fees established under this chapter. The board shall seek 75879
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the advice of the committee for issues related to music therapy. 75881

(F) The committee is not subject to sections 101.82 to 101.87 75882
of the Revised Code. 75883

(G) The committee shall provide to the board an analysis of 75884
disciplinary actions taken against license applicants and 75885
licensees, appeals and denials, and revocation of licenses at 75886
least once per year. 75887

(H) The committee may facilitate the development of materials 75888
that the state medical board may utilize to educate the public 75889
concerning music therapist licensure, the benefits of music 75890
therapy, and utilization of music therapy by individuals and in 75891
facilities or institutional settings. The committee may act as a 75892
facilitator of statewide dissemination of information between 75893
music therapists, the American music therapy association or its 75894
successor organization, the certification board for music 75895
therapists or its successor organization, and the state medical 75896
board. 75897

Sec. 4787.05. (A) An individual seeking a license to practice 75898
as a music therapist under this chapter shall do both of the 75899
following: 75900

(1) Submit all of the following to the state medical board: 75901

(a) A completed application on a form provided by the state 75902
medical board; 75903

(b) An application fee of one hundred fifty dollars or a 75904
higher amount established by the board; 75905

(c) Proof that the individual is at least eighteen years of 75906
age; 75907

(d) Proof that the individual has successfully completed an 75908
academic program with a bachelor's or higher degree in music 75909
therapy approved by the American music therapy association or its 75910

successor organization; 75911

(e) Proof that the individual has done both of the following: 75912

(i) Has passed the examination for board certification by the 75913
certification board for music therapists or its successor 75914
organization or obtained certification as a music therapist by 75915
that board on January 1, 1985; 75916

(ii) Is currently certified as a music therapist by the 75917
certification board for music therapists or its successor 75918
organization. 75919

(f) Proof that the individual has successfully completed a 75920
minimum of one thousand two hundred hours of clinical training, 75921
with at least one hundred eighty hours in preinternship experience 75922
and at least nine hundred hours in internship experience, if the 75923
internship is approved by the American music therapy association 75924
or its successor organization, an academic institution, or both. 75925

(2) Comply with sections 4776.01 to 4776.04 of the Revised 75926
Code. 75927

(B) Except as provided in division (C) of this section, 75928
within sixty days after receiving the information described in 75929
division (A)(1) of this section and receipt of proof of compliance 75930
with division (A)(2) of this section, the state medical board 75931
shall issue a license to practice as a music therapist if the 75932
board determines that the individual satisfies the requirements of 75933
division (A) of this section. 75934

(C) The state medical board shall issue a license to practice 75935
as a music therapist in accordance with Chapter 4796. of the 75936
Revised Code to an applicant if either of the following applies: 75937

(1) The applicant holds a license to practice as a music 75938
therapist in another state. 75939

(2) The applicant has satisfactory work experience, a 75940

government certification, or a private certification as described 75941
in that chapter in the practice of music therapy in a state that 75942
does not issue that license. 75943

(D) The state medical board, subject to the approval of the 75944
controlling board, may establish a fee in excess of the amount 75945
prescribed in division (A) of this section, provided that the 75946
amount of the increase does not exceed fifty per cent of that fee, 75947
that no fee increase occurs before the date that is one year after 75948
the effective date of this section, and that the increase does not 75949
exceed the amount necessary for the state medical board to 75950
implement this chapter. 75951

Sec. 4787.06. (A) A license to practice as a music therapist 75952
issued under this chapter is valid for three years beginning on 75953
the date the license is issued and may be renewed. 75954

(B) An individual seeking to renew a license to practice as a 75955
music therapist shall, before the license expires, apply for 75956
renewal of the license. To be eligible for renewal, an applicant 75957
shall submit all of the following to the state medical board: 75958

(1) A completed application for renewal on a form prescribed 75959
by the board; 75960

(2) Proof that the licensee has continuously maintained for 75961
the previous three years certification with, and is currently 75962
certified as a music therapist by, the certification board for 75963
music therapists or its successor organization; 75964

(3) Proof that the licensee has completed not less than sixty 75965
hours of continuing education approved by the certification board 75966
for music therapists or its successor organization and any other 75967
continuing education requirements established by the state medical 75968
board; 75969

(4) A fee in the amount of one hundred fifty dollars or such 75970

other amount as prescribed by the state medical board. 75971

(C) A licensee shall notify the board in writing of any 75972
change in address. 75973

(D) The state medical board shall send renewal notices at 75974
least one month before the license expiration date. 75975

(E) The state medical board, subject to the approval of the 75976
controlling board, may establish a fee in excess of the amount 75977
prescribed in division (B) of this section, provided that the 75978
amount of the increase does not exceed fifty per cent of that fee, 75979
that no fee increase occurs before the date that is one year after 75980
the effective date of this section, and that the increase does not 75981
exceed the amount necessary for the state medical board to 75982
implement this chapter. 75983

Sec. 4787.07. A license to practice as a music therapist that 75984
is not renewed on or before its expiration date is delinquent and 75985
shall be forfeited to the state medical board. The board, within 75986
thirty days after the license becomes delinquent, shall send a 75987
notice to the licensee by certified mail, return receipt 75988
requested, to the address of the licensee as indicated in the 75989
records of the board. The board shall inform the licensee in the 75990
notice that the licensee's license is forfeited and explain 75991
procedures for restoring the forfeited license. 75992

A licensee may restore a forfeited license within one year 75993
after the license becomes delinquent by complying with the 75994
requirements of section 4787.06 of the Revised Code. The board 75995
shall terminate a forfeited license that is not restored within 75996
one year after the date it becomes delinquent. The board may 75997
require an individual whose license has been terminated to apply 75998
for a new license under section 4787.05 of the Revised Code. 75999

On written request of a licensee, the board may place an 76000

active license on inactive status subject to an inactive status 76001
fee established by the board. The licensee, on request and payment 76002
of the inactive license fee, may continue on inactive status for a 76003
period up to two years. A licensee may reactivate an inactive 76004
license at any time during that two-year period by making a 76005
written request to the board and by fulfilling requirements 76006
established by the board. 76007

Sec. 4787.08. (A) A licensee shall do both of the following: 76008

(1) Before providing music therapy services to a client for a 76009
medical, developmental, or mental health condition, collaborate 76010
with the client's physician, psychologist, primary care provider, 76011
or mental health professional, as applicable, to review the 76012
client's diagnosis, treatment needs, and treatment plan; 76013

(2) During the provision of music therapy services to a 76014
client, collaborate, as applicable, with the client's treatment 76015
team. 76016

(B) Subject to division (C) of this section, a licensee may 76017
do any of the following activities: 76018

(1) Accept referrals for music therapy services from health 76019
care, social service, or education professionals, clients, or 76020
caregivers of prospective clients; 76021

(2) Conduct a music therapy assessment of a client to collect 76022
systematic, comprehensive, and accurate information necessary to 76023
determine the appropriate type of music therapy services to 76024
provide to the client; 76025

(3) Develop an individualized treatment plan for a client 76026
that identifies the goals, objectives, and potential strategies of 76027
the music therapy services appropriate for the client using music 76028
interventions, which may include music improvisation, receptive 76029
music listening, song writing, lyric discussion, music and 76030

imagery, music performance, learning through music, and movement 76031
to music; 76032

(4) If applicable, carry out an individualized treatment plan 76033
that is consistent with any other medical, developmental, mental 76034
health, educational, or rehabilitative services being provided to 76035
the client; 76036

(5) Evaluate the client's response to music therapy and the 76037
individualized treatment plan and suggest modifications, as 76038
appropriate; 76039

(6) Develop a plan for determining when the provision of 76040
music therapy services is no longer needed in collaboration with 76041
the client, any physician or other health care or education 76042
provider of the client, any appropriate family member of the 76043
client, and any other appropriate person on whom the client relies 76044
for support; 76045

(7) Minimize any barriers so that the client may receive 76046
music therapy services in the least restrictive environment; 76047

(8) Collaborate with and educate the client and the family or 76048
caregiver of the client or any other appropriate person about the 76049
needs of the client that are being addressed in music therapy and 76050
the manner in which the music therapy addresses those needs. 76051

(C) A licensee shall not do either of the following: 76052

(1) When providing educational services pursuant to division 76053
(B)(4) of this section, replace speech and language services 76054
typically provided to a child with a disability who has been 76055
identified as having a speech or language impairment pursuant to 76056
section 3323.03 of the Revised Code; 76057

(2) When providing rehabilitative services pursuant to 76058
division (B)(4) of this section, replace the services provided by 76059
a speech-language pathologist. 76060

(D) Nothing in this section shall be construed as prohibiting a licensee from providing services to a client diagnosed with a communication disorder. 76061
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Sec. 4787.09. If any member of the state medical board or the music therapy advisory committee becomes aware of any ground for initiating disciplinary action against a licensee, the member shall file a written complaint with the board. As soon as practicable after receiving a complaint, the board shall conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee. 76064
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Sec. 4787.10. (A) If, after an investigation conducted by the state medical board and after notice and a hearing in accordance with Chapter 119. of the Revised Code, the board finds one or more grounds for taking disciplinary action as described in division (C) of this section, the board may do any of the following: 76072
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(1) Place the licensee on probation for a specified period or until further order of the board; 76077
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(2) Administer to the applicant or licensee a public reprimand; 76079
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(3) Refuse to issue a license to an applicant or renew the license of the licensee; 76081
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(4) Suspend or revoke the license of the licensee; 76083

(5) Impose an administrative fine of not less than one hundred dollars nor more than one thousand dollars for each violation; 76084
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(6) Take any combination of the actions enumerated in divisions (A)(1) to (5) of this section. 76087
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(B) An order of the board may include any other terms, 76089

provisions, or conditions as the board considers appropriate. An 76090
order of the board and the findings of fact and conclusions of law 76091
supporting that order are public records. The board shall not 76092
issue a private reprimand. 76093

(C) Except as provided in division (D) of this section, the 76094
board may impose any of the disciplinary actions described in 76095
division (A) of this section if a licensee or applicant does any 76096
of the following: 76097

(1) Submits false, fraudulent, or misleading information to 76098
the board or any agency of this state, any other state, or the 76099
federal government; 76100

(2) Violates this chapter or any rule adopted pursuant to it; 76101

(3) Is convicted of or pleads guilty to a disqualifying 76102
offense or a crime of moral turpitude, as those terms are defined 76103
in section 4776.10 of the Revised Code; 76104

(4) Is impaired in the licensee's or applicant's ability to 76105
practice according to acceptable and prevailing standards of care 76106
because of habitual or excessive use or abuse of drugs, alcohol, 76107
or other substances that impair ability to practice; 76108

(5) Uses fraud or deception in applying for a license to 76109
practice as a music therapist; 76110

(6) Fails to pay fees when due; 76111

(7) Fails to provide requested information in a timely 76112
manner; 76113

(8) Is unable to, or fails to practice music therapy with 76114
reasonable skill and consistent with the welfare of clients, 76115
including negligence in the practice of music therapy, incapacity, 76116
and abuse of or engaging in sexual contact with a client; 76117

(9) Is subject to disciplinary action by another jurisdiction 76118
with respect to the licensee's or applicant's license to practice 76119

as a music therapist issued by that jurisdiction. 76120

(D) The board shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 76121
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Sec. 4787.11. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice as a music therapist issued pursuant to this chapter. 76125
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Sec. 4787.12. The state medical board shall comply with section 4776.20 of the Revised Code. 76131
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Sec. 4787.13. If the state medical board determines that a person has violated or is about to violate any provision of this chapter or a rule adopted pursuant to it, the board may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. 76133
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An injunction may be issued without proof of actual damage sustained by any person and does not prohibit the criminal prosecution and punishment of the person who commits the violation. 76138
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Sec. 4787.14. Except as otherwise provided in this section, a complaint filed with the state medical board and all documents and other information filed with the complaint are confidential and are not subject to section 149.43 of the Revised Code, unless the person who is the subject of the complaint submits a written statement to the board requesting that the documents and information be made public records. 76142
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The charging documents filed with the board to initiate disciplinary action and information considered by the board when determining whether to impose discipline against a licensee or applicant are public records. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records. 76149
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Nothing in this section prohibits the board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency. 76155
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Sec. 4787.99. Whoever violates division (A) of section 4787.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, such person is guilty of a misdemeanor of the third degree. 76160
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Sec. 4789.01. As used in this chapter: 76164

(A)(1) "Art therapy" means the integrated use of psychotherapeutic principles and methods with art media and the creative process to assist individuals, families, or groups in doing any of the following: 76165
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(a) Improving cognitive and sensory-motor functions; 76169

(b) Increasing self-awareness and self-esteem; 76170

(c) Coping with grief and traumatic experiences; 76171

(d) Enhancing cognitive abilities; 76172

(e) Resolving conflicts and distress; 76173

(f) Enhancing social functioning; 76174

(g) Identifying and assessing clients' needs to implement therapeutic intervention to meet developmental, behavioral, 76175
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mental, and emotional needs. 76177

(2) "Art therapy" includes therapeutic intervention to facilitate alternative modes of receptive and expressive communication and evaluation and assessment to define and implement art-based treatment plans to address cognitive, behavioral, developmental, and emotional needs. 76178
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(B) "Practice of art therapy" means the rendering or offering to render art therapy in the prevention or treatment of cognitive, developmental, emotional, or behavioral disabilities or conditions. 76183
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(C) "Licensee" means an individual who is licensed to practice art therapy under this chapter. 76187
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(D) "Client" means an individual who receives art therapy from a licensee. 76189
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Sec. 4789.02. The counselor, social worker, and marriage and family therapist board shall implement and administer this chapter and adopt a policy that concerns the intervention for and treatment of any impaired individual holding a license issued under the chapter. 76191
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Sec. 4789.03. The buckeye art therapy association or its successor organization shall provide the counselor, social worker, and marriage and family therapist board with expertise and assistance in carrying out the board's duties pursuant to this chapter. 76196
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Sec. 4789.04. (A) An individual seeking a license to practice art therapy under this chapter shall submit to the counselor, social worker, and marriage and family therapist board a completed application on a form prescribed by the counselor, social worker, and marriage and family therapist board and an application fee of 76201
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twenty-five dollars. The board may prorate the application fee for 76206
an initial license. 76207

The application shall include information the counselor, 76208
social worker, and marriage and family therapist board considers 76209
necessary to process the application, including evidence 76210
satisfactory to the counselor, social worker, and marriage and 76211
family therapist board that the applicant meets the requirements 76212
specified in division (B) of this section. No part of the 76213
application fee shall be returned to the applicant or applied to 76214
another application. 76215

(B) To be eligible for a license to practice art therapy 76216
under this chapter, an applicant shall demonstrate to the 76217
counselor, social worker, and marriage and family therapist board 76218
that the applicant meets all of the following requirements: 76219

(1) The applicant is at least eighteen years of age. 76220

(2) The applicant has attained a master's degree or higher 76221
degree from a graduate program in art therapy that one of the 76222
following applies to at the time the degree was conferred: 76223

(a) The program is approved by the American art therapy 76224
association or its successor organization. 76225

(b) The program is accredited by the commission on 76226
accreditation of allied health education programs or its successor 76227
organization. 76228

(c) The counselor, social worker, and marriage and family 76229
therapist board considers the program to be substantially 76230
equivalent to a program approved or accredited under division 76231
(B)(2)(a) or (b) of this section. 76232

(3) The applicant has completed at least two years of 76233
postgraduate supervised clinical experience in the practice of art 76234
therapy that meets the posteducation supervised art therapy 76235

experience requirements that the art therapy credentials board, 76236
its successor organization, or an equivalent organization 76237
recognized by the counselor, social worker, and marriage and 76238
family therapist board required for an individual to become a 76239
registered art therapist at the time the experience was completed. 76240

(4) The applicant has a board certification in good standing 76241
with the art therapy credentials board, its successor 76242
organization, or an equivalent organization recognized by the 76243
counselor, social worker, and marriage and family therapist board. 76244

(5) The applicant has satisfied any other requirements 76245
established by the counselor, social worker, and marriage and 76246
family therapist board. 76247

(C) Not later than sixty days after receiving a complete 76248
application, except as provided in division (E) of this section, 76249
the counselor, social worker, and marriage and family therapist 76250
board shall issue a license to practice art therapy to an 76251
applicant if the board determines that the applicant satisfies the 76252
requirements of division (B) of this section. An affirmative vote 76253
of a majority of the members of the board is required to determine 76254
that an applicant meets the requirements. 76255

(D) The counselor, social worker, and marriage and family 76256
therapist board may waive the requirements of division (B) of this 76257
section and issue a license to practice art therapy to an 76258
applicant if, not later than one year after the effective date of 76259
this section, the applicant files an application with the board 76260
that includes evidence satisfactory to the board that the 76261
applicant meets all of the following requirements: 76262

(1) The applicant holds a credential in good standing with 76263
the art therapy credentials board, its successor organization, or 76264
an equivalent organization recognized by the counselor, social 76265
worker, and marriage and family therapist board. 76266

(2) The applicant has practiced art therapy for at least five years. 76267
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(3) The applicant satisfies any additional requirements established by the counselor, social worker, and marriage and family therapist board. 76269
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(E) The counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 76272
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(1) The applicant holds a license in another state. 76276

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an art therapist in a state that does not issue that license. 76277
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Sec. 4789.05. (A) A license issued under section 4789.04 of the Revised Code shall expire biennially and may be renewed in accordance with this section. A licensee seeking to renew a license to practice art therapy shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the license. The counselor, social worker, and marriage and family therapist board may establish a different expiration date for an initial license. The board shall provide renewal notices at least one month before the expiration date. 76281
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(B) A licensee shall submit a renewal application to the counselor, social worker, and marriage and family therapist board in a manner prescribed by the board and a renewal fee of twenty-five dollars. 76290
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(C) To be eligible for renewal, a licensee shall certify to the board that the licensee has done all of the following: 76294
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(1) Maintained board certification with the art therapy 76296

credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board; 76297
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(2) Completed at least forty hours of the continuing education that is required to maintain board certification with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board; 76300
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(3) Report any criminal offense to which the applicant has pleaded guilty, of which the licensee has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license under this chapter. 76305
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(D) If a licensee submits a renewal application that the counselor, social worker, and marriage and family therapist board considers to be complete and qualifies for renewal pursuant to division (C) of this section, the board shall issue to the licensee a renewed license to practice art therapy. 76310
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(E) The counselor, social worker, and marriage and family therapist board may require a random sample of licensees to submit materials documenting that the licensee has complied with divisions (C)(1) and (2) of this section. If the board finds through the random sample or any other means that a licensee has not complied with those divisions, the board may refuse to renew the licensee's license or may take any other action the board may take under this chapter. 76315
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Sec. 4789.06. (A) A license to practice art therapy that is not renewed on or before its expiration date is automatically suspended on its expiration date. 76323
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(B) If a license has been suspended pursuant to division (A) 76326

of this section, the counselor, social worker, and marriage and family therapist board shall reinstate the license if the individual qualifies for renewal pursuant to section 4789.05 of the Revised Code and pays a monetary penalty to be established by the board. 76327
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(C) If a license has been suspended pursuant to division (A) of this section for more than two years, the board may impose terms and conditions for reinstatement in addition to those specified in division (B) of this section, including the following: 76332
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's fitness to resume the practice of art therapy; 76337
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(2) Requiring the applicant to obtain additional training and to pass an examination on completion of the training; 76340
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(3) Restricting or limiting the extent, scope, or type of practice in which an applicant may engage. 76342
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Sec. 4789.07. (A) A licensee may treat affective, behavioral, and cognitive disorders or problems specified in the edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association designated by the counselor, social worker, and marriage and family therapist board. 76344
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(B) A license issued under this chapter does not authorize the licensee to do either of the following: 76350
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(1) Administer or prescribe drugs; 76352

(2) Perform psychological testing intended to measure or diagnose serious mental illness. 76353
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Sec. 4789.08. (A) As used in this section: 76355

(1) "Willfully betraying a professional confidence" and "false, fraudulent, deceptive, or misleading statement" have the same meanings as in section 4731.22 of the Revised Code. 76356
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(2) "Privileged communication" means any information obtained through the practice of art therapy, including client records, artwork, verbal or artistic expressions, assessment results, or assessment interpretations. 76359
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(B) The counselor, social worker, and marriage and family therapist board, by an affirmative vote of a majority of the members, may limit, revoke, suspend, or refuse to grant a license to practice art therapy to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 76363
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(C) Except as provided in division (G) of this section, the board, by an affirmative vote of a majority of the members, shall, to the extent permitted by law, limit, revoke, suspend, or refuse to issue, renew, or reinstate a license, or reprimand or place on probation a licensee for any of the following reasons: 76369
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(1) Failure to comply with the requirements of this chapter; 76374

(2) Permitting the licensee's name or license to be used by another individual; 76375
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(3) Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice art therapy; 76377
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(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug; 76380
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(5) Willfully betraying a professional confidence; 76384

(6) Making a false, fraudulent, deceptive, or misleading 76385

statement in the solicitation of or advertising for clients; in 76386
relation to the practice of art therapy; or in securing or 76387
attempting to secure any license or certificate to practice issued 76388
by the board; 76389

(7) A departure from, or the failure to conform to, minimal 76390
standards of care of similar practitioners under the same or 76391
similar circumstances, whether or not actual injury to a client is 76392
established; 76393

(8) Representing, with the purpose of obtaining compensation 76394
or other advantage as personal gain or for any other individual, 76395
that an incurable disease or injury, or other incurable condition, 76396
can be permanently cured; 76397

(9) The obtaining of, or attempting to obtain, money or 76398
anything of value by fraudulent misrepresentations in the course 76399
of the practice of art therapy; 76400

(10) A plea of guilty to, a judicial finding of guilt of, or 76401
a judicial finding of eligibility for intervention in lieu of 76402
conviction for, a felony; 76403

(11) Commission of an act that constitutes a felony in this 76404
state, regardless of the jurisdiction in which the act was 76405
committed; 76406

(12) A plea of guilty to, a judicial finding of guilt of, or 76407
a judicial finding of eligibility for intervention in lieu of 76408
conviction for, a misdemeanor committed in the course of the 76409
practice of art therapy; 76410

(13) Commission of an act in the course of the practice of 76411
art therapy that constitutes a misdemeanor in this state, 76412
regardless of the jurisdiction in which the act was committed; 76413

(14) A plea of guilty to, a judicial finding of guilt of, or 76414
a judicial finding of eligibility for intervention in lieu of 76415

<u>conviction for, a misdemeanor involving moral turpitude;</u>	76416
<u>(15) Commission of an act involving moral turpitude that</u>	76417
<u>constitutes a misdemeanor in this state, regardless of the</u>	76418
<u>jurisdiction in which the act was committed;</u>	76419
<u>(16) Violation of the conditions of limitation placed by the</u>	76420
<u>board on a license to practice art therapy;</u>	76421
<u>(17) Failure to pay license renewal fees required by this</u>	76422
<u>chapter;</u>	76423
<u>(18) Inability to practice art therapy according to</u>	76424
<u>acceptable and prevailing standards of care by reason of mental</u>	76425
<u>illness or physical illness, including physical deterioration that</u>	76426
<u>adversely affects cognitive, motor, or perceptive skills;</u>	76427
<u>(19) Impairment of ability to practice art therapy according</u>	76428
<u>to acceptable and prevailing standards of care because of habitual</u>	76429
<u>or excessive use or abuse of drugs, alcohol, or other substances</u>	76430
<u>that impair the ability to practice;</u>	76431
<u>(20) Failure to maintain the confidentiality of privileged</u>	76432
<u>communications without the written consent of a client or a</u>	76433
<u>client's parent or guardian, as applicable, unless otherwise</u>	76434
<u>required by law, court order, or necessity to protect public</u>	76435
<u>health and safety;</u>	76436
<u>(21) Failure to comply with the continuing education</u>	76437
<u>requirements necessary to renew a license to practice art therapy;</u>	76438
<u>(22) Failure to comply with any standards for the ethical</u>	76439
<u>practice of art therapy that the board adopts;</u>	76440
<u>(23) Failure to cooperate in an investigation conducted by</u>	76441
<u>the board under division (E) of this section, including failure to</u>	76442
<u>comply with a subpoena or order issued by the board or failure to</u>	76443
<u>answer truthfully a question presented by the board in an</u>	76444
<u>investigative interview.</u>	76445

(D) Disciplinary actions taken by the board under divisions (B) and (C) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter. A consent agreement, when ratified by an affirmative vote of a majority of the members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect. 76446
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(E) The board shall investigate evidence that appears to show that an individual has violated any provision of this chapter. Any individual may report to the board in a signed writing any information that the individual may have that appears to show a violation of any provision of this chapter. Investigations of alleged violations of this chapter shall be conducted by the board in the same manner as the board conducts investigations under section 4757.38 of the Revised Code. 76457
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(F) Notwithstanding any provision of the Revised Code to the contrary, all of the following apply: 76465
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(1) The surrender of a license issued under this chapter is not effective until accepted by the board. A telephone conference call may be used for acceptance of the surrender of an individual's license to practice art therapy. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license to practice art therapy surrendered to the board requires an affirmative vote of a majority of the members of the board. 76467
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(2) An application for a license to practice art therapy under this chapter may not be withdrawn without approval of the 76476
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board. 76478

(3) Failure of an individual to renew a license to practice art therapy in accordance with section 4789.05 of the Revised Code does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 76479
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(G) The board shall not refuse to issue a license to an applicant because of a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 76483
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Sec. 4789.09. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the counselor, social worker, and marriage and family therapist board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice art therapy issued under this chapter. 76488
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Sec. 4789.10. The counselor, social worker, and marriage and family therapist board shall comply with section 4776.20 of the Revised Code. 76494
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Sec. 4928.54. The ~~director of development services~~ shall public utilities commission may aggregate percentage of income payment plan program customers for the purpose of establishing a competitive procurement process for the supply of competitive retail electric service for those customers. The process shall be an auction. Only bidders certified under section 4928.08 of the Revised Code may participate in the auction. 76497
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Sec. 4928.543. The ~~director of development services~~ public utilities commission shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 4928.54, and

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4928.541, ~~and 4928.542~~ of the Revised Code. The rules shall ensure 76507
a fair and unbiased auction process and the performance of the 76508
winning bidder or bidders. 76509

Sec. 4928.544. (A) For the purpose of facilitating compliance 76510
with sections 4928.54, and 4928.541, and 4928.542 of the Revised 76511
Code, ~~and upon written request by the director of development~~ 76512
~~services,~~ the public utilities commission shall ~~design, manage,~~ 76513
~~and supervise the competitive procurement process required by~~ 76514
~~established under section 4928.54 of the Revised Code~~ inform the 76515
director of development if the commission intends to aggregate 76516
percentage of income payment plan customers pursuant to section 76517
4928.54 of the Revised Code. For the director's consideration of 76518
possible universal service rider adjustments under division (B) of 76519
section 4928.52 of the Revised Code, the commission shall inform 76520
the director of development of the decision to aggregate such 76521
customers as soon as possible after the decision is made. 76522

To the extent reasonably possible, and to minimize costs, the 76524
competitive procurement process may be designed based on any 76525
existing competitive procurement process for the establishment of 76526
the default generation supply price for electric distribution 76527
utilities. To the extent necessary to transition percentage of 76528
income payment plan customers from a competitive procurement 76529
process to the applicable standard service offer under sections 76530
4928.141, 4928.142, and 4928.143 of the Revised Code, the design 76531
for the competitive procurement process during such transition may 76532
include full or partial auctions of those customers. 76533

This division does not preclude a process design that is 76534
based on a competitive procurement process that applies to the 76535
combined certified territories of electric distribution utilities 76536
subject to common ownership. 76537

(B) The director ~~of development services~~ shall reimburse the 76538
commission for its costs incurred under division (A) of this 76539
section. The reimbursements constitute administrative costs of the 76540
low-income customer assistance programs for the purpose of 76541
division (A) of section 4928.51 of the Revised Code. 76542

Sec. 4928.85. As used in sections 4928.85 to 4928.89 of the 76543
Revised Code: 76544

(A) "Infrastructure development" means the planning, 76545
development, and construction of electric distribution utility 76546
infrastructure, including the following: 76547

(1) Substation facilities and extensions of transmission and 76548
distribution facilities that an electric distribution utility owns 76549
and operates; 76550

(2) Performance of electric load studies. 76551

(B) "Economic development project" means a land development 76552
containing a minimum of ten contiguous acres that has the 76553
potential for commercial or industrial development and that does 76554
not currently have adequate electric distribution service from an 76555
electric distribution utility. 76556

(C) "JobsOhio" means the nonprofit corporation formed under 76557
section 187.01 of the Revised Code. "JobsOhio" includes the 76558
department of development at any time when a contract under 76559
section 187.04 of the Revised Code is not in effect. 76560

(D) "Net infrastructure development costs" means any 76561
remaining costs of infrastructure development incurred by an 76562
electric distribution utility, which costs include an allowance 76563
for funds used during construction, depreciation, return on 76564
equity, ongoing operation maintenance and operation, and tax 76565
expenses directly attributable to the economic development 76566
project, after netting the amount of any funds received by the 76567

electric distribution utility from the all Ohio future fund under 76568
section 126.62 of the Revised Code. Infrastructure development 76569
costs include project planning costs and the costs associated with 76570
obtaining the right of way for such projects. 76571

Sec. 4928.86. After filing a request for disbursement from 76572
the all Ohio future fund under section 126.62 of the Revised Code, 76573
an electric distribution utility may file an application with the 76574
public utilities commission for approval of infrastructure 76575
development necessary to support or enable a state or local 76576
economic development project, including any project approved, 76577
certified, or funded by JobsOhio. Prior to beginning the 76578
infrastructure development, the electric distribution utility 76579
shall file, and receive commission approval of, the application. 76580

Sec. 4928.88. An infrastructure development application filed 76581
under section 4928.86 of the Revised Code shall include each of 76582
the following: 76583

(A) Descriptions of the economic development project and the 76584
infrastructure development necessary to support or enable that 76585
project, including the general location and type of facilities 76586
that the applicant proposes to replace, construct, or improve; 76587

(B) A description of potential uses or new customers that may 76588
be served by the economic development project; 76589

(C) A summary of the net infrastructure development costs to 76590
be expended on the economic development project; 76591

(D) The proposed start and completion dates for the 76592
infrastructure development; 76593

(E) A statement of support of the economic development 76594
project from any state or local entity involved with the project; 76595

(F) Other information the applicant considers relevant for 76596

consideration by the public utilities commission. 76597

Sec. 4928.89. (A)(1) The public utilities commission may 76598
approve an infrastructure development application and the 76599
collection of net infrastructure development costs under this 76600
section, if the infrastructure development is necessary to support 76601
or enable a state or local economic development project. 76602

(2) JobsOhio may provide a recommendation to the commission 76603
regarding the approval or denial of the application. 76604

(B) The commission shall approve or deny the application 76605
within forty-five days after the application filing date. If the 76606
commission does not approve or deny the application within that 76607
period, the application shall be deemed approved as filed unless 76608
the commission suspends the application for good cause shown. If 76609
the commission suspends the application, the commission shall 76610
approve, deny, or hold a hearing on the application not later than 76611
forty-five days after the date the suspension begins. If the 76612
commission holds a hearing, it shall issue an order approving or 76613
denying the application within thirty days of the final date of 76614
the hearing. 76615

Sec. 4934.01. As used in section 4934.01 to 4934.14 of the 76616
Revised Code: 76617

(A) "Direct current fast charging station" means an electric 76618
vehicle charging system capable of distributing electricity at 76619
fifty kilowatts or more of direct current to an electric 76620
vehicle's rechargeable battery at a voltage of two hundred volts 76621
or more. 76622

(B) "Electric cooperative" and "electric distribution 76623
utility" have the same meanings as in section 4928.01 of the 76624
Revised Code. 76625

(C) "Electric vehicle" means a vehicle that is powered wholly 76626

by a system that can be recharged via an external source of 76627
electricity, including a vehicle for public or private use that is 76628
a passenger car, commercial car or truck, a vehicle used for 76629
public transit, a vehicle used in a vehicle fleet, a vehicle used 76630
in construction work, and a vehicle used in industrial or 76631
warehouse work. 76632

(D) "Electric vehicle charging provider" means the owner or 76633
operator of an electric vehicle charging station. "Electric 76634
vehicle charging provider" excludes any of the following that owns 76635
or operates an electric vehicle charging station: 76636

(1) An electric cooperative; 76637

(2) An electric distribution utility; 76638

(3) An affiliate or subsidiary of an electric distribution 76639
utility. 76640

(E) "Electric vehicle charging station" means any 76641
nonresidential electric vehicle charging system that is both of 76642
the following: 76643

(1) Capable of distributing electricity from a source outside 76644
an electric vehicle to the electric vehicle; 76645

(2) A direct current fast charging station or level two 76646
charging station. 76647

(F) "Level two charging station" means any electric vehicle 76648
charging system capable of distributing electricity at a minimum 76649
of three or a maximum of twenty kilowatts of alternating current 76650
to an electric vehicle's rechargeable battery at a voltage of two 76651
hundred volts or more. 76652

(G) "Make-ready infrastructure" means electrical 76653
infrastructure required to accommodate the electric load of an 76654
electric vehicle charging station. "Make-ready infrastructure" 76655
excludes an electric vehicle charging station. 76656

Sec. 4934.03. (A) No electric distribution utility may own or operate publicly available electric vehicle charging stations except through a separate affiliate or subsidiary that is not subject to public utilities commission jurisdiction. 76657
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(B)(1) No electric distribution utility may charge its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate's or subsidiary's publicly available electric vehicle charging stations. 76661
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(2) An electric distribution utility affiliate or subsidiary that owns or operates an electric vehicle charging station shall be subject to the same rates, terms, and conditions that apply to electric vehicle charging providers located in the electric distribution utility's certified territory. 76665
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Sec. 4934.05. Revenues received by an electric distribution utility for providing electric distribution service shall not, directly or indirectly, subsidize investments in the ownership or operation of electric vehicle charging stations. 76670
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Sec. 4934.08. (A) An electric cooperative that owns or operates publicly available electric vehicle charging stations shall maintain separate books and records of its electric vehicle charging station service. A cooperative shall not include in the rates it charges for electric service any electric vehicle charging station costs, or any other costs, unrelated to the provision of electric service. 76674
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(B) An electric cooperative that owns or operates publicly available electric vehicle charging stations shall be subject to the same rates, terms, and conditions for the operation of electric vehicle charging stations that apply to electric vehicle charging providers in the cooperative's designated service territory. 76681
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Sec. 4934.11. Nothing in sections 4934.01 to 4934.14 of the Revised Code prohibits an electric distribution utility or electric cooperative from recovering the costs of make-ready infrastructure through rates or charges authorized under the electric distribution utility's distribution rate case under section 4909.18 of the Revised Code or through rates or charges implemented by the cooperative, as applicable, so long as such subsidies for make-ready infrastructure are offered to electric vehicle charging providers on a nondiscriminatory basis.

Sec. 4934.14. Nothing in sections 4934.01 to 4934.14 of the Revised Code shall be construed to prohibit an electric distribution utility or electric cooperative from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station on its own premises for the sole purpose of serving its own electric vehicles.

Sec. 5101.136. If a person requests the department of job and family services to conduct a search of whether that person's name has been placed or remains in the statewide automated child welfare information system as an alleged perpetrator of child abuse or neglect and a search reveals that a "substantiated" disposition exists, the department shall send a letter to the person who requested the search indicating a "match."

Sec. 5101.137. The department of job and family services shall expunge substantiated dispositions of child abuse or neglect that are older than ten years from the statewide automated child welfare information system.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 76715
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(B) "County agency" means a county department of job and family services or a public children services agency. 76717
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~~(B)(C) "Fugitive Fleeing felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime, or an attempt to commit a crime, that is would be classified as a felony under the laws of the place from which the individual is fleeing, or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence or who is violating a condition of probation or parole under a federal or state law. The department may adopt rules regarding the verification of "fleeing felon" status for the purposes of this chapter.~~ 76719
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~~(C)(D) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.~~ 76731
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~~(D)(E) "Law enforcement agency" means has the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.~~ 76737
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~~(E) same meaning as in section 109.573 of the Revised Code.~~ 76745

(F) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 76746
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~~(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.~~ a program financed with federal, state, or local funds to provide aid in the form of money or vendor payments to families or individuals on the basis of need and other eligibility conditions. 76748
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"Public assistance" does not mean medical assistance provided 76756
under a medical assistance program, as defined in section 5160.01 76757
of the Revised Code. 76758

~~(F)~~(H) "Public assistance recipient" means an applicant for 76759
or recipient or former recipient of public assistance. 76760

~~(G)~~(I) "Publicly funded child care" has the same meaning as 76761
in section 5104.01 of the Revised Code. 76762

~~(H)~~(J) "Tuberculosis control unit" means the county 76763
tuberculosis control unit designated by a board of county 76764
commissioners under section 339.72 of the Revised Code or the 76765
district tuberculosis control unit designated pursuant to an 76766
agreement entered into by two or more boards of community 76767
commissioners under that section. 76768

Sec. 5101.27. (A) Except as ~~permitted~~ otherwise provided by 76769
~~this section, section 5101.273, 5101.28, or 5101.29 of the Revised~~ 76770
~~Code,~~ law or rules adopted under section 5101.30 of the Revised 76771
Code, ~~or when required by federal law, no person or government~~ 76772
~~entity shall knowingly solicit, disclose, receive, use, permit the~~ 76773
~~use of, or participate in the use of any~~ the department of job and 76774
family services and county agencies shall keep confidential and 76775
accessible only to its employees, except by the consent of the 76776

department or the order of a judge or a court of record, 76777
information regarding a public assistance recipient ~~for any~~ 76778
~~purpose not directly connected with the administration of a public~~ 76779
~~assistance program.~~ 76780

(B) Information may not be disclosed for solicitation of 76781
contributions or expenditures to or on behalf of a candidate for 76782
public or political office or a political party. To the extent 76783
permitted by federal law, the department of job and family 76784
services ~~and county agencies shall do all~~ may release information 76785
regarding a public assistance recipient to any of the following: 76786

(1) ~~Release information regarding a public assistance~~ 76787
~~recipient for purposes directly connected to the administration of~~ 76788
~~the program to a~~ A government entity responsible for administering 76789
that public assistance program for purposes directly connected to 76790
the administration of the program; 76791

(2) ~~Provide information regarding a public assistance~~ 76792
~~recipient to a~~ A law enforcement agency for the purpose of any 76793
investigation, prosecution, or criminal or civil proceeding 76794
relating to the administration of ~~that~~ a public assistance 76795
program; 76796

(3) ~~Provide, for purposes directly connected to the~~ 76797
~~administration of a program~~ An entity administering a public 76798
utility services program that assists needy individuals with the 76799
costs of public utility services, ~~information regarding a~~ 76800
~~recipient of financial assistance provided under a program~~ 76801
~~administered by the department or a county agency pursuant to~~ 76802
~~Chapter 5107. or 5108. of the Revised Code to an entity~~ 76803
~~administering the public utility services program;~~ 76804

(4) A state or federal government agency for use in the 76805
performance of that agency's official duties, including research 76806
related to the administration of those duties, or to an agent or 76807

contractor of a state or federal government agency to whom 76808
disclosure would be permissible; 76809

(5) Any agency of the United States charged with the 76810
administration of any public assistance program, and any state or 76811
federal official for purposes of oversight and audits of such 76812
programs; 76813

(6) Individuals, public and private entities, agencies, and 76814
institutions, private companies or organizations, partnerships, 76815
business trusts, or other business entities or ventures, research 76816
organizations, whether for profit or not for profit, or 76817
combinations or consortiums of any of the foregoing for the 76818
purpose of conducting or supporting research related to the 76819
welfare of the people of the state, provision or performance of a 76820
state or federal government program, or for academic purposes; 76821

(7) Information that does not identify an individual is not 76822
protected information and may be released in summary, statistical, 76823
or aggregate form. 76824

(C)(1) To the extent permitted by federal law and subject to 76825
division (C)(2) of this section, the department of job and family 76826
services shall release, for purposes directly connected to a 76827
public health investigation related to section 3301.531 or 76828
5104.037 of the Revised Code, information regarding a public 76829
assistance recipient who receives publicly funded child care, so 76830
long as all of the following conditions are met: 76831

(a) The department of health or the tuberculosis control unit 76832
has initiated a public health investigation related to section 76833
3301.531 or 5104.037 of the Revised Code and has assessed the 76834
investigation as an emergency. 76835

(b) The department of health or the tuberculosis control unit 76836
has notified the department of job and family services about the 76837
investigation and has requested that the department of job and 76838

family services release the information for purposes of the 76839
investigation. 76840

(c) The department of job and family services is unable to 76841
timely obtain voluntary, written authorization ~~that complies with~~ 76842
~~section 5101.272 of the Revised Code from the recipient, as~~ 76843
permitted by division (D) of this section. 76844

(2) If the conditions specified in division (C)(1) of this 76845
section are met, the department of job and family services shall 76846
release to the department of health or the tuberculosis control 76847
unit the minimum information necessary to fulfill the needs of the 76848
department of health or tuberculosis control unit related to the 76849
public health investigation. 76850

(3) If the department of job and family services releases 76851
information pursuant to division (C) of this section, it shall 76852
immediately notify the public assistance recipient. 76853

(D) ~~To~~ Notwithstanding any other provision of this section 76854
and to the extent permitted by federal law and section 1347.08 of 76855
~~the Revised Code, the department and of job and family services or~~ 76856
a county agencies agency shall provide access to may release 76857
information regarding a public assistance recipient to ~~all of the~~ 76858
~~following:~~ 76859

~~(1) The public assistance recipient;~~ 76860

~~(2) The authorized representative;~~ 76861

~~(3) The legal guardian of the recipient;~~ 76862

~~(4) The attorney of the recipient, if the attorney has~~ 76863
~~written authorization that complies with section 5101.272 of the~~ 76864
~~Revised Code from the~~ or any other person or entity identified by 76865
the recipient. 76866

~~(E) To the extent permitted by federal law and subject to~~ 76867
~~division (F) of this section, the department and county agencies~~ 76868

~~may do both of the following:~~ 76869

~~(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;~~ 76870
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~~(2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program, to the extent permitted by that the written authorization.~~ 76873
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~~(F) Except when the release is required by division (B), (C), or (D) of this section or is authorized by division (E)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.~~ 76880
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~~(G)(E) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (D)(2) that contain guidelines necessary for the implementation of this section.~~ 76886
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Sec. 5101.28. (A)(1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a ~~fugitive~~ fleeing felon or violating a condition of probation, a community control sanction, ~~parole~~, or a post-release control sanction imposed under state or federal law. 76890
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(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with ~~division (F) of this section.~~

(B) To the extent permitted by federal law, the department and county agencies shall provide information regarding recipients of public assistance ~~under a program administered by the state department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to a law enforcement agencies agency on request for the purposes of investigations, prosecutions, and eriminal and civil proceedings that are within the scope of use in the performance of the law enforcement agencies' agency's official duties.~~

(C) Information about a public assistance recipient shall be exchanged, obtained, or shared only if the department, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (A) of this section, or any information considered appropriate by the department or agency.

~~(D)(1) The department and its officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. This section does not affect any immunity or defense that the department and its officers and employees may be entitled to under another section of the Revised Code or the common law of this state, including section 9.86 of the Revised Code.~~

~~(2) The county agencies and their employees are not liable in~~

~~damages in a civil action for any injury, death, or loss to person 76931
or property that allegedly arises from the release of information 76932
in accordance with divisions (A), (B), and (C) of this section. 76933
"Employee" has the same meaning as in division (B) of section 76934
2744.01 of the Revised Code. This section does not affect any 76935
immunity or defense that the county agencies and their employees 76936
may be entitled to under another section of the Revised Code or 76937
the common law of this state, including section 2744.02 and 76938
division (A)(6) of section 2744.03 of the Revised Code. 76939~~

~~(E)~~(D) To the extent permitted by federal law, the department 76940
and county agencies shall provide access to information to the 76941
auditor of state acting pursuant to Chapter 117. or sections 76942
5101.181 and 5101.182 of the Revised Code and to any other 76943
government entity authorized by federal law to conduct an audit 76944
of, or similar activity involving, a public assistance program. 76945

~~(F)~~(E) The auditor of state shall prepare an annual report on 76946
the outcome of the agreements required under division (A) of this 76947
section. The report shall include the number of ~~fugitive~~ fleeing 76948
felons, probation and ~~parole~~ violators, and violators of community 76949
control sanctions and post-release control sanctions apprehended 76950
during the immediately preceding year as a result of the exchange 76951
of information pursuant to that division. The auditor of state 76952
shall file the report with the governor, the president and 76953
minority leader of the senate, and the speaker and minority leader 76954
of the house of representatives. The state department, county 76955
agencies, and law enforcement agencies shall cooperate with the 76956
auditor of state's office in gathering the information required 76957
under this division. 76958

~~(G)~~(F) To the extent permitted by ~~federal~~ law, nothing in 76959
this section prohibits the department of job and family services, 76960
county departments of job and family services, and employees of 76961
the departments ~~may report~~ from reporting to a public children 76962

services agency or other appropriate agency information on known 76963
or suspected physical or mental injury, sexual abuse or 76964
exploitation, or negligent treatment or maltreatment, of a child 76965
~~receiving public assistance, if circumstances indicate that the~~ 76966
~~child's health or welfare is threatened.~~ 76967

~~(H) As used in this section:~~ 76968

~~(1) "Community control sanction" has the same meaning as in~~ 76969
~~section 2929.01 of the Revised Code.~~ 76970

~~(2) "Post release control sanction" has the same meaning as~~ 76971
~~in section 2967.01 of the Revised Code.~~ 76972

Sec. 5101.29. When contained in a record held by the 76973
department of job and family services or a county agency, the 76974
following are not public records for purposes of section 149.43 of 76975
the Revised Code: 76976

(A) Names and other identifying information regarding 76977
children enrolled in or attending a child day-care center or home 76978
subject to licensure or registration under Chapter 5104. of the 76979
Revised Code; 76980

(B) Names and other identifying information regarding 76981
children placed with an institution or association certified under 76982
section 5103.03 of the Revised Code; 76983

(C) Names and other identifying information regarding a 76984
person who makes an oral or written complaint regarding an 76985
institution, association, child day-care center, or home subject 76986
to licensure or registration to the department or other state or 76987
county entity responsible for enforcing Chapter 5103. or 5104. of 76988
the Revised Code; 76989

(D)(1) Except as otherwise provided in division (D)(2) of 76990
this section, names, documentation, and other identifying 76991
information regarding a foster caregiver or a prospective foster 76992

caregiver, including the foster caregiver application for 76993
certification under section 5103.03 of the Revised Code and the 76994
home study conducted pursuant to section 5103.0324 of the Revised 76995
Code. 76996

(2) Notwithstanding division (D)(1) of this section, the 76997
following are public records for the purposes of section 149.43 of 76998
the Revised Code, when contained in a record held by the 76999
department of job and family services, a county agency, or other 77000
governmental entity: 77001

(a) All of the following information regarding a currently 77002
certified foster caregiver who has had a foster care certificate 77003
revoked pursuant to Chapter 5103. of the Revised Code or, after 77004
receiving a current or current renewed certificate has been 77005
convicted of, pleaded guilty to, or indicted or otherwise charged 77006
with any offense described in ~~division (C)(1) of section 2151.86~~ 77007
5103.256 of the Revised Code: 77008

(i) The foster caregiver's name, date of birth, and county of 77009
residence; 77010

(ii) The date of the foster caregiver's certification; 77011

(iii) The date of each placement of a foster child into the 77012
foster caregiver's home; 77013

(iv) If applicable, the date of the removal of a foster child 77014
from the foster caregiver's home and the reason for the foster 77015
child's removal unless release of such information would be 77016
detrimental to the foster child or other children residing in the 77017
foster caregiver's home; 77018

(v) If applicable, the date of the foster care certificate 77019
revocation and all documents related to the revocation unless 77020
otherwise not a public record pursuant to section 149.43 of the 77021
Revised Code. 77022

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations. 77023
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Sec. 5101.342. The Ohio commission on fatherhood shall do both of the following: 77026
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(A) Organize a state summit on fatherhood every four years; 77028

(B) Prepare a report each year that does the following: 77029

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following: 77030
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(a) Build the parenting skills of fathers; 77033

(b) Provide employment-related services for low-income, noncustodial fathers; 77034
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(c) Prevent premature fatherhood; 77036

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families; 77037
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(e) Reconcile fathers with their families; 77043

(f) Increase public awareness of the critical role fathers play. 77044
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(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes. 77046
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(C) Pursuant to section 5101.805 of the Revised Code, the commission may make recommendations to the director of job and family services regarding funding, approval, and implementation of 77049
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77051

fatherhood programs in this state that meet at least one of the 77052
four purposes of the temporary assistance for needy families block 77053
grant, as specified in 42 U.S.C. 601. 77054

(D) The portion of the report prepared pursuant to division 77055
(B)(2) of this section shall be prepared by the commission in 77056
collaboration with the director of job and family services. 77057

~~(D)~~(E) The commission shall submit each report prepared 77058
pursuant to division (B) of this section to the president and 77059
minority leader of the senate, speaker and minority leader of the 77060
house of representatives, governor, and chief justice of the 77061
supreme court. The first report is due not later than one year 77062
after the last of the initial appointments to the commission is 77063
made under section 5101.341 of the Revised Code. 77064

Sec. 5101.35. (A) As used in this section: 77065

(1)(a) "Agency" means the following entities that administer 77066
a family services program: 77067

(i) The department of job and family services; 77068

(ii) A county department of job and family services; 77069

(iii) A public children services agency; 77070

(iv) A private or government entity administering, in whole 77071
or in part, a family services program for or on behalf of the 77072
department of job and family services or a county department of 77073
job and family services or public children services agency. 77074

(b) If the department of medicaid contracts with the 77075
department of job and family services to hear appeals authorized 77076
by section 5160.31 of the Revised Code regarding medical 77077
assistance programs, "agency" includes the department of medicaid. 77078

(2) "Appellant" means an applicant, participant, former 77079
participant, recipient, or former recipient of a family services 77080

program who is entitled by federal or state law to a hearing 77081
regarding a decision or order of the agency that administers the 77082
program. 77083

(3)(a) "Family services program" means all of the following: 77084

(i) A Title IV-A program as defined in section 5101.80 of the 77085
Revised Code; 77086

(ii) Programs that provide assistance under Chapter 5104. of 77087
the Revised Code; 77088

(iii) Programs that provide assistance under section 77089
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 77090
Revised Code; 77091

(iv) Title XX social services provided under section 5101.46 77092
of the Revised Code, other than such services provided by the 77093
department of mental health and addiction services, the department 77094
of developmental disabilities, a board of alcohol, drug addiction, 77095
and mental health services, or a county board of developmental 77096
disabilities. 77097

(b) If the department of medicaid contracts with the 77098
department of job and family services to hear appeals authorized 77099
by section 5160.31 of the Revised Code regarding medical 77100
assistance programs, "family services program" includes medical 77101
assistance programs. 77102

(4) "Medical assistance program" has the same meaning as in 77103
section 5160.01 of the Revised Code. 77104

(B) Except as provided by divisions (G) and (H) of this 77105
section, an appellant who appeals under federal or state law a 77106
decision or order of an agency administering a family services 77107
program shall, at the appellant's request, be granted a state 77108
hearing by the department of job and family services. This state 77109
hearing shall be conducted in accordance with rules adopted under 77110

this section. The state hearing shall be recorded, but neither the 77111
recording nor a transcript of the recording shall be part of the 77112
official record of the proceeding. Except as provided in section 77113
5160.31 of the Revised Code, a state hearing decision is binding 77114
upon the agency and department, unless it is reversed or modified 77115
on appeal to the director of job and family services or a court of 77116
common pleas. 77117

(C) Except as provided by division (G) of this section, an 77118
appellant who disagrees with a state hearing decision may make an 77119
administrative appeal to the director of job and family services 77120
in accordance with rules adopted under this section. This 77121
administrative appeal does not require a hearing, but the director 77122
or the director's designee shall review the state hearing decision 77123
and previous administrative action and may affirm, modify, remand, 77124
or reverse the state hearing decision. An administrative appeal 77125
decision is the final decision of the department and, except as 77126
provided in section 5160.31 of the Revised Code, is binding upon 77127
the department and agency, unless it is reversed or modified on 77128
appeal to the court of common pleas. 77129

(D) An agency shall comply with a decision issued pursuant to 77130
division (B) or (C) of this section within the time limits 77131
established by rules adopted under this section. If a county 77132
department of job and family services or a public children 77133
services agency fails to comply within these time limits, the 77134
department may take action pursuant to section 5101.24 of the 77135
Revised Code. If another agency, other than the department of 77136
medicaid, fails to comply within the time limits, the department 77137
may force compliance by withholding funds due the agency or 77138
imposing another sanction established by rules adopted under this 77139
section. 77140

(E) An appellant who disagrees with an administrative appeal 77141
decision of the director of job and family services or the 77142

director's designee issued under division (C) of this section may 77143
appeal from the decision to the court of common pleas pursuant to 77144
section 119.12 of the Revised Code. The appeal shall be governed 77145
by section 119.12 of the Revised Code except that: 77146

(1) The person may appeal to the court of common pleas of the 77147
county in which the person resides, or to the court of common 77148
pleas of Franklin county if the person does not reside in this 77149
state. 77150

(2) The person may apply to the court for designation as an 77151
indigent and, if the court grants this application, the appellant 77152
shall not be required to furnish the costs of the appeal. 77153

(3) The appellant shall mail the notice of appeal to the 77154
department of job and family services and file notice of appeal 77155
with the court within thirty days after the department mails the 77156
administrative appeal decision to the appellant. For good cause 77157
shown, the court may extend the time for mailing and filing notice 77158
of appeal, but such time shall not exceed six months from the date 77159
the department mails the administrative appeal decision. Filing 77160
notice of appeal with the court shall be the only act necessary to 77161
vest jurisdiction in the court. 77162

(4) The department shall be required to file a transcript of 77163
the testimony of the state hearing with the court only if the 77164
court orders the department to file the transcript. The court 77165
shall make such an order only if it finds that the department and 77166
the appellant are unable to stipulate to the facts of the case and 77167
that the transcript is essential to a determination of the appeal. 77168
The department shall file the transcript not later than thirty 77169
days after the day such an order is issued. 77170

(F) The department of job and family services shall adopt 77171
rules in accordance with Chapter 119. of the Revised Code to 77172
implement this section, including rules governing the following: 77173

(1) State hearings under division (B) of this section. The 77174
rules shall include provisions regarding notice of eligibility 77175
termination and the opportunity of an appellant appealing a 77176
decision or order of a county department of job and family 77177
services to request a county conference with the county department 77178
before the state hearing is held. 77179

(2) Administrative appeals under division (C) of this 77180
section; 77181

(3) Time limits for complying with a decision issued under 77182
division (B) or (C) of this section; 77183

(4) Sanctions that may be applied against an agency under 77184
division (D) of this section. 77185

(G) The department of job and family services may adopt rules 77186
in accordance with Chapter 119. of the Revised Code establishing 77187
an appeals process for an appellant who appeals a decision or 77188
order regarding a Title IV-A program identified under division 77189
(A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the 77190
Revised Code that is different from the appeals process 77191
established by this section. The different appeals process may 77192
include having a state agency that administers the Title IV-A 77193
program pursuant to an interagency agreement entered into under 77194
section 5101.801 of the Revised Code administer the appeals 77195
process. 77196

(H) If an appellant receiving medicaid through a health 77197
insuring corporation that holds a certificate of authority under 77198
Chapter 1751. of the Revised Code is appealing a denial of 77199
medicaid services based on lack of medical necessity or other 77200
clinical issues regarding coverage by the health insuring 77201
corporation, the person hearing the appeal may order an 77202
independent medical review if that person determines that a review 77203
is necessary. The review shall be performed by a health care 77204

professional with appropriate clinical expertise in treating the 77205
recipient's condition or disease. The department shall pay the 77206
costs associated with the review. 77207

A review ordered under this division shall be part of the 77208
record of the hearing and shall be given appropriate evidentiary 77209
consideration by the person hearing the appeal. 77210

(I) The requirements of Chapter 119. of the Revised Code 77211
apply to a state hearing or administrative appeal under this 77212
section only to the extent, if any, specifically provided by rules 77213
adopted under this section. 77214

Sec. 5101.54. (A) The director of job and family services 77215
shall administer the supplemental nutrition assistance program in 77216
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 77217
et seq.). The department of job and family services may: 77218

(1) Prepare and submit to the secretary of the United States 77219
department of agriculture a plan for the administration of the 77220
supplemental nutrition assistance program; 77221

(2) Prescribe forms for applications, certificates, reports, 77222
records, and accounts of county departments of job and family 77223
services, and other matters; 77224

(3) Require such reports and information from each county 77225
department of job and family services as may be necessary and 77226
advisable; 77227

(4) Administer and expend any sums appropriated by the 77228
general assembly for the purposes of the supplemental nutrition 77229
assistance program and all sums paid to the state by the United 77230
States as authorized by the Food and Nutrition Act of 2008; 77231

(5) Conduct such investigations as are necessary; 77232

(6) Enter into interagency agreements and cooperate with 77233
investigations conducted by the department of public safety, 77234

including providing information for investigative purposes, 77235
exchanging property and records, passing through federal financial 77236
participation, modifying any agreements with the United States 77237
department of agriculture, providing for the supply, security, and 77238
accounting of supplemental nutrition assistance program benefits 77239
for investigative purposes, and meeting any other requirements 77240
necessary for the detection and deterrence of illegal activities 77241
in the supplemental nutrition assistance program; 77242

(7) Adopt rules in accordance with Chapter 119. of the 77243
Revised Code governing employment and training requirements of 77244
recipients of supplemental nutrition assistance program benefits, 77245
including rules specifying which recipients are subject to the 77246
requirements and establishing sanctions for failure to satisfy the 77247
requirements. The rules shall be consistent with 7 U.S.C. 2015, 77248
including its work and employment and training requirements, and, 77249
to the extent practicable, shall provide for the recipients to 77250
participate in work activities, developmental activities, and 77251
alternative work activities described in sections 5107.40 to 77252
5107.69 of the Revised Code that are comparable to programs 77253
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 77254
adopted under section 5107.05 of the Revised Code governing work 77255
activities, developmental activities, and alternative work 77256
activities described in sections 5107.40 to 5107.69 of the Revised 77257
Code. 77258

(8) Adopt rules in accordance with section 111.15 of the 77259
Revised Code that are consistent with the Food and Nutrition Act 77260
of 2008, the regulations adopted thereunder, and this section 77261
governing the following: 77262

(a) Eligibility requirements for the supplemental nutrition 77263
assistance program; 77264

(b) Sanctions for failure to comply with eligibility 77265
requirements; 77266

(c) Allotment of supplemental nutrition assistance program	77267
benefits;	77268
(d) To the extent permitted under federal statutes and	77269
regulations, a system under which some or all recipients of	77270
supplemental nutrition assistance program benefits subject to	77271
employment and training requirements established by rules adopted	77272
under division (A)(7) of this section receive the benefits after	77273
satisfying the requirements;	77274
(e) Administration of the program by county departments of	77275
job and family services;	77276
(f) Other requirements necessary for the efficient	77277
administration of the program.	77278
(9) Submit a plan to the United States secretary of	77279
agriculture for the department of job and family services to	77280
operate a simplified supplemental nutrition assistance program	77281
pursuant to 7 U.S.C. 2035 under which requirements governing the	77282
Ohio works first program established under Chapter 5107. of the	77283
Revised Code also govern the supplemental nutrition assistance	77284
program in the case of households receiving supplemental nutrition	77285
assistance program benefits and participating in Ohio works first.	77286
(10) Collect information on suspicious electronic benefit	77287
transfer card transactions and provide the information to each	77288
impacted county department for analysis and investigation. Such	77289
information shall include transactions of even dollar amounts,	77290
full monthly benefit amounts, multiple same-day transactions,	77291
out-of-state transactions, and any other suspicious trends.	77292
(B) A household that is entitled to receive supplemental	77293
nutrition assistance program benefits and that is determined to be	77294
in immediate need of nutrition assistance shall receive	77295
certification of eligibility for program benefits, pending	77296
verification, within twenty-four hours, or, if mitigating	77297

circumstances occur, within seventy-two hours, after application, 77298
if: 77299

(1) The results of the application interview indicate that 77300
the household will be eligible upon full verification; 77301

(2) Information sufficient to confirm the statements in the 77302
application has been obtained from at least one additional source, 77303
not a member of the applicant's household. Such information shall 77304
be recorded in the case file and shall include: 77305

(a) The name of the person who provided the name of the 77306
information source; 77307

(b) The name and address of the information source; 77308

(c) A summary of the information obtained. 77309

The period of temporary eligibility shall not exceed one 77310
month from the date of certification of temporary eligibility. If 77311
eligibility is established by full verification, benefits shall 77312
continue without interruption as long as eligibility continues. 77313

There is no limit on the number of times a household may 77314
receive expedited certification of eligibility under this division 77315
as long as before each expedited certification all of the 77316
information identified in division (F)(1) of this section was 77317
verified for the household at the last expedited certification or 77318
the household's eligibility was certified under normal processing 77319
standards since the last expedited certification. 77320

At the time of application, the county department of job and 77321
family services shall provide to a household described in this 77322
division a list of community assistance programs that provide 77323
emergency food. 77324

(C) Before certifying supplemental nutrition assistance 77325
program benefits, the department shall verify the eligibility of 77326
each household in accordance with division (F) of this section. 77327

All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

(F)(1) In order to verify household eligibility as required by federal regulations and this section, the department shall, except as provided in division (F)(2) of this section, verify at least the following information before certifying supplemental nutrition assistance program benefits:

(a) Household composition;

(b) Identity;

(c) Citizenship and alien eligibility status;

(d) Social security numbers;

(e) State residency status;

(f) Disability status;

(g) Gross nonexempt income;

(h) Utility expenses;

(i) Medical expenses;

(j) Enrollment status in other state-administered public assistance programs within and outside this state;

(k) Any available information related to potential identity fraud or identity theft.

(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.

(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.

(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.

(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.

(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section.

(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section.

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state.

(G) The department shall use the same criteria to verify gross nonexempt income from self-employment pursuant to division (F)(1) of this section as were used during initial certification when:

(1) Reviewing information pursuant to division (F)(3) of this section regarding households with income from self-employment;

(2) Recertifying households with income from self-employment.

(H) If the department receives information concerning a household certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing.

~~(H)~~(I) In the case of suspected fraud, the department shall refer the case for an administrative disqualification hearing or to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both.

~~(I)~~(J) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to ~~(H)~~(I) of this section.

~~(J)~~(K) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services.

Sec. 5101.80. (A) As used in this section and in section 77416

5101.801 of the Revised Code:	77417
(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.	77418 77419
(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.	77420 77421
(3) "Title IV-A administrative agency" means both of the following:	77422 77423
(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;	77424 77425 77426
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	77427 77428 77429 77430
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	77431 77432 77433 77434 77435
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	77436 77437
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	77438 77439
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	77440 77441 77442 77443
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	77444 77445
(e) The Title IV-A demonstration program created under	77446

section 5101.803 of the Revised Code; 77447

(f) The Ohio parenting and pregnancy program created under 77448
section 5101.804 of the Revised Code; 77449

(g) Fatherhood programs recommended by the Ohio commission on 77450
fatherhood under section 5101.805 of the Revised Code; 77451

(h) A component of a Title IV-A program identified under 77452
divisions (A)(4)(a) to ~~(f)~~(g) of this section that the Title IV-A 77453
state plan prepared under division (C)(1) of this section 77454
identifies as a component. 77455

(B) The department of job and family services shall act as 77456
the single state agency to administer and supervise the 77457
administration of Title IV-A programs. The Title IV-A state plan 77458
and amendments to the plan prepared under division (C) of this 77459
section are binding on Title IV-A administrative agencies. No 77460
Title IV-A administrative agency may establish, by rule or 77461
otherwise, a policy governing a Title IV-A program that is 77462
inconsistent with a Title IV-A program policy established, in rule 77463
or otherwise, by the director of job and family services. 77464

(C) The department of job and family services shall do all of 77465
the following: 77466

(1) Prepare and submit to the United States secretary of 77467
health and human services a Title IV-A state plan for Title IV-A 77468
programs; 77469

(2) Prepare and submit to the United States secretary of 77470
health and human services amendments to the Title IV-A state plan 77471
that the department determines necessary, including amendments 77472
necessary to implement Title IV-A programs identified in divisions 77473
(A)(4)(c) to ~~(g)~~(h) of this section; 77474

(3) Prescribe forms for applications, certificates, reports, 77475
records, and accounts of Title IV-A administrative agencies, and 77476

other matters related to Title IV-A programs; 77477

(4) Make such reports, in such form and containing such 77478
information as the department may find necessary to assure the 77479
correctness and verification of such reports, regarding Title IV-A 77480
programs; 77481

(5) Require reports and information from each Title IV-A 77482
administrative agency as may be necessary or advisable regarding a 77483
Title IV-A program; 77484

(6) Afford a fair hearing in accordance with section 5101.35 77485
of the Revised Code to any applicant for, or participant or former 77486
participant of, a Title IV-A program aggrieved by a decision 77487
regarding the program; 77488

(7) Administer and expend, pursuant to Chapters 5104., 5107., 77489
and 5108. of the Revised Code and sections 5101.801, 5101.802, 77490
5101.803, and 5101.804 of the Revised Code, any sums appropriated 77491
by the general assembly for the purpose of those chapters and 77492
sections and all sums paid to the state by the secretary of the 77493
treasury of the United States as authorized by Title IV-A of the 77494
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 77495
amended; 77496

(8) Conduct investigations and audits as are necessary 77497
regarding Title IV-A programs; 77498

(9) Enter into reciprocal agreements with other states 77499
relative to the provision of Ohio works first and prevention, 77500
retention, and contingency to residents and nonresidents; 77501

(10) Contract with a private entity to conduct an independent 77502
on-going evaluation of the Ohio works first program and the 77503
prevention, retention, and contingency program. The contract must 77504
require the private entity to do all of the following: 77505

(a) Examine issues of process, practice, impact, and 77506

outcomes; 77507

(b) Study former participants of Ohio works first who have 77508
not participated in Ohio works first for at least one year to 77509
determine whether they are employed, the type of employment in 77510
which they are engaged, the amount of compensation they are 77511
receiving, whether their employer provides health insurance, 77512
whether and how often they have received benefits or services 77513
under the prevention, retention, and contingency program, and 77514
whether they are successfully self sufficient; 77515

(c) Provide the department with reports at times the 77516
department specifies. 77517

(11) Not later than the last day of each January and July, 77518
prepare a report containing information on the following: 77519

(a) Individuals exhausting the time limits for participation 77520
in Ohio works first set forth in section 5107.18 of the Revised 77521
Code. 77522

(b) Individuals who have been exempted from the time limits 77523
set forth in section 5107.18 of the Revised Code and the reasons 77524
for the exemption. 77525

(D) The department shall provide copies of the reports it 77526
receives under division (C)(10) of this section and prepares under 77527
division (C)(11) of this section to the governor, the president 77528
and minority leader of the senate, and the speaker and minority 77529
leader of the house of representatives. The department shall 77530
provide copies of the reports to any private or government entity 77531
on request. 77532

(E) An authorized representative of the department or a 77533
county family services agency or state agency administering a 77534
Title IV-A program shall have access to all records and 77535
information bearing thereon for the purposes of investigations 77536
conducted pursuant to this section. An authorized representative 77537

of a government entity or private, not-for-profit entity 77538
administering a project funded in whole or in part with funds 77539
provided under the Title IV-A demonstration program shall have 77540
access to all records and information bearing on the project for 77541
the purpose of investigations conducted pursuant to this section. 77542

Sec. 5101.801. (A) Except as otherwise provided by the law 77543
enacted by the general assembly or executive order issued by the 77544
governor establishing the Title IV-A program, a Title IV-A program 77545
identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) 77546
of section 5101.80 of the Revised Code shall provide benefits and 77547
services that are not "assistance" as defined in 45 C.F.R. 77548
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 77549
excludes from the definition of assistance. 77550

(B)(1) Except as otherwise provided by the law enacted by the 77551
general assembly or executive order issued by the governor 77552
establishing the Title IV-A program, the department of job and 77553
family services shall do either of the following regarding a Title 77554
IV-A program identified under division (A)(4)(c), (d), (e), (f), 77555
~~or (g)~~, or (h) of section 5101.80 of the Revised Code: 77556

(a) Administer the program or supervise a county family 77557
services agency's administration of the program; 77558

(b) Enter into an interagency agreement with a state agency 77559
for the state agency to administer the program under the 77560
department's supervision. 77561

(2) The department may enter into an agreement with a 77562
government entity and, to the extent permitted by federal law, a 77563
private, not-for-profit entity for the entity to receive funding 77564
for a project under the Title IV-A demonstration program created 77565
under section 5101.803 of the Revised Code. 77566

(3) To the extent permitted by federal law, the department 77567

may enter into an agreement with a private, not-for-profit entity 77568
for the entity to receive funds under the Ohio parenting and 77569
pregnancy program created under section 5101.804 of the Revised 77570
Code. 77571

(4) To the extent permitted by federal law, the department 77572
may enter into an agreement with a private, not-for-profit entity 77573
for the entity to receive funds as recommended by the Ohio 77574
commission on fatherhood under section 5101.805 of the Revised 77575
Code. 77576

(C) The department may adopt rules governing Title IV-A 77577
programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ 77578
(g), and (h) of section 5101.80 of the Revised Code. Rules 77579
governing financial and operational matters of the department or 77580
between the department and county family services agencies shall 77581
be adopted as internal management rules adopted in accordance with 77582
section 111.15 of the Revised Code. All other rules shall be 77583
adopted in accordance with Chapter 119. of the Revised Code. 77584

(D) If the department enters into an agreement regarding a 77585
Title IV-A program identified under division (A)(4)(c), (e), (f), 77586
~~or~~ (g), or (h) of section 5101.80 of the Revised Code pursuant to 77587
division (B)(1)(b) or (2) of this section, the agreement shall 77588
include at least all of the following: 77589

(1) A requirement that the state agency or entity comply with 77590
the requirements for the program or project, including all of the 77591
following requirements established by federal statutes and 77592
regulations, state statutes and rules, the United States office of 77593
management and budget, and the Title IV-A state plan prepared 77594
under section 5101.80 of the Revised Code: 77595

(a) Eligibility; 77596

(b) Reports; 77597

(c) Benefits and services; 77598

(d) Use of funds;	77599
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;	77600 77601
(f) Audits.	77602
(2) A complete description of all of the following:	77603
(a) The benefits and services that the program or project is to provide;	77604 77605
(b) The methods of program or project administration;	77606
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	77607 77608 77609
(d) Other requirements that the department requires be included.	77610 77611
(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	77612 77613 77614 77615
(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following:	77616 77617 77618 77619
(a) Limitations on administrative costs;	77620
(b) The department, at its discretion, doing either of the following:	77621 77622
(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project;	77623 77624 77625
(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of,	77626 77627

audits and other administrative functions associated with the 77628
program or project. 77629

(5) If the state agency or entity arranges by contract, 77630
grant, or other agreement for another entity to perform a function 77631
the state agency or entity would otherwise perform regarding the 77632
program or project, the state agency or entity's responsibilities 77633
for both of the following: 77634

(a) Ensuring that the other entity complies with the 77635
agreement between the state agency or entity and department and 77636
federal statutes and regulations and state statutes and rules 77637
governing the use of funds for the program or project; 77638

(b) Auditing the other entity in accordance with requirements 77639
established by the United States office of management and budget. 77640

(6) The state agency or entity's responsibilities regarding 77641
the prompt payment, including any interest assessed, of any 77642
adverse audit finding, final disallowance of federal funds, or 77643
other sanction or penalty imposed by the federal government, 77644
auditor of state, department, a court, or other entity regarding 77645
funds for the program or project; 77646

(7) Provisions for the department to terminate the agreement 77647
or withhold reimbursement from the state agency or entity if 77648
either of the following occur: 77649

(a) The federal government disapproves the program or project 77650
or reduces federal funds for the program or project; 77651

(b) The state agency or entity fails to comply with the terms 77652
of the agreement. 77653

(8) Provisions for both of the following: 77654

(a) The department and state agency or entity determining the 77655
performance outcomes expected for the program or project; 77656

(b) An evaluation of the program or project to determine its 77657

success in achieving the performance outcomes determined under 77658
division (D)(8)(a) of this section. 77659

(E) To the extent consistent with the law enacted by the 77660
general assembly or executive order issued by the governor 77661
establishing the Title IV-A program and subject to the approval of 77662
the director of budget and management, the director of job and 77663
family services may terminate a Title IV-A program identified 77664
under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) of section 77665
5101.80 of the Revised Code or reduce funding for the program if 77666
the director of job and family services determines that federal or 77667
state funds are insufficient to fund the program. If the director 77668
of budget and management approves the termination or reduction in 77669
funding for such a program, the director of job and family 77670
services shall issue instructions for the termination or funding 77671
reduction. If a Title IV-A administrative agency is administering 77672
the program, the agency is bound by the termination or funding 77673
reduction and shall comply with the director's instructions. 77674

(F) The director of job and family services may adopt 77675
internal management rules in accordance with section 111.15 of the 77676
Revised Code as necessary to implement this section. The rules are 77677
binding on each Title IV-A administrative agency. 77678

Sec. 5101.805. (A) Subject to division (E) of section 77679
5101.801 of the Revised Code, the Ohio commission on fatherhood, 77680
created under section 5101.34 of the Revised Code, may make 77681
recommendations to the director of job and family services 77682
concerning the funding, approval, and implementation of fatherhood 77683
programs in this state that meet at least one of the four purposes 77684
of the temporary assistance for needy families block grant, as 77685
specified in 42 U.S.C. 601. 77686

(B) The department of job and family services may provide 77687
funding under this section to government entities and, to the 77688

extent permitted by federal law, private, not-for-profit entities 77689
with which the department enters into agreements under division 77690
(B)(4) of section 5101.801 of the Revised Code. 77691

Sec. 5101.806. (A) The department of job and family services 77692
shall prepare and submit to the governor not later than the first 77693
day of November in each even-numbered year a TANF spending plan 77694
describing the anticipated spending of temporary assistance for 77695
needy families block grant funds for the upcoming state fiscal 77696
biennium. The report shall be prepared in such a manner as to 77697
facilitate the inclusion of the information contained in the 77698
report in the governor's budget in accordance with division (D)(7) 77699
of section 107.03 of the Revised Code. 77700

(B)(1) Not later than ~~thirty~~ sixty days after the end of the 77701
first state fiscal year of a fiscal biennium, the department shall 77702
prepare and submit an updated TANF spending plan to the 77703
chairperson of a standing committee of the house of 77704
representatives designated by the speaker of the house of 77705
representatives, the chairperson of a standing committee of the 77706
senate designated by the president of the senate, and the minority 77707
leaders of both the house of representatives and the senate. The 77708
updated TANF spending plan shall, at a minimum, include both of 77709
the following: 77710

(a) The total amount of temporary assistance for needy 77711
families block grant funds distributed during the first fiscal 77712
year of the fiscal biennium. 77713

(b) An updated estimate of the total amount of temporary 77714
assistance for needy families block grant funds that will be 77715
distributed during the second fiscal year of the fiscal biennium. 77716

(2) A chairperson of a standing committee designated by the 77717
speaker of the house of representatives or president of the senate 77718
under division (B)(1) of this section may call the director of job 77719

and family services to testify before the committee regarding the 77720
TANF spending plan. 77721

Sec. 5103.02. As used in sections 5103.03 to ~~5103.181~~ 5103.17 77722
of the Revised Code: 77723

(A)(1) "Association" or "institution" includes all of the 77724
following: 77725

(a) Any incorporated or unincorporated organization, society, 77726
association, or agency, public or private, that receives or cares 77727
for children for two or more consecutive weeks; 77728

(b) Any individual, including the operator of a foster home, 77729
who, for hire, gain, or reward, receives or cares for children for 77730
two or more consecutive weeks, unless the individual is related to 77731
them by blood or marriage; 77732

(c) Any individual not in the regular employ of a court, or 77733
of an institution or association certified in accordance with 77734
section 5103.03 of the Revised Code, who in any manner becomes a 77735
party to the placing of children in foster homes, unless the 77736
individual is related to such children by blood or marriage or is 77737
the appointed guardian of such children. 77738

(2) "Association" or "institution" does not include any of 77739
the following: 77740

(a) Any organization, society, association, school, agency, 77741
child guidance center, detention or rehabilitation facility, or 77742
children's clinic licensed, regulated, approved, operated under 77743
the direction of, or otherwise certified by the department of 77744
education, a local board of education, the department of youth 77745
services, the department of mental health and addiction services, 77746
or the department of developmental disabilities; 77747

(b) Any individual who provides care for only a single-family 77748
group, placed there by their parents or other relative having 77749

custody;	77750
(c) A private, nonprofit therapeutic wilderness camp;	77751
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	77752 77753
(B) "Family foster home" means a foster home that is not a specialized foster home.	77754 77755
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	77756 77757
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	77758 77759 77760 77761 77762 77763 77764 77765 77766
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	77767 77768
(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	77769 77770 77771 77772
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	77773 77774 77775
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	77776 77777 77778
(3) The children require the services of a registered nurse	77779

on a daily basis. 77780

(4) The children are at risk of institutionalization in a 77781
hospital, skilled nursing facility, or intermediate care facility 77782
for individuals with intellectual disabilities. 77783

(G) "Private, nonprofit therapeutic wilderness camp" means a 77784
structured, alternative residential setting for children who are 77785
experiencing emotional, behavioral, moral, social, or learning 77786
difficulties at home or school in which all of the following are 77787
the case: 77788

(1) The children spend the majority of their time, including 77789
overnight, either outdoors or in a primitive structure. 77790

(2) The children have been placed there by their parents or 77791
another relative having custody. 77792

(3) The camp accepts no public funds for use in its 77793
operations. 77794

(H) "Recommending agency" means a public children services 77795
agency, private child placing agency, or private noncustodial 77796
agency that recommends that the department of job and family 77797
services take any of the following actions under section 5103.03 77798
of the Revised Code regarding a foster home: 77799

(1) Issue a certificate; 77800

(2) Deny a certificate; 77801

(3) ~~Renew a certificate;~~ 77802

~~(4) Deny renewal of a certificate;~~ 77803

~~(5) Revoke a certificate.~~ 77804

(I) "Resource caregiver" means a foster caregiver or a 77805
kinship caregiver. 77806

(J) "Resource family" means a foster home or the kinship 77807
caregiver family. 77808

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 77809
77810

(L) "Treatment foster home" means a foster home that 77811
incorporates special rehabilitative services designed to treat the 77812
specific needs of the children received in the foster home and 77813
that receives and cares for children who are emotionally or 77814
behaviorally disturbed, who are chemically dependent, who have 77815
developmental disabilities, or who otherwise have exceptional 77816
needs. 77817

Sec. 5103.03. (A) The director of job and family services 77818
shall adopt rules as necessary for the adequate and competent 77819
management and certification of institutions or associations. The 77820
director shall ensure that foster care home study rules adopted 77821
under this section align any home study content, time period, and 77822
process with any home study content, time period, and process 77823
required by rules adopted under section 3107.033 of the Revised 77824
Code. 77825

(B)(1) Except for facilities under the control of the 77826
department of youth services, places of detention for children 77827
established and maintained pursuant to sections 2152.41 to 2152.44 77828
of the Revised Code, and child day-care centers subject to Chapter 77829
5104. of the Revised Code, the department of job and family 77830
services shall pass upon the fitness of every institution and 77831
association that receives, or desires to receive and care for 77832
children, or places children in private homes, at a frequency 77833
established by rules adopted under division (A) of this section. 77834

(2) When the department of job and family services is 77835
satisfied as to the care given such children, and that the 77836
requirements of the statutes and rules covering the management of 77837
such institutions and associations are being complied with, it 77838
shall issue to the institution or association a certificate to 77839

that effect. A certificate is valid for a length of time 77840
determined by rules adopted under division (A) of this section. 77841
When determining whether an institution or association meets a 77842
particular requirement for certification, the department may 77843
consider the institution or association to have met the 77844
requirement if the institution or association shows to the 77845
department's satisfaction that it has met a comparable requirement 77846
to be accredited by a nationally recognized accreditation 77847
organization. 77848

(3) The department may issue a temporary certificate valid 77849
for less than one year authorizing an institution or association 77850
to operate until minimum requirements have been met. 77851

(4) An institution or association that knowingly makes a 77852
false statement that is included as a part of certification under 77853
this section is guilty of the offense of falsification under 77854
section 2921.13 of the Revised Code and the department shall not 77855
certify that institution or association. 77856

(5) The department shall not issue a certificate to a 77857
prospective foster home or prospective specialized foster home 77858
pursuant to this section if the prospective foster home or 77859
prospective specialized foster home operates as a type A family 77860
day-care home pursuant to Chapter 5104. of the Revised Code. The 77861
department shall not issue a certificate to a prospective 77862
specialized foster home if the prospective specialized foster home 77863
operates a type B family day-care home pursuant to Chapter 5104. 77864
of the Revised Code. 77865

(C) The department may revoke a certificate pursuant to an 77866
adjudication under Chapter 119. of the Revised Code if it finds 77867
that the institution or association is in violation of law or 77868
rule. No juvenile court shall commit a child to an association or 77869
institution that is required to be certified under this section if 77870
its certificate has been revoked or, if after revocation, the date 77871

of reissue is less than fifteen months prior to the proposed 77872
commitment. 77873

(D) On a frequency specified by the department by rules 77874
adopted under division (A) of this section, each institution or 77875
association desiring certification ~~or recertification~~ shall submit 77876
to the department a report showing its condition, management, 77877
competency to care adequately for the children who have been or 77878
may be committed to it or to whom it provides care or services, 77879
the system of visitation it employs for children placed in private 77880
homes, and other information the department requires. 77881

(E) The department shall, not less than once each year, send 77882
a list of certified institutions and associations to each juvenile 77883
court and certified association or institution. 77884

(F) No person shall receive children or receive or solicit 77885
money on behalf of such an institution or association not so 77886
certified or whose certificate has been revoked. 77887

(G)(1) The director may delegate by rule any duties imposed 77888
on it by this section to inspect and approve family foster homes 77889
and specialized foster homes to public children services agencies, 77890
private child placing agencies, or private noncustodial agencies. 77891

(2) The director shall adopt rules that require a foster 77892
caregiver or other individual certified to operate a foster home 77893
under this section to notify the recommending agency that the 77894
foster caregiver or other individual is licensed to operate a type 77895
B family day-care home under Chapter 5104. of the Revised Code. 77896

(H) If the director of job and family services determines 77897
that an institution or association that cares for children is 77898
operating without a certificate, the director may petition the 77899
court of common pleas in the county in which the institution or 77900
association is located for an order enjoining its operation. The 77901
court shall grant injunctive relief upon a showing that the 77902

institution or association is operating without a certificate. 77903

(I) If both of the following are the case, the director of 77904
job and family services may petition the court of common pleas of 77905
any county in which an institution or association that holds a 77906
certificate under this section operates for an order, and the 77907
court may issue an order, preventing the institution or 77908
association from receiving additional children into its care or an 77909
order removing children from its care: 77910

(1) The department has evidence that the life, health, or 77911
safety of one or more children in the care of the institution or 77912
association is at imminent risk. 77913

(2) The department has issued a proposed adjudication order 77914
pursuant to Chapter 119. of the Revised Code to ~~deny renewal of or~~ 77915
revoke the certificate of the institution or association. 77916

Sec. 5103.032. (A) Except as provided in division (B) of this 77917
section and in section 5103.033 of the Revised Code, the 77918
department of job and family services may ~~not renew~~ revoke a 77919
foster home certificate under section 5103.03 of the Revised Code 77920
~~unless if~~ the foster caregiver fails to successfully ~~completes~~ 77921
complete continuing training in accordance with the foster 77922
caregiver's needs assessment and continuing training plan 77923
developed and implemented under section 5103.035 of the Revised 77924
Code. 77925

(B) A foster caregiver shall be given an additional amount of 77926
time within which the foster caregiver must complete the 77927
continuing training required under division (A) of this section in 77928
accordance with rules adopted by the department of job and family 77929
services if either of the following applies: 77930

(1) The foster caregiver has served in active duty outside 77931
this state with a branch of the armed forces of the United States 77932

for more than thirty days in the preceding two-year period. 77933

(2) The foster caregiver has served in active duty as a 77934
member of the Ohio organized militia, as defined in section 77935
5923.01 of the Revised Code, for more than thirty days in the 77936
preceding two-year period and that active duty relates to either 77937
an emergency in or outside of this state or to military duty in or 77938
outside of this state. 77939

Sec. 5103.033. (A) The department of job and family services 77940
may issue ~~or renew~~ a certificate under section 5103.03 of the 77941
Revised Code to a foster home for the care of a child who is in 77942
the custody of a public children services agency or private child 77943
placing agency pursuant to an agreement entered into under section 77944
5103.15 of the Revised Code regarding a child who was less than 77945
six months of age on the date the agreement was executed if the 77946
prospective foster caregiver or foster caregiver successfully 77947
completes the following: 77948

(1) A preplacement training program approved under section 77949
5103.038 of the Revised Code or a program provided under division 77950
(B) of section 5103.30 of the Revised Code; 77951

(2) Continuing training in accordance with the foster 77952
caregiver's needs assessment and continuing training plan 77953
developed and implemented under section 5103.035 of the Revised 77954
Code. 77955

(B) A foster caregiver to whom either division (B)(1) or (2) 77956
of this section applies shall be given an additional amount of 77957
time within which to complete the continuing training required 77958
under division (A)(2) of this section in accordance with rules 77959
adopted by the department of job and family services: 77960

(1) The foster caregiver has served in active duty outside 77961
this state with a branch of the armed forces of the United States 77962

for more than thirty days in the preceding two-year period. 77963

(2) The foster caregiver has served in active duty as a 77964
member of the Ohio organized militia, as defined in section 77965
5923.01 of the Revised Code, for more than thirty days in the 77966
preceding two-year period and that active duty relates to either 77967
an emergency in or outside of this state or to military duty in or 77968
outside of this state. 77969

Sec. 5103.036. (A) For the purpose of determining whether a 77970
prospective foster caregiver or foster caregiver has satisfied the 77971
requirement of section 5103.031 or 5103.032 of the Revised Code, a 77972
recommending agency shall accept training obtained from either of 77973
the following: 77974

(1) Any preplacement or continuing training program approved 77975
by the department of job and family services under section 77976
5103.038 of the Revised Code; 77977

(2) The Ohio child welfare training program pursuant to 77978
divisions (B) and (C) of section 5103.30 of the Revised Code. 77979

(B) A recommending agency may require that a prospective 77980
foster caregiver or foster caregiver successfully complete 77981
additional training as a condition of the agency recommending that 77982
the department of job and family services certify ~~or recertify~~ the 77983
prospective foster caregiver or foster caregiver's foster home 77984
under section 5103.03 of the Revised Code. 77985

Sec. 5103.0313. Except as provided in section 5103.303 of the 77986
Revised Code, the department of job and family services shall 77987
compensate a private child placing agency or private noncustodial 77988
agency for the cost of procuring or operating preplacement and 77989
continuing training programs approved by the department of job and 77990
family services under section 5103.038 of the Revised Code for 77991
prospective foster caregivers and foster caregivers who are 77992

recommended for ~~initial~~ certification ~~or recertification~~ by the 77993
agency. 77994

The compensation shall be paid to the agency in the form of 77995
an allowance to reimburse the agency for the cost of training 77996
pursuant to the rules adopted by the department of job and family 77997
services in accordance with section 5103.0316 of the Revised Code. 77998

Sec. 5103.0314. The department of job and family services 77999
shall adopt rules regarding the compensation of a recommending 78000
agency for any training the agency requires a foster caregiver to 78001
undergo as a condition of the agency recommending the department 78002
certify the foster caregiver's foster home under section 5103.03 78003
of the Revised Code if the training is in excess of the training 78004
required under section 5103.031 of the Revised Code. 78005

The department of job and family services shall adopt rules 78006
regarding the compensation of a recommending agency for any 78007
training the agency requires a foster caregiver to undergo as a 78008
condition of the agency recommending the department ~~recertify~~ 78009
continue certifying the foster caregiver's foster home under 78010
section 5103.03 of the Revised Code if the training is in addition 78011
to the minimum training required under section 5103.032 of the 78012
Revised Code. 78013

Sec. 5103.0322. On receipt of a recommendation from a public 78014
children services agency, private child placing agency, or private 78015
noncustodial agency regarding an application for, ~~or renewal of,~~ a 78016
family foster home or treatment foster home certification under 78017
section 5103.03 of the Revised Code, the department of job and 78018
family services shall decide whether to issue ~~or renew~~ the 78019
certificate. The department shall notify the agency and the 78020
applicant ~~or certificate holder~~ of its decision. If the 78021
department's decision is different from the recommendation of the 78022

agency, the department shall state in the notice the reason that 78023
the decision is different from the recommendation. 78024

Sec. 5103.0323. (A) As used in this section, "American 78025
institute of certified public accountants auditing standards" and 78026
"AICPA auditing standards" mean the auditing standards published 78027
by the American institute of certified public accountants. 78028

(B) ~~The first time that~~ Not later than two years after the 78029
date of certification, and at least every two years thereafter, a 78030
private child placing agency or private noncustodial agency ~~seeks~~ 78031
~~renewal of a certificate issued under section 5103.03 of the~~ 78032
~~Revised Code, it~~ shall provide the department of job and family 78033
services, ~~as a condition of renewal,~~ evidence of an independent 78034
financial statement audit performed by a licensed public 78035
accounting firm following applicable AICPA auditing standards for 78036
the two most recent fiscal year years. ~~Thereafter, when an agency~~ 78037
~~seeks renewal of its certificate, it shall provide the department~~ 78038
~~evidence of an independent financial statement audit performed by~~ 78039
~~a licensed public accounting firm following applicable AICPA~~ 78040
~~auditing standards for the two most recent previous fiscal years~~ 78041
~~it is possible for an independent audit to have been conducted.~~ 78042

(C) ~~For an agency to be eligible for renewal, the~~ The 78043
independent audits must demonstrate that the agency operated in a 78044
fiscally accountable manner as determined by the department of job 78045
and family services. 78046

(D) The director of job and family services may adopt rules 78047
as necessary to implement this section. The director shall adopt 78048
the rules in accordance with section ~~111.15~~119.03 of the Revised 78049
Code. 78050

Sec. 5103.0326. (A) A recommending agency may recommend that 78051
the department of job and family services ~~not renew~~ revoke a 78052

foster home certificate under section 5103.03 of the Revised Code 78053
if the foster caregiver refused to accept the placement of any 78054
children into the foster home during the ~~current certification~~ 78055
~~period~~ preceding twelve months. Based on the agency's 78056
recommendation, the department may ~~refuse to renew~~ revoke a foster 78057
home certificate pursuant to an adjudication under Chapter 119. of 78058
the Revised Code. 78059

(B) The department of job and family services may revoke, 78060
pursuant to an adjudication under Chapter 119. of the Revised 78061
Code, the certification of any foster caregiver who has not cared 78062
for one or more foster children in the foster caregiver's home 78063
within the preceding twelve months. Prior to the revocation of any 78064
certification pursuant to this division, the recommending agency 78065
shall have the opportunity to provide good cause for the 78066
department to continue the certification and not revoke the 78067
certification. If the department decides to revoke the 78068
certification, the department shall notify the recommending agency 78069
that the certification will be revoked. 78070

Sec. 5103.0328. (A) Not later than ninety-six hours after 78071
receiving notice from the superintendent of the bureau of criminal 78072
identification and investigation pursuant to section 109.5721 of 78073
the Revised Code that a foster caregiver has been arrested for, 78074
convicted of, or pleaded guilty to any foster 78075
caregiver-disqualifying offense, and not later than ninety-six 78076
hours after learning in any other manner that a foster caregiver 78077
has been arrested for, convicted of, or pleaded guilty to any 78078
foster caregiver-disqualifying offense, the department of job and 78079
family services shall provide notice of that arrest, conviction, 78080
or guilty plea to both the recommending agency relative to the 78081
foster caregiver and the custodial agency of any child currently 78082
placed with that caregiver. 78083

(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation.

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in ~~division (C)(1) of section 2151.86~~ 5103.256 of the Revised Code.

Sec. 5103.05. (A) As used in this section and section 5103.051 of the Revised Code:

(1) "Children's residential center" means a facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department of job and family services to operate a children's residential center, and in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day.

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

(3) "County children's home" means a facility established under section 5153.21 of the Revised Code.

(4) "District children's home" means a facility established under section 5153.42 of the Revised Code.

(5) "Group home for children" means any public or private facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a group home for children, and that meets all of the following criteria:

(a) Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day by a person or persons who are unrelated to the children by blood or marriage, or who is not the appointed guardian of any of the children;

(b) Is not certified as a foster home;

(c) Receives or cares for children for two or more consecutive weeks.

"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody.

(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility.

(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and

skills. 78145

(8) "Nonsecure care and supervision" means care and 78146
supervision of a child in a residential facility that does not 78147
confine or prevent movement of the child within the facility or 78148
from the facility. 78149

(B) Within ten days after the commencement of operations at a 78150
residential facility, the facility shall provide the following to 78151
all county, municipal, or township law enforcement agencies, 78152
emergency management agencies, and fire departments with 78153
jurisdiction over the facility: 78154

(1) Written notice that the facility is located and will be 78155
operating in the agency's or department's jurisdiction. The 78156
written notice shall provide the address of the facility, identify 78157
the facility as a group home for children, children's crisis care 78158
facility, children's residential center, residential parenting 78159
facility, county children's home, or district children's home, and 78160
provide contact information for the facility. 78161

(2) A copy of the facility's procedures for emergencies and 78162
disasters established pursuant to rules adopted under section 78163
5103.03 of the Revised Code; 78164

(3) A copy of the facility's medical emergency plan 78165
established pursuant to rules adopted under section 5103.03 of the 78166
Revised Code; 78167

(4) A copy of the facility's community engagement plan 78168
established pursuant to rules adopted under section 5103.051 of 78169
the Revised Code. 78170

(C) Within ten days of ~~a facility's recertification by the~~ 78171
~~department~~ any change to the facility's information described in 78172
divisions (B)(2), (3), and (4) of this section, the facility shall 78173
provide to all county, municipal, or township law enforcement 78174
agencies, emergency management agencies, and fire departments with 78175

jurisdiction over the facility updated copies of the information 78176
required to be provided under divisions (B)(2), (3), and (4) of 78177
this section. 78178

(D) The department may adopt rules in accordance with Chapter 78179
119. of the Revised Code necessary to implement this section. 78180

Sec. 5103.13. (A) As used in this section and section 78181
5103.131 of the Revised Code: 78182

(1)(a) "Children's crisis care facility" means a facility 78183
that has as its primary purpose the provision of residential and 78184
other care to either or both of the following: 78185

(i) One or more preteens voluntarily placed in the facility 78186
by the preteen's parent or other caretaker who is facing a crisis 78187
that causes the parent or other caretaker to seek temporary care 78188
for the preteen and referral for support services; 78189

(ii) One or more preteens placed in the facility by a public 78190
children services agency or private child placing agency that has 78191
legal custody or permanent custody of the preteen and determines 78192
that an emergency situation exists necessitating the preteen's 78193
placement in the facility rather than an institution certified 78194
under section 5103.03 of the Revised Code or elsewhere. 78195

(b) "Children's crisis care facility" does not include any of 78196
the following: 78197

(i) Any organization, society, association, school, agency, 78198
child guidance center, detention or rehabilitation facility, or 78199
children's clinic licensed, regulated, approved, operated under 78200
the direction of, or otherwise certified by the department of 78201
education, a local board of education, the department of youth 78202
services, the department of mental health and addiction services, 78203
or the department of developmental disabilities; 78204

(ii) Any individual who provides care for only a 78205

single-family group, placed there by their parents or other relative having custody; 78206
78207

(iii) Any residential infant care center, as an entity deemed a residential infant care center under section 5103.602 of the Revised Code shall no longer be licensed as a children's crisis care center. 78208
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(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code. 78212
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(3) "Pediatric medical service" means medical service required to be provided by, or with oversight from, a licensed medical professional, including prescribing medication, administering rectal or intravenous medication, and outpatient laboratory service, and providing for sick visits, on-site well child exams, and children assisted by medical technology. 78214
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(4) "Preteen" means an individual under thirteen years of age. 78220
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(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility. 78222
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(C)(1) A person seeking to operate a children's crisis care facility shall apply to the director of job and family services to obtain a certificate for the facility. 78227
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(2)(a) The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (H) of this section and the person complies with all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the 78230
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facility from a requirement to obtain another certificate or 78237
license mandated by law. 78238

(b) The director shall not issue a waiver to a person for 78239
compliance with any of the requirements imposed under this section 78240
or any of the rules adopted under division (H) of this section. 78241

(D) No certified children's crisis care facility shall do any 78242
of the following: 78243

(1) Provide residential care to a preteen for more than one 78244
hundred twenty days in a calendar year; 78245

(2) Provide residential care to a preteen for more than 78246
ninety consecutive days, which shall include the aggregate of days 78247
spent at different facility locations if a preteen is transferred 78248
in accordance with division (E)(4) of this section; 78249

(3) Provide residential care to a preteen for more than 78250
fourteen consecutive days if a public children services agency or 78251
private child placing agency placed the preteen in the facility; 78252

(4) Fail to comply with ~~section 2151.86~~ sections 5103.251, 78253
5103.252, 5103.253, 5103.254, and 5103.255 of the Revised Code. 78254

(E) A certified children's crisis care facility shall do the 78255
following: 78256

(1) Employ a licensed social worker, a licensed independent 78257
social worker, a licensed professional counselor, or a licensed 78258
professional clinical counselor; 78259

(2) Require, if pediatric medical service is provided at the 78260
facility, the following for the provision of pediatric medical 78261
service: 78262

(a) Medical service to be provided by a qualified, licensed, 78263
and insured medical professional; 78264

(b) All staff, volunteers, and interns to comply with the 78265
privacy requirements of the "Health Insurance Portability and 78266

Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 78267
42 U.S.C. 1320d et seq., as amended; 78268

(c) If a preteen is admitted by the preteen's parent or 78269
caretaker and if the preteen requires ongoing medical care 78270
following discharge from the facility, a medical professional or 78271
licensed social worker to make the medical professional's or 78272
social worker's best effort to ensure the parent or caretaker is 78273
competent to provide the ongoing care; 78274

(d) The facility to have a dedicated and private enclosed 78275
space for the purpose of a medical professional to receive and 78276
treat patients and that contains a sink or tub, medical exam 78277
table, medical record system, and pediatric medical equipment. 78278

(3) Require, if a preteen is admitted by the preteen's parent 78279
or caretaker, the facility's licensed social worker, licensed 78280
independent social worker, licensed professional counselor, or 78281
licensed professional clinical counselor to make their best 78282
efforts to ensure the parent or caretaker is competent in the 78283
basic parenting skills needed to care for the preteen; 78284

(4) Require only a transfer summary for the transfer of a 78285
preteen from one certified children's crisis care facility 78286
location to another, if the facility has more than one location; 78287

(5) Require the facility to have a dedicated and private 78288
enclosed space for the purpose of completing required admission 78289
paperwork and medical forms; 78290

(6) Require the facility to develop a visitation plan for the 78291
preteen's parent or caretaker with the preteen while residential 78292
care is being provided, which shall occur during awake hours and 78293
not include overnight visits, for the parent or caretaker with the 78294
preteen. 78295

(F) A certified children's crisis care facility may do the 78296
following: 78297

(1) Count administrative staff, interns, and volunteers 78298
toward child staff ratios required under paragraph (G) of rule 78299
5101:2-9-36 of the Administrative Code for up to three hours if 78300
the administrative staff, interns, or volunteers meet the 78301
following requirements: 78302

(a) Completed training in the mission of the children's 78303
crisis care facility; 78304

(b) Completed training pursuant to rule 5101:2-9-03 of the 78305
Administrative Code; 78306

(c) Are supervised by facility staff. 78307

(2) Use contracted transportation providers, on whom criminal 78308
records checks have been conducted in accordance with section 78309
2151.86 or 5103.251 of the Revised Code, to transport preteens, if 78310
such use is necessary for the facility to maintain required child 78311
staff ratios. 78312

(G) The director of job and family services may suspend or 78313
revoke a children's crisis care facility's certificate pursuant to 78314
Chapter 119. of the Revised Code if the facility violates or fails 78315
to comply with any of the requirements under this section or 78316
ceases to meet any of the certification standards established in 78317
rules adopted under division (H) of this section or the facility's 78318
operator ceases to comply with any of the rules governing the 78319
certification of children's crisis care facilities adopted under 78320
that division. 78321

(H) Not later than ninety days after September 21, 2006, the 78322
director of job and family services shall adopt rules pursuant to 78323
Chapter 119. of the Revised Code for the certification of 78324
children's crisis care facilities. The rules shall specify that a 78325
certificate shall not be issued to an applicant if the conditions 78326
at the children's crisis care facility would jeopardize the health 78327
or safety of the preteens placed in the facility. 78328

Sec. 5103.162. (A) Except as provided in division (B) of this section, a ~~foster~~ resource caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under this chapter or under rules adopted under authority of this chapter.

(B) The immunity described in division (A) of this section does not apply to a ~~foster~~ resource caregiver if, in relation to the act or omission in question, any of the following applies:

(1) The act or omission was manifestly outside the scope of the ~~foster~~ resource caregiver's power, duty, responsibility, or authorization.

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(3) Liability for the act or omission is expressly imposed by a section of the Revised Code.

(C)(1) A ~~foster~~ resource caregiver shall use a reasonable and prudent parent standard when ~~considering~~ doing any of the following:

(a) Considering whether to authorize a foster child who resides in the ~~foster~~ resource home to participate in extracurricular, enrichment, and social activities;

(b) Signing an application for a probationary license, restricted license, or a temporary instruction permit on behalf of the child.

(2) A public children services agency, private child placing agency, or private noncustodial agency that serves as the child's custodian or as the supervising agency for the ~~foster~~ resource caregiver shall be immune from liability in a civil action to

recover damages for injury, death, or loss to person or property 78359
that result from a ~~foster~~ resource caregiver's or agency's 78360
decisions using a reasonable and prudent parent standard in 78361
accordance with division ~~(C)(1)~~ (C)(1)(a) or (b) of this section. 78362

(3) Nothing in this section shall affect, limit, abridge, or 78363
otherwise modify the immunities and defenses available to a public 78364
children services agency as a political subdivision under Chapter 78365
2744. of the Revised Code. 78366

(4) As used in this section, "reasonable and prudent parent 78367
standard" means the standard characterized by careful and sensible 78368
parental decisions that maintain the child's health, safety, and 78369
best interests while at the same time encouraging the child's 78370
emotional and developmental growth, that a caregiver or agency 78371
shall use when determining whether to allow a child in the care of 78372
a ~~foster~~ resource caregiver to participate in extracurricular, 78373
enrichment, and social activities. 78374

Sec. 5103.163. (A) The department of job and family services 78375
shall adopt rules in accordance with Chapter 119. of the Revised 78376
Code to establish and enforce a resource family bill of rights for 78377
resource families providing care for individuals who are in the 78378
custody or care and placement of an agency that provides Title 78379
IV-E reimbursable services pursuant to sections 5103.03 to 78380
~~5103.181~~ 5103.17 of the Revised Code. 78381

(B) If the rights of the resource family conflict with the 78382
rights of the individual established by section 2151.316 of the 78383
Revised Code, division (B) of section 2151.316 of the Revised Code 78384
shall apply. 78385

(C) The rights established by rules under this section shall 78386
not create grounds for a civil action against the department, the 78387
recommending agency, or the custodial agency. 78388

Sec. 5103.20. The interstate compact for the placement of 78389
children is hereby enacted into law and entered into with all 78390
other jurisdictions legally joining therein in form substantially 78391
as follows: 78392

ARTICLE I. 78393

PURPOSE 78394

The purpose of this compact is to: 78395

(A) Provide a process through which children subject to this 78396
compact are placed in safe and suitable homes in a timely manner. 78397

(B) Facilitate ongoing supervision of a placement, the 78398
delivery of services, and communication between the states. 78399

(C) Provide operating procedures that will ensure that 78400
children are placed in safe and suitable homes in a timely manner. 78401

(D) Provide for the promulgation and enforcement of 78402
administrative rules implementing the provisions of this compact 78403
and regulating the covered activities of the member states. 78404

(E) Provide for uniform data collection and information 78405
sharing between member states under this compact. 78406

(F) Promote coordination between this compact, the Interstate 78407
Compacts for Juveniles, the Interstate Compact on Adoption and 78408
Medical Assistance and other compacts affecting the placement of 78409
and which provide services to children otherwise subject to this 78410
compact. 78411

(G) Provide for a state's continuing legal jurisdiction and 78412
responsibility for placement and care of a child that it would 78413
have had if the placement were intrastate. 78414

(H) Provide for the promulgation of guidelines, in 78415
collaboration with Indian tribes, for interstate cases involving 78416
Indian children as is or may be permitted by federal law. 78417

ARTICLE II. 78418

DEFINITIONS 78419

As used in this compact: 78420

(A) "Approved placement" means the public child placing agency in the receiving state has determined after an assessment that the placement is both safe and suitable for the child ~~and is in compliance with the applicable laws of the receiving state governing the placement of children therein.~~ 78421
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(B) "Assessment" means an evaluation of a prospective placement by a public child placing agency in the receiving state to determine ~~whether~~ if the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child placing agency. 78426
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(C) "Child" means an individual who has not attained the age of eighteen (18). 78433
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(D) "Certification" means to attest, declare, or swear to before a judge or notary public. 78435
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(E) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission. 78437
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(F) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located. 78440
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~~(E)~~(G) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the 78446
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Interior because of their status as Indians, including any Alaskan 78449
native village as defined in section 3 (c) of the Alaska Native 78450
Claims Settlement Act at 43 USC section 1602(c). 78451

~~(F)~~(H) "Interstate Commission for the Placement of Children" 78452
means the commission that is created under Article VIII of this 78453
compact and which is generally referred to as the Interstate 78454
Commission. 78455

~~(G)~~(I) "Jurisdiction" means the power and authority of a 78456
court to hear and decide matters. 78457

(J) "Legal risk placement" ("legal risk adoption") means a 78458
placement made preliminary to an adoption where the prospective 78459
adoptive parents acknowledge in writing that a child can be 78460
ordered returned to the sending state or the birth mother's state 78461
of residence, if different from the sending state, and a final 78462
decree of adoption shall not be entered in any jurisdiction until 78463
all required consents are obtained or are dispensed with in 78464
accordance with applicable law. 78465

~~(H)~~(K) "Member state" means a state that has enacted this 78466
compact. 78467

~~(I)~~(L) "Non-custodial parent" means a person who, at the time 78468
of the commencement of court proceedings in the sending state, 78469
does not have sole legal custody of the child or has joint legal 78470
custody of a child, and who is not the subject of allegations or 78471
findings of child abuse or neglect. 78472

~~(J)~~(M) "Non-member state" means a state which has not enacted 78473
this compact. 78474

~~(K)~~(N) "Notice of residential placement" means information 78475
regarding a placement into a residential facility provided to the 78476
receiving state including, but not limited to the name, date, and 78477
place of birth of the child, the identity and address of the 78478
parent or legal guardian, evidence of authority to make the 78479

placement, and the name and address of the facility in which the 78480
child will be placed. Notice of residential placement shall also 78481
include information regarding a discharge and any unauthorized 78482
absence from the facility. 78483

~~(L)~~(O) "Placement" means the act by a public or private child 78484
placing agency intended to arrange for the care or custody of a 78485
child in another state. 78486

~~(M)~~(P) "Private child placing agency" means any private 78487
corporation, agency, foundation, institution, or charitable 78488
organization, or any private person or attorney that facilitates, 78489
causes, or is involved in the placement of a child from one state 78490
to another and that is not an instrumentality of the state or 78491
acting under color of state law. 78492

~~(N)~~(O) "Provisional placement" means ~~that a determination~~ 78493
made by the public child placing agency in the receiving state has 78494
~~determined~~ that the proposed placement is safe and suitable, and, 78495
to the extent allowable, the receiving state has temporarily 78496
waived its standards or requirements otherwise applicable to 78497
prospective foster or adoptive parents so as to not delay the 78498
placement. Completion of the receiving state requirements 78499
regarding training for prospective foster or adoptive parents 78500
shall not delay an otherwise safe and suitable placement. 78501

~~(O)~~(R) "Public child placing agency" means any government 78502
child welfare agency or child protection agency or a private 78503
entity under contract with such an agency, regardless of whether 78504
they act on behalf of a state, county, municipality, or other 78505
governmental unit and which facilitates, causes, or is involved in 78506
the placement of a child from one state to another. 78507

~~(P)~~(S) "Receiving state" means the state to which a child is 78508
sent, brought, or caused to be sent or brought. 78509

~~(Q)~~(T) "Relative" means someone who is related to the child 78510

as a parent, step-parent, sibling by half or whole blood or by 78511
adoption, grandparent, aunt, uncle, or first cousin or a 78512
non-relative with such significant ties to the child that they may 78513
be regarded as relatives as determined by the court in the sending 78514
state. 78515

~~(R)~~(U) "Residential Facility" means a facility providing a 78516
level of care that is sufficient to substitute for parental 78517
responsibility or foster care, and is beyond what is needed for 78518
assessment or treatment of an acute condition. For purposes of the 78519
compact, residential facilities do not include institutions 78520
primarily educational in character, hospitals, or other medical 78521
facilities. 78522

~~(S)~~(V) "Rule" means a written directive, mandate, standard, 78523
or principle issued by the Interstate Commission promulgated 78524
pursuant to Article XI of this compact that is of general 78525
applicability and that implements, interprets or prescribes a 78526
policy or provision of the compact. "Rule" has the force and 78527
effect of ~~statutory law~~ an administrative rule in a member state, 78528
and includes the amendment, repeal, or suspension of an existing 78529
rule. 78530

~~(T)~~(W) "Sending state" means the state from which the 78531
placement of a child is initiated. 78532

~~(U)~~(X) "Service member's permanent duty station" means the 78533
military installation where an active duty Armed Services member 78534
is currently assigned and is physically located under competent 78535
orders that do not specify the duty as temporary. 78536

~~(V)~~(Y) "Service member's state of ~~local~~ legal residence" 78537
means the state in which the active duty Armed Services member is 78538
considered a resident for tax and voting purposes. 78539

~~(W)~~(Z) "State" means a state of the United States, the 78540
District of Columbia, the Commonwealth of Puerto Rico, the U.S. 78541

Virgin Islands, Guam, American Samoa, the Northern Marianas 78542
Islands and any other territory of the United States. 78543

~~(X)~~(AA) "State court" means a judicial body of a state that 78544
is vested by law with responsibility for adjudicating cases 78545
involving abuse, neglect, deprivation, delinquency or status 78546
offenses of individuals who have not attained the age of eighteen 78547
(18). 78548

~~(Y)~~(BB) "Supervision" means monitoring provided by the 78549
receiving state once a child has been placed in a receiving state 78550
pursuant to this compact. 78551

ARTICLE III. 78552

APPLICABILITY 78553

(A) Except as otherwise provided in Article III, Section B, 78554
this compact shall apply to: 78555

(1) The interstate placement of a child subject to ongoing 78556
court jurisdiction in the sending state, due to allegations or 78557
findings that the child has been abused, neglected, or deprived as 78558
defined by the laws of the sending state, provided, however, that 78559
the placement of such a child into a residential facility shall 78560
only require notice of residential placement to the receiving 78561
state prior to placement. 78562

(2) The interstate placement of a child adjudicated 78563
delinquent or unmanageable based on the laws of the sending state 78564
and subject to ongoing court jurisdiction of the sending state if: 78565

(a) The child is being placed in a residential facility in 78566
another member state and is not covered under another compact; or 78567

(b) The child is being placed in another member state and the 78568
determination of safety and suitability of the placement and 78569
services required is not provided through another compact. 78570

(3) The interstate placement of any child by a public child 78571

placing agency or private child placing agency as defined in this 78572
compact as a preliminary step to a possible adoption. 78573

(B) The provisions of this compact shall not apply to: 78574

(1) The interstate placement of a child in a custody 78575
proceeding in which a public child placing agency is not a party, 78576
provided, the placement is not intended to effectuate an adoption. 78577

(2) The interstate placement of a child with a non-relative 78578
in a receiving state by a parent with the legal authority to make 78579
such a placement provided, however, that the placement is not 78580
intended to effectuate an adoption. 78581

~~(2)~~(3) The interstate placement of a child by one relative 78582
with the lawful authority to make such a placement directly with a 78583
relative in a receiving state. 78584

~~(3)~~(4) The placement of a child, not subject to Article III, 78585
Section A, into a residential facility by his parent. 78586

~~(4)~~(5) The placement of a child with a non-custodial parent 78587
provided that: 78588

(a) The non-custodial parent proves to the satisfaction of a 78589
court in the sending state a substantial relationship with the 78590
child; and 78591

(b) The court in the sending state makes a written finding 78592
that placement with the non-custodial parent is in the best 78593
interests of the child; and 78594

(c) The court in the sending state dismisses its jurisdiction 78595
~~over the child's case~~ in interstate placements in which the public 78596
child placing agency is a party to the proceeding. 78597

~~(5)~~(6) A child entering the United States from a foreign 78598
country for the purpose of adoption or leaving the United States 78599
to go to a foreign country for the purpose of adoption in that 78600
country. 78601

~~(6)~~(7) Cases in which a U.S. citizen child living overseas 78602
with his family, at least one of whom is in the U.S. Armed 78603
Services, and who is stationed overseas, is removed and placed in 78604
a state. 78605

~~(7)~~(8) The sending of a child by a public child placing 78606
agency or a private child placing agency for a visit as defined by 78607
the rules of the Interstate Commission. 78608

(C) For purposes of determining the applicability of this 78609
compact to the placement of a child with a family in the Armed 78610
Services, the public child placing agency or private child placing 78611
agency may choose the state of the service member's permanent duty 78612
station or the service member's declared legal residence. 78613

(D) Nothing in this compact shall be construed to prohibit 78614
the concurrent application of the provisions of this compact with 78615
other applicable interstate compacts including the Interstate 78616
Compact for Juveniles and the Interstate Compact on Adoption and 78617
Medical Assistance. The Interstate Commission may in cooperation 78618
with other interstate compact commissions having responsibility 78619
for the interstate movement, placement or transfer of children, 78620
promulgate like rules to ensure the coordination of services, 78621
timely placement of children, and the reduction of unnecessary or 78622
duplicative administrative or procedural requirements. 78623

ARTICLE IV. 78624

JURISDICTION 78625

(A) The Except as provided in Article IV, Section H and 78626
Article V, Section B, paragraph two and three concerning private 78627
and independent adoptions, and in interstate placements in which 78628
the public child placing agency is not a party to a custody 78629
proceeding, the sending state shall retain jurisdiction over a 78630
child with respect to all matters of custody and disposition of 78631
the child which it would have had if the child had remained in the 78632
sending state. Such jurisdiction shall also include the power to 78633

order the return of the child to the sending state. 78634

(B) When an issue of child protection or custody is brought 78635
before a court in the receiving state, such court shall confer 78636
with the court of the sending state to determine the most 78637
appropriate forum for adjudication. 78638

(C) In cases that are before courts and subject to this 78639
compact, the taking of testimony for hearings before any judicial 78640
officer may occur in person or by telephone, audio-video 78641
conference, or such other means as approved by the rules of the 78642
Interstate Commission; and judicial officers may communicate with 78643
other judicial officers and persons involved in the interstate 78644
process as may be permitted by their Canons of Judicial Conduct 78645
and any rules promulgated by the Interstate Commission. 78646

(D) In accordance with its own laws, the court in the sending 78647
state shall have authority to terminate its jurisdiction if: 78648

(1) The child is reunified with the parent in the receiving 78649
state who is the subject of allegations or findings of abuse or 78650
neglect, only with the concurrence of the public child placing 78651
agency in the receiving state; or 78652

(2) The child is adopted; or 78653

(3) The child reaches the age of majority under the laws of 78654
the sending state; or 78655

(4) The child achieves legal independence pursuant to the 78656
laws of the sending state; or 78657

(5) A guardianship is created by a court in the receiving 78658
state with the concurrence of the court in the sending state; or 78659

(6) An Indian tribe has petitioned for and received 78660
jurisdiction from the court in the sending state; or 78661

(7) The public child placing agency of the sending state 78662
requests termination and has obtained the concurrence of the 78663

public child placing agency in the receiving ~~the~~ state. 78664

~~(D)~~(E) When a sending state court terminates its 78665
jurisdiction, the receiving state child placing agency shall be 78666
notified. 78667

~~(E)~~(F) Nothing in this article shall defeat a claim of 78668
jurisdiction by a receiving state court sufficient to deal with an 78669
act of truancy, delinquency, crime or behavior involving a child 78670
as defined by the laws of the receiving state committed by the 78671
child in the receiving state which would be a violation of its 78672
laws. 78673

~~(F)~~(G) Nothing in this article shall limit the receiving 78674
state's ability to take emergency jurisdiction for the protection 78675
of the child. 78676

(H) The substantive laws of the state in which an adoption 78677
will be finalized shall solely govern all issues relating to the 78678
adoption of the child and the court in which the adoption 78679
proceeding is filed shall have subject matter jurisdiction 78680
regarding all substantive issues relating to the adoption except: 78681

(1) When the child is a ward of another court that 78682
established jurisdiction over the child prior to the placement; or 78683

(2) When the child is in the legal custody of a public agency 78684
in the sending state; or 78685

(3) When a court in the sending state has otherwise 78686
appropriately assumed jurisdiction over the child, prior to the 78687
submission of the request for approval of placement. 78688

(I) A final decree of adoption shall not be entered in any 78689
jurisdiction until the placement is authorized as an "approved 78690
placement" by the public child placing agency in the receiving 78691
state. 78692

ARTICLE V. 78693

ASSESSMENTS

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(A) Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child placing agency shall provide a written request for assessment to the receiving state.

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~~(B) Prior to the sending, bringing, or causing a child to be sent or brought into a receiving state, the~~ For placements by a private child placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state public child placing agency. The required content to accompany a request for approval shall include all of the following:

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~~(1) Provide evidence that the applicable laws of the sending state have been complied with~~ A request for approval identifying the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval; and

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~~(2) Certification that the consent or relinquishment is in compliance with applicable law of the birth parent's state of residence or, where permitted, the laws of the state of where the finalization of the adoption will occur~~ The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or, where permitted, the laws of the state where the adoption will be finalized; and

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~~(3) Request through the public child placing agency in the sending state an assessment to be conducted in the receiving state~~ Certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state, or, where permitted, the laws of the state where finalization of the adoption will occur; and

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(4) ~~Upon completion of the assessment, obtain the approval of~~ 78726
~~the public child placing agency in the receiving state~~ A home 78727
study; and 78728

(5) An acknowledgment of legal risk signed by the prospective 78729
adoptive parents. 78730

(C) The sending state and the receiving state may request 78731
additional information or documents prior to finalization of an 78732
approved placement, but they may not delay travel by the 78733
prospective adoptive parents with the child if the required 78734
content for approval has been submitted, received, and reviewed by 78735
the public child placing agency in both the sending state and the 78736
receiving state. 78737

(D) Approval from the public child placing agency in the 78738
receiving state for a provisional or approved placement is 78739
required as provided for in the rules of the Interstate 78740
Commission. 78741

(E) The procedures for making and the request for an 78742
assessment shall contain all information and be in such form as 78743
provided for in the rules of the Interstate Commission. 78744

~~(D)~~(F) Upon receipt of a request from the public child 78745
~~welfare~~ placing agency of the sending state, the receiving state 78746
shall initiate an assessment of the proposed placement to 78747
determine its safety and suitability. If the proposed placement is 78748
a placement with a relative, the public child placing agency of 78749
the sending state may request a determination ~~of whether the~~ 78750
~~placement qualifies as~~ for a provisional placement. 78751

~~(E)~~(G) The public child placing agency in the receiving state 78752
may request from the public child placing agency or the private 78753
child placing agency in the sending state, and shall be entitled 78754
to receive supporting or additional information necessary to 78755
complete the assessment. 78756

~~(F)~~(H) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

(I) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the sending state.

~~(G)~~(J) The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI.

PLACEMENT AUTHORITY

(A) Except as otherwise provided in ~~Article VI, Section C~~ this compact, no child subject to this compact shall be placed into a receiving state until approval for such placement is obtained.

(B) If the public child placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

(C) If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

(1) The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable ~~administrative procedures~~ Administrative Procedures Act.

(2) If a determination not to approve the placement of the

child in the receiving state is overturned upon review, the 78788
placement shall be deemed approved, provided however that all 78789
administrative or judicial remedies have been exhausted or the 78790
time for such remedies has passed. 78791

ARTICLE VII. 78792

STATE RESPONSIBILITY 78793

(A) For the interstate placement of a child made by a public 78794
child placing agency or state court: 78795

(1) The public child placing agency in the sending state 78796
shall have financial responsibility for: 78797

(a) The ongoing support and maintenance for the child during 78798
the period of the placement, unless otherwise provided for in the 78799
receiving state; and 78800

(b) As determined by the public child placing agency in the 78801
sending state, services for the child beyond the public services 78802
for which the child is eligible in the receiving state. 78803

(2) The receiving state shall only have financial 78804
responsibility for: 78805

(a) Any assessment conducted by the receiving state; and 78806

(b) Supervision conducted by the receiving state at the level 78807
necessary to support the placement as agreed upon by the public 78808
child placing agencies of the receiving and sending state. 78809

(3) Nothing in this provision shall prohibit public child 78810
placing agencies in the sending state from entering into 78811
agreements with licensed agencies or persons in the receiving 78812
state to conduct assessments and provide supervision. 78813

(B) For the placement of a child by a private child placing 78814
agency preliminary to a possible adoption, the private child 78815
placing agency shall be: 78816

(1) Legally responsible for the child during the period of 78817

placement as provided for in the law of the sending state until 78818
the finalization of the adoption. 78819

(2) Financially responsible for the child absent a 78820
contractual agreement to the contrary. 78821

~~(C) A private child placing agency shall be responsible for 78822
any assessment conducted in the receiving state and any 78823
supervision conducted by the receiving state at the level required 78824
by the laws of the receiving state or the rules of the Interstate 78825
Commission. 78826~~

~~(D)~~ The public child placing agency in the receiving state 78827
shall provide timely assessments, as provided for in the rules of 78828
the Interstate Commission. 78829

~~(E)~~(D) The public child placing agency in the receiving state 78830
shall provide, or arrange for the provision of, supervision and 78831
services for the child, including timely reports, during the 78832
period of the placement. 78833

~~(F)~~(E) Nothing in this compact shall be construed as to limit 78834
the authority of the public child placing agency in the receiving 78835
state from contracting with a licensed agency or person in the 78836
receiving state for an assessment or the provision of supervision 78837
or services for the child or otherwise authorizing the provision 78838
of supervision or services by a licensed agency during the period 78839
of placement. 78840

~~(G)~~(F) Each member state shall provide for coordination among 78841
its branches of government concerning the state's participation 78842
in, and compliance with, the compact and Interstate Commission 78843
activities, through the creation of an advisory council or use of 78844
an existing body or board. 78845

~~(H)~~(G) Each member state shall establish a central state 78846
compact office, which shall be responsible for state compliance 78847
with the compact and the rules of the Interstate Commission. 78848

~~(I)~~(H) The public child placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act (25 USC 1901 et seq.) for placements subject to the provisions of this compact, prior to placement.

~~(J)~~(I) With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervisions of placements under this compact.

ARTICLE VIII.

INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

(A) Be joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

(B) Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(2) A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(3) A representative shall not delegate a vote to another member state. 78880
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(4) A representative may delegate voting authority to another person from their state for a specified meeting. 78882
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(C) In addition to the commissioners of each member state, the Interstate Commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission. 78884
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(D) Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. It shall not have the power to engage in rulemaking. 78890
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ARTICLE IX. 78894

POWERS AND DUTIES OF THE INTERSTATE COMMISSION 78895

The Interstate Commission shall have the following powers: 78896

(A) To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. 78897
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(B) To provide for dispute resolution among member states. 78900

(C) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, or actions. 78901
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(D) To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII. 78904
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(E) Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. 78906
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(F) To establish and maintain offices as may be necessary for the transacting of its business.	78910 78911
(G) To purchase and maintain insurance and bonds.	78912
(H) To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.	78913 78914 78915 78916
(I) To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X.	78917 78918 78919
(J) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose thereof.	78920 78921 78922
(K) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.	78923 78924 78925
(L) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.	78926 78927 78928
(M) To establish a budget and make expenditures.	78929
(N) To adopt a seal and bylaws governing the management and operation of the Interstate Commission.	78930 78931
(O) To report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.	78932 78933 78934 78935 78936 78937
(P) To coordinate and provide education, training, and public awareness regarding the interstate movement of children for	78938 78939

officials involved in such activity. 78940

(Q) To maintain books and records in accordance with the 78941
bylaws of the Interstate Commission. 78942

(R) To perform such functions as may be necessary or 78943
appropriate to achieve the purposes of this compact. 78944

ARTICLE X. 78945

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION 78946

(A) Bylaws: 78947

(1) Within 12 months after the first Interstate Commission 78948
meeting, the Interstate Commission shall adopt bylaws to govern 78949
its conduct as may be necessary or appropriate to carry out the 78950
purposes of the compact. 78951

(2) The Interstate Commission's bylaws and rules shall 78952
establish conditions and procedures under which the Interstate 78953
Commission shall make its information and official records 78954
available to the public for inspection or copying. The Interstate 78955
Commission may exempt from disclosure information or official 78956
records to the extent they would adversely affect personal privacy 78957
rights or proprietary interests. 78958

(B) Meetings: 78959

(1) The Interstate Commission shall meet at least once each 78960
calendar year. The chairperson may call additional meetings and, 78961
upon the request of a simple majority of the member states shall 78962
call additional meetings. 78963

(2) Public notice shall be given by the Interstate Commission 78964
of all meetings and all meetings shall be open to the public, 78965
except as set forth in the rules or as otherwise provided in the 78966
compact. The Interstate Commission and its committees may close a 78967
meeting, or portion thereof, where it determines by two-thirds 78968
vote that an open meeting would be likely to: 78969

(a) Relate solely to the Interstate Commission's internal personnel practices and procedures; or	78970 78971
(b) Disclose matters specifically exempted from disclosure by federal law; or	78972 78973
(c) Disclose financial or commercial information which is privileged, proprietary, or confidential in nature; or	78974 78975
(d) Involve accusing a person of a crime, or formally censuring a person; or	78976 78977
(e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons; or	78978 78979 78980
(f) Disclose investigative records compiled for law enforcement purposes; or	78981 78982
(g) Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.	78983 78984
(3) For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.	78985 78986 78987 78988 78989 78990 78991 78992 78993 78994 78995 78996 78997
(4) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other	78998 78999

electronic communication. 79000

(C) Officers and Staff: 79001

(1) The Interstate Commission may, through its executive 79002
committee, appoint or retain a staff director for such period, 79003
upon such terms and conditions and for such compensation as the 79004
Interstate Commission may deem appropriate. The staff director 79005
shall serve as secretary to the Interstate Commission, but shall 79006
not have a vote. The staff director may hire and supervise such 79007
other staff as may be authorized by the Interstate Commission. 79008

(2) The Interstate Commission shall elect, from among its 79009
members, a chairperson and a vice chairperson of the executive 79010
committee and other necessary officers, each of whom shall have 79011
such authority and duties as may be specified in the bylaws. 79012

(D) Qualified Immunity, Defense and Indemnification: 79013

(1) The Interstate Commission's staff director and its 79014
employees shall be immune from suit and liability, either 79015
personally or in their official capacity, for a claim for damage 79016
to or loss of property or personal injury or other civil liability 79017
caused or arising out of or relating to an actual or alleged act, 79018
error, or omission that occurred, or that such person had a 79019
reasonable basis for believing occurred within the scope of 79020
Commission employment, duties, or responsibilities; provided, that 79021
such person shall not be protected from suit or liability for 79022
damage, loss, injury, or liability caused by a criminal act or the 79023
intentional or willful and wanton misconduct of such person. 79024

(a) The liability of the Interstate Commission's staff 79025
director and employees or Interstate Commission representatives, 79026
acting within the scope of such person's employment or duties for 79027
acts, errors, or omissions occurring within such person's state 79028
may not exceed the limits of liability set forth under the 79029
Constitution and laws of that state for state officials, 79030

employees, and agents. The Interstate Commission is considered to 79031
be an instrumentality of the states for the purposes of any such 79032
action. Nothing in this subsection shall be construed to protect 79033
such person from suit or liability for damage, loss, injury, or 79034
liability caused by a criminal act or the intentional or willful 79035
and wanton misconduct of such person. 79036

(b) The Interstate Commission shall defend the staff director 79037
and its employees and, subject to the approval of the Attorney 79038
General or other appropriate legal counsel of the member state 79039
shall defend the commissioner of a member state in a civil action 79040
seeking to impose liability arising out of an actual or alleged 79041
act, error or omission that occurred within the scope of 79042
Interstate Commission employment, duties or responsibilities, or 79043
that the defendant had a reasonable basis for believing occurred 79044
within the scope of Interstate Commission employment, duties, or 79045
responsibilities, provided that the actual or alleged act, error, 79046
or omission did not result from intentional or willful and wanton 79047
misconduct on the part of such person. 79048

(c) To the extent not covered by the state involved, member 79049
state, or the Interstate Commission, the representatives or 79050
employees of the Interstate Commission shall be held harmless in 79051
the amount of a settlement or judgment, including attorney's fees 79052
and costs, obtained against such persons arising out of an actual 79053
or alleged act, error, or omission that occurred within the scope 79054
of Interstate Commission employment, duties, or responsibilities, 79055
or that such persons had a reasonable basis for believing occurred 79056
within the scope of the Interstate Commission employment, duties, 79057
or responsibilities, provided that the actual or alleged act, 79058
error, or omission did not result from intentional or willful and 79059
wanton misconduct on the part of such persons. 79060

ARTICLE XI. 79061

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 79062

(A) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(B) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and

(3) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Rules promulgated by the Interstate Commission shall have the force and effect of ~~statutory law~~ administrative rules and shall ~~supersede any state law, rule or regulation to the extent of any conflict~~ be binding in the compacting states to the extent and in the manner provided for in this compact.

(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court

for the District of Columbia or in the Federal District Court 79094
where the Interstate Commission's principal office is located for 79095
judicial review of such rule. If the court finds that the 79096
Interstate Commission's action is not supported by substantial 79097
evidence in the rulemaking record, the court shall hold the rule 79098
unlawful and set it aside. 79099

(F) If a majority of the legislatures of the member states 79100
rejects a rule, those states may by enactment of a statute or 79101
resolution in the same manner used to adopt the compact cause that 79102
such rule shall have no further force and effect in any member 79103
state. 79104

(G) The existing rules governing the operation of the 79105
Interstate ~~Company~~ Compact on the Placement of Children superseded 79106
by this act shall be null and void no less than 12, but no more 79107
than 24 months after the first meeting of the Interstate 79108
Commission created hereunder, as determined by the members during 79109
the first meeting. 79110

(H) Within the first 12 months of operation, the Interstate 79111
Commission shall promulgate rules addressing the following: 79112

- (1) Transition rules; 79113
- (2) Forms and procedures; 79114
- (3) Time lines; 79115
- (4) Data collection and reporting; 79116
- (5) Rulemaking; 79117
- (6) Visitation; 79118
- (7) Progress reports/supervision; 79119
- (8) Sharing of information/confidentiality; 79120
- (9) Financing of the Interstate Commission; 79121
- (10) Mediation, arbitration and dispute resolution; 79122

(11) Education, training and technical assistance;	79123
(12) Enforcement;	79124
(13) Coordination with other interstate compacts.	79125
(I) Upon determination by a majority of the members of the Interstate Commission that an emergency exists:	79126 79127
(1) The Interstate Commission may promulgate an emergency rule only if it is required to:	79128 79129
(a) Protect the children covered by this compact from an imminent threat to their health, safety and well-being; or	79130 79131
(b) Prevent loss of federal or state funds; or	79132
(c) Meet a deadline for the promulgation of an administrative rule required by federal law.	79133 79134
(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.	79135 79136 79137 79138 79139
(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.	79140 79141
ARTICLE XII.	79142
OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT	79143
(A) Oversight:	79144
(1) The Interstate Commission shall oversee the administration and operations of the compact.	79145 79146
(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall supersede state law, rules	79147 79148 79149 79150 79151

~~or regulations be binding in the compacting states to the extent~~ 79152
~~of any conflict therewith and in the manner provided for in this~~ 79153
~~compact.~~ 79154

(3) All courts shall take judicial notice of the compact and 79155
the rules in any judicial or administrative proceeding in a member 79156
state pertaining to the subject matter of this compact. 79157

(4) The Interstate Commission shall be entitled to receive 79158
service of process in any action in which the validity of a 79159
compact provision or rule is the issue for which a judicial 79160
determination has been sought and shall have standing to intervene 79161
in any proceedings. Failure to provide service of process to the 79162
Interstate Commission shall render any judgment, order or other 79163
determination, however so captioned or classified, void as to the 79164
Interstate Commission, this compact, its bylaws or rules of the 79165
Interstate Commission. 79166

(B) Dispute Resolution: 79167

(1) The Interstate Commission shall attempt, upon the request 79168
of a member state, to resolve disputes which are subject to the 79169
compact and which may arise among member states and between member 79170
and non-member states. 79171

(2) The Interstate Commission shall promulgate a rule 79172
providing for both mediation and binding dispute resolution for 79173
disputes among compacting states. The costs of such mediation or 79174
dispute resolution shall be the responsibility of the parties to 79175
the dispute. 79176

(C) Enforcement: 79177

(1) If the Interstate Commission determines that a member 79178
state has defaulted in the performance of its obligations or 79179
responsibilities under this compact, its bylaws or rules, the 79180
Interstate Commission may: 79181

(a) Provide remedial training and specific technical assistance; or

(b) Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or

(c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its bylaws or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees; or

(d) Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII.

FINANCING OF THE COMMISSION

(A) The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(B) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission which shall promulgate a rule binding upon all member

states. 79213

(C) The Interstate Commission shall not incur obligations of 79214
any kind prior to securing the funds adequate to meet the same; 79215
nor shall the Interstate Commission pledge the credit of any of 79216
the member states, except by and with the authority of the member 79217
state. 79218

(D) The Interstate Commission shall keep accurate accounts of 79219
all receipts and disbursements. The receipts and disbursements of 79220
the Interstate Commission shall be subject to the audit and 79221
accounting procedures established under its bylaws. However, all 79222
receipts and disbursements of funds handled by the Interstate 79223
Commission shall be audited yearly by a certified or licensed 79224
public accountant and the report of the audit shall be included in 79225
and become part of the annual report of the Interstate Commission. 79226

ARTICLE XIV. 79227

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 79228

(A) Any state is eligible to become a member state. 79229

(B) The compact shall become effective and binding upon 79230
legislative enactment of the compact into law by no less than 35 79231
states. The effective date shall be the later of July 1, 2007 or 79232
upon enactment of the compact into law by the 35th state. 79233
Thereafter it shall become effective and binding as to any other 79234
member state upon enactment of the compact into law by that state. 79235
The ~~governors~~ executive heads of the state human services 79236
administration with ultimate responsibility for the child welfare 79237
program of non-member states or their designees shall be invited 79238
to participate in the activities of the Interstate Commission on a 79239
non-voting basis prior to adoption of the compact by all states. 79240

(C) The Interstate Commission may propose amendments to the 79241
compact for enactment by the member states. No amendment shall 79242
become effective and binding on the member states unless and until 79243

it is enacted into law by unanimous consent of the member states. 79244

ARTICLE XV. 79245

WITHDRAWAL AND DISSOLUTION 79246

(A) Withdrawal: 79247

(1) Once effective, the compact shall continue in force and 79248
remain binding upon each and every member state; provided that a 79249
member state may withdraw from the compact specifically repealing 79250
the statute which enacted the compact into law. 79251

(2) Withdrawal from this compact shall be by the enactment of 79252
a statute repealing the same. The effective date of withdrawal 79253
shall be the effective date of the repeal of the statute. 79254

(3) The withdrawing state shall immediately notify the 79255
president of the Interstate Commission in writing upon the 79256
introduction of legislation repealing this compact in the 79257
withdrawing state. The Interstate Commission shall then notify the 79258
other member states of the withdrawing state's intent to withdraw. 79259

(4) The withdrawing state is responsible for all assessments, 79260
obligations and liabilities incurred through the effective date of 79261
withdrawal. 79262

(5) Reinstatement following withdrawal of a member state 79263
shall occur upon the withdrawing ~~state~~ state reenacting the 79264
compact or upon such later date as determined by the members of 79265
the Interstate Commission. 79266

(B) Dissolution of Compact: 79267

(1) This compact shall dissolve effective upon the date of 79268
the withdrawal or default of the member state which reduces the 79269
membership in the compact to one member state. 79270

(2) Upon the dissolution of this compact, the compact becomes 79271
null and void and shall be of no further force or effect, and the 79272
business and affairs of the Interstate Commission shall be 79273

concluded and surplus funds shall be distributed in accordance 79274
with the bylaws. 79275

ARTICLE XVI. 79276

SEVERABILITY AND CONSTRUCTION 79277

(A) The provisions of this compact shall be severable, and if 79278
any phrase, clause, sentence or provision is deemed unenforceable, 79279
the remaining provisions of the compact shall be enforceable. 79280

(B) The provisions of this compact shall be liberally 79281
construed to effectuate its purposes. 79282

(C) Nothing in this compact shall be construed to prohibit 79283
the concurrent applicability of other interstate compacts to which 79284
the states are members. 79285

ARTICLE XVII. 79286

BINDING EFFECT OF COMPACT AND OTHER LAWS 79287

(A) Other Laws: 79288

~~(1)~~(1) Nothing herein prevents the enforcement of any other 79289
law of a member state that is not inconsistent with this compact. 79290

~~(2) All member states' laws conflicting with this compact or 79291
its rules are superseded to the extent of the conflict. 79292~~

(B) Binding Effect of the Compact: 79293

(1) All lawful actions of the Interstate Commission, 79294
including all rules and bylaws promulgated by the Interstate 79295
Commission, are binding upon the member states. 79296

(2) All agreements between the Interstate Commission and the 79297
member states are binding in accordance with their terms. 79298

(3) In the event any provision of the compact exceeds the 79299
constitutional limits imposed on the legislature of any member 79300
state, such provision shall be ineffective to the extent of the 79301
conflict with the constitutional provision in question in that 79302
member state. 79303

ARTICLE XVIII. 79304

INDIAN TRIBES 79305

Notwithstanding any other provision in this compact, the 79306
Interstate Commission may promulgate guidelines to permit Indian 79307
tribes to utilize the compact to achieve any or all of the 79308
purposes of the compact as specified in Article I. The Interstate 79309
Commission shall make reasonable efforts to consult with Indian 79310
tribes in promulgating guidelines to reflect the diverse 79311
circumstances of the various Indian tribes. 79312

Sec. 5103.25. (A) As used in this section and sections 79313
5103.251 to 5103.259 of the Revised Code: 79314

(1) "Agency" has the same meaning as in section 3107.01 of 79315
the Revised Code. 79316

(2) "Applicant" means any of the following: 79317

(a) A person who is under final consideration for appointment 79318
or employment as board president, administrator, officer, or an 79319
employee of an association or institution or an agency; 79320

(b) A person who is under final consideration as a 79321
subcontractor, intern, or volunteer of an association or 79322
institution or agency; 79323

(c) A prospective or current foster caregiver; 79324

(d) A prospective or current adoptive parent who is working 79325
with an agency; 79326

(e) A person eighteen years of age or older who resides with 79327
a prospective or current foster caregiver or with an adoptive 79328
parent who is working with an agency. 79329

(3) "Association" or "institution" has the same meaning as in 79330
section 5103.02 of the Revised Code. 79331

(4) "Criminal records check" has the same meaning as in 79332

section 109.572 of the Revised Code. 79333

(5) "Recommending agency" has the same meaning as in section 5103.02 of the Revised Code. 79334
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(6) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code. 79336
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Sec. 5103.251. (A) The director of job and family services shall request the superintendent of BCII to conduct a criminal records check for all applicants at the times specified: 79338
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(1) For an administrator, president, officer, or member of a board of an association or institution, at the time of initial application for certification of the agency, initial nomination to the board, or initial application for employment and every five years thereafter; 79341
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(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter; 79346
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(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter. 79349
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(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter; 79352
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(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79355
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79358
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a review of a criminal records check within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 79363
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(B)(1) An initial criminal records check requested under division (A) of this section shall include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 79369
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(2) A criminal records check requested at any time other than the time of initial application or nomination may include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 79376
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(C) With respect to a criminal records check requested for a person described in division (A) of this section, the director shall do all of the following: 79383
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(1) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 79386
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(2) Obtain the completed form and impression sheet from the person; 79390
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(3) Forward the completed form and impression sheet to the superintendent of BCII; 79392
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(4) Review the results of the criminal records check and take 79394
such action as required in division (E) of this section. 79395

(D) A person who receives from the director a copy of the 79396
form and standard impression sheet and who is requested to 79397
complete the form and provide a set of fingerprint impressions 79398
shall complete the form or provide all the information necessary 79399
to complete the form and shall provide the impression sheet with 79400
the impressions of the person's fingerprints with instructions to 79401
provide the results to the director of job and family services. If 79402
the person, upon request, fails to provide the information 79403
necessary to complete the form or fails to provide impressions of 79404
the person's fingerprints, the director may consider the failure a 79405
reason to deny certification or to determine an applicant 79406
ineligible for appointment, employment, or engagement and a 79407
probate court may not issue a final decree of adoption or an 79408
interlocutory order of adoption making the person an adoptive 79409
parent. 79410

(E) Except as provided in rules adopted under section 79411
5103.259 of the Revised Code, on review of the results of the 79412
criminal records check the director shall do the following, as 79413
applicable: 79414

(1) Deny or revoke a certification of a prospective or 79415
current foster caregiver, if any of the following apply: 79416

(a) A person for whom a criminal records check was required 79417
under division (A) of this section has been convicted of or 79418
pleaded guilty to any of the violations described in division 79419
(A)(4) of section 109.572 of the Revised Code or an offense of 79420
another state or the United States that is substantially 79421
equivalent to an offense listed in division (A)(4) of section 79422
109.572 of the Revised Code. 79423

(b) A resident of the prospective foster caregiver's or 79424

foster caregiver's home is under eighteen years of age and has 79425
been adjudicated a delinquent child for committing either a 79426
violation of any section listed in division (A)(4) of section 79427
109.572 of the Revised Code or an offense of another state or the 79428
United States that is substantially equivalent to an offense 79429
listed in division (A)(4) of section 109.572 of the Revised Code. 79430

(c) The prospective foster caregiver has had a revocation of 79431
any foster home license, certificate, or other similar 79432
authorization in another state, or failed to notify the 79433
recommending agency of any revocation of that type in another 79434
state, in accordance with division (B) of section 5103.254 of the 79435
Revised Code. 79436

(2) Determine a prospective adoptive parent is ineligible for 79437
adoption or deny a final decree of adoption or interlocutory order 79438
of adoption if the prospective adoptive parent or any person 79439
eighteen years or older who resides in the prospective adoptive 79440
parent's home previously has been convicted of or pleaded guilty 79441
to any of the violations described in division (A)(4) of section 79442
109.572 of the Revised Code or an offense of another state or the 79443
United States that is substantially equivalent to an offense 79444
listed in division (A)(4) of section 109.572 of the Revised Code. 79445

(3) Determine a prospective or current employee, appointee, 79446
subcontractor, intern, or volunteer as ineligible for employment, 79447
appointment, or engagement if the person has been convicted of or 79448
pleaded guilty to any of the violations described in division 79449
(A)(4) of section 109.572 of the Revised Code or an offense of 79450
another state or the United States that is substantially 79451
equivalent to an offense listed in division (A)(4) of section 79452
109.572 of the Revised Code. 79453

(F) Each association, institution, or agency shall pay to the 79454
bureau of criminal identification and investigation the fee 79455
prescribed pursuant to division (C)(3) of section 109.572 of the 79456

Revised Code for each criminal records check conducted in 79457
accordance with that section upon a request made pursuant to 79458
division (A) of this section. An association, institution, or 79459
agency may charge an applicant a fee for the costs it incurs in 79460
obtaining a criminal records check under this section. A fee 79461
charged under this division shall not exceed the amount the 79462
association, institution, or agency pays under this section. If a 79463
fee is charged, the association, institution, or agency shall 79464
notify the applicant at the time of the applicant's initial 79465
certification, home study, or application of the amount of the fee 79466
and that, unless the fee is paid, the association, institution, or 79467
agency will not consider the applicant for certification, 79468
adoption, employment, appointment, or engagement. 79469

Sec. 5103.252. (A) The director of job and family services 79470
shall search the central registry of abuse and neglect contained 79471
within the uniform statewide automated child welfare information 79472
system for all applicants at the times specified: 79473

(1) For an administrator, president, officer, or member of 79474
the board, at the time of initial application for certification of 79475
the agency, at the initial nomination to the board, or initial 79476
application for employment and every five years thereafter; 79477

(2)(a) For a prospective foster caregiver or adult resident 79478
of the prospective foster caregiver's home, at the time of initial 79479
application for certification and every five years thereafter; 79480

(b) For a minor resident of the prospective foster 79481
caregiver's home, at the time the resident turns eighteen years 79482
old and then every five years thereafter. 79483

(3)(a) For a prospective adoptive parent or adult resident of 79484
the prospective adoptive parent's home, at the time of the initial 79485
home study and every five years thereafter; 79486

(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter. 79487
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(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter; 79490
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(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a check of the central registry within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 79495
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(B)(1) When conducting a search of the central registry pursuant to division (A) of this section, the director shall create a summary report of the search that contains, as applicable, a chronological list of abuse and neglect determinations or allegations of which the person is subject and in regards to which a public children services agency has done one of the following: 79501
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(a) Determined that abuse or neglect occurred; 79508

(b) Initiated an investigation, and the investigation is ongoing; 79509
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(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred. 79511
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(2) The summary report shall not contain any of the following: 79513
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(a) An abuse and neglect determination to which the person is subject and the public children services agency determined that 79515
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abuse or neglect did not occur; 79517

(b) Information or reports the dissemination of which is 79518
prohibited by, or interferes with eligibility under, the "Child 79519
Abuse Prevention and Treatment Act," 42 U.S.C. 5101 et seq.; 79520

(c) The name of the person or entity who made, or 79521
participated in the making of, the report of abuse or neglect. 79522

(C)(1) A certification of a prospective or current foster 79523
caregiver, or prospective adoptive parent's home study, may be 79524
denied or revoked based on a summary report containing the 79525
information described in division (B)(1)(a) of this section or 79526
information obtained from a central registry of abuse or neglect 79527
maintained by another state, when considered within the totality 79528
of the circumstances. 79529

(2) A certification of a prospective or current foster 79530
caregiver, or prospective adoptive parent's home study, shall not 79531
be denied or revoked based solely on a summary report containing 79532
the information described under division (B)(1)(b) or (c) of this 79533
section. 79534

(D) If the director determines that the information described 79535
in division (B)(1)(a) of this section, or information obtained 79536
from a central registry of abuse or neglect maintained by another 79537
state, when viewed within the totality of the circumstances, 79538
reasonably leads to the conclusion that the person may directly or 79539
indirectly endanger the health, safety, or welfare of children, 79540
the director shall determine an appointee, employee, 79541
subcontractor, intern, or volunteer ineligible for appointment to 79542
or employment or engagement with the association or institution. 79543

Sec. 5103.253. (A) The director of job and family services 79544
shall inspect the state registry of sex offenders and childvictim 79545
offenders established under section 2950.13 of the Revised Code 79546

and the national sex offender registry as described in 42 U.S.C. 79547
16901 to determine if any applicant is registered or required to 79548
be registered as an offender. The director shall inspect each 79549
registry for all applicants at the times specified: 79550

(1) For an administrator, president, officer, or member of 79551
the board, at the time of initial application for certification of 79552
the agency, at the initial nomination to the board, or initial 79553
application for employment and every five years thereafter; 79554

(2)(a) For a prospective foster caregiver or adult resident 79555
of the prospective foster caregiver's home, at the time of initial 79556
application for certification and every five years thereafter; 79557

(b) For a minor resident of the prospective foster 79558
caregiver's home, at the time the resident turns eighteen years 79559
old and then every five years thereafter. 79560

(3)(a) For a prospective adoptive parent or adult resident of 79561
the prospective adoptive parent's home, at the time of the initial 79562
home study and every five years thereafter; 79563

(b) For a minor resident of the prospective adoptive parent's 79564
home, at the time the resident turns eighteen years old and then 79565
every five years thereafter. 79566

(4)(a) Except as provided in division (A)(4)(b) of this 79567
section, for employment or engagement by an association or 79568
institution, at the time of initial application for employment or 79569
engagement and every five years thereafter; 79570

(b) For an applicant who has been determined eligible for 79571
appointment, employment, or engagement after an inspection of the 79572
state registry of sex offenders and child-victim offenders and the 79573
national sex offender registry, or a substantially equivalent 79574
inspection under section 5103.256 of the Revised Code, within the 79575
past five years and who has been employed by an association or 79576

institution within the past one hundred eighty consecutive days, 79577
every five years after the date of the initial determination. 79578

(B) If the director determines that the applicant is 79579
registered or required to be registered on a registry described in 79580
this section, the director shall do the following, as applicable: 79581

(1) Refuse to issue a certification; 79582

(2) Revoke a certification; 79583

(3) Determine a prospective adoptive parent ineligible to 79584
adopt a child; 79585

(4) Determine the applicant ineligible for employment, 79586
appointment, or engagement with the association or institution. 79587

(C) A petition for adoption may be denied based solely on the 79588
results of the search of the national sex offender public web 79589
site. 79590

Sec. 5103.254. (A) Whenever the director of job and family 79591
services requests a criminal records check, searches the uniform 79592
statewide automated child welfare information system, or inspects 79593
the state registry of sex offenders and child-victim offenders and 79594
national sex offender registry as required by sections 5103.251, 79595
5103.252, and 5103.253 of the Revised Code and finds that a person 79596
who is subject to the requirements of those sections has resided 79597
in another state during the previous five years, the director 79598
shall request the results from a search of the following systems 79599
from the other state: 79600

(1) A criminal records database; 79601

(2) The uniform statewide automated child welfare information 79602
system, comprehensive child welfare information system, or the 79603
equivalent; 79604

(3) The state registry of sex offenders. 79605

(B) Before certification under section 5103.03 of the Revised Code, a prospective foster caregiver subject to a criminal records check under section 5103.251 of the Revised Code shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years immediately preceding the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any such revocation is grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years immediately preceding the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.

(C) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders and childvictim offenders that is related to an association or institution, prospective or current foster caregiver, or prospective adoptive parent, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

Sec. 5103.255. (A) Before employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person:

(1) Request a certified search of the findings for recovery database;

(2) Conduct a database review at the federal web site known

as the system for award management. 79637

(B) The institution or association may refuse to hire or 79638
appoint a person as board president, or as an administrator or 79639
officer based on the results of a certified search or database 79640
review described in division (A) of this section, when considered 79641
within the totality of circumstances. 79642

Sec. 5103.256. (A) Whenever the director of job and family 79643
services determines a person ineligible for appointment, 79644
employment, engagement, certification, or approval as an adoptive 79645
parent under sections 5103.251 to 5103.255 of the Revised Code, 79646
the director shall as soon as practicable notify the following, as 79647
applicable, of that determination: 79648

(1) The association or institution that is considering the 79649
person for appointment, employment, or engagement; 79650

(2) The agency that is arranging the adoption or recommending 79651
foster caregiver certification. 79652

(B) An association, institution, or agency shall not appoint, 79653
employ, or engage a person who is determined under sections 79654
5103.251 to 5103.255 of the Revised Code to be ineligible for 79655
appointment, employment, or engagement, and an agency shall not 79656
approve an application of a prospective adoptive parent or 79657
recommend the certification of a foster caregiver who is 79658
determined under sections 5103.251 to 5103.254 of the Revised Code 79659
to be ineligible. 79660

Sec. 5103.257. The director of job and family services may 79661
delegate to any private or public entity any of the duties related 79662
to carrying out background checks imposed upon the department by 79663
sections 5103.251 to 5103.255 of the Revised Code. 79664

Sec. 5103.258. Any information obtained under sections 79665

5103.251 to 5103.255 of the Revised Code is confidential and is not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the following: 79666
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(A) The person who is the subject of the inspection or the person's representative; 79670
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(B) The director of job and family services or a public or private entity to which the director has delegated duties of the department of job and family services pursuant to section 5103.257 of the Revised Code; 79672
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(C) The director of a public children services agency; 79676

(D) The director of an agency; 79677

(E) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment, a final decree of adoption or interlocutory order of adoption, or a denial or revocation of a foster home certificate. 79678
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Sec. 5103.259. The director of job and family services shall adopt rules as necessary to implement sections 5103.251 to 5103.258 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (A)(4) of section 5103.251 of the Revised Code for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(4) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director. 79682
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Sec. 5103.37. The Ohio child welfare training program coordinator shall do all the following pursuant to the contract entered into under section 5103.35 of the Revised Code: 79691
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(A) Manage, coordinate, and evaluate all of the program's 79694

training provided under section 5103.30 of the Revised Code;	79695
(B) Develop curriculum, resources, and products for the training;	79696 79697
(C) Provide fiscal management and technical assistance to regional training centers <u>staff</u> established under section 5103.42 <u>5103.41</u> of the Revised Code;	79698 79699 79700
(D) Cooperate with the regional training centers <u>staff</u> to schedule sessions for the training, provide notices of the training sessions, and provide training materials for the sessions;	79701 79702 79703 79704
(E) Employ and compensate instructors for the training;	79705
(F) Create individual training needs assessments for use pursuant to sections 5153.125 and 5153.126 of the Revised Code;	79706 79707
(G) Provide staff for the Ohio child welfare training program steering committee established under section 5103.39 of the Revised Code;	79708 79709 79710
(H) Conduct any other activities necessary for the development, implementation, and management of the program as specified in the contract;	79711 79712 79713
<u>(I) Identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies;</u>	79714 79715 79716
<u>(J) Ensure that the training provides the knowledge, skill, and ability needed to do the jobs that the training is for.</u>	79717 79718
Sec. 5103.391. The director of job and family services shall appoint all of the following to serve on the Ohio child welfare training program steering committee:	79719 79720 79721
(A) Employees of the department of job and family services;	79722
(B) One representative of each of the regional training	79723

centers established under section ~~5103.42~~ 5103.41 of the Revised Code; 79724
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(C) One representative of a statewide organization that represents the interests of public children services agencies; 79726
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(D) One representative of the Ohio child welfare training program coordinator; 79728
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(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code; 79730
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(F) Employees of public children services agencies. 79733

Sec. 5103.41. ~~Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the~~ The department of job and family services, in consultation with the Ohio child welfare training program steering committee, shall designate ~~eight~~ training regions in the state. The department, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department may change the composition of the training regions as the department considers necessary. ~~Each training region shall contain only one regional training center established and maintained under section 5103.42 of the Revised Code.~~ 79734
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The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the Revised Code. 79746
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Sec. ~~5103.422~~ 5103.42. A regional training center's staff's responsibilities shall include all of the following: 79752
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- (A) Securing facilities suitable for conducting the training provided under section 5103.30 of the Revised Code; 79754
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- (B) Providing administrative services and paying all administrative costs related to the conduct of the training; 79756
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- (C) Maintaining a database of the data contained in the individual training needs assessments for each PCSA caseworker and PCSA caseworker supervisor employed by a public children services agency located in the training region ~~served by the center~~; 79758
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- (D) Analyzing training needs of PCSA caseworkers and PCSA caseworker supervisors employed by a public children services agency and other training populations described in section 5103.30 of the Revised Code and located in the training region ~~served by the center~~; 79762
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- (E) Coordinating the training ~~at the center~~ for the region with the Ohio child welfare training program coordinator. 79767
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- Sec. 5103.50.** (A) As used in ~~this section and~~ sections ~~5103.51~~ 5103.50 to 5103.55 of the Revised Code, "private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 79769
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- (B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards set forth in division (D) of this section and section 5103.54 of the Revised Code that are substantially similar, as determined by the director, to other similarly situated providers of residential care to children. 79773
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- (C) The director of job and family services shall issue a license to a private, nonprofit therapeutic wilderness camp that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the camp meets the standards set forth in rules adopted under 79779
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division (B) of this section.	79784
(D) In accordance with rules adopted by the director under	79785
division (B) of this section, the camp shall develop and implement	79786
written policies that establish all of the following:	79787
(1) Standards for hiring, training, and supervising staff;	79788
(2) Standards for behavioral intervention, including	79789
standards prohibiting the use of prone restraint and governing the	79790
use of other restraints or isolation;	79791
(3) Standards for recordkeeping, including specifying	79792
information that must be included in each child's record, who may	79793
access records, confidentiality, maintenance, security, and	79794
disposal of records;	79795
(4) A procedure for handling complaints about the camp from	79796
the children attending the camp, their families, staff, and the	79797
public;	79798
(5) Standards for emergency and disaster preparedness,	79799
including procedures for emergency evacuation and standards	79800
requiring that a method of emergency communication be accessible	79801
at all times;	79802
(6) Standards that ensure the protection of children's civil	79803
rights;	79804
(7) Standards for the admission and discharge of children	79805
attending the camp, including standards for emergency discharge;	79806
(8) Standards for the supervision of children, including	79807
minimum staff to child ratios;	79808
(9) Standards for ensuring proper medical care, including	79809
administration of medications;	79810
(10) Standards for proper notification of critical incidents;	79811
(11) Standards regarding the health and safety of residents,	79812

including proper health department approvals, fire inspections, 79813
and food service licenses; 79814

(12) Standards for ensuring the reporting requirements under 79815
section 2151.421 of the Revised Code are met. 79816

(E) The camp shall ensure that no child resides at the camp 79817
for more than twelve consecutive months, unless the camp has 79818
completed a full evaluation that determines the child is not ready 79819
for reunification with the child's family or guardian. Such 79820
evaluation shall include any outside professional determined to be 79821
necessary by the director of job and family services. This 79822
evaluation shall be conducted in accordance with rules adopted by 79823
the director. 79824

(F) The camp shall cooperate with any request from the 79825
director for an inspection or for access to records or written 79826
policies of the camp. 79827

(G) The camps shall ensure that no child is left without 79828
supervision of camp staff at any time. 79829

(H) The camp shall ensure that if there is a weather 79830
emergency or warning issued by the national weather service in the 79831
camp's geographic area, the children will be moved to a safe 79832
structure guarded from the weather event. 79833

(I) The camp shall ensure that all sharp tools used in the 79834
camp, including axes and knives, are locked unless in use by camp 79835
staff or otherwise under camp staff supervision. 79836

Sec. 5103.6010. A residential infant care center shall do the 79837
following: 79838

(A) If using medication to treat infants, hold a terminal 79839
distributor of dangerous drugs license issued by the state board 79840
of pharmacy under section 4729.54 of the Revised Code. 79841

(B) Comply, except as otherwise provided in this section and 79842

section 5103.6011 of the Revised Code, with all requirements under 79843
rule 5101:2-9-02 of the Administrative Code; 79844

(C) Develop a plan of safe care in accordance with the 79845
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 79846
114-198, for an infant born substance exposed as follows: 79847

(1) Assist with the health and substance use disorder 79848
treatment needs of the infant and affected family or caregiver; 79849

(2) Develop and implement a program to monitor, support, and 79850
connect affected families or caregivers through the provision of 79851
and referral to appropriate services for the infant and affected 79852
family or caregiver. 79853

(D) Develop and implement a program for parents and 79854
caregivers that, either individually or in a group setting, 79855
teaches parenting skills, bonding, and caring for the infant's 79856
special needs. 79857

(E) Require both of the following: 79858

(1) Child-care staff, volunteers, and interns in positions 79859
responsible for the daily direct care or supervision of children 79860
to be at least eighteen years old and have a high school diploma 79861
or certificate of high school equivalence; 79862

(2) Volunteers and interns who are under twenty-one years of 79863
age to be supervised. 79864

(F) Request a criminal records check with respect to 79865
volunteers and interns in accordance with section ~~2151.86~~ 5103.251 79866
of the Revised Code; 79867

(G) Employ registered nurses, patient care assistants, or 79868
licensed professional nurses to meet required child-to-staff 79869
ratios; 79870

(H) Require the center's peer supporter, family advocate, 79871
licensed social worker, licensed independent social worker, 79872

licensed professional counselor, or licensed professional clinical counselor to do the following:	79873 79874
(1) Provide wraparound services to affected family and caregivers;	79875 79876
(2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency;	79877 79878
(3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare;	79879 79880
(4) Follow up with affected families and caregivers following the infant's discharge.	79881 79882
(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education;	79883 79884 79885
(2) Provide the following for dyad care and rooming-in:	79886
(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;	79887 79888
(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;	79889 79890
(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.	79891 79892
(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.	79893 79894 79895
(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;	79896 79897 79898 79899
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	79900 79901

(L) Use cribs and other infant sleep products that meet the 79902
United States consumer product safety commission's safety 79903
standards for safe sleep; 79904

(M) Follow the department of health's safe sleep education 79905
program recommendations established under section 3701.66 of the 79906
Revised Code. 79907

Sec. 5104.02. (A) The director of job and family services is 79908
responsible for licensing child day-care centers, type A family 79909
day-care homes, and type B family day-care homes. Each entity 79910
operating a head start program shall meet the criteria for, and be 79911
licensed as, a child day-care center. The director is responsible 79912
for the enforcement of this chapter and of rules promulgated 79913
pursuant to this chapter. 79914

No person, firm, organization, institution, or agency shall 79915
operate, establish, manage, conduct, or maintain a child day-care 79916
center or type A family day-care home without a license issued 79917
under section 5104.03 of the Revised Code. The current license 79918
shall be posted in the center or home in a conspicuous place that 79919
is accessible to parents, custodians, or guardians and employees 79920
of the center or home at all times when the center or home is in 79921
operation. 79922

(B) A person, firm, institution, organization, or agency 79923
operating any of the following programs is exempt from the 79924
requirements of this chapter: 79925

(1) A program caring for children that operates for two 79926
consecutive weeks or less and not more than six weeks total in 79927
each calendar year; 79928

(2) Caring for children in places of worship during religious 79929
activities while at least one parent, guardian, or custodian of 79930
each child is participating in such activities and is readily 79931

available; 79932

(3) Supervised training, instruction, or activities of 79933
children in specific areas, including, but not limited to: art; 79934
drama; dance; music; athletic skills or sports; computers; or an 79935
educational subject conducted on an organized or periodic basis 79936
that a child does not attend for more than eight total hours per 79937
week; 79938

(4) Programs in which the director determines that at least 79939
one parent, custodian, or guardian of each child who is not an 79940
employee of the facility engaged in employment duties is on the 79941
premises of the facility that offers care and is readily 79942
accessible at all times; 79943

(5) Programs that provide care and are regulated by state 79944
departments other than the department of job and family services 79945
or the state board of education. 79946

(6) Any preschool program or school child program, except a 79947
head start program, that is subject to licensure by the department 79948
of education under sections 3301.52 to 3301.59 of the Revised 79949
Code. 79950

(7) Any program providing care that meets all of the 79951
following requirements and, on October 20, 1987, was being 79952
operated by a nonpublic school that holds a charter issued by the 79953
state board of education for kindergarten only: 79954

(a) The nonpublic school has given the notice to the state 79955
board and the director of job and family services required by 79956
Section 4 of Substitute House Bill No. 253 of the 117th general 79957
assembly; 79958

(b) The nonpublic school continues to be chartered by the 79959
state board for kindergarten, or receives and continues to hold a 79960
charter from the state board for kindergarten through grade five; 79961

- (c) The program is conducted in a school building; 79962
- (d) The program is operated in accordance with rules 79963
promulgated by the state board under section 3301.53 of the 79964
Revised Code. 79965
- (8) A youth development program operated outside of school 79966
hours to which all of the following apply: 79967
- (a) The children enrolled in the program are under nineteen 79968
years of age and enrolled in or eligible to be enrolled in a grade 79969
of kindergarten or above. 79970
- (b) The program provides informal care, which is care that 79971
does not require parental signature, permission, or notice for the 79972
child receiving the care to enter or leave the program. 79973
- (c) The program provides any of the following supervised 79974
activities: educational, recreational, culturally enriching, 79975
social, and personal development activities. 79976
- (d) The entity operating the program is exempt from federal 79977
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 79978
- (9) A ~~preschool~~ program caring for children that is operated 79979
by a nonchartered, nontax-supported school if the ~~preschool~~ 79980
program meets all of the following conditions: 79981
- (a) The program complies with state and local health, fire, 79982
and safety laws. 79983
- (b) The program annually certifies in a report to the 79984
children's parents of its pupils that the ~~school~~ program is in 79985
compliance with division (B)(9)(a) of this section and files a 79986
copy of the report with the department of job and family services 79987
on or before the thirtieth day of September of each year. 79988
- (c) The program complies with all applicable reporting 79989
requirements in the same manner as required by the state board of 79990
education for nonchartered, nonpublic primary and secondary 79991

schools.	79992
(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.	79993 79994
(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.	79995 79996 79997 79998 79999 80000
Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:	80001 80002 80003 80004
(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.	80005 80006
(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:	80007 80008 80009 80010
(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;	80011 80012
(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;	80013 80014 80015
(c) Any person who resides in the type A home or licensed type B home.	80016 80017
(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or	80018 80019 80020 80021

neglect of a child. 80022

(4) The department or a county department of job and family 80023
services determines that the center, type A home, or licensed type 80024
B home created a serious risk to the health or safety of a child 80025
receiving child care in the center, type A home, or licensed type 80026
B home that resulted in or could have resulted in a child's death 80027
or injury. 80028

(5) The department determines that the owner or licensee of 80029
the center, type A home, or licensed type B home does not meet the 80030
requirements of section 5104.013 of the Revised Code. 80031

(B) The department shall ~~issue~~ serve a written order of 80032
suspension and ~~furnish a copy to~~ on the licensee either by 80033
~~certified mail or in person~~ as described in ~~section~~ sections 80034
119.05 and 119.07 of the Revised Code. The licensee may request an 80035
adjudicatory hearing before the department pursuant to sections 80036
119.06 to 119.12 of the Revised Code. 80037

(C) Any summary suspension imposed under this section shall 80038
remain in effect until any of the following occurs: 80039

(1) The public children services agency completes its 80040
investigation of the report pursuant to section 2151.421 of the 80041
Revised Code and determines that all of the allegations are 80042
unsubstantiated. 80043

(2) All criminal charges are disposed of through dismissal or 80044
a finding of not guilty. 80045

(3) The department issues pursuant to Chapter 119. of the 80046
Revised Code a final order terminating the suspension. 80047

(D) The center, type A home, or licensed type B home shall 80048
not provide child care while the summary suspension remains in 80049
effect. Upon issuance of the order of suspension, the licensee 80050
shall inform the caretaker parent of each child receiving child 80051

care in the center, type A home, or licensed type B home of the 80052
suspension. 80053

(E) The director of job and family services may adopt rules 80054
in accordance with Chapter 119. of the Revised Code establishing 80055
standards and procedures for the summary suspension of licenses. 80056

(F) This section does not limit the authority of the 80057
department to revoke a license pursuant to section 5104.04 of the 80058
Revised Code. 80059

Sec. 5104.08. (A) There is hereby created in the department 80060
of job and family services a child care advisory council to advise 80061
and assist the department in the administration of this chapter 80062
and in the development of child care. The council shall consist of 80063
~~twenty-two~~ twenty-five voting members appointed by the director of 80064
job and family services with the approval of the governor. The 80065
director of job and family services, the director of developmental 80066
disabilities, the director of mental health and addiction 80067
services, the superintendent of public instruction, the director 80068
of the head start collaboration office, the director of health, 80069
the director of commerce, one member appointed by the director of 80070
job and family services representing child care, one member 80071
appointed by the director of job and family services representing 80072
child welfare, and the state fire marshal shall serve as nonvoting 80073
members of the council. 80074

Six members shall be representatives of child care centers 80075
subject to licensing, the members to represent a variety of 80076
centers, including nonprofit and proprietary, from different 80077
geographical areas of the state. At least three members shall be 80078
parents, guardians, or custodians of children receiving child care 80079
or publicly funded child care in the child's own home, a center, a 80080
type A home, a head start program, a licensed type B home, or a 80081
~~type B home~~ an approved day camp at the time of appointment. Three 80082

members shall be representatives of in-home aides, type A homes, 80083
~~or licensed type B homes, or type B homes or head start programs.~~ 80084
One member shall be a representative of approved child day camps. 80085
One member shall be a representative of head start programs. At 80086
least six members shall represent county departments of job and 80087
family services. At least one member from a county department of 80088
job and family services or county children services board shall 80089
represent public children services agencies. The remaining members 80090
shall be representatives of the teaching, child development, and 80091
health professions, and other individuals interested in the 80092
welfare of children. At least six members of the council shall not 80093
be employees or licensees of a child day-care center, head start 80094
program, or type A home, or providers operating a licensed type B 80095
home ~~or type B home~~ approved child day camp, or in-home aides. 80096

Appointments shall be for three-year terms. Vacancies shall 80097
be filled for the unexpired terms. A member of the council is 80098
subject to removal by the director of job and family services for 80099
a willful and flagrant exercise of authority or power that is not 80100
authorized by law, for a refusal or willful neglect to perform any 80101
official duty as a member of the council imposed by law, or for 80102
being guilty of misfeasance, malfeasance, nonfeasance, or gross 80103
neglect of duty as a member of the council. 80104

There shall be two co-chairpersons of the council. One 80105
co-chairperson shall be the director of job and family services or 80106
the director's designee, and one co-chairperson shall be elected 80107
by the members of the council. The council shall meet as often as 80108
is necessary to perform its duties, provided that it shall meet at 80109
least once in each quarter of each calendar year and at the call 80110
of the co-chairpersons. The co-chairpersons or their designee 80111
shall send to each member a written notice of the date, time, and 80112
place of each meeting. 80113

Members of the council shall serve without compensation, but 80114

shall be reimbursed for necessary expenses. 80115

(B) The child care advisory council shall advise the director 80116
on matters affecting the licensing of centers, type A homes, and 80117
type B homes ~~and~~; the certification of in-home aides; the approval 80118
of child day camps; publicly funded child care; and the step up to 80119
quality program established under section 5104.29 of the Revised 80120
Code. The council shall make an annual report to the director of 80121
job and family services that addresses the availability, 80122
affordability, accessibility, and quality of child care and that 80123
summarizes the recommendations and plans of action that the 80124
council has ~~proposed~~ taken to the director during the preceding 80125
fiscal year. The director of job and family services shall provide 80126
copies of the report to the governor, speaker and minority leader 80127
of the house of representatives, and the president and minority 80128
leader of the senate and, on request, shall make copies available 80129
to the public. 80130

(C) The director of job and family services shall adopt rules 80131
in accordance with Chapter 119. of the Revised Code to implement 80132
this section. 80133

Sec. 5104.30. (A) The department of job and family services 80134
is hereby designated as the state agency responsible for 80135
administration and coordination of federal and state funding for 80136
publicly funded child care in this state. Publicly funded child 80137
care shall be provided to the following: 80138

(1) Recipients of transitional child care as provided under 80139
section 5104.34 of the Revised Code; 80140

(2) Participants in the Ohio works first program established 80141
under Chapter 5107. of the Revised Code; 80142

(3) Individuals who would be participating in the Ohio works 80143
first program if not for a sanction under section 5107.16 of the 80144

Revised Code and who continue to participate in a work activity, 80145
developmental activity, or alternative work activity pursuant to 80146
an assignment under section 5107.42 of the Revised Code; 80147

(4) A family receiving publicly funded child care on October 80148
1, 1997, until the family's income reaches one hundred fifty per 80149
cent of the federal poverty line; 80150

(5) Subject to available funds, other individuals determined 80151
eligible in accordance with rules adopted under section 5104.38 of 80152
the Revised Code. 80153

The department shall apply to the United States department of 80154
health and human services for authority to operate a coordinated 80155
program for publicly funded child care, if the director of job and 80156
family services determines that the application is necessary. For 80157
purposes of this section, the department of job and family 80158
services may enter into agreements with other state agencies that 80159
are involved in regulation or funding of child care. The 80160
department shall consider the special needs of migrant workers 80161
when it administers and coordinates publicly funded child care and 80162
shall develop appropriate procedures for accommodating the needs 80163
of migrant workers for publicly funded child care. 80164

(B) The department of job and family services shall 80165
distribute state and federal funds for publicly funded child care, 80166
including appropriations of state funds for publicly funded child 80167
care and appropriations of federal funds available under the child 80168
care block grant act, Title IV-A, and Title XX. The department may 80169
use any state funds appropriated for publicly funded child care as 80170
the state share required to match any federal funds appropriated 80171
for publicly funded child care. 80172

(C) In the use of federal funds available under the child 80173
care block grant act, all of the following apply: 80174

(1) The department may use the federal funds to hire staff to 80175

prepare any rules required under this chapter and to administer 80176
and coordinate federal and state funding for publicly funded child 80177
care. 80178

(2) Not more than five per cent of the aggregate amount of 80179
the federal funds received for a fiscal year may be expended for 80180
administrative costs. 80181

(3) The department shall allocate and use at least four per 80182
cent of the federal funds for the following: 80183

(a) Activities designed to provide comprehensive consumer 80184
education to parents and the public; 80185

(b) Activities that increase parental choice; 80186

(c) Activities, including child care resource and referral 80187
services, designed to improve the quality, and increase the 80188
supply, of child care; 80189

(d) Establishing the step up to quality program pursuant to 80190
section 5104.29 of the Revised Code. 80191

(4) The department shall ensure that the federal funds will 80192
be used only to supplement, and will not be used to supplant, 80193
federal, state, and local funds available on the effective date of 80194
the child care block grant act for publicly funded child care and 80195
related programs. If authorized by rules adopted by the department 80196
pursuant to section 5104.42 of the Revised Code, county 80197
departments of job and family services may purchase child care 80198
from funds obtained through any other means. 80199

(D) The department shall encourage the development of 80200
suitable child care throughout the state, especially in areas with 80201
high concentrations of recipients of public assistance and 80202
families with low incomes. The department shall encourage the 80203
development of suitable child care designed to accommodate the 80204
special needs of migrant workers. On request, the department, 80205

through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement rates for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained from the market rate survey or alternative methodology developed and conducted in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;

(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.

(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate.

Sec. 5104.302. (A) In addition to establishing reimbursement rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of job and family services shall contract with a third-party entity to analyze for the subsequent even-numbered year information regarding the prices charged for child care.

(B) Based on the information analyzed by the third-party entity, the director may adjust for the even-numbered year the reimbursement rates established for the previous odd-numbered year. To make such an adjustment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code.

(C) When analyzing information regarding the prices charged for child care for an even-numbered year, a third-party entity

under contract with the director may consider the most recent 80266
market rate survey or alternative methodology conducted as 80267
described in division (E) of section 5104.30 of the Revised Code. 80268

Sec. 5107.02. As used in this chapter: 80269

(A) "Adult" means an individual who is not a minor child. 80270

(B) "Assistance group" means a group of individuals treated 80271
as a unit for purposes of determining eligibility for and the 80272
amount of assistance provided under Ohio works first. 80273

(C) "Custodian" means an individual who has legal custody, as 80274
defined in section 2151.011 of the Revised Code, of a minor child 80275
or comparable status over a minor child created by a court of 80276
competent jurisdiction in another state. 80277

(D) "Domestic violence" means being subjected to any of the 80278
following: 80279

(1) Physical acts that resulted in, or threatened to result 80280
in, physical injury to the individual; 80281

(2) Sexual abuse; 80282

(3) Sexual activity involving a dependent child; 80283

(4) Being forced as the caretaker relative of a dependent 80284
child to engage in nonconsensual sexual acts or activities; 80285

(5) Threats of, or attempts at, physical or sexual abuse; 80286

(6) Mental abuse; 80287

(7) Neglect or deprivation of medical care. 80288

(E) "Guardian" means an individual that is granted authority 80289
by a probate court pursuant to Chapter 2111. of the Revised Code, 80290
or a court of competent jurisdiction in another state, to exercise 80291
parental rights over a minor child to the extent provided in the 80292
court's order and subject to residual parental rights of the minor 80293

child's parents.	80294
(F) "LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code.	80295 80296
(G) "Minor child" means either of the following:	80297
(1) An individual who has not attained age eighteen;	80298
(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.	80299 80300 80301
(H) "Minor head of household" means a minor child who is either of the following:	80302 80303
(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult;	80304 80305
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.	80306 80307
(I) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	80308 80309 80310
(J) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.	80311 80312 80313 80314
(K) "Specified relative" means the following individuals who are age eighteen or older:	80315 80316
(1) The following individuals related by blood or adoption:	80317
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	80318 80319
(b) Siblings;	80320
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or	80321 80322

"great-grand";	80323
(d) First cousins and first cousins once removed.	80324
(2) Stepparents and stepsiblings;	80325
(3) Spouses and former spouses of individuals named in division (K)(1) or (2) of this section.	80326 80327
(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	80328 80329 80330
Sec. 5107.10. (A) As used in this section:	80331
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	80332 80333 80334
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.	80335 80336 80337 80338
(3) "Gross income" means gross earned income and gross unearned income.	80339 80340
(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.	80341 80342 80343 80344 80345 80346 80347 80348 80349
(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter,	80350 80351

time-limited cash assistance. In the case of an assistance group 80352
that includes a minor head of household or adult, assistance shall 80353
be provided in accordance with the self-sufficiency contract 80354
entered into under section 5107.14 of the Revised Code. 80355

(C)(1) To be eligible to participate in Ohio works first, an 80356
assistance group must meet all of the following requirements: 80357

(a) The assistance group, except as provided in division (E) 80358
of this section, must include at least one of the following: 80359

(i) A minor child who, except as provided in section 5107.24 80360
of the Revised Code, resides with a parent, or specified relative 80361
caring for the child, or, to the extent permitted by Title IV-A 80362
and federal regulations adopted until Title IV-A, resides with a 80363
guardian or custodian caring for the child; 80364

(ii) A parent residing with and caring for the parent's minor 80365
child who receives supplemental security income under Title XVI of 80366
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 80367
as amended, or federal, state, or local adoption assistance; 80368

(iii) A specified relative residing with and caring for a 80369
minor child who is related to the specified relative in a manner 80370
that makes the specified relative a specified relative and 80371
receives supplemental security income or federal, state, or local 80372
foster care assistance, kinship guardianship assistance, kinship 80373
support program payments, or adoption assistance; 80374

(iv) A pregnant woman ~~at least six months pregnant~~. 80375

(b) The assistance group must meet the income requirements 80376
established by division (D) of this section. 80377

(c) No member of the assistance group may be involved in a 80378
strike. 80379

(d) The assistance group must satisfy the requirements for 80380
Ohio works first established by this chapter and section 5101.83 80381

of the Revised Code. 80382

(e) The assistance group must meet requirements for Ohio 80383
works first established by rules adopted under section 5107.05 of 80384
the Revised Code. 80385

(2) In addition to meeting the requirements specified in 80386
division (C)(1) of this section, a member of an assistance group 80387
who is required by section 5116.10 of the Revised Code to 80388
participate in the comprehensive case management and employment 80389
program must participate in that program to be eligible to 80390
participate in Ohio works first. 80391

(D)(1) Except as provided in division (D)(4) of this section, 80392
to determine whether an assistance group is initially eligible to 80393
participate in Ohio works first, a county department of job and 80394
family services shall do the following: 80395

(a) Determine whether the assistance group's gross income 80396
exceeds fifty per cent of the federal poverty guidelines. In 80397
making this determination, the county department shall disregard 80398
amounts that federal statutes or regulations and sections 5101.17 80399
and 5117.10 of the Revised Code require be disregarded. The 80400
assistance group is ineligible to participate in Ohio works first 80401
if the assistance group's gross income, less the amounts 80402
disregarded, exceeds fifty per cent of the federal poverty 80403
guidelines. 80404

(b) If the assistance group's gross income, less the amounts 80405
disregarded pursuant to division (D)(1)(a) of this section, does 80406
not exceed fifty per cent of the federal poverty guidelines, 80407
determine whether the assistance group's countable income is less 80408
than the payment standard. The assistance group is ineligible to 80409
participate in Ohio works first if the assistance group's 80410
countable income equals or exceeds the payment standard. 80411

(2) For the purpose of determining whether an assistance 80412

group meets the income requirement established by division 80413
(D)(1)(a) of this section, the annual revision that the United 80414
States department of health and human services makes to the 80415
federal poverty guidelines shall go into effect on the first day 80416
of July of the year for which the revision is made. 80417

(3) To determine whether an assistance group participating in 80418
Ohio works first continues to be eligible to participate, a county 80419
department of job and family services shall determine whether the 80420
assistance group's countable income continues to be less than the 80421
payment standard. In making this determination, the county 80422
department shall disregard an amount specified in rules adopted 80423
under section 5107.05 of the Revised Code and fifty per cent of 80424
the remainder of the assistance group's gross earned income. No 80425
amounts shall be disregarded from the assistance group's gross 80426
unearned income. The assistance group ceases to be eligible to 80427
participate in Ohio works first if its countable income, less the 80428
amounts disregarded, equals or exceeds the payment standard. 80429

(4) If an assistance group reapplies to participate in Ohio 80430
works first not more than four months after ceasing to 80431
participate, a county department of job and family services shall 80432
use the income requirement established by division (D)(3) of this 80433
section to determine eligibility for resumed participation rather 80434
than the income requirement established by division (D)(1) of this 80435
section. 80436

(E)(1) An assistance group may continue to participate in 80437
Ohio works first even though a public children services agency 80438
removes the assistance group's minor children from the assistance 80439
group's home due to abuse, neglect, or dependency if the agency 80440
does both of the following: 80441

(a) Notifies the county department of job and family services 80442
at the time the agency removes the children that it believes the 80443
children will be able to return to the assistance group within six 80444

months; 80445

(b) Informs the county department at the end of each of the 80446
first five months after the agency removes the children that the 80447
parent, guardian, custodian, or specified relative of the children 80448
is cooperating with the case plans prepared for the children under 80449
section 2151.412 of the Revised Code and that the agency is making 80450
reasonable efforts to return the children to the assistance group. 80451

(2) An assistance group may continue to participate in Ohio 80452
works first pursuant to division (E)(1) of this section for not 80453
more than six payment months. This division does not affect the 80454
eligibility of an assistance group that includes a pregnant woman 80455
~~at least six months pregnant.~~ 80456

Sec. 5107.36. An individual is ineligible for assistance 80457
under Ohio works first if either of the following apply: 80458

(A) The individual is a ~~fugitive~~ fleeing felon as defined in 80459
section ~~5101.20~~ 5101.26 of the Revised Code; 80460

(B) The individual is violating a condition of probation, a 80461
community control sanction, ~~parole~~, or a post-release control 80462
sanction imposed under federal or state law. 80463

Sec. 5107.54. (A) There is hereby established, as a work 80464
activity under Ohio works first, the work experience program. A 80465
participant of Ohio works first placed in the program shall 80466
receive work experience from private and government entities. 80467

Participants of Ohio works first assigned to the work 80468
experience program are not employees of the department of job and 80469
family services or a county department of job and family services. 80470
The operation of the work experience program does not constitute 80471
the operation of an employment agency by the department of job and 80472
family services or a county department of job and family services. 80473

(B) County departments of job and family services shall 80474
develop work projects to which participants of Ohio works first 80475
are assigned under the work experience program. Work projects may 80476
include assignments with private and government entities. Examples 80477
of work projects a county department may develop include unpaid 80478
internships, refurbishing publicly assisted housing, and having a 80479
participant volunteer to work at the head start agency in which 80480
the participant's minor child is enrolled. Each county department 80481
shall make a list of the work projects available to the public. 80482

(C) Unless a county department of job and family services 80483
pays the premiums for the entity, a private or government entity 80484
with which a participant of Ohio works first is placed in and 80485
participates in the work experience program shall pay premiums to 80486
the bureau of workers' compensation on account of the participant. 80487

Sec. 5107.58. In accordance with a federal waiver granted by 80488
the United States secretary of health and human services pursuant 80489
to a request made under former section 5101.09 of the Revised 80490
Code, county departments of job and family services may establish 80491
and administer as a work activity for minor heads of households 80492
and adults participating in Ohio works first an education program 80493
under which the participant is enrolled full-time in 80494
post-secondary education leading to vocation at a state 80495
institution of higher education, as defined in section 3345.031 of 80496
the Revised Code; a private nonprofit college or university that 80497
possesses a certificate of authorization issued ~~by the Ohio board~~ 80498
~~of regents~~ pursuant to Chapter 1713. of the Revised Code, or is 80499
exempted by division (E) of section 1713.02 of the Revised Code 80500
from the requirement of a certificate; a school that holds a 80501
certificate of registration and program authorization issued by 80502
the state board of career colleges and schools under Chapter 3332. 80503
of the Revised Code; a private institution exempt from regulation 80504
under Chapter 3332. of the Revised Code as prescribed in section 80505

3333.046 of the Revised Code; or a school that has entered into a contract with the county department of job and family services. The participant shall make reasonable efforts, as determined by the county department, to obtain a loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell grant under 20 U.S.C.A. 1070a, ~~an Ohio instructional grant under section 3333.12 of the Revised Code,~~ and an Ohio college opportunity grant under section 3333.122 of the Revised Code. If the participant has made reasonable efforts but is unable to obtain sufficient assistance to pay the tuition the program may pay the tuition. On or after October 1, 1998, the county department may enter into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years. If the participant, pursuant to division (B)(3) of section 5107.43 of the Revised Code, volunteers to participate in the education program for more hours each week than the participant is assigned to the program, the program may pay or the county department may loan the cost of the tuition for the additional voluntary hours as well as the cost of the tuition for the assigned number of hours. The participant may receive, for not more than three years, support services, including publicly funded child care under Chapter 5104. of the Revised Code and transportation, that the participant needs to participate in the program. To receive support services in the third year, the participant must be, as determined by the educational institution in which the participant is enrolled, in good standing with the institution.

A county department that provides loans under this section shall establish procedures governing loan application for and approval and administration of loans granted pursuant to this section.

Sec. 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of persons with ~~alcoholism~~ alcohol use disorder or persons who abuse drugs of abuse and for the prevention of ~~alcoholism~~ alcohol use disorder and drug addiction.

(4) ~~"Alcoholism"~~ "Alcohol use disorder" means ~~the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can~~ a medical condition characterized by an individual's impaired ability to stop or control the individual's use of alcohol or endangers the use despite adverse social, occupational, or health, safety, or welfare of the individual or others consequences. An alcohol use disorder may be classified as mild, moderate, or severe.

(5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in 80569
rules adopted under section 5119.36 of the Revised Code as 80570
requiring certification under that section. 80571

(6) "Community addiction services provider" means an agency, 80572
association, corporation or other legal entity, individual, or 80573
program that provides one or more of the following: 80574

(a) Alcohol and drug addiction services that are certified by 80575
the director of mental health and addiction services under section 80576
5119.36 of the Revised Code; 80577

(b) Gambling addiction services; 80578

(c) Recovery supports that are related to alcohol and drug 80579
addiction services or gambling addiction services and paid for 80580
with federal, state, or local funds administered by the department 80581
of mental health and addiction services or a board of alcohol, 80582
drug addiction, and mental health services. 80583

(7) "Community mental health services provider" means an 80584
agency, association, corporation, individual, or program that 80585
provides either of the following: 80586

(a) Mental health services that are certified by the director 80587
of mental health and addiction services under section 5119.36 of 80588
the Revised Code; 80589

(b) Recovery supports that are related to mental health 80590
services and paid for with federal, state, or local funds 80591
administered by the department of mental health and addiction 80592
services or a board of alcohol, drug addiction, and mental health 80593
services. 80594

(8) "Drug addiction" means the use of a drug of abuse, as 80595
defined in section 3719.011 of the Revised Code, by an individual 80596
to the extent that the individual becomes physically or 80597
psychologically dependent on the drug or endangers the health, 80598

safety, or welfare of the individual or others. 80599

(9) "Gambling addiction" means the use of gambling by an 80600
individual to the extent that it causes psychological, financial, 80601
emotional, marital, legal, or other difficulties endangering the 80602
health, safety, or welfare of the individual or others. 80603

(10) "Gambling addiction services" means services for the 80604
treatment of persons who have a gambling addiction and for the 80605
prevention of gambling addiction. 80606

(11) "Hospital" means a hospital or inpatient unit licensed 80607
by the department of mental health and addiction services under 80608
section 5119.33 of the Revised Code, and any institution, 80609
hospital, or other place established, controlled, or supervised by 80610
the department under ~~Chapter 5119. of the Revised Code~~ this 80611
chapter. 80612

(12) "Included opioid and co-occurring drug addiction 80613
services and recovery supports" means the addiction services and 80614
recovery supports that, pursuant to section 340.033 of the Revised 80615
Code, are included in the array of services and recovery supports 80616
for all levels of opioid and co-occurring drug addiction required 80617
to be included in the community-based continuum of care 80618
established under section 340.032 of the Revised Code. 80619

(13) "Medication-assisted treatment" has the same meaning as 80620
in section 340.01 of the Revised Code. 80621

(14) "Mental illness" means a substantial disorder of 80622
thought, mood, perception, orientation, or memory that grossly 80623
impairs judgment, behavior, capacity to recognize reality, or 80624
ability to meet the ordinary demands of life. 80625

(15) "Mental health services" means services for the 80626
assessment, care, or treatment of persons who have a mental 80627
illness and for the prevention of mental illness. 80628

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2. 80629
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(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction. 80631
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(18) "Recovery supports" means assistance that is intended to help an individual with ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and drug addiction services or mental health services. 80637
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~~(18)(a) "Residence"~~ (19)(a) "Residence," except when referring to a recovery housing residence or the meaning of "residence" in section 5119.90 of the Revised Code, means a person's physical presence in a county with intent to remain there, except in either of the following circumstances: 80644
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(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility; 80649
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(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed. 80654
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(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and 80658
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addiction services for investigation and determination. Residence 80660
shall not be a basis for a board of alcohol, drug addiction, and 80661
mental health services to deny services to any person present in 80662
the board's service district, and the board shall provide services 80663
for a person whose residence is in dispute while residence is 80664
being determined and for a person in an emergency situation. 80665

(B) Any reference in this chapter to a board of alcohol, drug 80666
addiction, and mental health services also refers to an alcohol 80667
and drug addiction services board or a community mental health 80668
board in a service district in which an alcohol and drug addiction 80669
services board or a community mental health board has been 80670
established under section 340.021 or former section 340.02 of the 80671
Revised Code. 80672

Sec. 5119.19. ~~(A)(1)~~(A) As used in this section: 80673

~~(a)(1)~~ "Community-based correctional facility" has the same 80674
meaning as in section 2929.01 of the Revised Code. 80675

(2) "Drug used in medication-assisted treatment" means a drug 80676
approved by the United States food and drug administration for use 80677
in medication-assisted treatment, regardless of the method the 80678
drug is administered or the form in which it is dispensed, 80679
including an oral drug, an injectable drug, or a long-acting or 80680
extended-release drug. "Drug used in medication-assisted 80681
treatment" includes all of the following: 80682

(a) A full agonist; 80683

(b) A partial agonist; 80684

(c) An antagonist. 80685

(3) "Drug used in withdrawal management or detoxification" 80686
means a drug approved by the United States food and drug 80687
administration for use in, or a drug in standard use for, 80688
mitigating opioid or alcohol withdrawal symptoms or assisting with 80689

detoxification, regardless of the method the drug is administered 80690
or the form in which it is dispensed, including an oral drug, an 80691
injectable drug, or a long-acting or extended-release drug. "Drug 80692
used in withdrawal management or detoxification" includes all of 80693
the following: 80694

(a) A full agonist; 80695

(b) A partial agonist; 80696

(c) An antagonist; 80697

(d) An alpha-2 adrenergic agonist. 80698

(4) "Medication-assisted treatment" has the same meaning as 80699
in section 340.01 of the Revised Code. 80700

(5) "Prescribed drug" has the same meaning as in section 80701
5164.01 of the Revised Code. 80702

~~(b)~~(6)(a) "Psychotropic drug" means, except as provided in 80703
division ~~(A)(2)~~(A)(6)(b) of this section, a drug that has the 80704
capability of changing or controlling mental functioning or 80705
behavior through direct pharmacological action. "Psychotropic 80706
drug" includes all of the following: 80707

(i) Antipsychotic medications, including those administered 80708
or dispensed in a long-acting injectable form; 80709

(ii) Antidepressant medications; 80710

(iii) Anti-anxiety medications; 80711

(iv) Mood stabilizing medications. 80712

~~(2)~~(b) "Psychotropic drug" excludes a stimulant prescribed 80713
for the treatment of attention deficit hyperactivity disorder. 80714

(7) "Withdrawal management or detoxification" means a set of 80715
medical interventions aimed at managing the acute physical 80716
symptoms of intoxication and withdrawal. Withdrawal management 80717
seeks to minimize the physical harm caused by the intoxication and 80718

withdrawal from a substance of abuse. Detoxification denotes a 80719
clearing of toxins from the body of the patient who is acutely 80720
intoxicated, dependent on a substance of abuse, or both. 80721

(B) There is hereby created the ~~psychotropic~~ behavioral 80722
health drug reimbursement program. The program shall be 80723
administered by the department of mental health and addiction 80724
services. 80725

The purpose of the program is to provide state reimbursement 80726
to counties for the cost of ~~psychotropic~~ the following drugs that 80727
are administered or dispensed to inmates of county jails in this 80728
state and individuals confined in community-based correctional 80729
facilities in this state: psychotropic drugs, drugs used in 80730
medication-assisted treatment, and drugs used in withdrawal 80731
management or detoxification. ~~Each~~ 80732

Each county shall ensure that inmates of county jails and 80733
individuals confined in community-based correctional facilities 80734
have access to all ~~psychotropic~~ behavioral health drugs specified 80735
in this division that are prescribed drugs covered by the 80736
fee-for-service component of the medicaid program. 80737

(C) The department, based on factors it considers 80738
appropriate, shall allocate an amount to each county for 80739
reimbursement of ~~such psychotropic~~ drug costs incurred by the 80740
county pursuant to this section. 80741

~~(C)~~(D) The director of mental health and addiction services 80742
may adopt rules as necessary to implement this section. The rules, 80743
if adopted, shall be adopted in accordance with Chapter 119. of 80744
the Revised Code. 80745

Sec. 5119.33. ~~(A)(1)~~(A) The department of mental health and 80746
addiction services shall inspect and license all hospitals that 80747
receive mentally ill persons, except those hospitals managed by 80748

the department. No hospital may receive for care or treatment, 80749
either at public or private expense, any person who is or appears 80750
to be mentally ill, whether or not so adjudicated, unless the 80751
hospital has received a license from the department authorizing it 80752
to receive for care or treatment persons who are mentally ill or 80753
the hospital is managed by the department. 80754

~~(2) No such~~ (B) A license described in division (A) of this 80755
section shall not be granted to a hospital for the treatment of 80756
mentally ill persons unless the both of the following are the 80757
case: 80758

(1) The department is satisfied, after investigation, that 80759
the hospital is managed and operated by qualified persons, is 80760
adequately staffed and equipped to operate, and has on its staff 80761
one or more qualified physicians responsible for the medical care 80762
of the patients confined there. At least one such physician shall 80763
be a psychiatrist. 80764

(2) The department is satisfied, after reviewing records and 80765
information it requires as specified in rules adopted under 80766
division (C) of this section, that the hospital and all owners, 80767
sponsors, medical directors, administrators, and principals of the 80768
hospital have been in good standing to operate a hospital for the 80769
care and treatment of mentally ill persons, or a similar hospital, 80770
in all other locations where the hospital or such other person has 80771
been operating a similar hospital, during the three-year period 80772
immediately preceding the date of application. 80773

~~(B)~~ (C) The department shall adopt rules under Chapter 119. of 80774
the Revised Code prescribing minimum standards for the operation 80775
of hospitals for the care and treatment of mentally ill persons 80776
and; specifying the records and information that must be submitted 80777
to demonstrate good standing for purposes of division (B) of this 80778
section; and establishing standards and procedures for the 80779
issuance, renewal, or revocation of full, probationary, and 80780

interim licenses. No license shall be granted to any hospital 80781
established or used for the care of mentally ill persons unless 80782
such hospital is operating in accordance with this section and 80783
rules adopted pursuant to this section. A full license shall 80784
expire one year after the date of issuance, a probationary license 80785
shall expire at the time prescribed by rule adopted pursuant to 80786
Chapter 119. of the Revised Code by the director of mental health 80787
and addiction services, and an interim license shall expire ninety 80788
days after the date of issuance. A full, probationary, or interim 80789
license may be renewed, except that an interim license may be 80790
renewed only twice. The department may fix reasonable fees for 80791
licenses and for license renewals. Such hospitals are subject to 80792
inspection and on-site review by the department. 80793

~~(C)~~(D) Except as otherwise provided in Chapter 5122. of the 80794
Revised Code, neither the director of mental health and addiction 80795
services; an employee of the department; a board of alcohol, drug 80796
addiction, and mental health services or employee of a community 80797
mental health services provider; nor any other public official 80798
shall hospitalize any mentally ill person for care or treatment in 80799
any hospital that is not licensed in accordance with this section. 80800

~~(D)~~(1)~~(E)~~(1) The department may issue an order suspending the 80801
admission of patients who are mentally ill to a hospital for care 80802
or treatment if it finds either of the following: 80803

(a) The hospital is not in compliance with rules adopted by 80804
the director pursuant to this section. 80805

(b) The hospital has been cited for more than one violation 80806
of statutes or rules during any previous period of time during 80807
which the hospital is licensed pursuant to this section. 80808

(2)(a) Except as provided in division ~~(D)~~(2)~~(b)~~(E)(2)(b) of 80809
this section, proceedings initiated to suspend the admission of 80810
patients are governed by Chapter 119. of the Revised Code. 80811

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served in section~~ accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 80843
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 80845
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 80849
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 80852
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 80856
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~~(E)(1)~~(F)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons: 80860
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(a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons. 80863
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(b) The hospital refuses to be subject to inspection or on-site review by the department. 80865
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(c) The hospital has failed to furnish humane, kind, and adequate treatment and care. 80867
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(d) The hospital fails to comply with the licensure rules of the department. 80869
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary 80871
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licenses, or to revoke full or probationary licenses are governed 80873
by Chapter 119. of the Revised Code. If an order has been issued 80874
suspending the admission of patients, the order remains in effect 80875
during the pendency of those proceedings. 80876

~~(F)~~~~(1)~~(G)(1) In a proceeding initiated to suspend the 80877
admission of patients, to deny an application for a full or 80878
probationary license, to refuse to renew a full or probationary 80879
license, or to revoke a full or probationary license, the 80880
department may order the suspension, denial, refusal, or 80881
revocation regardless of whether some or all of the deficiencies 80882
that prompted the proceedings have been corrected at the time of 80883
the hearing. 80884

(2) When the department issues an order suspending the 80885
admission of patients, denies an application for a full or 80886
probationary license, refuses to renew a full or probationary 80887
license, or revokes a full or probationary license, the department 80888
shall not grant an opportunity for submitting a plan of 80889
correction. 80890

~~(G)~~(H) The department may inspect, conduct an on-site review, 80891
and review the records of any hospital that the department has 80892
reason to believe is operating without a license. 80893

Sec. 5119.34. (A) As used in this section and sections 80894
5119.341 and 5119.342 of the Revised Code: 80895

(1) "Accommodations" means housing, daily meal preparation, 80896
laundry, housekeeping, arranging for transportation, social and 80897
recreational activities, maintenance, security, and other services 80898
that do not constitute personal care services or skilled nursing 80899
care. 80900

(2) "ADAMHS board" means a board of alcohol, drug addiction, 80901
and mental health services. 80902

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing

personal care services.	80933
(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.	80934 80935 80936
(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code.	80937 80938
(11) "Supervision" means any of the following:	80939
(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;	80940 80941 80942
(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;	80943 80944 80945
(c) Assisting a resident in making or keeping an appointment.	80946
(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.	80947 80948 80949 80950 80951
(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:	80952 80953 80954
(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;	80955 80956 80957 80958
(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:	80959 80960
(i) One or two unrelated persons with mental illness;	80961

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;	80962 80963
(iii) Three to sixteen unrelated adults.	80964
(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.	80965 80966
(2) "Residential facility" does not include any of the following:	80967 80968
(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;	80969 80970 80971 80972 80973
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	80974 80975 80976
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	80977 80978
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	80979 80980 80981
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	80982 80983
(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;	80984 80985
(g) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;	80986 80987 80988 80989
(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under	80990 80991

section 3712.07 of the Revised Code; 80992

(i) A facility approved by the veterans administration under 80993
section 104(a) of the "Veterans Health Care Amendments of 1983," 80994
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 80995
the placement and care of veterans; 80996

(j) The residence of a relative or guardian of a person with 80997
mental illness. 80998

(C) Nothing in division (B) of this section shall be 80999
construed to permit personal care services to be imposed on a 81000
resident who is capable of performing the activity in question 81001
without assistance. 81002

(D) Except in the case of a residential facility described in 81003
division (B)(1)(a) of this section, members of the staff of a 81004
residential facility shall not administer medication to the 81005
facility's residents, but may do any of the following: 81006

(1) Remind a resident when to take medication and watch to 81007
ensure that the resident follows the directions on the container; 81008

(2) Assist a resident in the self-administration of 81009
medication by taking the medication from the locked area where it 81010
is stored, in accordance with rules adopted pursuant to this 81011
section, and handing it to the resident. If the resident is 81012
physically unable to open the container, a staff member may open 81013
the container for the resident. 81014

(3) Assist a physically impaired but mentally alert resident, 81015
such as a resident with arthritis, cerebral palsy, or Parkinson's 81016
disease, in removing oral or topical medication from containers 81017
and in consuming or applying the medication, upon request by or 81018
with the consent of the resident. If a resident is physically 81019
unable to place a dose of medicine to the resident's mouth without 81020
spilling it, a staff member may place the dose in a container and 81021
place the container to the mouth of the resident. 81022

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 81023
~~a(E) A person operating or seeking to operate a residential~~ 81024
facility shall apply for licensure of the facility to the 81025
department of mental health and addiction services. The 81026
application shall be submitted by the operator. When applying for 81027
the license, the applicant shall pay to the department the 81028
application fee specified in rules adopted under division (N) of 81029
this section. The fee is nonrefundable. 81030

The department shall send a copy of an application to the 81031
ADAMHS board serving the county in which the person operates or 81032
seeks to operate the facility. The ADAMHS board shall review the 81033
application and provide to the department any information about 81034
the applicant or the facility that the board would like the 81035
department to consider in reviewing the application. 81036

~~(2) A person may not apply for a license to operate a~~ 81037
~~residential facility if the person is or has been the owner,~~ 81038
~~operator, or manager of a residential facility for which a license~~ 81039
~~to operate was revoked or for which renewal of a license was~~ 81040
~~refused for any reason other than nonpayment of the license~~ 81041
~~renewal fee, unless both of the following conditions are met:~~ 81042

~~(a) A period of not less than two years has elapsed since the~~ 81043
~~date the director of mental health and addiction services issued~~ 81044
~~the order revoking or refusing to renew the facility's license.~~ 81045

~~(b) The director's revocation or refusal to renew the license~~ 81046
~~was not based on an act or omission at the facility that violated~~ 81047
~~a resident's right to be free from abuse, neglect, or~~ 81048
~~exploitation.~~ 81049

(F) The department of mental health and addiction services 81050
shall inspect and license the operation of residential facilities. 81051
The department shall consider the past record of the facility and 81052
the applicant or licensee in arriving at its licensure decision 81053

may issue a license to operate a residential facility only if both 81054
of the following are the case: 81055

(1) The department is satisfied, after investigation, that 81056
the facility is managed and operated by qualified persons and is 81057
adequately staffed and equipped to operate. 81058

(2) The department is satisfied, after reviewing records and 81059
information it requires as specified in rules adopted under 81060
division (N) of this section, that the facility and all owners and 81061
operators of the facility have been in good standing in all other 81062
locations where the facility or such other person has been 81063
operating a facility, or a similar facility, during the three-year 81064
period immediately preceding the date of application. 81065

The department may issue full, probationary, and interim 81066
licenses. A full license shall expire up to three years after the 81067
date of issuance, a probationary license shall expire in a shorter 81068
period of time as specified in rules adopted by the director of 81069
mental health and addiction services under division (N) of this 81070
section, and an interim license shall expire ninety days after the 81071
date of issuance. A license may be renewed in accordance with 81072
rules adopted by the director under division (N) of this section. 81073
The renewal application shall be submitted by the operator. When 81074
applying for renewal of a license, the applicant shall pay to the 81075
department the renewal fee specified in rules adopted under 81076
division (N) of this section. The fee is nonrefundable. 81077

(G)(1) If the department finds any of the following with 81078
respect to a residential facility, the department may issue an 81079
order suspending the admission of residents to the facility, 81080
refuse to issue or renew a license for the facility, or revoke the 81081
facility's license: 81082

(a) The facility is not in compliance with rules adopted by 81083
the director pursuant to division (N) of this section; 81084

(b) Any facility operated by the applicant or licensee has
been cited for a pattern of serious noncompliance or repeated
violations of statutes or rules during the period of current or
previous licenses;

(c) The applicant or licensee submits false or misleading
information as part of a license application, renewal, or
investigation.

(2) Proceedings initiated to deny applications for full or
probationary licenses, to refuse to renew full or probationary
licenses, or to revoke full or probationary licenses are governed
by Chapter 119. of the Revised Code. If an order has been issued
suspending the admission of residents to the facility, the order
remains in effect during the pendency of those proceedings.

Proceedings initiated to suspend the admission of residents
to a facility are governed by Chapter 119. of the Revised Code,
except as provided in division (H) of this section.

(3) In a proceeding initiated to suspend the admission of
residents to a facility, to deny an application for a full or
probationary license, to refuse to renew a full or probationary
license, or to revoke a full or probationary license, the
department may order the suspension, denial, refusal, or
revocation regardless of whether some or all of the deficiencies
that prompted the proceedings have been corrected at the time of
the hearing.

(4) When the department issues an order suspending the
admission of residents to a facility, denies an application for a
full or probationary license, refuses to renew a full or
probationary license, or revokes a full or probationary license,
the department shall not grant an opportunity for submitting a
plan of correction.

(H)(1) If a suspension of admissions of residents to a

facility is proposed because the director has determined that the 81116
licensee has demonstrated a pattern of serious noncompliance or 81117
that a violation creates a substantial risk to the health and 81118
safety of residents, the director may issue an order imposing the 81119
suspension of admissions before providing an opportunity for an 81120
adjudication under Chapter 119. of the Revised Code. The director 81121
shall lift the order for the suspension of admissions if the 81122
director determines that the violation that formed the basis for 81123
the order has been corrected. 81124

(2) Appeals from proceedings initiated to order the 81125
suspension of admissions to a facility shall be conducted in 81126
accordance with Chapter 119. of the Revised Code, unless the order 81127
was issued before providing an opportunity for an adjudication, in 81128
which case all of the following apply: 81129

(a) The licensee may request a hearing not later than ten 81130
days after ~~receiving the notice specified being served in section~~ 81131
accordance with sections 119.05 and 119.07 of the Revised Code. 81132

(b) If a timely request for a hearing that includes the 81133
licensee's current address is made, the hearing shall commence not 81134
later than thirty days after the department receives the request. 81135

(c) After commencing, the hearing shall continue 81136
uninterrupted, except for Saturdays, Sundays, and legal holidays, 81137
unless other interruptions are agreed to by the licensee and the 81138
director. 81139

(d) If the hearing is conducted by a hearing examiner, the 81140
hearing examiner shall file a report and recommendations with the 81141
department not later than ten days after the last of the 81142
following: 81143

(i) The close of the hearing; 81144

(ii) If a transcript of the proceedings is ordered, the 81145
hearing examiner receives the transcript; 81146

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 81147
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 81149
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 81153
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 81156
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 81160
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(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 81164
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 81166
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section. 81170
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 81173
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(J)(1) The department of mental health and addiction services	81177
may conduct an inspection of a residential facility as follows:	81178
(a) Prior to issuance of a license for the facility;	81179
(b) Prior to renewal of the license;	81180
(c) To determine whether the facility has completed a plan of	81181
correction required pursuant to division (J)(2) of this section	81182
and corrected deficiencies to the satisfaction of the department	81183
and in compliance with this section and rules adopted pursuant to	81184
it;	81185
(d) Upon complaint by any individual or agency;	81186
(e) At any time the director considers an inspection to be	81187
necessary in order to determine whether the facility is in	81188
compliance with this section and rules adopted pursuant to this	81189
section.	81190
(2) In conducting inspections the department may conduct an	81191
on-site examination and evaluation of the residential facility and	81192
its personnel, activities, and services. The department shall have	81193
access to examine and copy all records, accounts, and any other	81194
documents relating to the operation of the residential facility,	81195
including records pertaining to residents, and shall have access	81196
to the facility in order to conduct interviews with the operator,	81197
staff, and residents. Following each inspection and review, the	81198
department shall complete a report listing any deficiencies, and	81199
including, when appropriate, a time table within which the	81200
operator shall correct the deficiencies. The department may	81201
require the operator to submit a plan of correction describing how	81202
the deficiencies will be corrected.	81203
(K) No person shall do any of the following:	81204
(1) Operate a residential facility unless the facility holds	81205
a valid license;	81206

(2) Violate any of the conditions of licensure after having been granted a license;	81207 81208
(3) Interfere with a state or local official's inspection or investigation of a residential facility;	81209 81210
(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.	81211 81212
(L) The following may enter a residential facility at any time:	81213 81214
(1) Employees designated by the director of mental health and addiction services;	81215 81216
(2) Employees of an ADAMHS board under either of the following circumstances:	81217 81218
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	81219 81220 81221
(b) When authorized by section 340.05 of the Revised Code.	81222
(3) Employees of a community mental health services provider under either of the following circumstances:	81223 81224
(a) When the provider has a person receiving services residing in the facility;	81225 81226
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	81227 81228
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.	81229 81230 81231 81232 81233
The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and	81234 81235

any other documents relating to the operation of the residential 81236
facility, including records pertaining to residents. 81237

(M) Employees of the department of mental health and 81238
addiction services may enter, for the purpose of investigation, 81239
any institution, residence, facility, or other structure which has 81240
been reported to the department as, or that the department has 81241
reasonable cause to believe is, operating as a residential 81242
facility without a valid license. 81243

(N) The director shall adopt and may amend and rescind rules 81244
pursuant to Chapter 119. of the Revised Code governing the 81245
licensing and operation of residential facilities. The rules shall 81246
establish all of the following: 81247

(1) Minimum standards for the health, safety, adequacy, and 81248
cultural competency of treatment of and services for persons in 81249
residential facilities; 81250

(2) Procedures for the issuance, renewal, or revocation of 81251
the licenses of residential facilities; 81252

(3) The records and other information that must be submitted 81253
to demonstrate good standing for purposes of division (F) of this 81254
section; 81255

(4) Procedures for conducting background investigations for 81256
prospective or current operators, employees, volunteers, and other 81257
non-resident occupants who may have direct access to facility 81258
residents; 81259

~~(4)~~(5) The fee to be paid when applying for a new residential 81260
facility license or renewing the license; 81261

~~(5)~~(6) Procedures for the operator of a residential facility 81262
to follow when notifying the ADAMHS board serving the county in 81263
which the facility is located when the facility is serving 81264
residents with mental illness or severe mental disability, 81265

including the circumstances under which the operator is required	81266
to make such a notification;	81267
(6) <u>(7)</u> Procedures for the issuance and termination of orders	81268
of suspension of admission of residents to a residential facility;	81269
(7) <u>(8)</u> Measures to be taken by residential facilities	81270
relative to residents' medication;	81271
(8) <u>(9)</u> Requirements relating to preparation of special diets;	81272
(9) <u>(10)</u> The maximum number of residents who may be served in	81273
a residential facility;	81274
(10) <u>(11)</u> The rights of residents of residential facilities	81275
and procedures to protect such rights;	81276
(11) <u>(12)</u> Standards and procedures under which the director	81277
may waive the requirements of any of the rules adopted.	81278
(O)(1) The department may withhold the source of any	81279
complaint reported as a violation of this section when the	81280
department determines that disclosure could be detrimental to the	81281
department's purposes or could jeopardize the investigation. The	81282
department may disclose the source of any complaint if the	81283
complainant agrees in writing to such disclosure and shall	81284
disclose the source upon order by a court of competent	81285
jurisdiction.	81286
(2) Any person who makes a complaint under division (O)(1) of	81287
this section, or any person who participates in an administrative	81288
or judicial proceeding resulting from such a complaint, is immune	81289
from civil liability and is not subject to criminal prosecution,	81290
other than for perjury, unless the person has acted in bad faith	81291
or with malicious purpose.	81292
(P)(1) The director of mental health and addiction services	81293
may petition the court of common pleas of the county in which a	81294
residential facility is located for an order enjoining any person	81295

from operating a residential facility without a license or from 81296
operating a licensed facility when, in the director's judgment, 81297
there is a present danger to the health or safety of any of the 81298
occupants of the facility. The court shall have jurisdiction to 81299
grant such injunctive relief upon a showing that the respondent 81300
named in the petition is operating a facility without a license or 81301
there is a present danger to the health or safety of any residents 81302
of the facility. 81303

(2) When the court grants injunctive relief in the case of a 81304
facility operating without a license, the court shall issue, at a 81305
minimum, an order enjoining the facility from admitting new 81306
residents to the facility and an order requiring the facility to 81307
assist with the safe and orderly relocation of the facility's 81308
residents. 81309

(3) If injunctive relief is granted against a facility for 81310
operating without a license and the facility continues to operate 81311
without a license, the director shall refer the case to the 81312
attorney general for further action. 81313

(Q) The director may fine a person for violating division (K) 81314
of this section. The fine shall be five hundred dollars for a 81315
first offense; for each subsequent offense, the fine shall be one 81316
thousand dollars. The director's actions in imposing a fine shall 81317
be taken in accordance with Chapter 119. of the Revised Code. 81318

Sec. 5119.35. (A) Except as provided in division (B) of this 81319
section, if a mental health service or alcohol and drug addiction 81320
service has been specified in rules adopted under this section as 81321
a service that is required to be certified, no person or 81322
government entity shall provide ~~any of the following alcohol and~~ 81323
~~drug addiction services~~ that service unless ~~the services have it~~ 81324
has been certified under section 5119.36 of the Revised Code+ 81325

~~(1) Withdrawal management addiction services provided in a~~ 81326

~~setting other than an acute care hospital;~~ 81327

~~(2) Addiction services provided in a residential treatment setting;~~ 81328
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~~(3) Addiction services provided on an outpatient basis.~~ 81330

(B) Division (A) of this section does not apply to either of the following: 81331
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(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of a health care profession that includes the performance of ~~the services~~ any service that is required to be certified as described in ~~divisions (A)(1) to (3) of~~ this section, regardless of whether the ~~services are~~ service is performed as part of a sole proprietorship, partnership, or group practice; 81333
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(2) An individual who provides ~~the services~~ any service that is required to be certified as described in ~~divisions (A)(1) to (3) of~~ this section as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the director of mental health and addiction services. 81340
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(C) No person or government entity that is subject to this section is eligible to receive, for a service that is subject to this section, any federal funds, state funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless that service has been certified under section 5119.36 of the Revised Code. This limitation is in addition to the criminal penalty that applies for violating division (A) of this section. 81346
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(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code to specify mental health services and alcohol and drug addiction services that are required to be certified under section 5119.36 of the Revised Code. 81354
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Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 81358
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Sec. 5119.36. (A) ~~A community mental health services provider applicant or community addiction services provider applicant person or government entity~~ that seeks initial certification of ~~its one or more~~ certifiable services and supports, or that seeks to renew certification of one or more certifiable services and supports, shall submit an application to the director of mental health and addiction services. On receipt of the application, the director ~~may conduct an on-site review and shall evaluate the applicant to~~ determine whether ~~its certifiable services and supports satisfy~~ the standards established by divisions (B) and (C) of this section and any rules adopted under this section are satisfied or continue to be satisfied by the applicant. ~~The director shall make the evaluation, and, if~~ As part of the determination, the director ~~conducts~~ may conduct an on-site review of the applicant⁷. In doing so, the director may ~~make~~ conduct the review⁷ in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. 81362
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~~(B) Subject to section 5119.361 of the Revised Code, the~~ 81381
(B)(1) Beginning on the effective date of this amendment, an applicant seeking initial certification of certifiable services and supports shall be accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section that offer accreditation for those services and supports or equivalent services and supports. 81382
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(2) Beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section that offer accreditation for those services and supports or equivalent services and supports.

(3) For purposes of divisions (B)(1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations:

(a) The joint commission;

(b) The commission on accreditation of rehabilitation facilities;

(c) The council on accreditation;

(d) Any other national accrediting organization the director considers appropriate.

(C) In addition to meeting the accreditation standard set forth in division (B) of this section, an applicant seeking initial or renewed certification of one or more certifiable services and supports shall meet both of the following, as determined by the director:

(1) The applicant shall have adequate staff and equipment to provide the certifiable services and supports;

(2) The applicant and all owners and principals of the applicant shall be in good standing in all other locations where the applicant has been providing certifiable services and supports during the three-year period immediately preceding the date of the application, based on a review of records and information required to be submitted as specified in rules adopted under this section.

(D)(1) Except as provided in division (D)(2) of this section,

if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division (I) of this section, the director shall issue or renew the certification without further evaluation of the services and supports.

(2) Prior to October 1, 2025, if an applicant that seeks to renew certification of certifiable services and supports is not accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section, the director shall conduct an evaluation of the applicant to determine whether the applicant's certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant satisfy the standards for certification. The evaluation is in addition to any on-site review conducted under division (A) of this section and shall be performed in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. If the director determines that an applicant has paid any required certification fee, that the applicant's certifiable services and supports satisfy the standards for renewed certification and the applicant has paid the fee required by this section, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or the rules adopted under it, the director shall certify the

certifiable services and supports. 81452

~~No community mental health services provider shall be 81453
eligible to receive for its certifiable services and supports any 81454
state funds, federal funds, or funds administered by a board of 81455
alcohol, drug addiction, and mental health services, unless those 81456
certifiable services and supports have been certified by the 81457
director. 81458~~

~~No person or government entity subject to section 5119.35 of 81459
the Revised Code or any other community addiction services 81460
provider shall be eligible to receive for its services described 81461
in that section or its other certifiable services and supports any 81462
state funds, federal funds, or funds administered by a board of 81463
alcohol, drug addiction, and mental health services, unless those 81464
services or other certifiable services and supports have been 81465
certified by the director. 81466~~

~~(C)(E) For purposes of the accreditation requirements of this 81467
section, both of the following apply: 81468~~

~~(1) The director may review the accrediting organizations 81469
specified in division (B)(3) of this section to evaluate whether 81470
the accreditation standards and processes used by the 81471
organizations are consistent with service delivery models the 81472
director considers appropriate for mental health services, alcohol 81473
and drug addiction services, or physical health services. The 81474
director may communicate to an accrediting organization any 81475
identified concerns, trends, needs, and recommendations. 81476~~

~~(2) The director shall require a community mental health 81477
services provider and a community addiction services provider to 81478
notify the director not later than ten days after any change in 81479
the provider's accreditation status. The provider may notify the 81480
director by providing a copy of the relevant document the provider 81481
received from the accrediting organization. 81482~~

<u>(F) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.</u>	81483
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<u>(G) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:</u>	81486
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(1) The applicant or holder is not in compliance with rules adopted under this section.	81490
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(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.	81492
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(3) <u>The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;</u>	81496
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(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.	81498
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(D) (H) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider that provides overnight accommodations , as provided in division (H) (M) of this section, the order remains in effect during the pendency of those proceedings.	81501
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(E) (I) <u>The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction</u>	81509
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services and confirmed or alleged deficiencies brought to the 81514
attention of the director. This authority does not affect the 81515
director's duty to conduct the inspections required by section 81516
5119.37 of the Revised Code. 81517

In conducting an on-site review under this division, the 81518
director may do so in cooperation with a board of alcohol, drug 81519
addiction, and mental health services that seeks to contract or 81520
has a contract with the applicant under section 340.036 of the 81521
Revised Code. In conducting any other evaluation under this 81522
division, the director shall do so in cooperation with such a 81523
board. 81524

~~(J)~~ If the director determines that ~~a community mental health~~ 81525
~~services provider applicant's or a community addiction services~~ 81526
~~provider~~ an applicant's certifiable services and supports do not 81527
satisfy the standards for certification, the director may request 81528
that the appropriate board of alcohol, drug addiction, and mental 81529
health services reallocate any funds for the certifiable services 81530
and supports the applicant was to provide to ~~another~~ a community 81531
mental health services provider or community addiction services 81532
provider whose certifiable services and supports satisfy the 81533
standards. If the board does not reallocate such funds in a 81534
reasonable period of time, the director may withhold state and 81535
federal funds for the certifiable services and supports and 81536
allocate those funds directly to a community mental health 81537
services provider or community addiction services provider whose 81538
certifiable services and supports satisfy the standards. 81539

~~(F)~~~~(K)~~ Each ~~community mental health services provider~~ 81540
~~applicant or community addiction services provider~~ applicant 81541
seeking initial or renewed certification of its certifiable 81542
services and supports ~~under this section~~ shall pay a fee for the 81543
certification required by this section, unless the applicant is 81544
exempt under rules adopted under this section. Fees shall be paid 81545

into the state treasury to the credit of the sale of goods and 81546
services fund created pursuant to section 5119.45 of the Revised 81547
Code. 81548

~~(G)~~(L) The director shall adopt rules in accordance with 81549
Chapter 119. of the Revised Code to implement this section. ~~The~~ 81550
Notwithstanding any provision of section 121.95 of the Revised 81551
Code to the contrary, a regulatory restriction contained in a rule 81552
adopted under this section is not subject to sections 121.95 to 81553
121.953 of the Revised Code. 81554

The rules shall do all of the following: 81555

(1) Subject to section 340.034 of the Revised Code, specify 81556
the types of recovery supports that are required to be certified 81557
under this section; 81558

(2) Establish certification standards for certifiable 81559
services and supports that are consistent with nationally 81560
recognized applicable standards and facilitate participation in 81561
federal assistance programs. The rules shall include as 81562
certification standards only requirements that improve the quality 81563
of certifiable services and supports or the health and safety of 81564
persons receiving certifiable services and supports. The standards 81565
shall address at a minimum all of the following: 81566

(a) Reporting major unusual incidents to the director; 81567

(b) Procedures for applicants for and persons receiving 81568
certifiable services and supports to file grievances and 81569
complaints; 81570

(c) Seclusion; 81571

(d) Restraint; 81572

(e) Requirements regarding the physical facilities in which 81573
certifiable services and supports are provided; 81574

(f) Requirements with regard to health, safety, adequacy, and 81575

cultural specificity and sensitivity;	81576
(g) Standards for evaluating certifiable services and supports;	81577 81578
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider <u>an</u> applicant;	81579 81580 81581 81582
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	81583 81584 81585 81586 81587
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	81588 81589 81590
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	81591 81592 81593
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	81594 81595
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	81596 81597
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	81598 81599 81600 81601
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised	81602 81603 81604 81605

Code if the person is committed to the provider or board.	81606
<u>(1) Documentation that must be submitted as evidence of holding appropriate accreditation;</u>	81607 81608
<u>(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B)(3) of this section.</u>	81609 81610 81611 81612
(3) Establish the process for certification of certifiable services and supports;	81613 81614
(4) Set the amount of <u>initial and renewal</u> certification review fees <u>and any reasons for which applicants may be exempt from the fees;</u>	81615 81616 81617
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds;	81618 81619
<u>(6) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division (I) of this section, may take any range of correction actions, including revocation of the provider's certification;</u>	81620 81621 81622 81623 81624 81625
<u>(7) Specify the records and information that must be submitted to demonstrate good standing for purposes of division (C) of this section.</u>	81626 81627 81628
(H)(1) <u>(M)(1)</u> The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:	81629 81630 81631 81632
(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section;	81633 81634
(b) The provider has been cited for more than one violation	81635

of statutes or rules during any previous certification period of 81636
the provider. 81637

(2)(a) Except as provided in division ~~(H)(2)(b)~~(M)(2)(b) of 81638
this section, proceedings initiated to suspend admissions to a 81639
community addiction services provider that provides overnight 81640
accommodations are governed by Chapter 119. of the Revised Code. 81641

(b) If a suspension of admissions is proposed because the 81642
director has determined that the provider has demonstrated a 81643
pattern of serious noncompliance or that a violation creates a 81644
substantial risk to the health and safety of patients, the 81645
director may issue an order suspending admissions before providing 81646
an opportunity for an adjudication under Chapter 119. of the 81647
Revised Code. The director shall lift the order for the suspension 81648
of admissions if the director determines that the violation that 81649
formed the basis for the order has been corrected. 81650

(3) Appeals from proceedings initiated to order the 81651
suspension of admissions shall be conducted in accordance with 81652
Chapter 119. of the Revised Code, unless the order was issued 81653
before providing an opportunity for an adjudication, in which case 81654
all of the following apply: 81655

(a) The provider may request a hearing not later than ten 81656
days after ~~receiving the notice specified~~ being served in section 81657
accordance with sections 119.05 and 119.07 of the Revised Code. 81658

(b) If a timely request for a hearing that includes the 81659
provider's current address is made, the hearing shall commence not 81660
later than thirty days after the department receives the request. 81661

(c) After commencing, the hearing shall continue 81662
uninterrupted, except for Saturdays, Sundays, and legal holidays, 81663
unless other interruptions are agreed to by the provider and the 81664
director. 81665

(d) If the hearing is conducted by a hearing examiner, the 81666

hearing examiner shall file a report and recommendations with the 81667
department not later than ten days after the last of the 81668
following: 81669

(i) The close of the hearing; 81670

(ii) If a transcript of the proceedings is ordered, the 81671
hearing examiner receives the transcript; 81672

(iii) If post-hearing briefs are timely filed, the hearing 81673
examiner receives the briefs. 81674

(e) The hearing examiner shall send a written copy of the 81675
report and recommendations, by certified mail, to the provider, or 81676
the provider's attorney, if applicable, not later than five days 81677
after the report is filed with the department. 81678

(f) Not later than five days after receiving the report and 81679
recommendations, the provider may file objections with the 81680
department. 81681

(g) Not later than fifteen days after the hearing examiner 81682
files the report and recommendations, the department shall issue 81683
an order approving, modifying, or disapproving the report and 81684
recommendations. 81685

(h) Notwithstanding the pendency of the hearing, the 81686
department shall lift the order for the suspension of admissions 81687
if the department determines the violation that formed the basis 81688
for the order has been corrected. 81689

~~(I)(1)(N)(1)~~ In a proceeding initiated to suspend admissions 81690
to a community addiction services provider that provides overnight 81691
accommodations, to deny an application for certification of 81692
certifiable services and supports, to refuse to renew 81693
certification, or to revoke certification, the department may 81694
order the suspension, denial, refusal, or revocation regardless of 81695
whether some or all of the deficiencies that prompted the 81696

proceedings have been corrected at the time of the hearing. 81697

(2) When the department issues an order suspending admissions 81698
to a community addiction services provider that provides overnight 81699
accommodations, denies an application for certification of 81700
certifiable services and supports, refuses to renew certification, 81701
or revokes a certification, the department shall not grant an 81702
opportunity for submitting a plan of correction. 81703

~~(J)~~(O) The department of mental health and addiction services 81704
shall maintain a current list of community addiction services 81705
providers and shall provide a copy of the list to a judge of a 81706
court of common pleas who requests a copy for the use of the judge 81707
under division (H) of section 2925.03 of the Revised Code. The 81708
list shall identify each provider by its name, its address, and 81709
the county in which it is located. 81710

~~(K)~~(P) No person shall represent in any manner that a 81711
community mental health services provider's or community addiction 81712
services provider's certifiable services and supports are 81713
certified by the director if the certifiable services and supports 81714
are not so certified at the time the representation is made. 81715

Sec. 5119.37. (A)(1)(a) Except as provided in division 81716
(A)(1)(b) of this section, no person or government entity shall 81717
operate an opioid treatment program requiring certification, as 81718
certification is defined in 42 C.F.R. 8.2, unless the person or 81719
government entity is a community addiction services provider and 81720
the program is licensed under this section. 81721

(b) Division (A)(1)(a) of this section does not apply to a 81722
program operated by the United States department of veterans 81723
affairs. 81724

(2) No community addiction services provider licensed under 81725
this section shall operate an opioid treatment program in a manner 81726

inconsistent with this section and the rules adopted under it. 81727

(B) A community addiction services provider seeking a license 81728
to operate an opioid treatment program shall apply to the 81729
department of mental health and addiction services. The department 81730
shall review all applications received. 81731

(C) The department may issue a license to operate an opioid 81732
treatment program to a community addiction services provider only 81733
if all of the following apply: 81734

(1) During the three-year period immediately preceding the 81735
date of application, the provider or any owner, sponsor, medical 81736
director, administrator, or principal of the provider has been in 81737
good standing to operate an opioid treatment program in all other 81738
locations where the provider or such other person has been 81739
operating a similar program, as evidenced by both of the 81740
following: 81741

(a) Not having been denied a license, certificate, or similar 81742
approval to operate an opioid treatment program by this state or 81743
another jurisdiction; 81744

(b) Not having been the subject of any of the following in 81745
this state or another jurisdiction: 81746

(i) An action that resulted in the suspension or revocation 81747
of the license, certificate, or similar approval of the provider 81748
or other person; 81749

(ii) A voluntary relinquishment, withdrawal, or other action 81750
taken by the provider or other person to avoid suspension or 81751
revocation of the license, certificate, or similar approval; 81752

(iii) A disciplinary action that was based, in whole or in 81753
part, on the provider or other person engaging in the 81754
inappropriate prescribing, dispensing, administering, personally 81755
furnishing, diverting, storing, supplying, compounding, or selling 81756

of a controlled substance or other dangerous drug. 81757

(2) It affirmatively appears to the department that the 81758
provider is adequately staffed and equipped to operate an opioid 81759
treatment program. 81760

(3) It affirmatively appears to the department that the 81761
provider will operate an opioid treatment program in strict 81762
compliance with all laws relating to drug abuse and the rules 81763
adopted by the department. 81764

(4) Except as provided in division (D) of this section and 81765
section 5119.371 of the Revised Code, if the provider is seeking 81766
an initial license for a particular location, the proposed opioid 81767
treatment program is not located on a parcel of real estate that 81768
is within a radius of five hundred linear feet of the boundaries 81769
of a parcel of real estate having situated on it a public or 81770
private school, child day-care center licensed under Chapter 5104. 81771
of the Revised Code, or child-serving agency regulated by the 81772
department under this chapter. 81773

(5) The provider meets any additional requirements 81774
established by the department in rules adopted under division (F) 81775
of this section. 81776

(D) The department may waive the requirement of division 81777
(C)(4) of this section if it receives, from each public or private 81778
school, child day-care center, or child-serving agency that is 81779
within the five hundred linear feet radius described in that 81780
division, a letter of support for the location. The department 81781
shall determine whether a letter of support is satisfactory for 81782
purposes of waiving the requirement. 81783

(E)(1) Except as provided in division (E)(2) of this section, 81784
a license to operate an opioid treatment program shall expire two 81785
years from the date of issuance. Licenses may be renewed. 81786

(2) In circumstances in which the director of mental health 81787

and addiction services has concerns regarding compliance of a 81788
community addiction services provider licensed as an opioid 81789
treatment program, the department shall notify the provider of 81790
those concerns and stipulate that the provider's license expires 81791
annually on a date determined by the department. 81792

(F) The department shall establish procedures and adopt rules 81793
for licensing, inspection, and supervision of community addiction 81794
services providers that operate an opioid treatment program. The 81795
rules shall establish standards for the control, storage, 81796
furnishing, use, dispensing, and administering of medications used 81797
in medication-assisted treatment; prescribe minimum standards for 81798
the operation of the opioid treatment program component of the 81799
provider's operations; and comply with federal laws and 81800
regulations. 81801

All rules adopted under this division shall be adopted in 81802
accordance with Chapter 119. of the Revised Code. All actions 81803
taken by the department regarding the licensing of providers to 81804
operate opioid treatment programs shall be conducted in accordance 81805
with Chapter 119. of the Revised Code, except as provided in 81806
division (L) of this section. 81807

(G)(1) The department shall inspect all community addiction 81808
services providers licensed to operate an opioid treatment 81809
program. Inspections shall be conducted at least biennially and 81810
may be conducted more frequently. 81811

In addition, the department may inspect any provider or other 81812
person that it reasonably believes to be operating an opioid 81813
treatment program without a license issued under this section. 81814

(2) When conducting an inspection, the department may do both 81815
of the following: 81816

(a) Examine and copy all records, accounts, and other 81817
documents relating to the provider's or other person's operations, 81818

including records pertaining to patients or clients; 81819

(b) Conduct interviews with any individual employed by or 81820
contracted or otherwise associated with the provider or person, 81821
including an administrator, staff person, patient, or client. 81822

(3) No person or government entity shall interfere with a 81823
state or local government official acting on behalf of the 81824
department while conducting an inspection. 81825

(H) A community addiction services provider shall not 81826
administer or dispense methadone in a tablet, powder, or 81827
intravenous form. Methadone shall be administered or dispensed 81828
only in a liquid form intended for ingestion. 81829

A community addiction services provider shall not administer 81830
or dispense a medication used in medication-assisted treatment for 81831
pain or other medical reasons. 81832

(I) As used in this division, "program sponsor" means a 81833
person who assumes responsibility for the operation and employees 81834
of the opioid treatment program component of a community addiction 81835
services provider's operations. 81836

A provider shall not permit an individual to act as a program 81837
sponsor, medical director, or director of the provider if the 81838
individual is receiving a medication used in medication-assisted 81839
treatment from any community addiction services provider. 81840

(J) The department may issue orders to ensure compliance with 81841
all laws relating to drug abuse and the rules adopted under this 81842
section. Subject to section 5119.27 of the Revised Code, the 81843
department may hold hearings, require the production of relevant 81844
matter, compel testimony, issue subpoenas, and make adjudications. 81845
Upon failure of a person without lawful excuse to obey a subpoena 81846
or to produce relevant matter, the department may apply to a court 81847
of common pleas for an order compelling compliance. 81848

(K) The department may refuse to issue, or may withdraw or 81849
revoke, a license to operate an opioid treatment program. A 81850
license may be refused if a community addiction services provider 81851
does not meet the requirements of division (C) of this section. A 81852
license may be withdrawn at any time the department determines 81853
that the provider no longer meets the requirements for receiving 81854
the license. A license may be revoked in accordance with division 81855
(L) of this section. 81856

Once a license is issued under this section, the department 81857
shall not consider the requirement of division (C)(4) of this 81858
section in determining whether to renew, withdraw, or revoke the 81859
license or whether to reissue the license as a result of a change 81860
in ownership. 81861

(L) If the department finds reasonable cause to believe that 81862
a community addiction services provider licensed under this 81863
section is in violation of any state or federal law or rule 81864
relating to drug abuse, the department may issue an order 81865
immediately revoking the license, subject to division (M) of this 81866
section. The department shall set a date not more than fifteen 81867
days later than the date of the order of revocation for a hearing 81868
on the continuation or cancellation of the revocation. For good 81869
cause, the department may continue the hearing on application of 81870
any interested party. In conducting hearings, the department has 81871
all the authority and power set forth in division (J) of this 81872
section. Following the hearing, the department shall either 81873
confirm or cancel the revocation. The hearing shall be conducted 81874
in accordance with Chapter 119. of the Revised Code, except that 81875
the provider shall not be permitted to operate an opioid treatment 81876
program pending the hearing or pending any appeal from an 81877
adjudication made as a result of the hearing. Notwithstanding any 81878
provision of Chapter 119. of the Revised Code to the contrary, a 81879
court shall not stay or suspend any order of revocation issued by 81880

the department under this division pending judicial appeal. 81881

(M) The department shall not revoke a license to operate an 81882
opioid treatment program unless all clients receiving medication 81883
used in medication-assisted treatment from the community addiction 81884
services provider are provided adequate substitute medication or 81885
treatment. For purposes of this division, the department may 81886
transfer the clients to other providers licensed to operate opioid 81887
treatment programs or replace any or all of the administrators and 81888
staff of the provider with representatives of the department who 81889
shall continue on a provisional basis the opioid treatment 81890
component of the provider's operations. 81891

(N) Each time the department receives an application from a 81892
community addiction services provider for a license to operate an 81893
opioid treatment program, issues or refuses to issue a license, or 81894
withdraws or revokes a license, the department shall notify the 81895
board of alcohol, drug addiction, and mental health services of 81896
each alcohol, drug addiction, and mental health service district 81897
in which the provider operates. 81898

(O) Whenever it appears to the department from files, upon 81899
complaint, or otherwise, that a community addiction services 81900
provider has engaged in any practice declared to be illegal or 81901
prohibited by section 3719.61 of the Revised Code, or any other 81902
state or federal laws or regulations relating to drug abuse, or 81903
when the department believes it to be in the best interest of the 81904
public and necessary for the protection of the citizens of the 81905
state, the department may request criminal proceedings by laying 81906
before the prosecuting attorney of the proper county any evidence 81907
of criminality which may come to its knowledge. 81908

(P) The department shall maintain a current list of community 81909
addiction services providers licensed by the department under this 81910
section and shall provide a copy of the current list to a judge of 81911
a court of common pleas who requests a copy for the use of the 81912

judge under division (H) of section 2925.03 of the Revised Code 81913
and to a board of alcohol, drug addiction, and mental health 81914
services that requests a copy for purposes of division (I)(3) of 81915
section 340.08 of the Revised Code. The list of licensed community 81916
addiction services providers shall identify each licensed provider 81917
by its name, its address, and the county in which it is located. 81918

Sec. 5119.39. (A) The department of mental health and 81919
addiction services shall monitor the operation of recovery housing 81920
in this state by doing either of the following: 81921

(1) Certifying recovery housing residences through a process 81922
established by the department; 81923

(2) Accept accreditation, or its equivalent for the service 81924
of recovery housing, from one or more of the following: 81925

(a) The Ohio affiliate of the national alliance for recovery 81926
residences; 81927

(b) Oxford house, inc.; 81928

(c) Any other organization that is designated by the 81929
department for purposes of this section. 81930

(B) If the department certifies recovery housing residences, 81931
the department shall, in rules adopted under section 5119.397 of 81932
the Revised Code, establish requirements for initial certification 81933
and renewal certification, as well as grounds and procedures for 81934
disciplinary action against operators of recovery housing 81935
residences. 81936

Sec. 5119.391. (A) The department of mental health and 81937
addiction services shall monitor the establishment of recovery 81938
housing residences in this state. 81939

(B) For purposes of division (A) of this section, and within 81940
the timeframe specified in division (C) of this section, each 81941

person or government entity that will operate a recovery housing residence on or after the effective date of this section, including any recovery housing that was established and in operation prior to the effective date of this section, shall file with the department, on a form prescribed by the department, all of the following information: 81942
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(1) The name of the recovery housing residence and any other name under which the residence does business; 81948
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(2) The address of the recovery housing residence; 81950

(3) The name of the person or government entity operating the residence; 81951
81952

(4) The primary telephone number and electronic mail address for the recovery housing operator; 81953
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(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident; 81955
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(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining; 81957
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(7) Any other information the department considers appropriate. 81960
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(C) The form required by division (B) of this section shall be filed with the department as follows: 81962
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(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section; 81964
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(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not later than thirty days after the first resident begins occupying the residence. 81967
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(D) If the department accepts accreditation or its equivalent 81971

from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization. 81972
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Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies: 81975
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(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department. 81978
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(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization. 81981
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(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code. 81984
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(B) If the director of mental health and addiction services determines that a recovery housing residence is operating in violation of this section, the director may petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence. 81991
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Sec. 5119.393. (A) The department of mental health and addiction services shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 81997
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of the Revised Code to fulfill some or all of the functions 82002
associated with receiving and investigating complaints. 82003

(B) Any organization under contract with the department to 82004
receive and investigate complaints shall make reports to the 82005
department as follows: 82006

(1) Not less than monthly, the contractor shall report the 82007
status of each pending investigation and shall report the outcome 82008
of each investigation that has been completed since the last 82009
report was made; 82010

(2) As soon as practicable, but not later than ten days after 82011
making an adverse decision, if a contractor's accreditation or its 82012
equivalent is accepted by the department for purposes of section 82013
5119.39 of the Revised Code, the contractor shall report that 82014
decision to the department in a manner prescribed by the 82015
department. 82016

Sec. 5119.394. (A) The department of mental health and 82017
addiction services shall establish and maintain a registry of 82018
recovery housing residences that meet the criteria described in 82019
division (A)(1) or (2) of section 5119.392 of the Revised Code. 82020
For each residence, the registry shall include all of the 82021
following: 82022

(1) Information on the form required by division (B) of 82023
section 5119.391 of the Revised Code; 82024

(2) If a complaint received under section 5119.393 of the 82025
Revised Code has been investigated, a description of the 82026
complaint, the date the complaint was submitted to the department 82027
or its contractor, and the outcome of the investigation; 82028

(3) Any other information the department considers 82029
appropriate. 82030

(B) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed. 82031
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(C) The department shall make the registry available to the public on the department's web site. 82038
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Sec. 5119.395. Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions: 82040
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(A) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code; 82046
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(B) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code. 82048
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Sec. 5119.396. Beginning January 1, 2025, community addiction services providers and community mental health services providers shall not refer clients to a recovery housing residence unless the residence is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made. Community addiction services providers and community mental health services providers shall maintain records of all referrals made to recovery housing residences. 82051
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Sec. 5119.397. The director of mental health and addiction 82059

services may adopt rules in accordance with Chapter 119. of the 82060
Revised Code to implement sections 5119.39 to 5119.396 of the 82061
Revised Code. Notwithstanding any provision of section 121.95 of 82062
the Revised Code to the contrary, a regulatory restriction 82063
contained in a rule adopted under this section is not subject to 82064
sections 121.95 to 121.953 of the Revised Code. 82065

Sec. 5119.48. (A) The department of mental health and 82066
addiction services shall create the all roads lead to home 82067
program. The program shall include all of the following 82068
initiatives: 82069

(1) A media campaign. As part of the campaign, the department 82070
shall develop public service announcements and shall make the 82071
announcements available to television and radio media outlets. The 82072
announcements shall be made available beginning on January 1, 82073
2018, and at least twice annually, once between January and March 82074
of each year, and once in September of each year as part of 82075
national recovery month. 82076

(2) A web site as described in division (C) of this section; 82077

(3) A twenty-four-hour hotline, that is operated by a call 82078
center, for the purpose of helping individuals access addiction 82079
services. 82080

(B) The media campaign described in division (A)(1) of this 82081
section shall do all of the following: 82082

(1) Include messages to reduce the stigma associated with 82083
seeking help for drug addiction; 82084

(2) Provide directions for people who are in need of drug 82085
addiction assistance to a web-based location that includes all of 82086
the following: 82087

(a) Information on where to find help for drug addiction; 82088

(b) Information on intervention and referral options;	82089
(c) Contact information for county board drug addiction assistance authorities.	82090 82091
(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;	82092 82093
(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.	82094 82095 82096
(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components:	82097 82098 82099
(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;	82100 82101 82102
(2) Community detoxification and withdrawal management options and community treatment options;	82103 82104
(3) A searchable database of certified substance abuse providers organized by zip code;	82105 82106
(4) Information on recovery supports, including recovery housing <u>residences</u> ;	82107 82108
(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment.	82109 82110
(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section.	82111 82112 82113
Sec. 5119.61. (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of persons with mental disabilities, and the care, treatment, and rehabilitation of	82114 82115 82116 82117

persons with ~~alcoholism~~ alcohol use disorder, persons with drug 82118
dependencies, persons in danger of drug dependence, and persons 82119
with or in danger of developing a gambling addiction in this 82120
state. The information shall include, without limitation, 82121
information on the number of such persons, the type of drug 82122
involved, if any, the type of care, treatment, or rehabilitation 82123
prescribed or undertaken, and the success or failure of the care, 82124
treatment, or rehabilitation. The department shall collect 82125
information about addiction services, mental health services, and 82126
recovery supports delivered and persons served as required for 82127
reporting and evaluation relating to state and federal funds 82128
expended for such purposes. 82129

(B) No community addiction services provider or community 82130
mental health services provider shall fail to supply statistics 82131
and other information within its knowledge and with respect to its 82132
addiction services, mental health services, and recovery supports 82133
upon request of the department. 82134

(C) Communications by a person seeking aid in good faith for 82135
~~alcoholism~~ alcohol use disorder or drug dependence are 82136
confidential, and this section does not require the collection or 82137
permit the disclosure of information which reveals or comprises 82138
the identity of any person seeking aid. 82139

(D) Based on the information collected and compiled under 82140
division (A) of this section, the department shall develop a 82141
project to assess the outcomes of persons served by community 82142
addiction services providers and community mental health services 82143
providers that receive funds distributed by the department. 82144

(E) The director of mental health and addiction services may 82145
fine a community addiction services provider or community mental 82146
health services provider for violating division (B) of this 82147
section. In determining whether to impose a fine, the director 82148
shall consider whether the provider has engaged in a pattern of 82149

noncompliance. If a fine is imposed, it shall be one thousand 82150
dollars for a first failure to comply with division (B) of this 82151
section and two thousand dollars for each subsequent failure. The 82152
director's actions in imposing a fine shall be taken in accordance 82153
with Chapter 119. of the Revised Code. 82154

All fines collected under this division shall be deposited in 82155
the state treasury to the credit of the department's statewide 82156
treatment and prevention fund created by section 4301.30 of the 82157
Revised Code. 82158

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the 82159
Revised Code: 82160

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ alcohol 82161
use disorder or drug addiction. 82162

(B) "Another drug" means a controlled substance as defined in 82163
section 3719.01 of the Revised Code or a harmful intoxicant as 82164
defined in section 2925.01 of the Revised Code. 82165

(C) "Board of alcohol, drug addiction, and mental health 82166
services" means a board of alcohol, drug addiction, and mental 82167
health services established under section 340.02 or 340.021 of the 82168
Revised Code. 82169

(D) "Danger" or "threat of danger to self, family, or others" 82170
means substantial physical harm or threat of substantial physical 82171
harm upon self, family, or others. 82172

(E) "Hospital" has the same meaning as in section 3701.01 or 82173
3727.01 of the Revised Code but does not include either a hospital 82174
operated by the department of mental health and addiction services 82175
or an inpatient unit licensed by the department. 82176

(F) "Intoxicated" means being under the influence of alcohol, 82177
another drug, or both alcohol and another drug and, as a result, 82178
having a significantly impaired ability to function. 82179

(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code.	82180 82181
(H) "Probate court" means the probate division of the court of common pleas.	82182 82183
(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.	82184 82185 82186
(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.	82187 82188
(K) "Respondent" means a person alleged in a petition filed or hearing under sections 5119.91 to 5119.98 of the Revised Code to be a person who is experiencing alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.	82189 82190 82191 82192
(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons experiencing alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.	82193 82194 82195 82196 82197
Sec. 5119.99. (A) Whoever violates section 5119.333, <u>division (A) of section 5119.392, or section 5119.395</u> of the Revised Code is guilty of a misdemeanor of the first degree.	82198 82199 82200
(B) Whoever violates division (B) <u>(K)(1)</u> of section 5119.61 <u>5119.34</u> of the Revised Code is guilty of a misdemeanor of the fourth degree.	82201 82202 82203
(C) Whoever violates section 5119.27 or 5119.28, division (A) of section 5119.35, division (K) <u>(P)</u> of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.	82204 82205 82206 82207
Sec. 5120.10. (A)(1) The director of rehabilitation and	82208

correction, by rule, shall promulgate minimum standards for jails 82209
in Ohio, including minimum security jails dedicated under section 82210
341.34 or 753.21 of the Revised Code. Whenever the director files 82211
a rule or an amendment to a rule in final form with both the 82212
secretary of state and the director of the legislative service 82213
commission pursuant to section 111.15 of the Revised Code, the 82214
director of rehabilitation and correction promptly shall send a 82215
copy of the rule or amendment, if the rule or amendment pertains 82216
to minimum jail standards, by ordinary mail to the political 82217
subdivisions or affiliations of political subdivisions that 82218
operate jails to which the standards apply. 82219

(2) The rules promulgated in accordance with division (A)(1) 82220
of this section shall serve as criteria for the investigative and 82221
supervisory powers and duties vested by division (D) of this 82222
section in the division of parole and community services of the 82223
department of rehabilitation and correction or in another division 82224
of the department to which those powers and duties are assigned. 82225

(B) The director may initiate an action in the court of 82226
common pleas of the county in which a facility that is subject to 82227
the rules promulgated under division (A)(1) of this section is 82228
situated to enjoin compliance with the minimum standards for jails 82229
or with the minimum standards and minimum renovation, 82230
modification, and construction criteria for jails. 82231

(C) Upon the request of an administrator of a jail facility, 82232
the chief executive of a municipal corporation, or a board of 82233
county commissioners, the director of rehabilitation and 82234
correction or the director's designee shall grant a variance from 82235
the minimum standards for jails in Ohio for a facility that is 82236
subject to one of those minimum standards when the director 82237
determines that strict compliance with the minimum standards would 82238
cause unusual, practical difficulties or financial hardship, that 82239
existing or alternative practices meet the intent of the minimum 82240

standards, and that granting a variance would not seriously affect 82241
the security of the facility, the supervision of the inmates, or 82242
the safe, healthful operation of the facility. If the director or 82243
the director's designee denies a variance, the applicant may 82244
appeal the denial pursuant to section 119.12 of the Revised Code. 82245

(D) The following powers and duties shall be exercised by the 82246
division of parole and community services unless assigned to 82247
another division by the director: 82248

(1) The investigation and supervision of county and municipal 82249
jails, workhouses, minimum security jails, and other correctional 82250
institutions and agencies; 82251

(2) The review and approval of plans submitted to the 82252
department of rehabilitation and correction pursuant to division 82253
(E) of this section; 82254

(3) The management and supervision of the adult parole 82255
authority created by section 5149.02 of the Revised Code; 82256

(4) The review and approval of proposals for community-based 82257
correctional facilities and programs and district community-based 82258
correctional facilities and programs that are submitted pursuant 82259
to division (B) of section 2301.51 of the Revised Code; 82260

(5) The distribution of funds made available to the division 82261
for purposes of assisting in the renovation, maintenance, and 82262
operation of community-based correctional facilities and programs 82263
and district community-based correctional facilities and programs 82264
in accordance with section 5120.112 of the Revised Code; 82265

(6) The performance of the duty imposed upon the department 82266
of rehabilitation and correction in section 5149.31 of the Revised 82267
Code to establish and administer a program of subsidies to 82268
eligible municipal corporations, counties, and groups of 82269
contiguous counties for the development, implementation, and 82270
operation of community-based corrections programs; 82271

(7) Licensing halfway houses and community residential
centers for the care and treatment of adult offenders in
accordance with section 2967.14 of the Revised Code;

(8) Contracting with a public or private agency or a
department or political subdivision of the state that operates a
licensed halfway house or community residential center for the
provision of housing, supervision, and other services to parolees,
releasees, persons placed under a residential sanction, persons
under transitional control, and other eligible offenders in
accordance with section 2967.14 of the Revised Code;

(9) Working with the Ohio facilities construction commission
in accordance with Chapter 342. of the Revised Code.

Other powers and duties may be assigned by the director of
rehabilitation and correction to the division of parole and
community services. This section does not apply to the department
of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, and no
plan for a substantial addition or alteration to an existing jail,
workhouse, or lockup, shall be adopted unless the officials
responsible for adopting the plan have submitted the plan to the
department of rehabilitation and correction for approval, and the
department has approved the plan as provided in division (D)(2) of
this section.

Sec. 5120.658. (A) As used in this section, "doula" has the
same meaning as in section 4723.89 of the Revised Code.

(B) During the period beginning one year after the effective
date of this section and ending five years after the effective
date of this section, the department of rehabilitation and
correction shall operate a program to provide to inmates
participating in any prison nursery program established under

section 5120.65 of the Revised Code doula services that are 82302
provided by a doula certified under section 4723.89 of the Revised 82303
Code. 82304

(C) The department may adopt rules in accordance with Chapter 82305
119. of the Revised Code to implement this section. 82306
Notwithstanding any provision of section 121.95 of the Revised 82307
Code to the contrary, a regulatory restriction contained in a rule 82308
adopted under this section is not subject to sections 121.95 to 82309
121.953 of the Revised Code. 82310

Sec. 5123.0412. (A) The department of developmental 82311
disabilities shall charge each county board of developmental 82312
disabilities an annual fee equal to one and one-quarter per cent 82313
of the total value of all medicaid paid claims for home and 82314
community-based services provided during the year to an individual 82315
eligible for services from the county board, except that the 82316
department shall not charge the fee for home and community-based 82317
services provided under the medicaid waiver component known as the 82318
transitions developmental disabilities waiver. A county board 82319
shall not pass on to a provider of home and community-based 82320
services the cost of a fee charged to the county board under this 82321
section. 82322

(B) The amounts collected from the fees charged under this 82323
section shall be deposited into the department of developmental 82324
disabilities administration and oversight fund, which is hereby 82325
created in the state treasury. The department shall use the money 82326
in the fund for both of the following purposes: 82327

(1) Medicaid administrative costs, including administrative 82328
and oversight costs of medicaid case management services and home 82329
and community-based services. The administrative and oversight 82330
costs of medicaid case management services and home and 82331
community-based services shall include costs for staff, systems, 82332

and other resources the department needs and dedicates solely to	82333
the following duties associated with the services:	82334
(a) Eligibility determinations;	82335
(b) Training;	82336
(c) Fiscal management;	82337
(d) Claims processing;	82338
(e) Quality assurance oversight;	82339
(f) Other duties the department identifies.	82340
(2) Providing technical support to county boards with respect	82341
to their medicaid local administrative authority under section	82342
5126.055 of the Revised Code for the services.	82343
 (C) The department shall submit an annual report to the	82344
director of budget and management certifying how the department	82345
spent the money in the fund for the purposes specified in division	82346
(B) of this section.	82347
Sec. 5123.0419. (A) The director of developmental	82348
disabilities shall establish an interagency workgroup on autism.	82349
The purpose of the workgroup shall be to improve the coordination	82350
of the state's efforts to address the service needs of individuals	82351
with autism spectrum disorders and the families of those	82352
individuals. In fulfilling this purpose, the director may enter	82353
into interagency agreements with the government entities	82354
represented by the members of the workgroup. The agreements may	82355
specify any or all of the following:	82356
(1) The roles and responsibilities of government entities	82357
that enter into the agreements;	82358
(2) Procedures regarding the receipt, transfer, and	82359
expenditure of funds necessary to achieve the goals of the	82360
workgroup;	82361

(3) The projects to be undertaken and activities to be performed by the government entities that enter into the agreements. 82362
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~~(B)~~(B)(1) The entity contracted to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities under section 3323.32 of the Revised Code shall serve as the coordinating body of the workgroup. 82365
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(2) The coordinating body of the workgroup shall ensure that the workgroup submits an annual report to the director of developmental disabilities by the thirty-first day of December of each year that includes recommendations for the workgroup's priorities and goals for the next year. 82370
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(3) The department shall contract with the coordinating body on the implementation of the recommendations and other department initiatives for individuals with autism and other low incidence disabilities. 82375
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(C) Money received from government entities represented by the members of the workgroup shall be deposited into the state treasury to the credit of the interagency workgroup on autism fund, which is hereby created in the state treasury. Money credited to the fund shall be used by the department of developmental disabilities solely to support the activities of the workgroup. 82379
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(D) The workgroup shall hold at least two meetings per year that are open to the public for the purposes of reporting its work and hearing public feedback. 82386
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Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code: 82389
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(1) "Independent living arrangement" means an arrangement in 82391

which an individual with a developmental disability resides in an 82392
individualized setting chosen by the individual or the 82393
individual's guardian, which is not dedicated principally to the 82394
provision of residential services for individuals with 82395
developmental disabilities, and for which no financial support is 82396
received for rendering such service from any governmental agency 82397
by a provider of residential services. 82398

(2) "Licensee" means the person or government agency that has 82399
applied for a license to operate a residential facility and to 82400
which the license was issued under this section. 82401

(3) "Political subdivision" means a municipal corporation, 82402
county, or township. 82403

(4) "Related party" has the same meaning as in section 82404
5123.16 of the Revised Code except that "provider" as used in the 82405
definition of "related party" means a person or government entity 82406
that held or applied for a license to operate a residential 82407
facility, rather than a person or government entity certified to 82408
provide supported living. 82409

(5)(a) Except as provided in division (A)(5)(b) of this 82410
section, "residential facility" means a home or facility, 82411
including an ICF/IID, in which an individual with a developmental 82412
disability resides. 82413

(b) "Residential facility" does not mean any of the 82414
following: 82415

(i) The home of a relative or legal guardian in which an 82416
individual with a developmental disability resides; 82417

(ii) A respite care home certified under section 5126.05 of 82418
the Revised Code; 82419

(iii) A county home or district home operated pursuant to 82420
Chapter 5155. of the Revised Code; 82421

(iv) A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living; 82422
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(v) A location registered as a pediatric transition care program under section 3712.042 of the Revised Code. 82425
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division (B)(1)(b) of section 5119.34 of the Revised Code. 82427
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(C)(1) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered. 82432
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(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions: 82444
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(a) The residential facility will be certified as an ICF/IID; 82449

(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a 82450
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new license; 82453

(c) The former operator of the residential facility relocated 82454
the beds previously in the facility to another site that will be 82455
licensed as a residential facility; 82456

(d) The residential facility will be located in Preble, 82457
Clermont, or Warren county; 82458

(e) The residential facility will contain eight beds; 82459

(f) The licensee will make a good faith effort to serve 82460
multi-system youth or adults with severe behavioral challenges at 82461
the residential facility or at one or more other residential 82462
facilities for which licenses are issued under division (C) of 82463
this section. 82464

(3) The director shall issue not more than five licenses 82465
under division (C)(2) of this section. 82466

(D) If it is determined that an applicant or licensee is not 82467
in compliance with a provision of this chapter that applies to 82468
residential facilities or the rules adopted under such a 82469
provision, the director may deny issuance of a license, refuse to 82470
renew a license, terminate a license, revoke a license, issue an 82471
order for the suspension of admissions to a facility, issue an 82472
order for the placement of a monitor at a facility, issue an order 82473
for the immediate removal of residents, or take any other action 82474
the director considers necessary consistent with the director's 82475
authority under this chapter regarding residential facilities. In 82476
the director's selection and administration of the sanction to be 82477
imposed, all of the following apply: 82478

(1) The director may deny, refuse to renew, or revoke a 82479
license, if the director determines that the applicant or licensee 82480
has demonstrated a pattern of serious noncompliance or that a 82481
violation creates a substantial risk to the health and safety of 82482
residents of a residential facility. 82483

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian; 82515
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(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 82517
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(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents. 82519
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(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies. 82524
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(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 82532
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(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code. 82537
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(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 82541
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- (a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served~~ in section accordance with sections 119.05 and 119.07 of the Revised Code.
- (b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.
- (c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.
- (d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:
- (i) The close of the hearing;
 - (ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;
 - (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.
- (e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.
- (f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.
- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.
- (h) Notwithstanding the pendency of the hearing, the director

shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility; 82607
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(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities; 82609
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(8) Other standards for the operation of residential facilities and the services provided at residential facilities; 82612
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(9) Procedures for waiving any provision of any rule adopted under this section. 82614
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(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. 82616
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The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and 82618
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may conduct additional inspections as needed. A survey includes 82620
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but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided 82622
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there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to 82624
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conduct any survey or inspection under this section.

(2) In conducting surveys, the director shall be given access 82626
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to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; 82628
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the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The 82630
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licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in 82632
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conducting the survey.

(3) Following each survey, the director shall provide the 82634
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licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or 82636
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rules that purportedly have been violated and are the bases of the

citations. The director shall also do both of the following: 82638

(a) Specify a date by which the licensee may appeal any of 82639
the citations; 82640

(b) When appropriate, specify a timetable within which the 82641
licensee must submit a plan of correction describing how the 82642
problems specified in the citations will be corrected and, the 82643
date by which the licensee anticipates the problems will be 82644
corrected. 82645

(4) If the director initiates a proceeding to revoke a 82646
license, the director shall include the report required by 82647
division (H)(3) of this section with the notice of the proposed 82648
revocation the director sends to the licensee. In this 82649
circumstance, the licensee may not submit a plan of correction. 82650

(5) After a plan of correction is submitted, the director 82651
shall approve or disapprove the plan. If the plan of correction is 82652
approved, a copy of the approved plan shall be provided, not later 82653
than five business days after it is approved, to any person or 82654
government entity who requests it and made available on the 82655
internet web site maintained by the department of developmental 82656
disabilities. If the plan of correction is not approved and the 82657
director initiates a proceeding to revoke the license, a copy of 82658
the survey report shall be provided to any person or government 82659
entity that requests it and shall be made available on the 82660
internet web site maintained by the department. 82661

(6) The director shall initiate disciplinary action against 82662
any department employee who notifies or causes the notification to 82663
any unauthorized person of an unannounced survey of a residential 82664
facility by an authorized representative of the department. 82665

(I) In addition to any other information which may be 82666
required of applicants for a license pursuant to this section, the 82667
director shall require each applicant to provide a copy of an 82668

approved plan for a proposed residential facility pursuant to 82669
section 5123.042 of the Revised Code. This division does not apply 82670
to renewal of a license or to an applicant for an initial or 82671
modified license who meets the requirements of section 5123.197 of 82672
the Revised Code. 82673

(J)(1) A licensee shall notify the owner of the building in 82674
which the licensee's residential facility is located of any 82675
significant change in the identity of the licensee or management 82676
contractor before the effective date of the change if the licensee 82677
is not the owner of the building. 82678

(2) Pursuant to rules, which shall be adopted in accordance 82679
with Chapter 119. of the Revised Code, the director may require 82680
notification to the department of any significant change in the 82681
ownership of a residential facility or in the identity of the 82682
licensee or management contractor. If the director determines that 82683
a significant change of ownership is proposed, the director shall 82684
consider the proposed change to be an application for development 82685
by a new operator pursuant to section 5123.042 of the Revised Code 82686
and shall advise the applicant within sixty days of the 82687
notification that the current license shall continue in effect or 82688
a new license will be required pursuant to this section. If the 82689
director requires a new license, the director shall permit the 82690
facility to continue to operate under the current license until 82691
the new license is issued, unless the current license is revoked, 82692
refused to be renewed, or terminated in accordance with Chapter 82693
119. of the Revised Code. 82694

(3) A licensee shall transfer to the new licensee or 82695
management contractor all records related to the residents of the 82696
facility following any significant change in the identity of the 82697
licensee or management contractor. 82698

(K) A county board of developmental disabilities and any 82699
interested person may file complaints alleging violations of 82700

statute or department rule relating to residential facilities with 82701
the department. All complaints shall state the facts constituting 82702
the basis of the allegation. The department shall not reveal the 82703
source of any complaint unless the complainant agrees in writing 82704
to waive the right to confidentiality or until so ordered by a 82705
court of competent jurisdiction. 82706

The department shall adopt rules in accordance with Chapter 82707
119. of the Revised Code establishing procedures for the receipt, 82708
referral, investigation, and disposition of complaints filed with 82709
the department under this division. 82710

(L) Before issuing a license under this section to a 82711
residential facility that will accommodate at any time more than 82712
one individual with a developmental disability, the director 82713
shall, by first class mail, notify the following: 82714

(1) If the facility will be located in a municipal 82715
corporation, the clerk of the legislative authority of the 82716
municipal corporation; 82717

(2) If the facility will be located in unincorporated 82718
territory, the clerk of the appropriate board of county 82719
commissioners and the fiscal officer of the appropriate board of 82720
township trustees. 82721

The director shall not issue the license for ten days after 82722
mailing the notice, excluding Saturdays, Sundays, and legal 82723
holidays, in order to give the notified local officials time in 82724
which to comment on the proposed issuance. 82725

Any legislative authority of a municipal corporation, board 82726
of county commissioners, or board of township trustees that 82727
receives notice under this division of the proposed issuance of a 82728
license for a residential facility may comment on it in writing to 82729
the director within ten days after the director mailed the notice, 82730
excluding Saturdays, Sundays, and legal holidays. If the director 82731

receives written comments from any notified officials within the 82732
specified time, the director shall make written findings 82733
concerning the comments and the director's decision on the 82734
issuance of the license. If the director does not receive written 82735
comments from any notified local officials within the specified 82736
time, the director shall continue the process for issuance of the 82737
license. 82738

(M) Any person may operate a licensed residential facility 82739
that provides room and board, personal care, habilitation 82740
services, and supervision in a family setting for at least six but 82741
not more than eight individuals with developmental disabilities as 82742
a permitted use in any residential district or zone, including any 82743
single-family residential district or zone, of any political 82744
subdivision. These residential facilities may be required to 82745
comply with area, height, yard, and architectural compatibility 82746
requirements that are uniformly imposed upon all single-family 82747
residences within the district or zone. 82748

(N) Any person may operate a licensed residential facility 82749
that provides room and board, personal care, habilitation 82750
services, and supervision in a family setting for at least nine 82751
but not more than sixteen individuals with developmental 82752
disabilities as a permitted use in any multiple-family residential 82753
district or zone of any political subdivision, except that a 82754
political subdivision that has enacted a zoning ordinance or 82755
resolution establishing planned unit development districts may 82756
exclude these residential facilities from those districts, and a 82757
political subdivision that has enacted a zoning ordinance or 82758
resolution may regulate these residential facilities in 82759
multiple-family residential districts or zones as a conditionally 82760
permitted use or special exception, in either case, under 82761
reasonable and specific standards and conditions set out in the 82762
zoning ordinance or resolution to: 82763

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;	82764
	82765
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(2) Require compliance with yard, parking, and sign regulation;	82768
	82769
(3) Limit excessive concentration of these residential facilities.	82770
	82771
(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.	82772
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(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.	82776
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(Q)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:	82782
	82783
	82784
(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.	82785
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.	82791
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred eighty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(R) Notwithstanding rules adopted pursuant to this section establishing the maximum number of individuals who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of individuals being served by the facility on the effective date of the rules or the number of individuals for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986.

This division does not preclude the department from suspending new admissions to a residential facility pursuant to a written order issued under section 5124.70 of the Revised Code.

(S) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for

an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.35. (A) There is hereby created the Ohio developmental disabilities council, which shall serve as an advocate for all persons with developmental disabilities. The council shall act in accordance with the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 15001. The governor shall appoint the members of the council in accordance with 42 U.S.C. 15025.

(B) The council shall develop the state plan required by federal law as a condition of receiving federal assistance under 42 U.S.C. 15021 to 15029. The department of developmental disabilities, as the state agency selected by the governor for purposes of receiving the federal assistance, shall receive, account for, and disburse funds based on the state plan and shall provide assurances and other administrative support services required as a condition of receiving the federal assistance.

(C) The federal funds may be disbursed through grants to or contracts with persons and government agencies for the provision of necessary or useful goods and services for persons with developmental disabilities. The council may award the grants or enter into the contracts.

(D) The council may award grants to or enter into contracts with a member of the council or an entity that the member represents if all of the following apply:

(1) The member serves on the council as a representative of

one of the principal state agencies concerned with services for 82856
persons with developmental disabilities as specified in 42 U.S.C. 82857
15025(b)(4), a representative of a university affiliated program 82858
as defined in 42 U.S.C. 15002(5), or a representative of the Ohio 82859
protection and advocacy system, as defined in section 5123.60 of 82860
the Revised Code. 82861

(2) The council determines that the member or the entity the 82862
member represents is capable of providing the goods or services 82863
specified under the terms of the grant or contract. 82864

(3) The member has not taken part in any discussion or vote 82865
of the council related to awarding the grant or entering into the 82866
contract, including service as a member of a review panel 82867
established by the council to award grants or enter into contracts 82868
or to make recommendations with regard to awarding grants or 82869
entering into contracts. 82870

(E) A member of the council is not in violation of Chapter 82871
102. or section 2921.42 of the Revised Code with regard to 82872
receiving a grant or entering into a contract under this section 82873
if the requirements of division (D) of this section have been met. 82874

(F)(1) Notwithstanding division (C) of section 121.22 of the 82875
Revised Code, the requirement for a member's presence in person at 82876
a meeting in order to be part of a quorum or to vote does not 82877
apply if the council holds a meeting by interactive video 82878
conference and all of the following apply: 82879

(a) A primary meeting location that is open and accessible to 82880
the public is established for the meeting of the council; 82881

(b) A clear video and audio connection is established that 82882
enables all meeting participants at the primary meeting location 82883
to witness the participation of each member; 82884

(c) ~~A roll call vote is recorded for each vote taken;~~ 82885

(d) The minutes of the council identify which members participated by interactive video conference.	82886 82887
(2) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by teleconference and all of the following apply:	82888 82889 82890 82891 82892
(a) The council has determined its membership does not have access to and the council cannot provide access to the equipment needed to conduct interactive video conferencing;	82893 82894 82895
(b) A primary meeting location that is open and accessible to the public is established for the meeting of the council;	82896 82897
(c) A clear audio connection is established that enables all meeting participants at the primary meeting location to hear the participation of each member;	82898 82899 82900
(d) A roll call vote is recorded for each vote taken;	82901
(e) The minutes of the council identify which members participated by teleconference.	82902 82903
(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following:	82904 82905 82906 82907
(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person;	82908 82909 82910
(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference;	82911 82912 82913 82914
(c) Establish geographic restrictions for participation in	82915

meetings by interactive video conference or teleconference;	82916
(d) Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference;	82917 82918 82919 82920
(e) (d) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.	82921 82922
<u>Sec. 5123.68. As used in sections 5123.68 to 5123.685 of the Revised Code:</u>	82923 82924
<u>(A) "Adult" means an individual who is either of the following:</u>	82925 82926
<u>(1) Eighteen years of age or older;</u>	82927
<u>(2) An emancipated minor.</u>	82928
<u>(B) "Principal" means an adult with a developmental disability who seeks to enter, or has entered, into a supported decision-making agreement.</u>	82929 82930 82931
<u>(C) "Supported decision-making" means the process of supporting and accommodating an adult with a developmental disability without impeding the adult's self-determination, through making, communicating, and implementing life decisions including:</u>	82932 82933 82934 82935 82936
<u>(1) Where, and with whom, the adult lives;</u>	82937
<u>(2) The services, supports, and medical care the adult receives;</u>	82938 82939
<u>(3) Where the adult works;</u>	82940
<u>(4) Any other matter impacting the adult's life.</u>	82941
<u>(D) "Supported decision-making agreement" is an agreement between an adult with a developmental disability and one or more</u>	82942 82943

supporters chosen by the adult that may be informal and occur 82944
naturally or may be formal and documented through a written 82945
agreement entered into pursuant to section 5123.683 of the Revised 82946
Code. 82947

(E) "Supporter" means an adult chosen by an adult with a 82948
developmental disability to support the adult in a supported 82949
decision-making agreement. 82950

Sec. 5123.681. (A) Based on the principle that all adults 82951
with developmental disabilities should be afforded all of the 82952
rights set forth in section 5123.62 of the Revised Code, all 82953
adults with developmental disabilities are presumed to be capable 82954
of making decisions regarding their lives and activities of daily 82955
living and are presumed to be competent to handle their own 82956
affairs, unless otherwise determined by a court of competent 82957
jurisdiction. 82958

(B) The fact that an adult has a developmental disability 82959
does not, by itself, void the presumption of capacity and 82960
competency described in division (A) of this section. 82961

(C) The manner in which an adult with a developmental 82962
disability communicates with others is not grounds for a finding 82963
that the adult is incapable of managing the adult's affairs or of 82964
entering into a supported decision-making agreement. 82965

(D) Execution of a supported decision-making agreement by an 82966
adult with a developmental disability is not evidence of 82967
incapacity and shall not be used as such. 82968

(E) An adult with a developmental disability who has entered 82969
into a supported decision-making agreement is not precluded from 82970
acting independently of the agreement or from seeking personal 82971
information without the assistance of the supporter. 82972

(F) Evidence of either a formal or informal supported 82973

decision-making agreement may be presented as a less restrictive alternative to guardianship pursuant to division (C)(5) of section 2111.02 of the Revised Code. 82974
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Sec. 5123.682. A supported decision-making agreement may be established by either of the following: 82977
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(A) Pursuant to a written agreement in accordance with section 5123.683 of the Revised Code; 82979
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(B) Naturally, without a written agreement, when an adult with a developmental disability relies upon natural supports or chosen supporters to assist with decisions in the adult's daily life. 82981
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Sec. 5123.683. (A) A written supported decision-making agreement shall be executed in accordance with this section. 82985
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(B)(1) The written agreement shall be entered into by the adult with a developmental disability as the principal and one or more supporters. 82987
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(2) The agreement shall be signed and acknowledged voluntarily, without coercion or undue influence, by the principal. 82990
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The principal's signature shall be witnessed by either a notary public or two adult witnesses who are not parties to the supported decision-making agreement. The witnesses must attest that the agreement was signed of the principal's own free will and accord. 82993
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(C) The department of developmental disabilities shall develop a model-supported decision-making agreement that may be used by a principal and one or more supporters for the purposes of this section. 82998
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Sec. 5123.684. (A) Except as otherwise limited by the 83002
principal, a supporter may assist the principal with all of the 83003
following: 83004

(1) Making informed decisions; 83005

(2) Understanding information, options, responsibilities, and 83006
consequences associated with the decisions; 83007

(3) Communicating the decisions to third parties; 83008

(4) Obtaining and understanding information relevant to life 83009
decisions, including medical, psychological, financial, 83010
employment, medicaid, educational, or other records; 83011

(5) Monitoring information about the principal's affairs and 83012
services, including future services; 83013

(6) Understanding the principal's personal values, beliefs, 83014
and preferences, including the principal's cultural, ethnic, or 83015
religious heritage, and using this information to advocate for the 83016
implementation of the principal's wishes and decisions; 83017

(7) Accompanying the principal and participating in 83018
discussions with third parties. 83019

(B)(1) The supporter shall assist the principal in accessing, 83020
collecting, or obtaining only information that is relevant to a 83021
decision authorized by the supported decision-making agreement. 83022

(2) If the supporter assists the principal in accessing, 83023
collecting, or obtaining personal information protected under 83024
either the "Health Insurance Portability and Accountability Act of 83025
1996," 42 U.S.C. 1320d-2, or the "Family Educational Rights and 83026
Privacy Act of 1974," 20 U.S.C. 1232g, the supporter shall keep 83027
the information confidential. 83028

(3) The existence of a supported decision-making agreement 83029
does not preclude the principal from seeking personal information 83030

without the assistance of the supporter. 83031

(C) The supporter may exercise the authority granted in the 83032
supported decision-making agreement. The supporter owes the 83033
principal a fiduciary duty to act in accordance with the supported 83034
decision-making agreement. The supporter shall not act in 83035
contradiction to the expressed wishes or decision-making authority 83036
of the principal. 83037

(D)(1) In the event the supporter has a conflict of interest 83038
or potential conflict of interest in a decision made by the 83039
principal, the supporter shall do both of the following: 83040

(a) Fully disclose the conflict of interest to the principal 83041
and any other members of the principal's support team, including a 83042
service and support administrator or qualified intellectual 83043
disability professional; 83044

(b) Refrain from advising or assisting the principal on or 83045
with the decision. 83046

(2) A supporter who intentionally fails to disclose a 83047
conflict of interest or who otherwise breaches the supporter's 83048
fiduciary duty to the principal is liable to the principal for all 83049
reasonable damages incurred as a result. 83050

Sec. 5123.685. A principal may revoke an informal supported 83051
decision-making agreement at any time by notifying the supporter. 83052
A principal may revoke a written supported decision-making 83053
agreement in writing and shall provide a copy of the revocation to 83054
the supporter. 83055

Sec. 5124.01. As used in this chapter: 83056

(A) "Addition" means an increase in an ICF/IID's square 83057
footage. 83058

(B) "Affiliated operator" means an operator affiliated with 83059

either of the following: 83060

(1) The exiting operator for whom the affiliated operator is 83061
to assume liability for the entire amount of the exiting 83062
operator's debt under the medicaid program or the portion of the 83063
debt that represents the franchise permit fee the exiting operator 83064
owes; 83065

(2) The entering operator involved in the change of operator 83066
with the exiting operator specified in division (B)(1) of this 83067
section. 83068

(C) "Allowable costs" means an ICF/IID's costs that the 83069
department of developmental disabilities determines are 83070
reasonable. Fines paid under section 5124.99 of the Revised Code 83071
are not allowable costs. 83072

(D) "Capital costs" means an ICF/IID's costs of ownership and 83073
costs of nonextensive renovation. 83074

(E) "Case-mix score" means the measure determined under 83075
section 5124.192 or 5124.193 of the Revised Code of the relative 83076
direct-care resources needed to provide care and habilitation to 83077
an ICF/IID resident. 83078

(F) "Change of operator" means an entering operator becoming 83079
the operator of an ICF/IID in the place of the exiting operator. 83080

(1) Actions that constitute a change of operator include the 83081
following: 83082

(a) A change in an exiting operator's form of legal 83083
organization, including the formation of a partnership or 83084
corporation from a sole proprietorship; 83085

(b) A transfer of all the exiting operator's ownership 83086
interest in the operation of the ICF/IID to the entering operator, 83087
regardless of whether ownership of any or all of the real property 83088
or personal property associated with the ICF/IID is also 83089

transferred;	83090
(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;	83091 83092
(d) If the exiting operator is a partnership, dissolution of the partnership;	83093 83094
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	83095 83096
(i) The change in composition does not cause the partnership's dissolution under state law.	83097 83098
(ii) The partners agree that the change in composition does not constitute a change in operator.	83099 83100
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	83101 83102 83103 83104
(2) The following, alone, do not constitute a change of operator:	83105 83106
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	83107 83108 83109
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	83110 83111 83112 83113
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	83114 83115 83116 83117
(G) "Cost center" means the following:	83118

(1) Capital costs;	83119
(2) Direct care costs;	83120
(3) Indirect care costs;	83121
(4) Other protected costs.	83122
(H)(1) Except as provided in division (H)(2) of this section,	83123
"cost report year" means the calendar year immediately preceding	83124
the calendar year in which a fiscal year for which a medicaid	83125
payment rate determination is made begins.	83126
(2) When a cost report the department of developmental	83127
disabilities accepts under division (A) or (C)(1)(b) of section	83128
5124.101 of the Revised Code is used in determining an ICF/IID's	83129
medicaid payment rate, "cost report year" means the period that	83130
the cost report covers.	83131
(I) "Costs of nonextensive renovations" means the actual	83132
expense incurred by an ICF/IID for depreciation or amortization	83133
and interest on renovations approved by the department of	83134
developmental disabilities as nonextensive renovations.	83135
(J)(1) "Costs of ownership" means the actual expenses	83136
incurred by an ICF/IID for all of the following:	83137
(a) Subject to division (J)(2) of this section, depreciation	83138
and interest on any capital assets that cost five hundred dollars	83139
or more per item, including the following:	83140
(i) Buildings;	83141
(ii) Building improvements that are not approved as	83142
nonextensive renovations for the purpose of section 5124.17 of the	83143
Revised Code;	83144
(iii) Equipment;	83145
(iv) Transportation equipment.	83146
(b) Amortization and interest on land improvements and	83147

leasehold improvements;	83148
(c) Amortization of financing costs;	83149
(d) Except as provided in division (AA) of this section, lease and rent of land, building, and equipment.	83150 83151
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	83152 83153 83154
(K)(1) "Date of licensure" means the following:	83155
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	83156 83157 83158 83159 83160
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	83161 83162 83163
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	83164 83165 83166 83167 83168 83169
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:	83170 83171 83172 83173 83174 83175
(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds	83176 83177

already located in that part of the ICF/IID. 83178

(b) The part of the ICF/IID in which the additional beds are 83179
located was constructed as part of the ICF/IID at a time when the 83180
ICF/IID was not required by law to be licensed as a nursing home 83181
or residential facility. 83182

(3) The definition of "date of licensure" in this section 83183
applies in determinations of ICFs/IID's medicaid payment rates but 83184
does not apply in determinations of ICFs/IID's franchise permit 83185
fees under sections 5168.60 to 5168.71 of the Revised Code. 83186

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 83187
on a cost report filed under section 5124.10 or 5124.101 of the 83188
Revised Code have been subjected to a desk review under section 83189
5124.108 of the Revised Code and preliminarily determined to be 83190
allowable costs. 83191

(M) "Developmental center" means a residential facility that 83192
is maintained and operated by the department of developmental 83193
disabilities. 83194

(N) "Direct care costs" means all of the following costs 83195
incurred by an ICF/IID: 83196

(1) Costs for registered nurses, licensed practical nurses, 83197
and nurse aides employed by the ICF/IID; 83198

(2) Costs for direct care staff, administrative nursing 83199
staff, medical directors, respiratory therapists, physical 83200
therapists, physical therapy assistants, occupational therapists, 83201
occupational therapy assistants, speech therapists, audiologists, 83202
habilitation staff (including habilitation supervisors), qualified 83203
intellectual disability professionals, program directors, social 83204
services staff, activities staff, psychologists, psychology 83205
assistants, social workers, counselors, and other persons holding 83206
degrees qualifying them to provide therapy; 83207

(3) Costs of purchased nursing services;	83208
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;	83209 83210 83211 83212 83213 83214
(5) Costs of quality assurance;	83215
(6) Costs of consulting and management fees related to direct care;	83216 83217
(7) Allocated direct care home office costs;	83218
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	83219 83220 83221 83222
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	83223 83224
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.	83225 83226 83227
(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	83228 83229 83230
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	83231 83232 83233 83234
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	83235 83236
(Q) "Effective date of a facility closure" means the last day	83237

that the last of the residents of the ICF/IID resides in the 83238
ICF/IID. 83239

(R) "Effective date of an involuntary termination" means the 83240
date the department of medicaid terminates the operator's provider 83241
agreement for the ICF/IID or the last day that such a provider 83242
agreement is in effect when the department cancels or refuses to 83243
revalidate it. 83244

(S) "Effective date of a voluntary termination" means the day 83245
the ICF/IID ceases to accept medicaid recipients. 83246

(T) "Entering operator" means the person or government entity 83247
that will become the operator of an ICF/IID when a change of 83248
operator occurs or following an involuntary termination. 83249

(U) "Exiting operator" means any of the following: 83250

(1) An operator that will cease to be the operator of an 83251
ICF/IID on the effective date of a change of operator; 83252

(2) An operator that will cease to be the operator of an 83253
ICF/IID on the effective date of a facility closure; 83254

(3) An operator of an ICF/IID that is undergoing or has 83255
undergone a voluntary termination; 83256

(4) An operator of an ICF/IID that is undergoing or has 83257
undergone an involuntary termination. 83258

(V)(1) Subject to divisions (V)(2) and (3) of this section, 83259
"facility closure" means either of the following: 83260

(a) Discontinuance of the use of the building, or part of the 83261
building, that houses the facility as an ICF/IID that results in 83262
the relocation of all of the facility's residents; 83263

(b) Conversion of the building, or part of the building, that 83264
houses an ICF/IID to a different use with any necessary license or 83265
other approval needed for that use being obtained and one or more 83266
of the facility's residents remaining in the facility to receive 83267

services under the new use. 83268

(2) A facility closure occurs regardless of any of the 83269
following: 83270

(a) The operator completely or partially replacing the 83271
ICF/IID by constructing a new ICF/IID or transferring the 83272
ICF/IID's license to another ICF/IID; 83273

(b) The ICF/IID's residents relocating to another of the 83274
operator's ICFs/IID; 83275

(c) Any action the department of health takes regarding the 83276
ICF/IID's medicaid certification that may result in the transfer 83277
of part of the ICF/IID's survey findings to another of the 83278
operator's ICFs/IID; 83279

(d) Any action the department of developmental disabilities 83280
takes regarding the ICF/IID's license under section 5123.19 of the 83281
Revised Code. 83282

(3) A facility closure does not occur if all of the ICF/IID's 83283
residents are relocated due to an emergency evacuation and one or 83284
more of the residents return to a medicaid-certified bed in the 83285
ICF/IID not later than thirty days after the evacuation occurs. 83286

(W) "Fiscal year" means the fiscal year of this state, as 83287
specified in section 9.34 of the Revised Code. 83288

(X) "Franchise permit fee" means the fee imposed by sections 83289
5168.60 to 5168.71 of the Revised Code. 83290

(Y) "Home and community-based services" has the same meaning 83291
as in section 5123.01 of the Revised Code. 83292

(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 83293
440.150. 83294

(AA)(1) "Indirect care costs" means all reasonable costs 83295
incurred by an ICF/IID other than capital costs, direct care 83296
costs, and other protected costs. "Indirect care costs" includes 83297

costs of habilitation supplies, pharmacy consultants, medical and 83298
habilitation records, program supplies, incontinence supplies, 83299
food, enterals, dietary supplies and personnel, laundry, 83300
housekeeping, security, administration, liability insurance, 83301
bookkeeping, purchasing department, human resources, 83302
communications, travel, dues, license fees, subscriptions, home 83303
office costs not otherwise allocated, legal services, accounting 83304
services, minor equipment, maintenance and repair expenses, 83305
help-wanted advertising, informational advertising, start-up 83306
costs, organizational expenses, other interest, property 83307
insurance, employee training and staff development, employee 83308
benefits, payroll taxes, and workers' compensation premiums or 83309
costs for self-insurance claims and related costs, as specified in 83310
rules adopted under section 5124.03 of the Revised Code, for 83311
personnel listed in this division. Notwithstanding division (J) of 83312
this section, "indirect care costs" also means the cost of 83313
equipment, including vehicles, acquired by operating lease 83314
executed before December 1, 1992, if the costs are reported as 83315
administrative and general costs on the ICF/IID's cost report for 83316
the cost reporting period ending December 31, 1992. 83317

(2) For the purpose of division (AA)(1) of this section, an 83318
operating lease shall be construed in accordance with generally 83319
accepted accounting principles. 83320

(BB) "Inpatient days" means both of the following: 83321

(1) All days during which a resident, regardless of payment 83322
source, occupies a bed in an ICF/IID that is included in the 83323
ICF/IID's medicaid-certified capacity; 83324

(2) All days for which payment is made under section 5124.34 83325
of the Revised Code. 83326

(CC) "Intermediate care facility for individuals with 83327
intellectual disabilities" and "ICF/IID" mean an intermediate care 83328

facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 83329
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(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request. 83331
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(EE) "Maintenance and repair expenses" means expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 83335
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(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 83341
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(GG) "Medicaid days" means both of the following: 83344

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity; 83345
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 83349
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(HH)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement. 83351
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(2) "New ICF/IID" does not mean either of the following: 83356

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or 83357
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(pursuant to section 5124.515) section 5124.07 of the Revised Code; 83359
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(b) A downsized ICF/IID or partially converted ICF/IID. 83361

(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 83362
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(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 83364
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(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 83367
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(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID: 83374
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(a) The land on which the ICF/IID is located; 83378

(b) The structure in which the ICF/IID is located; 83379

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 83380
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(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located. 83383
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(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a 83385
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subsidiary. 83389

(MM) "Partially converted ICF/IID" means an ICF/IID that 83390
converted some, but not all, of its beds to providing home and 83391
community-based services under the individual options waiver 83392
pursuant to section 5124.60 or 5124.61 of the Revised Code. 83393

(NN) For the purpose of the total per medicaid day payment 83394
rate determined for an ICF/IID under division (A) of section 83395
5124.15 of the Revised Code and the initial total per medicaid day 83396
payment rate determined for a new ICF/IID under section 5124.151 83397
of the Revised Code: 83398

(1) "Peer group 1" means each ICF/IID with a 83399
medicaid-certified capacity exceeding sixteen. 83400

(2) "Peer group 2" means each ICF/IID with a 83401
medicaid-certified capacity exceeding eight but not exceeding 83402
sixteen. 83403

(3) "Peer group 3" means each ICF/IID with a 83404
medicaid-certified capacity of seven or eight. 83405

(4) "Peer group 4" means each ICF/IID with a 83406
medicaid-certified capacity not exceeding six, other than an 83407
ICF/IID that is in peer group 5-A. 83408

(5) "Peer group 5" means each ICF/IID to which all of the 83409
following apply: 83410

(a) The ICF/IID is first certified as an ICF/IID after July 83411
1, 2014. 83412

(b) The ICF/IID has a medicaid-certified capacity not 83413
exceeding six. 83414

(c) The ICF/IID has a contract with the department of 83415
developmental disabilities that is for fifteen years and includes 83416
a provision for the department to approve all admissions to, and 83417
discharges from, the ICF/IID. 83418

(d) The ICF/IID's residents are admitted to the ICF/IID 83419
directly from a developmental center or have been determined by 83420
the department to be at risk of admission to a developmental 83421
center. 83422

(6) "Peer group 6" means each ICF/IID to which all of the 83423
following apply: 83424

(a) The ICF/IID has submitted a best practices protocol for 83425
providing services to youth up to twenty-one years of age in need 83426
of intensive behavior support services that has been approved by 83427
the department of developmental disabilities. 83428

(b) The ICF/IID, or a distinct unit of the ICF/IID, has a 83429
medicaid-certified capacity not exceeding six. 83430

(c) The ICF/IID has a contract with the department that 83431
includes a provision for the department to approve all admissions 83432
to the ICF/IID. 83433

(d) The ICF/IID has agreed to be reimbursed in accordance 83434
with the reimbursement methodology established under the rules 83435
authorized by section 5124.03 of the Revised Code. 83436

(00)(1) Except as provided in division (00)(2) of this 83437
section, "per diem" means an ICF/IID's desk-reviewed, actual, 83438
allowable costs in a given cost center in a cost reporting period, 83439
divided by the facility's inpatient days for that cost reporting 83440
period. 83441

(2) When determining indirect care costs for the purpose of 83442
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 83443
actual, allowable indirect care costs in a cost reporting period 83444
divided by the greater of the ICF/IID's inpatient days for that 83445
period or the number of inpatient days the ICF/IID would have had 83446
during that period if its occupancy rate had been eighty-five per 83447
cent. 83448

(PP) "Provider" means an operator with a valid provider agreement. 83449
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(QQ) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program. 83451
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(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID. 83455
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(SS) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 83458
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(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 83464
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(1) An individual who is a relative of an owner is a related party. 83468
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 83470
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(3) Control exists when an individual or organization has the 83479

power, directly or indirectly, to significantly influence or	83480
direct the actions or policies of an organization.	83481
(4) An individual or organization that supplies goods or	83482
services to a provider shall not be considered a related party if	83483
all of the following conditions are met:	83484
(a) The supplier is a separate bona fide organization.	83485
(b) A substantial part of the supplier's business activity of	83486
the type carried on with the provider is transacted with others	83487
than the provider and there is an open, competitive market for the	83488
types of goods or services the supplier furnishes.	83489
(c) The types of goods or services are commonly obtained by	83490
other ICFs/IID from outside organizations and are not a basic	83491
element of resident care ordinarily furnished directly to	83492
residents by the ICFs/IID.	83493
(d) The charge to the provider is in line with the charge for	83494
the goods or services in the open market and no more than the	83495
charge made under comparable circumstances to others by the	83496
supplier.	83497
(UU) "Relative of owner" means an individual who is related	83498
to an owner of an ICF/IID by one of the following relationships:	83499
(1) Spouse;	83500
(2) Natural parent, child, or sibling;	83501
(3) Adopted parent, child, or sibling;	83502
(4) Stepparent, stepchild, stepbrother, or stepsister;	83503
(5) Father-in-law, mother-in-law, son-in-law,	83504
daughter-in-law, brother-in-law, or sister-in-law;	83505
(6) Grandparent or grandchild;	83506
(7) Foster caregiver, foster child, foster brother, or foster	83507
sister.	83508

(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.

(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;	83539 83540
(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;	83541 83542 83543
(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;	83544 83545 83546
(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;	83547 83548 83549
(5) The sum of the following:	83550
(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;	83551 83552
(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	83553 83554 83555 83556
<u>(c) A professional workforce development payment equal to thirteen and fifty-five hundredths for state fiscal year 2024 and twenty and eighty-one hundredths during fiscal year 2025 per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</u>	83557 83558 83559 83560 83561
(B) The total per medicaid day payment rate for an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.	83562 83563 83564 83565
(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment	83566 83567 83568

of law governing medicaid payments to ICF/IID providers. 83569

(D)(1) In addition to paying an ICF/IID provider the total 83570
per medicaid day payment rate determined for the provider's 83571
ICF/IID under divisions (A), (B), and (C) of this section for a 83572
fiscal year, the department may do either or both of the 83573
following: 83574

(a) In accordance with section 5124.25 of the Revised Code, 83575
pay the provider a rate add-on for ventilator-dependent outlier 83576
ICF/IID services if the rate add-on is to be paid under that 83577
section and the department approves the provider's application for 83578
the rate add-on; 83579

(b) In accordance with section 5124.26 of the Revised Code, 83580
pay the provider for outlier ICF/IID services the ICF/IID provides 83581
to residents identified as needing intensive behavioral health 83582
support services if the rate add-on is to be paid under that 83583
section and the department approves the provider's application for 83584
the rate add-on. 83585

(2) The rate add-ons are not to be part of the ICF/IID's 83586
total per medicaid day payment rate. 83587

Sec. 5124.45. The department of developmental disabilities 83588
shall transmit to the treasurer of state for deposit in the 83589
general revenue fund amounts collected from the following: 83590

(A) ~~Recoupsments and voluntary repayments made under section~~ 83591
~~5124.39 of the Revised Code;~~ 83592

~~(B)~~ Refunds required by, and interest charged under, section 83593
5124.41 of the Revised Code; 83594

~~(C)~~(B) Penalties imposed under section 5124.42 of the Revised 83595
Code. 83596

Sec. 5124.70. (A) This section does not apply to ~~either~~ any 83597

of the following: 83598

(1) An ICF/IID to which both of the following apply: 83599

(a) On or before January 1, 2015, the ICF/IID became a 83600
downsized ICF/IID or partially converted ICF/IID. 83601

(b) On January 1, 2015, the ICF/IID's medicaid-certified 83602
capacity was at least twenty per cent less than the greatest 83603
medicaid-certified capacity it had before it became a downsized 83604
ICF/IID or partially converted ICF/IID. 83605

(2) An ICF/IID's sleeping room in which more than two 83606
residents reside if both of the following apply: 83607

(a) All of the residents of the sleeping room are under 83608
twenty-one years of age. 83609

(b) The parents or guardians of all of the residents of the 83610
sleeping room consent to the residents residing in a sleeping room 83611
with more than two residents. 83612

(3) An ICF/IID to which any of the following apply on the 83613
effective date of this amendment: 83614

(a) The ICF/IID has a medicaid-certified capacity between 83615
sixty and seventy beds and is located in a county with a 83616
population between forty thousand five hundred and forty-one 83617
thousand according to the 2020 federal decennial census. 83618

(b) The ICF/IID has a medicaid-certified capacity between 83619
ninety and one hundred beds and is located in a county with a 83620
population between two hundred forty-two thousand and two hundred 83621
forty-three thousand according to the 2020 federal decennial 83622
census. 83623

(c) The ICF/IID has a medicaid-certified capacity between 83624
fifty-five and sixty beds and is located in a county with a 83625
population between four hundred thousand and five hundred thousand 83626

according to the 2020 federal decennial census. 83627

(d) The ICF/IID has a medicaid-certified capacity between 83628
ninety and one hundred beds and is located in a county with a 83629
population between one million three hundred thousand and one 83630
million four hundred thousand according to the 2020 federal 83631
decennial census. 83632

(e) The ICF/IID has a medicaid-certified capacity between one 83633
hundred twenty and one hundred thirty beds and is located in a 83634
county with a population between one hundred sixty thousand and 83635
one hundred sixty-two thousand according to the 2020 federal 83636
decennial census. 83637

(B) Except as provided in divisions (G) and (H) of this 83638
section, an ICF/IID provider shall not permit more than two 83639
residents to reside in the same sleeping room. 83640

(C)(1) If, on ~~the effective date of this section~~ September 83641
29, 2015, more than two residents of an ICF/IID reside in the same 83642
sleeping room, the ICF/IID provider shall submit to the department 83643
of developmental disabilities for its review a plan to come into 83644
compliance with division (B) of this section. The provider shall 83645
submit the plan not later than December 31, 2015. 83646

(2) The plan shall include all of the following: 83647

(a) The date by which not more than two residents will reside 83648
in the same sleeping room, which shall be not later than June 30, 83649
2025; 83650

(b) Detailed descriptions of the actions the ICF/IID provider 83651
will take to come into compliance with division (B) of this 83652
section, which shall include becoming either a downsized ICF/IID 83653
or a partially converted ICF/IID. 83654

(c) The ICF/IID's projected medicaid-certified capacity for 83655
each year covered by the plan, which must demonstrate that the 83656

provider will make regular progress toward coming into compliance 83657
with division (B) of this section; 83658

(d) A discharge planning process that includes providing 83659
information to residents regarding home and community-based 83660
services; 83661

(e) Additional interim steps the provider will take to 83662
demonstrate that the provider is making regular progress toward 83663
coming into compliance with division (B) of this section. 83664

(3) The plan shall not include the creation of a new ICF/IID 83665
that has a medicaid-certified capacity that is greater than six 83666
unless the department determines that a new ICF/IID would need a 83667
larger medicaid-certified capacity to be financially viable. If 83668
the department determines that a new ICF/IID would need a larger 83669
medicaid-certified capacity to be financially viable, the plan may 83670
include the creation of a new ICF/IID that has a 83671
medicaid-certified capacity that is greater than six but not 83672
greater than eight. 83673

(D) The department shall review each plan submitted under 83674
division (C) of this section and decide whether to approve the 83675
plan. In making this decision, the department shall consider both 83676
of the following: 83677

(1) Whether the plan conforms to the requirements of division 83678
(C) of this section; 83679

(2) The feasibility of completing the implementation as 83680
described in the plan. 83681

(E) If the department approves an ICF/IID provider's plan 83682
under division (D) of this section, the provider shall submit to 83683
the department annual reports regarding the plan's implementation. 83684

(F) The department may issue a written order to an ICF/IID 83685
provider that suspends new admissions to the ICF/IID if both of 83686

the following apply: 83687

(1) The department has approved the provider's plan under 83688
division (D) of this section. 83689

(2) The provider fails to do either of the following: 83690

(a) Submit to the department an annual report required by 83691
division (E) of this section; 83692

(b) Meet, to the department's satisfaction, the projected 83693
medicaid-certified capacity for the ICF/IID for a year as 83694
specified in the plan and the failure is due to factors within the 83695
provider's control. 83696

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 83697
more than two residents to reside in the same sleeping room if 83698
more than two residents resided in the same sleeping room on ~~the~~ 83699
~~effective date of this section~~ September 29, 2015. 83700

(2) On and after January 1, 2016, an ICF/IID provider may 83701
permit more than two residents to reside in the same sleeping room 83702
only if all of the following apply: 83703

(a) More than two residents resided in the same sleeping room 83704
on ~~the effective date of this section~~ September 29, 2015. 83705

(b) The provider has submitted a plan in accordance with 83706
division (C) of this section. 83707

(c) Either of the following applies: 83708

(i) The department has approved and the provider complies 83709
with the plan. 83710

(ii) The department has not decided whether to approve the 83711
plan. 83712

(H) The department shall waive application of division (B) of 83713
this section for an ICF/IID's sleeping room in which more than two 83714
residents reside on June 30, 2025, if both of the following apply: 83715

(1) The same residents have continuously resided in the sleeping room since ~~the effective date of this section~~ September 29, 2015;

(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.

Sec. 5126.022. When making initial appointments to a county board of developmental disabilities and when making an appointment to fill a vacancy pursuant to section 5126.027 of the Revised Code, an appointing authority shall do all of the following:

(A) Appoint only individuals who are residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of intellectual disabilities and other allied fields;

~~(B) If (B)(1) Except as otherwise provided in this section, if~~ the appointing authority is a board of county commissioners, appoint at least one individual who is eligible to receive services provided by the county board and two additional individuals who are eligible for services provided by the county board or are immediate family members of such individuals. The board of county commissioners shall, whenever possible, ensure that one of those two additional members is an individual eligible for adult services or an immediate family member of an individual eligible for adult services and the other is an immediate family member of an individual eligible for early intervention services or services for preschool or school-age children;

(2) If a board of county commissioners is unable to appoint at least one individual who is eligible to receive services provided by the county board in accordance with division (B)(1) of this section, the board of county commissioners shall submit an explanation to the president of the county board of developmental

disabilities explaining why the appointment could not be made, 83747
before appointing an individual who otherwise fulfills the 83748
requirements of this section. 83749

~~(C)~~(C)(1) If the appointing authority is a senior probate 83750
judge, appoint at least one individual who is eligible to receive 83751
services provided by the county board or who is an immediate 83752
family member of an individual eligible for residential services 83753
or supported living; 83754

(2) If a senior probate judge appoints an individual who is 83755
eligible to receive services provided by a county board under 83756
division (C)(1) of this section, that appointment satisfies the 83757
requirement under division (B)(1) of this section that a board of 83758
county commissioners appoint at least one such individual. 83759

(D) Appoint, to the maximum extent possible, individuals who 83760
have professional training and experience in business management, 83761
finance, law, health care practice, personnel administration, or 83762
government service; 83763

(E) Provide for the county board's membership to reflect, as 83764
nearly as possible, the composition of the county that the county 83765
board serves. 83766

Sec. 5145.161. (A) The program for the employment of 83767
prisoners within the custody of the department of rehabilitation 83768
and correction that the department is required to establish by 83769
division (A) of section 5145.16 of the Revised Code shall be 83770
administered in accordance with any rules adopted pursuant to 83771
division (B) of section 5145.03 of the Revised Code and with the 83772
following requirements: 83773

(1) The department shall consider the nature of the offense 83774
committed by a prisoner, the availability of employment, the 83775
security requirements for the prisoner, the prisoner's present 83776

state of mind, the prisoner's record in the institution to which 83777
the prisoner has been committed, and all other relevant factors 83778
when assigning a prisoner to the prisoner's initial job 83779
assignment. The department, when making a prisoner's initial job 83780
assignment, shall attempt to develop the prisoner's work skills, 83781
provide rehabilitation for the prisoner, consider the proximity to 83782
the prisoner's family, and permit the prisoner to provide support 83783
for the prisoner's dependents if the prisoner's earnings are 83784
sufficient for that to be feasible. 83785

(2)(a) Except as provided in division (A)(2)(b) of this 83786
section, no prisoner shall be assigned to any job with the Ohio 83787
penal industries, or to any other job level or job grade of 83788
prisoner employment that the director of rehabilitation and 83789
correction may designate, unless the prisoner has obtained, or 83790
enrolled in an education program that leads to, a high school 83791
diploma or a certificate of high school equivalence. 83792

(b) Division (A)(2)(a) of this section does not apply to 83793
either of the following: 83794

(i) A prisoner who is determined, in accordance with a 83795
procedure approved by the director, to be incapable of obtaining a 83796
diploma or certificate of high school equivalence; 83797

(ii) A prisoner working in the Ohio penal industries as of 83798
February 1, 1999, who applied on or before May 1, 1999, for 83799
enrollment in a program leading to a diploma or a certificate of 83800
high school equivalence, and who has been enrolled in that program 83801
for less than one year. 83802

(3) Each prisoner shall be required to perform the prisoner's 83803
job satisfactorily, be permitted to be absent from the prisoner's 83804
job only for legitimate reasons, be required to comply with all 83805
security requirements, and be required to comply with any other 83806
reasonable job performance standards. 83807

(4) A prisoner who advances from one job grade to the next higher job grade within the job level, advances from one job level to the next higher job level, or advances from one job category to the next highest job category shall receive additional benefits in accordance with the rules adopted pursuant to division (B) of section 5145.03 of the Revised Code.

(5) A prisoner shall not be eligible for a job in private industry or agriculture, unless the prisoner meets the requirements of the department for private employment that are set forth in rules adopted pursuant to division (B) of section 5145.03 of the Revised Code.

(6) A prisoner who violates the work requirements of any job grade, level, or category shall be disciplined pursuant to the disciplinary procedure adopted pursuant to division (B)(9) of section 5145.03 of the Revised Code.

(B) The department of rehabilitation and correction may administer the program that it is required to establish by division (A) of section 5145.16 of the Revised Code in any manner that is consistent with division (A) of this section, division (B) of section 5145.03, and section 5145.16 of the Revised Code.

Sec. 5145.163. (A) As used in this section:

(1) "Customer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise only as a purchaser of goods and services.

(2) "Employer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise as an operator of the enterprise.

(3) "Injury" ~~means a diagnosable injury to an inmate~~

~~supported by medical findings that it was~~ and "occupational 83838
disease" have the same meanings as in section 4123.01 of the 83839
Revised Code if sustained or contracted in the course of, and 83840
~~arose arising~~ out of, participation in authorized work activity 83841
~~that was an integral part of the inmate's participation in the~~ 83842
~~Ohio penal industries~~ federal prison industries enhancement 83843
certification program. 83844

(4) "Inmate" means any person who is committed to the custody 83845
of the department of rehabilitation and correction and who is 83846
participating in an Ohio penal industries program that is under 83847
the federal prison industries enhancement certification program. 83848

(5) "Federal prison industries enhancement certification 83849
program" means the program authorized pursuant to 18 U.S.C. 1761. 83850

~~(6) "Loss of earning capacity" means an impairment of the~~ 83851
~~body of an inmate to a degree that makes the inmate unable to~~ 83852
~~return to work activity under the Ohio penal industries program~~ 83853
~~and results in a reduction of compensation earned by the inmate at~~ 83854
~~the time the injury occurred.~~ 83855

(B) ~~Every inmate shall be covered by a policy of disability~~ 83856
~~insurance to provide benefits for loss of earning capacity due to~~ 83857
~~an injury and for medical treatment of the injury following the~~ 83858
~~inmate's release from prison. No private party shall participate~~ 83859
in an employer model enterprise in this state unless the private 83860
party is approved by the director of rehabilitation and correction 83861
in accordance with division (C) of this section. 83862

(C) The director may approve a private party to participate 83863
in an employer model enterprise only if the private party meets 83864
the following requirements: 83865

(1) The private party provides proof of workers' compensation 83866
coverage furnished by the bureau of workers' compensation. 83867

(2) The private party carries liability insurance in an 83868

amount the director determines to be sufficient. 83869

(3) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code. 83870
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(D)(1) If the enterprise for which the an inmate works is a customer model enterprise, Ohio penal industries shall purchase the policy the department shall treat the inmate as an employee of the department for the purpose of workers' compensation coverage in accordance with section 4123.543 of the Revised Code. 83873
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(2) If the enterprise for which the an inmate works is an employer model enterprise, the private participant shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation. 83878
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(C) Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the inmate shall be medically examined, and the insurer shall determine the inmate's entitlement to disability benefits based on the medical examination. The inmate shall accept or reject an award within thirty days after a determination of the inmate's entitlement to the award. If the inmate accepts the award, the benefits shall be paid upon the inmate's release from prison. The amount of disability benefits payable to the inmate shall be reduced by sick leave benefits or other compensation for lost pay made by Ohio penal industries to the inmate due to an injury that rendered the inmate unable to work. An inmate shall not receive disability benefits for injuries occurring as the result of a fight, assault, horseplay, purposely self inflicted injury, use of alcohol or controlled substances, misuse of prescription drugs, or other activity that is prohibited by the department's or institution's inmate conduct rules or the work 83883
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~~rules of the private participant in the enterprise.~~ 83901

~~(D) Inmates treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with section 4123.543 of the Revised Code.~~ 83902
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~~(E) Except as provided in division (D) of this section, inmates are not employees of the department of rehabilitation and correction or the private participant in an enterprise.~~ 83905
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~~(E) An inmate is ineligible to receive compensation or benefits under Chapter 4121., 4123., 4127., or 4131. of the Revised Code for any injury, death, or occupational disease received in the course of, and arising out of, participation in the Ohio penal industries program. Any claim for an injury arising from an inmate's participation in the program is specifically excluded from the jurisdiction of the Ohio bureau of workers' compensation and the industrial commission of Ohio.~~ 83908
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~~(F) Any disability benefit award accepted by an inmate under this section shall be the inmate's exclusive remedy against the insurer, the private participant in an enterprise, and the state. If an inmate rejects an award or a disability claim is denied, the inmate may bring an action in the court of claims within the appropriate period of limitations.~~ 83916
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~~(G) If any inmate who is paid disability benefits under this section is reincarcerated, the benefits shall immediately cease but shall resume upon the inmate's subsequent release from incarceration.~~ 83922
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~~(F) The department shall provide and pay for all medical care rendered to an inmate related to an injury or occupational disease while the inmate is imprisoned.~~ 83926
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~~(G) Notwithstanding division (A) of section 5120.21 of the Revised Code, the director shall do all of the following:~~ 83929
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(1) Notify the administrator of workers' compensation of any injury, occupational disease, or death of an inmate that arises out of participation in authorized work activity in the federal prison industries enhancement certification program. 83931
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(2) On request from the administrator, provide to the administrator medical records, or other relevant information, related to an injury, occupational disease, or death of an inmate that arises out of participation in authorized work activity in the federal prison industries enhancement certification program. 83935
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(3) Notify the administrator when an inmate who has a suspended award for compensation or benefits pursuant to division (E) of section 4123.543 of the Revised Code is released from imprisonment or reimprisoned. 83940
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(H) An inmate shall voluntarily consent to participate in a federal prison industries enhancement certification program prior to commencing participation in the program. Such consent disclaims the inmate's ability to choose a medical provider while the inmate is imprisoned and subjects the inmate to the requirements of this section and section 4123.543 of the Revised Code. 83944
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Sec. 5149.101. ~~(A)(1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including any prisoner described in section 2967.132 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.~~ 83950
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~~(2)(A)(1)(a)~~ A victim of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim's 83958
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representative, or any person described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or ~~other~~ any person described in division (B)(5) of this section requests a full board hearing pursuant to this division, the board shall hold a full board hearing. 83962
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(b) A family member of a victim who is not described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of a person who committed a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held, if a family member of the victim makes a request pursuant to this division. 83970
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(c) If a person is convicted of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the prosecuting attorney may submit a request directly to the board to hold a full board hearing that relates to the proposed parole or re-parole of the person who committed the violation. If the prosecutor requests a full board hearing pursuant to this division, the board shall hold a full board hearing. 83981
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(2) At least thirty days before the full hearing, except as otherwise provided in this division, the board shall give notice of the date, time, and place of the hearing to the victim regardless of whether the victim has requested the notification. 83990
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The notice of the date, time, and place of the hearing shall not 83994
be given under this division to a victim if the victim has 83995
requested pursuant to division (B)(2) of section 2930.03 of the 83996
Revised Code that the notice not be provided to the victim. At 83997
least thirty days before the full board hearing and regardless of 83998
whether the victim has requested that the notice be provided or 83999
not be provided under this division to the victim, the board shall 84000
give similar notice to the prosecuting attorney in the case, the 84001
law enforcement agency that arrested the prisoner if any officer 84002
of that agency was a victim of the offense, and, if different than 84003
the victim, the person who requested the full hearing. If the 84004
prosecuting attorney has not previously been sent an institutional 84005
summary report with respect to the prisoner, upon the request of 84006
the prosecuting attorney, the board shall include with the notice 84007
sent to the prosecuting attorney an institutional summary report 84008
that covers the offender's participation while confined in a state 84009
correctional institution in training, work, and other 84010
rehabilitative activities and any disciplinary action taken 84011
against the offender while so confined. Upon the request of a law 84012
enforcement agency that has not previously been sent an 84013
institutional summary report with respect to the prisoner, the 84014
board also shall send a copy of the institutional summary report 84015
to the law enforcement agency. If notice is to be provided as 84016
described in this division, the board may give the notice by any 84017
reasonable means, including regular mail, telephone, and 84018
electronic mail, in accordance with division (D)(1) of section 84019
2930.16 of the Revised Code. If the notice is based on an offense 84020
committed prior to March 22, 2013, the notice also shall include 84021
the opt-out information described in division (D)(1) of section 84022
2930.16 of the Revised Code. The board, in accordance with 84023
division (D)(2) of section 2930.16 of the Revised Code, shall keep 84024
a record of all attempts to provide the notice, and of all notices 84025
provided, under this division. 84026

The preceding paragraph, and the notice-related provisions of 84027
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 84028
section 2930.16, division (H) of section 2967.12, division 84029
(E)(1)(b) of section 2967.19 as it existed prior to ~~the effective~~ 84030
~~date of this amendment~~ April 4, 2023, division (A)(3)(b) of 84031
section 2967.26, and division (D)(1) of section 2967.28 of the 84032
Revised Code enacted in the act in which this paragraph was 84033
enacted, shall be known as "Roberta's Law." 84034

(B) At a full board hearing that relates to the proposed 84035
parole or re-parole of a prisoner and that has been petitioned for 84036
or requested in accordance with division (A) of this section, the 84037
parole board shall permit the following persons to appear and to 84038
give testimony or to submit written statements: 84039

(1) The prosecuting attorney of the county in which the 84040
original indictment against the prisoner was found and members of 84041
any law enforcement agency that assisted in the prosecution of the 84042
original offense; 84043

(2) The judge of the court of common pleas who imposed the 84044
original sentence of incarceration upon the prisoner, or the 84045
judge's successor; 84046

(3) The victim of the original offense for which the prisoner 84047
is serving the sentence or the victim's representative designated 84048
pursuant to section 2930.02 of the Revised Code; 84049

(4) The victim of any behavior that resulted in parole being 84050
revoked; 84051

(5) With respect to a full board hearing held pursuant to 84052
division ~~(A)(2)~~ (A)(1)(a) or (c) of this section, all of the 84053
following: 84054

(a) The spouse of the victim of the original offense; 84055

(b) The parent or parents of the victim of the original 84056

offense; 84057

(c) The sibling of the victim of the original offense; 84058

(d) The child or children of the victim of the original offense. 84059
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(6) ~~Counsel~~ A state public defender when designated by the director of the department of rehabilitation and correction pursuant to division (A)(5) of section 120.06 of the Revised Code, private counsel, or some other person designated by the prisoner as a representative, ~~as described in division (C) of this section permitted by the board.~~ 84061
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(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization. 84067
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At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented ~~by counsel or some other person designated by the prisoner~~ as described in division (B)(6) of this section. 84074
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If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority. 84081
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(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the family of the victim may show at a full board hearing a video recording not exceeding five minutes in length memorializing the victim.

(E) The adult parole authority shall adopt rules for the implementation of this section. The rules shall specify reasonable restrictions on the number of media representatives that may attend a hearing, based on considerations of space, and other procedures designed to accomplish an effective, orderly process for full board hearings.

Sec. 5149.38. (A) In each voluntary county, subject to division (B) of this section and not later than ~~September 1, 2022~~ the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in the state fiscal years ~~year 2023 and succeeding years within the specified~~ state fiscal years biennium under the ~~targeting~~ targeted community alternatives to prison (T-CAP) program;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum;

(3) Specifies whether the memorandum of understanding will apply to prison terms for felonies of the fifth degree or prison terms for felonies of the fourth and fifth degree pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(B) Two or more voluntary counties may join together to jointly establish a memorandum of understanding of the type described in division (A) of this section. Not later than September 1, 2022 the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner from each of the affiliating voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating voluntary county, the sheriff of each affiliating voluntary county, and an official from any municipality operating a local correctional facility in the affiliating voluntary counties to which courts of the counties sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval the memorandum of understanding. The memorandum of understanding shall set forth the plans by which, and specify the manner in which, the affiliating counties will complete the tasks identified in divisions (A)(1) to (3) of this section.

(C) The department of rehabilitation and correction shall adopt rules establishing standards for approval of memorandums of understanding submitted to it under division (A) or (B) of this

section. The department shall review the memorandums of 84151
understanding submitted to it and may require the county or 84152
counties that submit a memorandum to modify the memorandum. The 84153
director of rehabilitation and correction shall approve 84154
memorandums of understanding submitted to it under division (A) or 84155
(B) of this section that the director determines satisfy the 84156
standards adopted by the department within thirty days after 84157
receiving each memorandum submitted. 84158

(D) Any person responsible for agreeing to, signing, and 84159
submitting a memorandum of understanding under division (A) or (B) 84160
of this section may delegate the person's authority to do so to an 84161
employee of the agency, entity, or office served by the person. 84162

(E) The persons signing a memorandum of understanding under 84163
division (A) or (B) of this section, or their successors in 84164
office, may revise the memorandum as they determine necessary. Any 84165
revision of the memorandum shall be signed by the parties 84166
specified in division (A) or (B) of this section and submitted to 84167
the department of rehabilitation and correction for its approval 84168
under division (C) of this section within thirty days after the 84169
beginning of the state fiscal year. 84170

(F)(1) In each county, commencing in calendar year 2023, on 84171
or before the first day of February of each calendar year the 84172
sheriff shall determine the per diem costs for the preceding 84173
calendar year for each of the local correctional facilities for 84174
the housing in the facility of prisoners who serve a term in it 84175
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 84176
Code. The per diem cost so determined shall apply in the calendar 84177
year in which the determination is made. 84178

(2) For each county, the per diem cost determined under 84179
division (F)(1) of this section that applies with respect to a 84180
facility in a specified calendar year shall be the per diem rate 84181
of reimbursement in that calendar year, under the ~~targeting~~ 84182

targeted community alternatives to prison (T-CAP) program, for 84183
prisoners who serve a term in the facility pursuant to division 84184
(B)(3)(c) of section 2929.34 of the Revised Code. 84185

(3) The per diem costs of housing determined under division 84186
(F)(1) of this section for a facility shall be the actual costs of 84187
housing the specified prisoners in the facility, on a per diem 84188
basis. 84189

(G) As used in this section: 84190

(1) "Local correctional facility" means a facility of a type 84191
described in division (C) or (D) of section 2929.34 of the Revised 84192
Code. 84193

(2) "Voluntary county" has the same meanings as in section 84194
2929.34 of the Revised Code. 84195

Sec. 5153.122. Each PCSA caseworker hired after January 1, 84196
2007, shall complete ~~at least one hundred two hours of~~ in-service 84197
training during the first year of the caseworker's continuous 84198
employment as a PCSA caseworker, except that the executive 84199
director of the public children services agency may waive the 84200
training requirement for a school of social work graduate who 84201
participated in the university partnership program described in 84202
division (E) of section 5101.141 of the Revised Code and as 84203
provided in section 5153.124 of the Revised Code. The training 84204
shall consist of courses in all of the following: 84205

(A) Recognizing, accepting reports of, and preventing child 84206
abuse, neglect, and dependency; 84207

(B) Assessing child safety; 84208

(C) Assessing risks; 84209

(D) Interviewing persons; 84210

(E) Investigating cases; 84211

(F) Intervening;	84212
(G) Providing services to children and their families;	84213
(H) The importance of and need for accurate data;	84214
(I) Preparation for court;	84215
(J) Maintenance of case record information;	84216
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	84217 84218 84219 84220 84221 84222
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	84223 84224 84225
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	84226 84227 84228 84229
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.	84230 84231 84232 84233 84234 84235 84236 84237 84238
Sec. 5153.123. Each PCSA caseworker supervisor shall complete at least sixty hours of in-service training during the first year of the supervisor's continuous employment as a PCSA caseworker	84239 84240 84241

supervisor. The training shall include courses in screening 84242
reports of child abuse, neglect, or dependency. After a PCSA 84243
caseworker supervisor's first year of continuous employment as a 84244
PCSA caseworker supervisor, the supervisor annually shall complete 84245
thirty hours of training in areas relevant to the supervisor's 84246
assigned duties. During the first two years of continuous 84247
employment as a PCSA caseworker supervisor, each PCSA caseworker 84248
supervisor shall complete ~~at least twelve hours of~~ training in 84249
recognizing the signs of domestic violence and its relationship to 84250
child abuse as established in rules the director of job and family 84251
services shall adopt pursuant to Chapter 119. of the Revised Code. 84252
~~The twelve hours may be in addition to the training required~~ 84253
~~during the supervisor's first year of employment or part of the~~ 84254
~~training required during the second year of employment.~~ 84255
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Sec. 5153.124. (A)(1) The director of job and family services 84257
shall adopt rules as necessary to implement the training 84258
requirements of sections 5153.122 and 5153.123 of the Revised 84259
Code. 84260

(2) Not later than nine months after ~~the effective date of~~ 84261
~~the amendment to this section by H.B. 110 of the 134th general~~ 84262
~~assembly~~ September 30, 2021, the director shall adopt rules in 84263
accordance with Chapter 119. of the Revised Code to establish the 84264
circumstances under which an executive director of a public 84265
children services agency may waive portions of in-service training 84266
for PCSA caseworkers, in addition to the waiver described in 84267
section 5153.122 of the Revised Code. 84268

(B) Notwithstanding sections ~~5103.33~~ 5103.37 to ~~5103.422~~ 84269
5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the 84270
department of job and family services may require additional 84271
training for PCSA caseworkers and PCSA caseworker supervisors as 84272

necessary to comply with federal requirements. 84273

Sec. 5153.127. The executive director of each public children 84274
services agency or a person designated by the executive director 84275
shall collect and maintain the data from individual training needs 84276
assessments completed under sections 5153.125 and 5153.126 of the 84277
Revised Code for each PCSA caseworker and PCSA caseworker 84278
supervisor employed by the agency. The executive director or 84279
designated person shall compile and forward the data collected 84280
from the completed assessments to the regional training center 84281
established under section ~~5103.42~~ 5103.41 of the Revised Code for 84282
the training region the agency is located in. 84283

Sec. 5153.16. (A) Except as provided in section 2151.422 of 84284
the Revised Code, in accordance with rules adopted under section 84285
5153.166 of the Revised Code, and on behalf of children in the 84286
county whom the public children services agency considers to be in 84287
need of public care or protective services, the public children 84288
services agency shall do all of the following: 84289

(1) Make an investigation concerning any child alleged to be 84290
an abused, neglected, or dependent child; 84291

(2) Enter into agreements with the parent, guardian, or other 84292
person having legal custody of any child, or with the department 84293
of job and family services, department of mental health and 84294
addiction services, department of developmental disabilities, 84295
other department, any certified organization within or outside the 84296
county, or any agency or institution outside the state, having 84297
legal custody of any child, with respect to the custody, care, or 84298
placement of any child, or with respect to any matter, in the 84299
interests of the child, provided the permanent custody of a child 84300
shall not be transferred by a parent to the public children 84301
services agency without the consent of the juvenile court; 84302

(3) <u>Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact.</u>	84303
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(4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;	84306
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(4) (5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;	84309
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(5) (6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;	84313
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(6) (7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;	84316
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(7) (8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;	84322
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(8) (9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county;	84325
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(9) (10) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance	84329
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of any children's home, training school, or other institution for 84334
the care of children maintained by such municipal corporation or 84335
political subdivision; 84336

~~(10)~~(11) Acquire and operate a county children's home, 84337
establish, maintain, and operate a receiving home for the 84338
temporary care of children, or procure certified foster homes for 84339
this purpose; 84340

~~(11)~~(12) Enter into an agreement with the trustees of any 84341
district children's home, respecting the operation of the district 84342
children's home in cooperation with the other county boards in the 84343
district; 84344

~~(12)~~(13) Cooperate with, make its services available to, and 84345
act as the agent of persons, courts, the department of job and 84346
family services, the department of health, and other organizations 84347
within and outside the state, in matters relating to the welfare 84348
of children, except that the public children services agency shall 84349
not be required to provide supervision of or other services 84350
related to the exercise of parenting time rights granted pursuant 84351
to section 3109.051 or 3109.12 of the Revised Code or 84352
companionship or visitation rights granted pursuant to section 84353
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 84354
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 84355
a common pleas court, pursuant to division (E)(6) of section 84356
3113.31 of the Revised Code, requires the provision of supervision 84357
or other services related to the exercise of the parenting time 84358
rights or companionship or visitation rights; 84359

~~(13)~~(14) Make investigations at the request of any 84360
superintendent of schools in the county or the principal of any 84361
school concerning the application of any child adjudicated to be 84362
an abused, neglected, or dependent child for release from school, 84363
where such service is not provided through a school attendance 84364
department; 84365

~~(14)~~(15) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code;

~~(15)~~(16) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;

~~(16)~~(17) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of job and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child;

~~(17)~~(18) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;

~~(18)~~(19) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;

~~(19)~~(20) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;

~~(20)~~(21) Administer a Title IV-A program identified under

division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that the department of job and family services provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code;

~~(21)~~(22) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of job and family services;

~~(22)~~(23) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

~~(23)~~(24) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division ~~(A)(16)~~(A)(17) of this section in connection with an investigation undertaken pursuant to division (G)(1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized

foster home, as defined in section 5103.02 of the Revised Code, 84427
certified under section 5103.03 of the Revised Code; 84428

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 84429
this section, contract with the following for the purpose of 84430
assisting the agency with its duties: 84431

(i) County departments of job and family services; 84432

(ii) Boards of alcohol, drug addiction, and mental health 84433
services; 84434

(iii) County boards of developmental disabilities; 84435

(iv) Regional councils of political subdivisions established 84436
under Chapter 167. of the Revised Code; 84437

(v) Private and government providers of services; 84438

(vi) Managed care organizations and prepaid health plans. 84439

(b) A public children services agency contract under division 84440
(C)(2)(a) of this section regarding the agency's duties under 84441
section 2151.421 of the Revised Code may not provide for the 84442
entity under contract with the agency to perform any service not 84443
authorized by the department's rules. 84444

(c) Only a county children services board appointed under 84445
section 5153.03 of the Revised Code that is a public children 84446
services agency may contract under division (C)(2)(a) of this 84447
section. If an entity specified in division (B) or (C) of section 84448
5153.02 of the Revised Code is the public children services agency 84449
for a county, the board of county commissioners may enter into 84450
contracts pursuant to section 307.982 of the Revised Code 84451
regarding the agency's duties. 84452

Sec. 5153.161. (A) As used in this section, "qualified 84453
nonrelative" means a nonrelative adult whom a child or the current 84454
custodial caretaker of a child identifies as having a familiar and 84455

longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties. 84456
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(B) Care provided by the public children services agency under division ~~(A)(4)~~(A)(5) of section 5153.16 of the Revised Code shall be provided by the agency, by its own means or through other available resources, in the child's own home, in the home of a relative or qualified nonrelative, or in a certified foster home, any other home approved by the court, receiving home, school, hospital, convalescent home, or other public or private institution within or outside the county or state. 84458
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Sec. 5153.162. Pursuant to an agreement entered into under division ~~(A)(9)~~(A)(10) of section 5153.16 of the Revised Code respecting the operation, acquisition, or maintenance of a children's home, training school, or other institution for the care of children maintained by a municipal corporation or other political subdivision, the public children services agency may acquire, operate, and maintain such an institution. The agency may enter into an agreement with a municipal corporation, a board of education, and the board of county commissioners, or with any one of them, to provide for the maintenance and operation of children's training schools. The agreement may provide for the contribution of funds by the municipal corporation, board of education, or board of county commissioners, in such proportions and amounts as the agreement states. The agreement also may provide for the operation and supervision of the training school by any one of them, or by the joint action of two or more of them, provided that municipal corporations, boards of education, and boards of county commissioners may expend moneys from their general funds for maintaining and operating the joint children's training school. 84466
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Sec. 5153.163. (A) As used in this section: 84486

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.	84487 84488
(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.	84489 84490
(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:	84491 84492 84493 84494 84495 84496
(a) The child is a child with special needs.	84497
(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.	84498 84499 84500
(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.	84501 84502
(d) The needs of the child are beyond the economic resources of the adoptive parent.	84503 84504
(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.	84505 84506 84507
(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.	84508 84509 84510 84511 84512 84513
(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.	84514 84515 84516

(2) State adoption maintenance subsidy payment agreements 84517
must be made by either the public children services agency that 84518
has permanent custody of the child or the public children services 84519
agency of the county in which the private child placing agency 84520
that has permanent custody of the child is located. 84521

(3) State adoption maintenance subsidy payments shall be made 84522
in accordance with the agreement between the public children 84523
services agency and the adoptive parent and are subject to an 84524
annual redetermination of need. 84525

(4) Payments under this division may begin either before or 84526
after issuance of the final adoption decree, except that payments 84527
made before issuance of the final adoption decree may be made only 84528
while the child is living in the adoptive parent's home. 84529
Preadoption payments may be made for not more than twelve months, 84530
unless the final adoption decree is not issued within that time 84531
because of a delay in court proceedings. Payments that begin 84532
before issuance of the final adoption decree may continue after 84533
its issuance. 84534

(C)(1) ~~A public children services agency~~ The department of 84535
job and family services may enter into an agreement with a child's 84536
relative under which the ~~agency~~ department, to the extent state 84537
funds are available, may provide state kinship guardianship 84538
assistance as needed on behalf of the child when all of the 84539
following apply: 84540

(a) The relative has cared for the eligible child as a foster 84541
caregiver as defined by section 5103.02 of the Revised Code for at 84542
least six consecutive months. 84543

(b) Both of the following apply: 84544

(i) A juvenile court issued an order granting legal custody 84545
of the child to the relative, or a probate court issued an order 84546
granting guardianship of the child to the relative, and the order 84547

is not a temporary court order. 84548

(ii) The relative has committed to care for the child on a permanent basis. 84549
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(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 84551
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(d) The public children services agency that had custody of the child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child has determined all of the following: 84554
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(i) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 84558
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~~(e)~~(ii) Returning the child home or adoption are not appropriate permanency options for the child. 84562
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~~(f)~~(iii) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 84564
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~~(g)~~(iv) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 84567
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~~(h)~~(v) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 84570
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(2) The In addition to the determinations that are required under divisions (C)(1)(d)(i) to (v) of this section, the public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of 84573
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~~this section~~ is authorized to ~~enter into a~~ determine the 84578
eligibility of the relative and the child for state kinship 84579
guardianship assistance ~~agreement with that relative~~ in accordance 84580
with divisions (C)(1)(a) to (c) of this section and any relevant 84581
determination provided for in rules adopted under division (E) of 84582
this section. 84583

(3) State kinship guardianship assistance for a child shall 84584
be provided in accordance with a state kinship guardianship 84585
assistance agreement entered into between the ~~public children~~ 84586
~~services agency~~ department and relative of the child described in 84587
division (C)(1) of this section and is subject to ~~an annual~~ a 84588
redetermination of need at a frequency established by rules 84589
adopted under division (E) of this section. 84590

(4) Not later than fifteen months after ~~the effective date of~~ 84591
~~this section~~ September 30, 2021, if the amended state plan 84592
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 84593
described in section 5101.1416 of the Revised Code is approved, 84594
division (C) of this section shall be implemented. 84595

(D) No payment shall be made under division (B) or (C) of 84596
this section on behalf of any person eighteen years of age or 84597
older beyond the end of the school year during which the person 84598
attains the age of eighteen or on behalf of a person with a mental 84599
or physical disability twenty-one years of age or older. 84600

~~(E)~~(E)(1) The director of job and family services shall adopt 84601
rules in accordance with Chapter 119. of the Revised Code that are 84602
needed to implement this section. The rules shall establish all of 84603
the following: 84604

~~(1)~~(a) The application process for all forms of assistance 84605
provided under this section; 84606

~~(2)~~(b) The method to determine the amount of assistance 84607
payable under division (B) of this section; 84608

~~(3)(c)~~ The definition of "child with special needs" for the 84609
purposes of division (B) of this section; 84610

~~(4)(d)~~ The process and frequency whereby a child's continuing 84611
need for services provided under division (B) or (C) of this 84612
section is ~~annually~~ redetermined; 84613

~~(5)(e)~~ Any other rule, requirement, or procedure the 84614
department considers appropriate for the implementation of this 84615
section. 84616

(2) Notwithstanding any provision of section 121.95 of the 84617
Revised Code to the contrary, a regulatory restriction contained 84618
in a rule adopted under division (E) of this section is not 84619
subject to sections 121.95 to 121.953 of the Revised Code. 84620

(F) The state adoption special services subsidy program 84621
ceases to exist on July 1, 2004, except that, subject to the 84622
findings of the annual redetermination process established under 84623
division (E) of this section and the child's individual need for 84624
services, a public children services agency may continue to 84625
provide state adoption special services subsidy payments on behalf 84626
of a child for whom payments were being made prior to July 1, 84627
2004. 84628

(G) Benefits and services provided under this section are 84629
inalienable whether by way of assignment, charge, or otherwise and 84630
exempt from execution, attachment, garnishment, and other like 84631
processes. 84632

Sec. 5153.17. ~~The~~ (A) Each public children services agency 84633
shall prepare and keep written records of ~~investigations~~ all of 84634
the following: 84635

(1) Investigations of families, children, and foster homes~~7~~ 84636
~~and of the;~~ 84637

(2) The care, training, and treatment afforded to children~~7~~ 84638

~~and shall prepare and keep such;~~ 84639

(3) Such other records as are required by the department of 84640
job and family services. ~~Such records~~ 84641

(B) Records under division (A) of this section shall be 84642
confidential, but, except as provided by division (B) of section 84643
3107.17 of the Revised Code, shall be open to inspection by the 84644
following: 84645

(1) The agency, the director of job and family services, and 84646
the director of the county department of job and family services, 84647
and by other persons upon the written permission of the executive 84648
director; 84649

(2) Upon request to an agency and subject to division (C) of 84650
this section, an adult who was formerly placed in foster care. 84651

(C)(1) With regard to an adult under division (B)(2) of this 84652
section, records subject to inspection include those pertaining to 84653
the adult's time placed in foster care. Records may include 84654
medical, mental health, school, and legal records and a 84655
comprehensive summary of reasons why the adult was placed in 84656
foster care. 84657

(2) The executive director or the director's designee may 84658
redact information that is specific to other individuals if that 84659
information does not directly pertain to the requesting adult's 84660
records that are subject to inspection under division (C)(1) of 84661
this section or the comprehensive summary of reasons why the adult 84662
was placed in foster care. 84663

Sec. 5160.35. As used in sections 5160.35 to 5160.43 of the 84664
Revised Code: 84665

(A) "Information" means all of the following: 84666

(1) An individual's name, address, date of birth, and social 84667
security number; 84668

(2) The group or plan number, or other identifier, assigned 84669
by a third party to a policy held by an individual or a plan in 84670
which the individual participates and the nature of the coverage; 84671

(3) Any other data the medicaid director specifies in rules 84672
authorized by section 5160.43 of the Revised Code. 84673

(B) "Medical support" means support specified as support for 84674
the purpose of medical care by order of a court or administrative 84675
agency. 84676

(C)(1) Subject to division (C)(2) of this section, and except 84677
as provided in division (C)(3) of this section, "third party" 84678
means all of the following: 84679

(a) A person authorized to engage in the business of sickness 84680
and accident insurance under Title XXXIX of the Revised Code; 84681

(b) A person or governmental entity providing coverage for 84682
medical services or items to individuals on a self-insurance 84683
basis; 84684

(c) A health insuring corporation as defined in section 84685
1751.01 of the Revised Code; 84686

(d) A group health plan as defined in 29 U.S.C. 1167; 84687

(e) A service benefit plan as referenced in 42 U.S.C. 84688
1396a(a)(25); 84689

(f) A managed care organization; 84690

(g) A pharmacy benefit manager; 84691

(h) A third party administrator; 84692

(i) Any other person or governmental entity that is, by law, 84693
contract, or agreement, responsible for the payment or processing 84694
of a claim for a medical item or service for a medical assistance 84695
recipient. 84696

(2) Except when otherwise provided by the "Social Security 84697

Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 84698
governmental entity listed in division (C)(1) of this section is a 84699
third party even if the person or governmental entity limits or 84700
excludes payments for a medical item or service in the case of a 84701
public assistance recipient. 84702

(3) "Third party" does not include the program for ~~medically~~ 84703
~~handicapped~~ children and youth with special health care needs 84704
established under section 3701.023 of the Revised Code. 84705

Sec. 5162.01. (A) As used in the Revised Code: 84706

(1) "Medicaid" and "medicaid program" mean the program of 84707
medical assistance established by Title XIX of the "Social 84708
Security Act," 42 U.S.C. 1396 et seq., including any medical 84709
assistance provided under the medicaid state plan or a federal 84710
medicaid waiver granted by the United States secretary of health 84711
and human services. 84712

(2) "Medicare" and "medicare program" mean the federal health 84713
insurance program established by Title XVIII of the "Social 84714
Security Act," 42 U.S.C. 1395 et seq. 84715

(B) As used in this chapter: 84716

(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 84717

(2) "Expansion eligibility group" has the same meaning as in 84718
section 5163.01 of the Revised Code. 84719

(3) "Federal financial participation" has the same meaning as 84720
in section 5160.01 of the Revised Code. 84721

(4) "Federal poverty line" means the official poverty line 84722
defined by the United States office of management and budget based 84723
on the most recent data available from the United States bureau of 84724
the census and revised by the United States secretary of health 84725
and human services pursuant to the "Omnibus Budget Reconciliation 84726
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 84727

- (5) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code. 84728
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- (6) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 84730
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- (7) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 84734
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- (8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 84737
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- (9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 84740
84741
- (10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code. 84742
84743
- (11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 84744
84745
- (12) "Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 84746
84747
- (13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 84748
84749
- (14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 84750
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- (15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 84752
84753
- (16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 84754
84755
- (17) "Ordering or referring only provider" means a medicaid 84756

provider who orders, prescribes, refers, or certifies a service or 84757
item reported on a claim for medicaid payment but does not bill 84758
for medicaid services. 84759

(18) "Political subdivision" means a municipal corporation, 84760
township, county, school district, or other body corporate and 84761
politic responsible for governmental activities only in a 84762
geographical area smaller than that of the state. 84763

(19) "Prescribed drug" has the same meaning as in section 84764
5164.01 of the Revised Code. 84765

(20) "Provider agreement" has the same meaning as in section 84766
5164.01 of the Revised Code. 84767

(21) "Qualified medicaid school provider" means the board of 84768
education of a city, local, or exempted village school district, 84769
the governing board of an educational service center, the 84770
governing authority of a community school established under 84771
Chapter 3314. of the Revised Code, ~~the state school for the deaf,~~ 84772
~~and the state school for the blind~~ Ohio deaf and blind education 84773
services to which both of the following apply: 84774

(a) It holds a valid provider agreement. 84775

(b) It meets all other conditions for participation in the 84776
medicaid school component of the medicaid program established in 84777
rules authorized by section 5162.364 of the Revised Code. 84778

(22) "State agency" means every organized body, office, or 84779
agency, other than the department of medicaid, established by the 84780
laws of the state for the exercise of any function of state 84781
government. 84782

(23) "Vendor offset" means a reduction of a medicaid payment 84783
to a medicaid provider to correct a previous, incorrect medicaid 84784
payment to that provider. 84785

Sec. 5162.137. Annually, the department of medicaid shall 84786

conduct a cost savings study of the medicaid program and prepare a 84787
report based on that study recommending measures to reduce costs 84788
under that program. The department shall submit its report to the 84789
governor. 84790

Sec. 5162.20. (A) The department of medicaid shall institute 84791
cost-sharing requirements for the medicaid program. The department 84792
shall not institute cost-sharing requirements in a manner that 84793
does either of the following: 84794

(1) Disproportionately impacts the ability of medicaid 84795
recipients with chronic illnesses to obtain medically necessary 84796
medicaid services; 84797

(2) Violates ~~section~~ sections 5164.09 ~~or 5164.10~~ to 5164.11 84798
of the Revised Code. 84799

(B)(1) No provider shall refuse to provide a service to a 84800
medicaid recipient who is unable to pay a required copayment for 84801
the service. 84802

(2) Division (B)(1) of this section shall not be considered 84803
to do either of the following with regard to a medicaid recipient 84804
who is unable to pay a required copayment: 84805

(a) Relieve the medicaid recipient from the obligation to pay 84806
a copayment; 84807

(b) Prohibit the provider from attempting to collect an 84808
unpaid copayment. 84809

(C) Except as provided in division (F) of this section, no 84810
provider shall waive a medicaid recipient's obligation to pay the 84811
provider a copayment. 84812

(D) No provider or drug manufacturer, including the 84813
manufacturer's representative, employee, independent contractor, 84814
or agent, shall pay any copayment on behalf of a medicaid 84815

recipient. 84816

(E) If it is the routine business practice of a provider to 84817
refuse service to any individual who owes an outstanding debt to 84818
the provider, the provider may consider an unpaid copayment 84819
imposed by the cost-sharing requirements as an outstanding debt 84820
and may refuse service to a medicaid recipient who owes the 84821
provider an outstanding debt. If the provider intends to refuse 84822
service to a medicaid recipient who owes the provider an 84823
outstanding debt, the provider shall notify the recipient of the 84824
provider's intent to refuse service. 84825

(F) In the case of a provider that is a hospital, the 84826
cost-sharing program shall permit the hospital to take action to 84827
collect a copayment by providing, at the time services are 84828
rendered to a medicaid recipient, notice that a copayment may be 84829
owed. If the hospital provides the notice and chooses not to take 84830
any further action to pursue collection of the copayment, the 84831
prohibition against waiving copayments specified in division (C) 84832
of this section does not apply. 84833

(G) The department of medicaid may collaborate with a state 84834
agency that is administering, pursuant to a contract entered into 84835
under section 5162.35 of the Revised Code, one or more components, 84836
or one or more aspects of a component, of the medicaid program as 84837
necessary for the state agency to apply the cost-sharing 84838
requirements to the components or aspects of a component that the 84839
state agency administers. 84840

Sec. 5162.364. The medicaid director shall adopt rules under 84841
section 5162.02 of the Revised Code as necessary to implement the 84842
medicaid school component of the medicaid program, including rules 84843
that establish or specify all of the following: 84844

(A) Conditions a board of education of a city, local, or 84845
exempted school district, a governing board of an educational 84846

service center, governing authority of a community school 84847
established under Chapter 3314. of the Revised Code, ~~the state~~ 84848
~~school for the deaf, and the state school for the blind~~ Ohio deaf 84849
and blind education services must meet to participate in the 84850
component; 84851

(B) Services the component covers; 84852

(C) Payment rates for the services the component covers. 84853

The rules shall be adopted in accordance with Chapter 119. of 84854
the Revised Code. 84855

Sec. 5162.70. (A) As used in this section: 84856

(1) "CPI" means the consumer price index for all urban 84857
consumers as published by the United States bureau of labor 84858
statistics. 84859

(2) "CPI medical inflation rate" means the inflation rate for 84860
medical care, or the successor term for medical care, for the 84861
midwest region as specified in the CPI. 84862

(3) "JMOC projected medical inflation rate" means the 84863
following: 84864

(a) The projected medical inflation rate for a fiscal 84865
biennium determined by the actuary with which the joint medicaid 84866
oversight committee contracts under section 103.414 of the Revised 84867
Code if the committee agrees with the actuary's projected medical 84868
inflation rate for that fiscal biennium; 84869

(b) The different projected medical inflation rate for a 84870
fiscal biennium determined by the joint medicaid oversight 84871
committee under section 103.414 of the Revised Code if the 84872
committee disagrees with the projected medical inflation rate 84873
determined for that fiscal biennium by the actuary with which the 84874
committee contracts under that section. 84875

(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI. 84876
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(B) The medicaid director shall implement reforms to the medicaid program that do all of the following: 84879
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(1) Limit the growth in the per ~~recipient~~ member per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following: 84881
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(a) The average annual increase in the CPI medical inflation rate for the most recent three-year period for which the necessary data is available as of the first day of the fiscal biennium, weighted by the most recent year of the three years; 84885
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(b) The JMOC projected medical inflation rate for the fiscal biennium. 84889
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(2) Achieve the limit in the growth of the per ~~recipient~~ member per month cost of the medicaid program under division (B)(1) of this section by doing all of the following: 84891
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(a) Improving the physical and mental health of medicaid recipients; 84894
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(b) Providing for medicaid recipients to receive medicaid services in the most cost-effective and sustainable manner; 84896
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(c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid services, including home and community-based services; 84898
84899
84900

(d) Establishing medicaid payment rates that encourage value over volume and result in medicaid services being provided in the most efficient and effective manner possible; 84901
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84903

(e) Implementing fraud and abuse prevention and cost avoidance mechanisms to the fullest extent possible. 84904
84905

(3) Reduce the prevalence of comorbid health conditions 84906
among, and the mortality rates of, medicaid recipients; 84907

(4) Reduce infant mortality rates among medicaid recipients. 84908

(C) The medicaid director shall implement the reforms under 84909
this section in accordance with evidence-based strategies that 84910
include measurable goals. 84911

(D) By October first of every even-numbered calendar year, 84912
the medicaid director shall submit to the joint medicaid oversight 84913
committee a report detailing the reforms implemented under this 84914
section for the preceding two fiscal years. 84915

(E) The reforms implemented under this section shall, without 84916
making the medicaid program's eligibility requirements more 84917
restrictive, reduce the relative number of individuals enrolled in 84918
the medicaid program who have the greatest potential to obtain the 84919
income and resources that would enable them to cease enrollment in 84920
medicaid and instead obtain health care coverage through 84921
employer-sponsored health insurance or an exchange. 84922

Sec. 5163.06. The medicaid program shall cover all of the 84923
following optional eligibility groups: 84924

(A) The group consisting of children placed with adoptive 84925
parents who are specified in ~~the "Social Security Act,"~~ section 84926
1902(a)(10)(A)(ii)(VIII) of the "Social Security Act," 42 U.S.C. 84927
1396a(a)(10)(A)(ii)(VIII); 84928

(B) Subject to section 5163.061 of the Revised Code, the 84929
group consisting of women during pregnancy and the maximum 84930
postpartum period permitted under 42 U.S.C. 1396a(e) beginning on 84931
the last day of the pregnancy, infants, and children who are 84932
specified in ~~the "Social Security Act,"~~ section 84933
1902(a)(10)(A)(ii)(IX) of the "Social Security Act," 42 U.S.C. 84934
1396a(a)(10)(A)(ii)(IX); 84935

(C) The group consisting of employed individuals with disabilities who are specified in section 1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XIII); 84936
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(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XV) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 84940
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~~(D)~~(E) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XVI) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI); 84945
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~~(E)~~(F) The group consisting of independent foster care adolescents who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XVII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 84950
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~~(F)~~(G) The group consisting of women in need of treatment for breast or cervical cancer who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XVIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII); 84954
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(H) Subject to section 5163.062 of the Revised Code, the group consisting of individuals who are under sixty-five years of age and whose income exceeds one hundred thirty-three per cent of the federal poverty line who are described in section 1902(a)(10)(A)(ii)(XX) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XX); 84958
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(I) The group consisting of infants with neonatal abstinence syndrome receiving services at a residential pediatric recovery center who are specified in section 1902(a)(86) of the "Social 84964
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Security Act," 42 U.S.C. 1396a(a)(86). For purposes of division 84967
(I) of this section, a residential infant care center certified 84968
under section 5103.603 of the Revised Code is a residential 84969
pediatric recovery center as defined in section 1902(pp) of the 84970
"Social Security Act," 42 U.S.C. 1396a(pp). 84971

Sec. 5163.062. (A) The medicaid program shall cover all of 84972
the following optional populations within the group specified by 84973
division (H) of section 5163.06 of the Revised Code: 84974

(1) Pregnant women; 84975

(2) Children under the age of nineteen; 84976

(3) A reasonable classification of children under the age of 84977
nineteen who were adopted through private agencies. 84978

(B)(1) The income eligibility threshold is three hundred per 84979
cent of the federal poverty line for the populations described in 84980
divisions (A)(1) and (2) of this section. 84981

(2) There is no income eligibility threshold for the 84982
population described in division (A)(3) of this section. 84983

Sec. 5163.063. The medicaid director shall adopt rules under 84984
section 5163.02 of the Revised Code as necessary to provide 84985
medicaid coverage for the optional eligibility group described in 84986
section 1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 84987
U.S.C. 1396a(a)(10)(A)(ii)(XIII). 84988

By requiring the medicaid program to provide coverage to the 84989
optional eligibility group consisting of employed individuals with 84990
disabilities under division (C) of section 5163.06 of the Revised 84991
Code, it is the intent of the general assembly to establish 84992
medicaid coverage for employed individuals with disabilities who 84993
are sixty-five years of age or older in a manner that is 84994
consistent with the coverage provided to individuals participating 84995

in the medicaid buy-in for workers with disabilities program 84996
described in sections 5163.09 to 5163.098 of the Revised Code. 84997

Sec. 5163.102. (A) As used in this section, "qualified 84998
entity" has the same meaning as in section 1920A(b)(3) of the 84999
"Social Security Act," 42 U.S.C. 1396r-1a(b)(3). 85000

(B) The medicaid director shall implement the presumptive 85001
eligibility option for individuals who are under sixty-five years 85002
of age and whose income exceeds one hundred thirty-three per cent 85003
of the federal poverty line option, available under 42 C.F.R. 85004
435.1101 through 435.1103. 85005

(C) An entity may serve as a qualified entity for the 85006
purposes of this section if the entity: 85007

(1) Is eligible under section 1920A(b)(3) of the "Social 85008
Security Act," 42 U.S.C. 1396r-1a(b)(3); 85009

(2) Requests to serve as a qualified entity; 85010

(3) Is determined capable of making presumptive eligibility 85011
determinations by the department of medicaid. 85012

Sec. 5164.071. (A) As used in this section, "doula" has the 85013
same meaning as in section 4723.89 of the Revised Code. 85014

(B) During the period beginning one year after the effective 85015
date of this section and ending five years after the effective 85016
date of this section, the medicaid program shall operate a program 85017
to cover doula services that are provided by a doula if the doula 85018
has a valid provider agreement and is certified under section 85019
4723.89 of the Revised Code. Medicaid payments for doula services 85020
shall be determined on the basis of each pregnancy, regardless of 85021
whether multiple births occur as a result of that pregnancy. 85022

(C) Outcome measurements and incentives for the program shall 85023
be consistent with this state's medicare-medicaid plan quality 85024

withhold methodology and benchmarks. The medicaid director shall 85025
complete an annual report regarding the program outcomes, 85026
including related to maternal health and morbidity and an 85027
estimated fiscal impact. The final annual report shall include 85028
recommendations related to whether the program should be 85029
continued. The director shall provide a copy of the annual report 85030
to the joint medicaid oversight committee. 85031

(D) The medicaid director shall adopt rules under section 85032
5164.02 of the Revised Code to implement this section. 85033
Notwithstanding any provision of section 121.95 of the Revised 85034
Code to the contrary, a regulatory restriction contained in a rule 85035
adopted under this section is not subject to sections 121.95 to 85036
121.953 of the Revised Code. 85037

Sec. 5164.072. (A) As used in this section, "licensed health 85038
professional" has the same meaning as in section 3902.63 of the 85039
Revised Code. 85040

(B) The medicaid program shall cover pasteurized human donor 85041
milk and human milk fortifiers, in both hospital and home 85042
settings, for an infant whose gestationally corrected age is less 85043
than twelve months when all of the following apply: 85044

(1) A licensed health professional signs an order stating 85045
that human donor milk or human milk fortifiers are medically 85046
necessary because the infant meets any of the following criteria: 85047

(a) The infant has a birth weight less than eighteen hundred 85048
grams or body weight below healthy levels. 85049

(b) The infant has a gestational age at birth of thirty-four 85050
weeks or less. 85051

(c) The infant has any congenital or acquired condition for 85052
which the health professional determines that the use of 85053
pasteurized human donor milk or human milk fortifiers will support 85054

the treatment of the condition and recovery of the infant. 85055

(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 85056
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(C) Medicaid payment for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services. 85061
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(D) The medicaid director may adopt rules in accordance with Chapter 119. Of the Revised Code to implement this section. 85064
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Sec. 5164.11. (A) The medicaid program shall cover treatment for obesity, including coverage of all of the following: 85066
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(1) Prevention and wellness services; 85068

(2) Nutrition counseling; 85069

(3) Intensive behavioral therapy; 85070

(4) Bariatric surgery and follow-up services; 85071

(5) Prescription drugs to treat overweight and obesity, approved by the United States food and drug administration with an indication for chronic weight management in patients with obesity. 85072
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(B) The department of medicaid shall not impose any of the following conditions with respect to the coverage required by this section: 85075
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(1) Limits on coverage for the treatment of obesity that are different from the coverage for the treatment of other illnesses, conditions, or disorders, including annual or lifetime limits on treatments for obesity; 85078
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(2) Cost sharing requirements under section 5162.20 of the Revised Code; 85082
85083

(3) With respect to the drugs described in division (A)(5) of this section, coverage restrictions that are more restrictive than the indicated use for the drug. 85084
85085
85086

(C) The department may impose utilization review requirements to determine the medical necessity for covered treatment under this section. Any utilization review requirements established in accordance with this section shall be the same as utilization review requirements imposed for the treatment of any other illness, condition, or disorder. 85087
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(D) With respect to the coverage required by this section, the department of medicaid shall do both of the following: 85093
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(1) Inform medicaid recipients in writing and in other correspondence to recipients about the coverage availability; 85095
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(2) Market the coverage to medicaid recipients in annual information notices. 85097
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Sec. 5164.34. (A) As used in this section: 85099

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 85100
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(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 85102
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(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section. 85105
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(4) "Person subject to the criminal records check requirement" means the following: 85108
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(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check; 85110
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(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section; 85113
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(c) An employee or prospective employee of a medicaid provider if both of the following apply: 85120
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(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section. 85122
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(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 85125
85126

(5) "Responsible entity" means the following: 85127

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 85128
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 85131
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(B) This section does not apply to any of the following: 85136

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code; 85137
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3740.11, or 5164.342 of the Revised Code; 85140
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code.	85143 85144
(C) The department of medicaid may do any of the following:	85145
(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement;	85146 85147 85148
(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;	85149 85150 85151 85152 85153
(3) Require that any medicaid provider do the following:	85154
(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database;	85155 85156 85157 85158
(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider.	85159 85160 85161 85162 85163
(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies:	85164 85165 85166 85167
(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.	85168 85169 85170
(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been	85171 85172

convicted of or have pleaded guilty to a disqualifying offense, 85173
regardless of the date of the conviction or the date of entry of 85174
the guilty plea. 85175

(2) No medicaid provider shall permit a person to be an 85176
owner, officer, or board member of the provider if the person is a 85177
person subject to the criminal records check requirement and 85178
either of the following applies: 85179

(a) The person fails to obtain the criminal records check 85180
after being given the information specified in division (G)(1) of 85181
this section. 85182

(b) Except as provided in rules authorized by this section, 85183
the person is found by the criminal records check to have been 85184
convicted of or have pleaded guilty to a disqualifying offense, 85185
regardless of the date of the conviction or the date of entry of 85186
the guilty plea. 85187

(3) Except as provided in division (I) of this section, no 85188
medicaid provider shall employ a person if any of the following 85189
apply: 85190

(a) The person has been excluded from being a medicaid 85191
provider, a medicare provider, or provider for any other federal 85192
health care program. 85193

(b) If the person is subject to a database review conducted 85194
under division (F)(1)(a) of this section, the person is found by 85195
the database review to be included in a database and the rules 85196
authorized by this section regarding the database review prohibit 85197
the provider from employing a person included in the database. 85198

(c) If the person is a person subject to the criminal records 85199
check requirement, either of the following applies: 85200

(i) The person fails to obtain the criminal records check 85201
after being given the information specified in division (G)(1) of 85202

this section. 85203

(ii) Except as provided in rules authorized by this section, 85204
the person is found by the criminal records check to have been 85205
convicted of or have pleaded guilty to a disqualifying offense, 85206
regardless of the date of the conviction or the date of entry of 85207
the guilty plea. 85208

(E)(1) The department or the department's designee shall 85209
inform each medicaid provider whether the provider is subject to a 85210
criminal records check. For providers with valid provider 85211
agreements, the information shall be given at times designated in 85212
rules authorized by this section. For providers applying to be 85213
medicaid providers, the information shall be given at the time of 85214
initial application. When the information is given, the department 85215
or the department's designee shall specify the following: 85216

(a) Which of the provider's owners or prospective owners, 85217
officers or prospective officers, or board members or prospective 85218
board members are subject to a criminal records check; 85219

(b) Which of the provider's employees or prospective 85220
employees are subject to division (C)(3) of this section. 85221

(2) At times designated in rules authorized by this section, 85222
a medicaid provider that is a person subject to the criminal 85223
records check requirement shall do the following: 85224

(a) Inform each person specified under division (E)(1)(a) of 85225
this section that the person is required to submit to a criminal 85226
records check as a condition of being an owner, officer, or board 85227
member of the provider; 85228

(b) Inform each person specified under division (E)(1)(b) of 85229
this section that the person is subject to division (C)(3) of this 85230
section. 85231

(F)(1) If a medicaid provider is a person subject to the 85232

criminal records check requirement, the department or the 85233
department's designee shall require the conduct of a criminal 85234
records check by the superintendent of the bureau of criminal 85235
identification and investigation. A medicaid provider shall 85236
require the conduct of a criminal records check by the 85237
superintendent with respect to each of the persons specified under 85238
division (E)(1)(a) of this section. With respect to each employee 85239
and prospective employee specified under division (E)(1)(b) of 85240
this section, a medicaid provider shall do the following: 85241

(a) If rules authorized by this section require the provider 85242
to conduct a database review to determine whether the employee or 85243
prospective employee is included in a database, conduct the 85244
database review in accordance with the rules; 85245

(b) Unless the provider is prohibited by division (D)(3)(b) 85246
of this section from employing the employee or prospective 85247
employee, require the conduct of a criminal records check of the 85248
employee or prospective employee by the superintendent. 85249

(2) If a person subject to the criminal records check 85250
requirement does not present proof of having been a resident of 85251
this state for the five-year period immediately prior to the date 85252
the criminal records check is requested or provide evidence that 85253
within that five-year period the superintendent has requested 85254
information about the person from the federal bureau of 85255
investigation in a criminal records check, the responsible entity 85256
shall require the person to request that the superintendent obtain 85257
information from the federal bureau of investigation as part of 85258
the criminal records check of the person. Even if the person 85259
presents proof of having been a resident of this state for the 85260
five-year period, the responsible entity may require that the 85261
person request that the superintendent obtain information from the 85262
federal bureau of investigation and include it in the criminal 85263
records check of the person. 85264

(G) Criminal records checks required by this section shall be 85265
obtained as follows: 85266

(1) The responsible entity shall provide each person subject 85267
to the criminal records check requirement information about 85268
accessing and completing the form prescribed pursuant to division 85269
(C)(1) of section 109.572 of the Revised Code and the standard 85270
impression sheet prescribed pursuant to division (C)(2) of that 85271
section. 85272

(2) The person subject to the criminal records check 85273
requirement shall submit the required form and one complete set of 85274
the person's fingerprint impressions directly to the 85275
superintendent for purposes of conducting the criminal records 85276
check using the applicable methods prescribed by division (C) of 85277
section 109.572 of the Revised Code. The person shall pay all fees 85278
associated with obtaining the criminal records check. 85279

(3) The superintendent shall conduct the criminal records 85280
check in accordance with section 109.572 of the Revised Code. The 85281
person subject to the criminal records check requirement shall 85282
instruct the superintendent to submit the report of the criminal 85283
records check directly to the responsible entity. If the 85284
department or the department's designee is not the responsible 85285
entity, the department or designee may require the responsible 85286
entity to submit the report to the department or designee. 85287

(H)(1) A medicaid provider may employ conditionally a person 85288
for whom a criminal records check is required by this section 85289
prior to obtaining the results of the criminal records check if 85290
both of the following apply: 85291

(a) The provider is not prohibited by division (D)(3)(b) of 85292
this section from employing the person. 85293

(b) The person submits a request for the criminal records 85294
check not later than five business days after the person begins 85295

conditional employment. 85296

(2) Except as provided in division (I) of this section, a 85297
medicaid provider that employs a person conditionally under 85298
division (H)(1) of this section shall terminate the person's 85299
employment if either of the following apply: 85300

(a) The results of the criminal records check request are not 85301
obtained within the period ending sixty days after the date the 85302
request is made. 85303

(b) Regardless of when the results of the criminal records 85304
check are obtained, the results indicate that the person has been 85305
convicted of or has pleaded guilty to a disqualifying offense, 85306
unless circumstances specified in rules authorized by this section 85307
exist that permit the provider to employ the person and the 85308
provider chooses to employ the person. 85309

(I) As used in this division, "behavioral health services" 85310
means alcohol and drug addiction services, mental health services, 85311
or both. 85312

A medicaid provider of behavioral health services may choose 85313
to employ a person who the provider would be prohibited by 85314
division (D)(3) of this section from employing or would be 85315
required by division (H)(2) of this section to terminate the 85316
person's employment if both of the following apply: 85317

(1) The person holds a valid health professional license 85318
issued under the Revised Code granting the person authority to 85319
provide behavioral health services, holds a valid peer recovery 85320
supporter certificate issued pursuant to rules adopted by the 85321
department of mental health and addiction services, or is in the 85322
process of obtaining such a license or certificate. 85323

(2) The provider does not submit any medicaid claims for any 85324
services the person provides. 85325

(J) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;

(6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following:

(a) The denial, suspension, or termination of a provider agreement;

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;

(c) A civil or criminal action regarding the medicaid program.

With respect to an administrative hearing dealing with the denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.

(K) The medicaid director may adopt rules under section 85356
5164.02 of the Revised Code to implement this section. If the 85357
director adopts such rules, the rules shall designate the times at 85358
which a criminal records check must be conducted under this 85359
section. The rules may do any of the following: 85360

(1) Designate the categories of persons who are subject to a 85361
criminal records check under this section; 85362

(2) Specify circumstances under which the department or the 85363
department's designee may continue a provider agreement or issue a 85364
provider agreement when the medicaid provider is found by a 85365
criminal records check to have been convicted of or pleaded guilty 85366
to a disqualifying offense; 85367

(3) Specify circumstances under which a medicaid provider may 85368
permit a person to be an employee, owner, officer, or board member 85369
of the provider when the person is found by a criminal records 85370
check conducted pursuant to this section to have been convicted of 85371
or have pleaded guilty to a disqualifying offense; 85372

(4) Specify all of the following: 85373

(a) The circumstances under which a database review must be 85374
conducted under division (F)(1)(a) of this section to determine 85375
whether an employee or prospective employee of a medicaid provider 85376
is included in a database; 85377

(b) The procedures for conducting the database review; 85378

(c) The databases that are to be checked; 85379

(d) The circumstances under which, except as provided in 85380
division (I) of this section, a medicaid provider is prohibited 85381
from employing a person who is found by the database review to be 85382
included in a database. 85383

Sec. 5164.341. (A) As used in this section: 85384

"Anniversary date" means ~~the later of~~ the effective date of 85385
the provider agreement relating to the independent provider ~~or~~ 85386
~~sixty days after September 26, 2003.~~ 85387

"Applicant" means a person who has applied for a provider 85388
agreement to provide home and community-based services as an 85389
independent provider under a home and community-based medicaid 85390
waiver component administered by the department of medicaid. 85391

"Criminal records check" has the same meaning as in section 85392
109.572 of the Revised Code. 85393

"Disqualifying offense" means any of the offenses listed or 85394
described in divisions (A)(3)(a) to (e) of section 109.572 of the 85395
Revised Code. 85396

"Independent provider" means a person who has a provider 85397
agreement to provide home and community-based services as an 85398
independent provider in a home and community-based services 85399
medicaid waiver component administered by the department of 85400
medicaid. "Independent provider" does not include a person who is 85401
employed by an individual enrolled in a participant-directed 85402
waiver administered by the department of medicaid. 85403

(B) The department of medicaid or the department's designee 85404
shall deny an applicant's application for a provider agreement and 85405
shall terminate an independent provider's provider agreement if 85406
either of the following applies: 85407

(1) After the applicant or independent provider is given the 85408
information and notification required by divisions (D)(2)(a) and 85409
(b) of this section, the applicant or independent provider fails 85410
to do either of the following: 85411

(a) Access, complete, or forward to the superintendent of the 85412
bureau of criminal identification and investigation the form 85413
prescribed pursuant to division (C)(1) of section 109.572 of the 85414
Revised Code or the standard impression sheet prescribed pursuant 85415

to division (C)(2) of that section; 85416

(b) Instruct the superintendent to submit the completed 85417
report of the criminal records check required by this section 85418
directly to the department or the department's designee. 85419

(2) Except as provided in rules authorized by this section, 85420
the applicant or independent provider is found by either of the 85421
following to have been convicted of or have pleaded guilty to a 85422
disqualifying offense, regardless of the date of the conviction or 85423
the date of entry of the guilty plea: 85424

(a) A criminal records check required by this section; 85425

(b) In the case of an independent provider, a notice provided 85426
by the bureau of criminal identification and investigation under 85427
division (D) of section 109.5721 of the Revised Code. 85428

(C)(1) The department or the department's designee shall 85429
inform each applicant, at the time of initial application for a 85430
provider agreement, that the applicant is required to provide a 85431
set of the applicant's fingerprint impressions and that a criminal 85432
records check is required to be conducted as a condition of the 85433
department's approving the application. 85434

(2) Unless the department elects to receive notices about 85435
independent providers from the bureau of criminal identification 85436
and investigation pursuant to division (D) of section 109.5721 of 85437
the Revised Code, the department or the department's designee 85438
shall inform each independent provider on or before the time of 85439
the anniversary date of the provider agreement that the 85440
independent provider is required to provide a set of the 85441
independent provider's fingerprint impressions and that a criminal 85442
records check is required to be conducted. 85443

(D)(1) The department or the department's designee shall 85444
require an applicant to complete a criminal records check prior to 85445
entering into a provider agreement with the applicant. The 85446

department or the department's designee shall require an 85447
independent provider to complete a criminal records check at least 85448
annually unless the department elects to receive notices about 85449
independent providers from the bureau of criminal identification 85450
and investigation pursuant to division (D) of section 109.5721 of 85451
the Revised Code. If an applicant or independent provider for whom 85452
a criminal records check is required by this section does not 85453
present proof of having been a resident of this state for the 85454
five-year period immediately prior to the date the criminal 85455
records check is requested or provide evidence that within that 85456
five-year period the superintendent of the bureau of criminal 85457
identification and investigation has requested information about 85458
the applicant or independent provider from the federal bureau of 85459
investigation in a criminal records check, the department or the 85460
department's designee shall request that the applicant or 85461
independent provider obtain through the superintendent a criminal 85462
records request from the federal bureau of investigation as part 85463
of the criminal records check of the applicant or independent 85464
provider. Even if an applicant or independent provider for whom a 85465
criminal records check request is required by this section 85466
presents proof of having been a resident of this state for the 85467
five-year period, the department or the department's designee may 85468
request that the applicant or independent provider obtain 85469
information through the superintendent from the federal bureau of 85470
investigation in the criminal records check. 85471

(2) The department or the department's designee shall provide 85472
the following to each applicant and independent provider for whom 85473
a criminal records check is required by this section: 85474

(a) Information about accessing, completing, and forwarding 85475
to the superintendent of the bureau of criminal identification and 85476
investigation the form prescribed pursuant to division (C)(1) of 85477
section 109.572 of the Revised Code and the standard impression 85478

sheet prescribed pursuant to division (C)(2) of that section; 85479

(b) Written notification that the applicant or independent 85480
provider is to instruct the superintendent to submit the completed 85481
report of the criminal records check directly to the department or 85482
the department's designee. 85483

(3) Each applicant and independent provider for whom a 85484
criminal records check is required by this section shall pay to 85485
the bureau of criminal identification and investigation the fee 85486
prescribed pursuant to division (C)(3) of section 109.572 of the 85487
Revised Code for the criminal records check conducted of the 85488
applicant or independent provider. 85489

(E) Neither the report of any criminal records check 85490
conducted by the bureau of criminal identification and 85491
investigation in accordance with section 109.572 of the Revised 85492
Code and pursuant to a request made under this section nor a 85493
notice provided by the bureau under division (D) of section 85494
109.5721 of the Revised Code is a public record for the purposes 85495
of section 149.43 of the Revised Code. Such a report or notice 85496
shall not be made available to any person other than the 85497
following: 85498

(1) The person who is the subject of the criminal records 85499
check or the person's representative; 85500

(2) The medicaid director and the staff of the department who 85501
are involved in the administration of the medicaid program; 85502

(3) The department's designee; 85503

(4) An individual receiving or deciding whether to receive 85504
home and community-based services from the person who is the 85505
subject of the criminal records check or notice from the bureau; 85506

(5) A court, hearing officer, or other necessary individual 85507
involved in a case or administrative hearing dealing with either 85508

of the following: 85509

(a) A denial, suspension, or termination of a provider 85510
agreement, including when related to the criminal records check or 85511
notice from the bureau; 85512

(b) A civil or criminal action regarding the medicaid 85513
program. 85514

With respect to an administrative hearing dealing with the 85515
denial, suspension, or termination of a provider agreement, the 85516
report of a criminal records check may be introduced as evidence 85517
at the hearing and if admitted, becomes part of the hearing 85518
record. Any such report shall be admitted only under seal and 85519
shall maintain its status as not a public record. 85520

(F) The medicaid director shall adopt rules under section 85521
5164.02 of the Revised Code to implement this section. The rules 85522
shall specify circumstances under which the department or the 85523
department's designee may either approve an applicant's 85524
application or allow an independent provider to maintain an 85525
existing provider agreement even though the applicant or 85526
independent provider is found by either of the following to have 85527
been convicted of or have pleaded guilty to a disqualifying 85528
offense: 85529

(1) A criminal records check required by this section; 85530

(2) In the case of an independent provider, a notice provided 85531
by the bureau of criminal identification and investigation under 85532
division (D) of section 109.5721 of the Revised Code. 85533

Sec. 5164.342. (A) As used in this section: 85534

"Applicant" means a person who is under final consideration 85535
for employment with a waiver agency in a full-time, part-time, or 85536
temporary position that involves providing home and 85537
community-based services. 85538

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 85539
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"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 85541
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"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 85543
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"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 85545
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"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 85548
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 85551
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3740.11 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that section rather than this section. 85558
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(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and 85568
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community-based services if any of the following apply: 85570

(1) A review of the databases listed in division (E) of this 85571
section reveals any of the following: 85572

(a) That the applicant or employee is included in one or more 85573
of the databases listed in divisions (E)(1) to (5) of this 85574
section; 85575

(b) That there is in the state nurse aide registry 85576
established under section 3721.32 of the Revised Code a statement 85577
detailing findings by the director of health that the applicant or 85578
employee abused, neglected, or exploited a long-term care facility 85579
or residential care facility resident or misappropriated property 85580
of such a resident; 85581

(c) That the applicant or employee is included in one or more 85582
of the databases, if any, specified in rules authorized by this 85583
section and the rules prohibit the waiver agency from employing an 85584
applicant or continuing to employ an employee included in such a 85585
database in a position that involves providing home and 85586
community-based services. 85587

(2) After the applicant or employee is given the information 85588
and notification required by divisions (F)(2)(a) and (b) of this 85589
section, the applicant or employee fails to do either of the 85590
following: 85591

(a) Access, complete, or forward to the superintendent of the 85592
bureau of criminal identification and investigation the form 85593
prescribed to division (C)(1) of section 109.572 of the Revised 85594
Code or the standard impression sheet prescribed pursuant to 85595
division (C)(2) of that section; 85596

(b) Instruct the superintendent to submit the completed 85597
report of the criminal records check required by this section 85598
directly to the chief administrator of the waiver agency. 85599

(3) Except as provided in rules authorized by this section, 85600
the applicant or employee is found by a criminal records check 85601
required by this section to have been convicted of or have pleaded 85602
guilty to a disqualifying offense, regardless of the date of the 85603
conviction or date of entry of the guilty plea. 85604

(D) At the time of each applicant's initial application for 85605
employment in a position that involves providing home and 85606
community-based services, the chief administrator of a waiver 85607
agency shall inform the applicant of both of the following: 85608

(1) That a review of the databases listed in division (E) of 85609
this section will be conducted to determine whether the waiver 85610
agency is prohibited by division (C)(1) of this section from 85611
employing the applicant in the position; 85612

(2) That, unless the database review reveals that the 85613
applicant may not be employed in the position, a criminal records 85614
check of the applicant will be conducted and the applicant is 85615
required to provide a set of the applicant's fingerprint 85616
impressions as part of the criminal records check. 85617

(E) As a condition of employing any applicant in a position 85618
that involves providing home and community-based services, the 85619
chief administrator of a waiver agency shall conduct a database 85620
review of the applicant in accordance with rules authorized by 85621
this section. If rules authorized by this section so require, the 85622
chief administrator of a waiver agency shall conduct a database 85623
review of an employee in accordance with the rules as a condition 85624
of continuing to employ the employee in a position that involves 85625
providing home and community-based services. A database review 85626
shall determine whether the applicant or employee is included in 85627
any of the following: 85628

(1) The excluded parties list system that is maintained by 85629
the United States general services administration pursuant to 85630

subpart 9.4 of the federal acquisition regulation and available at 85631
the federal web site known as the system for award management; 85632

(2) The list of excluded individuals and entities maintained 85633
by the office of inspector general in the United States department 85634
of health and human services pursuant to the "Social Security 85635
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 85636

(3) The registry of developmental disabilities employees 85637
established under section 5123.52 of the Revised Code; 85638

(4) The internet-based sex offender and child-victim offender 85639
database established under division (A)(11) of section 2950.13 of 85640
the Revised Code; 85641

(5) The internet-based database of inmates established under 85642
section 5120.66 of the Revised Code; 85643

(6) The state nurse aide registry established under section 85644
3721.32 of the Revised Code; 85645

(7) Any other database, if any, specified in rules authorized 85646
by this section. 85647

(F)(1) As a condition of employing any applicant in a 85648
position that involves providing home and community-based 85649
services, the chief administrator of a waiver agency shall require 85650
the applicant to request that the superintendent of the bureau of 85651
criminal identification and investigation conduct a criminal 85652
records check of the applicant. If rules authorized by this 85653
section so require, the chief administrator of a waiver agency 85654
shall require an employee to request that the superintendent 85655
conduct a criminal records check of the employee at times 85656
specified in the rules as a condition of continuing to employ the 85657
employee in a position that involves providing home and 85658
community-based services. However, a criminal records check is not 85659
required for an applicant or employee if the waiver agency is 85660
prohibited by division (C)(1) of this section from employing the 85661

applicant or continuing to employ the employee in a position that 85662
involves providing home and community-based services. If an 85663
applicant or employee for whom a criminal records check request is 85664
required by this section does not present proof of having been a 85665
resident of this state for the five-year period immediately prior 85666
to the date the criminal records check is requested or provide 85667
evidence that within that five-year period the superintendent has 85668
requested information about the applicant or employee from the 85669
federal bureau of investigation in a criminal records check, the 85670
chief administrator shall require the applicant or employee to 85671
request that the superintendent obtain information from the 85672
federal bureau of investigation as part of the criminal records 85673
check. Even if an applicant or employee for whom a criminal 85674
records check request is required by this section presents proof 85675
of having been a resident of this state for the five-year period, 85676
the chief administrator may require the applicant or employee to 85677
request that the superintendent include information from the 85678
federal bureau of investigation in the criminal records check. 85679

(2) The chief administrator shall provide the following to 85680
each applicant and employee for whom a criminal records check is 85681
required by this section: 85682

(a) Information about accessing, completing, and forwarding 85683
to the superintendent of the bureau of criminal identification and 85684
investigation the form prescribed pursuant to division (C)(1) of 85685
section 109.572 of the Revised Code and the standard impression 85686
sheet prescribed pursuant to division (C)(2) of that section; 85687

(b) Written notification that the applicant or employee is to 85688
instruct the superintendent to submit the completed report of the 85689
criminal records check directly to the chief administrator. 85690

(3) A waiver agency shall pay to the bureau of criminal 85691
identification and investigation the fee prescribed pursuant to 85692
division (C)(3) of section 109.572 of the Revised Code for any 85693

criminal records check required by this section. However, a waiver 85694
agency may require an applicant to pay to the bureau the fee for a 85695
criminal records check of the applicant. If the waiver agency pays 85696
the fee for an applicant, it may charge the applicant a fee not 85697
exceeding the amount the waiver agency pays to the bureau under 85698
this section if the waiver agency notifies the applicant at the 85699
time of initial application for employment of the amount of the 85700
fee and that, unless the fee is paid, the applicant will not be 85701
considered for employment. 85702

(G)(1) A waiver agency may employ conditionally an applicant 85703
for whom a criminal records check is required by this section 85704
prior to obtaining the results of the criminal records check if 85705
both of the following apply: 85706

(a) The waiver agency is not prohibited by division (C)(1) of 85707
this section from employing the applicant in a position that 85708
involves providing home and community-based services. 85709

(b) The chief administrator of the waiver agency requires the 85710
applicant to request a criminal records check regarding the 85711
applicant in accordance with division (F)(1) of this section not 85712
later than five business days after the applicant begins 85713
conditional employment. 85714

(2) A waiver agency that employs an applicant conditionally 85715
under division (G)(1) of this section shall terminate the 85716
applicant's employment if the results of the criminal records 85717
check, other than the results of any request for information from 85718
the federal bureau of investigation, are not obtained within the 85719
period ending sixty days after the date the request for the 85720
criminal records check is made. Regardless of when the results of 85721
the criminal records check are obtained, if the results indicate 85722
that the applicant has been convicted of or has pleaded guilty to 85723
a disqualifying offense, the waiver agency shall terminate the 85724
applicant's employment unless circumstances specified in rules 85725

authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

(H) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;

(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;

(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;

(6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program;

(d) A denial, suspension, or termination of a provider agreement. 85756
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With respect to an administrative hearing dealing with a denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record. 85758
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(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. 85764
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(1) The rules may do the following: 85766

(a) Require employees to undergo database reviews and criminal records checks under this section; 85767
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 85769
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(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 85772
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(2) The rules shall specify all of the following: 85775

(a) The procedures for conducting a database review under this section; 85776
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 85778
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(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be 85782
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included in one or more of those databases; 85786

(d) The circumstances under which a waiver agency may employ 85787
an applicant or employee who is found by a criminal records check 85788
required by this section to have been convicted of or have pleaded 85789
guilty to a disqualifying offense. 85790

(J) The amendments made by H.B. 487 of the 129th general 85791
assembly to this section do not preclude the department of 85792
medicaid from taking action against a person for failure to comply 85793
with former division (H) of this section as that division existed 85794
on the day preceding January 1, 2013. 85795

Sec. 5164.35. (A) As used in this section, "owner" means any 85796
person having at least five per cent ownership in a medicaid 85797
provider. 85798

(B)(1) No medicaid provider shall do any of the following: 85799

(a) By deception, obtain or attempt to obtain payments under 85800
the medicaid program to which the provider is not entitled 85801
pursuant to the provider's provider agreement, or the rules of the 85802
federal government or the medicaid director relating to the 85803
program; 85804

(b) Willfully receive payments to which the provider is not 85805
entitled; 85806

(c) Willfully receive payments in a greater amount than that 85807
to which the provider is entitled; 85808

(d) Falsify any report or document required by state or 85809
federal law, rule, or provider agreement relating to medicaid 85810
payments. 85811

(2) A medicaid provider engages in "deception" for the 85812
purpose of this section when the provider, acting with actual 85813
knowledge of the representation or information involved, acting in 85814
deliberate ignorance of the truth or falsity of the representation 85815

or information involved, or acting in reckless disregard of the 85816
truth or falsity of the representation or information involved, 85817
deceives another or causes another to be deceived by any false or 85818
misleading representation, by withholding information, by 85819
preventing another from acquiring information, or by any other 85820
conduct, act, or omission that creates, confirms, or perpetuates a 85821
false impression in another, including a false impression as to 85822
law, value, state of mind, or other objective or subjective fact. 85823
No proof of specific intent to defraud is required to show, for 85824
purposes of this section, that a medicaid provider has engaged in 85825
deception. 85826

(C) Any medicaid provider who violates division (B) of this 85827
section shall be liable, in addition to any other penalties 85828
provided by law, for all of the following civil penalties: 85829

(1) Payment of interest on the amount of the excess payments 85830
at the maximum interest rate allowable for real estate mortgages 85831
under section 1343.01 of the Revised Code on the date the payment 85832
was made to the provider for ~~the a~~ period ~~from~~ determined by the 85833
department, not to exceed the period from the date upon which 85834
payment was made, to the date upon which repayment is made to the 85835
state; 85836

(2) Payment of an amount equal to three times the amount of 85837
any excess payments; 85838

(3) Payment of a sum of not less than five thousand dollars 85839
and not more than ten thousand dollars for each deceptive claim or 85840
falsification; 85841

(4) All reasonable expenses which the court determines have 85842
been necessarily incurred by the state in the enforcement of this 85843
section. 85844

(D) In addition to the civil penalties provided in division 85845
(C) of this section, the medicaid director, upon the conviction 85846

of, or the entry of a judgment in either a criminal or civil 85847
action against, a medicaid provider or its owner, officer, 85848
authorized agent, associate, manager, or employee in an action 85849
brought pursuant to section 109.85 of the Revised Code, shall 85850
terminate the provider's provider agreement and stop payment to 85851
the provider for medicaid services rendered from the date of 85852
conviction or entry of judgment. No such medicaid provider, owner, 85853
officer, authorized agent, associate, manager, or employee shall 85854
own or provide medicaid services ~~to~~ on behalf of any other 85855
medicaid provider or risk contractor or arrange for, render, or 85856
order medicaid services for medicaid recipients, nor shall such 85857
provider, owner, officer, authorized agent, associate, manager, or 85858
employee receive direct payments under the medicaid program or 85859
indirect payments of medicaid funds in the form of salary, shared 85860
fees, contracts, kickbacks, or rebates from or through any other 85861
medicaid provider or risk contractor. The provider agreement shall 85862
not be terminated, and payment shall not be terminated, if the 85863
medicaid provider or owner can demonstrate that the provider or 85864
owner did not directly or indirectly sanction the action of its 85865
authorized agent, associate, manager, or employee that resulted in 85866
the conviction or entry of a judgment in a criminal or civil 85867
action brought pursuant to section 109.85 of the Revised Code. 85868
Nothing in this division prohibits any owner, officer, authorized 85869
agent, associate, manager, or employee of a medicaid provider from 85870
entering into a provider agreement if the person can demonstrate 85871
that the person had no knowledge of an action of the medicaid 85872
provider the person was formerly associated with that resulted in 85873
the conviction or entry of a judgment in a criminal or civil 85874
action brought pursuant to section 109.85 of the Revised Code. 85875

Nursing facility and ICF/IID providers whose provider 85876
agreements are terminated pursuant to this section may continue to 85877
receive medicaid payments for up to thirty days after the 85878
effective date of the termination if the provider makes reasonable 85879

efforts to transfer medicaid recipients to another facility or to 85880
alternate care and if federal financial participation is provided 85881
for the payments. 85882

(E) The attorney general on behalf of the state may commence 85883
proceedings to enforce this section in any court of competent 85884
jurisdiction; and the attorney general may settle or compromise 85885
any case brought under this section with the approval of the 85886
department of medicaid. Notwithstanding any other provision of law 85887
providing a shorter period of limitations, the attorney general 85888
may commence a proceeding to enforce this section at any time 85889
within six years after the conduct in violation of this section 85890
terminates. 85891

(F) All moneys collected by the state pursuant to this 85892
section shall be deposited in the state treasury to the credit of 85893
the general revenue fund. 85894

Sec. 5164.36. (A) As used in this section: 85895

(1) "Credible allegation of fraud" has the same meaning as in 85896
42 C.F.R. 455.2, except that for purposes of this section any 85897
reference in that regulation to the "state" or the "state medicaid 85898
agency" means the department of medicaid. 85899

(2) "Disqualifying indictment" means an indictment of a 85900
medicaid provider or its officer, authorized agent, associate, 85901
manager, employee, or, if the provider is a noninstitutional 85902
provider, its owner, if either of the following applies: 85903

(a) The indictment charges the person with committing an act 85904
to which both of the following apply: 85905

(i) The act would be a felony or misdemeanor under the laws 85906
of this state or the jurisdiction within which the act occurred. 85907

(ii) The act relates to or results from furnishing or billing 85908
for medicaid services under the medicaid program or relates to or 85909

results from performing management or administrative services 85910
relating to furnishing medicaid services under the medicaid 85911
program. 85912

~~(b) If the medicaid provider is an independent provider, the~~ 85913
The indictment charges the person with committing an act that 85914
would constitute a disqualifying offense. 85915

(3) "Disqualifying offense" means any of the offenses listed 85916
or described in divisions (A)(3)(a) to (e) of section 109.572 of 85917
the Revised Code. 85918

~~(4) "Independent provider" has the same meaning as in section~~ 85919
~~5164.341 of the Revised Code.~~ 85920

~~(5)~~ "Noninstitutional medicaid provider" means any person or 85921
entity with a provider agreement other than a hospital, nursing 85922
facility, or ICF/IID. 85923

~~(6)~~(5) "Owner" means any person having at least five per cent 85924
ownership in a noninstitutional medicaid provider. 85925

(B)(1) Except as provided in division (C) of this section and 85926
in rules authorized by this section, the department of medicaid 85927
shall suspend the provider agreement held by a medicaid provider 85928
on determining either of the following: 85929

(a) There is a credible allegation of fraud against any of 85930
the following for which an investigation is pending under the 85931
medicaid program: 85932

(i) The medicaid provider; 85933

(ii) The medicaid provider's owner, officer, authorized 85934
agent, associate, manager, or employee. 85935

(b) A disqualifying indictment has been issued against any of 85936
the following: 85937

(i) The medicaid provider; 85938

(ii) The medicaid provider's officer, authorized agent, 85939
associate, manager, or employee; 85940

(iii) If the medicaid provider is a noninstitutional 85941
provider, its owner. 85942

(2) Subject to division (C) of this section, the department 85943
shall also suspend all medicaid payments to a medicaid provider 85944
for services rendered, regardless of the date that the services 85945
are rendered, when the department suspends the provider's provider 85946
agreement under this section. 85947

(3) The suspension of a provider agreement shall continue in 85948
effect until ~~either~~ the latest of the following occurs: 85949

(a) If the suspension is the result of a credible allegation 85950
of fraud, the department or a prosecuting authority determines 85951
that there is insufficient evidence of fraud by the medicaid 85952
provider; 85953

(b) Regardless of whether the suspension is the result of a 85954
credible allegation of fraud or a disqualifying indictment, the 85955
proceedings in any related criminal case are completed through 85956
dismissal of the indictment or through sentencing after 85957
conviction, or entry of a guilty plea, or through finding of not 85958
guilty or, if the department commences a process to terminate the 85959
suspended provider agreement, the termination process is 85960
concluded; 85961

(c) The medicaid provider pays in full all fines and debts 85962
due and owing to the department or makes arrangements satisfactory 85963
to the department to fulfill those obligations; 85964

(d) A civil action related to a credible allegation of fraud 85965
or disqualifying indictment is not pending against the medicaid 85966
provider. 85967

(4)(a) When a provider agreement is suspended under this 85968

section, none of the following shall take, during the period of 85969
the suspension, any of the actions specified in division (B)(4)(b) 85970
of this section: 85971

(i) The medicaid provider; 85972

(ii) If the suspension is the result of an action taken by an 85973
officer, authorized agent, associate, manager, or employee of the 85974
medicaid provider, that person; 85975

(iii) If the medicaid provider is a noninstitutional provider 85976
and the suspension is the result of an action taken by the owner 85977
of the provider, the owner. 85978

(b) The following are the actions that persons specified in 85979
division (B)(4)(a) of this section cannot take during the 85980
suspension of a provider agreement: 85981

(i) Own ~~services provided, or provide services, to~~ any other 85982
medicaid provider or risk contractor; 85983

(ii) Arrange ~~for, render to, or order services to~~ on behalf 85984
of any other medicaid provider or risk contractor; 85985

(iii) Arrange ~~for, render to, or order services for~~ medicaid 85986
recipients or render services to medicaid recipients; 85987

(iv) Receive direct payments under the medicaid program or 85988
indirect payments of medicaid funds in the form of salary, shared 85989
fees, contracts, kickbacks, or rebates from or through any other 85990
medicaid provider or risk contractor. 85991

(C) The department shall not suspend a provider agreement or 85992
medicaid payments under division (B) of this section if ~~the~~ either 85993
of the following is the case: 85994

(1) The medicaid provider or, if the provider is a 85995
noninstitutional provider, the owner can demonstrate through the 85996
submission of written evidence that the provider or owner did not 85997
directly or indirectly sanction the action of its authorized 85998

agent, associate, manager, or employee that resulted in the 85999
credible allegation of fraud or disqualifying indictment. 86000

(2) The medicaid provider or, if the provider is a 86001
noninstitutional provider, the owner can demonstrate that good 86002
cause exists not to suspend the provider agreement or payments. 86003

With respect to the evidence described in division (C)(1) of 86004
this section, the department shall grant, prior to suspension, the 86005
provider or owner an opportunity to submit the written evidence to 86006
the department. 86007

With respect to a demonstration of good cause described in 86008
division (C)(2) of this section, the department shall specify in 86009
rules adopted under section 5164.02 of the Revised Code what 86010
constitutes good cause and the information, documents, or other 86011
evidence that must be submitted to the department as part of the 86012
demonstration. 86013

(D) After suspending a provider agreement under division (B) 86014
of this section, the department shall send notice of the 86015
suspension to the affected medicaid provider or, if the provider 86016
is a noninstitutional provider, the owner in accordance with the 86017
following time frames: 86018

(1) Not later than five days after the suspension, unless a 86019
law enforcement agency makes a written request to temporarily 86020
delay the notice; 86021

(2) If a law enforcement agency makes a written request to 86022
temporarily delay the notice, not later than thirty days after the 86023
suspension occurs subject to the conditions specified in division 86024
(E) of this section. 86025

(E) A written request for a temporary delay described in 86026
division (D)(2) of this section may be renewed in writing by a law 86027
enforcement agency not more than two times except that under no 86028
circumstances shall the notice be issued more than ninety days 86029

after the suspension occurs. 86030

(F) The notice required by division (D) of this section shall 86031
do all of the following: 86032

(1) State that payments are being suspended in accordance 86033
with this section and 42 C.F.R. 455.23; 86034

(2) Set forth the general allegations related to the nature 86035
of the conduct leading to the suspension, except that it is not 86036
necessary to disclose any specific information concerning an 86037
ongoing investigation; 86038

(3) State that the suspension continues to be in effect until 86039
~~either the latest~~ of the circumstances specified in division 86040
(B)(3) of this section occur; 86041

(4) Specify, if applicable, the type or types of medicaid 86042
claims or business units of the medicaid provider that are 86043
affected by the suspension; 86044

(5) Inform the medicaid provider or owner of the opportunity 86045
to submit to the department, not later than thirty days after 86046
receiving the notice, a request for reconsideration of the 86047
suspension in accordance with division (G) of this section. 86048

(G)(1) Pursuant to the procedure specified in division (G)(2) 86049
of this section, a medicaid provider subject to a suspension under 86050
this section or, if the provider is a noninstitutional provider, 86051
the owner may request a reconsideration of the suspension. The 86052
request shall be made not later than thirty days after receipt of 86053
a notice required by division (D) of this section. The 86054
reconsideration is not subject to an adjudication hearing pursuant 86055
to Chapter 119. of the Revised Code. 86056

(2) In requesting a reconsideration, the medicaid provider or 86057
owner shall submit written information and documents to the 86058
department. The information and documents may pertain to ~~any~~ 86059

either of the following issues: 86060

(a) Whether the determination to suspend the provider 86061
agreement was based on a mistake of fact, other than the validity 86062
of an indictment in a related criminal case. 86063

(b) If there has been an indictment in a related criminal 86064
case, whether the indictment is a disqualifying indictment. 86065

~~(c) Whether the provider or owner can demonstrate that the 86066
provider or owner did not directly or indirectly sanction the 86067
action of its authorized agent, associate, manager, or employee 86068
that resulted in the suspension under this section or an 86069
indictment in a related criminal case. 86070~~

(H) The department shall review the information and documents 86071
submitted in a request made under division (G) of this section for 86072
reconsideration of a suspension. After the review, the suspension 86073
may be affirmed, reversed, or modified, in whole or in part. The 86074
department shall notify the affected provider or owner of the 86075
results of the review. ~~The review and notification of its results 86076
shall be completed not later than forty five days after receiving 86077
the information and documents submitted in a request for 86078
reconsideration. 86079~~

(I) Rules adopted under section 5164.02 of the Revised Code 86080
may specify circumstances under which the department would not 86081
suspend a provider agreement pursuant to this section. 86082

Sec. 5164.60. Any medicaid provider who, without intent, 86083
obtains payments under the medicaid program in excess of the 86084
amount to which the provider is entitled is liable for payment of 86085
interest on the amount of the excess payments for the a period 86086
determined by the department, but not to exceed the period from 86087
the date on which payment was made to the date on which repayment 86088
is made to the state. The interest shall be paid at the average 86089

bank prime rate in effect on the first day of the calendar quarter 86090
during which the provider receives notice of the excess payment. 86091
The department of medicaid shall determine the average bank prime 86092
rate using statistical release H.15, "selected interest rates," a 86093
weekly publication of the federal reserve board, or any successor 86094
publication. If statistical release H.15, or its successor, ceases 86095
to contain the bank prime rate information or ceases to be 86096
published, the department shall request a written statement of the 86097
average bank prime rate from the federal reserve bank of Cleveland 86098
or the federal reserve board. 86099

Sec. 5164.72. The number of days of inpatient hospital care 86100
for which a medicaid payment is made on behalf of a medicaid 86101
recipient to a hospital that is not paid under a 86102
diagnostic-related-group prospective payment system shall not 86103
exceed thirty days during a period beginning on the day of the 86104
recipient's admission to the hospital and ending sixty days after 86105
the termination of that hospital stay, except that the department 86106
of medicaid may make exceptions to this limitation. The limitation 86107
does not apply to children and youth participating in the program 86108
for ~~medically handicapped~~ children and youth with special health 86109
care needs established under section 3701.023 of the Revised Code. 86110

Sec. 5164.913. (A)(1) In addition to any other eligibility 86111
requirement of this chapter, to be eligible to serve as a home 86112
health aide or personal care aide under the integrated care 86113
delivery system, an individual must successfully complete eight 86114
hours of pre-service training acceptable to the department of 86115
medicaid. 86116

To maintain eligibility, each home health aide or personal 86117
care aide must successfully complete six hours of in-service 86118
training acceptable to the department. Such training must be 86119

completed every twelve months. 86120

(2) In administering the integrated care delivery system, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following: 86121
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86123

(a) Complete more than eight hours of pre-service training; 86124

(b) Complete more than six hours of in-service training in a twelve-month period. 86125
86126

(B) Only the following may supervise a home health aide or personal care aide under the integrated care delivery system: 86127
86128

(1) A registered nurse; 86129

(2) A licensed practical nurse under the direction of a registered nurse; 86130
86131

(3) A nurse aide under the direction of a nurse described in division (B)(1) or (2) of this section. 86132
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Sec. 5164.96. (A) As used in this section, "ground emergency medical transportation service provider" means a public emergency medical service organization as defined in section 4765.01 of the Revised Code. 86134
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(B)(1) The medicaid director shall submit a medicaid state plan amendment to the United States centers for medicare and medicaid services seeking authorization to establish and administer a supplemental payment program to provide supplemental medicaid payments to eligible ground emergency medical transportation service providers. If approved, the medicaid director shall establish and administer the program. 86138
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(2) To be eligible to receive payments under the supplemental payment program, a ground emergency medical transportation service provider must hold a valid medicaid provider agreement and provide emergency medical transportation services to medicaid recipients. 86145
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(C)(1) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 86149
86150

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 86151
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Sec. 5165.01. As used in this chapter: 86155

(A) "Affiliated operator" means an operator affiliated with either of the following: 86156
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(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes; 86158
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(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section. 86163
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(B) "Allowable costs" are a nursing facility's costs that the department of medicaid determines are reasonable. Fines paid under sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs. 86166
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(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, 86170
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utilities, liability insurance, bookkeeping, purchasing 86179
department, human resources, communications, travel, dues, license 86180
fees, subscriptions, home office costs not otherwise allocated, 86181
legal services, accounting services, minor equipment, maintenance 86182
and repairs, help-wanted advertising, informational advertising, 86183
start-up costs, organizational expenses, other interest, property 86184
insurance, employee training and staff development, employee 86185
benefits, payroll taxes, and workers' compensation premiums or 86186
costs for self-insurance claims and related costs as specified in 86187
rules adopted under section 5165.02 of the Revised Code, for 86188
personnel listed in this division. "Ancillary and support costs" 86189
also means the cost of equipment, including vehicles, acquired by 86190
operating lease executed before December 1, 1992, if the costs are 86191
reported as administrative and general costs on the nursing 86192
facility's cost report for the cost reporting period ending 86193
December 31, 1992. 86194

(D) "Applicable calendar year" means the calendar year 86195
immediately preceding the ~~calendar year that precedes~~ the first of 86196
the state fiscal years for which a rebasing is conducted. 86197

(E) For purposes of calculating a critical access nursing 86198
facility's occupancy rate and utilization rate under this chapter, 86199
"as of the last day of the calendar year" refers to the occupancy 86200
and utilization rates during the calendar year identified in the 86201
cost report filed under section 5165.10 of the Revised Code. 86202

(F)(1) "Capital costs" means the actual expense incurred by a 86203
nursing facility for all of the following: 86204

(a) Depreciation and interest on any capital assets that cost 86205
five hundred dollars or more per item, including the following: 86206

(i) Buildings; 86207

(ii) Building improvements; 86208

(iii) Except as provided in division (D) of this section, 86209

equipment;	86210
(iv) Transportation equipment.	86211
(b) Amortization and interest on land improvements and leasehold improvements;	86212
(c) Amortization of financing costs;	86213
(d) Lease and rent of land, buildings, and equipment.	86214
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	86215
(G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	86216
(H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.	86217
(I) <u>"Change in control" means either of the following:</u>	86218
(1) <u>Any pledge, assignment, or hypothecation of or lien or other encumbrance on any of the legal or beneficial equity interests in the applicable person;</u>	86219
(2) <u>A change of fifty per cent or more in the legal or beneficial ownership or control of the outstanding voting equity interests of the applicable person necessary at all times to elect a majority of the board of directors or similar governing body and to direct the management policies and decisions.</u>	86220
(J) "Change of operator" means <u>includes circumstances in which</u> an entering operator becoming <u>becomes</u> the operator of a nursing facility in the place of the exiting operator.	86221
(1) Actions that constitute a change of operator include the following:	86222
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(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	86239 86240 86241
(b) A transfer of all <u>change of control in</u> the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;	86242 86243 86244 86245 86246
(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;	86247 86248 86249
(d) If the exiting operator is a partnership, dissolution of the partnership, <u>a merger of the partnership into another person that is the survivor of the merger, or a consolidation of the partnership and at least one other person to form a new person;</u>	86250 86251 86252 86253
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	86254 86255
(i) The change in composition does not cause the partnership's dissolution under state law.	86256 86257
(ii) The partners agree that the change in composition does not constitute a change in operator <u>limited liability company, dissolution of the limited liability company, a merger of the limited liability company into another person that is the survivor of the merger, or a consolidation of the limited liability company and at least one other person to form a new person.</u>	86258 86259 86260 86261 86262 86263
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation <u>person</u> that is the survivor of the merger, or a consolidation of <u>the corporation and at least one or more other corporations person</u> to form a new corporation <u>person;</u>	86264 86265 86266 86267 86268

<u>(g) A contract for a person to manage a nursing facility as the operator's agent.</u>	86269
	86270
(2) The following, alone, do not constitute a change of operator:	86271
	86272
(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions <u>an employer stock ownership plan created under section 401(a) of the "Internal Revenue Code," 26 U.S.C. 401(a);</u>	86273
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(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;	86278
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(c) If the operator is a corporation <u>that has securities publicly traded in a marketplace</u> , a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator;	86282
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<u>(d) An initial public offering for which the securities and exchange commission has declared the registration statement effective, and the newly created public company remains the operator.</u>	86287
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(J) <u>(K)</u> "Cost center" means the following:	86291
(1) Ancillary and support costs;	86292
(2) Capital costs;	86293
(3) Direct care costs;	86294
(4) Tax costs.	86295
(K) <u>(L)</u> "Custom wheelchair" means a wheelchair to which both of the following apply:	86296
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(1) It has been measured, fitted, or adapted in consideration 86298
of either of the following: 86299

(a) The body size or disability of the individual who is to 86300
use the wheelchair; 86301

(b) The individual's period of need for, or intended use of, 86302
the wheelchair. 86303

(2) It has customized features, modifications, or components, 86304
such as adaptive seating and positioning systems, that the 86305
supplier who assembled the wheelchair, or the manufacturer from 86306
which the wheelchair was ordered, added or made in accordance with 86307
the instructions of the physician of the individual who is to use 86308
the wheelchair. 86309

~~(L)~~(1)(M)(1) "Date of licensure" means the following: 86310

(a) In the case of a nursing facility that was required by 86311
law to be licensed as a nursing home under Chapter 3721. of the 86312
Revised Code when it originally began to be operated as a nursing 86313
home, the date the nursing facility was originally so licensed; 86314

(b) In the case of a nursing facility that was not required 86315
by law to be licensed as a nursing home when it originally began 86316
to be operated as a nursing home, the date it first began to be 86317
operated as a nursing home, regardless of the date the nursing 86318
facility was first licensed as a nursing home. 86319

(2) If, after a nursing facility's original date of 86320
licensure, more nursing home beds are added to the nursing 86321
facility, the nursing facility has a different date of licensure 86322
for the additional beds. This does not apply, however, to 86323
additional beds when both of the following apply: 86324

(a) The additional beds are located in a part of the nursing 86325
facility that was constructed at the same time as the continuing 86326
beds already located in that part of the nursing facility; 86327

(b) The part of the nursing facility in which the additional 86328
beds are located was constructed as part of the nursing facility 86329
at a time when the nursing facility was not required by law to be 86330
licensed as a nursing home. 86331

(3) The definition of "date of licensure" in this section 86332
applies in determinations of nursing facilities' medicaid payment 86333
rates but does not apply in determinations of nursing facilities' 86334
franchise permit fees. 86335

~~(M)~~(N) "Desk-reviewed" means that a nursing facility's costs 86336
as reported on a cost report submitted under section 5165.10 of 86337
the Revised Code have been subjected to a desk review under 86338
section 5165.108 of the Revised Code and preliminarily determined 86339
to be allowable costs. 86340

~~(N)~~(O) "Direct care costs" means all of the following costs 86341
incurred by a nursing facility: 86342

(1) Costs for registered nurses, licensed practical nurses, 86343
and nurse aides employed by the nursing facility; 86344

(2) Costs for direct care staff, administrative nursing 86345
staff, medical directors, respiratory therapists, and except as 86346
provided in division ~~(N)~~~~(8)~~(O)(8) of this section, other persons 86347
holding degrees qualifying them to provide therapy; 86348

(3) Costs of purchased nursing services; 86349

(4) Costs of quality assurance; 86350

(5) Costs of training and staff development, employee 86351
benefits, payroll taxes, and workers' compensation premiums or 86352
costs for self-insurance claims and related costs as specified in 86353
rules adopted under section 5165.02 of the Revised Code, for 86354
personnel listed in divisions ~~(N)~~~~(1)~~(O)(1), (2), (4), and (8) of 86355
this section; 86356

(6) Costs of consulting and management fees related to direct 86357

care;	86358
(7) Allocated direct care home office costs;	86359
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	86360 86361 86362 86363 86364 86365
(9) Costs of wheelchairs other than the following:	86366
(a) Custom wheelchairs;	86367
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	86368 86369 86370
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	86371 86372 86373
(O) <u>(P)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	86374 86375
(P) <u>(Q)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	86376 86377 86378
(Q) <u>(R)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	86379 86380 86381
(R) <u>(S)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	86382 86383 86384
(S) <u>(T)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in	86385 86386 86387

the nursing facility on the day before the effective date of the 86388
voluntary withdrawal of participation. 86389

~~(T)~~(U) "Entering operator" means the person or government 86390
entity that will become the operator of a nursing facility when a 86391
change of operator occurs or following an involuntary termination. 86392

~~(U)~~(V) "Exiting operator" means any of the following: 86393

(1) An operator that will cease to be the operator of a 86394
nursing facility on the effective date of a change of operator; 86395

(2) An operator that will cease to be the operator of a 86396
nursing facility on the effective date of a facility closure; 86397

(3) An operator of a nursing facility that is undergoing or 86398
has undergone a voluntary withdrawal of participation; 86399

(4) An operator of a nursing facility that is undergoing or 86400
has undergone an involuntary termination. 86401

~~(V)~~~~(1)~~(W)(1) Subject to divisions ~~(V)~~~~(2)~~(W)(2) and (3) of 86402
this section, "facility closure" means either of the following: 86403

(a) Discontinuance of the use of the building, or part of the 86404
building, that houses the facility as a nursing facility that 86405
results in the relocation of all of the nursing facility's 86406
residents; 86407

(b) Conversion of the building, or part of the building, that 86408
houses a nursing facility to a different use with any necessary 86409
license or other approval needed for that use being obtained and 86410
one or more of the nursing facility's residents remaining in the 86411
building, or part of the building, to receive services under the 86412
new use. 86413

(2) A facility closure occurs regardless of any of the 86414
following: 86415

(a) The operator completely or partially replacing the 86416
nursing facility by constructing a new nursing facility or 86417

transferring the nursing facility's license to another nursing facility; 86418
86419

(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 86420
86421

(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 86422
86423
86424
86425

(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 86426
86427
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(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 86429
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~~(W)~~(X) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 86434
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~~(X)~~(Y) "Inpatient days" means both of the following: 86436

(1) All days during which a resident, regardless of payment source, occupies a licensed bed in a nursing facility; 86437
86438

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code. 86439
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~~(Y)~~(Z) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request. 86441
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~~(Z)~~(AA) "Low ~~resource utilization~~ case-mix resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment 86445
86446
86447

rate for direct care costs, is placed in either of the two lowest 86448
~~resource utilization~~ case-mix groups, excluding any ~~resource~~ 86449
~~utilization~~ case-mix group that is a default group used for 86450
residents with incomplete assessment data. 86451

~~(AA)~~(BB) "Maintenance and repair expenses" means a nursing 86452
facility's expenditures that are necessary and proper to maintain 86453
an asset in a normally efficient working condition and that do not 86454
extend the useful life of the asset two years or more. 86455
"Maintenance and repair expenses" includes but is not limited to 86456
the costs of ordinary repairs such as painting and wallpapering. 86457

~~(BB)~~(CC) "Medicaid-certified capacity" means the number of a 86458
nursing facility's beds that are certified for participation in 86459
medicaid as nursing facility beds. 86460

~~(CC)~~(DD) "Medicaid days" means both of the following: 86461

(1) All days during which a resident who is a medicaid 86462
recipient eligible for nursing facility services occupies a bed in 86463
a nursing facility that is included in the nursing facility's 86464
medicaid-certified capacity; 86465

(2) Fifty per cent of the days for which payment is made 86466
under section 5165.34 of the Revised Code. 86467

~~(DD)~~(1)(EE)(1) "New nursing facility" means a nursing 86468
facility for which the provider obtains an initial provider 86469
agreement following medicaid certification of the nursing facility 86470
by the director of health, including such a nursing facility that 86471
replaces one or more nursing facilities for which a provider 86472
previously held a provider agreement. 86473

(2) "New nursing facility" does not mean a nursing facility 86474
for which the entering operator seeks a provider agreement 86475
pursuant to section 5165.511 or 5165.512 or (pursuant to section 86476
5165.515) section 5165.07 of the Revised Code. 86477

~~(EE)~~(FF) "Nursing facility" has the same meaning as in the 86478
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 86479

~~(FF)~~(GG) "Nursing facility services" has the same meaning as 86480
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 86481

~~(GG)~~(HH) "Nursing home" has the same meaning as in section 86482
3721.01 of the Revised Code. 86483

~~(HH)~~(II) "Occupancy rate" means the percentage of licensed 86484
beds that, regardless of payer source, are either of the 86485
following: 86486

(1) Reserved for use under section 5165.34 of the Revised 86487
Code; 86488

(2) Actually being used. 86489

~~(II)~~(JJ) "Operator" means the person or government entity 86490
responsible for the daily operating and management decisions for a 86491
nursing facility. 86492

~~(JJ)~~(1)~~(KK)~~(1) "Owner" means any person or government entity 86493
that has at least five per cent ownership or interest, either 86494
directly, indirectly, or in any combination, in any of the 86495
following regarding a nursing facility: 86496

(a) The land on which the nursing facility is located; 86497

(b) The structure in which the nursing facility is located; 86498

(c) Any mortgage, contract for deed, or other obligation 86499
secured in whole or in part by the land or structure on or in 86500
which the nursing facility is located; 86501

(d) Any lease or sublease of the land or structure on or in 86502
which the nursing facility is located. 86503

(2) "Owner" does not mean a holder of a debenture or bond 86504
related to the nursing facility and purchased at public issue or a 86505
regulated lender that has made a loan related to the nursing 86506

facility unless the holder or lender operates the nursing facility 86507
directly or through a subsidiary. 86508

~~(KK)~~(LL) "Per diem" means a nursing facility's actual, 86509
allowable costs in a given cost center in a cost reporting period, 86510
divided by the nursing facility's inpatient days for that cost 86511
reporting period. 86512

~~(LL)~~(MM) "Person" has the same meaning as in section 1.59 of 86513
the Revised Code. 86514

(NN) "Private room" means a nursing facility bedroom that 86515
meets all of the following criteria: 86516

(1) It has four permanent, floor-to-ceiling walls and a full 86517
door. 86518

(2) It contains one licensed or certified bed that is 86519
occupied by one individual. 86520

(3) It has access to a hallway without traversing another 86521
bedroom. 86522

(4) It has access to a toilet and sink shared by not more 86523
than one other resident without traversing another bedroom. 86524

(5) It meets all applicable licensure or other standards 86525
pertaining to furniture, fixtures, and temperature control. 86526

(OO) "Provider" means an operator with a provider agreement. 86527

~~(MM)~~(PP) "Provider agreement" means a provider agreement, as 86528
defined in section 5164.01 of the Revised Code, that is between 86529
the department of medicaid and the operator of a nursing facility 86530
for the provision of nursing facility services under the medicaid 86531
program. 86532

~~(NN)~~(OO) "Purchased nursing services" means services that are 86533
provided in a nursing facility by registered nurses, licensed 86534
practical nurses, or nurse aides who are not employees of the 86535
nursing facility. 86536

~~(OO)~~(RR) "Reasonable" means that a cost is an actual cost 86537
that is appropriate and helpful to develop and maintain the 86538
operation of patient care facilities and activities, including 86539
normal standby costs, and that does not exceed what a prudent 86540
buyer pays for a given item or services. Reasonable costs may vary 86541
from provider to provider and from time to time for the same 86542
provider. 86543

~~(PP)~~(SS) "Rebasing" means a redetermination of each of the 86544
following using information from cost reports for an applicable 86545
calendar year that is later than the applicable calendar year used 86546
for the previous rebasing: 86547

(1) Each peer group's rate for ancillary and support costs as 86548
determined pursuant to division (C) of section 5165.16 of the 86549
Revised Code; 86550

(2) Each peer group's rate for capital costs as determined 86551
pursuant to division (C) of section 5165.17 of the Revised Code; 86552

(3) Each peer group's cost per case-mix unit as determined 86553
pursuant to division (C) of section 5165.19 of the Revised Code; 86554

(4) Each nursing facility's rate for tax costs as determined 86555
pursuant to section 5165.21 of the Revised Code. 86556

~~(OO)~~(TT) "Related party" means an individual or organization 86557
that, to a significant extent, has common ownership with, is 86558
associated or affiliated with, has control of, or is controlled 86559
by, the provider. 86560

(1) An individual who is a relative of an owner is a related 86561
party. 86562

(2) Common ownership exists when an individual or individuals 86563
possess significant ownership or equity in both the provider and 86564
the other organization. Significant ownership or equity exists 86565
when an individual or individuals possess five per cent ownership 86566

or equity in both the provider and a supplier. Significant 86567
ownership or equity is presumed to exist when an individual or 86568
individuals possess ten per cent ownership or equity in both the 86569
provider and another organization from which the provider 86570
purchases or leases real property. 86571

(3) Control exists when an individual or organization has the 86572
power, directly or indirectly, to significantly influence or 86573
direct the actions or policies of an organization. 86574

(4) An individual or organization that supplies goods or 86575
services to a provider shall not be considered a related party if 86576
all of the following conditions are met: 86577

(a) The supplier is a separate bona fide organization. 86578

(b) A substantial part of the supplier's business activity of 86579
the type carried on with the provider is transacted with others 86580
than the provider and there is an open, competitive market for the 86581
types of goods or services the supplier furnishes. 86582

(c) The types of goods or services are commonly obtained by 86583
other nursing facilities from outside organizations and are not a 86584
basic element of patient care ordinarily furnished directly to 86585
patients by nursing facilities. 86586

(d) The charge to the provider is in line with the charge for 86587
the goods or services in the open market and no more than the 86588
charge made under comparable circumstances to others by the 86589
supplier. 86590

~~(RR)~~(UU) "Relative of owner" means an individual who is 86591
related to an owner of a nursing facility by one of the following 86592
relationships: 86593

(1) Spouse; 86594

(2) Natural parent, child, or sibling; 86595

(3) Adopted parent, child, or sibling; 86596

(4) Stepparent, stepchild, stepbrother, or stepsister;	86597
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	86598 86599
(6) Grandparent or grandchild;	86600
(7) Foster caregiver, foster child, foster brother, or foster sister.	86601 86602
(SS) (VV) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.	86603 86604
(TT) (WW) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).	86605 86606 86607
(UU) (XX) "State fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	86608 86609
(VV) (YY) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.	86610 86611
(WW) (ZZ) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.	86612 86613 86614
(XX) (AAA) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.	86615 86616
(YY) (BBB) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	86617 86618
(ZZ) (CCC) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.	86619 86620 86621 86622
Sec. 5165.109. (A) The department of medicaid may conduct an audit, as defined in rules adopted under section 5165.02 of the Revised Code, of any cost report filed under section 5165.10 or	86623 86624 86625

5165.522 of the Revised Code. The decision whether to conduct an audit and the scope of the audit, which may be a desk or field audit, may be determined based on prior performance of the provider, a risk analysis, or other evidence that gives the department reason to believe that the provider has reported costs improperly. A desk or field audit may be performed annually, but is required whenever a provider does not pass the risk analysis tolerance factors.

(B) Audits shall be conducted by auditors under contract with the department, auditors working for firms under contract with the department, or auditors employed by the department.

The department may establish a contract for the auditing of nursing facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years.

(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following:

(1) The date the cost report is filed;

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed.

(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the

Revised Code. 86656

~~(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.~~ 86657
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~~(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit.~~ 86667
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~~(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:~~ 86671
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~~(i)(a) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state.~~ 86674
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~~(ii)(b) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm.~~ 86679
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~~(iii)(c) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office.~~ 86681
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86684

~~(b) Require each auditor conducting a field audit to do all of the following:~~ 86685
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(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX;	86687
	86688
(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;	86689
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	86691
(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;	86692
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(iv) Complete the audit within the time period specified by the department;	86698
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled.	86700
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(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.	86707
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Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 <u>5165.158</u> and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during	86712
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a state fiscal year shall be determined as follows: 86717

(A) Determine the sum of all of the following: 86718

(1) The per medicaid day payment rate for ancillary and 86719
support costs determined for the nursing facility under section 86720
5165.16 of the Revised Code; 86721

(2) The per medicaid day payment rate for capital costs 86722
determined for the nursing facility under section 5165.17 of the 86723
Revised Code; 86724

(3) The per medicaid day payment rate for direct care costs 86725
determined for the nursing facility under section 5165.19 of the 86726
Revised Code; 86727

(4) The per medicaid day payment rate for tax costs 86728
determined for the nursing facility under section 5165.21 of the 86729
Revised Code; 86730

(5) If the nursing facility qualifies as a critical access 86731
nursing facility, the nursing facility's critical access incentive 86732
payment paid under section 5165.23 of the Revised Code. 86733

(B) To the sum determined under division (A) of this section, 86734
add sixteen dollars and forty-four cents. 86735

~~(C) From the sum determined under division (B) of this 86736
section, subtract one dollar and seventy nine cents. 86737~~

~~(D) To the sum determined under division ~~(C)~~(B) of this 86738
section, add, for state fiscal year 2022 and for state fiscal year 86739
2023, the per medicaid day quality incentive payment rate 86740
determined for the nursing facility under section 5165.26 of the 86741
Revised Code. 86742~~

(D) If the nursing facility qualifies as a low occupancy 86743
nursing facility, subtract from the sum determined under division 86744
(C) of this section the nursing facility's low occupancy deduction 86745

determined under section 5165.23 of the Revised Code. 86746

Sec. 5165.151. (A) The total per medicaid day payment rate 86747
determined under section 5165.15 of the Revised Code shall not be 86748
the initial rate for nursing facility services provided by a new 86749
nursing facility. Instead, the initial total per medicaid day 86750
payment rate for nursing facility services provided by a new 86751
nursing facility shall be determined in the following manner: 86752

(1) The initial rate for ancillary and support costs shall be 86753
the rate for the new nursing facility's peer group determined 86754
under division (C) of section 5165.16 of the Revised Code. 86755

(2) The initial rate for capital costs shall be the rate for 86756
the new nursing facility's peer group determined under division 86757
(C) of section 5165.17 of the Revised Code; 86758

(3) The initial rate for direct care costs shall be the 86759
product of the cost per case-mix unit determined under division 86760
(C) of section 5165.19 of the Revised Code for the new nursing 86761
facility's peer group and the new nursing facility's case-mix 86762
score determined under division (B) of this section. 86763

(4) The initial rate for tax costs shall be the following: 86764

(a) If the provider of the new nursing facility submits to 86765
the department of medicaid the nursing facility's projected tax 86766
costs for the calendar year in which the provider obtains an 86767
initial provider agreement for the new nursing facility, an amount 86768
determined by dividing those projected tax costs by the number of 86769
inpatient days the nursing facility would have for that calendar 86770
year if its occupancy rate were one hundred per cent; 86771

(b) If division (A)(4)(a) of this section does not apply, the 86772
median rate for tax costs for the new nursing facility's peer 86773
group in which the nursing facility is placed under division (B) 86774
of section 5165.16 of the Revised Code. 86775

(5) ~~Fourteen~~ The initial quality incentive payment rate for 86776
the new nursing facility shall be the amount determined under 86777
section 5165.26 of the Revised Code. 86778

(6) Sixteen dollars and ~~sixty-five~~ forty-four cents shall be 86779
added to the sum of the rates and payment specified in divisions 86780
(A)(1) to ~~(4)~~(5) of this section. 86781

(B) For the purpose of division (A)(3) of this section, a new 86782
nursing facility's case-mix score shall be the following: 86783

(1) Unless the new nursing facility replaces an existing 86784
nursing facility that participated in the medicaid program 86785
immediately before the new nursing facility begins participating 86786
in the medicaid program, the median annual average case-mix score 86787
for the new nursing facility's peer group~~+~~. 86788

(2) If the nursing facility replaces an existing nursing 86789
facility that participated in the medicaid program immediately 86790
before the new nursing facility begins participating in the 86791
medicaid program, the semiannual case-mix score most recently 86792
determined under section 5165.192 of the Revised Code for the 86793
replaced nursing facility as adjusted, if necessary, to reflect 86794
any difference in the number of beds in the replaced and new 86795
nursing facilities. 86796

(C) Subject to division (D) of this section, the department 86797
of medicaid shall adjust the rates established under division (A) 86798
of this section effective the first day of July, to reflect new 86799
rate calculations for all nursing facilities under this chapter. 86800

(D) If a rate for direct care costs is determined under this 86801
section for a new nursing facility using the median annual average 86802
case-mix score for the new nursing facility's peer group, the rate 86803
shall be redetermined to reflect the new nursing facility's actual 86804
semiannual average case-mix score determined under section 86805
5165.192 of the Revised Code after the new nursing facility 86806

submits its first two quarterly assessment data that qualify for 86807
use in calculating a case-mix score in accordance with rules 86808
authorized by section 5165.192 of the Revised Code. If the new 86809
nursing facility's quarterly submissions do not qualify for use in 86810
calculating a case-mix score, the department shall continue to use 86811
the median annual average case-mix score for the new nursing 86812
facility's peer group in lieu of the new nursing facility's 86813
semiannual case-mix score until the new nursing facility submits 86814
two consecutive quarterly assessment data that qualify for use in 86815
calculating a case-mix score. 86816

Sec. 5165.152. The total per medicaid day payment rate 86817
determined under section 5165.15 of the Revised Code shall not be 86818
paid for nursing facility services provided to low ~~resource~~ 86819
~~utilization~~ case-mix residents. Instead, the total rate for such 86820
nursing facility services shall be one hundred fifteen dollars per 86821
medicaid day. 86822

Sec. 5165.158. (A) Beginning July 1, 2023, the total per 86823
medicaid day payment rate for nursing facility services provided 86824
on or after that date in private rooms approved by the department 86825
of medicaid under division (B) of this section shall be the sum of 86826
both of the following: 86827

(1) The total per medicaid day payment rate determined for 86828
the nursing facility under section 5165.15 of the Revised Code; 86829

(2) The private room incentive payment. The private room 86830
incentive payment shall be thirty dollars per day for state fiscal 86831
year 2024. The department may increase the payment amount for 86832
subsequent fiscal years. 86833

(B)(1) Beginning on July 1, 2023, the department shall 86834
approve rooms in nursing facilities to qualify for the rate 86835
described in division (A) of this section. A nursing facility 86836

provider shall apply for approval of its private rooms by 86837
submitting an application in the form and manner prescribed by the 86838
department. The department may specify evidence that an applicant 86839
must supply to demonstrate that a room meets the definition of a 86840
private room under section 5165.01 of the Revised Code. Subject to 86841
division (B)(2) of this section, the department shall approve an 86842
application if the rooms included in the application meet the 86843
definition of a private room under section 5165.01 of the Revised 86844
Code. 86845

(2) The department shall only consider applications that meet 86846
the following criteria: 86847

(a) Private rooms reported on the nursing facility provider's 86848
cost report for calendar year 2022, or a new nursing facility 86849
licensed after October 1, 2022; 86850

(b) Private rooms created by surrendering licensed beds from 86851
its licensed capacity, or, if the facility does not hold a 86852
license, surrendering beds that have been certified by the United 86853
States centers for medicare and medicaid services; 86854

(c) Private rooms created by adding space to the nursing 86855
facility or renovating nonbedroom space, without increasing the 86856
total licensed bed capacity. 86857

(3) The department may specify evidence that an applicant 86858
must supply to demonstrate that it meets the conditions specified 86859
in division (B)(2) of this section. 86860

(4) The department may deny an application if the department 86861
determines that any of the following circumstances apply: 86862

(a) The rooms included in the application do not meet the 86863
definition of a private room under section 5165.01 of the Revised 86864
Code; 86865

(b) The rooms included in the application do not meet the 86866

criteria specified in division (B)(2) of this section; 86867

(c) The applicant created private rooms by reducing the 86868
number of available beds without reducing the licensed capacity of 86869
the facility. 86870

(5) An applicant may request reconsideration of a denial 86871
under division (B) of this section. 86872

Sec. 5165.16. (A) The department of medicaid shall determine 86873
each nursing facility's per medicaid day payment rate for 86874
ancillary and support costs. A nursing facility's rate shall be 86875
the rate determined under division (C) of this section for the 86876
nursing facility's peer group. 86877

(B) For the purpose of determining nursing facilities' rates 86878
for ancillary and support costs, the department shall establish 86879
six peer groups composed as follows: 86880

(1) Each nursing facility located in any of the following 86881
counties shall be placed in peer group one or two: Brown, Butler, 86882
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 86883
located in any of those counties that has fewer than one hundred 86884
beds shall be placed in peer group one. Each nursing facility 86885
located in any of those counties that has one hundred or more beds 86886
shall be placed in peer group two. 86887

(2) Each nursing facility located in any of the following 86888
counties shall be placed in peer group three or four: Allen, 86889
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 86890
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 86891
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86892
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86893
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 86894
nursing facility located in any of those counties that has fewer 86895
than one hundred beds shall be placed in peer group three. Each 86896

nursing facility located in any of those counties that has one 86897
hundred or more beds shall be placed in peer group four. 86898

(3) Each nursing facility located in any of the following 86899
counties shall be placed in peer group five or six: Adams, 86900
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 86901
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 86902
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 86903
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 86904
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 86905
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 86906
and Wyandot. Each nursing facility located in any of those 86907
counties that has fewer than one hundred beds shall be placed in 86908
peer group five. Each nursing facility located in any of those 86909
counties that has one hundred or more beds shall be placed in peer 86910
group six. 86911

(C)(1) The department shall determine the rate for ancillary 86912
and support costs for each peer group established under division 86913
(B) of this section. The rate for ancillary and support costs 86914
determined under this division for a peer group shall be used for 86915
subsequent years until the department conducts a rebasing. To 86916
determine a peer group's rate for ancillary and support costs, the 86917
department shall do ~~all~~ both of the following: 86918

(a) Determine the rate for ancillary and support costs for 86919
each nursing facility in the peer group for the applicable 86920
calendar year by using the greater of the nursing facility's 86921
actual inpatient days for the applicable calendar year or the 86922
inpatient days the nursing facility would have had for the 86923
applicable calendar year if its occupancy rate had been ninety per 86924
cent; 86925

(b) Subject to division (C)(2) of this section, identify 86926
which nursing facility in the peer group is at the ~~twenty-fifth~~ 86927
~~percentile of the~~ median rate for ancillary and support costs for 86928

the applicable calendar year determined under division (C)(1)(a) 86929
of this section: 86930

~~(c) Multiply the rate for ancillary and support costs 86931
determined under division (C)(1)(a) of this section for the 86932
nursing facility identified under division (C)(1)(b) of this 86933
section by the rate of inflation for the eighteen month period 86934
beginning on the first day of July of the applicable calendar year 86935
and ending the last day of December of the calendar year 86936
immediately following the applicable calendar year using the 86937
following: 86938~~

~~(i) Except as provided in division (C)(1)(c)(ii) of this 86939
section, the consumer price index for all items for all urban 86940
consumers for the midwest region, published by the United States 86941
bureau of labor statistics: 86942~~

~~(ii) If the United States bureau of labor statistics ceases 86943
to publish the index specified in division (C)(1)(c)(i) of this 86944
section, the index the bureau subsequently publishes that covers 86945
urban consumers' prices for items for the region that includes 86946
this state. 86947~~

(2) In making the identification under division (C)(1)(b) of 86948
this section, the department shall exclude both of the following: 86949

(a) Nursing facilities that participated in the medicaid 86950
program under the same provider for less than twelve months in the 86951
applicable calendar year; 86952

(b) Nursing facilities whose ancillary and support costs are 86953
more than one standard deviation from the mean desk-reviewed, 86954
actual, allowable, per diem ancillary and support cost for all 86955
nursing facilities in the nursing facility's peer group for the 86956
applicable calendar year. 86957

(3) The department shall not redetermine a peer group's rate 86958
for ancillary and support costs under this division based on 86959

additional information that it receives after the rate is 86960
determined. The department shall redetermine a peer group's rate 86961
for ancillary and support costs only if the department made an 86962
error in determining the rate based on information available to 86963
the department at the time of the original determination. 86964

Sec. 5165.19. ~~(A)(1)~~ Semiannually, except as provided in 86965
division (A)(2) of this section, the department of medicaid shall 86966
determine each nursing facility's per medicaid day payment rate 86967
for direct care costs by multiplying the facility's semiannual 86968
case-mix score determined under section 5165.192 of the Revised 86969
Code by the cost per case-mix unit determined under division (C) 86970
of this section for the facility's peer group. 86971

(2) Beginning January 1, 2024, during state fiscal years 2024 86972
and 2025, the department shall determine each nursing facility's 86973
per medicaid day payment rate for direct care costs by multiplying 86974
the cost per case-mix unit determined under division (C) of this 86975
section for the facility's peer group by the case-mix score 86976
specified in division (A)(2)(a) or (b) of this section, as 86977
selected by the nursing facility not later than October 1, 2023. 86978
If the nursing facility does not make a selection by October 1, 86979
2023, the case-mix score specified in division (A)(2)(a) of this 86980
section shall apply. The case-mix score may be either of the 86981
following: 86982

(a) The semiannual case-mix score determined for the facility 86983
under division (A)(1) of this section; 86984

(b) The facility's quarterly case-mix score from March 31, 86985
2023, which shall apply to the facility's direct care rate from 86986
January 1, 2024, to June 30, 2025. 86987

(B) For the purpose of determining nursing facilities' rates 86988
for direct care costs, the department shall establish three peer 86989
groups. 86990

(1) Each nursing facility located in any of the following 86991
counties shall be placed in peer group one: Brown, Butler, 86992
Clermont, Clinton, Hamilton, and Warren. 86993

(2) Each nursing facility located in any of the following 86994
counties shall be placed in peer group two: Allen, Ashtabula, 86995
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 86996
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 86997
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 86998
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 86999
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 87000

(3) Each nursing facility located in any of the following 87001
counties shall be placed in peer group three: Adams, Ashland, 87002
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 87003
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 87004
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 87005
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 87006
Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 87007
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 87008
Wyandot. 87009

(C)(1) The department shall determine a cost per case-mix 87010
unit for each peer group established under division (B) of this 87011
section. The cost per case-mix unit determined under this division 87012
for a peer group shall be used for subsequent years until the 87013
department conducts a rebasing. To determine a peer group's cost 87014
per case-mix unit, the department shall do ~~all~~ both of the 87015
following: 87016

(a) Determine the cost per case-mix unit for each nursing 87017
facility in the peer group for the applicable calendar year by 87018
dividing each facility's desk-reviewed, actual, allowable, per 87019
diem direct care costs for the applicable calendar year by the 87020
facility's annual average case-mix score determined under section 87021
5165.192 of the Revised Code for the applicable calendar year; 87022

(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the ~~twenty fifth~~ percentile of the median cost per case-mix units determined under division (C)(1)(a) of this section;

~~(c) Calculate the amount that is two per cent above the cost per case mix unit determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section;~~

~~(d) Using the index specified in division (C)(3) of this section, multiply the rate of inflation for the eighteen month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (C)(1)(c) of this section.~~

(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

~~(3) The following index shall be used for the purpose of the calculation made under division (C)(1)(d) of this section:~~

~~(a) Except as provided in division (C)(3)(b) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;~~

~~(b) If the United States bureau of labor statistics ceases to~~

~~publish the index specified in division (C)(3)(a) of this section,~~ 87053
~~the index the bureau subsequently publishes that covers nursing~~ 87054
~~facilities' staff costs.~~ 87055

(4) The department shall not redetermine a peer group's cost 87056
per case-mix unit under this division based on additional 87057
information that it receives after the peer group's per case-mix 87058
unit is determined. The department shall redetermine a peer 87059
group's cost per case-mix unit only if it made an error in 87060
determining the peer group's cost per case-mix unit based on 87061
information available to the department at the time of the 87062
original determination. 87063

Sec. 5165.192. (A)(1) Except as provided in division (B) of 87064
this section and in accordance with the process specified in rules 87065
authorized by this section, the department of medicaid shall do 87066
all of the following: 87067

(a) Every quarter, determine the following two case-mix 87068
scores for each nursing facility: 87069

(i) A quarterly case-mix score that includes each resident 87070
who is a medicaid recipient and is not a low ~~resource utilization~~ 87071
case-mix resident; 87072

(ii) A quarterly case-mix score that includes each resident 87073
regardless of payment source. 87074

(b) Every six months, determine a semiannual average case-mix 87075
score for each nursing facility by using the quarterly case-mix 87076
scores determined for the nursing facility pursuant to division 87077
(A)(1)(a)(i) of this section; 87078

(c) After the end of each calendar year, determine an annual 87079
average case-mix score for each nursing facility by using the 87080
quarterly case-mix scores determined for the nursing facility 87081
pursuant to division (A)(1)(a)(ii) of this section. 87082

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 87083
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(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code; 87085
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(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services; 87087
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(c) Except as modified in rules authorized by this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program. 87090
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(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply: 87094
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(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter; 87100
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(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter; 87103
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(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter. 87106
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(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the 87108
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earlier of the forty-fifth day after the end of the calendar 87113
quarter to which the data pertains or the deadline for submission 87114
of such corrections established by regulations adopted by the 87115
United States department of health and human services under Title 87116
XVIII and Title XIX. 87117

(3) If, for more than six months in a calendar year, a 87118
provider is paid a rate determined for a nursing facility using a 87119
case-mix score assigned to the nursing facility under division 87120
(B)(1) of this section, the department may assign the nursing 87121
facility a cost per case-mix unit that is five per cent less than 87122
the nursing facility's actual or assigned cost per case-mix unit 87123
for the immediately preceding calendar year. The department may 87124
use the assigned cost per case-mix unit, instead of determining 87125
the nursing facility's actual cost per case-mix unit in accordance 87126
with section 5165.19 of the Revised Code, to establish the nursing 87127
facility's rate for direct care costs for the fiscal year 87128
immediately following the calendar year for which the cost per 87129
case-mix unit is assigned. 87130

(4) The department shall take action under division (B)(1), 87131
(2), or (3) of this section only in accordance with rules 87132
authorized by this section. The department shall not take an 87133
action that affects rates for prior payment periods except in 87134
accordance with sections 5165.41 and 5165.42 of the Revised Code. 87135

(C) The medicaid director shall adopt rules under section 87136
5165.02 of the Revised Code as necessary to implement this 87137
section. 87138

(1) The rules shall do all of the following: 87139

(a) Specify the process for determining the semiannual and 87140
annual average case-mix scores for nursing facilities; 87141

(b) Adjust the case-mix values specified in division 87142
(A)(2)(b) of this section to reflect changes in relative wage 87143

differentials that are specific to this state; 87144

(c) Express all of those case-mix values in numeric terms 87145
that are different from the terms specified by the United States 87146
department of health and human services but that do not alter the 87147
relationship of the case-mix values to one another; 87148

(d) Modify the grouper methodology specified in division 87149
(A)(2)(c) of this section as follows: 87150

(i) Establish a different hierarchy for assigning residents 87151
to case-mix categories under the methodology; 87152

(ii) Allow the use of the index maximizer element of the 87153
methodology; 87154

(iii) Incorporate changes to the methodology the United 87155
States department of health and human services makes after June 87156
30, 1999; 87157

(iv) Make other changes the department determines are 87158
necessary. 87159

(e) Establish procedures under which resident assessment data 87160
shall be reviewed for accuracy and providers shall be notified of 87161
any data that requires correction; 87162

(f) Establish procedures for providers to correct resident 87163
assessment data and specify a reasonable period of time by which 87164
providers shall submit the corrections. The procedures may limit 87165
the content of corrections in the manner required by regulations 87166
adopted by the United States department of health and human 87167
services under Title XVIII and Title XIX. 87168

(g) Specify when and how the department will assign case-mix 87169
scores or costs per case-mix unit to a nursing facility under 87170
division (B) of this section if information necessary to calculate 87171
the nursing facility's case-mix score is not provided or corrected 87172
in accordance with the procedures established by the rules. 87173

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.23. (A) Each state fiscal year, the department of medicaid shall determine the critical access incentive payment for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a state fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under the "Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

(B) A critical access nursing facility's critical access incentive payment for a state fiscal year shall equal five per cent of the portion of the nursing facility's total per medicaid day payment rate for the state fiscal year that is the sum of the rates identified in divisions (A)(1) to (4) of section 5165.15 of the Revised Code.

(C) Each state fiscal year, the department shall determine the low occupancy deduction for each nursing facility that qualifies as a low occupancy nursing facility. To qualify as a low

occupancy nursing facility for a state fiscal year, a nursing facility must have an occupancy rate lower than sixty-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year for which the rate is determined or, if the facility is not required to be licensed, the facility's occupancy rate for certified beds. If the facility surrenders licensed or certified beds before the first day of May of the calendar year in which the fiscal year begins, the department shall calculate a nursing facility's occupancy rate by dividing the inpatient days reported on the facility's cost report for the calendar year preceding the fiscal year for which the rate is determined by the product of the number of days in the calendar year and the facility's number of licensed, or if applicable, certified beds on the first day of May of the calendar year in which the fiscal year begins. A low occupancy nursing facility's low occupancy deduction for a state fiscal year shall equal five per cent of the nursing facility's total per medicaid day payment rate for the state fiscal year identified in division (D) of section 5165.15 of the Revised Code, for the state fiscal year. This division does not apply to a nursing facility that is owned by a county and operated by a person other than the county.

Sec. 5165.26. (A) As used in this section:

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A), ~~and (B), and (C)~~ of section 5165.15 of the Revised Code.

(2) "CMS" means the United States centers for medicare and medicaid services.

(3) ~~"Force majeure event" means an uncontrollable force or natural disaster not within the power of a nursing facility's~~

~~operator.~~ 87235

(4) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days. 87236
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~~(5)~~(4) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 87238
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~~(6) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.~~ 87241
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~~(7) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).~~ 87244
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(B) ~~For state fiscal year 2022 and state fiscal year 2023, and subject~~ Subject to divisions division (D), ~~(E), and (F),~~ and except as provided in division ~~(G)~~(E) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 87248
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(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 87253
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(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 87255
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(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined. 87258
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(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section. 87262
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(5) Determine the value per quality point by determining the quotient of the following:	87265 87266
(a) The sum determined under division (F)(2) <u>(D)(2)</u> of this section.	87267 87268
(b) The product determined under division (B)(4) of this section.	87269 87270
(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.	87271 87272 87273
(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for <u>a state fiscal year 2022 and state fiscal year 2023</u> shall be the sum of the total <u>following</u> :	87274 87275 87276 87277
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	87278 87279 87280 87281 87282 87283 87284 87285 87286
(a) <u>(i)</u> The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;	87287 87288 87289
(b) <u>(ii)</u> The percentage of the nursing facility's long-stay residents who had a urinary tract infection;	87290 87291
(c) <u>(iii)</u> The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;	87292 87293
(d) <u>(iv)</u> The percentage of the nursing facility's long-stay	87294

residents who had a catheter inserted and left in their bladder. 87295

If CMS ceases to publish any of the metrics specified in 87296
division (C)(1)(a) of this section, the department shall use the 87297
nursing facility quality metrics on the same topics that CMS 87298
subsequently publishes. 87299

(b) Seven and five-tenths points if the nursing facility's 87300
occupancy rate is greater than seventy-five per cent. For purposes 87301
of this division, the department shall utilize the facility's 87302
occupancy rate for licensed beds reported on its cost report for 87303
the calendar year preceding the fiscal year for which the rate is 87304
determined or, if the facility is not required to be licensed, the 87305
facility's occupancy rate for certified beds. If the facility 87306
surrenders licensed or certified beds before the first day of May 87307
of the calendar year in which the fiscal year begins, the 87308
department shall calculate a nursing facility's occupancy rate by 87309
dividing the inpatient days reported on the facility's cost report 87310
for the calendar year preceding the fiscal year for which the rate 87311
is determined by the product of the number of days in the calendar 87312
year and the facility's number of licensed, or if applicable, 87313
certified beds on the first day of May of the calendar year in 87314
which the fiscal year begins. 87315

(c) Beginning with state fiscal year 2025, the total number 87316
of points that CMS assigned to the nursing facility under CMS's 87317
nursing facility five-star quality rating system for the following 87318
quality metrics, or successor metrics designated by CMS, based on 87319
the most recent four-quarter average data available in the 87320
database maintained by CMS and known as nursing home compare in 87321
the most recent month of the calendar year during which the fiscal 87322
year for which the rate is determined begins: 87323

(i) The percentage of the nursing facility's long-stay 87324
residents whose need for help with daily activities has increased; 87325

(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury; 87326
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(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication. 87328
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If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes. 87330
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(2) In determining a nursing facility's quality score for a state fiscal year ~~2022 and state fiscal year 2023~~, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in ~~division (C)(1)~~ divisions (C)(1)(a) and (c) of this section: 87334
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(a) Unless division (C)(2)(b) ~~or (e)~~ of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 87340
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(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 87343
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87345

~~(c) If the nursing facility's total number of points for state fiscal year 2022 or for state fiscal year 2023 for all of the quality metrics specified in division (C)(1) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, reduce the nursing facility's points to zero for that fiscal year.~~ 87346
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~~(3) A nursing facility's quality score shall be zero for state fiscal year 2021 if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section.~~ 87352
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87355

~~(D)(1) Except as provided in division (D)(2) of this section, a nursing facility shall not receive a quality incentive payment for state fiscal year 2021 if the nursing facility's licensed occupancy percentage is less than eighty per cent.~~ 87356
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~~(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:~~ 87360
87361

~~(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;~~ 87362
87363
87364

~~(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;~~ 87365
87366

~~(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;~~ 87367
87368
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~~(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:~~ 87372
87373
87374
87375

~~(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.~~ 87376
87377
87378

~~(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.~~ 87379
87380
87381

~~(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:~~ 87382
87383
87384

~~(a) Determine the product of the following:~~ 87385

(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;	87386
	87387
	87388
	87389
(ii) Three hundred sixty five.	87390
(b) Determine the quotient of the following:	87391
(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;	87392
	87393
	87394
	87395
(ii) The product determined under division (D)(3)(a) of this section.	87396
	87397
(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.	87398
	87399
(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.	87400
	87401
	87402
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	87404
	87405
	87406
(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.	87407
	87408
	87409
	87410
	87411
(E) A nursing facility shall not receive a quality incentive payment for state fiscal year 2022 or state fiscal year 2023 if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing	87412
	87413
	87414
	87415

~~facility is listed in table A, table B, or table C on the first 87416
day of May of the calendar year for which the rate is being 87417
determined. 87418~~

~~(F)(D) The total amount to be spent on quality incentive 87419
payments under division (B) of this section for each a fiscal year 87420
during state fiscal years 2022 and 2023 shall be determined as 87421
follows: 87422~~

~~(1) Determine the following amount for each nursing facility, 87423
including those that do not receive a quality incentive payment 87424
because of division (D) of this section: 87425~~

~~(a) The amount that is five and two-tenths per cent of the 87426
nursing facility's base rate for nursing facility services 87427
provided on the first day of the state fiscal year plus one dollar 87428
and seventy-nine cents; plus sixty per cent of the sum of the 87429
following: 87430~~

~~(i) The per diem amount by which the nursing facility's rate 87431
for ancillary and support costs determined for the fiscal year 87432
under section 5165.16 of the Revised Code changed as a result of 87433
the rebasing conducted under section 5165.36 of the Revised Code 87434
for state fiscal year 2024; 87435~~

~~(ii) The per diem amount by which the nursing facility's rate 87436
for direct care costs determined for the fiscal year under section 87437
5165.19 of the Revised Code changed as a result of the rebasing 87438
conducted under section 5165.36 of the Revised Code for state 87439
fiscal year 2024. 87440~~

~~(b) Multiply the amount determined under division 87441
(F)(1)(a)(D)(1)(a) of this section by the number of the nursing 87442
facility's medicaid days for the calendar year preceding the 87443
fiscal year for which the rate is determined. 87444~~

~~(2) Determine the sum of the products determined under 87445
division (F)(1)(b)(D)(1)(b) of this section for all nursing 87446~~

facilities for which the product was determined for the state 87447
fiscal year. 87448

(3) To the sum determined under division ~~(F)(2)~~(D)(2) of this 87449
section, add ~~twenty five million dollars for fiscal year 2022 and~~ 87450
~~one hundred twenty-five million dollars for fiscal year 2023.~~ 87451

~~(G) A~~ (E)(1) Beginning July 1, 2023, a new nursing facility 87452
~~or a nursing facility that undergoes a change of operator during~~ 87453
~~fiscal year 2022 or fiscal year 2023 shall not~~ receive a quality 87454
incentive payment for the fiscal year in which the new facility 87455
obtains an initial provider agreement ~~or~~ and the immediately 87456
following fiscal year equal to the median quality incentive 87457
payment determined for nursing facilities for the fiscal year. For 87458
the state fiscal year after the immediately following fiscal year 87459
and subsequent fiscal years, the quality incentive payment shall 87460
be determined under division (C) of this section. 87461

(2) Except as provided in division (E)(3) of this section, a 87462
nursing facility that undergoes a change of operator with an 87463
effective date of April 1, 2023, or later occurred, whichever is 87464
applicable shall not receive a quality incentive payment until the 87465
earlier of the first day of January or the first day of July that 87466
is at least six months after the effective date of the change of 87467
operator. For the immediately following state fiscal year, the 87468
Thereafter quality incentive payment shall be determined under 87469
division (C) of this section. 87470

~~(H) Divisions (C)(3) and (D) of this section are suspended~~ 87471
~~beginning July 1, 2021, and ending June 30, 2023.~~ 87472

(3) A nursing facility that undergoes a change of operator 87473
shall receive a quality incentive payment under this section if 87474
the entering operator owns the physical assets of the nursing 87475
facility or has at least a majority ownership of the entity that 87476
owns the physical assets of the nursing facility. 87477

The nursing facility that shall receive a quality incentive 87478
payment equal to the quality incentive payment the exiting 87479
operator received before the effective date of the change of 87480
operator. For subsequent fiscal years, the quality incentive 87481
payment shall be determined under division (C) of this section. 87482

Sec. 5165.36. The Beginning with state fiscal year 2024, the 87483
department of medicaid shall conduct a rebasing at least once 87484
every ~~five~~ two state fiscal years. When the department conducts a 87485
rebasings for a state fiscal year, it shall conduct the rebasing 87486
for only the direct care, ancillary and support, and tax cost 87487
centers. ~~A nursing facility provider shall spend money received~~ 87488
~~from the rebasing conducted in state fiscal year 2022 on the~~ 87489
~~direct care, ancillary and support, and tax cost centers only.~~ 87490

Sec. 5165.52. (A) On receipt of a written notice under 87491
section 5165.50 of the Revised Code of a facility closure or 87492
voluntary withdrawal of participation, on receipt of a written 87493
notice under section 5165.51 of the Revised Code of a change of 87494
operator, or on the effective date of an involuntary termination, 87495
the department of medicaid shall estimate the amount of any 87496
overpayments made under the medicaid program to the exiting 87497
operator, including overpayments the exiting operator disputes, 87498
and other actual and potential debts the exiting operator owes or 87499
may owe to the department ~~and United States centers for medicare~~ 87500
~~and medicaid services~~ under the medicaid program, including a 87501
franchise permit fee. 87502

(B) In estimating the exiting operator's other actual and 87503
potential debts to the department ~~and the United States centers~~ 87504
~~for medicare and medicaid services~~ under the medicaid program, the 87505
department shall use a debt estimation methodology the medicaid 87506
director shall establish in rules authorized by section 5165.53 of 87507
the Revised Code. The methodology shall provide for estimating all 87508

of the following that the department determines are applicable: 87509

(1) Refunds due the department under section 5165.41 of the Revised Code; 87510
87511

(2) Interest owed to the department ~~and United States centers for medicare and medicaid services;~~ 87512
87513

(3) ~~Final civil monetary and other penalties for which all right of appeal has been exhausted;~~ 87514
87515

~~(4)~~ Money owed the department ~~and United States centers for medicare and medicaid services~~ from any outstanding final fiscal audit, including a final fiscal audit for the last state fiscal year or portion thereof in which the exiting operator participated in the medicaid program; 87516
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~~(5)~~(4) Other amounts the department determines are applicable. 87521
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(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after whichever of the following applies: the department receives the notice under section 5165.50 of the Revised Code of the facility closure or voluntary withdrawal of participation~~+~~, the department receives the notice under section 5165.51 of the Revised Code of the change of operator~~+~~, or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate. 87523
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Sec. 5165.521. (A) Except as provided in divisions (B), (C), and (D) of this section, the department of medicaid may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code that the exiting operator owes or may owe to the department ~~and United States~~ 87533
87534
87535
87536
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87538

~~centers for medicare and medicaid services~~ under the medicaid 87539
program. 87540

(B) In the case of a change of operator and subject to 87541
division (E) of this section, the following shall apply regarding 87542
a withholding under division (A) of this section if the exiting 87543
operator or entering operator or an affiliated operator executes a 87544
successor liability agreement meeting the requirements of division 87545
(F) of this section: 87546

(1) If the exiting operator, entering operator, or affiliated 87547
operator assumes liability for the total, actual amount of debt 87548
the exiting operator owes the department ~~and the United States~~ 87549
~~centers for medicare and medicaid services~~ under the medicaid 87550
program as determined under section 5165.525 of the Revised Code, 87551
the department shall not make the withholding. 87552

(2) If the exiting operator, entering operator, or affiliated 87553
operator assumes liability for only the portion of the amount 87554
specified in division (B)(1) of this section that represents the 87555
franchise permit fee the exiting operator owes, the department 87556
shall withhold not more than the difference between the total 87557
amount specified in the notice provided under division (C) of 87558
section 5165.52 of the Revised Code and the amount for which the 87559
exiting operator, entering operator, or affiliated operator 87560
assumes liability. 87561

(C) In the case of a voluntary withdrawal of participation or 87562
facility closure and subject to division (E) of this section, the 87563
following shall apply regarding a withholding under division (A) 87564
of this section if the exiting operator or an affiliated operator 87565
executes a successor liability agreement meeting the requirements 87566
of division (F) of this section: 87567

(1) If the exiting operator or affiliated operator assumes 87568
liability for the total, actual amount of debt the exiting 87569

operator owes the department ~~and the United States centers for~~ 87570
~~medicare and medicaid services~~ under the medicaid program as 87571
determined under section 5165.525 of the Revised Code, the 87572
department shall not make the withholding. 87573

(2) If the exiting operator or affiliated operator assumes 87574
liability for only the portion of the amount specified in division 87575
(C)(1) of this section that represents the franchise permit fee 87576
the exiting operator owes, the department shall withhold not more 87577
than the difference between the total amount specified in the 87578
notice provided under division (C) of section 5165.52 of the 87579
Revised Code and the amount for which the exiting operator or 87580
affiliated operator assumes liability. 87581

(D) In the case of an involuntary termination and subject to 87582
division (E) of this section, the following shall apply regarding 87583
a withholding under division (A) of this section if the exiting 87584
operator, the entering operator, or an affiliated operator 87585
executes a successor liability agreement meeting the requirements 87586
of division (F) of this section and the department approves the 87587
successor liability agreement: 87588

(1) If the exiting operator, entering operator, or affiliated 87589
operator assumes liability for the total, actual amount of debt 87590
the exiting operator owes the department ~~and the United States~~ 87591
~~centers for medicare and medicaid services~~ under the medicaid 87592
program as determined under section 5165.525 of the Revised Code, 87593
the department shall not make the withholding. 87594

(2) If the exiting operator, entering operator, or affiliated 87595
operator assumes liability for only the portion of the amount 87596
specified in division (D)(1) of this section that represents the 87597
franchise permit fee the exiting operator owes, the department 87598
shall withhold not more than the difference between the total 87599
amount specified in the notice provided under division (C) of 87600
section 5165.52 of the Revised Code and the amount for which the 87601

exiting operator, entering operator, or affiliated operator 87602
assumes liability. 87603

(E) For an exiting operator or affiliated operator to be 87604
eligible to enter into a successor liability agreement under 87605
division (B), (C), or (D) of this section, both of the following 87606
must apply: 87607

(1) The exiting operator or affiliated operator must have one 87608
or more valid provider agreements, other than the provider 87609
agreement for the nursing facility that is the subject of the 87610
involuntary termination, voluntary withdrawal of participation, 87611
facility closure, or change of operator; 87612

(2) During the twelve-month period preceding either the 87613
effective date of the involuntary termination or the month in 87614
which the department receives the notice of the voluntary 87615
withdrawal of participation or facility closure under section 87616
5165.50 of the Revised Code or the notice of the change of 87617
operator under section 5165.51 of the Revised Code, the average 87618
monthly medicaid payment made to the exiting operator or 87619
affiliated operator pursuant to the exiting operator's or 87620
affiliated operator's one or more provider agreements, other than 87621
the provider agreement for the nursing facility that is the 87622
subject of the involuntary termination, voluntary withdrawal of 87623
participation, facility closure, or change of operator, must equal 87624
at least ninety per cent of the sum of the following: 87625

(a) The average monthly medicaid payment made to the exiting 87626
operator pursuant to the exiting operator's provider agreement for 87627
the nursing facility that is the subject of the involuntary 87628
termination, voluntary withdrawal of participation, facility 87629
closure, or change of operator; 87630

(b) Whichever of the following apply: 87631

(i) If the exiting operator or affiliated operator has 87632

assumed liability under one or more other successor liability 87633
agreements, the total amount for which the exiting operator or 87634
affiliated operator has assumed liability under the other 87635
successor liability agreements; 87636

(ii) If the exiting operator or affiliated operator has not 87637
assumed liability under any other successor liability agreements, 87638
zero. 87639

(F) A successor liability agreement executed under this 87640
section must comply with all of the following: 87641

(1) It must provide for the operator who executes the 87642
successor liability agreement to assume liability for either of 87643
the following as specified in the agreement: 87644

(a) The total, actual amount of debt the exiting operator 87645
owes the department ~~and the United States centers for medicare and~~ 87646
~~medicaid services~~ under the medicaid program as determined under 87647
section 5165.525 of the Revised Code; 87648

(b) The portion of the amount specified in division (F)(1)(a) 87649
of this section that represents the franchise permit fee the 87650
exiting operator owes. 87651

(2) It may not require the operator who executes the 87652
successor liability agreement to furnish a surety bond. 87653

(3) It must provide that the department, after determining 87654
under section 5165.525 of the Revised Code the actual amount of 87655
debt the exiting operator owes the department ~~and United States~~ 87656
~~centers for medicare and medicaid services~~ under the medicaid 87657
program, may deduct the lesser of the following from medicaid 87658
payments made to the operator who executes the successor liability 87659
agreement: 87660

(a) The total, actual amount of debt the exiting operator 87661
owes the department ~~and the United States centers for medicare and~~ 87662

~~medicaid services~~ under the medicaid program as determined under 87663
section 5165.525 of the Revised Code; 87664

(b) The amount for which the operator who executes the 87665
successor liability agreement assumes liability under the 87666
agreement. 87667

(4) It must provide that the deductions authorized by 87668
division (F)(3) of this section are to be made for a number of 87669
months, not to exceed six, agreed to by the operator who executes 87670
the successor liability agreement and the department or, if the 87671
operator who executes the successor liability agreement and 87672
department cannot agree on a number of months that is less than 87673
six, a greater number of months determined by the attorney general 87674
pursuant to a claims collection process authorized by statute of 87675
this state. 87676

(5) It must provide that, if the attorney general determines 87677
the number of months for which the deductions authorized by 87678
division (F)(3) of this section are to be made, the operator who 87679
executes the successor liability agreement shall pay, in addition 87680
to the amount collected pursuant to the attorney general's claims 87681
collection process, the part of the amount so collected that, if 87682
not for division (H) of this section, would be required by section 87683
109.081 of the Revised Code to be paid into the attorney general 87684
claims fund. 87685

(G) Execution of a successor liability agreement does not 87686
waive an exiting operator's right to contest the amount specified 87687
in the notice the department provides the exiting operator under 87688
division (C) of section 5165.52 of the Revised Code. 87689

(H) Notwithstanding section 109.081 of the Revised Code, the 87690
entire amount that the attorney general, whether by employees or 87691
agents of the attorney general or by special counsel appointed 87692
pursuant to section 109.08 of the Revised Code, collects under a 87693

successor liability agreement, other than the additional amount 87694
the operator who executes the agreement is required by division 87695
(F)(5) of this section to pay, shall be paid to the department of 87696
medicaid for deposit into the appropriate fund. The additional 87697
amount that the operator is required to pay shall be paid into the 87698
state treasury to the credit of the attorney general claims fund 87699
created under section 109.081 of the Revised Code. 87700

Sec. 5165.525. The department of medicaid shall determine the 87701
actual amount of debt an exiting operator owes the department ~~and~~ 87702
~~the United States centers for medicare and medicaid services~~ under 87703
the medicaid program by completing all final fiscal audits not 87704
already completed and performing all other appropriate actions the 87705
department determines to be necessary. The department shall issue 87706
an initial debt summary report on this matter not later than sixty 87707
days after the date the exiting operator files the properly 87708
completed cost report required by section 5165.522 of the Revised 87709
Code with the department or, if the department waives the cost 87710
report requirement for the exiting operator, sixty days after the 87711
date the department waives the cost report requirement. ~~The~~ 87712
~~initial debt summary report becomes the~~ A final debt summary 87713
report shall be issued thirty-one days after the department issues 87714
the initial debt summary report unless the exiting operator, or an 87715
affiliated operator who executes a successor liability agreement 87716
under section 5165.521 of the Revised Code, requests a review 87717
before that date. 87718

The exiting operator, and an affiliated operator who executes 87719
a successor liability agreement under section 5165.521 of the 87720
Revised Code, may request a review to contest any of the 87721
department's findings included in the initial debt summary report. 87722
The request for the review must be submitted to the department not 87723
later than thirty days after the date the department issues the 87724
initial debt summary report. The department shall conduct the 87725

review on receipt of a timely request and issue a revised debt 87726
summary report. If the department has withheld money from payment 87727
due the exiting operator under division (A) of section 5165.521 of 87728
the Revised Code, the department shall issue the revised debt 87729
summary report not later than ninety days after the date the 87730
department receives the timely request for the review unless the 87731
department and exiting operator or affiliated operator agree to a 87732
later date. The exiting operator or affiliated operator may submit 87733
information to the department explaining what the operator 87734
contests before and during the review, including documentation of 87735
the amount of any debt the department owes the operator. The 87736
exiting operator or affiliated operator may submit additional 87737
information to the department not later than thirty days after the 87738
department issues the revised debt summary report. ~~The revised~~ 87739
~~debt summary report becomes the~~ A final debt summary report shall 87740
be issued thirty-one days after the department issues the revised 87741
debt summary report unless the exiting operator or affiliated 87742
operator timely submits additional information to the department. 87743
If the exiting operator or affiliated operator timely submits 87744
additional information to the department, the department shall 87745
consider the additional information and issue a final debt summary 87746
report not later than sixty days after the department issues the 87747
revised debt summary report unless the department and exiting 87748
operator or affiliated operator agree to a later date. 87749

Each debt summary report the department issues under this 87750
section shall include the department's findings and the amount of 87751
debt the department determines the exiting operator owes the 87752
department ~~and United States centers for medicare and medicaid~~ 87753
~~services~~ under the medicaid program. The department shall explain 87754
its findings and determination in each debt summary report. 87755

The exiting operator, and an affiliated operator who executes 87756
a successor liability agreement under section 5165.521 of the 87757

Revised Code, may request, in accordance with Chapter 119. of the 87758
Revised Code, an adjudication regarding a finding in a final debt 87759
summary report that pertains to an audit or alleged overpayment 87760
made under the medicaid program to the exiting operator. The 87761
adjudication shall be consolidated with any other uncompleted 87762
adjudication that concerns a matter addressed in the final debt 87763
summary report. 87764

Sec. 5165.526. The department of medicaid shall release the 87765
actual amount withheld under division (A) of section 5165.521 of 87766
the Revised Code, less any amount the exiting operator owes the 87767
department ~~and United States centers for medicare and medicaid~~ 87768
~~services~~ under the medicaid program, as follows: 87769

(A) Unless the department issues the initial debt summary 87770
report required by section 5165.525 of the Revised Code not later 87771
than sixty days after the date the exiting operator files the 87772
properly completed cost report required by section 5165.522 of the 87773
Revised Code, sixty-one days after the date the exiting operator 87774
files the properly completed cost report; 87775

(B) If the department issues the initial debt summary report 87776
required by section 5165.525 of the Revised Code not later than 87777
sixty days after the date the exiting operator files a properly 87778
completed cost report required by section 5165.522 of the Revised 87779
Code, not later than the following: 87780

(1) Thirty days after the deadline for requesting an 87781
adjudication under section 5165.525 of the Revised Code regarding 87782
the final debt summary report if the exiting operator, and an 87783
affiliated operator who executes a successor liability agreement 87784
under section 5165.521 of the Revised Code, fail to request the 87785
adjudication on or before the deadline; 87786

(2) Thirty days after the completion of an adjudication of 87787
the final debt summary report if the exiting operator, or an 87788

affiliated operator who executes a successor liability agreement 87789
under section 5165.521 of the Revised Code, requests the 87790
adjudication on or before the deadline for requesting the 87791
adjudication. 87792

(C) Unless the department issues the initial debt summary 87793
report required by section 5165.525 of the Revised Code not later 87794
than sixty days after the date the department waives the cost 87795
report requirement of section 5165.522 of the Revised Code, 87796
sixty-one days after the date the department waives the cost 87797
report requirement; 87798

(D) If the department issues the initial debt summary report 87799
required by section 5165.525 of the Revised Code not later than 87800
sixty days after the date the department waives the cost report 87801
requirement of section 5165.522 of the Revised Code, not later 87802
than the following: 87803

(1) Thirty days after the deadline for requesting an 87804
adjudication under section 5165.525 of the Revised Code regarding 87805
the final debt summary report if the exiting operator, and an 87806
affiliated operator who executes a successor liability agreement 87807
under section 5165.521 of the Revised Code, fail to request the 87808
adjudication on or before the deadline; 87809

(2) Thirty days after the completion of an adjudication of 87810
the final debt summary report if the exiting operator, or an 87811
affiliated operator who executes a successor liability agreement 87812
under section 5165.521 of the Revised Code, requests the 87813
adjudication on or before the deadline for requesting the 87814
adjudication. 87815

Sec. 5165.528. (A) All amounts withheld under section 87816
5165.521 of the Revised Code from payment due an exiting operator 87817
under the medicaid program shall be deposited into the medicaid 87818
payment withholding fund created by the controlling board pursuant 87819

to section 131.35 of the Revised Code. Money in the fund shall be 87820
used as follows: 87821

(1) To pay an exiting operator when a withholding is released 87822
to the exiting operator under section 5165.526 or 5165.527 of the 87823
Revised Code; 87824

(2) To pay the department of medicaid ~~and United States~~ 87825
~~centers for medicare and medicaid services~~ the amount an exiting 87826
operator owes the department ~~and United States centers~~ under the 87827
medicaid program. 87828

(B) Amounts paid from the medicaid payment withholding fund 87829
pursuant to division (A)(2) of this section shall be deposited 87830
into the appropriate department fund. 87831

Sec. 5165.771. (A) As used in this section: 87832

(1) ~~"SFF list" means the list of nursing facilities that the~~ 87833
~~United States department of health and human services creates~~ 87834
~~under the special focus facility program.~~ 87835

~~(2)~~ "Special focus facility program" means the program 87836
conducted by the United States secretary of health and human 87837
services pursuant to the "Social Security Act," section 87838
1919(f)(10), 42 U.S.C. 1396r(f)(10). 87839

~~(3)~~ "Table A" means the table included in the SFF list that 87840
~~identifies nursing facilities that are newly added to the SFF~~ 87841
~~list.~~ 87842

~~(4)~~ "Table B" means the table included in the SFF list that 87843
~~identifies nursing facilities that have not improved.~~ 87844

~~(5)~~ "Table C" means the table included in the SFF list that 87845
~~identifies nursing facilities that have shown improvement.~~ 87846

~~(6)~~ "Table D" means the table included in the SFF list that 87847
~~identifies nursing facilities that have recently graduated from~~ 87848

(2) "Standard health surveys" mean the comprehensive on-site inspections conducted by the department of health on behalf of the United States centers for medicare and medicaid services every six months to evaluate the safety and quality of care provided by a nursing facility as required under the special focus facility program. 87849
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(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if ~~any~~ either of the following apply: 87855
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~~(1) The nursing facility is placed in table A or table B and fails to be placed in table C not later than twelve months after the facility is placed in table A or table B.~~ 87858
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~~(2) The nursing facility is placed in table A, table B, or table C and fails to be placed in table D not later than twenty four months after the facility is placed in table A, table B, or table C.~~ 87861
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~~(3) The nursing facility is placed in table A and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A graduate from the special focus facility program after two standard health surveys while in the program.~~ 87865
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~~(4)(2) The nursing facility is placed in table A and fails to be placed in table D not later than twenty four months after the nursing facility is placed in table A terminated from participation in the medicare or medicaid program by the United States centers for medicare and medicaid services or voluntarily chooses not to continue participation in either of those programs.~~ 87870
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(C) ~~A~~ Except as provided division (C)(1) or (2) of this section, a nursing facility may appeal, under Chapter 119. of the Revised Code, ~~the length of time the facility is listed in a table as described~~ a termination order issued by the department under 87876
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division (B) of this section. The 87880

(1) A nursing facility shall not appeal to the department of 87881
medicaid any standard health survey findings that form the basis, 87882
in whole or in part, for an order issued pursuant to division (B) 87883
of this section terminating a nursing facility's participation in 87884
the medicaid program. Any challenges to standard health survey 87885
findings shall be made to the department of health. 87886

(2) A nursing facility shall not appeal to the department of 87887
medicaid a determination by the United States centers for medicare 87888
and medicaid services to terminate a nursing facility's 87889
participation in the medicare or medicaid program. Any challenge 87890
to such a determination shall be made to the centers for medicare 87891
and medicaid services. 87892

(3) The medicaid director shall adopt rules under section 87893
5165.02 of the Revised Code as necessary to provide for an appeal 87894
under this division. Notwithstanding the timeframes listed in 87895
section 119.07 of the Revised Code, the rules may provide for an 87896
expedited appeal under this division. 87897

(D) A nursing facility shall take all steps necessary to 87898
improve its quality of care to avoid having its participation in 87899
the medicaid program terminated pursuant to division (B) of this 87900
section. Technical assistance and quality improvement initiatives 87901
to help a nursing facility avoid having its participation in the 87902
medicaid program terminated pursuant to division (B) of this 87903
section are available through the nursing home quality initiative 87904
established under section 173.60 of the Revised Code or 87905
initiatives offered through a quality improvement organization 87906
under contract with the United States secretary of health and 87907
human services to carry out in this state the functions described 87908
in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3. 87909

Sec. 5165.87. (A) Except as provided in division (B) of this 87910

section, the following remedies are subject to appeal under 87911
Chapter 119. of the Revised Code: 87912

(1) An order issued under section 5165.71, 5165.72, 5165.77, 87913
or 5165.85 of the Revised Code terminating a nursing facility's 87914
participation in the medicaid program; 87915

(2) Appointment of a temporary manager of a facility under 87916
division (A)(1)(b) or (2)(b) of section 5165.72, or division 87917
(A)(1)(d) of section 5165.77 of the Revised Code; 87918

(3) An order issued under section 5165.72, 5165.73, 5165.74, 87919
5165.77, or 5165.84 of the Revised Code denying medicaid payments 87920
to a facility for all medicaid eligible residents admitted after 87921
the effective date of the order; 87922

(4) An order issued under section 5165.72, 5165.73, or 87923
5165.74 of the Revised Code denying medicaid payments to a 87924
facility for medicaid eligible residents admitted after the 87925
effective date of the order who have certain diagnoses or special 87926
care needs specified by the department or agency; 87927

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 87928
of the Revised Code. 87929

(B) The department of medicaid or contracting agency may do 87930
any of the following prior to or during the pendency of any 87931
proceeding under Chapter 119. of the Revised Code: 87932

(1) Issue and execute an order under section 5165.72, 87933
5165.77, or 5165.85 of the Revised Code terminating a nursing 87934
facility's participation in the medicaid program; 87935

(2) Appoint a temporary manager under division (A)(1)(b) or 87936
(2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 87937
of the Revised Code; 87938

(3) Issue and execute an order under section 5165.72, 87939
5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid 87940

payments to a facility for all medicaid eligible residents 87941
admitted after the effective date of the order; 87942

(4) Issue and execute an order under section 5165.72 or 87943
5165.73 or division (A), (B), or (C) of section 5165.74 of the 87944
Revised Code denying medicaid payments to a facility for medicaid 87945
eligible residents admitted after the effective date of the order 87946
who have specified diagnoses or special care needs. 87947

(C) Whenever the department or agency imposes a remedy listed 87948
in division (B) of this section prior to or during the pendency of 87949
a proceeding, all of the following apply: 87950

(1) The provider against whom the action is taken shall have 87951
ten days after the date the facility actually ~~receives the notice~~ 87952
~~specified~~ is served in ~~section~~ accordance with sections 119.05 and 87953
119.07 of the Revised Code to request a hearing. 87954

(2) The hearing shall commence within thirty days after the 87955
date the department or agency receives the provider's request for 87956
a hearing. 87957

(3) The hearing shall continue uninterrupted from day to day, 87958
except for Saturdays, Sundays, and legal holidays, unless other 87959
interruptions are agreed to by the provider and the department or 87960
agency. 87961

(4) If the hearing is conducted by a hearing examiner, the 87962
hearing examiner shall file a report and recommendations within 87963
ten days after the close of the hearing. 87964

(5) The provider shall have five days after the date the 87965
hearing officer files the report and recommendations within which 87966
to file objections to the report and recommendations. 87967

(6) Not later than fifteen days after the date the hearing 87968
officer files the report and recommendations, the medicaid 87969
director or the director of the contracting agency shall issue an 87970

order approving, modifying, or disapproving the report and 87971
recommendations of the hearing examiner. 87972

(D) If the department or agency imposes more than one remedy 87973
as the result of deficiencies cited in a single survey, the 87974
proceedings for all of the remedies shall be consolidated. If any 87975
of the remedies are imposed during the pendency of a hearing, as 87976
permitted by division (B) of this section, the consolidated 87977
hearing shall be conducted in accordance with division (C) of this 87978
section. The consolidation of the remedies for purposes of a 87979
hearing does not affect the effective dates prescribed in sections 87980
5165.60 to 2165.85 of the Revised Code. 87981

(E) If a contracting agency conducts administrative 87982
proceedings pertaining to remedies imposed under sections 5165.60 87983
to 5165.89 of the Revised Code, the department of medicaid shall 87984
not be considered a party to the proceedings. 87985

Sec. 5166.01. As used in this chapter: 87986

"209(b) option" means the option described in section 1902(f) 87987
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 87988
medicaid program's eligibility requirements for aged, blind, and 87989
disabled individuals are more restrictive than the eligibility 87990
requirements for the supplemental security income program. 87991

"Administrative agency" means, with respect to a home and 87992
community-based services medicaid waiver component, the department 87993
of medicaid or, if a state agency or political subdivision 87994
contracts with the department under section 5162.35 of the Revised 87995
Code to administer the component, that state agency or political 87996
subdivision. 87997

"Care management system" has the same meaning as in section 87998
5167.01 of the Revised Code. 87999

"Dual eligible individual" has the same meaning as in section 88000

5160.01 of the Revised Code. 88001

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code. 88002
88003

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 88004
88005

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 88006
88007

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 88008
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 88012
88013

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 88014
88015

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 88016
88017

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 88018
88019

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 88020
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 88022
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 88028
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"Medicaid MCO plan" has the same meaning as in section 88030
5167.01 of the Revised Code. 88031

"Medicaid provider" has the same meaning as in section 88032
5164.01 of the Revised Code. 88033

"Medicaid services" has the same meaning as in section 88034
5164.01 of the Revised Code. 88035

"Medicaid waiver component" means a component of the medicaid 88036
program authorized by a waiver granted by the United States 88037
department of health and human services under section 1115 or 1915 88038
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 88039
waiver component" does not include the care management system or 88040
services delivered under a prepaid inpatient health plan, as 88041
defined in 42 C.F.R. 438.2. 88042

"Medically fragile child" means an individual who is under 88043
eighteen years of age, has intensive health care needs, and is 88044
considered blind or disabled under section 1614(a)(2) or (3) of 88045
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 88046

"Nursing facility" and "nursing facility services" have the 88047
same meanings as in section 5165.01 of the Revised Code. 88048

"Ohio home care waiver program" means the home and 88049
community-based services medicaid waiver component that is known 88050
as Ohio home care and was created pursuant to section 5166.11 of 88051
the Revised Code. 88052

"Provider agreement" has the same meaning as in section 88053
5164.01 of the Revised Code. 88054

"Residential treatment facility" means a residential facility 88055
licensed by the department of mental health and addiction services 88056
under section 5119.34 of the Revised Code, or an institution 88057
certified by the department of job and family services under 88058
section 5103.03 of the Revised Code, that serves children and 88059

either has more than sixteen beds or is part of a campus of 88060
multiple facilities or institutions that, combined, have a total 88061
of more than sixteen beds. 88062

"Skilled nursing facility" has the same meaning as in section 88063
5165.01 of the Revised Code. 88064

~~"Unified long term services and support medicaid waiver 88065
component" means the medicaid waiver component authorized by 88066
section 5166.14 of the Revised Code. 88067~~

Sec. 5166.02. (A) The medicaid director shall adopt rules in 88068
accordance with Chapter 119. of the Revised Code governing 88069
medicaid waiver components. The rules may establish all of the 88070
following: 88071

(1) Eligibility requirements for the medicaid waiver 88072
components; 88073

(2) The type, amount, duration, and scope of medicaid 88074
services the medicaid waiver components cover; 88075

(3) The conditions under which the medicaid waiver components 88076
cover medicaid services; 88077

(4) The amounts the medicaid waiver components pay for 88078
medicaid services or the methods by which the amounts are 88079
determined; 88080

(5) The manners in which the medicaid waiver components pay 88081
for medicaid services; 88082

(6) Safeguards for the health and welfare of medicaid 88083
recipients receiving medicaid services under a medicaid waiver 88084
component; 88085

(7) Procedures for prioritizing and approving for enrollment 88086
individuals who are eligible for a home and community-based 88087
services medicaid waiver component and choose to be enrolled in 88088

the component; 88089

(8) Procedures for enforcing the rules, including 88090
establishing corrective action plans for, and imposing financial 88091
and administrative sanctions on, persons and government entities 88092
that violate the rules. Sanctions shall include terminating 88093
provider agreements. The procedures shall include due process 88094
protections. 88095

(9) Other policies necessary for the efficient administration 88096
of the medicaid waiver components. 88097

(B) The director may adopt different rules for the different 88098
medicaid waiver components. The rules shall be consistent with the 88099
terms of the waiver authorizing the medicaid waiver component. 88100

(C) The following apply to procedures established under 88101
division (A)(7) of this section: 88102

(1) Any such procedures established for the medicaid-funded 88103
component of the PASSPORT program shall be consistent with section 88104
173.521 of the Revised Code. 88105

(2) Any such procedures established for the medicaid-funded 88106
component of the assisted living program shall be consistent with 88107
section 173.542 of the Revised Code. 88108

(3) Any such procedures established for the Ohio home care 88109
waiver program shall be consistent with section 5166.121 of the 88110
Revised Code. 88111

~~(4) Any such procedures established for the unified long term 88112
services and support medicaid waiver program shall be consistent 88113
with section 5166.141 of the Revised Code. 88114~~

Sec. 5166.16. (A) As used in this section and section 88115
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 88116
component" means all of the following: 88117

- (1) The medicaid-funded component of the PASSPORT program, 88118
~~unless it is terminated pursuant to division (C) of section 173.52~~ 88119
~~of the Revised Code;~~ 88120
- (2) The medicaid-funded component of the assisted living 88121
program, ~~unless it is terminated pursuant to division (C) of~~ 88122
~~section 173.54 of the Revised Code;~~ 88123
- (3) The Ohio home care waiver program, ~~unless it is~~ 88124
~~terminated pursuant to section 5166.12 of the Revised Code.~~ 88125
- (B) The medicaid director may create a home and 88126
community-based services medicaid waiver component as part of the 88127
integrated care delivery system. If the ICDS medicaid waiver 88128
component is created, both of the following apply: 88129
- (1) The department of medicaid shall administer it; 88130
- (2) When it begins to accept enrollments, no ICDS participant 88131
who is eligible for the ICDS medicaid waiver component shall be 88132
enrolled in an ODA or MCD medicaid waiver component regardless of 88133
whether the participant prefers to remain or be enrolled in an ODA 88134
or MCD medicaid waiver component. 88135
- (C) A dual eligible individual who is eligible for an ODA or 88136
MCD medicaid waiver component may enroll in the component before 88137
the individual becomes an ICDS participant. The dual eligible 88138
individual shall disenroll from the ODA or MCD medicaid waiver 88139
component and enroll in the ICDS medicaid waiver component once 88140
the individual becomes an ICDS participant and it is possible to 88141
enroll the individual in the ICDS medicaid waiver component. The 88142
disenrollment from the ODA or MCD medicaid waiver component and 88143
enrollment into the ICDS medicaid waiver component shall occur 88144
regardless of whether the individual prefers to remain enrolled in 88145
the ODA or MCD medicaid waiver component. 88146
- (D) An ICDS participant's disenrollment from an ODA or MCD 88147
medicaid waiver component and enrollment in the ICDS medicaid 88148

waiver component resulting from division (B)(2) or (C) of this 88149
section shall be accomplished without a disruption in the 88150
participant's services under the components. 88151

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of 88152
the Revised Code: 88153

(1) "Adult" means an individual at least eighteen years of 88154
age. 88155

(2) "Appropriate director" means the following: 88156

(a) The medicaid director in the context of both of the 88157
following: 88158

(i) The Ohio home care waiver program, ~~unless it is~~ 88159
~~terminated pursuant to section 5166.12 of the Revised Code;~~ 88160

(ii) The integrated care delivery system medicaid waiver 88161
component authorized by section 5166.16 of the Revised Code. 88162

(b) The director of aging in the context of the 88163
medicaid-funded component of the PASSPORT program, ~~unless it is~~ 88164
~~terminated pursuant to division (C) of section 173.52 of the~~ 88165
~~Revised Code.~~ 88166

(3) "Authorized representative" means the following: 88167

(a) In the case of a consumer who is a minor, the consumer's 88168
parent, custodian, or guardian; 88169

(b) In the case of a consumer who is an adult, an individual 88170
selected by the consumer pursuant to section 5166.3010 of the 88171
Revised Code to act on the consumer's behalf for purposes 88172
regarding home care attendant services. 88173

(4) "Authorizing health care professional" means a health 88174
care professional who, pursuant to section 5166.307 of the Revised 88175
Code, authorizes a home care attendant to assist a consumer with 88176
self-administration of medication, nursing tasks, or both. 88177

(5) "Consumer" means an individual to whom all of the	88178
following apply:	88179
(a) The individual is enrolled in a participating medicaid	88180
waiver component.	88181
(b) The individual has a medically determinable physical	88182
impairment to which both of the following apply:	88183
(i) It is expected to last for a continuous period of not	88184
less than twelve months.	88185
(ii) It causes the individual to require assistance with	88186
activities of daily living, self-care, and mobility, including	88187
either assistance with self-administration of medication or the	88188
performance of nursing tasks, or both.	88189
(c) In the case of an individual who is an adult, the	88190
individual is mentally alert and is, or has an authorized	88191
representative who is, capable of selecting, directing the actions	88192
of, and dismissing a home care attendant.	88193
(d) In the case of an individual who is a minor, the	88194
individual has an authorized representative who is capable of	88195
selecting, directing the actions of, and dismissing a home care	88196
attendant.	88197
(6) "Controlled substance" has the same meaning as in section	88198
3719.01 of the Revised Code.	88199
(7) "Custodian" has the same meaning as in section 2151.011	88200
of the Revised Code.	88201
(8) "Gastrostomy tube" means a percutaneously inserted	88202
catheter that terminates in the stomach.	88203
(9) "Guardian" has the same meaning as in section 2111.01 of	88204
the Revised Code.	88205
(10) "Health care professional" means a physician or	88206
registered nurse.	88207

- (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 88208
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- (12) "Home care attendant services" means all of the following as provided by a home care attendant: 88212
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- (a) Personal care aide services; 88214
- (b) Assistance with the self-administration of medication; 88215
- (c) Assistance with nursing tasks. 88216
- (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 88217
88218
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 88219
88220
- (15) "Minor" means an individual under eighteen years of age. 88221
- (16) "Participating medicaid waiver component" means all of the following: 88222
88223
- (a) The medicaid-funded component of the PASSPORT program, ~~unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;~~ 88224
88225
88226
- (b) The Ohio home care waiver program, ~~unless it is terminated pursuant to section 5166.12 of the Revised Code;~~ 88227
88228
- (c) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 88229
88230
- (17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 88231
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88233
- (18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 88234
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"Registered nurse" includes an advanced practice registered nurse, 88237
as defined in section 4723.01 of the Revised Code. 88238

(19) "Schedule II," "schedule III," "schedule IV," and 88239
"schedule V" have the same meanings as in section 3719.01 of the 88240
Revised Code. 88241

(B) Participating medicaid waiver components may cover home 88242
care attendant services in accordance with sections 5166.30 to 88243
5166.3010 of the Revised Code and rules adopted under section 88244
5166.02 of the Revised Code. 88245

Sec. 5166.32. If the department of medicaid terminates the 88246
209(b) option, the department shall establish a medicaid waiver 88247
component under which an individual who has cystic fibrosis and is 88248
enrolled in the program for ~~medically handicapped~~ children and 88249
youth with special health care needs administered by the 88250
department of health under section 3701.023 of the Revised Code or 88251
the program the department of health administers pursuant to 88252
division (G) of that section may qualify for medicaid under the 88253
same type of spenddown process that is part of the 209(b) option. 88254

Sec. 5166.45. (A) As used in this section, "medical 88255
assistance program" and "refugee medical assistance program" have 88256
the same meanings as in section 5160.01 of the Revised Code. 88257

(B) The medicaid director shall establish a medicaid waiver 88258
component to provide continuous medicaid enrollment for children 88259
from birth through three years of age. A child who is determined 88260
eligible for medical assistance under Title XIX of the "Social 88261
Security Act" or child health assistance under Title XXI of the 88262
"Social Security Act" shall remain eligible for those benefits 88263
until the earlier of: 88264

(1) The end of a period, not to exceed forty-eight months, 88265
following the determination; 88266

<u>(2) The date when the individual exceeds four years of age.</u>	88267
<u>(C) The waiver component described in division (B) of this section does not apply to a child who is eligible for a medical assistance program on the basis of being any of the following:</u>	88268 88269 88270
<u>(1) Deemed presumptively eligible for medicaid pursuant to section 5163.101 of the Revised Code;</u>	88271 88272
<u>(2) Eligible for alien emergency medical assistance, as specified in section 1903(v)(2) of the "Social Security Act," 42 U.S.C. 1396b(v)(2);</u>	88273 88274 88275
<u>(3) Eligible for the refugee medical assistance program administered pursuant to section 5160.50 of the Revised Code.</u>	88276 88277
Sec. 5167.12. If prescribed drugs are included in the care management system:	88278 88279
(A) Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the approval of the department of medicaid.	88280 88281 88282 88283
(B) A medicaid MCO plan shall not impose a prior authorization requirement in the case of a drug to which all of the following apply:	88284 88285 88286
(1) The drug is an antidepressant or antipsychotic.	88287
(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.	88288 88289 88290 88291
(3) The drug is prescribed by any of the following:	88292
(a) A physician whom the medicaid managed care organization that offers the plan allows to provide care as a psychiatrist through its credentialing process <u>who has registered the</u>	88293 88294 88295

physician's psychiatric specialty with the department; 88296

(b) A psychiatrist who is practicing at a location on behalf 88297
of a community mental health services provider whose mental health 88298
services are certified by the department of mental health and 88299
addiction services under section 5119.36 of the Revised Code; 88300

(c) A certified nurse practitioner, as defined in section 88301
4723.01 of the Revised Code, who is certified in psychiatric 88302
mental health by a national certifying organization approved by 88303
the board of nursing under section 4723.46 of the Revised Code; 88304

(d) A clinical nurse specialist, as defined in section 88305
4723.01 of the Revised Code, who is certified in psychiatric 88306
mental health by a national certifying organization approved by 88307
the board of nursing under section 4723.46 of the Revised Code. 88308

(4) The drug is prescribed for a use that is indicated on the 88309
drug's labeling, as approved by the federal food and drug 88310
administration. 88311

(C) The department shall authorize a medicaid MCO plan to 88312
include a pharmacy utilization management program under which 88313
prior authorization through the program is established as a 88314
condition of obtaining a controlled substance pursuant to a 88315
prescription. 88316

(D) Each medicaid managed care organization and medicaid MCO 88317
plan shall comply with sections 5164.091, 5164.10, 5164.11, 88318
5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if the 88319
organization were the department and the plan were the medicaid 88320
program. 88321

Sec. 5168.02. (A) The medicaid director shall adopt rules in 88322
accordance with Chapter 119. of the Revised Code for the purpose 88323
of administering sections 5168.01 to 5168.14 of the Revised Code, 88324
including rules that do all of the following: 88325

(1) Define as a "disproportionate share hospital" any	88326
hospital included under the "Social Security Act," section	88327
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director	88328
determines appropriate;	88329
(2) Prescribe the form for submission of cost reports under	88330
section 5168.05 of the Revised Code;	88331
(3) Establish, in accordance with division (A) of section	88332
5168.06 of the Revised Code, the assessment rate or rates to be	88333
applied to hospitals under that section;	88334
(4) Establish schedules for hospitals to pay installments on	88335
their assessments under section 5168.06 of the Revised Code and	88336
for governmental hospitals to pay installments on their	88337
intergovernmental transfers under section 5168.07 of the Revised	88338
Code;	88339
(5) Establish procedures to notify hospitals of adjustments	88340
made under division (B)(2)(b) of section 5168.06 of the Revised	88341
Code in the amount of installments on their assessment;	88342
(6) Establish procedures to notify hospitals of adjustments	88343
made under division (D) of section 5168.08 of the Revised Code in	88344
the total amount of their assessment and to adjust for the	88345
remainder of the program year the amount of the installments on	88346
the assessments;	88347
(7) Establish, in accordance with section 5168.09 of the	88348
Revised Code, the methodology for paying hospitals under that	88349
section.	88350
The director shall consult with hospitals when adopting the	88351
rules required by divisions (A)(4) and (5) of this section in	88352
order to minimize hospitals' cash flow difficulties.	88353
(B) Rules adopted under this section may provide that "total	88354
facility costs" excludes costs associated with any of the	88355

following:	88356
(1) Medicaid recipients;	88357
(2) Recipients of the program for medically handicapped children <u>and youth with special health care needs</u> established under section 3701.023 of the Revised Code;	88358 88359 88360
(3) Medicare beneficiaries;	88361
(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;	88362 88363
(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.	88364 88365 88366 88367
Sec. 5168.14. (A) Each hospital that receives funds distributed under sections 5168.01 to 5168.14 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not medicaid recipients, and whose income is at or below the federal poverty line. The medicaid director shall adopt rules under section 5168.02 of the Revised Code specifying the hospital services to be provided under this section.	88368 88369 88370 88371 88372 88373 88374 88375
(B) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for the medicaid program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medicaid program, in accordance with state statutes governing the medicaid program and rules adopted under those statutes, for medicaid services rendered under this section if the individual becomes a medicaid recipient. Hospitals may bill individuals for services under this section if all of the following apply:	88376 88377 88378 88379 88380 88381 88382 88383 88384 88385

(1) The hospital has an established post-billing procedure 88386
for determining the individual's income and canceling the charges 88387
if the individual is found to qualify for services under this 88388
section. 88389

(2) The initial bill, and at least the first follow-up bill, 88390
is accompanied by a written statement that does all of the 88391
following: 88392

(a) Explains that individuals with income at or below the 88393
federal poverty line are eligible for services without charge; 88394

(b) Specifies the federal poverty line for individuals and 88395
families of various sizes at the time the bill is sent; 88396

(c) Describes the procedure required by division (C)(1) of 88397
this section. 88398

(3) The hospital complies with any additional rules adopted 88399
under section 5168.02 of the Revised Code. 88400

Notwithstanding division (B) of this section, a hospital 88401
providing care to an individual under this section is subrogated 88402
to the rights of any individual to receive compensation or 88403
benefits from any person or governmental entity for the hospital 88404
goods and services rendered. 88405

(C) Each hospital shall collect and report to the department 88406
of medicaid, in the form and manner prescribed by the department, 88407
information on the number and identity of patients served pursuant 88408
to this section. 88409

(D) This section applies beginning May 22, 1992, regardless 88410
of whether rules specifying the services to be provided have been 88411
adopted. Nothing in this section alters the scope or limits the 88412
obligation of any governmental entity or program, including the 88413
program awarding reparations to victims of crime under sections 88414
2743.51 to 2743.72 of the Revised Code and the program for 88415

~~medically handicapped~~ children and youth with special health care 88416
needs established under section 3701.023 of the Revised Code, to 88417
pay for hospital services in accordance with state or local law. 88418

Sec. 5168.26. (A) The medicaid director shall adopt rules in 88419
accordance with Chapter 119. of the Revised Code as necessary to 88420
implement sections 5168.20 to 5168.28 of the Revised Code, 88421
including rules that specify the percentage of hospitals' total 88422
facility costs to be used in calculating hospitals' assessments 88423
under section 5168.21 of the Revised Code. 88424

(B) The rules adopted under this section may do the 88425
following: 88426

(1) Provide that a hospital's total facility costs for the 88427
purpose of the assessment under section 5168.21 of the Revised 88428
Code exclude any of the following: 88429

(a) A hospital's costs associated with providing care to 88430
recipients of any of the following: 88431

(i) The medicaid program; 88432

(ii) The medicare program; 88433

(iii) The program for ~~medically handicapped~~ children and 88434
youth with special health care needs established under section 88435
3701.023 of the Revised Code; 88436

(iv) Services provided under the maternal and child health 88437
services block grant established under Title V of the "Social 88438
Security Act," 42 U.S.C. 701 et seq. 88439

(b) Any other category of hospital costs the director deems 88440
appropriate under federal law and regulations governing the 88441
medicaid program. 88442

(2) Subject to division (C) of this section, provide for the 88443
percentage of hospitals' total facility costs used in calculating 88444

hospitals' assessments to vary for different hospitals. 88445

(C) Before adopting rules authorized by division (B)(2) of 88446
this section that establish varied percentages to be used in 88447
calculating hospitals' assessments, the director shall obtain a 88448
waiver from the United States secretary of health and human 88449
services under the "Social Security Act," section 1903(w)(3)(E), 88450
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 88451
the assessments to not be imposed uniformly. 88452

Sec. 5301.90. (A) An environmental covenant may be amended or 88453
terminated by consent only if the amendment or termination is 88454
signed by all of the following: 88455

(1) The applicable agency; 88456

(2) Unless waived by that agency, the current owner of the 88457
fee simple of the real property that is subject to the 88458
environmental covenant; 88459

(3) Each person that originally signed the environmental 88460
covenant unless ~~the~~ one or more of the following apply: 88461

(a) The person waived in a signed record the right to consent 88462
~~or a~~ 88463

(b) A court finds that the person no longer exists or cannot 88464
be located or identified with the exercise of reasonable 88465
diligence; 88466

(c) The applicable agency finds that the signature of the 88467
person is not necessary. 88468

(4) Except as otherwise provided in division (D)(2) of this 88469
section, each holder. 88470

(B) If an interest in real property is subject to an 88471
environmental covenant, the interest is not affected by an 88472
amendment of the environmental covenant unless the current owner 88473

of the interest consents in writing to the amendment or has waived 88474
in a signed record the right to consent to amendments. 88475

(C) Except for an assignment undertaken pursuant to a 88476
governmental reorganization, assignment of an environmental 88477
covenant to a new holder is an amendment of the environmental 88478
covenant. 88479

(D) Except as otherwise provided in an environmental 88480
covenant, both of the following apply: 88481

(1) A holder may not assign its interest without consent of 88482
the other parties to the environmental covenant specified in 88483
division (A) of this section. 88484

(2) A holder may be removed and replaced by agreement of the 88485
other parties specified in division (A) of this section. 88486

(E) A court of competent jurisdiction may fill a vacancy in 88487
the position of holder. 88488

Sec. 5301.91. (A) A civil action for injunctive or other 88489
equitable relief for violation of an environmental covenant may be 88490
maintained by any of the following: 88491

(1) A party to the environmental covenant specified in 88492
division (A) of section 5301.90 of the Revised Code that is not 88493
otherwise specified in divisions (A)(2) to ~~(6)~~(7) of this section; 88494

(2) The environmental protection agency; 88495

(3) The applicable agency if it is other than the 88496
environmental protection agency; 88497

(4) Any person to whom the environmental covenant expressly 88498
grants the authority to maintain such an action; 88499

(5) A person whose interest in the real property or whose 88500
collateral or liability may be affected by the alleged violation 88501
of the environmental covenant; 88502

(6) A unit of local government in which the real property 88503
that is subject to the environmental covenant is located; 88504

(7) An original signatory of the environmental covenant who 88505
is no longer an owner of the real property that is subject to the 88506
environmental covenant in fee simple. 88507

(B) Sections 5301.80 to 5301.92 of the Revised Code do not 88508
limit the regulatory authority of the applicable agency or the 88509
environmental protection agency if it is not the applicable agency 88510
under any law other than sections 5301.80 to 5301.92 of the 88511
Revised Code with respect to an environmental response project. 88512

(C) A person is not responsible for or subject to liability 88513
for environmental remediation solely because it has the right to 88514
enforce an environmental covenant. 88515

Sec. 5301.94. (A) As used in this section, "right-to-list 88516
home sale agreement" has the same meaning as in section 4735.01 of 88517
the Revised Code. 88518

(B) A right-to-list home sale agreement executed, modified, 88519
or extended after the effective date of this section is void ab 88520
initio and unenforceable. 88521

(C) A right-to-list home sale agreement described in division 88522
(B) of this section is an unfair or deceptive act or practice in 88523
violation of section 1345.02 of the Revised Code. A residential 88524
real estate owner that enters into such a right-to-list home sale 88525
agreement has a cause of action against any other party to that 88526
agreement and is entitled to the same relief available to a 88527
consumer under section 1345.09 of the Revised Code. All powers and 88528
remedies available to the attorney general to enforce sections 88529
1345.01 to 1345.13 of the Revised Code are available to the 88530
attorney general to enforce this section. 88531

(D) No person shall present for recording, or cause to be 88532

presented for recording, by the county recorder in the official records under section 317.08 of the Revised Code a right-to-list home sale agreement described in division (B) of this section. 88533
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(E) An owner of residential real estate for which a right-to-list home sale agreement is recorded in violation of division (D) of this section may petition the court of common pleas of the county in which the right-to-list home sale agreement is recorded to declare the agreement void ab initio and unenforceable. If the court determines that the agreement is a right-to-list home sale agreement, a certified copy of the court order, with a complete legal description of the parcel, declaring the agreement void ab initio and unenforceable shall be recorded in the office of the county recorder. The county recorder shall record the order and charge and collect from the person filing the order the fees prescribed in section 317.32 of the Revised Code for the recorder's services. If the court grants the order, the owner may recover actual damages, costs, and attorney's fees from the person that recorded, or caused to be recorded, the right-to-list home sale agreement. 88536
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Sec. 5321.01. As used in this chapter: 88552

(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others. 88553
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(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement. 88556
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(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, 88561
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areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to ~~sections 3733.41 to 3733.49~~ Chapter 3733. of the Revised Code;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986,"

100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 88594
group of entities in which such an organization has a controlling 88595
interest, and if either of the following applies: 88596

(a) The occupancy is for a period of less than sixty days. 88597

(b) The occupancy is for participation in a program operated 88598
by the facility, or by a public entity or private charitable 88599
organization pursuant to a contract with the facility, to provide 88600
either of the following: 88601

(i) Services licensed, certified, registered, or approved by 88602
a governmental agency or private accrediting organization for the 88603
rehabilitation of persons with mental illnesses, persons with 88604
developmental disabilities, adults or juveniles convicted of 88605
criminal offenses, or persons experiencing substance abuse; 88606

(ii) Shelter for juvenile runaways, victims of domestic 88607
violence, or homeless persons. 88608

(10) Emergency shelters operated by organizations exempt from 88609
federal income taxation under section 501(c)(3) of the "Internal 88610
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 88611
amended, for persons whose circumstances indicate a transient 88612
occupancy, including homeless people, victims of domestic 88613
violence, and juvenile runaways. 88614

(D) "Rental agreement" means any agreement or lease, written 88615
or oral, which establishes or modifies the terms, conditions, 88616
rules, amount of rent charged or paid, or any other provisions 88617
concerning the use and occupancy of residential premises by one of 88618
the parties. 88619

(E) "Security deposit" means any deposit of money or property 88620
to secure performance by the tenant under a rental agreement. 88621

(F) "Dwelling unit" means a structure or the part of a 88622
structure that is used as a home, residence, or sleeping place by 88623

one person who maintains a household or by two or more persons who 88624
maintain a common household. 88625

(G) "Controlled substance" has the same meaning as in section 88626
3719.01 of the Revised Code. 88627

(H) "Student tenant" means a person who occupies a dwelling 88628
unit owned or operated by the college or university at which the 88629
person is a student, and who has a rental agreement that is 88630
contingent upon the person's status as a student. 88631

(I) "Recreational vehicle park," "recreation camp," "combined 88632
park-camp," and "temporary park-camp" have the same meanings as in 88633
section 3729.01 of the Revised Code. 88634

(J) "Community control sanction" has the same meaning as in 88635
section 2929.01 of the Revised Code. 88636

(K) "Post-release control sanction" has the same meaning as 88637
in section 2967.01 of the Revised Code. 88638

(L) "School premises" has the same meaning as in section 88639
2925.01 of the Revised Code. 88640

(M) "Sexually oriented offense" and "child-victim oriented 88641
offense" have the same meanings as in section 2950.01 of the 88642
Revised Code. 88643

(N) "Preschool or child day-care center premises" has the 88644
same meaning as in section 2950.034 of the Revised Code. 88645

(O) "Rent control" means requiring below-market rents for 88646
residential premises or controlling rental rates for residential 88647
premises in any manner, including by prohibiting rent increases, 88648
regulating rental rate changes between tenancies, limiting rental 88649
rate increases, regulating the rental rates of residential 88650
premises based on income or wealth of tenants, and other forms of 88651
restraint or limitation of rental rates. 88652

(P) "Rent stabilization" means allowing rent increases for 88653

residential premises of a fixed amount or on a fixed schedule as 88654
set by a political subdivision. 88655

(Q) "Political subdivision" means a county, township, 88656
municipal corporation, or any other body corporate and politic 88657
that is responsible for government activities in a geographic area 88658
smaller than that of the state. 88659

Sec. 5321.18. (A) Every written rental agreement for 88660
residential premises shall contain the name and address of the 88661
owner and the name and address of the owner's agent, if any. If 88662
the owner or the owner's agent is a corporation, partnership, 88663
limited partnership, association, trust, or other entity, the 88664
address shall be the principal place of business in the county in 88665
which the residential property is situated or if there is no place 88666
of business in such county then its principal place of business in 88667
this state, and shall include the name of the person in charge 88668
thereof. 88669

(B) If the rental agreement is oral, the landlord, at the 88670
commencement of the term of occupancy, shall deliver to tenant a 88671
written notice containing the information required in division (A) 88672
of this section. 88673

(C) If the landlord fails to provide the notice of the name 88674
and address of the owner and owner's agent, if any, required under 88675
division (A) or (B) of this section, the notices to the landlord 88676
required under division (A) of section 5321.07 and division (A) of 88677
section 5321.08 of the Revised Code shall be waived by the 88678
landlord and ~~his~~ the landlord's agent. 88679

(D) A landlord may designate an agent for any purpose related 88680
to the provision of services to a tenant under a rental agreement 88681
for residential premises. If the landlord designates an agent for 88682
any such purpose, notice shall be provided to the tenant in 88683
accordance with divisions (A) and (B) of this section, or at any 88684

time subsequent, by reasonable notice within thirty days after an 88685
agent's appointment or change. For purposes of this section, 88686
reasonable notice is satisfied by posting the information in a 88687
conspicuous location on the property or in the leasing office. 88688

Sec. 5322.01. As used in ~~sections 5322.01 to 5322.05 of the~~ 88689
~~Revised Code~~ this chapter: 88690

(A) "Self-service storage facility" means any real property 88691
that is designed and used only for the purpose of renting or 88692
leasing individual storage space in the facility under the 88693
following conditions: 88694

(1) The occupants have access to the storage space only for 88695
the purpose of storing and removing personal property. 88696

(2) The owner does not issue a warehouse receipt, bill of 88697
lading, or other document of title, as defined in section 1301.201 88698
of the Revised Code, for the personal property stored in the 88699
storage space. 88700

"Self-service storage facility" does not include any garage 88701
used principally for parking motor vehicles, any garage or storage 88702
area in a private residence, an establishment licensed pursuant to 88703
sections 915.14 to 915.24 of the Revised Code, or any property of 88704
a bank or savings and loan association that contains vaults, safe 88705
deposit boxes, or other receptacles for the uses, purposes, and 88706
benefits of the bank's or savings and loan association's 88707
customers. 88708

(B) "Owner" means a person that is the owner or operator of a 88709
self-service storage facility, the lessor or sublessor of an 88710
entire self-service storage facility, the agent of any of the 88711
foregoing, or any other person authorized by any of the foregoing 88712
to manage the facility or to receive rent from an occupant 88713
pursuant to a rental agreement. 88714

(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner. 88715
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(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes the terms and conditions of the occupant's use of storage space at a self-service storage facility. 88718
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(E) "Personal property" means money and every animate or inanimate tangible thing that is the subject of ownership, except anything forming part of a parcel of real estate, as defined in section 5701.02 of the Revised Code, and except anything that is an agricultural commodity, as defined in division (A) of section 926.01 of the Revised Code. 88722
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(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the enforcement of any other remedy provided by statute or contract. 88728
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(G) "Last known address" means either of the following: 88733

(1) The mailing address provided by the occupant in the most recent rental agreement or the mailing address provided by the occupant in a subsequent written notice of a change of address; 88734
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(2) The mailing address of any of the persons described in division (A) of section 5322.03 of the Revised Code that is provided by any of those persons to the owner of a self-service storage facility or that is discovered by the owner of a self-service storage facility. 88737
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Sec. 5322.06. If the rental agreement entered into between the owner and the occupant contains a provision placing a limit on the value of personal property that may be stored in the 88742
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occupant's storage space, that limit is the maximum value of the 88745
stored property, provided that the provision is printed in bold 88746
type or underlined in the rental agreement. The limit on the value 88747
of property shall not be less than one thousand dollars. The 88748
rental agreement may provide that the occupant may increase the 88749
limit on the value of property with the written permission of the 88750
owner. 88751

Sec. 5502.251. (A) As used in this section: 88752

(1) "Eligible applicant" means any state agency or a 88753
municipal corporation, township, county, school district, or any 88754
other body corporate and politic that is responsible for 88755
government activities in a geographic area smaller than that of 88756
the state. 88757

(2) "State agency" has the same meaning as in section 1.60 of 88758
the Revised Code. 88759

(B) The director of public safety, in accordance with Chapter 88760
119. of the Revised Code, shall adopt rules to establish and 88761
administer a state hazard mitigation grant program for the 88762
purposes of providing grants to eligible applicants to undertake 88763
actions that reduce the impact to people and property from hazards 88764
and disasters. 88765

(C) The rules shall establish all of the following regarding 88766
the state hazard mitigation grant program: 88767

(1) A list of hazards and disasters for which grants may be 88768
issued; 88769

(2) Priorities for grant funding, including giving priority 88770
to applicants that intend to use grant money for both of the 88771
following: 88772

(a) To mitigate hazards and disasters that constitute the 88773
highest risk based on the state's hazard mitigation plan; 88774

<u>(b) To undertake actions that mitigate risk during the recovery period following a disaster.</u>	88775
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<u>(3) Eligibility requirements for applicants to receive a grant, including a requirement that all applicants have, at the time a grant is awarded, a current hazard mitigation plan approved by the federal emergency management agency;</u>	88777
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<u>(4) A minimum percentage for nonstate matching funds to be provided by applicants;</u>	88781
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<u>(5) Grant application forms and procedures for submitting the forms;</u>	88783
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<u>(6) A requirement that mitigation projects be cost effective;</u>	88785
<u>(7) If grant money is to be used for purposes of acquisition of property and demolition actions at the property, a requirement that the property acquired must be deed restricted as open space in perpetuity;</u>	88786
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<u>(8) Any other requirements or procedures necessary to administer the program.</u>	88790
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<u>(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.</u>	88792
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Sec. 5502.262. (A) As used in this section:	88796
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	88797
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(a) A city, exempted village, local, or joint vocational school district;	88800
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(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d)	88802
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of section 3314.03 of the Revised Code;	88804
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	88805 88806 88807
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	88808 88809
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	88810 88811 88812
(f) A chartered nonpublic school;	88813
(g) An educational service center;	88814
(h) A preschool program or school-age child care program licensed by the department of education;	88815 88816
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	88817 88818 88819
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	88820 88821 88822
(3) "Building" means any school, school building, facility, program, or center.	88823 88824
(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.	88825 88826 88827 88828
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each	88829 88830 88831 88832 88833

building to determine potential hazards to student and staff 88834
safety and shall propose operating changes to promote the 88835
prevention of potentially dangerous problems and circumstances. In 88836
developing the plan for each building, the administrator shall 88837
involve community law enforcement and safety officials, parents of 88838
students who are assigned to the building, and teachers and 88839
nonteaching employees who are assigned to the building. The 88840
administrator may involve the regional mobile training officer in 88841
the development of the plan. The administrator shall incorporate 88842
remediation strategies into the plan for any building where 88843
documented safety problems have occurred. 88844

(2) Each administrator shall also incorporate into the 88845
emergency management plan adopted under division (B)(1) of this 88846
section all of the following: 88847

(a) A protocol for addressing serious threats to the safety 88848
of property, students, employees, or administrators; 88849

(b) A protocol for responding to any emergency events that 88850
occur and compromise the safety of property, students, employees, 88851
or administrators. This protocol shall include, but not be limited 88852
to, all of the following: 88853

(i) A floor plan that is unique to each floor of the 88854
building; 88855

(ii) A site plan that includes all building property and 88856
surrounding property; 88857

(iii) An emergency contact information sheet. 88858

(c) A threat assessment plan developed as prescribed in 88859
section 5502.263 of the Revised Code. A building may use the model 88860
plan developed by the department of public safety under that 88861
section; 88862

(d) A protocol for school threat assessment teams established 88863

under section 3313.669 of the Revised Code. 88864

(3) Each protocol described in division (B) of this section 88865
shall include procedures determined to be appropriate by the 88866
administrator for responding to threats and emergency events, 88867
respectively, including such things as notification of appropriate 88868
law enforcement personnel, calling upon specified emergency 88869
response personnel for assistance, and informing parents of 88870
affected students. 88871

Prior to the opening day of each school year, the 88872
administrator shall inform each student or child enrolled in the 88873
school and the student's or child's parent of the parental 88874
notification procedures included in the protocol. 88875

(4) Each administrator shall keep a copy of the emergency 88876
management plan adopted pursuant to this section in a secure 88877
place. 88878

(C)(1) The administrator shall submit to the director of 88879
public safety, in accordance with rules adopted pursuant to 88880
division (F) of this section, an electronic copy of the emergency 88881
management plan prescribed by division (B) of this section not 88882
less than once every three years, whenever a major modification to 88883
the building requires changes in the procedures outlined in the 88884
plan, and whenever information on the emergency contact 88885
information sheet changes. 88886

(2) The administrator also shall file a copy of the plan with 88887
each law enforcement agency that has jurisdiction over the school 88888
building and, upon request, to any of the following: 88889

(a) The fire department that serves the political subdivision 88890
in which the building is located; 88891

(b) The emergency medical service organization that serves 88892
the political subdivision in which the building is located; 88893

(c) The county emergency management agency for the county in which the building is located; 88894
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(d) The regional mobile training officer. 88896

(3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor. 88897
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(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place. 88903
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(D)(1) Not later than the first day of ~~July~~ September of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate. 88906
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(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section. 88910
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(E) Each administrator shall do both of the following: 88917

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section; 88918
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(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities 88922
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described in division (C)(2) of this section, to enable the 88924
personnel and entities to hold training sessions for responding to 88925
threats and emergency events affecting the building, provided that 88926
the access occurs outside of student instructional hours and the 88927
administrator, or the administrator's designee, is present in the 88928
building during the training sessions. 88929

(F) The director of public safety, in consultation with 88930
representatives from the education community and in accordance 88931
with Chapter 119. of the Revised Code, shall adopt rules regarding 88932
emergency management plans under this section, including the 88933
content of the plans and procedures for filing the plans. The 88934
rules shall specify that plans and information required under 88935
division (B) of this section be submitted on standardized forms 88936
developed by the director for such purpose. The rules shall also 88937
specify the requirements and procedures for emergency management 88938
tests conducted pursuant to division (E)(1) of this section. 88939
Failure to comply with the rules may result in discipline pursuant 88940
to section 3319.31 of the Revised Code or any other action against 88941
the administrator as prescribed by rule. 88942

(G) Division (B) of section 3319.31 of the Revised Code 88943
applies to any administrator who is subject to the requirements of 88944
this section and is not exempt under division (H) of this section 88945
and who is an applicant for a license or holds a license from the 88946
state board of education pursuant to section 3319.22 of the 88947
Revised Code. 88948

(H)(1) The director may exempt any administrator from the 88949
requirements of this section, if the director determines that the 88950
requirements do not otherwise apply to a building or buildings 88951
under the control of that administrator. 88952

(2) The director shall exempt from the requirements of this 88953
section the administrator of an online learning school, 88954
established under section 3302.42 of the Revised Code, unless 88955

students of that school participate in in-person instruction or 88956
assessments at a location that is not covered by an existing 88957
emergency management plan, developed under this section as of 88958
December 14, 2021. 88959

(I) Copies of the emergency management plan, including all 88960
records related to the plan, emergency management tests, and 88961
information required under division (B) of this section are 88962
security records and are not public records pursuant to section 88963
149.433 of the Revised Code. In addition, the information posted 88964
to the contact and information management system, pursuant to 88965
division (C)(3)(b) of this section, is exempt from public 88966
disclosure or release in accordance with sections 149.43, 149.433, 88967
and 5502.03 of the Revised Code. 88968

Notwithstanding section 149.433 of the Revised Code, a floor 88969
plan filed with the attorney general pursuant to this section is 88970
not a public record to the extent it is a record kept by the 88971
attorney general. 88972

Sec. 5502.69. (A) There is hereby created the Ohio narcotics 88973
intelligence center in the department of public safety. The center 88974
shall operate as a division within the department. 88975

(B) The director of public safety shall appoint an executive 88976
director of the center. The executive director shall serve at the 88977
discretion of the director of public safety. The executive 88978
director shall advise the governor and the director of public 88979
safety on matters pertaining to illegal drug activities. To carry 88980
out the duties assigned under this section, the executive 88981
director, subject to the direction and control of the director of 88982
public safety, may appoint and maintain necessary staff and may 88983
enter into any necessary agreements. 88984

(C) The center shall do all of the following: 88985

(1) Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives; 88986
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(2) Collect, analyze, maintain, and disseminate information to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records pursuant to section 149.43 of the Revised Code. 88990
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(3) Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities; 88997
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(4) Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies. 89001
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Sec. 5512.07. (A) There is hereby created the transportation review advisory council. No member of the general assembly shall be a member of the council. The council shall consist of ~~nine~~ ten members, one of whom is the director of transportation who is a nonvoting member. ~~Six members shall be appointed by the~~ The governor shall appoint five members with the advice and consent of the senate. ~~One member shall be appointed by the~~ The speaker of the house of representatives shall appoint two members and ~~one member shall be appointed by the president of the senate shall appoint two members~~. In making their appointments, the governor, the speaker of the house of representatives, and the president of the senate shall consult with each other so that of the total number of ~~eight~~ nine appointed members, at least two are 89004
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affiliated with the major political party not represented by the 89017
governor. In making the governor's appointments, the governor 89018
shall appoint persons who reside in different geographic areas of 89019
the state. ~~Within ninety days after June 30, 1997, the governor,~~ 89020
~~speaker, and president shall make the initial appointments to the~~ 89021
~~council.~~ 89022

Appointed members shall have no conflict of interest with the 89023
position. For purposes of this section, "conflict of interest" 89024
means taking any action that violates any provision of Chapter 89025
102. or 2921. of the Revised Code. 89026

Each of the members the governor appoints shall have 89027
experience either in the area of transportation or in that of 89028
business or economic development. 89029

One such member shall be selected from a list of five names 89030
provided by the Ohio public expenditure council. 89031

(B) ~~Of the governor's initial appointments made to the~~ 89032
~~council, one shall be for a term ending one year after June 30,~~ 89033
~~1997, one shall be for a term ending two years after June 30,~~ 89034
~~1997, one shall be for a term ending four years after June 30,~~ 89035
~~1997, and one shall be for a term ending five years after June 30,~~ 89036
~~1997. Within ninety days after September 16, 1998, the governor~~ 89037
~~shall make two appointments to the council. Of these appointments,~~ 89038
~~one shall be for a term ending June 30, 2001, and one shall be for~~ 89039
~~a term ending June 30, 2002. The speaker's and president's initial~~ 89040
~~appointments made to the council shall be for a term ending three~~ 89041
~~years after June 30, 1997. Thereafter, all All terms of office,~~ 89042
~~including the terms for those persons who are appointed to succeed~~ 89043
~~the persons whose appointments are made within ninety days after~~ 89044
~~September 16, 1998, shall be are for five years, with each term~~ 89045
~~ending on the same day of the same month as did the term that it~~ 89046
~~succeeds. Each member shall hold office from the date of~~ 89047
~~appointment until the end of the term for which the member was~~ 89048

appointed. Members may be reappointed. Vacancies shall be filled 89049
in the manner provided for original appointments. Any member 89050
appointed to fill another member's unexpired term shall hold 89051
office for the remainder of that unexpired term. A member shall 89052
continue in office subsequent to the expiration of the member's 89053
term until the member's successor takes office. 89054

(C) The director of transportation is the chairperson of the 89055
council. 89056

Sec. 5537.17. (A) Each turnpike project open to traffic shall 89057
be maintained and kept in good condition and repair by the Ohio 89058
turnpike and infrastructure commission. The Ohio turnpike system 89059
shall be policed and operated by a force of police, toll 89060
collectors, and other employees and agents that the commission 89061
employs or contracts for. 89062

(B) All public or private property damaged or destroyed in 89063
carrying out the powers granted by this chapter shall be restored 89064
or repaired and placed in its original condition, as nearly as 89065
practicable, or adequate compensation or consideration made 89066
therefor out of moneys provided under this chapter. 89067

(C) All governmental agencies may lease, lend, grant, or 89068
convey to the commission at its request, upon terms that the 89069
proper authorities of the governmental agencies consider 89070
reasonable and fair and without the necessity for an 89071
advertisement, order of court, or other action or formality, other 89072
than the regular and formal action of the authorities concerned, 89073
any property that is necessary or convenient to the effectuation 89074
of the purposes of the commission, including public roads and 89075
other property already devoted to public use. 89076

(D) Each bridge constituting part of a turnpike project shall 89077
be inspected at least once each year by a professional engineer 89078
employed or retained by the commission. 89079

(E) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants approved by the auditor of state, and the cost thereof may be treated as a part of the cost of operations of the commission. Additionally, the auditor of state, at least once every other year, shall audit the accounts and transactions of the commission. On or before the first day of July in each year, the commission shall submit a an annual comprehensive ~~annual~~ financial report containing its audited financial statements for the preceding calendar year to the governor, the general assembly, and the director of budget and management. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.

(F) The commission shall submit a copy of ~~its~~ its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before

adopting its annual budget, the commission shall submit a copy of 89112
its proposed annual budget to the governor, the presiding officers 89113
of each house of the general assembly, the director of budget and 89114
management, and the legislative service commission. The office of 89115
budget and management shall review the proposed budget and may 89116
provide recommendations to the commission for its consideration. 89117

Sec. 5549.21. The board of township trustees may purchase or 89118
lease such machinery and tools as are necessary for use in 89119
constructing, reconstructing, maintaining, and repairing roads and 89120
culverts within the township, and shall provide suitable places 89121
for housing and storing machinery and tools owned by the township. 89122
It may purchase such material and employ such labor as is 89123
necessary for carrying into effect this section, or it may 89124
authorize the purchase or employment of such material and labor by 89125
one of its number, or by the township highway superintendent, at a 89126
price to be fixed by the board. All payments on account of 89127
machinery, tools, material, and labor shall be made from the 89128
township road fund. Except as otherwise provided in sections 89129
505.08, 505.101, and 5513.01 of the Revised Code, all purchases of 89130
materials, machinery, and tools shall, if the amount involved 89131
exceeds ~~fifty thousand dollars~~ the amount specified in section 89132
9.17 of the Revised Code, be made from the lowest responsible 89133
bidder after advertisement, as provided in section 5575.01 of the 89134
Revised Code. 89135

If, in compliance with section 505.10 of the Revised Code, 89136
the board wishes to sell machinery, equipment, or tools owned by 89137
the township to the person from whom it is to purchase other 89138
machinery, equipment, or tools, the board may offer, if the amount 89139
of the purchase alone involved does not exceed ~~fifty thousand~~ 89140
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 89141
to sell such machinery, equipment, or tools and have the amount 89142
credited by the vendor against the purchase of the other 89143

machinery, equipment, or tools. If the purchase price of the other 89144
machinery, equipment, or tools alone exceeds ~~fifty thousand~~ 89145
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 89146
the board may give notice to the competitive bidders of its 89147
willingness to accept offers for the purchase of the old 89148
machinery, equipment, or tools, and those offers shall be 89149
subtracted from the selling price of the other machinery, 89150
equipment, or tools as bid, in determining the lowest responsible 89151
bidder. Notice of the willingness of the board to accept offers 89152
for the purchase of the old machinery, equipment, or tools shall 89153
be made as a part of the advertisement for bids. 89154

Sec. 5555.61. After the board of county commissioners decides 89155
to proceed with the improvement, it shall do so in accordance with 89156
sections 307.86 to 307.92 of the Revised Code. No contract for any 89157
improvement shall be awarded at a price more than ~~ten~~ twenty per 89158
cent in excess of the estimated cost. 89159

Sec. 5703.056. (A) As used in any section of the Revised Code 89160
that ~~requires~~ permits the tax commissioner to use certified mail 89161
or personal service or that requires or permits a payment to be 89162
made or a document to be submitted to the tax commissioner or the 89163
board of tax appeals by mail or personal service, and as used in 89164
any section of Chapter 718., 3734., 3769., 4303., or 4305. or 89165
Title LVII of the Revised Code that requires or permits a payment 89166
to be made or a document to be submitted to the treasurer of state 89167
by mail: 89168

(1) "Certified mail," "express mail," "United States mail," 89169
"United States postal service," and similar terms include any 89170
delivery service authorized pursuant to division (B) of this 89171
section. 89172

(2) "Postmark date," "date of postmark," and similar terms 89173

include the date recorded and marked in the manner described in 89174
division (B)(3) of this section. 89175

(B) The tax commissioner may authorize the use of a delivery 89176
service for the delivery of any payment or document described in 89177
division (A) of this section if the commissioner finds that all of 89178
the following apply to the delivery service: 89179

(1) ~~It is~~ It is available to the general public;. 89180

(2) ~~It is~~ It is at least as timely and reliable on a regular 89181
basis as the United States postal service;. 89182

(3) ~~Records electronically to a database kept in the regular~~ 89183
~~course of its business, and marks on the cover in which the~~ 89184
~~payment or document is enclosed, the date on which the payment or~~ 89185
~~document was given to the delivery service for delivery;~~ 89186

~~(4) Records electronically to a database kept in the regular~~ 89187
~~course of its business the date on which the payment or document~~ 89188
~~was given by the delivery service to the person who signed the~~ 89189
~~receipt of delivery and the name of the person who signed the~~ 89190
~~receipt; and~~ 89191

~~(5) Meets~~ It meets any other criteria that the tax 89192
commissioner may by rule prescribe. 89193

(C) In any section of the Revised Code referring to the date 89194
any payment or document is received by the tax commissioner by 89195
mail, personal service, or electronically or by a person receiving 89196
a document or payment from the tax commissioner by mail, the 89197
payment or document shall be considered to be received on one of 89198
the following dates, as applicable, except as provided in section 89199
5703.053 or 5703.37 of the Revised Code: 89200

(1) For a document or payment sent by certified mail, express 89201
mail, United States mail, foreign mail, or a delivery service 89202
authorized for use under division (B) of this section, the date of 89203

the postmark placed by the postal or delivery service on the 89204
sender's receipt or, if the sender was not issued a postmarked 89205
sender's receipt, the date of the postmark placed by the postal or 89206
delivery service on the package containing the payment or 89207
document. 89208

(2) For personal service to the tax commissioner, the date 89209
the payment or document is received in any of the tax 89210
commissioner's offices during business hours. 89211

(3) For a document filed or sent electronically or a payment 89212
made electronically, the date on the timestamp assigned by the 89213
first electronic system receiving that payment or document. 89214

(D) As used in divisions (A) and (C) of this section 89215
"electronically" includes by facsimile, if applicable. 89216

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 89217
of this section, no agent of the department of taxation, except in 89218
the agent's report to the department or when called on to testify 89219
in any court or proceeding, shall divulge any information acquired 89220
by the agent as to the transactions, property, or business of any 89221
person while acting or claiming to act under orders of the 89222
department. Whoever violates this provision shall thereafter be 89223
disqualified from acting as an officer or employee or in any other 89224
capacity under appointment or employment of the department. 89225

(B)(1) For purposes of an audit pursuant to section 117.15 of 89226
the Revised Code, or an audit of the department pursuant to 89227
Chapter 117. of the Revised Code, or an audit, pursuant to that 89228
chapter, the objective of which is to express an opinion on a 89229
financial report or statement prepared or issued pursuant to 89230
division (A)(7) or (9) of section 126.21 of the Revised Code, the 89231
officers and employees of the auditor of state charged with 89232
conducting the audit shall have access to and the right to examine 89233
any state tax returns and state tax return information in the 89234

possession of the department to the extent that the access and 89235
examination are necessary for purposes of the audit. Any 89236
information acquired as the result of that access and examination 89237
shall not be divulged for any purpose other than as required for 89238
the audit or unless the officers and employees are required to 89239
testify in a court or proceeding under compulsion of legal 89240
process. Whoever violates this provision shall thereafter be 89241
disqualified from acting as an officer or employee or in any other 89242
capacity under appointment or employment of the auditor of state. 89243

(2) For purposes of an internal audit pursuant to section 89244
126.45 of the Revised Code, the officers and employees of the 89245
office of internal audit in the office of budget and management 89246
charged with directing the internal audit shall have access to and 89247
the right to examine any state tax returns and state tax return 89248
information in the possession of the department to the extent that 89249
the access and examination are necessary for purposes of the 89250
internal audit. Any information acquired as the result of that 89251
access and examination shall not be divulged for any purpose other 89252
than as required for the internal audit or unless the officers and 89253
employees are required to testify in a court or proceeding under 89254
compulsion of legal process. Whoever violates this provision shall 89255
thereafter be disqualified from acting as an officer or employee 89256
or in any other capacity under appointment or employment of the 89257
office of internal audit. 89258

(3) As provided by section 6103(d)(2) of the Internal Revenue 89259
Code, any federal tax returns or federal tax information that the 89260
department has acquired from the internal revenue service, through 89261
federal and state statutory authority, may be disclosed to the 89262
auditor of state or the office of internal audit solely for 89263
purposes of an audit of the department. 89264

(4) For purposes of Chapter 3739. of the Revised Code, an 89265
agent of the department of taxation may share information with the 89266

division of state fire marshal that the agent finds during the 89267
course of an investigation. 89268

(C) Division (A) of this section does not prohibit any of the 89269
following: 89270

(1) Divulging information contained in applications, 89271
complaints, and related documents filed with the department under 89272
section 5715.27 of the Revised Code or in applications filed with 89273
the department under section 5715.39 of the Revised Code; 89274

~~(2) Providing information to the office of child support 89275
within the department of job and family services pursuant to 89276
section 3125.43 of the Revised Code; 89277~~

~~(3) Disclosing to the motor vehicle repair board any 89278
information in the possession of the department that is necessary 89279
for the board to verify the existence of an applicant's valid 89280
vendor's license and current state tax identification number under 89281
section 4775.07 of the Revised Code; 89282~~

~~(4) Providing information to the administrator of workers' 89283
compensation pursuant to sections 4123.271 and 4123.591 of the 89284
Revised Code; 89285~~

~~(5) Providing to the attorney general information the 89286
department obtains under division (J) of section 1346.01 of the 89287
Revised Code; 89288~~

~~(6)~~(3) Permitting properly authorized officers, employees, or 89289
agents of a municipal corporation from inspecting reports or 89290
information pursuant to section 718.84 of the Revised Code or 89291
rules adopted under section 5745.16 of the Revised Code; 89292

~~(7)~~(4) Providing information regarding the name, account 89293
number, or business address of a holder of a vendor's license 89294
issued pursuant to section 5739.17 of the Revised Code, a holder 89295
of a direct payment permit issued pursuant to section 5739.031 of 89296

the Revised Code, or a seller having a use tax account maintained 89297
pursuant to section 5741.17 of the Revised Code, or information 89298
regarding the active or inactive status of a vendor's license, 89299
direct payment permit, or seller's use tax account; 89300

~~(8) Releasing invoices or invoice information furnished under 89301
section 4301.433 of the Revised Code pursuant to that section; 89302~~

~~(9)(5) Providing to a county auditor notices or documents 89303
concerning or affecting the taxable value of property in the 89304
county auditor's county. Unless authorized by law to disclose 89305
documents so provided, the county auditor shall not disclose such 89306
documents; 89307~~

~~(10)(6) Providing to a county auditor a sales or use tax 89308
return or audit information under section 333.06 of the Revised 89309
Code; 89310~~

~~(11) Subject to section 4301.441 of the Revised Code, 89311
disclosing to the appropriate state agency information in the 89312
possession of the department of taxation that is necessary to 89313
verify a permit holder's gallonage or noncompliance with taxes 89314
levied under Chapter 4301. or 4305. of the Revised Code; 89315~~

~~(12) Disclosing to the department of natural resources 89316
information in the possession of the department of taxation that 89317
is necessary for the department of taxation to verify the 89318
taxpayer's compliance with section 5749.02 of the Revised Code or 89319
to allow the department of natural resources to enforce Chapter 89320
1509. of the Revised Code; 89321~~

~~(13) Disclosing to the department of job and family services, 89322
industrial commission, and bureau of workers' compensation 89323
information in the possession of the department of taxation solely 89324
for the purpose of identifying employers that misclassify 89325
employees as independent contractors or that fail to properly 89326
report and pay employer tax liabilities. The department of 89327~~

~~taxation shall disclose only such information that is necessary to 89328
verify employer compliance with law administered by those 89329
agencies. 89330~~

~~(14) Disclosing to the Ohio casino control commission 89331
information in the possession of the department of taxation that 89332
is necessary to verify a casino operator's or sports gaming 89333
proprietor's compliance with section 5747.063, 5753.02, or 89334
5753.021 of the Revised Code and sections related thereto; 89335~~

~~(15) Disclosing to the state lottery commission information 89336
in the possession of the department of taxation that is necessary 89337
to verify a lottery sales agent's compliance with section 5747.064 89338
of the Revised Code. 89339~~

~~(16) Disclosing to the department of development information 89340
in the possession of the department of taxation that is necessary 89341
to ensure compliance with the laws of this state governing 89342
taxation and to verify information reported to the department of 89343
development for the purpose of evaluating potential tax credits, 89344
tax deductions, grants, or loans. Such information shall not 89345
include information received from the internal revenue service the 89346
disclosure of which is prohibited by section 6103 of the Internal 89347
Revenue Code. No officer, employee, or agent of the department of 89348
development shall disclose any information provided to the 89349
department of development by the department of taxation under 89350
division (C)(16) of this section except when disclosure of the 89351
information is necessary for, and made solely for the purpose of 89352
facilitating, the evaluation of potential tax credits, tax 89353
deductions, grants, or loans. 89354~~

~~(17) Disclosing to the department of insurance information in 89355
the possession of the department of taxation that is necessary to 89356
ensure a taxpayer's compliance with the requirements with any tax 89357
credit administered by the department of development and claimed 89358
by the taxpayer against any tax administered by the superintendent 89359~~

~~of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.~~ 89360
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~~(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.~~ 89364
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~~(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.~~ 89368
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~~(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C)(20) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.~~ 89378
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~~(21) Disclosing to the state racing commission information in the possession of the department of taxation that is necessary for verification of compliance with and for enforcement and administration of the taxes levied by Chapter 3769. of the Revised Code. Such information shall include information that is necessary for the state racing commission to verify compliance with Chapter 3769. of the Revised Code for the purposes of issuance, denial, suspension, or revocation of a permit pursuant to section 3769.03 or 3769.06 of the Revised Code and related sections. Unless disclosure is otherwise authorized by law, information provided to the state racing commission under this section remains confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.~~

~~(22) Disclosing to the state fire marshal information in the possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(22) of this section.~~

~~(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:~~

~~(a) Making a determination under section 4141.28 of the Revised Code;~~

~~(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.~~

~~Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.~~

(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure.

Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of

the Revised Code sixty days after the notice or order sent by 89454
certified mail is first returned to the commissioner, and the 89455
commissioner shall certify the notice or order, if applicable, to 89456
the attorney general for collection under section 131.02 of the 89457
Revised Code. 89458

(b) Notwithstanding certification to the attorney general 89459
under division (B)(1)(a) of this section, once the commissioner or 89460
attorney general, or the designee of either, makes an initial 89461
contact with the person to whom the notice or order is directed, 89462
the person may protest an assessment by filing a petition for 89463
reassessment within sixty days after the initial contact. The 89464
certification of an assessment under division (B)(1)(a) of this 89465
section is prima-facie evidence that delivery is complete and that 89466
the notice or order is served. 89467

(2) If mailing of a notice or order by certified mail is 89468
returned for some cause other than an undeliverable address or if 89469
a person does not access an electronic notice or order within the 89470
time provided in division (F) of this section, the commissioner 89471
shall resend the notice or order by ordinary mail. The notice or 89472
order shall show the date the commissioner sends the notice or 89473
order and include the following statement: 89474

"This notice or order is deemed to be served on the addressee 89475
under applicable law ten days from the date this notice or order 89476
was mailed by the commissioner as shown on the notice or order, 89477
and all periods within which an appeal may be filed apply from and 89478
after that date." 89479

Unless the mailing is returned because of an undeliverable 89480
address, the mailing of that information is prima-facie evidence 89481
that delivery of the notice or order was completed ten days after 89482
the commissioner sent the notice or order by ordinary mail and 89483
that the notice or order was served. 89484

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has been certified to the attorney general for collection, the claim shall be uncertified.

~~(F)~~(F)(1) The commissioner may serve a notice or order upon the person affected by the notice or order or that person's authorized representative through secure electronic means ~~only with the person's consent~~ associated with the person's or representative's last known address, but only with the person's consent. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The types of electronic notification the commissioner may use include electronic mail, text message, or any other form of electronic communication. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through the means provided in division (B)(2) of this section.

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has 89549
at the time the document is originally sent by certified mail, or 89550
any address the department can ascertain using reasonable means 89551
such as the use of a change of address service offered by the 89552
United States postal service or an authorized delivery service 89553
under section 5703.056 of the Revised Code. For documents sent by 89554
secure electronic means, "last known address" means an electronic 89555
mode of communication that is identified on a form prescribed by 89556
the commissioner for such purpose or that is associated with the 89557
person or the authorized representative of the person on the Ohio 89558
business gateway, as defined in section 718.01 of the Revised 89559
Code, as of the date the notification was sent. 89560

(2) "Undeliverable address" means an address to which the 89561
United States postal service or an authorized delivery service 89562
under section 5703.056 of the Revised Code is not able to deliver 89563
a notice or order, except when the reason for nondelivery is 89564
because the addressee fails to acknowledge or accept the notice or 89565
order. 89566

Sec. 5703.53. (A) An "opinion of the tax commissioner" means 89567
an opinion issued under this section with respect to prospective 89568
tax liability. It does not include ordinary correspondence of the 89569
commissioner or a final determination of the commissioner arising 89570
from a request for administrative review of an assessment, a claim 89571
for refund, or an application for a pollution control or other 89572
certificate. 89573

(B) If a taxpayer requests in writing an opinion from the tax 89574
commissioner as to whether or how certain property, income, source 89575
of income, or a certain activity or transaction will be taxed, the 89576
commissioner's written response shall be an "opinion of the tax 89577
commissioner" and shall bind the commissioner, in accordance with 89578
divisions (C), (G), and (H) of this section, provided all of the 89579

following conditions are satisfied: 89580

(1) The taxpayer's request fully describes the specific facts 89581
or circumstances relevant to a determination of the taxability of 89582
the property, income, source of income, activity, or transaction, 89583
and, if an activity or transaction, all parties involved in the 89584
activity or transaction are clearly identified by name, location, 89585
or other pertinent facts. 89586

(2) The request relates to a "tax" as defined in section 89587
5703.50 of the Revised Code. 89588

(3) The commissioner's response is signed by the commissioner 89589
and designated as an "opinion of the tax commissioner." 89590

(C) An opinion of the tax commissioner shall remain in effect 89591
and shall protect the taxpayer for whom the opinion was prepared 89592
and who reasonably relies on it from liability for any taxes, 89593
penalty, or interest otherwise chargeable on the activity or 89594
transaction specifically held by the commissioner's opinion to be 89595
taxable in a particular manner or not to be subject to taxation 89596
for any tax year that may be specified in the opinion, or until 89597
the earliest of the following dates: 89598

(1) The effective date of a written revocation by the 89599
commissioner sent to the taxpayer ~~by certified mail, return~~ 89600
~~receipt requested in the manner provided in section 5703.37 of the~~ 89601
Revised Code. The effective date of the revocation shall be the 89602
taxpayer's date of receipt or one year after the issuance of the 89603
opinion, whichever is later; 89604

(2) The effective date of any rule adopted by the 89605
commissioner under Chapter 119. of the Revised Code that is 89606
inconsistent with the opinion; 89607

(3) The effective date of any amendment or enactment of a 89608
relevant section of the Revised Code or uncodified law; 89609

(4) The date on which a court issues an opinion establishing 89610
or changing relevant case law with respect to the Revised Code, 89611
uncodified law, or rules of the tax commissioner; 89612

(5) If the opinion of the commissioner was based on the 89613
interpretation of federal law, the effective date of any change in 89614
the relevant federal statutes or regulations, or the date on which 89615
a court issues an opinion establishing or changing relevant case 89616
law with respect to federal statutes or regulations; 89617

(6) The effective date of any change in the taxpayer's 89618
material facts or circumstances; 89619

(7) The effective date of the expiration of the opinion, if 89620
specified, in the opinion. 89621

(D) A taxpayer is not relieved of liability for any activity 89622
or transaction related to a request for an opinion that contained 89623
any misrepresentation or omission of one or more material facts. 89624

(E) If the commissioner provides written advice under this 89625
section, the opinion shall include a statement that: 89626

(1) The tax consequences stated in the opinion may be subject 89627
to change for any of the reasons stated in division (C) of this 89628
section; 89629

(2) It is the duty of the taxpayer to be aware of such 89630
changes. 89631

(F) The commissioner may refuse to offer an opinion on any 89632
request received under this section. 89633

(G) This section binds the commissioner only with respect to 89634
opinions of the commissioner issued on or after January 1, 1990. 89635

(H) An opinion of the commissioner binds the commissioner 89636
only with respect to the taxpayer for whom the opinion was 89637
prepared. 89638

(I) The commissioner shall make available the text of all 89639

opinions issued under this section, except those opinions prepared 89640
for a taxpayer who has requested that the text of the opinion 89641
remain confidential. In no event shall the text of an opinion be 89642
made available until the commissioner has removed all information 89643
that identifies the taxpayer and any other parties involved in the 89644
activity or transaction. 89645

(J) An opinion of the commissioner issued under this section 89646
is not a final determination of the commissioner and may not be 89647
appealed to the board of tax appeals. 89648

Sec. 5705.192. (A) For the purposes of this section only, 89649
"taxing authority" includes a township board of park commissioners 89650
appointed under section 511.18 of the Revised Code. 89651

(B) A Subject to division (G) of this section, a taxing 89652
authority may propose to replace an existing levy that the taxing 89653
authority is authorized to levy, regardless of the section of the 89654
Revised Code under which the authority is granted, except a school 89655
district emergency levy proposed pursuant to sections 5705.194 to 89656
5705.197 of the Revised Code. The taxing authority may propose to 89657
replace the existing levy in its entirety at the rate at which it 89658
is authorized to be levied; may propose to replace a portion of 89659
the existing levy at a lesser rate; or may propose to replace the 89660
existing levy in its entirety and increase the rate at which it is 89661
levied. If the taxing authority proposes to replace an existing 89662
levy, the proposed levy shall be called a replacement levy and 89663
shall be so designated on the ballot. Except as otherwise provided 89664
in this division, a replacement levy shall be limited to the 89665
purpose of the existing levy, and shall appear separately on the 89666
ballot from, and shall not be conjoined with, the renewal of any 89667
other existing levy. In the case of an existing school district 89668
levy imposed under section 5705.21 of the Revised Code for the 89669
purpose specified in division (F) of section 5705.19 of the 89670

Revised Code, or in the case of an existing school district levy 89671
imposed under section 5705.217 of the Revised Code for the 89672
acquisition, construction, enlargement, renovation, and financing 89673
of permanent improvements, the replacement for that existing levy 89674
may be for the same purpose or for the purpose of general 89675
permanent improvements as defined in section 5705.21 of the 89676
Revised Code. The replacement for an existing levy imposed under 89677
division (L) of section 5705.19 or section 5705.222 of the Revised 89678
Code may be for any purpose authorized for a levy imposed under 89679
section 5705.222 of the Revised Code. 89680

The resolution proposing a replacement levy shall specify the 89681
purpose of the levy; its proposed rate expressed in mills for each 89682
one dollar of taxable value and in dollars for each one hundred 89683
thousand dollars of the county auditor's appraised value; whether 89684
the proposed rate is the same as the rate of the existing levy, a 89685
reduction, or an increase; the extent of any reduction or increase 89686
expressed in mills for each one dollar of taxable value and in 89687
dollars for each one hundred thousand dollars of the county 89688
auditor's appraised value; the first calendar year in which the 89689
levy will be due; and the term of the levy, expressed in years or, 89690
if applicable, that it will be levied for a continuing period of 89691
time. 89692

The sections of the Revised Code governing the maximum rate 89693
and term of the existing levy, the contents of the resolution that 89694
proposed the levy, the adoption of the resolution, the 89695
arrangements for the submission of the question of the levy, and 89696
notice of the election also govern the respective provisions of 89697
the proposal to replace the existing levy, except as provided in 89698
divisions (B)(1) to (5) of this section: 89699

(1) In the case of an existing school district levy that is 89700
imposed under section 5705.21 of the Revised Code for the purpose 89701
specified in division (F) of section 5705.19 of the Revised Code 89702

or under section 5705.217 of the Revised Code for the acquisition, 89703
construction, enlargement, renovation, and financing of permanent 89704
improvements, and that is to be replaced by a levy for general 89705
permanent improvements, the term of the replacement levy may be 89706
for a continuing period of time. 89707

(2) The Subject to division (G) of this section, the date on 89708
which the election is held shall be as follows: 89709

(a) For the replacement of a levy with a fixed term of years, 89710
the date of the general election held during the last year the 89711
existing levy may be extended on the real and public utility 89712
property tax list and duplicate, or the date of any election held 89713
in the ensuing year; 89714

(b) For the replacement of a levy imposed for a continuing 89715
period of time, the date of any election held in any year after 89716
the year the levy to be replaced is first approved by the 89717
electors, except that only one election on the question of 89718
replacing the levy may be held during any calendar year. 89719

The failure by the electors to approve a proposal to replace 89720
a levy imposed for a continuing period of time does not terminate 89721
the existing continuing levy. 89722

(3) In the case of an existing school district levy imposed 89723
under division (B) of section 5705.21, division (C) of section 89724
5705.212, or division (J) of section 5705.218 of the Revised Code, 89725
the rates allocated to the qualifying school district and to 89726
partnering community schools each may be increased or decreased or 89727
remain the same, and the total rate may be increased, decreased, 89728
or remain the same. 89729

(4) In the case of an existing levy imposed under division 89730
(L) of section 5705.19 of the Revised Code, the term may be for 89731
any number of years not exceeding ten or for a continuing period 89732
of time. 89733

(5) In addition to other required information, the election notice shall express the levy's annual collections, as estimated and certified by the county auditor under section 5705.03 of the Revised Code.

(C) The form of the ballot at the election on the question of a replacement levy shall be as follows:

"A replacement of a tax for the benefit of _____ (name of subdivision or public library) for the purpose of _____ (the purpose stated in the resolution), that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of the county auditor's appraised value, for _____ (number of years levy is to run, or that it will be levied for a continuous period of time)

	For the Tax Levy	"
	Against the Tax Levy	"

If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each \$1 of taxable value," the following: "(of which _____ mills is to be allocated to partnering community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "_____ mills of an existing levy and an increase of _____ mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of _____ mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division

(B) of section 5705.21, division (C)(1) of section 5705.212, or 89766
division (J) of section 5705.218 of the Revised Code, the form of 89767
the ballot also shall state the portion of the total increased 89768
rate or of the total rate as reduced that is to be allocated to 89769
partnering community schools. 89770

If the tax is to be placed on the tax list of the current tax 89771
year, the form of the ballot shall be modified by adding at the 89772
end of the form the phrase ", commencing in _____ (first year 89773
the replacement tax is to be levied), first due in calendar year 89774
_____ (first calendar year in which the tax shall be due)." 89775

The question covered by the resolution shall be submitted as 89776
a separate proposition, but may be printed on the same ballot with 89777
any other proposition submitted at the same election, other than 89778
the election of officers. More than one such question may be 89779
submitted at the same election. 89780

(D) Two or more existing levies, or any portion of those 89781
levies, may be combined into one replacement levy, so long as all 89782
of the existing levies are for the same purpose and either all are 89783
due to expire the same year or all are for a continuing period of 89784
time. The question of combining all or portions of those existing 89785
levies into the replacement levy shall appear as one ballot 89786
proposition before the electors. If the electors approve the 89787
ballot proposition, all or the stated portions of the existing 89788
levies are replaced by one replacement levy. 89789

(E) A levy approved in excess of the ten-mill limitation 89790
under this section shall be certified to the tax commissioner. In 89791
the first year of a levy approved under this section, the levy 89792
shall be extended on the tax lists after the February settlement 89793
succeeding the election at which the levy was approved. If the 89794
levy is to be placed on the tax lists of the current year, as 89795
specified in the resolution providing for its submission, the 89796
result of the election shall be certified immediately after the 89797

canvass by the board of elections to the taxing authority, which 89798
shall forthwith make the necessary levy and certify it to the 89799
county auditor, who shall extend it on the tax lists for 89800
collection. After the first year, the levy shall be included in 89801
the annual tax budget that is certified to the county budget 89802
commission. 89803

If notes are authorized to be issued in anticipation of the 89804
proceeds of the existing levy, notes may be issued in anticipation 89805
of the proceeds of the replacement levy, and such issuance is 89806
subject to the terms and limitations governing the issuance of 89807
notes in anticipation of the proceeds of the existing levy. 89808

(F) This section does not authorize a tax to be levied in any 89809
year after the year in which revenue is not needed for the purpose 89810
for which the tax is levied. 89811

(G) No question shall be submitted to electors under this 89812
section at an election held on or after January 1, 2025. 89813

Sec. 5705.234. (A) As used in this section, "basic project 89814
cost," "jail facility," and "multicounty jail facility" have the 89815
same meanings as in section 342.01 of the Revised Code. 89816

(B) The board of county commissioners of any county, after 89817
receiving conditional approval from the Ohio facilities 89818
construction commission under section 342.05 of the Revised Code 89819
of a project involving the construction, acquisition, 89820
reconstruction, or expansion of a jail facility, may declare by 89821
resolution that the amount of taxes which may be raised within the 89822
ten-mill limitation are insufficient to fund the county's share of 89823
the basic project cost, or to maintain and operate the jail 89824
facility, and that it is necessary to do one or both of the 89825
following: 89826

(1) Levy a tax in excess of the ten-mill limitation to fund 89827

maintenance and operating expenses of the jail facility; 89828

(2) Issue general obligation bonds for the county's share of 89829
the basic project cost and levy an additional tax in excess of the 89830
ten-mill limitation to pay debt charges on the bonds and any 89831
anticipatory securities. 89832

(C) A resolution adopted under division (B) of this section 89833
shall conform to the requirements of section 5705.19 of the 89834
Revised Code, except that: 89835

(1) A tax proposed under division (B)(1) of this section may 89836
be levied for any specified number of years, or for a continuing 89837
period of time, as specified in the resolution. 89838

(2) A tax proposed under division (B)(2) of this section to 89839
pay debt charges on bonds and anticipatory securities may be 89840
levied for the maximum number of years over which the principal of 89841
the bonds proposed under that division may be paid. 89842

(3) A resolution that proposes both the levy described in 89843
division (B)(1) of this section and the bond issue and levy 89844
described in division (B)(2) of this section shall enumerate the 89845
total rate of the proposed tax and the portion of that rate 89846
attributed to each levy. 89847

(4) The resolution shall specify the percentage of the basic 89848
project cost to be supplied by the county and the percentage of 89849
such cost to be supplied by the state. 89850

(5) If the jail facility is a multicounty jail facility, the 89851
resolution shall specify the name of each contracting county and 89852
the percentage of the basic project cost to be supplied by each 89853
such county. 89854

(D) On adoption of a resolution that proposes a bond issue 89855
and tax levy under division (B)(2) of this section, the board of 89856
county commissioners shall certify a copy to the county auditor. 89857

The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

Division (B) of section 5705.03 of the Revised Code applies to the tax levy proposed under division (B)(1) of this section but does not apply to the tax levy proposed under division (B)(2) of this section.

(E) A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution and, if applicable, a copy of the auditor's estimate under division (D) of this section, to the board of elections.

The board of elections shall make the arrangements for submission of the question or questions proposed under this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be submitted to the electors as one ballot question, with a favorable vote indicating approval of all levies proposed by the board of county commissioners. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days before the election. The notice of election shall state all of the following:

(1) The time and place of the election;

(2) The percentage of the basic project cost to be supplied 89889
by the county and the percentage of such cost to be supplied by 89890
the state; 89891

(3) If the jail facility is a multicounty jail facility, the 89892
name of each contracting county and the percentage of the basic 89893
project cost to be supplied by each such county; 89894

(4) The proposed rate of each tax and the number of years it 89895
will be in effect or, if applicable, that it will be in effect for 89896
a continuing period of time; 89897

(5) If applicable, the principal amount of the proposed bond 89898
issue and the maximum number of years over which the principal of 89899
the bonds may be paid. 89900

(F) The ballot for an election under this section shall 89901
include the following language, as applicable: 89902

"Shall _____ (name of county) be authorized to do the 89903
following: 89904

(1) Levy an additional property tax to pay for maintenance 89905
and operating expenses of a jail facility at a rate not exceeding 89906
_____ mills for each one dollar of tax valuation, which amounts 89907
to _____ (rate expressed in cents or dollars and cents) for each 89908
one hundred dollars of tax valuation, for _____ (number of years 89909
of the levy, or a continuing period of time)? 89910

(2) Issue bonds for the purpose of _____ in the 89911
principal amount of \$ _____, to be repaid annually over a maximum 89912
period of _____ years, and levy a property tax outside the 89913
ten-mill limitation, estimated by the county auditor to average 89914
over the bond repayment period _____ mills for each one dollar of 89915
tax valuation, which amounts to _____ (rate expressed in cents or 89916
dollars and cents) for each one hundred dollars of tax valuation, 89917
to pay the annual debt charges on the bonds, and to pay debt 89918
charges on any notes issued in anticipation of those bonds?" 89919

(G) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor. If approved by a majority of the electors voting on the question, the board of county commissioners may proceed with issuance of the bonds and the levy and collection of the property tax for the debt service on the bonds and any anticipatory securities in the same manner and subject to the same limitations as for securities issued under section 133.18 of the Revised Code, and with the levy and collection of the property tax or taxes for maintenance and operating expenses of the jail facility and to fund the county's share of the basic project cost at the additional rate or any lesser rate in excess of the ten-mill limitation, as applicable. Any securities issued by the board of commissioners under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code. 89920
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(H) After the approval of a tax described under division (B)(1) of this section and before the time the first collection and distribution from the levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the tax to be collected during the first year of the levy. 89935
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Anticipation notes issued under this section shall be issued as provided in section 133.24 of the Revised Code. Those notes shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance. 89942
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(I) A tax levied under division (B)(1) of this section for a specified number of years may be renewed or replaced in the same manner as a tax for current operating expenses or permanent improvements levied under section 5705.19 of the Revised Code. A tax levied under this section for a continuing period of time may 89947
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be decreased in accordance with section 5705.261 of the Revised Code. 89952
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Sec. 5705.391. (A) The department of education and the 89954
auditor of state shall jointly adopt rules requiring boards of 89955
education to submit five-year projections of operational revenues 89956
and expenditures. The rules shall provide for the auditor of state 89957
or the department to examine the five-year projections and to 89958
determine whether any further fiscal analysis is needed to 89959
ascertain whether a district has the potential to incur a deficit 89960
during the first three years of the five-year period. 89961

The auditor of state or the department may conduct any 89962
further audits or analyses necessary to assess any district's 89963
fiscal condition. If further audits or analyses are conducted by 89964
the auditor of state, the auditor of state shall notify the 89965
department of the district's fiscal condition, and the department 89966
shall immediately notify the district of any potential to incur a 89967
deficit in the current fiscal year or of any strong indications 89968
that a deficit will be incurred in either of the ensuing two 89969
years. If such audits or analyses are conducted by the department, 89970
the department shall immediately notify the district and the 89971
auditor of state of such potential deficit or strong indications 89972
thereof. 89973

A district notified under this section shall take immediate 89974
steps to eliminate any deficit in the current fiscal year and 89975
shall begin to plan to avoid the projected future deficits. 89976

(B) The state board of education, in accordance with sections 89977
3319.31 and 3319.311 of the Revised Code, may limit, suspend, or 89978
revoke a license as defined under section 3319.31 of the Revised 89979
Code that has been issued to any school employee found to have 89980
willfully contributed erroneous, inaccurate, or incomplete data 89981
required for the submission of the five-year projection required 89982

by this section. 89983

(C) The department and the auditor of state, in their joint 89984
adoption of rules under division (A) of this section, shall not 89985
require a board of education to submit its five-year projection of 89986
operational revenues and expenditures prior to the thirtieth day 89987
of November of any fiscal year. 89988

(D) Beginning with submissions required in fiscal year 2024 89989
and for each fiscal year in which a submission is required under 89990
this section thereafter, the department and the auditor shall 89991
label the projections regarding property tax allocation in the 89992
projection as "state share of local property taxes." 89993

Sec. 5709.40. (A) As used in this section: 89994

(1) "Blighted area" and "impacted city" have the same 89995
meanings as in section 1728.01 of the Revised Code. 89996

(2) "Business day" means a day of the week excluding 89997
Saturday, Sunday, and a legal holiday as defined under section 89998
1.14 of the Revised Code. 89999

(3) "Housing renovation" means a project carried out for 90000
residential purposes. 90001

(4) "Improvement" means the increase in the assessed value of 90002
any real property that would first appear on the tax list and 90003
duplicate of real and public utility property after the effective 90004
date of an ordinance adopted under this section were it not for 90005
the exemption granted by that ordinance. 90006

(5) "Incentive district" means an area not more than three 90007
hundred acres in size enclosed by a continuous boundary in which a 90008
project is being, or will be, undertaken and having one or more of 90009
the following distress characteristics: 90010

(a) At least fifty-one per cent of the residents of the 90011
district have incomes of less than eighty per cent of the median 90012

income of residents of the political subdivision in which the 90013
district is located, as determined in the same manner specified 90014
under section 119(b) of the "Housing and Community Development Act 90015
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 90016

(b) The average rate of unemployment in the district during 90017
the most recent twelve-month period for which data are available 90018
is equal to at least one hundred fifty per cent of the average 90019
rate of unemployment for this state for the same period. 90020

(c) At least twenty per cent of the people residing in the 90021
district live at or below the poverty level as defined in the 90022
federal Housing and Community Development Act of 1974, 42 U.S.C. 90023
5301, as amended, and regulations adopted pursuant to that act. 90024

(d) The district is a blighted area. 90025

(e) The district is in a situational distress area as 90026
designated by the director of development under division (F) of 90027
section 122.23 of the Revised Code. 90028

(f) As certified by the engineer for the political 90029
subdivision, the public infrastructure serving the district is 90030
inadequate to meet the development needs of the district as 90031
evidenced by a written economic development plan or urban renewal 90032
plan for the district that has been adopted by the legislative 90033
authority of the subdivision. 90034

(g) The district is comprised entirely of unimproved land 90035
that is located in a distressed area as defined in section 122.23 90036
of the Revised Code. 90037

(6) "Overlay" means an area of not more than three hundred 90038
acres that is a square, or that is a rectangle having two longer 90039
sides that are not more than twice the length of the two shorter 90040
sides, that the legislative authority of a municipal corporation 90041
delineates on a map of a proposed incentive district. 90042

(7) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(8) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; the enhancement of public waterways through improvements that allow for greater public access; and off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes.

(9) "Nonperforming parcel" means a parcel to which all of the following apply:

(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section.

(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.42 of the Revised Code.

(c) No such payments have been remitted to the county

treasurer since the inception of the exemption or district. 90074

(B) The legislative authority of a municipal corporation, by 90075
ordinance, may declare improvements to certain parcels of real 90076
property located in the municipal corporation to be a public 90077
purpose. Improvements with respect to a parcel that is used or to 90078
be used for residential purposes may be declared a public purpose 90079
under this division only if the parcel is located in a blighted 90080
area of an impacted city. For this purpose, "parcel that is used 90081
or to be used for residential purposes" means a parcel that, as 90082
improved, is used or to be used for purposes that would cause the 90083
tax commissioner to classify the parcel as residential property in 90084
accordance with rules adopted by the commissioner under section 90085
5713.041 of the Revised Code. Except as otherwise provided under 90086
division (D) of this section or section 5709.51 of the Revised 90087
Code, not more than seventy-five per cent of an improvement thus 90088
declared to be a public purpose may be exempted from real property 90089
taxation for a period of not more than ten years. The ordinance 90090
shall specify the percentage of the improvement to be exempted 90091
from taxation and the life of the exemption. 90092

An ordinance adopted or amended under this division shall 90093
designate the specific public infrastructure improvements made, to 90094
be made, or in the process of being made by the municipal 90095
corporation that directly benefit, or that once made will directly 90096
benefit, the parcels for which improvements are declared to be a 90097
public purpose. The service payments provided for in section 90098
5709.42 of the Revised Code shall be used to finance the public 90099
infrastructure improvements designated in the ordinance, for the 90100
purpose described in division (D)(1) of this section or as 90101
provided in section 5709.43 of the Revised Code. 90102

(C)(1) The legislative authority of a municipal corporation 90103
may adopt an ordinance creating an incentive district and 90104
declaring improvements to parcels within the district to be a 90105

public purpose and, except as provided in division (C)(2) of this 90106
section, exempt from taxation as provided in this section, but no 90107
legislative authority of a municipal corporation that has a 90108
population that exceeds twenty-five thousand, as shown by the most 90109
recent federal decennial census, shall adopt an ordinance that 90110
creates an incentive district if the sum of the taxable value of 90111
real property in the proposed district for the preceding tax year 90112
and the taxable value of all real property in the municipal 90113
corporation that would have been taxable in the preceding year 90114
were it not for the fact that the property was in an existing 90115
incentive district and therefore exempt from taxation exceeds 90116
twenty-five per cent of the taxable value of real property in the 90117
municipal corporation for the preceding tax year. The ordinance 90118
shall delineate the boundary of the proposed district and 90119
specifically identify each parcel within the district. A proposed 90120
district may not include any parcel, other than a nonperforming 90121
parcel, that is or has been exempted from taxation under division 90122
(B) of this section or that is or has been within another district 90123
created under this division. On and after the effective date of 90124
the district, a nonperforming parcel within the district is no 90125
longer exempted from taxation under division (B) of this section 90126
or included within an incentive district under any previous 90127
ordinance, and the parcel's owner is no longer required to make 90128
payments in lieu of taxes under such a previous ordinance in 90129
accordance with section 5709.42 of the Revised Code. An ordinance 90130
may create more than one such district, and more than one 90131
ordinance may be adopted under division (C)(1) of this section. 90132

(2)(a) Not later than thirty days prior to adopting an 90133
ordinance under division (C)(1) of this section, if the municipal 90134
corporation intends to apply for exemptions from taxation under 90135
section 5709.911 of the Revised Code on behalf of owners of real 90136
property located within the proposed incentive district, the 90137
legislative authority of the municipal corporation shall conduct a 90138

public hearing on the proposed ordinance. Not later than thirty 90139
days prior to the public hearing, the legislative authority shall 90140
give notice of the public hearing and the proposed ordinance by 90141
first class mail to every real property owner whose property is 90142
located within the boundaries of the proposed incentive district 90143
that is the subject of the proposed ordinance. The notice shall 90144
include a map of the proposed incentive district on which the 90145
legislative authority of the municipal corporation shall have 90146
delineated an overlay. The notice shall inform the property owner 90147
of the owner's right to exclude the owner's property from the 90148
incentive district if the owner's entire parcel of property will 90149
not be located within the overlay, by submitting a written 90150
response in accordance with division (C)(2)(b) of this section. 90151
The notice also shall include information detailing the required 90152
contents of the response, the address to which the response may be 90153
mailed, and the deadline for submitting the response. 90154

(b) Any owner of real property located within the boundaries 90155
of an incentive district proposed under division (C)(1) of this 90156
section whose entire parcel of property is not located within the 90157
overlay may exclude the property from the proposed incentive 90158
district by submitting a written response to the legislative 90159
authority of the municipal corporation not later than forty-five 90160
days after the postmark date on the notice required under division 90161
(C)(2)(a) of this section. The response shall be sent by first 90162
class mail or delivered in person at a public hearing held by the 90163
legislative authority under division (C)(2)(a) of this section. 90164
The response shall conform to any content requirements that may be 90165
established by the municipal corporation and included in the 90166
notice provided under division (C)(2)(a) of this section. In the 90167
response, property owners may identify a parcel by street address, 90168
by the manner in which it is identified in the ordinance, or by 90169
other means allowing the identity of the parcel to be ascertained. 90170

(c) Before adopting an ordinance under division (C)(1) of this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to an ordinance adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire

equipment as public infrastructure improvements, and no service 90203
payment provided for in section 5709.42 of the Revised Code and 90204
received by the municipal corporation under the ordinance shall be 90205
used for police or fire equipment. 90206

(b) An ordinance adopted under division (C)(1) of this 90207
section may authorize the use of service payments provided for in 90208
section 5709.42 of the Revised Code for the purpose of housing 90209
renovations within the incentive district, provided that the 90210
ordinance also designates public infrastructure improvements that 90211
benefit or serve the district, and that a project within the 90212
district places real property in use for commercial or industrial 90213
purposes. Service payments may be used to finance or support 90214
loans, deferred loans, and grants to persons for the purpose of 90215
housing renovations within the district. The ordinance shall 90216
designate the parcels within the district that are eligible for 90217
housing renovation. The ordinance shall state separately the 90218
amounts or the percentages of the expected aggregate service 90219
payments that are designated for each public infrastructure 90220
improvement and for the general purpose of housing renovations. 90221

(4) Except with the approval of the board of education of 90222
each city, local, or exempted village school district within the 90223
territory of which the incentive district is or will be located, 90224
and subject to division (E) of this section, the life of an 90225
incentive district shall not exceed ten years, and the percentage 90226
of improvements to be exempted shall not exceed seventy-five per 90227
cent. With approval of the board of education, the life of a 90228
district may be not more than thirty years, and the percentage of 90229
improvements to be exempted may be not more than one hundred per 90230
cent. The approval of a board of education shall be obtained in 90231
the manner provided in division (D) of this section. 90232

(D)(1) If the ordinance declaring improvements to a parcel to 90233
be a public purpose or creating an incentive district specifies 90234

that payments in lieu of taxes provided for in section 5709.42 of 90235
the Revised Code shall be paid to the city, local, or exempted 90236
village, and joint vocational school district in which the parcel 90237
or incentive district is located in the amount of the taxes that 90238
would have been payable to the school district if the improvements 90239
had not been exempted from taxation, the percentage of the 90240
improvement that may be exempted from taxation may exceed 90241
seventy-five per cent, and the exemption may be granted for up to 90242
thirty years, without the approval of the board of education as 90243
otherwise required under division (D)(2) of this section. 90244

(2) Improvements with respect to a parcel may be exempted 90245
from taxation under division (B) of this section, and improvements 90246
to parcels within an incentive district may be exempted from 90247
taxation under division (C) of this section, for up to ten years 90248
or, with the approval under this paragraph of the board of 90249
education of the city, local, or exempted village school district 90250
within which the parcel or district is located, for up to thirty 90251
years. The percentage of the improvement exempted from taxation 90252
may, with such approval, exceed seventy-five per cent, but shall 90253
not exceed one hundred per cent. Not later than forty-five 90254
business days prior to adopting an ordinance under this section 90255
declaring improvements to be a public purpose that is subject to 90256
approval by a board of education under this division, the 90257
legislative authority shall deliver to the board of education a 90258
notice stating its intent to adopt an ordinance making that 90259
declaration. The notice regarding improvements with respect to a 90260
parcel under division (B) of this section shall identify the 90261
parcels for which improvements are to be exempted from taxation, 90262
provide an estimate of the true value in money of the 90263
improvements, specify the period for which the improvements would 90264
be exempted from taxation and the percentage of the improvement 90265
that would be exempted, and indicate the date on which the 90266
legislative authority intends to adopt the ordinance. The notice 90267

regarding improvements to parcels within an incentive district 90268
under division (C) of this section shall delineate the boundaries 90269
of the district, specifically identify each parcel within the 90270
district, identify each anticipated improvement in the district, 90271
provide an estimate of the true value in money of each such 90272
improvement, specify the life of the district and the percentage 90273
of improvements that would be exempted, and indicate the date on 90274
which the legislative authority intends to adopt the ordinance. 90275
The board of education, by resolution adopted by a majority of the 90276
board, may approve the exemption for the period or for the 90277
exemption percentage specified in the notice; may disapprove the 90278
exemption for the number of years in excess of ten, may disapprove 90279
the exemption for the percentage of the improvement to be exempted 90280
in excess of seventy-five per cent, or both; or may approve the 90281
exemption on the condition that the legislative authority and the 90282
board negotiate an agreement providing for compensation to the 90283
school district equal in value to a percentage of the amount of 90284
taxes exempted in the eleventh and subsequent years of the 90285
exemption period or, in the case of exemption percentages in 90286
excess of seventy-five per cent, compensation equal in value to a 90287
percentage of the taxes that would be payable on the portion of 90288
the improvement in excess of seventy-five per cent were that 90289
portion to be subject to taxation, or other mutually agreeable 90290
compensation. If an agreement is negotiated between the 90291
legislative authority and the board to compensate the school 90292
district for all or part of the taxes exempted, including 90293
agreements for payments in lieu of taxes under section 5709.42 of 90294
the Revised Code, the legislative authority shall compensate the 90295
joint vocational school district within which the parcel or 90296
district is located at the same rate and under the same terms 90297
received by the city, local, or exempted village school district. 90298

(3) The board of education shall certify its resolution to 90299
the legislative authority not later than fourteen days prior to 90300

the date the legislative authority intends to adopt the ordinance 90301
as indicated in the notice. If the board of education and the 90302
legislative authority negotiate a mutually acceptable compensation 90303
agreement, the ordinance may declare the improvements a public 90304
purpose for the number of years specified in the ordinance or, in 90305
the case of exemption percentages in excess of seventy-five per 90306
cent, for the exemption percentage specified in the ordinance. In 90307
either case, if the board and the legislative authority fail to 90308
negotiate a mutually acceptable compensation agreement, the 90309
ordinance may declare the improvements a public purpose for not 90310
more than ten years, and shall not exempt more than seventy-five 90311
per cent of the improvements from taxation. If the board fails to 90312
certify a resolution to the legislative authority within the time 90313
prescribed by this division, the legislative authority thereupon 90314
may adopt the ordinance and may declare the improvements a public 90315
purpose for up to thirty years, or, in the case of exemption 90316
percentages proposed in excess of seventy-five per cent, for the 90317
exemption percentage specified in the ordinance. The legislative 90318
authority may adopt the ordinance at any time after the board of 90319
education certifies its resolution approving the exemption to the 90320
legislative authority, or, if the board approves the exemption on 90321
the condition that a mutually acceptable compensation agreement be 90322
negotiated, at any time after the compensation agreement is agreed 90323
to by the board and the legislative authority. 90324

(4) If a board of education has adopted a resolution waiving 90325
its right to approve exemptions from taxation under this section 90326
and the resolution remains in effect, approval of exemptions by 90327
the board is not required under division (D) of this section. If a 90328
board of education has adopted a resolution allowing a legislative 90329
authority to deliver the notice required under division (D) of 90330
this section fewer than forty-five business days prior to the 90331
legislative authority's adoption of the ordinance, the legislative 90332
authority shall deliver the notice to the board not later than the 90333

number of days prior to such adoption as prescribed by the board 90334
in its resolution. If a board of education adopts a resolution 90335
waiving its right to approve agreements or shortening the 90336
notification period, the board shall certify a copy of the 90337
resolution to the legislative authority. If the board of education 90338
rescinds such a resolution, it shall certify notice of the 90339
rescission to the legislative authority. 90340

(5) If the legislative authority is not required by division 90341
(D) of this section to notify the board of education of the 90342
legislative authority's intent to declare improvements to be a 90343
public purpose, the legislative authority shall comply with the 90344
notice requirements imposed under section 5709.83 of the Revised 90345
Code, unless the board has adopted a resolution under that section 90346
waiving its right to receive such a notice. 90347

(6) Nothing in division (D) of this section prohibits the 90348
legislative authority of a municipal corporation from amending the 90349
ordinance or resolution under section 5709.51 of the Revised Code 90350
to extend the term of the exemption. 90351

(E)(1) If a proposed ordinance under division (C)(1) of this 90352
section exempts improvements with respect to a parcel within an 90353
incentive district for more than ten years, or the percentage of 90354
the improvement exempted from taxation exceeds seventy-five per 90355
cent, not later than forty-five business days prior to adopting 90356
the ordinance the legislative authority of the municipal 90357
corporation shall deliver to the board of county commissioners of 90358
the county within which the incentive district will be located a 90359
notice that states its intent to adopt an ordinance creating an 90360
incentive district. The notice shall include a copy of the 90361
proposed ordinance, identify the parcels for which improvements 90362
are to be exempted from taxation, provide an estimate of the true 90363
value in money of the improvements, specify the period of time for 90364
which the improvements would be exempted from taxation, specify 90365

the percentage of the improvements that would be exempted from 90366
taxation, and indicate the date on which the legislative authority 90367
intends to adopt the ordinance. 90368

(2) The board of county commissioners, by resolution adopted 90369
by a majority of the board, may object to the exemption for the 90370
number of years in excess of ten, may object to the exemption for 90371
the percentage of the improvement to be exempted in excess of 90372
seventy-five per cent, or both. If the board of county 90373
commissioners objects, the board may negotiate a mutually 90374
acceptable compensation agreement with the legislative authority. 90375
In no case shall the compensation provided to the board exceed the 90376
property taxes forgone due to the exemption. If the board of 90377
county commissioners objects, and the board and legislative 90378
authority fail to negotiate a mutually acceptable compensation 90379
agreement, the ordinance adopted under division (C)(1) of this 90380
section shall provide to the board compensation in the eleventh 90381
and subsequent years of the exemption period equal in value to not 90382
more than fifty per cent of the taxes that would be payable to the 90383
county or, if the board's objection includes an objection to an 90384
exemption percentage in excess of seventy-five per cent, 90385
compensation equal in value to not more than fifty per cent of the 90386
taxes that would be payable to the county, on the portion of the 90387
improvement in excess of seventy-five per cent, were that portion 90388
to be subject to taxation. The board of county commissioners shall 90389
certify its resolution to the legislative authority not later than 90390
thirty days after receipt of the notice. 90391

(3) If the board of county commissioners does not object or 90392
fails to certify its resolution objecting to an exemption within 90393
thirty days after receipt of the notice, the legislative authority 90394
may adopt the ordinance, and no compensation shall be provided to 90395
the board of county commissioners. If the board timely certifies 90396
its resolution objecting to the ordinance, the legislative 90397

authority may adopt the ordinance at any time after a mutually 90398
acceptable compensation agreement is agreed to by the board and 90399
the legislative authority, or, if no compensation agreement is 90400
negotiated, at any time after the legislative authority agrees in 90401
the proposed ordinance to provide compensation to the board of 90402
fifty per cent of the taxes that would be payable to the county in 90403
the eleventh and subsequent years of the exemption period or on 90404
the portion of the improvement in excess of seventy-five per cent, 90405
were that portion to be subject to taxation. 90406

(F) Service payments in lieu of taxes that are attributable 90407
to any amount by which the effective tax rate of either a renewal 90408
levy with an increase or a replacement levy exceeds the effective 90409
tax rate of the levy renewed or replaced, or that are attributable 90410
to an additional levy, for a levy authorized by the voters for any 90411
of the following purposes on or after January 1, 2006, and which 90412
are provided pursuant to an ordinance creating an incentive 90413
district under division (C)(1) of this section that is adopted on 90414
or after January 1, 2006, or a later date as specified in this 90415
division, shall be distributed to the appropriate taxing authority 90416
as required under division (C) of section 5709.42 of the Revised 90417
Code in an amount equal to the amount of taxes from that 90418
additional levy or from the increase in the effective tax rate of 90419
such renewal or replacement levy that would have been payable to 90420
that taxing authority from the following levies were it not for 90421
the exemption authorized under division (C) of this section: 90422

(1) A tax levied under division (L) of section 5705.19 or 90423
section 5705.191 or 5705.222 of the Revised Code for community 90424
developmental disabilities programs and services pursuant to 90425
Chapter 5126. of the Revised Code; 90426

(2) A tax levied under division (Y) of section 5705.19 of the 90427
Revised Code for providing or maintaining senior citizens services 90428
or facilities; 90429

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	90430 90431
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	90432 90433 90434 90435
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	90436 90437
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	90438 90439 90440
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	90441 90442 90443
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	90444 90445 90446
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	90447 90448 90449 90450
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	90451 90452
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	90453 90454 90455 90456
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	90457 90458
(13) A tax levied by a township under section 505.39,	90459

division (I) of section 5705.19, or division (JJ) of section 90460
5705.19 of the Revised Code to the extent the proceeds are used 90461
for the purposes described in division (I) of that section, for 90462
the purpose of funding fire, emergency medical, and ambulance 90463
services as described in that section and those divisions. 90464
Division (F)(13) of this section applies only if the township 90465
levying the tax provides fire, emergency medical, or ambulance 90466
services in the incentive district, and only to incentive 90467
districts created by an ordinance adopted on or after the 90468
effective date of the amendment of this section by H.B. 69 of the 90469
132nd general assembly, March 23, 2018. The board of township 90470
trustees may, by resolution, waive the application of this 90471
division or negotiate with the municipal corporation that created 90472
the district for a lesser amount of payments in lieu of taxes. 90473

(G) An exemption from taxation granted under this section 90474
commences with the tax year specified in the ordinance so long as 90475
the year specified in the ordinance commences after the effective 90476
date of the ordinance. If the ordinance specifies a year 90477
commencing before the effective date of the resolution or 90478
specifies no year whatsoever, the exemption commences with the tax 90479
year in which an exempted improvement first appears on the tax 90480
list and duplicate of real and public utility property and that 90481
commences after the effective date of the ordinance. In lieu of 90482
stating a specific year, the ordinance may provide that the 90483
exemption commences in the tax year in which the value of an 90484
improvement exceeds a specified amount or in which the 90485
construction of one or more improvements is completed, provided 90486
that such tax year commences after the effective date of the 90487
ordinance. With respect to the exemption of improvements to 90488
parcels under division (B) of this section, the ordinance may 90489
allow for the exemption to commence in different tax years on a 90490
parcel-by-parcel basis, with a separate exemption term specified 90491
for each parcel. 90492

Except as otherwise provided in this division or section 90493
5709.51 of the Revised Code, the exemption ends on the date 90494
specified in the ordinance as the date the improvement ceases to 90495
be a public purpose or the incentive district expires, or ends on 90496
the date on which the public infrastructure improvements and 90497
housing renovations are paid in full from the municipal public 90498
improvement tax increment equivalent fund established under 90499
division (A) of section 5709.43 of the Revised Code, whichever 90500
occurs first. The exemption of an improvement with respect to a 90501
parcel or within an incentive district may end on a later date, as 90502
specified in the ordinance, if the legislative authority and the 90503
board of education of the city, local, or exempted village school 90504
district within which the parcel or district is located have 90505
entered into a compensation agreement under section 5709.82 of the 90506
Revised Code with respect to the improvement, and the board of 90507
education has approved the term of the exemption under division 90508
(D)(2) of this section, but in no case shall the improvement be 90509
exempted from taxation for more than thirty years. Exemptions 90510
shall be claimed and allowed in the same manner as in the case of 90511
other real property exemptions. If an exemption status changes 90512
during a year, the procedure for the apportionment of the taxes 90513
for that year is the same as in the case of other changes in tax 90514
exemption status during the year. 90515

(H) Additional municipal financing of public infrastructure 90516
improvements and housing renovations may be provided by any 90517
methods that the municipal corporation may otherwise use for 90518
financing such improvements or renovations. If the municipal 90519
corporation issues bonds or notes to finance the public 90520
infrastructure improvements and housing renovations and pledges 90521
money from the municipal public improvement tax increment 90522
equivalent fund to pay the interest on and principal of the bonds 90523
or notes, the bonds or notes are not subject to Chapter 133. of 90524
the Revised Code. 90525

(I) The municipal corporation, not later than fifteen days 90526
after the adoption of an ordinance under this section, shall 90527
submit to the director of development a copy of the ordinance. On 90528
or before the thirty-first day of March of each year, the 90529
municipal corporation shall submit a status report to the 90530
director. The report shall indicate, in the manner prescribed by 90531
the director, the progress of the project during each year that an 90532
exemption remains in effect, including a summary of the receipts 90533
from service payments in lieu of taxes; expenditures of money from 90534
the funds created under section 5709.43 of the Revised Code; a 90535
description of the public infrastructure improvements and housing 90536
renovations financed with such expenditures; and a quantitative 90537
summary of changes in employment and private investment resulting 90538
from each project. 90539

(J) Nothing in this section shall be construed to prohibit a 90540
legislative authority from declaring to be a public purpose 90541
improvements with respect to more than one parcel. 90542

(K) If a parcel is located in a new community district in 90543
which the new community authority imposes a community development 90544
charge on the basis of rentals received from leases of real 90545
property as described in division (L)(2) of section 349.01 of the 90546
Revised Code, the parcel may not be exempted from taxation under 90547
this section. 90548

(L)(1) Notwithstanding the limitations on the life of an 90549
incentive district and the number of years that improvements to a 90550
parcel or parcels within an incentive district may be exempted 90551
from taxation prescribed by divisions (C) and (D) of this section, 90552
the legislative authority of a municipal corporation may amend an 90553
ordinance originally adopted under division (C) of this section 90554
before January 1, 2006, to extend the life of an incentive 90555
district created by that ordinance. The extension shall be for a 90556
period not to exceed fifteen years and shall not increase the 90557

percentage of the value of improvements exempted from taxation. 90558

(2) Before adopting an amendment authorized by division 90559
(L)(1) of this section, the legislative authority of the municipal 90560
corporation shall provide notice of the amendment to each board of 90561
education of the city, local, or exempted village school district 90562
in which the incentive district is located, in the same manner as 90563
provided under division (D) of this section, and shall obtain the 90564
approval of each such board in the manner required under that 90565
division, except both of the following apply: 90566

(a) The board of education may approve the exemption on the 90567
condition that the legislative authority and the board negotiate 90568
an agreement providing for mutually agreeable compensation to the 90569
school district. 90570

(b) If the board of education fails to certify a resolution 90571
approving the amendment to the legislative authority within the 90572
time prescribed by division (D) of this section, the legislative 90573
authority shall not adopt the amendment authorized under division 90574
(L) of this section. 90575

(3) No approval otherwise required by division (L)(2) of this 90576
section shall be required from a board of education if either of 90577
the following apply: 90578

(a) The amendment provides for compensation to the city, 90579
local, or exempted village school district in which the incentive 90580
district is located equal in value to the amount of taxes that 90581
would be payable to the school district if the improvements 90582
exempted from taxation had not been exempted for the additional 90583
period. 90584

(b) The board of education has adopted a resolution waiving 90585
its right to approve exemptions from taxation pursuant to division 90586
(D)(4) of this section. If the board has adopted such a 90587
resolution, the municipal corporation shall comply with the notice 90588

requirements imposed by section 5709.83 of the Revised Code before 90589
taking formal action to adopt an amendment authorized under 90590
division (L)(1) of this section unless the board has adopted a 90591
resolution under that section waiving its right to receive that 90592
notice. 90593

(4) Not later than fourteen days before adopting an amendment 90594
authorized by division (L)(1) of this section, the legislative 90595
authority of the municipal corporation shall deliver a notice 90596
identical to a notice required under section 5709.83 of the 90597
Revised Code to the board of county commissioners of each county 90598
in which the incentive district is located. 90599

Sec. 5709.56. (A) As used in this section: 90600

(1) "Pre-residential development property" means a subdivided 90601
parcel of unimproved real property on which construction of one or 90602
more residential buildings is planned but has not yet commenced. 90603
The construction of streets, sidewalks, curbs, or driveways or the 90604
installation of water, sewer, or other utility lines on a 90605
subdivided parcel does not cause construction of a residential 90606
building to commence for purposes of division (A)(1) or (B) of 90607
this section. "Pre-residential development property" does not 90608
include a parcel, any portion of the value of which is exempted 90609
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 90610
of the Revised Code. 90611

(2) "Residential building" means a building or structure any 90612
part of which is to be used as a dwelling. 90613

(3) "Unexempted value" means, for any subdivided parcel, one 90614
of the following: 90615

(a) Except as provided in division (A)(3)(b) of this section, 90616
the nonagricultural taxable value of the original property for the 90617
tax year preceding the tax year the subdivided property first 90618

appears on the tax list as a subdivided parcel multiplied by a 90619
fraction, the numerator of which is the true value in money of the 90620
subdivided parcel for the tax year the subdivided parcel first 90621
appears on the tax list and the denominator of which is the true 90622
value in money of all subdivided parcels subdivided from that 90623
original parcel for that tax year. 90624

(b) If a subdivided parcel exempted under this section is 90625
itself subdivided, the "unexempted value" of the newly subdivided 90626
parcel equals the unexempted value, as defined in division 90627
(A)(3)(a) of this section, of the parcel from which the newly 90628
subdivided parcel was subdivided for the tax year preceding the 90629
tax year the newly subdivided parcel first appears on the tax list 90630
multiplied by a fraction, the numerator of which is the true value 90631
in money of the newly subdivided parcel for the tax year it first 90632
appears on the tax list and the denominator of which is the true 90633
value in money for that year of all newly subdivided parcels 90634
resulting from the most recent subdivision. 90635

(4) "Subdivided parcel" means a parcel resulting from the 90636
subdivision of original property pursuant to a plat subdividing 90637
that property presented to the county auditor under section 90638
5713.18 of the Revised Code. 90639

(5) "Original property" means the parcel from which a 90640
subdivided parcel is subdivided. 90641

(6) "Qualifying owner" means the owner of pre-residential 90642
development property for any portion of a tax year ending on or 90643
after the effective date of this section that includes the date a 90644
plat subdividing land including such property is presented to the 90645
county auditor under section 5713.18 of the Revised Code, or any 90646
other person to which title to the property is transferred, 90647
without consideration, by another qualifying owner. 90648

(7) "Nonagricultural taxable value" means the taxable value 90649

of land as if such land were valued and assessed for a tax year 90650
pursuant to Section 2 of Article XII, Ohio Constitution, and not 90651
in accordance with Section 36 of Article II, Ohio Constitution. 90652

(B) Any increase in taxable value above the unexempted value 90653
of pre-residential development property owned by a qualifying 90654
owner is exempted from taxation beginning with the first tax year 90655
the pre-residential development property appears on the tax list 90656
after a plat subdividing land including that property is presented 90657
to the county auditor under section 5713.18 of the Revised Code 90658
and for each of the seven ensuing tax years, except that the 90659
exemption shall not apply beginning with the tax year that begins 90660
after the tax year in which the earliest of the following occurs: 90661

(1) Construction of a residential building on that property 90662
commences; 90663

(2) Title to the property is transferred for consideration by 90664
a qualifying owner to another person; 90665

(3) Any portion of the value of that property is exempted 90666
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 90667
of the Revised Code. 90668

(C) The tax commissioner shall not approve an application for 90669
an exemption authorized under this section unless the applicant 90670
for the exemption certifies that the parcel that is the subject of 90671
the exemption satisfies the requirements of division (A)(1) of 90672
this section for pre-residential development property. 90673

(D) Nothing in this section shall be construed to authorize a 90674
parcel subject to the partial exemption authorized by this section 90675
to be valued and assessed for taxation in any manner other than in 90676
accordance with Section 36 of Article II or Section 2 of Article 90677
XII, Ohio Constitution, as applicable to the parcel. 90678

Sec. 5709.73. (A) As used in this section and section 5709.74 90679

of the Revised Code: 90680

(1) "Business day" means a day of the week excluding 90681
Saturday, Sunday, and a legal holiday as defined in section 1.14 90682
of the Revised Code. 90683

(2) "Further improvements" or "improvements" means the 90684
increase in the assessed value of real property that would first 90685
appear on the tax list and duplicate of real and public utility 90686
property after the effective date of a resolution adopted under 90687
this section were it not for the exemption granted by that 90688
resolution. For purposes of division (B) of this section, 90689
"improvements" do not include any property used or to be used for 90690
residential purposes. For this purpose, "property that is used or 90691
to be used for residential purposes" means property that, as 90692
improved, is used or to be used for purposes that would cause the 90693
tax commissioner to classify the property as residential property 90694
in accordance with rules adopted by the commissioner under section 90695
5713.041 of the Revised Code. 90696

(3) "Housing renovation" means a project carried out for 90697
residential purposes. 90698

(4) "Incentive district" has the same meaning as in section 90699
5709.40 of the Revised Code, except that a blighted area is in the 90700
unincorporated area of a township. 90701

(5) "Overlay" has the same meaning as in section 5709.40 of 90702
the Revised Code, except that the overlay is delineated by the 90703
board of township trustees. 90704

(6) "Project" and "public infrastructure improvement" have 90705
the same meanings as in section 5709.40 of the Revised Code. 90706

(7) "Urban township" has the same meaning as in section 90707
504.01 of the Revised Code. 90708

(8) "Nonperforming parcel" means a parcel to which all of the 90709

following apply: 90710

(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section. 90711
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(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.74 of the Revised Code. 90714
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(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district. 90716
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(B) A board of township trustees may adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption. 90718
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(C)(1) A board of township trustees may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. A board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, may not 90732
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adopt a resolution that creates an incentive district if the sum 90741
of the taxable value of real property in the proposed district for 90742
the preceding tax year and the taxable value of all real property 90743
in the township that would have been taxable in the preceding year 90744
were it not for the fact that the property was in an existing 90745
incentive district and therefore exempt from taxation exceeds 90746
twenty-five per cent of the taxable value of real property in the 90747
township for the preceding tax year. The district shall be located 90748
within the unincorporated area of the township and shall not 90749
include any territory that is included within a district created 90750
under division (B) of section 5709.78 of the Revised Code. The 90751
resolution shall delineate the boundary of the proposed district 90752
and specifically identify each parcel within the district. A 90753
proposed district may not include any parcel, other than a 90754
nonperforming parcel, that is or has been exempted from taxation 90755
under division (B) of this section or that is or has been within 90756
another district created under this division. On and after the 90757
effective date of the district, a nonperforming parcel within the 90758
district is no longer exempted from taxation under division (B) of 90759
this section or included within an incentive district under any 90760
previous resolution, and the parcel's owner is no longer required 90761
to make payments in lieu of taxes under such a previous resolution 90762
in accordance with section 5709.74 of the Revised Code. A 90763
resolution may create more than one such district, and more than 90764
one resolution may be adopted under division (C)(1) of this 90765
section. 90766

(2)(a) Not later than thirty days prior to adopting a 90767
resolution under division (C)(1) of this section, if the township 90768
intends to apply for exemptions from taxation under section 90769
5709.911 of the Revised Code on behalf of owners of real property 90770
located within the proposed incentive district, the board shall 90771
conduct a public hearing on the proposed resolution. Not later 90772
than thirty days prior to the public hearing, the board shall give 90773

notice of the public hearing and the proposed resolution by first 90774
class mail to every real property owner whose property is located 90775
within the boundaries of the proposed incentive district that is 90776
the subject of the proposed resolution. The notice shall include a 90777
map of the proposed incentive district on which the board of 90778
township trustees shall have delineated an overlay. The notice 90779
shall inform the property owner of the owner's right to exclude 90780
the owner's property from the incentive district if both of the 90781
following conditions are met: 90782

(i) The owner's entire parcel of property will not be located 90783
within the overlay. 90784

(ii) The owner has submitted a statement to the board of 90785
county commissioners of the county in which the parcel is located 90786
indicating the owner's intent to seek a tax exemption for 90787
improvements to the owner's parcel under division (A) or (B) of 90788
section 5709.78 of the Revised Code within the next five years. 90789

When both of the preceding conditions are met, the owner may 90790
exclude the owner's property from the incentive district by 90791
submitting a written response in accordance with division 90792
(C)(2)(b) of this section. The notice also shall include 90793
information detailing the required contents of the response, the 90794
address to which the response may be mailed, and the deadline for 90795
submitting the response. 90796

(b) Any owner of real property located within the boundaries 90797
of an incentive district proposed under division (C)(1) of this 90798
section who meets the conditions specified in divisions 90799
(C)(2)(a)(i) and (ii) of this section may exclude the property 90800
from the proposed incentive district by submitting a written 90801
response to the board not later than forty-five days after the 90802
postmark date on the notice required under division (C)(2)(a) of 90803
this section. The response shall include a copy of the statement 90804
submitted under division (C)(2)(a)(ii) of this section. The 90805

response shall be sent by first class mail or delivered in person 90806
at a public hearing held by the board under division (C)(2)(a) of 90807
this section. The response shall conform to any content 90808
requirements that may be established by the board and included in 90809
the notice provided under division (C)(2)(a) of this section. In 90810
the response, property owners may identify a parcel by street 90811
address, by the manner in which it is identified in the 90812
resolution, or by other means allowing the identity of the parcel 90813
to be ascertained. 90814

(c) Before adopting a resolution under division (C)(1) of 90815
this section, the board shall amend the resolution to exclude any 90816
parcel for which a written response has been submitted under 90817
division (C)(2)(b) of this section. A township shall not apply for 90818
exemptions from taxation under section 5709.911 of the Revised 90819
Code for any such parcel, and service payments may not be required 90820
from the owner of the parcel. Improvements to a parcel excluded 90821
from an incentive district under this division may be exempted 90822
from taxation under division (B) of this section pursuant to a 90823
resolution adopted under that division or under any other section 90824
of the Revised Code under which the parcel qualifies. 90825

(3)(a) A resolution adopted under division (C)(1) of this 90826
section shall specify the life of the incentive district and the 90827
percentage of the improvements to be exempted, shall designate the 90828
public infrastructure improvements made, to be made, or in the 90829
process of being made, that benefit or serve, or, once made, will 90830
benefit or serve parcels in the district. The resolution also 90831
shall identify one or more specific projects being, or to be, 90832
undertaken in the district that place additional demand on the 90833
public infrastructure improvements designated in the resolution. 90834
The project identified may, but need not be, the project under 90835
division (C)(3)(b) of this section that places real property in 90836
use for commercial or industrial purposes. 90837

A resolution adopted under division (C)(1) of this section on 90838
or after March 30, 2006, shall not designate police or fire 90839
equipment as public infrastructure improvements, and, except as 90840
provided in division (F) of this section, no service payment 90841
provided for in section 5709.74 of the Revised Code and received 90842
by the township under the resolution shall be used for police or 90843
fire equipment. 90844

(b) A resolution adopted under division (C)(1) of this 90845
section may authorize the use of service payments provided for in 90846
section 5709.74 of the Revised Code for the purpose of housing 90847
renovations within the incentive district, provided that the 90848
resolution also designates public infrastructure improvements that 90849
benefit or serve the district, and that a project within the 90850
district places real property in use for commercial or industrial 90851
purposes. Service payments may be used to finance or support 90852
loans, deferred loans, and grants to persons for the purpose of 90853
housing renovations within the district. The resolution shall 90854
designate the parcels within the district that are eligible for 90855
housing renovations. The resolution shall state separately the 90856
amount or the percentages of the expected aggregate service 90857
payments that are designated for each public infrastructure 90858
improvement and for the purpose of housing renovations. 90859

(4) Except with the approval of the board of education of 90860
each city, local, or exempted village school district within the 90861
territory of which the incentive district is or will be located, 90862
and subject to division (E) of this section, the life of an 90863
incentive district shall not exceed ten years, and the percentage 90864
of improvements to be exempted shall not exceed seventy-five per 90865
cent. With approval of the board of education, the life of a 90866
district may be not more than thirty years, and the percentage of 90867
improvements to be exempted may be not more than one hundred per 90868
cent. The approval of a board of education shall be obtained in 90869

the manner provided in division (D) of this section. 90870

(D) Improvements with respect to a parcel may be exempted 90871
from taxation under division (B) of this section, and improvements 90872
to parcels within an incentive district may be exempted from 90873
taxation under division (C) of this section, for up to ten years 90874
or, with the approval of the board of education of the city, 90875
local, or exempted village school district within which the parcel 90876
or district is located, for up to thirty years. The percentage of 90877
the improvements exempted from taxation may, with such approval, 90878
exceed seventy-five per cent, but shall not exceed one hundred per 90879
cent. Not later than forty-five business days prior to adopting a 90880
resolution under this section declaring improvements to be a 90881
public purpose that is subject to approval by a board of education 90882
under this division, the board of township trustees shall deliver 90883
to the board of education a notice stating its intent to adopt a 90884
resolution making that declaration. The notice regarding 90885
improvements with respect to a parcel under division (B) of this 90886
section shall identify the parcels for which improvements are to 90887
be exempted from taxation, provide an estimate of the true value 90888
in money of the improvements, specify the period for which the 90889
improvements would be exempted from taxation and the percentage of 90890
the improvements that would be exempted, and indicate the date on 90891
which the board of township trustees intends to adopt the 90892
resolution. The notice regarding improvements made under division 90893
(C) of this section to parcels within an incentive district shall 90894
delineate the boundaries of the district, specifically identify 90895
each parcel within the district, identify each anticipated 90896
improvement in the district, provide an estimate of the true value 90897
in money of each such improvement, specify the life of the 90898
district and the percentage of improvements that would be 90899
exempted, and indicate the date on which the board of township 90900
trustees intends to adopt the resolution. The board of education, 90901
by resolution adopted by a majority of the board, may approve the 90902

exemption for the period or for the exemption percentage specified 90903
in the notice; may disapprove the exemption for the number of 90904
years in excess of ten, may disapprove the exemption for the 90905
percentage of the improvements to be exempted in excess of 90906
seventy-five per cent, or both; or may approve the exemption on 90907
the condition that the board of township trustees and the board of 90908
education negotiate an agreement providing for compensation to the 90909
school district equal in value to a percentage of the amount of 90910
taxes exempted in the eleventh and subsequent years of the 90911
exemption period or, in the case of exemption percentages in 90912
excess of seventy-five per cent, compensation equal in value to a 90913
percentage of the taxes that would be payable on the portion of 90914
the improvements in excess of seventy-five per cent were that 90915
portion to be subject to taxation, or other mutually agreeable 90916
compensation. 90917

The board of education shall certify its resolution to the 90918
board of township trustees not later than fourteen days prior to 90919
the date the board of township trustees intends to adopt the 90920
resolution as indicated in the notice. If the board of education 90921
and the board of township trustees negotiate a mutually acceptable 90922
compensation agreement, the resolution may declare the 90923
improvements a public purpose for the number of years specified in 90924
the resolution or, in the case of exemption percentages in excess 90925
of seventy-five per cent, for the exemption percentage specified 90926
in the resolution. In either case, if the board of education and 90927
the board of township trustees fail to negotiate a mutually 90928
acceptable compensation agreement, the resolution may declare the 90929
improvements a public purpose for not more than ten years, and 90930
shall not exempt more than seventy-five per cent of the 90931
improvements from taxation. If the board of education fails to 90932
certify a resolution to the board of township trustees within the 90933
time prescribed by this section, the board of township trustees 90934
thereupon may adopt the resolution and may declare the 90935

improvements a public purpose for up to thirty years or, in the 90936
case of exemption percentages proposed in excess of seventy-five 90937
per cent, for the exemption percentage specified in the 90938
resolution. The board of township trustees may adopt the 90939
resolution at any time after the board of education certifies its 90940
resolution approving the exemption to the board of township 90941
trustees, or, if the board of education approves the exemption on 90942
the condition that a mutually acceptable compensation agreement be 90943
negotiated, at any time after the compensation agreement is agreed 90944
to by the board of education and the board of township trustees. 90945
If a mutually acceptable compensation agreement is negotiated 90946
between the board of township trustees and the board of education, 90947
including agreements for payments in lieu of taxes under section 90948
5709.74 of the Revised Code, the board of township trustees shall 90949
compensate the joint vocational school district within which the 90950
parcel or district is located at the same rate and under the same 90951
terms received by the city, local, or exempted village school 90952
district. 90953

If a board of education has adopted a resolution waiving its 90954
right to approve exemptions from taxation under this section and 90955
the resolution remains in effect, approval of such exemptions by 90956
the board of education is not required under division (D) of this 90957
section. If a board of education has adopted a resolution allowing 90958
a board of township trustees to deliver the notice required under 90959
division (D) of this section fewer than forty-five business days 90960
prior to adoption of the resolution by the board of township 90961
trustees, the board of township trustees shall deliver the notice 90962
to the board of education not later than the number of days prior 90963
to the adoption as prescribed by the board of education in its 90964
resolution. If a board of education adopts a resolution waiving 90965
its right to approve exemptions or shortening the notification 90966
period, the board of education shall certify a copy of the 90967
resolution to the board of township trustees. If the board of 90968

education rescinds the resolution, it shall certify notice of the 90969
rescission to the board of township trustees. 90970

If the board of township trustees is not required by division 90971
(D) of this section to notify the board of education of the board 90972
of township trustees' intent to declare improvements to be a 90973
public purpose, the board of township trustees shall comply with 90974
the notice requirements imposed under section 5709.83 of the 90975
Revised Code before taking formal action to adopt the resolution 90976
making that declaration, unless the board of education has adopted 90977
a resolution under that section waiving its right to receive the 90978
notice. 90979

Nothing in this division prohibits the board of township 90980
trustees from amending the resolution under section 5709.51 of the 90981
Revised Code to extend the term of the exemption. 90982

(E)(1) If a proposed resolution under division (C)(1) of this 90983
section exempts improvements with respect to a parcel within an 90984
incentive district for more than ten years, or the percentage of 90985
the improvement exempted from taxation exceeds seventy-five per 90986
cent, not later than forty-five business days prior to adopting 90987
the resolution the board of township trustees shall deliver to the 90988
board of county commissioners of the county within which the 90989
incentive district is or will be located a notice that states its 90990
intent to adopt a resolution creating an incentive district. The 90991
notice shall include a copy of the proposed resolution, identify 90992
the parcels for which improvements are to be exempted from 90993
taxation, provide an estimate of the true value in money of the 90994
improvements, specify the period of time for which the 90995
improvements would be exempted from taxation, specify the 90996
percentage of the improvements that would be exempted from 90997
taxation, and indicate the date on which the board of township 90998
trustees intends to adopt the resolution. 90999

(2) The board of county commissioners, by resolution adopted 91000

by a majority of the board, may object to the exemption for the 91001
number of years in excess of ten, may object to the exemption for 91002
the percentage of the improvement to be exempted in excess of 91003
seventy-five per cent, or both. If the board of county 91004
commissioners objects, the board may negotiate a mutually 91005
acceptable compensation agreement with the board of township 91006
trustees. In no case shall the compensation provided to the board 91007
of county commissioners exceed the property taxes foregone due to 91008
the exemption. If the board of county commissioners objects, and 91009
the board of county commissioners and board of township trustees 91010
fail to negotiate a mutually acceptable compensation agreement, 91011
the resolution adopted under division (C)(1) of this section shall 91012
provide to the board of county commissioners compensation in the 91013
eleventh and subsequent years of the exemption period equal in 91014
value to not more than fifty per cent of the taxes that would be 91015
payable to the county or, if the board of county commissioner's 91016
objection includes an objection to an exemption percentage in 91017
excess of seventy-five per cent, compensation equal in value to 91018
not more than fifty per cent of the taxes that would be payable to 91019
the county, on the portion of the improvement in excess of 91020
seventy-five per cent, were that portion to be subject to 91021
taxation. The board of county commissioners shall certify its 91022
resolution to the board of township trustees not later than thirty 91023
days after receipt of the notice. 91024

(3) If the board of county commissioners does not object or 91025
fails to certify its resolution objecting to an exemption within 91026
thirty days after receipt of the notice, the board of township 91027
trustees may adopt its resolution, and no compensation shall be 91028
provided to the board of county commissioners. If the board of 91029
county commissioners timely certifies its resolution objecting to 91030
the trustees' resolution, the board of township trustees may adopt 91031
its resolution at any time after a mutually acceptable 91032
compensation agreement is agreed to by the board of county 91033

commissioners and the board of township trustees, or, if no 91034
compensation agreement is negotiated, at any time after the board 91035
of township trustees agrees in the proposed resolution to provide 91036
compensation to the board of county commissioners of fifty per 91037
cent of the taxes that would be payable to the county in the 91038
eleventh and subsequent years of the exemption period or on the 91039
portion of the improvement in excess of seventy-five per cent, 91040
were that portion to be subject to taxation. 91041

(F) Service payments in lieu of taxes that are attributable 91042
to any amount by which the effective tax rate of either a renewal 91043
levy with an increase or a replacement levy exceeds the effective 91044
tax rate of the levy renewed or replaced, or that are attributable 91045
to an additional levy, for a levy authorized by the voters for any 91046
of the following purposes on or after January 1, 2006, and which 91047
are provided pursuant to a resolution creating an incentive 91048
district under division (C)(1) of this section that is adopted on 91049
or after January 1, 2006, or a later date as specified in this 91050
division, shall be distributed to the appropriate taxing authority 91051
as required under division (C) of section 5709.74 of the Revised 91052
Code in an amount equal to the amount of taxes from that 91053
additional levy or from the increase in the effective tax rate of 91054
such renewal or replacement levy that would have been payable to 91055
that taxing authority from the following levies were it not for 91056
the exemption authorized under division (C) of this section: 91057

(1) A tax levied under division (L) of section 5705.19 or 91058
section 5705.191 or 5705.222 of the Revised Code for community 91059
developmental disabilities programs and services pursuant to 91060
Chapter 5126. of the Revised Code; 91061

(2) A tax levied under division (Y) of section 5705.19 of the 91062
Revised Code for providing or maintaining senior citizens services 91063
or facilities; 91064

(3) A tax levied under section 5705.22 of the Revised Code 91065

for county hospitals;	91066
(4) A tax levied by a joint-county district or by a county	91067
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	91068
for alcohol, drug addiction, and mental health services or	91069
families;	91070
(5) A tax levied under section 5705.23 of the Revised Code	91071
for library purposes;	91072
(6) A tax levied under section 5705.24 of the Revised Code	91073
for the support of children services and the placement and care of	91074
children;	91075
(7) A tax levied under division (Z) of section 5705.19 of the	91076
Revised Code for the provision and maintenance of zoological park	91077
services and facilities under section 307.76 of the Revised Code;	91078
(8) A tax levied under section 511.27 or division (H) of	91079
section 5705.19 of the Revised Code for the support of township	91080
park districts;	91081
(9) A tax levied under division (A), (F), or (H) of section	91082
5705.19 of the Revised Code for parks and recreational purposes of	91083
a joint recreation district organized pursuant to division (B) of	91084
section 755.14 of the Revised Code;	91085
(10) A tax levied under section 1545.20 or 1545.21 of the	91086
Revised Code for park district purposes;	91087
(11) A tax levied under section 5705.191 of the Revised Code	91088
for the purpose of making appropriations for public assistance;	91089
human or social services; public relief; public welfare; public	91090
health and hospitalization; and support of general hospitals;	91091
(12) A tax levied under section 3709.29 of the Revised Code	91092
for a general health district program;	91093
(13) A tax levied by a township under section 505.39, 505.51,	91094
or division (I), (J), (U), or (JJ) of section 5705.19 of the	91095

Revised Code for the purpose of funding fire, police, emergency 91096
medical, or ambulance services as described in those sections. 91097
Division (F)(13) of this section applies only to incentive 91098
districts created by a resolution adopted on or after March 22, 91099
2019, the effective date of the amendment of this section by H.B. 91100
500 of the 132nd general assembly, and only if that resolution 91101
specifies that division (F) of this section shall apply to such a 91102
tax. 91103

(G) An exemption from taxation granted under this section 91104
commences with the tax year specified in the resolution so long as 91105
the year specified in the resolution commences after the effective 91106
date of the resolution. If the resolution specifies a year 91107
commencing before the effective date of the resolution or 91108
specifies no year whatsoever, the exemption commences with the tax 91109
year in which an exempted improvement first appears on the tax 91110
list and duplicate of real and public utility property and that 91111
commences after the effective date of the resolution. In lieu of 91112
stating a specific year, the resolution may provide that the 91113
exemption commences in the tax year in which the value of an 91114
improvement exceeds a specified amount or in which the 91115
construction of one or more improvements is completed, provided 91116
that such tax year commences after the effective date of the 91117
resolution. With respect to the exemption of improvements to 91118
parcels under division (B) of this section, the resolution may 91119
allow for the exemption to commence in different tax years on a 91120
parcel-by-parcel basis, with a separate exemption term specified 91121
for each parcel. 91122

Except as otherwise provided in this division and section 91123
5709.51 of the Revised Code, the exemption ends on the date 91124
specified in the resolution as the date the improvement ceases to 91125
be a public purpose or the incentive district expires, or ends on 91126
the date on which the public infrastructure improvements and 91127

housing renovations are paid in full from the township public 91128
improvement tax increment equivalent fund established under 91129
section 5709.75 of the Revised Code, whichever occurs first. The 91130
exemption of an improvement with respect to a parcel or within an 91131
incentive district may end on a later date, as specified in the 91132
resolution, if the board of township trustees and the board of 91133
education of the city, local, or exempted village school district 91134
within which the parcel or district is located have entered into a 91135
compensation agreement under section 5709.82 of the Revised Code 91136
with respect to the improvement and the board of education has 91137
approved the term of the exemption under division (D) of this 91138
section, but in no case shall the improvement be exempted from 91139
taxation for more than thirty years. The board of township 91140
trustees may, by majority vote, adopt a resolution permitting the 91141
township to enter into such agreements as the board finds 91142
necessary or appropriate to provide for the construction or 91143
undertaking of public infrastructure improvements and housing 91144
renovations. Any exemption shall be claimed and allowed in the 91145
same or a similar manner as in the case of other real property 91146
exemptions. If an exemption status changes during a tax year, the 91147
procedure for the apportionment of the taxes for that year is the 91148
same as in the case of other changes in tax exemption status 91149
during the year. 91150

(H) The board of township trustees may issue the notes of the 91151
township to finance all costs pertaining to the construction or 91152
undertaking of public infrastructure improvements and housing 91153
renovations made pursuant to this section. The notes shall be 91154
signed by the board and attested by the signature of the township 91155
fiscal officer, shall bear interest not to exceed the rate 91156
provided in section 9.95 of the Revised Code, and are not subject 91157
to Chapter 133. of the Revised Code. The resolution authorizing 91158
the issuance of the notes shall pledge the funds of the township 91159
public improvement tax increment equivalent fund established 91160

pursuant to section 5709.75 of the Revised Code to pay the 91161
interest on and principal of the notes. The notes, which may 91162
contain a clause permitting prepayment at the option of the board, 91163
shall be offered for sale on the open market or given to the 91164
vendor or contractor if no sale is made. 91165

(I) The township, not later than fifteen days after the 91166
adoption of a resolution under this section, shall submit to the 91167
director of development ~~services~~ a copy of the resolution. On or 91168
before the thirty-first day of March of each year, the township 91169
shall submit a status report to the director ~~of development~~ 91170
~~services~~. The report shall indicate, in the manner prescribed by 91171
the director, the progress of the project during each year that 91172
the exemption remains in effect, including a summary of the 91173
receipts from service payments in lieu of taxes; expenditures of 91174
money from the fund created under section 5709.75 of the Revised 91175
Code; a description of the public infrastructure improvements and 91176
housing renovations financed with the expenditures; and a 91177
quantitative summary of changes in private investment resulting 91178
from each project. 91179

(J) Nothing in this section shall be construed to prohibit a 91180
board of township trustees from declaring to be a public purpose 91181
improvements with respect to more than one parcel. 91182

If a parcel is located in a new community district in which 91183
the new community authority imposes a community development charge 91184
on the basis of rentals received from leases of real property as 91185
described in division (L)(2) of section 349.01 of the Revised 91186
Code, the parcel may not be exempted from taxation under this 91187
section. 91188

(K) A board of township trustees that adopted a resolution 91189
under this section prior to July 21, 1994, may amend that 91190
resolution to include any additional public infrastructure 91191
improvement. A board of township trustees that seeks by the 91192

amendment to utilize money from its township public improvement 91193
tax increment equivalent fund for land acquisition in aid of 91194
industry, commerce, distribution, or research, demolition on 91195
private property, or stormwater and flood remediation projects may 91196
do so provided that the board currently is a party to a 91197
hold-harmless agreement with the board of education of the city, 91198
local, or exempted village school district within the territory of 91199
which are located the parcels that are subject to an exemption. 91200
For the purposes of this division, a "hold-harmless agreement" 91201
means an agreement under which the board of township trustees 91202
agrees to compensate the school district for one hundred per cent 91203
of the tax revenue that the school district would have received 91204
from further improvements to parcels designated in the resolution 91205
were it not for the exemption granted by the resolution. 91206

(L) Notwithstanding the limitation prescribed by division (D) 91207
of this section on the number of years that improvements to a 91208
parcel or parcels may be exempted from taxation, a board of 91209
trustees of a township with a population of fifteen thousand or 91210
more may amend a resolution originally adopted under this section 91211
before December 31, 1994, to extend the exemption of improvements 91212
to the parcel or parcels included in such resolution for an 91213
additional period not to exceed fifteen years. The amendment shall 91214
not increase the percentage of improvements to the parcel or 91215
parcels exempted from taxation. Before adopting an amendment 91216
authorized under this division, the board of township trustees 91217
shall obtain the approval of each board of education of the city, 91218
local, or exempted village school district within which the 91219
exempted parcels are located in the manner required under division 91220
(D) of this section, except that (1) the board of education may 91221
approve the exemption on the condition that the board of township 91222
trustees and the board of education negotiate an agreement 91223
providing for compensation to the school district equal in value 91224
to the amount of taxes the district forgoes in each year the 91225

exemption is extended pursuant to this division or any other 91226
mutually agreeable compensation and (2) if the board of education 91227
fails to certify a resolution approving the amendment to the board 91228
of township trustees within the time prescribed by division (D) of 91229
this section, the board of township trustees shall not adopt the 91230
amendment authorized under this division. 91231

No approval under this division shall be required from a 91232
board of education that has adopted a resolution waiving its right 91233
to approve exemptions from taxation pursuant to division (D) of 91234
this section. If the board of education has adopted such a 91235
resolution, the board of township trustees shall comply with the 91236
notice requirements imposed under section 5709.83 of the Revised 91237
Code before taking formal action to adopt an amendment authorized 91238
under this division unless the board of education has adopted a 91239
resolution under that section waiving its right to receive the 91240
notice. Not later than fourteen days before adopting an amendment 91241
authorized under this division, the board of township trustees 91242
shall deliver a notice identical to a notice required under 91243
section 5709.83 of the Revised Code to the board of county 91244
commissioners of each county in which the exempted parcels are 91245
located. 91246

Sec. 5711.29. If any corporation uses the rights and powers 91247
granted by its charter to prevent the assessment of the shares of 91248
its resident shareholders on the basis of income yield, as 91249
provided in sections 5711.01 to 5711.36 of the Revised Code, by 91250
permitting its gains and profits to accumulate instead of being 91251
distributed, or by paying exorbitant salaries to its officers and 91252
employees, the tax commissioner, upon finding such to be the fact, 91253
shall assess the amount representing the aggregate assessments of 91254
the shares of such resident shareholders in the names of such 91255
resident shareholders and certify such assessments, together with 91256
the penalty provided in such sections, to the proper county 91257

auditor who shall place the same on the classified tax list and 91258
duplicate in the names of such shareholders, as investments 91259
assessed on the basis of income yield for the year for which such 91260
assessments are made; and taxes shall be collected thereon the 91261
same as on other like assessments. The commissioner shall give 91262
notice of such assessment to the corporation ~~by personal service~~ 91263
~~or certified mail,~~ in the manner provided in section 5703.37 of 91264
the Revised Code, and such assessment shall be subject to a 91265
petition for reassessment and an appeal as provided in sections 91266
5711.31 and 5717.02 of the Revised Code. 91267

If any such corporation is a holding or investment company, 91268
or if the gains or profits are permitted to accumulate beyond the 91269
reasonable needs of the business, such fact shall be prima-facie 91270
evidence of a purpose to prevent the assessment of the shares of 91271
its resident stockholders on such basis. 91272

If any trust, under the terms of which the trustee is 91273
required or authorized to withhold and accumulate all or any part 91274
of the income, is created or used for the purpose of preventing 91275
the assessment of the equitable interests of the resident 91276
beneficiaries on the basis of income yield, as provided in 91277
sections 5711.01 to 5711.36 of the Revised Code, the commissioner, 91278
upon finding such to be the fact, shall assess the amount 91279
representing the aggregate assessment of such equitable shares in 91280
the manner provided in this section. If the creator of such trust 91281
reserved a power of revocation, or if the trustee has discretion 91282
to pay and distribute the income of the trust property to or for 91283
the benefit of such resident beneficiary, such fact shall be 91284
prima-facie evidence of a purpose to prevent the assessment of the 91285
equitable shares of the resident beneficiaries upon such basis. 91286

The assessment imposed by this action shall not be made 91287
against any resident shareholder of such corporation or 91288
beneficiary of such trust who in filing ~~his~~ the shareholder's or 91289

beneficiary's return lists as the income yield of ~~his~~ the shares 91290
or beneficial interest the entire distributive share or beneficial 91291
interest, whether distributed or not, of the net income of such 91292
corporation or trust for such year, in which event any subsequent 91293
distribution made by such corporation or trust out of the earnings 91294
or profits of such year shall, if distributed to any shareholder 91295
or beneficiary who has so included in the income yield of ~~his~~ the 91296
shareholder's or beneficiary's shares the distributive share 91297
thereof, be deducted from the income yield of such shares for the 91298
year in which the same is made. 91299

Sec. 5713.03. ~~(A)~~ The county auditor, from the best sources 91300
of information available, shall determine, as nearly as 91301
practicable, the true value of the fee simple estate, as if 91302
unencumbered but subject to any effects from the exercise of 91303
police powers or from other governmental actions, of each separate 91304
tract, lot, or parcel of real property and of buildings, 91305
structures, and improvements located thereon and the current 91306
agricultural use value of land valued for tax purposes in 91307
accordance with section 5713.31 of the Revised Code, in every 91308
district, according to the rules prescribed by this chapter and 91309
section 5715.01 of the Revised Code, and in accordance with the 91310
uniform rules and methods of valuing and assessing real property 91311
as adopted, prescribed, and promulgated by the tax commissioner. 91312
The auditor shall determine the taxable value of all real property 91313
by reducing its true or current agricultural use value by the 91314
percentage ordered by the commissioner. In determining the true 91315
value of any tract, lot, or parcel of real estate under this 91316
section, if such tract, lot, or parcel has been the subject of an 91317
arm's length sale between a willing seller and a willing buyer 91318
within a reasonable length of time, either before or after the tax 91319
lien date, the auditor may consider the sale price of such tract, 91320
lot, or parcel to be the true value for taxation purposes. 91321

However, the sale price in an arm's length transaction between a willing seller and a willing buyer shall not be considered the true value of the property sold if subsequent to the sale:

~~(1)(A)~~ The tract, lot, or parcel of real estate loses value due to some casualty;

~~(2)(B)~~ An improvement is added to the property.

Nothing in this section or section 5713.01 of the Revised Code and no rule adopted under section 5715.01 of the Revised Code shall require the county auditor to change the true value in money of any property in any year except a year in which the tax commissioner is required to determine under section 5715.24 of the Revised Code whether the property has been assessed as required by law.

~~(B) Pursuant to division (A) of this section, the county auditor may determine the true value of real property that is part of a qualified low income housing tax credit project through use of one or more of the market data approach, the income approach, or the cost approach.~~

~~As used in division (B) of this section, "low income housing tax credit project" means a qualified low income housing project during its compliance period, as those terms are defined by section 42 of the Internal Revenue Code.~~

~~(C)~~ The county auditor shall adopt and use a real property record approved by the commissioner for each tract, lot, or parcel of real property, setting forth the true and taxable value of land and, in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, the number of acres of arable land, permanent pasture land, woodland, and wasteland in each tract, lot, or parcel. The auditor shall record pertinent information and the true and taxable value of

each building, structure, or improvement to land, which value 91352
shall be included as a separate part of the total value of each 91353
tract, lot, or parcel of real property. 91354

Sec. 5713.031. (A) As used in this section, "federally 91355
subsidized residential rental property" means property to which 91356
one or more of the following apply: 91357

(1) It is part of a qualified low-income housing project, 91358
during its compliance period, as those terms are defined in 91359
section 42 of the Internal Revenue Code. 91360

(2) It receives assistance pursuant to section 202 of the 91361
"Housing Act of 1959," 12 U.S.C. 1701q, and remains restricted 91362
pursuant to that section. 91363

(3) Property that receives assistance pursuant to Section 811 91364
of the "Cranston-Gonzalez National Affordable Housing Act," 42 91365
U.S.C. 8013, and remains restricted pursuant to that section; 91366

(4) Property that receives project-based assistance pursuant 91367
to section 8 of the "United States Housing Act of 1937," 42 U.S.C. 91368
1437f, and remains restricted pursuant to that section; 91369

(5) Property that receives assistance pursuant to section 515 91370
of the "Housing Act of 1949," 42 U.S.C. 1485, and remains 91371
restricted pursuant to that section; 91372

(6) Property that receives assistance pursuant to section 538 91373
of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains 91374
restricted pursuant to that section; 91375

(7) Property that receives assistance pursuant to section 521 91376
of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains 91377
restricted pursuant to that section; 91378

(B) An owner of federally subsidized residential rental 91379
property shall file with the county auditor of the county in which 91380
the property is located the following information from the 91381

preceding calendar year or up to three preceding calendar years, 91382
as applicable: 91383

(1) The operating income of the property which shall include 91384
gross potential rent, any forgiveness of or allowance received for 91385
losses due to vacancy or unpaid rent, and any income derived from 91386
other sources; 91387

(2) The operating expenses of the property including all 91388
non-capitalized expenses related to staffing, utilities, repairs, 91389
supplies, telecommunication, management fees, audits, legal and 91390
contract services, and any other expense a prospective buyer might 91391
consider in purchasing the property. Real property taxes, 91392
depreciation, and amortization expenses and replacement of 91393
short-term capitalized assets shall be excluded from operating 91394
expenses. 91395

(3) The annual amount of contribution to replacement reserve 91396
funds or accounts related to the property. 91397

(C)(1) The information required under division (B) of this 91398
section shall be filed by the owner both before the property is 91399
placed in service and after the commencement of the property's 91400
operations, and each following year to which section 5715.24 of 91401
the Revised Code applies in the county, on or before the first day 91402
of March. Each such filing in a reappraisal or update year shall 91403
report the information required under division (B) of this section 91404
for the preceding three calendar years or for the period of time 91405
the property has been in operation, if less than three years. 91406

(2) Information filed under this section shall have first 91407
been audited by an independent public accountant or auditor or a 91408
certified public accountant prior to filing. If such an audit is 91409
not completed by the first day of March, the owner of the property 91410
shall file updated records within thirty days after the completion 91411
of such an audit. 91412

(3) If a property owner fails to timely submit the information required under division (B) of this section, the county auditor is not required to value the property in accordance with division (A)(4) of section 5715.01 of the Revised Code for any applicable tax year to which that division would have applied and shall otherwise proceed under section 5713.01 of the Revised Code to value the property in compliance with Ohio Constitution, Article XII, Section 2 for that tax year.

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(D) The county auditor shall use the information submitted under this section to determine the valuation of the property pursuant to rules adopted under division (A)(4) of section 5715.01 of the Revised Code.

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(E) Any information submitted under this section is not a public record for purposes of section 149.43 of the Revised Code.

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Sec. 5715.01. (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use.

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(1) The uniform rules shall prescribe methods of determining the true value and taxable value of real property. The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax

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commissioner shall not include in the value of the minerals or 91444
rights to minerals the value of any tangible personal property 91445
used in the recovery of those minerals. 91446

(2) The uniform rules shall prescribe the method for 91447
determining the current agricultural use value of land devoted 91448
exclusively to agricultural use, which method shall reflect 91449
standard and modern appraisal techniques that take into 91450
consideration the productivity of the soil under normal management 91451
practices, typical cropping and land use patterns, the average 91452
price patterns of the crops and products produced and the typical 91453
production costs to determine the net income potential to be 91454
capitalized, and other pertinent factors. 91455

In determining the agricultural land capitalization rate to 91456
be applied to the net income potential from agricultural use, the 91457
commissioner shall use standard and modern appraisal techniques. 91458
In calculating the capitalization rate for any year, the 91459
commissioner shall comply with both of the following requirements: 91460

(a) The commissioner shall use an equity yield rate equal to 91461
the greater of (i) the average of the total rates of return on 91462
farm equity for the twenty-five most recent years for which those 91463
rates have been calculated and published by the United States 91464
department of agriculture economic research service or another 91465
published source or (ii) the loan interest rate the commissioner 91466
uses for that year to calculate the capitalization rate; 91467

(b) The commissioner shall assume that the holding period for 91468
agricultural land is twenty-five years for the purpose of 91469
computing buildup of equity or appreciation with respect to that 91470
land. 91471

The commissioner shall add to the overall capitalization rate 91472
a tax additur. The sum of the overall capitalization rate and the 91473
tax additur shall represent as nearly as possible the rate of 91474

return a prudent investor would expect from an average or typical 91475
farm in this state considering only agricultural factors. 91476

The commissioner shall annually determine and announce the 91477
overall capitalization rate, tax additur, agricultural land 91478
capitalization rate, and the individual components used in 91479
computing such amounts in a determination, finding, computation, 91480
or order of the commissioner published simultaneously with the 91481
commissioner's annual publication of the per-acre agricultural use 91482
values for each soil type. 91483

(3) Notwithstanding any other provision of this chapter and 91484
Chapter 5713. of the Revised Code, the current agricultural use 91485
value of land devoted exclusively to agricultural use shall equal 91486
the following amounts for the years specified: 91487

(a) In counties that undergo a reappraisal or triennial 91488
update in 2017, the current agricultural use value of the land for 91489
each of the 2017, 2018, and 2019 tax years shall equal the sum of 91490
the following amounts: 91491

(i) The current agricultural use value of the land for that 91492
tax year, as determined under this section and section 5713.31 of 91493
the Revised Code, and rules adopted pursuant those sections, 91494
without regard to the adjustment under division (A)(3)(a)(ii) of 91495
this section; 91496

(ii) One-half of the amount, if any, by which the value of 91497
the land for the 2016 tax year, as determined under this section, 91498
section 5713.31 of the Revised Code, and the rules adopted 91499
pursuant those sections and issued by the tax commissioner for 91500
counties undergoing a reappraisal or triennial update in the 2016 91501
tax year, exceeds the value determined under division (A)(3)(a)(i) 91502
of this section. 91503

(b) In counties that undergo a reappraisal or triennial 91504
update in 2018, the current agricultural use value of the land for 91505

each of the 2018, 2019, and 2020 tax years shall equal the sum of 91506
the following amounts: 91507

(i) The current agricultural use value of the land for that 91508
tax year, as determined under this section and section 5713.31 of 91509
the Revised Code, and rules adopted pursuant those sections, 91510
without regard to the adjustment under division (A)(3)(b)(ii) of 91511
this section; 91512

(ii) One-half of the amount, if any, by which the value of 91513
the land for the 2017 tax year, as determined under this section, 91514
section 5713.31 of the Revised Code, and the rules adopted 91515
pursuant those sections and issued by the tax commissioner for 91516
counties undergoing a reappraisal or triennial update in the 2017 91517
tax year, exceeds the value determined under division (A)(3)(b)(i) 91518
of this section. 91519

(c) In counties that undergo a reappraisal or triennial 91520
update in 2019, the current agricultural use value of the land for 91521
each of the 2019, 2020, and 2021 tax years shall equal the sum of 91522
the following amounts: 91523

(i) The current agricultural use value of the land for that 91524
tax year, as determined under this section and section 5713.31 of 91525
the Revised Code, and rules adopted pursuant those sections, 91526
without regard to the adjustment under division (A)(3)(c)(ii) of 91527
this section; 91528

(ii) One-half of the amount, if any, by which the value of 91529
the land for the 2018 tax year, as determined under this section, 91530
section 5713.31 of the Revised Code, and the rules adopted 91531
pursuant those sections and issued by the tax commissioner for 91532
counties undergoing a reappraisal or triennial update in the 2018 91533
tax year, exceeds the value determined under division (A)(3)(c)(i) 91534
of this section. 91535

(4) The uniform rules shall prescribe the method for 91536

determining the value of federally subsidized residential rental 91537
property through the use of a formula that accounts for the 91538
following factors: 91539

(a) Up to three years of operating income of the property, 91540
which includes gross potential rent, and any income derived from 91541
other sources as reported by the property owner to the county 91542
auditor under section 5713.031 of the Revised Code. Operating 91543
income shall include an allowance for vacancy losses, which shall 91544
be presumed to be four per cent of gross potential rent, and 91545
unpaid rent losses, which shall be presumed to be three per cent 91546
of gross potential rent. These presumptive amounts may be exceeded 91547
with evidence demonstrating the actual income of the property. 91548

(b) Operating expenses of the property, which shall be 91549
presumed to be forty-eight per cent of operating income plus 91550
utility expenses as reported by the property owner to the county 91551
auditor under section 5713.031 of the Revised Code. Operating 91552
expenses shall also include replacement reserve fund or account 91553
contributions which shall be presumed to be five per cent of gross 91554
potential rent. These presumptive amounts may be exceeded with 91555
evidence demonstrating the actual expenses of the property. Real 91556
property taxes, depreciation, and amortization expenses and 91557
replacement of short-term capitalized assets shall be excluded 91558
from operating expenses. 91559

(c) A market-appropriate, uniform capitalization rate plus a 91560
tax additur accounting for the real property tax rate of the 91561
property's location. For federally subsidized residential rental 91562
property described in division (A)(1) of section 5713.031 of the 91563
Revised Code, one percentage point shall be subtracted from the 91564
uniform capitalization rate. 91565

The uniform rules shall also prescribe a minimum total value 91566
for federally subsidized residential rental property of five 91567
thousand dollars multiplied by the number of dwelling units 91568

comprising the property or one hundred fifty per cent of the 91569
property's unimproved land value, whichever is greater. The 91570
formula and other rules adopted by the commissioner pursuant to 91571
this division shall comply with Ohio Constitution, Article XII, 91572
Section 2. 91573

As used in division (A)(4) of this section, "federally 91574
subsidized residential rental property" has the same meaning as in 91575
section 5713.031 of the Revised Code and "dwelling unit" has the 91576
same meaning as in section 5321.01 of the Revised Code. 91577

(B) The taxable value shall be that per cent of true value in 91578
money, or current agricultural use value in the case of land 91579
valued in accordance with section 5713.31 of the Revised Code, the 91580
commissioner by rule establishes, but it shall not exceed 91581
thirty-five per cent. The uniform rules shall also prescribe 91582
methods of making the appraisals set forth in section 5713.03 of 91583
the Revised Code. The taxable value of each tract, lot, or parcel 91584
of real property and improvements thereon, determined in 91585
accordance with the uniform rules and methods prescribed thereby, 91586
shall be the taxable value of the tract, lot, or parcel for all 91587
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 91588
5717.01 to 5717.06 of the Revised Code. County auditors shall, 91589
under the direction and supervision of the commissioner, be the 91590
chief assessing officers of their respective counties, and shall 91591
list and value the real property within their respective counties 91592
for taxation in accordance with this section and sections 5713.03 91593
and 5713.31 of the Revised Code and with such rules of the 91594
commissioner. There shall also be a board in each county, known as 91595
the county board of revision, which shall hear complaints and 91596
revise assessments of real property for taxation. 91597

(C) The commissioner shall neither adopt nor enforce any rule 91598
that requires true value for any tax year to be any value other 91599
than the true value in money on the tax lien date of such tax year 91600

or that requires taxable value to be obtained in any way other 91601
than by reducing the true value, or in the case of land valued in 91602
accordance with section 5713.31 of the Revised Code, its current 91603
agricultural use value, by a specified, uniform percentage. 91604

Sec. 5721.14. Subject to division (A)(2) of this section, on 91605
receipt of a delinquent vacant land tax certificate or a master 91606
list of delinquent vacant tracts, a county prosecuting attorney 91607
shall institute a foreclosure proceeding under section 323.25, 91608
sections 323.65 to 323.79, or section 5721.18 of the Revised Code, 91609
or a foreclosure and forfeiture proceeding under this section. If 91610
the delinquent vacant land tax certificate or a master list of 91611
delinquent vacant tracts lists minerals or rights to minerals 91612
listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the 91613
Revised Code, the county prosecuting attorney may institute a 91614
foreclosure proceeding under section 323.25, sections 323.65 to 91615
323.79, or section 5721.18 of the Revised Code or a foreclosure 91616
and forfeiture proceeding under this section against such minerals 91617
or rights to minerals. 91618

(A)(1) The prosecuting attorney shall institute a proceeding 91619
under this section by filing, in the name of the county treasurer 91620
and with the clerk of a court with jurisdiction, a complaint that 91621
requests that the lien of the state on the property identified in 91622
the certificate or master list be foreclosed and that the property 91623
be forfeited to the state. The prosecuting attorney shall 91624
prosecute the proceeding to final judgment and satisfaction. 91625

(2) If the delinquent taxes, assessments, charges, penalties, 91626
and interest are paid prior to the time a complaint is filed, the 91627
prosecuting attorney shall not institute a proceeding under this 91628
section. If there is a copy of a written delinquent tax contract 91629
attached to the certificate or an asterisk next to an entry on the 91630
master list, or if a copy of a delinquent tax contract is received 91631

from the county auditor prior to the commencement of the 91632
proceeding under this section, the prosecuting attorney shall not 91633
institute the proceeding under this section unless the prosecuting 91634
attorney receives a certification of the county treasurer that the 91635
delinquent tax contract has become void. 91636

(B) Foreclosure and forfeiture proceedings instituted under 91637
this section constitute an action in rem. Prior to filing such an 91638
action in rem, the county prosecuting attorney shall cause a title 91639
search to be conducted for the purpose of identifying any 91640
lienholders or other persons with interests in the property that 91641
is subject to foreclosure and forfeiture. Following the title 91642
search, the action in rem shall be instituted by filing in the 91643
office of the clerk of a court with jurisdiction a complaint 91644
bearing a caption substantially in the form set forth in division 91645
(A) of section 5721.15 of the Revised Code. 91646

Any number of parcels may be joined in one action. Each 91647
separate parcel included in a complaint shall be given a serial 91648
number and shall be separately indexed and docketed by the clerk 91649
of the court in a book kept by the clerk for such purpose. A 91650
complaint shall contain the permanent parcel number of each parcel 91651
included in it, the full street address of the parcel when 91652
available, a description of the parcel as set forth in the 91653
certificate or master list, the name and address of the last known 91654
owner of the parcel if they appear on the general tax list, the 91655
name and address of each lienholder and other person with an 91656
interest in the parcel identified in the title search relating to 91657
the parcel that is required by this division, and the amount of 91658
taxes, assessments, charges, penalties, and interest due and 91659
unpaid with respect to the parcel. It is sufficient for the county 91660
treasurer to allege in the complaint that the certificate or 91661
master list has been duly filed by the county auditor with respect 91662
to each parcel listed, that the amount of money with respect to 91663

each parcel appearing to be due and unpaid is due and unpaid, and 91664
that there is a lien against each parcel, without setting forth 91665
any other or special matters. The prayer of the complaint shall be 91666
that the court issue an order that the lien of the state on each 91667
of the parcels included in the complaint be foreclosed, that the 91668
property be forfeited to the state, and that the land be offered 91669
for sale in the manner provided in section 5723.06 of the Revised 91670
Code. 91671

(C) Within thirty days after the filing of a complaint, the 91672
clerk of the court in which the complaint was filed shall cause a 91673
notice of foreclosure and forfeiture substantially in the form of 91674
the notice set forth in division (B) of section 5721.15 of the 91675
Revised Code to be published either (1) once a week for three 91676
consecutive weeks in a newspaper of general circulation in the 91677
county or (2) once in a newspaper of general circulation in the 91678
county and, beginning one week thereafter, on a web site of the 91679
county or of the court, as selected by the clerk. Publication on 91680
the web site shall continue until one year after the date a 91681
judgment is rendered under section 5721.16 of the Revised Code 91682
with respect to such property. Any notice published on a web site 91683
shall identify the date the notice is first published on the web 91684
site. In lieu of the form prescribed in division (B) of section 91685
5721.15 of the Revised Code, the second and third publication of 91686
the notice, if proceeding under division (C)(1) of this section, 91687
may be abbreviated as authorized under section 7.16 of the Revised 91688
Code. In any county that has adopted a permanent parcel number 91689
system, the parcel may be described in the notice by parcel number 91690
only, instead of also with a complete legal description, if the 91691
county prosecuting attorney determines that the publication of the 91692
complete legal description is not necessary to provide reasonable 91693
notice of the foreclosure and forfeiture proceeding to the 91694
interested parties. If the complete legal description is not 91695
published, the notice shall indicate where the complete legal 91696

description may be obtained. 91697

After the ~~third~~ final newspaper publication, the publisher 91698
shall file with the clerk of the court an affidavit stating the 91699
fact of the publication and including a copy of the notice of 91700
foreclosure and forfeiture as published. Two weeks after the clerk 91701
causes the notice to be published on the selected web site, if 91702
proceeding under division (C)(2) of this section, the prosecuting 91703
attorney shall file with the clerk an affidavit stating the fact 91704
of the publication and including a copy of the notice of 91705
foreclosure and forfeiture as published. Service of process for 91706
purposes of the action in rem shall be considered as complete on 91707
the date of the ~~last~~ third newspaper publication or the date that 91708
is two weeks after the clerk causes the notice to be published on 91709
the selected web site, as applicable. 91710

Within thirty days after the filing of a complaint and before 91711
the date of ~~the final publication of the notice of foreclosure and~~ 91712
~~forfeiture~~ service of process is considered complete under this 91713
division, the clerk of the court also shall cause a copy of a 91714
notice substantially in the form of the notice set forth in 91715
division (C) of section 5721.15 of the Revised Code to be mailed 91716
by ordinary mail, with postage prepaid, to each person named in 91717
the complaint as being the last known owner of a parcel included 91718
in it, or as being a lienholder or other person with an interest 91719
in a parcel included in it. The notice shall be sent to the 91720
address of each such person, as set forth in the complaint, and 91721
the clerk shall enter the fact of such mailing upon the appearance 91722
docket. If the name and address of the last known owner of a 91723
parcel included in a complaint is not set forth in it, the county 91724
auditor shall file an affidavit with the clerk stating that the 91725
name and address of the last known owner does not appear on the 91726
general tax list. 91727

(D)(1) An answer may be filed in a foreclosure and forfeiture 91728

proceeding by any person owning or claiming any right, title, or interest in, or lien upon, any parcel described in the complaint. The answer shall contain the caption and number of the action and the serial number of the parcel concerned. The answer shall set forth the nature and amount of interest claimed in the parcel and any defense or objection to the foreclosure of the lien of the state for delinquent taxes, assessments, charges, penalties, and interest, as shown in the complaint. The answer shall be filed in the office of the clerk of the court, and a copy of the answer shall be served on the county prosecuting attorney not later than twenty-eight days after the date ~~of final publication of the notice of foreclosure and forfeiture~~ service of process is considered complete under division (C) of this section. If an answer is not filed within such time, a default judgment may be taken as to any parcel included in a complaint as to which no answer has been filed. A default judgment is valid and effective with respect to all persons owning or claiming any right, title, or interest in, or lien upon, any such parcel, notwithstanding that one or more of such persons are minors, incompetents, absentees or nonresidents of the state, or convicts in confinement.

(2)(a) A receiver appointed pursuant to divisions (C)(2) and (3) of section 3767.41 of the Revised Code may file an answer pursuant to division (D)(1) of this section, but is not required to do so as a condition of receiving proceeds in a distribution under division (B)(2) of section 5721.17 of the Revised Code.

(b) When a receivership under section 3767.41 of the Revised Code is associated with a parcel, the notice of foreclosure and forfeiture set forth in division (B) of section 5721.15 of the Revised Code and the notice set forth in division (C) of that section shall be modified to reflect the provisions of division (D)(2)(a) of this section.

(E) At the trial of a foreclosure and forfeiture proceeding, 91761
the delinquent vacant land tax certificate or master list of 91762
delinquent vacant tracts filed by the county auditor with the 91763
county prosecuting attorney shall be prima-facie evidence of the 91764
amount and validity of the taxes, assessments, charges, penalties, 91765
and interest appearing due and unpaid on the parcel to which the 91766
certificate or master list relates and their nonpayment. If an 91767
answer is properly filed, the court may, in its discretion, and 91768
shall, at the request of the person filing the answer, grant a 91769
severance of the proceedings as to any parcel described in such 91770
answer for purposes of trial or appeal. 91771

(F) The conveyance by the owner of any parcel against which a 91772
complaint has been filed pursuant to this section at any time 91773
after the date of publication of the parcel on the delinquent 91774
vacant land tax list but before the date of a judgment of 91775
foreclosure and forfeiture pursuant to section 5721.16 of the 91776
Revised Code shall not nullify the right of the county to proceed 91777
with the foreclosure and forfeiture. 91778

Sec. 5721.18. The county prosecuting attorney, upon the 91779
delivery to the prosecuting attorney by the county auditor of a 91780
delinquent land or delinquent vacant land tax certificate, or of a 91781
master list of delinquent or delinquent vacant tracts, shall 91782
institute a foreclosure proceeding under this section in the name 91783
of the county treasurer to foreclose the lien of the state, in any 91784
court with jurisdiction or in the county board of revision with 91785
jurisdiction pursuant to section 323.66 of the Revised Code, 91786
unless the taxes, assessments, charges, penalties, and interest 91787
are paid prior to the time a complaint is filed, or unless a 91788
foreclosure or foreclosure and forfeiture action has been or will 91789
be instituted under section 323.25, sections 323.65 to 323.79, or 91790
section 5721.14 of the Revised Code. If the delinquent land or 91791
delinquent vacant land tax certificate or the master list of 91792

delinquent or delinquent vacant tracts lists minerals or rights to 91793
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 91794
of the Revised Code, the county prosecuting attorney may institute 91795
a foreclosure proceeding in the name of the county treasurer, in 91796
any court with jurisdiction, to foreclose the lien of the state 91797
against such minerals or rights to minerals, unless the taxes, 91798
assessments, charges, penalties, and interest are paid prior to 91799
the time the complaint is filed, or unless a foreclosure or 91800
foreclosure and forfeiture action has been or will be instituted 91801
under section 323.25, sections 323.65 to 323.79, or section 91802
5721.14 of the Revised Code. 91803

Nothing in this section or section 5721.03 of the Revised 91804
Code prohibits the prosecuting attorney from instituting a 91805
proceeding under this section before the delinquent tax list or 91806
delinquent vacant land tax list that includes the parcel is 91807
published pursuant to division (B) of section 5721.03 of the 91808
Revised Code if the list is not published within the time 91809
prescribed by that division. The prosecuting attorney shall 91810
prosecute the proceeding to final judgment and satisfaction. 91811
Within ten days after obtaining a judgment, the prosecuting 91812
attorney shall notify the treasurer in writing that judgment has 91813
been rendered. If there is a copy of a written delinquent tax 91814
contract attached to the certificate or an asterisk next to an 91815
entry on the master list, or if a copy of a delinquent tax 91816
contract is received from the auditor prior to the commencement of 91817
the proceeding under this section, the prosecuting attorney shall 91818
not institute the proceeding under this section, unless the 91819
prosecuting attorney receives a certification of the treasurer 91820
that the delinquent tax contract has become void. 91821

(A) This division applies to all foreclosure proceedings not 91822
instituted and prosecuted under section 323.25 of the Revised Code 91823
or division (B) or (C) of this section. The foreclosure 91824

proceedings shall be instituted and prosecuted in the same manner 91825
as is provided by law for the foreclosure of mortgages on land, 91826
except that, if service by publication is necessary, such 91827
publication, instead of as provided by the Rules of Civil 91828
Procedure, shall either be made (1) once a week for three 91829
consecutive weeks ~~instead of as provided by the Rules of Civil~~ 91830
~~Procedure, and the service in a newspaper of general circulation~~ 91831
in the county or (2) once in a newspaper of general circulation in 91832
the county and, beginning one week thereafter, on a web site of 91833
the county or of the court, as selected by the clerk of the court. 91834
Publication on the web site shall continue until one year after 91835
the date a judgment is rendered under section 5721.19 of the 91836
Revised Code with respect to such property. Any notices published 91837
on a web site shall identify the date the notice is first 91838
published on the web site. If proceeding under division (A)(1) of 91839
this section, the second and third publication of the notice may 91840
be abbreviated as authorized under section 7.16 of the Revised 91841
Code. 91842

Service shall be complete, if proceeding under division 91843
(A)(1) of this section, at the expiration of three weeks after the 91844
date of the first publication or, if proceeding under division 91845
(A)(2) of this section, the date that is two weeks after the clerk 91846
causes the notice to be published on the selected web site. In any 91847
proceeding prosecuted under this section, if the prosecuting 91848
attorney determines that service upon a defendant may be obtained 91849
ultimately only by publication, the prosecuting attorney may cause 91850
service to be made simultaneously by certified mail, return 91851
receipt requested, ordinary mail, and publication. 91852

In any county that has adopted a permanent parcel number 91853
system, the parcel may be described in the notice by parcel number 91854
only, instead of also with a complete legal description, if the 91855
prosecuting attorney determines that the publication of the 91856

complete legal description is not necessary to provide reasonable 91857
notice of the foreclosure proceeding to the interested parties. If 91858
the complete legal description is not published, the notice shall 91859
indicate where the complete legal description may be obtained. 91860

It is sufficient, having been made a proper party to the 91861
foreclosure proceeding, for the treasurer to allege in the 91862
treasurer's complaint that the certificate or master list has been 91863
duly filed by the auditor, that the amount of money appearing to 91864
be due and unpaid is due and unpaid, and that there is a lien 91865
against the property described in the certificate or master list, 91866
without setting forth in the complaint any other or special matter 91867
relating to the foreclosure proceeding. The prayer of the 91868
complaint shall be that the court or the county board of revision 91869
with jurisdiction pursuant to section 323.66 of the Revised Code 91870
issue an order that the property be sold or conveyed by the 91871
sheriff or otherwise be disposed of, and the equity of redemption 91872
be extinguished, according to the alternative redemption 91873
procedures prescribed in sections 323.65 to 323.79 of the Revised 91874
Code, or if the action is in the municipal court by the bailiff, 91875
in the manner provided in section 5721.19 of the Revised Code. 91876

In the foreclosure proceeding, the treasurer may join in one 91877
action any number of lots or lands, but the decree shall be 91878
rendered separately, and any proceedings may be severed, in the 91879
discretion of the court or board of revision, for the purpose of 91880
trial or appeal, and the court or board of revision shall make 91881
such order for the payment of costs as is considered proper. The 91882
certificate or master list filed by the auditor with the 91883
prosecuting attorney is prima-facie evidence at the trial of the 91884
foreclosure action of the amount and validity of the taxes, 91885
assessments, charges, penalties, and interest appearing due and 91886
unpaid and of their nonpayment. 91887

(B) Foreclosure proceedings constituting an action in rem may 91888

be commenced by the filing of a complaint after the end of the 91889
second year from the date on which the delinquency was first 91890
certified by the auditor. Prior to filing such an action in rem, 91891
the prosecuting attorney shall cause a title search to be 91892
conducted for the purpose of identifying any lienholders or other 91893
persons with interests in the property subject to foreclosure. 91894
Following the title search, the action in rem shall be instituted 91895
by filing in the office of the clerk of a court with jurisdiction 91896
a complaint bearing a caption substantially in the form set forth 91897
in division (A) of section 5721.181 of the Revised Code. 91898

Any number of parcels may be joined in one action. Each 91899
separate parcel included in a complaint shall be given a serial 91900
number and shall be separately indexed and docketed by the clerk 91901
of the court in a book kept by the clerk for such purpose. A 91902
complaint shall contain the permanent parcel number of each parcel 91903
included in it, the full street address of the parcel when 91904
available, a description of the parcel as set forth in the 91905
certificate or master list, the name and address of the last known 91906
owner of the parcel if they appear on the general tax list, the 91907
name and address of each lienholder and other person with an 91908
interest in the parcel identified in the title search relating to 91909
the parcel that is required by this division, and the amount of 91910
taxes, assessments, charges, penalties, and interest due and 91911
unpaid with respect to the parcel. It is sufficient for the 91912
treasurer to allege in the complaint that the certificate or 91913
master list has been duly filed by the auditor with respect to 91914
each parcel listed, that the amount of money with respect to each 91915
parcel appearing to be due and unpaid is due and unpaid, and that 91916
there is a lien against each parcel, without setting forth any 91917
other or special matters. The prayer of the complaint shall be 91918
that the court issue an order that the land described in the 91919
complaint be sold in the manner provided in section 5721.19 of the 91920
Revised Code. 91921

(1) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure substantially in the form of the notice set forth in division (B) of section 5721.181 of the Revised Code to be published either (a) once a week for three consecutive weeks in a newspaper of general circulation in the county or (b) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk. Publication on the web site shall continue until one year after the date a judgment is rendered under section 5721.19 of the Revised Code with respect to such property. The newspaper shall meet the requirements of section 7.12 of the Revised Code. Any notice published on a web site shall identify the date the notice is first published on that web site. In lieu of the form prescribed in division (B) of section 5721.181 of the Revised Code, the second and third publication of the notice, if proceeding under division (B)(1)(a) of this section, may be abbreviated as authorized under section 7.16 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

After the ~~third~~ final newspaper publication, the publisher shall file with the clerk of the court an affidavit stating the fact of the publication and including a copy of the notice of foreclosure as published. Two weeks after the clerk causes the notice to be published on the selected web site, if proceeding under division (B)(1)(b) of this section, the prosecuting attorney shall file with the clerk an affidavit stating the fact of the

publication and including a copy of the notice of foreclosure and forfeiture as published. Service of process for purposes of the action in rem shall be considered as complete on the date of the ~~last~~ third newspaper publication or the date that is two weeks after the clerk causes the notice to be published on the selected web site, as applicable.

Within thirty days after the filing of a complaint and before the ~~final date of publication of the notice of foreclosure~~ service of process is considered complete under this division, the clerk of the court also shall cause a copy of a notice substantially in the form of the notice set forth in division (C) of section 5721.181 of the Revised Code to be mailed by certified mail, with postage prepaid, to each person named in the complaint as being the last known owner of a parcel included in it, or as being a lienholder or other person with an interest in a parcel included in it. The notice shall be sent to the address of each such person, as set forth in the complaint, and the clerk shall enter the fact of such mailing upon the appearance docket. If the name and address of the last known owner of a parcel included in a complaint is not set forth in it, the auditor shall file an affidavit with the clerk stating that the name and address of the last known owner does not appear on the general tax list.

(2)(a) An answer may be filed in an action in rem under this division by any person owning or claiming any right, title, or interest in, or lien upon, any parcel described in the complaint. The answer shall contain the caption and number of the action and the serial number of the parcel concerned. The answer shall set forth the nature and amount of interest claimed in the parcel and any defense or objection to the foreclosure of the lien of the state for delinquent taxes, assessments, charges, penalties, and interest as shown in the complaint. The answer shall be filed in the office of the clerk of the court, and a copy of the answer

shall be served on the prosecuting attorney, not later than 91987
twenty-eight days after the date ~~of final publication of the~~ 91988
~~notice of foreclosure~~ service of process is considered complete 91989
under division (B)(1) of this section. If an answer is not filed 91990
within such time, a default judgment may be taken as to any parcel 91991
included in a complaint as to which no answer has been filed. A 91992
default judgment is valid and effective with respect to all 91993
persons owning or claiming any right, title, or interest in, or 91994
lien upon, any such parcel, notwithstanding that one or more of 91995
such persons are minors, incompetents, absentees or nonresidents 91996
of the state, or convicts in confinement. 91997

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 91998
(3) of section 3767.41 of the Revised Code may file an answer 91999
pursuant to division (B)(2)(a) of this section, but is not 92000
required to do so as a condition of receiving proceeds in a 92001
distribution under division (B)(1) of section 5721.17 of the 92002
Revised Code. 92003

(ii) When a receivership under section 3767.41 of the Revised 92004
Code is associated with a parcel, the notice of foreclosure set 92005
forth in division (B) of section 5721.181 of the Revised Code and 92006
the notice set forth in division (C) of that section shall be 92007
modified to reflect the provisions of division (B)(2)(b)(i) of 92008
this section. 92009

(3) At the trial of an action in rem under this division, the 92010
certificate or master list filed by the auditor with the 92011
prosecuting attorney shall be prima-facie evidence of the amount 92012
and validity of the taxes, assessments, charges, penalties, and 92013
interest appearing due and unpaid on the parcel to which the 92014
certificate or master list relates and their nonpayment. If an 92015
answer is properly filed, the court may, in its discretion, and 92016
shall, at the request of the person filing the answer, grant a 92017
severance of the proceedings as to any parcel described in such 92018

answer for purposes of trial or appeal. 92019

(C) In addition to the actions in rem authorized under 92020
division (B) of this section and section 5721.14 of the Revised 92021
Code, an action in rem may be commenced under this division. An 92022
action commenced under this division shall conform to all of the 92023
requirements of division (B) of this section except as follows: 92024

(1) The prosecuting attorney shall not cause a title search 92025
to be conducted for the purpose of identifying any lienholders or 92026
other persons with interests in the property subject to 92027
foreclosure, except that the prosecuting attorney shall cause a 92028
title search to be conducted to identify any receiver's lien. 92029

(2) The names and addresses of lienholders and persons with 92030
an interest in the parcel shall not be contained in the complaint, 92031
and notice shall not be mailed to lienholders and persons with an 92032
interest as provided in division (B)(1) of this section, except 92033
that the name and address of a receiver under section 3767.41 of 92034
the Revised Code shall be contained in the complaint and notice 92035
shall be mailed to the receiver. 92036

(3) With respect to the forms applicable to actions commenced 92037
under division (B) of this section and contained in section 92038
5721.181 of the Revised Code: 92039

(a) The notice of foreclosure prescribed by division (B) of 92040
section 5721.181 of the Revised Code shall be revised to exclude 92041
any reference to the inclusion of the name and address of each 92042
lienholder and other person with an interest in the parcel 92043
identified in a statutorily required title search relating to the 92044
parcel, and to exclude any such names and addresses from the 92045
published notice, except that the revised notice shall refer to 92046
the inclusion of the name and address of a receiver under section 92047
3767.41 of the Revised Code and the published notice shall include 92048
the receiver's name and address. The notice of foreclosure also 92049

shall include the following in boldface type: 92050

"If pursuant to the action the parcel is sold, the sale shall 92051
not affect or extinguish any lien or encumbrance with respect to 92052
the parcel other than a receiver's lien and other than the lien 92053
for land taxes, assessments, charges, interest, and penalties for 92054
which the lien is foreclosed and in satisfaction of which the 92055
property is sold. All other liens and encumbrances with respect to 92056
the parcel shall survive the sale." 92057

(b) The notice to the owner, lienholders, and other persons 92058
with an interest in a parcel shall be a notice only to the owner 92059
and to any receiver under section 3767.41 of the Revised Code, and 92060
the last two sentences of the notice shall be omitted. 92061

(4) As used in this division, a "receiver's lien" means the 92062
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 92063
of section 3767.41 of the Revised Code that is acquired pursuant 92064
to division (H)(2)(b) of that section for any unreimbursed 92065
expenses and other amounts paid in accordance with division (F) of 92066
that section by the receiver and for the fees of the receiver 92067
approved pursuant to division (H)(1) of that section. 92068

(D) The conveyance by the owner of any parcel against which a 92069
complaint has been filed pursuant to this section at any time 92070
after the date of publication of the parcel on the delinquent tax 92071
list but before the date of a judgment of foreclosure pursuant to 92072
section 5721.19 of the Revised Code shall not nullify the right of 92073
the county to proceed with the foreclosure. 92074

Sec. 5725.05. On or before the third day of December, 92075
annually, the tax commissioner shall fix the day as of which the 92076
taxable deposits in financial institutions shall be listed and 92077
assessed. The day fixed shall be between the first and the 92078
thirtieth day of November, and the action of the commissioner 92079
shall be taken not more than three days after the day fixed. 92080

Notice of such action by the commissioner shall be immediately 92081
given to each financial institution and to the county auditor of 92082
each county ~~by certified mail~~ in the manner provided in section 92083
5703.37 of the Revised Code, and the date fixed shall be printed 92084
or stamped on the forms of return to be made by all financial 92085
institutions. The commissioner shall also give immediate notice, 92086
by collect telegram, to those financial institutions or persons 92087
that have filed a request for this service with the commissioner. 92088
The dates fixed by this section for the action of the commissioner 92089
are directory, and if through inadvertence or mistake such action 92090
is not taken at the time prescribed, or the notice required to be 92091
given to a financial institution or a county auditor is not duly 92092
given, the remaining requirements of sections 5725.01 to 5725.26 92093
of the Revised Code, and the validity of any assessment made 92094
hereunder shall not be affected. 92095

Sec. 5725.36. (A) Terms used in this section have the same 92096
meanings as in section 175.16 of the Revised Code. 92097

(B) There is allowed a nonrefundable tax credit against the 92098
tax imposed by section 5725.18 of the Revised Code for a domestic 92099
insurance company that is allocated a credit issued by the 92100
executive director of the Ohio housing finance agency under 92101
section 175.16 of the Revised Code. The credit equals the amount 92102
allocated to such company for the calendar year and reported by 92103
the designated reporter on the form prescribed by division (I) of 92104
section 175.16 of the Revised Code. 92105

The credit authorized in this section shall be claimed in the 92106
order required under section 5725.98 of the Revised Code. If the 92107
amount of a credit exceeds the tax otherwise due under section 92108
5725.18 of the Revised Code after deducting all other credits 92109
preceding the credit in the order prescribed in section 5725.98 of 92110
the Revised Code, the excess may be carried forward for not more 92111

than five ensuing calendar years. The amount of the excess credit 92112
claimed in any such year shall be deducted from the balance 92113
carried forward to the next calendar year. 92114

No credit shall be claimed under this section to the extent 92115
the credit was claimed under section 5726.58, 5729.19, or 5747.83 92116
of the Revised Code. 92117

Sec. 5725.98. (A) To provide a uniform procedure for 92118
calculating the amount of tax imposed by section 5725.18 of the 92119
Revised Code that is due under this chapter, a taxpayer shall 92120
claim any credits and offsets against tax liability to which it is 92121
entitled in the following order: 92122

The credit for an insurance company or insurance company 92123
group under section 5729.031 of the Revised Code; 92124

The credit for eligible employee training costs under section 92125
5725.31 of the Revised Code; 92126

The credit for purchasers of qualified low-income community 92127
investments under section 5725.33 of the Revised Code; 92128

The nonrefundable job retention credit under division (B) of 92129
section 122.171 of the Revised Code; 92130

The nonrefundable credit for investments in rural business 92131
growth funds under section 122.152 of the Revised Code; 92132

The nonrefundable Ohio low-income housing tax credit under 92133
section 5725.36 of the Revised Code; 92134

The nonrefundable credit for contributing capital to a 92135
transformational mixed use development project under section 92136
5725.35 of the Revised Code; 92137

The offset of assessments by the Ohio life and health 92138
insurance guaranty association permitted by section 3956.20 of the 92139
Revised Code; 92140

The refundable credit for rehabilitating a historic building 92141
under section 5725.34 of the Revised Code; 92142

The refundable credit for Ohio job retention under former 92143
division (B)(2) or (3) of section 122.171 of the Revised Code as 92144
those divisions existed before September 29, 2015, the effective 92145
date of the amendment of this section by H.B. 64 of the 131st 92146
general assembly; 92147

The refundable credit for Ohio job creation under section 92148
5725.32 of the Revised Code; 92149

The refundable credit under section 5725.19 of the Revised 92150
Code for losses on loans made under the Ohio venture capital 92151
program under sections 150.01 to 150.10 of the Revised Code. 92152

(B) For any credit except the refundable credits enumerated 92153
in this section, the amount of the credit for a taxable year shall 92154
not exceed the tax due after allowing for any other credit that 92155
precedes it in the order required under this section. Any excess 92156
amount of a particular credit may be carried forward if authorized 92157
under the section creating that credit. Nothing in this chapter 92158
shall be construed to allow a taxpayer to claim, directly or 92159
indirectly, a credit more than once for a taxable year. 92160

Sec. 5726.01. As used in this chapter: 92161

(A) "Affiliated group" means a group of two or more persons 92162
with fifty per cent or greater of the value of each person's 92163
ownership interests owned or controlled directly, indirectly, or 92164
constructively through related interests by common owners during 92165
all or any portion of the taxable year, and the common owners. 92166
"Affiliated group" includes, but is not limited to, any person 92167
eligible to be included in a consolidated elected taxpayer group 92168
under section 5751.011 of the Revised Code or a combined taxpayer 92169
group under section 5751.012 of the Revised Code. 92170

(B) "Bank organization" means any of the following:	92171
(1) A national bank organized and operating as a national bank association pursuant to the "National Bank Act," 13 Stat. 100 (1864), 12 U.S.C. 21, et seq.;	92172 92173 92174
(2) A federal savings association or federal savings bank chartered under 12 U.S.C. 1464;	92175 92176
(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is organized or incorporated under the laws of the United States, any state, or a foreign country;	92177 92178 92179 92180
(4) Any corporation organized and operating pursuant to 12 U.S.C. 611, et seq.;	92181 92182
(5) Any agency or branch of a foreign bank, as those terms are defined in 12 U.S.C. 3101.	92183 92184
"Bank organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, a company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company, an association formed pursuant to 12 U.S.C. 2279c-1, an insurance company, or a credit union.	92185 92186 92187 92188 92189 92190
(C) "Call report" means the consolidated reports of condition and income prescribed by the federal financial institutions examination council that a person is required to file with a federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 324, or 12 U.S.C. 1817.	92191 92192 92193 92194 92195
(D) "Captive finance company" means a person that derived at least seventy-five per cent of its gross income for the current taxable year and the two taxable years preceding the current taxable year from one or more of the following transactions:	92196 92197 92198 92199
(1) Financing transactions with members of its affiliated	92200

group;	92201
(2) Financing transactions with or for customers of products manufactured or sold by a member of its affiliated group;	92202 92203
(3) Financing transactions with or for a distributor or franchisee that sells, leases, or services a product manufactured or sold by a member of the person's affiliated group;	92204 92205 92206
(4) Financing transactions with or for a supplier to a member of the person's affiliated group in connection with the member's manufacturing business;	92207 92208 92209
(5) Issuing bonds or other publicly traded debt instruments for the benefit of the affiliated group;	92210 92211
(6) Short-term or long-term investments whereby the person invests the cash reserves of the affiliated group and the affiliated group utilizes the proceeds from the investments.	92212 92213 92214
For the purposes of division (D) of this section, "financing transaction" means making or selling loans, extending credit, leasing, earning or receiving subvention, including interest supplements and other support costs related thereto, or acquiring, selling, or servicing accounts receivable, notes, loans, leases, debt, or installment obligations that arise from the sale or lease of tangible personal property or the performance of services, and "gross income" has the same meaning as in section 61 of the Internal Revenue Code and includes income from transactions between the captive finance company and other members of its affiliated group.	92215 92216 92217 92218 92219 92220 92221 92222 92223 92224 92225
A person that has not been in continuous existence for the two taxable years preceding the current taxable year qualifies as a "captive finance company" for purposes of division (D) of this section if the person derived at least seventy-five per cent of its gross income for the period of its existence from one or more of the transactions described in divisions (D)(1) to (6) of this	92226 92227 92228 92229 92230 92231

section. 92232

"Captive finance company" does not include a small dollar lender. 92233
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(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States. 92235
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(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012. 92238
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(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name. 92241
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(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies: 92248
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(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the FR Y-9. 92251
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(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the call report and that are not included in a group described in division (H)(1) of this section. 92255
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(3) If a bank organization is owned directly by a grandfathered unitary savings and loan holding company or directly 92260
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or indirectly by an entity that was a grandfathered unitary 92262
savings and loan holding company on January 1, 2012, "financial 92263
institution" means a group consisting only of that bank 92264
organization and the entities ~~included~~ consolidated in that bank 92265
organization's call report, notwithstanding division (H)(1) or (2) 92266
of this section. 92267

"Financial institution" does not include a diversified 92268
savings and loan holding company, a grandfathered unitary savings 92269
and loan holding company, any entity that was a grandfathered 92270
unitary savings and loan holding company on January 1, 2012, or 92271
any entity that is not a bank organization or owned by a bank 92272
organization and that is owned directly or indirectly by an entity 92273
that was a grandfathered unitary savings and loan holding company 92274
on January 1, 2012. 92275

(I) "FR Y-9" means the consolidated or parent-only financial 92276
statements that a holding company is required to file with the 92277
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 92278
holding company required to file both consolidated and parent-only 92279
financial statements, "FR Y-9" means the consolidated financial 92280
statements that the holding company is required to file. For 92281
purposes of division (H)(1) of this section, if a holding company 92282
is required to file a parent-only financial statement and not a 92283
consolidated financial statement, "FR Y-9" means the consolidated 92284
financial statement the company would file if it were required to 92285
do so by the federal reserve board. 92286

(J) "Grandfathered unitary savings and loan holding company" 92287
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 92288
section existed on December 31, 1999. 92289

(K) "Gross receipts" means all items of income, without 92290
deduction for expenses. If the reporting person for a taxpayer is 92291
a holding company, "gross receipts" includes all items of income 92292
reported on the FR Y-9 filed by the holding company. If the 92293

reporting person for a taxpayer is a bank organization, "gross 92294
receipts" includes all items of income reported on the call report 92295
filed by the bank organization. If the reporting person for a 92296
taxpayer is a nonbank financial organization, "gross receipts" 92297
includes all items of income reported in accordance with generally 92298
accepted accounting principles. 92299

(L) "Insurance company" means every corporation, association, 92300
and society engaged in the business of insurance of any character, 92301
or engaged in the business of entering into contracts 92302
substantially amounting to insurance of any character, or of 92303
indemnifying or guaranteeing against loss or damage, or acting as 92304
surety on bonds or undertakings. "Insurance company" also includes 92305
any health insuring corporation as defined in section 1751.01 of 92306
the Revised Code. 92307

(M)(1) "Nonbank financial organization" means every person 92308
that is not a bank organization or a holding company of a bank 92309
organization and that engages in business primarily as a small 92310
dollar lender. "Nonbank financial organization" does not include 92311
an institution organized under the "Federal Farm Loan Act," 39 92312
Stat. 360 (1916), or a successor of such an institution, an 92313
insurance company, a captive finance company, a credit union, an 92314
institution organized and operated exclusively for charitable 92315
purposes within the meaning of section 501(c)(3) of the Internal 92316
Revenue Code, or a person that facilitates or services one or more 92317
securitizations for a bank organization, a holding company of a 92318
bank organization, a captive finance company, or any member of the 92319
person's affiliated group. 92320

(2) A person is engaged in business primarily as a small 92321
dollar lender if the person has, for the taxable year, gross 92322
income from the activities described in division (O) of this 92323
section that exceeds the person's gross income from all other 92324
activities. As used in division (M) of this section, "gross 92325

income" has the same meaning as in section 61 of the Internal Revenue Code, and income from transactions between the person and the other members of the affiliated group shall be eliminated, and any sales, exchanges, and other dispositions of commercial paper to persons outside the affiliated group produces gross income only to the extent the proceeds from such transactions exceed the affiliated group's basis in such commercial paper.

(N) "Reporting person" means one of the following:

(1) In the case of a financial institution described in division (H)(1) of this section, the top-tier holding company required to file an FR Y-9.

(2) In the case of a financial institution described in division (H)(2) or (3) of this section, the bank organization required to file the call report.

(3) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (H)(1) or (2) of this section, the bank organization or nonbank financial organization.

(O) "Small dollar lender" means any person engaged primarily in the business of loaning money to individuals, provided that the loan amounts do not exceed five thousand dollars and the duration of the loans do not exceed twelve months. A "small dollar lender" does not include a bank organization, credit union, or captive finance company.

(P) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid.

(Q) "Taxable year" means the calendar year preceding the year in which an annual report is required to be filed under section 5726.03 of the Revised Code.

(R) "Taxpayer" means a financial institution subject to the 92356
tax levied under section 5726.02 of the Revised Code. 92357

(S) "Total equity capital" means the sum of the common stock 92358
at par value, perpetual preferred stock and related surplus, other 92359
surplus not related to perpetual preferred stock, retained 92360
earnings, accumulated other comprehensive income, treasury stock, 92361
unearned employee stock ownership plan shares, and other equity 92362
components of a financial institution. "Total equity capital" 92363
shall not include any noncontrolling (minority) interests as 92364
reported on an FR Y-9 or call report, unless such interests are in 92365
a bank organization or a bank holding company. 92366

(T) "Total Ohio equity capital" means the portion of the 92367
total equity capital of a financial institution apportioned to 92368
Ohio pursuant to section 5726.05 of the Revised Code. 92369

(U) "Holding company" does not include a diversified savings 92370
and loan holding company, a grandfathered unitary savings and loan 92371
holding company, any entity that was a grandfathered unitary 92372
savings and loan holding company on January 1, 2012, or any entity 92373
that is not a bank organization or owned by a bank organization 92374
and that is owned directly or indirectly by an entity that was a 92375
grandfathered unitary savings and loan holding company on January 92376
1, 2012. 92377

(V) "Securitization" means transferring one or more assets to 92378
one or more persons and subsequently issuing securities backed by 92379
the right to receive payment from the asset or assets so 92380
transferred. 92381

(W) "De novo bank organization" means a bank organization 92382
that first began operations in the taxable year preceding the 92383
current tax year or in either of the two immediately preceding 92384
taxable years. For the purposes of this division, a bank 92385
organization "first began operations" on the day the bank 92386

organization was issued a charter, a certificate of authority to 92387
commence business, or the equivalent document enabling the bank 92388
organization to begin conducting business as a bank organization. 92389
A "de novo bank organization" does not include a bank organization 92390
formed by, acquired by, merged with, or converted by a taxpayer 92391
that filed and paid the tax under this chapter in any preceding 92392
calendar year. 92393

Sec. 5726.04. (A)(1) The tax levied on a financial 92394
institution other than a de novo bank organization under this 92395
chapter shall be the greater of the following: 92396

(a) A minimum tax equal to one thousand dollars; 92397

(b) The product of the total Ohio equity capital of the 92398
financial institution, as determined under this section, 92399
multiplied by eight mills for each dollar of the first two hundred 92400
million dollars of total Ohio equity capital, by four mills for 92401
each dollar of total Ohio equity capital greater than two hundred 92402
million and less than one billion three hundred million dollars, 92403
and by two and one-half mills for each dollar of total Ohio equity 92404
capital equal to or greater than one billion three hundred million 92405
dollars. 92406

(2) The tax levied on a de novo bank organization under this 92407
chapter shall equal the difference obtained by subtracting one 92408
million dollars from the amount of tax that would be calculated 92409
for the de novo bank organization under division (A)(1)(b) of this 92410
section, provided that if that difference is equal to or less than 92411
zero, no tax shall be due for the taxable year. 92412

A de novo bank organization with no tax due for a taxable 92413
year pursuant to this division shall be considered a financial 92414
institution that "paid the tax imposed by section 5726.02 of the 92415
Revised Code based on" that taxable year for the purposes of 92416
division (E)(3) of section 5751.01 of the Revised Code. 92417

(B) If the reporting person for a financial institution files an FR Y-9 or call report, the total equity capital of the financial institution shall equal the total equity capital shown on the reporting person's FR Y-9 or call report as of the end of the taxable year. The total equity capital of all other financial institutions shall be reported as of the end of the taxable year in accordance with generally accepted accounting principles.

(C) For the purposes of this section:

(1) "Total Ohio equity capital" means the product of (a) the total equity capital of a financial institution as of the end of a taxable year to the extent that the total equity capital does not exceed fourteen per cent of the financial institution's total assets multiplied by (b) the Ohio apportionment ratio calculated for the financial institution under section 5726.05 of the Revised Code, ~~except as provided in section 5726.041 of the Revised Code.~~

(2) "Total assets" means:

(a) In the case of a financial institution described in division (H)(1) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's FR Y-9 as of the end of the taxable year;

(b) In the case of a financial institution described in division (H)(2) or (3) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's call report as of the end of the taxable year;

(c) In the case of all other financial institutions, the total consolidated assets of the financial institution as of the end of the taxable year in accordance with generally accepted accounting principles.

The tax commissioner may audit a reporting person's total assets to confirm the financial institution's actual total consolidated assets and may make any adjustments necessary.

(D) All payments received from the tax levied under this chapter shall be credited to the general revenue fund.

(E) The commissioner may adopt rules to provide additional guidance for the application of this section.

Sec. 5726.56. (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B) A taxpayer may claim a nonrefundable credit against the tax imposed under this chapter equal to seven per cent of the excess of (1) the qualified research expenses incurred by the taxpayer in this state in a taxable year over (2) the average annual qualified research expenses incurred by the taxpayer in this state in the three previous taxable years. For the purposes of this division, "qualified research expenses incurred by the taxpayer" includes the qualified research expenses incurred by all persons included in the annual report of the taxpayer and by any insurance company subject to the tax levied under section 5725.18 or Chapter 5729. of the Revised Code that has more than fifty per cent of its ownership interests directly or indirectly owned or controlled by a person included in the annual report of the taxpayer, even though such an insurance company is not subject to the tax imposed under this chapter.

(C) A taxpayer shall claim the credit allowed under this section in the order prescribed by section 5726.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than seven ensuing tax years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next tax year.

(D) A taxpayer may claim against the tax imposed under this chapter any unused portion of a credit authorized under section 5733.351 of the Revised Code but only to the extent of the remaining portion of the seven-year carry-forward period authorized by that section.

(E) In the case of a taxpayer that includes more than one person, each person in the financial institution group shall separately calculate the credit claimed under this section using the qualified research expenses incurred by that person on a form prescribed by the tax commissioner, which shall be used by the taxpayer to claim the credit.

A taxpayer may only claim the credit with respect to persons included in the financial institution group as of the thirty-first day of December of the taxable year in which the qualified research expenses are incurred. A taxpayer may only claim any excess credit carried forward under division (C) of this section with respect to persons included in that group as of the last day of the taxable year for which the return claiming the credit is filed.

(F) A taxpayer that claims a credit under this section shall retain records to substantiate the claim. Required records include those relating to any expenses used in calculating the credit and incurred in the current taxable year and in the three preceding taxable years.

The taxpayer shall retain the required records until the date that is four years after the due date for the return on which the credit was claimed or four years after the date the return was actually filed, whichever is later.

(G) The tax commissioner may audit a sample of the taxpayer's qualified research expenses over a representative period to ascertain the amount of tax credit the taxpayer may claim under

this section and may issue an assessment under section 5726.20 of 92511
the Revised Code based on the audit. The commissioner shall make a 92512
good faith effort to reach an agreement with the taxpayer in 92513
selecting a representative sample. The commissioner is not, 92514
however, precluded from proceeding under this division if an 92515
agreement is not made. 92516

Sec. 5726.58. (A) Terms used in this section have the same 92517
meanings as in section 175.16 of the Revised Code. 92518

(B) A taxpayer may claim a nonrefundable tax credit against 92519
the tax imposed under section 5736.02 of the Revised Code for each 92520
person included in the annual report of the taxpayer that is 92521
allocated a credit issued by the executive director of the Ohio 92522
housing finance agency under section 175.16 of the Revised Code. 92523
The credit equals the amount allocated to such person for the 92524
taxable year and reported by the designated reporter on the form 92525
prescribed by division (I) of section 175.16 of the Revised Code. 92526

The credit authorized in this section shall be claimed in the 92527
order required under section 5726.98 of the Revised Code. If the 92528
amount of a credit exceeds the tax otherwise due under section 92529
5726.02 of the Revised Code after deducting all other credits 92530
preceding the credit in the order prescribed in section 5726.98 of 92531
the Revised Code, the excess may be carried forward for not more 92532
than five ensuing tax years. The amount of the excess credit 92533
claimed in any such year shall be deducted from the balance 92534
carried forward to the next tax year. 92535

No credit shall be claimed under this section to the extent 92536
the credit was claimed under section 5725.36, 5729.19, or 5747.83 92537
of the Revised Code. 92538

Sec. 5726.98. (A) To provide a uniform procedure for 92539
calculating the amount of tax due under section 5726.02 of the 92540

Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order:

The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;

The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;

The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;

The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;

The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or

indirectly, a credit more than once for a taxable year. 92570

Sec. 5727.28. (A) The tax commissioner shall refund to a 92571
natural gas company or combined company subject to the tax imposed 92572
by section 5727.24 of the Revised Code amounts paid illegally or 92573
erroneously, or paid on an illegal or erroneous assessment. 92574
Applications for a refund shall be filed with the tax 92575
commissioner, on a form prescribed by the commissioner, within 92576
four years of the illegal or erroneous payment. 92577

On the filing of the application, the commissioner shall 92578
determine the amount of refund to which the applicant is entitled. 92579
If the amount is not less than that claimed, the commissioner 92580
shall ~~notify the director of budget and management and~~ issue the 92581
refund from the tax refund fund under section 5703.052 of the 92582
Revised Code. If the amount is less than that claimed, the 92583
commissioner shall proceed in accordance with section 5703.70 of 92584
the Revised Code. 92585

If the application for refund is for payment of an illegal or 92586
erroneous assessment, the commissioner shall include in the 92587
certified amount interest calculated at the rate per annum 92588
prescribed by section 5703.47 of the Revised Code from the date of 92589
overpayment to the date of the commissioner's certification. 92590

(B) If a natural gas company or combined company entitled to 92591
a refund under this section, or section 5703.70 of the Revised 92592
Code, is indebted to the state for any tax or fee administered by 92593
the tax commissioner that is paid to the state, or any charge, 92594
penalty, or interest arising from such a tax or fee, the amount 92595
refundable may be applied in satisfaction of that debt. If the 92596
amount refundable is less than the amount of the debt, it may be 92597
applied in partial satisfaction of the debt. If the amount 92598
refundable is greater than the amount of the debt, the amount 92599
remaining after satisfaction of the debt shall be refunded. 92600

(C) In lieu of granting a refund under division (A) or (B) of this section, the tax commissioner may allow a natural gas company or combined company to claim a credit of the amount of the tax refund on the return for the period during which the tax became refundable. The commissioner may require the company to submit information to support a claim for a credit under this division, and the commissioner may disallow the credit if the information is not provided.

Sec. 5727.42. (A) The treasurer of state shall notify the tax commissioner of any payment of the excise tax imposed by section 5727.30 of the Revised Code. The commissioner shall collect and the taxpayer shall pay all taxes and any penalties thereon. Payments of the tax may be made by mail, in person, by electronic funds transfer if required to do so by section 5727.311 of the Revised Code, or by any other means authorized by the commissioner. The commissioner may adopt rules concerning the methods and timeliness of payment.

(B) Each tax assessment issued pursuant to this section shall separately reflect the taxes and any penalty due, and any other information considered necessary. The commissioner shall mail the assessment to the taxpayer, and the mailing of it shall be prima-facie evidence of receipt thereof by the taxpayer.

(C) The commissioner shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The commissioner may consult the attorney general regarding such claims.

(D) After receiving any excise tax annual statement for the tax imposed by section 5727.30 of the Revised Code, the commissioner shall:

(1) Ascertain the difference between the total taxes owed and the sum of all payments made for that year. 92632
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(2) If the difference is a deficiency, the commissioner shall issue an assessment. 92634
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(3) If the difference is an excess, the commissioner shall ~~notify the director of budget and management and~~ issue a refund of that amount to the taxpayer. If the amount of the refund is less than that claimed by the taxpayer, the taxpayer, within sixty days of the issuance of the refund, may provide to the commissioner additional information to support the claim or may request a hearing. Upon receiving such information or request within that time, the commissioner shall follow the same procedures set forth in divisions (C) and (D) of section 5703.70 of the Revised Code for the determination of refund applications. 92636
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If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the commissioner may determine the net result and, depending on such result, proceed to issue an assessment or certify a refund. 92646
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(E) If a taxpayer fails to pay the amount of taxes required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, the commissioner shall impose a penalty in the amount of fifteen per cent of the unpaid amount, and the commissioner shall issue an assessment for the unpaid amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the commissioner of all collections. 92651
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Sec. 5727.47. (A) Notice of each assessment certified or 92662

issued pursuant to section 5727.23 or 5727.38 of the Revised Code 92663
shall be mailed to the public utility, and its mailing shall be 92664
prima-facie evidence of its receipt by the public utility to which 92665
it is addressed. With the notice, the tax commissioner shall 92666
provide instructions on how to petition for reassessment and 92667
request a hearing on the petition. ~~If~~ Except as otherwise provided 92668
in division (G) of this section, if a public utility objects to 92669
such an assessment, it may file with the commissioner, either 92670
personally or by certified mail, within sixty days after the 92671
mailing of the notice of assessment a written petition for 92672
reassessment signed by the utility's authorized agent having 92673
knowledge of the facts. The date the commissioner receives the 92674
petition shall be considered the date of filing. The petition 92675
shall indicate the utility's objections, but additional objections 92676
may be raised in writing if received by the commissioner prior to 92677
the date shown on the final determination. 92678

In the case of a petition seeking a reduction in taxable 92679
value filed with respect to an assessment certified under section 92680
5727.23 of the Revised Code, the petitioner shall state in the 92681
petition the total amount of reduction in taxable value sought by 92682
the petitioner. If the petitioner objects to the percentage of 92683
true value at which taxable property is assessed by the 92684
commissioner, the petitioner shall state in the petition the total 92685
amount of reduction in taxable value sought both with and without 92686
regard to the objection pertaining to the percentage of true value 92687
at which its taxable property is assessed. If a petitioner objects 92688
to the commissioner's apportionment of the taxable value of the 92689
petitioner's taxable property, the petitioner shall distinctly 92690
state in the petition that the petitioner objects to the 92691
commissioner's apportionment, and, within forty-five days after 92692
filing the petition for reassessment, shall submit the 92693
petitioner's proposed apportionment of the taxable value of its 92694
taxable property among taxing districts. If a petitioner that 92695

objects to the commissioner's apportionment fails to state its 92696
objections to that apportionment in its petition for reassessment 92697
or fails to submit its proposed apportionment within forty-five 92698
days after filing the petition for reassessment, the commissioner 92699
shall dismiss the petitioner's objection to the commissioner's 92700
apportionment, and the taxable value of the petitioner's taxable 92701
property, subject to any adjustment to taxable value pursuant to 92702
the petition or appeal, shall be apportioned in the manner used by 92703
the commissioner in the preliminary or amended preliminary 92704
assessment certified under section 5727.23 of the Revised Code. 92705

If an additional objection seeking a reduction in taxable 92706
value in excess of the reduction stated in the original petition 92707
is properly and timely raised with respect to an assessment issued 92708
under section 5727.23 of the Revised Code, the petitioner shall 92709
state the total amount of the reduction in taxable value sought in 92710
the additional objection both with and without regard to any 92711
reduction in taxable value pertaining to the percentage of true 92712
value at which taxable property is assessed. If a petitioner fails 92713
to state the reduction in taxable value sought in the original 92714
petition or in additional objections properly raised after the 92715
petition is filed, the commissioner shall notify the petitioner of 92716
the failure ~~by certified mail~~ in the manner provided in section 92717
5703.37 of the Revised Code. If the petitioner fails to notify the 92718
commissioner in writing of the reduction in taxable value sought 92719
in the petition or in an additional objection within thirty days 92720
after receiving the commissioner's notice, the commissioner shall 92721
dismiss the petition or the additional objection in which that 92722
reduction is sought. 92723

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 92724
public utility filing a petition for reassessment regarding an 92725
assessment certified or issued under section 5727.23 or 5727.38 of 92726
the Revised Code shall pay the tax with respect to the assessment 92727

objected to as required by law. The acceptance of any tax payment 92728
by the treasurer of state, tax commissioner, or any county 92729
treasurer shall not prejudice any claim for taxes on final 92730
determination by the commissioner or final decision by the board 92731
of tax appeals or any court. 92732

(2) If a public utility properly and timely files a petition 92733
for reassessment regarding an assessment certified under section 92734
5727.23 of the Revised Code, the petitioner shall pay the tax as 92735
prescribed by divisions (B)(2)(a), (b), and (c) of this section: 92736

(a) If the petitioner does not object to the commissioner's 92737
apportionment of the taxable value of the petitioner's taxable 92738
property, the petitioner is not required to pay the part of the 92739
tax otherwise due on the taxable value that the petitioner seeks 92740
to have reduced, subject to division (B)(2)(c) of this section. 92741

(b) If the petitioner objects to the commissioner's 92742
apportionment of the taxable value of the petitioner's taxable 92743
property, the petitioner is not required to pay the tax otherwise 92744
due on the part of the taxable value apportioned to any taxing 92745
district that the petitioner objects to, subject to division 92746
(B)(2)(c) of this section. If, pursuant to division (A) of this 92747
section, the petitioner has, in a proper and timely manner, 92748
apportioned taxable value to a taxing district to which the 92749
commissioner did not apportion the petitioner's taxable value, the 92750
petitioner shall pay the tax due on the taxable value that the 92751
petitioner has apportioned to the taxing district, subject to 92752
division (B)(2)(c) of this section. 92753

(c) If a petitioner objects to the percentage of true value 92754
at which taxable property is assessed by the commissioner, the 92755
petitioner shall pay the tax due on the basis of the percentage of 92756
true value at which the public utility's taxable property is 92757
assessed by the commissioner. In any case, the petitioner's 92758
payment of tax shall not be less than the amount of tax due based 92759

on the taxable value reflected on the last appeal notice issued by 92760
the commissioner under division (C) of this section. Until the 92761
county auditor receives notification under division (E) of this 92762
section and proceeds under section 5727.471 of the Revised Code to 92763
issue any refund that is found to be due, the county auditor shall 92764
not issue a refund for any increase in the reduction in taxable 92765
value that is sought by a petitioner later than forty-five days 92766
after the petitioner files the original petition as required under 92767
division (A) of this section. 92768

(3) Any part of the tax that, under division (B)(2)(a) or (b) 92769
of this section, is not paid shall be collected upon receipt of 92770
the notification as provided in section 5727.471 of the Revised 92771
Code with interest thereon computed in the same manner as interest 92772
is computed under division (E) of section 5715.19 of the Revised 92773
Code, subject to any correction of the assessment by the 92774
commissioner under division (E) of this section or the final 92775
judgment of the board of tax appeals or a court to which the 92776
board's final judgment is appealed. The penalty imposed under 92777
section 323.121 of the Revised Code shall apply only to the unpaid 92778
portion of the tax if the petitioner's tax payment is less than 92779
the amount of tax due based on the taxable value reflected on the 92780
last appeal notice issued by the commissioner under division (C) 92781
of this section. 92782

(C) Upon receipt of a properly filed petition for 92783
reassessment with respect to an assessment certified under section 92784
5727.23 of the Revised Code, the tax commissioner shall notify the 92785
treasurer of state or the auditor of each county to which the 92786
assessment objected to has been certified. In the case of a 92787
petition with respect to an assessment certified under section 92788
5727.23 of the Revised Code, the commissioner shall issue an 92789
appeal notice within thirty days after receiving the amount of the 92790
taxable value reduction and apportionment changes sought by the 92791

petitioner in the original petition or in any additional 92792
objections properly and timely raised by the petitioner. The 92793
appeal notice shall indicate the amount of the reduction in 92794
taxable value sought in the petition or in the additional 92795
objections and the extent to which the reduction in taxable value 92796
and any change in apportionment requested by the petitioner would 92797
affect the commissioner's apportionment of the taxable value among 92798
taxing districts in the county as shown in the assessment. If a 92799
petitioner is seeking a reduction in taxable value on the basis of 92800
a lower percentage of true value than the percentage at which the 92801
commissioner assessed the petitioner's taxable property, the 92802
appeal notice shall indicate the reduction in taxable value sought 92803
by the petitioner without regard to the reduction sought on the 92804
basis of the lower percentage and shall indicate that the 92805
petitioner is required to pay tax on the reduced taxable value 92806
determined without regard to the reduction sought on the basis of 92807
a lower percentage of true value, as provided under division 92808
(B)(2)(c) of this section. The appeal notice shall include a 92809
statement that the reduced taxable value and the apportionment 92810
indicated in the notice are not final and are subject to 92811
adjustment by the commissioner or by the board of tax appeals or a 92812
court on appeal. If the commissioner finds an error in the appeal 92813
notice, the commissioner may amend the notice, but the notice is 92814
only for informational and tax payment purposes; the notice is not 92815
subject to appeal by any person. The commissioner also shall mail 92816
a copy of the appeal notice to the petitioner. Upon the request of 92817
a taxing authority, the county auditor may disclose to the taxing 92818
authority the extent to which a reduction in taxable value sought 92819
by a petitioner would affect the apportionment of taxable value to 92820
the taxing district or districts under the taxing authority's 92821
jurisdiction, but such a disclosure does not constitute a notice 92822
required by law to be given for the purpose of section 5717.02 of 92823
the Revised Code. 92824

(D) If the petitioner requests a hearing on the petition, the tax commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code.

The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner.

(G) An electric company with taxable property that is, or is part of, a facility that generates electricity may file a petition

for reassessment seeking a reduction in taxable value of that 92857
property, provided that any such petition shall not request, and 92858
the tax commissioner shall have no authority to grant, a reduction 92859
in taxable value of more than seven and one-half per cent of the 92860
taxable value of the property for the immediately preceding tax 92861
year. 92862

Sec. 5727.75. (A) For purposes of this section: 92863

(1) "Qualified energy project" means an energy project 92864
certified by the director of development pursuant to this section. 92865

(2) "Energy project" means a project to provide electric 92866
power through the construction, installation, and use of an energy 92867
facility. 92868

(3) "Alternative energy zone" means a county declared as such 92869
by the board of county commissioners under division (E)(1)(b) or 92870
(c) of this section. 92871

(4) "Full-time equivalent employee" means the total number of 92872
employee-hours for which compensation was paid to individuals 92873
employed at a qualified energy project for services performed at 92874
the project during the calendar year divided by two thousand 92875
eighty hours. For the purpose of this calculation, "performed at 92876
the project" includes only hours worked at the qualified energy 92877
project and devoted to site preparation or protection, 92878
construction and installation, and the unloading and distribution 92879
of materials at the project site, but does not include hours 92880
worked by superintendents, owners, manufacturers' representatives, 92881
persons employed in a bona fide executive, management, 92882
supervisory, or administrative capacity, or persons whose sole 92883
employment on the project is transporting materials or persons to 92884
the project site. 92885

(5) "Solar energy project" means an energy project composed 92886

of an energy facility using solar panels to generate electricity. 92887

(6) "Internet identifier of record" has the same meaning as 92888
in section 9.312 of the Revised Code. 92889

(7) "Applicable year" means the tax year that aligns with the 92890
applicable year, as that term is defined in section 45Y of the 92891
Internal Revenue Code. 92892

(8) "Internal Revenue Code" means the Internal Revenue Code 92893
as of the effective date of this amendment. 92894

(B)(1) Tangible personal property of a qualified energy 92895
project using renewable energy resources is exempt from taxation 92896
for tax years 2011 through ~~2025~~ the applicable year if all of the 92897
following conditions are satisfied: 92898

(a) On or before ~~December 31, 2024~~ the last day of the tax 92899
year preceding the applicable year, the owner or a lessee pursuant 92900
to a sale and leaseback transaction of the project submits an 92901
application to the power siting board for a certificate under 92902
section 4906.20 of the Revised Code, or if that section does not 92903
apply, submits an application for any approval, consent, permit, 92904
or certificate or satisfies any condition required by a public 92905
agency or political subdivision of this state for the construction 92906
or initial operation of an energy project. 92907

(b) Construction or installation of the energy facility 92908
begins on or after January 1, 2009, and before ~~January 1, 2025~~ the 92909
first day of the applicable year. For the purposes of this 92910
division, construction begins on the earlier of the date of 92911
application for a certificate or other approval or permit 92912
described in division (B)(1)(a) of this section, or the date the 92913
contract for the construction or installation of the energy 92914
facility is entered into. 92915

(c) For a qualified energy project with a nameplate capacity 92916
of twenty megawatts or greater, a board of county commissioners of 92917

a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through ~~2025~~ the applicable year, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for the tax year 2026 following the applicable year and all ensuing tax years if the property was placed into service before ~~January 1, 2026~~ before the first day of the tax year following the applicable year, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into

service before that date is taxable property subject to taxation. 92950

(2) For such a qualified energy project with a nameplate 92951
capacity of twenty megawatts or greater, a board of county 92952
commissioners of a county in which property of the qualified 92953
energy project is located has adopted a resolution under division 92954
(E)(1)(b) or (c) of this section to approve the application 92955
submitted under division (E) of this section to exempt the 92956
property located in that county from taxation. A board's adoption 92957
of a resolution rejecting the application or its failure to adopt 92958
a resolution approving the application does not affect the 92959
tax-exempt status of the qualified energy project's property that 92960
is located in another county. 92961

(3) The certification for the qualified energy project issued 92962
under division (E)(2) of this section has not been revoked. An 92963
energy project for which certification has been revoked is 92964
ineligible for exemption under this section. Revocation does not 92965
affect the tax-exempt status of the project's tangible personal 92966
property for the tax year in which revocation occurs or any prior 92967
tax year. 92968

(D) Except as otherwise provided in this section, real 92969
property of a qualified energy project is exempt from taxation for 92970
any tax year for which the tangible personal property of the 92971
qualified energy project is exempted under this section. 92972

(E)(1)(a) A person may apply to the director of development 92973
for certification of an energy project as a qualified energy 92974
project on or before the following dates: 92975

(i) ~~December 31, 2024~~ The last day of the tax year preceding 92976
the applicable year, for an energy project using renewable energy 92977
resources; 92978

(ii) December 31, 2017, for an energy project using clean 92979
coal technology, advanced nuclear technology, or cogeneration 92980

technology. 92981

(b) The director shall forward a copy of each application for 92982
certification of an energy project with a nameplate capacity of 92983
twenty megawatts or greater to the board of county commissioners 92984
of each county in which the project is located and to each taxing 92985
unit with territory located in each of the affected counties. Any 92986
board that receives from the director a copy of an application 92987
submitted under this division shall adopt a resolution approving 92988
or rejecting the application unless it has adopted a resolution 92989
under division (E)(1)(c) of this section. A resolution adopted 92990
under division (E)(1)(b) or (c) of this section may require an 92991
annual service payment to be made in addition to the service 92992
payment required under division (G) of this section. The sum of 92993
the service payment required in the resolution and the service 92994
payment required under division (G) of this section shall not 92995
exceed nine thousand dollars per megawatt of nameplate capacity 92996
located in the county. The resolution shall specify the time and 92997
manner in which the payments required by the resolution shall be 92998
paid to the county treasurer. The county treasurer shall deposit 92999
the payment to the credit of the county's general fund to be used 93000
for any purpose for which money credited to that fund may be used. 93001

The board shall send copies of the resolution to the owner of 93002
the facility and the director by certified mail or, if the board 93003
has record of an internet identifier of record associated with the 93004
owner or director, by ordinary mail and by that internet 93005
identifier of record. The board shall send such notice within 93006
thirty days after receipt of the application, or a longer period 93007
of time if authorized by the director. 93008

(c) A board of county commissioners may adopt a resolution 93009
declaring the county to be an alternative energy zone and 93010
declaring all applications submitted to the director of 93011
development under this division after the adoption of the 93012

resolution, and prior to its repeal, to be approved by the board. 93013

All tangible personal property and real property of an energy 93014
project with a nameplate capacity of twenty megawatts or greater 93015
is taxable if it is located in a county in which the board of 93016
county commissioners adopted a resolution rejecting the 93017
application submitted under this division or failed to adopt a 93018
resolution approving the application under division (E)(1)(b) or 93019
(c) of this section. 93020

(2) The director shall certify an energy project if all of 93021
the following circumstances exist: 93022

(a) The application was timely submitted. 93023

(b) For an energy project with a nameplate capacity of twenty 93024
megawatts or greater, a board of county commissioners of at least 93025
one county in which the project is located has adopted a 93026
resolution approving the application under division (E)(1)(b) or 93027
(c) of this section. 93028

(c) No portion of the project's facility was used to supply 93029
electricity before December 31, 2009. 93030

(d) For construction or installation of a qualified energy 93031
project described in division (B)(1)(b) of this section, that the 93032
project is subject to wage requirements described in section 93033
45(b)(7)(A) of the Internal Revenue Code and apprenticeship 93034
requirements described in section 45(b)(8)(A)(i) of the Internal 93035
Revenue Code, provided both of the following apply: 93036

(i) The person applies for such certificate after the 93037
effective date of this amendment. 93038

(ii) A board of commissioners of at least one county in which 93039
the project is located is required to adopt a resolution approving 93040
the application under division (E)(1)(b) or (c) of this section. 93041

(3) The director shall deny a certification application if 93042

the director determines the person has failed to comply with any 93043
requirement under this section. The director may revoke a 93044
certification if the director determines the person, or subsequent 93045
owner or lessee pursuant to a sale and leaseback transaction of 93046
the qualified energy project, has failed to comply with any 93047
requirement under this section. Upon certification or revocation, 93048
the director shall notify the person, owner, or lessee, the tax 93049
commissioner, and the county auditor of a county in which the 93050
project is located of the certification or revocation. Notice 93051
shall be provided in a manner convenient to the director. 93052

(F) The owner or a lessee pursuant to a sale and leaseback 93053
transaction of a qualified energy project shall do each of the 93054
following: 93055

(1) Comply with all applicable regulations; 93056

(2) File with the director of development a certified 93057
construction progress report before the first day of March of each 93058
year during the energy facility's construction or installation 93059
indicating the percentage of the project completed, and the 93060
project's nameplate capacity, as of the preceding thirty-first day 93061
of December. Unless otherwise instructed by the director of 93062
development, the owner or lessee of an energy project shall file a 93063
report with the director on or before the first day of March each 93064
year after completion of the energy facility's construction or 93065
installation indicating the project's nameplate capacity as of the 93066
preceding thirty-first day of December. Not later than sixty days 93067
after June 17, 2010, the owner or lessee of an energy project, the 93068
construction of which was completed before June 17, 2010, shall 93069
file a certificate indicating the project's nameplate capacity. 93070

(3) File with the director of development, in a manner 93071
prescribed by the director, a report of the total number of 93072
full-time equivalent employees, and the total number of full-time 93073
equivalent employees domiciled in Ohio, who are employed in the 93074

construction or installation of the energy facility; 93075

(4) For energy projects with a nameplate capacity of twenty 93076
megawatts or greater, repair all roads, bridges, and culverts 93077
affected by construction as reasonably required to restore them to 93078
their preconstruction condition, as determined by the county 93079
engineer in consultation with the local jurisdiction responsible 93080
for the roads, bridges, and culverts. In the event that the county 93081
engineer deems any road, bridge, or culvert to be inadequate to 93082
support the construction or decommissioning of the energy 93083
facility, the road, bridge, or culvert shall be rebuilt or 93084
reinforced to the specifications established by the county 93085
engineer prior to the construction or decommissioning of the 93086
facility. The owner or lessee of the facility shall post a bond in 93087
an amount established by the county engineer and to be held by the 93088
board of county commissioners to ensure funding for repairs of 93089
roads, bridges, and culverts affected during the construction. The 93090
bond shall be released by the board not later than one year after 93091
the date the repairs are completed. The energy facility owner or 93092
lessee pursuant to a sale and leaseback transaction shall post a 93093
bond, as may be required by the Ohio power siting board in the 93094
certificate authorizing commencement of construction issued 93095
pursuant to section 4906.10 of the Revised Code, to ensure funding 93096
for repairs to roads, bridges, and culverts resulting from 93097
decommissioning of the facility. The energy facility owner or 93098
lessee and the county engineer may enter into an agreement 93099
regarding specific transportation plans, reinforcements, 93100
modifications, use and repair of roads, financial security to be 93101
provided, and any other relevant issue. 93102

(5) Provide or facilitate training for fire and emergency 93103
responders for response to emergency situations related to the 93104
energy project and, for energy projects with a nameplate capacity 93105
of twenty megawatts or greater, at the person's expense, equip the 93106

fire and emergency responders with proper equipment as reasonably 93107
required to enable them to respond to such emergency situations; 93108

~~(6) Maintain (6)(a) Except as otherwise provided in this 93109
division, for projects for which certification as a qualified 93110
energy project was applied for, under division (E) of this 93111
section, before the effective date of this amendment, maintain a 93112
ratio of Ohio-domiciled full-time equivalent employees employed in 93113
the construction or installation of the energy project to total 93114
full-time equivalent employees employed in the construction or 93115
installation of the energy project of not less than eighty per 93116
cent in the case of a solar energy project, and not less than 93117
fifty per cent in the case of any other energy project. ~~In A 93118
person applying for such a qualified energy project may certify to 93119
the director of development that the project will be voluntarily 93120
subject to the wage requirements described in section 45(b)(7)(A) 93121
of the Internal Revenue Code and apprenticeship requirements 93122
described in section 45(b)(8)(A)(i) of the Internal Revenue Code 93123
as authorized in division (F)(6)(b) of this section. Upon receipt 93124
of that certification, the project shall comply with division 93125
(F)(6)(b) of this section rather than division (F)(6)(a) of this 93126
section.~~ 93127~~

(b) For projects for which certification as a qualified 93128
energy project was applied for, under division (E) of this 93129
section, on or after the effective date of this amendment, 93130
maintain a ratio of Ohio-domiciled full-time equivalent employees 93131
employed in the construction or installation of the energy project 93132
to total full-time equivalent employees employed in the 93133
construction or installation of the energy project of not less 93134
than seventy per cent in the case of a solar energy project, and 93135
not less than fifty per cent in the case of any other energy 93136
project. 93137

(c) For purposes of divisions (F)(6)(a) and (b) of this 93138

section, "Ohio-domiciled" includes persons who live outside the 93139
state but within fifty miles of a border of the state who are 93140
members of any bona fide labor organization which has as members, 93141
or is authorized to represent, employees in Ohio and which exists, 93142
in whole or in part, for the purpose of negotiating with employers 93143
concerning the wages, hours, or terms and conditions of employment 93144
of employees and whose members are engaged to perform work on the 93145
construction or installation of the qualified energy project. 93146

(d) For purposes of divisions (F)(6)(a) and (b) of this 93147
section, in the case of an energy project for which certification 93148
from the power siting board is required under section 4906.20 of 93149
the Revised Code, the number of full-time equivalent employees 93150
employed in the construction or installation of the energy project 93151
equals the number actually employed or the number projected to be 93152
employed in the certificate application, if such projection is 93153
required under regulations adopted pursuant to section 4906.03 of 93154
the Revised Code, whichever is greater. For all other energy 93155
projects, the number of full-time equivalent employees employed in 93156
the construction or installation of the energy project equals the 93157
number actually employed or the number projected to be employed by 93158
the director of development, whichever is greater. To estimate the 93159
number of employees to be employed in the construction or 93160
installation of an energy project, the director shall use a 93161
generally accepted job-estimating model in use for renewable 93162
energy projects, including but not limited to the job and economic 93163
development impact model. The director may adjust an estimate 93164
produced by a model to account for variables not accounted for by 93165
the model. 93166

(7) For energy projects with a nameplate capacity in excess 93167
of twenty megawatts, establish a relationship with any of the 93168
following to educate and train individuals for careers in the wind 93169
or solar energy industry: 93170

(a) A member of the university system of Ohio as defined in section 3345.011 of the Revised Code;	93171 93172
(b) A person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code;	93173 93174 93175 93176
(c) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center;	93177 93178 93179
(d) A training center operated by a labor organization, or with a training center operated by a for-profit or nonprofit organization.	93180 93181 93182
The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.	93183 93184 93185
(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:	93186 93187 93188 93189 93190 93191 93192 93193 93194 93195 93196
(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.	93197 93198 93199
(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or	93200 93201

renewable energy credits with a rural electric company or a 93202
municipal power agency. 93203

(c) The owner or lessee contracts for the sale of power or 93204
renewable energy credits from the energy project before June 17, 93205
2010. 93206

(9) Make annual service payments as required by division (G) 93207
of this section and as may be required in a resolution adopted by 93208
a board of county commissioners under division (E) of this 93209
section. 93210

(G) The owner or a lessee pursuant to a sale and leaseback 93211
transaction of a qualified energy project shall make annual 93212
service payments in lieu of taxes to the county treasurer on or 93213
before the final dates for payments of taxes on public utility 93214
personal property on the real and public utility personal property 93215
tax list for each tax year for which property of the energy 93216
project is exempt from taxation under this section. The county 93217
treasurer shall allocate the payment on the basis of the project's 93218
physical location. Upon receipt of a payment, or if timely payment 93219
has not been received, the county treasurer shall certify such 93220
receipt or non-receipt to the director of development and tax 93221
commissioner in a form determined by the director and 93222
commissioner, respectively. Each payment shall be in the following 93223
amount: 93224

(1) In the case of a solar energy project, seven thousand 93225
dollars per megawatt of nameplate capacity located in the county 93226
as of the thirty-first-day of December of the preceding tax year; 93227

(2) In the case of any other energy project using renewable 93228
energy resources, the following: 93229

(a) If the project maintains during the construction or 93230
installation of the energy facility a ratio of Ohio-domiciled 93231
full-time equivalent employees to total full-time equivalent 93232

employees of not less than seventy-five per cent, six thousand 93233
dollars per megawatt of nameplate capacity located in the county 93234
as of the thirty-first day of December of the preceding tax year; 93235

(b) If the project maintains during the construction or 93236
installation of the energy facility a ratio of Ohio-domiciled 93237
full-time equivalent employees to total full-time equivalent 93238
employees of less than seventy-five per cent but not less than 93239
sixty per cent, seven thousand dollars per megawatt of nameplate 93240
capacity located in the county as of the thirty-first day of 93241
December of the preceding tax year; 93242

(c) If the project maintains during the construction or 93243
installation of the energy facility a ratio of Ohio-domiciled 93244
full-time equivalent employees to total full-time equivalent 93245
employees of less than sixty per cent but not less than fifty per 93246
cent, eight thousand dollars per megawatt of nameplate capacity 93247
located in the county as of the thirty-first day of December of 93248
the preceding tax year. 93249

(3) In the case of an energy project using clean coal 93250
technology, advanced nuclear technology, or cogeneration 93251
technology, the following: 93252

(a) If the project maintains during the construction or 93253
installation of the energy facility a ratio of Ohio-domiciled 93254
full-time equivalent employees to total full-time equivalent 93255
employees of not less than seventy-five per cent, six thousand 93256
dollars per megawatt of nameplate capacity located in the county 93257
as of the thirty-first day of December of the preceding tax year; 93258

(b) If the project maintains during the construction or 93259
installation of the energy facility a ratio of Ohio-domiciled 93260
full-time equivalent employees to total full-time equivalent 93261
employees of less than seventy-five per cent but not less than 93262
sixty per cent, seven thousand dollars per megawatt of nameplate 93263

capacity located in the county as of the thirty-first day of 93264
December of the preceding tax year; 93265

(c) If the project maintains during the construction or 93266
installation of the energy facility a ratio of Ohio-domiciled 93267
full-time equivalent employees to total full-time equivalent 93268
employees of less than sixty per cent but not less than fifty per 93269
cent, eight thousand dollars per megawatt of nameplate capacity 93270
located in the county as of the thirty-first day of December of 93271
the preceding tax year. 93272

(H) The director of development in consultation with the tax 93273
commissioner shall adopt rules pursuant to Chapter 119. of the 93274
Revised Code to implement and enforce this section. 93275

Sec. 5727.91. (A) The treasurer of state shall refund the 93276
amount of tax paid under section 5727.81 or 5727.811 of the 93277
Revised Code that was paid illegally or erroneously, or paid on an 93278
illegal or erroneous assessment, or any penalty assessed with 93279
respect to such taxes. A natural gas distribution company, an 93280
electric distribution company, or a self-assessing purchaser shall 93281
file an application for a refund with the tax commissioner on a 93282
form prescribed by the commissioner, within four years of the 93283
illegal or erroneous payment. 93284

On the filing of the application, the commissioner shall 93285
determine the amount of refund to which the applicant is entitled. 93286
If the amount is not less than that claimed, the commissioner 93287
shall certify that amount to ~~the director of budget and management~~ 93288
~~and~~ the treasurer of state for payment from the tax refund fund 93289
under section 5703.052 of the Revised Code. If the amount is less 93290
than that claimed, the commissioner shall proceed in accordance 93291
with section 5703.70 of the Revised Code. 93292

The commissioner shall include in the certified amount 93293
interest calculated at the rate per annum prescribed by section 93294

5703.47 of the Revised Code from the date of overpayment to the 93295
date of the commissioner's certification. 93296

(B) If a natural gas distribution company or an electric 93297
distribution company entitled to a refund under this section, or 93298
section 5703.70 of the Revised Code, is indebted to the state for 93299
any tax or fee administered by the tax commissioner that is paid 93300
to the state, or any charge, penalty, or interest arising from 93301
such a tax or fee, the amount refundable may be applied in 93302
satisfaction of the debt. If the amount refundable is less than 93303
the amount of the debt, it may be applied in partial satisfaction 93304
of the debt. If the amount refundable is greater than the amount 93305
of the debt, the amount remaining after satisfaction of the debt 93306
shall be refunded. If the natural gas distribution company or 93307
electric distribution company has more than one such debt, any 93308
debt subject to section 5739.33 or division (G) of section 5747.07 93309
of the Revised Code shall be satisfied first. This section applies 93310
only to debts that have become final. 93311

(C)(1) Any electric distribution company that can 93312
substantiate to the tax commissioner that the tax imposed by 93313
section 5727.81 of the Revised Code was paid on electricity 93314
distributed via wires and consumed at a location outside of this 93315
state may claim a refund in the manner and within the time period 93316
prescribed in division (A) of this section. 93317

(2) Any natural gas distribution company that can 93318
substantiate to the tax commissioner that the tax imposed by 93319
section 5727.811 of the Revised Code was paid on natural gas 93320
distributed via its facilities and consumed at a location outside 93321
of this state may claim a refund in the manner and within the time 93322
period prescribed in division (A) of this section. 93323

(3) If the commissioner certifies a refund based on an 93324
application filed under division (C)(1) or (2) of this section, 93325
the commissioner shall include in the certified amount interest 93326

calculated at the rate per annum prescribed by section 5703.47 of 93327
the Revised Code from the date of overpayment to the date of the 93328
commissioner's certification. 93329

(D) Before a refund is issued under this section or section 93330
5703.70 of the Revised Code, a natural gas company or an electric 93331
distribution company shall certify, as prescribed by the tax 93332
commissioner, that it either did not include the tax imposed by 93333
section 5727.81 of the Revised Code in the case of an electric 93334
distribution company, or the tax imposed by section 5727.811 of 93335
the Revised Code in the case of a natural gas distribution 93336
company, in its distribution charge to its customer upon which a 93337
refund of the tax is claimed, or it has refunded or credited to 93338
the customer the excess distribution charge related to the tax 93339
that was erroneously included in the customer's distribution 93340
charge. 93341

Sec. 5728.16. (A)(1) If any person, regardless of 93342
organizational form, required to file reports and remit taxes 93343
imposed under this chapter fails for any reason to file such 93344
reports or remit such taxes, any employees of the person having 93345
control or supervision of, or charged with the responsibility of, 93346
filing reports and making payments, or any officers or trustees of 93347
the person responsible for the execution of the person's fiscal 93348
responsibilities, shall be personally liable for the failure. 93349

(2) The dissolution, termination, or bankruptcy of a person 93350
shall not discharge a responsible officer's, shareholder's, 93351
member's, manager's, employee's, or trustee's liability for 93352
failure of the person to file reports or remit taxes. The sum due 93353
for the liability may be collected by assessment as provided in 93354
section 5728.10 of the Revised Code. 93355

(B) If more than one individual is personally liable under 93356
this section for the unpaid tax of a person, then the liability of 93357

all such individuals shall be joint and several. 93358

Sec. 5729.19. (A) Terms used in this section have the same 93359
meanings as in section 175.16 of the Revised Code. 93360

(B) There is allowed a nonrefundable tax credit against the 93361
tax imposed by section 5729.03 or 5729.06 of the Revised Code for 93362
a foreign insurance company that is allocated a credit issued by 93363
the executive director of the Ohio housing finance agency under 93364
section 175.16 of the Revised Code. The credit equals the amount 93365
allocated to such company for the calendar year and reported by 93366
the designated reporter on the form prescribed by division (I) of 93367
section 175.16 of the Revised Code. 93368

The credit authorized in this section shall be claimed in the 93369
order required under section 5729.98 of the Revised Code. If the 93370
amount of a credit exceeds the tax otherwise due under section 93371
5729.03 or 5729.06 of the Revised Code after deducting all other 93372
credits preceding the credit in the order prescribed in section 93373
5725.98 of the Revised Code, the excess may be carried forward for 93374
not more than five ensuing calendar years. The amount of the 93375
excess credit claimed in any such year shall be deducted from the 93376
balance carried forward to the next calendar year. 93377

No credit shall be claimed under this section to the extent 93378
the credit was claimed under section 5725.36, 5726.58, or 5747.83 93379
of the Revised Code. 93380

A foreign insurance company shall not be required to pay any 93381
additional tax levied under section 5729.06 of the Revised Code as 93382
a result of claiming the tax credit authorized by this section. 93383

Sec. 5729.98. (A) To provide a uniform procedure for 93384
calculating the amount of tax due under this chapter, a taxpayer 93385
shall claim any credits and offsets against tax liability to which 93386
it is entitled in the following order: 93387

The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;	93388 93389
The credit for eligible employee training costs under section 5729.07 of the Revised Code;	93390 93391
The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	93392 93393
The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	93394 93395
The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	93396 93397
<u>The nonrefundable Ohio low-income housing tax credit under section 5729.19 of the Revised Code;</u>	93398 93399
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5729.18 of the Revised Code;	93400 93401 93402
The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	93403 93404 93405
The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code;	93406 93407
The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	93408 93409 93410 93411 93412
The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	93413 93414
The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	93415 93416 93417

(B) For any credit except the refundable credits enumerated 93418
in this section, the amount of the credit for a taxable year shall 93419
not exceed the tax due after allowing for any other credit that 93420
precedes it in the order required under this section. Any excess 93421
amount of a particular credit may be carried forward if authorized 93422
under the section creating that credit. Nothing in this chapter 93423
shall be construed to allow a taxpayer to claim, directly or 93424
indirectly, a credit more than once for a taxable year. 93425

Sec. 5731.27. (A) The tax commissioner shall, ~~if he~~ 93426
~~determines~~ after determining that a return indicating that a tax 93427
is due is correct as filed, issue a certificate of determination 93428
of final estate tax liability showing the amount of such 93429
liability, if any, in triplicate, one copy of which shall be sent 93430
by regular mail to the person filing the return, one copy of which 93431
shall be sent to the county auditor for the county in which the 93432
return was filed, and one copy of which shall be sent to the 93433
probate court of the county in which the return was filed if there 93434
is an administration of or other proceedings in the decedent's 93435
estate. 93436

(B) The tax commissioner, ~~if he determines~~ after determining 93437
that a deficiency or refund of tax or penalty addition to tax, 93438
shall issue ~~his~~ a certificate of determination stating the 93439
adjusted amount of the tax due and the amount of any refund, 93440
deficiency, or penalty. Such certificate also shall state whether 93441
or not any portion of the tax liability has been reserved for 93442
later determination in accordance with division (C) of section 93443
5731.26 of the Revised Code. Such certificate shall be issued in 93444
triplicate, one copy of which shall be sent ~~by certified mail,~~ 93445
~~return receipt requested,~~ in the manner provided in section 93446
5703.37 of the Revised Code to the person filing the return, or to 93447
the person required to file the return if no such return was 93448
filed, one copy of which shall be sent to the county auditor for 93449

the county in which the return was filed or was required to be 93450
filed, and one copy of which shall be sent to the probate court 93451
for the county in which the return was filed or required to be 93452
filed if there will be an administration of or other proceedings 93453
in the decedent's estate. The person required to file the return, 93454
or any interested party, shall have sixty days from the date of 93455
receipt of such certificate by the person required to file the 93456
return within which to file exceptions to such determination as 93457
provided in section 5731.30 of the Revised Code. 93458

(C) The county auditor, if no exceptions have been filed 93459
within the time specified in division (B) of this section, or if 93460
the right to file exceptions has been waived by all interested 93461
parties by written waivers filed with the county auditor, shall: 93462

(1) If the certificate of determination is for a refund, draw 93463
~~his~~ a warrant for the proper amount of the refund and interest on 93464
it, which warrant shall be paid by the county treasurer out of any 93465
money in ~~his~~ the treasurer's possession to the credit of estate 93466
taxes; 93467

(2) If the certificate of determination is for a deficiency 93468
or penalty, make a charge based upon such determination, and 93469
certify a duplicate of it to the county treasurer, who shall 93470
collect, subject to division (A) of section 5731.25 of the Revised 93471
Code or any other statute extending the time for payment of an 93472
estate tax, the deficiency or penalty so charged. 93473

Sec. 5733.031. (A) A corporation's taxable year is a period 93474
ending on the date immediately preceding the date of commencement 93475
of the corporation's annual accounting period that includes the 93476
first day of January of the tax year. Except as otherwise 93477
provided, a corporation's taxable year is the same as the 93478
corporation's taxable year for federal income tax purposes. If a 93479
corporation's taxable year is changed for federal income tax 93480

purposes, the taxable year for purposes of this chapter is changed 93481
accordingly but may consist of an aggregation of more than one 93482
taxable year for federal income tax purposes. The tax commissioner 93483
may prescribe by rule, an appropriate period as the taxable year 93484
for a corporation that has had a change of its taxable year for 93485
federal income tax purposes, for a corporation that has two or 93486
more short taxable years for federal income tax purposes as the 93487
result of a change of ownership, or for a new taxpayer that would 93488
otherwise have no taxable year. 93489

(B) A corporation's method of accounting for the base 93490
calculated under division (B) of section 5733.05 of the Revised 93491
Code shall be the same as its method of accounting for federal 93492
income tax purposes. In the absence of any method of accounting 93493
for federal income tax purposes, income shall be computed under 93494
such method as in the opinion of the tax commissioner clearly 93495
reflects income. 93496

If a corporation's method of accounting is changed for 93497
federal income tax purposes, its method of accounting for purposes 93498
of this chapter shall be changed accordingly. 93499

(C) ~~If~~ Except as provided in division (C)(3) of this section, 93500
any of the facts, figures, computations, or attachments required 93501
in a corporation's annual report to determine the tax imposed by 93502
section 5733.06 of the Revised Code must be altered as the result 93503
of an adjustment to the corporation's federal income tax return, 93504
whether the adjustment is initiated by the corporation or the 93505
internal revenue service, and such alteration affects the 93506
corporation's liability for the tax imposed by section 5733.06 of 93507
the Revised Code, the corporation shall file an amended report 93508
with the tax commissioner in such form as the commissioner 93509
requires. The amended report shall be filed not later than one 93510
year after the adjustment has been agreed to or finally determined 93511
for federal income tax purposes or any federal income tax 93512

deficiency or refund, or the abatement or credit resulting 93513
therefrom, has been assessed or paid, whichever occurs first. 93514

(1) In the case of an underpayment, the amended report shall 93515
be accompanied by payment of an additional tax and interest due 93516
and is a report subject to assessment under section 5733.11 of the 93517
Revised Code for the purpose of assessing any additional tax due 93518
under this division, together with any applicable penalty and 93519
interest. It shall not reopen those facts, figures, computations, 93520
or attachments from a previously filed report no longer subject to 93521
assessment that are not affected, either directly or indirectly, 93522
by the adjustment to the corporation's federal income tax return. 93523

(2) In the case of an overpayment, an application for refund 93524
may be filed under this division within the one-year period 93525
prescribed for filing the amended report even if it is filed 93526
beyond the period prescribed in division (B) of section 5733.12 of 93527
the Revised Code if it otherwise conforms to the requirements of 93528
such section. An application filed under this division shall claim 93529
refund of overpayments resulting from alterations to only those 93530
facts, figures, computations, or attachments required in the 93531
corporation's annual report that are affected, either directly or 93532
indirectly, by the adjustment to the corporation's federal income 93533
tax return unless it is also filed within the time prescribed in 93534
division (B) of section 5733.12 of the Revised Code. It shall not 93535
reopen those facts, figures, computations, or attachments that are 93536
not affected, either directly or indirectly, by the adjustment to 93537
the corporation's federal income tax return. 93538

(3) A taxpayer is not required to file an amended report, and 93539
is not permitted to file an application for refund, under this 93540
section on or after January 1, 2024. 93541

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and 93542
Chapter 5747. of the Revised Code: 93543

(A)(1) "Adjusted qualifying amount" means either of the 93544
following: 93545

(a) The sum of each qualifying investor's distributive share 93546
of the income, gain, expense, or loss of a qualifying pass-through 93547
entity for the qualifying taxable year of the qualifying 93548
pass-through entity multiplied by the apportionment fraction 93549
defined in division (B) of this section, subject to section 93550
5733.401 of the Revised Code and divisions (A)(2) to (7) of this 93551
section; 93552

(b) The sum of each qualifying beneficiary's share of the 93553
qualifying net income and qualifying net gain distributed by a 93554
qualifying trust for the qualifying taxable year of the qualifying 93555
trust multiplied by the apportionment fraction defined in division 93556
(B) of this section, subject to section 5733.401 of the Revised 93557
Code and divisions (A)(2) to (7) of this section. 93558

(2) The sum shall exclude any amount which, pursuant to the 93559
Constitution of the United States, the Constitution of Ohio, or 93560
any federal law is not subject to a tax on or measured by net 93561
income. 93562

(3) For the purposes of Chapters 5733. and 5747. of the 93563
Revised Code, the profit or net income of the qualifying entity 93564
shall be increased by disallowing all amounts representing 93565
expenses, other than amounts described in division (A)(7) of this 93566
section, that the qualifying entity paid to or incurred with 93567
respect to direct or indirect transactions with one or more 93568
related members, excluding the cost of goods sold calculated in 93569
accordance with section 263A of the Internal Revenue Code and 93570
United States department of the treasury regulations issued 93571
thereunder. Nothing in division (A)(3) of this section shall be 93572
construed to limit solely to this chapter the application of 93573
section 263A of the Internal Revenue Code and United States 93574
department of the treasury regulations issued thereunder. 93575

(4) For the purposes of Chapters 5733. and 5747. of the Revised Code, the profit or net income of the qualifying entity shall be increased by disallowing all recognized losses, other than losses from sales of inventory the cost of which is calculated in accordance with section 263A of the Internal Revenue Code and United States department of the treasury regulations issued thereunder, with respect to all direct or indirect transactions with one or more related members. For the purposes of Chapters 5733. and 5747. of the Revised Code, losses from the sales of such inventory shall be allowed only to the extent calculated in accordance with section 482 of the Internal Revenue Code and United States department of the treasury regulations issued thereunder. Nothing in division (A)(4) of this section shall be construed to limit solely to this section the application of section 263A and section 482 of the Internal Revenue Code and United States department of the treasury regulations issued thereunder.

(5) The sum shall be ~~increased or~~ decreased by an amount equal to the qualifying investor's or qualifying beneficiary's distributive or proportionate share of the amount that the qualifying entity would be ~~required~~ allowed to ~~add or~~ deduct under ~~divisions (A)(17) and (18)~~ division (A)(18) of section 5747.01 of the Revised Code if the qualifying entity were a taxpayer for the purposes of Chapter 5747. of the Revised Code.

(6) The sum shall be computed without regard to section 5733.051 or division (D) of section 5733.052 of the Revised Code.

(7) For the purposes of Chapters 5733. and 5747. of the Revised Code, guaranteed payments or compensation paid to investors by a qualifying entity that is not subject to the tax imposed by section 5733.06 of the Revised Code shall be considered a distributive share of income of the qualifying entity. Division (A)(7) of this section applies only to such payments or such

compensation paid to an investor who at any time during the 93608
qualifying entity's taxable year holds at least a twenty per cent 93609
direct or indirect interest in the profits or capital of the 93610
qualifying entity. For the purposes of this division, guaranteed 93611
payments and compensation shall be considered to be paid to an 93612
investor by a qualifying entity if the qualifying entity in which 93613
the investor holds at least a twenty per cent direct or indirect 93614
interest is a client employer of a professional employer 93615
organization or alternate employer organization, as those terms 93616
are defined in section 4125.01 or 4133.01 of the Revised Code, as 93617
applicable, and the guaranteed payments or compensation are paid 93618
to the investor by that professional employer organization or 93619
alternate employer organization. 93620

(B) "Apportionment fraction" means: 93621

(1) With respect to a qualifying pass-through entity other 93622
than a financial institution, the fraction calculated pursuant to 93623
division (B)(2) of section 5733.05 of the Revised Code as if the 93624
qualifying pass-through entity were a corporation subject to the 93625
tax imposed by section 5733.06 of the Revised Code; 93626

(2) With respect to a qualifying pass-through entity that is 93627
a financial institution, the fraction calculated pursuant to 93628
division (C) of section 5733.056 of the Revised Code as if the 93629
qualifying pass-through entity were a financial institution 93630
subject to the tax imposed by section 5733.06 of the Revised Code; 93631

(3) With respect to a qualifying trust, the fraction 93632
calculated pursuant to division (B)(2) of section 5733.05 of the 93633
Revised Code as if the qualifying trust were a corporation subject 93634
to the tax imposed by section 5733.06 of the Revised Code, except 93635
that the property, payroll, and sales fractions shall be 93636
calculated by including in the numerator and denominator of the 93637
fractions only the property, payroll, and sales, respectively, 93638
directly related to the production of income or gain from 93639

acquisition, ownership, use, maintenance, management, or 93640
disposition of tangible personal property located in this state at 93641
any time during the qualifying trust's qualifying taxable year or 93642
of real property located in this state. 93643

(C) "Qualifying beneficiary" means any individual that, 93644
during the qualifying taxable year of a qualifying trust, is a 93645
beneficiary of that trust, but does not include an individual who 93646
is a resident taxpayer for the purposes of Chapter 5747. of the 93647
Revised Code for the entire qualifying taxable year of the 93648
qualifying trust. 93649

(D) "Fiscal year" means an accounting period ending on any 93650
day other than the thirty-first day of December. 93651

(E) "Individual" means a natural person. 93652

(F) "Month" means a calendar month. 93653

(G) "Distributive share" includes the sum of the income, 93654
gain, expense, or loss of a disregarded entity or qualified 93655
subchapter S subsidiary. 93656

(H) "Investor" means any person that, during any portion of a 93657
taxable year of a qualifying pass-through entity, is a partner, 93658
member, shareholder, or investor in that qualifying pass-through 93659
entity. 93660

(I) Except as otherwise provided in section 5733.402 or 93661
5747.401 of the Revised Code, "qualifying investor" means any 93662
investor except those described in divisions (I)(1) to (9) of this 93663
section. 93664

(1) An investor satisfying one of the descriptions under 93665
section 501(a) or (c) of the Internal Revenue Code, a partnership 93666
with equity securities registered with the United States 93667
securities and exchange commission under section 12 of the 93668
"Securities Exchange Act of 1934," as amended, or an investor 93669

described in division (F) of section 3334.01, or division (A) or 93670
(C) of section 5733.09 of the Revised Code for the entire 93671
qualifying taxable year of the qualifying pass-through entity. 93672

(2) An investor who is either an individual or an estate and 93673
is a resident taxpayer for the purposes of section 5747.01 of the 93674
Revised Code for the entire qualifying taxable year of the 93675
qualifying pass-through entity. 93676

(3) An investor who is an individual for whom the qualifying 93677
pass-through entity makes a good faith and reasonable effort to 93678
comply fully and timely with the filing and payment requirements 93679
set forth in division (D) of section 5747.08 of the Revised Code 93680
and section 5747.09 of the Revised Code with respect to the 93681
individual's adjusted qualifying amount for the entire qualifying 93682
taxable year of the qualifying pass-through entity. 93683

(4) An investor that is another qualifying pass-through 93684
entity having only investors described in division (I)(1), (2), 93685
(3), or (6) of this section during the three-year period beginning 93686
twelve months prior to the first day of the qualifying taxable 93687
year of the qualifying pass-through entity. 93688

(5) An investor that is another pass-through entity having no 93689
investors other than individuals and estates during the qualifying 93690
taxable year of the qualifying pass-through entity in which it is 93691
an investor, and that makes a good faith and reasonable effort to 93692
comply fully and timely with the filing and payment requirements 93693
set forth in division (D) of section 5747.08 of the Revised Code 93694
and section 5747.09 of the Revised Code with respect to investors 93695
that are not resident taxpayers of this state for the purposes of 93696
Chapter 5747. of the Revised Code for the entire qualifying 93697
taxable year of the qualifying pass-through entity in which it is 93698
an investor. 93699

(6) An investor that is treated as a C corporation for 93700

federal income tax purposes for the entire qualifying taxable year 93701
of the qualifying pass-through entity in which it is an investor. 93702

(7) An investor other than an individual that satisfies all 93703
the following: 93704

(a) The investor submits a written statement to the 93705
qualifying pass-through entity stating that the investor 93706
irrevocably agrees that the investor has nexus with this state 93707
under the Constitution of the United States and is subject to and 93708
liable for the tax calculated under division (A) or (B) of section 93709
5733.06 of the Revised Code with respect to the investor's 93710
adjusted qualifying amount for the entire qualifying taxable year 93711
of the qualifying pass-through entity. The statement is subject to 93712
the penalties of perjury, shall be retained by the qualifying 93713
pass-through entity for no fewer than seven years, and shall be 93714
delivered to the tax commissioner upon request. 93715

(b) The investor makes a good faith and reasonable effort to 93716
comply timely and fully with all the reporting and payment 93717
requirements set forth in Chapter 5733. of the Revised Code with 93718
respect to the investor's adjusted qualifying amount for the 93719
entire qualifying taxable year of the qualifying pass-through 93720
entity. 93721

(c) Neither the investor nor the qualifying pass-through 93722
entity in which it is an investor, before, during, or after the 93723
qualifying pass-through entity's qualifying taxable year, carries 93724
out any transaction or transactions with one or more related 93725
members of the investor or the qualifying pass-through entity 93726
resulting in a reduction or deferral of tax imposed by Chapter 93727
5733. of the Revised Code with respect to all or any portion of 93728
the investor's adjusted qualifying amount for the qualifying 93729
pass-through entity's taxable year, or that constitute a sham, 93730
lack economic reality, or are part of a series of transactions the 93731
form of which constitutes a step transaction or transactions or 93732

does not reflect the substance of those transactions. 93733

(8) Any other investor that the tax commissioner may 93734
designate by rule. The tax commissioner may adopt rules including 93735
a rule defining "qualifying investor" or "qualifying beneficiary" 93736
and governing the imposition of the withholding tax imposed by 93737
section 5747.41 of the Revised Code with respect to an individual 93738
who is a resident taxpayer for the purposes of Chapter 5747. of 93739
the Revised Code for only a portion of the qualifying taxable year 93740
of the qualifying entity. 93741

(9) An investor that is a trust or fund the beneficiaries of 93742
which, during the qualifying taxable year of the qualifying 93743
pass-through entity, are limited to the following: 93744

(a) A person that is or may be the beneficiary of a trust 93745
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 93746
Revenue Code. 93747

(b) A person that is or may be the beneficiary of or the 93748
recipient of payments from a trust or fund that is a nuclear 93749
decommissioning reserve fund, a designated settlement fund, or any 93750
other trust or fund established to resolve and satisfy claims that 93751
may otherwise be asserted by the beneficiary or a member of the 93752
beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) 93753
of the Internal Revenue Code apply to the determination of whether 93754
such a person satisfies division (I)(9) of this section. 93755

(c) A person who is or may be the beneficiary of a trust 93756
that, under its governing instrument, is not required to 93757
distribute all of its income currently. Division (I)(9)(c) of this 93758
section applies only if the trust, prior to the due date for 93759
filing the qualifying pass-through entity's return for taxes 93760
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the 93761
Revised Code, irrevocably agrees in writing that for the taxable 93762
year during or for which the trust distributes any of its income 93763

to any of its beneficiaries, the trust is a qualifying trust and 93764
will pay the estimated tax, and will withhold and pay the withheld 93765
tax, as required under sections 5747.40 to 5747.453 of the Revised 93766
Code. 93767

For the purposes of division (I)(9) of this section, a trust 93768
or fund shall be considered to have a beneficiary other than 93769
persons described under divisions (I)(9)(a) to (c) of this section 93770
if a beneficiary would not qualify under those divisions under the 93771
doctrines of "economic reality," "sham transaction," "step 93772
doctrine," or "substance over form." A trust or fund described in 93773
division (I)(9) of this section bears the burden of establishing 93774
by a preponderance of the evidence that any transaction giving 93775
rise to the tax benefits provided under division (I)(9) of this 93776
section does not have as a principal purpose a claim of those tax 93777
benefits. Nothing in this section shall be construed to limit 93778
solely to this section the application of the doctrines referred 93779
to in this paragraph. 93780

(J) "Qualifying net gain" means any recognized net gain with 93781
respect to the acquisition, ownership, use, maintenance, 93782
management, or disposition of tangible personal property located 93783
in this state at any time during a trust's qualifying taxable year 93784
or real property located in this state. 93785

(K) "Qualifying net income" means any recognized income, net 93786
of related deductible expenses, other than distributions 93787
deductions with respect to the acquisition, ownership, use, 93788
maintenance, management, or disposition of tangible personal 93789
property located in this state at any time during the trust's 93790
qualifying taxable year or real property located in this state. 93791

(L) "Qualifying entity" means a qualifying pass-through 93792
entity or a qualifying trust. 93793

(M) "Qualifying trust" means a trust subject to subchapter J 93794

of the Internal Revenue Code that, during any portion of the 93795
trust's qualifying taxable year, has income or gain from the 93796
acquisition, management, ownership, use, or disposition of 93797
tangible personal property located in this state at any time 93798
during the trust's qualifying taxable year or real property 93799
located in this state. "Qualifying trust" does not include a 93800
person described in section 501(c) of the Internal Revenue Code or 93801
a person described in division (C) of section 5733.09 of the 93802
Revised Code. 93803

(N) "Qualifying pass-through entity" means a pass-through 93804
entity as defined in section 5733.04 of the Revised Code, 93805
excluding: a person described in section 501(c) of the Internal 93806
Revenue Code; a partnership with equity securities registered with 93807
the United States securities and exchange commission under section 93808
12 of the Securities Exchange Act of 1934, as amended; or a person 93809
described in division (C) of section 5733.09 of the Revised Code. 93810

(O) "Quarter" means the first three months, the second three 93811
months, the third three months, or the last three months of a 93812
qualifying entity's qualifying taxable year. 93813

(P) "Related member" has the same meaning as in division 93814
(A)(6) of section 5733.042 of the Revised Code without regard to 93815
division (B) of that section. However, for the purposes of 93816
divisions (A)(3) and (4) of this section only, "related member" 93817
has the same meaning as in division (A)(6) of section 5733.042 of 93818
the Revised Code without regard to division (B) of that section, 93819
but shall be applied by substituting "forty per cent" for "twenty 93820
per cent" wherever "twenty per cent" appears in division (A) of 93821
that section. 93822

(Q) "Return" or "report" means the notifications and reports 93823
required to be filed pursuant to sections 5747.42 to 5747.45 of 93824
the Revised Code for the purpose of reporting the tax imposed 93825
under section 5733.41 or 5747.41 of the Revised Code, and included 93826

declarations of estimated tax when so required. 93827

(R) "Qualifying taxable year" means the calendar year or the 93828
qualifying entity's fiscal year ending during the calendar year, 93829
or fractional part thereof, for which the adjusted qualifying 93830
amount is calculated pursuant to sections 5733.40 and 5733.41 or 93831
sections 5747.40 to 5747.453 of the Revised Code. 93832

Sec. 5735.024. (A) No aviation fuel dealer shall purchase 93833
aviation fuel for resale in this state without first being 93834
licensed as an aviation fuel dealer by the tax commissioner to 93835
engage in such activities. 93836

(B) The failure to register with the commissioner as an 93837
aviation fuel dealer does not relieve a person from the 93838
requirement to file returns under this title. 93839

(C) No person shall make a false or fraudulent statement on 93840
the application required by this section. 93841

(D) Each aviation fuel dealer shall file a report with the 93842
commissioner on or before the last day of each month for the 93843
preceding month. The commissioner shall adopt rules pursuant to 93844
Chapter 119. of the Revised Code specifying the information that 93845
shall be required to be included in the report. 93846

(E) If an aviation fuel dealer files a false monthly report 93847
of the information required by the commissioner or fails to file a 93848
monthly report as required by this section, the commissioner may 93849
revoke the license of the aviation fuel dealer and notify the 93850
aviation fuel dealer in writing of such revocation ~~by certified~~ 93851
~~mail~~ in the manner provided in section 5703.37 of the Revised 93852
Code. 93853

Sec. 5735.04. If a motor fuel dealer files a false monthly 93854
report of the information required under section 5735.06 of the 93855
Revised Code, fails to file a monthly report as required by that 93856

section or section 5735.024 of the Revised Code, or fails to pay 93857
the full amount of the tax as required by the motor fuel laws of 93858
the state or as may be agreed upon by the tax commissioner and the 93859
motor fuel dealer, the commissioner may revoke the license of the 93860
motor fuel dealer, and notify the motor fuel dealer in writing of 93861
such revocation ~~by certified mail~~ in the manner provided in 93862
section 5703.37 of the Revised Code. 93863

The commissioner may cancel any license issued to any motor 93864
fuel dealer, and the cancellation shall become effective at the 93865
time that may be determined by the commissioner. The commissioner 93866
also may cancel the license of any motor fuel dealer upon sixty 93867
days' notice mailed to the last known address of the motor fuel 93868
dealer if the commissioner, upon investigation, finds that the 93869
person to whom the license has been issued is no longer engaged in 93870
the receipt, use, or sale of motor fuel as a motor fuel dealer, 93871
and has not been so engaged for the period of six months prior to 93872
the cancellation. No license shall be canceled upon the request of 93873
any motor fuel dealer unless the motor fuel dealer, prior to the 93874
date of cancellation, has paid to the state all motor fuel taxes 93875
payable or assumed by the motor fuel dealer under the laws of the 93876
state, together with all penalties and fines accruing by reason of 93877
any failure of the motor fuel dealer to make accurate reports of 93878
receipts of motor fuel or to pay the taxes and penalties. 93879

If the license of any motor fuel dealer is canceled by the 93880
commissioner as provided in this section, and if the motor fuel 93881
dealer has paid to the state all motor fuel taxes due and payable 93882
by the motor fuel dealer under the laws of the state, or assumed 93883
by the motor fuel dealer upon the receipt, sale, or use of motor 93884
fuel, together with all penalties accruing by reason of any 93885
failure on the part of the motor fuel dealer to make accurate 93886
reports or to pay the tax and penalties, then the commissioner 93887
shall cancel and surrender the bond theretofore filed by the motor 93888

fuel dealer. 93889

Sec. 5735.041. (A) The tax commissioner may revoke the license of a retail dealer in the following circumstances: 93890
93891

(1) The retail dealer sells or attempts to sell any motor fuel upon which any motor fuel tax imposed by this chapter has not been paid; 93892
93893
93894

(2) The retail dealer attempts to evade any motor fuel tax imposed by this chapter; 93895
93896

(3) The retail dealer violates any provision of this chapter. 93897

(B) The commissioner shall notify the retail dealer in writing of the revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code. 93898
93899
93900

Sec. 5735.042. (A) The tax commissioner may revoke an exporter's license in the following circumstances: 93901
93902

(1) An exporter licensed under section 5735.026 of the Revised Code purchases, for export, motor fuel in this state exclusive of the motor fuel tax, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any state other than the originally designated state; 93903
93904
93905
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(2) The exporter is no longer the holder of a valid license to purchase motor fuel tax free in the specified destination state or states for which the license is issued. 93908
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(B) The commissioner shall notify the exporter in writing of such revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code. 93911
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Sec. 5735.043. If a terminal operator files a false monthly report of the information required under section 5735.063 of the Revised Code, or fails to file the monthly report required by 93914
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section 5735.063 of the Revised Code, the tax commissioner may 93917
revoke the license of the terminal operator. The commissioner 93918
shall notify the terminal operator in writing of such revocation 93919
~~by certified mail~~ in the manner provided in section 5703.37 of the 93920
Revised Code. 93921

The commissioner also may cancel the license of any terminal 93922
operator upon sixty days' notice mailed to the last known address 93923
of the terminal operator if the commissioner finds that the person 93924
to whom the license has been issued is no longer engaged as a 93925
terminal operator in this state, and has not been so engaged for 93926
at least six months prior to cancellation. 93927

Sec. 5735.044. If a permissive motor fuel dealer files a 93928
false monthly report of the information required under section 93929
5735.06 of the Revised Code, fails to file the monthly report as 93930
required by section 5735.06 of the Revised Code, or fails to pay 93931
the full amount of the tax as required by this chapter or as may 93932
be agreed upon by the tax commissioner and the permissive motor 93933
fuel dealer, the commissioner may revoke the license of the 93934
permissive motor fuel dealer. The commissioner shall notify the 93935
permissive motor fuel dealer in writing of the revocation ~~by~~ 93936
~~certified mail~~ in the manner provided in section 5703.37 of the 93937
Revised Code. 93938

The commissioner may cancel any license issued to any 93939
permissive motor fuel dealer and the cancellation shall become 93940
effective at the time that the commissioner determines. No license 93941
shall be canceled upon the request of any permissive motor fuel 93942
dealer unless the permissive motor fuel dealer, prior to the date 93943
of cancellation, has paid to the state all motor fuel taxes 93944
payable or assumed by the dealer under the laws of the state, 93945
together with all penalties, fines, and interest accruing by 93946
reason of any failure of the permissive motor fuel dealer to make 93947

accurate reports of sales of motor fuel or to pay the taxes, 93948
penalties, and interest. 93949

If the license of any permissive motor fuel dealer is 93950
canceled by the commissioner under this section, and the 93951
permissive motor fuel dealer has paid to the state all motor fuel 93952
taxes due and payable by the permissive motor fuel dealer under 93953
the laws of this state or assumed by the permissive motor fuel 93954
dealer upon the sale of motor fuel, together with all penalties 93955
and interest accruing by reason of any failure on the part of the 93956
permissive motor fuel dealer to make accurate reports or to pay 93957
the tax, penalties, and interest, then the commissioner shall 93958
cancel and surrender the bond previously filed by the permissive 93959
motor fuel dealer. 93960

Sec. 5735.27. (A) There is hereby created in the state 93961
treasury the gasoline excise tax fund. All investment earnings of 93962
the fund shall be credited to the fund. Revenue credited to the 93963
fund under section 5735.051 from the tax levied under section 93964
5735.05 of the Revised Code shall be distributed to municipal 93965
corporations, counties, and townships as provided in divisions 93966
(A)(1), (2), and (3) of this section. 93967

(1) The amount distributed to each municipal corporation 93968
shall be that proportion of the amount to be distributed among 93969
municipal corporations that the number of motor vehicles 93970
registered within the municipal corporation bears to the total 93971
number of motor vehicles registered within all the municipal 93972
corporations of this state during the preceding motor vehicle 93973
registration year. When a new village is incorporated, the 93974
registrar of motor vehicles shall determine from the applications 93975
on file in the bureau of motor vehicles the number of motor 93976
vehicles located within the territory comprising the village 93977
during the entire registration year in which the municipal 93978

corporation was incorporated. The registrar shall forthwith 93979
certify the number of motor vehicles so determined to the tax 93980
commissioner for use in distributing motor vehicle fuel tax funds 93981
to the village until the village is qualified to participate in 93982
the distribution of the funds pursuant to this division. The 93983
number of motor vehicle registrations shall be determined by the 93984
official records of the bureau of motor vehicles. The amount 93985
received by each municipal corporation shall be used to plan, 93986
construct, reconstruct, repave, widen, maintain, repair, clear, 93987
and clean public highways, roads, and streets; to maintain and 93988
repair bridges and viaducts; to purchase, erect, and maintain 93989
street and traffic signs and markers; to pay the costs apportioned 93990
to the municipal corporation under section 4907.47 of the Revised 93991
Code; to purchase, erect, and maintain traffic lights and signals; 93992
to pay the principal, interest, and charges on bonds and other 93993
obligations issued pursuant to Chapter 133. of the Revised Code or 93994
incurred pursuant to section 5531.09 of the Revised Code for the 93995
purpose of acquiring or constructing roads, highways, bridges, or 93996
viaducts or acquiring or making other highway improvements for 93997
which the municipal corporation may issue bonds; and to supplement 93998
revenue already available for these purposes. 93999

(2) The amount distributed to counties shall be paid in equal 94000
proportions to the county treasurer of each county within the 94001
state and shall be used only for the purposes of planning, 94002
maintaining, and repairing the county system of public roads and 94003
highways within the county; the planning, construction, and repair 94004
of walks or paths along county roads in congested areas; the 94005
planning, construction, purchase, lease, and maintenance of 94006
suitable buildings for the housing and repair of county road 94007
machinery, housing of supplies, and housing of personnel 94008
associated with the machinery and supplies; the payment of costs 94009
apportioned to the county under section 4907.47 of the Revised 94010
Code; the payment of principal, interest, and charges on bonds and 94011

other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of county commissioners may issue bonds under that chapter; and the purchase, installation, and maintenance of traffic signal lights.

(3)(a) The amounts described under divisions (A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised Code to be distributed among townships shall be divided in equal proportions among the townships.

(b) As used in division (A)(3)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the total amount credited to townships pursuant to divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code were allocated among townships in the state proportionate to the number of centerline miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of that amount were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles. The number of centerline miles within the boundaries of a township shall not include any centerline miles of township roads that have been placed on nonmaintained status by a board of township trustees pursuant to section 5571.20 of the Revised Code.

The portion of the revenue of the tax levied by section 5735.05 of the Revised Code that is described under divisions (A)(3) and (B) of that section shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under 94044
divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 94045
5735.051 of the Revised Code divided by the number of townships in 94046
the state at the time of the calculation; 94047

(ii) Seventy per cent of the formula amount for that 94048
township. 94049

(c) The total difference between the amount of money credited 94050
to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) 94051
of section 5735.051 of the Revised Code and the total amount of 94052
money required to make all the payments specified in division 94053
(A)(3)(b) of this section shall be deducted, in accordance with 94054
division (C)(3) of section 5735.051 of the Revised Code, from the 94055
revenues resulting from the portion of the revenue described in 94056
division (A)(3) of section 5735.05 of the Revised Code prior to 94057
crediting portions of such revenues to counties, municipal 94058
corporations, and the highway operating fund. 94059

(d) All amounts credited pursuant to divisions (A)(3)(a) and 94060
(b) of this section shall be paid to the county treasurer of each 94061
county for the total amount payable to the townships within each 94062
of the counties. The county treasurer shall pay to each township 94063
within the county its proportional share of the funds, which shall 94064
be expended by each township only for the purposes of planning, 94065
constructing, maintaining, widening, and reconstructing the public 94066
roads and highways within the township, paying principal, 94067
interest, and charges on bonds and other obligations issued 94068
pursuant to Chapter 133. or 505. of the Revised Code or incurred 94069
pursuant to section 5531.09 of the Revised Code for the purpose of 94070
acquiring or constructing roads, highways, bridges, or viaducts or 94071
acquiring or making other highway improvements for which the board 94072
of township trustees may issue bonds under those chapters, and 94073
paying costs apportioned to the township under section 4907.47 of 94074
the Revised Code. 94075

No part of the funds designated for road and highway purposes 94076
shall be used for any purpose except to pay in whole or part the 94077
contract price of any such work done by contract, or to pay the 94078
cost of labor in planning, constructing, widening, and 94079
reconstructing such roads and highways, and the cost of materials 94080
forming a part of the improvement; provided that the funds may be 94081
used for the purchase of road machinery and equipment, the 94082
planning, construction, purchase, and maintenance of suitable 94083
buildings for housing road machinery and equipment, and the 94084
payment of principal, interest, and charges on bonds and other 94085
obligations issued pursuant to Chapter 133. or 505. of the Revised 94086
Code for the purpose of purchasing road machinery and equipment or 94087
planning, constructing, purchasing, and maintaining suitable 94088
buildings for housing road machinery and equipment; and provided 94089
that all such improvement of roads shall be under supervision and 94090
direction of the county engineer as provided in section 5575.07 of 94091
the Revised Code. No obligation against the funds shall be 94092
incurred unless plans and specifications for the improvement, 94093
approved by the county engineer, are on file in the office of the 94094
township fiscal officer, and all contracts for material and for 94095
work done by contract shall be approved by the county engineer 94096
before being signed by the board of township trustees. The board 94097
of township trustees of any township may pass a resolution 94098
permitting the board of county commissioners to expend the 94099
township's share of the funds, or any portion of it, for the 94100
improvement of the roads within the township as may be designated 94101
in the resolution. 94102

(B) Amounts credited to the highway operating fund under 94103
section 5735.051 and other sections of the Revised Code are 94104
subject to transfer to the sinking fund upon receipt by the 94105
treasurer of state of the certification by the commissioners of 94106
the sinking fund, as required by section 5528.15 of the Revised 94107
Code, that there are sufficient moneys to the credit of the 94108

highway improvement bond retirement fund to meet in full all 94109
payments of principal, interest, and charges for the retirement of 94110
bonds and other obligations issued pursuant to Section 2g of 94111
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 94112
of the Revised Code due and payable during the current calendar 94113
year. All remaining amounts credited to the highway operating fund 94114
shall be expended for the purposes of planning, maintaining, 94115
repairing, and keeping in passable condition for travel the roads 94116
and highways of the state required by law to be maintained by the 94117
department; paying the costs apportioned to the state under 94118
section 4907.47 of the Revised Code; paying that portion of the 94119
construction cost of a highway project which a county, township, 94120
or municipal corporation normally would be required to pay, but 94121
which the director of transportation, pursuant to division (B) of 94122
section 5531.08 of the Revised Code, determines instead will be 94123
paid from moneys in the highway operating fund; paying the costs 94124
of the department of public safety in administering and enforcing 94125
the state law relating to the registration and operation of motor 94126
vehicles; paying the state's share of the cost of planning, 94127
constructing, widening, maintaining, and reconstructing the state 94128
highways; paying that portion of the construction cost of a 94129
highway project which a county, township, or municipal corporation 94130
normally would be required to pay, but which the director of 94131
transportation, pursuant to division (B) of section 5531.08 of the 94132
Revised Code, determines instead will be paid from moneys in the 94133
highway operating fund; and also for supplying the state's share 94134
of the cost of eliminating railway grade crossings upon such 94135
highways and costs apportioned to the state under section 4907.47 94136
of the Revised Code. The director of transportation may expend 94137
portions of such amount upon extensions of state highways within 94138
municipal corporations or upon portions of state highways within 94139
municipal corporations, as is provided by law. 94140

All investment earnings of the highway operating fund shall 94141

be credited to the fund. 94142

Sec. 5736.07. (A) If a taxpayer files a false return, fails 94143
to file a return as required by section 5736.04 of the Revised 94144
Code, or fails to pay the full amount of tax due with a return, 94145
the tax commissioner may revoke the supplier's license issued to 94146
the taxpayer under section 5736.06 of the Revised Code by 94147
notifying the taxpayer in writing of such revocation ~~by certified~~ 94148
~~mail~~ in the manner provided in section 5703.37 of the Revised 94149
Code. 94150

(B) Upon the request of a person that is no longer subject to 94151
the tax imposed by this chapter, the tax commissioner may cancel 94152
the supplier's license issued to the person under section 5736.06 94153
of the Revised Code. The cancellation shall become effective at 94154
the time determined by the commissioner. No license shall be 94155
canceled upon the request of any person unless, prior to the date 94156
of cancellation, the person has paid to the state all taxes 94157
payable by such person under the laws of the state, together with 94158
any interest and penalties. 94159

Sec. 5739.01. As used in this chapter: 94160

(A) "Person" includes individuals, receivers, assignees, 94161
trustees in bankruptcy, estates, firms, partnerships, 94162
associations, joint-stock companies, joint ventures, clubs, 94163
societies, corporations, the state and its political subdivisions, 94164
and combinations of individuals of any form. 94165

(B) "Sale" and "selling" include all of the following 94166
transactions for a consideration in any manner, whether absolutely 94167
or conditionally, whether for a price or rental, in money or by 94168
exchange, and by any means whatsoever: 94169

(1) All transactions by which title or possession, or both, 94170
of tangible personal property, is or is to be transferred, or a 94171

license to use or consume tangible personal property is or is to	94172
be granted;	94173
(2) All transactions by which lodging by a hotel is or is to	94174
be furnished to transient guests;	94175
(3) All transactions by which:	94176
(a) An item of tangible personal property is or is to be	94177
repaired, except property, the purchase of which would not be	94178
subject to the tax imposed by section 5739.02 of the Revised Code;	94179
(b) An item of tangible personal property is or is to be	94180
installed, except property, the purchase of which would not be	94181
subject to the tax imposed by section 5739.02 of the Revised Code	94182
or property that is or is to be incorporated into and will become	94183
a part of a production, transmission, transportation, or	94184
distribution system for the delivery of a public utility service;	94185
(c) The service of washing, cleaning, waxing, polishing, or	94186
painting a motor vehicle is or is to be furnished;	94187
(d) Laundry and dry cleaning services are or are to be	94188
provided;	94189
(e) Automatic data processing, computer services, or	94190
electronic information services are or are to be provided for use	94191
in business when the true object of the transaction is the receipt	94192
by the consumer of automatic data processing, computer services,	94193
or electronic information services rather than the receipt of	94194
personal or professional services to which automatic data	94195
processing, computer services, or electronic information services	94196
are incidental or supplemental. Notwithstanding any other	94197
provision of this chapter, such transactions that occur between	94198
members of an affiliated group are not sales. An "affiliated	94199
group" means two or more persons related in such a way that one	94200
person owns or controls the business operation of another member	94201
of the group. In the case of corporations with stock, one	94202

corporation owns or controls another if it owns more than fifty 94203
per cent of the other corporation's common stock with voting 94204
rights. 94205

(f) Telecommunications service, including prepaid calling 94206
service, prepaid wireless calling service, or ancillary service, 94207
is or is to be provided, but not including coin-operated telephone 94208
service; 94209

(g) Landscaping and lawn care service is or is to be 94210
provided; 94211

(h) Private investigation and security service is or is to be 94212
provided; 94213

(i) Information services or tangible personal property is 94214
provided or ordered by means of a nine hundred telephone call; 94215

(j) Building maintenance and janitorial service is or is to 94216
be provided; 94217

(k) Exterminating service is or is to be provided; 94218

(l) Physical fitness facility service is or is to be 94219
provided; 94220

(m) Recreation and sports club service is or is to be 94221
provided; 94222

(n) Satellite broadcasting service is or is to be provided; 94223

(o) Personal care service is or is to be provided to an 94224
individual. As used in this division, "personal care service" 94225
includes skin care, the application of cosmetics, manicuring, 94226
pedicuring, hair removal, tattooing, body piercing, tanning, 94227
massage, and other similar services. "Personal care service" does 94228
not include a service provided by or on the order of a licensed 94229
physician or licensed chiropractor, or the cutting, coloring, or 94230
styling of an individual's hair. 94231

(p) The transportation of persons by motor vehicle or 94232

aircraft is or is to be provided, when the transportation is 94233
entirely within this state, except for transportation provided by 94234
an ambulance service, by a transit bus, as defined in section 94235
5735.01 of the Revised Code, and transportation provided by a 94236
citizen of the United States holding a certificate of public 94237
convenience and necessity issued under 49 U.S.C. 41102; 94238

(q) Motor vehicle towing service is or is to be provided. As 94239
used in this division, "motor vehicle towing service" means the 94240
towing or conveyance of a wrecked, disabled, or illegally parked 94241
motor vehicle. 94242

(r) Snow removal service is or is to be provided. As used in 94243
this division, "snow removal service" means the removal of snow by 94244
any mechanized means, but does not include the providing of such 94245
service by a person that has less than five thousand dollars in 94246
sales of such service during the calendar year. 94247

(s) Electronic publishing service is or is to be provided to 94248
a consumer for use in business, except that such transactions 94249
occurring between members of an affiliated group, as defined in 94250
division (B)(3)(e) of this section, are not sales. 94251

(4) All transactions by which printed, imprinted, 94252
overprinted, lithographic, multilithic, blueprinted, photostatic, 94253
or other productions or reproductions of written or graphic matter 94254
are or are to be furnished or transferred; 94255

(5) The production or fabrication of tangible personal 94256
property for a consideration for consumers who furnish either 94257
directly or indirectly the materials used in the production of 94258
fabrication work; and include the furnishing, preparing, or 94259
serving for a consideration of any tangible personal property 94260
consumed on the premises of the person furnishing, preparing, or 94261
serving such tangible personal property. Except as provided in 94262
section 5739.03 of the Revised Code, a construction contract 94263

pursuant to which tangible personal property is or is to be 94264
incorporated into a structure or improvement on and becoming a 94265
part of real property is not a sale of such tangible personal 94266
property. The construction contractor is the consumer of such 94267
tangible personal property, provided that the sale and 94268
installation of carpeting, the sale and installation of 94269
agricultural land tile, the sale and erection or installation of 94270
portable grain bins, or the provision of landscaping and lawn care 94271
service and the transfer of property as part of such service is 94272
never a construction contract. 94273

As used in division (B)(5) of this section: 94274

(a) "Agricultural land tile" means fired clay or concrete 94275
tile, or flexible or rigid perforated plastic pipe or tubing, 94276
incorporated or to be incorporated into a subsurface drainage 94277
system appurtenant to land used or to be used primarily in 94278
production by farming, agriculture, horticulture, or floriculture. 94279
The term does not include such materials when they are or are to 94280
be incorporated into a drainage system appurtenant to a building 94281
or structure even if the building or structure is used or to be 94282
used in such production. 94283

(b) "Portable grain bin" means a structure that is used or to 94284
be used by a person engaged in farming or agriculture to shelter 94285
the person's grain and that is designed to be disassembled without 94286
significant damage to its component parts. 94287

(6) All transactions in which all of the shares of stock of a 94288
closely held corporation are transferred, or an ownership interest 94289
in a pass-through entity, as defined in section 5733.04 of the 94290
Revised Code, is transferred, if the corporation or pass-through 94291
entity is not engaging in business and its entire assets consist 94292
of boats, planes, motor vehicles, or other tangible personal 94293
property operated primarily for the use and enjoyment of the 94294
shareholders or owners; 94295

(7) All transactions in which a warranty, maintenance or 94296
service contract, or similar agreement by which the vendor of the 94297
warranty, contract, or agreement agrees to repair or maintain the 94298
tangible personal property of the consumer is or is to be 94299
provided; 94300

(8) The transfer of copyrighted motion picture films used 94301
solely for advertising purposes, except that the transfer of such 94302
films for exhibition purposes is not a sale; 94303

(9) All transactions by which tangible personal property is 94304
or is to be stored, except such property that the consumer of the 94305
storage holds for sale in the regular course of business; 94306

(10) All transactions in which "guaranteed auto protection" 94307
is provided whereby a person promises to pay to the consumer the 94308
difference between the amount the consumer receives from motor 94309
vehicle insurance and the amount the consumer owes to a person 94310
holding title to or a lien on the consumer's motor vehicle in the 94311
event the consumer's motor vehicle suffers a total loss under the 94312
terms of the motor vehicle insurance policy or is stolen and not 94313
recovered, if the protection and its price are included in the 94314
purchase or lease agreement; 94315

(11)(a) Except as provided in division (B)(11)(b) of this 94316
section, all transactions by which health care services are paid 94317
for, reimbursed, provided, delivered, arranged for, or otherwise 94318
made available by a medicaid health insuring corporation pursuant 94319
to the corporation's contract with the state. 94320

(b) If the centers for medicare and medicaid services of the 94321
United States department of health and human services determines 94322
that the taxation of transactions described in division (B)(11)(a) 94323
of this section constitutes an impermissible health care-related 94324
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 94325
1396b(w), and regulations adopted thereunder, the medicaid 94326

director shall notify the tax commissioner of that determination. 94327
Beginning with the first day of the month following that 94328
notification, the transactions described in division (B)(11)(a) of 94329
this section are not sales for the purposes of this chapter or 94330
Chapter 5741. of the Revised Code. The tax commissioner shall 94331
order that the collection of taxes under sections 5739.02, 94332
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 94333
5741.023 of the Revised Code shall cease for transactions 94334
occurring on or after that date. 94335

(12) All transactions by which a specified digital product is 94336
provided for permanent use or less than permanent use, regardless 94337
of whether continued payment is required. 94338

Except as provided in this section, "sale" and "selling" do 94339
not include transfers of interest in leased property where the 94340
original lessee and the terms of the original lease agreement 94341
remain unchanged, or professional, insurance, or personal service 94342
transactions that involve the transfer of tangible personal 94343
property as an inconsequential element, for which no separate 94344
charges are made. 94345

(C) "Vendor" means the person providing the service or by 94346
whom the transfer effected or license given by a sale is or is to 94347
be made or given and, for sales described in division (B)(3)(i) of 94348
this section, the telecommunications service vendor that provides 94349
the nine hundred telephone service; if two or more persons are 94350
engaged in business at the same place of business under a single 94351
trade name in which all collections on account of sales by each 94352
are made, such persons shall constitute a single vendor. 94353

Physicians, dentists, hospitals, and veterinarians who are 94354
engaged in selling tangible personal property as received from 94355
others, such as eyeglasses, mouthwashes, dentifrices, or similar 94356
articles, are vendors. Veterinarians who are engaged in 94357
transferring to others for a consideration drugs, the dispensing 94358

of which does not require an order of a licensed veterinarian or 94359
physician under federal law, are vendors. 94360

The operator of any peer-to-peer car sharing program shall be 94361
considered to be the vendor. 94362

(D)(1) "Consumer" means the person for whom the service is 94363
provided, to whom the transfer effected or license given by a sale 94364
is or is to be made or given, to whom the service described in 94365
division (B)(3)(f) or (i) of this section is charged, or to whom 94366
the admission is granted. 94367

(2) Physicians, dentists, hospitals, and blood banks operated 94368
by nonprofit institutions and persons licensed to practice 94369
veterinary medicine, surgery, and dentistry are consumers of all 94370
tangible personal property and services purchased by them in 94371
connection with the practice of medicine, dentistry, the rendition 94372
of hospital or blood bank service, or the practice of veterinary 94373
medicine, surgery, and dentistry. In addition to being consumers 94374
of drugs administered by them or by their assistants according to 94375
their direction, veterinarians also are consumers of drugs that 94376
under federal law may be dispensed only by or upon the order of a 94377
licensed veterinarian or physician, when transferred by them to 94378
others for a consideration to provide treatment to animals as 94379
directed by the veterinarian. 94380

(3) A person who performs a facility management, or similar 94381
service contract for a contractee is a consumer of all tangible 94382
personal property and services purchased for use in connection 94383
with the performance of such contract, regardless of whether title 94384
to any such property vests in the contractee. The purchase of such 94385
property and services is not subject to the exception for resale 94386
under division (E) of this section. 94387

(4)(a) In the case of a person who purchases printed matter 94388
for the purpose of distributing it or having it distributed to the 94389

public or to a designated segment of the public, free of charge, 94390
that person is the consumer of that printed matter, and the 94391
purchase of that printed matter for that purpose is a sale. 94392

(b) In the case of a person who produces, rather than 94393
purchases, printed matter for the purpose of distributing it or 94394
having it distributed to the public or to a designated segment of 94395
the public, free of charge, that person is the consumer of all 94396
tangible personal property and services purchased for use or 94397
consumption in the production of that printed matter. That person 94398
is not entitled to claim exemption under division (B)(42)(f) of 94399
section 5739.02 of the Revised Code for any material incorporated 94400
into the printed matter or any equipment, supplies, or services 94401
primarily used to produce the printed matter. 94402

(c) The distribution of printed matter to the public or to a 94403
designated segment of the public, free of charge, is not a sale to 94404
the members of the public to whom the printed matter is 94405
distributed or to any persons who purchase space in the printed 94406
matter for advertising or other purposes. 94407

(5) A person who makes sales of any of the services listed in 94408
division (B)(3) of this section is the consumer of any tangible 94409
personal property used in performing the service. The purchase of 94410
that property is not subject to the resale exception under 94411
division (E) of this section. 94412

(6) A person who engages in highway transportation for hire 94413
is the consumer of all packaging materials purchased by that 94414
person and used in performing the service, except for packaging 94415
materials sold by such person in a transaction separate from the 94416
service. 94417

(7) In the case of a transaction for health care services 94418
under division (B)(11) of this section, a medicaid health insuring 94419
corporation is the consumer of such services. The purchase of such 94420

services by a medicaid health insuring corporation is not subject 94421
to the exception for resale under division (E) of this section or 94422
to the exemptions provided under divisions (B)(12), (18), (19), 94423
and (22) of section 5739.02 of the Revised Code. 94424

(E) "Retail sale" and "sales at retail" include all sales, 94425
except those in which the purpose of the consumer is to resell the 94426
thing transferred or benefit of the service provided, by a person 94427
engaging in business, in the form in which the same is, or is to 94428
be, received by the person. 94429

(F) "Business" includes any activity engaged in by any person 94430
with the object of gain, benefit, or advantage, either direct or 94431
indirect. "Business" does not include the activity of a person in 94432
managing and investing the person's own funds. 94433

(G) "Engaging in business" means commencing, conducting, or 94434
continuing in business, and liquidating a business when the 94435
liquidator thereof holds itself out to the public as conducting 94436
such business. Making a casual sale is not engaging in business. 94437

(H)(1)(a) "Price," except as provided in divisions (H)(2), 94438
(3), and (4) of this section, means the total amount of 94439
consideration, including cash, credit, property, and services, for 94440
which tangible personal property or services are sold, leased, or 94441
rented, valued in money, whether received in money or otherwise, 94442
without any deduction for any of the following: 94443

(i) The vendor's cost of the property sold; 94444

(ii) The cost of materials used, labor or service costs, 94445
interest, losses, all costs of transportation to the vendor, all 94446
taxes imposed on the vendor, including the tax imposed under 94447
Chapter 5751. of the Revised Code, and any other expense of the 94448
vendor; 94449

(iii) Charges by the vendor for any services necessary to 94450
complete the sale; 94451

(iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.	94452 94453 94454 94455 94456
(v) Installation charges;	94457
(vi) Credit for any trade-in.	94458
(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:	94459 94460 94461 94462 94463 94464 94465 94466 94467
(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;	94468 94469 94470 94471 94472 94473
(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.	94474 94475 94476 94477 94478
(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.	94479 94480 94481 94482

(c) "Price" does not include any of the following:	94483
(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;	94484 94485 94486
(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;	94487 94488 94489 94490
(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.	94491 94492 94493 94494 94495 94496
(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.	94497 94498 94499 94500
(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.	94501 94502 94503 94504 94505 94506 94507 94508 94509 94510 94511
(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised	94512 94513

Code, in which another motor vehicle is accepted by the dealer as 94514
part of the consideration received, "price" has the same meaning 94515
as in division (H)(1) of this section, reduced by the credit 94516
afforded the consumer by the dealer for the motor vehicle received 94517
in trade. 94518

(3) In the case of a sale of any watercraft or outboard motor 94519
by a watercraft dealer licensed in accordance with section 94520
1547.543 of the Revised Code, in which another watercraft, 94521
watercraft and trailer, or outboard motor is accepted by the 94522
dealer as part of the consideration received, "price" has the same 94523
meaning as in division (H)(1) of this section, reduced by the 94524
credit afforded the consumer by the dealer for the watercraft, 94525
watercraft and trailer, or outboard motor received in trade. As 94526
used in this division, "watercraft" includes an outdrive unit 94527
attached to the watercraft. 94528

(4) In the case of transactions for health care services 94529
under division (B)(11) of this section, "price" means the amount 94530
of managed care premiums received each month by a medicaid health 94531
insuring corporation. 94532

(I) "Receipts" means the total amount of the prices of the 94533
sales of vendors, provided that the dollar value of gift cards 94534
distributed pursuant to an awards, loyalty, or promotional 94535
program, and cash discounts allowed and taken on sales at the time 94536
they are consummated are not included, minus any amount deducted 94537
as a bad debt pursuant to section 5739.121 of the Revised Code. 94538
"Receipts" does not include the sale price of property returned or 94539
services rejected by consumers when the full sale price and tax 94540
are refunded either in cash or by credit. 94541

(J) "Place of business" means any location at which a person 94542
engages in business. 94543

(K) "Premises" includes any real property or portion thereof 94544

upon which any person engages in selling tangible personal 94545
property at retail or making retail sales and also includes any 94546
real property or portion thereof designated for, or devoted to, 94547
use in conjunction with the business engaged in by such person. 94548

(L) "Casual sale" means a sale of an item of tangible 94549
personal property that was obtained by the person making the sale, 94550
through purchase or otherwise, for the person's own use and was 94551
previously subject to any state's taxing jurisdiction on its sale 94552
or use, and includes such items acquired for the seller's use that 94553
are sold by an auctioneer employed directly by the person for such 94554
purpose, provided the location of such sales is not the 94555
auctioneer's permanent place of business. As used in this 94556
division, "permanent place of business" includes any location 94557
where such auctioneer has conducted more than two auctions during 94558
the year. 94559

(M) "Hotel" means every establishment kept, used, maintained, 94560
advertised, or held out to the public to be a place where sleeping 94561
accommodations are offered to guests, in which five or more rooms 94562
are used for the accommodation of such guests, whether the rooms 94563
are in one or several structures, except as otherwise provided in 94564
section 5739.091 of the Revised Code. 94565

(N) "Transient guests" means persons occupying a room or 94566
rooms for sleeping accommodations for less than thirty consecutive 94567
days. 94568

(O) "Making retail sales" means the effecting of transactions 94569
wherein one party is obligated to pay the price and the other 94570
party is obligated to provide a service or to transfer title to or 94571
possession of the item sold. "Making retail sales" does not 94572
include the preliminary acts of promoting or soliciting the retail 94573
sales, other than the distribution of printed matter which 94574
displays or describes and prices the item offered for sale, nor 94575
does it include delivery of a predetermined quantity of tangible 94576

personal property or transportation of property or personnel to or 94577
from a place where a service is performed. 94578

(P) "Used directly in the rendition of a public utility 94579
service" means that property that is to be incorporated into and 94580
will become a part of the consumer's production, transmission, 94581
transportation, or distribution system and that retains its 94582
classification as tangible personal property after such 94583
incorporation; fuel or power used in the production, transmission, 94584
transportation, or distribution system; and tangible personal 94585
property used in the repair and maintenance of the production, 94586
transmission, transportation, or distribution system, including 94587
only such motor vehicles as are specially designed and equipped 94588
for such use. Tangible personal property and services used 94589
primarily in providing highway transportation for hire are not 94590
used directly in the rendition of a public utility service. In 94591
this definition, "public utility" includes a citizen of the United 94592
States holding, and required to hold, a certificate of public 94593
convenience and necessity issued under 49 U.S.C. 41102. 94594

(Q) "Refining" means removing or separating a desirable 94595
product from raw or contaminated materials by distillation or 94596
physical, mechanical, or chemical processes. 94597

(R) "Assembly" and "assembling" mean attaching or fitting 94598
together parts to form a product, but do not include packaging a 94599
product. 94600

(S) "Manufacturing operation" means a process in which 94601
materials are changed, converted, or transformed into a different 94602
state or form from which they previously existed and includes 94603
refining materials, assembling parts, and preparing raw materials 94604
and parts by mixing, measuring, blending, or otherwise committing 94605
such materials or parts to the manufacturing process. 94606
"Manufacturing operation" does not include packaging. 94607

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 94639
together with verification thereof, or providing access to 94640
computer equipment for the purpose of processing data. 94641

(b) "Computer services" means providing services consisting 94642
of specifying computer hardware configurations and evaluating 94643
technical processing characteristics, computer programming, and 94644
training of computer programmers and operators, provided in 94645
conjunction with and to support the sale, lease, or operation of 94646
taxable computer equipment or systems. 94647

(c) "Electronic information services" means providing access 94648
to computer equipment by means of telecommunications equipment for 94649
the purpose of either of the following: 94650

(i) Examining or acquiring data stored in or accessible to 94651
the computer equipment; 94652

(ii) Placing data into the computer equipment to be retrieved 94653
by designated recipients with access to the computer equipment. 94654

"Electronic information services" does not include electronic 94655
publishing. 94656

(d) "Automatic data processing, computer services, or 94657
electronic information services" shall not include personal or 94658
professional services. 94659

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 94660
section, "personal and professional services" means all services 94661
other than automatic data processing, computer services, or 94662
electronic information services, including but not limited to: 94663

(a) Accounting and legal services such as advice on tax 94664
matters, asset management, budgetary matters, quality control, 94665
information security, and auditing and any other situation where 94666
the service provider receives data or information and studies, 94667
alters, analyzes, interprets, or adjusts such material; 94668

(b) Analyzing business policies and procedures;	94669
(c) Identifying management information needs;	94670
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	94671 94672 94673
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	94674 94675 94676 94677
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	94678 94679 94680
(g) Testing of business procedures;	94681
(h) Training personnel in business procedure applications;	94682
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	94683 94684 94685 94686 94687 94688
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	94689 94690
(k) Providing digital advertising services;	94691
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's	94692 94693 94694 94695 94696 94697 94698

compensation. 94699

The services listed in divisions (Y)(2)(a) to (1) of this 94700
section are not automatic data processing or computer services. 94701

(Z) "Highway transportation for hire" means the 94702
transportation of personal property belonging to others for 94703
consideration by any of the following: 94704

(1) The holder of a permit or certificate issued by this 94705
state or the United States authorizing the holder to engage in 94706
transportation of personal property belonging to others for 94707
consideration over or on highways, roadways, streets, or any 94708
similar public thoroughfare; 94709

(2) A person who engages in the transportation of personal 94710
property belonging to others for consideration over or on 94711
highways, roadways, streets, or any similar public thoroughfare 94712
but who could not have engaged in such transportation on December 94713
11, 1985, unless the person was the holder of a permit or 94714
certificate of the types described in division (Z)(1) of this 94715
section; 94716

(3) A person who leases a motor vehicle to and operates it 94717
for a person described by division (Z)(1) or (2) of this section. 94718

(AA)(1) "Telecommunications service" means the electronic 94719
transmission, conveyance, or routing of voice, data, audio, video, 94720
or any other information or signals to a point, or between or 94721
among points. "Telecommunications service" includes such 94722
transmission, conveyance, or routing in which computer processing 94723
applications are used to act on the form, code, or protocol of the 94724
content for purposes of transmission, conveyance, or routing 94725
without regard to whether the service is referred to as voice-over 94726
internet protocol service or is classified by the federal 94727
communications commission as enhanced or value-added. 94728
"Telecommunications service" does not include any of the 94729

following:	94730
(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;	94731 94732 94733 94734 94735
(b) Installation or maintenance of wiring or equipment on a customer's premises;	94736 94737
(c) Tangible personal property;	94738
(d) Advertising, including directory advertising;	94739
(e) Billing and collection services provided to third parties;	94740 94741
(f) Internet access service;	94742
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	94743 94744 94745 94746 94747 94748 94749 94750
(h) Ancillary service;	94751
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	94752 94753
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	94754 94755 94756 94757 94758
(a) "Conference bridging service" means an ancillary service	94759

that links two or more participants of an audio or video 94760
conference call, including providing a telephone number. 94761
"Conference bridging service" does not include telecommunications 94762
services used to reach the conference bridge. 94763

(b) "Detailed telecommunications billing service" means an 94764
ancillary service of separately stating information pertaining to 94765
individual calls on a customer's billing statement. 94766

(c) "Directory assistance" means an ancillary service of 94767
providing telephone number or address information. 94768

(d) "Vertical service" means an ancillary service that is 94769
offered in connection with one or more telecommunications 94770
services, which offers advanced calling features that allow 94771
customers to identify callers and manage multiple calls and call 94772
connections, including conference bridging service. 94773

(e) "Voice mail service" means an ancillary service that 94774
enables the customer to store, send, or receive recorded messages. 94775
"Voice mail service" does not include any vertical services that 94776
the customer may be required to have in order to utilize the voice 94777
mail service. 94778

(3) "900 service" means an inbound toll telecommunications 94779
service purchased by a subscriber that allows the subscriber's 94780
customers to call in to the subscriber's prerecorded announcement 94781
or live service, and which is typically marketed under the name 94782
"900 service" and any subsequent numbers designated by the federal 94783
communications commission. "900 service" does not include the 94784
charge for collection services provided by the seller of the 94785
telecommunications service to the subscriber, or services or 94786
products sold by the subscriber to the subscriber's customer. 94787

(4) "Prepaid calling service" means the right to access 94788
exclusively telecommunications services, which must be paid for in 94789
advance and which enables the origination of calls using an access 94790

number or authorization code, whether manually or electronically 94791
dialed, and that is sold in predetermined units or dollars of 94792
which the number declines with use in a known amount. 94793

(5) "Prepaid wireless calling service" means a 94794
telecommunications service that provides the right to utilize 94795
mobile telecommunications service as well as other 94796
non-telecommunications services, including the download of digital 94797
products delivered electronically, and content and ancillary 94798
services, that must be paid for in advance and that is sold in 94799
predetermined units or dollars of which the number declines with 94800
use in a known amount. 94801

(6) "Value-added non-voice data service" means a 94802
telecommunications service in which computer processing 94803
applications are used to act on the form, content, code, or 94804
protocol of the information or data primarily for a purpose other 94805
than transmission, conveyance, or routing. 94806

(7) "Coin-operated telephone service" means a 94807
telecommunications service paid for by inserting money into a 94808
telephone accepting direct deposits of money to operate. 94809

(8) "Customer" has the same meaning as in section 5739.034 of 94810
the Revised Code. 94811

(BB) "Laundry and dry cleaning services" means removing soil 94812
or dirt from towels, linens, articles of clothing, or other fabric 94813
items that belong to others and supplying towels, linens, articles 94814
of clothing, or other fabric items. "Laundry and dry cleaning 94815
services" does not include the provision of self-service 94816
facilities for use by consumers to remove soil or dirt from 94817
towels, linens, articles of clothing, or other fabric items. 94818

(CC) "Magazines distributed as controlled circulation 94819
publications" means magazines containing at least twenty-four 94820
pages, at least twenty-five per cent editorial content, issued at 94821

regular intervals four or more times a year, and circulated 94822
without charge to the recipient, provided that such magazines are 94823
not owned or controlled by individuals or business concerns which 94824
conduct such publications as an auxiliary to, and essentially for 94825
the advancement of the main business or calling of, those who own 94826
or control them. 94827

(DD) "Landscaping and lawn care service" means the services 94828
of planting, seeding, sodding, removing, cutting, trimming, 94829
pruning, mulching, aerating, applying chemicals, watering, 94830
fertilizing, and providing similar services to establish, promote, 94831
or control the growth of trees, shrubs, flowers, grass, ground 94832
cover, and other flora, or otherwise maintaining a lawn or 94833
landscape grown or maintained by the owner for ornamentation or 94834
other nonagricultural purpose. However, "landscaping and lawn care 94835
service" does not include the providing of such services by a 94836
person who has less than five thousand dollars in sales of such 94837
services during the calendar year. 94838

(EE) "Private investigation and security service" means the 94839
performance of any activity for which the provider of such service 94840
is required to be licensed pursuant to Chapter 4749. of the 94841
Revised Code, or would be required to be so licensed in performing 94842
such services in this state, and also includes the services of 94843
conducting polygraph examinations and of monitoring or overseeing 94844
the activities on or in, or the condition of, the consumer's home, 94845
business, or other facility by means of electronic or similar 94846
monitoring devices. "Private investigation and security service" 94847
does not include special duty services provided by off-duty police 94848
officers, deputy sheriffs, and other peace officers regularly 94849
employed by the state or a political subdivision. 94850

(FF) "Information services" means providing conversation, 94851
giving consultation or advice, playing or making a voice or other 94852
recording, making or keeping a record of the number of callers, 94853

and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means either of the following:

(1) Capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development;

(2) Any tangible personal property used by a megaproject operator primarily to perform research and development at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of that section that remains in effect and has not expired or been terminated.

"Qualified research and development equipment" does not include tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means 94885
cleaning the interior or exterior of a building and any tangible 94886
personal property located therein or thereon, including any 94887
services incidental to such cleaning for which no separate charge 94888
is made. However, "building maintenance and janitorial service" 94889
does not include the providing of such service by a person who has 94890
less than five thousand dollars in sales of such service during 94891
the calendar year. As used in this division, "cleaning" does not 94892
include sanitation services necessary for an establishment 94893
described in 21 U.S.C. 608 to comply with rules and regulations 94894
adopted pursuant to that section. 94895

(JJ) "Exterminating service" means eradicating or attempting 94896
to eradicate vermin infestations from a building or structure, or 94897
the area surrounding a building or structure, and includes 94898
activities to inspect, detect, or prevent vermin infestation of a 94899
building or structure. 94900

(KK) "Physical fitness facility service" means all 94901
transactions by which a membership is granted, maintained, or 94902
renewed, including initiation fees, membership dues, renewal fees, 94903
monthly minimum fees, and other similar fees and dues, by a 94904
physical fitness facility such as an athletic club, health spa, or 94905
gymnasium, which entitles the member to use the facility for 94906
physical exercise. 94907

(LL) "Recreation and sports club service" means all 94908
transactions by which a membership is granted, maintained, or 94909
renewed, including initiation fees, membership dues, renewal fees, 94910
monthly minimum fees, and other similar fees and dues, by a 94911
recreation and sports club, which entitles the member to use the 94912
facilities of the organization. "Recreation and sports club" means 94913
an organization that has ownership of, or controls or leases on a 94914
continuing, long-term basis, the facilities used by its members 94915
and includes an aviation club, gun or shooting club, yacht club, 94916

card club, swimming club, tennis club, golf club, country club, 94917
riding club, amateur sports club, or similar organization. 94918

(MM) "Livestock" means farm animals commonly raised for food, 94919
food production, or other agricultural purposes, including, but 94920
not limited to, cattle, sheep, goats, swine, poultry, and captive 94921
deer. "Livestock" does not include invertebrates, amphibians, 94922
reptiles, domestic pets, animals for use in laboratories or for 94923
exhibition, or other animals not commonly raised for food or food 94924
production. 94925

(NN) "Livestock structure" means a building or structure used 94926
exclusively for the housing, raising, feeding, or sheltering of 94927
livestock, and includes feed storage or handling structures and 94928
structures for livestock waste handling. 94929

(OO) "Horticulture" means the growing, cultivation, and 94930
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 94931
and nursery stock. As used in this division, "nursery stock" has 94932
the same meaning as in section 927.51 of the Revised Code. 94933

(PP) "Horticulture structure" means a building or structure 94934
used exclusively for the commercial growing, raising, or 94935
overwintering of horticultural products, and includes the area 94936
used for stocking, storing, and packing horticultural products 94937
when done in conjunction with the production of those products. 94938

(QQ) "Newspaper" means an unbound publication bearing a title 94939
or name that is regularly published, at least as frequently as 94940
biweekly, and distributed from a fixed place of business to the 94941
public in a specific geographic area, and that contains a 94942
substantial amount of news matter of international, national, or 94943
local events of interest to the general public. 94944

(RR)(1) "Feminine hygiene products" means tampons, panty 94945
liners, menstrual cups, sanitary napkins, and other similar 94946
tangible personal property designed for feminine hygiene in 94947

connection with the human menstrual cycle, but does not include 94948
grooming and hygiene products. 94949

(2) "Grooming and hygiene products" means soaps and cleaning 94950
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 94951
sun tan lotions and screens, regardless of whether any of these 94952
products are over-the-counter drugs. 94953

(3) "Over-the-counter drugs" means a drug that contains a 94954
label that identifies the product as a drug as required by 21 94955
C.F.R. 201.66, which label includes a drug facts panel or a 94956
statement of the active ingredients with a list of those 94957
ingredients contained in the compound, substance, or preparation. 94958

(SS)(1) "Lease" or "rental" means any transfer of the 94959
possession or control of tangible personal property for a fixed or 94960
indefinite term, for consideration. "Lease" or "rental" includes 94961
future options to purchase or extend, and agreements described in 94962
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 94963
the amount of consideration may be increased or decreased by 94964
reference to the amount realized upon the sale or disposition of 94965
the property. "Lease" or "rental" does not include: 94966

(a) A transfer of possession or control of tangible personal 94967
property under a security agreement or a deferred payment plan 94968
that requires the transfer of title upon completion of the 94969
required payments; 94970

(b) A transfer of possession or control of tangible personal 94971
property under an agreement that requires the transfer of title 94972
upon completion of required payments and payment of an option 94973
price that does not exceed the greater of one hundred dollars or 94974
one per cent of the total required payments; 94975

(c) Providing tangible personal property along with an 94976
operator for a fixed or indefinite period of time, if the operator 94977
is necessary for the property to perform as designed. For purposes 94978

of this division, the operator must do more than maintain, 94979
inspect, or set up the tangible personal property. 94980

(2) "Lease" and "rental," as defined in division (SS) of this 94981
section, shall not apply to leases or rentals that exist before 94982
June 26, 2003. 94983

(3) "Lease" and "rental" have the same meaning as in division 94984
(SS)(1) of this section regardless of whether a transaction is 94985
characterized as a lease or rental under generally accepted 94986
accounting principles, the Internal Revenue Code, Title XIII of 94987
the Revised Code, or other federal, state, or local laws. 94988

(TT) "Mobile telecommunications service" has the same meaning 94989
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 94990
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 94991
on and after August 1, 2003, includes related fees and ancillary 94992
services, including universal service fees, detailed billing 94993
service, directory assistance, service initiation, voice mail 94994
service, and vertical services, such as caller ID and three-way 94995
calling. 94996

(UU) "Certified service provider" has the same meaning as in 94997
section 5740.01 of the Revised Code. 94998

(VV) "Satellite broadcasting service" means the distribution 94999
or broadcasting of programming or services by satellite directly 95000
to the subscriber's receiving equipment without the use of ground 95001
receiving or distribution equipment, except the subscriber's 95002
receiving equipment or equipment used in the uplink process to the 95003
satellite, and includes all service and rental charges, premium 95004
channels or other special services, installation and repair 95005
service charges, and any other charges having any connection with 95006
the provision of the satellite broadcasting service. 95007

(WW) "Tangible personal property" means personal property 95008
that can be seen, weighed, measured, felt, or touched, or that is 95009

in any other manner perceptible to the senses. For purposes of 95010
this chapter and Chapter 5741. of the Revised Code, "tangible 95011
personal property" includes motor vehicles, electricity, water, 95012
gas, steam, and prewritten computer software. 95013

(XX) "Municipal gas utility" means a municipal corporation 95014
that owns or operates a system for the distribution of natural 95015
gas. 95016

(YY) "Computer" means an electronic device that accepts 95017
information in digital or similar form and manipulates it for a 95018
result based on a sequence of instructions. 95019

(ZZ) "Computer software" means a set of coded instructions 95020
designed to cause a computer or automatic data processing 95021
equipment to perform a task. 95022

(AAA) "Delivered electronically" means delivery of computer 95023
software from the seller to the purchaser by means other than 95024
tangible storage media. 95025

(BBB) "Prewritten computer software" means computer software, 95026
including prewritten upgrades, that is not designed and developed 95027
by the author or other creator to the specifications of a specific 95028
purchaser. The combining of two or more prewritten computer 95029
software programs or prewritten portions thereof does not cause 95030
the combination to be other than prewritten computer software. 95031
"Prewritten computer software" includes software designed and 95032
developed by the author or other creator to the specifications of 95033
a specific purchaser when it is sold to a person other than the 95034
purchaser. If a person modifies or enhances computer software of 95035
which the person is not the author or creator, the person shall be 95036
deemed to be the author or creator only of such person's 95037
modifications or enhancements. Prewritten computer software or a 95038
prewritten portion thereof that is modified or enhanced to any 95039
degree, where such modification or enhancement is designed and 95040

developed to the specifications of a specific purchaser, remains 95041
prewritten computer software; provided, however, that where there 95042
is a reasonable, separately stated charge or an invoice or other 95043
statement of the price given to the purchaser for the modification 95044
or enhancement, the modification or enhancement shall not 95045
constitute prewritten computer software. 95046

(CCC)(1) "Food" means substances, whether in liquid, 95047
concentrated, solid, frozen, dried, or dehydrated form, that are 95048
sold for ingestion or chewing by humans and are consumed for their 95049
taste or nutritional value. "Food" does not include alcoholic 95050
beverages, dietary supplements, soft drinks, or tobacco. 95051

(2) As used in division (CCC)(1) of this section: 95052

(a) "Alcoholic beverages" means beverages that are suitable 95053
for human consumption and contain one-half of one per cent or more 95054
of alcohol by volume. 95055

(b) "Dietary supplements" means any product, other than 95056
tobacco, that is intended to supplement the diet and that is 95057
intended for ingestion in tablet, capsule, powder, softgel, 95058
gelcap, or liquid form, or, if not intended for ingestion in such 95059
a form, is not represented as conventional food for use as a sole 95060
item of a meal or of the diet; that is required to be labeled as a 95061
dietary supplement, identifiable by the "supplement facts" box 95062
found on the label, as required by 21 C.F.R. 101.36; and that 95063
contains one or more of the following dietary ingredients: 95064

(i) A vitamin; 95065

(ii) A mineral; 95066

(iii) An herb or other botanical; 95067

(iv) An amino acid; 95068

(v) A dietary substance for use by humans to supplement the 95069
diet by increasing the total dietary intake; 95070

(vi) A concentrate, metabolite, constituent, extract, or 95071
combination of any ingredient described in divisions 95072
(CCC)(2)(b)(i) to (v) of this section. 95073

(c) "Soft drinks" means nonalcoholic beverages that contain 95074
natural or artificial sweeteners. "Soft drinks" does not include 95075
beverages that contain milk or milk products, soy, rice, or 95076
similar milk substitutes, or that contains greater than fifty per 95077
cent vegetable or fruit juice by volume. 95078

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 95079
tobacco, or any other item that contains tobacco. 95080

(DDD) "Drug" means a compound, substance, or preparation, and 95081
any component of a compound, substance, or preparation, other than 95082
food, dietary supplements, or alcoholic beverages that is 95083
recognized in the official United States pharmacopoeia, official 95084
homeopathic pharmacopoeia of the United States, or official 95085
national formulary, and supplements to them; is intended for use 95086
in the diagnosis, cure, mitigation, treatment, or prevention of 95087
disease; or is intended to affect the structure or any function of 95088
the body. 95089

(EEE) "Prescription" means an order, formula, or recipe 95090
issued in any form of oral, written, electronic, or other means of 95091
transmission by a duly licensed practitioner authorized by the 95092
laws of this state to issue a prescription. 95093

(FFF) "Durable medical equipment" means equipment, including 95094
repair and replacement parts for such equipment, that can 95095
withstand repeated use, is primarily and customarily used to serve 95096
a medical purpose, generally is not useful to a person in the 95097
absence of illness or injury, and is not worn in or on the body. 95098
"Durable medical equipment" does not include mobility enhancing 95099
equipment. 95100

(GGG) "Mobility enhancing equipment" means equipment, 95101

including repair and replacement parts for such equipment, that is 95102
primarily and customarily used to provide or increase the ability 95103
to move from one place to another and is appropriate for use 95104
either in a home or a motor vehicle, that is not generally used by 95105
persons with normal mobility, and that does not include any motor 95106
vehicle or equipment on a motor vehicle normally provided by a 95107
motor vehicle manufacturer. "Mobility enhancing equipment" does 95108
not include durable medical equipment. 95109

(HHH) "Prosthetic device" means a replacement, corrective, or 95110
supportive device, including repair and replacement parts for the 95111
device, worn on or in the human body to artificially replace a 95112
missing portion of the body, prevent or correct physical deformity 95113
or malfunction, or support a weak or deformed portion of the body. 95114
As used in this division, before July 1, 2019, "prosthetic device" 95115
does not include corrective eyeglasses, contact lenses, or dental 95116
prosthesis. On or after July 1, 2019, "prosthetic device" does not 95117
include dental prosthesis but does include corrective eyeglasses 95118
or contact lenses. 95119

(III)(1) "Fractional aircraft ownership program" means a 95120
program in which persons within an affiliated group sell and 95121
manage fractional ownership program aircraft, provided that at 95122
least one hundred airworthy aircraft are operated in the program 95123
and the program meets all of the following criteria: 95124

(a) Management services are provided by at least one program 95125
manager within an affiliated group on behalf of the fractional 95126
owners. 95127

(b) Each program aircraft is owned or possessed by at least 95128
one fractional owner. 95129

(c) Each fractional owner owns or possesses at least a 95130
one-sixteenth interest in at least one fixed-wing program 95131
aircraft. 95132

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 95133
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 95135
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(2) As used in division (III)(1) of this section: 95138

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 95139
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section. 95141
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 95145
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional 95152
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aircraft ownership program. 95164

(e) "Program manager" means the person that offers management 95165
services to fractional owners pursuant to a management services 95166
agreement under division (III)(1)(e) of this section. 95167

(JJJ) "Electronic publishing" means providing access to one 95168
or more of the following primarily for business customers, 95169
including the federal government or a state government or a 95170
political subdivision thereof, to conduct research: news; 95171
business, financial, legal, consumer, or credit materials; 95172
editorials, columns, reader commentary, or features; photos or 95173
images; archival or research material; legal notices, identity 95174
verification, or public records; scientific, educational, 95175
instructional, technical, professional, trade, or other literary 95176
materials; or other similar information which has been gathered 95177
and made available by the provider to the consumer in an 95178
electronic format. Providing electronic publishing includes the 95179
functions necessary for the acquisition, formatting, editing, 95180
storage, and dissemination of data or information that is the 95181
subject of a sale. 95182

(KKK) "Medicaid health insuring corporation" means a health 95183
insuring corporation that holds a certificate of authority under 95184
Chapter 1751. of the Revised Code and is under contract with the 95185
department of medicaid pursuant to section 5167.10 of the Revised 95186
Code. 95187

(LLL) "Managed care premium" means any premium, capitation, 95188
or other payment a medicaid health insuring corporation receives 95189
for providing or arranging for the provision of health care 95190
services to its members or enrollees residing in this state. 95191

(MMM) "Captive deer" means deer and other cervidae that have 95192
been legally acquired, or their offspring, that are privately 95193
owned for agricultural or farming purposes. 95194

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

(RRR) "Megaproject" and "megaproject operator" have the same

meanings as in section 122.17 of the Revised Code. 95225

(SSS)(1) "Diaper" means an absorbent garment worn by humans 95226
who are incapable of, or have difficulty, controlling their 95227
bladder or bowel movements. 95228

(2) "Children's diaper" means a diaper marketed to be worn by 95229
children. 95230

(3) "Adult diaper" means a diaper other than a children's 95231
diaper. 95232

Sec. 5739.02. For the purpose of providing revenue with which 95233
to meet the needs of the state, for the use of the general revenue 95234
fund of the state, for the purpose of securing a thorough and 95235
efficient system of common schools throughout the state, for the 95236
purpose of affording revenues, in addition to those from general 95237
property taxes, permitted under constitutional limitations, and 95238
from other sources, for the support of local governmental 95239
functions, and for the purpose of reimbursing the state for the 95240
expense of administering this chapter, an excise tax is hereby 95241
levied on each retail sale made in this state. 95242

(A)(1) The tax shall be collected as provided in section 95243
5739.025 of the Revised Code. The rate of the tax shall be five 95244
and three-fourths per cent. The tax applies and is collectible 95245
when the sale is made, regardless of the time when the price is 95246
paid or delivered. 95247

(2) In the case of the lease or rental, with a fixed term of 95248
more than thirty days or an indefinite term with a minimum period 95249
of more than thirty days, of any motor vehicles designed by the 95250
manufacturer to carry a load of not more than one ton, watercraft, 95251
outboard motor, or aircraft, or of any tangible personal property, 95252
other than motor vehicles designed by the manufacturer to carry a 95253
load of more than one ton, to be used by the lessee or renter 95254

primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall

be measured by the installments thereof.	95287
(B) The tax does not apply to the following:	95288
(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions; <u>including either of the following:</u>	95289 95290 95291 95292
<u>(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions take title to, or permanent or temporary possession of, such tangible personal property for use by the state or any of its political subdivisions, including for use by the general public thereof;</u>	95293 95294 95295 95296 95297 95298 95299 95300 95301
<u>(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions, including the general public thereof, receive the benefit of such services.</u>	95302 95303 95304 95305 95306 95307 95308
(2) Sales of food for human consumption off the premises where sold;	95309 95310
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	95311 95312 95313
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	95314 95315
(5) The furnishing, preparing, or serving of meals without	95316

charge by an employer to an employee provided the employer records 95317
the meals as part compensation for services performed or work 95318
done; 95319

(6)(a) Sales of motor fuel upon receipt, use, distribution, 95320
or sale of which in this state a tax is imposed by the law of this 95321
state, but this exemption shall not apply to the sale of motor 95322
fuel on which a refund of the tax is allowable under division (A) 95323
of section 5735.14 of the Revised Code; and the tax commissioner 95324
may deduct the amount of tax levied by this section applicable to 95325
the price of motor fuel when granting a refund of motor fuel tax 95326
pursuant to division (A) of section 5735.14 of the Revised Code 95327
and shall cause the amount deducted to be paid into the general 95328
revenue fund of this state; 95329

(b) Sales of motor fuel other than that described in division 95330
(B)(6)(a) of this section and used for powering a refrigeration 95331
unit on a vehicle other than one used primarily to provide comfort 95332
to the operator or occupants of the vehicle. 95333

(7) Sales of natural gas by a natural gas company or 95334
municipal gas utility, of water by a water-works company, or of 95335
steam by a heating company, if in each case the thing sold is 95336
delivered to consumers through pipes or conduits, and all sales of 95337
communications services by a telegraph company, all terms as 95338
defined in section 5727.01 of the Revised Code, and sales of 95339
electricity delivered through wires; 95340

(8) Casual sales by a person, or auctioneer employed directly 95341
by the person to conduct such sales, except as to such sales of 95342
motor vehicles, watercraft or outboard motors required to be 95343
titled under section 1548.06 of the Revised Code, watercraft 95344
documented with the United States coast guard, snowmobiles, and 95345
all-purpose vehicles as defined in section 4519.01 of the Revised 95346
Code; 95347

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state including either of the following:

(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and

equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the United States takes title to, or permanent or temporary possession of, such tangible personal property for use by the United States including for use by the general public thereof; 95380
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(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the United States, including the general public thereof, receives the benefit of such services. 95386
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As used in divisions (B)(10)(a) and (b) of this section, "temporary structures" include temporary roads, bridges, drains, and pavement. 95392
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(11) Except for transactions that are sales under division (B)(3)(p) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service; 95395
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(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code. 95399
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"Charitable purposes" means the relief of poverty; the 95411
improvement of health through the alleviation of illness, disease, 95412
or injury; the operation of an organization exclusively for the 95413
provision of professional, laundry, printing, and purchasing 95414
services to hospitals or charitable institutions; the operation of 95415
a home for the aged, as defined in section 5701.13 of the Revised 95416
Code; the operation of a radio or television broadcasting station 95417
that is licensed by the federal communications commission as a 95418
noncommercial educational radio or television station; the 95419
operation of a nonprofit animal adoption service or a county 95420
humane society; the promotion of education by an institution of 95421
learning that maintains a faculty of qualified instructors, 95422
teaches regular continuous courses of study, and confers a 95423
recognized diploma upon completion of a specific curriculum; the 95424
operation of a parent-teacher association, booster group, or 95425
similar organization primarily engaged in the promotion and 95426
support of the curricular or extracurricular activities of a 95427
primary or secondary school; the operation of a community or area 95428
center in which presentations in music, dramatics, the arts, and 95429
related fields are made in order to foster public interest and 95430
education therein; the production of performances in music, 95431
dramatics, and the arts; or the promotion of education by an 95432
organization engaged in carrying on research in, or the 95433
dissemination of, scientific and technological knowledge and 95434
information primarily for the public. 95435

Nothing in this division shall be deemed to exempt sales to 95436
any organization for use in the operation or carrying on of a 95437
trade or business, or sales to a home for the aged for use in the 95438
operation of independent living facilities as defined in division 95439
(A) of section 5709.12 of the Revised Code. 95440

(13) Building and construction materials and services sold to 95441
construction contractors for incorporation into a structure or 95442

improvement to real property under a construction contract with 95443
this state or a political subdivision of this state, or with the 95444
United States government or any of its agencies; building and 95445
construction materials and services sold to construction 95446
contractors for incorporation into a structure or improvement to 95447
real property that are accepted for ownership by this state or any 95448
of its political subdivisions, or by the United States government 95449
or any of its agencies at the time of completion of the structures 95450
or improvements; building and construction materials sold to 95451
construction contractors for incorporation into a horticulture 95452
structure or livestock structure for a person engaged in the 95453
business of horticulture or producing livestock; building 95454
materials and services sold to a construction contractor for 95455
incorporation into a house of public worship or religious 95456
education, or a building used exclusively for charitable purposes 95457
under a construction contract with an organization whose purpose 95458
is as described in division (B)(12) of this section; building 95459
materials and services sold to a construction contractor for 95460
incorporation into a building under a construction contract with 95461
an organization exempt from taxation under section 501(c)(3) of 95462
the Internal Revenue Code of 1986 when the building is to be used 95463
exclusively for the organization's exempt purposes; building and 95464
construction materials sold for incorporation into the original 95465
construction of a sports facility under section 307.696 of the 95466
Revised Code; building and construction materials and services 95467
sold to a construction contractor for incorporation into real 95468
property outside this state if such materials and services, when 95469
sold to a construction contractor in the state in which the real 95470
property is located for incorporation into real property in that 95471
state, would be exempt from a tax on sales levied by that state; 95472
building and construction materials for incorporation into a 95473
transportation facility pursuant to a public-private agreement 95474
entered into under sections 5501.70 to 5501.83 of the Revised 95475

Code; until one calendar year after the construction of a 95476
convention center that qualifies for property tax exemption under 95477
section 5709.084 of the Revised Code is completed, building and 95478
construction materials and services sold to a construction 95479
contractor for incorporation into the real property comprising 95480
that convention center; and building and construction materials 95481
sold for incorporation into a structure or improvement to real 95482
property that is used primarily as, or primarily in support of, a 95483
manufacturing facility or research and development facility and 95484
that is to be owned by a megaproject operator upon completion and 95485
located at the site of a megaproject that satisfies the criteria 95486
described in division (A)(11)(a)(ii) of section 122.17 of the 95487
Revised Code, provided that the sale occurs during the period that 95488
the megaproject operator has an agreement for such megaproject 95489
with the tax credit authority under division (D) of section 122.17 95490
of the Revised Code that remains in effect and has not expired or 95491
been terminated. 95492

(14) Sales of ships or vessels or rail rolling stock used or 95493
to be used principally in interstate or foreign commerce, and 95494
repairs, alterations, fuel, and lubricants for such ships or 95495
vessels or rail rolling stock; 95496

(15) Sales to persons primarily engaged in any of the 95497
activities mentioned in division (B)(42)(a), (g), or (h) of this 95498
section, to persons engaged in making retail sales, or to persons 95499
who purchase for sale from a manufacturer tangible personal 95500
property that was produced by the manufacturer in accordance with 95501
specific designs provided by the purchaser, of packages, including 95502
material, labels, and parts for packages, and of machinery, 95503
equipment, and material for use primarily in packaging tangible 95504
personal property produced for sale, including any machinery, 95505
equipment, and supplies used to make labels or packages, to 95506
prepare packages or products for labeling, or to label packages or 95507

products, by or on the order of the person doing the packaging, or 95508
sold at retail. "Packages" includes bags, baskets, cartons, 95509
crates, boxes, cans, bottles, bindings, wrappings, and other 95510
similar devices and containers, but does not include motor 95511
vehicles or bulk tanks, trailers, or similar devices attached to 95512
motor vehicles. "Packaging" means placing in a package. Division 95513
(B)(15) of this section does not apply to persons engaged in 95514
highway transportation for hire. 95515

(16) Sales of food to persons using supplemental nutrition 95516
assistance program benefits to purchase the food. As used in this 95517
division, "food" has the same meaning as in 7 U.S.C. 2012 and 95518
federal regulations adopted pursuant to the Food and Nutrition Act 95519
of 2008. 95520

(17) Sales to persons engaged in farming, agriculture, 95521
horticulture, or floriculture, of tangible personal property for 95522
use or consumption primarily in the production by farming, 95523
agriculture, horticulture, or floriculture of other tangible 95524
personal property for use or consumption primarily in the 95525
production of tangible personal property for sale by farming, 95526
agriculture, horticulture, or floriculture; or material and parts 95527
for incorporation into any such tangible personal property for use 95528
or consumption in production; and of tangible personal property 95529
for such use or consumption in the conditioning or holding of 95530
products produced by and for such use, consumption, or sale by 95531
persons engaged in farming, agriculture, horticulture, or 95532
floriculture, except where such property is incorporated into real 95533
property; 95534

(18) Sales of drugs for a human being that may be dispensed 95535
only pursuant to a prescription; insulin as recognized in the 95536
official United States pharmacopoeia; urine and blood testing 95537
materials when used by diabetics or persons with hypoglycemia to 95538
test for glucose or acetone; hypodermic syringes and needles when 95539

used by diabetics for insulin injections; epoetin alfa when 95540
purchased for use in the treatment of persons with medical 95541
disease; hospital beds when purchased by hospitals, nursing homes, 95542
or other medical facilities; and medical oxygen and medical 95543
oxygen-dispensing equipment when purchased by hospitals, nursing 95544
homes, or other medical facilities; 95545

(19) Sales of prosthetic devices, durable medical equipment 95546
for home use, or mobility enhancing equipment, when made pursuant 95547
to a prescription and when such devices or equipment are for use 95548
by a human being. 95549

(20) Sales of emergency and fire protection vehicles and 95550
equipment to nonprofit organizations for use solely in providing 95551
fire protection and emergency services, including trauma care and 95552
emergency medical services, for political subdivisions of the 95553
state; 95554

(21) Sales of tangible personal property manufactured in this 95555
state, if sold by the manufacturer in this state to a retailer for 95556
use in the retail business of the retailer outside of this state 95557
and if possession is taken from the manufacturer by the purchaser 95558
within this state for the sole purpose of immediately removing the 95559
same from this state in a vehicle owned by the purchaser; 95560

(22) Sales of services provided by the state or any of its 95561
political subdivisions, agencies, instrumentalities, institutions, 95562
or authorities, or by governmental entities of the state or any of 95563
its political subdivisions, agencies, instrumentalities, 95564
institutions, or authorities; 95565

(23) Sales of motor vehicles to nonresidents of this state 95566
under the circumstances described in division (B) of section 95567
5739.029 of the Revised Code; 95568

(24) Sales to persons engaged in the preparation of eggs for 95569
sale of tangible personal property used or consumed directly in 95570

such preparation, including such tangible personal property used 95571
for cleaning, sanitizing, preserving, grading, sorting, and 95572
classifying by size; packages, including material and parts for 95573
packages, and machinery, equipment, and material for use in 95574
packaging eggs for sale; and handling and transportation equipment 95575
and parts therefor, except motor vehicles licensed to operate on 95576
public highways, used in intraplant or interplant transfers or 95577
shipment of eggs in the process of preparation for sale, when the 95578
plant or plants within or between which such transfers or 95579
shipments occur are operated by the same person. "Packages" 95580
includes containers, cases, baskets, flats, fillers, filler flats, 95581
cartons, closure materials, labels, and labeling materials, and 95582
"packaging" means placing therein. 95583

(25)(a) Sales of water to a consumer for residential use; 95584

(b) Sales of water by a nonprofit corporation engaged 95585
exclusively in the treatment, distribution, and sale of water to 95586
consumers, if such water is delivered to consumers through pipes 95587
or tubing. 95588

(26) Fees charged for inspection or reinspection of motor 95589
vehicles under section 3704.14 of the Revised Code; 95590

(27) Sales to persons licensed to conduct a food service 95591
operation pursuant to section 3717.43 of the Revised Code, of 95592
tangible personal property primarily used directly for the 95593
following: 95594

(a) To prepare food for human consumption for sale; 95595

(b) To preserve food that has been or will be prepared for 95596
human consumption for sale by the food service operator, not 95597
including tangible personal property used to display food for 95598
selection by the consumer; 95599

(c) To clean tangible personal property used to prepare or 95600
serve food for human consumption for sale. 95601

(28) Sales of animals by nonprofit animal adoption services	95602
or county humane societies;	95603
(29) Sales of services to a corporation described in division	95604
(A) of section 5709.72 of the Revised Code, and sales of tangible	95605
personal property that qualifies for exemption from taxation under	95606
section 5709.72 of the Revised Code;	95607
(30) Sales and installation of agricultural land tile, as	95608
defined in division (B)(5)(a) of section 5739.01 of the Revised	95609
Code;	95610
(31) Sales and erection or installation of portable grain	95611
bins, as defined in division (B)(5)(b) of section 5739.01 of the	95612
Revised Code;	95613
(32) The sale, lease, repair, and maintenance of, parts for,	95614
or items attached to or incorporated in, motor vehicles that are	95615
primarily used for transporting tangible personal property	95616
belonging to others by a person engaged in highway transportation	95617
for hire, except for packages and packaging used for the	95618
transportation of tangible personal property;	95619
(33) Sales to the state headquarters of any veterans'	95620
organization in this state that is either incorporated and issued	95621
a charter by the congress of the United States or is recognized by	95622
the United States veterans administration, for use by the	95623
headquarters;	95624
(34) Sales to a telecommunications service vendor, mobile	95625
telecommunications service vendor, or satellite broadcasting	95626
service vendor of tangible personal property and services used	95627
directly and primarily in transmitting, receiving, switching, or	95628
recording any interactive, one- or two-way electromagnetic	95629
communications, including voice, image, data, and information,	95630
through the use of any medium, including, but not limited to,	95631
poles, wires, cables, switching equipment, computers, and record	95632

storage devices and media, and component parts for the tangible 95633
personal property. The exemption provided in this division shall 95634
be in lieu of all other exemptions under division (B)(42)(a) or 95635
(n) of this section to which the vendor may otherwise be entitled, 95636
based upon the use of the thing purchased in providing the 95637
telecommunications, mobile telecommunications, or satellite 95638
broadcasting service. 95639

(35)(a) Sales where the purpose of the consumer is to use or 95640
consume the things transferred in making retail sales and 95641
consisting of newspaper inserts, catalogues, coupons, flyers, gift 95642
certificates, or other advertising material that prices and 95643
describes tangible personal property offered for retail sale. 95644

(b) Sales to direct marketing vendors of preliminary 95645
materials such as photographs, artwork, and typesetting that will 95646
be used in printing advertising material; and of printed matter 95647
that offers free merchandise or chances to win sweepstake prizes 95648
and that is mailed to potential customers with advertising 95649
material described in division (B)(35)(a) of this section; 95650

(c) Sales of equipment such as telephones, computers, 95651
facsimile machines, and similar tangible personal property 95652
primarily used to accept orders for direct marketing retail sales. 95653

(d) Sales of automatic food vending machines that preserve 95654
food with a shelf life of forty-five days or less by refrigeration 95655
and dispense it to the consumer. 95656

For purposes of division (B)(35) of this section, "direct 95657
marketing" means the method of selling where consumers order 95658
tangible personal property by United States mail, delivery 95659
service, or telecommunication and the vendor delivers or ships the 95660
tangible personal property sold to the consumer from a warehouse, 95661
catalogue distribution center, or similar fulfillment facility by 95662
means of the United States mail, delivery service, or common 95663

carrier. 95664

(36) Sales to a person engaged in the business of 95665
horticulture or producing livestock of materials to be 95666
incorporated into a horticulture structure or livestock structure; 95667

(37) Sales of personal computers, computer monitors, computer 95668
keyboards, modems, and other peripheral computer equipment to an 95669
individual who is licensed or certified to teach in an elementary 95670
or a secondary school in this state for use by that individual in 95671
preparation for teaching elementary or secondary school students; 95672

(38) Sales of tangible personal property that is not required 95673
to be registered or licensed under the laws of this state to a 95674
citizen of a foreign nation that is not a citizen of the United 95675
States, provided the property is delivered to a person in this 95676
state that is not a related member of the purchaser, is physically 95677
present in this state for the sole purpose of temporary storage 95678
and package consolidation, and is subsequently delivered to the 95679
purchaser at a delivery address in a foreign nation. As used in 95680
division (B)(38) of this section, "related member" has the same 95681
meaning as in section 5733.042 of the Revised Code, and "temporary 95682
storage" means the storage of tangible personal property for a 95683
period of not more than sixty days. 95684

(39) Sales of used manufactured homes and used mobile homes, 95685
as defined in section 5739.0210 of the Revised Code, made on or 95686
after January 1, 2000; 95687

(40) Sales of tangible personal property and services to a 95688
provider of electricity used or consumed directly and primarily in 95689
generating, transmitting, or distributing electricity for use by 95690
others, including property that is or is to be incorporated into 95691
and will become a part of the consumer's production, transmission, 95692
or distribution system and that retains its classification as 95693
tangible personal property after incorporation; fuel or power used 95694

in the production, transmission, or distribution of electricity; 95695
energy conversion equipment as defined in section 5727.01 of the 95696
Revised Code; and tangible personal property and services used in 95697
the repair and maintenance of the production, transmission, or 95698
distribution system, including only those motor vehicles as are 95699
specially designed and equipped for such use. The exemption 95700
provided in this division shall be in lieu of all other exemptions 95701
in division (B)(42)(a) or (n) of this section to which a provider 95702
of electricity may otherwise be entitled based on the use of the 95703
tangible personal property or service purchased in generating, 95704
transmitting, or distributing electricity. 95705

(41) Sales to a person providing services under division 95706
(B)(3)(p) of section 5739.01 of the Revised Code of tangible 95707
personal property and services used directly and primarily in 95708
providing taxable services under that section. 95709

(42) Sales where the purpose of the purchaser is to do any of 95710
the following: 95711

(a) To incorporate the thing transferred as a material or a 95712
part into tangible personal property to be produced for sale by 95713
manufacturing, assembling, processing, or refining; or to use or 95714
consume the thing transferred directly in producing tangible 95715
personal property for sale by mining, including, without 95716
limitation, the extraction from the earth of all substances that 95717
are classed geologically as minerals, or directly in the rendition 95718
of a public utility service, except that the sales tax levied by 95719
this section shall be collected upon all meals, drinks, and food 95720
for human consumption sold when transporting persons. This 95721
paragraph does not exempt from "retail sale" or "sales at retail" 95722
the sale of tangible personal property that is to be incorporated 95723
into a structure or improvement to real property. 95724

(b) To hold the thing transferred as security for the 95725
performance of an obligation of the vendor; 95726

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	95727 95728
(d) To use or consume the thing directly in commercial fishing;	95729 95730
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	95731 95732 95733 95734
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	95735 95736 95737 95738 95739
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	95740 95741 95742
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	95743 95744 95745 95746 95747 95748
(i) To use the thing transferred as qualified research and development equipment;	95749 95750
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	95751 95752 95753 95754 95755 95756 95757

by means of direct marketing. This division does not apply to 95758
motor vehicles registered for operation on the public highways. As 95759
used in this division, "affiliated group" has the same meaning as 95760
in division (B)(3)(e) of section 5739.01 of the Revised Code and 95761
"direct marketing" has the same meaning as in division (B)(35) of 95762
this section. 95763

(k) To use or consume the thing transferred to fulfill a 95764
contractual obligation incurred by a warrantor pursuant to a 95765
warranty provided as a part of the price of the tangible personal 95766
property sold or by a vendor of a warranty, maintenance or service 95767
contract, or similar agreement the provision of which is defined 95768
as a sale under division (B)(7) of section 5739.01 of the Revised 95769
Code; 95770

(l) To use or consume the thing transferred in the production 95771
of a newspaper for distribution to the public; 95772

(m) To use tangible personal property to perform a service 95773
listed in division (B)(3) of section 5739.01 of the Revised Code, 95774
if the property is or is to be permanently transferred to the 95775
consumer of the service as an integral part of the performance of 95776
the service; 95777

(n) To use or consume the thing transferred primarily in 95778
producing tangible personal property for sale by farming, 95779
agriculture, horticulture, or floriculture. Persons engaged in 95780
rendering farming, agriculture, horticulture, or floriculture 95781
services for others are deemed engaged primarily in farming, 95782
agriculture, horticulture, or floriculture. This paragraph does 95783
not exempt from "retail sale" or "sales at retail" the sale of 95784
tangible personal property that is to be incorporated into a 95785
structure or improvement to real property. 95786

(o) To use or consume the thing transferred in acquiring, 95787
formatting, editing, storing, and disseminating data or 95788

information by electronic publishing; 95789

(p) To provide the thing transferred to the owner or lessee 95790
of a motor vehicle that is being repaired or serviced, if the 95791
thing transferred is a rented motor vehicle and the purchaser is 95792
reimbursed for the cost of the rented motor vehicle by a 95793
manufacturer, warrantor, or provider of a maintenance, service, or 95794
other similar contract or agreement, with respect to the motor 95795
vehicle that is being repaired or serviced; 95796

(q) To use or consume the thing transferred directly in 95797
production of crude oil and natural gas for sale. Persons engaged 95798
in rendering production services for others are deemed engaged in 95799
production. 95800

As used in division (B)(42)(q) of this section, "production" 95801
means operations and tangible personal property directly used to 95802
expose and evaluate an underground reservoir that may contain 95803
hydrocarbon resources, prepare the wellbore for production, and 95804
lift and control all substances yielded by the reservoir to the 95805
surface of the earth. 95806

(i) For the purposes of division (B)(42)(q) of this section, 95807
the "thing transferred" includes, but is not limited to, any of 95808
the following: 95809

(I) Services provided in the construction of permanent access 95810
roads, services provided in the construction of the well site, and 95811
services provided in the construction of temporary impoundments; 95812

(II) Equipment and rigging used for the specific purpose of 95813
creating with integrity a wellbore pathway to underground 95814
reservoirs; 95815

(III) Drilling and workover services used to work within a 95816
subsurface wellbore, and tangible personal property directly used 95817
in providing such services; 95818

(IV) Casing, tubulars, and float and centralizing equipment;	95819
(V) Trailers to which production equipment is attached;	95820
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	95821 95822 95823
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	95824 95825 95826
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	95827 95828 95829 95830
(IX) Pressure pumping equipment;	95831
(X) Artificial lift systems equipment;	95832
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	95833 95834 95835
(XII) Tangible personal property directly used to control production equipment.	95836 95837
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	95838 95839
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	95840 95841 95842
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	95843 95844 95845
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping	95846 95847

equipment or well stimulation material tanks;	95848
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	95849 95850 95851 95852
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	95853 95854 95855 95856
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	95857 95858
(VII) Well site fencing, lighting, or security systems;	95859
(VIII) Communication devices or services;	95860
(IX) Office supplies;	95861
(X) Trailers used as offices or lodging;	95862
(XI) Motor vehicles of any kind;	95863
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	95864 95865
(XIII) Tangible personal property used primarily as a safety device;	95866 95867
(XIV) Data collection or monitoring devices;	95868
(XV) Access ladders, stairs, or platforms attached to storage tanks.	95869 95870
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	95871 95872 95873 95874 95875
The commissioner shall adopt and promulgate rules under	95876

sections 119.01 to 119.13 of the Revised Code that the 95877
commissioner deems necessary to administer division (B)(42)(q) of 95878
this section. 95879

As used in division (B)(42) of this section, "thing" includes 95880
all transactions included in divisions (B)(3)(a), (b), and (e) of 95881
section 5739.01 of the Revised Code. 95882

(43) Sales conducted through a coin operated device that 95883
activates vacuum equipment or equipment that dispenses water, 95884
whether or not in combination with soap or other cleaning agents 95885
or wax, to the consumer for the consumer's use on the premises in 95886
washing, cleaning, or waxing a motor vehicle, provided no other 95887
personal property or personal service is provided as part of the 95888
transaction. 95889

(44) Sales of replacement and modification parts for engines, 95890
airframes, instruments, and interiors in, and paint for, aircraft 95891
used primarily in a fractional aircraft ownership program, and 95892
sales of services for the repair, modification, and maintenance of 95893
such aircraft, and machinery, equipment, and supplies primarily 95894
used to provide those services. 95895

(45) Sales of telecommunications service that is used 95896
directly and primarily to perform the functions of a call center. 95897
As used in this division, "call center" means any physical 95898
location where telephone calls are placed or received in high 95899
volume for the purpose of making sales, marketing, customer 95900
service, technical support, or other specialized business 95901
activity, and that employs at least fifty individuals that engage 95902
in call center activities on a full-time basis, or sufficient 95903
individuals to fill fifty full-time equivalent positions. 95904

(46) Sales by a telecommunications service vendor of 900 95905
service to a subscriber. This division does not apply to 95906
information services. 95907

(47) Sales of value-added non-voice data service. This 95908
division does not apply to any similar service that is not 95909
otherwise a telecommunications service. 95910

(48) Sales of feminine hygiene products. 95911

(49) Sales of materials, parts, equipment, or engines used in 95912
the repair or maintenance of aircraft or avionics systems of such 95913
aircraft, and sales of repair, remodeling, replacement, or 95914
maintenance services in this state performed on aircraft or on an 95915
aircraft's avionics, engine, or component materials or parts. As 95916
used in division (B)(49) of this section, "aircraft" means 95917
aircraft of more than six thousand pounds maximum certified 95918
takeoff weight or used exclusively in general aviation. 95919

(50) Sales of full flight simulators that are used for pilot 95920
or flight-crew training, sales of repair or replacement parts or 95921
components, and sales of repair or maintenance services for such 95922
full flight simulators. "Full flight simulator" means a replica of 95923
a specific type, or make, model, and series of aircraft cockpit. 95924
It includes the assemblage of equipment and computer programs 95925
necessary to represent aircraft operations in ground and flight 95926
conditions, a visual system providing an out-of-the-cockpit view, 95927
and a system that provides cues at least equivalent to those of a 95928
three-degree-of-freedom motion system, and has the full range of 95929
capabilities of the systems installed in the device as described 95930
in appendices A and B of part 60 of chapter 1 of title 14 of the 95931
Code of Federal Regulations. 95932

(51) Any transfer or lease of tangible personal property 95933
between the state and JobsOhio in accordance with section 4313.02 95934
of the Revised Code. 95935

(52)(a) Sales to a qualifying corporation. 95936

(b) As used in division (B)(52) of this section: 95937

(i) "Qualifying corporation" means a nonprofit corporation 95938

organized in this state that leases from an eligible county land, 95939
buildings, structures, fixtures, and improvements to the land that 95940
are part of or used in a public recreational facility used by a 95941
major league professional athletic team or a class A to class AAA 95942
minor league affiliate of a major league professional athletic 95943
team for a significant portion of the team's home schedule, 95944
provided the following apply: 95945

(I) The facility is leased from the eligible county pursuant 95946
to a lease that requires substantially all of the revenue from the 95947
operation of the business or activity conducted by the nonprofit 95948
corporation at the facility in excess of operating costs, capital 95949
expenditures, and reserves to be paid to the eligible county at 95950
least once per calendar year. 95951

(II) Upon dissolution and liquidation of the nonprofit 95952
corporation, all of its net assets are distributable to the board 95953
of commissioners of the eligible county from which the corporation 95954
leases the facility. 95955

(ii) "Eligible county" has the same meaning as in section 95956
307.695 of the Revised Code. 95957

(53) Sales to or by a cable service provider, video service 95958
provider, or radio or television broadcast station regulated by 95959
the federal government of cable service or programming, video 95960
service or programming, audio service or programming, or 95961
electronically transferred digital audiovisual or audio work. As 95962
used in division (B)(53) of this section, "cable service" and 95963
"cable service provider" have the same meanings as in section 95964
1332.01 of the Revised Code, and "video service," "video service 95965
provider," and "video programming" have the same meanings as in 95966
section 1332.21 of the Revised Code. 95967

(54) Sales of a digital audio work electronically transferred 95968
for delivery through use of a machine, such as a juke box, that 95969

does all of the following:	95970
(a) Accepts direct payments to operate;	95971
(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(54)(a) of this section;	95972 95973 95974
(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.	95975 95976
(55)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:	95977 95978 95979
(i) An item of clothing, the price of which is seventy-five dollars or less;	95980 95981
(ii) An item of school supplies, the price of which is twenty dollars or less;	95982 95983
(iii) An item of school instructional material, the price of which is twenty dollars or less.	95984 95985
(b) As used in division (B)(55) of this section:	95986
(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing	95987 95988 95989 95990 95991 95992 95993 95994 95995 95996 95997 95998 95999

accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(ii) "School supplies" means items commonly used by a student in a course of study. "School supplies" includes only the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. "School supplies" does not include any item purchased for use in a trade or business.

(iii) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. "School instructional material" includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. "School instructional material" does not include any material purchased for use in a trade or business.

(56)(a) Sales of adult diapers or incontinence underpads sold pursuant to a prescription, for the benefit of a medicaid recipient with a diagnosis of incontinence, and by a medicaid provider that maintains a valid provider agreement under section

5164.30 of the Revised Code with the department of medicaid, 96032
provided that the medicaid program covers diapers or incontinence 96033
underpads as an incontinence garment. 96034

(b) As used in division (B)(56)(a) of this section: 96035

~~(i) "Diaper" means an absorbent garment worn by humans who 96036
are incapable of, or have difficulty, controlling their bladder or 96037
bowel movements. 96038~~

~~(ii) "Incontinence, "incontinence underpad" means an 96039
absorbent product, not worn on the body, designed to protect 96040
furniture or other tangible personal property from soiling or 96041
damage due to human incontinence. 96042~~

(57) Sales of investment metal bullion and investment coins. 96043
"Investment metal bullion" means any bullion described in section 96044
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 96045
that bullion is in the physical possession of a trustee. 96046
"Investment coin" means any coin composed primarily of gold, 96047
silver, platinum, or palladium. 96048

(58) Sales of tangible personal property used primarily for 96049
any of the following purposes by a megaproject operator at the 96050
site of a megaproject that satisfies the criteria described in 96051
division (A)(11)(a)(ii) of section 122.17 of the Revised Code, 96052
provided that the sale occurs during the period that the 96053
megaproject operator has an agreement for such megaproject with 96054
the tax credit authority under division (D) of section 122.17 of 96055
the Revised Code that remains in effect and has not expired or 96056
been terminated: 96057

(a) To store, transmit, convey, distribute, recycle, 96058
circulate, or clean water, steam, or other gases used in or 96059
produced as a result of manufacturing activity, including items 96060
that support or aid in the operation of such property; 96061

(b) To clean or prepare inventory, at any stage of storage or 96062

production, or equipment used in a manufacturing activity, 96063
including chemicals, solvents, catalysts, soaps, and other items 96064
that support or aid in the operation of property; 96065

(c) To regulate, treat, filter, condition, improve, clean, 96066
maintain, or monitor environmental conditions within areas where 96067
manufacturing activities take place; 96068

(d) To handle, transport, or convey inventory during 96069
production or manufacturing. 96070

(59) Documentary services charges imposed pursuant to section 96071
4517.261 or 4781.24 of the Revised Code. 96072

(60) Sales of children's diapers. 96073

(61) Sales of therapeutic or preventative creams and wipes
marketed primarily for use on the skin of children. 96074
96075

(62) Sales of a child restraint device or booster seat that
meets the national highway traffic safety administration standard
for child restraint systems under 49 C.F.R. 571.213. 96076
96077
96078

(63) Sales of cribs intended to provide sleeping
accommodations for children that comply with the United States
consumer product safety commission's safety standard for full-size
baby cribs under 16 C.F.R. 1219 or the commission's safety
standard for non-full-size baby cribs under 16 C.F.R. 1220. 96079
96080
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(64) Sales of strollers meant for transporting children from
infancy to about thirty-six months of age that meet the United
States consumer product safety commission safety standard for
carriages and strollers under 16 C.F.R. 1227.2. 96084
96085
96086
96087

(65) The fee imposed by section 3743.22 of the Revised Code,
if it is separately stated on the invoice, bill of sale, or
similar document given by the vendor to the consumer for a retail
sale made in this state. 96088
96089
96090
96091

(C) For the purpose of the proper administration of this 96092

chapter, and to prevent the evasion of the tax, it is presumed 96093
that all sales made in this state are subject to the tax until the 96094
contrary is established. 96095

(D) The tax collected by the vendor from the consumer under 96096
this chapter is not part of the price, but is a tax collection for 96097
the benefit of the state, and of counties levying an additional 96098
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 96099
Code and of transit authorities levying an additional sales tax 96100
pursuant to section 5739.023 of the Revised Code. Except for the 96101
discount authorized under section 5739.12 of the Revised Code and 96102
the effects of any rounding pursuant to section 5703.055 of the 96103
Revised Code, no person other than the state or such a county or 96104
transit authority shall derive any benefit from the collection or 96105
payment of the tax levied by this section or section 5739.021, 96106
5739.023, or 5739.026 of the Revised Code. 96107

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 96108
administer sections 5739.01 to 5739.31 of the Revised Code, which 96109
are hereby declared to be sections which the commissioner is 96110
required to administer within the meaning of sections 5703.17 to 96111
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 96112
commissioner may adopt and promulgate, in accordance with sections 96113
119.01 to 119.13 of the Revised Code, such rules as the 96114
commissioner deems necessary to administer sections 5739.01 to 96115
5739.31 of the Revised Code. 96116

(2) On or before the first day of May of each year, the 96117
commissioner shall make available to vendors a notice explaining 96118
the three-day exemption period required under division (B)(55) of 96119
section 5739.02 of the Revised Code. 96120

(B) Upon application, the commissioner may authorize a vendor 96121
to pay on a predetermined basis the tax levied by or pursuant to 96122
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 96123

Code upon sales of things produced or distributed or services 96124
provided by such vendor, and the commissioner may waive the 96125
collection of the tax from the consumer. The commissioner shall 96126
not grant such authority unless the commissioner finds that the 96127
granting of the authority would improve compliance and increase 96128
the efficiency of the administration of the tax. The person to 96129
whom such authority is granted shall post a notice, if required by 96130
the commissioner, at the location where the product is offered for 96131
sale that the tax is included in the selling price. The 96132
commissioner may adopt rules to administer this division. 96133

(C) Upon application, the commissioner may authorize a vendor 96134
to remit, on the basis of a prearranged agreement under this 96135
division, the tax levied by section 5739.02 or pursuant to section 96136
5739.021, 5739.023, or 5739.026 of the Revised Code. The 96137
proportions and ratios in a prearranged agreement shall be 96138
determined either by a test check conducted by the commissioner 96139
under terms and conditions agreed to by the commissioner and the 96140
vendor or by any other method agreed upon by the vendor and the 96141
commissioner. If the parties are unable to agree to the terms and 96142
conditions of the test check or other method, the application 96143
shall be denied. 96144

If used, the test check shall determine the proportion that 96145
taxable retail sales bear to all of the vendor's retail sales and 96146
the ratio which the tax required to be collected under sections 96147
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 96148
bears to the receipts from the vendor's taxable retail sales. 96149

The vendor's liability for remitting the tax shall be based 96150
solely upon the proportions and ratios established in the 96151
agreement until such time that the vendor or the commissioner 96152
believes that the nature of the vendor's business has so changed 96153
as to make the agreement no longer representative. The 96154
commissioner may give notice to the vendor at any time that the 96155

authorization is revoked or the vendor may notify the commissioner 96156
that the vendor no longer elects to report under the 96157
authorization. Such notice shall be delivered to the other party 96158
~~or~~ in the manner provided in section 5703.37 of the Revised Code. 96159
The revocation or cancellation is effective the last day of the 96160
month in which the vendor or the commissioner receives the notice. 96161

Sec. 5739.08. (A) A municipal corporation or township may 96162
levy an excise tax for any lawful purpose not to exceed three per 96163
cent on transactions by which lodging by a hotel is or is to be 96164
furnished to transient guests in addition to the tax levied by 96165
section 5739.02 of the Revised Code. If a municipal corporation or 96166
township repeals a tax imposed under division (A) of this section, 96167
and a county in which the municipal corporation or township has 96168
territory has a tax imposed under division (M) of section 5739.09 96169
of the Revised Code in effect, the municipal corporation or 96170
township may not reimpose its tax as long as that county tax 96171
remains in effect. A municipal corporation or township in which a 96172
tax is levied under division (B)(2) of section 351.021 of the 96173
Revised Code may not increase the rate of its tax levied under 96174
division (A) of this section to any rate that would cause the 96175
total taxes levied under both of those divisions to exceed three 96176
per cent on any lodging transaction within the municipal 96177
corporation or township. 96178

(B) The legislative authority of a municipal corporation or 96179
the board of trustees of a township that is not wholly or partly 96180
located in a county that has in effect a resolution levying an 96181
excise tax pursuant to division (A) of section 5739.09 of the 96182
Revised Code may, by ordinance or resolution, levy an additional 96183
excise tax not to exceed three per cent on transactions by which 96184
lodging by a hotel is or is to be furnished to transient guests. 96185
The legislative authority of the municipal corporation or the 96186
board of trustees of the township shall deposit at least fifty per 96187

cent of the revenue from the tax levied pursuant to this division 96188
into a separate fund, which shall be spent solely to make 96189
contributions to convention and visitors' bureaus operating within 96190
the county in which the municipal corporation or township is 96191
wholly or partly located, and the balance of that revenue shall be 96192
deposited in the general fund. The municipal corporation or 96193
township shall establish all regulations necessary to provide for 96194
the administration and allocation of the tax. The regulations may 96195
prescribe the time for payment of the tax, and may provide for the 96196
imposition of a penalty or interest, or both, for late payments, 96197
provided that the penalty does not exceed ten per cent of the 96198
amount of tax due, and the rate at which interest accrues does not 96199
exceed the rate per annum prescribed pursuant to section 5703.47 96200
of the Revised Code. The levy of a tax under this division is in 96201
addition to any tax imposed on the same transaction by a municipal 96202
corporation or a township under division (A) of this section. 96203

(C)(1) As used in division (C) of this section, "cost" has 96204
the same meaning as in section 351.01 of the Revised Code, and 96205
"convention center" has the same meaning as in section 307.695 of 96206
the Revised Code. 96207

(2) The legislative authority of the most populous municipal 96208
corporation located wholly or partly in a county in which the 96209
board of county commissioners has levied a tax under division (D) 96210
of section 5739.09 of the Revised Code may amend, on or before 96211
September 30, 2002, that municipal corporation's ordinance or 96212
resolution that levies an excise tax on transactions by which 96213
lodging by a hotel is or is to be furnished to transient guests, 96214
to provide for all of the following: 96215

(a) That the rate of the tax shall be increased by not more 96216
than an additional one per cent on each transaction; 96217

(b) That all of the revenue from the increase in rate shall 96218
be pledged and contributed to a convention facilities authority 96219

established by the board of county commissioners under Chapter 96220
351. of the Revised Code on or before May 15, 2002, and be used to 96221
pay costs of constructing, expanding, maintaining, operating, or 96222
promoting a convention center in the county, including paying 96223
bonds, or notes issued in anticipation of bonds, as provided by 96224
that chapter; 96225

(c) That the increase in rate shall not be subject to 96226
diminution by initiative or referendum or by law while any bonds, 96227
or notes in anticipation of bonds, issued by the authority under 96228
Chapter 351. of the Revised Code to which the revenue is pledged, 96229
remain outstanding in accordance with their terms, unless 96230
provision is made by law, by the board of county commissioners, or 96231
by the legislative authority, for an adequate substitute therefor 96232
that is satisfactory to the trustee if a trust agreement secures 96233
the bonds. 96234

(3) The legislative authority of a municipal corporation 96235
that, pursuant to division (C)(2) of this section, has amended its 96236
ordinance or resolution to increase the rate of the tax authorized 96237
by division (B) of this section may further amend the ordinance or 96238
resolution to provide that the revenue referred to in division 96239
(C)(2)(b) of this section shall be pledged and contributed both to 96240
a convention facilities authority to pay the costs of 96241
constructing, expanding, maintaining, or operating one or more 96242
convention centers in the county, including paying bonds, or notes 96243
issued in anticipation of bonds, as provided in Chapter 351. of 96244
the Revised Code, and to a convention and visitors' bureau to pay 96245
the costs of promoting one or more convention centers in the 96246
county. 96247

(D) As used in division (D) of this section, "eligible 96248
municipal corporation" means a municipal corporation that, on 96249
September 29, 2017, levied a tax under division (B) of this 96250
section at a rate of three per cent and that is located in a 96251

county that, on that date, levied a tax under division (A) of 96252
section 5739.09 of the Revised Code at a rate of three per cent 96253
and that has, according to the most recent federal decennial 96254
census, a population exceeding three hundred thousand but not 96255
greater than three hundred fifty thousand. 96256

The legislative authority of an eligible municipal 96257
corporation may amend, on or before December 31, 2017, that 96258
municipal corporation's ordinance or resolution that levies an 96259
excise tax on transactions by which lodging by a hotel is or is to 96260
be furnished to transient guests, to provide for the following: 96261

(1) That the rate of the tax shall be increased by not more 96262
than an additional three per cent on each transaction; 96263

(2) That all of the revenue from the increase in rate shall 96264
be used by the municipal corporation for economic development and 96265
tourism-related purposes. 96266

(E)(1) The legislative authority of a municipal corporation 96267
that has adopted a resolution or ordinance levying a tax 96268
authorized by division (A) of this section may amend the 96269
resolution or ordinance to provide that all or a portion of the 96270
revenue referred to in division (A) of this section may be pledged 96271
and contributed to a convention facilities authority or a port 96272
authority to pay the costs of acquiring, constructing, renovating, 96273
expanding, maintaining, or operating one or more facilities in the 96274
county, including paying bonds, or notes issued in anticipation of 96275
bonds, or paying the expenses of maintaining, operating, or 96276
promoting one or more facilities. 96277

(2) The legislative authority of any municipal corporation 96278
that, pursuant to division (C)(2) of this section, has amended a 96279
resolution or ordinance levying the tax authorized by division (D) 96280
of section 5739.09 of the Revised Code may further amend the 96281
resolution or ordinance to provide that all or a portion of the 96282

revenue referred to in division (C)(2)(b) of this section may be 96283
pledged and contributed to pay the costs of acquiring, 96284
constructing, renovating, expanding, maintaining, or operating one 96285
or more facilities in the county, including paying bonds, or notes 96286
issued in anticipation of bonds, or paying the expenses of 96287
maintaining, operating, or promoting one or more facilities. 96288

Sec. 5739.09. (A)(1) A board of county commissioners may, by 96289
resolution adopted by a majority of the members of the board, levy 96290
an excise tax not to exceed three per cent on transactions by 96291
which lodging by a hotel is or is to be furnished to transient 96292
guests. The board shall establish all regulations necessary to 96293
provide for the administration and allocation of the tax. The 96294
regulations may prescribe the time for payment of the tax, and may 96295
provide for the imposition of a penalty or interest, or both, for 96296
late payments, provided that the penalty does not exceed ten per 96297
cent of the amount of tax due, and the rate at which interest 96298
accrues does not exceed the rate per annum prescribed pursuant to 96299
section 5703.47 of the Revised Code. Except as otherwise provided 96300
in this section, the regulations shall provide, after deducting 96301
the real and actual costs of administering the tax, for the return 96302
to each municipal corporation or township that does not levy an 96303
excise tax on the transactions, a uniform percentage of the tax 96304
collected in the municipal corporation or in the unincorporated 96305
portion of the township from each transaction, not to exceed 96306
thirty-three and one-third per cent. Except as provided in this 96307
section, the remainder of the revenue arising from the tax shall 96308
be deposited in a separate fund and shall be spent ~~solely~~ either 96309
(a) to make contributions to the convention and visitors' bureau 96310
operating within the county, including a pledge and contribution 96311
of any portion of the remainder pursuant to an agreement 96312
authorized by section 307.678 or 307.695 of the Revised Code or 96313
(b) to pay, if authorized in the regulations, for public safety 96314

services in a resort area designated under section 5739.101 of the 96315
Revised Code. 96316

(2) If the board of county commissioners of an eligible 96317
county as defined in section 307.678 or 307.695 of the Revised 96318
Code adopts a resolution amending a resolution levying a tax under 96319
division (A) of this section to provide that revenue from the tax 96320
shall be used by the board as described in either division (D) of 96321
section 307.678 or division (H) of section 307.695 of the Revised 96322
Code, the remainder of the revenue shall be used as described in 96323
the resolution making that amendment. 96324

(3) Except as provided in division (B), (C), (D), (E), (F), 96325
(G), (H), (I), (J), (K), or (Q) of this section, on and after May 96326
10, 1994, a board of county commissioners may not levy an excise 96327
tax pursuant to division (A) of this section in any municipal 96328
corporation or township located wholly or partly within the county 96329
that has in effect an ordinance or resolution levying an excise 96330
tax pursuant to division (B) of section 5739.08 of the Revised 96331
Code. 96332

(4) The board of a county that has levied a tax under 96333
division (M) of this section may, by resolution adopted within 96334
ninety days after July 15, 1985, by a majority of the members of 96335
the board, amend the resolution levying a tax under division (A) 96336
of this section to provide for a portion of that tax to be pledged 96337
and contributed in accordance with an agreement entered into under 96338
section 307.695 of the Revised Code. A tax, any revenue from which 96339
is pledged pursuant to such an agreement, shall remain in effect 96340
at the rate at which it is imposed for the duration of the period 96341
for which the revenue from the tax has been so pledged. 96342

(5) The board of county commissioners of an eligible county 96343
as defined in section 307.695 of the Revised Code may, by 96344
resolution adopted by a majority of the members of the board, 96345

amend a resolution levying a tax under division (A) of this 96346
section to provide that the revenue from the tax shall be used by 96347
the board as described in division (H) of section 307.695 of the 96348
Revised Code, in which case the tax shall remain in effect at the 96349
rate at which it was imposed for the duration of any agreement 96350
entered into by the board under section 307.695 of the Revised 96351
Code, the duration during which any securities issued by the board 96352
under that section are outstanding, or the duration of the period 96353
during which the board owns a project as defined in section 96354
307.695 of the Revised Code, whichever duration is longest. 96355

(6) The board of county commissioners of an eligible county 96356
as defined in section 307.678 of the Revised Code may, by 96357
resolution, amend a resolution levying a tax under division (A) of 96358
this section to provide that revenue from the tax, not to exceed 96359
five hundred thousand dollars each year, may be used as described 96360
in division (E) of section 307.678 of the Revised Code. 96361

(7) Notwithstanding division (A) of this section, the board 96362
of county commissioners of a county described in division (H)(1) 96363
of this section may, by resolution, amend a resolution levying a 96364
tax under division (A) of this section to provide that all or a 96365
portion of the revenue from the tax, including any revenue 96366
otherwise required to be returned to townships or municipal 96367
corporations under that division, may be used or pledged for the 96368
payment of debt service on securities issued to pay the costs of 96369
constructing, operating, and maintaining sports facilities 96370
described in division (H)(2) of this section. 96371

(8) The board of county commissioners of a county described 96372
in division (I) of this section may, by resolution, amend a 96373
resolution levying a tax under division (A) of this section to 96374
provide that all or a portion of the revenue from the tax may be 96375
used for the purposes described in section 307.679 of the Revised 96376
Code. 96377

(B) A board of county commissioners that levies an excise tax 96378
under division (A) of this section on June 30, 1997, at a rate of 96379
three per cent, and that has pledged revenue from the tax to an 96380
agreement entered into under section 307.695 of the Revised Code 96381
or, in the case of the board of county commissioners of an 96382
eligible county as defined in section 307.695 of the Revised Code, 96383
has amended a resolution levying a tax under division (M) of this 96384
section to provide that proceeds from the tax shall be used by the 96385
board as described in division (H) of section 307.695 of the 96386
Revised Code, may, at any time by a resolution adopted by a 96387
majority of the members of the board, amend the resolution levying 96388
a tax under division (A) of this section to provide for an 96389
increase in the rate of that tax up to seven per cent on each 96390
transaction; to provide that revenue from the increase in the rate 96391
shall be used as described in division (H) of section 307.695 of 96392
the Revised Code or be spent solely to make contributions to the 96393
convention and visitors' bureau operating within the county to be 96394
used specifically for promotion, advertising, and marketing of the 96395
region in which the county is located; and to provide that the 96396
rate in excess of the three per cent levied under division (A) of 96397
this section shall remain in effect at the rate at which it is 96398
imposed for the duration of the period during which any agreement 96399
is in effect that was entered into under section 307.695 of the 96400
Revised Code by the board of county commissioners levying a tax 96401
under division (A) of this section, the duration of the period 96402
during which any securities issued by the board under division (I) 96403
of section 307.695 of the Revised Code are outstanding, or the 96404
duration of the period during which the board owns a project as 96405
defined in section 307.695 of the Revised Code, whichever duration 96406
is longest. The amendment also shall provide that no portion of 96407
that revenue need be returned to townships or municipal 96408
corporations as would otherwise be required under division (A) of 96409
this section. 96410

(C)(1) As used in division (C) of this section, "cost" and 96411
"facility" have the same meanings as in section 351.01 of the 96412
Revised Code, and "convention center" has the same meaning as in 96413
section 307.695 of the Revised Code. 96414

(2) A board of county commissioners that levies a tax under 96415
division (A) of this section on March 18, 1999, at a rate of three 96416
per cent may, by resolution adopted not later than forty-five days 96417
after March 18, 1999, amend the resolution levying the tax to 96418
provide for all of the following: 96419

(a) That the rate of the tax shall be increased by not more 96420
than an additional four per cent on each transaction; 96421

(b) That all of the revenue from the increase in the rate 96422
shall be pledged and contributed to a convention facilities 96423
authority established by the board of county commissioners under 96424
Chapter 351. of the Revised Code on or before November 15, 1998, 96425
and used to pay costs of constructing, maintaining, operating, and 96426
promoting a facility in the county, including paying bonds, or 96427
notes issued in anticipation of bonds, as provided by that 96428
chapter; 96429

(c) That no portion of the revenue arising from the increase 96430
in rate need be returned to municipal corporations or townships as 96431
otherwise required under division (A) of this section; 96432

(d) That the increase in rate shall not be subject to 96433
diminution by initiative or referendum or by law while any bonds, 96434
or notes in anticipation of bonds, issued by the authority under 96435
Chapter 351. of the Revised Code to which the revenue is pledged, 96436
remain outstanding in accordance with their terms, unless 96437
provision is made by law or by the board of county commissioners 96438
for an adequate substitute therefor that is satisfactory to the 96439
trustee if a trust agreement secures the bonds. 96440

(3) Division (C) of this section does not apply to the board 96441

of county commissioners of any county in which a convention center 96442
or facility exists or is being constructed on November 15, 1998, 96443
or of any county in which a convention facilities authority levies 96444
a tax pursuant to section 351.021 of the Revised Code on that 96445
date. 96446

(D)(1) As used in division (D) of this section, "cost" has 96447
the same meaning as in section 351.01 of the Revised Code, and 96448
"convention center" has the same meaning as in section 307.695 of 96449
the Revised Code. 96450

(2) A board of county commissioners that levies a tax under 96451
division (A) of this section on June 30, 2002, at a rate of three 96452
per cent may, by resolution adopted not later than September 30, 96453
2002, amend the resolution levying the tax to provide for all of 96454
the following: 96455

(a) That the rate of the tax shall be increased by not more 96456
than an additional three and one-half per cent on each 96457
transaction; 96458

(b) That all of the revenue from the increase in rate shall 96459
be pledged and contributed to a convention facilities authority 96460
established by the board of county commissioners under Chapter 96461
351. of the Revised Code on or before May 15, 2002, and be used to 96462
pay costs of constructing, expanding, maintaining, operating, or 96463
promoting a convention center in the county, including paying 96464
bonds, or notes issued in anticipation of bonds, as provided by 96465
that chapter; 96466

(c) That no portion of the revenue arising from the increase 96467
in rate need be returned to municipal corporations or townships as 96468
otherwise required under division (A) of this section; 96469

(d) That the increase in rate shall not be subject to 96470
diminution by initiative or referendum or by law while any bonds, 96471
or notes in anticipation of bonds, issued by the authority under 96472

Chapter 351. of the Revised Code to which the revenue is pledged, 96473
remain outstanding in accordance with their terms, unless 96474
provision is made by law or by the board of county commissioners 96475
for an adequate substitute therefor that is satisfactory to the 96476
trustee if a trust agreement secures the bonds. 96477

(3) Any board of county commissioners that, pursuant to 96478
division (D)(2) of this section, has amended a resolution levying 96479
the tax authorized by division (A) of this section may further 96480
amend the resolution to provide that the revenue referred to in 96481
division (D)(2)(b) of this section shall be pledged and 96482
contributed both to a convention facilities authority to pay the 96483
costs of constructing, expanding, maintaining, or operating one or 96484
more convention centers in the county, including paying bonds, or 96485
notes issued in anticipation of bonds, as provided in Chapter 351. 96486
of the Revised Code, and to a convention and visitors' bureau to 96487
pay the costs of promoting one or more convention centers in the 96488
county. 96489

(E)(1) As used in division (E) of this section: 96490

(a) "Port authority" means a port authority created under 96491
Chapter 4582. of the Revised Code. 96492

(b) "Port authority military-use facility" means port 96493
authority facilities on which or adjacent to which is located an 96494
installation of the armed forces of the United States, a reserve 96495
component thereof, or the national guard and at least part of 96496
which is made available for use, for consideration, by the armed 96497
forces of the United States, a reserve component thereof, or the 96498
national guard. 96499

(2) For the purpose of contributing revenue to pay operating 96500
expenses of a port authority that operates a port authority 96501
military-use facility, the board of county commissioners of a 96502
county that created, participated in the creation of, or has 96503

joined such a port authority may do one or both of the following: 96504

(a) Amend a resolution previously adopted under division (A) 96505
of this section to designate some or all of the revenue from the 96506
tax levied under the resolution to be used for that purpose, 96507
notwithstanding that division; 96508

(b) Amend a resolution previously adopted under division (A) 96509
of this section to increase the rate of the tax by not more than 96510
an additional two per cent and use the revenue from the increase 96511
exclusively for that purpose. 96512

(3) If a board of county commissioners amends a resolution to 96513
increase the rate of a tax as authorized in division (E)(2)(b) of 96514
this section, the board also may amend the resolution to specify 96515
that the increase in rate of the tax does not apply to "hotels," 96516
as otherwise defined in section 5739.01 of the Revised Code, 96517
having fewer rooms used for the accommodation of guests than a 96518
number of rooms specified by the board. 96519

(F)(1) A board of county commissioners of a county organized 96520
under a county charter adopted pursuant to Article X, Section 3, 96521
Ohio Constitution, and that levies an excise tax under division 96522
(A) of this section at a rate of three per cent and levies an 96523
additional excise tax under division (O) of this section at a rate 96524
of one and one-half per cent may, by resolution adopted not later 96525
than January 1, 2008, by a majority of the members of the board, 96526
amend the resolution levying a tax under division (A) of this 96527
section to provide for an increase in the rate of that tax by not 96528
more than an additional one per cent on transactions by which 96529
lodging by a hotel is or is to be furnished to transient guests. 96530
Notwithstanding divisions (A) and (O) of this section, the 96531
resolution shall provide that all of the revenue from the increase 96532
in rate, after deducting the real and actual costs of 96533
administering the tax, shall be used to pay the costs of 96534
improving, expanding, equipping, financing, or operating a 96535

convention center by a convention and visitors' bureau in the 96536
county. 96537

(2) The increase in rate shall remain in effect for the 96538
period specified in the resolution, not to exceed ten years, and 96539
may be extended for an additional period of time not to exceed ten 96540
years thereafter by a resolution adopted by a majority of the 96541
members of the board. 96542

(3) The increase in rate shall be subject to the regulations 96543
adopted under division (A) of this section, except that the 96544
resolution may provide that no portion of the revenue from the 96545
increase in the rate shall be returned to townships or municipal 96546
corporations as would otherwise be required under that division. 96547

(G)(1) Division (G) of this section applies only to a county 96548
with a population greater than sixty-five thousand and less than 96549
seventy thousand according to the most recent federal decennial 96550
census and in which, on December 31, 2006, an excise tax is levied 96551
under division (A) of this section at a rate not less than and not 96552
greater than three per cent, and in which the most recent increase 96553
in the rate of that tax was enacted or took effect in November 96554
1984. 96555

(2) The board of county commissioners of a county to which 96556
division (G) of this section applies, by resolution adopted by a 96557
majority of the members of the board, may increase the rate of the 96558
tax by not more than one per cent on transactions by which lodging 96559
by a hotel is or is to be furnished to transient guests. The 96560
increase in rate shall be for the purpose of paying expenses 96561
deemed necessary by the convention and visitors' bureau operating 96562
in the county to promote travel and tourism. 96563

(3) The increase in rate shall remain in effect for the 96564
period specified in the resolution, not to exceed twenty years, 96565
provided that the increase in rate may not continue beyond the 96566

time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(5) A resolution adopted under division (G) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(H)(1) Division (H) of this section applies only to a county satisfying all of the following:

(a) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(b) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(c) On December 31, 2014, an excise tax was levied in the county under division (A) of this section at a rate of three per cent.

(2) The board of county commissioners of a county to which division (H) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging

by a hotel is or is to be furnished to transient guests. The 96598
increase in rate shall be used to pay the costs of constructing 96599
and maintaining facilities owned by the county or by a port 96600
authority created under Chapter 4582. of the Revised Code, and 96601
designed to host sporting events and expenses deemed necessary by 96602
the convention and visitors' bureau operating in the county to 96603
promote travel and tourism with reference to the sports 96604
facilities, and to pay or pledge to the payment of debt service on 96605
securities issued to pay the costs of constructing, operating, and 96606
maintaining the sports facilities. 96607

(3) The increase in rate shall remain in effect for the 96608
period specified in the resolution. If revenue from the increase 96609
in rate is pledged to the payment of debt charges on securities, 96610
the increase in rate is not subject to diminution by initiative or 96611
referendum or by law for so long as the securities are 96612
outstanding, unless provision is made by law or by the board of 96613
county commissioners for an adequate substitute for that revenue 96614
that is satisfactory to the trustee if a trust agreement secures 96615
payment of the debt charges. 96616

(4) The increase in rate shall be subject to the regulations 96617
adopted under division (A) of this section, except that the 96618
resolution may provide that no portion of the revenue from the 96619
increase in the rate shall be returned to townships or municipal 96620
corporations as would otherwise be required under division (A) of 96621
this section. 96622

(I)(1) The board of county commissioners of a county with a 96623
population greater than seventy-five thousand and less than 96624
seventy-eight thousand, by resolution adopted by a majority of the 96625
members of the board not later than October 15, 2015, may increase 96626
the rate of the tax by not more than one per cent on transactions 96627
by which lodging by a hotel is or is to be furnished to transient 96628
guests. The increase in rate shall be for the purposes described 96629

in section 307.679 of the Revised Code or for the promotion of 96630
travel and tourism in the county, including travel and tourism to 96631
sports facilities. 96632

(2) The increase in rate shall remain in effect for the 96633
period specified in the resolution and as necessary to fulfill the 96634
county's obligations under a cooperative agreement entered into 96635
under section 307.679 of the Revised Code. If the resolution is 96636
adopted by the board before September 29, 2015, but after that 96637
enactment becomes law, the increase in rate shall become effective 96638
beginning on September 29, 2015. If revenue from the increase in 96639
rate is pledged to the payment of debt charges on securities, or 96640
to substitute for other revenues pledged to the payment of such 96641
debt, the increase in rate is not subject to diminution by 96642
initiative or referendum or by law for so long as the securities 96643
are outstanding, unless provision is made by law or by the board 96644
of county commissioners for an adequate substitute for that 96645
revenue that is satisfactory to the trustee if a trust agreement 96646
secures payment of the debt charges. 96647

(3) The increase in rate shall be subject to the regulations 96648
adopted under division (A) of this section, except that no portion 96649
of the revenue from the increase in the rate shall be returned to 96650
townships or municipal corporations as would otherwise be required 96651
under division (A) of this section. 96652

(J)(1) Division (J) of this section applies only to counties 96653
satisfying either of the following: 96654

(a) A county that, on July 1, 2015, does not levy an excise 96655
tax under division (A) of this section and that has a population 96656
of at least thirty-nine thousand but not more than forty thousand 96657
according to the 2010 federal decennial census; 96658

(b) A county that, on July 1, 2015, levies an excise tax 96659
under division (A) of this section at a rate of three per cent and 96660

that has a population of at least seventy-one thousand but not 96661
more than seventy-five thousand according to 2010 federal 96662
decennial census. 96663

(2) The board of county commissioners of a county to which 96664
division (J) of this section applies, by resolution adopted by a 96665
majority of the members of the board, may levy an excise tax at a 96666
rate not to exceed three per cent on transactions by which lodging 96667
by a hotel is or is to be furnished to transient guests for the 96668
purpose of acquiring, constructing, equipping, or repairing 96669
permanent improvements, as defined in section 133.01 of the 96670
Revised Code. 96671

(3) If the board does not levy a tax under division (A) of 96672
this section, the board shall establish regulations necessary to 96673
provide for the administration of the tax, which may prescribe the 96674
time for payment of the tax and the imposition of penalty or 96675
interest subject to the limitations on penalty and interest 96676
provided in division (A) of this section. No portion of the 96677
revenue shall be returned to townships or municipal corporations 96678
in the county unless otherwise provided by resolution of the 96679
board. 96680

(4) The tax shall apply throughout the territory of the 96681
county, including in any township or municipal corporation levying 96682
an excise tax under division (A) or (B) of section 5739.08 of the 96683
Revised Code. The levy of the tax is subject to referendum as 96684
provided under section 305.31 of the Revised Code. 96685

(5) The tax shall remain in effect for the period specified 96686
in the resolution. If revenue from the increase in rate is pledged 96687
to the payment of debt charges on securities, the increase in rate 96688
is not subject to diminution by initiative or referendum or by law 96689
for so long as the securities are outstanding unless provision is 96690
made by law or by the board for an adequate substitute for that 96691
revenue that is satisfactory to the trustee if a trust agreement 96692

secures payment of the debt charges. 96693

(K)(1) The board of county commissioners of an eligible 96694
county, as defined in section 307.678 of the Revised Code, that 96695
levies an excise tax under division (A) of this section on July 1, 96696
2017, at a rate of three per cent may, by resolution adopted by a 96697
majority of the members of the board, amend the resolution levying 96698
the tax to increase the rate of the tax by not more than an 96699
additional three per cent on each transaction. 96700

(2) No portion of the revenue shall be returned to townships 96701
or municipal corporations in the county unless otherwise provided 96702
by resolution of the board. Otherwise, the revenue from the 96703
increase in the rate shall be distributed and used in the same 96704
manner described under division (A) of this section or distributed 96705
or used to provide credit enhancement facilities as authorized 96706
under section 307.678 of the Revised Code. 96707

(3) The increase in rate shall remain in effect for the 96708
period specified in the resolution. If revenue from the increase 96709
in rate is pledged to the payment of debt charges on securities, 96710
the increase in rate is not subject to diminution by initiative or 96711
referendum or by law for so long as the securities are outstanding 96712
unless provision is made by law or by the board for an adequate 96713
substitute for that revenue that is satisfactory to the trustee if 96714
a trust agreement secures payment of the debt charges. 96715

(L)(1) As used in division (L) of this section: 96716

(a) "Eligible county" means a county that has a population 96717
greater than one hundred ninety thousand and less than two hundred 96718
thousand according to the 2010 federal decennial census and that 96719
levies an excise tax under division (A) of this section at a rate 96720
of three per cent. 96721

(b) "Professional sports facility" means a sports facility 96722
that is intended to house major or minor league professional 96723

athletic teams, including a stadium, together with all parking 96724
facilities, walkways, and other auxiliary facilities, real and 96725
personal property, property rights, easements, and interests that 96726
may be appropriate for, or used in connection with, the operation 96727
of the facility. 96728

(2) Subject to division (L)(3) of this section, the board of 96729
county commissioners of an eligible county, by resolution adopted 96730
by a majority of the members of the board, may increase the rate 96731
of the tax by not more than one per cent on transactions by which 96732
lodging by a hotel is or is to be furnished to transient guests. 96733
Revenue from the increase in rate shall be used for the purposes 96734
of paying the costs of constructing, improving, and maintaining a 96735
professional sports facility in the county and paying expenses 96736
considered necessary by the convention and visitors' bureau 96737
operating in the county to promote travel and tourism with respect 96738
to that professional sports facility. The tax shall take effect 96739
only after the convention and visitors' bureau enters into a 96740
contract for the construction, improvement, or maintenance of a 96741
professional sports facility that is or will be located on 96742
property acquired, in whole or in part, with revenue from the 96743
increased rate, and thereafter shall remain in effect for the 96744
period specified in the resolution. If revenue from the increase 96745
in rate is pledged to the payment of debt charges on securities, 96746
the increase in rate is not subject to diminution by initiative or 96747
referendum or by law for so long as the securities are 96748
outstanding, unless a provision is made by law or by the board of 96749
county commissioners for an adequate substitute for that revenue 96750
that is satisfactory to the trustee if a trust agreement secures 96751
payment of the debt charges. The increase in rate shall be subject 96752
to the regulations adopted under division (A) of this section, 96753
except that the resolution may provide that no portion of the 96754
revenue from the increase in the rate shall be returned to 96755
townships or municipal corporations as would otherwise be required 96756

under division (A) of this section. 96757

(3) If, on December 31, 2019, the convention and visitors' 96758
bureau has not entered into a contract for the construction, 96759
improvement, or maintenance of a professional sports facility that 96760
is or will be located on property acquired, in whole or in part, 96761
with revenue from the increased rate, the authority to levy the 96762
tax under division (L)(2) of this section is hereby repealed on 96763
that date. 96764

(M)(1) For the purposes described in section 307.695 of the 96765
Revised Code and to cover the costs of administering the tax, a 96766
board of county commissioners of a county where a tax imposed 96767
under division (A) of this section is in effect may, by resolution 96768
adopted within ninety days after July 15, 1985, by a majority of 96769
the members of the board, levy an additional excise tax not to 96770
exceed three per cent on transactions by which lodging by a hotel 96771
is or is to be furnished to transient guests. The tax authorized 96772
by division (M) of this section shall be in addition to any tax 96773
that is levied pursuant to divisions (A) to (L) of this section, 96774
but it shall not apply to transactions subject to a tax levied by 96775
a municipal corporation or township pursuant to section 5739.08 of 96776
the Revised Code. 96777

(2) The board shall establish all regulations necessary to 96778
provide for the administration and allocation of the tax. The 96779
regulations may prescribe the time for payment of the tax, and may 96780
provide for the imposition of a penalty or interest, or both, for 96781
late payments, provided that the penalty does not exceed ten per 96782
cent of the amount of tax due, and the rate at which interest 96783
accrues does not exceed the rate per annum prescribed pursuant to 96784
section 5703.47 of the Revised Code. 96785

(3) All revenues arising from the tax shall be expended in 96786
accordance with section 307.695 of the Revised Code. The board of 96787
county commissioners of an eligible county as defined in section 96788

307.695 of the Revised Code may, by resolution adopted by a 96789
majority of the members of the board, amend the resolution levying 96790
a tax under this division to provide that the revenue from the tax 96791
shall be used by the board as described in division (H) of section 96792
307.695 of the Revised Code. 96793

(4) A tax imposed under this division shall remain in effect 96794
at the rate at which it is imposed for the duration of the period 96795
during which any agreement entered into by the board under section 96796
307.695 of the Revised Code is in effect, the duration of the 96797
period during which any securities issued by the board under 96798
division (I) of section 307.695 of the Revised Code are 96799
outstanding, or the duration of the period during which the board 96800
owns a project as defined in section 307.695 of the Revised Code, 96801
whichever duration is longest. 96802

(N)(1) For the purpose of providing contributions under 96803
division (B)(1) of section 307.671 of the Revised Code to enable 96804
the acquisition, construction, and equipping of a port authority 96805
educational and cultural facility in the county and, to the extent 96806
provided for in the cooperative agreement authorized by that 96807
section, for the purpose of paying debt service charges on bonds, 96808
or notes in anticipation of bonds, described in division (B)(1)(b) 96809
of that section, a board of county commissioners, by resolution 96810
adopted within ninety days after December 22, 1992, by a majority 96811
of the members of the board, may levy an additional excise tax not 96812
to exceed one and one-half per cent on transactions by which 96813
lodging by a hotel is or is to be furnished to transient guests. 96814
The excise tax authorized by division (N) of this section shall be 96815
in addition to any tax that is levied pursuant to divisions (A) to 96816
(M) of this section, to any excise tax levied pursuant to section 96817
5739.08 of the Revised Code, and to any excise tax levied pursuant 96818
to section 351.021 of the Revised Code. 96819

(2) The board of county commissioners shall establish all 96820

regulations necessary to provide for the administration and 96821
allocation of the tax that are not inconsistent with this section 96822
or section 307.671 of the Revised Code. The regulations may 96823
prescribe the time for payment of the tax, and may provide for the 96824
imposition of a penalty or interest, or both, for late payments, 96825
provided that the penalty does not exceed ten per cent of the 96826
amount of tax due, and the rate at which interest accrues does not 96827
exceed the rate per annum prescribed pursuant to section 5703.47 96828
of the Revised Code. 96829

(3) All revenues arising from the tax shall be expended in 96830
accordance with section 307.671 of the Revised Code and division 96831
(N) of this section. The levy of a tax imposed under division (N) 96832
of this section may not commence prior to the first day of the 96833
month next following the execution of the cooperative agreement 96834
authorized by section 307.671 of the Revised Code by all parties 96835
to that agreement. 96836

(4) The tax shall remain in effect at the rate at which it is 96837
imposed for the period of time described in division (C) of 96838
section 307.671 of the Revised Code for which the revenue from the 96839
tax has been pledged by the county to the corporation pursuant to 96840
that section, but, to any extent provided for in the cooperative 96841
agreement, for no lesser period than the period of time required 96842
for payment of the debt service charges on bonds, or notes in 96843
anticipation of bonds, described in division (B)(1)(b) of that 96844
section. 96845

(O)(1) For the purpose of paying the costs of acquiring, 96846
constructing, equipping, and improving a municipal educational and 96847
cultural facility, including debt service charges on bonds 96848
provided for in division (B) of section 307.672 of the Revised 96849
Code, and for any additional purposes determined by the county in 96850
the resolution levying the tax or amendments to the resolution, 96851
including subsequent amendments providing for paying costs of 96852

acquiring, constructing, renovating, rehabilitating, equipping, 96853
and improving a port authority educational and cultural performing 96854
arts facility, as defined in section 307.674 of the Revised Code, 96855
and including debt service charges on bonds provided for in 96856
division (B) of section 307.674 of the Revised Code, the 96857
legislative authority of a county, by resolution adopted within 96858
ninety days after June 30, 1993, by a majority of the members of 96859
the legislative authority, may levy an additional excise tax not 96860
to exceed one and one-half per cent on transactions by which 96861
lodging by a hotel is or is to be furnished to transient guests. 96862
The excise tax authorized by division (O) of this section shall be 96863
in addition to any tax that is levied pursuant to divisions (A) to 96864
(N) of this section, to any excise tax levied pursuant to section 96865
5739.08 of the Revised Code, and to any excise tax levied pursuant 96866
to section 351.021 of the Revised Code. 96867

(2) The legislative authority of the county shall establish 96868
all regulations necessary to provide for the administration and 96869
allocation of the tax. The regulations may prescribe the time for 96870
payment of the tax, and may provide for the imposition of a 96871
penalty or interest, or both, for late payments, provided that the 96872
penalty does not exceed ten per cent of the amount of tax due, and 96873
the rate at which interest accrues does not exceed the rate per 96874
annum prescribed pursuant to section 5703.47 of the Revised Code. 96875

(3) All revenues arising from the tax shall be expended in 96876
accordance with section 307.672 of the Revised Code and this 96877
division. The levy of a tax imposed under this division shall not 96878
commence prior to the first day of the month next following the 96879
execution of the cooperative agreement authorized by section 96880
307.672 of the Revised Code by all parties to that agreement. The 96881
tax shall remain in effect at the rate at which it is imposed for 96882
the period of time determined by the legislative authority of the 96883
county. That period of time shall not exceed fifteen years, except 96884

that the legislative authority of a county with a population of 96885
less than two hundred fifty thousand according to the most recent 96886
federal decennial census, by resolution adopted by a majority of 96887
its members before the original tax expires, may extend the 96888
duration of the tax for an additional period of time. The 96889
additional period of time by which a legislative authority extends 96890
a tax levied under division (O) of this section shall not exceed 96891
fifteen years. 96892

(P)(1) The legislative authority of a county that has levied 96893
a tax under division (O) of this section may, by resolution 96894
adopted within one hundred eighty days after January 4, 2001, by a 96895
majority of the members of the legislative authority, amend the 96896
resolution levying a tax under that division to provide for the 96897
use of the proceeds of that tax, to the extent that it is no 96898
longer needed for its original purpose as determined by the 96899
parties to a cooperative agreement amendment pursuant to division 96900
(D) of section 307.672 of the Revised Code, to pay costs of 96901
acquiring, constructing, renovating, rehabilitating, equipping, 96902
and improving a port authority educational and cultural performing 96903
arts facility, including debt service charges on bonds provided 96904
for in division (B) of section 307.674 of the Revised Code, and to 96905
pay all obligations under any guaranty agreements, reimbursement 96906
agreements, or other credit enhancement agreements described in 96907
division (C) of section 307.674 of the Revised Code. 96908

(2) The resolution may also provide for the extension of the 96909
tax at the same rate for the longer of the period of time 96910
determined by the legislative authority of the county, but not to 96911
exceed an additional twenty-five years, or the period of time 96912
required to pay all debt service charges on bonds provided for in 96913
division (B) of section 307.672 of the Revised Code and on port 96914
authority revenue bonds provided for in division (B) of section 96915
307.674 of the Revised Code. 96916

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section.

(Q)(1) As used in division (Q) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this

section, the resolution may provide that all collections resulting 96948
from the rate levied in excess of three per cent, after deducting 96949
the real and actual costs of administering the tax, shall be 96950
deposited in the county general fund. 96951

(4) The legislative authority of a county with a population 96952
of one million or more that has levied a tax under division (A) of 96953
this section may, by resolution adopted on or before August 30, 96954
2004, by a majority of the members of the legislative authority, 96955
provide that all or a portion of the proceeds of the tax levied 96956
under division (A) of this section, after deducting the real and 96957
actual costs of administering the tax and the amounts required to 96958
be returned to townships and municipal corporations with respect 96959
to the first three per cent levied under division (A) of this 96960
section, shall be deposited in the county general fund, provided 96961
that such proceeds shall be used to satisfy any pledges made in 96962
connection with an agreement entered into under section 307.695 of 96963
the Revised Code. 96964

(5) No amount collected from a tax levied, extended, or 96965
required to be deposited in the county general fund under division 96966
(Q) of this section shall be contributed to a convention 96967
facilities authority, corporation, or other entity created after 96968
July 1, 2003, for the principal purpose of constructing, 96969
improving, expanding, equipping, financing, or operating a 96970
convention center unless the mayor of the municipal corporation in 96971
which the convention center is to be operated by that convention 96972
facilities authority, corporation, or other entity has consented 96973
to the creation of that convention facilities authority, 96974
corporation, or entity. Notwithstanding any contrary provision of 96975
section 351.04 of the Revised Code, if a tax is levied by a county 96976
under division (Q) of this section, the board of county 96977
commissioners of that county may determine the manner of 96978
selection, the qualifications, the number, and terms of office of 96979

the members of the board of directors of any convention facilities 96980
authority, corporation, or other entity described in division 96981
(Q)(5) of this section. 96982

(6)(a) No amount collected from a tax levied, extended, or 96983
required to be deposited in the county general fund under division 96984
(Q) of this section may be used for any purpose other than paying 96985
the direct and indirect costs of constructing, improving, 96986
expanding, equipping, financing, or operating a convention center 96987
and for the real and actual costs of administering the tax, 96988
unless, prior to the adoption of the resolution of the legislative 96989
authority of the county authorizing the levy, extension, increase, 96990
or deposit, the county and the mayor of the most populous 96991
municipal corporation in that county have entered into an 96992
agreement as to the use of such amounts, provided that such 96993
agreement has been approved by a majority of the mayors of the 96994
other municipal corporations in that county. The agreement shall 96995
provide that the amounts to be used for purposes other than paying 96996
the convention center or administrative costs described in 96997
division (Q)(6)(a) of this section be used only for the direct and 96998
indirect costs of capital improvements, including the financing of 96999
capital improvements, except that the agreement may subsequently 97000
be amended by the parties that have entered into that agreement to 97001
authorize such amounts to instead be used for any costs related to 97002
the promotion or support of tourism or tourism-related programs. 97003

(b) If the county in which the tax is levied has an 97004
association of mayors and city managers, the approval of that 97005
association of an agreement described in division (Q)(6)(a) of 97006
this section shall be considered to be the approval of the 97007
majority of the mayors of the other municipal corporations for 97008
purposes of that division. 97009

(7) Each year, the auditor of state shall conduct an audit of 97010
the uses of any amounts collected from taxes levied, extended, or 97011

deposited under division (Q) of this section and shall prepare a 97012
report of the auditor of state's findings. The auditor of state 97013
shall submit the report to the legislative authority of the county 97014
that has levied, extended, or deposited the tax, the speaker of 97015
the house of representatives, the president of the senate, and the 97016
leaders of the minority parties of the house of representatives 97017
and the senate. 97018

(R)(1) As used in division (R) of this section: 97019

(a) "Convention facilities authority" has the same meaning as 97020
in section 351.01 of the Revised Code. 97021

(b) "Convention center" has the same meaning as in section 97022
307.695 of the Revised Code. 97023

(2) Notwithstanding any contrary provision of division (N) of 97024
this section, the legislative authority of a county with a 97025
population of one million two hundred thousand or more according 97026
to the most recent federal decennial census or the most recent 97027
annual population estimate published or released by the United 97028
States census bureau at the time the resolution is adopted placing 97029
the levy on the ballot, that has levied a tax under division (N) 97030
of this section may, by resolution adopted by a majority of the 97031
members of the legislative authority, provide for the extension of 97032
such levy and may provide that the proceeds of that tax, to the 97033
extent that the proceeds are no longer needed for their original 97034
purpose as defined by a cooperative agreement entered into under 97035
section 307.671 of the Revised Code and after deducting the real 97036
and actual costs of administering the tax, shall be used for 97037
paying the direct and indirect costs of constructing, improving, 97038
expanding, equipping, financing, or operating a convention center. 97039
The resolution shall provide for the extension of the tax at a 97040
rate not to exceed the rate specified in division (N) of this 97041
section for a period of time determined by the legislative 97042
authority of the county, but not to exceed an additional forty 97043

years. 97044

(3) The legislative authority of a county with a population 97045
of one million two hundred thousand or more that has levied a tax 97046
under division (A) of this section may, by resolution adopted by a 97047
majority of the members of the legislative authority, increase the 97048
rate of the tax levied by such county under division (A) of this 97049
section to a rate not to exceed five per cent on transactions by 97050
which lodging by a hotel is or is to be furnished to transient 97051
guests. Notwithstanding any contrary provision of division (A) of 97052
this section, the resolution shall provide that all collections 97053
resulting from the rate levied in excess of three per cent, after 97054
deducting the real and actual costs of administering the tax, 97055
shall be used for paying the direct and indirect costs of 97056
constructing, improving, expanding, equipping, financing, or 97057
operating a convention center. 97058

(4) The legislative authority of a county with a population 97059
of one million two hundred thousand or more that has levied a tax 97060
under division (A) of this section may, by resolution adopted on 97061
or before July 1, 2008, by a majority of the members of the 97062
legislative authority, provide that all or a portion of the 97063
proceeds of the tax levied under division (A) of this section, 97064
after deducting the real and actual costs of administering the tax 97065
and the amounts required to be returned to townships and municipal 97066
corporations with respect to the first three per cent levied under 97067
division (A) of this section, shall be used to satisfy any pledges 97068
made in connection with an agreement entered into under section 97069
307.695 of the Revised Code or shall otherwise be used for paying 97070
the direct and indirect costs of constructing, improving, 97071
expanding, equipping, financing, or operating a convention center. 97072

(5) Any amount collected from a tax levied or extended under 97073
division (R) of this section may be contributed to a convention 97074
facilities authority created before July 1, 2005, but no amount 97075

collected from a tax levied or extended under division (R) of this 97076
section may be contributed to a convention facilities authority, 97077
corporation, or other entity created after July 1, 2005, unless 97078
the mayor of the municipal corporation in which the convention 97079
center is to be operated by that convention facilities authority, 97080
corporation, or other entity has consented to the creation of that 97081
convention facilities authority, corporation, or entity. 97082

(S) As used in division (S) of this section, "soldiers' 97083
memorial" means a memorial constructed and funded under Chapter 97084
345. of the Revised Code. 97085

The board of county commissioners of a county with a 97086
population between one hundred three thousand and one hundred 97087
seven thousand according to the most recent federal decennial 97088
census, by resolution adopted by a majority of the members of the 97089
board within six months after September 15, 2014, may levy a tax 97090
not to exceed three per cent on transactions by which a hotel is 97091
or is to be furnished to transient guests. The purpose of the tax 97092
shall be to pay the costs of expanding, maintaining, or operating 97093
a soldiers' memorial and the costs of administering the tax. All 97094
revenue arising from the tax shall be credited to one or more 97095
special funds in the county treasury and shall be spent solely for 97096
the purposes of paying those costs. 97097

The board of county commissioners shall adopt all rules 97098
necessary to provide for the administration of the tax subject to 97099
the same limitations on imposing penalty or interest under 97100
division (A) of this section. 97101

(T) As used in division (T) of this section, "eligible 97102
county" means a county in which a county agricultural society or 97103
independent agricultural society is organized under section 97104
1711.01 or 1711.02 of the Revised Code, provided the agricultural 97105
society owns a facility or site in the county at which an annual 97106
harness horse race is conducted where one-day attendance equals at 97107

least forty thousand attendees. 97108

A board of county commissioners of an eligible county, by 97109
resolution adopted by a majority of the members of the board, may 97110
levy an excise tax at the rate of up to three per cent on 97111
transactions by which lodging by a hotel is or is to be furnished 97112
to transient guests for the purpose of paying the costs of 97113
permanent improvements at sites at which one or more agricultural 97114
societies conduct fairs or exhibits, paying the costs of 97115
maintaining or operating such permanent improvements, and paying 97116
the costs of administering the tax. 97117

A resolution adopted under division (T) of this section, 97118
other than a resolution that only extends the period of time for 97119
which the tax is levied, shall direct the board of elections to 97120
submit the question of the proposed lodging tax to the electors of 97121
the county at a special election held on the date specified by the 97122
board in the resolution, provided that the election occurs not 97123
less than ninety days after a certified copy of the resolution is 97124
transmitted to the board of elections. A resolution submitted to 97125
the electors under division (T) of this section shall not go into 97126
effect unless it is approved by a majority of those voting upon 97127
it. The resolution takes effect on the date the board of county 97128
commissioners receives notification from the board of elections of 97129
an affirmative vote. 97130

The tax shall remain in effect for the period specified in 97131
the resolution, not to exceed five years, and may be extended for 97132
an additional period of time not to exceed fifteen years 97133
thereafter by a resolution adopted by a majority of the members of 97134
the board. A resolution extending the period of time for which the 97135
tax is in effect is not subject to approval of the electors of the 97136
county, but is subject to referendum under sections 305.31 to 97137
305.99 of the Revised Code. All revenue arising from the tax shall 97138
be credited to one or more special funds in the county treasury 97139

and shall be spent solely for the purposes of paying the costs of 97140
such permanent improvements and maintaining or operating the 97141
improvements. Revenue allocated for the use of a county 97142
agricultural society may be credited to the county agricultural 97143
society fund created in section 1711.16 of the Revised Code upon 97144
appropriation by the board. If revenue is credited to that fund, 97145
it shall be expended only as provided in that section. 97146

The board of county commissioners shall adopt all rules 97147
necessary to provide for the administration of the tax. The rules 97148
may prescribe the time for payment of the tax, and may provide for 97149
the imposition or penalty or interest, or both, for late payments, 97150
provided that the penalty does not exceed ten per cent of the 97151
amount of tax due, and the rate at which interest accrues does not 97152
exceed the rate per annum prescribed in section 5703.47 of the 97153
Revised Code. 97154

(U) As used in division (U) of this section, "eligible 97155
county" means a county in which a tax is levied under division (A) 97156
of this section at a rate of three per cent and whose territory 97157
includes a part of Lake Erie the shoreline of which represents at 97158
least fifty per cent of the linear length of the county's border 97159
with other counties of this state. 97160

The board of county commissioners of an eligible county that 97161
has entered into an agreement with a port authority in the county 97162
under section 4582.56 of the Revised Code may levy an additional 97163
lodging tax on transactions by which lodging by a hotel is or is 97164
to be furnished to transient guests for the purpose of financing 97165
lakeshore improvement projects constructed or financed by the port 97166
authority under that section. The resolution levying the tax shall 97167
specify the purpose of the tax, the rate of the tax, which shall 97168
not exceed two per cent, and the number of years the tax will be 97169
levied or that it will be levied for a continuing period of time. 97170
The tax shall be administered pursuant to the regulations adopted 97171

by the board under division (A) of this section, except that all 97172
the proceeds of the tax levied under this division shall be 97173
pledged to the payment of the costs, including debt charges, of 97174
lakeshore improvements undertaken by a port authority pursuant to 97175
the agreement under section 4582.56 of the Revised Code. No 97176
revenue from the tax may be used to pay the current expenses of 97177
the port authority. 97178

A resolution levying a tax under division (U) of this section 97179
is subject to referendum under sections 305.31 to 305.41 and 97180
305.99 of the Revised Code. 97181

(V)(1) As used in division (V) of this section: 97182

(a) "Tourism development district" means a district 97183
designated by a municipal corporation under section 715.014 of the 97184
Revised Code or by a township under section 503.56 of the Revised 97185
Code. 97186

(b) "Lodging tax" means a tax levied pursuant to this section 97187
or section 5739.08 of the Revised Code. 97188

(c) "Tourism development district lodging tax proceeds" means 97189
all proceeds of a lodging tax derived from transactions by which 97190
lodging by a hotel located in a tourism development district is or 97191
is to be provided to transient guests. 97192

(d) "Eligible county" has the same meaning as in section 97193
307.678 of the Revised Code. 97194

(2)(a) Notwithstanding division (A) of this section, the 97195
board of county commissioners, board of township trustees, or 97196
legislative authority of any county, township, or municipal 97197
corporation that levies a lodging tax on September 29, 2017, and 97198
in which any part of a tourism development district is located on 97199
or after that date shall amend the ordinance or resolution levying 97200
the tax to require either of the following: 97201

(i) In the case of a tax levied by a county, that all tourism 97202
development district lodging tax proceeds from that tax be used 97203
exclusively to foster and develop tourism in the tourism 97204
development district; 97205

(ii) In the case of a tax levied by a township or municipal 97206
corporation, that all tourism development district lodging tax 97207
proceeds from that tax be used exclusively to foster and develop 97208
tourism in the tourism development district. 97209

(b) Notwithstanding division (A) of this section, any 97210
ordinance or resolution levying a lodging tax adopted on or after 97211
September 29, 2017, by a county, township, or municipal 97212
corporation in which any part of a tourism development district is 97213
located on or after that date shall require that all tourism 97214
development district lodging tax proceeds from that tax be used 97215
exclusively to foster and develop tourism in the tourism 97216
development district. 97217

(c) A county shall not use any of the proceeds described in 97218
division (V)(2)(a)(i) or (V)(2)(b) of this section unless the 97219
convention and visitors' bureau operating within the county 97220
approves the manner in which such proceeds are used to foster and 97221
develop tourism in the tourism development district. Upon 97222
obtaining such approval, the county may pay such proceeds to the 97223
bureau to use for the agreed-upon purpose. 97224

A municipal corporation or township shall not use any of the 97225
proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this 97226
section unless the convention and visitors' bureau operating 97227
within the municipal corporation or township approves the manner 97228
in which such proceeds are used to foster and develop tourism in 97229
the tourism development district. Upon obtaining such approval, 97230
the municipal corporation or township may pay such proceeds to the 97231
bureau to use for the agreed-upon purpose. 97232

(3)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent;

(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.

(2) A board of county commissioners of an eligible county, by

resolution adopted by a majority of the members of the board, may 97264
levy an excise tax at the rate of up to three per cent on 97265
transactions by which lodging by a hotel is or is to be furnished 97266
to transient guests. All of the revenue from the tax shall be used 97267
to pay the costs of administering the tax or pledged and 97268
contributed to a convention facilities authority established by 97269
the board of county commissioners under Chapter 351. of the 97270
Revised Code and used by the authority to pay the cost of 97271
constructing a facility in the county, including paying bonds, or 97272
notes issued in anticipation of bonds, as provided by that 97273
chapter, or paying the expenses of maintaining, operating, or 97274
promoting such a facility. No portion of the revenue arising from 97275
the tax need be returned to municipal corporations or townships as 97276
required for taxes levied under division (A) of this section. 97277

(3) A resolution adopted under division (W) of this section 97278
shall direct the board of elections to submit the question of the 97279
proposed lodging tax to the electors of the county at a special 97280
election held on the date specified by the board in the 97281
resolution, provided that the election occurs not less than ninety 97282
days after a certified copy of the resolution is transmitted to 97283
the board of elections. A resolution submitted to the electors 97284
under division (W) of this section shall not go into effect unless 97285
it is approved by a majority of those voting upon it. The 97286
resolution takes effect on the date the board of county 97287
commissioners receives notification from the board of elections of 97288
an affirmative vote. 97289

(4) Once the tax is approved by the electors of the county 97290
pursuant to division (W)(3) of this section, it shall not be 97291
subject to diminution by initiative or referendum or by law while 97292
any bonds, or notes in anticipation of bonds, issued by the 97293
authority under Chapter 351. of the Revised Code to which the 97294
revenue is pledged, remain outstanding in accordance with their 97295

terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefore that is satisfactory to the trustee if a trust agreement secures the bonds.

(5) The tax authorized by division (W) of this section shall be in addition to any other tax that is levied pursuant to this section.

(X)(1) As used in division (X) of this section:

(a) "Convention facilities authority," "cost," and "facility" have the same meanings as in section 351.01 of the Revised Code.

(b) "Eligible county" means a county with a population greater than eight hundred thousand but less than one million that levies a tax under division (A) of this section.

(c) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(2) A board of county commissioners or the legislative authority of an eligible county may, by resolution adopted by a majority of the members of the board or legislative authority, levy an excise tax at a rate not to exceed one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All revenue arising from the tax shall be used to pay the costs of administering the tax or pledged and contributed to the convention and visitors' bureau operating within the applicable eligible county, a convention facilities authority within the applicable eligible county, or a port authority and used by the convention and visitors' bureau, the convention facilities authority, or the port authority to pay the cost of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one

or more facilities. No portion of the revenue arising from the tax 97327
need be returned to municipal corporations or townships as 97328
required for taxes levied under division (A) of this section. 97329

(3) The tax authorized by division (X) of this section shall 97330
be in addition to any other tax that is levied pursuant to this 97331
section. 97332

(4) Any board of county commissioners of an eligible county 97333
that, pursuant to division (D)(2) of this section, has amended a 97334
resolution levying the tax authorized by division (A) of this 97335
section may further amend the resolution to provide that all or a 97336
portion of the revenue referred to in division (D)(2)(b) of this 97337
section and division (A) of this section may be pledged and 97338
contributed to pay the costs of acquiring, constructing, 97339
renovating, expanding, maintaining, or operating one or more 97340
facilities in the county, including paying bonds, or notes issued 97341
in anticipation of bonds, or paying the expenses of maintaining, 97342
operating, or promoting one or more facilities. 97343

Sec. 5739.093. (A) As used in this section: 97344

(1) "Convention center" has the same meaning as in section 97345
307.695 of the Revised Code. 97346

(2) "Convention center headquarters hotel" means a hotel 97347
designated as such in authorizing legislation. 97348

(3) "Convention center headquarters hotel facilities" means a 97349
convention center headquarters hotel, the convention center 97350
associated with the convention center headquarters hotel, and any 97351
improvements, buildings, outdoor space, infrastructure, and 97352
parking lots or garages directly adjacent to or associated with 97353
the convention center headquarters hotel and convention center. 97354

(4) "Eligible convention facilities authority" means a 97355
convention facilities authority created within an eligible county 97356

under Chapter 351. of the Revised Code. 97357

(5) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code. 97358
97359

(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located. 97360
97361
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97363

(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located. 97364
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(8) "Qualifying lodging tax" means a tax levied by an eligible municipal corporation under section 5739.08 of the Revised Code or a tax levied by an eligible county under section 5739.09 of the Revised Code. 97368
97369
97370
97371

(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county. 97372
97373
97374
97375
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(10) "Issuing authority" means an eligible municipal corporation, an eligible county, a convention facilities authority, or an eligible port authority. 97377
97378
97379

(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel. 97380
97381
97382

(12) "Authorizing legislation" means an ordinance or resolution adopted under division (B) of this section. 97383
97384

(13) "Qualifying township" means a township that levies a tax under section 5739.08 of the Revised Code that applies to 97385
97386

transactions for lodging at a convention center headquarters 97387
hotel. 97388

(14) "Eligible convention and visitors' bureau" means a 97389
convention and visitors' bureau that receives revenue from a tax 97390
levied under section 5739.09 of the Revised Code that applies to 97391
transactions for lodging at a convention center headquarters 97392
hotel. 97393

(15) "Minimum payment obligation" is an obligation, including 97394
a contingent obligation, for a qualifying vendor to make a payment 97395
to an eligible municipal corporation, eligible county, or eligible 97396
port authority to ensure sufficient funds to finance the 97397
expenditures authorized under division (D)(2) of this section. 97398

(B) The legislative authority of an eligible county or 97399
eligible municipal corporation, by ordinance or resolution, may 97400
declare all of the following: 97401

(1) A hotel within that county or municipal corporation is 97402
designated as a convention center headquarters hotel; 97403

(2) The name of the convention center that the hotel is 97404
associated with; 97405

(3) That that hotel and any convention center headquarters 97406
hotel facilities associated with it are for a public purpose; 97407

(4) That transactions by which lodging by the hotel is to be 97408
furnished to transient guests shall be wholly or partially exempt 97409
from the qualifying lodging taxes for a period not to exceed 97410
thirty years from the date the exemption begins; 97411

(5) The date the exemption begins, which shall be the first 97412
day of a month; 97413

(6) If the exemption is a partial exemption, the percentage 97414
of the qualifying lodging tax that is subject to exemption; 97415

(7) Whether payments are to be required under division (D)(1) 97416

of this section and, if so, the issuing authority to which those 97417
payments are to be pledged. 97418

Not more than one convention center headquarters hotel may be 97419
designated for each convention center located in the county or 97420
municipal corporation. 97421

(C) Not later than fourteen days before adopting authorizing 97422
legislation, the eligible municipal corporation shall give notice 97423
of the proposed authorizing legislation to the eligible county, 97424
eligible convention and visitors' bureau, and any eligible 97425
township. Not later than thirty days after adopting authorizing 97426
legislation, the municipal corporation shall deliver a copy of the 97427
authorizing legislation to the eligible county, eligible 97428
convention and visitors' bureau, and eligible township, as 97429
applicable. 97430

Not later than fourteen days before adopting authorizing 97431
legislation, the eligible county shall give notice of the proposed 97432
authorizing legislation to the eligible convention and visitors' 97433
bureau and any eligible municipal corporation or eligible 97434
township. Not later than thirty days after adopting authorizing 97435
legislation, the county shall deliver a copy of the authorizing 97436
legislation to the eligible convention and visitors' bureau and 97437
eligible municipal corporation or eligible township, as 97438
applicable. 97439

An exemption granted pursuant to authorizing legislation 97440
commences on the date specified in the authorizing legislation. 97441

(D)(1) An eligible municipal corporation or eligible county 97442
that has adopted authorizing legislation may require the 97443
convention center headquarters hotel's qualifying vendor to make 97444
monthly payments in lieu of qualifying lodging taxes on or before 97445
the final dates for payment of such taxes. Each such payment shall 97446
be charged and collected in the same amount as the exempted 97447

qualifying lodging tax. The vendor shall remit all payments to the 97448
eligible municipal corporation or eligible county that adopted the 97449
authorizing legislation. Such payments shall be used for the 97450
purpose of paying the cost of acquiring, constructing, renovating, 97451
or maintaining convention center headquarters hotel facilities 97452
located in the eligible county. 97453

(2) An eligible municipal corporation or eligible county that 97454
adopts authorizing legislation shall establish a lodging tax 97455
equivalent fund into which shall be deposited all payments 97456
required under division (D)(1) of this section and all payments of 97457
minimum payment obligations made under agreements authorized 97458
pursuant to division (E) of this section. 97459

Money in the lodging tax equivalent fund shall be pledged and 97460
contributed to the issuing authority designated in the authorizing 97461
legislation, or agent thereof, to pay the costs described in 97462
division (D)(1) of this section, including paying bonds or notes 97463
issued in anticipation of the issuance of bonds, or paying the 97464
expenses of maintaining, operating, or promoting one or more 97465
convention center headquarters facilities. If approved by the 97466
applicable issuing authority, money in the lodging tax equivalent 97467
fund may also be used by the eligible municipal corporation or 97468
eligible county, as applicable, for any other purpose the 97469
municipal corporation's or county's tax levied under section 97470
5739.08 or 5739.09 of the Revised Code, respectively, may be used 97471
for. 97472

The eligible municipal corporation or eligible county also 97473
may deposit or permit to be deposited into the lodging tax 97474
equivalent fund other money or taxes levied under section 5739.08 97475
or 5739.09 of the Revised Code and lawfully available for those 97476
purposes as determined by the municipal corporation or county. 97477

(3) A lodging tax equivalent fund established under division 97478
(D)(2) of this section may be held by and pledged by the eligible 97479

municipal corporation or eligible county to a trustee for bonds or 97480
notes issued by an issuing authority. 97481

(4) Any incidental surplus remaining in the lodging tax 97482
equivalent fund, upon dissolution of the fund, shall be 97483
transferred to the general fund of the eligible municipal 97484
corporation or eligible county to be used for any purpose for 97485
which the municipal corporation's or county's tax levied under 97486
section 5739.08 or 5739.09 of the Revised Code, respectively, may 97487
be used. 97488

(E) An eligible municipal corporation, eligible county, or 97489
eligible port authority may enter into an agreement with a 97490
qualifying vendor to make payments of minimum payment obligations 97491
for deposit into the lodging tax equivalent fund established under 97492
division (D)(2) of this section. An agreement entered into under 97493
this division is binding and enforceable against all subsequent 97494
qualifying vendors for a convention center headquarters hotel 97495
without the necessity of a written assignment of the agreement. 97496

(F) Payments required under division (D)(1) of this section 97497
and minimum payment obligations shall be collected and enforced by 97498
the eligible municipal corporation or eligible county. The 97499
municipal corporation or county may delegate this authority to the 97500
issuing authority designated in the authorizing legislation, or to 97501
an agent thereof, by including this delegation in the authorizing 97502
legislation or adopting a separate ordinance or resolution. Such 97503
issuing authority or agent shall be subject to any regulations or 97504
restrictions imposed upon the municipal corporation or county in 97505
collecting and enforcing qualifying lodging tax. 97506

(G) A qualifying vendor may charge a consumer for any 97507
payments required under division (D)(1) of this section in the 97508
same amount as the consumer would have paid in qualifying lodging 97509
taxes had such taxes not been exempted, provided that the charges 97510
shall be separately stated on the invoice, bill of sale, or 97511

similar document given to the consumer. 97512

Any charges paid by the consumer shall be considered taxes 97513
described in division (H)(1)(c)(iii) of section 5739.01 of the 97514
Revised Code. 97515

Sec. 5739.19. The tax commissioner may revoke any retail 97516
vendor's license upon ascertaining that the vendor has no need for 97517
the license because the vendor is not engaged in making taxable 97518
retail sales. Notice of the revocation shall be delivered to the 97519
vendor ~~personally or by certified mail or by an alternative~~ 97520
~~delivery service as authorized under~~ in the manner provided in 97521
section 5703.37 of the Revised Code. The revocation shall be 97522
effective on the first day of the month following the expiration 97523
of fifteen days after the vendor received the notice of the 97524
revocation. 97525

The revocation of the vendor's license shall be stayed if, 97526
within fifteen days after receiving notice of the revocation, the 97527
vendor objects, in writing, to the revocation. The commissioner 97528
shall consider the written objections of the vendor and issue a 97529
final determination on the revocation of the vendor's license. The 97530
commissioner's final determination may be appealed to the board of 97531
tax appeals pursuant to section 5717.02 of the Revised Code. The 97532
revocation shall be effective on the first day of the month 97533
following the expiration of all time limits for appeal. 97534

Sec. 5739.30. (A) No person, including any officer, employee, 97535
or trustee of a corporation or business trust, shall fail to file 97536
any return or report required to be filed by this chapter, or file 97537
or cause to be filed any incomplete, false or fraudulent return, 97538
report, or statement, or aid or abet another in the filing of any 97539
false or fraudulent return, report, or statement. 97540

97541

(B) If any vendor required to file monthly returns under 97542
section 5739.12 of the Revised Code fails, on two consecutive 97543
months or on three or more months within a twelve-month period, to 97544
file such returns when due or to pay the tax thereon, or if any 97545
vendor authorized by the tax commissioner to file semiannual 97546
returns fails on two or more occasions within a twenty-four month 97547
period, to file such returns when due or to pay the tax due 97548
thereon, the commissioner may do any of the following: 97549

(1) Require the vendor to furnish security in an amount equal 97550
to the average tax liability of the vendor for a period of one 97551
year, as determined by the commissioner from a review of returns 97552
or other information pertaining to the vendor, which amount shall 97553
in no event be less than one thousand dollars. The security may be 97554
in the form of a corporate surety bond, satisfactory to the 97555
commissioner, conditioned upon payment of the tax due with the 97556
returns from the vendor. The security shall be filed within ten 97557
days following the vendor's receipt of the notice from the 97558
commissioner of its requirements. 97559

(2) Suspend the license issued to the vendor pursuant to 97560
section 5739.17 of the Revised Code. The suspension shall be 97561
effective ten days after service of written notice to the vendor 97562
of the commissioner's intention to do so. The notice shall be 97563
served upon the vendor ~~personally, by certified mail, or by an~~ 97564
~~alternative delivery service as authorized under~~ in the manner 97565
provided in section 5703.37 of the Revised Code. On the first day 97566
of the suspension, the commissioner shall cause to be posted, at 97567
every public entrance of the vendor's premises, a notice 97568
identifying the vendor and the location and informing the public 97569
that the vendor's license is under suspension and that no retail 97570
sales may be transacted at that location. No person, other than 97571
the commissioner or the commissioner's agent or employee, shall 97572
remove, cover, or deface the posted notice. No license which has 97573

been suspended under this section shall be reinstated, and no 97574
posted notice shall be removed, until the vendor has filed 97575
complete and correct returns under this chapter and section 97576
5747.07 of the Revised Code for all periods in which no return had 97577
been filed and has paid the full amount of the tax, penalties, or 97578
other charges due. 97579

A corporate surety bond filed under this section shall be 97580
returned to the vendor if, for a period of twelve consecutive 97581
months following the date the bond was filed, the vendor has filed 97582
all returns and remitted payment with them within the time 97583
prescribed in section 5739.12 of the Revised Code. 97584

(C) The tax commissioner may suspend a license issued to a 97585
vendor pursuant to section 5739.17 of the Revised Code if the 97586
vendor is required, as an employer, to file returns or make 97587
payments under section 5747.07 of the Revised Code and the vendor 97588
fails to do either of the following: 97589

(1) File such returns when due on two consecutive occasions 97590
or on three or more occasions within a twelve-month period; 97591

(2) Pay the undeposited taxes when due on two consecutive 97592
occasions or on three or more occasions within a twelve-month 97593
period. 97594

Any such suspension shall comply with the provisions of 97595
division (B)(2) of this section. 97596

(D) If a vendor whose license has been suspended under 97597
division (B)(2) of this section fails to file returns or make 97598
payments under section 5747.07 of the Revised Code during such 97599
suspension, the license may not be reinstated, and the notice 97600
required by that division shall not be removed, until the vendor 97601
files complete and correct returns and pays the amounts due, plus 97602
any penalties and other related charges, under section 5747.07 of 97603
the Revised Code for all periods for which the vendor failed to 97604

file such returns and make such payments. 97605

Sec. 5739.31. (A)(1) No person shall engage in the business 97606
of selling at retail or sell at retail incidental to any other 97607
regularly conducted business without having a license therefor, as 97608
required by sections 5739.01 to 5739.31 of the Revised Code. 97609

(2) No person shall engage in the business of selling at 97610
retail as a transient vendor, as defined in section 5739.17 of the 97611
Revised Code, without first having obtained a license as required 97612
by that section. 97613

(B) No person shall continue to engage in the business of 97614
selling at retail or sell at retail incidental to any other 97615
regularly conducted business after the license issued to that 97616
person pursuant to section 5739.17 of the Revised Code has been 97617
suspended by the tax commissioner under division (B)(2) of section 97618
5739.30 of the Revised Code, nor shall any person obtain a new 97619
license from ~~the~~ any county auditor or the tax commissioner while 97620
such suspension is in effect. If a corporation's license has been 97621
suspended, none of its officers, or employees having control or 97622
supervision of or charged with the responsibility of filing 97623
returns and making payments of tax due, shall obtain a license 97624
from ~~the~~ any county auditor or the tax commissioner during the 97625
period of such suspension. 97626

(C) The tax commissioner may cancel any license obtained in 97627
violation of division (B) of this section or obtained by any 97628
person who violates division (A)(1) of this section more than 97629
once. 97630

Sec. 5739.99. (A) Whoever negligently violates section 97631
5739.26 or 5739.29 of the Revised Code ~~shall be fined not less~~ 97632
~~than twenty five nor more than one hundred dollars~~ is guilty of a 97633
minor misdemeanor for a first offense; for each subsequent offense 97634

such person shall, if a corporation, be fined not less than one hundred nor more than five hundred dollars, or if an individual, or a member of a partnership, firm, or association, be fined not less than twenty five nor more than one hundred dollars, or imprisoned not more than sixty days, or both is guilty of a misdemeanor of the third degree.

(B) Whoever negligently violates division (A) of section 5739.30 of the Revised Code shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not more than sixty days, or both is guilty of a misdemeanor of the third degree.

(C)(1) Whoever negligently violates division (A)(1) of section 5739.31 of the Revised Code shall be fined not less than twenty five nor more than one hundred dollars is guilty of a minor misdemeanor on the first offense. If the offender previously has been convicted of an offense under division (C)(1) of this section, the offender is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of two or more previous convictions for a violation of division (A)(1) of section 5739.31 of the Revised Code, the offender is guilty of a felony of the fourth degree.

(2) Whoever negligently violates division (A)(2) of section 5739.31 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both, is guilty of a minor misdemeanor for the first offense; for each subsequent offense, each such person shall be fined not less than one thousand dollars nor more than twenty five hundred dollars, or imprisoned not more than thirty days, or both is guilty of a misdemeanor of the fourth degree. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge,

and may be sold at auction by the county sheriff in the manner 97667
prescribed by law to satisfy any fine imposed by this division. 97668

(3) Whoever negligently violates division (B) of section 97669
5739.31 of the Revised Code is guilty of a misdemeanor of the 97670
first degree on the first offense; on each subsequent offense, the 97671
person is guilty of a felony of the fourth degree. Each day that 97672
business is conducted while a vendor's license is suspended 97673
constitutes a separate offense. 97674

(D) Except as otherwise provided in this section, whoever 97675
violates sections 5739.01 to 5739.31 of the Revised Code, or any 97676
lawful rule promulgated by the department of taxation under 97677
authority of such sections, shall be fined not less than 97678
twenty-five nor more than one hundred dollars. 97679

(E) Whoever violates section 5739.12 of the Revised Code by 97680
failing to remit to the state the tax collected under section 97681
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is 97682
guilty of a felony of the fourth degree and shall suffer the loss 97683
of the person's vendor's license as required by section 5739.17 of 97684
the Revised Code. A person shall not be eligible for a vendor's 97685
license for two years following conviction. 97686

(F) Whoever violates division (E) of section 5739.17 of the 97687
Revised Code is guilty of failure to display a transient vendor's 97688
license, a minor misdemeanor. A sheriff or police officer in a 97689
municipal corporation may enforce this division. The prosecuting 97690
attorney of a county shall inform the tax commissioner of any 97691
instance when a complaint is brought against a transient vendor 97692
pursuant to this division. 97693

(G) Whoever violates section 5739.103 of the Revised Code 97694
shall be fined not less than twenty-five nor more than one hundred 97695
dollars. If the offender previously has been convicted of 97696
violating that section, the offender is guilty of a felony of the 97697

fourth degree. 97698

(H) The penalties provided in this section are in addition to 97699
any penalties imposed by the tax commissioner under section 97700
5739.133 of the Revised Code. 97701

Sec. 5741.11. (A) Except as otherwise provided in divisions 97702
(B) and (C) of this section, if any seller who is required or 97703
authorized to collect the tax imposed by or pursuant to section 97704
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails 97705
to do so, the seller shall be liable personally for such amount as 97706
the seller failed to collect. If any seller collects the tax 97707
imposed by or pursuant to any such section and fails to remit the 97708
same to the state as prescribed, the seller shall be personally 97709
liable for any amount collected that the seller failed to remit. 97710
The tax commissioner may make an assessment against such seller, 97711
based upon any information within the commissioner's possession. 97712
The commissioner shall give to the seller written notice of such 97713
assessment. Such notice ~~may~~ shall be served upon the seller 97714
~~personally or by certified mail in the manner provided in section~~ 97715
5703.37 of the Revised Code. 97716

(B) A marketplace facilitator is relieved of all liability 97717
under division (A) of this section for failure to collect the tax 97718
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 97719
5741.023 of the Revised Code on a sale facilitated by the 97720
marketplace facilitator on behalf of an unaffiliated marketplace 97721
seller if it is demonstrated to the satisfaction of the 97722
commissioner that the marketplace facilitator made a reasonable 97723
effort to obtain sufficient and accurate information about the 97724
sale from the marketplace seller and that the marketplace 97725
facilitator failed to collect the correct amount of tax because of 97726
insufficient or incorrect information provided by the marketplace 97727
seller. 97728

If a marketplace facilitator is relieved of liability under 97729
this division, the marketplace seller for which the sale was 97730
facilitated and the purchaser are personally liable for any amount 97731
of tax that is not properly collected, paid, or remitted. 97732

(C) Division (B) of this section does not absolve a 97733
marketplace facilitator, marketplace seller, or any other person 97734
from personal liability for collecting but failing to remit the 97735
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 97736
or 5741.023 of the Revised Code. 97737

(D) No class action may be brought against a marketplace 97738
facilitator in any court of this state on behalf of consumers 97739
arising from or in any way related to an overpayment of the tax 97740
imposed by or pursuant to ~~sections~~ section 5741.02, 5741.021, 97741
5741.022, or 5741.023 of the Revised Code on sales facilitated by 97742
the marketplace facilitator, regardless of whether the claim is 97743
characterized as a tax refund claim. 97744

Sec. 5743.06. (A) As used in this section, "bad debt" means 97745
any debt that arises from the sale by a wholesale dealer of 97746
cigarettes properly stamped under section 5743.03, 5743.031, or 97747
5743.04 of the Revised Code, that has become worthless or 97748
uncollectible, that has been uncollected for at least six months, 97749
and that may be claimed as a deduction pursuant to the "Internal 97750
Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted 97751
pursuant thereto, or that could be claimed as such a deduction if 97752
the wholesale dealer kept accounts on an accrual basis. "Bad debt" 97753
does not include any interest or financing charges on the debt, 97754
expenses incurred in attempting to collect the debt or for any 97755
portion of the debt recovered, any accounts receivable that have 97756
been sold or assigned to a third party, or repossessed property. 97757

(B) A wholesale dealer may apply to the tax commissioner for 97758
a refund of the value of cigarette tax stamps, less any discounts 97759

provided under section 5743.05 of the Revised Code, that are part 97760
of bad debt of the dealer. The commissioner shall not refund any 97761
amount for bad debt under this section unless the dealer has 97762
charged off the bad debt on its books as uncollectible. If a 97763
purchaser or other person pays all or part of a bad debt with 97764
respect to which a wholesale dealer received a refund under this 97765
section, the dealer is liable for the prorated amount of taxes 97766
refunded in connection with that portion of the debt for which 97767
such payment was received and shall remit such taxes to the 97768
commissioner in the manner the commissioner prescribes. Any 97769
request for refund under this section shall be supported by such 97770
evidence the commissioner requires, including, but not limited to, 97771
all of the following: 97772

(1) A copy of the original invoice; 97773

(2) Evidence that the cigarettes described in the invoice 97774
were delivered to the person that ordered them; 97775

(3) Evidence that the person who ordered and received such 97776
cigarettes did not pay the wholesale dealer for the cigarettes and 97777
that the dealer used reasonable collection practices in attempting 97778
to collect the debt. 97779

(C) A request for refund under this section shall be filed 97780
within three years after the date the bad debt became 97781
uncollectible. For each request, the commissioner shall determine 97782
the amount of refund to which the applicant is entitled. If the 97783
amount is not less than that claimed, the commissioner shall 97784
certify the amount to the director of budget and management and 97785
treasurer of state for payment from the tax refund fund created by 97786
section 5703.052 of the Revised Code. If the amount is less than 97787
that claimed, the commissioner shall proceed in accordance with 97788
section 5703.70 of the Revised Code. 97789

(D) The commissioner may adopt any rules necessary to 97790

administer this section. Notwithstanding any provision of section 97791
121.95 of the Revised Code to the contrary, a regulatory 97792
restriction contained in a rule adopted under this section is not 97793
subject to sections 121.95 to 121.953 of the Revised Code. 97794

(E) No person other than the wholesaler that purchased the 97795
tax stamps and generated the bad debt may claim the refund 97796
authorized under this section. 97797

Sec. 5743.15. (A) Except as otherwise provided in this 97798
division, no person shall engage in this state in the wholesale or 97799
retail business of trafficking in cigarettes or in the business of 97800
a manufacturer or importer of cigarettes without having a license 97801
to conduct each such activity issued by a county auditor under 97802
division (B) of this section or the tax commissioner under 97803
divisions (C) and (F) of this section. On dissolution of a 97804
partnership by death, the surviving partner may operate under the 97805
license of the partnership until expiration of the license, and 97806
the heirs or legal representatives of deceased persons, and 97807
receivers and trustees in bankruptcy appointed by any competent 97808
authority, may operate under the license of the person succeeded 97809
in possession by such heir, representative, receiver, or trustee 97810
in bankruptcy if the partner or successor notifies the issuer of 97811
the license of the dissolution or succession within thirty days 97812
after the dissolution or succession. 97813

(B)(1) Each applicant for a license to engage in the retail 97814
business of trafficking in cigarettes under this section, 97815
annually, on or before the ~~fourth Monday of May~~ first day of June, 97816
shall make and deliver to the county auditor of the county in 97817
which the applicant desires to engage in the retail business of 97818
trafficking in cigarettes, upon a blank form furnished by such 97819
auditor for that purpose, a statement showing the name of the 97820
applicant, each physical place in the county where the applicant's 97821

business is conducted, the nature of the business, and any other 97822
information the tax commissioner requires in the form of statement 97823
prescribed by the commissioner. If the applicant is a firm, 97824
partnership, or association other than a corporation, the 97825
application shall state the name and address of each of its 97826
members. If the applicant is a corporation, the application shall 97827
state the name and address of each of its officers. At the time of 97828
making the application required by this section, every person 97829
desiring to engage in the retail business of trafficking in 97830
cigarettes shall pay an application fee in the sum of one hundred 97831
twenty-five dollars for each physical place where the person 97832
proposes to carry on such business. Each place of business shall 97833
be deemed such space, under lease or license to, or under the 97834
control of, or under the supervision of the applicant, as is 97835
contained in one or more contiguous, adjacent, or adjoining 97836
buildings constituting an industrial plant or a place of business 97837
operated by, or under the control of, one person, or under one 97838
roof and connected by doors, halls, stairways, or elevators, which 97839
space may contain any number of points at which cigarettes are 97840
offered for sale, provided that each additional point at which 97841
cigarettes are offered for sale shall be listed in the 97842
application. 97843

(2) Upon receipt of the application and exhibition of the 97844
county treasurer's receipt showing the payment of the application 97845
fee, the county auditor shall issue to the applicant a license for 97846
each place of business designated in the application, authorizing 97847
the applicant to engage in such business at such place for one 97848
year commencing on the ~~fourth Monday of May~~ first day of June. The 97849
form of the license shall be prescribed by the commissioner. A 97850
duplicate license may be obtained from the county auditor upon 97851
payment of a five-dollar fee if the original license is lost, 97852
destroyed, or defaced. When an application is filed after the 97853
~~fourth Monday of May~~ first day of June, the application fee 97854

required to be paid shall be proportioned in amount to the 97855
remainder of the license year, except that it shall not be less 97856
than twenty-five dollars in any one year. 97857

(3) The holder of a retail dealer's cigarette license may 97858
transfer the license to a place of business within the same county 97859
other than that designated on the license on condition that the 97860
licensee's ownership interest and business structure remain 97861
unchanged, and that the licensee applies to the county auditor 97862
therefor, upon forms approved by the commissioner and the payment 97863
of a fee of five dollars into the county treasury. 97864

(C)(1) Each applicant for a license to engage in the 97865
wholesale business of trafficking in cigarettes under this 97866
section, annually, on or before the ~~fourth Monday in May~~ first day 97867
of June, shall make and deliver to the tax commissioner, upon a 97868
blank form furnished by the commissioner for that purpose, a 97869
statement showing the name of the applicant, physical street 97870
address where the applicant's business is conducted, the nature of 97871
the business, and any other information required by the 97872
commissioner. If the applicant is a firm, partnership, or 97873
association other than a corporation, the applicant shall state 97874
the name and address of each of its members. If the applicant is a 97875
corporation, the applicant shall state the name and address of 97876
each of its officers. At the time of making the application 97877
required by this section, every person desiring to engage in the 97878
wholesale business of trafficking in cigarettes shall pay an 97879
application fee of one thousand dollars for each physical place 97880
where the person proposes to carry on such business. Each place of 97881
business shall be deemed such space, under lease or license to, or 97882
under the control of, or under the supervision of the applicant, 97883
as is contained in one or more contiguous, adjacent, or adjoining 97884
buildings constituting an industrial plant or a place of business 97885
operated by, or under the control of, one person, or under one 97886

roof and connected by doors, halls, stairways, or elevators. A 97887
duplicate license may be obtained from the commissioner upon 97888
payment of a twenty-five-dollar fee if the original license is 97889
lost, destroyed, or defaced. 97890

(2) Upon receipt of the application and payment of any 97891
application fee required by this section, the commissioner shall 97892
verify that the applicant is not in violation of any provision of 97893
Chapter 1346. or Title LVII of the Revised Code. The commissioner 97894
shall also verify that the applicant has filed any returns, 97895
submitted any information, and paid any outstanding taxes, 97896
charges, or fees as required for any tax, charge, or fee 97897
administered by the commissioner, to the extent that the 97898
commissioner is aware of the returns, information, or payments at 97899
the time of the application. Upon approval, the commissioner shall 97900
issue to the applicant a license for each physical place of 97901
business designated in the application authorizing the applicant 97902
to engage in business at that location for one year commencing on 97903
the ~~fourth Monday in May~~ first day of June. For licenses issued 97904
after the ~~fourth Monday in May~~ first day of June, the application 97905
fee shall be reduced proportionately by the remainder of the 97906
twelve-month period for which the license is issued, except that 97907
the application fee required to be paid under this section shall 97908
be not less than two hundred dollars in any one year. 97909

(3) The holder of a wholesale dealer cigarette license may 97910
transfer the license to a place of business other than that 97911
designated on the license on condition that the licensee's 97912
ownership or business structure remains unchanged, and that the 97913
licensee applies to the commissioner for such a transfer upon a 97914
form promulgated by the commissioner and pays a fee of twenty-five 97915
dollars, which shall be deposited into the cigarette tax 97916
enforcement fund created in division (E) of this section. 97917

(D)(1) The wholesale cigarette license application fees 97918

collected under this section shall be paid into the cigarette tax enforcement fund. 97919
97920

(2) The retail cigarette license application fees collected under this section shall be distributed as follows: 97921
97922

(a) Thirty per cent shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the places of business for which the tax revenue was received are located; 97923
97924
97925
97926

(b) Ten per cent shall be credited to the general fund of the county; 97927
97928

(c) Sixty per cent shall be paid into the cigarette tax enforcement fund. 97929
97930

(3) The remainder of the revenues and fines collected under this section and the penal laws relating to cigarettes shall be distributed as follows: 97931
97932
97933

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located; 97934
97935
97936
97937

(b) One-fourth shall be credited to the general fund of the county. 97938
97939

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 97940
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97943

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year 97944
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accompanied by the form prescribed by the tax commissioner. The 97949
portion of cigarette license application fees received by each 97950
county auditor after the ~~fourth Monday in May~~ first day of June 97951
and that is required to be deposited in the cigarette tax 97952
enforcement fund shall be sent to the treasurer of state by the 97953
last day of the month following the month in which such fees were 97954
collected. 97955

(F)(1) Every person who desires to engage in the business of 97956
a manufacturer or importer of cigarettes shall, annually, on or 97957
before the ~~fourth Monday of May~~ first day of June, make and 97958
deliver to the tax commissioner, upon a blank form furnished by 97959
the commissioner for that purpose, a statement showing the name of 97960
the applicant, the nature of the applicant's business, and any 97961
other information required by the commissioner. If the applicant 97962
is a firm, partnership, or association other than a corporation, 97963
the applicant shall state the name and address of each of its 97964
members. If the applicant is a corporation, the applicant shall 97965
state the name and address of each of its officers. 97966

(2) Upon receipt of the application required under this 97967
section, the commissioner shall verify that the applicant is not 97968
in violation of any provision of Chapter 1346. of the Revised 97969
Code. The commissioner shall also verify that the applicant has 97970
filed any returns, submitted any information, and paid any 97971
outstanding taxes, charges, or fees as required for any tax, 97972
charge, or fee administered by the commissioner, to the extent 97973
that the commissioner is aware of the returns, information, taxes, 97974
charges, or fees at the time of the application. Upon approval, 97975
the commissioner shall issue to the applicant a license 97976
authorizing the applicant to engage in the business of 97977
manufacturer or importer, whichever the case may be, for one year 97978
commencing on the ~~fourth Monday of May~~ first day of June. 97979

(3) The issuing of a license under division (F)(1) of this 97980

section to a manufacturer does not excuse a manufacturer from the 97981
certification process required under section 1346.05 of the 97982
Revised Code. A manufacturer who is issued a license under 97983
division (F)(1) of this section and who is not listed on the 97984
directory required under section 1346.05 of the Revised Code shall 97985
not be permitted to sell cigarettes in this state other than to a 97986
licensed cigarette wholesaler for sale outside this state. Such a 97987
manufacturer shall provide documentation to the commissioner 97988
evidencing that the cigarettes are legal for sale in another 97989
state. 97990

(G) The tax commissioner may adopt rules necessary to 97991
administer this section. 97992

Sec. 5743.53. (A) The treasurer of state shall refund to a 97993
taxpayer any of the following: 97994

(1) Amounts imposed under this chapter that were paid 97995
illegally or erroneously or paid on an illegal or erroneous 97996
assessment; 97997

(2) Any tax paid on tobacco products or vapor products that 97998
have been sold or shipped to retail dealers, wholesale dealers, or 97999
vapor distributors outside this state, returned to the 98000
manufacturer, or destroyed by the taxpayer with the prior approval 98001
of the tax commissioner; 98002

(3) In accordance with division (E) of this section, any tax 98003
paid by a distributor or vapor distributor on tobacco or vapor 98004
products, less any discounts provided under section 5743.52 of the 98005
Revised Code, that are part of bad debt of the distributor or 98006
vapor distributor. 98007

Any application for refund shall be filed with the 98008
commissioner on a form prescribed by the commissioner for that 98009
purpose. The commissioner may not pay any refund on an application 98010

for refund filed with the commissioner more than three years from 98011
the date of the payment. 98012

(B) On the filing of the application for refund, the 98013
commissioner shall determine the amount of the refund to which the 98014
applicant is entitled. If the amount is not less than that 98015
claimed, the commissioner shall certify the amount to the director 98016
of budget and management and to the treasurer of state for payment 98017
from the tax refund fund created by section 5703.052 of the 98018
Revised Code. If the amount is less than that claimed, the 98019
commissioner shall proceed in accordance with section 5703.70 of 98020
the Revised Code. 98021

If a refund is granted for payment of an illegal or erroneous 98022
assessment issued by the department of taxation, the refund shall 98023
include interest on the amount of the refund from the date of the 98024
overpayment. The interest shall be computed at the rate per annum 98025
in the manner prescribed by section 5703.47 of the Revised Code. 98026

(C) If any person entitled to a refund under this section or 98027
section 5703.70 of the Revised Code is indebted to the state for 98028
any tax administered by the tax commissioner, or any charge, 98029
penalties, or interest arising from such tax, the amount allowable 98030
on the application for refund first shall be applied in 98031
satisfaction of the debt. 98032

(D) In lieu of granting a refund payable under division 98033
(A)(2) of this section, the tax commissioner may allow a taxpayer 98034
to claim a credit of the amount of refundable tax on the return 98035
for the period during which the tax became refundable. The 98036
commissioner may require taxpayers to submit any information 98037
necessary to support a claim for a credit under this section, and 98038
the commissioner shall allow no credit if that information is not 98039
provided. 98040

(E)(1) As used in this section, "bad debt" means any debt 98041

that arises from the sale by a distributor or vapor distributor of 98042
tobacco or vapor products for which the distributor or vapor 98043
distributor remitted the tax due under section 5743.51 of the 98044
Revised Code, that has become worthless or uncollectible, that has 98045
been uncollected for at least six months, and that may be claimed 98046
as a deduction pursuant to the "Internal Revenue Code of 1954," 26 98047
U.S.C. 166, and regulations adopted pursuant thereto, or that 98048
could be claimed as such a deduction if the distributor or vapor 98049
distributor kept account on an accrual basis. "Bad debt" does not 98050
include any interest or financing charges on the debt, expenses 98051
incurred in attempting to collect the debt or for any portion of 98052
the debt recovered, any accounts receivable that have been sold or 98053
assigned to a third party, or repossessed property. 98054

(2) The commissioner shall not refund any amount for bad debt 98055
under division (A)(3) of this section unless the distributor or 98056
vapor distributor has charged off the bad debt on its books as 98057
uncollectible. If a purchaser or other person pays all or part of 98058
a bad debt with respect to which a distributor or vapor 98059
distributor received a refund under this section, the distributor 98060
or vapor distributor is liable for the prorated amount of taxes 98061
refunded in connection with that portion of the debt for which 98062
such payment was received and shall remit such taxes to the 98063
commissioner in the manner the commissioner prescribes. Any 98064
request for refund under division (A)(3) of this section shall be 98065
supported by such evidence the commissioner requires, including, 98066
but not limited to, all of the following: 98067

(a) A copy of the original invoice; 98068

(b) Evidence that the tobacco or vapor products described in 98069
the invoice were delivered to the person that ordered them; 98070

(c) Evidence that the person who ordered and received such 98071
tobacco or vapor products did not pay the distributor or vapor 98072
distributor for the tobacco or vapor products and that the 98073

distributor or vapor distributor used reasonable collection 98074
practices in attempting to collect the debt; 98075

(d) Evidence of the wholesale price or vapor volume, as 98076
applicable to the product, at the time the product was subjected 98077
to the tax imposed under section 5743.51 of the Revised Code. 98078

(3) No person other than the distributor or vapor distributor 98079
that paid the tax imposed under section 5743.51 of the Revised 98080
Code to the state and generated the bad debt may claim the bad 98081
debt refund authorized under division (E) of this section. 98082

(F) The commissioner may adopt any rules necessary to 98083
administer this section. Notwithstanding any provision of section 98084
121.95 of the Revised Code to the contrary, a regulatory 98085
restriction contained in a rule adopted under division (E) of this 98086
section is not subject to sections 121.95 to 121.953 of the 98087
Revised Code. 98088

Sec. 5743.61. (A)(1) No distributor or vapor distributor 98089
shall engage in the business of distributing tobacco products, 98090
vapor products, or both within this state without having a license 98091
issued by the department of taxation to engage in that business. 98092

(2) On the dissolution of a partnership by death, the 98093
surviving partner may operate under the license of the partnership 98094
until the expiration of the license, and the heirs or legal 98095
representatives of deceased persons, and receivers and trustees in 98096
bankruptcy appointed by any competent authority, may operate under 98097
the license of the person succeeded in possession by the heir, 98098
representative, receiver, or trustee in bankruptcy if the partner 98099
or successor notifies the department of taxation of the 98100
dissolution or succession within thirty days after the dissolution 98101
or succession. 98102

(B)(1) Each applicant for a license described by division 98103

(A)(1) of this section, annually, on or before the first day of 98104
February, shall make and deliver to the tax commissioner, upon a 98105
form furnished by the commissioner for that purpose, a statement 98106
showing the name of the applicant, each physical place from which 98107
the applicant distributes to distributors, vapor distributors, 98108
retail dealers, or wholesale dealers, and any other information 98109
the commissioner considers necessary for the administration of 98110
sections 5743.51 to 5743.66 of the Revised Code. 98111

(2) At the time of making the application for a license to 98112
engage either in the business of distributing tobacco products or 98113
in the business of distributing both tobacco products and vapor 98114
products, the applicant shall pay an application fee of one 98115
thousand dollars for each place listed on the application where 98116
the applicant proposes to carry on that business. The application 98117
fee for a license to engage solely in the business of distributing 98118
vapor products shall be one hundred twenty-five dollars for each 98119
place listed on the application where the applicant proposes to 98120
carry on that business. The fee charged for the application shall 98121
accompany the application and shall be made payable to the 98122
treasurer of state for deposit into the cigarette tax enforcement 98123
fund. 98124

(3) Upon receipt of the application and payment of any 98125
licensing fee required by this section, the commissioner shall 98126
verify that the applicant has filed all returns, submitted all 98127
information, and paid all outstanding taxes, charges, or fees as 98128
required for any taxes, charges, or fees administered by the 98129
commissioner, to the extent the commissioner is aware of the 98130
returns, information, taxes, charges, or fees at the time of the 98131
application. Upon approval, the commissioner shall issue to the 98132
applicant a license for each place of distribution designated in 98133
the application authorizing the applicant to engage in business at 98134
that location for one year commencing on the first day of 98135

February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars.

(C) The holder of a tobacco or vapor products license may transfer the license to a place of business on condition that the licensee's ownership and business structure remains unchanged and the licensee applies to the commissioner for the transfer on a form issued by the commissioner, and pays a transfer fee of twenty-five dollars.

(D) If a distributor or vapor distributor fails to file forms as required under Chapter 1346. or section 5743.52 of the Revised Code or pay the tax due for two consecutive periods or three periods during any twelve-month period, the commissioner may suspend the license issued to the distributor or vapor distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor or vapor distributor of the suspension in writing ~~personally or by certified mail~~ in the manner provided in section 5703.37 of the Revised Code. The commissioner shall lift the suspension when the distributor or vapor distributor files the delinquent forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for a location of the distributor until all delinquent forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a petition or appeal filed pursuant to section 5743.56, 5717.02, or

5717.04 of the Revised Code. 98168

(E)(1) The tax commissioner may impose a penalty of up to one 98169
thousand dollars on any person found to be engaging in the 98170
business of distributing tobacco products or vapor products 98171
without a license as required by this section. 98172

(2) Any person engaging in the business of distributing 98173
tobacco products or vapor products without a license as required 98174
by this section shall comply with divisions (B)(1) and (2) of this 98175
section within ten days after being notified of the requirement to 98176
do so. Failure to comply with division (E)(2) of this section 98177
subjects a person to penalties imposed under section 5743.99 of 98178
the Revised Code. 98179

Sec. 5747.01. Except as otherwise expressly provided or 98180
clearly appearing from the context, any term used in this chapter 98181
that is not otherwise defined in this section has the same meaning 98182
as when used in a comparable context in the laws of the United 98183
States relating to federal income taxes or if not used in a 98184
comparable context in those laws, has the same meaning as in 98185
section 5733.40 of the Revised Code. Any reference in this chapter 98186
to the Internal Revenue Code includes other laws of the United 98187
States relating to federal income taxes. 98188

As used in this chapter: 98189

(A) "Adjusted gross income" or "Ohio adjusted gross income" 98190
means federal adjusted gross income, as defined and used in the 98191
Internal Revenue Code, adjusted as provided in this section: 98192

(1) Add interest or dividends on obligations or securities of 98193
any state or of any political subdivision or authority of any 98194
state, other than this state and its subdivisions and authorities. 98195

(2) Add interest or dividends on obligations of any 98196
authority, commission, instrumentality, territory, or possession 98197

of the United States to the extent that the interest or dividends 98198
are exempt from federal income taxes but not from state income 98199
taxes. 98200

(3) Deduct interest or dividends on obligations of the United 98201
States and its territories and possessions or of any authority, 98202
commission, or instrumentality of the United States to the extent 98203
that the interest or dividends are included in federal adjusted 98204
gross income but exempt from state income taxes under the laws of 98205
the United States. 98206

(4) Deduct disability and survivor's benefits to the extent 98207
included in federal adjusted gross income. 98208

(5) Deduct the following, to the extent not otherwise 98209
deducted or excluded in computing federal or Ohio adjusted gross 98210
income: 98211

(a) Benefits under Title II of the Social Security Act and 98212
tier 1 railroad retirement; 98213

(b) Railroad retirement benefits, other than tier 1 railroad 98214
retirement benefits, to the extent such amounts are exempt from 98215
state taxation under federal law. 98216

(6) Deduct the amount of wages and salaries, if any, not 98217
otherwise allowable as a deduction but that would have been 98218
allowable as a deduction in computing federal adjusted gross 98219
income for the taxable year, had the work opportunity tax credit 98220
allowed and determined under sections 38, 51, and 52 of the 98221
Internal Revenue Code not been in effect. 98222

(7) Deduct any interest or interest equivalent on public 98223
obligations and purchase obligations to the extent that the 98224
interest or interest equivalent is included in federal adjusted 98225
gross income. 98226

(8) Add any loss or deduct any gain resulting from the sale, 98227

exchange, or other disposition of public obligations to the extent 98228
that the loss has been deducted or the gain has been included in 98229
computing federal adjusted gross income. 98230

(9) Deduct or add amounts, as provided under section 5747.70 98231
of the Revised Code, related to contributions made to or tuition 98232
units purchased under a qualified tuition program established 98233
pursuant to section 529 of the Internal Revenue Code. 98234

(10)(a) Deduct, to the extent not otherwise allowable as a 98235
deduction or exclusion in computing federal or Ohio adjusted gross 98236
income for the taxable year, the amount the taxpayer paid during 98237
the taxable year for medical care insurance and qualified 98238
long-term care insurance for the taxpayer, the taxpayer's spouse, 98239
and dependents. No deduction for medical care insurance under 98240
division (A)(10)(a) of this section shall be allowed either to any 98241
taxpayer who is eligible to participate in any subsidized health 98242
plan maintained by any employer of the taxpayer or of the 98243
taxpayer's spouse, or to any taxpayer who is entitled to, or on 98244
application would be entitled to, benefits under part A of Title 98245
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 98246
301, as amended. For the purposes of division (A)(10)(a) of this 98247
section, "subsidized health plan" means a health plan for which 98248
the employer pays any portion of the plan's cost. The deduction 98249
allowed under division (A)(10)(a) of this section shall be the net 98250
of any related premium refunds, related premium reimbursements, or 98251
related insurance premium dividends received during the taxable 98252
year. 98253

(b) Deduct, to the extent not otherwise deducted or excluded 98254
in computing federal or Ohio adjusted gross income during the 98255
taxable year, the amount the taxpayer paid during the taxable 98256
year, not compensated for by any insurance or otherwise, for 98257
medical care of the taxpayer, the taxpayer's spouse, and 98258
dependents, to the extent the expenses exceed seven and one-half 98259

per cent of the taxpayer's federal adjusted gross income. 98260

(c) For purposes of division (A)(10) of this section, 98261
"medical care" has the meaning given in section 213 of the 98262
Internal Revenue Code, subject to the special rules, limitations, 98263
and exclusions set forth therein, and "qualified long-term care" 98264
has the same meaning given in section 7702B(c) of the Internal 98265
Revenue Code. Solely for purposes of division (A)(10)(a) of this 98266
section, "dependent" includes a person who otherwise would be a 98267
"qualifying relative" and thus a "dependent" under section 152 of 98268
the Internal Revenue Code but for the fact that the person fails 98269
to meet the income and support limitations under section 98270
152(d)(1)(B) and (C) of the Internal Revenue Code. 98271

(11)(a) Deduct any amount included in federal adjusted gross 98272
income solely because the amount represents a reimbursement or 98273
refund of expenses that in any year the taxpayer had deducted as 98274
an itemized deduction pursuant to section 63 of the Internal 98275
Revenue Code and applicable United States department of the 98276
treasury regulations. The deduction otherwise allowed under 98277
division (A)(11)(a) of this section shall be reduced to the extent 98278
the reimbursement is attributable to an amount the taxpayer 98279
deducted under this section in any taxable year. 98280

(b) Add any amount not otherwise included in Ohio adjusted 98281
gross income for any taxable year to the extent that the amount is 98282
attributable to the recovery during the taxable year of any amount 98283
deducted or excluded in computing federal or Ohio adjusted gross 98284
income in any taxable year. 98285

(12) Deduct any portion of the deduction described in section 98286
1341(a)(2) of the Internal Revenue Code, for repaying previously 98287
reported income received under a claim of right, that meets both 98288
of the following requirements: 98289

(a) It is allowable for repayment of an item that was 98290

included in the taxpayer's adjusted gross income for a prior 98291
taxable year and did not qualify for a credit under division (A) 98292
or (B) of section 5747.05 of the Revised Code for that year; 98293

(b) It does not otherwise reduce the taxpayer's adjusted 98294
gross income for the current or any other taxable year. 98295

(13) Deduct an amount equal to the deposits made to, and net 98296
investment earnings of, a medical savings account during the 98297
taxable year, in accordance with section 3924.66 of the Revised 98298
Code. The deduction allowed by division (A)(13) of this section 98299
does not apply to medical savings account deposits and earnings 98300
otherwise deducted or excluded for the current or any other 98301
taxable year from the taxpayer's federal adjusted gross income. 98302

(14)(a) Add an amount equal to the funds withdrawn from a 98303
medical savings account during the taxable year, and the net 98304
investment earnings on those funds, when the funds withdrawn were 98305
used for any purpose other than to reimburse an account holder 98306
for, or to pay, eligible medical expenses, in accordance with 98307
section 3924.66 of the Revised Code; 98308

(b) Add the amounts distributed from a medical savings 98309
account under division (A)(2) of section 3924.68 of the Revised 98310
Code during the taxable year. 98311

(15) Add any amount claimed as a credit under section 98312
5747.059 of the Revised Code to the extent that such amount 98313
satisfies either of the following: 98314

(a) The amount was deducted or excluded from the computation 98315
of the taxpayer's federal adjusted gross income as required to be 98316
reported for the taxpayer's taxable year under the Internal 98317
Revenue Code; 98318

(b) The amount resulted in a reduction of the taxpayer's 98319
federal adjusted gross income as required to be reported for any 98320
of the taxpayer's taxable years under the Internal Revenue Code. 98321

(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section.

~~(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass through entity in which the taxpayer has a direct or indirect ownership interest.~~

~~(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass through entity in which the taxpayer has a direct or indirect ownership interest.~~

~~(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two thirds" shall be substituted for "five sixths" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.~~

~~(iv) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by~~

~~any pass through entity in which the taxpayer has a direct or 98354
indirect ownership interest is equal to or greater than the sum of 98355
(I) the amount of qualifying section 179 depreciation expense and 98356
(II) the amount of depreciation expense allowed to the taxpayer by 98357
subsection (k) of section 168 of the Internal Revenue Code, and 98358
including the taxpayer's proportionate or distributive shares of 98359
such amounts allowed to any such pass through entities. 98360~~

~~(v) If a taxpayer directly or indirectly incurs a net 98361
operating loss for the taxable year for federal income tax 98362
purposes, to the extent such loss resulted from depreciation 98363
expense allowed by subsection (k) of section 168 of the Internal 98364
Revenue Code and by qualifying section 179 depreciation expense, 98365
"the entire" shall be substituted for "five sixths of the" for the 98366
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 98367~~

~~The tax commissioner, under procedures established by the 98368
commissioner, may waive the add backs related to a pass through 98369
entity if the taxpayer owns, directly or indirectly, less than 98370
five per cent of the pass through entity. 98371~~

~~(b) Nothing in division (A)(17) of this section shall be 98372
construed to adjust or modify the adjusted basis of any asset. 98373~~

~~(c) To the extent the add back required under division 98374
(A)(17)(a) of this section is attributable to property generating 98375
nonbusiness income or loss allocated under section 5747.20 of the 98376
Revised Code, the add back shall be sitused to the same location 98377
as the nonbusiness income or loss generated by the property for 98378
the purpose of determining the credit under division (A) of 98379
section 5747.05 of the Revised Code. Otherwise, the add back shall 98380
be apportioned, subject to one or more of the four alternative 98381
methods of apportionment enumerated in section 5747.21 of the 98382
Revised Code. 98383~~

~~(d) For the purposes of division (A)(17)(a)(v) of this 98384~~

~~section, net operating loss carryback and carryforward shall not 98385
include the allowance of any net operating loss deduction 98386
carryback or carryforward to the taxable year to the extent such 98387
loss resulted from depreciation allowed by section 168(k) of the 98388
Internal Revenue Code and by the qualifying section 179 98389
depreciation expense amount. 98390~~

~~(c) For the purposes of divisions (A)(17) and (18) of this 98391
section: 98392~~

~~(i) "Income taxes withheld" means the total amount withheld 98393
and remitted under sections 5747.06 and 5747.07 of the Revised 98394
Code by an employer during the employer's taxable year. 98395~~

~~(ii) "Increase in income taxes withheld" means the amount by 98396
which the amount of income taxes withheld by an employer during 98397
the employer's current taxable year exceeds the amount of income 98398
taxes withheld by that employer during the employer's immediately 98399
preceding taxable year. 98400~~

~~(iii) "Qualifying section 179 depreciation expense" means the 98401
difference between (I) the amount of depreciation expense directly 98402
or indirectly allowed to a taxpayer under section 179 of the 98403
Internal Revised Code, and (II) the amount of depreciation expense 98404
directly or indirectly allowed to the taxpayer under section 179 98405
of the Internal Revenue Code as that section existed on December 98406
31, 2002. 98407~~

(17) Deduct, to the extent included in federal adjusted gross 98408
income, income attributable to loan repayments on behalf of the 98409
taxpayer under the rural practice incentive program under section 98410
3333.135 of the Revised Code. 98411

(18)(a) If, in computing the taxpayer's Ohio adjusted gross 98412
income for a taxable year beginning before January 1, 2023, the 98413
taxpayer was required to add an amount back a depreciation expense 98414
allowed under division (A)(17)(a) of this section for a taxable 98415

~~year~~ subsection (k) of section 168 or section 179 of the Internal Revenue Code, deduct one of the following: 98416
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 98418
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 98423
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 98426
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(b) If the amount deducted under division (A)(18)(a) of this section is attributable to an add-back ~~allocated under division (A)(17)(e) of this section~~ that is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the amount deducted shall be situated to the same location as the add-back. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 98429
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(c) No deduction is available under division (A)(18)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add 98439
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that amount to any deduction otherwise available under division 98447
(A)(18)(a) of this section for that next taxable year. The 98448
carryforward of amounts not so deducted shall continue until the 98449
entire ~~addition required by division (A)(17)(a) of this section~~ 98450
amount added back for taxable years beginning before January 1, 98451
2023, has been deducted. 98452

(d) Notwithstanding division (A)(18)(a) or (c) of this 98453
section, for taxable years beginning in 2023 or thereafter, a 98454
taxpayer that was required to add back a depreciation expense in 98455
computing the taxpayer's Ohio adjusted gross income for a taxable 98456
year beginning before January 1, 2023, may elect to deduct the 98457
entire amount so added, less any amount already deducted under 98458
this section in any preceding taxable year with respect to that 98459
depreciation expense. The taxpayer shall make the election on the 98460
annual return filed for the first taxable year beginning after 98461
January 1, 2023, for which the taxpayer files a return, and the 98462
election shall be irrevocable after the due date plus extensions, 98463
if any, for filing that return. 98464

(e) Nothing in division (A)(18) of this section shall be 98465
construed to allow a taxpayer to deduct any amount that, under 98466
this section as it existed before the effective date of this 98467
amendment, the taxpayer would not have been eligible to deduct for 98468
a taxable year beginning on or after January 1, 2023. 98469

(f) As used in division (A)(18) of this section, "qualifying 98470
section 179 depreciation expense" means the difference between (I) 98471
the amount of depreciation expense directly or indirectly allowed 98472
to a taxpayer under section 179 of the Internal Revenue Code, and 98473
(II) the amount of depreciation expense directly or indirectly 98474
allowed to the taxpayer under section 179 of the Internal Revenue 98475
Code as that section existed on December 31, 2002. 98476

(19) Deduct, to the extent not otherwise deducted or excluded 98477
in computing federal or Ohio adjusted gross income for the taxable 98478

year, the amount the taxpayer received during the taxable year as 98479
reimbursement for life insurance premiums under section 5919.31 of 98480
the Revised Code. 98481

(20) Deduct, to the extent not otherwise deducted or excluded 98482
in computing federal or Ohio adjusted gross income for the taxable 98483
year, the amount the taxpayer received during the taxable year as 98484
a death benefit paid by the adjutant general under section 5919.33 98485
of the Revised Code. 98486

(21) Deduct, to the extent included in federal adjusted gross 98487
income and not otherwise allowable as a deduction or exclusion in 98488
computing federal or Ohio adjusted gross income for the taxable 98489
year, military pay and allowances received by the taxpayer during 98490
the taxable year for active duty service in the United States 98491
army, air force, navy, marine corps, or coast guard or reserve 98492
components thereof or the national guard. The deduction may not be 98493
claimed for military pay and allowances received by the taxpayer 98494
while the taxpayer is stationed in this state. 98495

(22) Deduct, to the extent not otherwise allowable as a 98496
deduction or exclusion in computing federal or Ohio adjusted gross 98497
income for the taxable year and not otherwise compensated for by 98498
any other source, the amount of qualified organ donation expenses 98499
incurred by the taxpayer during the taxable year, not to exceed 98500
ten thousand dollars. A taxpayer may deduct qualified organ 98501
donation expenses only once for all taxable years beginning with 98502
taxable years beginning in 2007. 98503

For the purposes of division (A)(22) of this section: 98504

(a) "Human organ" means all or any portion of a human liver, 98505
pancreas, kidney, intestine, or lung, and any portion of human 98506
bone marrow. 98507

(b) "Qualified organ donation expenses" means travel 98508
expenses, lodging expenses, and wages and salary forgone by a 98509

taxpayer in connection with the taxpayer's donation, while living, 98510
of one or more of the taxpayer's human organs to another human 98511
being. 98512

(23) Deduct, to the extent not otherwise deducted or excluded 98513
in computing federal or Ohio adjusted gross income for the taxable 98514
year, amounts received by the taxpayer as retired personnel pay 98515
for service in the uniformed services or reserve components 98516
thereof, or the national guard, or received by the surviving 98517
spouse or former spouse of such a taxpayer under the survivor 98518
benefit plan on account of such a taxpayer's death. If the 98519
taxpayer receives income on account of retirement paid under the 98520
federal civil service retirement system or federal employees 98521
retirement system, or under any successor retirement program 98522
enacted by the congress of the United States that is established 98523
and maintained for retired employees of the United States 98524
government, and such retirement income is based, in whole or in 98525
part, on credit for the taxpayer's uniformed service, the 98526
deduction allowed under this division shall include only that 98527
portion of such retirement income that is attributable to the 98528
taxpayer's uniformed service, to the extent that portion of such 98529
retirement income is otherwise included in federal adjusted gross 98530
income and is not otherwise deducted under this section. Any 98531
amount deducted under division (A)(23) of this section is not 98532
included in a taxpayer's adjusted gross income for the purposes of 98533
section 5747.055 of the Revised Code. No amount may be deducted 98534
under division (A)(23) of this section on the basis of which a 98535
credit was claimed under section 5747.055 of the Revised Code. 98536

(24) Deduct, to the extent not otherwise deducted or excluded 98537
in computing federal or Ohio adjusted gross income for the taxable 98538
year, the amount the taxpayer received during the taxable year 98539
from the military injury relief fund created in section 5902.05 of 98540
the Revised Code. 98541

(25) Deduct, to the extent not otherwise deducted or excluded 98542
in computing federal or Ohio adjusted gross income for the taxable 98543
year, the amount the taxpayer received as a veterans bonus during 98544
the taxable year from the Ohio department of veterans services as 98545
authorized by Section 2r of Article VIII, Ohio Constitution. 98546

(26) Deduct, to the extent not otherwise deducted or excluded 98547
in computing federal or Ohio adjusted gross income for the taxable 98548
year, any income derived from a transfer agreement or from the 98549
enterprise transferred under that agreement under section 4313.02 98550
of the Revised Code. 98551

(27) Deduct, to the extent not otherwise deducted or excluded 98552
in computing federal or Ohio adjusted gross income for the taxable 98553
year, Ohio college opportunity or federal Pell grant amounts 98554
received by the taxpayer or the taxpayer's spouse or dependent 98555
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 98556
1070a, et seq., and used to pay room or board furnished by the 98557
educational institution for which the grant was awarded at the 98558
institution's facilities, including meal plans administered by the 98559
institution. For the purposes of this division, receipt of a grant 98560
includes the distribution of a grant directly to an educational 98561
institution and the crediting of the grant to the enrollee's 98562
account with the institution. 98563

(28) Deduct from the portion of an individual's federal 98564
adjusted gross income that is business income, to the extent not 98565
otherwise deducted or excluded in computing federal adjusted gross 98566
income for the taxable year, one hundred twenty-five thousand 98567
dollars for each spouse if spouses file separate returns under 98568
section 5747.08 of the Revised Code or two hundred fifty thousand 98569
dollars for all other individuals. 98570

(29) Deduct, as provided under section 5747.78 of the Revised 98571
Code, contributions to ABLE savings accounts made in accordance 98572
with sections 113.50 to 113.56 of the Revised Code. 98573

(30)(a) Deduct, to the extent not otherwise deducted or 98574
excluded in computing federal or Ohio adjusted gross income during 98575
the taxable year, all of the following: 98576

(i) Compensation paid to a qualifying employee described in 98577
division (A)(14)(a) of section 5703.94 of the Revised Code to the 98578
extent such compensation is for disaster work conducted in this 98579
state during a disaster response period pursuant to a qualifying 98580
solicitation received by the employee's employer; 98581

(ii) Compensation paid to a qualifying employee described in 98582
division (A)(14)(b) of section 5703.94 of the Revised Code to the 98583
extent such compensation is for disaster work conducted in this 98584
state by the employee during the disaster response period on 98585
critical infrastructure owned or used by the employee's employer; 98586

(iii) Income received by an out-of-state disaster business 98587
for disaster work conducted in this state during a disaster 98588
response period, or, if the out-of-state disaster business is a 98589
pass-through entity, a taxpayer's distributive share of the 98590
pass-through entity's income from the business conducting disaster 98591
work in this state during a disaster response period, if, in 98592
either case, the disaster work is conducted pursuant to a 98593
qualifying solicitation received by the business. 98594

(b) All terms used in division (A)(30) of this section have 98595
the same meanings as in section 5703.94 of the Revised Code. 98596

(31) For a taxpayer who is a qualifying Ohio educator, 98597
deduct, to the extent not otherwise deducted or excluded in 98598
computing federal or Ohio adjusted gross income for the taxable 98599
year, the lesser of two hundred fifty dollars or the amount of 98600
expenses described in subsections (a)(2)(D)(i) and (ii) of section 98601
62 of the Internal Revenue Code paid or incurred by the taxpayer 98602
during the taxpayer's taxable year in excess of the amount the 98603
taxpayer is authorized to deduct for that taxable year under 98604

subsection (a)(2)(D) of that section. 98605

(32) Deduct, to the extent not otherwise deducted or excluded 98606
in computing federal or Ohio adjusted gross income for the taxable 98607
year, amounts received by the taxpayer as a disability severance 98608
payment, computed under 10 U.S.C. 1212, following discharge or 98609
release under honorable conditions from the armed forces, as 98610
defined by 10 U.S.C. 101. 98611

(33) Deduct, to the extent not otherwise deducted or excluded 98612
in computing federal adjusted gross income or Ohio adjusted gross 98613
income, amounts not subject to tax due to an agreement entered 98614
into under division (A)(2) of section 5747.05 of the Revised Code. 98615

(34) Deduct amounts as provided under section 5747.79 of the 98616
Revised Code related to the taxpayer's qualifying capital gains 98617
and deductible payroll. 98618

To the extent a qualifying capital gain described under 98619
division (A)(34) of this section is business income, the taxpayer 98620
shall deduct those gains under this division before deducting any 98621
such gains under division (A)(28) of this section. 98622

(35)(a) For taxable years beginning in or after 2026, deduct, 98623
to the extent not otherwise deducted or excluded in computing 98624
federal or Ohio adjusted gross income for the taxable year: 98625

(i) One hundred per cent of the capital gain received by the 98626
taxpayer in the taxable year from a qualifying interest in an Ohio 98627
venture capital operating company attributable to the company's 98628
investments in Ohio businesses during the period for which the 98629
company was an Ohio venture operating company; and 98630

(ii) Fifty per cent of the capital gain received by the 98631
taxpayer in the taxable year from a qualifying interest in an Ohio 98632
venture capital operating company attributable to the company's 98633
investments in all other businesses during the period for which 98634
the company was an Ohio venture operating company. 98635

(b) Add amounts previously deducted by the taxpayer under 98636
division (A)(35)(a) of this section if the director of development 98637
certifies to the tax commissioner that the requirements for the 98638
deduction were not met. 98639

(c) All terms used in division (A)(35) of this section have 98640
the same meanings as in section 122.851 of the Revised Code. 98641

(d) To the extent a capital gain described in division 98642
(A)(35)(a) of this section is business income, the taxpayer shall 98643
apply that division before applying division (A)(28) of this 98644
section. 98645

(36) Add, to the extent not otherwise included in computing 98646
federal or Ohio adjusted gross income for any taxable year, the 98647
taxpayer's proportionate share of the amount of the tax levied 98648
under section 5747.38 of the Revised Code and paid by an electing 98649
pass-through entity for the taxable year. 98650

(37) Deduct, to the extent not otherwise deducted or excluded 98651
in computing federal or Ohio adjusted gross income for the taxable 98652
year, amounts delivered to a qualifying institution pursuant to 98653
section 3333.128 of the Revised Code for the benefit of the 98654
taxpayer or the taxpayer's spouse or dependent. 98655

(38) Deduct, to the extent not otherwise deducted or excluded 98656
in computing federal or Ohio adjusted gross income for the taxable 98657
year, amounts received under the Ohio adoption grant program 98658
pursuant to section 5101.191 of the Revised Code. 98659

(39) ~~Deduct, to the extent included in federal adjusted gross~~ 98660
~~income, income attributable to loan repayments on behalf of the~~ 98661
~~taxpayer under the rural practice incentive program under section~~ 98662
~~3333.135 of the Revised Code~~ Deduct, to the extent included in 98663
federal adjusted gross income, income attributable to amounts 98664
provided to a taxpayer for any of the purposes for which a 98665
deduction is authorized under section 139 of the Internal Revenue 98666

Code, assuming that the train derailment near the city of East Palestine on February 3, 2023, is a qualified disaster pursuant to that section, or to compensate for lost business resulting from that derailment, if such amounts are provided by any of the following: 98667
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(a) A federal, state, or local government agency; 98672

(b) Norfolk southern railway; 98673

(c) Any subsidiary, insurer, or agent of Norfolk southern railway or any related person. 98674
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(40) Deduct amounts contributed to a homeownership savings account and calculated pursuant to divisions (B) and (C) of section 5747.84 of the Revised Code. 98676
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(41) If the taxpayer is the account owner, add the amount of funds withdrawn from a homeownership savings account not used for eligible expenses, regardless of who deposited those funds. As used in division (A)(41) of this section, "homeownership savings account," "account owner," and "eligible expenses" have the same meanings as in section 5747.84 of the Revised Code. 98679
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(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill or the sale of an equity or ownership interest in a business. 98685
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As used in this division, the "sale of an equity or ownership interest in a business" means sales to which either or both of the 98696
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following apply:	98698
(1) The sale is treated for federal income tax purposes as the sale of assets.	98699 98700
(2) The seller materially participated, as described in 26 C.F.R. 1.469-5T, in the activities of the business during the taxable year in which the sale occurs or during any of the five preceding taxable years.	98701 98702 98703 98704
(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.	98705 98706 98707 98708 98709
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	98710 98711
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	98712 98713 98714
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	98715 98716
(G) "Individual" means any natural person.	98717
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	98718 98719
(I) "Resident" means any of the following:	98720
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	98721 98722
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	98723 98724 98725 98726

(3) A trust that, in whole or part, resides in this state. If 98727
only part of a trust resides in this state, the trust is a 98728
resident only with respect to that part. 98729

For the purposes of division (I)(3) of this section: 98730

(a) A trust resides in this state for the trust's current 98731
taxable year to the extent, as described in division (I)(3)(d) of 98732
this section, that the trust consists directly or indirectly, in 98733
whole or in part, of assets, net of any related liabilities, that 98734
were transferred, or caused to be transferred, directly or 98735
indirectly, to the trust by any of the following: 98736

(i) A person, a court, or a governmental entity or 98737
instrumentality on account of the death of a decedent, but only if 98738
the trust is described in division (I)(3)(e)(i) or (ii) of this 98739
section; 98740

(ii) A person who was domiciled in this state for the 98741
purposes of this chapter when the person directly or indirectly 98742
transferred assets to an irrevocable trust, but only if at least 98743
one of the trust's qualifying beneficiaries is domiciled in this 98744
state for the purposes of this chapter during all or some portion 98745
of the trust's current taxable year; 98746

(iii) A person who was domiciled in this state for the 98747
purposes of this chapter when the trust document or instrument or 98748
part of the trust document or instrument became irrevocable, but 98749
only if at least one of the trust's qualifying beneficiaries is a 98750
resident domiciled in this state for the purposes of this chapter 98751
during all or some portion of the trust's current taxable year. If 98752
a trust document or instrument became irrevocable upon the death 98753
of a person who at the time of death was domiciled in this state 98754
for purposes of this chapter, that person is a person described in 98755
division (I)(3)(a)(iii) of this section. 98756

(b) A trust is irrevocable to the extent that the transferor 98757

is not considered to be the owner of the net assets of the trust 98758
under sections 671 to 678 of the Internal Revenue Code. 98759

(c) With respect to a trust other than a charitable lead 98760
trust, "qualifying beneficiary" has the same meaning as "potential 98761
current beneficiary" as defined in section 1361(e)(2) of the 98762
Internal Revenue Code, and with respect to a charitable lead trust 98763
"qualifying beneficiary" is any current, future, or contingent 98764
beneficiary, but with respect to any trust "qualifying 98765
beneficiary" excludes a person or a governmental entity or 98766
instrumentality to any of which a contribution would qualify for 98767
the charitable deduction under section 170 of the Internal Revenue 98768
Code. 98769

(d) For the purposes of division (I)(3)(a) of this section, 98770
the extent to which a trust consists directly or indirectly, in 98771
whole or in part, of assets, net of any related liabilities, that 98772
were transferred directly or indirectly, in whole or part, to the 98773
trust by any of the sources enumerated in that division shall be 98774
ascertained by multiplying the fair market value of the trust's 98775
assets, net of related liabilities, by the qualifying ratio, which 98776
shall be computed as follows: 98777

(i) The first time the trust receives assets, the numerator 98778
of the qualifying ratio is the fair market value of those assets 98779
at that time, net of any related liabilities, from sources 98780
enumerated in division (I)(3)(a) of this section. The denominator 98781
of the qualifying ratio is the fair market value of all the 98782
trust's assets at that time, net of any related liabilities. 98783

(ii) Each subsequent time the trust receives assets, a 98784
revised qualifying ratio shall be computed. The numerator of the 98785
revised qualifying ratio is the sum of (1) the fair market value 98786
of the trust's assets immediately prior to the subsequent 98787
transfer, net of any related liabilities, multiplied by the 98788
qualifying ratio last computed without regard to the subsequent 98789

transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the

death of the decedent, the trust became irrevocable while the 98821
decedent was domiciled in this state for the purposes of this 98822
chapter. 98823

(ii) The transfer is made to a trust to which the decedent, 98824
prior to the decedent's death, had directly or indirectly 98825
transferred assets, net of any related liabilities, while the 98826
decedent was domiciled in this state for the purposes of this 98827
chapter, and prior to the death of the decedent the trust became 98828
irrevocable while the decedent was domiciled in this state for the 98829
purposes of this chapter. 98830

(iii) The transfer is made on account of a contractual 98831
relationship existing directly or indirectly between the 98832
transferor and either the decedent or the estate of the decedent 98833
at any time prior to the date of the decedent's death, and the 98834
decedent was domiciled in this state at the time of death for 98835
purposes of the taxes levied under Chapter 5731. of the Revised 98836
Code. 98837

(iv) The transfer is made to a trust on account of a 98838
contractual relationship existing directly or indirectly between 98839
the transferor and another person who at the time of the 98840
decedent's death was domiciled in this state for purposes of this 98841
chapter. 98842

(v) The transfer is made to a trust on account of the will of 98843
a testator who was domiciled in this state at the time of the 98844
testator's death for purposes of the taxes levied under Chapter 98845
5731. of the Revised Code. 98846

(vi) The transfer is made to a trust created by or caused to 98847
be created by a court, and the trust was directly or indirectly 98848
created in connection with or as a result of the death of an 98849
individual who, for purposes of the taxes levied under Chapter 98850
5731. of the Revised Code, was domiciled in this state at the time 98851

of the individual's death. 98852

(g) The tax commissioner may adopt rules to ascertain the 98853
part of a trust residing in this state. 98854

(J) "Nonresident" means an individual or estate that is not a 98855
resident. An individual who is a resident for only part of a 98856
taxable year is a nonresident for the remainder of that taxable 98857
year. 98858

(K) "Pass-through entity" has the same meaning as in section 98859
5733.04 of the Revised Code. 98860

(L) "Return" means the notifications and reports required to 98861
be filed pursuant to this chapter for the purpose of reporting the 98862
tax due and includes declarations of estimated tax when so 98863
required. 98864

(M) "Taxable year" means the calendar year or the taxpayer's 98865
fiscal year ending during the calendar year, or fractional part 98866
thereof, upon which the adjusted gross income is calculated 98867
pursuant to this chapter. 98868

(N) "Taxpayer" means any person subject to the tax imposed by 98869
section 5747.02 of the Revised Code or any pass-through entity 98870
that makes the election under division (D) of section 5747.08 of 98871
the Revised Code. 98872

(O) "Dependents" means one of the following: 98873

(1) For taxable years beginning on or after January 1, 2018, 98874
and before January 1, 2026, dependents as defined in the Internal 98875
Revenue Code; 98876

(2) For all other taxable years, dependents as defined in the 98877
Internal Revenue Code and as claimed in the taxpayer's federal 98878
income tax return for the taxable year or which the taxpayer would 98879
have been permitted to claim had the taxpayer filed a federal 98880
income tax return. 98881

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an

electing small business trust for the taxable year. 98912

(2) Add interest or dividends, net of ordinary, necessary, 98913
and reasonable expenses not deducted in computing federal taxable 98914
income, on obligations of any authority, commission, 98915
instrumentality, territory, or possession of the United States to 98916
the extent that the interest or dividends are exempt from federal 98917
income taxes but not from state income taxes, but only to the 98918
extent that such net amount is not otherwise includible in Ohio 98919
taxable income and is described in either division (S)(1)(a) or 98920
(b) of this section; 98921

(3) Add the amount of personal exemption allowed to the 98922
estate pursuant to section 642(b) of the Internal Revenue Code; 98923

(4) Deduct interest or dividends, net of related expenses 98924
deducted in computing federal taxable income, on obligations of 98925
the United States and its territories and possessions or of any 98926
authority, commission, or instrumentality of the United States to 98927
the extent that the interest or dividends are exempt from state 98928
taxes under the laws of the United States, but only to the extent 98929
that such amount is included in federal taxable income and is 98930
described in either division (S)(1)(a) or (b) of this section; 98931

(5) Deduct the amount of wages and salaries, if any, not 98932
otherwise allowable as a deduction but that would have been 98933
allowable as a deduction in computing federal taxable income for 98934
the taxable year, had the work opportunity tax credit allowed 98935
under sections 38, 51, and 52 of the Internal Revenue Code not 98936
been in effect, but only to the extent such amount relates either 98937
to income included in federal taxable income for the taxable year 98938
or to income of the S portion of an electing small business trust 98939
for the taxable year; 98940

(6) Deduct any interest or interest equivalent, net of 98941
related expenses deducted in computing federal taxable income, on 98942

public obligations and purchase obligations, but only to the 98943
extent that such net amount relates either to income included in 98944
federal taxable income for the taxable year or to income of the S 98945
portion of an electing small business trust for the taxable year; 98946

(7) Add any loss or deduct any gain resulting from sale, 98947
exchange, or other disposition of public obligations to the extent 98948
that such loss has been deducted or such gain has been included in 98949
computing either federal taxable income or income of the S portion 98950
of an electing small business trust for the taxable year; 98951

(8) Except in the case of the final return of an estate, add 98952
any amount deducted by the taxpayer on both its Ohio estate tax 98953
return pursuant to section 5731.14 of the Revised Code, and on its 98954
federal income tax return in determining federal taxable income; 98955

(9)(a) Deduct any amount included in federal taxable income 98956
solely because the amount represents a reimbursement or refund of 98957
expenses that in a previous year the decedent had deducted as an 98958
itemized deduction pursuant to section 63 of the Internal Revenue 98959
Code and applicable treasury regulations. The deduction otherwise 98960
allowed under division (S)(9)(a) of this section shall be reduced 98961
to the extent the reimbursement is attributable to an amount the 98962
taxpayer or decedent deducted under this section in any taxable 98963
year. 98964

(b) Add any amount not otherwise included in Ohio taxable 98965
income for any taxable year to the extent that the amount is 98966
attributable to the recovery during the taxable year of any amount 98967
deducted or excluded in computing federal or Ohio taxable income 98968
in any taxable year, but only to the extent such amount has not 98969
been distributed to beneficiaries for the taxable year. 98970

(10) Deduct any portion of the deduction described in section 98971
1341(a)(2) of the Internal Revenue Code, for repaying previously 98972
reported income received under a claim of right, that meets both 98973

of the following requirements: 98974

(a) It is allowable for repayment of an item that was 98975
included in the taxpayer's taxable income or the decedent's 98976
adjusted gross income for a prior taxable year and did not qualify 98977
for a credit under division (A) or (B) of section 5747.05 of the 98978
Revised Code for that year. 98979

(b) It does not otherwise reduce the taxpayer's taxable 98980
income or the decedent's adjusted gross income for the current or 98981
any other taxable year. 98982

(11) Add any amount claimed as a credit under section 98983
5747.059 of the Revised Code to the extent that the amount 98984
satisfies either of the following: 98985

(a) The amount was deducted or excluded from the computation 98986
of the taxpayer's federal taxable income as required to be 98987
reported for the taxpayer's taxable year under the Internal 98988
Revenue Code; 98989

(b) The amount resulted in a reduction in the taxpayer's 98990
federal taxable income as required to be reported for any of the 98991
taxpayer's taxable years under the Internal Revenue Code. 98992

(12) Deduct any amount, net of related expenses deducted in 98993
computing federal taxable income, that a trust is required to 98994
report as farm income on its federal income tax return, but only 98995
if the assets of the trust include at least ten acres of land 98996
satisfying the definition of "land devoted exclusively to 98997
agricultural use" under section 5713.30 of the Revised Code, 98998
regardless of whether the land is valued for tax purposes as such 98999
land under sections 5713.30 to 5713.38 of the Revised Code. If the 99000
trust is a pass-through entity investor, section 5747.231 of the 99001
Revised Code applies in ascertaining if the trust is eligible to 99002
claim the deduction provided by division (S)(12) of this section 99003
in connection with the pass-through entity's farm income. 99004

Except for farm income attributable to the S portion of an 99005
electing small business trust, the deduction provided by division 99006
(S)(12) of this section is allowed only to the extent that the 99007
trust has not distributed such farm income. 99008

(13) Add the net amount of income described in section 641(c) 99009
of the Internal Revenue Code to the extent that amount is not 99010
included in federal taxable income. 99011

(14) ~~Add or deduct~~ Deduct the amount the taxpayer would be 99012
required to ~~add or deduct~~ under division ~~(A)(17) or (18)~~ (A)(18) 99013
of this section if the taxpayer's Ohio taxable income were 99014
computed in the same manner as an individual's Ohio adjusted gross 99015
income is computed under this section. 99016

(15) Add, to the extent not otherwise included in computing 99017
taxable income or Ohio taxable income for any taxable year, the 99018
taxpayer's proportionate share of the amount of the tax levied 99019
under section 5747.38 of the Revised Code and paid by an electing 99020
pass-through entity for the taxable year. 99021

(T) "School district income" and "school district income tax" 99022
have the same meanings as in section 5748.01 of the Revised Code. 99023

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 99024
of this section, "public obligations," "purchase obligations," and 99025
"interest or interest equivalent" have the same meanings as in 99026
section 5709.76 of the Revised Code. 99027

(V) "Limited liability company" means any limited liability 99028
company formed under former Chapter 1705. ~~or of the Revised Code~~ 99029
as that chapter existed prior to February 11, 2022, Chapter 1706. 99030
of the Revised Code, or ~~under~~ the laws of any other state. 99031

(W) "Pass-through entity investor" means any person who, 99032
during any portion of a taxable year of a pass-through entity, is 99033
a partner, member, shareholder, or equity investor in that 99034
pass-through entity. 99035

(X) "Banking day" has the same meaning as in section 1304.01 99036
of the Revised Code. 99037

(Y) "Month" means a calendar month. 99038

(Z) "Quarter" means the first three months, the second three 99039
months, the third three months, or the last three months of the 99040
taxpayer's taxable year. 99041

(AA)(1) "Modified business income" means the business income 99042
included in a trust's Ohio taxable income after such taxable 99043
income is first reduced by the qualifying trust amount, if any. 99044

(2) "Qualifying trust amount" of a trust means capital gains 99045
and losses from the sale, exchange, or other disposition of equity 99046
or ownership interests in, or debt obligations of, a qualifying 99047
investee to the extent included in the trust's Ohio taxable 99048
income, but only if the following requirements are satisfied: 99049

(a) The book value of the qualifying investee's physical 99050
assets in this state and everywhere, as of the last day of the 99051
qualifying investee's fiscal or calendar year ending immediately 99052
prior to the date on which the trust recognizes the gain or loss, 99053
is available to the trust. 99054

(b) The requirements of section 5747.011 of the Revised Code 99055
are satisfied for the trust's taxable year in which the trust 99056
recognizes the gain or loss. 99057

Any gain or loss that is not a qualifying trust amount is 99058
modified business income, qualifying investment income, or 99059
modified nonbusiness income, as the case may be. 99060

(3) "Modified nonbusiness income" means a trust's Ohio 99061
taxable income other than modified business income, other than the 99062
qualifying trust amount, and other than qualifying investment 99063
income, as defined in section 5747.012 of the Revised Code, to the 99064
extent such qualifying investment income is not otherwise part of 99065

modified business income. 99066

(4) "Modified Ohio taxable income" applies only to trusts, 99067
and means the sum of the amounts described in divisions (AA)(4)(a) 99068
to (c) of this section: 99069

(a) The fraction, calculated under section 5747.013, and 99070
applying section 5747.231 of the Revised Code, multiplied by the 99071
sum of the following amounts: 99072

(i) The trust's modified business income; 99073

(ii) The trust's qualifying investment income, as defined in 99074
section 5747.012 of the Revised Code, but only to the extent the 99075
qualifying investment income does not otherwise constitute 99076
modified business income and does not otherwise constitute a 99077
qualifying trust amount. 99078

(b) The qualifying trust amount multiplied by a fraction, the 99079
numerator of which is the sum of the book value of the qualifying 99080
investee's physical assets in this state on the last day of the 99081
qualifying investee's fiscal or calendar year ending immediately 99082
prior to the day on which the trust recognizes the qualifying 99083
trust amount, and the denominator of which is the sum of the book 99084
value of the qualifying investee's total physical assets 99085
everywhere on the last day of the qualifying investee's fiscal or 99086
calendar year ending immediately prior to the day on which the 99087
trust recognizes the qualifying trust amount. If, for a taxable 99088
year, the trust recognizes a qualifying trust amount with respect 99089
to more than one qualifying investee, the amount described in 99090
division (AA)(4)(b) of this section shall equal the sum of the 99091
products so computed for each such qualifying investee. 99092

(c)(i) With respect to a trust or portion of a trust that is 99093
a resident as ascertained in accordance with division (I)(3)(d) of 99094
this section, its modified nonbusiness income. 99095

(ii) With respect to a trust or portion of a trust that is 99096

not a resident as ascertained in accordance with division 99097
(I)(3)(d) of this section, the amount of its modified nonbusiness 99098
income satisfying the descriptions in divisions (B)(2) to (5) of 99099
section 5747.20 of the Revised Code, except as otherwise provided 99100
in division (AA)(4)(c)(ii) of this section. With respect to a 99101
trust or portion of a trust that is not a resident as ascertained 99102
in accordance with division (I)(3)(d) of this section, the trust's 99103
portion of modified nonbusiness income recognized from the sale, 99104
exchange, or other disposition of a debt interest in or equity 99105
interest in a section 5747.212 entity, as defined in section 99106
5747.212 of the Revised Code, without regard to division (A) of 99107
that section, shall not be allocated to this state in accordance 99108
with section 5747.20 of the Revised Code but shall be apportioned 99109
to this state in accordance with division (B) of section 5747.212 99110
of the Revised Code without regard to division (A) of that 99111
section. 99112

If the allocation and apportionment of a trust's income under 99113
divisions (AA)(4)(a) and (c) of this section do not fairly 99114
represent the modified Ohio taxable income of the trust in this 99115
state, the alternative methods described in division (C) of 99116
section 5747.21 of the Revised Code may be applied in the manner 99117
and to the same extent provided in that section. 99118

(5)(a) Except as set forth in division (AA)(5)(b) of this 99119
section, "qualifying investee" means a person in which a trust has 99120
an equity or ownership interest, or a person or unit of government 99121
the debt obligations of either of which are owned by a trust. For 99122
the purposes of division (AA)(2)(a) of this section and for the 99123
purpose of computing the fraction described in division (AA)(4)(b) 99124
of this section, all of the following apply: 99125

(i) If the qualifying investee is a member of a qualifying 99126
controlled group on the last day of the qualifying investee's 99127
fiscal or calendar year ending immediately prior to the date on 99128

which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day. 99129
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount. 99132
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(iii) For the purposes of division (AA)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity. 99149
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An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last 99154
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day of the upper level pass-through entity's fiscal or calendar 99161
year. If the upper level pass-through entity directly and 99162
indirectly owns less than fifty per cent of the equity of the 99163
lower level pass-through entity on each day of the upper level 99164
pass-through entity's calendar or fiscal year in which or with 99165
which ends the calendar or fiscal year of the lower level 99166
pass-through entity and if, based upon clear and convincing 99167
evidence, complete information about the location and cost of the 99168
physical assets of the lower pass-through entity is not available 99169
to the upper level pass-through entity, then solely for purposes 99170
of ascertaining if a gain or loss constitutes a qualifying trust 99171
amount, the upper level pass-through entity shall be deemed as 99172
owning no equity of the lower level pass-through entity for each 99173
day during the upper level pass-through entity's calendar or 99174
fiscal year in which or with which ends the lower level 99175
pass-through entity's calendar or fiscal year. Nothing in division 99176
(AA)(5)(a)(iii) of this section shall be construed to provide for 99177
any deduction or exclusion in computing any trust's Ohio taxable 99178
income. 99179

(b) With respect to a trust that is not a resident for the 99180
taxable year and with respect to a part of a trust that is not a 99181
resident for the taxable year, "qualifying investee" for that 99182
taxable year does not include a C corporation if both of the 99183
following apply: 99184

(i) During the taxable year the trust or part of the trust 99185
recognizes a gain or loss from the sale, exchange, or other 99186
disposition of equity or ownership interests in, or debt 99187
obligations of, the C corporation. 99188

(ii) Such gain or loss constitutes nonbusiness income. 99189

(6) "Available" means information is such that a person is 99190
able to learn of the information by the due date plus extensions, 99191
if any, for filing the return for the taxable year in which the 99192

trust recognizes the gain or loss. 99193

(BB) "Qualifying controlled group" has the same meaning as in 99194
section 5733.04 of the Revised Code. 99195

(CC) "Related member" has the same meaning as in section 99196
5733.042 of the Revised Code. 99197

(DD)(1) For the purposes of division (DD) of this section: 99198

(a) "Qualifying person" means any person other than a 99199
qualifying corporation. 99200

(b) "Qualifying corporation" means any person classified for 99201
federal income tax purposes as an association taxable as a 99202
corporation, except either of the following: 99203

(i) A corporation that has made an election under subchapter 99204
S, chapter one, subtitle A, of the Internal Revenue Code for its 99205
taxable year ending within, or on the last day of, the investor's 99206
taxable year; 99207

(ii) A subsidiary that is wholly owned by any corporation 99208
that has made an election under subchapter S, chapter one, 99209
subtitle A of the Internal Revenue Code for its taxable year 99210
ending within, or on the last day of, the investor's taxable year. 99211

(2) For the purposes of this chapter, unless expressly stated 99212
otherwise, no qualifying person indirectly owns any asset directly 99213
or indirectly owned by any qualifying corporation. 99214

(EE) For purposes of this chapter and Chapter 5751. of the 99215
Revised Code: 99216

(1) "Trust" does not include a qualified pre-income tax 99217
trust. 99218

(2) A "qualified pre-income tax trust" is any pre-income tax 99219
trust that makes a qualifying pre-income tax trust election as 99220
described in division (EE)(3) of this section. 99221

(3) A "qualifying pre-income tax trust election" is an 99222
election by a pre-income tax trust to subject to the tax imposed 99223
by section 5751.02 of the Revised Code the pre-income tax trust 99224
and all pass-through entities of which the trust owns or controls, 99225
directly, indirectly, or constructively through related interests, 99226
five per cent or more of the ownership or equity interests. The 99227
trustee shall notify the tax commissioner in writing of the 99228
election on or before April 15, 2006. The election, if timely 99229
made, shall be effective on and after January 1, 2006, and shall 99230
apply for all tax periods and tax years until revoked by the 99231
trustee of the trust. 99232

(4) A "pre-income tax trust" is a trust that satisfies all of 99233
the following requirements: 99234

(a) The document or instrument creating the trust was 99235
executed by the grantor before January 1, 1972; 99236

(b) The trust became irrevocable upon the creation of the 99237
trust; and 99238

(c) The grantor was domiciled in this state at the time the 99239
trust was created. 99240

(FF) "Uniformed services" has the same meaning as in 10 99241
U.S.C. 101. 99242

(GG) "Taxable business income" means the amount by which an 99243
individual's business income that is included in federal adjusted 99244
gross income exceeds the amount of business income the individual 99245
is authorized to deduct under division (A)(28) of this section for 99246
the taxable year. 99247

(HH) "Employer" does not include a franchisor with respect to 99248
the franchisor's relationship with a franchisee or an employee of 99249
a franchisee, unless the franchisor agrees to assume that role in 99250
writing or a court of competent jurisdiction determines that the 99251
franchisor exercises a type or degree of control over the 99252

franchisee or the franchisee's employees that is not customarily 99253
exercised by a franchisor for the purpose of protecting the 99254
franchisor's trademark, brand, or both. For purposes of this 99255
division, "franchisor" and "franchisee" have the same meanings as 99256
in 16 C.F.R. 436.1. 99257

(II) "Modified adjusted gross income" means Ohio adjusted 99258
gross income plus any amount deducted under divisions (A)(28) and 99259
(34) of this section for the taxable year. 99260

(JJ) "Qualifying Ohio educator" means an individual who, for 99261
a taxable year, qualifies as an eligible educator, as that term is 99262
defined in section 62 of the Internal Revenue Code, and who holds 99263
a certificate, license, or permit described in Chapter 3319. or 99264
section 3301.071 of the Revised Code. 99265

Sec. 5747.02. (A) For the purpose of providing revenue for 99266
the support of schools and local government functions, to provide 99267
relief to property taxpayers, to provide revenue for the general 99268
revenue fund, and to meet the expenses of administering the tax 99269
levied by this chapter, there is hereby levied on every 99270
individual, trust, and estate residing in or earning or receiving 99271
income in this state, on every individual, trust, and estate 99272
earning or receiving lottery winnings, prizes, or awards pursuant 99273
to Chapter 3770. of the Revised Code, on every individual, trust, 99274
and estate earning or receiving winnings on casino or sports 99275
gaming, and on every individual, trust, and estate otherwise 99276
having nexus with or in this state under the Constitution of the 99277
United States, an annual tax measured as prescribed in divisions 99278
(A)(1) to (4) of this section. 99279

(1) In the case of trusts, the tax imposed by this section 99280
shall be measured by modified Ohio taxable income under division 99281
(D) of this section and levied in the same amount as the tax is 99282
imposed on estates as prescribed in division (A)(2) of this 99283

section. 99284

(2) In the case of estates, the tax imposed by this section 99285
shall be measured by Ohio taxable income. The tax shall be levied 99286
at the rate of 1.38462% for the first ~~twenty-five~~ twenty-six 99287
thousand fifty dollars of such income and, for income in excess of 99288
that amount, the tax shall be levied at the same rates prescribed 99289
in division (A)(3) of this section for individuals. 99290

(3) In the case of individuals, the tax imposed by this 99291
section on income other than taxable business income shall be 99292
measured by Ohio adjusted gross income, less taxable business 99293
income and less an exemption for the taxpayer, the taxpayer's 99294
spouse, and each dependent as provided in section 5747.025 of the 99295
Revised Code. If the balance thus obtained is equal to or less 99296
than ~~twenty-five~~ twenty-six thousand fifty dollars, no tax shall 99297
be imposed on that balance. If the balance thus obtained is 99298
greater than ~~twenty-five~~ twenty-six thousand fifty dollars, the 99299
tax is hereby levied as follows: 99300

OHIO ADJUSTED GROSS INCOME LESS TAX 99301

TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS) OR
MODIFIED OHIO TAXABLE INCOME
(TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

More than ~~\$25,000~~ 26,050 but not ~~\$346.16~~ 360.69 plus ~~2.765~~ 2.75% 99302
more than ~~\$44,250~~ 92,150 of the amount in excess of
~~\$25,000~~ 26,050

~~More than \$44,250 but not more~~ ~~\$878.42~~ plus ~~3.226%~~ of the amount 99303
~~than \$88,450~~ in excess of ~~\$44,250~~

More than ~~\$88,450~~ 92,150 but not ~~\$2,304.31~~ 2,178.44 plus 3.688% of 99304
more than ~~\$110,650~~ 115,300 the amount in excess of ~~\$88,450~~
92,150

More than ~~\$110,650~~ 115,300 ~~\$3,123.05~~ 3,032.21 plus 3.990% of 99305

the amount in excess of \$~~110,650~~
115,300

(4)(a) In the case of individuals, the tax imposed by this 99306
section on taxable business income shall equal three per cent of 99307
the result obtained by subtracting any amount allowed under 99308
division (A)(4)(b) of this section from the individual's taxable 99309
business income. 99310

(b) If the exemptions allowed to an individual under division 99311
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross 99312
income less taxable business income, the excess shall be deducted 99313
from taxable business income before computing the tax under 99314
division (A)(4)(a) of this section. 99315

(5) Except as otherwise provided in this division, in August 99316
of each year, the tax commissioner shall make a new adjustment to 99317
the income amounts prescribed in divisions (A)(2) and (3) of this 99318
section by multiplying the percentage increase in the gross 99319
domestic product deflator computed that year under section 99320
5747.025 of the Revised Code by each of the income amounts 99321
resulting from the adjustment under this division in the preceding 99322
year, adding the resulting product to the corresponding income 99323
amount resulting from the adjustment in the preceding year, and 99324
rounding the resulting sum to the nearest multiple of fifty 99325
dollars. The tax commissioner also shall recompute each of the tax 99326
dollar amounts to the extent necessary to reflect the new 99327
adjustment of the income amounts. To recompute the tax dollar 99328
amount corresponding to the lowest tax rate in division (A)(3) of 99329
this section, the commissioner shall multiply the tax rate 99330
prescribed in division (A)(2) of this section by the income amount 99331
specified in that division and as adjusted according to this 99332
paragraph. The rates of taxation shall not be adjusted. 99333

The adjusted amounts apply to taxable years beginning in the 99334
calendar year in which the adjustments are made and to taxable 99335

years beginning in each ensuing calendar year until a calendar 99336
year in which a new adjustment is made pursuant to this division. 99337
The tax commissioner shall not make a new adjustment in any year 99338
in which the amount resulting from the adjustment would be less 99339
than the amount resulting from the adjustment in the preceding 99340
year. 99341

(B) If the director of budget and management makes a 99342
certification to the tax commissioner under division (B) of 99343
section 131.44 of the Revised Code, the amount of tax as 99344
determined under divisions (A)(1) to (3) of this section shall be 99345
reduced by the percentage prescribed in that certification for 99346
taxable years beginning in the calendar year in which that 99347
certification is made. 99348

(C)(1) The tax imposed by this section on a trust shall be 99349
computed by multiplying the Ohio modified taxable income of the 99350
trust by the rates prescribed by division (A) of this section. 99351

(2) A resident trust may claim a credit against the tax 99352
computed under division (C) of this section equal to the lesser of 99353
(a) the tax paid to another state or the District of Columbia on 99354
the resident trust's modified nonbusiness income, other than the 99355
portion of the resident trust's nonbusiness income that is 99356
qualifying investment income as defined in section 5747.012 of the 99357
Revised Code, or (b) the effective tax rate, based on modified 99358
Ohio taxable income, multiplied by the resident trust's modified 99359
nonbusiness income other than the portion of the resident trust's 99360
nonbusiness income that is qualifying investment income. The 99361
credit applies before any other applicable credits. 99362

(3) Any credit authorized against the tax imposed by this 99363
section applies to a trust subject to division (C) of this section 99364
only if the trust otherwise qualifies for the credit. To the 99365
extent that the trust distributes income for the taxable year for 99366
which a credit is available to the trust, the credit shall be 99367

shared by the trust and its beneficiaries. The tax commissioner 99368
and the trust shall be guided by applicable regulations of the 99369
United States treasury regarding the sharing of credits. 99370

(D) For the purposes of this section, "trust" means any trust 99371
described in Subchapter J of Chapter 1 of the Internal Revenue 99372
Code, excluding trusts that are not irrevocable as defined in 99373
division (I)(3)(b) of section 5747.01 of the Revised Code and that 99374
have no modified Ohio taxable income for the taxable year, 99375
charitable remainder trusts, qualified funeral trusts and preneed 99376
funeral contract trusts established pursuant to sections 4717.31 99377
to 4717.38 of the Revised Code that are not qualified funeral 99378
trusts, endowment and perpetual care trusts, qualified settlement 99379
trusts and funds, designated settlement trusts and funds, and 99380
trusts exempted from taxation under section 501(a) of the Internal 99381
Revenue Code. 99382

(E) Nothing in division (A)(3) of this section shall prohibit 99383
an individual with an Ohio adjusted gross income, less taxable 99384
business income and exemptions, of ~~twenty-five~~ twenty-six thousand 99385
fifty dollars or less from filing a return under this chapter to 99386
receive a refund of taxes withheld or to claim any refundable 99387
credit allowed under this chapter. 99388

Sec. 5747.07. (A) As used in this section: 99389

(1) "Partial weekly withholding period" means a period during 99390
which an employer directly, indirectly, or constructively pays 99391
compensation to, or credits compensation to the benefit of, an 99392
employee, and that consists of a consecutive Saturday, Sunday, 99393
Monday, and Tuesday or a consecutive Wednesday, Thursday, and 99394
Friday. There are two partial weekly withholding periods each 99395
week, except that a partial weekly withholding period cannot 99396
extend from one calendar year into the next calendar year; if the 99397
first day of January falls on a day other than Saturday or 99398

Wednesday, the partial weekly withholding period ends on the 99399
thirty-first day of December and there are three partial weekly 99400
withholding periods during that week. 99401

(2) "Undeposited taxes" means the taxes an employer is 99402
required to deduct and withhold from an employee's compensation 99403
pursuant to section 5747.06 of the Revised Code that have not been 99404
remitted to the tax commissioner pursuant to this section or to 99405
the treasurer of state pursuant to section 5747.072 of the Revised 99406
Code. 99407

(3) A "week" begins on Saturday and concludes at the end of 99408
the following Friday. 99409

(4) "Professional employer organization," "professional 99410
employer organization agreement," and "professional employer 99411
organization reporting entity" have the same meanings as in 99412
section 4125.01 of the Revised Code. 99413

(5) "Alternate employer organization" and "alternate employer 99414
organization agreement" have the same meanings as in section 99415
4133.01 of the Revised Code. 99416

(6) "Client employer" has the same meaning as in section 99417
4125.01 of the Revised Code in the context of a professional 99418
employer organization or a professional employer organization 99419
reporting entity, or the same meaning as in section 4133.01 of the 99420
Revised Code in the context of an alternate employer organization. 99421

(B) Except as provided in divisions (C) and (D) of this 99422
section and in division (A) of section 5747.072 of the Revised 99423
Code, every employer required to deduct and withhold any amount 99424
under section 5747.06 of the Revised Code shall file a return and 99425
shall pay the amount required by law as follows: 99426

(1) An employer who accumulates or is required to accumulate 99427
undeposited taxes of one hundred thousand dollars or more during a 99428
partial weekly withholding period shall make the payment of the 99429

undeposited taxes by the close of the first banking day after the 99430
day on which the accumulation reaches one hundred thousand 99431
dollars. If required under division (I) of this section, the 99432
payment shall be made by electronic funds transfer under section 99433
5747.072 of the Revised Code. 99434

(2) Except as required by division (B)(1) of this section, an 99435
employer whose actual or required payments under this section were 99436
at least eighty-four thousand dollars during the twelve-month 99437
period ending on the thirtieth day of June of the preceding 99438
calendar year shall make the payment of undeposited taxes within 99439
three banking days after the close of a partial weekly withholding 99440
period during which the employer was required to deduct and 99441
withhold any amount under this chapter. If required under division 99442
(I) of this section, the payment shall be made by electronic funds 99443
transfer under section 5747.072 of the Revised Code. 99444

(3) Except as required by divisions (B)(1) and (2) of this 99445
section, if an employer's actual or required payments were more 99446
than two thousand dollars during the twelve-month period ending on 99447
the thirtieth day of June of the preceding calendar year, the 99448
employer shall make the payment of undeposited taxes for each 99449
month during which they were required to be withheld no later than 99450
fifteen days following the last day of that month. The employer 99451
shall file the return prescribed by the tax commissioner with the 99452
payment. 99453

(4) Except as required by divisions (B)(1), (2), and (3) of 99454
this section, an employer shall make the payment of undeposited 99455
taxes for each calendar quarter during which they were required to 99456
be withheld no later than the last day of the month following the 99457
last day of March, June, September, and December each year. The 99458
employer shall file the return prescribed by the tax commissioner 99459
with the payment. 99460

(C) The return and payment schedules prescribed by divisions 99461

(B)(1) and (2) of this section do not apply to the return and 99462
payment of undeposited school district income taxes arising from 99463
taxes levied pursuant to Chapter 5748. of the Revised Code. 99464
Undeposited school district income taxes shall be returned and 99465
paid pursuant to divisions (B)(3) and (4) of this section, as 99466
applicable. 99467

(D)(1) The requirements of division (B) of this section are 99468
met if the amount paid is not less than ninety-five per cent of 99469
the actual tax withheld or required to be withheld for the prior 99470
quarterly, monthly, or partial weekly withholding period, and the 99471
underpayment is not due to willful neglect. Any underpayment of 99472
withheld tax shall be paid within thirty days of the date on which 99473
the withheld tax was due without regard to division (D)(1) of this 99474
section. An employer described in division (B)(1) or (2) of this 99475
section shall make the payment by electronic funds transfer under 99476
section 5747.072 of the Revised Code. 99477

(2) If the tax commissioner believes that quarterly or 99478
monthly payments would result in a delay that might jeopardize the 99479
remittance of withholding payments, the commissioner may order 99480
that the payments be made weekly, or more frequently if necessary, 99481
and the payments shall be made no later than three banking days 99482
following the close of the period for which the jeopardy order is 99483
made. An order requiring weekly or more frequent payments shall be 99484
delivered to the employer ~~personally or by certified mail in the~~ 99485
manner provided in section 5703.37 of the Revised Code and remains 99486
in effect until the commissioner notifies the employer to the 99487
contrary. 99488

(3) If compelling circumstances exist concerning the 99489
remittance of undeposited taxes, the commissioner may order the 99490
employer to make payments under any of the payment schedules under 99491
division (B) of this section. The order shall be delivered to the 99492
employer ~~personally or by certified mail in the manner provided in~~ 99493

section 5703.37 of the Revised Code and shall remain in effect 99494
until the commissioner notifies the employer to the contrary. For 99495
purposes of division (D)(3) of this section, "compelling 99496
circumstances" exist if either or both of the following are true: 99497

(a) Based upon annualization of payments made or required to 99498
be made during the preceding calendar year and during the current 99499
calendar year, the employer would be required for the next 99500
calendar year to make payments under division (B)(2) of this 99501
section. 99502

(b) Based upon annualization of payments made or required to 99503
be made during the current calendar year, the employer would be 99504
required for the next calendar year to make payments under 99505
division (B)(2) of this section. 99506

~~(E)(1) An employer described in division (B)(1) or (2) of 99507
this section shall file, not later than the last day of the month 99508
following the end of each calendar quarter, a return covering, but 99509
not limited to, both the actual amount deducted and withheld and 99510
the amount required to be deducted and withheld for the tax 99511
imposed under section 5747.02 of the Revised Code during each 99512
partial weekly withholding period or portion of a partial weekly 99513
withholding period during that quarter. The employer shall file 99514
the quarterly return even if the aggregate amount required to be 99515
deducted and withheld for the quarter is zero dollars. At the time 99516
of filing the return, the employer shall pay any amounts of 99517
undeposited taxes for the quarter, whether actually deducted and 99518
withheld or required to be deducted and withheld, that have not 99519
been previously paid. If required under division (I) of this 99520
section, the payment shall be made by electronic funds transfer. 99521
The tax commissioner shall prescribe the form and other 99522
requirements of the quarterly return. 99523~~

~~(2)~~ In addition to other returns required to be filed and 99524
payments required to be made under this section, every employer 99525

required to deduct and withhold taxes shall file, not later than 99526
the thirty-first day of January of each year, an annual return 99527
covering, but not limited to, both the aggregate amount deducted 99528
and withheld and the aggregate amount required to be deducted and 99529
withheld during the entire preceding year for the tax imposed 99530
under section 5747.02 of the Revised Code and for each tax imposed 99531
under Chapter 5748. of the Revised Code. At the time of filing 99532
that return, the employer shall pay over any amounts of 99533
undeposited taxes for the preceding year, whether actually 99534
deducted and withheld or required to be deducted and withheld, 99535
that have not been previously paid. The employer shall make the 99536
annual report, to each employee and to the tax commissioner, of 99537
the compensation paid and each tax withheld, as the commissioner 99538
by rule may prescribe. 99539

(2) Each employer required to deduct and withhold any tax is 99540
liable for the payment of that amount required to be deducted and 99541
withheld, whether or not the tax has in fact been withheld, unless 99542
the failure to withhold was based upon the employer's good faith 99543
in reliance upon the statement of the employee as to liability, 99544
and the amount shall be deemed to be a special fund in trust for 99545
the general revenue fund. 99546

(F) Each employer shall file with the employer's annual 99547
return the following items of information on employees for whom 99548
withholding is required under section 5747.06 of the Revised Code: 99549

(1) The full name of each employee, the employee's address, 99550
the employee's school district of residence, and in the case of a 99551
nonresident employee, the employee's principal county of 99552
employment; 99553

(2) The social security number of each employee; 99554

(3) The total amount of compensation paid before any 99555
deductions to each employee for the period for which the annual 99556

return is made; 99557

(4) The amount of the tax imposed by section 5747.02 of the 99558
Revised Code and the amount of each tax imposed under Chapter 99559
5748. of the Revised Code withheld from the compensation of the 99560
employee for the period for which the annual return is made. The 99561
commissioner may extend upon good cause the period for filing any 99562
notice or return required to be filed under this section and may 99563
adopt rules relating to extensions of time. If the extension 99564
results in an extension of time for the payment of the amounts 99565
withheld with respect to which the return is filed, the employer 99566
shall pay, at the time the amount withheld is paid, an amount of 99567
interest computed at the rate per annum prescribed by section 99568
5703.47 of the Revised Code on that amount withheld, from the day 99569
that amount was originally required to be paid to the day of 99570
actual payment or to the day an assessment is issued under section 99571
5747.13 of the Revised Code, whichever occurs first. 99572

(5) In addition to all other interest charges and penalties 99573
imposed, all amounts of taxes withheld or required to be withheld 99574
and remaining unpaid after the day the amounts are required to be 99575
paid shall bear interest from the date prescribed for payment at 99576
the rate per annum prescribed by section 5703.47 of the Revised 99577
Code on the amount unpaid, in addition to the amount withheld, 99578
until paid or until the day an assessment is issued under section 99579
5747.13 of the Revised Code, whichever occurs first. 99580

(G) An employee of a corporation, limited liability company, 99581
or business trust having control or supervision of or charged with 99582
the responsibility of filing the report and making payment, or an 99583
officer, member, manager, or trustee of a corporation, limited 99584
liability company, or business trust who is responsible for the 99585
execution of the corporation's, limited liability company's, or 99586
business trust's fiscal responsibilities, shall be personally 99587
liable for failure to file the report or pay the tax due as 99588

required by this section. The dissolution, termination, or 99589
bankruptcy of a corporation, limited liability company, or 99590
business trust does not discharge a responsible officer's, 99591
member's, manager's, employee's, or trustee's liability for a 99592
failure of the corporation, limited liability company, or business 99593
trust to file returns or pay tax due. 99594

(H) If an employer required to deduct and withhold income tax 99595
from compensation and to pay that tax to the state under sections 99596
5747.06 and 5747.07 of the Revised Code sells the employer's 99597
business or stock of merchandise or quits the employer's business, 99598
the taxes required to be deducted and withheld and paid to the 99599
state pursuant to those sections prior to that time, together with 99600
any interest and penalties imposed on those taxes, become due and 99601
payable immediately, and that person shall make a final return 99602
within fifteen days after the date of selling or quitting 99603
business. The employer's successor shall withhold a sufficient 99604
amount of the purchase money to cover the amount of the taxes, 99605
interest, and penalties due and unpaid, until the former owner 99606
produces a receipt from the tax commissioner showing that the 99607
taxes, interest, and penalties have been paid or a certificate 99608
indicating that no such taxes are due. If the purchaser of the 99609
business or stock of merchandise fails to withhold purchase money, 99610
the purchaser shall be personally liable for the payment of the 99611
taxes, interest, and penalties accrued and unpaid during the 99612
operation of the business by the former owner. If the amount of 99613
taxes, interest, and penalties outstanding at the time of the 99614
purchase exceeds the total purchase money, the tax commissioner in 99615
the commissioner's discretion may adjust the liability of the 99616
seller or the responsibility of the purchaser to pay that 99617
liability to maximize the collection of withholding tax revenue. 99618

(I) An employer whose actual or required payments under this 99619
section exceeded eighty-four thousand dollars during the 99620

twelve-month period ending on the thirtieth day of June of the 99621
preceding calendar year shall make all payments required by this 99622
section for the year by electronic funds transfer under section 99623
5747.072 of the Revised Code. 99624

(J)(1) Every professional employer organization, professional 99625
employer organization reporting entity, and alternate employer 99626
organization shall file a report with the tax commissioner within 99627
thirty days after commencing business in this state that includes 99628
all of the following information: 99629

(a) The name, address, number the employer receives from the 99630
secretary of state to do business in this state, if applicable, 99631
and federal employer identification number of each client employer 99632
of the organization or entity; 99633

(b) The date that each client employer became a client of the 99634
organization or entity; 99635

(c) The names and mailing addresses of the chief executive 99636
officer and the chief financial officer of each client employer 99637
for taxation of the client employer. 99638

(2) Beginning with the calendar quarter ending after a 99639
professional employer organization, professional employer 99640
organization reporting entity, or alternate employer organization 99641
files the report required under division (J)(1) of this section, 99642
and every calendar quarter thereafter, the organization or entity 99643
shall file an updated report with the tax commissioner. The 99644
organization or entity shall file the updated report not later 99645
than the last day of the month following the end of the calendar 99646
quarter and shall include all of the following information in the 99647
report: 99648

(a) If an entity became a client employer of the professional 99649
employer organization, professional employer organization 99650
reporting entity, or alternate employer organization at any time 99651

during the calendar quarter, all of the information required under 99652
division (J)(1) of this section for each new client employer; 99653

(b) If an entity terminated the professional employer 99654
organization agreement or the alternate employer organization 99655
agreement between the entity and the professional employer 99656
organization, professional employer organization reporting entity, 99657
or alternate employer organization, as applicable, at any time 99658
during the calendar quarter, the information described in division 99659
(J)(1)(a) of this section for that entity, the date during the 99660
calendar quarter that the entity ceased being a client of the 99661
organization or reporting entity, if applicable, or the date the 99662
entity ceased business operations in this state, if applicable; 99663

(c) If the name or mailing address of the chief executive 99664
officer or the chief financial officer of a client employer has 99665
changed since the professional employer organization, professional 99666
employer organization reporting entity, or alternate employer 99667
organization previously submitted a report under division (J)(1) 99668
or (2) of this section, the updated name or mailing address, or 99669
both, of the chief executive officer or the chief financial 99670
officer, as applicable; 99671

(d) If none of the events described in divisions (J)(2)(a) to 99672
(c) of this section occurred during the calendar quarter, a 99673
statement of that fact. 99674

Sec. 5747.072. (A) Any employer required by section 5747.07 99675
of the Revised Code to remit undeposited taxes by electronic funds 99676
transfer shall do so in the manner prescribed by rules adopted by 99677
the treasurer of state under section 113.061 of the Revised Code 99678
and on or before the dates specified under that division. The tax 99679
commissioner shall notify each such employer of the employer's 99680
obligation to remit undeposited taxes by electronic funds 99681
transfer, shall maintain an updated list of those employers, and 99682

shall provide the list and any additions thereto or deletions 99683
therefrom to the treasurer of state. Failure by the tax 99684
commissioner to notify an employer subject to this section to 99685
remit taxes by electronic funds transfer does not relieve the 99686
employer of its obligation to remit taxes by electronic funds 99687
transfer. 99688

Except as otherwise provided in this paragraph, the payment 99689
of taxes by electronic funds transfer does not affect an 99690
employer's obligation to file the ~~quarterly return as required~~ 99691
~~under division (E)(1) of section 5747.07 of the Revised Code or~~ 99692
the annual return as required under divisions ~~(E)(2)~~(E) and (F) of 99693
~~that~~ section 5747.07 of the Revised Code. If the employer remits 99694
estimated tax payments in a manner, designated by the treasurer of 99695
state, that permits the inclusion of all information necessary for 99696
the treasurer of state to process the tax payment, the employer 99697
need not file the return required under division (B) of section 99698
5747.07 of the Revised Code. The treasurer of state, in 99699
consultation with the tax commissioner, may adopt rules governing 99700
the format for filing the returns under section 5747.07 of the 99701
Revised Code by employers who remit undeposited taxes by 99702
electronic funds transfer. The rules may permit the filing of 99703
returns at less frequent intervals than required by that division 99704
if the treasurer of state and the tax commissioner determine that 99705
remittance by electronic funds transfer warrants less frequent 99706
filing of returns. 99707

An employer required by this section to remit taxes by 99708
electronic funds transfer may apply to the treasurer of state to 99709
be excused from that requirement. The treasurer of state may 99710
excuse the employer from remittance by electronic funds transfer 99711
for good cause shown for the period of time requested by the 99712
employer or a portion of that period. The treasurer shall notify 99713
the tax commissioner and the employer of the treasurer's decision 99714

as soon as is practicable. 99715

(B) If an employer required by this section to remit 99716
undeposited taxes by electronic funds transfer remits those taxes 99717
by some means other than electronic funds transfer as prescribed 99718
by the rules adopted by the treasurer of state, and the treasurer 99719
determines that such failure was not due to reasonable cause or 99720
was due to willful neglect, the treasurer shall notify the tax 99721
commissioner of the failure to remit by electronic funds transfer 99722
and shall provide the commissioner with any information used in 99723
making that determination. The tax commissioner may collect an 99724
additional charge by assessment in the manner prescribed by 99725
section 5747.13 of the Revised Code. The additional charge shall 99726
equal five per cent of the amount of the undeposited taxes, but 99727
shall not exceed five thousand dollars. Any additional charge 99728
assessed under this section is in addition to any other penalty or 99729
charge imposed by this chapter, and shall be considered as revenue 99730
arising from the taxes imposed by this chapter. The tax 99731
commissioner may remit all or a portion of such a charge and may 99732
adopt rules governing such remission. 99733

No additional charge shall be assessed under this division 99734
against an employer that has been notified of its obligation to 99735
remit taxes under this section and that remits its first two tax 99736
payments after such notification by some means other than 99737
electronic funds transfer. The additional charge may be assessed 99738
upon the remittance of any subsequent tax payment that the 99739
employer remits by some means other than electronic funds 99740
transfer. 99741

Sec. 5747.501. (A) On or before the twenty-fifth day of July 99742
of each year, the tax commissioner shall estimate and certify to 99743
each county auditor the amount to be distributed from the local 99744
government fund to each undivided local government fund during the 99745

following calendar year under section 5747.50 of the Revised Code. 99746
The estimate shall equal the sum of the separate amounts computed 99747
under divisions (B)(1) and (2) of this section. 99748

(B)(1) The product obtained by multiplying the percentage 99749
described in division (B)(1)(a) of this section by the amount 99750
described in division (B)(1)(b) of this section. 99751

(a) Each county's proportionate share of the total amount 99752
distributed to the counties from the local government fund and the 99753
local government revenue assistance fund during calendar year 99754
2007. ~~In fiscal year 2014 and thereafter, the~~ The amount 99755
distributed to any county undivided local government fund shall be 99756
an amount not less than ~~seven~~ eight hundred fifty thousand dollars 99757
~~or the amount distributed to such fund in fiscal year 2013,~~ 99758
~~whichever amount is smaller.~~ To the extent necessary to implement 99759
this minimum distribution requirement, the proportionate shares 99760
computed under this division shall be adjusted accordingly. 99761

(b) The total amount distributed to counties from the local 99762
government fund and the local government revenue assistance fund 99763
during calendar year 2007 adjusted downward if, and to the extent 99764
that, total local government fund distributions to counties for 99765
the following year are projected to be less than what was 99766
distributed to counties from the local government fund and local 99767
government revenue assistance fund during calendar year 2007. 99768

(2) The product obtained by multiplying the percentage 99769
described in division (B)(2)(a) of this section by the amount 99770
described in division (B)(2)(b) of this section. 99771

(a) Each county's proportionate share of the state's 99772
population as reflected in the most recent federal decennial 99773
census or the federal government's most recent census estimates, 99774
whichever represents the most recent year. 99775

(b) The amount by which total estimated distributions from 99776

the local government fund during the immediately succeeding 99777
calendar year, less the total estimated amount to be distributed 99778
from the fund to municipal corporations under division (C) of 99779
section 5747.50 of the Revised Code during the immediately 99780
succeeding calendar year, exceed the total amount distributed to 99781
counties from the local government fund and local government 99782
revenue assistance fund during calendar year 2007. 99783

Sec. 5747.53. (A) As used in this section: 99784

(1) "City, located wholly or partially in the county, with 99785
the greatest population" means the city, located wholly or 99786
partially in the county, with the greatest population residing in 99787
the county; however, if the county budget commission on or before 99788
January 1, 1998, adopted an alternative method of apportionment 99789
that was approved by the legislative authority of the city, 99790
located partially in the county, with the greatest population but 99791
not the greatest population residing in the county, "city, located 99792
wholly or partially in the county, with the greatest population" 99793
means the city, located wholly or partially in the county, with 99794
the greatest population whether residing in the county or not, if 99795
this alternative meaning is adopted by action of the board of 99796
county commissioners and a majority of the boards of township 99797
trustees and legislative authorities of municipal corporations 99798
located wholly or partially in the county. 99799

(2) "Participating political subdivision" means a municipal 99800
corporation or township that satisfies all of the following: 99801

(a) It is located wholly or partially in the county. 99802

(b) It is not the city, located wholly or partially in the 99803
county, with the greatest population. 99804

(c) Undivided local government fund moneys are apportioned to 99805
it under the county's alternative method or formula of 99806

apportionment in the current calendar year. 99807

(B) In lieu of the method of apportionment of the undivided 99808
local government fund of the county provided by section 5747.51 of 99809
the Revised Code, the county budget commission may provide for the 99810
apportionment of the fund under an alternative method or on a 99811
formula basis as authorized by this section. The commissioner 99812
shall reduce or increase the amount of funds from the undivided 99813
local government fund to a subdivision required to receive reduced 99814
or increased funds under section 5747.502 of the Revised Code. 99815

Except as otherwise provided in division (C) of this section, 99816
the alternative method of apportionment shall have first been 99817
approved by all of the following governmental units: the board of 99818
county commissioners; the legislative authority of the city, 99819
located wholly or partially in the county, with the greatest 99820
population; and a majority of the boards of township trustees and 99821
legislative authorities of municipal corporations, located wholly 99822
or partially in the county, excluding the legislative authority of 99823
the city, located wholly or partially in the county, with the 99824
greatest population. In granting or denying approval for an 99825
alternative method of apportionment, the board of county 99826
commissioners, boards of township trustees, and legislative 99827
authorities of municipal corporations shall act by motion. A 99828
motion to approve shall be passed upon a majority vote of the 99829
members of a board of county commissioners, board of township 99830
trustees, or legislative authority of a municipal corporation, 99831
shall take effect immediately, and need not be published. 99832

Any alternative method of apportionment adopted and approved 99833
under this division shall be reviewed by the county budget 99834
commission at a public hearing held at least once in the year 99835
following the effective date of this amendment and in every fifth 99836
year thereafter. The county budget commission shall provide 99837
reasonable advance notice of the hearing to all political 99838

subdivisions eligible to participate in the fund and shall take 99839
public testimony from any such political subdivision that wishes 99840
to testify. 99841

Any alternative method of apportionment adopted and approved 99842
under this division may be revised, amended, or repealed in the 99843
same manner as it may be adopted and approved. If an alternative 99844
method of apportionment adopted and approved under this division 99845
is repealed, the undivided local government fund of the county 99846
shall be apportioned among the subdivisions eligible to 99847
participate in the fund, commencing in the ensuing calendar year, 99848
under the apportionment provided in section 5747.52 of the Revised 99849
Code, unless the repeal occurs by operation of division (C) of 99850
this section or a new method for apportionment of the fund is 99851
provided in the action of repeal. 99852

(C) This division applies only in counties in which the city, 99853
located wholly or partially in the county, with the greatest 99854
population has a population of twenty thousand or less and a 99855
population that is less than fifteen per cent of the total 99856
population of the county. In such a county, the legislative 99857
authorities or boards of township trustees of two or more 99858
participating political subdivisions, which together have a 99859
population residing in the county that is a majority of the total 99860
population of the county, each may adopt a resolution to exclude 99861
the approval otherwise required of the legislative authority of 99862
the city, located wholly or partially in the county, with the 99863
greatest population. All of the resolutions to exclude that 99864
approval shall be adopted not later than the first Monday of 99865
August of the year preceding the calendar year in which 99866
distributions are to be made under an alternative method of 99867
apportionment. 99868

A motion granting or denying approval of an alternative 99869
method of apportionment under this division shall be adopted by a 99870

majority vote of the members of the board of county commissioners 99871
and by a majority vote of a majority of the boards of township 99872
trustees and legislative authorities of the municipal corporations 99873
located wholly or partially in the county, other than the city, 99874
located wholly or partially in the county, with the greatest 99875
population, shall take effect immediately, and need not be 99876
published. The alternative method of apportionment under this 99877
division shall be adopted and approved annually, not later than 99878
the first Monday of August of the year preceding the calendar year 99879
in which distributions are to be made under it. A motion granting 99880
approval of an alternative method of apportionment under this 99881
division repeals any existing alternative method of apportionment, 99882
effective with distributions to be made from the fund in the 99883
ensuing calendar year. An alternative method of apportionment 99884
under this division shall not be revised or amended after the 99885
first Monday of August of the year preceding the calendar year in 99886
which distributions are to be made under it. 99887

(D) In determining an alternative method of apportionment 99888
authorized by this section, the county budget commission may 99889
include in the method any factor considered to be appropriate and 99890
reliable, in the sole discretion of the county budget commission. 99891

(E) The limitations set forth in section 5747.51 of the 99892
Revised Code, stating the maximum amount that the county may 99893
receive from the undivided local government fund and the minimum 99894
amount the townships in counties having a population of less than 99895
one hundred thousand may receive from the fund, are applicable to 99896
any alternative method of apportionment authorized under this 99897
section. 99898

(F) On the basis of any alternative method of apportionment 99899
adopted and approved as authorized by this section, as certified 99900
by the auditor to the county treasurer, the county treasurer shall 99901
make distribution of the money in the undivided local government 99902

fund to each subdivision eligible to participate in the fund, and 99903
the auditor, when the amount of those shares is in the custody of 99904
the treasurer in the amounts so computed to be due the respective 99905
subdivisions, shall at the same time certify to the tax 99906
commissioner the percentage share of the county as a subdivision. 99907
All money received into the treasury of a subdivision from the 99908
undivided local government fund in a county treasury shall be paid 99909
into the general fund and used for the current operating expenses 99910
of the subdivision. If a municipal corporation maintains a 99911
municipal university, the university, when the board of trustees 99912
so requests the legislative authority of the municipal 99913
corporation, shall participate in the money apportioned to the 99914
municipal corporation from the total local government fund, 99915
however created and constituted, in the amount requested by the 99916
board of trustees, provided that amount does not exceed nine per 99917
cent of the total amount paid to the municipal corporation. 99918

(G) The actions of the county budget commission taken 99919
pursuant to this section are final and may not be appealed to the 99920
board of tax appeals, except on the issues of abuse of discretion 99921
and failure to comply with the formula. 99922

Sec. 5747.64. (A) As used in this section: 99923

(1) "Volunteer firefighter" means an individual who is 99924
authorized to act as a firefighter under section 3737.66 of the 99925
Revised Code and who serves as a firefighter in a volunteer 99926
capacity for a nonprofit fire company or for the fire department 99927
of a municipal corporation, township, township fire district, or 99928
joint fire district. 99929

(2) "Volunteer emergency medical service provider" means an 99930
individual who holds a current, valid certificate issued under 99931
section 4765.30 of the Revised Code and who serves as a first 99932
responder, emergency medical technician, or paramedic in a 99933

volunteer capacity for an emergency medical service organization. 99934

(3) "Emergency medical service organization" has the same 99935
meaning as in section 4765.01 of the Revised Code. 99936

(B) There is hereby allowed a nonrefundable credit against a 99937
taxpayer's aggregate tax liability under section 5747.02 of the 99938
Revised Code for a taxpayer who serves as a volunteer firefighter 99939
or volunteer emergency medical service provider during at least 99940
six months of the taxable year. For the purpose of this section, a 99941
taxpayer is considered to have served as a firefighter or 99942
volunteer emergency medical service provider in a month if the 99943
taxpayer volunteered in that capacity on one or more days in that 99944
month. 99945

The amount of the credit shall equal one thousand dollars. 99946
The credit shall be claimed in the order required under section 99947
5747.98 of the Revised Code. 99948

Sec. 5747.83. (A) Terms used in this section have the same 99949
meanings as in section 175.16 of the Revised Code. 99950

(B) There is hereby allowed a nonrefundable credit against a 99951
taxpayer's aggregate tax liability under section 5747.02 of the 99952
Revised Code for a taxpayer that is allocated a credit issued by 99953
the executive director of the Ohio housing finance agency under 99954
section 175.16 of the Revised Code. The credit equals the amount 99955
allocated to such taxpayer for the taxable year that begins in the 99956
calendar year for which the designated reporter files the form 99957
prescribed by division (I) of section 175.16 of the Revised Code. 99958

The credit shall be claimed in the order required under 99959
section 5747.98 of the Revised Code. If the credit exceeds the 99960
taxpayer's aggregate tax due under section 5747.02 of the Revised 99961
Code for that taxable year after allowing for credits that precede 99962
the credit under this section in that order, such excess shall be 99963

allowed as a credit in each of the ensuing five taxable years, but 99964
the amount of any excess credit allowed in any such taxable year 99965
shall be deducted from the balance carried forward to the ensuing 99966
taxable year. 99967

No credit shall be claimed under this section to the extent 99968
the credit was claimed under section 5725.36, 5726.58, or 5729.19 99969
of the Revised Code. 99970

Sec. 5747.84. (A) As used in this section: 99971

(1) "Homeownership savings linked deposit account" has the 99972
same meaning as in section 135.98 of the Revised Code. 99973

(2) "Account owner" means "eligible participant" as defined 99974
by section 135.98 of the Revised Code. 99975

(3) "Contributor" means the account owner or a parent, 99976
spouse, sibling, stepparent, or grandparent of the account owner 99977
who deposits funds into the homeownership savings linked deposit 99978
account. 99979

(4) "Lifetime contribution limit" means twenty-five thousand 99980
dollars of contributions per contributor per homeownership savings 99981
linked deposit account. 99982

(5) "Eligible expenses" means unreimbursed expenses paid by 99983
the account owner for home purchase costs for the account owner's 99984
primary residence and account fees imposed on the account owner. 99985

(6) "Primary residence" means a home located in this state 99986
that is or will be the account owner's principal place of 99987
residence at the time the eligible expenses are incurred and for 99988
which the account owner receives or will receive a reduction in 99989
real property taxes under division (B) of section 323.152 of the 99990
Revised Code. 99991

(7) "Home purchase costs" means "closing costs" as defined in 99992
section 135.98 of the Revised Code. 99993

(8) "Employer contribution" means the amount an employer contributes to a homeownership savings linked deposit account. 99994
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(B) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to a contributor for amounts contributed to a homeownership savings linked deposit account to the extent that the amounts contributed have not already been deducted in computing the contributor's federal or Ohio adjusted gross income for the taxable year. The deduction shall equal the amount of contributions made by the taxpayer and, if filing a joint return, the taxpayer's spouse, except that the deduction shall not exceed, for any taxable year, ten thousand dollars for spouses filing a joint return or five thousand dollars for all other taxpayers for each homeownership savings linked deposit account to which contributions are made. If a taxpayer files a joint return, the deduction amount attributable to contributions made by each spouse shall not exceed five thousand dollars for each homeownership savings account to which contributions are made. A contributor is not entitled to a deduction under this section to the extent the deduction causes the contributor to exceed the lifetime contribution limit. 99996
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(C) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to an account owner for the following items: 100014
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(1) Interest earned on a homeownership savings linked deposit account to the extent the interest has not been otherwise deducted or excluded in computing an account owner's federal or Ohio adjusted gross income. 100017
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(2) Employer contributions made by an employer to an account owner's homeownership savings linked deposit account to the extent the employer contributions have not been otherwise deducted or excluded in computing an account owner's federal or Ohio adjusted gross income. 100021
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(D) The tax commissioner may request that a taxpayer claiming a deduction calculated under division (B) or (C) of this section furnish information necessary to support the claim for the deduction under this section, and no deduction shall be allowed unless the requested information is provided.

(E) The commissioner may adopt rules necessary to administer this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (E) of section 5747.84 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The campaign contribution credit under section 5747.29 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (G) of section 5747.05

of the Revised Code;	100056
The earned income credit under section 5747.71 of the Revised Code;	100057 100058
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	100059 100060
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	100061 100062
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	100063 100064
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	100065 100066
<u>The nonrefundable credit for volunteer firefighters and emergency medical service providers under section 5747.64 of the Revised Code;</u>	100067 100068 100069
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	100070 100071
The enterprise zone credit under section 5709.66 of the Revised Code;	100072 100073
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	100074 100075 100076
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	100077 100078
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	100079 100080 100081
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	100082 100083
The small business investment credit under section 5747.81 of	100084

the Revised Code;	100085
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	100086 100087
The opportunity zone investment credit under section 122.84 of the Revised Code;	100088 100089
The enterprise zone credits under section 5709.65 of the Revised Code;	100090 100091
The research and development credit under section 5747.331 of the Revised Code;	100092 100093
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	100094 100095
<u>The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;</u>	100096 100097
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	100098 100099
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	100100 100101
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	100102 100103
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	100104 100105
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	100106 100107
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	100108 100109 100110
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	100111 100112 100113

The refundable credit for rehabilitating a historic building 100114
under section 5747.76 of the Revised Code; 100115

The refundable credit under section 5747.39 of the Revised 100116
Code for taxes levied under section 5747.38 of the Revised Code 100117
paid by an electing pass-through entity. 100118

(B) For any credit, except the refundable credits enumerated 100119
in this section and the credit granted under division (H) of 100120
section 5747.08 of the Revised Code, the amount of the credit for 100121
a taxable year shall not exceed the taxpayer's aggregate amount of 100122
tax due under section 5747.02 of the Revised Code, after allowing 100123
for any other credit that precedes it in the order required under 100124
this section. Any excess amount of a particular credit may be 100125
carried forward if authorized under the section creating that 100126
credit. Nothing in this chapter shall be construed to allow a 100127
taxpayer to claim, directly or indirectly, a credit more than once 100128
for a taxable year. 100129

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 100130
by section 5749.02 of the Revised Code and each severer or owner 100131
liable for the amounts due under section 1509.50 of the Revised 100132
Code, except for any amount due under division (B)(2) of that 100133
section, shall make and file returns with the tax commissioner in 100134
the prescribed form and at the prescribed times, computing and 100135
reflecting therein the tax as required by this chapter and amounts 100136
due under section 1509.50 of the Revised Code. 100137

(2) The returns shall be filed for every calendar quarter, as 100138
required by this section, unless a different return period is 100139
prescribed for a taxpayer by the commissioner. 100140

(B)(1) A separate return shall be filed for each calendar 100141
quarter, or other period, or any part thereof, during which the 100142
severer holds a permit or has registered as provided by section 100143
5749.04 of the Revised Code, or is required to hold the permit or 100144

registration, or during which an owner is required to file a 100145
return. The return shall be filed on or before the fifteenth day 100146
of the second month following the end of each return period. The 100147
tax due is payable along with the return. All such returns shall 100148
contain such information as the commissioner may require to fairly 100149
administer the tax. 100150

(2) All returns shall be signed by the severer or owner, as 100151
applicable, shall contain the full and complete information 100152
requested, and shall be made under penalty of perjury. 100153

(C) If the commissioner believes that quarterly payments of 100154
tax would result in a delay that might jeopardize the collection 100155
of such tax payments, the commissioner may order that such 100156
payments be made weekly, or more frequently if necessary, such 100157
payments to be made not later than seven days following the close 100158
of the period for which the jeopardy payment is required. Such an 100159
order shall be delivered to the taxpayer ~~personally or by~~ 100160
~~certified mail~~ in the manner provided in section 5703.37 of the 100161
Revised Code and shall remain in effect until the commissioner 100162
notifies the taxpayer to the contrary. 100163

(D) Upon good cause the commissioner may extend for thirty 100164
days the period for filing any notice or return required to be 100165
filed under this section, and may remit all or a part of penalties 100166
that may become due under this chapter. 100167

(E) Any tax and any amount due under section 1509.50 of the 100168
Revised Code not paid by the day the tax or amount is due shall 100169
bear interest computed at the rate per annum prescribed by section 100170
5703.47 of the Revised Code on that amount due from the day that 100171
the amount was originally required to be paid to the day of actual 100172
payment or to the day an assessment was issued under section 100173
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 100174

(F) A severer or owner, as applicable, that fails to file a 100175

complete return or pay the full amount due under this chapter 100176
within the time prescribed, including any extensions of time 100177
granted by the commissioner, shall be subject to a penalty not to 100178
exceed the greater of fifty dollars or ten per cent of the amount 100179
due for the period. 100180

(G)(1) A severer or owner, as applicable, shall remit 100181
payments electronically and, if required by the commissioner, file 100182
each return electronically. The commissioner may require that the 100183
severer or owner use the Ohio business gateway, as defined in 100184
section 718.01 of the Revised Code, or another electronic means to 100185
file returns and remit payments electronically. 100186

(2) A severer or owner that is required to remit payments 100187
electronically under this section may apply to the commissioner, 100188
in the manner prescribed by the commissioner, to be excused from 100189
that requirement. The commissioner may excuse a severer or owner 100190
from the requirements of division (G) of this section for good 100191
cause. 100192

(3) If a severer or owner that is required to remit payments 100193
or file returns electronically under this section fails to do so, 100194
the commissioner may impose a penalty on the severer or owner not 100195
to exceed the following: 100196

(a) For the first or second payment or return the severer or 100197
owner fails to remit or file electronically, the greater of five 100198
per cent of the amount of the payment that was required to be 100199
remitted or twenty-five dollars; 100200

(b) For every payment or return after the second that the 100201
severer or owner fails to remit or file electronically, the 100202
greater of ten per cent of the amount of the payment that was 100203
required to be remitted or fifty dollars. 100204

(H)(1) All amounts that the commissioner receives under this 100205
section shall be deemed to be revenue from taxes imposed under 100206

this chapter or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.

(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the twenty-fifth day of each month, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code, and shall provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements.

Sec. 5749.17. Any information provided to the department of

natural resources by the department of taxation in accordance with 100238
~~division (C)(12) of~~ section 5703.21 of the Revised Code shall not 100239
be disclosed publicly by the department of natural resources. 100240
However the department of natural resources may provide such 100241
information to the attorney general for purposes of enforcement of 100242
Chapter 1509. of the Revised Code. 100243

Sec. 5751.01. As used in this chapter: 100244

(A) "Person" means, but is not limited to, individuals, 100245
combinations of individuals of any form, receivers, assignees, 100246
trustees in bankruptcy, firms, companies, joint-stock companies, 100247
business trusts, estates, partnerships, limited liability 100248
partnerships, limited liability companies, associations, joint 100249
ventures, clubs, societies, for-profit corporations, S 100250
corporations, qualified subchapter S subsidiaries, qualified 100251
subchapter S trusts, trusts, entities that are disregarded for 100252
federal income tax purposes, and any other entities. 100253

(B) "Consolidated elected taxpayer" means a group of two or 100254
more persons treated as a single taxpayer for purposes of this 100255
chapter as the result of an election made under section 5751.011 100256
of the Revised Code. 100257

(C) "Combined taxpayer" means a group of two or more persons 100258
treated as a single taxpayer for purposes of this chapter under 100259
section 5751.012 of the Revised Code. 100260

(D) "Taxpayer" means any person, or any group of persons in 100261
the case of a consolidated elected taxpayer or combined taxpayer 100262
treated as one taxpayer, required to register or pay tax under 100263
this chapter. "Taxpayer" does not include excluded persons. 100264

(E) "Excluded person" means any of the following: 100265

(1) Any person with not more than one hundred fifty thousand 100266
dollars of taxable gross receipts during the calendar year. 100267

Division (E)(1) of this section does not apply to a person that is 100268
a member of a consolidated elected taxpayer+ 100269

(2) A public utility that paid the excise tax imposed by 100270
section 5727.24 or 5727.30 of the Revised Code based on one or 100271
more measurement periods that include the entire tax period under 100272
this chapter, except that a public utility that is a combined 100273
company is a taxpayer with regard to the following gross receipts: 100274

(a) Taxable gross receipts directly attributed to a public 100275
utility activity, but not directly attributed to an activity that 100276
is subject to the excise tax imposed by section 5727.24 or 5727.30 100277
of the Revised Code; 100278

(b) Taxable gross receipts that cannot be directly attributed 100279
to any activity, multiplied by a fraction whose numerator is the 100280
taxable gross receipts described in division (E)(2)(a) of this 100281
section and whose denominator is the total taxable gross receipts 100282
that can be directly attributed to any activity; 100283

(c) Except for any differences resulting from the use of an 100284
accrual basis method of accounting for purposes of determining 100285
gross receipts under this chapter and the use of the cash basis 100286
method of accounting for purposes of determining gross receipts 100287
under section 5727.24 of the Revised Code, the gross receipts 100288
directly attributed to the activity of a natural gas company shall 100289
be determined in a manner consistent with division (D) of section 100290
5727.03 of the Revised Code. 100291

As used in division (E)(2) of this section, "combined 100292
company" and "public utility" have the same meanings as in section 100293
5727.01 of the Revised Code. 100294

(3) A financial institution, as defined in section 5726.01 of 100295
the Revised Code, that paid the tax imposed by section 5726.02 of 100296
the Revised Code based on one or more taxable years that include 100297
the entire tax period under this chapter; 100298

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other

disposition of the taxpayer's property to or with another;	100361
(b) Amounts realized from the taxpayer's performance of services for another;	100362 100363
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	100364 100365
(d) Any combination of the foregoing amounts.	100366
(2) "Gross receipts" excludes the following amounts:	100367
(a) Interest income except interest on credit sales;	100368
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	100369 100370 100371 100372
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.	100373 100374 100375 100376 100377 100378 100379 100380 100381 100382 100383 100384 100385 100386 100387 100388 100389 100390

(d) Proceeds received attributable to the repayment,	100391
maturity, or redemption of the principal of a loan, bond, mutual	100392
fund, certificate of deposit, or marketable instrument;	100393
(e) The principal amount received under a repurchase	100394
agreement or on account of any transaction properly characterized	100395
as a loan to the person;	100396
(f) Contributions received by a trust, plan, or other	100397
arrangement, any of which is described in section 501(a) of the	100398
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	100399
1, Subchapter (D) of the Internal Revenue Code applies;	100400
(g) Compensation, whether current or deferred, and whether in	100401
cash or in kind, received or to be received by an employee, former	100402
employee, or the employee's legal successor for services rendered	100403
to or for an employer, including reimbursements received by or for	100404
an individual for medical or education expenses, health insurance	100405
premiums, or employee expenses, or on account of a dependent care	100406
spending account, legal services plan, any cafeteria plan	100407
described in section 125 of the Internal Revenue Code, or any	100408
similar employee reimbursement;	100409
(h) Proceeds received from the issuance of the taxpayer's own	100410
stock, options, warrants, puts, or calls, or from the sale of the	100411
taxpayer's treasury stock;	100412
(i) Proceeds received on the account of payments from	100413
insurance policies, except those proceeds received for the loss of	100414
business revenue;	100415
(j) Gifts or charitable contributions received; membership	100416
dues received by trade, professional, homeowners', or condominium	100417
associations; and payments received for educational courses,	100418
meetings, meals, or similar payments to a trade, professional, or	100419
other similar association; and fundraising receipts received by	100420
any person when any excess receipts are donated or used	100421

exclusively for charitable purposes;	100422
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	100423 100424 100425
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	100426 100427 100428
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	100429 100430 100431 100432 100433 100434 100435 100436 100437 100438
(n) Pension reversions;	100439
(o) Contributions to capital;	100440
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	100441 100442 100443 100444 100445
(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the	100446 100447 100448 100449 100450 100451 100452

Revised Code; 100453

(r) In the case of receipts from the sale, transfer, 100454
exchange, or other disposition of motor fuel as "motor fuel" is 100455
defined in section 5736.01 of the Revised Code, an amount equal to 100456
the value of the motor fuel, including federal and state motor 100457
fuel excise taxes and receipts from billing or invoicing the tax 100458
imposed under section 5736.02 of the Revised Code to another 100459
person; 100460

(s) In the case of receipts from the sale of beer or 100461
intoxicating liquor, as defined in section 4301.01 of the Revised 100462
Code, by a person holding a permit issued under Chapter 4301. or 100463
4303. of the Revised Code, an amount equal to federal and state 100464
excise taxes paid by any person on or for such beer or 100465
intoxicating liquor under subtitle E of the Internal Revenue Code 100466
or Chapter 4301. or 4305. of the Revised Code; 100467

(t) Receipts realized by a new motor vehicle dealer or used 100468
motor vehicle dealer, as defined in section 4517.01 of the Revised 100469
Code, from the sale or other transfer of a motor vehicle, as 100470
defined in that section, to another motor vehicle dealer for the 100471
purpose of resale by the transferee motor vehicle dealer, but only 100472
if the sale or other transfer was based upon the transferee's need 100473
to meet a specific customer's preference for a motor vehicle; 100474

(u) Receipts from a financial institution described in 100475
division (E)(3) of this section for services provided to the 100476
financial institution in connection with the issuance, processing, 100477
servicing, and management of loans or credit accounts, if such 100478
financial institution and the recipient of such receipts have at 100479
least fifty per cent of their ownership interests owned or 100480
controlled, directly or constructively through related interests, 100481
by common owners; 100482

(v) Receipts realized from administering anti-neoplastic 100483

drugs and other cancer chemotherapy, biologicals, therapeutic 100484
agents, and supportive drugs in a physician's office to patients 100485
with cancer; 100486

(w) Funds received or used by a mortgage broker that is not a 100487
dealer in intangibles, other than fees or other consideration, 100488
pursuant to a table-funding mortgage loan or warehouse-lending 100489
mortgage loan. Terms used in division (F)(2)(w) of this section 100490
have the same meanings as in section 1322.01 of the Revised Code, 100491
except "mortgage broker" means a person assisting a buyer in 100492
obtaining a mortgage loan for a fee or other consideration paid by 100493
the buyer or a lender, or a person engaged in table-funding or 100494
warehouse-lending mortgage loans that are first lien mortgage 100495
loans. 100496

(x) Property, money, and other amounts received by a 100497
professional employer organization, as defined in section 4125.01 100498
of the Revised Code, or an alternate employer organization, as 100499
defined in section 4133.01 of the Revised Code, from a client 100500
employer, as defined in either of those sections as applicable, in 100501
excess of the administrative fee charged by the professional 100502
employer organization or the alternate employer organization to 100503
the client employer; 100504

(y) In the case of amounts retained as commissions by a 100505
permit holder under Chapter 3769. of the Revised Code, an amount 100506
equal to the amounts specified under that chapter that must be 100507
paid to or collected by the tax commissioner as a tax and the 100508
amounts specified under that chapter to be used as purse money; 100509

(z) Qualifying distribution center receipts as determined 100510
under section 5751.40 of the Revised Code; ~~i~~ 100511

(aa) Receipts of an employer from payroll deductions relating 100512
to the reimbursement of the employer for advancing moneys to an 100513
unrelated third party on an employee's behalf; 100514

(bb) Cash discounts allowed and taken;	100515
(cc) Returns and allowances;	100516
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered+.	100517 100518 100519 100520 100521 100522 100523 100524 100525 100526 100527 100528 100529 100530
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	100531 100532 100533 100534
(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code+;	100535 100536 100537
(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code+;	100538 100539
(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.	100540 100541 100542 100543 100544 100545

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state-; 100546
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(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code-; 100551
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(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code-; 100553
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(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code. 100566
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(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan-; 100571
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(nn) Amounts of excess surplus of the state insurance fund 100577
received by the taxpayer from the Ohio bureau of workers' 100578
compensation pursuant to rules adopted under section 4123.321 of 100579
the Revised Code; 100580

(oo) Except as otherwise provided in division (B) of section 100581
5751.091 of the Revised Code, receipts of a megaproject supplier 100582
from sales of tangible personal property directly to a megaproject 100583
operator in this state for use at the site of the megaproject 100584
operator's megaproject, provided that the sale occurs during the 100585
period that the megaproject operator has an agreement with the tax 100586
credit authority for the megaproject under division (D) of section 100587
122.17 of the Revised Code that remains in effect and has not 100588
expired or been terminated, and provided the megaproject supplier 100589
holds a certificate for such megaproject issued under section 100590
5751.052 of the Revised Code for the calendar year in which the 100591
sales are made and, if the megaproject supplier meets the 100592
requirements described in division (A)(13)(b) of section 122.17 of 100593
the Revised Code, the megaproject supplier holds a certificate for 100594
such megaproject issued under division (D)(11) of section 122.17 100595
of the Revised Code on the first day of that calendar year; 100596

(pp) Receipts from the sale of each new piece of capital 100597
equipment that has a cost in excess of one hundred million dollars 100598
and that is used at the site of a megaproject that satisfies the 100599
criteria described in division (A)(11)(a)(ii) of section 122.17 of 100600
the Revised Code, provided that the sale occurs during the period 100601
that a megaproject operator has an agreement for that megaproject 100602
with the tax credit authority under division (D) of section 122.17 100603
of the Revised Code that remains in effect and has not expired or 100604
been terminated; 100605

(qq) In the case of amounts collected by a sports gaming 100606
proprietor from sports gaming, amounts in excess of the 100607
proprietor's sports gaming receipts. As used in this division, 100608

"sports gaming proprietor" has the same meaning as in section 100609
3775.01 of the Revised Code and "sports gaming receipts" has the 100610
same meaning as in section 5753.01 of the Revised Code. 100611

(rr) Amounts received from any federal, state, or local 100612
grant, and amounts of indebtedness discharged or forgiven pursuant 100613
to federal, state, or local law, for providing or expanding access 100614
to broadband service in this state. As used in this division, 100615
"broadband service" has the same meaning as in section 188.01 of 100616
the Revised Code. 100617

(ss) Receipts provided to a taxpayer to compensate for lost 100618
business resulting from the train derailment near the city of East 100619
Palestine on February 3, 2023, by any of the following: 100620

(i) A federal, state, or local government agency; 100621

(ii) Norfolk southern railway; 100622

(iii) Any subsidiary, insurer, or agent of Norfolk southern 100623
railway or any related person. 100624

(tt) The fee imposed by section 3743.22 of the Revised Code 100625
collected by the taxpayer and remitted to the fire marshal during 100626
the tax period, provided that the fee is separately stated on the 100627
invoice, bill of sale, or similar document given to the purchaser 100628
of 1.4G fireworks in this state. 100629

Any receipts for which the tax imposed by this chapter is 100630
prohibited by the constitution or laws of the United States or the 100631
constitution of this state. 100632

(3) In the case of a taxpayer when acting as a real estate 100633
broker, "gross receipts" includes only the portion of any fee for 100634
the service of a real estate broker, or service of a real estate 100635
salesperson associated with that broker, that is retained by the 100636
broker and not paid to an associated real estate salesperson or 100637
another real estate broker. For the purposes of this division, 100638

"real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all

of the following:	100669
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	100670 100671
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	100672 100673 100674
(c) Any amount the person pays for services performed in this state on its behalf by another.	100675 100676
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars-;	100677 100678
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts-;	100679 100680 100681
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	100682 100683
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	100684 100685
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	100686 100687 100688 100689 100690 100691 100692 100693
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	100694 100695 100696
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax	100697 100698

imposed under this chapter.	100699
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	100700 100701
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	100702 100703
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	100704 100705 100706
(1) A person receiving a fee to sell financial instruments;	100707
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	100708 100709 100710
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	100711 100712
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	100713 100714
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	100715 100716
(Q) "Received" includes amounts accrued under the accrual method of accounting.	100717 100718
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	100719 100720 100721 100722 100723 100724 100725
(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.	100726 100727 100728

Sec. 5751.02. (A) For the purpose of funding the needs of 100729
this state and its local governments, there is hereby levied a 100730
commercial activity tax on each person with taxable gross receipts 100731
for the privilege of doing business in this state. For the 100732
purposes of this chapter, "doing business" means engaging in any 100733
activity, whether legal or illegal, that is conducted for, or 100734
results in, gain, profit, or income, at any time during a calendar 100735
year. Persons on which the commercial activity tax is levied 100736
include, but are not limited to, persons with substantial nexus 100737
with this state. The tax imposed under this section is not a 100738
transactional tax and is not subject to Public Law No. 86-272, 73 100739
Stat. 555. The tax imposed under this section is in addition to 100740
any other taxes or fees imposed under the Revised Code. The tax 100741
levied under this section is imposed on the person receiving the 100742
gross receipts and is not a tax imposed directly on a purchaser. 100743
The tax imposed by this section is an annual privilege tax for the 100744
calendar year that, in the case of calendar year taxpayers, is the 100745
annual tax period and, in the case of calendar quarter taxpayers, 100746
contains all quarterly tax periods in the calendar year. A 100747
taxpayer is subject to the annual privilege tax for doing business 100748
during any portion of such calendar year. 100749

(B) The tax imposed by this section is a tax on the taxpayer 100750
and shall not be billed or invoiced to another person. Even if the 100751
tax or any portion thereof is billed or invoiced and separately 100752
stated, such amounts remain part of the price for purposes of the 100753
sales and use taxes levied under Chapters 5739. and 5741. of the 100754
Revised Code. Nothing in division (B) of this section prohibits: 100755

(1) A person from including in the price charged for a good 100756
or service an amount sufficient to recover the tax imposed by this 100757
section; or 100758

(2) A lessor from including an amount sufficient to recover 100759

the tax imposed by this section in a lease payment charged, or 100760
 from including such an amount on a billing or invoice pursuant to 100761
 the terms of a written lease agreement providing for the recovery 100762
 of the lessor's tax costs. The recovery of such costs shall be 100763
 based on an estimate of the total tax cost of the lessor during 100764
 the tax period, as the tax liability of the lessor cannot be 100765
 calculated until the end of that period. 100766

(C)(1) The commercial activities tax receipts fund is hereby 100767
 created in the state treasury and shall consist of money arising 100768
 from the tax imposed under this chapter. Sixty-five one-hundredths 100769
 of one per cent of the money credited to that fund shall be 100770
 credited to the revenue enhancement fund and shall be used to 100771
 defray the costs incurred by the department of taxation in 100772
 administering the tax imposed by this chapter and in implementing 100773
 tax reform measures. The remainder of the money in the commercial 100774
 activities tax receipts fund shall first be credited to the 100775
 commercial activity tax motor fuel receipts fund, pursuant to 100776
 division (C)(2) of this section, and the remainder shall be 100777
 credited in the following percentages each fiscal year to the 100778
 general revenue fund, to the school district tangible property tax 100779
 replacement fund, which is hereby created in the state treasury 100780
 for the purpose of making the payments described in section 100781
 5709.92 of the Revised Code, and to the local government tangible 100782
 property tax replacement fund, which is hereby created in the 100783
 state treasury for the purpose of making the payments described in 100784
 section 5709.93 of the Revised Code, in the following percentages: 100785

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	100787
2016 and 2017	75.0%	20.0%	5.0%	100788

2018 and	85.0%	13.0%	2.0%	100789
thereafter <u>to</u>				
<u>2023</u>				
<u>2024 and</u>	<u>97.50%</u>	<u>2.25%</u>	<u>0.25%</u>	100790
<u>thereafter</u>				

(2) Not later than the twentieth day of February, May, 100791
August, and November of each year, the commissioner shall provide 100792
for payment from the commercial activities tax receipts fund to 100793
the commercial activity tax motor fuel receipts fund an amount 100794
that bears the same ratio to the balance in the commercial 100795
activities tax receipts fund that (a) the taxable gross receipts 100796
attributed to motor fuel used for propelling vehicles on public 100797
highways as indicated by returns filed by the tenth day of that 100798
month for a liability that is due and payable on or after July 1, 100799
2013, for a tax period ending before July 1, 2014, bears to (b) 100800
all taxable gross receipts as indicated by those returns for such 100801
liabilities. 100802

(D)(1) If the total amount in the school district tangible 100803
property tax replacement fund is insufficient to make all payments 100804
under section 5709.92 of the Revised Code at the times the 100805
payments are to be made, the director of budget and management 100806
shall transfer from the general revenue fund to the school 100807
district tangible property tax replacement fund the difference 100808
between the total amount to be paid and the amount in the school 100809
district tangible property tax replacement fund. 100810

(2) If the total amount in the local government tangible 100811
property tax replacement fund is insufficient to make all payments 100812
under section 5709.93 of the Revised Code at the times the 100813
payments are to be made, the director of budget and management 100814
shall transfer from the general revenue fund to the local 100815
government tangible property tax replacement fund the difference 100816
between the total amount to be paid and the amount in the local 100817

government tangible property tax replacement fund. 100818

(E)(1) On or after the first day of June of each year, the 100819
director of budget and management may transfer any balance in the 100820
school district tangible property tax replacement fund to the 100821
general revenue fund. 100822

(2) On or after the first day of June of each year, the 100823
director of budget and management may transfer any balance in the 100824
local government tangible property tax replacement fund to the 100825
general revenue fund. 100826

(F)(1) There is hereby created in the state treasury the 100827
commercial activity tax motor fuel receipts fund. 100828

(2) On or before the fifteenth day of June of each fiscal 100829
year beginning with fiscal year 2015, the director of the Ohio 100830
public works commission shall certify to the director of budget 100831
and management the amount of debt service paid from the general 100832
revenue fund in the current fiscal year on bonds issued to finance 100833
or assist in the financing of the cost of local subdivision public 100834
infrastructure capital improvement projects, as provided for in 100835
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 100836
that are attributable to costs for construction, reconstruction, 100837
maintenance, or repair of public highways and bridges and other 100838
statutory highway purposes. That certification shall allocate the 100839
total amount of debt service paid from the general revenue fund 100840
and attributable to those costs in the current fiscal year 100841
according to the applicable section of the Ohio Constitution under 100842
which the bonds were originally issued. 100843

(3) On or before the thirtieth day of June of each fiscal 100844
year beginning with fiscal year 2015, the director of budget and 100845
management shall determine an amount up to but not exceeding the 100846
amount certified under division (F)(2) of this section and shall 100847
reserve that amount from the cash balance in the petroleum 100848

activity tax public highways fund or the commercial activity tax 100849
motor fuel receipts fund for transfer to the general revenue fund 100850
at times and in amounts to be determined by the director. The 100851
director shall transfer the cash balance in the petroleum activity 100852
tax public highways fund or the commercial activity tax motor fuel 100853
receipts fund in excess of the amount so reserved to the highway 100854
operating fund on or before the thirtieth day of June of the 100855
current fiscal year. 100856

Sec. 5751.033. For the purposes of this chapter, gross 100857
receipts shall be sitused to this state as follows: 100858

(A) Gross rents and royalties from real property located in 100859
this state shall be sitused to this state. 100860

(B) Gross rents and royalties from tangible personal property 100861
shall be sitused to this state to the extent the tangible personal 100862
property is located or used in this state. 100863

(C) Gross receipts from the sale of electricity and electric 100864
transmission and distribution services shall be sitused to this 100865
state in the manner provided under section 5733.059 of the Revised 100866
Code. 100867

(D) Gross receipts from the sale of real property located in 100868
this state shall be sitused to this state. 100869

(E) Gross receipts from the sale of tangible personal 100870
property shall be sitused to this state if the property is 100871
received in this state by the purchaser. In the case of delivery 100872
of tangible personal property by ~~motor~~ common carrier or by other 100873
means of transportation, the place at which such property is 100874
ultimately received after all transportation has been completed 100875
shall be considered the place where the purchaser receives the 100876
property. For purposes of this section, the phrase "delivery of 100877
tangible personal property by ~~motor~~ common carrier or by other 100878

means of transportation" includes the situation in which a 100879
purchaser accepts the property in this state and then transports 100880
the property directly or by other means to a location outside this 100881
state. Direct delivery in this state, other than for purposes of 100882
transportation, to a person or firm designated by a purchaser 100883
constitutes delivery to the purchaser in this state, and direct 100884
delivery outside this state to a person or firm designated by a 100885
purchaser does not constitute delivery to the purchaser in this 100886
state, regardless of where title passes or other conditions of 100887
sale. 100888

(F) Gross receipts from the sale, exchange, disposition, or 100889
other grant of the right to use trademarks, trade names, patents, 100890
copyrights, and similar intellectual property shall be sitused to 100891
this state to the extent that the receipts are based on the amount 100892
of use of the property in this state. If the receipts are not 100893
based on the amount of use of the property, but rather on the 100894
right to use the property, and the payor has the right to use the 100895
property in this state, then the receipts from the sale, exchange, 100896
disposition, or other grant of the right to use such property 100897
shall be sitused to this state to the extent the receipts are 100898
based on the right to use the property in this state. 100899

(G) Gross receipts from the sale of transportation services 100900
by a ~~motor~~ common or contract carrier shall be sitused to this 100901
state in proportion to the mileage traveled by the carrier during 100902
the tax period on roadways, waterways, airways, and railways in 100903
this state to the mileage traveled by the carrier during the tax 100904
period on roadways, waterways, airways, and railways everywhere. 100905
With prior written approval of the tax commissioner, a ~~motor~~ 100906
common or contract carrier may use an alternative situsing 100907
procedure for transportation services. 100908

(H) Gross receipts from dividends, interest, and other 100909
sources of income from financial instruments described in 100910

divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 100911
section 5733.056 of the Revised Code shall be sitused to this 100912
state in accordance with the situsing provisions set forth in 100913
those divisions. When applying the provisions of divisions (F)(6), 100914
(8), and (13) of section 5733.056 of the Revised Code, "gross 100915
receipts" shall be substituted for "net gains" wherever "net 100916
gains" appears in those divisions. Nothing in this division limits 100917
or modifies the exclusions enumerated in divisions (E) and (F)(2) 100918
of section 5751.01 of the Revised Code. The tax commissioner may 100919
promulgate rules to further specify the manner in which to situs 100920
gross receipts subject to this division. 100921

(I) Gross receipts from the sale of all other services, and 100922
all other gross receipts not otherwise sitused under this section, 100923
shall be sitused to this state in the proportion that the 100924
purchaser's benefit in this state with respect to what was 100925
purchased bears to the purchaser's benefit everywhere with respect 100926
to what was purchased. The physical location where the purchaser 100927
ultimately uses or receives the benefit of what was purchased 100928
shall be paramount in determining the proportion of the benefit in 100929
this state to the benefit everywhere. If a taxpayer's records do 100930
not allow the taxpayer to determine that location, the taxpayer 100931
may use an alternative method to situs gross receipts under this 100932
division if the alternative method is reasonable, is consistently 100933
and uniformly applied, and is supported by the taxpayer's records 100934
as the records exist when the service is provided or within a 100935
reasonable period of time thereafter. 100936

(J) If the situsing provisions of divisions (A) to (H) of 100937
this section do not fairly represent the extent of a person's 100938
activity in this state, the person may request, or the tax 100939
commissioner may require or permit, an alternative method. Such 100940
request by a person must be made within the applicable statute of 100941
limitations set forth in this chapter. 100942

(K) The tax commissioner may adopt rules to provide 100943
additional guidance to the application of this section, and 100944
provide alternative methods of situsing gross receipts that apply 100945
to all persons, or subset of persons, that are engaged in similar 100946
business or trade activities. 100947

~~(L) As used in this section, "motor carrier" has the same 100948
meaning as in section 4923.01 of the Revised Code. 100949~~

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 100950
pay the full amount of the tax due within the period prescribed 100951
therefor under this chapter shall pay a penalty in an amount not 100952
exceeding the greater of fifty dollars or ten per cent of the tax 100953
required to be paid for the tax period. 100954

(B)(1) If any additional tax is found to be due, the tax 100955
commissioner may impose an additional penalty of up to fifteen per 100956
cent on the additional tax found to be due. 100957

(2) Any delinquent payments of the tax made after a taxpayer 100958
is notified of an audit or a tax discrepancy by the commissioner 100959
is subject to the penalty imposed by division (B) of this section. 100960
If an assessment is issued under section 5751.09 of the Revised 100961
Code in connection with such delinquent payments, the payments 100962
shall be credited to the assessment. 100963

(C) After calendar year 2008, the tax commissioner may impose 100964
an additional penalty against a taxpayer that fails to switch to 100965
being a calendar quarter taxpayer at the time it had over two 100966
million in taxable gross receipts in the calendar year, as 100967
required under section 5751.04 of the Revised Code. The penalty 100968
may be imposed in an amount not to exceed ten per cent of the tax 100969
due above two million dollars in taxable gross receipts for the 100970
calendar year. Any penalty imposed under this division is in 100971
addition to any other penalties imposed under this section. 100972

(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(E) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

(F) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.

(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

(H) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

(I) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of the Revised Code, the tax commissioner shall notify the taxpayer of the violation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code and may impose a penalty of up to five

hundred dollars. If the taxpayer subsequently bills or invoices a person for the tax imposed under this chapter, the tax commissioner shall impose a penalty of five hundred dollars.

Sec. 5751.51. (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B)(1) For calendar years beginning on or after January 1, 2008, a nonrefundable credit may be claimed under this chapter equal to seven per cent of the excess of (a) qualified research expenses incurred in this state by the taxpayer in the calendar year for which the credit is claimed over (b) the taxpayer's average annual qualified research expenses incurred in this state for the three preceding calendar years.

(2) The taxpayer shall claim the credit allowed under division (B)(1) of this section in the order required by section 5751.98 of the Revised Code. A credit claimed in calendar year 2008 may not be applied against the tax otherwise due under this chapter for a tax period beginning before July 1, 2008. Any credit amount in excess of the tax due under section 5751.03 of the Revised Code, after allowing for any other credits that precede the credit under this section in the order required under that section, may be carried forward for seven years, but the amount of the excess credit claimed against the tax for any tax period shall be deducted from the balance carried forward to the next tax period.

(3) No credit shall be allowed under this chapter if the credit was available against the tax imposed by section 5733.06 of the Revised Code, except to the extent the credit was not applied against such tax.

(C) In the case of a taxpayer that is a consolidated elected taxpayer or combined taxpayer, each person in the taxpayer's group

shall separately calculate the credit claimed under this section 101035
using the qualified research expenses incurred by that person on a 101036
form prescribed by the tax commissioner, which shall be used by 101037
the taxpayer to claim the credit. 101038

Such a taxpayer may only claim the credit with respect to 101039
persons included in the taxpayer's group as of the thirty-first 101040
day of December of the calendar year in which the qualified 101041
research expenses are incurred. Such a taxpayer may only claim any 101042
excess credit carried forward under division (B)(2) of this 101043
section with respect to persons included in that group as of the 101044
last day of the tax period for which the return claiming the 101045
credit is filed. 101046

(D) A taxpayer that claims a credit under this section shall 101047
retain records to substantiate the claim. Required records include 101048
those relating to any expenses used in calculating the credit and 101049
incurred in the current calendar year and in the three preceding 101050
calendar years. 101051

The taxpayer shall retain the required records until the date 101052
that is four years after the due date for the return on which the 101053
credit was claimed or four years after the date the return was 101054
actually filed, whichever is later. 101055

(E) The tax commissioner may audit a sample of the taxpayer's 101056
qualified research expenses over a representative period to 101057
ascertain the amount of tax credit the taxpayer may claim under 101058
this section and may issue an assessment under section 5751.09 of 101059
the Revised Code based on the audit. The commissioner shall make a 101060
good faith effort to reach an agreement with the taxpayer in 101061
selecting a representative sample. The commissioner is not, 101062
however, precluded from proceeding under this division if an 101063
agreement is not made. 101064

Sec. 5753.031. (A) For the purpose of receiving and 101065

distributing, and accounting for, revenue received from the tax 101066
levied by section 5753.021 of the Revised Code and from fines 101067
imposed under Chapter 3775. of the Revised Code, the following 101068
funds are created in the state treasury: 101069

(1) The sports gaming revenue fund; 101070

(2) The sports gaming tax administration fund, which the tax 101071
commissioner shall use to defray the costs incurred in 101072
administering the tax levied by section 5753.021 of the Revised 101073
Code; 101074

(3) The sports gaming profits education fund. ~~Fifty per cent~~ 101075
~~of the funds~~ Amounts deposited in the sports gaming profits 101076
education fund shall be used as follows: 101077

(a) Each fiscal year, the lesser of fifty per cent of the 101078
amount deposited or fifteen million dollars shall be used to 101079
support interscholastic athletics and other extracurricular 101080
activities for students in grades kindergarten through twelve as 101081
determined in appropriations made by the general assembly. ~~The~~ 101082
~~other fifty per cent~~ 101083

(b) The remainder of the fund shall be used for the support 101084
of public and nonpublic education for students in grades 101085
kindergarten through twelve as determined in appropriations made 101086
by the general assembly. 101087

(4) The problem sports gaming fund. 101088

(B)(1) All of the following shall be deposited into the 101089
sports gaming revenue fund: 101090

(a) All money collected from the tax levied under section 101091
5753.021 of the Revised Code; 101092

(b) The remainder of the fees described in division (G)(2) of 101093
section 3775.02 of the Revised Code, after the Ohio casino control 101094
commission deposits the required amount in the sports gaming 101095

profits veterans fund under that division; 101096

(c) Unclaimed winnings collected under division (F) of 101097
section 3775.10 of the Revised Code; 101098

(d) Any fines collected under Chapter 3775. of the Revised 101099
Code. 101100

(2) All other fees collected under Chapter 3775. of the 101101
Revised Code shall be deposited into the casino control commission 101102
fund created under section 5753.03 of the Revised Code. 101103

(C)(1) From the sports gaming revenue fund, the director of 101104
budget and management shall transfer as needed to the tax refund 101105
fund amounts equal to the refunds certified by the tax 101106
commissioner under section 5753.06 of the Revised Code and 101107
attributable to the tax levied under section 5753.021 of the 101108
Revised Code. 101109

(2) Not later than the fifteenth day of each month, the 101110
director of budget and management shall transfer from the sports 101111
gaming revenue fund to the sports gaming tax administration fund 101112
the amount necessary to reimburse the department of taxation's 101113
actual expenses incurred in administering the tax levied under 101114
section 5753.021 of the Revised Code. 101115

(3) Of the amount in the sports gaming revenue fund remaining 101116
after making the transfers required by divisions (C)(1) and (2) of 101117
this section, the director of budget and management shall 101118
transfer, on or before the fifteenth day of the month following 101119
the end of each calendar quarter, amounts to each fund as follows: 101120

(a) Ninety-eight per cent to the sports gaming profits 101121
education fund; 101122

(b) Two per cent to the problem sports gaming fund. 101123

(D) All interest generated by the funds created under this 101124
section shall be credited back to them. 101125

Sec. 5910.01. As used in this chapter and section 5919.34 of 101126
the Revised Code: 101127

(A) "Child" includes natural and adopted children and 101128
stepchildren who have not been legally adopted by the veteran 101129
parent provided that the relationship between the stepchild and 101130
the veteran parent meets the following criteria: 101131

(1) The veteran parent is married to the child's natural or 101132
adoptive parent at the time application for a scholarship granted 101133
under this chapter is made; or if the veteran parent is deceased, 101134
the child's natural or adoptive parent was married to the veteran 101135
parent at the time of the veteran parent's death; 101136

(2) The child resided with the veteran parent for a period of 101137
not less than ten consecutive years immediately prior to making 101138
application for the scholarship; or if the veteran parent is 101139
deceased, the child resided with the veteran parent for a period 101140
of not less than ten consecutive years immediately prior to the 101141
veteran parent's death; 101142

(3) The child received financial support from the veteran 101143
parent for a period of not less than ten consecutive years 101144
immediately prior to making application for the scholarship; or if 101145
the veteran parent is deceased, the child received financial 101146
support from the veteran parent for a period of not less than ten 101147
consecutive years immediately prior to the veteran parent's death. 101148

(B) "Veteran" includes any of the following: 101149

(1) Any person who was a member of the armed services of the 101150
United States for a period of ninety days or more, or who was 101151
discharged from the armed services due to a disability incurred 101152
while a member with less than ninety days' service, or who died 101153
while a member of the armed services; provided that such service, 101154
disability, or death occurred during one of the following periods: 101155

~~April 6, 1917, to November 11, 1918;~~ December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.

(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps, coast guard, and such other military service branch as may be designated by congress as a part of the armed forces of the United States.

(D) "Board" means the Ohio war orphans and severely disabled veterans' children scholarship board created by section 5910.02 of the Revised Code.

(E) "Disabled" means having a sixty per cent or greater service-connected disability or receiving benefits for permanent and total nonservice-connected disability, as determined by the United States department of veterans affairs.

(F) "United States merchant marine" includes the United States army transport service and the United States naval transport service.

Sec. 5913.01. (A) The adjutant general is the commander and administrative head of the Ohio organized militia, as described in section 5923.01 of the Revised Code. The adjutant general shall:

(1) Be provided offices and shall keep them open during usual business hours;

(2) Manage the recruitment of individuals for service in the Ohio organized militia;

(3) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized militia;

~~(3)~~(4) Superintend the preparation of all returns and reports required by the United States from the state on military matters;

~~(4)~~(5) Keep a roster of all officers of the Ohio organized militia, including retired officers;

~~(5)~~(6) Whenever necessary, cause the military provisions of the Revised Code and the orders, regulations, pamphlets, circulars, and memorandums of the adjutant general's department to be printed and distributed to the organizations of the Ohio organized militia;

~~(6)~~(7) Prepare and issue all necessary Ohio organized militia forms and attest to all commissions issued to officers of the Ohio organized militia;

~~(7)~~(8) Have a seal, and all copies of orders, records, and

papers in the adjutant general's office certified and 101216
authenticated with that seal shall be competent evidence in like 101217
manner as if the originals were produced. All orders issued from 101218
the adjutant general's office shall bear a duplicate of the seal. 101219

~~(8)~~(9) Keep and preserve the arms, ordnance, equipment, and 101220
all other military property belonging to the state or issued to 101221
the state by the federal government and issue any regulations 101222
necessary to keep, preserve, and repair the property as conditions 101223
demand; 101224

~~(9)~~(10) Issue adjutant general's property to the units of the 101225
Ohio organized militia as the necessity of the service or 101226
organizational or allowance tables requires; 101227

~~(10)~~(11) Submit an annual report to the governor at such time 101228
as the governor requires of the transaction of the adjutant 101229
general's department, setting forth the strength and condition of 101230
the Ohio organized militia and other matters that the adjutant 101231
general chooses; 101232

~~(11)~~(12) Designate members of the Ohio national guard, who 101233
are participating in duties related to remotely piloted aircraft, 101234
including, but not limited to, pilots, sensor operators, and 101235
mission intelligence personnel, duties related to special forces 101236
operations, or duties related to cybersecurity, as designated 101237
public service workers under section 149.43 of the Revised Code; 101238

~~(12)~~(13) Command the joint force headquarters of the Ohio 101239
national guard. 101240

(B) The adjutant general shall issue and distribute all 101241
orders issued in the name of the governor as the commander in 101242
chief of the Ohio organized militia and perform the duties that 101243
the governor directs and other duties prescribed by law. 101244

(C) The adjutant general may enter into cooperative 101245
agreements, contractual arrangements, or agreements for the 101246

acceptance of grants with the United States or any agency or 101247
department of the United States, other states, any department or 101248
political subdivision of this state, or any person or body 101249
politic, to accomplish the purposes of the adjutant general's 101250
department. The adjutant general shall cooperate with, and not 101251
infringe upon, the rights of other state departments, divisions, 101252
boards, commissions, and agencies, political subdivisions, and 101253
other public officials and public and private agencies when the 101254
interests of the adjutant general's department and those other 101255
entities overlap. 101256

The funds made available by the United States for the 101257
exclusive use of the department shall be expended only by the 101258
department and only for the purposes for which the federal funds 101259
were appropriated. In accepting federal funds, the department 101260
agrees to abide by the terms and conditions of the grant or 101261
cooperative agreement and further agrees to expend the federal 101262
funds in accordance with the laws and regulations of the United 101263
States. 101264

Sec. 5913.012. (A) The adjutant general may authorize a judge 101265
advocate appointed under section 5924.06 of the Revised Code to 101266
provide legal assistance to any of the following: 101267

(1) Investigative personnel of the bureau of criminal 101268
identification and investigation as described in section 109.542 101269
of the Revised Code, a natural resources law enforcement staff 101270
officer designated under section 1501.013 of the Revised Code, a 101271
forest-fire investigator appointed under section 1503.09 of the 101272
Revised Code, a natural resources officer appointed under section 101273
1501.24 of the Revised Code, a wildlife officer designated under 101274
section 1531.13 of the Revised Code, a state highway patrol 101275
trooper appointed under section 5503.01 of the Revised Code, and a 101276
special police officer designated under section 5503.09 of the 101277

<u>Revised Code;</u>	101278
<u>(2) A person commissioned or enlisted in the Ohio military reserve under Chapter 5920. of the Revised Code;</u>	101279
<u>(3) The spouse, surviving spouse, dependent parent, minor child, or ward of a person listed under divisions (A)(1) and (2) of this section.</u>	101281
<u>(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.</u>	101282
<u>(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.</u>	101284
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<u>(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.</u>	101286
Sec. 5919.34. (A) As used in this section:	101287
(1) "Academic term" means any one of the following:	101288
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	101289
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	101290
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	101291
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	101292
(c) Spring term, which consists of spring quarter;	101293
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	101294
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	101295
(2) "Eligible applicant" means any individual to whom all of the following apply:	101296
(2) "Eligible applicant" means any individual to whom all of the following apply:	101297
(a) The individual does not possess a baccalaureate degree.	101298
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	101299
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	101300
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	101301
(e) (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or , four-year, or master's degree-granting program at a state institution of higher education	101302
(e) (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or , four-year, or master's degree-granting program at a state institution of higher education	101303
(e) (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or , four-year, or master's degree-granting program at a state institution of higher education	101304
(e) (b) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or , four-year, or master's degree-granting program at a state institution of higher education	101305

or a private institution of higher education, in a 101306
diploma-granting program at a state or private institution of 101307
higher education that is a school of nursing, or in a 101308
credential-certifying program, licensing program, trade 101309
certification program, or apprenticeship program for an in-demand 101310
occupation as identified by the adjutant general and the 101311
chancellor of higher education, in consultation with the 101312
governor's office of workforce transformation. 101313

~~(d)~~(c) The individual has not accumulated ninety-six 101314
eligibility units under division (E) of this section. 101315

(3) "State institution of higher education" means any state 101316
university or college as defined in division (A)(1) of section 101317
3345.12 of the Revised Code, community college established under 101318
Chapter 3354. of the Revised Code, state community college 101319
established under Chapter 3358. of the Revised Code, university 101320
branch established under Chapter 3355. of the Revised Code, or 101321
technical college established under Chapter 3357. of the Revised 101322
Code. 101323

(4) "Private institution of higher education" means an Ohio 101324
institution of higher education that is nonprofit and has received 101325
a certificate of authorization pursuant to Chapter 1713. of the 101326
Revised Code, that is a private institution exempt from regulation 101327
under Chapter 3332. of the Revised Code as prescribed in section 101328
3333.046 of the Revised Code, or that holds a certificate of 101329
registration and program authorization issued by the state board 101330
of career colleges and schools pursuant to section 3332.05 of the 101331
Revised Code. 101332

(5) "Tuition" means the charges imposed to attend an 101333
institution of higher education and includes general and 101334
instructional fees. "Tuition" does not include laboratory fees, 101335
room and board, or other similar fees and charges. 101336

(B) There is hereby created a scholarship program to be known 101337
as the Ohio national guard scholarship program. 101338

(C)(1) The adjutant general shall approve scholarships for 101339
all eligible applicants. The adjutant general shall process all 101340
applications for scholarships for each academic term in the order 101341
in which they are received. The scholarships shall be made without 101342
regard to financial need. At no time shall one person be placed in 101343
priority over another because of sex, race, or religion. 101344

(2) The adjutant general shall develop and provide a written 101345
explanation that informs all eligible scholarship recipients that 101346
the recipient may become ineligible and liable for repayment for 101347
an amount of scholarship payments received in accordance with 101348
division (G) of this section. The written explanation shall be 101349
reviewed by the scholarship recipient before acceptance of the 101350
scholarship and before acceptance of an enlistment, warrant, 101351
commission, or appointment for a term not less than the 101352
recipient's remaining term in the national guard or in the active 101353
duty component of the United States armed forces. 101354

(D)(1) Except as provided in divisions (I) and (J) of this 101355
section, for each academic term that an eligible applicant is 101356
approved for a scholarship under this section and either remains a 101357
current member in good standing of the Ohio national guard or is 101358
eligible for a scholarship under division (F)(1) of this section, 101359
the institution of higher education in which the applicant is 101360
enrolled shall, if the applicant's enlistment obligation extends 101361
beyond the end of that academic term or if division (F)(1) of this 101362
section applies, be paid on the applicant's behalf the applicable 101363
one of the following amounts: 101364

(a) If the institution is a state institution of higher 101365
education, an amount equal to one hundred per cent of the 101366
institution's tuition charges; 101367

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.

(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1)

to (3) of this section. 101399

(1) To determine the maximum number of semesters or quarters 101400
for which a recipient is entitled to a scholarship under this 101401
section, the adjutant general shall convert a recipient's credit 101402
hours of enrollment for each academic term into eligibility units 101403
in accordance with the following table: 101404

		The		
Number of credit hours of enrollment in an academic term	equals	following	The following	
		number of eligibility units if a semester	number of eligibility units if a quarter	
12 or more hours		12 units	8 units	101412
9 but less than 12		9 units	6 units	101413
6 but less than 9		6 units	4 units	101414
3 but less than 6		3 units	2 units	101415

(2) A scholarship recipient under this section may continue 101416
to apply for scholarships under this section until the recipient 101417
has accumulated ninety-six eligibility units. 101418

(3) If a scholarship recipient withdraws from courses prior 101419
to the end of an academic term so that the recipient's enrollment 101420
for that academic term is less than three credit hours, no 101421
scholarship shall be paid on behalf of that person for that 101422
academic term. Except as provided in division (F)(3) of this 101423
section, if a scholarship has already been paid on behalf of the 101424
person for that academic term, the adjutant general shall add to 101425
that person's accumulated eligibility units the number of 101426
eligibility units for which the scholarship was paid. 101427

(F) This division applies to any eligible applicant called 101428
into active duty on or after September 11, 2001. As used in this 101429
division, "active duty" means active duty pursuant to an executive 101430

order of the president of the United States, an act of the 101431
congress of the United States, or section 5919.29 or 5923.21 of 101432
the Revised Code. 101433

(1) For a period of up to five years from when an 101434
individual's enlistment obligation in the Ohio national guard 101435
ends, an individual to whom this division applies is eligible for 101436
scholarships under this section for those academic terms that were 101437
missed or could have been missed as a result of the individual's 101438
call into active duty. Scholarships shall not be paid for the 101439
academic term in which an eligible applicant's enlistment 101440
obligation ends unless an applicant is eligible under this 101441
division for a scholarship for such academic term due to previous 101442
active duty. 101443

(2) When an individual to whom this division applies 101444
withdraws or otherwise fails to complete courses, for which 101445
scholarships have been awarded under this section, because the 101446
individual was called into active duty, the institution of higher 101447
education shall grant the individual a leave of absence from the 101448
individual's education program and shall not impose any academic 101449
penalty for such withdrawal or failure to complete courses. 101450
Division (F)(2) of this section applies regardless of whether or 101451
not the scholarship amount was paid to the institution of higher 101452
education. 101453

(3) If an individual to whom this division applies withdraws 101454
or otherwise fails to complete courses because the individual was 101455
called into active duty, and if scholarships for those courses 101456
have already been paid, either: 101457

(a) The adjutant general shall not add to that person's 101458
accumulated eligibility units calculated under division (E) of 101459
this section the number of eligibility units for the academic 101460
courses or term for which the scholarship was paid and the 101461
institution of higher education shall repay the scholarship amount 101462

to the state. 101463

(b) The adjutant general shall add to that individual's 101464
accumulated eligibility units calculated under division (E) of 101465
this section the number of eligibility units for the academic 101466
courses or term for which the scholarship was paid if the 101467
institution of higher education agrees to permit the individual to 101468
complete the remainder of the academic courses in which the 101469
individual was enrolled at the time the individual was called into 101470
active duty. 101471

(4) No individual who is discharged from the Ohio national 101472
guard under other than honorable conditions shall be eligible for 101473
scholarships under this division. 101474

(G) A scholarship recipient under this section who fails to 101475
complete the term of enlistment, re-enlistment, or extension of 101476
current enlistment the recipient was serving at the time a 101477
scholarship was paid on behalf of the recipient under this section 101478
is liable to the state for repayment of a percentage of all Ohio 101479
national guard scholarships paid on behalf of the recipient under 101480
this section, plus interest at the rate of ten per cent per annum 101481
calculated from the dates the scholarships were paid. This 101482
percentage shall equal the percentage of the current term of 101483
enlistment, re-enlistment, or extension of enlistment a recipient 101484
has not completed as of the date the recipient is discharged from 101485
the Ohio national guard. 101486

The attorney general may commence a civil action on behalf of 101487
the chancellor to recover the amount of the scholarships and the 101488
interest provided for in this division and the expenses incurred 101489
in prosecuting the action, including court costs and reasonable 101490
attorney's fees. A scholarship recipient is not liable under this 101491
division if the recipient's failure to complete the term of 101492
enlistment being served at the time a scholarship was paid on 101493
behalf of the recipient under this section is due to the 101494

recipient's death or discharge from the national guard due to 101495
disability. 101496

(H) On or before the first day of each academic term, the 101497
adjutant general shall provide an eligibility roster to the 101498
chancellor and to each institution of higher education at which 101499
one or more scholarship recipients have applied for enrollment. 101500
The institution shall use the roster to certify the actual 101501
full-time or part-time enrollment of each scholarship recipient 101502
listed as enrolled at the institution and return the roster to the 101503
adjutant general and the chancellor. Except as provided in 101504
division (J) of this section, the chancellor shall provide for 101505
payment of the appropriate number and amount of scholarships to 101506
each institution of higher education pursuant to division (D) of 101507
this section. If an institution of higher education fails to 101508
certify the actual enrollment of a scholarship recipient listed as 101509
enrolled at the institution within thirty days of the end of an 101510
academic term, the institution shall not be eligible to receive 101511
payment from the Ohio national guard scholarship program or from 101512
the individual enrollee. The adjutant general shall report on a 101513
semiannual basis to the director of budget and management, the 101514
speaker of the house of representatives, the president of the 101515
senate, and the chancellor the number of Ohio national guard 101516
scholarship recipients, the size of the scholarship-eligible 101517
population, and a projection of the cost of the program for the 101518
remainder of the biennium. 101519

(I) The chancellor and the adjutant general may adopt rules 101520
pursuant to Chapter 119. of the Revised Code governing the 101521
administration and fiscal management of the Ohio national guard 101522
scholarship program and the procedure by which the chancellor and 101523
the department of the adjutant general may modify the amount of 101524
scholarships a member receives based on the amount of other state 101525
financial aid a member receives. 101526

(J) The adjutant general, the chancellor, and the director, 101527
or their designees, shall jointly estimate the costs of the Ohio 101528
national guard scholarship program for each upcoming fiscal 101529
biennium, and shall report that estimate prior to the beginning of 101530
the fiscal biennium to the chairpersons of the finance committees 101531
in the general assembly. During each fiscal year of the biennium, 101532
the adjutant general, the chancellor, and the director, or their 101533
designees, shall meet regularly to monitor the actual costs of the 101534
Ohio national guard scholarship program and update cost 101535
projections for the remainder of the biennium as necessary. If the 101536
amounts appropriated for the Ohio national guard scholarship 101537
program and any funds in the Ohio national guardscholarship 101538
reserve fund and the Ohio national guard scholarship donation fund 101539
are not adequate to provide scholarships in the amounts specified 101540
in division (D)(1) of this section for all eligible applicants, 101541
the chancellor shall do all of the following: 101542

(1) Notify each private institution of higher education, 101543
where a scholarship recipient is enrolled, that, by accepting the 101544
Ohio national guard scholarship program as payment for all or part 101545
of the institution's tuition, the institution agrees that if the 101546
chancellor reduces the amount of each scholarship, the institution 101547
shall provide each scholarship recipient a grant or tuition waiver 101548
in an amount equal to the amount the recipient's scholarship was 101549
reduced by the chancellor. 101550

(2) Reduce the amount of each scholarship under division 101551
(D)(1)(a) of this section proportionally based on the amount of 101552
remaining available funds. Each state institution of higher 101553
education shall provide each scholarship recipient under division 101554
(D)(1)(a) of this section a grant or tuition waiver in an amount 101555
equal to the amount the recipient's scholarship was reduced by the 101556
chancellor. 101557

(K) Notwithstanding division (A) of section 127.14 of the 101558

Revised Code, the controlling board shall not transfer all or part 101559
of any appropriation for the Ohio national guard scholarship 101560
program. 101561

(L) The chancellor and the adjutant general may apply for, 101562
and may receive and accept grants, and may receive and accept 101563
gifts, bequests, and contributions, from public and private 101564
sources, including agencies and instrumentalities of the United 101565
States and this state, and shall deposit the grants, gifts, 101566
bequests, or contributions into the national guard scholarship 101567
donation fund. 101568

Sec. 5922.01. The governor shall organize and maintain within 101569
this state, on a reserve basis, civilian cyber security reserve 101570
forces capable of being expanded and trained to educate and 101571
protect state, county, and local government entities, critical 101572
infrastructure, including election systems, businesses, and 101573
citizens of this state from cyber attacks. In the case of an 101574
emergency proclaimed by the governor, or caused by illicit actors 101575
or imminent danger, the governor, as commander-in-chief, shall 101576
expand the reserve as the exigency of the occasion requires. 101577

The reserve shall be a part of the Ohio organized militia 101578
under the adjutant general's department. The reserve shall be 101579
known as the Ohio cyber reserve. The adjutant general shall 101580
establish and may revise, in accordance with section 5923.12 of 101581
the Revised Code, the rates of pay for reserve members when called 101582
to state active duty. ~~While performing any drill or training,~~ 101583
~~reserve members shall serve in an unpaid volunteer status.~~ 101584
When called to state active duty by the governor, reserve members shall 101585
function as civilian members of the Ohio organized militia and 101586
shall be paid at the rates established by the adjutant general. 101587

The adjutant general may provide appropriate training to 101588
current and potential members of the Ohio cyber reserve. While 101589

performing any drill or training, current and potential reserve 101590
members shall serve in an unpaid volunteer status. 101591

The adjutant general may pay from funds appropriated by the 101592
general assembly the actual and necessary expenses incurred by the 101593
Ohio cyber reserve for administration, training, and deployment of 101594
the Ohio cyber reserve, at the discretion of the adjutant general 101595
or the adjutant general's designee. Expenses for administration, 101596
training, and deployment may include, but are not limited to, 101597
permanent or temporary state employees or contractual internal or 101598
external administrative staff, travel and subsistence expenses, 101599
the purchase or rental of equipment, hardware, and local 101600
operational support. 101601

Sec. 5923.12. When ordered to state active duty by the 101602
governor, for which duty federal basic pay and allowances are not 101603
authorized, members of the organized militia of Ohio shall receive 101604
the same pay and allowances for each day's service as is provided 101605
for commissioned officers, warrant officers, noncommissioned 101606
officers, and enlisted personnel of like grade and longevity in 101607
the armed forces of the United States, together with the necessary 101608
transportation, housing, and subsistence allowances as prescribed 101609
by the United States department of defense pay manual, or an 101610
amount not less than seventy-five dollars per day as base pay for 101611
each day's duty performed, whichever is greater. 101612

Notwithstanding any other provision of law, Ohio cyber 101613
reserve members shall receive a rate of pay determined and 101614
provided by rule by the adjutant general, in the name of the 101615
governor. The rule shall establish a rate of pay commensurate with 101616
those specified in pay schedules established by the director of 101617
administrative services for information technology employees of 101618
the state who have comparable training, experience, and 101619
professional qualifications. 101620

When ordered by the governor to perform training or duty 101621
under this section or section 5919.29 of the Revised Code, members 101622
of the Ohio national guard shall have the protections afforded to 101623
persons on federal active duty by "The Servicemembers Civil Relief 101624
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 101625

The death benefit payable by the adjutant general under 101626
section 5919.33 of the Revised Code to any active duty member of 101627
the Ohio national guard shall also be payable to any member of the 101628
Ohio naval militia, Ohio cyber reserve, and the Ohio military 101629
reserve ordered to state active duty by proclamation of the 101630
governor and who subsequently dies while performing said duty, if 101631
a beneficiary or beneficiaries has been designated in writing on a 101632
form prescribed by the adjutant general. 101633

Sec. 6119.10. The board of trustees of a regional water and 101634
sewer district or any officer or employee designated by the board 101635
may make any contract for the purchase of supplies or material or 101636
for labor for any work, under the supervision of the board, the 101637
cost of which shall not exceed ~~fifty thousand dollars~~ the amount 101638
specified in section 9.17 of the Revised Code. When an 101639
expenditure, other than for the acquisition of real estate and 101640
interests in real estate, the discharge of noncontractual claims, 101641
personal services, the joint use of facilities or the exercise of 101642
powers with other political subdivisions, or the product or 101643
services of public utilities, exceeds ~~fifty thousand dollars~~ the 101644
amount specified in section 9.17 of the Revised Code, the 101645
expenditures shall be made only after a notice calling for bids 101646
has been published once per week for two consecutive weeks in one 101647
newspaper of general circulation within the district or as 101648
provided in section 7.16 of the Revised Code. If the bids are for 101649
a contract for the construction, demolition, alteration, repair, 101650
or reconstruction of an improvement, the board may let the 101651
contract to the lowest and best bidder who meets the requirements 101652

of section 153.54 of the Revised Code. If the bids are for a 101653
contract for any other work relating to the improvements for which 101654
a regional water and sewer district was established, the board of 101655
trustees of the regional water and sewer district may let the 101656
contract to the lowest or best bidder who gives a good and 101657
approved bond with ample security conditioned on the carrying out 101658
of the contract. The contract shall be in writing and shall be 101659
accompanied by or shall refer to plans and specifications for the 101660
work to be done, approved by the board. The plans and 101661
specifications shall at all times be made and considered part of 101662
the contract. The contract shall be approved by the board and 101663
signed by its president or other duly authorized officer and by 101664
the contractor. In case of a real and present emergency, the board 101665
of trustees of the district, by two-thirds vote of all members, 101666
may authorize the president or other duly authorized officer to 101667
enter into a contract for work to be done or for the purchase of 101668
supplies or materials without formal bidding or advertising. All 101669
contracts shall have attached the certificate required by section 101670
5705.41 of the Revised Code duly executed by the secretary of the 101671
board of trustees of the district. The district may make 101672
improvements by force account or direct labor, provided that, if 101673
the estimated cost of supplies or material for any such 101674
improvement exceeds ~~fifty thousand dollars~~ the amount specified in 101675
section 9.17 of the Revised Code, bids shall be received as 101676
provided in this section. For the purposes of the competitive 101677
bidding requirements of this section, the board shall not sever a 101678
contract for supplies or materials and labor into separate 101679
contracts for labor, supplies, or materials if the contracts are 101680
in fact a part of a single contract required to be bid 101681
competitively under this section. 101682

Sec. 6121.02. There is hereby created the Ohio water 101683
development authority. Such authority is a body both corporate and 101684

politic in this state, and the carrying out of its purposes and 101685
the exercise by it of the powers conferred by this chapter shall 101686
be held to be, and are hereby determined to be, essential 101687
governmental functions and public purposes of the state, but the 101688
authority is not immune from liability by reason thereof. The 101689
authority is subject to all provisions of law generally applicable 101690
to state agencies that do not conflict with this chapter. 101691

The authority shall consist of eight members as follows: five 101692
members appointed by the governor, with the advice and consent of 101693
the senate, no more than three of whom shall be members of the 101694
same political party, and the directors of natural resources, 101695
environmental protection, and development, who shall be members ex 101696
officio without compensation. The director of development may 101697
designate a person in the unclassified civil service to serve in 101698
the director's place as a member of the authority notwithstanding 101699
section 121.05 of the Revised Code. The appointive members shall 101700
be residents of the state, and shall have been qualified electors 101701
therein for a period of at least five years next preceding their 101702
appointment. Appointed members' terms of office shall be for eight 101703
years, commencing on the second day of July and ending on the 101704
first day of July. Each member shall hold office from the date of 101705
appointment until the end of the term for which the member was 101706
appointed. Any member appointed to fill a vacancy occurring prior 101707
to the expiration of the term for which the member's predecessor 101708
was appointed shall hold office for the remainder of such term. 101709
Any appointed member shall continue in office subsequent to the 101710
expiration date of the member's term until the member's successor 101711
takes office, or until a period of sixty days has elapsed, 101712
whichever occurs first. A member of the authority is eligible for 101713
reappointment. Each appointed member of the authority, before 101714
entering upon the performance of the duties of the office, shall 101715
take an oath as provided by Section 7 of Article XV, Ohio 101716
Constitution. The governor may at any time remove any member of 101717

the authority for misfeasance, nonfeasance, or malfeasance in 101718
office. 101719

The authority shall elect one of its appointed members as 101720
chairperson and another as vice-chairperson, and shall appoint a 101721
secretary-treasurer who need not be a member of the authority. 101722
Four members of the authority shall constitute a quorum, and the 101723
affirmative vote of four members shall be necessary for any action 101724
taken by vote of the authority. No vacancy in the membership of 101725
the authority shall impair the rights of a quorum by such vote to 101726
exercise all the rights and perform all the duties of the 101727
authority. 101728

Before the issuance of any water development revenue bonds 101729
under this chapter, each appointed member of the authority shall 101730
give a surety bond to the state in the penal sum of twenty-five 101731
thousand dollars and the secretary-treasurer shall give such a 101732
bond in the penal sum of fifty thousand dollars, each such surety 101733
bond to be conditioned upon the faithful performance of the duties 101734
of the office, to be executed by a surety company authorized to 101735
transact business in this state, and to be approved by the 101736
governor and filed in the office of the secretary of state. Each 101737
appointed member of the authority shall receive an annual salary 101738
of ~~five~~ seven thousand five hundred dollars, payable in monthly 101739
installments, and is entitled to health care benefits comparable 101740
to those generally available to state officers and employees under 101741
section 124.82 of the Revised Code. If Section 20 of Article II, 101742
Ohio Constitution, prohibits the Ohio water development authority 101743
from paying all or a part of the cost of health care benefits on 101744
behalf of a member of the authority for the remainder of an 101745
existing term, the member may receive these benefits by paying 101746
their total cost from the member's own financial resources, 101747
including paying by means of deductions from the member's salary. 101748
Each member shall be reimbursed for actual expenses necessarily 101749

incurred in the performance of official duties. All expenses 101750
incurred in carrying out this chapter shall be payable solely from 101751
funds provided under this chapter, or appropriated for such 101752
purpose by the general assembly and no liability or obligation 101753
shall be incurred by the authority beyond the extent to which 101754
moneys have been provided under this chapter or such 101755
appropriations. 101756

Sec. 6131.43. (A) Upon the completion of the work and the 101757
approval of it by the county engineer, the board of county 101758
commissioners shall order the county auditor to reduce pro rata 101759
the assessments confirmed by it by the difference between the 101760
estimated cost of the construction and the final cost as certified 101761
by the county engineer. The assessments so reduced, including the 101762
cost of location, engineering, compensation, damages, and 101763
contingency and the assessment for maintenance for one year, shall 101764
be levied upon each parcel of land, each public corporation, and 101765
each department, office, or institution of the state as stated in 101766
the schedules as of the date of the order of the board approving 101767
the contracts and ordering the levying of the assessments. 101768

(B) The auditor shall notify the owners of all assessed lands 101769
of the amount of the actual assessment, which shall be not less 101770
than ten dollars, and of the payment plan for the collection of 101771
the assessments. The auditor shall immediately place the 101772
assessments so levied upon the duplicates of the county, and the 101773
assessments shall be a lien upon the several parcels of land 101774
respectively from and after the date of the order of the board 101775
approving and levying the assessments. The auditor shall be liable 101776
on the auditor's bond for any damages sustained by any person by 101777
reason of the auditor's failure to place promptly the assessments 101778
upon the proper duplicates of the county. 101779

(C) The county auditor shall transmit to the governing body 101780

of any political subdivision affected by an improvement the 101781
assessments levied against it. The governing body shall authorize 101782
payment to be made to the county treasurer of the county in which 101783
the improvement is located from the general fund of the political 101784
subdivision, except as otherwise provided by law. 101785

(D) The county auditor shall also transmit to the director of 101786
any department, office, or institution of the state, affected by 101787
an improvement the assessments levied against any department, 101788
office, or institution of the state. Payment shall be made to the 101789
county treasurer of the county in which the improvement is located 101790
~~from the drainage assessment fund in the manner provided by~~ 101791
~~section 6133.15 of the Revised Code. In presenting their proposed~~ 101792
~~expenses to the director of budget and management pursuant to~~ 101793
~~section 126.02 of the Revised Code, the directors of all~~ 101794
~~departments, offices, or institutions of the state shall list all~~ 101795
~~unpaid assessments received before the first day of October of the~~ 101796
~~year preceding the first regular session of the general assembly~~ 101797
~~for the state's proportionate share of the cost of any improvement~~ 101798
~~authorized or constructed under this chapter and Chapters 6133.~~ 101799
~~and 6135. of the Revised Code and all unpaid assessments for~~ 101800
~~maintenance as provided by Chapter 6137. of the Revised Code. The~~ 101801
~~assessments so listed shall be included in the state budget~~ 101802
~~estimates of revenues and expenditures for each state fund and~~ 101803
~~budget estimates for each state agency prepared and submitted to~~ 101804
~~the governor under section 126.02 of the Revised Code.~~ 101805

Sec. 6301.113. The department of job and family services 101806
shall update the list of in-demand jobs required under section 101807
6301.11 of the Revised Code to include teachers, notwithstanding 101808
anything to the contrary in the methodology under that section. 101809

Section 101.02. That existing sections 101.35, 101.352, 101810
101.353, 101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 101811

106.031, 106.032, 106.04, 106.041, 107.51, 107.63, 109.42, 109.57, 101812
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4507.51, 4507.52, 4508.06, 4510.43, 4510.45, 4511.191, 4511.204, 101890
4511.34, 4511.69, 4511.76, 4511.991, 4513.17, 4516.01, 4516.02, 101891
4516.05, 4516.06, 4516.08, 4516.09, 4516.10, 4517.01, 4517.05, 101892
4517.06, 4517.07, 4517.08, 4517.10, 4517.23, 4701.13, 4703.01, 101893
4703.15, 4703.44, 4707.101, 4713.64, 4715.036, 4715.30, 4717.04, 101894
4717.14, 4717.26, 4723.281, 4725.24, 4730.25, 4731.07, 4731.22, 101895
4731.224, 4731.24, 4731.25, 4731.481, 4732.17, 4734.161, 4734.36, 101896
4734.37, 4735.01, 4735.03, 4735.05, 4735.052, 4735.06, 4735.07, 101897
4735.09, 4735.12, 4735.13, 4735.143, 4735.15, 4735.18, 4735.211, 101898
4738.071, 4738.08, 4740.16, 4741.22, 4743.05, 4751.02, 4751.30, 101899
4755.11, 4755.411, 4755.45, 4755.451, 4755.47, 4755.482, 4755.64, 101900
4757.03, 4757.361, 4759.07, 4760.13, 4761.09, 4762.13, 4763.05, 101901
4763.11, 4763.15, 4763.16, 4764.04, 4764.05, 4764.06, 4764.07, 101902
4764.08, 4764.16, 4764.18, 4764.21, 4765.02, 4765.04, 4765.11, 101903
4765.112, 4765.114, 4765.55, 4766.07, 4766.11, 4767.03, 4767.10, 101904
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4778.14, 4779.29, 4779.35, 4781.04, 4781.121, 4781.17, 4781.54, 101906
4783.10, 4928.54, 4928.543, 4928.544, 5101.26, 5101.27, 5101.28, 101907

5101.29, 5101.342, 5101.35, 5101.54, 5101.80, 5101.801, 5101.806, 101908
5103.02, 5103.03, 5103.032, 5103.033, 5103.036, 5103.0313, 101909
5103.0314, 5103.0322, 5103.0323, 5103.0326, 5103.0328, 5103.05, 101910
5103.13, 5103.162, 5103.163, 5103.20, 5103.37, 5103.391, 5103.41, 101911
5103.422, 5103.50, 5103.6010, 5104.02, 5104.042, 5104.08, 5104.30, 101912
5107.02, 5107.10, 5107.36, 5107.54, 5107.58, 5119.01, 5119.19, 101913
5119.33, 5119.34, 5119.35, 5119.36, 5119.37, 5119.48, 5119.61, 101914
5119.90, 5119.99, 5120.10, 5123.0412, 5123.0419, 5123.19, 5123.35, 101915
5124.01, 5124.15, 5124.45, 5124.70, 5126.022, 5145.161, 5145.163, 101916
5149.101, 5149.38, 5153.122, 5153.123, 5153.124, 5153.127, 101917
5153.16, 5153.161, 5153.162, 5153.163, 5153.17, 5160.35, 5162.01, 101918
5162.20, 5162.364, 5162.70, 5163.06, 5164.34, 5164.341, 5164.342, 101919
5164.35, 5164.36, 5164.60, 5164.72, 5165.01, 5165.109, 5165.15, 101920
5165.151, 5165.152, 5165.16, 5165.19, 5165.192, 5165.23, 5165.26, 101921
5165.36, 5165.52, 5165.521, 5165.525, 5165.526, 5165.528, 101922
5165.771, 5165.87, 5166.01, 5166.02, 5166.16, 5166.30, 5166.32, 101923
5167.12, 5168.02, 5168.14, 5168.26, 5301.90, 5301.91, 5321.01, 101924
5321.18, 5322.01, 5502.262, 5512.07, 5537.17, 5549.21, 5555.61, 101925
5703.056, 5703.21, 5703.37, 5703.53, 5705.192, 5705.391, 5709.40, 101926
5709.73, 5711.29, 5713.03, 5715.01, 5721.14, 5721.18, 5725.05, 101927
5725.98, 5726.01, 5726.04, 5726.56, 5726.98, 5727.28, 5727.42, 101928
5727.47, 5727.75, 5727.91, 5729.98, 5731.27, 5733.031, 5733.40, 101929
5735.024, 5735.04, 5735.041, 5735.042, 5735.043, 5735.044, 101930
5735.27, 5736.07, 5739.01, 5739.02, 5739.05, 5739.08, 5739.09, 101931
5739.19, 5739.30, 5739.31, 5739.99, 5741.11, 5743.15, 5743.53, 101932
5743.61, 5747.01, 5747.02, 5747.07, 5747.072, 5747.501, 5747.53, 101933
5747.98, 5749.06, 5749.17, 5751.01, 5751.02, 5751.033, 5751.06, 101934
5751.51, 5753.031, 5910.01, 5913.01, 5919.34, 5922.01, 5923.12, 101935
6119.10, 6121.02, and 6131.43 of the Revised Code are hereby 101936
repealed. 101937

Section 105.01. That sections 117.471, 117.472, 121.371, 101938

121.372, 121.374, 121.83, 121.954, 123.14, 131.38, 505.103, 101939
717.21, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 3121.46, 101940
3318.50, 3318.52, 3325.14, 3333.01, 3333.011, 3333.02, 3333.12, 101941
3333.167, 3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 101942
3733.49, 3737.883, 3796.04, 4141.031, 4301.26, 4928.542, 5101.143, 101943
5101.272, 5103.037, 5103.0310, 5103.18, 5103.181, 5103.301, 101944
5103.31, 5103.33, 5103.34, 5103.35, 5103.36, 5103.361, 5103.362, 101945
5103.363, 5103.38, 5103.42, 5103.421, 5103.51, 5119.191, 5119.361, 101946
5123.195, 5124.39, 5126.38, 5163.52, 5164.05, 5166.12, 5166.14, 101947
5166.141, 5167.102, 5726.041, 6133.15, and 6301.12 of the Revised 101948
Code are hereby repealed. 101949

Section 105.10. That sections 4723.89, 4723.90, 5120.658, and 101950
5164.071 of the Revised Code are hereby repealed, effective five 101951
years after the effective date of this section. 101952

Section 107.10. That Section 3 of S.B. 166 of the 134th 101953
General Assembly be amended and codified as section 4123.345 of 101954
the Revised Code to read as follows: 101955

Sec. 3 ~~4123.345.~~ (A) The ~~Employers Providing Work Based~~ 101956
~~Learning Pilot Program~~ employers providing work-based learning 101957
program is created. ~~The program expires two years after the~~ 101958
~~effective date of this section.~~ 101959

As soon as practicable after the effective date of this 101960
section, the ~~Administrator~~ administrator of ~~Workers' Compensation~~ 101961
workers' compensation, subject to the approval of the ~~Bureau~~ 101962
bureau of ~~Workers' Compensation Board~~ workers' compensation board 101963
of ~~Directors~~ directors, shall adopt a rule that prohibits, ~~for the~~ 101964
~~program's duration,~~ the ~~Administrator~~ administrator from charging 101965
any amount with respect to a claim for compensation or benefits 101966
under ~~Chapter~~ this chapter or Chapters 4121., ~~4123.,~~ 4127., or 101967

4131. of the Revised Code to an employer's experience if both of 101968
the following apply: 101969

(1) The employer provides work-based learning experiences for 101970
students enrolled in a ~~career-technical~~ career-technical education 101971
program approved under section 3317.161 of the Revised Code. 101972

(2) The claim is based on a student's injury, occupational 101973
disease, or death sustained in the course of and arising out of 101974
the student's participation in the employer's work-based learning 101975
experience. 101976

(B) Pursuant to section 4109.06 of the Revised Code, the 101977
requirements of Chapter 4109. of the Revised Code do not apply to 101978
a student participating in a work-based learning experience 101979
described in division (A)(1) of this section. 101980

Section 107.11. That existing Section 3 of S.B. 166 of the 101981
134th General Assembly is hereby repealed. 101982

Section 107.20. That Section 5 of H.B. 123 of the 133rd 101983
General Assembly (as amended by H.B. 583 of the 134th General 101984
Assembly) be amended and codified as section 3317.22 of the 101985
Revised Code to read as follows: 101986

Sec. 53317.22. An eligible internet- or computer-based 101987
community school that receives funding for a fiscal year under the 101988
program established under this section shall not receive funding 101989
under section 3317.022 of the Revised Code. 101990

(A) As used in this section: 101991

(1) "Eligible internet- or computer-based community school" 101992
means ~~the following:~~ 101993

~~(a) For fiscal year 2021, an internet- or computer-based 101994
community school that was designated for the 2019-2020 school year 101995~~

~~as an internet- or computer-based community school in which a majority of the students were enrolled in a dropout prevention and recovery program and satisfies both of the following conditions:~~

~~(i) The school does not have a for profit operator;~~

~~(ii) The school received a rating of "exceeds standards" on the combined graduation component of the most recent report card issued for the school under section 3314.017 of the Revised Code.~~

~~(b) For fiscal years 2022 and 2023, an internet or computer based community school that participated in the program for fiscal year 2021.~~

~~(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." Statewide average base cost per-pupil has the same meaning as in section 3317.02 of the Revised Code.~~

~~(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.~~

~~(B) The ~~Department of Education~~ department of education shall establish a ~~pilot~~ program to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools ~~for fiscal years 2021, 2022, and 2023~~. An eligible internet- or computer-based community school may choose to participate in the program by notifying the ~~Department of Education not later than ten days after December 21, 2020~~ department in a form and manner determined by the department.~~

~~(C) For fiscal years 2021, 2022, and 2023, the Department of Education The department shall require each eligible internet- or computer-based community school that chooses to participate in the ~~pilot~~ program to report all information that is necessary to make payments under division (D) of this section.~~

(D) ~~For fiscal years 2021, 2022, and 2023, the Department~~ The 102027
department shall calculate an additional payment for each eligible 102028
internet- or computer-based community school that chooses to 102029
participate in the ~~pilot~~ program, as follows: 102030

(1) Compute the lesser of the following for each student 102031
enrolled in grades eight through twelve: 102032

(a) The ~~formula amount~~ statewide average base cost per-pupil 102033
X the maximum full-time equivalency for the portion of the school 102034
year for which the student is enrolled in the school; 102035

(b) The sum of the following: 102036

(i) A one-time payment of \$1,750. In the case of a student 102037
enrolled in the school for the first time for the ~~2020-2021,~~ 102038
~~2021-2022, or 2022-2023~~ school year for which the payment is being 102039
made, payment shall be made under division (D)(1)(b)(i) of this 102040
section at least thirty days after the student is considered to be 102041
enrolled in the school in accordance with division (H)(2) of 102042
section 3314.08 of the Revised Code, provided the student has been 102043
continuously enrolled in the school during that time, as 102044
determined by the ~~Department~~ department. In the case of a student 102045
that was enrolled in the school for the ~~2019-2020, 2020-2021, or~~ 102046
~~2021-2022~~ prior school year, payment shall be made under division 102047
(D)(1)(b)(i) of this section at least thirty days after the 102048
student has started to participate in learning opportunities for 102049
the ~~2020-2021, 2021-2022, or 2022-2023~~ school year for which the 102050
payment is being made, provided the student has been continuously 102051
enrolled in the school during that time, as determined by the 102052
~~Department~~ department. 102053

(ii) The ~~formula amount~~ statewide average base cost per-pupil 102054
X (1/920) X the lesser of the number of hours the student 102055
participates in learning opportunities in that fiscal year or 920; 102056

(iii) The lesser of (\$500 X either the number of courses 102057

completed by the student in that fiscal year, in the case of a 102058
student enrolled in grade eight, or the number of credits earned 102059
by the student in that fiscal year, in the case of a student 102060
enrolled in grades nine through twelve) or \$2,500. 102061

(2) Compute the sum of the amounts calculated under division 102062
(D)(1) of this section for all students enrolled in grades eight 102063
through twelve. 102064

(3) Compute the school's payment in accordance with the 102065
following formula: 102066

The amount determined under division (D)(2) of this section) 102067
- (the total amount paid to the school for the fiscal year for 102068
which the payment is calculated under this section under division 102069
(C)(1)(a) of section 3314.08 of the Revised Code for students 102070
enrolled in grades eight through twelve) 102071

If the amount computed under division (D)(3) is a negative 102072
number, the school shall not receive a payment under this section. 102073

(E)(1) The ~~Department shall~~ department may complete a review 102074
of the enrollment of each eligible internet- or computer-based 102075
community school that chooses to participate in the ~~pilot~~ program 102076
in accordance with division (K) of section 3314.08 of the Revised 102077
Code. If the ~~Department~~ department determines a school has been 102078
overpaid based on a review completed under division (E)(1) of this 102079
section, the ~~Department~~ department shall require a repayment of 102080
the overpaid funds and may require the school to establish a plan 102081
to improve the reporting of enrollment. 102082

(2) The ~~Department~~ department may require each eligible 102083
internet- or computer-based community school that chooses to 102084
participate in the ~~pilot~~ program to create a debt reduction plan 102085
approved by the school's sponsor, if determined appropriate by the 102086
~~Department~~ department. 102087

(3) To the extent that an eligible internet- or 102088

computer-based community school that chooses to participate in the 102089
~~pilot~~ program had, for the ~~2019-2020, 2020-2021, or 2021-2022~~ 102090
prior school year, a percentage of student engagement in learning 102091
opportunities that was less than sixty-five per cent, the school 102092
shall provide to the ~~Department~~ department a meaningful plan for 102093
increasing student engagement. 102094

(4) All eligible internet- or computer-based community 102095
schools that choose to participate in the ~~pilot~~ program shall 102096
implement programming or protocol which documents enrollment and 102097
participation in learning opportunities in order to participate in 102098
the program. 102099

~~(F) Upon completion of the pilot program, and not later than~~ 102100
~~December 31, 2022, the Department shall issue a report on the~~ 102101
~~program. For purposes of this report, the Department may request~~ 102102
~~each eligible internet or computer based community school that~~ 102103
~~chooses to participate in the pilot program to submit information~~ 102104
~~to the Department on any of the following:~~ 102105

~~(1) The time, resources, and cost associated with enrolling~~ 102106
~~students in the school and preparing students to engage in~~ 102107
~~learning opportunities;~~ 102108

~~(2) The time and cost associated with providing counseling~~ 102109
~~and other supports to students;~~ 102110

~~(3) Student enrollment and participation data;~~ 102111

~~(4) Individualized student plans;~~ 102112

~~(5) An assessment of strategies used to improve student~~ 102113
~~engagement and the percentage of participation in learning~~ 102114
~~opportunities~~ 102115

~~(6) Any other data the Department considers relevant.~~ 102116

~~The Department shall submit copies of the report in~~ 102117
~~accordance with section 101.68 of the Revised Code to the~~ 102118

~~Governor, the President and Minority Leader of the Senate, the 102119
Speaker and Minority Leader of the House of Representatives, and 102120
the chairpersons and ranking members of the standing committees on 102121
primary and secondary education of the Senate and the House of 102122
Representatives. 102123~~

Section 107.21. That existing Section 5 of H.B. 123 of the 102124
133rd General Assembly (as amended by H.B. 583 of the 134th 102125
General Assembly) is hereby repealed. 102126

Section 110.10. That the versions of sections 111.15, 102127
3701.83, 3702.52, 3702.55, and 3711.14 of the Revised Code that 102128
are scheduled to take effect September 30, 2024, be amended to 102129
read as follows: 102130

Sec. 111.15. (A) As used in this section: 102131

(1) "Rule" includes any rule, regulation, bylaw, or standard 102132
having a general and uniform operation adopted by an agency under 102133
the authority of the laws governing the agency; any appendix to a 102134
rule; and any internal management rule. "Rule" does not include 102135
any guideline adopted pursuant to section 3301.0714 of the Revised 102136
Code, any order respecting the duties of employees, any finding, 102137
any determination of a question of law or fact in a matter 102138
presented to an agency, or any rule promulgated pursuant to 102139
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 102140
Revised Code. "Rule" includes any amendment or rescission of a 102141
rule. 102142

(2) "Agency" means any governmental entity of the state and 102143
includes, but is not limited to, any board, department, division, 102144
commission, bureau, society, council, or institution, ~~state~~ 102145
~~college or university, community college district, technical~~ 102146
~~college district, or state community college.~~ "Agency" does not 102147
include the general assembly, the controlling board, the adjutant 102148

general's department, a state college or university, a community college district, a technical college district, a state community college, or any court. 102149
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(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency. 102152
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(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows: 102155
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(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission; 102160
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(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply. 102163
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An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. ~~This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.~~ 102167
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If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by 102176
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the agency. 102180

Any rule that is required to be filed under division (B)(1) 102181
of this section is also subject to division (D) of this section if 102182
not exempted by that division. 102183

If a rule incorporates a text or other material by reference, 102184
the agency shall comply with sections 121.71 to 121.75 of the 102185
Revised Code. 102186

(2) A rule of an emergency nature necessary for the immediate 102187
preservation of the public peace, health, or safety shall state 102188
the reasons for the necessity. The emergency rule, in final form 102189
and in compliance with division (B)(3) of this section, shall be 102190
filed in electronic form with the secretary of state, the director 102191
of the legislative service commission, and the joint committee on 102192
agency rule review. The emergency rule is effective immediately 102193
upon completion of the latest filing, except that if the agency in 102194
adopting the emergency rule designates an effective date, or date 102195
and time of day, that is later than the effective date and time 102196
provided for by division (B)(2) of this section, the emergency 102197
rule if filed as required by such division shall become effective 102198
at the later date, or later date and time of day, designated by 102199
the agency. 102200

Except as provided in section 107.43 of the Revised Code, an 102201
emergency rule becomes invalid at the end of the one hundred 102202
twentieth day it is in effect. Prior to that date, the agency may 102203
file the emergency rule as a nonemergency rule in compliance with 102204
division (B)(1) of this section. The agency may not refile the 102205
emergency rule in compliance with division (B)(2) of this section 102206
so that, upon the emergency rule becoming invalid under such 102207
division, the emergency rule will continue in effect without 102208
interruption for another one hundred twenty-day period. 102209

The adoption of an emergency rule under division (B)(2) of 102210

this section in response to a state of emergency, as defined under 102211
section 107.42 of the Revised Code, may be invalidated by the 102212
general assembly, in whole or in part, by adopting a concurrent 102213
resolution in accordance with section 107.43 of the Revised Code. 102214

(3) An agency shall file a rule under division (B)(1) or (2) 102215
of this section in compliance with the following standards and 102216
procedures: 102217

(a) The rule shall be numbered in accordance with the 102218
numbering system devised by the director for the Ohio 102219
administrative code. 102220

(b) The rule shall be prepared and submitted in compliance 102221
with the rules of the legislative service commission. 102222

(c) The rule shall clearly state the date on which it is to 102223
be effective and the date on which it will expire, if known. 102224

(d) Each rule that amends or rescinds another rule shall 102225
clearly refer to the rule that is amended or rescinded. Each 102226
amendment shall fully restate the rule as amended. 102227

If the director of the legislative service commission or the 102228
director's designee gives an agency notice pursuant to section 102229
103.05 of the Revised Code that a rule filed by the agency is not 102230
in compliance with the rules of the legislative service 102231
commission, the agency shall within thirty days after receipt of 102232
the notice conform the rule to the rules of the commission as 102233
directed in the notice. 102234

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 102235
of this section shall be recorded by the secretary of state and 102236
the director under the title of the agency adopting the rule and 102237
shall be numbered according to the numbering system devised by the 102238
director. The secretary of state and the director shall preserve 102239
the rules in an accessible manner. Each such rule shall be a 102240
public record open to public inspection and may be transmitted to 102241

any law publishing company that wishes to reproduce it. 102242

(D) At least sixty-five days before a board, commission, 102243
department, division, or bureau of the government of the state 102244
files a rule under division (B)(1) of this section, it shall file 102245
the full text of the proposed rule in electronic form with the 102246
joint committee on agency rule review, and the proposed rule is 102247
subject to legislative review and invalidation under section 102248
106.021 of the Revised Code. If a state board, commission, 102249
department, division, or bureau makes a revision in a proposed 102250
rule after it is filed with the joint committee, the state board, 102251
commission, department, division, or bureau shall promptly file 102252
the full text of the proposed rule in its revised form in 102253
electronic form with the joint committee. A state board, 102254
commission, department, division, or bureau shall also file the 102255
rule summary and fiscal analysis prepared under section 106.024 of 102256
the Revised Code in electronic form along with a proposed rule, 102257
and along with a proposed rule in revised form, that is filed 102258
under this division. If a proposed rule has an adverse impact on 102259
businesses, the state board, commission, department, division, or 102260
bureau also shall file the business impact analysis, any 102261
recommendations received from the common sense initiative office, 102262
and the associated memorandum of response, if any, in electronic 102263
form along with the proposed rule, or the proposed rule in revised 102264
form, that is filed under this division. 102265

A proposed rule that is subject to legislative review under 102266
this division may not be adopted and filed in final form under 102267
division (B)(1) of this section unless the proposed rule has been 102268
filed with the joint committee on agency rule review under this 102269
division and the time for the joint committee to review the 102270
proposed rule has expired without recommendation of a concurrent 102271
resolution to invalidate the proposed rule. 102272

If a proposed rule that is subject to legislative review 102273

under this division implements a federal law or rule, the agency 102274
shall provide to the joint committee a citation to the federal law 102275
or rule the proposed rule implements and a statement as to whether 102276
the proposed rule implements the federal law or rule in a manner 102277
that is more or less stringent or burdensome than the federal law 102278
or rule requires. 102279

As used in this division, "commission" includes the public 102280
utilities commission when adopting rules under a federal or state 102281
statute. 102282

This division does not apply to any of the following: 102283

(1) A proposed rule of an emergency nature; 102284

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 102285
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 102286
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 102287
Code; 102288

(3) A rule proposed by an agency other than a board, 102289
commission, department, division, or bureau of the government of 102290
the state; 102291

(4) A proposed internal management rule of a board, 102292
commission, department, division, or bureau of the government of 102293
the state; 102294

(5) Any proposed rule that must be adopted verbatim by an 102295
agency pursuant to federal law or rule, to become effective within 102296
sixty days of adoption, in order to continue the operation of a 102297
federally reimbursed program in this state, so long as the 102298
proposed rule contains both of the following: 102299

(a) A statement that it is proposed for the purpose of 102300
complying with a federal law or rule; 102301

(b) A citation to the federal law or rule that requires 102302
verbatim compliance. 102303

(6) An initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code;

(7) A rule of the state lottery commission pertaining to instant game rules.

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

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

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3724.14, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4736.06, and 4769.09 of the Revised Code.

Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those

sections. Administration of the program shall include both a 102334
standard review process and an expedited review process. 102335

(A) The director shall issue rulings on whether a particular 102336
proposed project is a reviewable activity. The director shall 102337
issue a ruling not later than forty-five days after receiving a 102338
request for a ruling accompanied by the information needed to make 102339
the ruling, except that if an expedited review is requested, the 102340
ruling shall be issued not later than thirty days after receiving 102341
the request for a ruling accompanied by the information needed to 102342
make the ruling. If the director does not issue a ruling in the 102343
required time, the project shall be considered to have been ruled 102344
not a reviewable activity. 102345

(B)(1) Each application for a certificate of need shall be 102346
submitted to the director on forms and in the manner prescribed by 102347
the director. An application for which expedited review is 102348
requested must meet the same requirements as all other 102349
applications. 102350

Each application shall include a plan for obligating the 102351
capital expenditures or implementing the proposed project on a 102352
timely basis in accordance with section 3702.524 of the Revised 102353
Code. Each application shall also include all other information 102354
required by rules adopted under division (B) of section 3702.57 of 102355
the Revised Code. 102356

(2) Each application shall be accompanied by the application 102357
fee established in rules adopted under division ~~(G)~~(F) of section 102358
3702.57 of the Revised Code. Application fees received by the 102359
director under this division shall be deposited into the state 102360
treasury to the credit of the certificate of need fund, which is 102361
hereby created. The director shall use the fund only to pay the 102362
costs of administering sections 3702.30 and 3702.51 to 3702.62 of 102363
the Revised Code and rules adopted under those sections. An 102364
application fee is nonrefundable unless the director determines 102365

that the application cannot be accepted. 102366

(3) The director shall review applications for certificates 102367
of need. As part of a review, the director shall determine whether 102368
an application is complete. The director shall not consider an 102369
application to be complete unless the application meets all 102370
criteria for a complete application specified in rules adopted 102371
under section 3702.57 of the Revised Code. For an application 102372
being considered under the standard review process, the director 102373
shall mail to the applicant a written notice that the application 102374
is complete, or a written request for additional information, not 102375
later than thirty days after receiving an application or a 102376
response to an earlier request for information. For an application 102377
for which expedited review is requested, the director's notice or 102378
request shall be mailed not later than fourteen days after the 102379
director receives the application or a response to an earlier 102380
request for information. Except as provided in section 3702.522 of 102381
the Revised Code, the director shall not make more than two 102382
requests for additional information. For either the standard or 102383
expedited review process, the director shall make a final 102384
determination regarding an application's completeness and issue a 102385
notice of the determination not later than one hundred eighty days 102386
after the date the director received the initial application. 102387

The director's determination that an application is not 102388
complete is final and not subject to appeal. 102389

(4) Except as necessary to comply with a subpoena issued 102390
under division (F) of this section, after a notice of completeness 102391
has been received, no person shall make revisions to information 102392
that was submitted to the director before the director mailed the 102393
notice of completeness or knowingly discuss in person or by 102394
telephone the merits of the application with the director. A 102395
person may supplement an application after a notice of 102396
completeness has been received by submitting clarifying 102397

information to the director. 102398

(C) All of the following apply to the process of granting or 102399
denying a certificate of need: 102400

(1) If the project proposed in a certificate of need 102401
application meets all of the applicable certificate of need 102402
criteria for approval under sections 3702.51 to 3702.62 of the 102403
Revised Code and the rules adopted under those sections, the 102404
director shall grant a certificate of need for all or part of the 102405
project that is the subject of the application by the applicable 102406
deadline specified in division (C)(4) of this section or any 102407
extension of it under division (C)(5) of this section. 102408

(2) The director's grant of a certificate of need does not 102409
affect, and sets no precedent for, the director's decision to 102410
grant or deny other applications for similar reviewable 102411
activities. 102412

(3) Any affected person may submit written comments regarding 102413
an application. The director shall consider all written comments 102414
received by the forty-fifth day after the application is submitted 102415
to the director, except that to be considered in an expedited 102416
review, written comments must be received by the twenty-first day 102417
after the application is submitted. 102418

(4) Except as provided in division (C)(5) of this section, 102419
the director shall grant or deny certificate of need applications 102420
not later than sixty days after mailing the notice of completeness 102421
unless the application is receiving expedited review. If the 102422
application is receiving expedited review, the director shall 102423
grant or deny the application not later than forty-five days after 102424
mailing the notice of completeness. 102425

(5) Except as provided in division (C)(6) of this section, 102426
the director or the applicant may extend the deadline prescribed 102427
in division (C)(4) of this section once, for no longer than thirty 102428

days, by written notice before the end of the deadline prescribed 102429
by division (C)(4) of this section. An extension by the director 102430
under division (C)(5) of this section shall apply to all 102431
applications that are in comparative review. 102432

(6) No applicant in a comparative review may extend the 102433
deadline specified in division (C)(4) of this section. 102434

(7) If the director does not grant or deny the certificate by 102435
the applicable deadline specified in division (C)(4) of this 102436
section or any extension of it under division (C)(5) of this 102437
section, the certificate shall be considered to have been granted. 102438

~~(8) In granting a certificate of need, the director shall 102439
specify as the maximum capital expenditure the certificate holder 102440
may obligate under the certificate a figure equal to one hundred 102441
ten per cent of the approved project cost. 102442~~

~~(9) In granting a certificate of need, the director may grant 102443
the certificate with conditions that must be met by the holder of 102444
the certificate. 102445~~

(D) When a certificate of need is granted for a project under 102446
which beds are to be relocated, upon completion of the project for 102447
which the certificate of need was granted a number of beds equal 102448
to the number of beds relocated shall cease to be operated in the 102449
long-term care facility from which they are relocated, except that 102450
the beds may continue to be operated for not more than fifteen 102451
days to allow relocation of residents to the facility to which the 102452
beds have been relocated. Notwithstanding section 3721.03 of the 102453
Revised Code, if the relocated beds are in a home licensed under 102454
Chapter 3721. of the Revised Code, the facility's license is 102455
automatically reduced by the number of beds relocated effective 102456
fifteen days after the beds are relocated. If the beds are in a 102457
facility that is certified as a skilled nursing facility or 102458
nursing facility under Title XVIII or XIX of the "Social Security 102459

Act," the certification for the beds shall be surrendered. If the 102460
beds are reported in an application submitted under section 102461
3722.03 of the Revised Code as skilled nursing beds or long-term 102462
care beds, the director shall remove the beds from registration 102463
not later than fifteen days after the beds are relocated. 102464

(E) During the period beginning with the granting of a 102465
certificate of need and ending five years after implementation of 102466
the reviewable activity for which the certificate was granted, the 102467
director shall monitor the activities of the person granted the 102468
certificate to determine whether the reviewable activity is 102469
conducted in substantial accordance with the certificate. A 102470
reviewable activity shall not be determined to be not in 102471
substantial accordance with the certificate of need solely because 102472
of either of the following: 102473

(1) A decrease in bed capacity; 102474

(2) A change in the owner or operator of the facility unless 102475
any of the circumstances specified in division (B) of section 102476
3702.59 of the Revised Code apply to the new owner or operator. 102477

(F) When reviewing applications for certificates of need, 102478
considering appeals under section 3702.60 of the Revised Code, or 102479
monitoring activities of persons granted certificates of need, the 102480
director may issue and enforce, in the manner provided in section 102481
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 102482
compel a person to testify and produce documents relevant to 102483
review of the application, consideration of the appeal, or 102484
monitoring of the activities. In addition, the director or the 102485
director's designee may visit the sites where the activities are 102486
or will be conducted. 102487

(G) The director may withdraw certificates of need. 102488

(H) All long-term care facilities shall submit to the 102489
director, upon request, any information prescribed by rules 102490

adopted under division ~~(H)~~(G) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

Sec. 3702.55. A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or utilizing the facility resulting from the violation not later than thirty days after the person receives the notice mailed under section 3702.532 of the Revised Code or, if the person appeals the director's determination under section 3702.60 of the Revised Code, thirty days after the person receives an order upholding the director's determination that is not subject to further appeal.

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 ~~or 3702.541~~ of the Revised Code:

(A) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(B) A political subdivision certified under section 3721.09 102522
of the Revised Code may refuse to license, or may revoke a license 102523
or reduce bed capacity previously granted to, a nursing home, 102524
residential care facility, or home for the aging, or any beds 102525
within any of those facilities that are involved in the activity; 102526

(C) The director of mental health and addiction services may 102527
refuse to license under section 5119.33 of the Revised Code, or 102528
may revoke a license or reduce bed capacity previously granted to, 102529
a hospital receiving persons with mental illnesses or beds within 102530
such a hospital that are involved in the activity; 102531

(D) The department of medicaid may refuse to enter into a 102532
provider agreement that includes a facility, beds, or services 102533
that result from the activity. 102534

Sec. 3711.14. (A) In accordance with Chapter 119. of the 102535
Revised Code, the director of health may do any of the following: 102536

(1) Impose a civil penalty of not less than one thousand 102537
dollars and not more than two hundred fifty thousand dollars on a 102538
person who violates a provision of this chapter or the rules 102539
adopted under it; 102540

(2) Summarily suspend, in accordance with division (B) of 102541
this section, a license issued under this chapter if the director 102542
believes there is clear and convincing evidence that the continued 102543
operation of a maternity home presents a danger of immediate and 102544
serious harm to the public; 102545

(3) Revoke a license issued under this chapter if the 102546
director determines that a violation of a provision of this 102547
chapter or the rules adopted under it has occurred in such a 102548
manner as to pose an imminent threat of serious physical or 102549
life-threatening danger. 102550

(B) If the director suspends a license under division (A)(2) 102551

of this section, the director shall ~~issue~~ serve a written order of 102552
suspension ~~and cause it to be delivered by certified mail or in~~ 102553
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 102554
the Revised Code. The order shall not be subject to suspension by 102555
the court while an appeal filed under section 119.12 of the 102556
Revised Code is pending. If the individual subject to the 102557
suspension requests an adjudication, the date set for the 102558
adjudication shall be within fifteen days but not earlier than 102559
seven days after the individual makes the request, unless another 102560
date is agreed to by both the individual and the director. The 102561
summary suspension shall remain in effect, unless reversed by the 102562
director, until a final adjudication order issued by the director 102563
pursuant to this section and Chapter 119. of the Revised Code 102564
becomes effective. 102565

The director shall issue a final adjudication order not later 102566
than ninety days after completion of the adjudication. If the 102567
director does not issue a final order within the ninety-day 102568
period, the summary suspension shall be void, but any final 102569
adjudication order issued subsequent to the ninety-day period 102570
shall not be affected. 102571

(C) If the director issues an order revoking or suspending a 102572
license issued under this chapter and the license holder continues 102573
to operate a maternity home, the director may ask the attorney 102574
general to apply to the court of common pleas of the county in 102575
which the person is located for an order enjoining the person from 102576
operating the home. The court shall grant the order on a showing 102577
that the person is operating the home. 102578

Section 110.11. That the existing versions of sections 102579
111.15, 3701.83, 3702.52, 3702.55, and 3711.14 of the Revised Code 102580
that are scheduled to take effect September 30, 2024, are hereby 102581
repealed. 102582

Section 110.12. Sections 110.10 and 110.11 of this act take effect September 30, 2024.

Section 110.20. That the versions of sections 173.21, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification ~~program~~ in accordance with this section and to meet ~~the~~ any continuing education requirements that may be established ~~under~~ in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the content of training ~~programs~~ for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department ~~and shall consist.~~ All of the following apply to training for representatives other than volunteers:

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the

supervision of a representative of the office certified under this 102613
section; 102614

(2) ~~An additional sixty clock~~ Additional hours of 102615
instruction, ~~which shall be completed within the first fifteen~~ 102616
~~months of employment~~ may include an internship, in-service 102617
training, and continuing education requirements as may be required 102618
in rules adopted under division (B) of this section; 102619

(3) ~~An internship of twenty clock hours, which shall be~~ 102620
~~completed within the first twenty four months of employment,~~ 102621
~~including instruction in, and observation of, basic nursing care~~ 102622
~~and long term care provider operations and procedures. The~~ 102623
~~internship shall be performed at a site that has been approved as~~ 102624
~~an internship site by the state long term care ombudsman.~~ 102625

(4) ~~One of the following, which shall be completed within the~~ 102626
~~first twenty four months of employment:~~ 102627

(a) ~~Observation of a survey conducted by the director of~~ 102628
~~health to certify a nursing facility to participate in the~~ 102629
~~medicaid program;~~ 102630

(b) ~~Observation of an inspection conducted by the director of~~ 102631
~~mental health and addiction services to license a residential~~ 102632
~~facility under section 5119.34 of the Revised Code that provides~~ 102633
~~accommodations, supervision, and personal care services for three~~ 102634
~~to sixteen unrelated adults.~~ 102635

(5) ~~Any~~ Representatives may be required to complete any other 102636
~~training considered appropriate by the department.~~ 102637

(C) ~~Any person who for a period of at least six months prior~~ 102638
~~to June 11, 1990, served as an ombudsman through the long term~~ 102639
~~care ombudsman program established by the department of aging~~ 102640
~~under section 173.01 of the Revised Code shall not be required to~~ 102641
~~complete a training program. Such a person and persons who~~ 102642
~~complete a training program shall take an examination administered~~ 102643

~~by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.~~

~~(D)~~ The state ombudsman and each regional program shall conduct training programs for train volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. ~~Training programs~~ Volunteers may be conducted that train volunteers trained to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training ~~program~~, the representative shall take an examination administered by the department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. Except as a supervised part of a training ~~program~~, no volunteer shall perform any duty unless the volunteer is certified as a representative having received appropriate training for that duty.

~~(E)~~(D) The state ombudsman shall provide technical assistance to regional programs conducting training ~~programs~~ for volunteers and shall monitor the training ~~programs~~.

~~(F)~~ Prior to scheduling an observation of a certification

~~survey or licensing inspection for purposes of division (B)(4) of
this section, the state ombudsman shall obtain permission to have
the survey or inspection observed from both the long term care
facility at which the survey or inspection is to take place and,
as the case may be, the director of health or director of mental
health and addiction services.~~

~~(G)~~(E) Notwithstanding the requirements for a certification
under this section, the department shall issue a certificate as a
representative of the office of the state long-term care ombudsman
program in accordance with Chapter 4796. of the Revised Code to a
person if either of the following applies:

(1) The person holds a license or certificate in another
state.

(2) The person has satisfactory work experience, a government
certification, or a private certification as described in that
chapter as a representative of a state long-term care ombudsman
program in a state that does not issue that license or
certificate.

~~(H) The department of aging shall establish continuing
education requirements for representatives of the office.~~

Sec. 1321.64. (A) An application for a license shall contain
an undertaking by the applicant to abide by those sections. The
application shall be in writing, under oath, and in the form
prescribed by the superintendent of financial institutions, and
shall contain any information that the superintendent may require.
Applicants that are foreign corporations shall obtain and maintain
a license pursuant to Chapter 1703. of the Revised Code before a
license is issued or renewed.

(B) Upon the filing of the application and the payment by the
applicant of a nonrefundable investigation fee of two hundred

dollars, a nonrefundable annual registration fee of three hundred 102706
dollars, and any additional fee required by the NMLSR, the 102707
division of financial institutions shall investigate the relevant 102708
facts. If the application involves investigation outside this 102709
state, the applicant may be required by the division to advance 102710
sufficient funds to pay any of the actual expenses of the 102711
investigation when it appears that these expenses will exceed two 102712
hundred dollars. An itemized statement of any of these expenses 102713
which the applicant is required to pay shall be furnished to the 102714
applicant by the division. A license shall not be issued unless 102715
all the required fees have been submitted to the division. 102716

(C)(1) The investigation undertaken upon receipt of an 102717
application shall include both a civil and criminal records check 102718
of any control person. 102719

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 102720
the Revised Code, the superintendent shall obtain a criminal 102721
records check on each control person and, as part of that records 102722
check, request that criminal records information from the federal 102723
bureau of investigation be obtained. To fulfill this requirement, 102724
the superintendent shall do either of the following: 102725

(i) Request the superintendent of the bureau of criminal 102726
identification and investigation, or a vendor approved by the 102727
bureau, to conduct a criminal records check based on the control 102728
person's fingerprints or, if the fingerprints are unreadable, 102729
based on the control person's social security number, in 102730
accordance with section 109.572 of the Revised Code; 102731

(ii) Authorize the NMLSR to request a criminal records check 102732
of the control person. 102733

(b) Any fee required under division (C)(3) of section 109.572 102734
of the Revised Code or by the NMLSR shall be paid by the 102735
applicant. 102736

(D) If an application for a license does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division or to the NMLSR within ninety days after the superintendent or the NMLSR requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(E) If the superintendent of financial institutions finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1321.62 to 1321.702 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite net worth and assets required under section 1321.65 of the Revised Code, the superintendent shall issue a license to the applicant. The license shall be valid until the thirty-first day of December of the year in which it is issued. A person may be licensed under both sections 1321.51 to 1321.60 and sections 1321.62 to 1321.702 of the Revised Code.

(F) If the superintendent finds that the applicant does not meet the conditions set forth in this section, the superintendent shall issue a notice of intent to deny the application, and promptly notify the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code.

(G) Notwithstanding any provision of this section to the contrary, the superintendent shall issue a license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

- (1) The applicant holds a license in another state.
- (2) The applicant has satisfactory work experience, a

government certification, or a private certification as described 102768
in that chapter as a consumer installment loan lender in a state 102769
that does not issue that license. 102770

Sec. 3301.071. (A)(1) Except as provided in division (E) of 102771
this section, in the case of nontax-supported schools, standards 102772
for teacher certification prescribed under section 3301.07 of the 102773
Revised Code shall provide for certification, without further 102774
educational requirements, of any administrator, supervisor, or 102775
teacher who has attended and received a bachelor's degree or a 102776
master's degree from a college or university accredited by a 102777
national or regional association in the United States except that, 102778
at the discretion of the state board of education, this 102779
requirement may be met by having an equivalent degree from a 102780
foreign college or university of comparable standing. 102781

(2) Except as provided in division (E) of this section, in 102782
the case of nonchartered, nontax-supported schools, the standards 102783
for teacher certification prescribed under section 3301.07 of the 102784
Revised Code shall provide for certification, without further 102785
educational requirements, of any administrator, supervisor, or 102786
teacher who has attended and received a diploma from a "bible 102787
college" or "bible institute" described in division (E) of section 102788
1713.02 of the Revised Code. 102789

(3) A certificate issued under division (A)(3) of this 102790
section shall be valid only for teaching foreign language, music, 102791
religion, computer technology, or fine arts. 102792

Notwithstanding division (A)(1) of this section and except as 102793
provided in division (E) of this section, the standards for 102794
teacher certification prescribed under section 3301.07 of the 102795
Revised Code shall provide for certification of a person as a 102796
teacher upon receipt by the state board of an affidavit signed by 102797
the chief administrative officer of a chartered nonpublic school 102798

seeking to employ the person, stating that the person meets one of 102799
the following conditions: 102800

(a) The person has specialized knowledge, skills, or 102801
expertise that qualifies the person to provide instruction. 102802

(b) The person has provided to the chief administrative 102803
officer evidence of at least three years of teaching experience in 102804
a public or nonpublic school. 102805

(c) The person has provided to the chief administrative 102806
officer evidence of completion of a teacher training program named 102807
in the affidavit. 102808

(B) Each person applying for a certificate under this section 102809
for purposes of serving in a nonpublic school chartered by the 102810
state board under section 3301.16 of the Revised Code shall pay a 102811
fee in the amount established under division (A) of section 102812
3319.51 of the Revised Code. Any fees received under this division 102813
shall be paid into the state treasury to the credit of the state 102814
board of education certification fund established under division 102815
(B) of section 3319.51 of the Revised Code. 102816

(C) A person applying for or holding any certificate pursuant 102817
to this section for purposes of serving in a nonpublic school 102818
chartered by the state board is subject to sections 3123.41 to 102819
3123.50 of the Revised Code and any applicable rules adopted under 102820
section 3123.63 of the Revised Code and sections 3319.31 and 102821
3319.311 of the Revised Code. 102822

(D) Divisions (B) and (C) of this section and sections 102823
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 102824
to any administrators, supervisors, or teachers in nonchartered, 102825
nontax-supported schools. 102826

(E) The state board shall issue a certificate to serve in a 102827
nonpublic school as an administrator, supervisor, or teacher in 102828
accordance with Chapter 4796. of the Revised Code to an applicant 102829

if either of the following applies: 102830

(1) The applicant holds a certificate in another state. 102831

(2) The applicant has satisfactory work experience, a 102832
government certification, or a private certification as described 102833
in that chapter as a nonpublic school administrator, supervisor, 102834
or teacher in a state that does not issue one or more of those 102835
certificates. 102836

Sec. 3319.088. As used in this section, "educational 102837
assistant" means any nonteaching employee in a school district who 102838
directly assists a teacher as defined in section 3319.09 of the 102839
Revised Code, by performing duties for which a license issued 102840
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 102841
required. 102842

(A) Except as provided in division (G) of this section, the 102843
state board of education shall issue educational aide permits and 102844
educational paraprofessional licenses for educational assistants 102845
and shall adopt rules for the issuance and renewal of such permits 102846
and licenses which shall be consistent with the provisions of this 102847
section. Educational aide permits and educational paraprofessional 102848
licenses may be of several types and the rules shall prescribe the 102849
minimum qualifications of education and health for the service to 102850
be authorized under each type. The prescribed minimum 102851
qualifications may require special training or educational courses 102852
designed to qualify a person to perform effectively the duties 102853
authorized under an educational aide permit or educational 102854
paraprofessional license. 102855

(B)(1) Except as provided in division (G) of this section, 102856
any application for a permit or license, or a renewal or duplicate 102857
of a permit or license, under this section shall be accompanied by 102858
the payment of a fee in the amount established under division (A) 102859
of section 3319.51 of the Revised Code. Any fees received under 102860

this division shall be paid into the state treasury to the credit 102861
of the state board of education licensure fund established under 102862
division (B) of section 3319.51 of the Revised Code. 102863

(2) Any person applying for or holding a permit or license 102864
pursuant to this section is subject to sections 3123.41 to 3123.50 102865
of the Revised Code and any applicable rules adopted under section 102866
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 102867
the Revised Code. 102868

(C) Educational assistants shall at all times while in the 102869
performance of their duties be under the supervision and direction 102870
of a teacher as defined in section 3319.09 of the Revised Code. 102871
Educational assistants may assist a teacher to whom assigned in 102872
the supervision of pupils, in assisting with instructional tasks, 102873
and in the performance of duties which, in the judgment of the 102874
teacher to whom the assistant is assigned, may be performed by a 102875
person not licensed pursuant to sections 3319.22 to 3319.30 of the 102876
Revised Code and for which a teaching license, issued pursuant to 102877
sections 3319.22 to 3319.30 of the Revised Code is not required. 102878
The duties of an educational assistant shall not include the 102879
assignment of grades to pupils. The duties of an educational 102880
assistant need not be performed in the physical presence of the 102881
teacher to whom assigned, but the activity of an educational 102882
assistant shall at all times be under the direction of the teacher 102883
to whom assigned. The assignment of an educational assistant need 102884
not be limited to assisting a single teacher. In the event an 102885
educational assistant is assigned to assist more than one teacher 102886
the assignments shall be clearly delineated and so arranged that 102887
the educational assistant shall never be subject to simultaneous 102888
supervision or direction by more than one teacher. 102889

Educational assistants assigned to supervise children shall, 102890
when the teacher to whom assigned is not physically present, 102891
maintain the degree of control and discipline that would be 102892

maintained by the teacher. 102893

Educational assistants may not be used in place of classroom 102894
teachers or other employees and any payment of compensation by 102895
boards of education to educational assistants for such services is 102896
prohibited. The ratio between the number of licensed teachers and 102897
the pupils in a school district may not be decreased by 102898
utilization of educational assistants and no grouping, or other 102899
organization of pupils, for utilization of educational assistants 102900
shall be established which is inconsistent with sound educational 102901
practices and procedures. A school district may employ up to one 102902
full time equivalent educational assistant for each six full time 102903
equivalent licensed employees of the district. Educational 102904
assistants shall not be counted as licensed employees for purposes 102905
of state support in the school foundation program and no grouping 102906
or regrouping of pupils with educational assistants may be counted 102907
as a class or unit for school foundation program purposes. Neither 102908
special courses required by the regulations of the state board of 102909
education, prescribing minimum qualifications of education for an 102910
educational assistant, nor years of service as an educational 102911
assistant shall be counted in any way toward qualifying for a 102912
teacher license, for a teacher contract of any type, or for 102913
determining placement on a salary schedule in a school district as 102914
a teacher. 102915

(D) Educational assistants employed by a board of education 102916
shall have all rights, benefits, and legal protection available to 102917
other nonteaching employees in the school district, except that 102918
provisions of Chapter 124. of the Revised Code shall not apply to 102919
any person employed as an educational assistant, and shall be 102920
members of the school employees retirement system. Educational 102921
assistants shall be compensated according to a salary plan adopted 102922
annually by the board. 102923

Except as provided in this section nonteaching employees 102924

shall not serve as educational assistants without first obtaining 102925
an appropriate educational aide permit or educational 102926
paraprofessional license from the state board of education. A 102927
nonteaching employee who is the holder of a valid educational aide 102928
permit or educational paraprofessional license shall neither 102929
render nor be required to render services inconsistent with the 102930
type of services authorized by the permit or license held. No 102931
person shall receive compensation from a board of education for 102932
services rendered as an educational assistant in violation of this 102933
provision. 102934

Nonteaching employees whose functions are solely 102935
secretarial-clerical and who do not perform any other duties as 102936
educational assistants, even though they assist a teacher and work 102937
under the direction of a teacher shall not be required to hold a 102938
permit or license issued pursuant to this section. ~~Students~~ 102939
~~preparing to become licensed teachers or educational assistants~~ 102940
~~shall not be required to hold an educational aide permit or~~ 102941
~~paraprofessional license for such periods of time as such students~~ 102942
~~are assigned, as part of their training program, to work with a~~ 102943
~~teacher in a school district. Such students shall not be~~ 102944
~~compensated for such services.~~ 102945

Following the determination of the assignment and general job 102946
description of an educational assistant and subject to supervision 102947
by the teacher's immediate administrative officer, a teacher to 102948
whom an educational assistant is assigned shall make all final 102949
determinations of the duties to be assigned to such assistant. 102950
Teachers shall not be required to hold a license designated for 102951
being a supervisor or administrator in order to perform the 102952
necessary supervision of educational assistants. 102953

(E) No person who is, or who has been employed as an 102954
educational assistant shall divulge, except to the teacher to whom 102955
assigned, or the administrator of the school in the absence of the 102956

teacher to whom assigned, or when required to testify in a court 102957
or proceedings, any personal information concerning any pupil in 102958
the school district which was obtained or obtainable by the 102959
educational assistant while so employed. Violation of this 102960
provision is grounds for disciplinary action or dismissal, or 102961
both. 102962

(F) Notwithstanding anything to the contrary in this section, 102963
the superintendent of a school district may allow an employee who 102964
does not hold a permit or license issued under this section to 102965
work as a substitute for an educational assistant who is absent on 102966
account of illness or on a leave of absence, or to fill a 102967
temporary position created by an emergency, provided that the 102968
superintendent believes the employee's application materials 102969
indicate that the employee is qualified to obtain a permit or 102970
license under this section. 102971

An employee shall begin work as a substitute under this 102972
division not earlier than on the date on which the employee files 102973
an application with the state board for a permit or license under 102974
this section. An employee shall cease working as a substitute 102975
under this division on the earliest of the following: 102976

(1) The date on which the employee files a valid permit or 102977
license issued under this section with the superintendent; 102978

(2) The date on which the employee is denied a permit or 102979
license under this section; 102980

(3) Sixty days following the date on which the employee began 102981
work as a substitute under this division. 102982

The superintendent shall ensure that an employee assigned to 102983
work as a substitute under division (F) of this section has 102984
undergone a criminal records check in accordance with section 102985
3319.391 of the Revised Code. 102986

(G) The state board shall issue an educational aide permit or 102987

educational paraprofessional license in accordance with Chapter 102988
4796. of the Revised Code to an applicant if either of the 102989
following applies: 102990

(1) The applicant holds a permit or license in another state. 102991

(2) The applicant has satisfactory work experience, a 102992
government certification, or a private certification as described 102993
in that chapter as an educational aide or educational 102994
paraprofessional in a state that does not issue that permit or 102995
license or both. 102996

Sec. 3319.22. (A)(1) The state board of education shall issue 102997
the following educator licenses: 102998

(a) A resident educator license, which shall be valid for two 102999
years and shall be renewable for reasons specified by rules 103000
adopted by the state board pursuant to division (A)(3) of this 103001
section. The state board, on a case-by-case basis, may extend the 103002
license's duration as necessary to enable the license holder to 103003
complete the Ohio teacher residency program established under 103004
section 3319.223 of the Revised Code; 103005

(b) A professional educator license, which shall be valid for 103006
five years and shall be renewable; 103007

(c) A senior professional educator license, which shall be 103008
valid for five years and shall be renewable; 103009

(d) A lead professional educator license, which shall be 103010
valid for five years and shall be renewable. 103011

Licenses issued under division (A)(1) of this section on and 103012
after ~~November 2, 2018~~ the effective date of this amendment, shall 103013
specify whether the educator is licensed to teach grades 103014
pre-kindergarten through ~~five, grades four through nine,~~ eight or 103015
grades ~~seven~~ six through twelve. The changes to the grade band 103016
specifications under this ~~amendment~~ section shall not apply to a 103017

person who holds a license under division (A)(1) of this section 103018
prior to ~~November 2, 2018~~ the effective date of this amendment. 103019

Further, the changes to the grade band specifications under this 103020
~~amendment~~ section shall not apply to any license issued to teach 103021
in the area of computer information science, bilingual education, 103022
dance, drama or theater, world language, health, library or media, 103023
music, physical education, teaching English to speakers of other 103024
languages, career-technical education, or visual arts or to any 103025
license issued to an intervention specialist, including a gifted 103026
intervention specialist, or to any other license that does not 103027
align to the grade band specifications. 103028

(2)(a) Except as provided in division (A)(2)(b) of this 103029
section, the state board may issue any additional educator 103030
licenses of categories, types, and levels the board elects to 103031
provide. 103032

(b) Not later than December 31, 2024, the state board shall 103033
cease licensing school psychologists. The state board shall 103034
coordinate with the state board of psychology to transition to 103035
licensure under Chapter 4732. of the Revised Code any school 103036
psychologists licensed under rules adopted in accordance with 103037
sections 3301.07 and 3319.22 of the Revised Code. 103038

(3) Except as provided in division (I) of this section, the 103039
state board shall adopt rules establishing the standards and 103040
requirements for obtaining each educator license issued under this 103041
section. The rules shall also include the reasons for which a 103042
resident educator license may be renewed under division (A)(1)(a) 103043
of this section. 103044

(B) Except as provided in division (I) of this section, the 103045
rules adopted under this section shall require at least the 103046
following standards and qualifications for the educator licenses 103047
described in division (A)(1) of this section: 103048

(1) An applicant for a resident educator license shall hold 103049
at least a bachelor's degree from an accredited teacher 103050
preparation program or be a participant in the teach for America 103051
program and meet the qualifications required under section 103052
3319.227 of the Revised Code. 103053

(2) An applicant for a professional educator license shall: 103054

(a) Hold at least a bachelor's degree from an institution of 103055
higher education accredited by a regional accrediting 103056
organization; 103057

(b) Have successfully completed the Ohio teacher residency 103058
program established under section 3319.223 of the Revised Code, if 103059
the applicant's current or most recently issued license is a 103060
resident educator license issued under this section or an 103061
alternative resident educator license issued under section 3319.26 103062
of the Revised Code. 103063

(3) An applicant for a senior professional educator license 103064
shall: 103065

(a) Hold at least a master's degree from an institution of 103066
higher education accredited by a regional accrediting 103067
organization; 103068

(b) Have previously held a professional educator license 103069
issued under this section or section 3319.222 or under former 103070
section 3319.22 of the Revised Code; 103071

(c) Meet the criteria for the accomplished or distinguished 103072
level of performance, as described in the standards for teachers 103073
adopted by the state board under section 3319.61 of the Revised 103074
Code. 103075

(4) An applicant for a lead professional educator license 103076
shall: 103077

(a) Hold at least a master's degree from an institution of 103078

higher education accredited by a regional accrediting organization; 103079
103080

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 103081
103082
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103084

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 103085
103086
103087

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 103088
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 103093
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 103097
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103101

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 103102
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(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any 103107
103108
103109

rule that necessitates institutions' offering preparation programs 103110
for educators and other school personnel that are approved by the 103111
chancellor of higher education under section 3333.048 of the 103112
Revised Code to revise the curriculum of those programs, the 103113
effective date shall not be as prescribed in division (E) of 103114
section 119.03 and division (A)(1) of section 119.04 of the 103115
Revised Code. Instead, the effective date of such rules, or the 103116
amendment or rescission of such rules, shall be the date 103117
prescribed by section 3333.048 of the Revised Code. 103118

(2) Notwithstanding the authority to adopt, amend, or rescind 103119
emergency rules in division (G) of section 119.03 of the Revised 103120
Code, this authority shall not apply to the state board of 103121
education with regard to rules for educator licenses. 103122

(F)(1) The rules adopted under this section establishing 103123
standards requiring additional coursework for the renewal of any 103124
educator license shall require a school district and a chartered 103125
nonpublic school to establish local professional development 103126
committees. In a nonpublic school, the chief administrative 103127
officer shall establish the committees in any manner acceptable to 103128
such officer. The committees established under this division shall 103129
determine whether coursework that a district or chartered 103130
nonpublic school teacher proposes to complete meets the 103131
requirement of the rules. The department of education shall 103132
provide technical assistance and support to committees as the 103133
committees incorporate the professional development standards 103134
adopted by the state board of education pursuant to section 103135
3319.61 of the Revised Code into their review of coursework that 103136
is appropriate for license renewal. The rules shall establish a 103137
procedure by which a teacher may appeal the decision of a local 103138
professional development committee. 103139

(2) In any school district in which there is no exclusive 103140
representative established under Chapter 4117. of the Revised 103141

Code, the professional development committees shall be established 103142
as described in division (F)(2) of this section. 103143

Not later than the effective date of the rules adopted under 103144
this section, the board of education of each school district shall 103145
establish the structure for one or more local professional 103146
development committees to be operated by such school district. The 103147
committee structure so established by a district board shall 103148
remain in effect unless within thirty days prior to an anniversary 103149
of the date upon which the current committee structure was 103150
established, the board provides notice to all affected district 103151
employees that the committee structure is to be modified. 103152
Professional development committees may have a district-level or 103153
building-level scope of operations, and may be established with 103154
regard to particular grade or age levels for which an educator 103155
license is designated. 103156

Each professional development committee shall consist of at 103157
least three classroom teachers employed by the district, one 103158
principal employed by the district, and one other employee of the 103159
district appointed by the district superintendent. For committees 103160
with a building-level scope, the teacher and principal members 103161
shall be assigned to that building, and the teacher members shall 103162
be elected by majority vote of the classroom teachers assigned to 103163
that building. For committees with a district-level scope, the 103164
teacher members shall be elected by majority vote of the classroom 103165
teachers of the district, and the principal member shall be 103166
elected by a majority vote of the principals of the district, 103167
unless there are two or fewer principals employed by the district, 103168
in which case the one or two principals employed shall serve on 103169
the committee. If a committee has a particular grade or age level 103170
scope, the teacher members shall be licensed to teach such grade 103171
or age levels, and shall be elected by majority vote of the 103172
classroom teachers holding such a license and the principal shall 103173

be elected by all principals serving in buildings where any such 103174
teachers serve. The district superintendent shall appoint a 103175
replacement to fill any vacancy that occurs on a professional 103176
development committee, except in the case of vacancies among the 103177
elected classroom teacher members, which shall be filled by vote 103178
of the remaining members of the committee so selected. 103179

Terms of office on professional development committees shall 103180
be prescribed by the district board establishing the committees. 103181
The conduct of elections for members of professional development 103182
committees shall be prescribed by the district board establishing 103183
the committees. A professional development committee may include 103184
additional members, except that the majority of members on each 103185
such committee shall be classroom teachers employed by the 103186
district. Any member appointed to fill a vacancy occurring prior 103187
to the expiration date of the term for which a predecessor was 103188
appointed shall hold office as a member for the remainder of that 103189
term. 103190

The initial meeting of any professional development 103191
committee, upon election and appointment of all committee members, 103192
shall be called by a member designated by the district 103193
superintendent. At this initial meeting, the committee shall 103194
select a chairperson and such other officers the committee deems 103195
necessary, and shall adopt rules for the conduct of its meetings. 103196
Thereafter, the committee shall meet at the call of the 103197
chairperson or upon the filing of a petition with the district 103198
superintendent signed by a majority of the committee members 103199
calling for the committee to meet. 103200

(3) In the case of a school district in which an exclusive 103201
representative has been established pursuant to Chapter 4117. of 103202
the Revised Code, professional development committees shall be 103203
established in accordance with any collective bargaining agreement 103204
in effect in the district that includes provisions for such 103205

committees. 103206

If the collective bargaining agreement does not specify a 103207
different method for the selection of teacher members of the 103208
committees, the exclusive representative of the district's 103209
teachers shall select the teacher members. 103210

If the collective bargaining agreement does not specify a 103211
different structure for the committees, the board of education of 103212
the school district shall establish the structure, including the 103213
number of committees and the number of teacher and administrative 103214
members on each committee; the specific administrative members to 103215
be part of each committee; whether the scope of the committees 103216
will be district levels, building levels, or by type of grade or 103217
age levels for which educator licenses are designated; the lengths 103218
of terms for members; the manner of filling vacancies on the 103219
committees; and the frequency and time and place of meetings. 103220
However, in all cases, except as provided in division (F)(4) of 103221
this section, there shall be a majority of teacher members of any 103222
professional development committee, there shall be at least five 103223
total members of any professional development committee, and the 103224
exclusive representative shall designate replacement members in 103225
the case of vacancies among teacher members, unless the collective 103226
bargaining agreement specifies a different method of selecting 103227
such replacements. 103228

(4) Whenever an administrator's coursework plan is being 103229
discussed or voted upon, the local professional development 103230
committee shall, at the request of one of its administrative 103231
members, cause a majority of the committee to consist of 103232
administrative members by reducing the number of teacher members 103233
voting on the plan. 103234

(G)(1) The department of education, educational service 103235
centers, county boards of developmental disabilities, college and 103236
university departments of education, head start programs, and the 103237

Ohio education computer network may establish local professional 103238
development committees to determine whether the coursework 103239
proposed by their employees who are licensed or certificated under 103240
this section or section 3319.222 of the Revised Code, or under the 103241
former version of either section as it existed prior to October 103242
16, 2009, meet the requirements of the rules adopted under this 103243
section. They may establish local professional development 103244
committees on their own or in collaboration with a school district 103245
or other agency having authority to establish them. 103246

Local professional development committees established by 103247
county boards of developmental disabilities shall be structured in 103248
a manner comparable to the structures prescribed for school 103249
districts in divisions (F)(2) and (3) of this section, as shall 103250
the committees established by any other entity specified in 103251
division (G)(1) of this section that provides educational services 103252
by employing or contracting for services of classroom teachers 103253
licensed or certificated under this section or section 3319.222 of 103254
the Revised Code, or under the former version of either section as 103255
it existed prior to October 16, 2009. All other entities specified 103256
in division (G)(1) of this section shall structure their 103257
committees in accordance with guidelines which shall be issued by 103258
the state board. 103259

(2) Educational service centers may establish local 103260
professional development committees to serve educators who are not 103261
employed in schools in this state, including pupil services 103262
personnel who are licensed under this section. Local professional 103263
development committees shall be structured in a manner comparable 103264
to the structures prescribed for school districts in divisions 103265
(F)(2) and (3) of this section. 103266

These committees may agree to review the coursework, 103267
continuing education units, or other equivalent activities related 103268
to classroom teaching or the area of licensure that is proposed by 103269

an individual who satisfies both of the following conditions: 103270

(a) The individual is licensed or certificated under this 103271
section or under the former version of this section as it existed 103272
prior to October 16, 2009. 103273

(b) The individual is not currently employed as an educator 103274
or is not currently employed by an entity that operates a local 103275
professional development committee under this section. 103276

Any committee that agrees to work with such an individual 103277
shall work to determine whether the proposed coursework, 103278
continuing education units, or other equivalent activities meet 103279
the requirements of the rules adopted by the state board under 103280
this section. 103281

(3) Any public agency that is not specified in division 103282
(G)(1) or (2) of this section but provides educational services 103283
and employs or contracts for services of classroom teachers 103284
licensed or certificated under this section or section 3319.222 of 103285
the Revised Code, or under the former version of either section as 103286
it existed prior to October 16, 2009, may establish a local 103287
professional development committee, subject to the approval of the 103288
department of education. The committee shall be structured in 103289
accordance with guidelines issued by the state board. 103290

(H) Not later than July 1, 2016, the state board, in 103291
accordance with Chapter 119. of the Revised Code, shall adopt 103292
rules pursuant to division (A)(3) of this section that do both of 103293
the following: 103294

(1) Exempt consistently high-performing teachers from the 103295
requirement to complete any additional coursework for the renewal 103296
of an educator license issued under this section or section 103297
3319.26 of the Revised Code. The rules also shall specify that 103298
such teachers are exempt from any requirements prescribed by 103299
professional development committees established under divisions 103300

(F) and (G) of this section. 103301

(2) For purposes of division (H)(1) of this section, the 103302
state board shall define the term "consistently high-performing 103303
teacher." 103304

(I) The state board shall issue a resident educator license, 103305
professional educator license, senior professional educator 103306
license, lead professional educator license, or any other educator 103307
license in accordance with Chapter 4796. of the Revised Code to an 103308
applicant if either of the following applies: 103309

(1) The applicant holds a license in another state. 103310

(2) The applicant has satisfactory work experience, a 103311
government certification, or a private certification as described 103312
in that chapter as a resident educator, professional educator, 103313
senior professional educator, lead professional educator, or any 103314
other type of educator in a state that does not issue one or more 103315
of those licenses. 103316

Sec. 3319.26. (A) Except as provided in division (H) of this 103317
section, the state board of education shall adopt rules 103318
establishing the standards and requirements for obtaining an 103319
alternative resident educator license for teaching in grades 103320
kindergarten to twelve, or the equivalent, in a designated subject 103321
area or in the area of intervention specialist, as defined by rule 103322
of the state board. The rules shall also include the reasons for 103323
which an alternative resident educator license may be renewed 103324
under division (D) of this section. 103325

(B) The superintendent of public instruction and the 103326
chancellor of higher education jointly shall develop an intensive 103327
pedagogical training institute to provide instruction in the 103328
principles and practices of teaching for individuals seeking an 103329
alternative resident educator license. The instruction shall cover 103330

such topics as student development and learning, pupil assessment 103331
procedures, curriculum development, classroom management, and 103332
teaching methodology. 103333

(C) Except as provided in division (H) of this section, the 103334
rules adopted under this section shall require applicants for the 103335
alternative resident educator license to satisfy the following 103336
conditions prior to issuance of the license, but they shall not 103337
require applicants to have completed a major or coursework in the 103338
subject area for which application is being made: 103339

(1) Hold a minimum of a baccalaureate degree; 103340

(2) Successfully complete the pedagogical training institute 103341
described in division (B) of this section or the preservice 103342
training provided to participants of a teacher preparation program 103343
that has been approved by the chancellor. The chancellor may 103344
approve any such program that requires participants to hold a 103345
bachelor's degree; have either a cumulative undergraduate grade 103346
point average of at least 2.5 out of 4.0, or its equivalent or a 103347
cumulative graduate school grade point average of at least 3.0 out 103348
of 4.0; and successfully complete the program's preservice 103349
training. 103350

(3) Pass an examination in the subject area for which 103351
application is being made. 103352

(D) An alternative resident educator license shall be valid 103353
for ~~four~~ two years and shall be renewable for reasons specified by 103354
rules adopted by the state board pursuant to division (A) of this 103355
section. The state board, on a case-by-case basis, may extend the 103356
license's duration as necessary to enable the license holder to 103357
complete the Ohio teacher residency program established under 103358
section 3319.223 of the Revised Code. 103359

(E) The rules shall require the holder of an alternative 103360
resident educator license, as a condition of continuing to hold 103361

the license, to do all of the following: 103362

(1) Participate in the Ohio teacher residency program under 103363
section 3319.223 of the Revised Code; 103364

(2) Show satisfactory progress in taking and successfully 103365
completing one of the following: 103366

(a) At least twelve additional semester hours, or the 103367
equivalent, of college coursework in the principles and practices 103368
of teaching in such topics as student development and learning, 103369
pupil assessment procedures, curriculum development, classroom 103370
management, and teaching methodology; 103371

(b) Professional development provided by a teacher 103372
preparation program that has been approved by the chancellor under 103373
division (C)(2) of this section. 103374

(3) Take an assessment of professional knowledge in the 103375
second year of teaching under the license. 103376

(F) The rules shall provide for the granting of a 103377
professional educator license to a holder of an alternative 103378
resident educator license upon successfully completing all of the 103379
following: 103380

(1) ~~Four~~ Two years of teaching under the alternative license; 103381

(2) The additional college coursework or professional 103382
development described in division (E)(2) of this section; 103383

(3) The assessment of professional knowledge described in 103384
division (E)(3) of this section. The standards for successfully 103385
completing this assessment and the manner of conducting the 103386
assessment shall be the same as for any other individual who is 103387
required to take the assessment pursuant to rules adopted by the 103388
state board under section 3319.22 of the Revised Code. 103389

(4) The Ohio teacher residency program; 103390

(5) All other requirements for a professional educator 103391

license adopted by the state board under section 3319.22 of the Revised Code. 103392
103393

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 103394
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(H) The board shall issue an alternative resident educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 103400
103401
103402

(1) The applicant holds a license in another state. 103403

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator for grades kindergarten through twelve in a state that does not issue that license. 103404
103405
103406
103407

(I) The holder of an alternative resident educator license may teach preschool students under that license. 103408
103409

Sec. 3319.27. (A) Except as provided in division (C) of this section, the state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a principal shall be allowed to continue employment as a principal until the 103410
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expiration of the license. Employment of any such person as a 103422
principal by a school district after the expiration of the 103423
temporary educator license shall be contingent upon the state 103424
board issuing the person an alternative principal license in 103425
accordance with the rules adopted under this division. 103426

(B) Except as provided in division (C) of this section, the 103427
state board shall adopt rules that establish an alternative 103428
administrator license, which shall be valid for employment as a 103429
superintendent or in any other administrative position except 103430
principal. Beginning on the effective date of the rules, the state 103431
board shall cease to issue temporary educator licenses pursuant to 103432
former section 3319.225 of the Revised Code as it existed prior to 103433
April 12, 2021, for employment as a superintendent or in any other 103434
administrative position except principal. Any person who on the 103435
effective date of the rules holds a valid temporary educator 103436
license issued under that section and is employed as a 103437
superintendent or in any other administrative position except 103438
principal shall be allowed to continue employment in that position 103439
until the expiration of the license. Employment of any such person 103440
as a superintendent or in any other administrative position except 103441
principal by a school district after the expiration of the 103442
temporary educator license shall be contingent upon the state 103443
board issuing the person an alternative administrator license in 103444
accordance with the rules adopted under this division. 103445

(C) The state board shall issue an alternative principal or 103446
alternative administrator license in accordance with Chapter 4796. 103447
of the Revised Code to an applicant if either of the following 103448
applies: 103449

(1) The applicant holds a license in another state. 103450

(2) The applicant has satisfactory work experience, a 103451
government certification, or a private certification as described 103452

in that chapter as a school principal or school administrator in a state that does not issue one or both of those licenses.

Sec. 3319.303. (A) Except as provided in division (D) of this section, the state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this division shall be valid for three years and shall be renewable.

(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C)(1) Except as provided in division (D) of this section, as a condition to issuing a pupil-activity program permit to coach

interscholastic athletics, the state board shall require each 103484
individual applying for a first permit ~~on or after April 26, 2013,~~ 103485
to successfully complete a training program that is specifically 103486
focused on brain trauma and brain injury management and the sudden 103487
cardiac arrest training course approved by the department of 103488
health under division (C) of section 3707.59 of the Revised Code. 103489

(2) The state board shall require, as a condition to renewing 103490
a pupil-activity program permit to coach interscholastic 103491
athletics, each individual applying for a permit renewal ~~on or~~ 103492
~~after that date~~ to present evidence that the individual has 103493
successfully completed, within the duration of the individual's 103494
previous ~~three years,~~ a permit, both of the following: 103495

(a) A training program in recognizing the symptoms of 103496
concussions and head injuries to which the department of health 103497
has provided a link on its internet web site under section 3707.52 103498
of the Revised Code or a training program authorized and required 103499
by an organization that regulates interscholastic athletic 103500
competition and conducts interscholastic athletic events; 103501

(b) The sudden cardiac arrest training course approved by the 103502
department of health under division (C) of section 3707.59 of the 103503
Revised Code. 103504

(3) The state board shall require each individual applying 103505
for a permit renewal on or after the effective date of this 103506
amendment to present evidence that the individual has complied 103507
with the student mental health training requirement under section 103508
3313.5318 of the Revised Code. 103509

(D) The state board shall issue a permit for coaching, 103510
supervising, or directing a pupil-activity program in accordance 103511
with Chapter 4796. of the Revised Code to an applicant if either 103512
of the following applies: 103513

(1) The applicant holds a license or permit in another state. 103514

(2) The applicant has satisfactory work experience, a 103515
government certification, or a private certification as described 103516
in that chapter as a coach, supervisor, or pupil-activity program 103517
director in a state that does not issue that permit. 103518

Sec. 3704.14. (A)(1) If the director of environmental 103519
protection determines that implementation of a motor vehicle 103520
inspection and maintenance program is necessary for the state to 103521
effectively comply with the federal Clean Air Act after June 30, 103522
~~2019~~ 2023, the director may provide for the implementation of the 103523
program in those counties in this state in which such a program is 103524
federally mandated. Upon making such a determination, the director 103525
of environmental protection may request the director of 103526
administrative services to extend the terms of the contract that 103527
was entered into under the authority of Am. Sub. H.B. 64 of the 103528
131st general assembly. Upon receiving the request, the director 103529
of administrative services shall extend the contract, beginning on 103530
July 1, ~~2019~~ 2023, in accordance with this section. The contract 103531
shall be extended for a period of up to twenty-four months with 103532
the contractor who conducted the motor vehicle inspection and 103533
maintenance program under that contract. 103534

(2) Prior to the expiration of the contract extension that is 103535
authorized by division (A)(1) of this section, the director of 103536
environmental protection shall request the director of 103537
administrative services to enter into a contract with a vendor to 103538
operate a decentralized motor vehicle inspection and maintenance 103539
program in each county in this state in which such a program is 103540
federally mandated through June 30, ~~2023~~ 2027, with an option for 103541
the state to renew the contract for a period of up to twenty-four 103542
months through June 30, ~~2025~~ 2029. The contract shall ensure that 103543
the decentralized motor vehicle inspection and maintenance program 103544
achieves at least the same emission reductions as achieved by the 103545
program operated under the authority of the contract that was 103546

extended under division (A)(1) of this section. The director of 103547
administrative services shall select a vendor through a 103548
competitive selection process in compliance with Chapter 125. of 103549
the Revised Code. 103550

(3) Notwithstanding any law to the contrary, the director of 103551
administrative services shall ensure that a competitive selection 103552
process regarding a contract to operate a decentralized motor 103553
vehicle inspection and maintenance program in this state 103554
incorporates the following, which shall be included in the 103555
contract: 103556

(a) For purposes of expanding the number of testing locations 103557
for consumer convenience, a requirement that the vendor utilize 103558
established local businesses, auto repair facilities, or leased 103559
properties to operate state-approved inspection and maintenance 103560
testing facilities; 103561

(b) A requirement that the vendor selected to operate the 103562
program provide notification of the program's requirements to each 103563
owner of a motor vehicle that is required to be inspected under 103564
the program. The contract shall require the notification to be 103565
provided not later than sixty days prior to the date by which the 103566
owner of the motor vehicle is required to have the motor vehicle 103567
inspected. The director of environmental protection and the vendor 103568
shall jointly agree on the content of the notice. However, the 103569
notice shall include at a minimum the locations of all inspection 103570
facilities within a specified distance of the address that is 103571
listed on the owner's motor vehicle registration; 103572

(c) A requirement that the vendor comply with testing 103573
methodology and supply the required equipment approved by the 103574
director of environmental protection as specified in the 103575
competitive selection process in compliance with Chapter 125. of 103576
the Revised Code. 103577

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C)(1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The director of environmental protection shall issue an inspection certificate provided for under division (B)(2) of this section in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The individual holds a certificate or license in another

state. 103608

(b) The individual has satisfactory work experience, a 103609
government certification, or a private certification as described 103610
in that chapter as a vehicle inspector in a state that does not 103611
issue that certificate. 103612

(D) There is hereby created in the state treasury the auto 103613
emissions test fund, which shall consist of money received by the 103614
director from any cash transfers, state and local grants, and 103615
other contributions that are received for the purpose of funding 103616
the program established under this section. The director of 103617
environmental protection shall use money in the fund solely for 103618
the implementation, supervision, administration, operation, and 103619
enforcement of the motor vehicle inspection and maintenance 103620
program established under this section. Money in the fund shall 103621
not be used for either of the following: 103622

(1) To pay for the inspection costs incurred by a motor 103623
vehicle dealer so that the dealer may provide inspection 103624
certificates to an individual purchasing a motor vehicle from the 103625
dealer when that individual resides in a county that is subject to 103626
the motor vehicle inspection and maintenance program; 103627

(2) To provide payment for more than one free passing 103628
emissions inspection or a total of three emissions inspections for 103629
a motor vehicle in any three-hundred-sixty-five-day period. The 103630
owner or lessee of a motor vehicle is responsible for inspection 103631
fees that are related to emissions inspections beyond one free 103632
passing emissions inspection or three total emissions inspections 103633
in any three-hundred-sixty-five-day period. Inspection fees that 103634
are charged by a contractor conducting emissions inspections under 103635
a motor vehicle inspection and maintenance program shall be 103636
approved by the director of environmental protection. 103637

(E) The motor vehicle inspection and maintenance program 103638

established under this section expires upon the termination of all 103639
contracts entered into under this section and shall not be 103640
implemented beyond the final date on which termination occurs. 103641

(F) As used in this section "battery electric motor vehicle" 103642
has the same meaning as in section 4501.01 of the Revised Code. 103643

Sec. 3737.83. The state fire marshal shall, as part of the 103644
state fire code, adopt rules to: 103645

(A) Establish minimum standards of performance for fire 103646
protection equipment and fire fighting equipment; 103647

(B) Establish minimum standards of training, fix minimum 103648
qualifications, and require certificates for all persons who 103649
engage in the business for profit of installing, testing, 103650
repairing, or maintaining fire protection equipment; 103651

(C) Provide for the issuance of certificates required under 103652
division (B) of this section and establish the fees to be charged 103653
for such certificates. A certificate shall be granted, renewed, or 103654
revoked according to rules the state fire marshal shall adopt, 103655
except that the state fire marshal shall grant a certificate in 103656
accordance with Chapter 4796. of the Revised Code to an applicant 103657
if either of the following applies: 103658

(1) The applicant holds a license or certificate in another 103659
state. 103660

(2) The applicant has satisfactory work experience, a 103661
government certification, or a private certification as described 103662
in that chapter as a person engaged in the business of installing, 103663
testing, repairing, or maintaining fire protection equipment in a 103664
state that does not issue that certificate. 103665

(D) Establish minimum standards of flammability for consumer 103666
goods in any case where the federal government or any department 103667
or agency thereof has established, or may from time to time 103668

establish standards of flammability for consumer goods. The 103669
standards established by the state fire marshal shall be identical 103670
to the minimum federal standards. 103671

In any case where the federal government or any department or 103672
agency thereof, establishes standards of flammability for consumer 103673
goods subsequent to the adoption of a flammability standard by the 103674
state fire marshal, standards previously adopted by the state fire 103675
marshal shall not continue in effect to the extent such standards 103676
are not identical to the minimum federal standards. 103677

With respect to the adoption of minimum standards of 103678
flammability, this division shall supersede any authority granted 103679
a political subdivision by any other section of the Revised Code. 103680

(E) Establish minimum standards pursuant to section 5104.05 103681
of the Revised Code for fire prevention and fire safety in child 103682
day-care centers and in type A family day-care homes, as defined 103683
in section 5104.01 of the Revised Code. 103684

(F) Establish minimum standards for fire prevention and 103685
safety in a residential facility licensed under section 5119.34 of 103686
the Revised Code that provides accommodations, supervision, and 103687
personal care services for three to sixteen unrelated adults. The 103688
state fire marshal shall adopt the rules under this division in 103689
consultation with the director of mental health and addiction 103690
services and interested parties designated by the director of 103691
mental health and addiction services. 103692

(G)(1) Establish that occupant load shall not include an 103693
exterior patio that has a means of egress on at least three sides 103694
or within fifty feet of an open side and in which each means of 103695
egress is compliant with the "Americans with Disabilities Act of 103696
1990," 42 U.S.C. 12102, et seq. 103697

(2) Notwithstanding any provision of section 121.95 of the 103698
Revised Code to the contrary, a regulatory restriction contained 103699

in a rule adopted under division (G)(1) of this section is not 103700
subject to sections 121.95 to 121.953 of the Revised Code. 103701

Sec. 3781.10. (A)(1) The board of building standards shall 103702
formulate and adopt rules governing the erection, construction, 103703
repair, alteration, and maintenance of all buildings or classes of 103704
buildings specified in section 3781.06 of the Revised Code, 103705
including land area incidental to those buildings, the 103706
construction of industrialized units, the installation of 103707
equipment, and the standards or requirements for materials used in 103708
connection with those buildings. The board shall incorporate those 103709
rules into separate residential and nonresidential building codes. 103710
The standards shall relate to the conservation of energy and the 103711
safety and sanitation of those buildings. 103712

(2) The rules governing nonresidential buildings are the 103713
lawful minimum requirements specified for those buildings and 103714
industrialized units, except that no rule other than as provided 103715
in division (C) of section 3781.108 of the Revised Code that 103716
specifies a higher requirement than is imposed by any section of 103717
the Revised Code is enforceable. The rules governing residential 103718
buildings are uniform requirements for residential buildings in 103719
any area with a building department certified to enforce the state 103720
residential building code. In no case shall any local code or 103721
regulation differ from the state residential building code unless 103722
that code or regulation addresses subject matter not addressed by 103723
the state residential building code or is adopted pursuant to 103724
section 3781.01 of the Revised Code. 103725

(3) The rules adopted pursuant to this section are complete, 103726
lawful alternatives to any requirements specified for buildings or 103727
industrialized units in any section of the Revised Code. Except as 103728
otherwise provided in division (I) of this section, the board 103729
shall, on its own motion or on application made under sections 103730

3781.12 and 3781.13 of the Revised Code, formulate, propose, 103731
adopt, modify, amend, or repeal the rules to the extent necessary 103732
or desirable to effectuate the purposes of sections 3781.06 to 103733
3781.18 of the Revised Code. 103734

(B) The board shall report to the general assembly proposals 103735
for amendments to existing statutes relating to the purposes 103736
declared in section 3781.06 of the Revised Code that public health 103737
and safety and the development of the arts require and shall 103738
recommend any additional legislation to assist in carrying out 103739
fully, in statutory form, the purposes declared in that section. 103740
The board shall prepare and submit to the general assembly a 103741
summary report of the number, nature, and disposition of the 103742
petitions filed under sections 3781.13 and 3781.14 of the Revised 103743
Code. 103744

(C) On its own motion or on application made under sections 103745
3781.12 and 3781.13 of the Revised Code, and after thorough 103746
testing and evaluation, the board shall determine by rule that any 103747
particular fixture, device, material, process of manufacture, 103748
manufactured unit or component, method of manufacture, system, or 103749
method of construction complies with performance standards adopted 103750
pursuant to section 3781.11 of the Revised Code. The board shall 103751
make its determination with regard to adaptability for safe and 103752
sanitary erection, use, or construction, to that described in any 103753
section of the Revised Code, wherever the use of a fixture, 103754
device, material, method of manufacture, system, or method of 103755
construction described in that section of the Revised Code is 103756
permitted by law. The board shall amend or annul any rule or issue 103757
an authorization for the use of a new material or manufactured 103758
unit on any like application. No department, officer, board, or 103759
commission of the state other than the board of building standards 103760
or the board of building appeals shall permit the use of any 103761
fixture, device, material, method of manufacture, newly designed 103762

product, system, or method of construction at variance with what 103763
is described in any rule the board of building standards adopts or 103764
issues or that is authorized by any section of the Revised Code. 103765
Nothing in this section shall be construed as requiring approval, 103766
by rule, of plans for an industrialized unit that conforms with 103767
the rules the board of building standards adopts pursuant to 103768
section 3781.11 of the Revised Code. 103769

(D) The board shall recommend rules, codes, and standards to 103770
help carry out the purposes of section 3781.06 of the Revised Code 103771
and to help secure uniformity of state administrative rulings and 103772
local legislation and administrative action to the bureau of 103773
workers' compensation, the director of commerce, any other 103774
department, officer, board, or commission of the state, and to 103775
legislative authorities and building departments of counties, 103776
townships, and municipal corporations, and shall recommend that 103777
they audit those recommended rules, codes, and standards by any 103778
appropriate action that they are allowed pursuant to law or the 103779
constitution. 103780

(E)(1) The board shall certify municipal, township, and 103781
county building departments, the personnel of those building 103782
departments, persons described in division (E)(7) of this section, 103783
and employees of individuals, firms, the state, or corporations 103784
described in division (E)(7) of this section to exercise 103785
enforcement authority, to accept and approve plans and 103786
specifications, and to make inspections, pursuant to sections 103787
3781.03, 3791.04, and 4104.43 of the Revised Code. 103788

(2) The board shall certify departments, personnel, and 103789
persons to enforce the state residential building code, to enforce 103790
the nonresidential building code, or to enforce both the 103791
residential and the nonresidential building codes. Any department, 103792
personnel, or person may enforce only the type of building code 103793
for which certified. 103794

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building

department may exercise enforcement authority, accept and approve 103858
plans and specifications, and make inspections pursuant to 103859
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 103860
park district created pursuant to Chapter 1545. of the Revised 103861
Code upon the approval, by resolution, of the board of park 103862
commissioners of the park district requesting the department to 103863
exercise that authority and conduct those activities, as 103864
applicable. 103865

(10) Certification shall be granted upon application by the 103866
municipal corporation, the board of township trustees, or the 103867
board of county commissioners and approval of that application by 103868
the board of building standards. The application shall set forth: 103869

(a) Whether the certification is requested for residential or 103870
nonresidential buildings, or both; 103871

(b) The number and qualifications of the staff composing the 103872
building department; 103873

(c) The names, addresses, and qualifications of persons, 103874
firms, or corporations contracting to furnish work or services 103875
pursuant to division (E)(7)(b) of this section; 103876

(d) The names of any other municipal corporation, township, 103877
county, health district, or political subdivision under contract 103878
to furnish work or services pursuant to division (E)(7) of this 103879
section; 103880

(e) The proposed budget for the operation of the building 103881
department. 103882

(11) The board of building standards shall adopt rules 103883
governing all of the following: 103884

(a) The certification of building department personnel and 103885
persons and employees of persons, firms, or corporations 103886
exercising authority pursuant to division (E)(7) of this section. 103887

The rules shall disqualify any employee of the department or 103888
person who contracts for services with the department from 103889
performing services for the department when that employee or 103890
person would have to pass upon, inspect, or otherwise exercise 103891
authority over any labor, material, or equipment the employee or 103892
person furnishes for the construction, alteration, or maintenance 103893
of a building or the preparation of working drawings or 103894
specifications for work within the jurisdictional area of the 103895
department. The department shall provide other similarly qualified 103896
personnel to enforce the residential and nonresidential building 103897
codes as they pertain to that work. 103898

(b) The minimum services to be provided by a certified 103899
building department. 103900

(12) The board of building standards may revoke or suspend 103901
certification to enforce the residential and nonresidential 103902
building codes, on petition to the board by any person affected by 103903
that enforcement or approval of plans, or by the board on its own 103904
motion. Hearings shall be held and appeals permitted on any 103905
proceedings for certification or revocation or suspension of 103906
certification in the same manner as provided in section 3781.101 103907
of the Revised Code for other proceedings of the board of building 103908
standards. 103909

(13) Upon certification, and until that authority is revoked, 103910
any county or township building department shall enforce the 103911
residential and nonresidential building codes for which it is 103912
certified without regard to limitation upon the authority of 103913
boards of county commissioners under Chapter 307. of the Revised 103914
Code or boards of township trustees under Chapter 505. of the 103915
Revised Code. 103916

(14) The board shall certify a person to exercise enforcement 103917
authority, to accept and approve plans and specifications, or to 103918
make inspections in this state in accordance with Chapter 4796. of 103919

the Revised Code if either of the following applies: 103920

(a) The person holds a license or certificate in another 103921
state. 103922

(b) The person has satisfactory work experience, a government 103923
certification, or a private certification as described in that 103924
chapter in the same profession, occupation, or occupational 103925
activity as the profession, occupation, or occupational activity 103926
for which the certificate is required in this state in a state 103927
that does not issue that license or certificate. 103928

(F) In addition to hearings sections 3781.06 to 3781.18 and 103929
3791.04 of the Revised Code require, the board of building 103930
standards shall make investigations and tests, and require from 103931
other state departments, officers, boards, and commissions 103932
information the board considers necessary or desirable to assist 103933
it in the discharge of any duty or the exercise of any power 103934
mentioned in this section or in sections 3781.06 to 3781.18, 103935
3791.04, and 4104.43 of the Revised Code. 103936

(G) The board shall adopt rules and establish reasonable fees 103937
for the review of all applications submitted where the applicant 103938
applies for authority to use a new material, assembly, or product 103939
of a manufacturing process. The fee shall bear some reasonable 103940
relationship to the cost of the review or testing of the 103941
materials, assembly, or products and for the notification of 103942
approval or disapproval as provided in section 3781.12 of the 103943
Revised Code. 103944

(H) The residential construction advisory committee shall 103945
provide the board with a proposal for a state residential building 103946
code that the committee recommends pursuant to division (D)(1) of 103947
section 4740.14 of the Revised Code. Upon receiving a 103948
recommendation from the committee that is acceptable to the board, 103949
the board shall adopt rules establishing that code as the state 103950

residential building code. 103951

(I)(1) The committee may provide the board with proposed 103952
rules to update or amend the state residential building code that 103953
the committee recommends pursuant to division (E) of section 103954
4740.14 of the Revised Code. 103955

(2) If the board receives a proposed rule to update or amend 103956
the state residential building code as provided in division (I)(1) 103957
of this section, the board either may accept or reject the 103958
proposed rule for incorporation into the residential building 103959
code. If the board does not act to either accept or reject the 103960
proposed rule within ninety days after receiving the proposed rule 103961
from the committee as described in division (I)(1) of this 103962
section, the proposed rule shall become part of the residential 103963
building code. 103964

(J) The board shall cooperate with the director of job and 103965
family services when the director promulgates rules pursuant to 103966
section 5104.05 of the Revised Code regarding safety and 103967
sanitation in type A family day-care homes. 103968

(K) The board shall adopt rules to implement the requirements 103969
of section 3781.108 of the Revised Code. 103970

(L) The board shall establish a grant program to assist 103971
building departments certified by the board pursuant to division 103972
(E) of this section in the recruitment, training, and retention of 103973
qualified personnel. 103974

Sec. 3781.102. (A) Any county or municipal building 103975
department certified pursuant to division (E) of section 3781.10 103976
of the Revised Code as of September 14, 1970, and that, as of that 103977
date, was inspecting single-family, two-family, and three-family 103978
residences, and any township building department certified 103979
pursuant to division (E) of section 3781.10 of the Revised Code, 103980

is hereby declared to be certified to inspect single-family, 103981
two-family, and three-family residences containing industrialized 103982
units, and shall inspect the buildings or classes of buildings 103983
subject to division (E) of section 3781.10 of the Revised Code. 103984

(B) Each board of county commissioners may adopt, by 103985
resolution, rules establishing standards and providing for the 103986
licensing of electrical and heating, ventilating, and air 103987
conditioning contractors who are not required to hold a valid and 103988
unexpired license pursuant to Chapter 4740. of the Revised Code. 103989

Rules adopted by a board of county commissioners pursuant to 103990
this division may be enforced within the unincorporated areas of 103991
the county and within any municipal corporation where the 103992
legislative authority of the municipal corporation has contracted 103993
with the board for the enforcement of the county rules within the 103994
municipal corporation pursuant to section 307.15 of the Revised 103995
Code. The rules shall not conflict with rules adopted by the board 103996
of building standards pursuant to section 3781.10 of the Revised 103997
Code or by the department of commerce pursuant to Chapter 3703. of 103998
the Revised Code. This division does not impair or restrict the 103999
power of municipal corporations under Section 3 of Article XVIII, 104000
Ohio Constitution, to adopt rules concerning the erection, 104001
construction, repair, alteration, and maintenance of buildings and 104002
structures or of establishing standards and providing for the 104003
licensing of specialty contractors pursuant to section 715.27 of 104004
the Revised Code. 104005

A board of county commissioners, pursuant to this division, 104006
may require all electrical contractors and heating, ventilating, 104007
and air conditioning contractors, other than those who hold a 104008
valid and unexpired license issued pursuant to Chapter 4740. of 104009
the Revised Code, to successfully complete an examination, test, 104010
or demonstration of technical skills, and may impose a fee and 104011

additional requirements for a license to engage in their 104012
respective occupations within the jurisdiction of the board's 104013
rules under this division. 104014

(C) No board of county commissioners shall require any 104015
specialty contractor who holds a valid and unexpired license 104016
issued pursuant to Chapter 4740. of the Revised Code to 104017
successfully complete an examination, test, or demonstration of 104018
technical skills in order to engage in the type of contracting for 104019
which the license is held, within the unincorporated areas of the 104020
county and within any municipal corporation whose legislative 104021
authority has contracted with the board for the enforcement of 104022
county regulations within the municipal corporation, pursuant to 104023
section 307.15 of the Revised Code. 104024

(D) A board may impose a fee for registration of a specialty 104025
contractor who holds a valid and unexpired license issued pursuant 104026
to Chapter 4740. of the Revised Code before that specialty 104027
contractor may engage in the type of contracting for which the 104028
license is held within the unincorporated areas of the county and 104029
within any municipal corporation whose legislative authority has 104030
contracted with the board for the enforcement of county 104031
regulations within the municipal corporation, pursuant to section 104032
307.15 of the Revised Code, provided that the fee is the same for 104033
all specialty contractors who wish to engage in that type of 104034
contracting. If a board imposes such a fee, the board immediately 104035
shall permit a specialty contractor who presents proof of holding 104036
a valid and unexpired license and pays the required fee to engage 104037
in the type of contracting for which the license is held within 104038
the unincorporated areas of the county and within any municipal 104039
corporation whose legislative authority has contracted with the 104040
board for the enforcement of county regulations within the 104041
municipal corporation, pursuant to section 307.15 of the Revised 104042
Code. 104043

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with residential buildings.

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.

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(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code.

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(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

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(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

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(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.

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(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

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Sec. 4735.07. (A) The superintendent of real estate, with the

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consent of the Ohio real estate commission, may enter into 104104
agreements with recognized national testing services to administer 104105
the real estate broker's examination under the superintendent's 104106
supervision and control, consistent with the requirements of this 104107
chapter as to the contents of such examination. 104108

(B) No applicant for a real estate broker's license shall 104109
take the broker's examination who has not established to the 104110
satisfaction of the superintendent that the applicant: 104111

(1) Is honest and truthful; 104112

(2)(a) Has not been convicted of a disqualifying offense as 104113
determined in accordance with section 9.79 of the Revised Code; 104114

(b) Has not been finally adjudged by a court to have violated 104115
any municipal, state, or federal civil rights laws relevant to the 104116
protection of purchasers or sellers of real estate or, if the 104117
applicant has been so adjudged, at least two years have passed 104118
since the court decision and the superintendent has disregarded 104119
the adjudication because the applicant has proven, by a 104120
preponderance of the evidence, that the applicant's activities and 104121
employment record since the adjudication show that the applicant 104122
is honest and truthful, and there is no basis in fact for 104123
believing that the applicant will again violate the laws involved. 104124

(3) Has not, during any period in which the applicant was 104125
licensed under this chapter, violated any provision of, or any 104126
rule adopted pursuant to, this chapter, or, if the applicant has 104127
violated any such provision or rule, has established to the 104128
satisfaction of the superintendent that the applicant will not 104129
again violate such provision or rule; 104130

(4) Is at least eighteen years of age; 104131

(5) Has been a licensed real estate broker or salesperson for 104132
at least ~~two years; during at least~~ two of the five years 104133

preceding the person's application, ~~has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week;~~ and has completed one of the following:

(a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate broker or salesperson;

(b) Such equivalent experience as is defined by rules adopted by the commission.

(6)(a) If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(i) Thirty hours of instruction in real estate practice;

(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	104164 104165
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	104166 104167
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	104168 104169
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	104170 104171 104172 104173
(i) Forty hours of instruction in real estate practice;	104174
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	104175 104176 104177 104178 104179 104180 104181 104182 104183 104184 104185 104186 104187
(iii) Twenty hours of instruction in real estate appraisal;	104188
(iv) Twenty hours of instruction in real estate finance;	104189
(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.	104190 104191
(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's	104192 104193

license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 104194
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 104195
do not apply to any applicant who holds a valid real estate 104196
salesperson's license issued prior to January 3, 1984. 104197

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 104198
section do not apply to any new applicant who holds a valid Ohio 104199
real estate appraiser license or certificate issued prior to the 104200
date of application for a real estate broker's license. 104201

(e) Successful completion of the instruction required by 104202
division (B)(6)(a) or (b) of this section shall be determined by 104203
the law in effect on the date the instruction was completed. 104204

(7) If licensed as a real estate salesperson on or after 104205
January 3, 1984, satisfactorily has completed a minimum of two 104206
years of post-secondary education, or its equivalent in semester 104207
or quarter hours, at an institution of higher education, and has 104208
fulfilled the requirements of division (B)(6)(a) or (b) of this 104209
section. The requirements of division (B)(6)(a) or (b) of this 104210
section may be included in the two years of post-secondary 104211
education, or its equivalent in semester or quarter hours, that is 104212
required by this division. The post-secondary education 104213
requirement may be satisfied by completing the credit-eligible 104214
courses using either classroom instruction or distance education. 104215
Successful completion of any course required by this section shall 104216
be determined by the law in effect on the date the course was 104217
completed. 104218

(C) Each applicant for a broker's license shall be examined 104219
in the principles of real estate practice, Ohio real estate law, 104220
and financing and appraisal, and as to the duties of real estate 104221
brokers and real estate salespersons, the applicant's knowledge of 104222
real estate transactions and instruments relating to them, and the 104223
canons of business ethics pertaining to them. The commission from 104224
time to time shall promulgate such canons and cause them to be 104225

published in printed form. 104226

(D) Examinations shall be administered with reasonable 104227
accommodations in accordance with the requirements of the 104228
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 104229
U.S.C. 12101. The contents of an examination shall be consistent 104230
with the requirements of division (B)(6) of this section and with 104231
the other specific requirements of this section. An applicant who 104232
has completed the requirements of division (B)(6) of this section 104233
at the time of application shall be examined no later than twelve 104234
months after the applicant is notified of admission to the 104235
examination. 104236

(E) Notwithstanding any provision of this chapter or Chapter 104237
4796. of the Revised Code to the contrary, the superintendent 104238
shall issue a real estate broker's license in accordance with 104239
Chapter 4796. of the Revised Code to an applicant if either of the 104240
following applies: 104241

(1) The applicant satisfies the requirements specified in 104242
section 4796.03 or 4796.04 of the Revised Code, as applicable, and 104243
all of the following apply: 104244

(a) The applicant has worked as a real estate broker for at 104245
least two of the five years immediately preceding the date of the 104246
application. 104247

(b) The applicant has completed not less than twenty real 104248
estate transactions in which the applicant acted in the capacity 104249
of a real estate broker. 104250

(c) The applicant passes an examination on Ohio real estate 104251
law. 104252

(2) The applicant satisfies the requirements specified in 104253
section 4796.05 of the Revised Code and divisions (E)(1)(b) and 104254
(c) of this section. 104255

(F) There shall be no limit placed on the number of times an applicant may retake the examination. 104256
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(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education. 104258
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If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent if the licensee fails to submit proof of completion of the education requirements specified under division (G)(1) of this section within twelve months of the date the license is suspended. 104269
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(2) If the license of a real estate broker is suspended pursuant to division (G)(1) of this section, the license of a real estate salesperson associated with that broker correspondingly is suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be 104282
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charged or collected for that reactivation if all of the following occur: 104288
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(a) That broker subsequently submits satisfactory proof to the superintendent that the broker has complied with the requirements of division (G)(1) of this section and requests that the broker's license as a real estate broker be reactivated; 104290
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(b) The superintendent then reactivates the broker's license as a real estate broker; 104294
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(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter. 104296
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Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination. 104299
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(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued 104315
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and ends on the applicant's first birthday thereafter. The 104319
application fee shall be nonrefundable. A fee of eighty-one 104320
dollars shall be charged by the superintendent for each successive 104321
application made by the applicant. ~~One dollar of each application~~ 104322
~~fee shall be credited to the real estate education and research~~ 104323
~~fund.~~ 104324

(C) There shall be no limit placed on the number of times an 104325
applicant may retake the examination. 104326

(D) The superintendent, with the consent of the commission, 104327
may enter into an agreement with a recognized national testing 104328
service to administer the real estate salesperson's examination 104329
under the superintendent's supervision and control, consistent 104330
with the requirements of this chapter as to the contents of the 104331
examination. 104332

If the superintendent, with the consent of the commission, 104333
enters into an agreement with a national testing service to 104334
administer the real estate salesperson's examination, the 104335
superintendent may require an applicant to pay the testing 104336
service's examination fee directly to the testing service. If the 104337
superintendent requires the payment of the examination fee 104338
directly to the testing service, each applicant shall submit to 104339
the superintendent a processing fee in an amount determined by the 104340
Ohio real estate commission pursuant to division (A)(1) of section 104341
4735.10 of the Revised Code. 104342

(E) The superintendent shall issue a real estate 104343
salesperson's license when satisfied that the applicant has 104344
received a passing score on each portion of the salesperson's 104345
examination as determined by rule by the real estate commission. 104346

(F) No applicant for a salesperson's license shall take the 104347
salesperson's examination who has not established to the 104348
satisfaction of the superintendent that the applicant: 104349

(1) Is honest and truthful;	104350
(2)(a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;	104351 104352
(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.	104353 104354 104355 104356 104357 104358 104359 104360 104361
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	104362 104363 104364 104365 104366 104367
(4) Is at least eighteen years of age;	104368
(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;	104369 104370 104371
(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	104372 104373 104374
(a) Forty hours of instruction in real estate practice;	104375
(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If	104376 104377 104378 104379

feasible, the instruction in Ohio real estate law shall be taught 104380
by a member of the faculty of an accredited law school. If 104381
feasible, the instruction in municipal, state, and federal civil 104382
rights law, new case law on housing discrimination, desegregation 104383
issues, and methods of eliminating the effects of prior 104384
discrimination shall be taught by a staff member of the Ohio civil 104385
rights commission who is knowledgeable with respect to those 104386
subjects. The requirements of this division do not apply to an 104387
applicant who is admitted to practice before the supreme court. 104388

(c) Twenty hours of instruction in real estate appraisal; 104389

(d) Twenty hours of instruction in real estate finance. 104390

(G)(1) Successful completion of the instruction required by 104391
division (F)(6) of this section shall be determined by the law in 104392
effect on the date the instruction was completed. 104393

(2) Division (F)(6)(c) of this section does not apply to any 104394
new applicant who holds a valid Ohio real estate appraiser license 104395
or certificate issued prior to the date of application for a real 104396
estate salesperson's license. 104397

(H) Only for noncredit course offerings, an institution of 104398
higher education shall obtain approval from the appropriate state 104399
authorizing entity prior to offering a real estate course that is 104400
designed and marketed as satisfying the salesperson license 104401
education requirements of division (F)(6) of this section. The 104402
state authorizing entity may consult with the superintendent in 104403
reviewing the course for compliance with this section. 104404

(I) Any person who has not been licensed as a real estate 104405
salesperson or broker within a four-year period immediately 104406
preceding the person's current application for the salesperson's 104407
examination shall have successfully completed the prelicensure 104408
instruction required by division (F)(6) of this section within a 104409
ten-year period immediately preceding the person's current 104410

application for the salesperson's examination. 104411

(J) Not earlier than the date of issue of a real estate 104412
salesperson's license to a licensee, but not later than twelve 104413
months after the date of issue of a real estate salesperson 104414
license to a licensee, the licensee shall submit proof 104415
satisfactory to the superintendent, on forms made available by the 104416
superintendent, of the completion of twenty hours of instruction 104417
that shall be completed in schools, seminars, and educational 104418
institutions approved by the commission. The instruction shall 104419
include, but is not limited to, current practices relating to 104420
commercial real estate, property management, short sales, and land 104421
contracts; contract law; federal and state programs; economic 104422
conditions; and fiduciary responsibility. Approval of the 104423
curriculum and providers shall be granted according to rules 104424
adopted pursuant to section 4735.10 of the Revised Code and may be 104425
taken through classroom instruction or distance education. 104426

If proof of completion of the required instruction is not 104427
submitted within twelve months of the date a license is issued 104428
under this section, the licensee's license is suspended 104429
automatically without the taking of any action by the 104430
superintendent. The superintendent immediately shall notify the 104431
broker with whom such salesperson is associated of the suspension 104432
of the salesperson's license. A salesperson whose license has been 104433
suspended under this division shall have twelve months after the 104434
date of the suspension of the salesperson's license to submit 104435
proof of successful completion of the instruction required under 104436
this division. No such license shall be reactivated by the 104437
superintendent until it is established, to the satisfaction of the 104438
superintendent, that the requirements of this division have been 104439
met and that the licensee is in compliance with this chapter. A 104440
licensee's license is revoked automatically without the taking of 104441
any action by the superintendent when the licensee fails to submit 104442

the required proof of completion of the education requirements 104443
under division (I) of this section within twelve months of the 104444
date the license is suspended. 104445

(K) Examinations shall be administered with reasonable 104446
accommodations in accordance with the requirements of the 104447
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 104448
U.S.C. 12189. The contents of an examination shall be consistent 104449
with the classroom instructional requirements of division (F)(6) 104450
of this section. An applicant who has completed the classroom 104451
instructional requirements of division (F)(6) of this section at 104452
the time of application shall be examined no later than twelve 104453
months after the applicant is notified of the applicant's 104454
admission to the examination. 104455

(L) Notwithstanding any provision of this chapter or Chapter 104456
4796. of the Revised Code to the contrary, the superintendent 104457
shall issue a real estate salesperson's license in accordance with 104458
Chapter 4796. of the Revised Code to an applicant if both of the 104459
following apply: 104460

(1) The applicant satisfies the requirements specified in 104461
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 104462
applicable. 104463

(2) The applicant passes an examination on Ohio real estate 104464
law. 104465

Sec. 4755.411. The physical therapy section of the Ohio 104466
occupational therapy, physical therapy, and athletic trainers 104467
board shall adopt rules in accordance with Chapter 119. of the 104468
Revised Code pertaining to the following: 104469

(A) Fees for the verification of a license and license 104470
reinstatement, and other fees established by the section; 104471

(B) Provisions for the section's government and control of 104472

its actions and business affairs;	104473
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	104474 104475 104476
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	104477 104478
(E) The form and manner for filing applications for licensure with the section;	104479 104480
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	104481 104482
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	104483 104484 104485
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	104486 104487 104488
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	104489 104490
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	104491 104492
(H) Appropriate ethical conduct in the practice of physical therapy;	104493 104494
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	104495 104496 104497
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	104498 104499 104500
(K) For purposes of sections 4755.45 and 4755.451 of the	104501

Revised Code, both of the following: 104502

(1) Identification of the credentialing organizations from 104503
which the section will accept education equivalency evaluations 104504
for foreign physical therapist education and foreign physical 104505
therapist assistant education. The physical therapy section shall 104506
identify only those credentialing organizations that use a course 104507
evaluation tool or form approved by the physical therapy section. 104508

(2) Evidence, other than the evaluations described in 104509
division (K)(1) of this section, that the section will consider 104510
for purposes of evaluating whether an applicant's education is 104511
reasonably equivalent to the educational requirements that were in 104512
force for licensure in this state as a physical therapist or 104513
physical therapist assistant on the date of either of the 104514
following: 104515

(a) The applicant's initial licensure or registration in 104516
another country; 104517

(b) The applicant's completion of a physical therapist 104518
education program or physical therapist assistant education 104519
program if the country in which the education program was 104520
completed does not issue a physical therapist or physical 104521
therapist assistant license or registration. 104522

(L) Standards of conduct for physical therapists and physical 104523
therapist assistants, including requirements for supervision, 104524
delegation, and practicing with or without referral or 104525
prescription; 104526

(M) Appropriate display of a license; 104527

(N) Procedures for a licensee to follow in notifying the 104528
section within thirty days of a change in name or address, or 104529
both; 104530

(O) The amount and content of corrective action courses 104531

required by the board under section 4755.47 of the Revised Code. 104532

Sec. 4755.45. (A) The physical therapy section of the Ohio 104533
occupational therapy, physical therapy, and athletic trainers 104534
board shall issue to an applicant a license to practice as a 104535
physical therapist without requiring the applicant to have passed 104536
the national examination for physical therapists described in 104537
division (A) of section 4755.43 of the Revised Code within one 104538
year of filing an application described in section 4755.42 of the 104539
Revised Code if all of the following conditions are ~~true~~met: 104540

(1) The applicant presents evidence satisfactory to the 104541
physical therapy section that the applicant received a score on 104542
the national physical therapy examination described in division 104543
(A) of section 4755.43 of the Revised Code that would have been a 104544
passing score according to the board in the year the applicant sat 104545
for the examination; 104546

(2) The applicant presents evidence satisfactory to the 104547
physical therapy section that the applicant passed the 104548
jurisprudence examination described in division (B) of section 104549
4755.43 of the Revised Code; 104550

(3) The applicant ~~holds~~ either: 104551

(a) Holds a current and valid license or registration to 104552
practice physical therapy in another country; 104553

(b) Completed a physical therapist education program in a 104554
country that does not issue a physical therapist license or 104555
registration. 104556

(4) Subject to division (B) of this section, the applicant 104557
can demonstrate that the applicant's education is reasonably 104558
equivalent to the educational requirements that were in force for 104559
licensure in this state on the date of either of the following: 104560

(a) The applicant's initial licensure or registration in the 104561

other country; 104562

(b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration. 104563
104564
104565
104566

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 104567
104568

(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 104569
104570

~~(B) For purposes of division (A)(4) of this section, if~~ If, 104571
after receiving the results of an education equivalency evaluation 104572
from a credentialing organization identified by the section 104573
pursuant to rules adopted under section 4755.411 of the Revised 104574
Code, the section determines that, regardless of the results of 104575
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 104576
~~equivalent to the educational requirements that were in force for~~ 104577
~~licensure in this state on the date of the applicant's initial~~ 104578
~~licensure or registration in a foreign country~~ meet the conditions 104579
of division (A)(4) of this section, the section shall send a 104580
written notice to the applicant stating that the section is 104581
denying the applicant's application and stating the specific 104582
reason why the section is denying the applicant's application. The 104583
section shall send the notice to the applicant through certified 104584
mail within thirty days after the section makes that 104585
determination. 104586

Sec. 4755.451. (A) The physical therapy section of the Ohio 104587
occupational therapy, physical therapy, and athletic trainers 104588
board shall issue to an applicant a license as a physical 104589
therapist assistant without requiring the applicant to have passed 104590
the national examination for physical therapist assistants 104591
described in division (A) of section 4755.431 of the Revised Code 104592

within one year of filing an application described in section 104593
4755.421 of the Revised Code if all of the following conditions 104594
are ~~true~~ met: 104595

(1) The applicant presents evidence satisfactory to the 104596
physical therapy section that the applicant received a score on 104597
the national physical therapy examination described in division 104598
(A) of section 4755.431 of the Revised Code that would have been a 104599
passing score according to the board in the year the applicant sat 104600
for the examination; 104601

(2) The applicant presents evidence satisfactory to the 104602
physical therapy section that the applicant passed the 104603
jurisprudence examination described in division (B) of section 104604
4755.431 of the Revised Code; 104605

(3) The applicant ~~holds~~ either: 104606

(a) Holds a current and valid license or registration to 104607
practice as a physical therapist assistant in another country; 104608

(b) Completed a physical therapist assistant education 104609
program in a country that does not issue a physical therapist 104610
assistant license or registration. 104611

(4) Subject to division (B) of this section, the applicant 104612
can demonstrate that the applicant's education is reasonably 104613
equivalent to the educational requirements that were in force for 104614
licensure in this state on the date of either of the following: 104615

(a) The applicant's initial licensure or registration in the 104616
other country; 104617

(b) The applicant's completion of a physical therapist 104618
assistant education program if the country in which the education 104619
program was completed does not issue a physical therapist 104620
assistant license or registration. 104621

(5) The applicant pays the fee described in division (B) of 104622

section 4755.421 of the Revised Code; 104623

(6) The applicant is not in violation of any section of this 104624
chapter or rule adopted under it. 104625

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 104626
after receiving the results of an education equivalency evaluation 104627
from a credentialing organization identified by the section 104628
pursuant to rules adopted under section 4755.411 of the Revised 104629
Code, the section determines that, regardless of the results of 104630
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 104631
~~equivalent to the educational requirements that were in force for~~ 104632
~~licensure in this state on the date of the applicant's initial~~ 104633
~~licensure or registration in a foreign country~~ meet the conditions 104634
of division (A)(4) of this section, the section shall send a 104635
written notice to the applicant stating that the section is 104636
denying the applicant's application and stating the specific 104637
reason why the section is denying the applicant's application. The 104638
section shall send the notice to the applicant through certified 104639
mail within thirty days after the section makes the determination. 104640

Sec. 4755.482. (A) Except as otherwise provided in divisions 104641
(B) and (C) of this section, a person shall not teach a physical 104642
therapy theory and procedures course in physical therapy education 104643
without obtaining a license as a physical therapist from the 104644
physical therapy section of the Ohio occupational therapy, 104645
physical therapy, and athletic trainers board. 104646

(B) A nonresident person who is registered or licensed as a 104647
physical therapist under the laws of another state shall not teach 104648
a physical therapy theory and procedures course in physical 104649
therapy education for more than one year without obtaining a 104650
license as a physical therapist from the physical therapy section, 104651
and the section shall not require that person to obtain a license 104652
in accordance with Chapter 4796. of the Revised Code to teach as 104653

described in this division. 104654

(C) A person who is registered or licensed as a physical 104655
therapist under the laws of a foreign country and is not 104656
registered or licensed as a physical therapist in any state who 104657
wishes to teach a physical therapy theory and procedures course in 104658
physical therapy education in this state, or an institution that 104659
wishes the person to teach such a course at the institution, may 104660
apply to the physical therapy section to request authorization for 104661
the person to teach such a course for a period of not more than 104662
one year. Any member of the physical therapy section may approve 104663
the person's or institution's application. No person described in 104664
this division shall teach such a course for longer than one year 104665
without obtaining a license from the physical therapy section. 104666

(D) The physical therapy section may investigate any person 104667
who allegedly has violated this section. The physical therapy 104668
section has the same powers to investigate an alleged violation of 104669
this section as those powers specified in section 4755.02 of the 104670
Revised Code. If, after investigation, the physical therapy 104671
section determines that reasonable evidence exists that a person 104672
has violated this section, within seven days after that 104673
determination, the physical therapy section shall ~~send~~ serve a 104674
written notice to that person in the same manner as prescribed in 104675
~~section~~ sections 119.05 and 119.07 of the Revised Code for 104676
licensees, except that the notice shall specify that a hearing 104677
will be held and specify the date, time, and place of the hearing. 104678

The physical therapy section shall hold a hearing regarding 104679
the alleged violation in the same manner prescribed for an 104680
adjudication hearing under section 119.09 of the Revised Code. If 104681
the physical therapy section, after the hearing, determines a 104682
violation has occurred, the physical therapy section may 104683
discipline the person in the same manner as the physical therapy 104684
section disciplines licensees under section 4755.47 of the Revised 104685

Code. The physical therapy section's determination is an order 104686
that the person may appeal in accordance with section 119.12 of 104687
the Revised Code. 104688

If a person who allegedly committed a violation of this 104689
section fails to appear for a hearing, the physical therapy 104690
section may request the court of common pleas of the county where 104691
the alleged violation occurred to compel the person to appear 104692
before the physical therapy section for a hearing. If the physical 104693
therapy section assesses a person a civil penalty for a violation 104694
of this section and the person fails to pay that civil penalty 104695
within the time period prescribed by the physical therapy section, 104696
the physical therapy section shall forward to the attorney general 104697
the name of the person and the amount of the civil penalty for the 104698
purpose of collecting that civil penalty. In addition to the civil 104699
penalty assessed pursuant to this section, the person also shall 104700
pay any fee assessed by the attorney general for collection of the 104701
civil penalty. 104702

Sec. 4763.05. (A)(1)(a) A person shall make application for 104703
an initial state-certified general real estate appraiser 104704
certificate, an initial state-certified residential real estate 104705
appraiser certificate, an initial state-licensed residential real 104706
estate appraiser license, or an initial state-registered real 104707
estate appraiser assistant registration in writing to the 104708
superintendent of real estate on a form the superintendent 104709
prescribes. The application shall include the address of the 104710
applicant's principal place of business and all other addresses at 104711
which the applicant currently engages in the business of 104712
performing real estate appraisals and the address of the 104713
applicant's current residence. The superintendent shall retain the 104714
applicant's current residence address in a separate record which 104715
does not constitute a public record for purposes of section 149.43 104716
of the Revised Code. The application shall indicate whether the 104717

applicant seeks certification as a general real estate appraiser 104718
or as a residential real estate appraiser, licensure as a 104719
residential real estate appraiser, or registration as a real 104720
estate appraiser assistant and be accompanied by the prescribed 104721
examination and certification, registration, or licensure fees set 104722
forth in section 4763.09 of the Revised Code. The application also 104723
shall include a pledge, signed by the applicant, that the 104724
applicant will comply with the standards set forth in this 104725
chapter; and a statement that the applicant understands the types 104726
of misconduct for which disciplinary proceedings may be initiated 104727
against the applicant pursuant to this chapter. 104728

(b) Upon the filing of an application and payment of any 104729
examination and certification, registration, or licensure fees, 104730
the superintendent of real estate shall request the superintendent 104731
of the bureau of criminal identification and investigation, or a 104732
vendor approved by the bureau, to conduct a criminal records check 104733
based on the applicant's fingerprints in accordance with section 104734
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 104735
section 121.08 of the Revised Code, the superintendent of real 104736
estate shall request that criminal record information from the 104737
federal bureau of investigation be obtained as part of the 104738
criminal records check. Any fee required under division (C)(3) of 104739
section 109.572 of the Revised Code shall be paid by the 104740
applicant. 104741

(2) For purposes of providing funding for the real estate 104742
appraiser recovery fund established by section 4763.16 of the 104743
Revised Code, the real estate appraiser board shall levy an 104744
assessment against each person issued an initial certificate, 104745
registration, or license and against current licensees, 104746
registrants, and certificate holders, as required by board rule. 104747
The assessment is in addition to the application and examination 104748
fees for initial applicants required by division (A)(1) of this 104749

section and the renewal fees required for current certificate 104750
holders, registrants, and licensees. The superintendent of real 104751
estate shall deposit the assessment into the state treasury to the 104752
credit of the real estate appraiser recovery fund. The assessment 104753
for initial certificate holders, registrants, and licensees shall 104754
be paid prior to the issuance of a certificate, registration, or 104755
license, and for current certificate holders, registrants, and 104756
licensees, at the time of renewal. 104757

(B) An applicant for an initial general real estate appraiser 104758
certificate, residential real estate appraiser certificate, or 104759
residential real estate appraiser license shall possess experience 104760
in real estate appraisal as the board prescribes by rule. In 104761
addition to any other information required by the board, the 104762
applicant shall furnish, under oath, a detailed listing of the 104763
appraisal reports or file memoranda for each year for which 104764
experience is claimed and, upon request of the superintendent or 104765
the board, shall make available for examination a sample of the 104766
appraisal reports prepared by the applicant in the course of the 104767
applicant's practice. 104768

(C) An applicant for an initial certificate, registration, or 104769
license shall be at least eighteen years of age, honest, and 104770
truthful and shall present satisfactory evidence to the 104771
superintendent that the applicant has successfully completed any 104772
education requirements the board prescribes by rule. 104773

(D) An applicant for an initial general real estate appraiser 104774
or residential real estate appraiser certificate or residential 104775
real estate appraiser license shall take and successfully complete 104776
a written examination in order to qualify for the certificate or 104777
license. 104778

The board shall prescribe the examination requirements by 104779
rule. 104780

(E)(1) The board shall issue a residential real estate appraiser license, a residential real estate appraiser certificate, real estate appraiser assistant registration, or a general real estate appraiser certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate, license, or registration in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a residential real estate appraiser, real estate appraiser assistant, or general real estate appraiser in a state that does not issue that certificate, license, or registration.

(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of

appraisers from another state. The registration for temporary 104811
recognition of certified or licensed appraisers from another state 104812
shall not authorize completion of more than one appraisal 104813
assignment in this state. The board shall not issue more than two 104814
registrations for temporary practice to any one applicant in any 104815
calendar year. The application for obtaining a registration under 104816
this division may include any of the following: 104817

(i) A pledge, signed by the applicant, that the applicant 104818
will comply with the standards set forth in this chapter; 104819

(ii) A statement that the applicant understands the types of 104820
misconduct for which disciplinary proceedings may be initiated 104821
against the applicant pursuant to this chapter; 104822

(iii) A consent to service of process. 104823

(d) A nonresident appraiser whose certification or license 104824
has been recognized by the board on a temporary basis and who is 104825
acting in accordance with this section and the board's rules is 104826
not required to obtain a license in accordance with Chapter 4796. 104827
of the Revised Code. 104828

(F) The superintendent shall not issue a certificate, 104829
registration, or license to, or recognize on a temporary basis an 104830
appraiser from another state that is a corporation, partnership, 104831
or association. This prohibition shall not be construed to prevent 104832
a certificate holder or licensee from signing an appraisal report 104833
on behalf of a corporation, partnership, or association. 104834

(G) Every person licensed, registered, or certified under 104835
this chapter shall notify the superintendent, on a form provided 104836
by the superintendent, of a change in the address of the 104837
licensee's, registrant's, or certificate holder's principal place 104838
of business or residence within thirty days of the change. If a 104839
licensee's, registrant's, or certificate holder's license, 104840
registration, or certificate is revoked or not renewed, the 104841

licensee, registrant, or certificate holder immediately shall 104842
return the annual and any renewal certificate, registration, or 104843
license to the superintendent. 104844

(H)(1) The superintendent shall not issue a certificate, 104845
registration, or license to any person, or recognize on a 104846
temporary basis an appraiser from another state, who does not meet 104847
applicable minimum criteria for state certification, registration, 104848
or licensure prescribed by federal law or rule. 104849

(2) The superintendent shall not refuse to issue a general 104850
real estate appraiser certificate, residential real estate 104851
appraiser certificate, residential real estate appraiser license, 104852
or real estate appraiser assistant registration to any person 104853
because of a conviction of or plea of guilty to any criminal 104854
offense unless the refusal is in accordance with section 9.79 of 104855
the Revised Code. 104856

Sec. 4765.11. (A) The state board of emergency medical, fire, 104857
and transportation services shall adopt, and may amend and 104858
rescind, rules in accordance with Chapter 119. of the Revised Code 104859
and divisions (C) and (D) of this section that establish all of 104860
the following: 104861

(1) Procedures for its governance and the control of its 104862
actions and business affairs; 104863

(2) Standards for the performance of emergency medical 104864
services by first responders, emergency medical technicians-basic, 104865
emergency medical technicians-intermediate, and emergency medical 104866
technicians-paramedic; 104867

(3) Application fees for certificates of accreditation, 104868
certificates of approval, certificates to teach, and certificates 104869
to practice, which shall be deposited into the trauma and 104870
emergency medical services fund created in section 4513.263 of the 104871

Revised Code;	104872
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	104873 104874 104875
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (E) of section 4765.30 of the Revised Code;	104876 104877 104878 104879 104880 104881 104882
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	104883 104884 104885
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	104886 104887 104888 104889
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	104890 104891
(9) Standards for certificates of accreditation and certificates of approval;	104892 104893
(10) Qualifications for certificates to teach;	104894
(11) Requirements for a certificate to practice;	104895
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	104896 104897 104898 104899 104900
(13) Procedures for conducting courses in recognizing	104901

symptoms of life-threatening allergic reactions and in calculating	104902
proper dosage levels and administering injections of epinephrine	104903
to adult and pediatric patients who suffer life-threatening	104904
allergic reactions;	104905
(14) Examinations for certificates to practice;	104906
(15) Procedures for administering examinations for	104907
certificates to practice;	104908
(16) Procedures for approving examinations that demonstrate	104909
competence to have a certificate to practice renewed without	104910
completing an emergency medical services continuing education	104911
program;	104912
(17) Procedures for granting extensions and exemptions of	104913
emergency medical services continuing education requirements;	104914
(18) Specifications of the emergency medical services that	104915
first responders are authorized to perform under section 4765.35	104916
of the Revised Code, that EMTs-basic are authorized to perform	104917
under section 4765.37 of the Revised Code, that EMTs-I are	104918
authorized to perform under section 4765.38 of the Revised Code,	104919
and that paramedics are authorized to perform under section	104920
4765.39 of the Revised Code;	104921
(19) Standards and procedures for implementing the	104922
requirements of section 4765.06 of the Revised Code, including	104923
designations of the persons who are required to report information	104924
to the board and the types of information to be reported;	104925
(20) Procedures for administering the emergency medical	104926
services grant program established under section 4765.07 of the	104927
Revised Code;	104928
(21) Procedures consistent with Chapter 119. of the Revised	104929
Code for appealing decisions of the board;	104930
(22) Minimum qualifications and peer review and quality	104931

improvement requirements for persons who provide medical direction 104932
to emergency medical service personnel, including, subject to 104933
division (B) of section 4765.42 of the Revised Code, 104934
qualifications for a physician to be eligible to serve as the 104935
medical director of an emergency medical service organization or a 104936
member of its cooperating physician advisory board; 104937

(23) The manner in which a patient, or a patient's parent, 104938
guardian, or custodian, may consent to the board releasing 104939
identifying information about the patient under division (D) of 104940
section 4765.102 of the Revised Code; 104941

(24) Circumstances under which a training program or 104942
continuing education program, or portion of either type of 104943
program, may be taught by a person who does not hold a certificate 104944
to teach issued under section 4765.23 of the Revised Code; 104945

(25) Certification cycles for certificates issued under 104946
sections 4765.23 and 4765.30 of the Revised Code and certificates 104947
issued by the executive director of the state board of emergency 104948
medical, fire, and transportation services under section 4765.55 104949
of the Revised Code that establish a common expiration date for 104950
all certificates. 104951

(B) The board may adopt, and may amend and rescind, rules in 104952
accordance with Chapter 119. of the Revised Code and divisions (C) 104953
and (D) of this section that establish any of the following: 104954

(1) Specifications of information that may be collected under 104955
the trauma system registry and incidence reporting system created 104956
under section 4765.06 of the Revised Code; 104957

(2) Standards and procedures for implementing any of the 104958
recommendations made by any committees of the board or under 104959
section 4765.04 of the Revised Code; 104960

(3) Procedures and requirements for conducting background 104961
checks on applicants for the issuance and renewal of certificates 104962

of accreditation, certificates of approval, certificates to teach, 104963
and certificates to practice in accordance with section 109.578 of 104964
the Revised Code; 104965

(4) Any other rules necessary to implement this chapter. 104966

(C) In developing and administering rules adopted under this 104967
chapter, the state board of emergency medical, fire, and 104968
transportation services shall consult with regional directors and 104969
regional advisory boards appointed under section 4765.05 of the 104970
Revised Code and emphasize the special needs of pediatric and 104971
geriatric patients. 104972

(D) On and after April 6, 2023, the executive director shall 104973
not ~~require certification~~ issue to any new applicant a certificate 104974
to practice as an emergency medical services assistant instructor 104975
and ~~shall not adopt or enforce rules or issue a certificate~~ 104976
~~regarding the position of an emergency medical services assistant~~ 104977
~~instructor~~. Any emergency medical services assistant instructor 104978
certificate that was issued in accordance with rules adopted under 104979
division (A) of this section prior to April 6, 2023, ~~remain~~ 104980
remains valid ~~only until the expiration date of the certificate,~~ 104981
subject to any conditions or responsibilities of retaining the 104982
validity of that certificate, until the holder of the certificate 104983
allows it to expire or lapse. The certificate ~~shall not~~ may be 104984
renewed by the holder of that certificate. The board shall adopt, 104985
amend, or rescind rules in accordance with Chapter 119. of the 104986
Revised Code in order to effectuate this division. 104987

(E) Except as otherwise provided in this division, before 104988
adopting, amending, or rescinding any rule under this chapter, the 104989
board shall submit the proposed rule to the director of public 104990
safety for review. The director may review the proposed rule for 104991
not more than sixty days after the date it is submitted. If, 104992
within this sixty-day period, the director approves the proposed 104993
rule or does not notify the board that the rule is disapproved, 104994

the board may adopt, amend, or rescind the rule as proposed. If, 104995
within this sixty-day period, the director notifies the board that 104996
the proposed rule is disapproved, the board shall not adopt, 104997
amend, or rescind the rule as proposed unless at least twelve 104998
members of the board vote to adopt, amend, or rescind it. 104999

This division does not apply to an emergency rule adopted in 105000
accordance with section 119.03 of the Revised Code. 105001

(F) Notwithstanding any requirement for a certificate issued 105002
in accordance with rules adopted by the board under this section, 105003
the board, in accordance with Chapter 4796. of the Revised Code, 105004
shall issue a certificate that is a license as defined in section 105005
4796.01 of the Revised Code to an individual if either of the 105006
following applies: 105007

(1) The individual holds a license or certificate in another 105008
state. 105009

(2) The individual has satisfactory work experience, a 105010
government certification, or a private certification as described 105011
in that chapter as a first responder, emergency medical 105012
technician-basic, emergency medical technician-intermediate, or 105013
emergency medical technician-paramedic in a state that does not 105014
issue that license or certificate. 105015

Sec. 4765.55. (A) The executive director of the state board 105016
of emergency medical, fire, and transportation services, with the 105017
advice and counsel of the firefighter and fire safety inspector 105018
training committee of the state board of emergency medical, fire, 105019
and transportation services, shall assist in the establishment and 105020
maintenance by any state agency, or any county, township, city, 105021
village, school district, or educational service center of a fire 105022
service training program for the training of all persons in 105023
positions of any fire training certification level approved by the 105024
executive director, including full-time paid firefighters, 105025

part-time paid firefighters, volunteer firefighters, and fire 105026
safety inspectors in this state. The executive director, with the 105027
advice and counsel of the committee, shall adopt rules to regulate 105028
those firefighter and fire safety inspector training programs, and 105029
other training programs approved by the executive director. The 105030
rules may include, but need not be limited to, training 105031
curriculum, certification examinations, training schedules, 105032
minimum hours of instruction, attendance requirements, required 105033
equipment and facilities, basic physical requirements, and methods 105034
of training for all persons in positions of any fire training 105035
certification level approved by the executive director, including 105036
full-time paid firefighters, part-time paid firefighters, 105037
volunteer firefighters, and fire safety inspectors. The rules 105038
adopted to regulate training programs for volunteer firefighters 105039
shall not require more than thirty-six hours of training. 105040

The executive director, with the advice and counsel of the 105041
committee, shall provide for the classification and chartering of 105042
fire service training programs in accordance with rules adopted 105043
under division (B) of this section, and may take action against 105044
any chartered training program or applicant, in accordance with 105045
rules adopted under divisions (B)(4) and (5) of this section, for 105046
failure to meet standards set by the adopted rules. 105047

(B) The executive director, with the advice and counsel of 105048
the firefighter and fire safety inspector training committee of 105049
the state board of emergency medical, fire, and transportation 105050
services, shall adopt, and may amend or rescind, rules under 105051
Chapter 119. of the Revised Code that establish all of the 105052
following: 105053

(1) Requirements for, and procedures for chartering, the 105054
training programs regulated by this section; 105055

(2) Requirements for, and requirements and procedures for 105056

obtaining and renewing, an instructor certificate to teach the 105057
training programs and continuing education classes regulated by 105058
this section; 105059

(3) Requirements for, and requirements and procedures for 105060
obtaining and renewing, any of the fire training certificates 105061
regulated by this section; 105062

(4) Grounds and procedures for suspending, revoking, 105063
restricting, or refusing to issue or renew any of the certificates 105064
or charters regulated by this section, which grounds shall be 105065
limited to one of the following: 105066

(a) Failure to satisfy the education or training requirements 105067
of this section; 105068

(b) Conviction of a felony offense; 105069

(c) Conviction of a misdemeanor involving moral turpitude; 105070

(d) Conviction of a misdemeanor committed in the course of 105071
practice; 105072

(e) In the case of a chartered training program or applicant, 105073
failure to meet standards set by the rules adopted under this 105074
division. 105075

(5) Grounds and procedures for imposing and collecting fines, 105076
not to exceed one thousand dollars, in relation to actions taken 105077
under division (B)(4) of this section against persons holding 105078
certificates and charters regulated by this section, the fines to 105079
be deposited into the trauma and emergency medical services fund 105080
established under section 4513.263 of the Revised Code; 105081

(6) Continuing education requirements for certificate 105082
holders, including a requirement that credit shall be granted for 105083
in-service training programs conducted by local entities. The 105084
continuing education requirements shall not require more than 105085
thirty-six hours of continuing education every three-year 105086

certification cycle. Local entities may require additional 105087
continuing education, provided that completion of such additional 105088
continuing education is not required for renewal of certification. 105089

(7) Procedures for considering the granting of an extension 105090
or exemption of fire service continuing education requirements; 105091

(8) Certification cycles for which the certificates and 105092
charters regulated by this section are valid; 105093

(9) If determined necessary by the executive director, 105094
procedures and requirements for conducting background checks on 105095
applicants for the issuance and renewal of certification as a fire 105096
safety inspector in accordance with section 109.578 of the Revised 105097
Code. 105098

(C)(1) The executive director, with the advice and counsel of 105099
the firefighter and fire safety inspector training committee of 105100
the state board of emergency medical, fire, and transportation 105101
services, shall issue or renew an instructor certificate to teach 105102
the training programs and continuing education classes regulated 105103
by this section to any applicant that the executive director 105104
determines meets the qualifications established in rules adopted 105105
under division (B) of this section, and may take disciplinary 105106
action against an instructor certificate holder or applicant in 105107
accordance with rules adopted under division (B) of this section. 105108

(2) On and after ~~the effective date of this amendment~~ April 105109
6, 2023, the executive director shall not ~~require certification~~ 105110
issue to any new applicant a certificate to practice as an 105111
assistant fire instructor ~~and shall not adopt or enforce rules or~~ 105112
~~issue a certificate regarding the position of assistant fire~~ 105113
~~instructor~~. Any assistant fire instructor certificate that was 105114
issued in accordance with rules adopted under division (B) of this 105115
section prior to ~~the effective date of this amendment~~ April 6, 105116
2023, remains valid ~~until the expiration date of the certificate,~~ 105117

subject to any conditions or responsibilities of retaining the 105118
validity of that certificate, until the holder of the certificate 105119
allows it to expire or lapse. The certificate ~~shall not~~ may be 105120
renewed by the holder of that certificate. The executive director 105121
shall adopt, amend, or rescind rules in accordance with Chapter 105122
119. of the Revised Code in order to effectuate division (C)(2) of 105123
this section. 105124

(3) The executive director, with the advice and counsel of 105125
the committee, shall charter or renew the charter of any training 105126
program that the executive director determines meets the 105127
qualifications established in rules adopted under division (B) of 105128
this section, and may take disciplinary action against the holder 105129
of a charter in accordance with rules adopted under division (B) 105130
of this section. 105131

(D) The executive director shall issue or renew a fire 105132
training certificate for a firefighter, a fire safety inspector, 105133
or another position of any fire training certification level 105134
approved by the executive director, to any applicant that the 105135
executive director determines meets the qualifications established 105136
in rules adopted under division (B) of this section and may take 105137
disciplinary actions against a certificate holder or applicant in 105138
accordance with rules adopted under division (B) of this section. 105139

(E) Certificates issued under this section shall be on a form 105140
prescribed by the executive director, with the advice and counsel 105141
of the firefighter and fire safety inspector training committee of 105142
the state board of emergency medical, fire, and transportation 105143
services. 105144

(F)(1) The executive director, with the advice and counsel of 105145
the firefighter and fire safety inspector training committee of 105146
the state board of emergency medical, fire, and transportation 105147
services, shall establish criteria for evaluating the standards 105148
maintained by the branches of the United States military for 105149

firefighter, fire safety inspector, and fire instructor training 105150
programs, and other training programs recognized by the executive 105151
director, to determine whether the standards are equivalent to 105152
those established under this section and shall establish 105153
requirements and procedures for issuing a certificate to each 105154
person who presents proof to the executive director of having 105155
satisfactorily completed a training program that meets those 105156
standards. 105157

(2) The executive director, with the committee's advice and 105158
counsel, shall adopt rules establishing requirements and 105159
procedures for issuing a fire training certificate in lieu of 105160
completing a chartered training program. 105161

(G) Notwithstanding any requirement for a certificate issued 105162
under this section, the executive director shall issue a 105163
certificate in accordance with Chapter 4796. of the Revised Code 105164
to an individual if either of the following applies: 105165

(1) The individual holds a license or certificate in another 105166
state. 105167

(2) The individual has satisfactory work experience, a 105168
government certification, or a private certification as described 105169
in that chapter as a firefighter or fire safety inspector in a 105170
state that does not issue that license or certificate. 105171

(H) Nothing in this section invalidates any other section of 105172
the Revised Code relating to the fire training academy. Section 105173
4765.11 of the Revised Code does not affect any powers and duties 105174
granted to the executive director under this section. 105175

(I) Notwithstanding any provision of division (B)(4) of this 105176
section to the contrary, the executive director shall not adopt 105177
rules for refusing to issue any of the certificates or charters 105178
regulated by this section to an applicant because of a criminal 105179
conviction unless the rules establishing grounds and procedures 105180

for refusal are in accordance with section 9.79 of the Revised Code. 105181
105182

Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following: 105183
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(1) Name of applicant and location of principal place of business; 105193
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(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 105195
105196

(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 105197
105198

(4) The county in which the business is to be conducted and the address of each place of business therein; 105199
105200

(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant; 105201
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(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle 105206
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salesperson's license, and the result of the application, and 105211
whether the applicant has ever been the holder of any such license 105212
that was revoked or suspended; 105213

(7) If the applicant is a corporation or partnership, a 105214
statement showing whether any partner, employee, officer, or 105215
director has been refused a manufactured housing dealer's license, 105216
manufactured housing broker's license, manufactured housing 105217
salesperson's license, or, prior to July 1, 2010, a motor vehicle 105218
dealer's license, manufactured home broker's license, or motor 105219
vehicle salesperson's license, or has been the holder of any such 105220
license that was revoked or suspended; 105221

(8) Any other information required by the division of real 105222
estate. 105223

(B) Each person applying for a manufactured housing 105224
salesperson's license shall complete and deliver to the division 105225
of real estate before the first day of July an application for 105226
license. The application shall be in the form prescribed by the 105227
division of real estate and shall be accompanied by the fee 105228
established by the division. The applicant shall sign and swear to 105229
the application that shall include all of the following: 105230

(1) Name and post-office address of the applicant; 105231

(2) Name and post-office address of the manufactured housing 105232
dealer or manufactured housing broker for whom the applicant 105233
intends to act as salesperson; 105234

(3) A statement of the applicant's previous history, record, 105235
and association, that is sufficient to establish to the 105236
satisfaction of the division of real estate the applicant's 105237
reputation in business; 105238

(4) A statement as to whether the applicant intends to engage 105239
in any occupation or business other than that of a manufactured 105240
housing salesperson; 105241

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the ~~manufactured homes regulatory~~ real estate operating fund created under section 4735.211 of the Revised Code.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a 105272
government certification, or a private certification as described 105273
in that chapter as a manufactured housing dealer or manufactured 105274
housing broker in a state that does not issue that license. 105275

Section 110.21. That the existing versions of sections 105276
173.21, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 105277
3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 105278
4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, 105279
and 4781.17 of the Revised Code that are scheduled to take effect 105280
December 29, 2023, are hereby repealed. 105281

Section 110.22. Sections 110.20 and 110.21 of this act take 105282
effect December 29, 2023. 105283

Section 110.30. That the version of section 4717.09 of the 105284
Revised Code that is scheduled to take effect December 31, 2024, 105285
be amended to read as follows: 105286

Sec. 4717.09. (A) Every two years, licensed embalmers and 105287
funeral directors shall attend not less than twelve hours of 105288
educational programs as a condition for renewal of their licenses. 105289
The board of embalmers and funeral directors shall adopt rules 105290
governing the administration and enforcement of the continuing 105291
education requirements of this section. The board may contract 105292
with a professional organization or association or other third 105293
party to assist it in performing functions necessary to administer 105294
and enforce the continuing education requirements of this section. 105295
A professional organization or association or other third party 105296
with whom the board so contracts may charge a reasonable fee for 105297
performing these functions to licensees or to the persons who 105298
provide continuing education programs. 105299

(B) A person holding both an embalmer's license and a funeral 105300

director's license need meet only the continuing education 105301
requirements established by the board for one or the other of 105302
those licenses in order to satisfy the requirement of division (A) 105303
of this section. 105304

(C) A person holding a courtesy card permit issued under 105305
section 4717.10 of the Revised Code is not required to satisfy the 105306
continuing education requirements specified in division (A) of 105307
this section as a condition of renewal of the permit. 105308

(D) A crematory operator shall maintain an active 105309
certification from a ~~national~~ crematory operator certification 105310
program ~~and register the certificate with the board as a condition~~ 105311
for renewal of the permit. 105312

(E) The board shall not renew the license of a licensee who 105313
fails to meet the continuing education requirements of this 105314
section and who has not been granted an exemption under division 105315
(F) or (G) of this section. 105316

(F) Any licensee who fails to meet the continuing education 105317
requirements of this section because of undue hardship or 105318
disability, or who is not actively engaged in the practice of 105319
funeral directing or embalming in this state, may apply to the 105320
board for an exemption. 105321

(G) Any licensee who has been an embalmer or funeral director 105322
for not less than fifty years and who is not actively in charge 105323
and ultimately responsible for a funeral home or embalming 105324
facility in this state may apply to the board for an exemption 105325
from the continuing education requirements specified in division 105326
(A) of this section. 105327

(H) The board shall not ~~authorize an individual to act as a~~ 105328
renew the crematory operator, ~~if the permit of an individual who~~ 105329
fails to satisfy the certification requirement of division (D) of 105330
this section. 105331

Section 110.31. That the existing version of section 4717.09 105332
of the Revised Code that is scheduled to take effect December 31, 105333
2024, is hereby repealed. 105334

Section 110.32. Sections 110.30 and 110.31 of this act take 105335
effect December 31, 2024. 105336

Section 125.10. That the versions of sections 4717.01, 105337
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 105338
4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that 105339
are scheduled to take effect December 31, 2024, are hereby 105340
repealed. 105341

Section 125.11. That Sections 2, 3, and 8 of H.B. 509 of the 105342
134th General Assembly be amended to read as follows: 105343

Sec. 2. That existing sections 109.572, 169.16, 1716.05, 105344
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 105345
3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 105346
4715.13, 4715.141, 4715.21, 4715.25, ~~4717.01, 4717.02, 4717.03,~~ 105347
~~4717.04,~~ 4717.05, ~~4717.06, 4717.07, 4717.08,~~ 4717.09, ~~4717.11,~~ 105348
~~4717.13, 4717.15, 4717.36, 4717.41,~~ 4723.01, 4723.07, 4723.08, 105349
4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 105350
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01, 105351
4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 105352
4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.24, 105353
4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 4725.44, 4725.48, 105354
4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 105355
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 4731.17, 4731.19, 105356
4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 4732.11, 4732.12, 105357
4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 105358
4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 105359
4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 4743.09, 4749.03, 105360

4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 4751.23, 4751.24, 105361
4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 4753.06, 4753.071, 105362
4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 4757.27, 4757.301, 105363
4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 4765.10, 4765.11, 105364
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 105365
4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 4765.55, 4769.01, 105366
4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 105367
5126.25, and 5164.95 of the Revised Code are hereby repealed. 105368

Sec. 3. That sections 3319.2212, ~~4717.051~~, 4723.17, 4723.19, 105369
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 105370
4779.18 of the Revised Code are hereby repealed. 105371

Sec. 8. ~~(A) The repeal by this act of section 4717.051 of the~~ 105372
~~Revised Code takes effect December 31, 2024.~~ 105373

~~(B) The amendment by this act H.B. 509 of the 134th General 105374
Assembly of ~~sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06,~~ 105375
~~4717.07, 4717.08, section 4717.09, 4717.11, 4717.13, 4717.15,~~ 105376
~~4717.36, and 4717.41~~ of the Revised Code takes effect December 31, 105377
2024. 105378~~

Section 125.12. That existing Sections 2, 3, and 8 of H.B. 105379
509 of the 134th General Assembly are hereby repealed. 105380

Section 125.13. Sections 125.11 and 125.12 of this act remove 105381
the limitations imposed on the continued existence of sections 105382
4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 105383
4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the 105384
Revised Code. 105385

Section 130.10. That sections 121.02, 121.03, 121.35, 121.37, 105386
121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, 105387

and 5101.342 be amended and sections 5180.01 and 5180.02 of the Revised Code be enacted to read as follows:

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of job and family services, which shall be administered by the director of job and family services;

(I) ~~Until July 1, 1997, the~~ The department of ~~liquor control~~ children and youth, which shall be administered by the director of ~~liquor control~~ children and youth;

(J) The department of public safety, which shall be administered by the director of public safety;

(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;

(L) The department of developmental disabilities, which shall 105416
be administered by the director of developmental disabilities; 105417

(M) The department of insurance, which shall be administered 105418
by the superintendent of insurance as director thereof; 105419

(N) The department of development, which shall be 105420
administered by the director of development; 105421

(O) The department of youth services, which shall be 105422
administered by the director of youth services; 105423

(P) The department of rehabilitation and correction, which 105424
shall be administered by the director of rehabilitation and 105425
correction; 105426

(Q) The environmental protection agency, which shall be 105427
administered by the director of environmental protection; 105428

(R) The department of aging, which shall be administered by 105429
the director of aging; 105430

(S) The department of veterans services, which shall be 105431
administered by the director of veterans services; 105432

(T) The department of medicaid, which shall be administered 105433
by the medicaid director. 105434

The director of each department shall exercise the powers and 105435
perform the duties vested by law in such department. 105436

Sec. 121.03. The following administrative department heads 105437
shall be appointed by the governor, with the advice and consent of 105438
the senate, and shall hold their offices during the term of the 105439
appointing governor, and are subject to removal at the pleasure of 105440
the governor. 105441

(A) The director of budget and management; 105442

(B) The director of commerce; 105443

(C) The director of transportation;	105444
(D) The director of agriculture;	105445
(E) The director of job and family services;	105446
(F) Until July 1, 1997, the <u>The</u> director of liquor control <u>children and youth</u> ;	105447 105448
(G) The director of public safety;	105449
(H) The superintendent of insurance;	105450
(I) The director of development;	105451
(J) The tax commissioner;	105452
(K) The director of administrative services;	105453
(L) The director of natural resources;	105454
(M) The director of mental health and addiction services;	105455
(N) The director of developmental disabilities;	105456
(O) The director of health;	105457
(P) The director of youth services;	105458
(Q) The director of rehabilitation and correction;	105459
(R) The director of environmental protection;	105460
(S) The director of aging;	105461
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	105462 105463 105464
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	105465 105466
(V) The chancellor of higher education;	105467
(W) The medicaid director.	105468
Sec. 121.35. (A) Subject to division (B) of this section, the	105469

following state agencies shall collaborate to revise and make more 105470
uniform the eligibility standards and eligibility determination 105471
procedures of programs the state agencies administer: 105472

105473

(1) The department of aging; 105474

(2) The department of development ~~services agency~~; 105475

(3) The department of developmental disabilities; 105476

(4) The department of education; 105477

(5) The department of health; 105478

(6) The department of job and family services; 105479

(7) The department of medicaid; 105480

(8) The department of mental health and addiction services; 105481

(9) The opportunities for Ohioans with disabilities agency; 105482

(10) The department of children and youth. 105483

(B) In revising eligibility standards and eligibility 105484
determination procedures, a state agency shall not make any 105485
program's eligibility standards or eligibility determination 105486
procedures inconsistent with state or federal law. To the extent 105487
authorized by state and federal law, the revisions may provide for 105488
the state agencies to share administrative operations. 105489

Sec. 121.37. (A)(1) There is hereby created the Ohio family 105490
and children first cabinet council. The council shall be composed 105491
of the superintendent of public instruction, the executive 105492
director of the opportunities for Ohioans with disabilities 105493
agency, the medicaid director, and the directors of youth 105494
services, job and family services, mental health and addiction 105495
services, health, developmental disabilities, aging, 105496
rehabilitation and correction, children and youth, and budget and 105497

management. The chairperson of the council shall be the governor 105498
or the governor's designee and shall establish procedures for the 105499
council's internal control and management. 105500

The purpose of the cabinet council is to help families 105501
seeking government services. This section shall not be interpreted 105502
or applied to usurp the role of parents, but solely to streamline 105503
and coordinate existing government services for families seeking 105504
assistance for their children. 105505

(2) In seeking to fulfill its purpose, the council may do any 105506
of the following: 105507

(a) Advise and make recommendations to the governor and 105508
general assembly regarding the provision of services to children; 105509

(b) Advise and assess local governments on the coordination 105510
of service delivery to children; 105511

(c) Hold meetings at such times and places as may be 105512
prescribed by the council's procedures and maintain records of the 105513
meetings, except that records identifying individual children are 105514
confidential and shall be disclosed only as provided by law; 105515

(d) Develop programs and projects, including pilot projects, 105516
to encourage coordinated efforts at the state and local level to 105517
improve the state's social service delivery system; 105518

(e) Enter into contracts with and administer grants to county 105519
family and children first councils, as well as other county or 105520
multicounty organizations to plan and coordinate service delivery 105521
between state agencies and local service providers for families 105522
and children; 105523

(f) Enter into contracts with and apply for grants from 105524
federal agencies or private organizations; 105525

(g) Enter into interagency agreements to encourage 105526
coordinated efforts at the state and local level to improve the 105527

state's social service delivery system. The agreements may include 105528
provisions regarding the receipt, transfer, and expenditure of 105529
funds; 105530

(h) Identify public and private funding sources for services 105531
provided to alleged or adjudicated unruly children and children 105532
who are at risk of being alleged or adjudicated unruly children, 105533
including regulations governing access to and use of the services; 105534

(i) Collect information provided by local communities 105535
regarding successful programs for prevention, intervention, and 105536
treatment of unruly behavior, including evaluations of the 105537
programs; 105538

(j) Identify and disseminate publications regarding alleged 105539
or adjudicated unruly children and children who are at risk of 105540
being alleged or adjudicated unruly children and regarding 105541
programs serving those types of children; 105542

(k) Maintain an inventory of strategic planning facilitators 105543
for use by government or nonprofit entities that serve alleged or 105544
adjudicated unruly children or children who are at risk of being 105545
alleged or adjudicated unruly children. 105546

(3) The cabinet council shall provide for the following: 105547

(a) Reviews of service and treatment plans for children for 105548
which such reviews are requested; 105549

(b) Assistance as the council determines to be necessary to 105550
meet the needs of children referred by county family and children 105551
first councils; 105552

(c) Monitoring and supervision of a statewide, comprehensive, 105553
coordinated, multi-disciplinary, interagency system for infants 105554
and toddlers with developmental disabilities or delays and their 105555
families, as established pursuant to federal grants received and 105556
administered by the department of health for early intervention 105557

services under the "Individuals with Disabilities Education Act of 105558
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 105559

(4) The cabinet council shall develop and implement the 105560
following: 105561

(a) An interagency process to select the indicators that will 105562
be used to measure progress toward increasing child well-being in 105563
the state and to update the indicators on an annual basis. The 105564
indicators shall focus on expectant parents and newborns thriving; 105565
infants and toddlers thriving; children being ready for school; 105566
children and youth succeeding in school; youth choosing healthy 105567
behaviors; and youth successfully transitioning into adulthood. 105568

(b) An interagency system to offer guidance and monitor 105569
progress toward increasing child well-being in the state and in 105570
each county; 105571

(c) An annual plan that identifies state-level agency efforts 105572
taken to ensure progress towards increasing child well-being in 105573
the state. 105574

On an annual basis, the cabinet council shall submit to the 105575
governor and the general assembly a report on the status of 105576
efforts to increase child well-being in the state. This report 105577
shall be made available to any other person on request. 105578

(B)(1) Each board of county commissioners shall establish a 105579
county family and children first council. The board may invite any 105580
local public or private agency or group that funds, advocates, or 105581
provides services to children and families to have a 105582
representative become a permanent or temporary member of its 105583
county council. Each county council must include the following 105584
individuals: 105585

(a) At least three individuals who are not employed by an 105586
agency represented on the council and whose families are or have 105587
received services from an agency represented on the council or 105588

another county's council. Where possible, the number of members 105589
representing families shall be equal to twenty per cent of the 105590
council's membership. 105591

(b) The director of the board of alcohol, drug addiction, and 105592
mental health services that serves the county, or, in the case of 105593
a county that has a board of alcohol and drug addiction services 105594
and a community mental health board, the directors of both boards. 105595
If a board of alcohol, drug addiction, and mental health services 105596
covers more than one county, the director may designate a person 105597
to participate on the county's council. 105598

(c) The health commissioner, or the commissioner's designee, 105599
of the board of health of each city and general health district in 105600
the county. If the county has two or more health districts, the 105601
health commissioner membership may be limited to the commissioners 105602
of the two districts with the largest populations. 105603

(d) The director of the county department of job and family 105604
services; 105605

(e) The executive director of the public children services 105606
agency; 105607

(f) The superintendent of the county board of developmental 105608
disabilities or, if the superintendent serves as superintendent of 105609
more than one county board of developmental disabilities, the 105610
superintendent's designee; 105611

(g) The superintendent of the city, exempted village, or 105612
local school district with the largest number of pupils residing 105613
in the county, as determined by the department of education, which 105614
shall notify each board of county commissioners of its 105615
determination at least biennially; 105616

(h) A school superintendent representing all other school 105617
districts with territory in the county, as designated at a 105618
biennial meeting of the superintendents of those districts; 105619

(i) A representative of the municipal corporation with the largest population in the county; 105620
105621

(j) The president of the board of county commissioners or an individual designated by the board; 105622
105623

(k) A representative of the department of youth services or an individual designated by the department; 105624
105625

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 105626
105627

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004"; 105628
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(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families. 105632
105633

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section. 105634
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The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners. 105640
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The county's juvenile court judge senior in service or another judge of the juvenile court designated by the 105648
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administrative judge or, where there is no administrative judge, 105650
by the judge senior in service shall serve as the judicial advisor 105651
to the county family and children first council. The judge may 105652
advise the county council on the court's utilization of resources, 105653
services, or programs provided by the entities represented by the 105654
members of the county council and how those resources, services, 105655
or programs assist the court in its administration of justice. 105656
Service of a judge as a judicial advisor pursuant to this section 105657
is a judicial function. 105658

(2) The purpose of the county council is to streamline and 105659
coordinate existing government services for families seeking 105660
services for their children. In seeking to fulfill its purpose, a 105661
county council shall provide for the following: 105662

(a) Referrals to the cabinet council of those children for 105663
whom the county council cannot provide adequate services; 105664

(b) Development and implementation of a process that annually 105665
evaluates and prioritizes services, fills service gaps where 105666
possible, and invents new approaches to achieve better results for 105667
families and children; 105668

(c) Participation in the development of a countywide, 105669
comprehensive, coordinated, multi-disciplinary, interagency system 105670
for infants and toddlers with developmental disabilities or delays 105671
and their families, as established pursuant to federal grants 105672
received and administered by the department of health for early 105673
intervention services under the "Individuals with Disabilities 105674
Education Act of 2004"; 105675

(d) Maintenance of an accountability system to monitor the 105676
county council's progress in achieving results for families and 105677
children; 105678

(e) Establishment of a mechanism to ensure ongoing input from 105679
a broad representation of families who are receiving services 105680

within the county system. 105681

(3) A county council shall develop and implement the 105682
following: 105683

(a) An interagency process to establish local indicators and 105684
monitor the county's progress toward increasing child well-being 105685
in the county; 105686

(b) An interagency process to identify local priorities to 105687
increase child well-being. The local priorities shall focus on 105688
expectant parents and newborns thriving; infants and toddlers 105689
thriving; children being ready for school; children and youth 105690
succeeding in school; youth choosing healthy behaviors; and youth 105691
successfully transitioning into adulthood and take into account 105692
the indicators established by the cabinet council under division 105693
(A)(4)(a) of this section. 105694

(c) An annual plan that identifies the county's interagency 105695
efforts to increase child well-being in the county. 105696

On an annual basis, the county council shall submit a report 105697
on the status of efforts by the county to increase child 105698
well-being in the county to the county's board of county 105699
commissioners and the cabinet council. This report shall be made 105700
available to any other person on request. 105701

(4)(a) Except as provided in division (B)(4)(b) of this 105702
section, a county council shall comply with the policies, 105703
procedures, and activities prescribed by the rules or interagency 105704
agreements of a state department participating on the cabinet 105705
council whenever the county council performs a function subject to 105706
those rules or agreements. 105707

(b) On application of a county council, the cabinet council 105708
may grant an exemption from any rules or interagency agreements of 105709
a state department participating on the council if an exemption is 105710
necessary for the council to implement an alternative program or 105711

approach for service delivery to families and children. The 105712
application shall describe the proposed program or approach and 105713
specify the rules or interagency agreements from which an 105714
exemption is necessary. The cabinet council shall approve or 105715
disapprove the application in accordance with standards and 105716
procedures it shall adopt. If an application is approved, the 105717
exemption is effective only while the program or approach is being 105718
implemented, including a reasonable period during which the 105719
program or approach is being evaluated for effectiveness. 105720

(5)(a) Each county council shall designate an administrative 105721
agent for the council from among the following public entities: 105722
the board of alcohol, drug addiction, and mental health services, 105723
including a board of alcohol and drug addiction or a community 105724
mental health board if the county is served by separate boards; 105725
the board of county commissioners; any board of health of the 105726
county's city and general health districts; the county department 105727
of job and family services; the county agency responsible for the 105728
administration of children services pursuant to section 5153.15 of 105729
the Revised Code; the county board of developmental disabilities; 105730
any of the county's boards of education or governing boards of 105731
educational service centers; or the county's juvenile court. Any 105732
of the foregoing public entities, other than the board of county 105733
commissioners, may decline to serve as the council's 105734
administrative agent. 105735

A county council's administrative agent shall serve as the 105736
council's appointing authority for any employees of the council. 105737
The council shall file an annual budget with its administrative 105738
agent, with copies filed with the county auditor and with the 105739
board of county commissioners, unless the board is serving as the 105740
council's administrative agent. The council's administrative agent 105741
shall ensure that all expenditures are handled in accordance with 105742
policies, procedures, and activities prescribed by state 105743

departments in rules or interagency agreements that are applicable 105744
to the council's functions. 105745

The administrative agent of a county council shall send 105746
notice of a member's absence if a member listed in division (B)(1) 105747
of this section has been absent from either three consecutive 105748
meetings of the county council or a county council subcommittee, 105749
or from one-quarter of such meetings in a calendar year, whichever 105750
is less. The notice shall be sent to the board of county 105751
commissioners that establishes the county council and, for the 105752
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 105753
section, to the governing board overseeing the respective entity; 105754
for the member listed in division (B)(1)(f) of this section, to 105755
the county board of developmental disabilities that employs the 105756
superintendent; for a member listed in division (B)(1)(g) or (h) 105757
of this section, to the school board that employs the 105758
superintendent; for the member listed in division (B)(1)(i) of 105759
this section, to the mayor of the municipal corporation; for the 105760
member listed in division (B)(1)(k) of this section, to the 105761
director of youth services; and for the member listed in division 105762
(B)(1)(n) of this section, to that member's board of trustees. 105763

The administrative agent for a county council may do any of 105764
the following on behalf of the council: 105765

(i) Enter into agreements or administer contracts with public 105766
or private entities to fulfill specific council business. Such 105767
agreements and contracts are exempt from the competitive bidding 105768
requirements of section 307.86 of the Revised Code if they have 105769
been approved by the county council and they are for the purchase 105770
of family and child welfare or child protection services or other 105771
social or job and family services for families and children. The 105772
approval of the county council is not required to exempt 105773
agreements or contracts entered into under section 5139.34, 105774
5139.41, or 5139.43 of the Revised Code from the competitive 105775

bidding requirements of section 307.86 of the Revised Code. 105776

(ii) As determined by the council, provide financial 105777
stipends, reimbursements, or both, to family representatives for 105778
expenses related to council activity; 105779

(iii) Receive by gift, grant, devise, or bequest any moneys, 105780
lands, or other property for the purposes for which the council is 105781
established. The agent shall hold, apply, and dispose of the 105782
moneys, lands, or other property according to the terms of the 105783
gift, grant, devise, or bequest. Any interest or earnings shall be 105784
treated in the same manner and are subject to the same terms as 105785
the gift, grant, devise, or bequest from which it accrues. 105786

(b)(i) If the county council designates the board of county 105787
commissioners as its administrative agent, the board may, by 105788
resolution, delegate any of its powers and duties as 105789
administrative agent to an executive committee the board 105790
establishes from the membership of the county council. The board 105791
shall name to the executive committee at least the individuals 105792
described in divisions (B)(1)(b) to (h) of this section and may 105793
appoint the president of the board or another individual as the 105794
chair of the executive committee. The executive committee must 105795
include at least one family county council representative who does 105796
not have a family member employed by an agency represented on the 105797
council. 105798

(ii) The executive committee may, with the approval of the 105799
board, hire an executive director to assist the county council in 105800
administering its powers and duties. The executive director shall 105801
serve in the unclassified civil service at the pleasure of the 105802
executive committee. The executive director may, with the approval 105803
of the executive committee, hire other employees as necessary to 105804
properly conduct the county council's business. 105805

(iii) The board may require the executive committee to submit 105806

an annual budget to the board for approval and may amend or repeal 105807
the resolution that delegated to the executive committee its 105808
authority as the county council's administrative agent. 105809

(6) Two or more county councils may enter into an agreement 105810
to administer their county councils jointly by creating a regional 105811
family and children first council. A regional council possesses 105812
the same duties and authority possessed by a county council, 105813
except that the duties and authority apply regionally rather than 105814
to individual counties. Prior to entering into an agreement to 105815
create a regional council, the members of each county council to 105816
be part of the regional council shall meet to determine whether 105817
all or part of the members of each county council will serve as 105818
members of the regional council. 105819

(7) A board of county commissioners may approve a resolution 105820
by a majority vote of the board's members that requires the county 105821
council to submit a statement to the board each time the council 105822
proposes to enter into an agreement, adopt a plan, or make a 105823
decision, other than a decision pursuant to section 121.38 of the 105824
Revised Code, that requires the expenditure of funds for two or 105825
more families. The statement shall describe the proposed 105826
agreement, plan, or decision. 105827

Not later than fifteen days after the board receives the 105828
statement, it shall, by resolution approved by a majority of its 105829
members, approve or disapprove the agreement, plan, or decision. 105830
Failure of the board to pass a resolution during that time period 105831
shall be considered approval of the agreement, plan, or decision. 105832

An agreement, plan, or decision for which a statement is 105833
required to be submitted to the board shall be implemented only if 105834
it is approved by the board. 105835

(C) Each county shall develop a county service coordination 105836
mechanism. The county service coordination mechanism shall serve 105837

as the guiding document for coordination of services in the 105838
county. For children who also receive services under the help me 105839
grow program, the service coordination mechanism shall be 105840
consistent with rules adopted by the department of health under 105841
section 3701.61 of the Revised Code. All family service 105842
coordination plans shall be developed in accordance with the 105843
county service coordination mechanism. The mechanism shall be 105844
developed and approved with the participation of the county 105845
entities representing child welfare; developmental disabilities; 105846
alcohol, drug addiction, and mental health services; health; 105847
juvenile judges; education; the county family and children first 105848
council; and the county early intervention collaborative 105849
established pursuant to the federal early intervention program 105850
operated under the "Individuals with Disabilities Education Act of 105851
2004." The county shall establish an implementation schedule for 105852
the mechanism. The cabinet council may monitor the implementation 105853
and administration of each county's service coordination 105854
mechanism. 105855

Each mechanism shall include all of the following: 105856

(1) A procedure for an agency, including a juvenile court, or 105857
a family voluntarily seeking service coordination, to refer the 105858
child and family to the county council for service coordination in 105859
accordance with the mechanism; 105860

(2) A procedure ensuring that a family and all appropriate 105861
staff from involved agencies, including a representative from the 105862
appropriate school district, are notified of and invited to 105863
participate in all family service coordination plan meetings; 105864

(3) A procedure that permits a family to initiate a meeting 105865
to develop or review the family's service coordination plan and 105866
allows the family to invite a family advocate, mentor, or support 105867
person of the family's choice to participate in any such meeting; 105868

(4) A procedure for ensuring that a family service 105869
coordination plan meeting is conducted for each child who receives 105870
service coordination under the mechanism and for whom an emergency 105871
out-of-home placement has been made or for whom a nonemergency 105872
out-of-home placement is being considered. The meeting shall be 105873
conducted within ten days of an emergency out-of-home placement. 105874
The meeting shall be conducted before a nonemergency out-of-home 105875
placement. The family service coordination plan shall outline how 105876
the county council members will jointly pay for services, where 105877
applicable, and provide services in the least restrictive 105878
environment. 105879

(5) A procedure for monitoring the progress and tracking the 105880
outcomes of each service coordination plan requested in the county 105881
including monitoring and tracking children in out-of-home 105882
placements to assure continued progress, appropriateness of 105883
placement, and continuity of care after discharge from placement 105884
with appropriate arrangements for housing, treatment, and 105885
education; 105886

(6) A procedure for protecting the confidentiality of all 105887
personal family information disclosed during service coordination 105888
meetings or contained in the comprehensive family service 105889
coordination plan; 105890

(7) A procedure for assessing the needs and strengths of any 105891
child or family that has been referred to the council for service 105892
coordination, including a child whose parent or custodian is 105893
voluntarily seeking services, and for ensuring that parents and 105894
custodians are afforded the opportunity to participate; 105895

(8) A procedure for development of a family service 105896
coordination plan described in division (D) of this section; 105897

(9) A local dispute resolution process to serve as the 105898
process that must be used first to resolve disputes among the 105899

agencies represented on the county council concerning the 105900
provision of services to children, including children who are 105901
abused, neglected, dependent, unruly, alleged unruly, or 105902
delinquent children and under the jurisdiction of the juvenile 105903
court and children whose parents or custodians are voluntarily 105904
seeking services. The local dispute resolution process shall 105905
comply with sections 121.38, 121.381, and 121.382 of the Revised 105906
Code. The local dispute resolution process shall be used to 105907
resolve disputes between a child's parents or custodians and the 105908
county council regarding service coordination. The county council 105909
shall inform the parents or custodians of their right to use the 105910
dispute resolution process. Parents or custodians shall use 105911
existing local agency grievance procedures to address disputes not 105912
involving service coordination. The dispute resolution process is 105913
in addition to and does not replace other rights or procedures 105914
that parents or custodians may have under other sections of the 105915
Revised Code. 105916

The cabinet council shall adopt rules in accordance with 105917
Chapter 119. of the Revised Code establishing an administrative 105918
review process to address problems that arise concerning the 105919
operation of a local dispute resolution process. 105920

Nothing in division (C)(4) of this section shall be 105921
interpreted as overriding or affecting decisions of a juvenile 105922
court regarding an out-of-home placement, long-term placement, or 105923
emergency out-of-home placement. 105924

(D) Each county shall develop a family service coordination 105925
plan that does all of the following: 105926

(1) Designates service responsibilities among the various 105927
state and local agencies that provide services to children and 105928
their families, including children who are abused, neglected, 105929
dependent, unruly, or delinquent children and under the 105930
jurisdiction of the juvenile court and children whose parents or 105931

custodians are voluntarily seeking services; 105932

(2) Designates an individual, approved by the family, to 105933
track the progress of the family service coordination plan, 105934
schedule reviews as necessary, and facilitate the family service 105935
coordination plan meeting process; 105936

(3) Ensures that assistance and services to be provided are 105937
responsive to the strengths and needs of the family, as well as 105938
the family's culture, race, and ethnic group, by allowing the 105939
family to offer information and suggestions and participate in 105940
decisions. Identified assistance and services shall be provided in 105941
the least restrictive environment possible. 105942

(4) Includes a process for dealing with a child who is 105943
alleged to be an unruly child. The process shall include methods 105944
to divert the child from the juvenile court system; 105945

(5) Includes timelines for completion of goals specified in 105946
the plan with regular reviews scheduled to monitor progress toward 105947
those goals; 105948

(6) Includes a plan for dealing with short-term crisis 105949
situations and safety concerns. 105950

(E)(1) The process provided for under division (D)(4) of this 105951
section may include, but is not limited to, the following: 105952

(a) Designation of the person or agency to conduct the 105953
assessment of the child and the child's family as described in 105954
division (C)(7) of this section and designation of the instrument 105955
or instruments to be used to conduct the assessment; 105956

(b) An emphasis on the personal responsibilities of the child 105957
and the parental responsibilities of the parents, guardian, or 105958
custodian of the child; 105959

(c) Involvement of local law enforcement agencies and 105960
officials. 105961

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

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

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

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

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

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

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

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

(F) Each county may review and revise the service coordination process described in division (D) of this section

based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

Sec. 121.40. (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission. Members of the commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(B) The commission shall appoint an executive director for the commission, who shall be in the unclassified civil service. The governor shall be informed of the appointment of an executive director before such an appointment is made. The executive director shall supervise the commission's activities and report to the commission on the progress of those activities. The executive

director shall do all things necessary for the efficient and 106024
effective implementation of the duties of the commission. 106025

The responsibilities assigned to the executive director do 106026
not relieve the members of the commission from final 106027
responsibility for the proper performance of the requirements of 106028
this section. 106029

(C) The commission or its designee shall do all of the 106030
following: 106031

(1) Employ, promote, supervise, and remove all employees as 106032
needed in connection with the performance of its duties under this 106033
section and may assign duties to those employees as necessary to 106034
achieve the most efficient performance of its functions, and to 106035
that end may establish, change, or abolish positions, and assign 106036
and reassign duties and responsibilities of any employee of the 106037
commission. Personnel employed by the commission who are subject 106038
to Chapter 4117. of the Revised Code shall retain all of their 106039
rights and benefits conferred pursuant to that chapter. Nothing in 106040
this chapter shall be construed as eliminating or interfering with 106041
Chapter 4117. of the Revised Code or the rights and benefits 106042
conferred under that chapter to public employees or to any 106043
bargaining unit. 106044

(2) Maintain its office in Columbus, and may hold sessions at 106045
any place within the state; 106046

(3) Acquire facilities, equipment, and supplies necessary to 106047
house the commission, its employees, and files and records under 106048
its control, and to discharge any duty imposed upon it by law. The 106049
expense of these acquisitions shall be audited and paid for in the 106050
same manner as other state expenses. For that purpose, the 106051
commission shall prepare and submit to the office of budget and 106052
management a budget for each biennium according to sections 106053
101.532 and 107.03 of the Revised Code. The budget submitted shall 106054

cover the costs of the commission and its staff in the discharge 106055
of any duty imposed upon the commission by law. The commission 106056
shall not delegate any authority to obligate funds. 106057

(4) Pay its own payroll and other operating expenses from 106058
line items designated by the general assembly; 106059

(5) Retain its fiduciary responsibility as appointing 106060
authority. Any transaction instructions shall be certified by the 106061
appointing authority or its designee. 106062

(6) Establish the overall policy and management of the 106063
commission in accordance with this chapter; 106064

(7) Assist in coordinating and preparing the state 106065
application for funds under sections 101 to 184 of the "National 106066
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 106067
U.S.C.A. 12411 to 12544, as amended, assist in administering and 106068
overseeing the "National and Community Service Trust Act of 1993," 106069
P.L. 103-82, 107 Stat. 785, and the americorps program in this 106070
state, and assist in developing objectives for a comprehensive 106071
strategy to encourage and expand community service programs 106072
throughout the state; 106073

(8) Assist the state board of education, school districts, 106074
the chancellor of higher education, and institutions of higher 106075
education in coordinating community service education programs 106076
through cooperative efforts between institutions and organizations 106077
in the public and private sectors; 106078

(9) Assist the departments of natural resources, youth 106079
services, aging, ~~and~~ job and family services, and children and 106080
youth in coordinating community service programs through 106081
cooperative efforts between institutions and organizations in the 106082
public and private sectors; 106083

(10) Suggest individuals and organizations that are available 106084
to assist school districts, institutions of higher education, and 106085

the departments of natural resources, youth services, aging, ~~and~~ 106086
job and family services, and children and youth in the 106087
establishment of community service programs and assist in 106088
investigating sources of funding for implementing these programs; 106089

(11) Assist in evaluating the state's efforts in providing 106090
community service programs using standards and methods that are 106091
consistent with any statewide objectives for these programs and 106092
provide information to the state board of education, school 106093
districts, the chancellor of higher education, institutions of 106094
higher education, and the departments of natural resources, youth 106095
services, aging, ~~and~~ job and family services, and children and 106096
youth to guide them in making decisions about these programs; 106097

(12) Assist the state board of education in complying with 106098
section 3301.70 of the Revised Code and the chancellor of higher 106099
education in complying with division (B)(2) of section 3333.043 of 106100
the Revised Code. 106101

(D) The commission shall in writing enter into an agreement 106102
with another state agency to serve as the commission's fiscal 106103
agent. Before entering into such an agreement, the commission 106104
shall inform the governor of the terms of the agreement and of the 106105
state agency designated to serve as the commission's fiscal agent. 106106
The fiscal agent shall be responsible for all the commission's 106107
fiscal matters and financial transactions, as specified in the 106108
agreement. Services to be provided by the fiscal agent include, 106109
but are not limited to, the following: 106110

(1) Preparing and processing payroll and other personnel 106111
documents that the commission executes as the appointing 106112
authority; 106113

(2) Maintaining ledgers of accounts and reports of account 106114
balances, and monitoring budgets and allotment plans in 106115
consultation with the commission; and 106116

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency. 106117
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(E)(1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters: 106119
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106121

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate; 106122
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(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and 106124
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106126

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions. 106127
106128

(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements. 106129
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(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission. 106132
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(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year. 106135
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(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes. 106141
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Sec. 3109.15. There is hereby created within the department of ~~job and family services~~ children and youth the children's trust fund board consisting of fifteen members. The directors of mental 106144
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106146

health and addiction services, health, and ~~job and family services~~ 106147
children and youth shall be members of the board. Eight public 106148
members shall be appointed by the governor. These members shall be 106149
persons with demonstrated knowledge in programs for children, 106150
shall be representative of the demographic composition of this 106151
state, and, to the extent practicable, shall be representative of 106152
the following categories: the educational community; the legal 106153
community; the social work community; the medical community; the 106154
voluntary sector; and professional providers of child abuse and 106155
child neglect services. Two members of the board shall be members 106156
of the house of representatives appointed by the speaker of the 106157
house of representatives and shall be members of two different 106158
political parties. Two members of the board shall be members of 106159
the senate appointed by the president of the senate and shall be 106160
members of two different political parties. All members of the 106161
board appointed by the speaker of the house of representatives or 106162
the president of the senate shall serve until the expiration of 106163
the sessions of the general assembly during which they were 106164
appointed. They may be reappointed to an unlimited number of 106165
successive terms of two years at the pleasure of the speaker of 106166
the house of representatives or president of the senate. Public 106167
members shall serve terms of three years. Each member shall serve 106168
until the member's successor is appointed, or until a period of 106169
sixty days has elapsed, whichever occurs first. No public member 106170
may serve more than two consecutive full terms. All vacancies on 106171
the board shall be filled for the balance of the unexpired term in 106172
the same manner as the original appointment. 106173

Any member of the board may be removed by the member's 106174
appointing authority for misconduct, incompetency, or neglect of 106175
duty after first being given the opportunity to be heard in the 106176
member's own behalf. Pursuant to section 3.17 of the Revised Code, 106177
a member, except a member of the general assembly or a judge of 106178
any court in the state, who fails to attend at least three-fifths 106179

of the regular and special meetings held by the board during any 106180
two-year period forfeits the member's position on the board. 106181

Each member of the board shall serve without compensation but 106182
shall be reimbursed for all actual and necessary expenses incurred 106183
in the performance of official duties. 106184

At the beginning of the first year of each even-numbered 106185
general assembly, the chairperson of the board shall be appointed 106186
by the speaker of the house of representatives from among members 106187
of the board who are members of the house of representatives. At 106188
the beginning of the first year of each odd-numbered general 106189
assembly, the chairperson of the board shall be appointed by the 106190
president of the senate from among the members of the board who 106191
are senate members. 106192

The board shall biennially select a vice-chair from among its 106193
nonlegislative members. 106194

Sec. 3109.16. (A) The children's trust fund board, upon the 106195
recommendation of the director of ~~job and family services~~ children 106196
and youth, shall approve the employment of an executive director 106197
who will administer the programs of the board. 106198

(B) The department of ~~job and family services~~ children and 106199
youth shall provide budgetary, procurement, accounting, and other 106200
related management functions for the board and may adopt rules in 106201
accordance with Chapter 119. of the Revised Code for these 106202
purposes. An amount not to exceed three per cent of the total 106203
amount of fees deposited in the children's trust fund in each 106204
fiscal year may be used for costs directly related to these 106205
administrative functions of the department. Each fiscal year, the 106206
board shall approve a budget for administrative expenditures for 106207
the next fiscal year. 106208

(C) The board may request that the department adopt rules the 106209

board considers necessary for the purpose of carrying out the 106210
board's responsibilities under this section, and the department 106211
may adopt those rules. The department may, after consultation with 106212
the board and the executive director, adopt any other rules to 106213
assist the board in carrying out its responsibilities under this 106214
section. In either case, the rules shall be adopted under Chapter 106215
119. of the Revised Code. 106216

(D) The board shall meet at least quarterly at the call of 106217
the chairperson to conduct its official business. All business 106218
transactions of the board shall be conducted in public meetings. 106219
Eight members of the board constitute a quorum. A majority of the 106220
quorum is required to make all decisions of the board. 106221

(E) With respect to funding, all of the following apply: 106222

(1) The board may apply for and accept federal and other 106223
funds for the purpose of funding child abuse and child neglect 106224
prevention programs. 106225

(2) The board may solicit and accept gifts, money, and other 106226
donations from any public or private source, including 106227
individuals, philanthropic foundations or organizations, 106228
corporations, or corporation endowments. 106229

(3) The board may develop private-public partnerships to 106230
support the mission of the children's trust fund. 106231

(4) The acceptance and use of federal and other funds shall 106232
not entail any commitment or pledge of state funds, nor obligate 106233
the general assembly to continue the programs or activities for 106234
which the federal and other funds are made available. 106235

(5) All funds received in the manner described in this 106236
section shall be transmitted to the treasurer of state, who shall 106237
credit them to the children's trust fund created in section 106238
3109.14 of the Revised Code. 106239

Sec. 3109.17. (A) The children's trust fund board shall 106240
establish a strategic plan for child abuse and child neglect 106241
prevention. The plan shall be transmitted to the governor, the 106242
president and minority leader of the senate, and the speaker and 106243
minority leader of the house of representatives and shall be made 106244
available to the general public. 106245

(B) In developing and carrying out the strategic plan, the 106246
children's trust fund board shall, in accordance with rules 106247
adopted by the department pursuant to Chapter 119. of the Revised 106248
Code, do all of the following: 106249

(1) Ensure that an opportunity exists for assistance through 106250
child abuse and child neglect prevention programs to persons 106251
throughout the state of various social and economic backgrounds; 106252

(2) Allocate funds to entities for the purpose of funding 106253
child abuse and child neglect prevention programs that have 106254
statewide significance and that have been approved by the 106255
children's trust fund board; 106256

(3) Provide for the monitoring of expenditures from the 106257
children's trust fund and of programs that receive money from the 106258
children's trust fund; 106259

(4) Establish reporting requirements for both of the 106260
following: 106261

(a) Regional child abuse and child neglect prevention 106262
councils, including deadlines for the submission of the progress 106263
and annual reports required under section 3107.172 of the Revised 106264
Code; 106265

(b) Children's advocacy centers, including deadlines for the 106266
submission of reports required under section 3107.178 of the 106267
Revised Code. 106268

(5) Collaborate with appropriate persons and government 106269

entities and facilitate the exchange of information among those 106270
persons and entities for the purpose of child abuse and child 106271
neglect prevention; 106272

(6) Provide for the education of the public and professionals 106273
for the purpose of child abuse and child neglect prevention. 106274

(C) The children's trust fund board shall prepare a report 106275
for each fiscal biennium that delineates the expenditure of money 106276
from the children's trust fund. On or before January 1, 2002, and 106277
on or before the first day of January of a year that follows the 106278
end of a fiscal biennium of this state, the board shall file a 106279
copy of the report with the governor, the president and minority 106280
leader of the senate, and the speaker and minority leader of the 106281
house of representatives. 106282

(D) The children's trust fund board shall develop a list of 106283
all state and federal sources of funding that might be available 106284
for establishing, operating, or establishing and operating a 106285
children's advocacy center under sections 2151.425 to 2151.428 of 106286
the Revised Code. The board periodically shall update the list as 106287
necessary. The board shall maintain, or provide for the 106288
maintenance of, the list at an appropriate location. That location 106289
may be the offices of the department of ~~job and family services~~ 106290
children and youth. The board shall provide the list upon request 106291
to any children's advocacy center or to any person or entity 106292
identified in section 2151.426 of the Revised Code as a person or 106293
entity that may participate in the establishment of a children's 106294
advocacy center. 106295

Sec. 3109.179. (A) The department of ~~job and family services~~ 106296
children and youth shall adopt rules in accordance with Chapter 106297
119. of the Revised Code regarding all of the following: 106298

(1) Operation requirements for child abuse and child neglect 106299
regional prevention councils; 106300

(2) The manner in which boards of county commissioners are to 106301
appoint council members; 106302

(3) The form and manner by which councils are to submit 106303
regional prevention plans. 106304

(B) The department may adopt rules in accordance with Chapter 106305
119. of the Revised Code regarding the following: 106306

(1) Duties of council members; 106307

(2) Duties of regional prevention coordinators; 106308

(3) Any other rules necessary to implement sections 3109.13 106309
to 3109.178 of the Revised Code. 106310

(C) The department shall consult with the children's trust 106311
fund board and the board's executive director regarding all rules 106312
adopted under this section. 106313

Sec. 5101.34. (A) There is hereby created in the department 106314
of ~~job and family services~~ children and youth the Ohio commission 106315
on fatherhood. The commission shall consist of the following 106316
members: 106317

(1)(a) Four members of the house of representatives appointed 106318
by the speaker of the house, not more than two of whom are members 106319
of the same political party. Two of the members must be from 106320
legislative districts that include a county or part of a county 106321
that is among the one-third of counties in this state with the 106322
highest number per capita of households headed by females. 106323

(b) Two members of the senate appointed by the president of 106324
the senate, each from a different political party. One of the 106325
members must be from a legislative district that includes a county 106326
or part of a county that is among the one-third of counties in 106327
this state with the highest number per capita of households headed 106328
by females. 106329

(2) The governor, or the governor's designee; 106330

(3) One representative of the judicial branch of government 106331
appointed by the chief justice of the supreme court; 106332

(4) The directors of health, ~~job and family services~~ children 106333
and youth, rehabilitation and correction, mental health and 106334
addiction services, and youth services and the superintendent of 106335
public instruction, or their designees; 106336

(5) One representative of the Ohio family and children first 106337
cabinet council created under section 121.37 of the Revised Code 106338
appointed by the chairperson of the council; 106339

(6) Five representatives of the general public appointed by 106340
the governor. These members shall have extensive experience in 106341
issues related to fatherhood. 106342

(B) ~~The appointing authorities of the Ohio commission on~~ 106343
~~fatherhood shall make initial appointments to the commission~~ 106344
~~within thirty days after September 29, 1999. Of the initial~~ 106345
~~appointments to the commission made pursuant to divisions (A)(3),~~ 106346
~~(5), and (6) of this section, three of the members shall serve a~~ 106347
~~term of one year and four shall serve a term of two years. Members~~ 106348
~~so appointed subsequently to the Ohio commission on fatherhood~~ 106349
shall serve two-year terms. A member appointed pursuant to 106350
division (A)(1) of this section shall serve on the commission 106351
until the end of the general assembly from which the member was 106352
appointed or until the member ceases to serve in the chamber of 106353
the general assembly in which the member serves at the time of 106354
appointment, whichever occurs first. The governor or the 106355
governor's designee shall serve on the commission until the 106356
governor ceases to be governor. The directors and superintendent 106357
or their designees shall serve on the commission until they cease, 106358
or the director or superintendent a designee represents ceases, to 106359
be director or superintendent. Each member shall serve on the 106360

commission from the date of appointment until the end of the term 106361
for which the member was appointed. Members may be reappointed. 106362

Vacancies shall be filled in the manner provided for original 106363
appointments. Any member appointed to fill a vacancy occurring 106364
prior to the expiration date of the term for which the member's 106365
predecessor was appointed shall serve on the commission for the 106366
remainder of that term. A member shall continue to serve on the 106367
commission subsequent to the expiration date of the member's term 106368
until the member's successor is appointed or until a period of 106369
sixty days has elapsed, whichever occurs first. Members shall 106370
serve without compensation but shall be reimbursed for necessary 106371
expenses. 106372

Sec. 5101.341. (A) The Ohio commission on fatherhood shall 106373
elect a chairperson from among its members in every odd-numbered 106374
year. 106375

(B) The governor shall appoint an individual to serve as the 106376
commission's executive director. The executive director shall 106377
serve at the pleasure of the governor and shall report to the 106378
director of ~~job and family services~~ children and youth or the 106379
director's designee. 106380

The governor shall fix the executive director's salary on the 106381
basis of the executive director's experience and the executive 106382
director's responsibilities and duties. The executive director 106383
shall be in the unclassified civil service. 106384

The department of ~~job and family services~~ children and youth 106385
shall provide staff and other support services as necessary for 106386
the commission to fulfill its duties. 106387

(C) The commission may accept gifts, grants, donations, 106388
contributions, benefits, and other funds from any public agency or 106389
private source to carry out any or all of the commission's duties. 106390

The funds shall be deposited into the Ohio commission on 106391
fatherhood fund, which is hereby created in the state treasury. 106392
All gifts, grants, donations, contributions, benefits, and other 106393
funds received by the commission pursuant to this division shall 106394
be used solely to support the operations of the commission. 106395

Sec. 5101.342. The Ohio commission on fatherhood shall do 106396
both of the following: 106397

(A) Organize a state summit on fatherhood every four years; 106398

(B) Prepare a report each year that does the following: 106399

(1) Identifies resources available to fund fatherhood-related 106400
programs and explores the creation of initiatives to do the 106401
following: 106402

(a) Build the parenting skills of fathers; 106403

(b) Provide employment-related services for low-income, 106404
noncustodial fathers; 106405

(c) Prevent premature fatherhood; 106406

(d) Provide services to fathers who are inmates in or have 106407
just been released from imprisonment in a state correctional 106408
institution, as defined in section 2967.01 of the Revised Code, or 106409
in any other detention facility, as defined in section 2921.01 of 106410
the Revised Code, so that they are able to maintain or reestablish 106411
their relationships with their families; 106412

(e) Reconcile fathers with their families; 106413

(f) Increase public awareness of the critical role fathers 106414
play. 106415

(2) Describes the commission's expectations for the outcomes 106416
of fatherhood-related programs and initiatives and the methods the 106417
commission uses for conducting annual measures of those outcomes. 106418

(C) The portion of the report prepared pursuant to division 106419

(B)(2) of this section shall be prepared by the commission in 106420
collaboration with the director of ~~job and family services~~ 106421
children and youth. 106422

(D) The commission shall submit each report prepared pursuant 106423
to division (B) of this section to the president and minority 106424
leader of the senate, speaker and minority leader of the house of 106425
representatives, governor, and chief justice of the supreme court. 106426
The first report is due not later than one year after the last of 106427
the initial appointments to the commission is made under section 106428
5101.341 of the Revised Code. 106429

Sec. 5180.01. (A) The department of children and youth shall 106430
serve as the state's primary children's services agency and shall 106431
facilitate and coordinate the delivery of children's services in 106432
this state, including, but not limited to, those related to 106433
adoption, child care, child welfare, early childhood education, 106434
early intervention, foster care, home visiting, infant and early 106435
childhood mental consultation, and preschool special education. 106436

(B) For purposes of this chapter and in addition to the 106437
services described in division (A) of this section, children's 106438
services include, but are not limited to, one or more government 106439
programs focused on any of the following: 106440

(1) Adoption, child welfare, and foster care services; 106441

(2) Early identification and intervention regarding 106442
behavioral health, including, but not limited to, early 106443
intervention services, early childhood mental health initiatives, 106444
multi-system youth services, and family support services 106445
administered through the Ohio family and children first cabinet 106446
council, Ohio commission on fatherhood, and children's trust fund 106447
board; 106448

(3) Early learning and education, including, but not limited 106449

to, child care and preschool licensing, early learning assessments, head start, preschool special education, publicly funded child care, and the step up to quality program; 106450
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(4) Maternal and child physical health, including, but not limited to, infant vitality, home visiting, maternal and child health, maternal and infant support, and Medicaid-funded child health services. 106453
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Sec. 5180.02. (A) The director of children and youth is the chief executive of and appointing authority for the department of children and youth. In this role, the director shall administer the department and implement the delivery in this state of children's services, including by doing all of the following: 106457
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(1) Adopting as necessary rules in accordance with Chapter 119. of the Revised Code and section 111.15 of the Revised Code; 106462
106463

(2) Approving and entering into contracts, agreements, and other business arrangements on behalf of the department; 106464
106465

(3) Making as necessary appointments to the department and approving actions related to departmental employees and officers, including their hiring, promotion, termination, discipline, or investigation; 106466
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(4) Administering the department and directing the performance of its employees and officers; 106470
106471

(5) Applying for grants available under federal law or from other federal, state, or private sources and allocating, disbursing, or accounting for any funds awarded; 106472
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106474

(6) Any other action as necessary to carry out the purposes of this chapter. 106475
106476

(B) Whenever by law a duty is imposed on or an action is required of the department, the director or director's designee shall fulfill the duty or perform the action. 106477
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106479

(C) The director may organize the department for its efficient operation, including by creating as necessary any divisions or offices within it. The director also may establish procedures for the governance of the department, the conduct of its employees and officers, the performance of its business, and the custody, use, and preservation of departmental books, documents, papers, property, and records.

(D) If the director issues any directive governing the delivery in this state of children's services, each state and local agency involved in the delivery of those services shall comply with the directive and collaborate with the department.

Section 130.11. That existing sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 of the Revised Code are hereby repealed.

Section 130.12. That sections 9.55, 103.60, 109.65, 109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 3107.015, 3107.016, 3107.017, 3107.018, 3107.031, 3107.032, 3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 3107.09, 3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 3301.32, 3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61,

3701.611, 3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66, 106511
3701.67, 3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951, 106512
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5101.111, 5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14, 106515
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5101.193, 5101.194, 5101.21, 5101.214, 5101.216, 5101.22, 106519
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5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 5103.6017, 106535
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5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 5104.211, 106541
5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 5104.32, 106542

5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 5104.42, 106543
5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 106544
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 106545
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 106546
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 106547
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 106548
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 106549
and 5167.16 be amended; sections 3301.90 (5104.50), 3701.61 106550
(5180.21), 3701.611 (5180.22), 3701.612 (5180.23), 3701.613 106551
(5180.24), 3701.614 (5180.25), 3701.63 (5180.14), 3701.64 106552
(5180.15), 3701.66 (5180.16), 3701.67 (5180.17), 3701.671 106553
(5180.18), 3701.68 (5180.10), 3701.95 (5180.20), 3701.951 106554
(5180.11), 3701.952 (5180.19), 3701.953 (5180.13), 3701.97 106555
(5180.12), 5123.024 (5180.31), 5123.0421 (5180.32), 5123.0422 106556
(5180.34), and 5123.0423 (5180.33) be amended for the purpose of 106557
adopting new section numbers as indicated in parentheses; and 106558
sections 5104.51, 5104.52, and 5180.30 of the Revised Code be 106559
enacted to read as follows: 106560

Sec. 9.55. (A) As used in this section, "state agency" means 106561
the house of representatives, the senate, the governor, the 106562
secretary of state, the auditor of state, the treasurer of state, 106563
the attorney general, the department of job and family services, 106564
the department of commerce, the department of developmental 106565
disabilities, the department of education, the department of 106566
health, the department of aging, the department of children and 106567
youth, the governor's office of advocacy for disabled persons, and 106568
the civil rights commission. 106569

(B) Each state agency shall install in its offices at least 106570
one teletypewriter designed to receive printed messages from and 106571
transmit printed messages to deaf or hearing-impaired persons. 106572

Sec. 103.60. (A) As used in this section, "rare disease" 106573
means a disease or condition that affects fewer than 200,000 106574
people living in the United States. 106575

(B) There is hereby created the rare disease advisory 106576
council. The purpose of the council is to advise the general 106577
assembly regarding research, diagnosis, and treatment efforts 106578
related to rare diseases across the state. 106579

(C) The council shall consist of the following ~~thirty-one~~ 106580
thirty-two members: 106581

(1) The following members appointed by the governor: 106582

(a) One individual who is a medical researcher with 106583
experience researching rare diseases; 106584

(b) One individual who represents an academic research 106585
institution in this state that receives funding for rare disease 106586
research; 106587

(c) One individual authorized under Chapter 4731. of the 106588
Revised Code to practice medicine and surgery or osteopathic 106589
medicine and surgery who has experience researching, diagnosing, 106590
and treating rare diseases; 106591

(d) One individual authorized under Chapter 4723. of the 106592
Revised Code to practice nursing as a registered nurse who has 106593
experience providing nursing care to patients with rare diseases; 106594

(e) One individual authorized under Chapter 4778. of the 106595
Revised Code to practice as a genetic counselor who is currently 106596
practicing at a children's hospital; 106597

(f) Three members of the public who are living with a rare 106598
disease or represent an individual living with a rare disease; 106599

(g) One representative of a national organization 106600
representing patients with a rare disease; 106601

- (h) One representative of a rare disease foundation operating in this state; 106602
106603
- (i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program; 106604
106605
106606
- (j) One representative of the department of medicaid; 106607
- (k) One representative of the department of insurance; 106608
- (l) One representative of the department of children and youth; 106609
106610
- (m) One representative of the commission on minority health; 106611
- ~~(m)~~(n) One representative of the Ohio hospital association; 106612
- ~~(n)~~(o) One representative of Ohio health insurers; 106613
- ~~(o)~~(p) One representative of bioOhio; 106614
- ~~(p)~~(q) One representative of the association of Ohio health commissioners; 106615
106616
- ~~(q)~~(r) One representative of the pharmaceutical research and manufacturers of America. 106617
106618
- (2) The following members appointed by the president of the senate: 106619
106620
- (a) Two members of the senate, one from the majority party and one from the minority party; 106621
106622
- (b) Three members of the public, one of whom is recommended by the minority leader of the senate. 106623
106624
- (3) The following members appointed by the speaker of the house of representatives: 106625
106626
- (a) Two members of the house of representatives, one from the majority party and one from the minority party; 106627
106628
- (b) Three members of the public, one of whom is recommended 106629

by the minority leader of the house of representatives. 106630

(4) The governor or the governor's designee. 106631

(D)(1) ~~Not later than April 23, 2021, initial appointments~~ 106632
~~shall be made to the council. Thereafter, appointments~~ 106633
Appointments shall be made every two years, not later than thirty 106634
days after the commencement of the first regular session of each 106635
general assembly. 106636

(2) Each member shall serve on the council until appointments 106637
are made following the commencement of the next general assembly. 106638
Members may be reappointed; however, no member shall serve more 106639
than four consecutive terms on the council. 106640

(E) Prior to the expiration of each term, the council shall 106641
prepare and submit a report to the general assembly detailing the 106642
following: 106643

(1) The coordination of statewide efforts for studying the 106644
incidence of rare diseases in this state; 106645

(2) The council's findings and recommendations regarding rare 106646
disease research and care in this state; 106647

(3) Efforts to promote collaboration among rare disease 106648
organizations, clinicians, academic research institutions, and the 106649
general assembly to better understand the incidence of rare 106650
diseases in this state. 106651

(F) The council shall annually select from among its members 106652
a chairperson or co-chairpersons. 106653

(G) The council shall meet at the call of the chairperson, 106654
but not less than quarterly. A majority of the members of the 106655
council shall constitute a quorum. The chairperson shall provide 106656
members with at least five days written notice of all meetings. 106657

(H) Members shall serve without compensation except to the 106658
extent that serving on the council is considered part of the 106659

member's regular duties of employment. The council shall reimburse 106660
each member for actual and necessary expenses incurred in the 106661
performance of the member's official duties. 106662

Sec. 109.65. (A) As used in this section, "minor," "missing 106663
child," and "missing children" have the same meanings as in 106664
section 2901.30 of the Revised Code. 106665

(B) There is hereby created within the office of the attorney 106666
general the missing children clearinghouse. The attorney general 106667
shall administer the clearinghouse. The clearinghouse is 106668
established as a central repository of information to coordinate 106669
and improve the availability of information regarding missing 106670
children, which information shall be collected and disseminated by 106671
the clearinghouse to assist in the location of missing children. 106672
The clearinghouse shall act as an information repository separate 106673
from and in addition to law enforcement agencies within this 106674
state. 106675

(C) The missing children clearinghouse may perform any of the 106676
following functions: 106677

(1) The establishment of services to aid in the location of 106678
missing children that include, but are not limited to, any of the 106679
following services: 106680

(a) Assistance in the preparation and dissemination of flyers 106681
identifying and describing missing children and their abductors; 106682

(b) The development of informational forms for the reporting 106683
of missing children that may be used by parents, guardians, and 106684
law enforcement officials to facilitate the location of a missing 106685
child; 106686

(c) The provision of assistance to public and private 106687
organizations, boards of education, nonpublic schools, preschools, 106688
child care facilities, and law enforcement agencies in planning 106689

and implementing voluntary programs to fingerprint children. 106690

(2) The establishment and operation of a toll-free telephone 106691
line for supplemental reports of missing children and reports of 106692
sightings of missing children; 106693

(3) Upon the request of any person or entity and upon payment 106694
of any applicable fee established by the attorney general under 106695
division (H) of this section, the provision to the person or 106696
entity who makes the request of a copy of any information 106697
possessed by the clearinghouse that was acquired or prepared 106698
pursuant to division (E)(3) of this section; 106699

(4) The performance of liaison services between individuals 106700
and public and private agencies regarding procedures for handling 106701
and responding to missing children reports; 106702

(5) The participation as a member in any networks of other 106703
missing children centers or clearinghouses; 106704

(6) The creation and operation of an intrastate network of 106705
communication designed for the speedy collection and processing of 106706
information concerning missing children. 106707

(D) If a board of education is notified by school personnel 106708
that a missing child is attending any school under the board's 106709
jurisdiction, or if the principal or chief administrative officer 106710
of a nonpublic school is notified by school personnel that a 106711
missing child is attending that school, the board or the principal 106712
or chief administrative officer immediately shall give notice of 106713
that fact to the missing children clearinghouse and to the law 106714
enforcement agency with jurisdiction over the area where the 106715
missing child resides. 106716

(E)(1) The attorney general, in cooperation with the 106717
department of ~~job~~ children and ~~family services~~ youth, shall 106718
establish a "missing child educational program" within the missing 106719
children clearinghouse that shall perform the functions specified 106720

in divisions (E)(1) to (3) of this section. The program shall 106721
operate under the supervision and control of the attorney general 106722
in accordance with procedures that the attorney general shall 106723
develop to implement divisions (E)(1) to (3) of this section. The 106724
attorney general shall cooperate with the department of education 106725
in developing and disseminating information acquired or prepared 106726
pursuant to division (E)(3) of this section. 106727

(2) Upon the request of any board of education in this state 106728
or any nonpublic school in this state, the missing child 106729
educational program shall provide to the board or school a 106730
reasonable number of copies of the information acquired or 106731
prepared pursuant to division (E)(3) of this section. 106732

Upon the request of any board of education in this state or 106733
any nonpublic school in this state that, pursuant to section 106734
3313.96 of the Revised Code, is developing an information program 106735
concerning missing children issues and matters, the missing child 106736
educational program shall provide to the board or nonpublic school 106737
assistance in developing the information program. The assistance 106738
may include, but is not limited to, the provision of any or all of 106739
the following: 106740

(a) If the requesting entity is a board of education of a 106741
school district, sample policies on missing and exploited children 106742
issues to assist the board in complying with section 3313.205 of 106743
the Revised Code; 106744

(b) Suggested safety curricula regarding missing children 106745
issues, including child safety and abduction prevention issues; 106746

(c) Assistance in developing, with local law enforcement 106747
agencies, prosecuting attorneys, boards of education, school 106748
districts, and nonpublic schools, cooperative programs for 106749
fingerprinting children; 106750

(d) Other assistance to further the goals of the program. 106751

(3) The missing child educational program shall acquire or
prepare informational materials relating to missing children
issues and matters. These issues and matters include, but are not
limited to, the following:

(a) The types of missing children;

(b) The reasons why and how minors become missing children,
the potential adverse consequences of a minor becoming a missing
child, and, in the case of minors who are considering running away
from home or from the care, custody, and control of their parents,
parent who is the residential parent and legal custodian,
guardian, legal custodian, or another person responsible for them,
alternatives that may be available to address their concerns and
problems;

(c) Offenses under federal law that could relate to missing
children and other provisions of federal law that focus on missing
children;

(d) Offenses under the Revised Code that could relate to
missing children, including, but not limited to, kidnapping,
abduction, unlawful restraint, child stealing, interference with
custody, endangering children, domestic violence, abuse of a child
and contributing to the dependency, neglect, unruliness, or
delinquency of a child, sexual offenses, drug offenses,
prostitution offenses, and obscenity offenses, and other
provisions of the Revised Code that could relate to missing
children;

(e) Legislation being considered by the general assembly,
legislatures of other states, the congress of the United States,
and political subdivisions in this or any other state to address
missing children issues;

(f) Sources of information on missing children issues;

(g) State, local, federal, and private systems for locating

and identifying missing children; 106783

(h) Law enforcement agency programs, responsibilities, and 106784
investigative techniques in missing children matters; 106785

(i) Efforts on the community level in this and other states, 106786
concerning missing children issues and matters, by governmental 106787
entities and private organizations; 106788

(j) The identification of private organizations that, among 106789
their primary objectives, address missing children issues and 106790
matters; 106791

(k) How to avoid becoming a missing child and what to do if 106792
one becomes a missing child; 106793

(l) Efforts that schools, parents, and members of a community 106794
can undertake to reduce the risk that a minor will become a 106795
missing child and to quickly locate or identify a minor if he 106796
becomes a missing child, including, but not limited to, 106797
fingerprinting programs. 106798

(F) Each year the missing children clearinghouse shall issue 106799
a report describing its performance of the functions specified in 106800
division (E) of this section and shall provide a copy of the 106801
report to the speaker of the house of representatives, the 106802
president of the senate, the governor, the superintendent of the 106803
bureau of criminal identification and investigation, and the 106804
director of ~~job children~~ and ~~family services~~ youth. 106805

(G) Any state agency or political subdivision of this state 106806
that operates a missing children program or a clearinghouse for 106807
information about missing children shall coordinate its activities 106808
with the missing children clearinghouse. 106809

(H) The attorney general shall determine a reasonable fee to 106810
be charged for providing to any person or entity other than a 106811
state or local law enforcement agency of this or any other state, 106812

a law enforcement agency of the United States, a board of 106813
education of a school district in this state, a nonpublic school 106814
in this state, a governmental entity in this state, or a public 106815
library in this state, pursuant to division (A)(3) of this 106816
section, copies of any information acquired or prepared pursuant 106817
to division (E)(3) of this section. The attorney general shall 106818
collect the fee prior to sending or giving copies of any 106819
information to any person or entity for whom or which this 106820
division requires the fee to be charged and shall deposit the fee 106821
into the missing children fund created by division (I) of this 106822
section. 106823

(I) There is hereby created in the state treasury the missing 106824
children fund that shall consist of all moneys awarded to the 106825
state by donation, gift, or bequest, all other moneys received for 106826
purposes of this section, and all fees collected pursuant to this 106827
section or section 109.64 of the Revised Code. The attorney 106828
general shall use the moneys in the missing children fund only for 106829
purposes of the office of the attorney general acquiring or 106830
preparing information pursuant to division (E)(3) of this section. 106831

(J) The failure of the missing children clearinghouse to 106832
undertake any function or activity authorized in this section does 106833
not create a cause of action against the state. 106834

Sec. 109.746. (A) The attorney general may prepare public 106835
awareness programs that are designed to educate potential victims 106836
of violations of section 2905.32 of the Revised Code and their 106837
families of the risks of becoming a victim of a violation of that 106838
section. The attorney general may prepare these programs with 106839
assistance from the department of health, the department of mental 106840
health and addiction services, the department of job and family 106841
services, the department of children and youth, and the department 106842
of education. 106843

(B) Any organization, person, or other governmental agency 106844
with an interest and expertise in trafficking in persons may 106845
submit information or materials to the attorney general regarding 106846
the preparation of the programs and materials permitted under this 106847
section. The attorney general, in developing the programs and 106848
materials permitted by this section, shall consider any 106849
information submitted pursuant to this division. 106850

Sec. 121.37. (A)(1) There is hereby created the Ohio family 106851
and children first cabinet council. The council shall be composed 106852
of the superintendent of public instruction, the executive 106853
director of the opportunities for Ohioans with disabilities 106854
agency, the medicaid director, and the directors of youth 106855
services, job and family services, mental health and addiction 106856
services, health, developmental disabilities, aging, 106857
rehabilitation and correction, and budget and management. The 106858
chairperson of the council shall be the governor or the governor's 106859
designee and shall establish procedures for the council's internal 106860
control and management. 106861

The purpose of the cabinet council is to help families 106862
seeking government services. This section shall not be interpreted 106863
or applied to usurp the role of parents, but solely to streamline 106864
and coordinate existing government services for families seeking 106865
assistance for their children. 106866

(2) In seeking to fulfill its purpose, the council may do any 106867
of the following: 106868

(a) Advise and make recommendations to the governor and 106869
general assembly regarding the provision of services to children; 106870

(b) Advise and assess local governments on the coordination 106871
of service delivery to children; 106872

(c) Hold meetings at such times and places as may be 106873

prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;

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

(k) Maintain an inventory of strategic planning facilitators 106904
for use by government or nonprofit entities that serve alleged or 106905
adjudicated unruly children or children who are at risk of being 106906
alleged or adjudicated unruly children. 106907

(3) The cabinet council shall provide for the following: 106908

(a) Reviews of service and treatment plans for children for 106909
which such reviews are requested; 106910

(b) Assistance as the council determines to be necessary to 106911
meet the needs of children referred by county family and children 106912
first councils; 106913

(c) Monitoring and supervision of a statewide, comprehensive, 106914
coordinated, multi-disciplinary, interagency system for infants 106915
and toddlers with developmental disabilities or delays and their 106916
families, as established pursuant to federal grants received and 106917
administered by the department of ~~health~~ children and youth for 106918
early intervention services under the "Individuals with 106919
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 106920
1400, as amended. 106921

(4) The cabinet council shall develop and implement the 106922
following: 106923

(a) An interagency process to select the indicators that will 106924
be used to measure progress toward increasing child well-being in 106925
the state and to update the indicators on an annual basis. The 106926
indicators shall focus on expectant parents and newborns thriving; 106927
infants and toddlers thriving; children being ready for school; 106928
children and youth succeeding in school; youth choosing healthy 106929
behaviors; and youth successfully transitioning into adulthood. 106930

(b) An interagency system to offer guidance and monitor 106931
progress toward increasing child well-being in the state and in 106932
each county; 106933

(c) An annual plan that identifies state-level agency efforts 106934
taken to ensure progress towards increasing child well-being in 106935
the state. 106936

On an annual basis, the cabinet council shall submit to the 106937
governor and the general assembly a report on the status of 106938
efforts to increase child well-being in the state. This report 106939
shall be made available to any other person on request. 106940

(B)(1) Each board of county commissioners shall establish a 106941
county family and children first council. The board may invite any 106942
local public or private agency or group that funds, advocates, or 106943
provides services to children and families to have a 106944
representative become a permanent or temporary member of its 106945
county council. Each county council must include the following 106946
individuals: 106947

(a) At least three individuals who are not employed by an 106948
agency represented on the council and whose families are or have 106949
received services from an agency represented on the council or 106950
another county's council. Where possible, the number of members 106951
representing families shall be equal to twenty per cent of the 106952
council's membership. 106953

(b) The director of the board of alcohol, drug addiction, and 106954
mental health services that serves the county, or, in the case of 106955
a county that has a board of alcohol and drug addiction services 106956
and a community mental health board, the directors of both boards. 106957
If a board of alcohol, drug addiction, and mental health services 106958
covers more than one county, the director may designate a person 106959
to participate on the county's council. 106960

(c) The health commissioner, or the commissioner's designee, 106961
of the board of health of each city and general health district in 106962
the county. If the county has two or more health districts, the 106963
health commissioner membership may be limited to the commissioners 106964

of the two districts with the largest populations.	106965
(d) The director of the county department of job and family services;	106966 106967
(e) The executive director of the public children services agency;	106968 106969
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	106970 106971 106972 106973
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	106974 106975 106976 106977 106978
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	106979 106980 106981
(i) A representative of the municipal corporation with the largest population in the county;	106982 106983
(j) The president of the board of county commissioners or an individual designated by the board;	106984 106985
(k) A representative of the department of youth services or an individual designated by the department;	106986 106987
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	106988 106989
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	106990 106991 106992 106993
(n) A representative of a local nonprofit entity that funds,	106994

advocates, or provides services to children and families. 106995

Notwithstanding any other provision of law, the public 106996
members of a county council are not prohibited from serving on the 106997
council and making decisions regarding the duties of the council, 106998
including those involving the funding of joint projects and those 106999
outlined in the county's service coordination mechanism 107000
implemented pursuant to division (C) of this section. 107001

The cabinet council shall establish a state appeals process 107002
to resolve disputes among the members of a county council 107003
concerning whether reasonable responsibilities as members are 107004
being shared. The appeals process may be accessed only by a 107005
majority vote of the council members who are required to serve on 107006
the council. Upon appeal, the cabinet council may order that state 107007
funds for services to children and families be redirected to a 107008
county's board of county commissioners. 107009

The county's juvenile court judge senior in service or 107010
another judge of the juvenile court designated by the 107011
administrative judge or, where there is no administrative judge, 107012
by the judge senior in service shall serve as the judicial advisor 107013
to the county family and children first council. The judge may 107014
advise the county council on the court's utilization of resources, 107015
services, or programs provided by the entities represented by the 107016
members of the county council and how those resources, services, 107017
or programs assist the court in its administration of justice. 107018
Service of a judge as a judicial advisor pursuant to this section 107019
is a judicial function. 107020

(2) The purpose of the county council is to streamline and 107021
coordinate existing government services for families seeking 107022
services for their children. In seeking to fulfill its purpose, a 107023
county council shall provide for the following: 107024

(a) Referrals to the cabinet council of those children for 107025

whom the county council cannot provide adequate services; 107026

(b) Development and implementation of a process that annually 107027
evaluates and prioritizes services, fills service gaps where 107028
possible, and invents new approaches to achieve better results for 107029
families and children; 107030

(c) Participation in the development of a countywide, 107031
comprehensive, coordinated, multi-disciplinary, interagency system 107032
for infants and toddlers with developmental disabilities or delays 107033
and their families, as established pursuant to federal grants 107034
received and administered by the department of ~~health~~ children and 107035
youth for early intervention services under the "Individuals with 107036
Disabilities Education Act of 2004"; 107037

(d) Maintenance of an accountability system to monitor the 107038
county council's progress in achieving results for families and 107039
children; 107040

(e) Establishment of a mechanism to ensure ongoing input from 107041
a broad representation of families who are receiving services 107042
within the county system. 107043

(3) A county council shall develop and implement the 107044
following: 107045

(a) An interagency process to establish local indicators and 107046
monitor the county's progress toward increasing child well-being 107047
in the county; 107048

(b) An interagency process to identify local priorities to 107049
increase child well-being. The local priorities shall focus on 107050
expectant parents and newborns thriving; infants and toddlers 107051
thriving; children being ready for school; children and youth 107052
succeeding in school; youth choosing healthy behaviors; and youth 107053
successfully transitioning into adulthood and take into account 107054
the indicators established by the cabinet council under division 107055
(A)(4)(a) of this section. 107056

(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 107057
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On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 107059
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(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements. 107064
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(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness. 107070
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(5)(a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the 107083
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county's city and general health districts; the county department 107089
of job and family services; the county agency responsible for the 107090
administration of children services pursuant to section 5153.15 of 107091
the Revised Code; the county board of developmental disabilities; 107092
any of the county's boards of education or governing boards of 107093
educational service centers; or the county's juvenile court. Any 107094
of the foregoing public entities, other than the board of county 107095
commissioners, may decline to serve as the council's 107096
administrative agent. 107097

A county council's administrative agent shall serve as the 107098
council's appointing authority for any employees of the council. 107099
The council shall file an annual budget with its administrative 107100
agent, with copies filed with the county auditor and with the 107101
board of county commissioners, unless the board is serving as the 107102
council's administrative agent. The council's administrative agent 107103
shall ensure that all expenditures are handled in accordance with 107104
policies, procedures, and activities prescribed by state 107105
departments in rules or interagency agreements that are applicable 107106
to the council's functions. 107107

The administrative agent of a county council shall send 107108
notice of a member's absence if a member listed in division (B)(1) 107109
of this section has been absent from either three consecutive 107110
meetings of the county council or a county council subcommittee, 107111
or from one-quarter of such meetings in a calendar year, whichever 107112
is less. The notice shall be sent to the board of county 107113
commissioners that establishes the county council and, for the 107114
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 107115
section, to the governing board overseeing the respective entity; 107116
for the member listed in division (B)(1)(f) of this section, to 107117
the county board of developmental disabilities that employs the 107118
superintendent; for a member listed in division (B)(1)(g) or (h) 107119
of this section, to the school board that employs the 107120

superintendent; for the member listed in division (B)(1)(i) of 107121
this section, to the mayor of the municipal corporation; for the 107122
member listed in division (B)(1)(k) of this section, to the 107123
director of youth services; and for the member listed in division 107124
(B)(1)(n) of this section, to that member's board of trustees. 107125

The administrative agent for a county council may do any of 107126
the following on behalf of the council: 107127

(i) Enter into agreements or administer contracts with public 107128
or private entities to fulfill specific council business. Such 107129
agreements and contracts are exempt from the competitive bidding 107130
requirements of section 307.86 of the Revised Code if they have 107131
been approved by the county council and they are for the purchase 107132
of family and child welfare or child protection services or other 107133
social or job and family services for families and children. The 107134
approval of the county council is not required to exempt 107135
agreements or contracts entered into under section 5139.34, 107136
5139.41, or 5139.43 of the Revised Code from the competitive 107137
bidding requirements of section 307.86 of the Revised Code. 107138

(ii) As determined by the council, provide financial 107139
stipends, reimbursements, or both, to family representatives for 107140
expenses related to council activity; 107141

(iii) Receive by gift, grant, devise, or bequest any moneys, 107142
lands, or other property for the purposes for which the council is 107143
established. The agent shall hold, apply, and dispose of the 107144
moneys, lands, or other property according to the terms of the 107145
gift, grant, devise, or bequest. Any interest or earnings shall be 107146
treated in the same manner and are subject to the same terms as 107147
the gift, grant, devise, or bequest from which it accrues. 107148

(b)(i) If the county council designates the board of county 107149
commissioners as its administrative agent, the board may, by 107150
resolution, delegate any of its powers and duties as 107151

administrative agent to an executive committee the board 107152
establishes from the membership of the county council. The board 107153
shall name to the executive committee at least the individuals 107154
described in divisions (B)(1)(b) to (h) of this section and may 107155
appoint the president of the board or another individual as the 107156
chair of the executive committee. The executive committee must 107157
include at least one family county council representative who does 107158
not have a family member employed by an agency represented on the 107159
council. 107160

(ii) The executive committee may, with the approval of the 107161
board, hire an executive director to assist the county council in 107162
administering its powers and duties. The executive director shall 107163
serve in the unclassified civil service at the pleasure of the 107164
executive committee. The executive director may, with the approval 107165
of the executive committee, hire other employees as necessary to 107166
properly conduct the county council's business. 107167

(iii) The board may require the executive committee to submit 107168
an annual budget to the board for approval and may amend or repeal 107169
the resolution that delegated to the executive committee its 107170
authority as the county council's administrative agent. 107171

(6) Two or more county councils may enter into an agreement 107172
to administer their county councils jointly by creating a regional 107173
family and children first council. A regional council possesses 107174
the same duties and authority possessed by a county council, 107175
except that the duties and authority apply regionally rather than 107176
to individual counties. Prior to entering into an agreement to 107177
create a regional council, the members of each county council to 107178
be part of the regional council shall meet to determine whether 107179
all or part of the members of each county council will serve as 107180
members of the regional council. 107181

(7) A board of county commissioners may approve a resolution 107182
by a majority vote of the board's members that requires the county 107183

council to submit a statement to the board each time the council 107184
proposes to enter into an agreement, adopt a plan, or make a 107185
decision, other than a decision pursuant to section 121.38 of the 107186
Revised Code, that requires the expenditure of funds for two or 107187
more families. The statement shall describe the proposed 107188
agreement, plan, or decision. 107189

Not later than fifteen days after the board receives the 107190
statement, it shall, by resolution approved by a majority of its 107191
members, approve or disapprove the agreement, plan, or decision. 107192
Failure of the board to pass a resolution during that time period 107193
shall be considered approval of the agreement, plan, or decision. 107194

An agreement, plan, or decision for which a statement is 107195
required to be submitted to the board shall be implemented only if 107196
it is approved by the board. 107197

(C) Each county shall develop a county service coordination 107198
mechanism. The county service coordination mechanism shall serve 107199
as the guiding document for coordination of services in the 107200
county. For children who also receive services under the help me 107201
grow program, the service coordination mechanism shall be 107202
consistent with rules adopted by the department of health under 107203
section ~~3701.61~~ 5180.21 of the Revised Code. All family service 107204
coordination plans shall be developed in accordance with the 107205
county service coordination mechanism. The mechanism shall be 107206
developed and approved with the participation of the county 107207
entities representing child welfare; developmental disabilities; 107208
alcohol, drug addiction, and mental health services; health; 107209
juvenile judges; education; the county family and children first 107210
council; and the county early intervention collaborative 107211
established pursuant to the federal early intervention program 107212
operated under the "Individuals with Disabilities Education Act of 107213
2004." The county shall establish an implementation schedule for 107214
the mechanism. The cabinet council may monitor the implementation 107215

and administration of each county's service coordination 107216
mechanism. 107217

Each mechanism shall include all of the following: 107218

(1) A procedure for an agency, including a juvenile court, or 107219
a family voluntarily seeking service coordination, to refer the 107220
child and family to the county council for service coordination in 107221
accordance with the mechanism; 107222

(2) A procedure ensuring that a family and all appropriate 107223
staff from involved agencies, including a representative from the 107224
appropriate school district, are notified of and invited to 107225
participate in all family service coordination plan meetings; 107226

(3) A procedure that permits a family to initiate a meeting 107227
to develop or review the family's service coordination plan and 107228
allows the family to invite a family advocate, mentor, or support 107229
person of the family's choice to participate in any such meeting; 107230

(4) A procedure for ensuring that a family service 107231
coordination plan meeting is conducted for each child who receives 107232
service coordination under the mechanism and for whom an emergency 107233
out-of-home placement has been made or for whom a nonemergency 107234
out-of-home placement is being considered. The meeting shall be 107235
conducted within ten days of an emergency out-of-home placement. 107236
The meeting shall be conducted before a nonemergency out-of-home 107237
placement. The family service coordination plan shall outline how 107238
the county council members will jointly pay for services, where 107239
applicable, and provide services in the least restrictive 107240
environment. 107241

(5) A procedure for monitoring the progress and tracking the 107242
outcomes of each service coordination plan requested in the county 107243
including monitoring and tracking children in out-of-home 107244
placements to assure continued progress, appropriateness of 107245
placement, and continuity of care after discharge from placement 107246

with appropriate arrangements for housing, treatment, and education; 107247
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(6) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan; 107249
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(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate; 107253
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(8) A procedure for development of a family service coordination plan described in division (D) of this section; 107258
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(9) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code. 107260
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The cabinet council shall adopt rules in accordance with 107279
Chapter 119. of the Revised Code establishing an administrative 107280
review process to address problems that arise concerning the 107281
operation of a local dispute resolution process. 107282

Nothing in division (C)(4) of this section shall be 107283
interpreted as overriding or affecting decisions of a juvenile 107284
court regarding an out-of-home placement, long-term placement, or 107285
emergency out-of-home placement. 107286

(D) Each county shall develop a family service coordination 107287
plan that does all of the following: 107288

(1) Designates service responsibilities among the various 107289
state and local agencies that provide services to children and 107290
their families, including children who are abused, neglected, 107291
dependent, unruly, or delinquent children and under the 107292
jurisdiction of the juvenile court and children whose parents or 107293
custodians are voluntarily seeking services; 107294

(2) Designates an individual, approved by the family, to 107295
track the progress of the family service coordination plan, 107296
schedule reviews as necessary, and facilitate the family service 107297
coordination plan meeting process; 107298

(3) Ensures that assistance and services to be provided are 107299
responsive to the strengths and needs of the family, as well as 107300
the family's culture, race, and ethnic group, by allowing the 107301
family to offer information and suggestions and participate in 107302
decisions. Identified assistance and services shall be provided in 107303
the least restrictive environment possible. 107304

(4) Includes a process for dealing with a child who is 107305
alleged to be an unruly child. The process shall include methods 107306
to divert the child from the juvenile court system; 107307

(5) Includes timelines for completion of goals specified in 107308
the plan with regular reviews scheduled to monitor progress toward 107309

those goals; 107310

(6) Includes a plan for dealing with short-term crisis 107311
situations and safety concerns. 107312

(E)(1) The process provided for under division (D)(4) of this 107313
section may include, but is not limited to, the following: 107314

(a) Designation of the person or agency to conduct the 107315
assessment of the child and the child's family as described in 107316
division (C)(7) of this section and designation of the instrument 107317
or instruments to be used to conduct the assessment; 107318

(b) An emphasis on the personal responsibilities of the child 107319
and the parental responsibilities of the parents, guardian, or 107320
custodian of the child; 107321

(c) Involvement of local law enforcement agencies and 107322
officials. 107323

(2) The method to divert a child from the juvenile court 107324
system that must be included in the service coordination process 107325
may include, but is not limited to, the following: 107326

(a) The preparation of a complaint under section 2151.27 of 107327
the Revised Code alleging that the child is an unruly child and 107328
notifying the child and the parents, guardian, or custodian that 107329
the complaint has been prepared to encourage the child and the 107330
parents, guardian, or custodian to comply with other methods to 107331
divert the child from the juvenile court system; 107332

(b) Conducting a meeting with the child, the parents, 107333
guardian, or custodian, and other interested parties to determine 107334
the appropriate methods to divert the child from the juvenile 107335
court system; 107336

(c) A method to provide to the child and the child's family a 107337
short-term respite from a short-term crisis situation involving a 107338
confrontation between the child and the parents, guardian, or 107339

custodian; 107340

(d) A program to provide a mentor to the child or the 107341
parents, guardian, or custodian; 107342

(e) A program to provide parenting education to the parents, 107343
guardian, or custodian; 107344

(f) An alternative school program for children who are truant 107345
from school, repeatedly disruptive in school, or suspended or 107346
expelled from school; 107347

(g) Other appropriate measures, including, but not limited 107348
to, any alternative methods to divert a child from the juvenile 107349
court system that are identified by the Ohio family and children 107350
first cabinet council. 107351

(F) Each county may review and revise the service 107352
coordination process described in division (D) of this section 107353
based on the availability of funds under Title IV-A of the "Social 107354
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 107355
or to the extent resources are available from any other federal, 107356
state, or local funds. 107357

Sec. 131.33. (A) No state agency shall incur an obligation 107358
which exceeds the agency's current appropriation authority. Except 107359
as provided in division (D) of this section, unexpended balances 107360
of appropriations shall, at the close of the period for which the 107361
appropriations are made, revert to the funds from which the 107362
appropriations were made, except that the director of budget and 107363
management shall transfer such unexpended balances from the first 107364
fiscal year to the second fiscal year of an agency's 107365
appropriations to the extent necessary for voided warrants to be 107366
reissued pursuant to division (C) of section 126.37 of the Revised 107367
Code. 107368

Except as provided in this section, appropriations made to a 107369

specific fiscal year shall be expended only to pay liabilities 107370
incurred within that fiscal year. 107371

(B) All payrolls shall be charged to the allotments of the 107372
fiscal quarters in which the applicable payroll vouchers are 107373
certified by the director of budget and management in accordance 107374
with section 126.07 of the Revised Code. As used in this division, 107375
"payrolls" means any payment made in accordance with section 107376
125.21 of the Revised Code. 107377

(C) Legal liabilities from prior fiscal years for which there 107378
is no reappropriation authority shall be discharged from the 107379
unencumbered balances of current appropriations. 107380

(D)(1) Federal grant funds obligated by the department of job 107381
and family services or the department of children and youth for 107382
financial allocations to county family services agencies and local 107383
boards may, at the discretion of the director of job and family 107384
services or the director of children and youth, be available for 107385
expenditure for the duration of the federal grant period of 107386
obligation and liquidation, as follows: 107387

(a) At the end of the state fiscal year, all unexpended 107388
county family services agency and local board financial 107389
allocations obligated from federal grant funds may continue to be 107390
valid for expenditure during subsequent state fiscal years. 107391

(b) The financial allocations described in division (D)(1)(a) 107392
of this section shall be reconciled at the end of the federal 107393
grant period of availability or as required by federal law, 107394
regardless of the state fiscal year of the appropriation. 107395

(2) The director of job and family services and the director 107396
of children and youth may adopt rules in accordance with section 107397
111.15 of the Revised Code, as if they were internal management 107398
rules, as necessary to implement division (D) of this section. 107399

(3) As used in division (D) of this section: 107400

(a) "County family services agency" has the same meaning as 107401
in section 307.981 of the Revised Code. 107402

(b) "Local board" has the same meaning as in section 6301.01 107403
of the Revised Code. 107404

Sec. 131.41. There is hereby created in the state treasury 107405
the family services stabilization fund. The fund shall consist of 107406
moneys deposited into it pursuant to acts of the general assembly. 107407
The director of budget and management, with advice from the 107408
director of job and family services or the director of children 107409
and youth, may transfer moneys in the family services 107410
stabilization fund to the general revenue fund for the department 107411
of job and family services or the department of children and 107412
youth. Moneys may be transferred due to identified shortfalls for 107413
family services activities, such as higher caseloads, federal 107414
funding changes, and unforeseen costs due to significant state 107415
policy changes. Before transfers are authorized, the director of 107416
budget and management shall exhaust the possibilities for 107417
transfers of moneys within the department of job and family 107418
services or the department of children and youth to meet the 107419
identified shortfall. Transfers shall not be used to fund policy 107420
changes not contemplated by acts of the general assembly. Any 107421
investment earnings of the family services stabilization fund 107422
shall be credited to that fund. 107423

Sec. 135.79. As used in sections 135.79 to 135.796 of the 107424
Revised Code: 107425

(A) "Eligible borrower" means an individual who is a resident 107426
of this state and to whom either of the following applies: 107427

(1) The individual completes a home study pursuant to section 107428
3107.031 of the Revised Code and is approved. 107429

(2) The individual is pursuing an adoption through the public 107430

foster care system and meets the requirements set by the 107431
department of ~~job children~~ and ~~family services~~ youth. 107432

(B) "Eligible lending institution" means a financial 107433
institution that may make secured or unsecured personal loans, 107434
agrees to participate in the adoption linked deposit program, and 107435
is either of the following: 107436

(1) A public depository of state funds under section 135.03 107437
of the Revised Code; 107438

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 107439
Code, a federal credit union, a foreign credit union licensed 107440
pursuant to section 1733.39 of the Revised Code, or a credit union 107441
as defined in section 1733.01 of the Revised Code, located in this 107442
state. 107443

(C) "Adoption linked deposit" means a certificate of deposit 107444
or other financial institution instrument placed by the treasurer 107445
of state with an eligible lending institution at a rate below 107446
current market rate, as determined and calculated by the treasurer 107447
of state, provided the institution agrees to lend the value of 107448
such deposit or instrument, according to the agreement provided in 107449
division (C) of section 135.793 of the Revised Code, to eligible 107450
borrowers at a rate that reflects an equal percentage rate 107451
reduction below the present borrowing rate applicable to each 107452
specific borrower at the time of the placement of state funds in 107453
the institution. 107454

(D) "Other financial institution instrument" means a fully 107455
collateralized product that otherwise would pay market rates of 107456
interest approved by the treasurer of state. 107457

(E) "Loan" means a contractual agreement under which an 107458
eligible lending institution agrees to lend money to an eligible 107459
borrower in the form of an upfront lump sum, a line of credit, or 107460
any other reasonable arrangement approved by the treasurer of 107461

state. 107462

(F) "Qualifying adoption expense" means any expense incurred 107463
to legally adopt a child as described in division (C) of section 107464
3107.055 of the Revised Code, including any costs incurred by the 107465
eligible borrower proximately relating to the completion and 107466
approval of the home study under section 3107.031 of the Revised 107467
Code, and any other expense as determined by the treasurer of 107468
state. 107469

Sec. 153.39. If the plans, drawings, representations, bills 107470
of material, specifications of work, and estimates relate to the 107471
building of a children's home, they shall be submitted to the 107472
board of county commissioners and three citizens of the county, to 107473
be appointed by a resident judge of the court of common pleas, or 107474
a judge residing in the same subdivision of the judicial district. 107475
If approved by a majority of them, a copy thereof shall be 107476
deposited with the county auditor and kept by the auditor for the 107477
inspection of interested parties. Before such plans are adopted, 107478
they shall be submitted to the department of ~~job children~~ and 107479
~~family services~~ youth for suggestions and criticism. The boards of 107480
counties composing a district for the purpose of establishing a 107481
district children's home, in letting contracts for the necessary 107482
buildings or the repair or alteration thereof, shall be governed 107483
by the law relating to letting contracts for erecting, repairing, 107484
or altering other public buildings. 107485

Sec. 307.98. As used in this section, "county grantee" has 107486
the same meaning as in section 5101.21 of the Revised Code. 107487

Each board of county commissioners and each other county 107488
grantee of the county shall jointly enter into one or more written 107489
grant agreements with the director of job and family services or 107490
the director of children and youth in accordance with section 107491

5101.21 of the Revised Code. The board of county commissioners 107492
shall enter into the agreement on behalf of the county family 107493
services agencies, other than a county family services agency that 107494
is a county grantee. 107495

Sec. 307.981. (A)(1) As used in the Revised Code: 107496

(a) "County family services agency" means all of the 107497
following: 107498

(i) A child support enforcement agency; 107499

(ii) A county department of job and family services; 107500

(iii) A public children services agency. 107501

(b) "Family services duty" means a duty state law requires or 107502
allows a county family services agency to assume, including 107503
financial and general administrative duties. "Family services 107504
duty" does not include a duty funded by the United States 107505
department of labor. 107506

(2) As used in sections 307.981 to 307.989 of the Revised 107507
Code, "private entity" means an entity other than a government 107508
entity. 107509

(B) To the extent permitted by federal law, including, when 107510
applicable, subpart F of 5 C.F.R. part 900, and subject to any 107511
limitations established by the Revised Code, including division 107512
(H) of this section, a board of county commissioners may designate 107513
any private or government entity within this state to serve as any 107514
of the following: 107515

(1) A child support enforcement agency; 107516

(2) A county department of job and family services; 107517

(3) A public children services agency; 107518

(4) A county department of job and family services and one 107519
other of those county family services agencies; 107520

(5) All three of those county family services agencies. 107521

(C) To the extent permitted by federal law, including, when 107522
applicable, subpart F of 5 C.F.R. part 900, and subject to any 107523
limitations of the Revised Code, including division (H) of this 107524
section, a board of county commissioners may change the 107525
designation it makes under division (B) of this section by 107526
designating another private or government entity. 107527

(D) If a designation under division (B) or (C) of this 107528
section constitutes a change from the designation in a grant 107529
agreement between the director of job and family services, or the 107530
director of children and youth, and the board under sections 107531
307.98 and 5101.21 of the Revised Code, the ~~director~~ directors may 107532
require that the ~~director~~ directors and board amend the grant 107533
agreement and that the board provide the ~~director~~ directors 107534
written assurances that the newly designated private or government 107535
entity will meet or exceed all requirements of the family services 107536
duties the entity is to assume. 107537

(E) Not less than sixty days before a board of county 107538
commissioners designates an entity under division (B) or (C) of 107539
this section, the board shall notify the director of job and 107540
family services and department of children and youth and publish 107541
notice in a newspaper of general circulation in the county of the 107542
board's intention to make the designation and reasons for the 107543
designation. 107544

(F) A board of county commissioners shall enter into a 107545
written contract with each entity it designates under division (B) 107546
or (C) of this section specifying the entity's responsibilities 107547
and standards the entity is required to meet. 107548

(G) This section does not require a board of county 107549
commissioners to abolish the child support enforcement agency, 107550
county department of job and family services, or public children 107551

services agency serving the county on October 1, 1997, and 107552
designate a different private or government entity to serve as the 107553
county's child support enforcement agency, county department of 107554
job and family services, or public children services agency. 107555

(H) If a county children services board appointed under 107556
section 5153.03 of the Revised Code serves as a public children 107557
services agency for a county, the board of county commissioners 107558
may not redesignate the public children services agency unless the 107559
board of county commissioners does all of the following: 107560

(1) Notifies the county children services board of its intent 107561
to redesignate the public children services agency. In its 107562
notification, the board of county commissioners shall provide the 107563
county children services board a written explanation of the 107564
administrative, fiscal, or performance considerations causing the 107565
board of county commissioners to seek to redesignate the public 107566
children services agency. 107567

(2) Provides the county children services board an 107568
opportunity to comment on the proposed redesignation before the 107569
redesignation occurs; 107570

(3) If the county children services board, not more than 107571
sixty days after receiving the notice under division (H)(1) of 107572
this section, notifies the board of county commissioners that the 107573
county children services board has voted to oppose the 107574
redesignation, votes unanimously to proceed with the 107575
redesignation. 107576

Sec. 329.04. (A) The county department of job and family 107577
services shall have, exercise, and perform the following powers 107578
and duties: 107579

(1) Perform any duties assigned by the state department of 107580
job and family services, department of children and youth, or 107581

department of medicaid regarding the provision of public family 107582
services, including the provision of the following services to 107583
prevent or reduce economic or personal dependency and to 107584
strengthen family life: 107585

(a) Services authorized by a Title IV-A program, as defined 107586
in section 5101.80 of the Revised Code; 107587

(b) Social services authorized by Title XX of the "Social 107588
Security Act" and provided for by section 5101.46 or 5101.461 of 107589
the Revised Code; 107590

(c) If the county department is designated as the child 107591
support enforcement agency, services authorized by Title IV-D of 107592
the "Social Security Act" and provided for by Chapter 3125. of the 107593
Revised Code. The county department may perform the services 107594
itself or contract with other government entities, and, pursuant 107595
to division (C) of section 2301.35 and section 2301.42 of the 107596
Revised Code, private entities, to perform the Title IV-D 107597
services. 107598

(d) Duties assigned under section 5162.031 of the Revised 107599
Code. 107600

(2) Administer burials insofar as the administration of 107601
burials was, prior to September 12, 1947, imposed upon the board 107602
of county commissioners and if otherwise required by state law; 107603

(3) Cooperate with state and federal authorities in any 107604
matter relating to family services and to act as the agent of such 107605
authorities; 107606

(4) Submit an annual account of its work and expenses to the 107607
board of county commissioners and to the state department of job 107608
and family services, department of children and youth, and 107609
department of medicaid at the close of each fiscal year; 107610

(5) Exercise any powers and duties relating to family 107611

services duties or workforce development activities imposed upon 107612
the county department of job and family services by law, by 107613
resolution of the board of county commissioners, or by order of 107614
the governor, when authorized by law, to meet emergencies during 107615
war or peace; 107616

(6) Enter into a plan of cooperation with the board of county 107617
commissioners under section 307.983, consult with the board in the 107618
development of the transportation work plan developed under 107619
section 307.985, establish with the board procedures under section 107620
307.986 for providing services to children whose families relocate 107621
frequently, and comply with the contracts the board enters into 107622
under sections 307.981 and 307.982 of the Revised Code that affect 107623
the county department; 107624

(7) For the purpose of complying with a grant agreement the 107625
board of county commissioners enters into under sections 307.98 107626
and 5101.21 of the Revised Code, exercise the powers and perform 107627
the duties the grant agreement assigns to the county department. 107628

(B) The powers and duties of a county department of job and 107629
family services are, and shall be exercised and performed, under 107630
the control and direction of the board of county commissioners. 107631
The board may assign to the county department any power or duty of 107632
the board regarding family services duties and workforce 107633
development activities. If the new power or duty necessitates the 107634
state department of job and family services, department of 107635
children and youth, or department of medicaid changing its federal 107636
cost allocation plan, the county department may not implement the 107637
power or duty unless the United States department of health and 107638
human services approves the changes. 107639

Sec. 2151.011. (A) As used in the Revised Code: 107640

(1) "Juvenile court" means whichever of the following is 107641
applicable that has jurisdiction under this chapter and Chapter 107642

2152. of the Revised Code: 107643

(a) The division of the court of common pleas specified in 107644
section 2101.022 or 2301.03 of the Revised Code as having 107645
jurisdiction under this chapter and Chapter 2152. of the Revised 107646
Code or as being the juvenile division or the juvenile division 107647
combined with one or more other divisions; 107648

(b) The juvenile court of Cuyahoga county or Hamilton county 107649
that is separately and independently created by section 2151.08 or 107650
Chapter 2153. of the Revised Code and that has jurisdiction under 107651
this chapter and Chapter 2152. of the Revised Code; 107652

(c) If division (A)(1)(a) or (b) of this section does not 107653
apply, the probate division of the court of common pleas. 107654

(2) "Juvenile judge" means a judge of a court having 107655
jurisdiction under this chapter. 107656

(3) "Private child placing agency" means any association, as 107657
defined in section 5103.02 of the Revised Code, that is certified 107658
under section 5103.03 of the Revised Code to accept temporary, 107659
permanent, or legal custody of children and place the children for 107660
either foster care or adoption. 107661

(4) "Private noncustodial agency" means any person, 107662
organization, association, or society certified by the department 107663
of ~~job children~~ and ~~family services youth~~ that does not accept 107664
temporary or permanent legal custody of children, that is 107665
privately operated in this state, and that does one or more of the 107666
following: 107667

(a) Receives and cares for children for two or more 107668
consecutive weeks; 107669

(b) Participates in the placement of children in certified 107670
foster homes; 107671

(c) Provides adoption services in conjunction with a public 107672

children services agency or private child placing agency. 107673

(B) As used in this chapter: 107674

(1) "Adequate parental care" means the provision by a child's 107675
parent or parents, guardian, or custodian of adequate food, 107676
clothing, and shelter to ensure the child's health and physical 107677
safety and the provision by a child's parent or parents of 107678
specialized services warranted by the child's physical or mental 107679
needs. 107680

(2) "Adult" means an individual who is eighteen years of age 107681
or older. 107682

(3) "Agreement for temporary custody" means a voluntary 107683
agreement authorized by section 5103.15 of the Revised Code that 107684
transfers the temporary custody of a child to a public children 107685
services agency or a private child placing agency. 107686

(4) "Alternative response" means the public children services 107687
agency's response to a report of child abuse or neglect that 107688
engages the family in a comprehensive evaluation of child safety, 107689
risk of subsequent harm, and family strengths and needs and that 107690
does not include a determination as to whether child abuse or 107691
neglect occurred. 107692

(5) "Certified foster home" means a foster home, as defined 107693
in section 5103.02 of the Revised Code, certified under section 107694
5103.03 of the Revised Code. 107695

(6) "Child" means a person who is under eighteen years of 107696
age, except that the juvenile court has jurisdiction over any 107697
person who is adjudicated an unruly child prior to attaining 107698
eighteen years of age until the person attains twenty-one years of 107699
age, and, for purposes of that jurisdiction related to that 107700
adjudication, a person who is so adjudicated an unruly child shall 107701
be deemed a "child" until the person attains twenty-one years of 107702
age. 107703

(7) "Child day camp," "child care," "child day-care center," 107704
"part-time child day-care center," "type A family day-care home," 107705
"licensed type B family day-care home," "type B family day-care 107706
home," "administrator of a child day-care center," "administrator 107707
of a type A family day-care home," and "in-home aide" have the 107708
same meanings as in section 5104.01 of the Revised Code. 107709

(8) "Child care provider" means an individual who is a 107710
child-care staff member or administrator of a child day-care 107711
center, a type A family day-care home, or a type B family day-care 107712
home, or an in-home aide or an individual who is licensed, is 107713
regulated, is approved, operates under the direction of, or 107714
otherwise is certified by the department of ~~job~~ children and 107715
~~family services~~ youth, department of developmental disabilities, 107716
or the early childhood programs of the department of education. 107717

(9) "Commit" means to vest custody as ordered by the court. 107718

(10) "Counseling" includes both of the following: 107719

(a) General counseling services performed by a public 107720
children services agency or shelter for victims of domestic 107721
violence to assist a child, a child's parents, and a child's 107722
siblings in alleviating identified problems that may cause or have 107723
caused the child to be an abused, neglected, or dependent child. 107724

(b) Psychiatric or psychological therapeutic counseling 107725
services provided to correct or alleviate any mental or emotional 107726
illness or disorder and performed by a licensed psychiatrist, 107727
licensed psychologist, or a person licensed under Chapter 4757. of 107728
the Revised Code to engage in social work or professional 107729
counseling. 107730

(11) "Custodian" means a person who has legal custody of a 107731
child or a public children services agency or private child 107732
placing agency that has permanent, temporary, or legal custody of 107733
a child. 107734

- (12) "Delinquent child" has the same meaning as in section 107735
2152.02 of the Revised Code. 107736
- (13) "Detention" means the temporary care of children pending 107737
court adjudication or disposition, or execution of a court order, 107738
in a public or private facility designed to physically restrict 107739
the movement and activities of children. 107740
- (14) "Developmental disability" has the same meaning as in 107741
section 5123.01 of the Revised Code. 107742
- (15) "Differential response approach" means an approach that 107743
a public children services agency may use to respond to accepted 107744
reports of child abuse or neglect with either an alternative 107745
response or a traditional response. 107746
- (16) "Foster caregiver" has the same meaning as in section 107747
5103.02 of the Revised Code. 107748
- (17) "Guardian" means a person, association, or corporation 107749
that is granted authority by a probate court pursuant to Chapter 107750
2111. of the Revised Code to exercise parental rights over a child 107751
to the extent provided in the court's order and subject to the 107752
residual parental rights of the child's parents. 107753
- (18) "Habitual truant" means any child of compulsory school 107754
age who is absent without legitimate excuse for absence from the 107755
public school the child is supposed to attend for thirty or more 107756
consecutive hours, forty-two or more hours in one school month, or 107757
seventy-two or more hours in a school year. 107758
- (19) "Intellectual disability" has the same meaning as in 107759
section 5123.01 of the Revised Code. 107760
- (20) "Juvenile traffic offender" has the same meaning as in 107761
section 2152.02 of the Revised Code. 107762
- (21) "Legal custody" means a legal status that vests in the 107763
custodian the right to have physical care and control of the child 107764

and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 107796
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(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 107798
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(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children. 107804
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(29) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 107817
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(a) Engaging in sexual activity with a child in the person's care; 107820
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(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health; 107822
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(c) Use of restraint procedures on a child that cause injury or pain; 107825
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(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	107827 107828 107829
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	107830 107831 107832 107833 107834
(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	107835 107836 107837
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	107838 107839 107840
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	107841 107842 107843 107844
(c) Failure to develop a process for all of the following:	107845
(i) Administration of prescription drugs or psychotropic drugs for the child;	107846 107847
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	107848 107849
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	107850 107851 107852
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	107853 107854 107855
(e) Confinement of the child to a locked room without	107856

monitoring by staff; 107857

(f) Failure to provide ongoing security for all prescription and nonprescription medication; 107858
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 107860
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(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 107863
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(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 107869
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(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 107874
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(34) "Person responsible for a child's care in out-of-home care" means any of the following: 107877
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(a) Any foster caregiver, in-home aide, or provider; 107879

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; 107880
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community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate

placement of the child and to enter into a written agreement with 107917
a foster care provider or with another person or agency with whom 107918
the child is placed. 107919

(39) "Practice of social work" and "practice of professional 107920
counseling" have the same meanings as in section 4757.01 of the 107921
Revised Code. 107922

(40) "Private, nonprofit therapeutic wilderness camp" has the 107923
same meaning as in section 5103.02 of the Revised Code. 107924

(41) "Sanction, service, or condition" means a sanction, 107925
service, or condition created by court order following an 107926
adjudication that a child is an unruly child that is described in 107927
division (A)(4) of section 2152.19 of the Revised Code. 107928

(42) "Protective supervision" means an order of disposition 107929
pursuant to which the court permits an abused, neglected, 107930
dependent, or unruly child to remain in the custody of the child's 107931
parents, guardian, or custodian and stay in the child's home, 107932
subject to any conditions and limitations upon the child, the 107933
child's parents, guardian, or custodian, or any other person that 107934
the court prescribes, including supervision as directed by the 107935
court for the protection of the child. 107936

(43) "Psychiatrist" has the same meaning as in section 107937
5122.01 of the Revised Code. 107938

(44) "Psychologist" has the same meaning as in section 107939
4732.01 of the Revised Code. 107940

(45) "Resource caregiver" has the same meaning as in section 107941
5103.02 of the Revised Code. 107942

(46) "Resource family" has the same meaning as in section 107943
5103.02 of the Revised Code. 107944

(47) "Residential camp" means a program in which the care, 107945
physical custody, or control of children is accepted overnight for 107946

recreational or recreational and educational purposes. 107947

(48) "Residential care facility" means an institution, 107948
residence, or facility that is licensed by the department of 107949
mental health and addiction services under section 5119.34 of the 107950
Revised Code and that provides care for a child. 107951

(49) "Residential facility" means a home or facility that is 107952
licensed by the department of developmental disabilities under 107953
section 5123.19 of the Revised Code and in which a child with a 107954
developmental disability resides. 107955

(50) "Residual parental rights, privileges, and 107956
responsibilities" means those rights, privileges, and 107957
responsibilities remaining with the natural parent after the 107958
transfer of legal custody of the child, including, but not 107959
necessarily limited to, the privilege of reasonable visitation, 107960
consent to adoption, the privilege to determine the child's 107961
religious affiliation, and the responsibility for support. 107962

(51) "School day" means the school day established by the 107963
board of education of the applicable school district pursuant to 107964
section 3313.481 of the Revised Code. 107965

(52) "School year" has the same meaning as in section 3313.62 107966
of the Revised Code. 107967

(53) "Secure correctional facility" means a facility under 107968
the direction of the department of youth services that is designed 107969
to physically restrict the movement and activities of children and 107970
used for the placement of children after adjudication and 107971
disposition. 107972

(54) "Sexual activity" has the same meaning as in section 107973
2907.01 of the Revised Code. 107974

(55) "Shelter" means the temporary care of children in 107975
physically unrestricted facilities pending court adjudication or 107976

disposition. 107977

(56) "Shelter for victims of domestic violence" has the same 107978
meaning as in section 3113.33 of the Revised Code. 107979

(57) "Temporary custody" means legal custody of a child who 107980
is removed from the child's home, which custody may be terminated 107981
at any time at the discretion of the court or, if the legal 107982
custody is granted in an agreement for temporary custody, by the 107983
person who executed the agreement. 107984

(58) "Traditional response" means a public children services 107985
agency's response to a report of child abuse or neglect that 107986
encourages engagement of the family in a comprehensive evaluation 107987
of the child's current and future safety needs and a fact-finding 107988
process to determine whether child abuse or neglect occurred and 107989
the circumstances surrounding the alleged harm or risk of harm. 107990

(C) For the purposes of this chapter, a child shall be 107991
presumed abandoned when the parents of the child have failed to 107992
visit or maintain contact with the child for more than ninety 107993
days, regardless of whether the parents resume contact with the 107994
child after that period of ninety days. 107995

Sec. 2151.152. The juvenile judge may enter into an agreement 107996
with the department of ~~job children~~ and ~~family services~~ youth 107997
pursuant to section 5101.11 of the Revised Code for the purpose of 107998
reimbursing the court for foster care maintenance costs, 107999
associated administrative and training costs, and prevention 108000
services costs under the "Family First Prevention Services Act," 108001
Public Law 115-123, incurred on behalf of a child who is any of 108002
the following: 108003

(A) Eligible for payments under Title IV-E of the "Social 108004
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 108005
the temporary or permanent custody of the court or subject to a 108006

disposition issued under division (A)(5) of section 2151.354 or 108007
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 108008
Code; 108009

(B) Determined to be at serious risk of removal from the home 108010
and for whom the court has undertaken a plan of reasonable efforts 108011
to prevent such removal; 108012

(C) At imminent risk of removal from the home and is a 108013
sibling of a child in the temporary or permanent custody of the 108014
court. 108015

The agreement shall govern the responsibilities and duties 108016
the court shall perform in providing services to the child. 108017

Sec. 2151.281. (A) The court shall appoint a guardian ad 108018
litem, subject to rules adopted by the supreme court, to protect 108019
the interest of a child in any proceeding concerning an alleged or 108020
adjudicated delinquent child or unruly child when either of the 108021
following applies: 108022

(1) The child has no parent, guardian, or legal custodian. 108023

(2) The court finds that there is a conflict of interest 108024
between the child and the child's parent, guardian, or legal 108025
custodian. 108026

(B)(1) Except as provided in division (K) of this section, 108027
the court shall appoint a guardian ad litem, subject to rules 108028
adopted by the supreme court, to protect the interest of a child 108029
in any proceeding concerning an alleged abused or neglected child 108030
and in any proceeding held pursuant to section 2151.414 of the 108031
Revised Code. The guardian ad litem so appointed shall not be the 108032
attorney responsible for presenting the evidence alleging that the 108033
child is an abused or neglected child and shall not be an employee 108034
of any party in the proceeding. 108035

(2) Except in any proceeding concerning a dependent child 108036

involving the permanent custody of an infant under the age of six 108037
months for the sole purpose of placement for adoption by a private 108038
child placing agency, the court shall appoint a guardian ad litem, 108039
subject to rules adopted by the supreme court, to protect the 108040
interest of a child in any proceeding concerning an alleged 108041
dependent child if any of the following applies: 108042

(a) The parent of the child appears to be mentally 108043
incompetent or is under eighteen years of age. 108044

(b) There is a conflict of interest between the child and the 108045
child's parents, guardian, or custodian. 108046

(c) The court believes that the parent of the child is not 108047
capable of representing the best interest of the child. 108048

(3) Except in any proceeding concerning a dependent child 108049
involving the permanent custody of an infant under the age of six 108050
months for the sole purpose of placement for adoption by a private 108051
child placing agency, the court may appoint a guardian ad litem, 108052
subject to rules adopted by the supreme court, to protect the 108053
interest of the child in any other proceeding concerning an 108054
alleged dependent child. 108055

(4) The guardian ad litem appointed for an alleged or 108056
adjudicated abused or neglected child may bring a civil action 108057
against any person who is required by division (A)(1) or (4) of 108058
section 2151.421 of the Revised Code to file a report of child 108059
abuse or child neglect that is known or reasonably suspected or 108060
believed to have occurred if that person knows, or has reasonable 108061
cause to suspect or believe based on facts that would cause a 108062
reasonable person in a similar position to suspect or believe, as 108063
applicable, that the child for whom the guardian ad litem is 108064
appointed is the subject of child abuse or child neglect and does 108065
not file the required report and if the child suffers any injury 108066
or harm as a result of the child abuse or child neglect that is 108067

known or reasonably suspected or believed to have occurred or 108068
suffers additional injury or harm after the failure to file the 108069
report. 108070

(C) In any proceeding concerning an alleged or adjudicated 108071
delinquent, unruly, abused, neglected, or dependent child in which 108072
the parent appears to be mentally incompetent or is under eighteen 108073
years of age, the court shall appoint a guardian ad litem to 108074
protect the interest of that parent. 108075

(D) The court shall require the guardian ad litem to 108076
faithfully discharge the guardian ad litem's duties and, upon the 108077
guardian ad litem's failure to faithfully discharge the guardian 108078
ad litem's duties, shall discharge the guardian ad litem and 108079
appoint another guardian ad litem. The court may fix the 108080
compensation for the service of the guardian ad litem, which 108081
compensation shall be paid from the treasury of the county, 108082
subject to rules adopted by the supreme court. 108083

(E) A parent who is eighteen years of age or older and not 108084
mentally incompetent shall be deemed sui juris for the purpose of 108085
any proceeding relative to a child of the parent who is alleged or 108086
adjudicated to be an abused, neglected, or dependent child. 108087

(F) In any case in which a parent of a child alleged or 108088
adjudicated to be an abused, neglected, or dependent child is 108089
under eighteen years of age, the parents of that parent shall be 108090
summoned to appear at any hearing respecting the child, who is 108091
alleged or adjudicated to be an abused, neglected, or dependent 108092
child. 108093

(G) Except as provided in division (K) of this section, in 108094
any case in which a guardian ad litem is to be appointed for an 108095
alleged or adjudicated abused, neglected, or dependent child or in 108096
any case involving an agreement for the voluntary surrender of 108097
temporary or permanent custody of a child that is made in 108098

accordance with section 5103.15 of the Revised Code, the court 108099
shall appoint the guardian ad litem in each case as soon as 108100
possible after the complaint is filed, the request for an 108101
extension of the temporary custody agreement is filed with the 108102
court, or the request for court approval of the permanent custody 108103
agreement is filed. The guardian ad litem or the guardian ad 108104
litem's replacement shall continue to serve until any of the 108105
following occur: 108106

(1) The complaint is dismissed or the request for an 108107
extension of a temporary custody agreement or for court approval 108108
of the permanent custody agreement is withdrawn or denied; 108109

(2) All dispositional orders relative to the child have 108110
terminated; 108111

(3) The legal custody of the child is granted to a relative 108112
of the child, or to another person; 108113

(4) The child is placed in an adoptive home or, at the 108114
court's discretion, a final decree of adoption is issued with 108115
respect to the child; 108116

(5) The child reaches the age of eighteen if the child does 108117
not have a developmental disability or physical impairment or the 108118
child reaches the age of twenty-one if the child has a 108119
developmental disability or physical impairment; 108120

(6) The guardian ad litem resigns or is removed by the court 108121
and a replacement is appointed by the court. 108122

If a guardian ad litem ceases to serve a child pursuant to 108123
division (G)(4) of this section and the petition for adoption with 108124
respect to the child is denied or withdrawn prior to the issuance 108125
of a final decree of adoption or prior to the date an 108126
interlocutory order of adoption becomes final, the juvenile court 108127
shall reappoint a guardian ad litem for that child. The public 108128
children services agency or private child placing agency with 108129

permanent custody of the child shall notify the juvenile court if 108130
the petition for adoption is denied or withdrawn. 108131

(H) If the guardian ad litem for an alleged or adjudicated 108132
abused, neglected, or dependent child is an attorney admitted to 108133
the practice of law in this state, the guardian ad litem also may 108134
serve as counsel to the ward. Until the supreme court adopts rules 108135
regarding service as a guardian ad litem that regulate conflicts 108136
between a person's role as guardian ad litem and as counsel, if a 108137
person is serving as guardian ad litem and counsel for a child and 108138
either that person or the court finds that a conflict may exist 108139
between the person's roles as guardian ad litem and as counsel, 108140
the court shall relieve the person of duties as guardian ad litem 108141
and appoint someone else as guardian ad litem for the child. If 108142
the court appoints a person who is not an attorney admitted to the 108143
practice of law in this state to be a guardian ad litem, the court 108144
also may appoint an attorney admitted to the practice of law in 108145
this state to serve as counsel for the guardian ad litem. 108146

(I) The guardian ad litem for an alleged or adjudicated 108147
abused, neglected, or dependent child shall perform whatever 108148
functions are necessary to protect the best interest of the child, 108149
including, but not limited to, investigation, mediation, 108150
monitoring court proceedings, and monitoring the services provided 108151
the child by the public children services agency or private child 108152
placing agency that has temporary or permanent custody of the 108153
child, and shall file any motions and other court papers that are 108154
in the best interest of the child in accordance with rules adopted 108155
by the supreme court. 108156

The guardian ad litem shall be given notice of all hearings, 108157
administrative reviews, and other proceedings in the same manner 108158
as notice is given to parties to the action. 108159

(J)(1) When the court appoints a guardian ad litem pursuant 108160
to this section, it shall appoint a qualified volunteer or court 108161

appointed special advocate whenever one is available and the 108162
appointment is appropriate. 108163

(2) Upon request, the department of ~~job~~ children and ~~family~~
~~services~~ youth shall provide for the training of volunteer 108164
guardians ad litem. 108165
108166

(K) A guardian ad litem shall not be appointed for a child 108167
who is under six months of age in any proceeding in which a 108168
private child placing agency is seeking permanent custody of the 108169
child or seeking approval of a voluntary permanent custody 108170
surrender agreement for the sole purpose of the adoption of the 108171
child. 108172

Sec. 2151.316. (A) The department of ~~job~~ children and ~~family~~
~~services~~ youth shall adopt rules in accordance with Chapter 119. 108173
of the Revised Code to establish and enforce a foster youth bill 108174
of rights for individuals who are in the temporary or permanent 108175
custody of a public children services agency or a planned 108176
permanent living arrangement or in the Title IV-E eligible care 108177
and placement responsibility of a juvenile court or other 108178
governmental agency that provides Title IV-E reimbursable 108179
placement services and who are subject to out-of-home care or 108180
placed with a kinship caregiver as defined in section 5101.85 of 108181
the Revised Code. 108182
108183

(B) If the rights of an individual, as established under 108184
division (A) of this section, conflict with the rights of a 108185
resource family or resource caregiver, as established in section 108186
5103.163 of the Revised Code, the rights of the individual shall 108187
preempt the rights of the resource family or resource caregiver. 108188

(C) The rights established by rules under this section shall 108189
not create grounds for a civil action against the department, the 108190
recommending agency, or the custodial agency. 108191

Sec. 2151.353. (A) If a child is adjudicated an abused,	108192
neglected, or dependent child, the court may make any of the	108193
following orders of disposition:	108194
(1) Place the child in protective supervision;	108195
(2) Commit the child to the temporary custody of any of the	108196
following:	108197
(a) A public children services agency;	108198
(b) A private child placing agency;	108199
(c) Either parent;	108200
(d) A relative residing within or outside the state;	108201
(e) A probation officer for placement in a certified foster	108202
home;	108203
(f) Any other person approved by the court.	108204
(3) Award legal custody of the child to either parent or to	108205
any other person who, prior to the dispositional hearing, files a	108206
motion requesting legal custody of the child or is identified as a	108207
proposed legal custodian in a complaint or motion filed prior to	108208
the dispositional hearing by any party to the proceedings. A	108209
person identified in a complaint or motion filed by a party to the	108210
proceedings as a proposed legal custodian shall be awarded legal	108211
custody of the child only if the person identified signs a	108212
statement of understanding for legal custody that contains at	108213
least the following provisions:	108214
(a) That it is the intent of the person to become the legal	108215
custodian of the child and the person is able to assume legal	108216
responsibility for the care and supervision of the child;	108217
(b) That the person understands that legal custody of the	108218
child in question is intended to be permanent in nature and that	108219
the person will be responsible as the custodian for the child	108220

until the child reaches the age of majority. Responsibility as 108221
custodian for the child shall continue beyond the age of majority 108222
if, at the time the child reaches the age of majority, the child 108223
is pursuing a diploma granted by the board of education or other 108224
governing authority, successful completion of the curriculum of 108225
any high school, successful completion of an individualized 108226
education program developed for the student by any high school, or 108227
an age and schooling certificate. Responsibility beyond the age of 108228
majority shall terminate when the child ceases to continuously 108229
pursue such an education, completes such an education, or is 108230
excused from such an education under standards adopted by the 108231
state board of education, whichever occurs first. 108232

(c) That the parents of the child have residual parental 108233
rights, privileges, and responsibilities, including, but not 108234
limited to, the privilege of reasonable visitation, consent to 108235
adoption, the privilege to determine the child's religious 108236
affiliation, and the responsibility for support; 108237

(d) That the person understands that the person must be 108238
present in court for the dispositional hearing in order to affirm 108239
the person's intention to become legal custodian, to affirm that 108240
the person understands the effect of the custodianship before the 108241
court, and to answer any questions that the court or any parties 108242
to the case may have. 108243

(4) Commit the child to the permanent custody of a public 108244
children services agency or private child placing agency, if the 108245
court determines in accordance with division (E) of section 108246
2151.414 of the Revised Code that the child cannot be placed with 108247
one of the child's parents within a reasonable time or should not 108248
be placed with either parent and determines in accordance with 108249
division (D)(1) of section 2151.414 of the Revised Code that the 108250
permanent commitment is in the best interest of the child. If the 108251
court grants permanent custody under this division, the court, 108252

upon the request of any party, shall file a written opinion 108253
setting forth its findings of fact and conclusions of law in 108254
relation to the proceeding. 108255

(5) Place the child in a planned permanent living arrangement 108256
with a public children services agency or private child placing 108257
agency, if a public children services agency or private child 108258
placing agency requests the court to place the child in a planned 108259
permanent living arrangement and if the court finds, by clear and 108260
convincing evidence, that a planned permanent living arrangement 108261
is in the best interest of the child, that the child is sixteen 108262
years of age or older, and that one of the following exists: 108263

(a) The child, because of physical, mental, or psychological 108264
problems or needs, is unable to function in a family-like setting 108265
and must remain in residential or institutional care now and for 108266
the foreseeable future beyond the date of the dispositional 108267
hearing held pursuant to section 2151.35 of the Revised Code. 108268

(b) The parents of the child have significant physical, 108269
mental, or psychological problems and are unable to care for the 108270
child because of those problems, adoption is not in the best 108271
interest of the child, as determined in accordance with division 108272
(D)(1) of section 2151.414 of the Revised Code, and the child 108273
retains a significant and positive relationship with a parent or 108274
relative. 108275

(c) The child has been counseled on the permanent placement 108276
options available to the child, and is unwilling to accept or 108277
unable to adapt to a permanent placement. 108278

(6) Order the removal from the child's home until further 108279
order of the court of the person who committed abuse as described 108280
in section 2151.031 of the Revised Code against the child, who 108281
caused or allowed the child to suffer neglect as described in 108282
section 2151.03 of the Revised Code, or who is the parent, 108283

guardian, or custodian of a child who is adjudicated a dependent 108284
child and order any person not to have contact with the child or 108285
the child's siblings. 108286

(B)(1) When making a determination on whether to place a 108287
child in a planned permanent living arrangement pursuant to 108288
division (A)(5)(b) or (c) of this section, the court shall 108289
consider all relevant information that has been presented to the 108290
court, including information gathered from the child, the child's 108291
guardian ad litem, and the public children services agency or 108292
private child placing agency. 108293

(2) A child who is placed in a planned permanent living 108294
arrangement pursuant to division (A)(5)(b) or (c) of this section 108295
shall be placed in an independent living setting or in a family 108296
setting in which the caregiver has been provided by the agency 108297
that has custody of the child with a notice that addresses the 108298
following: 108299

(a) The caregiver understands that the planned permanent 108300
living arrangement is intended to be permanent in nature and that 108301
the caregiver will provide a stable placement for the child 108302
through the child's emancipation or until the court releases the 108303
child from the custody of the agency, whichever occurs first. 108304

(b) The caregiver is expected to actively participate in the 108305
youth's independent living case plan, attend agency team meetings 108306
and court hearings as appropriate, complete training, as developed 108307
and implemented under section 5103.035 of the Revised Code, 108308
related to providing the child independent living services, and 108309
assist in the child's transition into adulthood. 108310

(3) The department of ~~job children and family services~~ youth 108311
shall develop a model notice to be provided by an agency that has 108312
custody of a child to a caregiver under division (B)(2) of this 108313
section. The agency may modify the model notice to apply to the 108314

needs of the agency. 108315

(C) No order for permanent custody or temporary custody of a 108316
child or the placement of a child in a planned permanent living 108317
arrangement shall be made pursuant to this section unless the 108318
complaint alleging the abuse, neglect, or dependency contains a 108319
prayer requesting permanent custody, temporary custody, or the 108320
placement of the child in a planned permanent living arrangement 108321
as desired, the summons served on the parents of the child 108322
contains as is appropriate a full explanation that the granting of 108323
an order for permanent custody permanently divests them of their 108324
parental rights, a full explanation that an adjudication that the 108325
child is an abused, neglected, or dependent child may result in an 108326
order of temporary custody that will cause the removal of the 108327
child from their legal custody until the court terminates the 108328
order of temporary custody or permanently divests the parents of 108329
their parental rights, or a full explanation that the granting of 108330
an order for a planned permanent living arrangement will result in 108331
the removal of the child from their legal custody if any of the 108332
conditions listed in divisions (A)(5)(a) to (c) of this section 108333
are found to exist, and the summons served on the parents contains 108334
a full explanation of their right to be represented by counsel and 108335
to have counsel appointed pursuant to Chapter 120. of the Revised 108336
Code if they are indigent. 108337

If after making disposition as authorized by division (A)(2) 108338
of this section, a motion is filed that requests permanent custody 108339
of the child, the court may grant permanent custody of the child 108340
to the movant in accordance with section 2151.414 of the Revised 108341
Code. 108342

(D) If the court issues an order for protective supervision 108343
pursuant to division (A)(1) of this section, the court may place 108344
any reasonable restrictions upon the child, the child's parents, 108345
guardian, or custodian, or any other person, including, but not 108346

limited to, any of the following: 108347

(1) Order a party, within forty-eight hours after the 108348
issuance of the order, to vacate the child's home indefinitely or 108349
for a specified period of time; 108350

(2) Order a party, a parent of the child, or a physical 108351
custodian of the child to prevent any particular person from 108352
having contact with the child; 108353

(3) Issue an order restraining or otherwise controlling the 108354
conduct of any person which conduct would not be in the best 108355
interest of the child. 108356

(E) As part of its dispositional order, the court shall 108357
journalize a case plan for the child. The journalized case plan 108358
shall not be changed except as provided in section 2151.412 of the 108359
Revised Code. 108360

(F)(1) The court shall retain jurisdiction over any child for 108361
whom the court issues an order of disposition pursuant to division 108362
(A) of this section or pursuant to section 2151.414 or 2151.415 of 108363
the Revised Code until the child attains the age of eighteen years 108364
if the child does not have a developmental disability or physical 108365
impairment, the child attains the age of twenty-one years if the 108366
child has a developmental disability or physical impairment, or 108367
the child is adopted and a final decree of adoption is issued, 108368
except that the court may retain jurisdiction over the child and 108369
continue any order of disposition under division (A) of this 108370
section or under section 2151.414 or 2151.415 of the Revised Code 108371
for a specified period of time to enable the child to graduate 108372
from high school or vocational school. The court shall make an 108373
entry continuing its jurisdiction under this division in the 108374
journal. 108375

(2) Any public children services agency, any private child 108376
placing agency, the department of ~~job~~ children and ~~family services~~ 108377

youth, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, except that, upon the filing of a motion pursuant to section 2151.415 of the Revised Code, the temporary custody order shall continue and not terminate until the court issues a dispositional order under that section. In resolving the motion, the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of section 2151.415 of the Revised Code.

(H)(1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to

all parties and the child's guardian ad litem. If a public 108410
children services agency or private child placing agency requests 108411
termination of the order, the agency shall file a written status 108412
report setting out the facts supporting termination of the order 108413
at the time it files the request with the court. If no party 108414
requests extension or termination of the order, the court shall 108415
notify the parties that the court will extend the order for six 108416
months or terminate it and that it may do so without a hearing 108417
unless one of the parties requests a hearing. All parties and the 108418
guardian ad litem shall have seven days from the date a notice is 108419
sent pursuant to this division to object to and request a hearing 108420
on the proposed extension or termination. 108421

(a) If it receives a timely request for a hearing, the court 108422
shall schedule a hearing to be held no later than thirty days 108423
after the request is received by the court. The court shall give 108424
notice of the date, time, and location of the hearing to all 108425
parties and the guardian ad litem. At the hearing, the court shall 108426
determine whether extension or termination of the order is in the 108427
child's best interest. If termination is in the child's best 108428
interest, the court shall terminate the order. If extension is in 108429
the child's best interest, the court shall extend the order for 108430
six months. 108431

(b) If it does not receive a timely request for a hearing, 108432
the court may extend the order for six months or terminate it 108433
without a hearing and shall journalize the order of extension or 108434
termination not later than fourteen days after receiving the 108435
request for extension or termination or after the date the court 108436
notifies the parties that it will extend or terminate the order. 108437
If the court does not extend or terminate the order, it shall 108438
schedule a hearing to be held no later than thirty days after the 108439
expiration of the applicable fourteen-day time period and give 108440
notice of the date, time, and location of the hearing to all 108441

parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing. 108472
108473

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following: 108474
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(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located; 108479
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(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award. 108482
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The court in the county in which the legal custodian resides then shall have jurisdiction in the matter. 108488
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Sec. 2151.3519. On receipt of a notice given pursuant to section 2151.3518 of the Revised Code that an emergency medical service organization, a law enforcement agency, or hospital has taken possession of a child and in accordance with rules of the department of ~~job~~ children and ~~family services~~ youth, a public children services agency shall do all of the following: 108490
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(A) Consider the child to be in need of public care and protective services; 108496
108497

(B) Accept and take emergency temporary custody of the child; 108498

(C) Provide temporary emergency care for the child, without agreement or commitment; 108499
108500

(D) Make an investigation concerning the child; 108501

(E) File a motion with the juvenile court of the county in which the agency is located requesting that the court grant temporary custody of the child to the agency or to a private child placing agency;

(F) Provide any care for the child that the public children services agency considers to be in the best interest of the child, including placing the child in shelter care;

(G) Provide any care and perform any duties that are required of public children services agencies under section 5153.16 of the Revised Code;

(H) Prepare and keep written records of the investigation of the child, of the care and treatment afforded the child, and any other records required by the department of ~~job~~ children and ~~family services~~ youth.

Sec. 2151.3534. (A) The director of ~~job~~ children and ~~family services~~ youth shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that might cause parents to desert a child and information on the procedures for a person to follow in order to reunite with a child the person delivered under section 2151.3516 of the Revised Code,

including notice that the person will be required to submit to a DNA test, at that person's expense, to prove that the person is the parent of the child.

(C) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.

Sec. 2151.3535. (A) The director of ~~job children~~ and ~~family services youth~~ shall distribute the medical information forms and written materials promulgated under section 2151.3534 of the Revised Code to entities permitted to receive a deserted child, to public children services agencies, and to other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.

The department of ~~job children~~ and ~~family services youth~~ shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3516 to 2151.3535 of the Revised Code.

(B) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the distribution of forms and materials pursuant to this section.

Sec. 2151.36. Except as provided in section 2151.361 of the Revised Code, when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code, the juvenile court shall issue an order pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code requiring that the parent, guardian, or person charged with the child's support pay for the care, support, maintenance, and education of the child. The juvenile court shall order that the parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court of common pleas.

Any expenses incurred for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, and special care of a child who has a legal settlement in another county shall be at the expense of the county of legal settlement if the consent of the juvenile judge of the county of legal settlement is first obtained. When the consent is obtained, the board of county commissioners of the county in which the child has a legal settlement shall reimburse the committing court for the expenses out of its general fund. If the department of ~~job~~ children and family services youth considers it to be in the best interest of any delinquent, dependent, unruly, abused, or neglected child who has a legal settlement in a foreign state or country that the child be returned to the state or country of legal settlement, the juvenile court may commit the child to the department for the child's return to that state or country.

Any expenses ordered by the court for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, or special care of a dependent, neglected, abused, unruly, or delinquent child or of a juvenile traffic offender under this chapter or Chapter 2152. of the Revised Code, except

the part of the expense that may be paid by the state or federal 108595
government or paid by the parents, guardians, or person charged 108596
with the child's support pursuant to this section, shall be paid 108597
from the county treasury upon specifically itemized vouchers, 108598
certified to by the judge. The court shall not be responsible for 108599
any expenses resulting from the commitment of children to any 108600
home, public children services agency, private child placing 108601
agency, or other institution, association, or agency, unless the 108602
court authorized the expenses at the time of commitment. 108603

Sec. 2151.39. No person, association or agency, public or 108604
private, of another state, incorporated or otherwise, shall place 108605
a child in a family home or with an agency or institution within 108606
the boundaries of this state, either for temporary or permanent 108607
care or custody or for adoption, unless such person or association 108608
has furnished the department of ~~job children~~ and ~~family services~~ 108609
youth with a medical and social history of the child, pertinent 108610
information about the family, agency, association, or institution 108611
in this state with whom the sending party desires to place the 108612
child, and any other information or financial guaranty required by 108613
the department to determine whether the proposed placement will 108614
meet the needs of the child. The department may require the party 108615
desiring the placement to agree to promptly receive and remove 108616
from the state a child brought into the state whose placement has 108617
not proven satisfactorily responsive to the needs of the child at 108618
any time until the child is adopted, reaches majority, becomes 108619
self-supporting or is discharged with the concurrence of the 108620
department. All placements proposed to be made in this state by a 108621
party located in a state which is a party to the interstate 108622
compact for the placement of children shall be made according to 108623
the provisions of sections 5103.20 to 5103.22 of the Revised Code, 108624
or, if the interstate compact on the placement of children is in 108625
effect in this state, all placements proposed to be made in this 108626

state by a party located in a state that is a party to that 108627
compact shall be made according to the provisions of sections 108628
5103.23 to 5103.237 of the Revised Code. 108629

Sec. 2151.412. (A) Each public children services agency and 108630
private child placing agency shall prepare and maintain a case 108631
plan for any child to whom the agency is providing services and to 108632
whom any of the following applies: 108633

(1) The agency filed a complaint pursuant to section 2151.27 108634
of the Revised Code alleging that the child is an abused, 108635
neglected, or dependent child; 108636

(2) The agency has temporary or permanent custody of the 108637
child; 108638

(3) The child is living at home subject to an order for 108639
protective supervision; 108640

(4) The child is in a planned permanent living arrangement. 108641

Except as provided by division (A)(2) of section 5103.153 of 108642
the Revised Code, a private child placing agency providing 108643
services to a child who is the subject of a voluntary permanent 108644
custody surrender agreement entered into under division (B)(2) of 108645
section 5103.15 of the Revised Code is not required to prepare and 108646
maintain a case plan for that child. 108647

(B) Each public children services agency shall prepare and 108648
maintain a case plan for any child for whom the agency is 108649
providing in-home services pursuant to an alternative response. 108650

(C)(1) The director of ~~job children and family services~~ youth 108651
shall adopt rules pursuant to Chapter 119. of the Revised Code 108652
setting forth the content and format of case plans required by 108653
division (A) of this section and establishing procedures for 108654
developing, implementing, and changing the case plans. The rules 108655
shall at a minimum comply with the requirements of Title IV-E of 108656

the "Social Security Act," 42 U.S.C. 670, et seq. (1980). 108657

(2) The director of ~~job children~~ and ~~family services youth~~ 108658
shall adopt rules pursuant to Chapter 119. of the Revised Code 108659
requiring public children services agencies and private child 108660
placing agencies to maintain case plans for children and their 108661
families who are receiving services in their homes from the 108662
agencies and for whom case plans are not required by division (A) 108663
of this section. The rules for public children services agencies 108664
shall include the requirements for case plans maintained for 108665
children and their families who are receiving services in their 108666
homes from public children services agencies pursuant to an 108667
alternative response. The agencies shall maintain case plans as 108668
required by those rules; however, the case plans shall not be 108669
subject to any other provision of this section except as 108670
specifically required by the rules. 108671

(D) Each public children services agency and private child 108672
placing agency that is required by division (A) of this section to 108673
maintain a case plan shall file the case plan with the court prior 108674
to the child's adjudicatory hearing but no later than thirty days 108675
after the earlier of the date on which the complaint in the case 108676
was filed or the child was first placed into shelter care. If the 108677
agency does not have sufficient information prior to the 108678
adjudicatory hearing to complete any part of the case plan, the 108679
agency shall specify in the case plan the additional information 108680
necessary to complete each part of the case plan and the steps 108681
that will be taken to obtain that information. All parts of the 108682
case plan shall be completed by the earlier of thirty days after 108683
the adjudicatory hearing or the date of the dispositional hearing 108684
for the child. 108685

(E) Any agency that is required by division (A) of this 108686
section to prepare a case plan shall attempt to obtain an 108687
agreement among all parties, including, but not limited to, the 108688

parents, guardian, or custodian of the child and the guardian ad litem of the child regarding the content of the case plan. If all parties agree to the content of the case plan and the court approves it, the court shall journalize it as part of its dispositional order. If the agency cannot obtain an agreement upon the contents of the case plan or the court does not approve it, the parties shall present evidence on the contents of the case plan at the dispositional hearing. The court, based upon the evidence presented at the dispositional hearing and the best interest of the child, shall determine the contents of the case plan and journalize it as part of the dispositional order for the child.

(F)(1) All parties, including the parents, guardian, or custodian of the child, are bound by the terms of the journalized case plan. A party that fails to comply with the terms of the journalized case plan may be held in contempt of court.

(2) Any party may propose a change to a substantive part of the case plan, including, but not limited to, the child's placement and the visitation rights of any party. A party proposing a change to the case plan shall file the proposed change with the court and give notice of the proposed change in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days from the date the notice is sent to object to and request a hearing on the proposed change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not

implement the proposed change unless it is approved by the court. 108721

(b) If it does not receive a timely request for a hearing, 108722
the court may approve the proposed change without a hearing. If 108723
the court approves the proposed change without a hearing, it shall 108724
journalize the case plan with the change not later than fourteen 108725
days after the change is filed with the court. If the court does 108726
not approve the proposed change to the case plan, it shall 108727
schedule a hearing to be held pursuant to section 2151.417 of the 108728
Revised Code no later than thirty days after the expiration of the 108729
fourteen-day time period and give notice of the date, time, and 108730
location of the hearing to all parties and the guardian ad litem 108731
of the child. If, despite the requirements of division (F)(2) of 108732
this section, the court neither approves and journalizes the 108733
proposed change nor conducts a hearing, the agency may implement 108734
the proposed change not earlier than fifteen days after it is 108735
submitted to the court. 108736

(3) If an agency has reasonable cause to believe that a child 108737
is suffering from illness or injury and is not receiving proper 108738
care and that an appropriate change in the child's case plan is 108739
necessary to prevent immediate or threatened physical or emotional 108740
harm, to believe that a child is in immediate danger from the 108741
child's surroundings and that an immediate change in the child's 108742
case plan is necessary to prevent immediate or threatened physical 108743
or emotional harm to the child, or to believe that a parent, 108744
guardian, custodian, or other member of the child's household has 108745
abused or neglected the child and that the child is in danger of 108746
immediate or threatened physical or emotional harm from that 108747
person unless the agency makes an appropriate change in the 108748
child's case plan, it may implement the change without prior 108749
agreement or a court hearing and, before the end of the next day 108750
after the change is made, give all parties, the guardian ad litem 108751
of the child, and the court notice of the change. Before the end 108752

of the third day after implementing the change in the case plan, 108753
the agency shall file a statement of the change with the court and 108754
give notice of the filing accompanied by a copy of the statement 108755
to all parties and the guardian ad litem. All parties and the 108756
guardian ad litem shall have ten days from the date the notice is 108757
sent to object to and request a hearing on the change. 108758

(a) If it receives a timely request for a hearing, the court 108759
shall schedule a hearing pursuant to section 2151.417 of the 108760
Revised Code to be held no later than thirty days after the 108761
request is received by the court. The court shall give notice of 108762
the date, time, and location of the hearing to all parties and the 108763
guardian ad litem. The agency shall continue to administer the 108764
case plan with the change after the hearing, if the court approves 108765
the change. If the court does not approve the change, the court 108766
shall make appropriate changes to the case plan and shall 108767
journalize the case plan. 108768

(b) If it does not receive a timely request for a hearing, 108769
the court may approve the change without a hearing. If the court 108770
approves the change without a hearing, it shall journalize the 108771
case plan with the change within fourteen days after receipt of 108772
the change. If the court does not approve the change to the case 108773
plan, it shall schedule a hearing under section 2151.417 of the 108774
Revised Code to be held no later than thirty days after the 108775
expiration of the fourteen-day time period and give notice of the 108776
date, time, and location of the hearing to all parties and the 108777
guardian ad litem of the child. 108778

(G)(1) All case plans for children in temporary custody shall 108779
have the following general goals: 108780

(a) Consistent with the best interest and special needs of 108781
the child, to achieve a safe out-of-home placement in the least 108782
restrictive, most family-like setting available and in close 108783
proximity to the home from which the child was removed or the home 108784

in which the child will be permanently placed; 108785

(b) To eliminate with all due speed the need for the 108786
out-of-home placement so that the child can safely return home. 108787

(2) The director of ~~job children~~ and ~~family services~~ youth 108788
shall adopt rules pursuant to Chapter 119. of the Revised Code 108789
setting forth the general goals of case plans for children subject 108790
to dispositional orders for protective supervision, a planned 108791
permanent living arrangement, or permanent custody. 108792

(H) In the agency's development of a case plan and the 108793
court's review of the case plan, the child's health and safety 108794
shall be the paramount concern. The agency and the court shall be 108795
guided by the following general priorities: 108796

(1) A child who is residing with or can be placed with the 108797
child's parents within a reasonable time should remain in their 108798
legal custody even if an order of protective supervision is 108799
required for a reasonable period of time; 108800

(2) If both parents of the child have abandoned the child, 108801
have relinquished custody of the child, have become incapable of 108802
supporting or caring for the child even with reasonable 108803
assistance, or have a detrimental effect on the health, safety, 108804
and best interest of the child, the child should be placed in the 108805
legal custody of a suitable member of the child's extended family; 108806

(3) If a child described in division (H)(2) of this section 108807
has no suitable member of the child's extended family to accept 108808
legal custody, the child should be placed in the legal custody of 108809
a suitable nonrelative who shall be made a party to the 108810
proceedings after being given legal custody of the child; 108811

(4) If the child has no suitable member of the child's 108812
extended family to accept legal custody of the child and no 108813
suitable nonrelative is available to accept legal custody of the 108814
child and, if the child temporarily cannot or should not be placed 108815

with the child's parents, guardian, or custodian, the child should 108816
be placed in the temporary custody of a public children services 108817
agency or a private child placing agency; 108818

(5) If the child cannot be placed with either of the child's 108819
parents within a reasonable period of time or should not be placed 108820
with either, if no suitable member of the child's extended family 108821
or suitable nonrelative is available to accept legal custody of 108822
the child, and if the agency has a reasonable expectation of 108823
placing the child for adoption, the child should be committed to 108824
the permanent custody of the public children services agency or 108825
private child placing agency; 108826

(6) If the child is to be placed for adoption or foster care, 108827
the placement shall not be delayed or denied on the basis of the 108828
child's or adoptive or foster family's race, color, or national 108829
origin. 108830

(I) The case plan for a child in temporary custody shall 108831
include at a minimum the following requirements if the child is or 108832
has been the victim of abuse or neglect or if the child witnessed 108833
the commission in the child's household of abuse or neglect 108834
against a sibling of the child, a parent of the child, or any 108835
other person in the child's household: 108836

(1) A requirement that the child's parents, guardian, or 108837
custodian participate in mandatory counseling; 108838

(2) A requirement that the child's parents, guardian, or 108839
custodian participate in any supportive services that are required 108840
by or provided pursuant to the child's case plan. 108841

(J) (1) Prior to January 1, 2023, a case plan for a child in 108842
temporary custody may include, as a supplement, a plan for 108843
locating a permanent family placement. The supplement shall not be 108844
considered part of the case plan for purposes of division (E) of 108845
this section. 108846

(2) On and after January 1, 2023, a case plan for a child in temporary custody shall include a permanency plan for the child unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are unsuccessful. Those services shall be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

(3) The director of ~~job children and family services~~ youth, pursuant to Chapter 119. of the Revised Code, shall adopt rules necessary to carry out the purposes of division (J) of this section.

(K)(1) A public children services agency may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to a parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days after September 10, 2012, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in

division (A)(1) of this section that a child is an abused, 108879
neglected, or dependent child. Each prosecuting attorney or 108880
assistant prosecuting attorney who makes such a request shall 108881
request that the superintendent obtain information from the 108882
federal bureau of investigation as part of the criminal records 108883
check for each parent, guardian, custodian, prospective custodian, 108884
or prospective placement who is a subject of the request. 108885

(3) A public children services agency, prosecuting attorney, 108886
or assistant prosecuting attorney that requests a criminal records 108887
check under division (K)(1) or (2) of this section shall do both 108888
of the following: 108889

(a) Provide to each parent, guardian, custodian, prospective 108890
custodian, or prospective placement for whom a criminal records 108891
check is requested a copy of the form prescribed pursuant to 108892
division (C)(1) of section 109.572 of the Revised Code and a 108893
standard fingerprint impression sheet prescribed pursuant to 108894
division (C)(2) of that section and obtain the completed form and 108895
impression sheet from the parent, guardian, custodian, prospective 108896
custodian, or prospective placement; 108897

(b) Forward the completed form and impression sheet to the 108898
superintendent of the bureau of criminal identification and 108899
investigation. 108900

(4) A parent, guardian, custodian, prospective custodian, or 108901
prospective placement who is given a form and fingerprint 108902
impression sheet under division (K)(3)(a) of this section and who 108903
fails to complete the form or provide fingerprint impressions may 108904
be held in contempt of court. 108905

Sec. 2151.413. (A) A public children services agency or 108906
private child placing agency that, pursuant to an order of 108907
disposition under division (A)(2) of section 2151.353 of the 108908
Revised Code or under any version of section 2151.353 of the 108909

Revised Code that existed prior to January 1, 1989, is granted 108910
temporary custody of a child who is not abandoned or orphaned may 108911
file a motion in the court that made the disposition of the child 108912
requesting permanent custody of the child. 108913

(B) A public children services agency or private child 108914
placing agency that, pursuant to an order of disposition under 108915
division (A)(2) of section 2151.353 of the Revised Code or under 108916
any version of section 2151.353 of the Revised Code that existed 108917
prior to January 1, 1989, is granted temporary custody of a child 108918
who is orphaned may file a motion in the court that made the 108919
disposition of the child requesting permanent custody of the child 108920
whenever it can show that no relative of the child is able to take 108921
legal custody of the child. 108922

(C) A public children services agency or private child 108923
placing agency that, pursuant to an order of disposition under 108924
division (A)(5) of section 2151.353 of the Revised Code, places a 108925
child in a planned permanent living arrangement may file a motion 108926
in the court that made the disposition of the child requesting 108927
permanent custody of the child. 108928

(D)(1) Except as provided in division (D)(3) of this section, 108929
if a child has been in the temporary custody of one or more public 108930
children services agencies or private child placing agencies for 108931
twelve or more months of a consecutive twenty-two-month period, 108932
the agency with custody shall file a motion requesting permanent 108933
custody of the child. If the child has been in the temporary 108934
custody of one or more public children services agencies or 108935
private child placing agencies and the child was previously in the 108936
temporary custody of an equivalent agency in another state, the 108937
agency with custody of the child shall apply the time in temporary 108938
custody in the other state to the time in temporary custody in 108939
this state and, except as provided in division (D)(3) of this 108940
section, if the time spent in temporary custody equals twelve or 108941

more months of a consecutive twenty-two-month period, the agency 108942
with custody may file a motion requesting permanent custody of the 108943
child. The motion shall be filed in the court that issued the 108944
current order of temporary custody. For the purposes of this 108945
division, a child shall be considered to have entered the 108946
temporary custody of an agency on the earlier of the date the 108947
child is adjudicated pursuant to section 2151.28 of the Revised 108948
Code or the date that is sixty days after the removal of the child 108949
from home. 108950

(2) Except as provided in division (D)(3) of this section, if 108951
a court makes a determination pursuant to division (A)(2) of 108952
section 2151.419 of the Revised Code, the public children services 108953
agency or private child placing agency required to develop the 108954
permanency plan for the child under division (K) of section 108955
2151.417 of the Revised Code shall file a motion in the court that 108956
made the determination requesting permanent custody of the child. 108957

(3) An agency shall not file a motion for permanent custody 108958
under division (D)(1) or (2) of this section if any of the 108959
following apply: 108960

(a) The agency documents in the case plan or permanency plan 108961
a compelling reason that permanent custody is not in the best 108962
interest of the child. 108963

(b) If reasonable efforts to return the child to the child's 108964
home are required under section 2151.419 of the Revised Code, the 108965
agency has not provided the services required by the case plan to 108966
the parents of the child or the child to ensure the safe return of 108967
the child to the child's home. 108968

(c) The agency has been granted permanent custody of the 108969
child. 108970

(d) The child has been returned home pursuant to court order 108971
in accordance with division (A)(3) of section 2151.419 of the 108972

Revised Code. 108973

(E) Any agency that files a motion for permanent custody 108974
under this section shall include in the case plan of the child who 108975
is the subject of the motion, a specific plan of the agency's 108976
actions to seek an adoptive family for the child and to prepare 108977
the child for adoption. 108978

(F) The department of ~~job children~~ and ~~family services youth~~ 108979
may adopt rules pursuant to Chapter 119. of the Revised Code that 108980
set forth the time frames for case reviews and for filing a motion 108981
requesting permanent custody under division (D)(1) of this 108982
section. 108983

Sec. 2151.416. (A) Each agency that is required by section 108984
2151.412 of the Revised Code to prepare a case plan for a child 108985
shall complete a semiannual administrative review of the case plan 108986
no later than six months after the earlier of the date on which 108987
the complaint in the case was filed or the child was first placed 108988
in shelter care. After the first administrative review, the agency 108989
shall complete semiannual administrative reviews no later than 108990
every six months. If the court issues an order pursuant to section 108991
2151.414 or 2151.415 of the Revised Code, the agency shall 108992
complete an administrative review no later than six months after 108993
the court's order and continue to complete administrative reviews 108994
no later than every six months after the first review, except that 108995
the court hearing held pursuant to section 2151.417 of the Revised 108996
Code may take the place of any administrative review that would 108997
otherwise be held at the time of the court hearing. When 108998
conducting a review, the child's health and safety shall be the 108999
paramount concern. 109000

(B) Each administrative review required by division (A) of 109001
this section shall be conducted by a review panel of at least 109002
three persons, including, but not limited to, both of the 109003

following:	109004
(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan;	109005 109006
(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child.	109007 109008 109009
(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting.	109010 109011 109012 109013 109014 109015 109016 109017 109018 109019 109020
(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following:	109021 109022 109023
(1) A conclusion regarding the safety and appropriateness of the child's foster care placement;	109024 109025
(2) The extent of the compliance with the case plan of all parties;	109026 109027
(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;	109028 109029 109030
(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;	109031 109032 109033

(5) An updated case plan that includes any changes that the agency is proposing in the case plan;

(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;

(7) The names of all persons who participated in the administrative review;

(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.

(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change.

(1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement

the proposed change unless it is approved by the court. 109065

(2) If the court does not receive a timely request for a 109066
hearing, the court may approve the proposed change without a 109067
hearing. If the court approves the proposed change without a 109068
hearing, it shall journalize the case plan with the change not 109069
later than fourteen days after the change is filed with the court. 109070
If the court does not approve the proposed change to the case 109071
plan, it shall schedule a review hearing to be held pursuant to 109072
section 2151.417 of the Revised Code no later than thirty days 109073
after the expiration of the fourteen-day time period and give 109074
notice of the date, time, and location of the hearing to all 109075
parties and the guardian ad litem of the child. If, despite the 109076
requirements of this division and division (D) of section 2151.417 109077
of the Revised Code, the court neither approves and journalizes 109078
the proposed change nor conducts a hearing, the agency may 109079
implement the proposed change not earlier than fifteen days after 109080
it is submitted to the court. 109081

(F) The director of ~~job children~~ and ~~family services~~ youth 109082
may adopt rules pursuant to Chapter 119. of the Revised Code for 109083
procedures and standard forms for conducting administrative 109084
reviews pursuant to this section. 109085

(G) The juvenile court that receives the written summary of 109086
the administrative review, upon determining, either from the 109087
written summary, case plan, or otherwise, that the custody or care 109088
arrangement is not in the best interest of the child, may 109089
terminate the custody of an agency and place the child in the 109090
custody of another institution or association certified by the 109091
department of ~~job children~~ and ~~family services~~ youth under section 109092
5103.03 of the Revised Code. 109093

Sec. 2151.421. (A)(1)(a) No person described in division 109094
(A)(1)(b) of this section who is acting in an official or 109095

professional capacity and knows, or has reasonable cause to 109096
suspect based on facts that would cause a reasonable person in a 109097
similar position to suspect, that a child under eighteen years of 109098
age, or a person under twenty-one years of age with a 109099
developmental disability or physical impairment, has suffered or 109100
faces a threat of suffering any physical or mental wound, injury, 109101
disability, or condition of a nature that reasonably indicates 109102
abuse or neglect of the child shall fail to immediately report 109103
that knowledge or reasonable cause to suspect to the entity or 109104
persons specified in this division. Except as otherwise provided 109105
in this division or section 5120.173 of the Revised Code, the 109106
person making the report shall make it to the public children 109107
services agency or a peace officer in the county in which the 109108
child resides or in which the abuse or neglect is occurring or has 109109
occurred. If the person making the report is a peace officer, the 109110
officer shall make it to the public children services agency in 109111
the county in which the child resides or in which the abuse or 109112
neglect is occurring or has occurred. In the circumstances 109113
described in section 5120.173 of the Revised Code, the person 109114
making the report shall make it to the entity specified in that 109115
section. 109116

(b) Division (A)(1)(a) of this section applies to any person 109117
who is an attorney; health care professional; practitioner of a 109118
limited branch of medicine as specified in section 4731.15 of the 109119
Revised Code; licensed school psychologist; independent marriage 109120
and family therapist or marriage and family therapist; coroner; 109121
administrator or employee of a child day-care center; 109122
administrator or employee of a residential camp, child day camp, 109123
or private, nonprofit therapeutic wilderness camp; administrator 109124
or employee of a certified child care agency or other public or 109125
private children services agency; school teacher; school employee; 109126
school authority; peace officer; humane society agent; dog warden, 109127

deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant

to division (A)(1) of this section concerning any communication 109160
the attorney or physician receives from a client or patient in an 109161
attorney-client or physician-patient relationship, if, in 109162
accordance with division (A) or (B) of section 2317.02 of the 109163
Revised Code, the attorney or physician could not testify with 109164
respect to that communication in a civil or criminal proceeding. 109165

(3) The client or patient in an attorney-client or 109166
physician-patient relationship described in division (A)(2) of 109167
this section is deemed to have waived any testimonial privilege 109168
under division (A) or (B) of section 2317.02 of the Revised Code 109169
with respect to any communication the attorney or physician 109170
receives from the client or patient in that attorney-client or 109171
physician-patient relationship, and the attorney or physician 109172
shall make a report pursuant to division (A)(1) of this section 109173
with respect to that communication, if all of the following apply: 109174

(a) The client or patient, at the time of the communication, 109175
is a child under eighteen years of age or is a person under 109176
twenty-one years of age with a developmental disability or 109177
physical impairment. 109178

(b) The attorney or physician knows, or has reasonable cause 109179
to suspect based on facts that would cause a reasonable person in 109180
similar position to suspect that the client or patient has 109181
suffered or faces a threat of suffering any physical or mental 109182
wound, injury, disability, or condition of a nature that 109183
reasonably indicates abuse or neglect of the client or patient. 109184

(c) The abuse or neglect does not arise out of the client's 109185
or patient's attempt to have an abortion without the notification 109186
of her parents, guardian, or custodian in accordance with section 109187
2151.85 of the Revised Code. 109188

(4)(a) No cleric and no person, other than a volunteer, 109189
designated by any church, religious society, or faith acting as a 109190

leader, official, or delegate on behalf of the church, religious 109191
society, or faith who is acting in an official or professional 109192
capacity, who knows, or has reasonable cause to believe based on 109193
facts that would cause a reasonable person in a similar position 109194
to believe, that a child under eighteen years of age, or a person 109195
under twenty-one years of age with a developmental disability or 109196
physical impairment, has suffered or faces a threat of suffering 109197
any physical or mental wound, injury, disability, or condition of 109198
a nature that reasonably indicates abuse or neglect of the child, 109199
and who knows, or has reasonable cause to believe based on facts 109200
that would cause a reasonable person in a similar position to 109201
believe, that another cleric or another person, other than a 109202
volunteer, designated by a church, religious society, or faith 109203
acting as a leader, official, or delegate on behalf of the church, 109204
religious society, or faith caused, or poses the threat of 109205
causing, the wound, injury, disability, or condition that 109206
reasonably indicates abuse or neglect shall fail to immediately 109207
report that knowledge or reasonable cause to believe to the entity 109208
or persons specified in this division. Except as provided in 109209
section 5120.173 of the Revised Code, the person making the report 109210
shall make it to the public children services agency or a peace 109211
officer in the county in which the child resides or in which the 109212
abuse or neglect is occurring or has occurred. In the 109213
circumstances described in section 5120.173 of the Revised Code, 109214
the person making the report shall make it to the entity specified 109215
in that section. 109216

(b) Except as provided in division (A)(4)(c) of this section, 109217
a cleric is not required to make a report pursuant to division 109218
(A)(4)(a) of this section concerning any communication the cleric 109219
receives from a penitent in a cleric-penitent relationship, if, in 109220
accordance with division (C) of section 2317.02 of the Revised 109221
Code, the cleric could not testify with respect to that 109222
communication in a civil or criminal proceeding. 109223

(c) The penitent in a cleric-penitent relationship described 109224
in division (A)(4)(b) of this section is deemed to have waived any 109225
testimonial privilege under division (C) of section 2317.02 of the 109226
Revised Code with respect to any communication the cleric receives 109227
from the penitent in that cleric-penitent relationship, and the 109228
cleric shall make a report pursuant to division (A)(4)(a) of this 109229
section with respect to that communication, if all of the 109230
following apply: 109231

(i) The penitent, at the time of the communication, is a 109232
child under eighteen years of age or is a person under twenty-one 109233
years of age with a developmental disability or physical 109234
impairment. 109235

(ii) The cleric knows, or has reasonable cause to believe 109236
based on facts that would cause a reasonable person in a similar 109237
position to believe, as a result of the communication or any 109238
observations made during that communication, the penitent has 109239
suffered or faces a threat of suffering any physical or mental 109240
wound, injury, disability, or condition of a nature that 109241
reasonably indicates abuse or neglect of the penitent. 109242

(iii) The abuse or neglect does not arise out of the 109243
penitent's attempt to have an abortion performed upon a child 109244
under eighteen years of age or upon a person under twenty-one 109245
years of age with a developmental disability or physical 109246
impairment without the notification of her parents, guardian, or 109247
custodian in accordance with section 2151.85 of the Revised Code. 109248

(d) Divisions (A)(4)(a) and (c) of this section do not apply 109249
in a cleric-penitent relationship when the disclosure of any 109250
communication the cleric receives from the penitent is in 109251
violation of the sacred trust. 109252

(e) As used in divisions (A)(1) and (4) of this section, 109253
"cleric" and "sacred trust" have the same meanings as in section 109254

2317.02 of the Revised Code. 109255

(B) Anyone who knows, or has reasonable cause to suspect 109256
based on facts that would cause a reasonable person in similar 109257
circumstances to suspect, that a child under eighteen years of 109258
age, or a person under twenty-one years of age with a 109259
developmental disability or physical impairment, has suffered or 109260
faces a threat of suffering any physical or mental wound, injury, 109261
disability, or other condition of a nature that reasonably 109262
indicates abuse or neglect of the child may report or cause 109263
reports to be made of that knowledge or reasonable cause to 109264
suspect to the entity or persons specified in this division. 109265
Except as provided in section 5120.173 of the Revised Code, a 109266
person making a report or causing a report to be made under this 109267
division shall make it or cause it to be made to the public 109268
children services agency or to a peace officer. In the 109269
circumstances described in section 5120.173 of the Revised Code, a 109270
person making a report or causing a report to be made under this 109271
division shall make it or cause it to be made to the entity 109272
specified in that section. 109273

(C) Any report made pursuant to division (A) or (B) of this 109274
section shall be made forthwith either by telephone or in person 109275
and shall be followed by a written report, if requested by the 109276
receiving agency or officer. The written report shall contain: 109277

(1) The names and addresses of the child and the child's 109278
parents or the person or persons having custody of the child, if 109279
known; 109280

(2) The child's age and the nature and extent of the child's 109281
injuries, abuse, or neglect that is known or reasonably suspected 109282
or believed, as applicable, to have occurred or of the threat of 109283
injury, abuse, or neglect that is known or reasonably suspected or 109284
believed, as applicable, to exist, including any evidence of 109285
previous injuries, abuse, or neglect; 109286

(3) Any other information, including, but not limited to, 109287
results and reports of any medical examinations, tests, or 109288
procedures performed under division (D) of this section, that 109289
might be helpful in establishing the cause of the injury, abuse, 109290
or neglect that is known or reasonably suspected or believed, as 109291
applicable, to have occurred or of the threat of injury, abuse, or 109292
neglect that is known or reasonably suspected or believed, as 109293
applicable, to exist. 109294

(D)(1) Any person, who is required by division (A) of this 109295
section to report child abuse or child neglect that is known or 109296
reasonably suspected or believed to have occurred, may take or 109297
cause to be taken color photographs of areas of trauma visible on 109298
a child and, if medically necessary for the purpose of diagnosing 109299
or treating injuries that are suspected to have occurred as a 109300
result of child abuse or child neglect, perform or cause to be 109301
performed radiological examinations and any other medical 109302
examinations of, and tests or procedures on, the child. 109303

(2) The results and any available reports of examinations, 109304
tests, or procedures made under division (D)(1) of this section 109305
shall be included in a report made pursuant to division (A) of 109306
this section. Any additional reports of examinations, tests, or 109307
procedures that become available shall be provided to the public 109308
children services agency, upon request. 109309

(3) If a health care professional provides health care 109310
services in a hospital, children's advocacy center, or emergency 109311
medical facility to a child about whom a report has been made 109312
under division (A) of this section, the health care professional 109313
may take any steps that are reasonably necessary for the release 109314
or discharge of the child to an appropriate environment. Before 109315
the child's release or discharge, the health care professional may 109316
obtain information, or consider information obtained, from other 109317
entities or individuals that have knowledge about the child. 109318

Nothing in division (D)(3) of this section shall be construed to 109319
alter the responsibilities of any person under sections 2151.27 109320
and 2151.31 of the Revised Code. 109321

(4) A health care professional may conduct medical 109322
examinations, tests, or procedures on the siblings of a child 109323
about whom a report has been made under division (A) of this 109324
section and on other children who reside in the same home as the 109325
child, if the professional determines that the examinations, 109326
tests, or procedures are medically necessary to diagnose or treat 109327
the siblings or other children in order to determine whether 109328
reports under division (A) of this section are warranted with 109329
respect to such siblings or other children. The results of the 109330
examinations, tests, or procedures on the siblings and other 109331
children may be included in a report made pursuant to division (A) 109332
of this section. 109333

(5) Medical examinations, tests, or procedures conducted 109334
under divisions (D)(1) and (4) of this section and decisions 109335
regarding the release or discharge of a child under division 109336
(D)(3) of this section do not constitute a law enforcement 109337
investigation or activity. 109338

(E)(1) When a peace officer receives a report made pursuant 109339
to division (A) or (B) of this section, upon receipt of the 109340
report, the peace officer who receives the report shall refer the 109341
report to the appropriate public children services agency, in 109342
accordance with requirements specified under division (B)(6) of 109343
section 2151.4221 of the Revised Code, unless an arrest is made at 109344
the time of the report that results in the appropriate public 109345
children services agency being contacted concerning the possible 109346
abuse or neglect of a child or the possible threat of abuse or 109347
neglect of a child. 109348

(2) When a public children services agency receives a report 109349
pursuant to this division or division (A) or (B) of this section, 109350

upon receipt of the report, the public children services agency 109351
shall do all of the following: 109352

(a) Comply with section 2151.422 of the Revised Code; 109353

(b) If the county served by the agency is also served by a 109354
children's advocacy center and the report alleges sexual abuse of 109355
a child or another type of abuse of a child that is specified in 109356
the memorandum of understanding that creates the center as being 109357
within the center's jurisdiction, comply regarding the report with 109358
the protocol and procedures for referrals and investigations, with 109359
the coordinating activities, and with the authority or 109360
responsibility for performing or providing functions, activities, 109361
and services stipulated in the interagency agreement entered into 109362
under section 2151.428 of the Revised Code relative to that 109363
center; 109364

(c) Unless an arrest is made at the time of the report that 109365
results in the appropriate law enforcement agency being contacted 109366
concerning the possible abuse or neglect of a child or the 109367
possible threat of abuse or neglect of a child, and in accordance 109368
with requirements specified under division (B)(6) of section 109369
2151.4221 of the Revised Code, notify the appropriate law 109370
enforcement agency of the report, if the public children services 109371
agency received either of the following: 109372

(i) A report of abuse of a child; 109373

(ii) A report of neglect of a child that alleges a type of 109374
neglect identified by the department of ~~job~~ children and ~~family~~ 109375
~~services~~ youth in rules adopted under division (L)(2) of this 109376
section. 109377

(F) No peace officer shall remove a child about whom a report 109378
is made pursuant to this section from the child's parents, 109379
stepparents, or guardian or any other persons having custody of 109380
the child without consultation with the public children services 109381

agency, unless, in the judgment of the officer, and, if the report 109382
was made by physician, the physician, immediate removal is 109383
considered essential to protect the child from further abuse or 109384
neglect. The agency that must be consulted shall be the agency 109385
conducting the investigation of the report as determined pursuant 109386
to section 2151.422 of the Revised Code. 109387

(G)(1) Except as provided in section 2151.422 of the Revised 109388
Code or in an interagency agreement entered into under section 109389
2151.428 of the Revised Code that applies to the particular 109390
report, the public children services agency shall investigate, 109391
within twenty-four hours, each report of child abuse or child 109392
neglect that is known or reasonably suspected or believed to have 109393
occurred and of a threat of child abuse or child neglect that is 109394
known or reasonably suspected or believed to exist that is 109395
referred to it under this section to determine the circumstances 109396
surrounding the injuries, abuse, or neglect or the threat of 109397
injury, abuse, or neglect, the cause of the injuries, abuse, 109398
neglect, or threat, and the person or persons responsible. The 109399
investigation shall be made in cooperation with the law 109400
enforcement agency and in accordance with the memorandum of 109401
understanding prepared under sections 2151.4220 to 2151.4234 of 109402
the Revised Code. A representative of the public children services 109403
agency shall, at the time of initial contact with the person 109404
subject to the investigation, inform the person of the specific 109405
complaints or allegations made against the person. The information 109406
shall be given in a manner that is consistent with division (I)(1) 109407
of this section and protects the rights of the person making the 109408
report under this section. 109409

A failure to make the investigation in accordance with the 109410
memorandum is not grounds for, and shall not result in, the 109411
dismissal of any charges or complaint arising from the report or 109412
the suppression of any evidence obtained as a result of the report 109413

and does not give, and shall not be construed as giving, any 109414
rights or any grounds for appeal or post-conviction relief to any 109415
person. The public children services agency shall report each case 109416
to the uniform statewide automated child welfare information 109417
system that the department of ~~job children~~ and ~~family services~~ 109418
youth shall maintain in accordance with section 5101.13 of the 109419
Revised Code. The public children services agency shall submit a 109420
report of its investigation, in writing, to the law enforcement 109421
agency. 109422

(2) The public children services agency shall make any 109423
recommendations to the county prosecuting attorney or city 109424
director of law that it considers necessary to protect any 109425
children that are brought to its attention. 109426

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 109427
(I)(3) of this section, any person, health care professional, 109428
hospital, institution, school, health department, or agency shall 109429
be immune from any civil or criminal liability for injury, death, 109430
or loss to person or property that otherwise might be incurred or 109431
imposed as a result of any of the following: 109432

(i) Participating in the making of reports pursuant to 109433
division (A) of this section or in the making of reports in good 109434
faith, pursuant to division (B) of this section; 109435

(ii) Participating in medical examinations, tests, or 109436
procedures under division (D) of this section; 109437

(iii) Providing information used in a report made pursuant to 109438
division (A) of this section or providing information in good 109439
faith used in a report made pursuant to division (B) of this 109440
section; 109441

(iv) Participating in a judicial proceeding resulting from a 109442
report made pursuant to division (A) of this section or 109443
participating in good faith in a proceeding resulting from a 109444

report made pursuant to division (B) of this section. 109445

(b) Immunity under division (H)(1)(a)(ii) of this section 109446
shall not apply when a health care provider has deviated from the 109447
standard of care applicable to the provider's profession. 109448

(c) Notwithstanding section 4731.22 of the Revised Code, the 109449
physician-patient privilege shall not be a ground for excluding 109450
evidence regarding a child's injuries, abuse, or neglect, or the 109451
cause of the injuries, abuse, or neglect in any judicial 109452
proceeding resulting from a report submitted pursuant to this 109453
section. 109454

(2) In any civil or criminal action or proceeding in which it 109455
is alleged and proved that participation in the making of a report 109456
under this section was not in good faith or participation in a 109457
judicial proceeding resulting from a report made under this 109458
section was not in good faith, the court shall award the 109459
prevailing party reasonable attorney's fees and costs and, if a 109460
civil action or proceeding is voluntarily dismissed, may award 109461
reasonable attorney's fees and costs to the party against whom the 109462
civil action or proceeding is brought. 109463

(I)(1) Except as provided in divisions (I)(4) and (N) of this 109464
section and sections 2151.423 and 2151.4210 of the Revised Code, a 109465
report made under this section is confidential. The information 109466
provided in a report made pursuant to this section and the name of 109467
the person who made the report shall not be released for use, and 109468
shall not be used, as evidence in any civil action or proceeding 109469
brought against the person who made the report. Nothing in this 109470
division shall preclude the use of reports of other incidents of 109471
known or suspected abuse or neglect in a civil action or 109472
proceeding brought pursuant to division (M) of this section 109473
against a person who is alleged to have violated division (A)(1) 109474
of this section, provided that any information in a report that 109475
would identify the child who is the subject of the report or the 109476

maker of the report, if the maker of the report is not the 109477
defendant or an agent or employee of the defendant, has been 109478
redacted. In a criminal proceeding, the report is admissible in 109479
evidence in accordance with the Rules of Evidence and is subject 109480
to discovery in accordance with the Rules of Criminal Procedure. 109481

(2)(a) Except as provided in division (I)(2)(b) of this 109482
section, no person shall permit or encourage the unauthorized 109483
dissemination of the contents of any report made under this 109484
section. 109485

(b) A health care professional that obtains the same 109486
information contained in a report made under this section from a 109487
source other than the report may disseminate the information, if 109488
its dissemination is otherwise permitted by law. 109489

(3) A person who knowingly makes or causes another person to 109490
make a false report under division (B) of this section that 109491
alleges that any person has committed an act or omission that 109492
resulted in a child being an abused child or a neglected child is 109493
guilty of a violation of section 2921.14 of the Revised Code. 109494

(4) If a report is made pursuant to division (A) or (B) of 109495
this section and the child who is the subject of the report dies 109496
for any reason at any time after the report is made, but before 109497
the child attains eighteen years of age, the public children 109498
services agency or peace officer to which the report was made or 109499
referred, on the request of the child fatality review board, the 109500
suicide fatality review committee, or the director of health 109501
pursuant to guidelines established under section 3701.70 of the 109502
Revised Code, shall submit a summary sheet of information 109503
providing a summary of the report to the review board or review 109504
committee of the county in which the deceased child resided at the 109505
time of death or to the director. On the request of the review 109506
board, review committee, or director, the agency or peace officer 109507
may, at its discretion, make the report available to the review 109508

board, review committee, or director. If the county served by the 109509
public children services agency is also served by a children's 109510
advocacy center and the report of alleged sexual abuse of a child 109511
or another type of abuse of a child is specified in the memorandum 109512
of understanding that creates the center as being within the 109513
center's jurisdiction, the agency or center shall perform the 109514
duties and functions specified in this division in accordance with 109515
the interagency agreement entered into under section 2151.428 of 109516
the Revised Code relative to that advocacy center. 109517

(5) A public children services agency shall advise a person 109518
alleged to have inflicted abuse or neglect on a child who is the 109519
subject of a report made pursuant to this section, including a 109520
report alleging sexual abuse of a child or another type of abuse 109521
of a child referred to a children's advocacy center pursuant to an 109522
interagency agreement entered into under section 2151.428 of the 109523
Revised Code, in writing of the disposition of the investigation. 109524
The agency shall not provide to the person any information that 109525
identifies the person who made the report, statements of 109526
witnesses, or police or other investigative reports. 109527

(J) Any report that is required by this section, other than a 109528
report that is made to the state highway patrol as described in 109529
section 5120.173 of the Revised Code, shall result in protective 109530
services and emergency supportive services being made available by 109531
the public children services agency on behalf of the children 109532
about whom the report is made, in an effort to prevent further 109533
neglect or abuse, to enhance their welfare, and, whenever 109534
possible, to preserve the family unit intact. The agency required 109535
to provide the services shall be the agency conducting the 109536
investigation of the report pursuant to section 2151.422 of the 109537
Revised Code. 109538

(K)(1) Except as provided in division (K)(4) or (5) of this 109539
section, a person who is required to make a report under division 109540

(A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care

professional who provided health care services to the child about 109604
whom the report was made. 109605

(6) If the person making the report provides the person's 109606
name and contact information on making the report, the public 109607
children services agency that received or was referred the report 109608
shall send a written notice via United States mail or electronic 109609
mail, in accordance with the person's preference, to the person 109610
not later than seven calendar days after the agency closes the 109611
investigation into the case reported by the person. The notice 109612
shall notify the person that the agency has closed the 109613
investigation. 109614

(L)(1) The director of ~~job~~ children and ~~family services~~ youth 109615
shall adopt rules in accordance with Chapter 119. of the Revised 109616
Code to implement this section. The department of ~~job~~ children and 109617
~~family services~~ youth may enter into a plan of cooperation with 109618
any other governmental entity to aid in ensuring that children are 109619
protected from abuse and neglect. The department shall make 109620
recommendations to the attorney general that the department 109621
determines are necessary to protect children from child abuse and 109622
child neglect. 109623

(2) ~~Not later than ninety days after the effective date of~~ 109624
~~this amendment, the~~ The director of ~~job~~ children and ~~family~~ 109625
~~services~~ youth shall adopt rules in accordance with Chapter 119. 109626
of the Revised Code to identify the types of neglect of a child 109627
that a public children services agency shall be required to notify 109628
law enforcement of pursuant to division (E)(2)(c)(ii) of this 109629
section. 109630

(M) Whoever violates division (A) of this section is liable 109631
for compensatory and exemplary damages to the child who would have 109632
been the subject of the report that was not made. A person who 109633
brings a civil action or proceeding pursuant to this division 109634
against a person who is alleged to have violated division (A)(1) 109635

of this section may use in the action or proceeding reports of 109636
other incidents of known or suspected abuse or neglect, provided 109637
that any information in a report that would identify the child who 109638
is the subject of the report or the maker of the report, if the 109639
maker is not the defendant or an agent or employee of the 109640
defendant, has been redacted. 109641

(N)(1) As used in this division: 109642

(a) "Out-of-home care" includes a nonchartered nonpublic 109643
school if the alleged child abuse or child neglect, or alleged 109644
threat of child abuse or child neglect, described in a report 109645
received by a public children services agency allegedly occurred 109646
in or involved the nonchartered nonpublic school and the alleged 109647
perpetrator named in the report holds a certificate, permit, or 109648
license issued by the state board of education under section 109649
3301.071 or Chapter 3319. of the Revised Code. 109650

(b) "Administrator, director, or other chief administrative 109651
officer" means the superintendent of the school district if the 109652
out-of-home care entity subject to a report made pursuant to this 109653
section is a school operated by the district. 109654

(2) No later than the end of the day following the day on 109655
which a public children services agency receives a report of 109656
alleged child abuse or child neglect, or a report of an alleged 109657
threat of child abuse or child neglect, that allegedly occurred in 109658
or involved an out-of-home care entity, the agency shall provide 109659
written notice of the allegations contained in and the person 109660
named as the alleged perpetrator in the report to the 109661
administrator, director, or other chief administrative officer of 109662
the out-of-home care entity that is the subject of the report 109663
unless the administrator, director, or other chief administrative 109664
officer is named as an alleged perpetrator in the report. If the 109665
administrator, director, or other chief administrative officer of 109666
an out-of-home care entity is named as an alleged perpetrator in a 109667

report of alleged child abuse or child neglect, or a report of an 109668
alleged threat of child abuse or child neglect, that allegedly 109669
occurred in or involved the out-of-home care entity, the agency 109670
shall provide the written notice to the owner or governing board 109671
of the out-of-home care entity that is the subject of the report. 109672
The agency shall not provide witness statements or police or other 109673
investigative reports. 109674

(3) No later than three days after the day on which a public 109675
children services agency that conducted the investigation as 109676
determined pursuant to section 2151.422 of the Revised Code makes 109677
a disposition of an investigation involving a report of alleged 109678
child abuse or child neglect, or a report of an alleged threat of 109679
child abuse or child neglect, that allegedly occurred in or 109680
involved an out-of-home care entity, the agency shall send written 109681
notice of the disposition of the investigation to the 109682
administrator, director, or other chief administrative officer and 109683
the owner or governing board of the out-of-home care entity. The 109684
agency shall not provide witness statements or police or other 109685
investigative reports. 109686

(0) As used in this section: 109687

(1) "Children's advocacy center" and "sexual abuse of a 109688
child" have the same meanings as in section 2151.425 of the 109689
Revised Code. 109690

(2) "Health care professional" means an individual who 109691
provides health-related services including a physician, hospital 109692
intern or resident, dentist, podiatrist, registered nurse, 109693
licensed practical nurse, visiting nurse, licensed psychologist, 109694
speech pathologist, audiologist, person engaged in social work or 109695
the practice of professional counseling, and employee of a home 109696
health agency. "Health care professional" does not include a 109697
practitioner of a limited branch of medicine as specified in 109698
section 4731.15 of the Revised Code, licensed school psychologist, 109699

independent marriage and family therapist or marriage and family therapist, or coroner. 109700
109701

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. 109702
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109704

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 109705
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Sec. 2151.429. (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of ~~job children and family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children services agencies to assign and reassign response pathways. 109709
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(B) The agency shall use the traditional response for the following types of accepted reports: 109717
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(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety. 109719
109720
109721

(2) Sexual abuse. 109722

(3) Child fatality. 109723

(4) Reports requiring a specialized assessment as identified by rule adopted by the department. 109724
109725

(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department. 109726
109727

(C) For all other child abuse and neglect reports, an 109728

alternative response shall be the preferred response, whenever 109729
appropriate and in accordance with rules adopted by the 109730
department. 109731

Sec. 2151.4228. (A) The department of ~~job~~ children and ~~family~~ 109732
~~services~~ youth shall create a model memorandum of understanding to 109733
provide guidance to public children services agencies and other 109734
concerned officials in creating a memorandum of understanding in 109735
compliance with sections 2151.4220 to 2151.4226 of the Revised 109736
Code. 109737

(B) The model memorandum of understanding shall be updated as 109738
the department determines is necessary. 109739

Sec. 2151.4229. The department of ~~job~~ children and ~~family~~ 109740
~~services~~ youth shall biennially audit the memorandum of 109741
understanding prepared by each public children services agency to 109742
ensure compliance in accordance with sections 2151.4220 to 109743
2151.4226 of the Revised Code. 109744

Sec. 2151.4230. The department of ~~job~~ children and ~~family~~ 109745
~~services~~ youth shall determine that a public children services 109746
agency is compliant regarding the memorandum of understanding if 109747
the department finds all of the following: 109748

(A) The memorandum meets the requirements under sections 109749
2151.4220 to 2151.4226 of the Revised Code. 109750

(B) The memorandum has been either reviewed and signed or 109751
reviewed, updated, and signed, as applicable, pursuant to division 109752
2151.4222 of the Revised Code and the department is in agreement 109753
with the concerned officials' review and, if applicable, update. 109754

(C) The memorandum has been approved by resolution by the 109755
board of county commissioners pursuant to section 2151.4225 of the 109756
Revised Code. 109757

Sec. 2151.4231. (A) If the department of ~~job~~ children and ~~family services~~ youth determines that a public children services agency is not compliant under section 2151.4230 of the Revised Code, the agency shall develop and submit a compliance assurance plan to the department.

(B) The compliance assurance plan shall describe the steps the agency and other concerned officials will take in order to become compliant.

(C) The agency shall submit the compliance assurance plan not later than sixty days after the department determines the agency not compliant.

Sec. 2151.4232. A county's reviewed and signed, or reviewed, updated, and signed, memorandum of understanding, as applicable, shall go into effect and supersede any previous memorandum upon the department of ~~job~~ children and ~~family services~~ youth determination that the memorandum is compliant under section 2151.4230 of the Revised Code.

Sec. 2151.4233. The department of ~~job~~ children and ~~family services~~ youth shall maintain on the department's web site a current list of counties with memorandums of understanding that the department has determined to be compliant under section 2151.4230 of the Revised Code and a list of counties with memorandums that the department has determined not to be compliant.

Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a

determination as to whether the emancipated young adult's best 109787
interest is served by continuing the care and placement with the 109788
department of ~~job~~ children and ~~family services~~ youth or its 109789
representative. 109790

(B) Not later than twelve months after the effective date of 109791
the voluntary participation agreement, and at least once every 109792
twelve months thereafter, make a determination that the department 109793
or its representative has made reasonable efforts to finalize a 109794
permanency plan to prepare the emancipated young adult for 109795
independence. 109796

Sec. 2151.454. For purposes of a determination under section 109797
2151.452 of the Revised Code, the department of ~~job~~ children and 109798
~~family services~~ youth or its representative may file any documents 109799
and appear before the court in relation to such filings. Nothing 109800
in this section shall prohibit an emancipated young adult from 109801
obtaining legal representation pursuant to section 2151.455 of the 109802
Revised Code. 109803

Sec. 2151.84. The department of ~~job~~ children and ~~family~~ 109804
~~services~~ youth shall establish model agreements that may be used 109805
by public children services agencies and private child placing 109806
agencies required to provide services under an agreement with a 109807
young adult pursuant to section 2151.83 of the Revised Code. The 109808
model agreements shall include provisions describing the specific 109809
independent living services to be provided, the duration of the 109810
services and the agreement, the duties and responsibilities of 109811
each party under the agreement, and grievance procedures regarding 109812
disputes that arise regarding the agreement or services provided 109813
under it. 109814

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 109815
entity that appoints or employs any person responsible for a 109816

child's care in out-of-home care shall request the superintendent 109817
of BCII to conduct a criminal records check with respect to any 109818
person who is under final consideration for appointment or 109819
employment as a person responsible for a child's care in 109820
out-of-home care. The request shall be made at the time of initial 109821
application for appointment or employment and every four years 109822
thereafter. If the out-of-home care entity is a public school, 109823
educational service center, or chartered nonpublic school, then 109824
section 3319.39 of the Revised Code shall apply instead. If the 109825
out-of-home care entity is a child day-care center, type A family 109826
day-care home, type B family day-care home, certified in-home 109827
aide, or child day camp, then section 5104.013 of the Revised Code 109828
shall apply instead. 109829

(2) At the times specified in this division, the 109830
administrative director of an agency, or attorney, who arranges an 109831
adoption for a prospective adoptive parent shall request the 109832
superintendent of BCII to conduct a criminal records check with 109833
respect to that prospective adoptive parent and a criminal records 109834
check with respect to all persons eighteen years of age or older 109835
who reside with the prospective adoptive parent. The 109836
administrative director or attorney shall request a criminal 109837
records check pursuant to this division at the time of the initial 109838
home study, every four years after the initial home study at the 109839
time of an update, and at the time that an adoptive home study is 109840
completed as a new home study. 109841

(3) Before a recommending agency submits a recommendation to 109842
the department of ~~job children and family services~~ youth on 109843
whether the department should issue a certificate to a foster home 109844
under section 5103.03 of the Revised Code, and every four years 109845
thereafter prior to a recertification under that section, the 109846
administrative director of the agency shall request that the 109847
superintendent of BCII conduct a criminal records check with 109848

respect to the prospective foster caregiver and a criminal records 109849
check with respect to all other persons eighteen years of age or 109850
older who reside with the foster caregiver. 109851

(B)(1) When the appointing or hiring officer requests, at the 109852
time of initial application for appointment or employment, a 109853
criminal records check for a person subject to division (A)(1) of 109854
this section, the officer shall request that the superintendent of 109855
BCII obtain information from the federal bureau of investigation 109856
as part of the criminal records check, including fingerprint-based 109857
checks of national crime information databases as described in 42 109858
U.S.C. 671, for the person subject to the criminal records check. 109859
In all other cases in which the appointing or hiring officer 109860
requests a criminal records check for a person pursuant to 109861
division (A)(1) of this section, the officer may request that the 109862
superintendent of BCII obtain information from the federal bureau 109863
of investigation as part of the criminal records check, including 109864
fingerprint-based checks of national crime information databases 109865
as described in 42 U.S.C. 671, for the person subject to the 109866
criminal records check. 109867

When the administrative director of an agency, or attorney, 109868
who arranges an adoption for a prospective parent requests, at the 109869
time of the initial home study, a criminal records check for a 109870
person pursuant to division (A)(2) of this section, the 109871
administrative director or attorney shall request that the 109872
superintendent of BCII obtain information from the federal bureau 109873
of investigation as part of the criminal records check, including 109874
fingerprint-based checks of national crime information databases 109875
as described in 42 U.S.C. 671, for the person subject to the 109876
criminal records check. In all other cases in which the 109877
administrative director of an agency, or attorney, who arranges an 109878
adoption for a prospective parent requests a criminal records 109879
check for a person pursuant to division (A)(2) of this section, 109880

the administrative director or attorney may request that the 109881
superintendent of BCII include information from the federal bureau 109882
of investigation in the criminal records check, including 109883
fingerprint-based checks of national crime information databases 109884
as described in 42 U.S.C. 671. 109885

When the administrative director of a recommending agency 109886
requests, before submitting a recommendation to the department of 109887
~~job children~~ and ~~family services~~ youth on whether the department 109888
should issue a certificate to a foster home under section 5103.03 109889
of the Revised Code, a criminal records check for a person 109890
pursuant to division (A)(3) of this section, the administrative 109891
director shall request that the superintendent of BCII obtain 109892
information from the federal bureau of investigation as part of a 109893
criminal records check, including fingerprint-based checks of 109894
national crime information databases as described in 42 U.S.C. 109895
671, for the person subject to the criminal records check. In all 109896
other cases in which the administrative director of a recommending 109897
agency requests a criminal records check for a person pursuant to 109898
division (A)(3) of this section, the administrative director may 109899
request that the superintendent of BCII include information from 109900
the federal bureau of investigation in the criminal records check, 109901
including fingerprint-based checks of national crime information 109902
databases as described in 42 U.S.C. 671. 109903

Prior to a hearing on a final decree of adoption or 109904
interlocutory order of adoption by a probate court, the 109905
administrative director of an agency, or an attorney, who arranges 109906
an adoption for a prospective parent shall provide to the clerk of 109907
the probate court either of the following: 109908

(a) Any information received pursuant to a request made under 109909
this division from the superintendent of BCII or the federal 109910
bureau of investigation as part of the criminal records check, 109911
including fingerprint-based checks of national crime information 109912

databases as described in 42 U.S.C. 671, for the person subject to 109913
the criminal records check; 109914

(b) Written notification that the person subject to a 109915
criminal records check pursuant to this division failed upon 109916
request to provide the information necessary to complete the form 109917
or failed to provide impressions of the person's fingerprints as 109918
required under division (B)(2) of this section. 109919

(2) An appointing or hiring officer, administrative director, 109920
or attorney required by division (A) of this section to request a 109921
criminal records check shall provide to each person subject to a 109922
criminal records check a copy of the form prescribed pursuant to 109923
division (C)(1) of section 109.572 of the Revised Code and a 109924
standard impression sheet to obtain fingerprint impressions 109925
prescribed pursuant to division (C)(2) of section 109.572 of the 109926
Revised Code, obtain the completed form and impression sheet from 109927
the person, and forward the completed form and impression sheet to 109928
the superintendent of BCII at the time the criminal records check 109929
is requested. 109930

Any person subject to a criminal records check who receives 109931
pursuant to this division a copy of the form prescribed pursuant 109932
to division (C)(1) of section 109.572 of the Revised Code and a 109933
copy of an impression sheet prescribed pursuant to division (C)(2) 109934
of that section and who is requested to complete the form and 109935
provide a set of fingerprint impressions shall complete the form 109936
or provide all the information necessary to complete the form and 109937
shall provide the impression sheet with the impressions of the 109938
person's fingerprints. If a person subject to a criminal records 109939
check, upon request, fails to provide the information necessary to 109940
complete the form or fails to provide impressions of the person's 109941
fingerprints, the appointing or hiring officer shall not appoint 109942
or employ the person as a person responsible for a child's care in 109943
out-of-home care, a probate court may not issue a final decree of 109944

adoption or an interlocutory order of adoption making the person 109945
an adoptive parent, and the department of ~~job~~ children and ~~family~~ 109946
~~services~~ youth shall not issue a certificate authorizing the 109947
prospective foster caregiver to operate a foster home. 109948

(C)(1) No appointing or hiring officer shall appoint or 109949
employ a person as a person responsible for a child's care in 109950
out-of-home care, the department of ~~job~~ children and ~~family~~ 109951
~~services~~ youth shall not issue a certificate under section 5103.03 109952
of the Revised Code authorizing a prospective foster caregiver to 109953
operate a foster home, and no probate court shall issue a final 109954
decree of adoption or an interlocutory order of adoption making a 109955
person an adoptive parent if the person or, in the case of a 109956
prospective foster caregiver or prospective adoptive parent, any 109957
person eighteen years of age or older who resides with the 109958
prospective foster caregiver or prospective adoptive parent 109959
previously has been convicted of or pleaded guilty to any of the 109960
violations described in division (A)(4) of section 109.572 of the 109961
Revised Code, unless the person meets rehabilitation standards 109962
established in rules adopted under division (F) of this section. 109963

(2) Prior to certification or recertification under section 109964
5103.03 of the Revised Code, the prospective foster caregiver 109965
subject to a criminal records check under division (A)(3) of this 109966
section shall notify the recommending agency of the revocation of 109967
any foster home license, certificate, or other similar 109968
authorization in another state occurring within the five years 109969
prior to the date of application to become a foster caregiver in 109970
this state. The failure of a prospective foster caregiver to 109971
notify the recommending agency of any revocation of that type in 109972
another state that occurred within that five-year period shall be 109973
grounds for denial of the person's foster home application or the 109974
revocation of the person's foster home certification, whichever is 109975
applicable. If a person has had a revocation in another state 109976

within the five years prior to the date of the application, the 109977
department of ~~job~~ children and ~~family services~~ youth shall not 109978
issue a foster home certificate to the prospective foster 109979
caregiver. 109980

(D) The appointing or hiring officer, administrative 109981
director, or attorney shall pay to the bureau of criminal 109982
identification and investigation the fee prescribed pursuant to 109983
division (C)(3) of section 109.572 of the Revised Code for each 109984
criminal records check conducted in accordance with that section 109985
upon a request pursuant to division (A) of this section. The 109986
officer, director, or attorney may charge the person subject to 109987
the criminal records check a fee for the costs the officer, 109988
director, or attorney incurs in obtaining the criminal records 109989
check. A fee charged under this division shall not exceed the 109990
amount of fees the officer, director, or attorney pays for the 109991
criminal records check. If a fee is charged under this division, 109992
the officer, director, or attorney shall notify the person who is 109993
the applicant at the time of the person's initial application for 109994
appointment or employment, an adoption to be arranged, or a 109995
certificate to operate a foster home of the amount of the fee and 109996
that, unless the fee is paid, the person who is the applicant will 109997
not be considered for appointment or employment or as an adoptive 109998
parent or foster caregiver. 109999

(E) The report of any criminal records check conducted by the 110000
bureau of criminal identification and investigation in accordance 110001
with section 109.572 of the Revised Code and pursuant to a request 110002
made under division (A) of this section is not a public record for 110003
the purposes of section 149.43 of the Revised Code and shall not 110004
be made available to any person other than the following: 110005

(1) The person who is the subject of the criminal records 110006
check or the person's representative; 110007

(2) The appointing or hiring officer, administrative 110008

director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of ~~job children~~ and ~~family services youth~~, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:	110041
(1) "Children's hospital" means any of the following:	110042
(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	110043 110044 110045 110046 110047
(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;	110048 110049 110050 110051 110052 110053 110054
(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.	110055 110056 110057 110058
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	110059 110060
(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.	110061 110062 110063 110064 110065 110066
(4) "Person subject to a criminal records check" means the following:	110067 110068
(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in	110069 110070

out-of-home care;	110071
(b) A prospective or current adoptive parent;	110072
(c) A prospective or current foster caregiver;	110073
(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.	110074 110075 110076
(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job <u>children</u> and family services <u>youth</u> has delegated a duty to inspect and approve foster homes.	110077 110078 110079 110080
(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	110081 110082
Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of the Revised Code:	110083 110084
(1) "Host family" means any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home.	110085 110086 110087 110088 110089 110090
(2) "Qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:	110091 110092 110093 110094
(a) Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;	110095 110096 110097
(b) Requires a criminal records check on the intended host family and all adults residing in the host family's household;	110098 110099

- (c) Requires a background check in the central registry of abuse and neglect of this state from the department of ~~job~~ children and ~~family services~~ youth for the intended host family and all adults residing in the host family's household; 110100
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- (d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement; 110104
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- (e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows: 110107
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- (i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter; 110110
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- (ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month; 110113
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- (iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child. 110115
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- (f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian. 110119
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- "Qualified organization" excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a public children services agency, private noncustodial agency, or private child placing agency. 110122
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- (3) "Temporary basis" means a period of time not to exceed one year, except as provided in section 2151.901 of the Revised Code. 110126
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- (B) A child may be hosted by a host family only when all of 110129

the following conditions are satisfied: 110130

(1) The hosting is done on a temporary basis. 110131

(2) The hosting is done under a host family agreement entered 110132
into with a qualified organization's assistance. 110133

(3) Either one or both of the child's parents, or the child's 110134
guardian or legal custodian, are incarcerated, incapacitated, 110135
receiving medical, psychiatric, or psychological treatment, on 110136
active military service, or subject to other circumstances under 110137
which the hosting is appropriate. 110138

(4) The host family provides care only to that child or only 110139
to a single-family group, in addition to the host family's own 110140
child or children if applicable. 110141

Sec. 2151.904. (A) Before a qualified organization provides 110142
for hosting of a child with a host family and every four years 110143
thereafter, a prospective host family and all other persons 110144
eighteen years of age or older who reside in the host family's 110145
home shall request, and shall provide to the qualified 110146
organization the results of, the following for the host family and 110147
all other persons eighteen years of age or older who reside in the 110148
home: 110149

(1) A criminal records check, as defined under division (G) 110150
of section 109.572 of the Revised Code, and information from the 110151
federal bureau of investigation, as part of the criminal records 110152
check, including fingerprint-based checks of national crime 110153
information databases as described in 42 U.S.C. 671; 110154

(2) A background check in the central registry of abuse and 110155
neglect of this state from the department of ~~job~~ children and 110156
~~family services~~ youth. 110157

(B) A person subject to division (A) of this section may 110158
request the criminal records check and information required under 110159

division (A)(1) of this section from either of the following: 110160

(1) The superintendent of the bureau of criminal 110161
identification and investigation; 110162

(2) Any entity authorized, on behalf of the person, to 110163
request the superintendent to conduct the criminal records check 110164
and provide the information. 110165

(C) If a person subject to division (A) of this section fails 110166
to provide the results of the criminal records and background 110167
checks and the information required under that division to the 110168
qualified organization, the organization shall not authorize 110169
hosting with the host family. 110170

Sec. 2151.9010. A host family shall not be subject to 110171
certification or supervision by the director of ~~job~~ children and 110172
~~family services~~ youth under section 5103.03 of the Revised Code. 110173

Sec. 2152.192. If a court or child welfare agency places a 110174
delinquent child in an institution or association, as defined in 110175
section 5103.02 of the Revised Code, that is certified by the 110176
department of ~~job~~ children and ~~family services~~ youth pursuant to 110177
section 5103.03 of the Revised Code and if that child has been 110178
adjudicated delinquent for committing an act that is a sexually 110179
oriented offense in either a prior delinquency adjudication or in 110180
the most recent delinquency adjudication, the court or child 110181
welfare agency shall notify the operator of the institution or 110182
association and the sheriff of the county in which the institution 110183
or association is located that the child has been adjudicated 110184
delinquent for committing an act that is a sexually oriented 110185
offense. 110186

Sec. 2705.02. A person guilty of any of the following acts 110187
may be punished as for a contempt: 110188

(A) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;	110189 110190
(B) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;	110191 110192
(C) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;	110193 110194
(D) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;	110195 110196 110197
(E) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;	110198 110199 110200
(F) A failure to comply with an order issued pursuant to section 3109.19 or 3111.81 of the Revised Code;	110201 110202
(G) A failure to obey a subpoena issued by the department of job and family services, <u>the department of children and youth</u> , or a child support enforcement agency pursuant to section 5101.37 of the Revised Code;	110203 110204 110205 110206
(H) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under section 3111.41 of the Revised Code.	110207 110208 110209 110210
Sec. 2950.08. (A) Subject to division (B) of this section, the statements, information, photographs, fingerprints, and material required by sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and provided by a person who registers, who provides notice of a change of residence, school, institution of higher education, or place of employment address and registers the new residence, school, institution of higher education, or place of employment address, or who provides	110211 110212 110213 110214 110215 110216 110217 110218

verification of a current residence, school, institution of higher 110219
education, or place of employment address pursuant to those 110220
sections and that are in the possession of the bureau of criminal 110221
identification and investigation and the information in the 110222
possession of the bureau that was received by the bureau pursuant 110223
to section 2950.14 of the Revised Code shall not be open to 110224
inspection by the public or by any person other than the following 110225
persons: 110226

(1) A regularly employed peace officer or other law 110227
enforcement officer; 110228

(2) An authorized employee of the bureau of criminal 110229
identification and investigation for the purpose of providing 110230
information to a board, administrator, or person pursuant to 110231
division (F) or (G) of section 109.57 of the Revised Code; 110232

(3) The registrar of motor vehicles, or an employee of the 110233
registrar of motor vehicles, for the purpose of verifying and 110234
updating any of the information so provided, upon the request of 110235
the bureau of criminal identification and investigation; 110236

(4) The director of ~~job~~ children and ~~family services~~ youth, 110237
or an employee of the director, for the purpose of complying with 110238
division (D) of section 5104.013 of the Revised Code. 110239

(B) Division (A) of this section does not apply to any 110240
information that is contained in the internet sex offender and 110241
child-victim offender database established by the attorney general 110242
under division (A)(11) of section 2950.13 of the Revised Code 110243
regarding offenders and that is disseminated as described in that 110244
division. 110245

Sec. 2950.11. (A) Regardless of when the sexually oriented 110246
offense or child-victim oriented offense was committed, if a 110247
person is convicted of, pleads guilty to, has been convicted of, 110248

or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is

located in that multi-unit building and that shares a common 110281
hallway with the offender or delinquent child. For purposes of 110282
this division, an occupant's unit shares a common hallway with the 110283
offender or delinquent child if the entrance door into the 110284
occupant's unit is located on the same floor and opens into the 110285
same hallway as the entrance door to the unit the offender or 110286
delinquent child occupies. Division (D)(3) of this section applies 110287
regarding notices required under this division. 110288

(c) The building manager, or the person the building owner or 110289
condominium unit owners association authorizes to exercise 110290
management and control, of each multi-unit building that is 110291
located within one thousand feet of the offender's or delinquent 110292
child's residential premises, including a multi-unit building in 110293
which the offender or delinquent child resides, and that is 110294
located within the county served by the sheriff. In addition to 110295
notifying the building manager or the person authorized to 110296
exercise management and control in the multi-unit building under 110297
this division, the sheriff shall post a copy of the notice 110298
prominently in each common entryway in the building and any other 110299
location in the building the sheriff determines appropriate. The 110300
manager or person exercising management and control of the 110301
building shall permit the sheriff to post copies of the notice 110302
under this division as the sheriff determines appropriate. In lieu 110303
of posting copies of the notice as described in this division, a 110304
sheriff may provide notice to all occupants of the multi-unit 110305
building by mail or personal contact; if the sheriff so notifies 110306
all the occupants, the sheriff is not required to post copies of 110307
the notice in the common entryways to the building. Division 110308
(D)(3) of this section applies regarding notices required under 110309
this division. 110310

(d) All additional persons who are within any category of 110311
neighbors of the offender or delinquent child that the attorney 110312

general by rule adopted under section 2950.13 of the Revised Code 110313
requires to be provided the notice and who reside within the 110314
county served by the sheriff; 110315

(2) The executive director of the public children services 110316
agency that has jurisdiction within the specified geographical 110317
notification area and that is located within the county served by 110318
the sheriff; 110319

(3)(a) The superintendent of each board of education of a 110320
school district that has schools within the specified geographical 110321
notification area and that is located within the county served by 110322
the sheriff; 110323

(b) The principal of the school within the specified 110324
geographical notification area and within the county served by the 110325
sheriff that the delinquent child attends; 110326

(c) If the delinquent child attends a school outside of the 110327
specified geographical notification area or outside of the school 110328
district where the delinquent child resides, the superintendent of 110329
the board of education of a school district that governs the 110330
school that the delinquent child attends and the principal of the 110331
school that the delinquent child attends. 110332

(4)(a) The appointing or hiring officer of each chartered 110333
nonpublic school located within the specified geographical 110334
notification area and within the county served by the sheriff or 110335
of each other school located within the specified geographical 110336
notification area and within the county served by the sheriff and 110337
that is not operated by a board of education described in division 110338
(A)(3) of this section; 110339

(b) Regardless of the location of the school, the appointing 110340
or hiring officer of a chartered nonpublic school that the 110341
delinquent child attends. 110342

(5) The director, head teacher, elementary principal, or site 110343

administrator of each preschool program governed by Chapter 3301. 110344
of the Revised Code that is located within the specified 110345
geographical notification area and within the county served by the 110346
sheriff; 110347

(6) The administrator of each child day-care center or type A 110348
family day-care home that is located within the specified 110349
geographical notification area and within the county served by the 110350
sheriff, and each holder of a license to operate a type B family 110351
day-care home that is located within the specified geographical 110352
notification area and within the county served by the sheriff. As 110353
used in this division, "child day-care center," "type A family 110354
day-care home," and "type B family day-care home" have the same 110355
meanings as in section 5104.01 of the Revised Code. 110356

(7) The president or other chief administrative officer of 110357
each institution of higher education, as defined in section 110358
2907.03 of the Revised Code, that is located within the specified 110359
geographical notification area and within the county served by the 110360
sheriff, and the chief law enforcement officer of the state 110361
university law enforcement agency or campus police department 110362
established under section 3345.04 or 1713.50 of the Revised Code, 110363
if any, that serves that institution; 110364

(8) The sheriff of each county that includes any portion of 110365
the specified geographical notification area; 110366

(9) If the offender or delinquent child resides within the 110367
county served by the sheriff, the chief of police, marshal, or 110368
other chief law enforcement officer of the municipal corporation 110369
in which the offender or delinquent child resides or, if the 110370
offender or delinquent child resides in an unincorporated area, 110371
the constable or chief of the police department or police district 110372
police force of the township in which the offender or delinquent 110373
child resides; 110374

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant;

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in

accordance with division (A)(8) of this section, the sheriff of 110406
each of the other counties who is provided notice under division 110407
(A)(8) of this section shall provide the notices described in 110408
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 110409
each person or entity identified within those divisions that is 110410
located within the specified geographical notification area and 110411
within the county served by the sheriff in question. 110412

(D)(1) A sheriff required by division (A) or (C) of this 110413
section to provide notices regarding an offender or delinquent 110414
child shall provide the notice to the neighbors that are described 110415
in division (A)(1) of this section and the notices to law 110416
enforcement personnel that are described in divisions (A)(8) and 110417
(9) of this section as soon as practicable, but no later than five 110418
days after the offender sends the notice of intent to reside to 110419
the sheriff and again no later than five days after the offender 110420
or delinquent child registers with the sheriff or, if the sheriff 110421
is required by division (C) of this section to provide the 110422
notices, no later than five days after the sheriff is provided the 110423
notice described in division (A)(8) of this section. 110424

A sheriff required by division (A) or (C) of this section to 110425
provide notices regarding an offender or delinquent child shall 110426
provide the notices to all other specified persons that are 110427
described in divisions (A)(2) to (7) and (A)(10) of this section 110428
as soon as practicable, but not later than seven days after the 110429
offender or delinquent child registers with the sheriff or, if the 110430
sheriff is required by division (C) of this section to provide the 110431
notices, no later than five days after the sheriff is provided the 110432
notice described in division (A)(8) of this section. 110433

(2) If an offender or delinquent child in relation to whom 110434
division (A) of this section applies verifies the offender's or 110435
delinquent child's current residence, school, institution of 110436
higher education, or place of employment address, as applicable, 110437

with a sheriff pursuant to section 2950.06 of the Revised Code, 110438
the sheriff may provide a written notice containing the 110439
information set forth in division (B) of this section to the 110440
persons identified in divisions (A)(1) to (10) of this section. If 110441
a sheriff provides a notice pursuant to this division to the 110442
sheriff of one or more other counties in accordance with division 110443
(A)(8) of this section, the sheriff of each of the other counties 110444
who is provided the notice under division (A)(8) of this section 110445
may provide, but is not required to provide, a written notice 110446
containing the information set forth in division (B) of this 110447
section to the persons identified in divisions (A)(1) to (7) and 110448
(A)(9) and (10) of this section. 110449

(3) A sheriff may provide notice under division (A)(1)(a) or 110450
(b) of this section, and may provide notice under division 110451
(A)(1)(c) of this section to a building manager or person 110452
authorized to exercise management and control of a building, by 110453
mail, by personal contact, or by leaving the notice at or under 110454
the entry door to a residential unit. For purposes of divisions 110455
(A)(1)(a) and (b) of this section, and the portion of division 110456
(A)(1)(c) of this section relating to the provision of notice to 110457
occupants of a multi-unit building by mail or personal contact, 110458
the provision of one written notice per unit is deemed as 110459
providing notice to all occupants of that unit. 110460

(E) All information that a sheriff possesses regarding an 110461
offender or delinquent child who is in a category specified in 110462
division (F)(1)(a), (b), or (c) of this section that is described 110463
in division (B) of this section and that must be provided in a 110464
notice required under division (A) or (C) of this section or that 110465
may be provided in a notice authorized under division (D)(2) of 110466
this section is a public record that is open to inspection under 110467
section 149.43 of the Revised Code. 110468

The sheriff shall not cause to be publicly disseminated by 110469

means of the internet any of the information described in this 110470
division that is provided by a delinquent child unless that child 110471
is in a category specified in division (F)(1)(a), (b), or (c) of 110472
this section. 110473

(F)(1) Except as provided in division (F)(2) of this section, 110474
the duties to provide the notices described in divisions (A) and 110475
(C) of this section apply regarding any offender or delinquent 110476
child who is in any of the following categories: 110477

(a) The offender is a tier III sex offender/child-victim 110478
offender, or the delinquent child is a public registry-qualified 110479
juvenile offender registrant, and a juvenile court has not removed 110480
pursuant to section 2950.15 of the Revised Code the delinquent 110481
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 110482
and 2950.06 of the Revised Code. 110483

(b) The delinquent child is a tier III sex 110484
offender/child-victim offender who is not a public 110485
registry-qualified juvenile offender registrant, the delinquent 110486
child was subjected to this section prior to January 1, 2008, as a 110487
sexual predator, habitual sex offender, child-victim predator, or 110488
habitual child-victim offender, as those terms were defined in 110489
section 2950.01 of the Revised Code as it existed prior to January 110490
1, 2008, and a juvenile court has not removed pursuant to section 110491
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 110492
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 110493
the Revised Code. 110494

(c) The delinquent child is a tier III sex 110495
offender/child-victim offender who is not a public 110496
registry-qualified juvenile offender registrant, the delinquent 110497
child was classified a juvenile offender registrant on or after 110498
January 1, 2008, the court has imposed a requirement under section 110499
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 110500
delinquent child to this section, and a juvenile court has not 110501

removed pursuant to section 2152.84 or 2152.85 of the Revised Code 110502
the delinquent child's duty to comply with sections 2950.04, 110503
2950.041, 2950.05, and 2950.06 of the Revised Code. 110504

(2) The notification provisions of this section do not apply 110505
to a person described in division (F)(1)(a), (b), or (c) of this 110506
section if a court finds at a hearing after considering the 110507
factors described in this division that the person would not be 110508
subject to the notification provisions of this section that were 110509
in the version of this section that existed immediately prior to 110510
January 1, 2008. In making the determination of whether a person 110511
would have been subject to the notification provisions under prior 110512
law as described in this division, the court shall consider the 110513
following factors: 110514

(a) The offender's or delinquent child's age; 110515

(b) The offender's or delinquent child's prior criminal or 110516
delinquency record regarding all offenses, including, but not 110517
limited to, all sexual offenses; 110518

(c) The age of the victim of the sexually oriented offense 110519
for which sentence is to be imposed or the order of disposition is 110520
to be made; 110521

(d) Whether the sexually oriented offense for which sentence 110522
is to be imposed or the order of disposition is to be made 110523
involved multiple victims; 110524

(e) Whether the offender or delinquent child used drugs or 110525
alcohol to impair the victim of the sexually oriented offense or 110526
to prevent the victim from resisting; 110527

(f) If the offender or delinquent child previously has been 110528
convicted of or pleaded guilty to, or been adjudicated a 110529
delinquent child for committing an act that if committed by an 110530
adult would be, a criminal offense, whether the offender or 110531
delinquent child completed any sentence or dispositional order 110532

imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of ~~job children and family services~~ youth shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of

education, schools, or programs of a type described in division 110564
(A)(3), (4), or (5) of this section that contains the name of each 110565
board of education, school, or program of that type, the county in 110566
which it is located, its address and telephone number, the name of 110567
the superintendent of the board or of an administrative officer or 110568
employee of the school or program, and, in relation to a board of 110569
education, the county or counties in which each of its schools is 110570
located and the address of each such school. 110571

(3) The ~~Ohio board~~ department of ~~regents~~ higher education 110572
shall compile, maintain, and update in January and July of each 110573
year, a list of all institutions of a type described in division 110574
(A)(7) of this section that contains the name of each such 110575
institution, the county in which it is located, its address and 110576
telephone number, and the name of its president or other chief 110577
administrative officer. 110578

(4) A sheriff required by division (A) or (C) of this 110579
section, or authorized by division (D)(2) of this section, to 110580
provide notices regarding an offender or delinquent child, or a 110581
designee of a sheriff of that type, may request the department of 110582
~~job children and family services youth~~, department of education, 110583
or ~~Ohio board~~ department of ~~regents~~ higher education, by 110584
telephone, in person, or by mail, to provide the sheriff or 110585
designee with the names, addresses, and telephone numbers of the 110586
appropriate persons and entities to whom the notices described in 110587
divisions (A)(2) to (7) of this section are to be provided. Upon 110588
receipt of a request, the department ~~or board~~ shall provide the 110589
requesting sheriff or designee with the names, addresses, and 110590
telephone numbers of the appropriate persons and entities to whom 110591
those notices are to be provided. 110592

(H)(1) Upon the motion of the offender or the prosecuting 110593
attorney of the county in which the offender was convicted of or 110594
pleaded guilty to the sexually oriented offense or child-victim 110595

oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply

with division (A)(2), (3), or (4) of section 2950.04, division 110628
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 110629
2950.06 of the Revised Code begins in relation to the offense for 110630
which the offender is subject to community notification. After the 110631
initial making of a motion under division (H)(1) of this section, 110632
thereafter, the prosecutor, judge, and offender may make a 110633
subsequent motion under that division upon the expiration of five 110634
years after the judge has entered an order denying the initial 110635
motion or the most recent motion made under that division. 110636

(3) The offender and the prosecuting attorney have the right 110637
to appeal an order approving or denying a motion made under 110638
division (H)(1) of this section. 110639

(4) Divisions (H)(1) to (3) of this section do not apply to 110640
any of the following types of offender: 110641

(a) A person who is convicted of or pleads guilty to a 110642
violent sex offense or designated homicide, assault, or kidnapping 110643
offense and who, in relation to that offense, is adjudicated a 110644
sexually violent predator; 110645

(b) A person who is convicted of or pleads guilty to a 110646
sexually oriented offense that is a violation of division 110647
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 110648
after January 2, 2007, and either who is sentenced under section 110649
2971.03 of the Revised Code or upon whom a sentence of life 110650
without parole is imposed under division (B) of section 2907.02 of 110651
the Revised Code; 110652

(c) A person who is convicted of or pleads guilty to a 110653
sexually oriented offense that is attempted rape committed on or 110654
after January 2, 2007, and who also is convicted of or pleads 110655
guilty to a specification of the type described in section 110656
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 110657

(d) A person who is convicted of or pleads guilty to an 110658

offense described in division (B)(3)(a), (b), (c), or (d) of 110659
section 2971.03 of the Revised Code and who is sentenced for that 110660
offense pursuant to that division; 110661

(e) An offender who is in a category specified in division 110662
(F)(1)(a), (b), or (c) of this section and who, subsequent to 110663
being subjected to community notification, has pleaded guilty to 110664
or been convicted of a sexually oriented offense or child-victim 110665
oriented offense. 110666

(I) If a person is convicted of, pleads guilty to, has been 110667
convicted of, or has pleaded guilty to a sexually oriented offense 110668
or a child-victim oriented offense or a person is or has been 110669
adjudicated a delinquent child for committing a sexually oriented 110670
offense or a child-victim oriented offense and is classified a 110671
juvenile offender registrant or is an out-of-state juvenile 110672
offender registrant based on that adjudication, and if the 110673
offender or delinquent child is not in any category specified in 110674
division (F)(1)(a), (b), or (c) of this section, the sheriff with 110675
whom the offender or delinquent child has most recently registered 110676
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 110677
and the sheriff to whom the offender or delinquent child most 110678
recently sent a notice of intent to reside under section 2950.04 110679
or 2950.041 of the Revised Code, within the period of time 110680
specified in division (D) of this section, shall provide a written 110681
notice containing the information set forth in division (B) of 110682
this section to the executive director of the public children 110683
services agency that has jurisdiction within the specified 110684
geographical notification area and that is located within the 110685
county served by the sheriff. 110686

(J) Each sheriff shall allow a volunteer organization or 110687
other organization, company, or individual who wishes to receive 110688
the notice described in division (A)(10) of this section regarding 110689
a specific offender or delinquent child or notice regarding all 110690

offenders and delinquent children who are located in the specified 110691
geographical notification area to notify the sheriff by electronic 110692
mail or through the sheriff's web site of this election. The 110693
sheriff shall promptly inform the bureau of criminal 110694
identification and investigation of these requests in accordance 110695
with the forwarding procedures adopted by the attorney general 110696
pursuant to section 2950.13 of the Revised Code. 110697

(K) In making a determination under division (H)(1) of this 110698
section as to whether to suspend the community notification 110699
requirement under this section for an offender, the judge shall 110700
consider all relevant factors, including, but not limited to, all 110701
of the following: 110702

(1) The offender's age; 110703

(2) The offender's prior criminal or delinquency record 110704
regarding all offenses, including, but not limited to, all 110705
sexually oriented offenses or child-victim oriented offenses; 110706

(3) The age of the victim of the sexually oriented offense or 110707
child-victim oriented offense the offender committed; 110708

(4) Whether the sexually oriented offense or child-victim 110709
oriented offense the offender committed involved multiple victims; 110710

(5) Whether the offender used drugs or alcohol to impair the 110711
victim of the sexually oriented offense or child-victim oriented 110712
offense the offender committed or to prevent the victim from 110713
resisting; 110714

(6) If the offender previously has been convicted of, pleaded 110715
guilty to, or been adjudicated a delinquent child for committing 110716
an act that if committed by an adult would be a criminal offense, 110717
whether the offender completed any sentence or dispositional order 110718
imposed for the prior offense or act and, if the prior offense or 110719
act was a sexually oriented offense or a child-victim oriented 110720
offense, whether the offender or delinquent child participated in 110721

available programs for sex offenders or child-victim offenders; 110722

(7) Any mental illness or mental disability of the offender; 110723

(8) The nature of the offender's sexual conduct, sexual 110724
contact, or interaction in a sexual context with the victim of the 110725
sexually oriented offense the offender committed or the nature of 110726
the offender's interaction in a sexual context with the victim of 110727
the child-victim oriented offense the offender committed, 110728
whichever is applicable, and whether the sexual conduct, sexual 110729
contact, or interaction in a sexual context was part of a 110730
demonstrated pattern of abuse; 110731

(9) Whether the offender, during the commission of the 110732
sexually oriented offense or child-victim oriented offense the 110733
offender committed, displayed cruelty or made one or more threats 110734
of cruelty; 110735

(10) Any additional behavioral characteristics that 110736
contribute to the offender's conduct. 110737

(L) As used in this section, "specified geographical 110738
notification area" means the geographic area or areas within which 110739
the attorney general, by rule adopted under section 2950.13 of the 110740
Revised Code, requires the notice described in division (B) of 110741
this section to be given to the persons identified in divisions 110742
(A)(2) to (8) of this section. 110743

Sec. 2950.13. (A) The attorney general shall do all of the 110744
following: 110745

(1) No later than July 1, 1997, establish and maintain a 110746
state registry of sex offenders and child-victim offenders that is 110747
housed at the bureau of criminal identification and investigation 110748
and that contains all of the registration, change of residence, 110749
school, institution of higher education, or place of employment 110750
address, and verification information the bureau receives pursuant 110751

to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of

this section as those offenses existed at the time the person was 110784
convicted of, pleaded guilty to, or was adjudicated a delinquent 110785
child for committing those offenses, or a link to a database that 110786
sets forth the text of those offenses; 110787

(c) A statement as to whether the person is a tier I sex 110788
offender/child-victim offender, a tier II sex 110789
offender/child-victim offender, or a tier III sex 110790
offender/child-victim offender for the sexually oriented offenses 110791
or child-victim oriented offenses identified in division (A)(1)(a) 110792
of this section; 110793

(d) The community supervision status of the person, 110794
including, but not limited to, whether the person is serving a 110795
community control sanction and the nature of any such sanction, 110796
whether the person is under supervised release and the nature of 110797
the release, or regarding a juvenile, whether the juvenile is 110798
under any type of release authorized under Chapter 2152. or 5139. 110799
of the Revised Code and the nature of any such release; 110800

(e) The offense and delinquency history of the person, as 110801
determined from information gathered or provided under sections 110802
109.57 and 2950.14 of the Revised Code; 110803

(f) The bureau of criminal identification and investigation 110804
tracking number assigned to the person if one has been so 110805
assigned, the federal bureau of investigation number assigned to 110806
the person if one has been assigned and the bureau of criminal 110807
identification and investigation is aware of the number, and any 110808
other state identification number assigned to the person of which 110809
the bureau is aware; 110810

(g) Fingerprints and palmprints of the person; 110811

(h) A DNA specimen, as defined in section 109.573 of the 110812
Revised Code, from the person; 110813

(i) Whether the person has any outstanding arrest warrants; 110814

(j) Whether the person is in compliance with the person's	110815
duties under this chapter.	110816
(2) In consultation with local law enforcement	110817
representatives and no later than July 1, 1997, adopt rules that	110818
contain guidelines necessary for the implementation of this	110819
chapter;	110820
(3) In consultation with local law enforcement	110821
representatives, adopt rules for the implementation and	110822
administration of the provisions contained in section 2950.11 of	110823
the Revised Code that pertain to the notification of neighbors of	110824
an offender or a delinquent child who has committed a sexually	110825
oriented offense or a child-victim oriented offense and is in a	110826
category specified in division (F)(1) of that section and rules	110827
that prescribe a manner in which victims of a sexually oriented	110828
offense or a child-victim oriented offense committed by an	110829
offender or a delinquent child who is in a category specified in	110830
division (B)(1) of section 2950.10 of the Revised Code may make a	110831
request that specifies that the victim would like to be provided	110832
the notices described in divisions (A)(1) and (2) of section	110833
2950.10 of the Revised Code;	110834
(4) In consultation with local law enforcement	110835
representatives and through the bureau of criminal identification	110836
and investigation, prescribe the forms to be used by judges and	110837
officials pursuant to section 2950.03 or 2950.032 of the Revised	110838
Code to advise offenders and delinquent children of their duties	110839
of filing a notice of intent to reside, registration, notification	110840
of a change of residence, school, institution of higher education,	110841
or place of employment address and registration of the new school,	110842
institution of higher education, or place of employment address,	110843
as applicable, and address verification under sections 2950.04,	110844
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe	110845
the forms to be used by sheriffs relative to those duties of	110846

filing a notice of intent to reside, registration, change of 110847
residence, school, institution of higher education, or place of 110848
employment address notification, and address verification; 110849

(5) Make copies of the forms prescribed under division (A)(4) 110850
of this section available to judges, officials, and sheriffs; 110851

(6) Through the bureau of criminal identification and 110852
investigation, provide the notifications, the information and 110853
materials, and the documents that the bureau is required to 110854
provide to appropriate law enforcement officials and to the 110855
federal bureau of investigation pursuant to sections 2950.04, 110856
2950.041, 2950.05, and 2950.06 of the Revised Code; 110857

(7) Through the bureau of criminal identification and 110858
investigation, maintain the verification forms returned under the 110859
address verification mechanism set forth in section 2950.06 of the 110860
Revised Code; 110861

(8) In consultation with representatives of the officials, 110862
judges, and sheriffs, adopt procedures for officials, judges, and 110863
sheriffs to use to forward information, photographs, and 110864
fingerprints to the bureau of criminal identification and 110865
investigation pursuant to the requirements of sections 2950.03, 110866
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 110867
Code; 110868

(9) In consultation with the director of education, the 110869
director of ~~job~~ children and ~~family services~~ youth, and the 110870
director of rehabilitation and correction, adopt rules that 110871
contain guidelines to be followed by boards of education of a 110872
school district, chartered nonpublic schools or other schools not 110873
operated by a board of education, preschool programs, child 110874
day-care centers, type A family day-care homes, licensed type B 110875
family day-care homes, and institutions of higher education 110876
regarding the proper use and administration of information 110877

received pursuant to section 2950.11 of the Revised Code relative 110878
to an offender or delinquent child who has committed a sexually 110879
oriented offense or a child-victim oriented offense and is in a 110880
category specified in division (F)(1) of that section; 110881

(10) In consultation with local law enforcement 110882
representatives and no later than July 1, 1997, adopt rules that 110883
designate a geographic area or areas within which the notice 110884
described in division (B) of section 2950.11 of the Revised Code 110885
must be given to the persons identified in divisions (A)(2) to (8) 110886
and (A)(10) of that section; 110887

(11) Through the bureau of criminal identification and 110888
investigation, not later than January 1, 2004, establish and 110889
operate on the internet a sex offender and child-victim offender 110890
database that contains information for every offender who has 110891
committed a sexually oriented offense or a child-victim oriented 110892
offense and registers in any county in this state pursuant to 110893
section 2950.04 or 2950.041 of the Revised Code and for every 110894
delinquent child who has committed a sexually oriented offense, is 110895
a public registry-qualified juvenile offender registrant, and 110896
registers in any county in this state pursuant to either such 110897
section. The bureau shall not include on the database the identity 110898
of any offender's or public registry-qualified juvenile offender 110899
registrant's victim, any offender's or public registry-qualified 110900
juvenile offender registrant's social security number, the name of 110901
any school or institution of higher education attended by any 110902
offender or public registry-qualified juvenile offender 110903
registrant, the name of the place of employment of any offender or 110904
public registry-qualified juvenile offender registrant, any 110905
tracking or identification number described in division (A)(1)(f) 110906
of this section, or any information described in division (C)(7) 110907
of section 2950.04 or 2950.041 of the Revised Code. The bureau 110908
shall provide on the database, for each offender and each public 110909

registry-qualified juvenile offender registrant, at least the 110910
information specified in divisions (A)(11)(a) to (h) of this 110911
section. Otherwise, the bureau shall determine the information to 110912
be provided on the database for each offender and public 110913
registry-qualified juvenile offender registrant and shall obtain 110914
that information from the information contained in the state 110915
registry of sex offenders and child-victim offenders described in 110916
division (A)(1) of this section, which information, while in the 110917
possession of the sheriff who provided it, is a public record open 110918
for inspection as described in section 2950.081 of the Revised 110919
Code. The database is a public record open for inspection under 110920
section 149.43 of the Revised Code, and it shall be searchable by 110921
offender or public registry-qualified juvenile offender registrant 110922
name, by county, by zip code, and by school district. The database 110923
shall provide a link to the web site of each sheriff who has 110924
established and operates on the internet a sex offender and 110925
child-victim offender database that contains information for 110926
offenders and public registry-qualified juvenile offender 110927
registrants who register in that county pursuant to section 110928
2950.04 or 2950.041 of the Revised Code, with the link being a 110929
direct link to the sex offender and child-victim offender database 110930
for the sheriff. The bureau shall provide on the database, for 110931
each offender and public registry-qualified juvenile offender 110932
registrant, at least the following information: 110933

(a) The information described in divisions (A)(1)(a), (b), 110934
(c), and (d) of this section relative to the offender or public 110935
registry-qualified juvenile offender registrant; 110936

(b) The address of the offender's or public 110937
registry-qualified juvenile offender registrant's school, 110938
institution of higher education, or place of employment provided 110939
in a registration form; 110940

(c) The information described in division (C)(6) of section 110941

2950.04 or 2950.041 of the Revised Code; 110942

(d) A chart describing which sexually oriented offenses and 110943
child-victim oriented offenses are included in the definitions of 110944
tier I sex offender/child-victim offender, tier II sex 110945
offender/child-victim offender, and tier III sex 110946
offender/child-victim offender; 110947

(e) Fingerprints and palmprints of the offender or public 110948
registry-qualified juvenile offender registrant and a DNA specimen 110949
from the offender or public registry-qualified juvenile offender 110950
registrant; 110951

(f) The information set forth in division (B) of section 110952
2950.11 of the Revised Code; 110953

(g) Any outstanding arrest warrants for the offender or 110954
public registry-qualified juvenile offender registrant; 110955

(h) The offender's or public registry-qualified juvenile 110956
offender registrant's compliance status with duties under this 110957
chapter. 110958

(12) Develop software to be used by sheriffs in establishing 110959
on the internet a sex offender and child-victim offender database 110960
for the public dissemination of some or all of the information and 110961
materials described in division (A) of section 2950.081 of the 110962
Revised Code that are public records under that division, that are 110963
not prohibited from inclusion by division (B) of that section, and 110964
that pertain to offenders and public registry-qualified juvenile 110965
offender registrants who register in the sheriff's county pursuant 110966
to section 2950.04 or 2950.041 of the Revised Code and for the 110967
public dissemination of information the sheriff receives pursuant 110968
to section 2950.14 of the Revised Code and, upon the request of 110969
any sheriff, provide technical guidance to the requesting sheriff 110970
in establishing on the internet such a database; 110971

(13) Through the bureau of criminal identification and 110972

investigation, not later than January 1, 2004, establish and 110973
operate on the internet a database that enables local law 110974
enforcement representatives to remotely search by electronic means 110975
the state registry of sex offenders and child-victim offenders 110976
described in division (A)(1) of this section and any information 110977
and materials the bureau receives pursuant to sections 2950.04, 110978
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 110979
database shall enable local law enforcement representatives to 110980
obtain detailed information regarding each offender and delinquent 110981
child who is included in the registry, including, but not limited 110982
to the offender's or delinquent child's name, aliases, residence 110983
address, name and address of any place of employment, school, 110984
institution of higher education, if applicable, license plate 110985
number of each vehicle identified in division (C)(5) of section 110986
2950.04 or 2950.041 of the Revised Code to the extent applicable, 110987
victim preference if available, date of most recent release from 110988
confinement if applicable, fingerprints, and palmprints, all of 110989
the information and material described in divisions (A)(1)(a) to 110990
(h) of this section regarding the offender or delinquent child, 110991
and other identification parameters the bureau considers 110992
appropriate. The database is not a public record open for 110993
inspection under section 149.43 of the Revised Code and shall be 110994
available only to law enforcement representatives as described in 110995
this division. Information obtained by local law enforcement 110996
representatives through use of this database is not open to 110997
inspection by the public or by any person other than a person 110998
identified in division (A) of section 2950.08 of the Revised Code. 110999

(14) Through the bureau of criminal identification and 111000
investigation, maintain a list of requests for notice about a 111001
specified offender or delinquent child or specified geographical 111002
notification area made pursuant to division (J) of section 2950.11 111003
of the Revised Code and, when an offender or delinquent child 111004
changes residence to another county, forward any requests for 111005

information about that specific offender or delinquent child to 111006
the appropriate sheriff; 111007

(15) Through the bureau of criminal identification and 111008
investigation, establish and operate a system for the immediate 111009
notification by electronic means of the appropriate officials in 111010
other states specified in this division each time an offender or 111011
delinquent child registers a residence, school, institution of 111012
higher education, or place of employment address under section 111013
2950.04 or 2950.041 of the Revised Code or provides a notice of a 111014
change of address or registers a new address under division (A) or 111015
(B) of section 2950.05 of the Revised Code. The immediate 111016
notification by electronic means shall be provided to the 111017
appropriate officials in each state in which the offender or 111018
delinquent child is required to register a residence, school, 111019
institution of higher education, or place of employment address. 111020
The notification shall contain the offender's or delinquent 111021
child's name and all of the information the bureau receives from 111022
the sheriff with whom the offender or delinquent child registered 111023
the address or provided the notice of change of address or 111024
registered the new address. 111025

(B) The attorney general in consultation with local law 111026
enforcement representatives, may adopt rules that establish one or 111027
more categories of neighbors of an offender or delinquent child 111028
who, in addition to the occupants of residential premises and 111029
other persons specified in division (A)(1) of section 2950.11 of 111030
the Revised Code, must be given the notice described in division 111031
(B) of that section. 111032

(C) No person, other than a local law enforcement 111033
representative, shall knowingly do any of the following: 111034

(1) Gain or attempt to gain access to the database 111035
established and operated by the attorney general, through the 111036
bureau of criminal identification and investigation, pursuant to 111037

division (A)(13) of this section. 111038

(2) Permit any person to inspect any information obtained 111039
through use of the database described in division (C)(1) of this 111040
section, other than as permitted under that division. 111041

(D) As used in this section, "local law enforcement 111042
representatives" means representatives of the sheriffs of this 111043
state, representatives of the municipal chiefs of police and 111044
marshals of this state, and representatives of the township 111045
constables and chiefs of police of the township police departments 111046
or police district police forces of this state. 111047

Sec. 3101.041. In determining whether to file the consent 111048
under section 3101.04 of the Revised Code, the juvenile court 111049
shall do all of the following: 111050

(A) Consult with any of the following for each party to the 111051
intended marriage who is seventeen years of age: 111052

(1) A parent; 111053

(2) A surviving parent; 111054

(3) A parent who is designated the residential parent and 111055
legal custodian by a court of competent jurisdiction; 111056

(4) A guardian; 111057

(5) Either of the following who has been awarded permanent 111058
custody by a court exercising juvenile jurisdiction: 111059

(a) An adult person; 111060

(b) The department of ~~job~~ children and ~~family services~~ youth 111061
or any child welfare organization certified by the department. 111062

(B) Appoint an attorney as guardian ad litem for each party 111063
to the intended marriage who is seventeen years of age; 111064

(C) Determine all of the following: 111065

(1) Each party to the intended marriage who is seventeen 111066
years of age has entered the armed services of the United States, 111067
has become employed and self-subsisting, or has otherwise become 111068
independent from the care and control of the party's parent, 111069
guardian, or custodian. 111070

(2) For each party to the intended marriage who is seventeen 111071
years of age, the decision of that party to marry is free from 111072
force or coercion. 111073

(3) The intended marriage and the emancipation under section 111074
3101.042 of the Revised Code is in the best interests of each 111075
party to the intended marriage who is seventeen years of age. 111076

Sec. 3107.012. (A) A foster caregiver may use the application 111077
prescribed under division (B) of this section to obtain the 111078
services of an agency to arrange an adoption for the foster 111079
caregiver if the foster caregiver seeks to adopt the foster 111080
caregiver's foster child who has resided in the foster caregiver's 111081
home for at least six months prior to the date the foster 111082
caregiver submits the application to the agency. 111083

(B) The department of ~~job~~ children and ~~family services~~ youth 111084
shall prescribe an application for a foster caregiver to use under 111085
division (A) of this section. The application shall not require 111086
that the foster caregiver provide any information the foster 111087
caregiver already provided the department, or undergo an 111088
inspection the foster caregiver already underwent, to obtain a 111089
foster home certificate under section 5103.03 of the Revised Code. 111090

(C) An agency that receives an application prescribed under 111091
division (B) of this section from a foster caregiver authorized to 111092
use the application shall not require, as a condition of the 111093
agency accepting or approving the application, that the foster 111094
caregiver undergo a criminal records check under section 2151.86 111095
of the Revised Code as a prospective adoptive parent. The agency 111096

shall inform the foster caregiver, in accordance with division (G) 111097
of section 2151.86 of the Revised Code, that the foster caregiver 111098
must undergo the criminal records check before a court may issue a 111099
final decree of adoption or interlocutory order of adoption under 111100
section 3107.14 of the Revised Code. 111101

Sec. 3107.013. An agency arranging an adoption pursuant to an 111102
application submitted to the agency under section 3107.012 of the 111103
Revised Code for a foster caregiver seeking to adopt the foster 111104
caregiver's foster child shall provide the foster caregiver 111105
information about adoption, including information about state 111106
adoption law, adoption assistance available pursuant to section 111107
5153.163 of the Revised Code and Title IV-E of the "Social 111108
Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, 111109
the types of behavior that the prospective adoptive parents may 111110
anticipate from children who have experienced abuse and neglect, 111111
suggested interventions and the assistance available if the child 111112
exhibits those types of behavior after adoption, and other 111113
adoption issues the department of ~~job~~ children and ~~family services~~ 111114
youth identifies. The agency shall provide the information to the 111115
foster caregiver in accordance with rules the department of ~~job~~ 111116
children and ~~family services~~ youth shall adopt in accordance with 111117
Chapter 119. of the Revised Code. 111118

Sec. 3107.014. (A) Except as provided in division (B) of this 111119
section, only an individual who meets all of the following 111120
requirements may perform the duties of an assessor under sections 111121
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 111122
5103.0324, and 5103.152 of the Revised Code: 111123

(1) The individual must be in the employ of, appointed by, or 111124
under contract with a court, public children services agency, 111125
private child placing agency, or private noncustodial agency; 111126

- (2) The individual must be one of the following: 111127
- (a) A licensed professional clinical counselor, licensed 111128
professional counselor, independent social worker, social worker, 111129
independent marriage and family therapist, or marriage and family 111130
therapist licensed under Chapter 4757. of the Revised Code; 111131
- (b) A psychologist licensed under Chapter 4732. of the 111132
Revised Code; 111133
- (c) A student working to earn a four-year, post-secondary 111134
degree, or higher, in a social or behavior science, or both, who 111135
conducts assessor's duties under the supervision of a licensed 111136
professional clinical counselor, licensed professional counselor, 111137
independent social worker, social worker, independent marriage and 111138
family therapist, or marriage and family therapist licensed under 111139
Chapter 4757. of the Revised Code or a psychologist licensed under 111140
Chapter 4732. of the Revised Code. Beginning July 1, 2009, a 111141
student is eligible under this division only if the supervising 111142
licensed professional clinical counselor, licensed professional 111143
counselor, independent social worker, social worker, independent 111144
marriage and family therapist, marriage and family therapist, or 111145
psychologist has completed training in accordance with rules 111146
adopted under section 3107.015 of the Revised Code. 111147
- (d) A civil service employee engaging in social work without 111148
a license under Chapter 4757. of the Revised Code, as permitted by 111149
division (A)(5) of section 4757.41 of the Revised Code; 111150
- (e) A former employee of a public children services agency 111151
who, while so employed, conducted the duties of an assessor or the 111152
duties of a PCSA caseworker or PCSA caseworker supervisor as 111153
defined in section 5153.01 of the Revised Code; 111154
- (f) An employee of a court or public children services agency 111155
who is employed to conduct the duties of an assessor; 111156
- (g) A PCSA caseworker or PCSA caseworker supervisor as 111157

defined in section 5153.01 of the Revised Code;	111158
(h) An individual who holds at least a bachelor's degree in	111159
any of the following human services fields and has at least one	111160
year of experience working with families and children:	111161
(i) Social work;	111162
(ii) Sociology;	111163
(iii) Psychology;	111164
(iv) Guidance and counseling;	111165
(v) Education;	111166
(vi) Religious education;	111167
(vii) Business administration;	111168
(viii) Criminal justice;	111169
(ix) Public administration;	111170
(x) Child care administration;	111171
(xi) Nursing;	111172
(xii) Family studies;	111173
(xiii) Any other human services field related to working with	111174
children and families.	111175
(3) The individual must complete training in accordance with	111176
rules adopted under section 3107.015 of the Revised Code.	111177
(B) An individual in the employ of, appointed by, or under	111178
contract with a court prior to September 18, 1996, to conduct	111179
adoption investigations of prospective adoptive parents may	111180
perform the duties of an assessor under sections 3107.031,	111181
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and	111182
5103.152 of the Revised Code if the individual complies with	111183
division (A)(3) of this section regardless of whether the	111184
individual meets the requirement of division (A)(2) of this	111185

section. 111186

(C) A court, public children services agency, private child 111187
placing agency, or private noncustodial agency may employ, 111188
appoint, or contract with an assessor in the county in which a 111189
petition for adoption is filed and in any other county or location 111190
outside this state where information needed to complete or 111191
supplement the assessor's duties may be obtained. More than one 111192
assessor may be utilized for an adoption. 111193

(D) ~~Not later than January 1, 2008, the~~ The department of ~~job~~ 111194
children and ~~family services youth~~ shall ~~develop and~~ maintain an 111195
assessor registry. The registry shall list all individuals who are 111196
employed, appointed by, or under contract with a court, public 111197
children services agency, private child placing agency, or private 111198
noncustodial agency and meet the requirements of an assessor as 111199
described in this section. A public children services agency, 111200
private child placing agency, private noncustodial agency, court, 111201
or any other person may contact the department to determine if an 111202
individual is listed in the assessor registry. An individual 111203
listed in the assessor registry shall immediately inform the 111204
department when that individual is no longer employed, appointed 111205
by, or under contract with a court, public children services 111206
agency, private child placing agency, or private noncustodial 111207
agency to perform the duties of an assessor as described in this 111208
section. The director of ~~job~~ children and ~~family services youth~~ 111209
shall adopt rules in accordance with Chapter 119. of the Revised 111210
Code necessary for the implementation, contents, and maintenance 111211
of the registry, and any sanctions related to the provision of 111212
information, or the failure to provide information, that is needed 111213
for the proper operation of the assessor registry. 111214

Sec. 3107.015. The director of ~~job~~ children and ~~family~~ 111215
~~services youth~~ shall adopt rules in accordance with Chapter 119. 111216

of the Revised Code governing the training an individual must 111217
complete for the purpose of division (A)(3) of section 3107.014 of 111218
the Revised Code. The training shall include courses on adoption 111219
placement practice, federal and state adoption assistance 111220
programs, and post adoption support services. 111221

Sec. 3107.016. The department of ~~job~~ children and ~~family~~ 111222
~~services~~ youth shall develop a schedule of training that meets the 111223
requirements established in rules adopted pursuant to section 111224
3107.015 of the Revised Code. The schedule shall include enough 111225
training to provide all agencies equal access to the training. The 111226
department shall distribute the schedule to all agencies. 111227

Sec. 3107.017. The department of ~~job~~ children and ~~family~~ 111228
~~services~~ youth shall develop a standardized form for the 111229
disclosure of information about a prospective adoptive child to 111230
prospective adoptive parents. The information disclosed shall 111231
include all background information available on the child. The 111232
department shall distribute the form to all agencies. 111233

Sec. 3107.018. (A) A prospective adoptive parent may apply to 111234
the department of ~~job~~ children and ~~family~~ ~~services~~ youth for a 111235
loan from the state adoption assistance loan fund created under 111236
section 5101.143 of the Revised Code. Subject to available funds, 111237
the department may approve a state adoption assistance loan 111238
application, in whole or in part, or deny the application. In 111239
reviewing a loan application submitted to the department, the 111240
department shall consider the financial need of the prospective 111241
adoptive parent in determining whether to approve a loan 111242
application, in whole or in part, or deny the application. If the 111243
department approves a loan application, in whole or in part, and 111244
the child being adopted resides in Ohio, the department shall loan 111245
a prospective adoptive parent not more than three thousand dollars 111246

from the state adoption assistance loan fund. If the department 111247
approves a loan application, in whole or in part, and the child 111248
being adopted does not reside in Ohio, the department shall loan a 111249
prospective adoptive parent not more than two thousand dollars 111250
from the state adoption assistance loan fund. 111251

(B) A prospective adoptive parent who receives a loan under 111252
division (A) of this section shall use that loan for only a 111253
disbursement listed under division (C) of section 3107.055 of the 111254
Revised Code or an expense related to adopting from the public 111255
child welfare system. 111256

(C) This section applies to adoptions arranged by an attorney 111257
or by any public or private organization certified, licensed, or 111258
otherwise specially empowered by law or rule to place minors for 111259
adoption. 111260

Sec. 3107.031. Except as otherwise provided in this section, 111261
an assessor shall conduct a home study for the purpose of 111262
ascertaining whether a person seeking to adopt a minor is suitable 111263
to adopt. A written report of the home study shall be filed with 111264
the court at least ten days before the petition for adoption is 111265
heard. 111266

A person seeking to adopt a minor who knowingly makes a false 111267
statement that is included in the written report of a home study 111268
conducted pursuant to this section is guilty of the offense of 111269
falsification under section 2921.13 of the Revised Code, and such 111270
a home study shall not be filed with the court. If such a home 111271
study is filed with the court, the court may strike the home study 111272
from the court's records. 111273

The report shall contain the opinion of the assessor as to 111274
whether the person who is the subject of the report is suitable to 111275
adopt a minor, any multiple children assessment required under 111276
section 3107.032 of the Revised Code, and other information and 111277

documents specified in rules adopted by the director of ~~job~~ 111278
children and ~~family services~~ youth under section 3107.033 of the 111279
Revised Code. The assessor shall not consider the person's age 111280
when determining whether the person is suitable to adopt if the 111281
person is old enough to adopt as provided by section 3107.03 of 111282
the Revised Code. 111283

An assessor may request departments or agencies within or 111284
outside this state to assist in the home study as may be 111285
appropriate and to make a written report to be included with and 111286
attached to the report to the court. The assessor shall make 111287
similar home studies and reports on behalf of other assessors 111288
designated by the courts of this state or another place. 111289

Upon order of the court, the costs of the home study and 111290
other proceedings shall be paid by the person seeking to adopt, 111291
and, if the home study is conducted by a public agency or public 111292
employee, the part of the cost representing any services and 111293
expenses shall be taxed as costs and paid into the state treasury 111294
or county treasury, as the court may direct. 111295

On request, the assessor shall provide the person seeking to 111296
adopt a copy of the report of the home study. The assessor shall 111297
delete from that copy any provisions concerning the opinion of 111298
other persons, excluding the assessor, of the person's suitability 111299
to adopt a minor. 111300

This section does not apply to a foster caregiver seeking to 111301
adopt the foster caregiver's foster child if the foster child has 111302
resided in the foster caregiver's home for at least six months 111303
prior to the date the foster caregiver submits an application 111304
prescribed under division (B) of section 3107.012 of the Revised 111305
Code to the agency arranging the adoption. 111306

Sec. 3107.032. (A) Except as provided in division (C) of this 111307
section, each time a person seeking to adopt a minor or foster 111308

child will have at least five children residing in the prospective 111309
adoptive home after the minor or foster child to be adopted is 111310
placed in the home, an assessor, on behalf of an agency or 111311
attorney arranging an adoption pursuant to sections 3107.011 or 111312
3107.012 of the Revised Code, shall complete a multiple children 111313
assessment during the home study. The multiple children assessment 111314
shall evaluate the ability of the person seeking to adopt in 111315
meeting the needs of the minor or foster child to be adopted and 111316
continuing to meet the needs of the children residing in the home. 111317
The assessor shall include the multiple children assessment in the 111318
written report of the home study filed pursuant to section 111319
3107.031 of the Revised Code. 111320

(B) The director of ~~job children~~ and ~~family services youth~~ 111321
shall adopt rules in accordance with Chapter 119. of the Revised 111322
Code necessary for an assessor to complete a multiple children 111323
assessment. 111324

(C) This section does not apply to an adoption by a 111325
stepparent whose spouse is a biological or adoptive parent of the 111326
minor to be adopted. 111327

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 111328
of ~~job children~~ and ~~family services youth~~ shall adopt rules in 111329
accordance with Chapter 119. of the Revised Code specifying both 111330
of the following: 111331

(A) The manner in which a home study is to be conducted and 111332
the information and documents to be included in a home study 111333
report, which shall include, pursuant to section 3107.034 of the 111334
Revised Code, a summary report of a search of the uniform 111335
statewide automated child welfare information system established 111336
in section 5101.13 of the Revised Code and a report of a check of 111337
a central registry of another state if a request for a check of a 111338

central registry of another state is required under division (A) 111339
of section 3107.034 of the Revised Code. The director shall ensure 111340
that rules adopted under this section align the home study 111341
content, time period, and process with any foster care home study 111342
content, time period, and process required by rules adopted under 111343
section 5103.03 of the Revised Code. 111344

(B) A procedure under which a person whose application for 111345
adoption has been denied as a result of a search of the uniform 111346
statewide automated child welfare information system established 111347
in section 5101.13 of the Revised Code as part of the home study 111348
may appeal the denial to the agency that employed the assessor who 111349
filed the report. 111350

Sec. 3107.034. (A) Whenever a prospective adoptive parent or 111351
a person eighteen years of age or older who resides with a 111352
prospective adoptive parent has resided in another state within 111353
the five-year period immediately prior to the date on which a 111354
criminal records check is requested for the person under division 111355
(A) of section 2151.86 of the Revised Code, the administrative 111356
director of an agency, or attorney, who arranges the adoption for 111357
the prospective adoptive parent shall request a check of the 111358
central registry of abuse and neglect of this state from the 111359
department of ~~job children~~ and ~~family services youth~~ regarding the 111360
prospective adoptive parent or the person eighteen years of age or 111361
older who resides with the prospective adoptive parent to enable 111362
the agency or attorney to check any child abuse and neglect 111363
registry maintained by that other state. The administrative 111364
director or attorney shall make the request and shall review the 111365
results of the check before a final decree of adoption or an 111366
interlocutory order of adoption making the person an adoptive 111367
parent may be made. Information received pursuant to the request 111368
shall be considered for purposes of this chapter as if it were a 111369
summary report required under section 3107.033 of the Revised 111370

Code. The department of ~~job~~ children and ~~family services~~ youth 111371
shall comply with any request to check the central registry that 111372
is similar to the request described in this division and that is 111373
received from any other state. 111374

(B) The summary report of a search of the uniform statewide 111375
automated child welfare information system established in section 111376
5101.13 of the Revised Code that is required under section 111377
3107.033 of the Revised Code shall contain, if applicable, a 111378
chronological list of abuse and neglect determinations or 111379
allegations of which the person seeking to adopt is subject and in 111380
regards to which a public children services agency has done one of 111381
the following: 111382

(1) Determined that abuse or neglect occurred; 111383

(2) Initiated an investigation, and the investigation is 111384
ongoing; 111385

(3) Initiated an investigation and the agency was unable to 111386
determine whether abuse or neglect occurred. 111387

(C) The summary report required under section 3107.033 of the 111388
Revised Code shall not contain any of the following: 111389

(1) An abuse and neglect determination of which the person 111390
seeking to adopt is subject and in regards to which a public 111391
children services agency determined that abuse or neglect did not 111392
occur; 111393

(2) Information or reports the dissemination of which is 111394
prohibited by, or interferes with eligibility under, the "Child 111395
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 111396
5101 et seq., as amended; 111397

(3) The name of the person who or entity that made, or 111398
participated in the making of, the report of abuse or neglect. 111399

(D)(1) An application for adoption may be denied based on a 111400

summary report containing the information described under division 111401
(B)(1) of this section, when considered within the totality of the 111402
circumstances. An application that is denied may be appealed using 111403
the procedure adopted pursuant to division (B) of section 3107.033 111404
of the Revised Code. 111405

(2) An application for adoption shall not be denied solely 111406
based on a summary report containing the information described 111407
under division (B)(2) or (3) of this section. 111408

Sec. 3107.035. (A) At the time of the initial home study, and 111409
every two years thereafter, if the home study is updated, and 111410
until it becomes part of a final decree of adoption or an 111411
interlocutory order of adoption, the agency or attorney that 111412
arranges an adoption for the prospective adoptive parent shall 111413
conduct a search of the United States department of justice 111414
national sex offender public web site regarding the prospective 111415
adoptive parent and all persons eighteen years of age or older who 111416
reside with the prospective adoptive parent. 111417

(B) A petition for adoption may be denied based solely on the 111418
results of the search of the national sex offender public web 111419
site. 111420

(C) The director of ~~job children~~ and ~~family services~~ youth 111421
shall adopt rules in accordance with Chapter 119. of the Revised 111422
Code necessary for the implementation and execution of this 111423
section. 111424

Sec. 3107.051. (A) Except as provided in division (B) of this 111425
section, a person seeking to adopt a minor, or the agency or 111426
attorney arranging the adoption, shall submit a petition for the 111427
minor's adoption no later than ninety days after the date the 111428
minor is placed in the person's home. Failure to file a petition 111429
within the time provided by this division does not affect a 111430

court's jurisdiction to hear the petition and is not grounds for
denying the petition.

(B) This section does not apply if any of the following
apply:

(1) The person seeking to adopt the minor is the minor's
stepparent;

(2) The minor was not originally placed in the person's home
with the purpose of the person adopting the minor;

(3) The minor is a "child with special needs," as defined by
the director of ~~job~~ children and ~~family services~~ youth in
accordance with section 5153.163 of the Revised Code.

Sec. 3107.081. (A) Except as provided in divisions (B), (E),
and (F) of this section, a parent of a minor, who will be, if
adopted, an adopted person as defined in section 3107.45 of the
Revised Code, shall do all of the following as a condition of a
court accepting the parent's consent to the minor's adoption:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division
(A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the
component of the form prescribed under division (A)(1)(b) of
section 3107.083 of the Revised Code and sign that component;

(4) If the parent is the mother, complete and sign the
component of the form prescribed under division (A)(1)(c) of
section 3107.083 of the Revised Code.

At the time the parent signs the components of the form
prescribed under divisions (A)(1)(a), (b), and (c) of section
3107.083 of the Revised Code, the parent may sign, if the parent
chooses to do so, the components of the form prescribed under

divisions (A)(1)(d), (e), and (f) of that section. After the 111460
parent signs the components required to be signed and any 111461
discretionary components the parent chooses to sign, the parent, 111462
or the attorney arranging the adoption, shall file the form and 111463
parent's consent with the court. The court or attorney shall give 111464
the parent a copy of the form and consent. The court and attorney 111465
shall keep a copy of the form and consent in the court and 111466
attorney's records of the adoption. 111467

The court shall question the parent to determine that the 111468
parent understands the adoption process, the ramifications of 111469
consenting to the adoption, each component of the form prescribed 111470
under division (A)(1) of section 3107.083 of the Revised Code, and 111471
that the minor and adoptive parent may receive identifying 111472
information about the parent in accordance with section 3107.47 of 111473
the Revised Code unless the parent checks the "no" space provided 111474
on the component of the form prescribed under division (A)(1)(b) 111475
of section 3107.083 of the Revised Code or has a denial of release 111476
form filed with the department of health under section 3107.46 of 111477
the Revised Code. The court also shall question the parent to 111478
determine that the parent's consent to the adoption and any 111479
decisions the parent makes in filling out the form prescribed 111480
under division (A)(1) of section 3107.083 of the Revised Code are 111481
made voluntarily. 111482

(B) The parents of a minor, who is less than six months of 111483
age and will be, if adopted, an adopted person as defined in 111484
section 3107.45 of the Revised Code, may consent to the minor's 111485
adoption without personally appearing before a court if both 111486
parents do all of the following: 111487

(1) Execute a notarized statement of consent to the minor's 111488
adoption before the attorney arranging the adoption; 111489

(2) Sign the component of the form prescribed under division 111490
(A)(1)(a) of section 3107.083 of the Revised Code; 111491

(3) Check either the "yes" or "no" space provided on the 111492
component of the form prescribed under division (A)(1)(b) of 111493
section 3107.083 of the Revised Code and sign that component. 111494

At the time the parents sign the components of the form 111495
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 111496
of the Revised Code, the mother shall complete and sign the 111497
component of the form prescribed under division (A)(1)(c) of that 111498
section and the attorney arranging the adoption shall provide the 111499
parents the opportunity to sign, if they choose to do so, the 111500
components of the form prescribed under divisions (A)(1)(d), (e), 111501
and (f) of that section. At the time the petition to adopt the 111502
minor is submitted to the court, the attorney shall file the 111503
parents' consents and forms with the court. The attorney shall 111504
give the parents a copy of the consents and forms. At the time the 111505
attorney files the consents and forms with the court, the attorney 111506
also shall file with the court all other documents the director of 111507
~~job~~ children and ~~family services~~ youth requires by rules adopted 111508
under division (D) of section 3107.083 of the Revised Code to be 111509
filed with the court. The court and attorney shall keep a copy of 111510
the consents, forms, and documents in the court and attorney's 111511
records of the adoption. 111512

(C) Except as provided in divisions (D), (E), and (F) of this 111513
section, a parent of a minor, who will be, if adopted, an adopted 111514
person as defined in section 3107.38 of the Revised Code, shall do 111515
all of the following as a condition of a court accepting the 111516
parent's consent to the minor's adoption: 111517

(1) Appear personally before the court; 111518

(2) Sign the component of the form prescribed under division 111519
(B)(1)(a) of section 3107.083 of the Revised Code; 111520

(3) If the parent is the mother, complete and sign the 111521
component of the form prescribed under division (B)(1)(b) of 111522

section 3107.083 of the Revised Code. 111523

At the time the parent signs the components prescribed under 111524
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 111525
Code, the parent may sign, if the parent chooses to do so, the 111526
components of the form prescribed under divisions (B)(1)(c), (d), 111527
and (e) of that section. After the parent signs the components 111528
required to be signed and any discretionary components the parent 111529
chooses to sign, the parent, or the attorney arranging the 111530
adoption, shall file the form and parent's consent with the court. 111531
The court or attorney shall give the parent a copy of the form and 111532
consent. The court and attorney shall keep a copy of the form and 111533
consent in the court and attorney's records of the adoption. 111534

The court shall question the parent to determine that the 111535
parent understands the adoption process, the ramifications of 111536
consenting to the adoption, and each component of the form 111537
prescribed under division (B)(1) of section 3107.083 of the 111538
Revised Code. The court also shall question the parent to 111539
determine that the parent's consent to the adoption and any 111540
decisions the parent makes in filling out the form are made 111541
voluntarily. 111542

(D) The parent of a minor who is less than six months of age 111543
and will be, if adopted, an adopted person as defined in section 111544
3107.38 of the Revised Code may consent to the minor's adoption 111545
without personally appearing before a court if the parent does all 111546
of the following: 111547

(1) Executes a notarized statement of consent to the minor's 111548
adoption before the attorney arranging the adoption; 111549

(2) Signs the component of the form prescribed under division 111550
(B)(1)(a) of section 3107.083 of the Revised Code; 111551

(3) If the parent is the mother, completes and signs the 111552
component of the form prescribed under division (B)(1)(b) of 111553

section 3107.083 of the Revised Code. 111554

At the time the parent signs the components of the form 111555
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 111556
of the Revised Code, the attorney arranging the adoption shall 111557
provide the parent the opportunity to sign, if the parent chooses 111558
to do so, the components of the form prescribed under divisions 111559
(B)(1)(c), (d), and (e) of that section. At the time the petition 111560
to adopt the minor is submitted to the court, the attorney shall 111561
file the parent's consent and form with the court. The attorney 111562
shall give the parent a copy of the consent and form. At the time 111563
the attorney files the consent and form with the court, the 111564
attorney also shall file with the court all other documents the 111565
director of ~~job~~ children and ~~family services~~ youth requires by 111566
rules adopted under division (D) of section 3107.083 of the 111567
Revised Code to be filed with the court. The court and attorney 111568
shall keep a copy of the consent, form, and documents in the court 111569
and attorney's records of the adoption. 111570

(E) If a minor is to be adopted by a stepparent, the parent 111571
who is not married to the stepparent may consent to the minor's 111572
adoption without appearing personally before a court if the parent 111573
executes consent in the presence of a person authorized to take 111574
acknowledgments. The attorney arranging the adoption shall file 111575
the consent with the court and give the parent a copy of the 111576
consent. The court and attorney shall keep a copy of the consent 111577
in the court and attorney's records of the adoption. 111578

(F) If a parent of a minor to be adopted resides in another 111579
state, the parent may consent to the minor's adoption without 111580
appearing personally before a court if the parent executes consent 111581
in the presence of a person authorized to take acknowledgments. 111582
The attorney arranging the adoption shall file the consent with 111583
the court and give the parent a copy of the consent. The court and 111584
attorney shall keep a copy of the consent in the court and 111585

attorney's records of the adoption. 111586

Sec. 3107.083. The director of ~~job~~ children and ~~family~~ services youth shall do all of the following: 111587
111588

(A)(1) For a parent of a child who, if adopted, will be an 111589
adopted person as defined in section 3107.45 of the Revised Code, 111590
prescribe a form that has the following six components: 111591

(a) A component the parent signs under section 3107.071, 111592
3107.081, or 5103.151 of the Revised Code to indicate the 111593
requirements of section 3107.082 or 5103.152 of the Revised Code 111594
have been met. The component shall be as follows: 111595

"Statement Concerning Ohio Law and Adoption Materials 111596

By signing this component of this form, I acknowledge that it 111597
has been explained to me, and I understand, that, if I check the 111598
space on the next component of this form that indicates that I 111599
authorize the release, the adoption file maintained by the Ohio 111600
Department of Health, which contains identifying information about 111601
me at the time of my child's birth, will be released, on request, 111602
to the adoptive parent when the adoptee is at least age eighteen 111603
but younger than age twenty-one and to the adoptee when he or she 111604
is age twenty-one or older. It has also been explained to me, and 111605
I understand, that I may prohibit the release of identifying 111606
information about me contained in the adoption file by checking 111607
the space on the next component of this form that indicates that I 111608
do not authorize the release of the identifying information. It 111609
has additionally been explained to me, and I understand, that I 111610
may change my mind regarding the decision I make on the next 111611
component of this form at any time and as many times as I desire 111612
by signing, dating, and having filed with the Ohio Department of 111613
Health a denial of release form or authorization of release form 111614
prescribed and provided by the Department of Health and providing 111615
the Department two items of identification. 111616

By signing this component of this form, I also acknowledge 111617
that I have been provided a copy of written materials about 111618
adoption prepared by the Ohio Department of ~~Job~~ Children and 111619
~~Family Services~~ Youth, the adoption process and ramifications of 111620
consenting to adoption or entering into a voluntary permanent 111621
custody surrender agreement have been discussed with me, and I 111622
have been provided the opportunity to review the materials and ask 111623
questions about the materials and discussion. 111624

Signature of biological parent: 111625
Signature of witness: 111626
Date: " 111627

(b) A component the parent signs under section 3107.071, 111628
3107.081, or 5103.151 of the Revised Code regarding the parent's 111629
decision whether to allow identifying information about the parent 111630
contained in an adoption file maintained by the department of 111631
health to be released to the parent's child and adoptive parent 111632
pursuant to section 3107.47 of the Revised Code. The component 111633
shall be as follows: 111634

"Statement Regarding Release of Identifying Information 111635

The purpose of this component of this form is to allow a 111636
biological parent to decide whether to allow the Ohio Department 111637
of Health to provide an adoptee and adoptive parent identifying 111638
information about the adoptee's biological parent contained in an 111639
adoption file maintained by the Department. Please check one of 111640
the following spaces: 111641

..... YES, I authorize the Ohio Department of Health to 111642
release identifying information about me, on
request, to the adoptive parent when the adoptee is
at least age eighteen but younger than age
twenty-one and to the adoptee when he or she is age
twenty-one or older.

..... NO, I do not authorize the release of identifying 111643

information about me to the adoptive parent or
adoptee.

Signature of biological parent: 111644
Signature of witness: 111645
Date: " 111646

(c) A component the parent, if the mother of the child, 111647
completes and signs under section 3107.071, 3107.081, or 5103.151 111648
of the Revised Code to indicate, to the extent of the mother's 111649
knowledge, all of the following: 111650

(i) Whether the mother, during her pregnancy, was a recipient 111651
of the medicaid program or other public health insurance program 111652
and, if so, the dates her eligibility began and ended; 111653

(ii) Whether the mother, during her pregnancy, was covered by 111654
private health insurance and, if so, the dates the coverage began 111655
and ended, the name of the insurance provider, the type of 111656
coverage, and the identification number of the coverage; 111657

(iii) The name and location of the hospital, freestanding 111658
birthing center, or other place where the mother gave birth and, 111659
if different, received medical care immediately after giving 111660
birth; 111661

(iv) The expenses of the obstetrical and neonatal care; 111662

(v) Whether the mother has been informed that the adoptive 111663
parent or the agency or attorney arranging the adoption are to pay 111664
expenses involved in the adoption, including expenses the mother 111665
has paid and expects to receive or has received reimbursement, 111666
and, if so, what expenses are to be or have been paid and an 111667
estimate of the expenses; 111668

(vi) Any other information related to expenses the department 111669
determines appropriate to be included in this component. 111670

(d) A component the parent may sign to authorize the agency 111671
or attorney arranging the adoption to provide to the child or 111672

adoptive parent materials, other than photographs of the parent, 111673
that the parent requests be given to the child or adoptive parent 111674
pursuant to section 3107.68 of the Revised Code. 111675

(e) A component the parent may sign to authorize the agency 111676
or attorney arranging the adoption to provide to the child or 111677
adoptive parent photographs of the parent pursuant to section 111678
3107.68 of the Revised Code. 111679

(f) A component the parent may sign to authorize the agency 111680
or attorney arranging the adoption to provide to the child or 111681
adoptive parent the first name of the parent pursuant to section 111682
3107.68 of the Revised Code. 111683

(2) State at the bottom of the form that the parent is to 111684
receive a copy of the form the parent signed. 111685

(3) Provide copies of the form prescribed under this division 111686
to probate and juvenile courts, public children services agencies, 111687
private child placing agencies, private noncustodial agencies, 111688
attorneys, and persons authorized to take acknowledgments. 111689

(B)(1) For a parent of a child who, if adopted, will become 111690
an adopted person as defined in section 3107.38 of the Revised 111691
Code, prescribe a form that has the following five components: 111692

(a) A component the parent signs under section 3107.071, 111693
3107.081, or 5103.151 of the Revised Code to attest that the 111694
requirement of division (A) of section 3107.082 or division (A) of 111695
section 5103.152 of the Revised Code has been met; 111696

(b) A component the parent, if the mother of the child, 111697
completes and signs under section 3107.071, 3107.081, or 5103.151 111698
of the Revised Code to indicate, to the extent of the mother's 111699
knowledge, all of the following: 111700

(i) Whether the mother, during her pregnancy, was a recipient 111701
of the medicaid program or other public health insurance program 111702

and, if so, the dates her eligibility began and ended; 111703

(ii) Whether the mother, during her pregnancy, was covered by 111704
private health insurance and, if so, the dates the coverage began 111705
and ended, the name of the insurance provider, the type of 111706
coverage, and the identification number of the coverage; 111707

(iii) The name and location of the hospital, freestanding 111708
birthing center, or other place where the mother gave birth and, 111709
if different, received medical care immediately after giving 111710
birth; 111711

(iv) The expenses of the obstetrical and neonatal care; 111712

(v) Whether the mother has been informed that the adoptive 111713
parent or the agency or attorney arranging the adoption are to pay 111714
expenses involved in the adoption, including expenses the mother 111715
has paid and expects to receive or has received reimbursement for, 111716
and, if so, what expenses are to be or have been paid and an 111717
estimate of the expenses; 111718

(vi) Any other information related to expenses the department 111719
determines appropriate to be included in the component. 111720

(c) A component the parent may sign to authorize the agency 111721
or attorney arranging the adoption to provide to the child or 111722
adoptive parent materials, other than photographs of the parent, 111723
that the parent requests be given to the child or adoptive parent 111724
pursuant to section 3107.68 of the Revised Code. 111725

(d) A component the parent may sign to authorize the agency 111726
or attorney arranging the adoption to provide to the child or 111727
adoptive parent photographs of the parent pursuant to section 111728
3107.68 of the Revised Code. 111729

(e) A component the parent may sign to authorize the agency 111730
or attorney arranging the adoption to provide to the child or 111731
adoptive parent the first name of the parent pursuant to section 111732

3107.68 of the Revised Code. 111733

(2) State at the bottom of the form that the parent is to 111734
receive a copy of the form the parent signed. 111735

(3) Provide copies of the form prescribed under this division 111736
to probate and juvenile courts, public children services agencies, 111737
private child placing agencies, private noncustodial agencies, 111738
attorneys, and persons authorized to take acknowledgments. 111739

(C) Prepare the written materials about adoption that are 111740
required to be given to parents under division (A) of section 111741
3107.082 and division (A) of section 5103.152 of the Revised Code. 111742
The materials shall provide information about the adoption 111743
process, including ramifications of a parent consenting to a 111744
child's adoption or entering into a voluntary permanent custody 111745
surrender agreement. The materials also shall include referral 111746
information for professional counseling and adoption support 111747
organizations. The director shall provide the materials to 111748
assessors. 111749

(D) Adopt rules in accordance with Chapter 119. of the 111750
Revised Code specifying the documents that must be filed with a 111751
probate court under divisions (B) and (D) of section 3107.081 of 111752
the Revised Code and a juvenile court under divisions (C) and (E) 111753
of section 5103.151 of the Revised Code. 111754

Sec. 3107.09. (A) The department of ~~job~~ children and ~~family~~ 111755
~~services~~ youth shall prescribe and supply forms for the taking of 111756
social and medical histories of the biological parents of a minor 111757
available for adoption. 111758

(B) An assessor shall record the social and medical histories 111759
of the biological parents of a minor available for adoption, 111760
unless the minor is to be adopted by the minor's stepparent or 111761
grandparent. The assessor shall use the forms prescribed pursuant 111762

to division (A) of this section. The assessor shall not include on 111763
the forms identifying information about the biological parents or 111764
other ancestors of the minor. 111765

(C) A social history shall describe and identify the age; 111766
ethnic, racial, religious, marital, and physical characteristics; 111767
and educational, cultural, talent and hobby, and work experience 111768
background of the biological parents of the minor. A medical 111769
history shall identify major diseases, malformations, allergies, 111770
ear or eye defects, major conditions, and major health problems of 111771
the biological parents that are or may be congenital or familial. 111772
These histories may include other social and medical information 111773
relative to the biological parents and shall include social and 111774
medical information relative to the minor's other ancestors. 111775

The social and medical histories may be obtained through 111776
interviews with the biological parents or other persons and from 111777
any available records if a biological parent or any legal guardian 111778
of a biological parent consents to the release of information 111779
contained in a record. An assessor who considers it necessary may 111780
request that a biological parent undergo a medical examination. In 111781
obtaining social and medical histories of a biological parent, an 111782
assessor shall inform the biological parent, or a person other 111783
than a biological parent who provides information pursuant to this 111784
section, of the purpose and use of the histories and of the 111785
biological parent's or other person's right to correct or expand 111786
the histories at any time. 111787

(D) A biological parent, or another person who provided 111788
information in the preparation of the social and medical histories 111789
of the biological parents of a minor, may cause the histories to 111790
be corrected or expanded to include different or additional types 111791
of information. The biological parent or other person may cause 111792
the histories to be corrected or expanded at any time prior or 111793
subsequent to the adoption of the minor, including any time after 111794

the minor becomes an adult. A biological parent may cause the 111795
histories to be corrected or expanded even if the biological 111796
parent did not provide any information to the assessor at the time 111797
the histories were prepared. 111798

To cause the histories to be corrected or expanded, a 111799
biological parent or other person who provided information shall 111800
provide the information to be included or specify the information 111801
to be corrected to whichever of the following is appropriate under 111802
the circumstances: 111803

(1) Subject to divisions (D)(2) and (3) of this section, to 111804
the assessor who prepared the histories if the biological parent 111805
or other person knows the assessor; 111806

(2) Subject to division (D)(3) of this section, to the court 111807
involved in the adoption or, if that court is not known, to the 111808
department of health, if the biological parent or person does not 111809
know the assessor or finds that the assessor has ceased to perform 111810
assessments; 111811

(3) To the department of health, if the histories were 111812
originally completed by the biological parent pursuant to section 111813
3107.393 of the Revised Code or, regardless of whether the 111814
histories were originally completed pursuant to this section or 111815
section 3107.091 or 3107.393 of the Revised Code, the biological 111816
parent seeks to correct or expand the histories at the same time 111817
the biological parent completes a contact preference form pursuant 111818
to section 3107.39 of the Revised Code or a biological parent's 111819
name redaction request form pursuant to section 3107.391 of the 111820
Revised Code. 111821

An assessor who receives information from a biological parent 111822
or other person pursuant to division (D)(1) of this section shall 111823
determine whether the information is of a type that divisions (B) 111824
and (C) of this section permit to be included in the histories. If 111825

the assessor determines the information is of a permissible type, 111826
the assessor shall cause the histories to be corrected or expanded 111827
to reflect the information. If, at the time the information is 111828
received, the histories have been filed with the court as required 111829
by division (E) of this section, the court shall cooperate with 111830
the assessor in correcting or expanding the histories. 111831

If the department of health or a court receives information 111832
from a biological parent or other person pursuant to division 111833
(D)(2) of this section or the department receives information from 111834
a biological parent pursuant to division (D)(3) of this section, 111835
it shall determine whether the information is of a type that 111836
divisions (B) and (C) of this section permit to be included in the 111837
histories. If a court determines the information is of a 111838
permissible type, the court shall cause the histories to be 111839
corrected or expanded to reflect the information. If the 111840
department of health so determines, the court involved shall 111841
cooperate with the department in the correcting or expanding of 111842
the histories. 111843

An assessor or the department of health shall notify a 111844
biological parent or other person in writing if the assessor or 111845
department determines that information the biological parent or 111846
other person provided or specified for inclusion in a history is 111847
not of a type that may be included in a history. On receipt of the 111848
notice, the biological parent or other person may petition the 111849
court involved in the adoption to make a finding as to whether the 111850
information is of a type that may be included in a history. On 111851
receipt of the petition, the court shall issue its finding without 111852
holding a hearing. If the court finds that the information is of a 111853
type that may be included in a history, it shall cause the history 111854
to be corrected or expanded to reflect the information. 111855

(E) An assessor shall file the social and medical histories 111856
of the biological parents prepared pursuant to divisions (B) and 111857

(C) of this section with the court with which a petition to adopt the biological parents' child is filed. The court promptly shall provide a copy of the social and medical histories filed with it to the petitioner. In a case involving the adoption of a minor by any person other than the minor's stepparent or grandparent, a court may refuse to issue an interlocutory order or final decree of adoption if the histories of the biological parents have not been so filed, unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's control.

Sec. 3107.091. (A) As used in this section, "biological parent" means a biological parent whose offspring, as a minor, was adopted and with respect to whom a medical and social history was not prepared prior or subsequent to the adoption.

(B) A biological parent may request the department of ~~job children~~ and ~~family services~~ youth to provide the biological parent with a copy of the social and medical history forms prescribed by the department pursuant to section 3107.09 of the Revised Code. The department, upon receipt of such a request, shall provide the forms to the biological parent, if the biological parent indicates that the forms are being requested so that the adoption records of the biological parent's offspring will include a social and medical history of the biological parent.

In completing the forms, the biological parent may include information described in division (C) of section 3107.09 of the Revised Code, but shall not include identifying information. When the biological parent has completed the forms to the extent the biological parent wishes to provide information, the biological parent shall return them to the department. The department shall review the completed forms, and shall determine whether the

information included by the biological parent is of a type 111889
permissible under divisions (B) and (C) of section 3107.09 of the 111890
Revised Code and, to the best of its ability, whether the 111891
information is accurate. If it determines that the forms contain 111892
accurate, permissible information, the department, after excluding 111893
from the forms any information the department deems impermissible, 111894
shall file them with the court that entered the interlocutory 111895
order or final decree of adoption in the adoption case. If the 111896
department needs assistance in determining that court, the 111897
department of health, upon request, shall assist it. 111898

The department of ~~job children~~ and ~~family services~~ youth 111899
shall notify the biological parent in writing if it excludes from 111900
the biological parent's social and medical history forms 111901
information deemed impermissible. On receipt of the notice, the 111902
biological parent may petition the court with which the forms were 111903
filed to make a finding as to whether the information is 111904
permissible. On receipt of the petition, the court shall issue its 111905
finding without holding a hearing. If the court finds the 111906
information is permissible, it shall cause the information to be 111907
included on the forms. 111908

Upon receiving social and medical history forms pursuant to 111909
this section, a court shall cause them to be filed in the records 111910
pertaining to the adoption case. 111911

Social and medical history forms completed by a biological 111912
parent pursuant to this section may be corrected or expanded by 111913
the biological parent in accordance with division (D) of section 111914
3107.09 of the Revised Code. 111915

Access to the histories shall be granted in accordance with 111916
division (D) of section 3107.17 of the Revised Code. 111917

(C) This section does not preclude a biological parent from 111918
completing a social and medical history in accordance with section 111919

3107.393 of the Revised Code instead of this section. 111920

Sec. 3107.10. (A)(1) A public children services agency 111921
arranging an adoption in a county other than the county where that 111922
public children services agency is located, private child placing 111923
agency, or private noncustodial agency, or an attorney arranging 111924
an adoption, shall notify the public children services agency in 111925
the county in which the prospective adoptive parent resides within 111926
ten days after initiation of a home study required under section 111927
3107.031 of the Revised Code. 111928

(2) After a public children services agency has received 111929
notification pursuant to division (A)(1) of this section, both the 111930
public children services agency arranging an adoption in a county 111931
other than the county where that public children services agency 111932
is located, private child placing agency, private noncustodial 111933
agency, or attorney arranging an adoption, and the public children 111934
services agency shall share relevant information regarding the 111935
prospective adoptive parent as soon as possible after initiation 111936
of the home study. 111937

(B) A public children services agency arranging an adoption 111938
in a county other than the county where that public children 111939
services agency is located, private child placing agency, or 111940
private noncustodial agency, or an attorney arranging an adoption, 111941
shall notify the public children services agency in the county in 111942
which the prospective adoptive parent resides of an impending 111943
adoptive placement not later than ten days prior to that 111944
placement. Notification shall include a description of the special 111945
needs and the age of the prospective adoptive child and the name 111946
of the prospective adoptive parent and number of children that 111947
will be residing in the prospective adoptive home when the 111948
prospective adoptive child is placed in the prospective adoptive 111949
home. 111950

(C) An agency or attorney sharing relevant information 111951
pursuant to this section is immune from liability in a civil 111952
action to recover damages for injury, death, or loss to person or 111953
property allegedly caused by any act or omission in connection 111954
with sharing relevant information unless the acts or omissions are 111955
with malicious purpose, in bad faith, or in a wanton or reckless 111956
manner. 111957

(D) The director of ~~job~~ children and ~~family services~~ youth 111958
shall adopt rules in accordance with Chapter 119. of the Revised 111959
Code necessary for the implementation and execution of this 111960
section, including, but not limited to, a definition of "relevant 111961
information" for the purposes of division (A) of this section. 111962

(E) This section does not apply to an adoption by a 111963
stepparent whose spouse is a biological or adoptive parent of the 111964
minor to be adopted. 111965

Sec. 3107.101. (A) Not later than seven days after a minor to 111966
be adopted is placed in a prospective adoptive home pursuant to 111967
section 5103.16 of the Revised Code, the assessor providing 111968
placement or post placement services in the prospective adoptive 111969
home shall begin monthly prospective adoptive home visits in that 111970
home, until the court issues a final decree of adoption. During 111971
the prospective adoptive home visits, the assessor shall evaluate 111972
the progression of the placement in the prospective adoptive home. 111973
The assessor shall include the evaluation in the prefinalization 111974
assessment required under section 3107.12 of the Revised Code. 111975

(B) During the prospective home visit required under division 111976
(A) of this section, the assessor shall make face-to-face contact 111977
with the prospective adoptive parent and the minor to be adopted. 111978
The assessor shall make contact, as prescribed by rule under 111979
division (C) of this section, with all other children or adults 111980
residing in the prospective adoptive home. 111981

(C) The director of ~~job~~ children and ~~family services~~ youth 111982
shall adopt rules in accordance with Chapter 119. of the Revised 111983
Code necessary for the implementation and execution of this 111984
section. 111985

(D) This section does not apply to an adoption by a 111986
stepparent whose spouse is a biological or adoptive parent of the 111987
minor to be adopted. 111988

Sec. 3107.12. (A) Except as provided in division (B) of this 111989
section, an assessor shall conduct a prefinalization assessment of 111990
a minor and petitioner before a court issues a final decree of 111991
adoption or finalizes an interlocutory order of adoption for the 111992
minor. On completion of the assessment, the assessor shall prepare 111993
a written report of the assessment and provide a copy of the 111994
report to the court before which the adoption petition is pending. 111995

The report of a prefinalization assessment shall include all 111996
of the following: 111997

(1) The adjustment of the minor and the petitioner to the 111998
adoptive placement; 111999

(2) The present and anticipated needs of the minor and the 112000
petitioner, as determined by a review of the minor's medical and 112001
social history, for adoption-related services, including 112002
assistance under Title IV-E of the "Social Security Act," 94 Stat. 112003
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 112004
the Revised Code and counseling, case management services, crisis 112005
services, diagnostic services, and therapeutic counseling. 112006

(3) The physical, mental, and developmental condition of the 112007
minor; 112008

(4) If known, the minor's biological family background, 112009
including identifying information about the biological or other 112010
legal parents; 112011

(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner;

(6) The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible;

(7) If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended;

(8) If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child;

(9) If applicable, the documents or forms required under sections 3107.032, 3107.10, and 3107.101 of the Revised Code.

The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date.

The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information about the biological or other legal parents redacted.

(B) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment.

(C) The director of ~~job children and family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code defining "counseling," "case management services," "crisis services," "diagnostic services," and "therapeutic counseling" for the purpose of this section.

Sec. 3107.13. (A) A final decree of adoption shall not be 112042
issued and an interlocutory order of adoption does not become 112043
final, until the person to be adopted has lived in the adoptive 112044
home for at least six months after placement by an agency, or for 112045
at least six months after the department of ~~job~~ children and 112046
~~family services~~ youth or the court has been informed of the 112047
placement of the person with the petitioner, and the department or 112048
court has had an opportunity to observe or investigate the 112049
adoptive home, or in the case of adoption by a stepparent, until 112050
at least six months after the filing of the petition, or until the 112051
child has lived in the home for at least six months. 112052

(B) In the case of a foster caregiver adopting a foster child 112053
or person adopting a child to whom the person is related, the 112054
court shall apply the amount of time the child lived in the foster 112055
caregiver's or relative's home prior to the date the foster 112056
caregiver or relative files the petition to adopt the child toward 112057
the six-month waiting period established by division (A) of this 112058
section. 112059

Sec. 3107.141. After an assessor files a home study report 112060
under section 3107.031, a social and medical history under section 112061
3107.09, or a prefinalization assessment report under section 112062
3107.12 of the Revised Code, or the department of ~~job~~ children and 112063
~~family services~~ youth or department of health files a social and 112064
medical history under section 3107.091 or 3107.393 of the Revised 112065
Code, a court may do either or both of the following if the court 112066
determines the report or history does not comply with the 112067
requirements governing the report or history or, in the case of a 112068
home study or prefinalization assessment report, does not enable 112069
the court to determine whether an adoption is in the best interest 112070
of the minor to be adopted: 112071

(A) Order the assessor or department to redo or supplement 112072

the report or history in a manner the court directs; 112073

(B) Appoint a different assessor to redo or supplement the 112074

report or history in a manner the court directs. 112075

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 112076
3107.19 of the Revised Code shall be held in closed court without 112077
the admittance of any person other than essential officers of the 112078
court, the parties, the witnesses of the parties, counsel, persons 112079
who have not previously consented to an adoption but who are 112080
required to consent, and representatives of the agencies present 112081
to perform their official duties. 112082

(B)(1) Except as provided in divisions (B)(2) and (D) of this 112083
section, sections 3107.38 and 3107.381, and sections 3107.60 to 112084
3107.68 of the Revised Code, no person or governmental entity 112085
shall knowingly reveal any information contained in a paper, book, 112086
or record pertaining to an adoption that is part of the permanent 112087
record of a court or maintained by the department of ~~job~~ children 112088
and ~~family services~~ youth, an agency, or attorney without the 112089
consent of a court. 112090

(2) An agency or attorney may examine the agency's or 112091
attorney's own papers, books, and records pertaining to an 112092
adoption without a court's consent for official administrative 112093
purposes. The department of ~~job~~ children and ~~family services~~ youth 112094
may examine its own papers, books, and records pertaining to an 112095
adoption, or such papers, books, and records of an agency, without 112096
a court's consent for official administrative, certification, and 112097
eligibility determination purposes. 112098

(C) The petition, the interlocutory order, the final decree 112099
of adoption, and other adoption proceedings shall be recorded in a 112100
book kept for such purposes and shall be separately indexed. The 112101
book shall be a part of the records of the court, and all 112102
consents, affidavits, and other papers shall be properly filed. 112103

(D) All forms that pertain to the social or medical histories 112104
of the biological parents of an adopted person and that were 112105
completed pursuant to section 3107.09, 3107.091, or 3107.393 of 112106
the Revised Code shall be filed only in the permanent record kept 112107
by the court. During the minority of the adopted person, only the 112108
adoptive parents of the person may inspect the forms. When an 112109
adopted person reaches majority, only the adopted person may 112110
inspect the forms. Under the circumstances described in this 112111
division, an adopted person or the adoptive parents are entitled 112112
to inspect the forms upon requesting the clerk of the court to 112113
produce them. 112114

(E)(1) The department of ~~job~~ children and ~~family services~~ 112115
youth shall prescribe a form that permits any person who is 112116
authorized by division (D) of this section to inspect forms that 112117
pertain to the social or medical histories of the biological 112118
parents and that were completed pursuant to section 3107.09, 112119
3107.091, or 3107.393 of the Revised Code to request notice if any 112120
correction or expansion of either such history, made pursuant to 112121
division (D) of section 3107.09 of the Revised Code, is made a 112122
part of the permanent record kept by the court. The form shall be 112123
designed to facilitate the provision of the information and 112124
statements described in division (E)(3) of this section. The 112125
department shall provide copies of the form to each court. A court 112126
shall provide a copy of the request form to each adoptive parent 112127
when a final decree of adoption is entered and shall explain to 112128
each adoptive parent at that time that an adoptive parent who 112129
completes and files the form will be notified of any correction or 112130
expansion of either the social or medical history of the 112131
biological parents of the adopted person made during the minority 112132
of the adopted person that is made a part of the permanent record 112133
kept by the court, and that, during the adopted person's minority, 112134
the adopted person may inspect the forms that pertain to those 112135
histories. Upon request, the court also shall provide a copy of 112136

the request form to any adoptive parent during the minority of the 112137
adopted person and to an adopted person who has reached the age of 112138
majority. 112139

(2) Any person who is authorized to inspect forms pursuant to 112140
division (D) of this section who wishes to be notified of 112141
corrections or expansions pursuant to division (D) of section 112142
3107.09 of the Revised Code that are made a part of the permanent 112143
record kept by the court shall file with the court, on a copy of 112144
the form prescribed by the department of ~~job~~ children and ~~family~~ 112145
~~services~~ youth pursuant to division (E)(1) of this section, a 112146
request for such notification that contains the information and 112147
statements required by division (E)(3) of this section. A request 112148
may be filed at any time if the person who files the request is 112149
authorized at that time to inspect forms that pertain to the 112150
social or medical histories. 112151

(3) A request for notification as described in division 112152
(E)(2) of this section shall contain all of the following 112153
information: 112154

(a) The adopted person's name and mailing address at that 112155
time; 112156

(b) The name of each adoptive parent, and if the adoptive 112157
person is a minor at the time of the filing of the request, the 112158
mailing address of each adoptive parent at that time; 112159

(c) The adopted person's date of birth; 112160

(d) The date of entry of the final decree of adoption; 112161

(e) A statement requesting the court to notify the person who 112162
files the request, at the address provided in the request, if any 112163
correction or expansion of either the social or medical history of 112164
the biological parents is made a part of the permanent record kept 112165
by the court; 112166

(f) A statement that the person who files the request is authorized, at the time of the filing, to inspect the forms that pertain to the social and medical histories of the biological parents;

(g) The signature of the person who files the request.

(4) Upon the filing of a request for notification in accordance with division (E)(2) of this section, the clerk of the court in which it is filed immediately shall insert the request in the permanent record of the case. A person who has filed the request and who wishes to update it with respect to a new mailing address may inform the court in writing of the new address. Upon its receipt, the court promptly shall insert the new address into the permanent record by attaching it to the request. Thereafter, any notification described in this division shall be sent to the new address.

(5) Whenever a social or medical history of a biological parent is corrected or expanded and the correction or expansion is made a part of the permanent record kept by the court, the court shall ascertain whether a request for notification has been filed in accordance with division (E)(2) of this section. If such a request has been filed, the court shall determine whether, at that time, the person who filed the request is authorized, under division (D) of this section, to inspect the forms that pertain to the social or medical history of the biological parents. If the court determines that the person who filed the request is so authorized, it immediately shall notify the person that the social or medical history has been corrected or expanded, that it has been made a part of the permanent record kept by the court, and that the forms that pertain to the records may be inspected in accordance with division (D) of this section.

Sec. 3107.39. (A) The department of ~~job~~ children and family

~~services~~ youth shall prescribe a contact preference form for 112198
biological parents. The form shall include all of the following: 112199

(1) A component in which a biological parent is to indicate 112200
one of the following regarding a person who receives, under 112201
section 3107.38 of the Revised Code, a copy of the contents of the 112202
adoption file of the parent's offspring: 112203

(a) That the biological parent welcomes the person to contact 112204
the parent directly; 112205

(b) That the biological parent prefers that the person 112206
contact the parent through an intermediary who the parent 112207
specifies on the form; 112208

(c) That the biological parent prefers that the person not 112209
contact the parent directly or through an intermediary. 112210

(2) Provisions necessary for the department of health to be 112211
able to identify the adoption file of the adopted person to whom 112212
the form pertains; 112213

(3) The following notices: 112214

(a) If a social and medical history for the biological parent 112215
was not previously prepared or such a history was prepared but 112216
should be corrected or expanded, that the biological parent is 112217
encouraged to do the following as appropriate: 112218

(i) Complete a social and medical history form in accordance 112219
with section 3107.091 or 3107.393 of the Revised Code; 112220

(ii) Correct or expand the biological parent's social and 112221
medical history in accordance with division (D) of section 3107.09 112222
of the Revised Code. 112223

(b) That a biological parent's preference regarding contact 112224
as indicated on a completed contact preference form is advisory 112225
only and therefore unenforceable; 112226

(c) That the biological parent may change the parent's indicated preference regarding contact by filing a new contact preference form with the department of health.

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(4) A space in which the biological parent indicates whether one or more of the following apply:

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(a) The biological parent knows that a social and medical history was prepared for the biological parent pursuant to section 3107.09 of the Revised Code;

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(b) The biological parent completed a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code;

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(c) The biological parent corrected or expanded the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code.

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(5) A notice of both of the following:

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(a) That an adopted person may do either or both of the following:

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(i) Inspect, pursuant to division (D) of section 3107.17 of the Revised Code, a social and medical history form of a biological parent of the adopted person maintained by the court that entered the interlocutory order or final decree of adoption regarding the adopted person;

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(ii) Submit to that court, pursuant to division (E) of section 3107.17 of the Revised Code, a request for notification of a correction or expansion of a social and medical history of a biological parent of the adopted person.

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(b) That an adopted person who does not know which court entered the interlocutory order or final decree of adoption regarding the adopted person may seek assistance from the department of health in accordance with section 3107.171 of the

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Revised Code. 112257

(B) The department of ~~job children and family services youth~~ 112258
shall make the contact preference form prescribed under this 112259
section available to the department of health. 112260

(C) The department of health shall make a contact preference 112261
form available to a biological parent on request. The department 112262
of health may accept a completed contact preference form from a 112263
biological parent only if the parent provides it two items of 112264
identification of the parent. If the department of health 112265
determines that it may accept a completed contact preference form, 112266
it shall accept the form. As soon as the department identifies the 112267
adoption file of the adopted person to whom the form pertains, it 112268
shall place the form in that file. If there is a previously 112269
completed contact preference form from the biological parent in 112270
the adopted person's adoption file, the department of health shall 112271
replace the parent's older form with the parent's new form. 112272

(D) Subject to division (C) of this section, a biological 112273
parent may file a completed contact preference form with the 112274
department of health to change the parent's indicated preference 112275
regarding contact as many times as the parent wishes. 112276

Sec. 3109.172. (A) As used in this section, "county 112277
prevention specialist" includes the following: 112278

(1) Members of agencies responsible for the administration of 112279
children's services in the counties within a child abuse and child 112280
neglect prevention region established in section 3109.171 of the 112281
Revised Code; 112282

(2) Providers of alcohol or drug addiction services or 112283
members of boards of alcohol, drug addiction, and mental health 112284
services that serve counties within a region; 112285

(3) Providers of mental health services or members of boards 112286

of alcohol, drug addiction, and mental health services that serve	112287
counties within a region;	112288
(4) Members of county boards of developmental disabilities	112289
that serve counties within a region;	112290
(5) Members of the educational community appointed by the	112291
superintendent of the school district with the largest enrollment	112292
in the counties within a region;	112293
(6) Juvenile justice officials serving counties within a	112294
region;	112295
(7) Pediatricians, health department nurses, and other	112296
members of the medical community in the counties within a region;	112297
(8) Counselors and social workers serving counties within a	112298
region;	112299
(9) Head start agencies serving counties within a region;	112300
(10) Child care providers serving counties within a region;	112301
(11) Other persons with demonstrated knowledge in programs	112302
for children serving counties within a region.	112303
(B) Each child abuse and child neglect prevention region	112304
shall have a child abuse and child neglect regional prevention	112305
council as appointed under divisions (C), (D), and (E) of this	112306
section. Each council shall operate in accordance with rules	112307
adopted by the department of job children and family services	112308
<u>youth</u> pursuant to Chapter 119. of the Revised Code.	112309
(C)(1) Each board of county commissioners within a region may	112310
appoint up to two county prevention specialists to the council	112311
representing the county, in accordance with rules adopted by the	112312
department of job children and family services <u>youth</u> under Chapter	112313
119. of the Revised Code.	112314
(2) The children's trust fund board may appoint additional	112315
county prevention specialists to each region's council at the	112316

board's discretion. 112317

(3) A representative of the council's regional prevention 112318
coordinator shall serve as a nonvoting member of the council. 112319

(D) Each council member appointed under division (C)(1) of 112320
this section shall be appointed for a two-year term. Each council 112321
member appointed under division (C)(2) or (3) of this section 112322
shall be appointed for a three-year term. A member may be 112323
reappointed, but for two consecutive terms only. 112324

(E) A member may be removed from the council by the member's 112325
appointing authority for misconduct, incompetence, or neglect of 112326
duty. 112327

(F) Each appointed member of a council shall serve without 112328
compensation but shall be reimbursed for all actual and necessary 112329
expenses incurred in the performance of official duties. 112330

(G) The representative of the regional prevention coordinator 112331
shall serve as chairperson of the council. 112332

(H) Each council shall meet at least quarterly. 112333

(I) Council members shall do all of the following: 112334

(1) Attend meetings of the council on which they serve; 112335

(2) Assist the regional prevention coordinator in conducting 112336
a needs assessment to ascertain the child abuse and child neglect 112337
prevention programming and services that are needed in their 112338
region; 112339

(3) Collaborate on assembling the council's regional 112340
prevention plan based on children's trust fund board guidelines 112341
pursuant to section 3109.174 of the Revised Code; 112342

(4) Assist the council's regional prevention coordinator with 112343
all of the following: 112344

(a) Implementing the regional prevention plan, including 112345

monitoring fulfillment of child abuse and child neglect prevention 112346
deliverables and achievement of prevention outcomes; 112347

(b) Coordinating county data collection; 112348

(c) Ensuring timely and accurate reporting to the children's 112349
trust fund board. 112350

(5) Any additional duties specified in accordance with rules 112351
adopted by the department pursuant to Chapter 119. of the Revised 112352
Code. 112353

(J) No council member shall participate in matters of the 112354
council pertaining to their own interests, including applications 112355
for funding by a council member or any entity, public or private, 112356
of which a council member serves as either a board member or 112357
employee. 112358

(K) Each council shall file with the children's trust fund 112359
board, not later than the due dates specified by the board, a 112360
progress report and an annual report regarding the council's child 112361
abuse and child neglect prevention programs and activities 112362
undertaken in accordance with the council's regional prevention 112363
plan. The reports shall contain all information required by the 112364
board. 112365

Sec. 3109.174. Each child abuse and child neglect regional 112366
prevention council shall submit to the children's trust fund board 112367
a regional prevention plan for funding child abuse and child 112368
neglect prevention programs and activities based on criteria set 112369
forth by the children's trust fund. 112370

The plan shall be submitted on the form and in the manner 112371
specified in rules adopted by the department of ~~job~~ children and 112372
~~family services~~ youth pursuant to Chapter 119. of the Revised 112373
Code. 112374

Sec. 3109.401. (A) The general assembly finds the following: 112375

(1) That the parent and child relationship is of fundamental 112376
importance to the welfare of a child, and that the relationship 112377
between a child and each parent should be fostered unless 112378
inconsistent with the child's best interests; 112379

(2) That parents have the responsibility to make decisions 112380
and perform other parenting functions necessary for the care and 112381
growth of their children; 112382

(3) That the courts, when allocating parenting functions and 112383
responsibilities with respect to the child in a divorce, 112384
dissolution of marriage, legal separation, annulment, or any other 112385
proceeding addressing the allocation of parental rights and 112386
responsibilities, must determine the child's best interests; 112387

(4) That the courts and parents must take into consideration 112388
the following general principles when allocating parental rights 112389
and responsibilities and developing appropriate terms for 112390
parenting plans: 112391

(a) Children are served by a parenting arrangement that best 112392
provides for a child's safety, emotional growth, health, 112393
stability, and physical care. 112394

(b) Exposure of the child to harmful parental conflict should 112395
be minimized as much as possible. 112396

(c) Whenever appropriate, parents should be encouraged to 112397
meet their responsibilities to their children through agreements 112398
rather than by relying on judicial intervention. 112399

(d) When a parenting plan provides for mutual decision-making 112400
responsibility by the parents but they are unable to make 112401
decisions mutually, they should make a good faith effort to 112402
utilize the mediation process as required by the parenting plan. 112403

(e) In apportioning between the parents the daily physical 112404

living arrangements of the child and the child's location during 112405
legal and school holidays, vacations, and days of special 112406
importance, a court should not impose any type of standard 112407
schedule unless a standard schedule meets the needs of the child 112408
better than any proposed alternative parenting plan. 112409

(B) It is, therefore, the purpose of this chapter, when it is 112410
in the child's best interest, to foster the relationship between 112411
the child and each parent when a court allocates parental rights 112412
and responsibilities with respect to the child in a divorce, 112413
dissolution, legal separation, annulment, or any other proceeding 112414
addressing the allocation of parental rights and responsibilities. 112415

~~(C) There is hereby created the task force on family law and 112416
children consisting of twenty four members. The Ohio state bar 112417
association shall appoint three members who shall be attorneys 112418
with extensive experience in the practice of family law. The Ohio 112419
association of domestic relations judges shall appoint three 112420
members who shall be domestic relations judges. The Ohio 112421
association of juvenile and family court judges shall appoint 112422
three members who shall be juvenile or family court judges. The 112423
chief justice of the supreme court shall appoint eight members, 112424
three of whom shall be persons who practice in the field of family 112425
law mediation, two of whom shall be persons who practice in the 112426
field of child psychology, one of whom shall be a person who 112427
represents parent and child advocacy organizations, one of whom 112428
shall be a person who provides parenting education services, and 112429
one of whom shall be a magistrate employed by a domestic relations 112430
or juvenile court. The speaker of the house of representatives 112431
shall appoint two members who shall be members of the house of 112432
representatives and who shall be from different political parties. 112433
The president of the senate shall appoint two members who shall be 112434
members of the senate and who shall be from different political 112435
parties. The governor shall appoint two members who shall 112436~~

~~represent child caring agencies. One member shall be the director of job and family services or the director's designee. The chief justice shall designate one member of the task force to chair the task force.~~ 112437
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~~The appointing authorities and persons shall make appointments to the task force on family law and children within thirty days after September 1, 1998. Sections 101.82 to 101.87 of the Revised Code do not apply to the task force.~~ 112441
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~~(D) The task force on family law and children shall do all of the following:~~ 112445
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~~(1) Appoint and fix the compensation of any technical, professional, and clerical employees and perform any services that are necessary to carry out the powers and duties of the task force on family law and children. All employees of the task force shall serve at the pleasure of the task force.~~ 112447
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~~(2) By July 1, 2001, submit to the speaker and minority leader of the house of representatives and to the president and the minority leader of the senate a report of its findings and recommendations on how to create a more civilized and constructive process for the parenting of children whose parents do not reside together. The recommendations shall propose a system to do all of the following:~~ 112452
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~~(a) Put children first;~~ 112459

~~(b) Provide families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment;~~ 112460
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~~(c) Redirect human services to intervention and prevention, rather than supporting the casualties of the current process;~~ 112463
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~~(d) Avoid needless conflict between the participants;~~ 112465

~~(e) Encourage problem solving among the participants;~~ 112466

(f) Force the participants to act responsibly;	112467
(g) Shield both the participants and their children from lasting emotional damage.	112468 112469
(3) Gather information on and study the current state of family law in this state;	112470 112471
(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;	112472 112473 112474 112475
(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.	112476 112477 112478 112479 112480 112481
(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.	112482 112483 112484
Sec. 3301.079. (A)(1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.	112485 112486 112487 112488 112489 112490
(a) The state board shall ensure that the standards do all of the following:	112491 112492
(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the	112493 112494 112495 112496

twenty-first century;	112497
(ii) Include the development of skill sets that promote information, media, and technological literacy;	112498 112499
(iii) Include interdisciplinary, project-based, real-world learning opportunities;	112500 112501
(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education;	112502 112503 112504 112505
(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.	112506 112507
(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.	112508 112509 112510 112511 112512 112513 112514 112515 112516 112517 112518 112519 112520 112521 112522
(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.	112523 112524 112525 112526 112527

(2) After completing the standards required by division 112528
(A)(1) of this section, the state board shall adopt standards and 112529
model curricula for instruction in technology, financial literacy 112530
and entrepreneurship, fine arts, and foreign language for grades 112531
kindergarten through twelve. The standards shall meet the same 112532
requirements prescribed in division (A)(1)(a) of this section. 112533

(3) The state board shall adopt the most recent standards 112534
developed by the national association for sport and physical 112535
education for physical education in grades kindergarten through 112536
twelve or shall adopt its own standards for physical education in 112537
those grades and revise and update them periodically. 112538

The department of education shall employ a full-time physical 112539
education coordinator to provide guidance and technical assistance 112540
to districts, community schools, and STEM schools in implementing 112541
the physical education standards adopted under this division. The 112542
superintendent of public instruction shall determine that the 112543
person employed as coordinator is qualified for the position, as 112544
demonstrated by possessing an adequate combination of education, 112545
license, and experience. 112546

(4) Not later than September 30, 2022, the state board shall 112547
update the standards and model curriculum for instruction in 112548
computer science in grades kindergarten through twelve, which 112549
shall include standards for introductory and advanced computer 112550
science courses in grades nine through twelve. When developing the 112551
standards and curriculum, the state board shall consider 112552
recommendations from computer science education stakeholder 112553
groups, including teachers and representatives from higher 112554
education, industry, computer science organizations in Ohio, and 112555
national computer science organizations. 112556

Any district or school may utilize the computer science 112557
standards or model curriculum or any part thereof adopted pursuant 112558
to division (A)(4) of this section. However, no district or school 112559

shall be required to utilize all or any part of the standards or curriculum. 112560
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(5) When academic standards have been completed for any subject area required by this section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. Additionally, upon completion of any academic standards under this section, the department shall post those standards on the department's web site. 112562
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(B)(1) The state board shall adopt a model curriculum for instruction in each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum. 112572
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(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction. 112584
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(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant 112589
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resources, examples, or models to ensure that students have the 112592
opportunity to attain the academic standards. Upon request, the 112593
department shall provide technical assistance to any district, 112594
community school, or STEM school in implementing the model 112595
curriculum. 112596

Nothing in this section requires any school district to 112597
utilize all or any part of a model curriculum developed under this 112598
section. 112599

(C) The state board shall develop achievement assessments 112600
aligned with the academic standards and model curriculum for each 112601
of the subject areas and grade levels required by divisions (A)(1) 112602
and (B)(1) of section 3301.0710 of the Revised Code. 112603

When any achievement assessment has been completed, the state 112604
board shall inform all school districts, community schools, STEM 112605
schools, and nonpublic schools required to administer the 112606
assessment of its completion, and the department shall make the 112607
achievement assessment available to the districts and schools. 112608

(D)(1) The state board shall adopt a diagnostic assessment 112609
aligned with the academic standards and model curriculum for ~~each~~ 112610
~~of grades kindergarten through~~ one and two in reading, writing, 112611
and mathematics and for grade three in reading and writing. The 112612
diagnostic assessment shall be designed to measure student 112613
comprehension of academic content and mastery of related skills 112614
for the relevant subject area and grade level. Any diagnostic 112615
assessment shall not include components to identify gifted 112616
students. Blank copies of diagnostic assessments shall be public 112617
records. 112618

(2) When each diagnostic assessment has been completed, the 112619
state board shall inform all school districts of its completion 112620
and the department shall make the diagnostic assessment available 112621
to the districts at no cost to the district. 112622

(3) School districts shall administer the diagnostic 112623
assessment pursuant to section 3301.0715 of the Revised Code 112624
beginning the first school year following the development of the 112625
assessment. 112626

However, beginning with the 2017-2018 school year, both of 112627
the following shall apply: 112628

(a) In the case of the diagnostic assessments for grades one 112629
or two in writing or mathematics or for grade three in writing, a 112630
school district shall not be required to administer any such 112631
assessment, but may do so at the discretion of the district board; 112632

(b) In the case of any diagnostic assessment that is not for 112633
the grade levels and subject areas specified in division (D)(3)(a) 112634
of this section, each school district shall administer the 112635
assessment in the manner prescribed by section 3301.0715 of the 112636
Revised Code. 112637

(E) The state board shall not adopt a diagnostic or 112638
achievement assessment for any grade level or subject area other 112639
than those specified in this section. 112640

(F) Whenever the state board or the department consults with 112641
persons for the purpose of drafting or reviewing any standards, 112642
diagnostic assessments, achievement assessments, or model 112643
curriculum required under this section, the state board or the 112644
department shall first consult with parents of students in 112645
kindergarten through twelfth grade and with active Ohio classroom 112646
teachers, other school personnel, and administrators with 112647
expertise in the appropriate subject area. Whenever practicable, 112648
the state board and department shall consult with teachers 112649
recognized as outstanding in their fields. 112650

If the department contracts with more than one outside entity 112651
for the development of the achievement assessments required by 112652
this section, the department shall ensure the interchangeability 112653

of those assessments. 112654

(G) Whenever the state board adopts standards or model 112655
curricula under this section, the department also shall provide 112656
information on the use of blended, online, or digital learning in 112657
the delivery of the standards or curricula to students in 112658
accordance with division (A)(5) of this section. 112659

(H) The fairness sensitivity review committee, established by 112660
rule of the state board of education, shall not allow any question 112661
on any achievement or diagnostic assessment developed under this 112662
section or any proficiency test prescribed by former section 112663
3301.0710 of the Revised Code, as it existed prior to September 112664
11, 2001, to include, be written to promote, or inquire as to 112665
individual moral or social values or beliefs. The decision of the 112666
committee shall be final. This section does not create a private 112667
cause of action. 112668

(I) Not later than sixty days prior to the adoption by the 112669
state board of updated academic standards under division (A)(1) of 112670
this section or updated model curricula under division (B)(1) of 112671
this section, the superintendent of public instruction shall 112672
present the academic standards or model curricula, as applicable, 112673
in person at a public hearing of the respective committees of the 112674
house of representatives and senate that consider education 112675
legislation. 112676

(J) As used in this section: 112677

(1) "Blended learning" means the delivery of instruction in a 112678
combination of time primarily in a supervised physical location 112679
away from home and online delivery whereby the student has some 112680
element of control over time, place, path, or pace of learning and 112681
includes noncomputer-based learning opportunities. 112682

(2) "Online learning" means students work primarily from 112683
their residences on assignments delivered via an internet- or 112684

other computer-based instructional method. 112685

(3) "Coherence" means a reflection of the structure of the 112686
discipline being taught. 112687

(4) "Digital learning" means learning facilitated by 112688
technology that gives students some element of control over time, 112689
place, path, or pace of learning. 112690

(5) "Focus" means limiting the number of items included in a 112691
curriculum to allow for deeper exploration of the subject matter. 112692

(6) "Vertical articulation" means key academic concepts and 112693
skills associated with mastery in particular content areas should 112694
be articulated and reinforced in a developmentally appropriate 112695
manner at each grade level so that over time students acquire a 112696
depth of knowledge and understanding in the core academic 112697
disciplines. 112698

Sec. 3301.0714. (A) The state board of education shall adopt 112699
rules for a statewide education management information system. The 112700
rules shall require the state board to establish guidelines for 112701
the establishment and maintenance of the system in accordance with 112702
this section and the rules adopted under this section. The 112703
guidelines shall include: 112704

(1) Standards identifying and defining the types of data in 112705
the system in accordance with divisions (B) and (C) of this 112706
section; 112707

(2) Procedures for annually collecting and reporting the data 112708
to the state board in accordance with division (D) of this 112709
section; 112710

(3) Procedures for annually compiling the data in accordance 112711
with division (G) of this section; 112712

(4) Procedures for annually reporting the data to the public 112713
in accordance with division (H) of this section; 112714

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories

of services used in determining cost units pursuant to division	112747
(C)(4)(a) of this section.	112748
(c) Average student grades in each subject in grades nine	112749
through twelve;	112750
(d) Academic achievement levels as assessed under sections	112751
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	112752
(e) The number of students designated as having a disabling	112753
condition pursuant to division (C)(1) of section 3301.0711 of the	112754
Revised Code;	112755
(f) The numbers of students reported to the state board	112756
pursuant to division (C)(2) of section 3301.0711 of the Revised	112757
Code;	112758
(g) Attendance rates and the average daily attendance for the	112759
year. For purposes of this division, a student shall be counted as	112760
present for any field trip that is approved by the school	112761
administration.	112762
(h) Expulsion rates;	112763
(i) Suspension rates;	112764
(j) Dropout rates;	112765
(k) Rates of retention in grade;	112766
(l) For pupils in grades nine through twelve, the average	112767
number of carnegie units, as calculated in accordance with state	112768
board of education rules;	112769
(m) Graduation rates, to be calculated in a manner specified	112770
by the department of education that reflects the rate at which	112771
students who were in the ninth grade three years prior to the	112772
current year complete school and that is consistent with	112773
nationally accepted reporting requirements;	112774
(n) Results of diagnostic assessments administered to	112775

kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten, 112807
as defined in section 3321.05 of the Revised Code. 112808

(2) Personnel and classroom enrollment data for each school 112809
district, including: 112810

(a) The total numbers of licensed employees and nonlicensed 112811
employees and the numbers of full-time equivalent licensed 112812
employees and nonlicensed employees providing each category of 112813
instructional service, instructional support service, and 112814
administrative support service used pursuant to division (C)(3) of 112815
this section. The guidelines adopted under this section shall 112816
require these categories of data to be maintained for the school 112817
district as a whole and, wherever applicable, for each grade in 112818
the school district as a whole, for each school building as a 112819
whole, and for each grade in each school building. 112820

(b) The total number of employees and the number of full-time 112821
equivalent employees providing each category of service used 112822
pursuant to divisions (C)(4)(a) and (b) of this section, and the 112823
total numbers of licensed employees and nonlicensed employees and 112824
the numbers of full-time equivalent licensed employees and 112825
nonlicensed employees providing each category used pursuant to 112826
division (C)(4)(c) of this section. The guidelines adopted under 112827
this section shall require these categories of data to be 112828
maintained for the school district as a whole and, wherever 112829
applicable, for each grade in the school district as a whole, for 112830
each school building as a whole, and for each grade in each school 112831
building. 112832

(c) The total number of regular classroom teachers teaching 112833
classes of regular education and the average number of pupils 112834
enrolled in each such class, in each of grades kindergarten 112835
through five in the district as a whole and in each school 112836
building in the school district. 112837

(d) The number of lead teachers employed by each school 112838
district and each school building. 112839

(3)(a) Student demographic data for each school district, 112840
including information regarding the gender ratio of the school 112841
district's pupils, the racial make-up of the school district's 112842
pupils, the number of English learners in the district, and an 112843
appropriate measure of the number of the school district's pupils 112844
who reside in economically disadvantaged households. The 112845
demographic data shall be collected in a manner to allow 112846
correlation with data collected under division (B)(1) of this 112847
section. Categories for data collected pursuant to division (B)(3) 112848
of this section shall conform, where appropriate, to standard 112849
practices of agencies of the federal government. 112850

(b) With respect to each student entering kindergarten, 112851
whether the student previously participated in a public preschool 112852
program, a private preschool program, or a head start program, and 112853
the number of years the student participated in each of these 112854
programs. 112855

(4) Any data required to be collected pursuant to federal 112856
law. 112857

(C) The education management information system shall include 112858
cost accounting data for each district as a whole and for each 112859
school building in each school district. The guidelines adopted 112860
under this section shall require the cost data for each school 112861
district to be maintained in a system of mutually exclusive cost 112862
units and shall require all of the costs of each school district 112863
to be divided among the cost units. The guidelines shall require 112864
the system of mutually exclusive cost units to include at least 112865
the following: 112866

(1) Administrative costs for the school district as a whole. 112867
The guidelines shall require the cost units under this division 112868

(C)(1) to be designed so that each of them may be compiled and 112869
reported in terms of average expenditure per pupil in enrolled ADM 112870
in the school district, as determined pursuant to section 3317.03 112871
of the Revised Code. 112872

(2) Administrative costs for each school building in the 112873
school district. The guidelines shall require the cost units under 112874
this division (C)(2) to be designed so that each of them may be 112875
compiled and reported in terms of average expenditure per 112876
full-time equivalent pupil receiving instructional or support 112877
services in each building. 112878

(3) Instructional services costs for each category of 112879
instructional service provided directly to students and required 112880
by guidelines adopted pursuant to division (B)(1)(a) of this 112881
section. The guidelines shall require the cost units under 112882
division (C)(3) of this section to be designed so that each of 112883
them may be compiled and reported in terms of average expenditure 112884
per pupil receiving the service in the school district as a whole 112885
and average expenditure per pupil receiving the service in each 112886
building in the school district and in terms of a total cost for 112887
each category of service and, as a breakdown of the total cost, a 112888
cost for each of the following components: 112889

(a) The cost of each instructional services category required 112890
by guidelines adopted under division (B)(1)(a) of this section 112891
that is provided directly to students by a classroom teacher; 112892

(b) The cost of the instructional support services, such as 112893
services provided by a speech-language pathologist, classroom 112894
aide, multimedia aide, or librarian, provided directly to students 112895
in conjunction with each instructional services category; 112896

(c) The cost of the administrative support services related 112897
to each instructional services category, such as the cost of 112898
personnel that develop the curriculum for the instructional 112899

services category and the cost of personnel supervising or 112900
coordinating the delivery of the instructional services category. 112901

(4) Support or extracurricular services costs for each 112902
category of service directly provided to students and required by 112903
guidelines adopted pursuant to division (B)(1)(b) of this section. 112904
The guidelines shall require the cost units under division (C)(4) 112905
of this section to be designed so that each of them may be 112906
compiled and reported in terms of average expenditure per pupil 112907
receiving the service in the school district as a whole and 112908
average expenditure per pupil receiving the service in each 112909
building in the school district and in terms of a total cost for 112910
each category of service and, as a breakdown of the total cost, a 112911
cost for each of the following components: 112912

(a) The cost of each support or extracurricular services 112913
category required by guidelines adopted under division (B)(1)(b) 112914
of this section that is provided directly to students by a 112915
licensed employee, such as services provided by a guidance 112916
counselor or any services provided by a licensed employee under a 112917
supplemental contract; 112918

(b) The cost of each such services category provided directly 112919
to students by a nonlicensed employee, such as janitorial 112920
services, cafeteria services, or services of a sports trainer; 112921

(c) The cost of the administrative services related to each 112922
services category in division (C)(4)(a) or (b) of this section, 112923
such as the cost of any licensed or nonlicensed employees that 112924
develop, supervise, coordinate, or otherwise are involved in 112925
administering or aiding the delivery of each services category. 112926

(D)(1) The guidelines adopted under this section shall 112927
require school districts to collect information about individual 112928
students, staff members, or both in connection with any data 112929
required by division (B) or (C) of this section or other reporting 112930

requirements established in the Revised Code. The guidelines may 112931
also require school districts to report information about 112932
individual staff members in connection with any data required by 112933
division (B) or (C) of this section or other reporting 112934
requirements established in the Revised Code. The guidelines shall 112935
not authorize school districts to request social security numbers 112936
of individual students. The guidelines shall prohibit the 112937
reporting under this section of a student's name, address, and 112938
social security number to the state board of education or the 112939
department of education. The guidelines shall also prohibit the 112940
reporting under this section of any personally identifiable 112941
information about any student, except for the purpose of assigning 112942
the data verification code required by division (D)(2) of this 112943
section, to any other person unless such person is employed by the 112944
school district or the information technology center operated 112945
under section 3301.075 of the Revised Code and is authorized by 112946
the district or technology center to have access to such 112947
information or is employed by an entity with which the department 112948
contracts for the scoring or the development of state assessments. 112949
The guidelines may require school districts to provide the social 112950
security numbers of individual staff members and the county of 112951
residence for a student. Nothing in this section prohibits the 112952
state board of education or department of education from providing 112953
a student's county of residence to the department of taxation to 112954
facilitate the distribution of tax revenue. 112955

(2)(a) The guidelines shall provide for each school district 112956
or community school to assign a data verification code that is 112957
unique on a statewide basis over time to each student whose 112958
initial Ohio enrollment is in that district or school and to 112959
report all required individual student data for that student 112960
utilizing such code. The guidelines shall also provide for 112961
assigning data verification codes to all students enrolled in 112962
districts or community schools on the effective date of the 112963

guidelines established under this section. The assignment of data 112964
verification codes for other entities, as described in division 112965
(D)(2)(d) of this section, the use of those codes, and the 112966
reporting and use of associated individual student data shall be 112967
coordinated by the department in accordance with state and federal 112968
law. 112969

School districts shall report individual student data to the 112970
department through the information technology centers utilizing 112971
the code. The entities described in division (D)(2)(d) of this 112972
section shall report individual student data to the department in 112973
the manner prescribed by the department. 112974

(b)(i) Except as provided in sections 3301.941, 3310.11, 112975
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 112976
Code, and in division (D)(2)(b)(ii) of this section, at no time 112977
shall the state board or the department have access to information 112978
that would enable any data verification code to be matched to 112979
personally identifiable student data. 112980

(ii) For the purpose of making per-pupil payments to 112981
community schools under section 3317.022 of the Revised Code, the 112982
department shall have access to information that would enable any 112983
data verification code to be matched to personally identifiable 112984
student data. 112985

(c) Each school district and community school shall ensure 112986
that the data verification code is included in the student's 112987
records reported to any subsequent school district, community 112988
school, or state institution of higher education, as defined in 112989
section 3345.011 of the Revised Code, in which the student 112990
enrolls. Any such subsequent district or school shall utilize the 112991
same identifier in its reporting of data under this section. 112992

(d) The director of any state agency that administers a 112993
publicly funded program providing services to children who are 112994

younger than compulsory school age, as defined in section 3321.01 112995
of the Revised Code, including the directors of health, job and 112996
family services, mental health and addiction services, children 112997
and youth, and developmental disabilities, shall request and 112998
receive, pursuant to sections 3301.0723 and ~~5123.0423~~ 5180.33 of 112999
the Revised Code, a data verification code for a child who is 113000
receiving those services. 113001

(E) The guidelines adopted under this section may require 113002
school districts to collect and report data, information, or 113003
reports other than that described in divisions (A), (B), and (C) 113004
of this section for the purpose of complying with other reporting 113005
requirements established in the Revised Code. The other data, 113006
information, or reports may be maintained in the education 113007
management information system but are not required to be compiled 113008
as part of the profile formats required under division (G) of this 113009
section or the annual statewide report required under division (H) 113010
of this section. 113011

(F) Beginning with the school year that begins July 1, 1991, 113012
the board of education of each school district shall annually 113013
collect and report to the state board, in accordance with the 113014
guidelines established by the board, the data required pursuant to 113015
this section. A school district may collect and report these data 113016
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 113017

(G) The state board shall, in accordance with the procedures 113018
it adopts, annually compile the data reported by each school 113019
district pursuant to division (D) of this section. The state board 113020
shall design formats for profiling each school district as a whole 113021
and each school building within each district and shall compile 113022
the data in accordance with these formats. These profile formats 113023
shall: 113024

(1) Include all of the data gathered under this section in a 113025
manner that facilitates comparison among school districts and 113026

among school buildings within each school district; 113027

(2) Present the data on academic achievement levels as 113028
assessed by the testing of student achievement maintained pursuant 113029
to division (B)(1)(d) of this section. 113030

(H)(1) The state board shall, in accordance with the 113031
procedures it adopts, annually prepare a statewide report for all 113032
school districts and the general public that includes the profile 113033
of each of the school districts developed pursuant to division (G) 113034
of this section. Copies of the report shall be sent to each school 113035
district. 113036

(2) The state board shall, in accordance with the procedures 113037
it adopts, annually prepare an individual report for each school 113038
district and the general public that includes the profiles of each 113039
of the school buildings in that school district developed pursuant 113040
to division (G) of this section. Copies of the report shall be 113041
sent to the superintendent of the district and to each member of 113042
the district board of education. 113043

(3) Copies of the reports received from the state board under 113044
divisions (H)(1) and (2) of this section shall be made available 113045
to the general public at each school district's offices. Each 113046
district board of education shall make copies of each report 113047
available to any person upon request and payment of a reasonable 113048
fee for the cost of reproducing the report. The board shall 113049
annually publish in a newspaper of general circulation in the 113050
school district, at least twice during the two weeks prior to the 113051
week in which the reports will first be available, a notice 113052
containing the address where the reports are available and the 113053
date on which the reports will be available. 113054

(I) Any data that is collected or maintained pursuant to this 113055
section and that identifies an individual pupil is not a public 113056
record for the purposes of section 149.43 of the Revised Code. 113057

(J) As used in this section: 113058

(1) "School district" means any city, local, exempted 113059
village, or joint vocational school district and, in accordance 113060
with section 3314.17 of the Revised Code, any community school. As 113061
used in division (L) of this section, "school district" also 113062
includes any educational service center or other educational 113063
entity required to submit data using the system established under 113064
this section. 113065

(2) "Cost" means any expenditure for operating expenses made 113066
by a school district excluding any expenditures for debt 113067
retirement except for payments made to any commercial lending 113068
institution for any loan approved pursuant to section 3313.483 of 113069
the Revised Code. 113070

(K) Any person who removes data from the information system 113071
established under this section for the purpose of releasing it to 113072
any person not entitled under law to have access to such 113073
information is subject to section 2913.42 of the Revised Code 113074
prohibiting tampering with data. 113075

(L)(1) In accordance with division (L)(2) of this section and 113076
the rules adopted under division (L)(10) of this section, the 113077
department of education may sanction any school district that 113078
reports incomplete or inaccurate data, reports data that does not 113079
conform to data requirements and descriptions published by the 113080
department, fails to report data in a timely manner, or otherwise 113081
does not make a good faith effort to report data as required by 113082
this section. 113083

(2) If the department decides to sanction a school district 113084
under this division, the department shall take the following 113085
sequential actions: 113086

(a) Notify the district in writing that the department has 113087
determined that data has not been reported as required under this 113088

section and require the district to review its data submission and 113089
submit corrected data by a deadline established by the department. 113090
The department also may require the district to develop a 113091
corrective action plan, which shall include provisions for the 113092
district to provide mandatory staff training on data reporting 113093
procedures. 113094

(b) Withhold up to ten per cent of the total amount of state 113095
funds due to the district for the current fiscal year and, if not 113096
previously required under division (L)(2)(a) of this section, 113097
require the district to develop a corrective action plan in 113098
accordance with that division; 113099

(c) Withhold an additional amount of up to twenty per cent of 113100
the total amount of state funds due to the district for the 113101
current fiscal year; 113102

(d) Direct department staff or an outside entity to 113103
investigate the district's data reporting practices and make 113104
recommendations for subsequent actions. The recommendations may 113105
include one or more of the following actions: 113106

(i) Arrange for an audit of the district's data reporting 113107
practices by department staff or an outside entity; 113108

(ii) Conduct a site visit and evaluation of the district; 113109

(iii) Withhold an additional amount of up to thirty per cent 113110
of the total amount of state funds due to the district for the 113111
current fiscal year; 113112

(iv) Continue monitoring the district's data reporting; 113113

(v) Assign department staff to supervise the district's data 113114
management system; 113115

(vi) Conduct an investigation to determine whether to suspend 113116
or revoke the license of any district employee in accordance with 113117
division (N) of this section; 113118

(vii) If the district is issued a report card under section 113119
3302.03 of the Revised Code, indicate on the report card that the 113120
district has been sanctioned for failing to report data as 113121
required by this section; 113122

(viii) If the district is issued a report card under section 113123
3302.03 of the Revised Code and incomplete or inaccurate data 113124
submitted by the district likely caused the district to receive a 113125
higher performance rating than it deserved under that section, 113126
issue a revised report card for the district; 113127

(ix) Any other action designed to correct the district's data 113128
reporting problems. 113129

(3) Any time the department takes an action against a school 113130
district under division (L)(2) of this section, the department 113131
shall make a report of the circumstances that prompted the action. 113132
The department shall send a copy of the report to the district 113133
superintendent or chief administrator and maintain a copy of the 113134
report in its files. 113135

(4) If any action taken under division (L)(2) of this section 113136
resolves a school district's data reporting problems to the 113137
department's satisfaction, the department shall not take any 113138
further actions described by that division. If the department 113139
withheld funds from the district under that division, the 113140
department may release those funds to the district, except that if 113141
the department withheld funding under division (L)(2)(c) of this 113142
section, the department shall not release the funds withheld under 113143
division (L)(2)(b) of this section and, if the department withheld 113144
funding under division (L)(2)(d) of this section, the department 113145
shall not release the funds withheld under division (L)(2)(b) or 113146
(c) of this section. 113147

(5) Notwithstanding anything in this section to the contrary, 113148
the department may use its own staff or an outside entity to 113149

conduct an audit of a school district's data reporting practices 113150
any time the department has reason to believe the district has not 113151
made a good faith effort to report data as required by this 113152
section. If any audit conducted by an outside entity under 113153
division (L)(2)(d)(i) or (5) of this section confirms that a 113154
district has not made a good faith effort to report data as 113155
required by this section, the district shall reimburse the 113156
department for the full cost of the audit. The department may 113157
withhold state funds due to the district for this purpose. 113158

(6) Prior to issuing a revised report card for a school 113159
district under division (L)(2)(d)(viii) of this section, the 113160
department may hold a hearing to provide the district with an 113161
opportunity to demonstrate that it made a good faith effort to 113162
report data as required by this section. The hearing shall be 113163
conducted by a referee appointed by the department. Based on the 113164
information provided in the hearing, the referee shall recommend 113165
whether the department should issue a revised report card for the 113166
district. If the referee affirms the department's contention that 113167
the district did not make a good faith effort to report data as 113168
required by this section, the district shall bear the full cost of 113169
conducting the hearing and of issuing any revised report card. 113170

(7) If the department determines that any inaccurate data 113171
reported under this section caused a school district to receive 113172
excess state funds in any fiscal year, the district shall 113173
reimburse the department an amount equal to the excess funds, in 113174
accordance with a payment schedule determined by the department. 113175
The department may withhold state funds due to the district for 113176
this purpose. 113177

(8) Any school district that has funds withheld under 113178
division (L)(2) of this section may appeal the withholding in 113179
accordance with Chapter 119. of the Revised Code. 113180

(9) In all cases of a disagreement between the department and 113181

a school district regarding the appropriateness of an action taken 113182
under division (L)(2) of this section, the burden of proof shall 113183
be on the district to demonstrate that it made a good faith effort 113184
to report data as required by this section. 113185

(10) The state board of education shall adopt rules under 113186
Chapter 119. of the Revised Code to implement division (L) of this 113187
section. 113188

(M) No information technology center or school district shall 113189
acquire, change, or update its student administration software 113190
package to manage and report data required to be reported to the 113191
department unless it converts to a student software package that 113192
is certified by the department. 113193

(N) The state board of education, in accordance with sections 113194
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 113195
license as defined under division (A) of section 3319.31 of the 113196
Revised Code that has been issued to any school district employee 113197
found to have willfully reported erroneous, inaccurate, or 113198
incomplete data to the education management information system. 113199

(O) No person shall release or maintain any information about 113200
any student in violation of this section. Whoever violates this 113201
division is guilty of a misdemeanor of the fourth degree. 113202

(P) The department shall disaggregate the data collected 113203
under division (B)(1)(n) of this section according to the race and 113204
socioeconomic status of the students assessed. 113205

(Q) If the department cannot compile any of the information 113206
required by division (I) of section 3302.03 of the Revised Code 113207
based upon the data collected under this section, the department 113208
shall develop a plan and a reasonable timeline for the collection 113209
of any data necessary to comply with that division. 113210

Sec. 3301.0715. (A) Except as required under division (B)(1) 113211

of section 3313.608 or as specified in division (D)(3) of section 113212
3301.079 of the Revised Code, the board of education of each city, 113213
local, and exempted village school district shall administer each 113214
applicable diagnostic assessment developed and provided to the 113215
district in accordance with section 3301.079 of the Revised Code 113216
to the following: 113217

(1) Any student who transfers into the district or to a 113218
different school within the district if each applicable diagnostic 113219
assessment was not administered by the district or school the 113220
student previously attended in the current school year, within 113221
thirty days after the date of transfer. If the district or school 113222
into which the student transfers cannot determine whether the 113223
student has taken any applicable diagnostic assessment in the 113224
current school year, the district or school may administer the 113225
diagnostic assessment to the student. However, if a student 113226
transfers into the district prior to the administration of the 113227
diagnostic assessments to all students under division (B) of this 113228
section, the district may administer the diagnostic assessments to 113229
that student on the date or dates determined under that division. 113230

(2) Each kindergarten student, not earlier than the first day 113231
of July of the school year and not later than the twentieth day of 113232
instruction of that school year. 113233

For the purpose of division (A)(2) of this section, the 113234
district shall administer the kindergarten readiness assessment 113235
provided by the department of ~~education~~ children and youth. In no 113236
case shall the results of the readiness assessment be used to 113237
prohibit a student from enrolling in kindergarten. 113238

(3) Each student enrolled in first, second, or third grade. 113239

Division (A) of this section does not apply to students with 113240
significant cognitive disabilities, as defined by the department 113241
of education. 113242

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(3) of this section if the district meets either of the following conditions for the immediately preceding school year:

(1) The district received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C)(1)(e) of that section.

(2) The district received a performance rating of four stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code or for progress under division (D)(3)(c) of that section.

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department of education or the department of children and youth. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section

3313.608 of the Revised Code. Each district shall submit ~~to the~~ 113275
~~department,~~ in the manner the prescribed by each department 113276
~~prescribes,~~ the results of the diagnostic assessments administered 113277
under this section, regardless of the type of assessment used 113278
under section 3313.608 of the Revised Code as follows: 113279

(1) The results of the kindergarten readiness assessment to 113280
the department of children and youth; 113281

(2) The results of all diagnostic assessments to the 113282
department of education. The 113283

The department of education and the department of children 113284
and youth may issue reports with respect to the data collected. 113285
~~The~~ Either department may report school and district level 113286
kindergarten diagnostic assessment data and use diagnostic 113287
assessment data to calculate the measures prescribed by divisions 113288
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 113289
Revised Code and the data reported under division (D)(2)(e) of 113290
that section. 113291

(E) Each district board shall provide intervention services 113292
to students whose diagnostic assessments show that they are 113293
failing to make satisfactory progress toward attaining the 113294
academic standards for their grade level. 113295

(F) Beginning in the 2018-2019 school year, any chartered 113296
nonpublic school may elect to administer the kindergarten 113297
readiness assessment to all kindergarten students enrolled in the 113298
school. If the school so elects, the chief administrator of the 113299
school shall notify the ~~superintendent of public instruction~~ 113300
director of children and youth not later than the thirty-first day 113301
of March prior to any school year in which the school will 113302
administer the assessment. The department of children and youth 113303
shall furnish the assessment to the school at no cost to the 113304
school. In administering the assessment, the school shall do all 113305

of the following: 113306

(1) Enter into a written agreement with the department of 113307
children and youth specifying that the school will share each 113308
participating student's assessment data with the department of 113309
education and the department of children and youth and, that for 113310
the purpose of reporting the data to the department of education 113311
and department of children and youth, each participating student 113312
will be assigned a data verification code as described in division 113313
(D)(2) of section 3301.0714 of the Revised Code; 113314

(2) Require the assessment to be administered by a teacher 113315
certified under section 3301.071 of the Revised Code who either 113316
has completed training on administering the kindergarten readiness 113317
assessment provided by the department of children and youth or has 113318
been trained by another person who has completed such training; 113319
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(3) Administer the assessment in the same manner as school 113321
districts are required to do under this section and the rules 113322
established under division (D) of this section. 113323

(G) Beginning in the 2019-2020 school year, a school district 113324
in which less than eighty per cent of its students score at the 113325
proficient level or higher on the third-grade English language 113326
arts assessment prescribed under section 3301.0710 of the Revised 113327
Code shall establish a reading improvement plan supported by 113328
reading specialists. Prior to implementation, the plan shall be 113329
approved by the school district board of education. 113330

Sec. 3301.0723. (A) The independent contractor engaged by the 113331
department of education to create and maintain for school 113332
districts and community schools the student data verification 113333
codes required by division (D)(2) of section 3301.0714 of the 113334
Revised Code, upon request of the director of any state agency 113335
that administers a publicly funded program providing services to 113336

children who are younger than compulsory school age, as defined in 113337
section 3321.01 of the Revised Code, including the directors of 113338
health, ~~job~~ children and ~~family services~~ youth, mental health and 113339
addiction services, and developmental disabilities, shall assign a 113340
data verification code to a child who is receiving such services 113341
and shall provide that code to the director. The contractor also 113342
shall provide that code to the department of education. 113343

(B) The director of a state agency that receives a child's 113344
data verification code under division (A) of this section shall 113345
use that code to submit information for that child to the 113346
department of education in accordance with section 3301.0714 of 113347
the Revised Code. 113348

(C) A public school that receives from the independent 113349
contractor the data verification code for a child assigned under 113350
division (A) of this section shall not request or assign to that 113351
child another data verification code under division (D)(2) of 113352
section 3301.0714 of the Revised Code. That school and any other 113353
public school in which the child subsequently enrolls shall use 113354
the data verification code assigned under division (A) of this 113355
section to report data relative to that student required under 113356
section 3301.0714 of the Revised Code. 113357

Sec. 3301.15. The state board of education or its authorized 113358
representatives may inspect all institutions under the control of 113359
the department of ~~job~~ children and ~~family services~~ youth, the 113360
department of mental health and addiction services, the department 113361
of developmental disabilities, and the department of 113362
rehabilitation and correction which employ teachers, and may make 113363
a report on the teaching, discipline, and school equipment in 113364
these institutions to the director of ~~job~~ children and ~~family~~ 113365
~~services~~ youth, the director of mental health and addiction 113366
services, the director of developmental disabilities, the director 113367

of rehabilitation and correction, and the governor. 113368

Sec. 3301.30. The department of education and the department 113369
of children and youth shall: 113370

(A) Actively encourage, assist, and support boards of 113371
education in applying for moneys for programs for pre-school 113372
children of migrant agricultural laborers under Title I of the 113373
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 113374
U.S.C.A. 236, as amended; 113375

(B) Establish an official relationship with the Texas 113376
education agency and the Florida department of education to 113377
cooperate and exchange information with those states concerning 113378
education for children of migrant ~~agricultural~~ agricultural 113379
laborers, and coordinate ~~its~~ activities and services for such 113380
children with those states and any other states that provide 113381
education for such children; 113382

(C) Take all necessary steps to compensate for the lack of 113383
continuity in instructional curriculum experienced by children of 113384
migrant agricultural laborers as a result of their parents' 113385
occupation by assuring that: 113386

(1) Coordinated interstate and intrastate programs are 113387
provided at all levels, including coordinated programs leading to 113388
credit accrual; 113389

(2) Parents are given information about the availability of 113390
interstate and intrastate programs. 113391

(D) Take a more active role in encouraging boards of 113392
education to offer, in accordance with section 3313.641 of the 113393
Revised Code, alternative evening and tutorial programs for 113394
children of migrant agricultural laborers and their families 113395
during late spring, summer, and early fall. 113396

Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code. 113397
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~~(B) Subject to divisions (C) and (D) of this section, beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.~~ 113400
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~~(C)(1) Subject to division (C)(2) of this section, beginning in fiscal year 2010, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 113407
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~~(2) Beginning in fiscal year 2011, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.~~ 113414
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~~(D)(1) Subject to division (D)(2) of this section, beginning in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 113420
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~~(2) Beginning in fiscal year 2013, no No preschool program,~~ 113427

and no early childhood education program or early learning program 113428
as defined ~~by the department~~ in section 3301.52 of the Revised 113429
Code, established during or after fiscal year 2007, shall receive 113430
any funds from the state unless fifty per cent of the staff 113431
members employed by the program as teachers have attained a 113432
bachelor's degree of a type approved ~~by the department~~ in section 113433
3319.22 of the Revised Code. 113434

Sec. 3301.32. (A)(1) The chief administrator of any head 113435
start agency shall request the superintendent of the bureau of 113436
criminal identification and investigation to conduct a criminal 113437
records check with respect to any applicant who has applied to the 113438
head start agency for employment as a person responsible for the 113439
care, custody, or control of a child. If the applicant does not 113440
present proof that the applicant has been a resident of this state 113441
for the five-year period immediately prior to the date upon which 113442
the criminal records check is requested or does not provide 113443
evidence that within that five-year period the superintendent has 113444
requested information about the applicant from the federal bureau 113445
of investigation in a criminal records check, the chief 113446
administrator shall request that the superintendent obtain 113447
information from the federal bureau of investigation as a part of 113448
the criminal records check for the applicant. If the applicant 113449
presents proof that the applicant has been a resident of this 113450
state for that five-year period, the chief administrator may 113451
request that the superintendent include information from the 113452
federal bureau of investigation in the criminal records check. 113453

(2) Any person required by division (A)(1) of this section to 113454
request a criminal records check shall provide to each applicant a 113455
copy of the form prescribed pursuant to division (C)(1) of section 113456
109.572 of the Revised Code, provide to each applicant a standard 113457
impression sheet to obtain fingerprint impressions prescribed 113458
pursuant to division (C)(2) of section 109.572 of the Revised 113459

Code, obtain the completed form and impression sheet from each 113460
applicant, and forward the completed form and impression sheet to 113461
the superintendent of the bureau of criminal identification and 113462
investigation at the time the chief administrator requests a 113463
criminal records check pursuant to division (A)(1) of this 113464
section. 113465

(3) Any applicant who receives pursuant to division (A)(2) of 113466
this section a copy of the form prescribed pursuant to division 113467
(C)(1) of section 109.572 of the Revised Code and a copy of an 113468
impression sheet prescribed pursuant to division (C)(2) of that 113469
section and who is requested to complete the form and provide a 113470
set of fingerprint impressions shall complete the form or provide 113471
all the information necessary to complete the form and shall 113472
provide the impression sheets with the impressions of the 113473
applicant's fingerprints. If an applicant, upon request, fails to 113474
provide the information necessary to complete the form or fails to 113475
provide impressions of the applicant's fingerprints, the head 113476
start agency shall not employ that applicant for any position for 113477
which a criminal records check is required by division (A)(1) of 113478
this section. 113479

(B)(1) Except as provided in rules adopted by the director of 113480
~~job children and family services youth~~ in accordance with division 113481
(E) of this section, no head start agency shall employ a person as 113482
a person responsible for the care, custody, or control of a child 113483
if the person previously has been convicted of or pleaded guilty 113484
to any of the following: 113485

(a) A violation of section 2903.01, 2903.02, 2903.03, 113486
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113487
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 113488
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 113489
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 113490
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 113491

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 113492
2925.06, or 3716.11 of the Revised Code, a violation of section 113493
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 113494
violation of section 2919.23 of the Revised Code that would have 113495
been a violation of section 2905.04 of the Revised Code as it 113496
existed prior to July 1, 1996, had the violation occurred prior to 113497
that date, a violation of section 2925.11 of the Revised Code that 113498
is not a minor drug possession offense, or felonious sexual 113499
penetration in violation of former section 2907.12 of the Revised 113500
Code; 113501

(b) A violation of an existing or former law of this state, 113502
any other state, or the United States that is substantially 113503
equivalent to any of the offenses or violations described in 113504
division (B)(1)(a) of this section. 113505

(2) A head start agency may employ an applicant conditionally 113506
until the criminal records check required by this section is 113507
completed and the agency receives the results of the criminal 113508
records check. If the results of the criminal records check 113509
indicate that, pursuant to division (B)(1) of this section, the 113510
applicant does not qualify for employment, the agency shall 113511
release the applicant from employment. 113512

(C)(1) Each head start agency shall pay to the bureau of 113513
criminal identification and investigation the fee prescribed 113514
pursuant to division (C)(3) of section 109.572 of the Revised Code 113515
for each criminal records check conducted in accordance with that 113516
section upon the request pursuant to division (A)(1) of this 113517
section of the chief administrator of the head start agency. 113518

(2) A head start agency may charge an applicant a fee for the 113519
costs it incurs in obtaining a criminal records check under this 113520
section. A fee charged under this division shall not exceed the 113521
amount of fees the agency pays under division (C)(1) of this 113522
section. If a fee is charged under this division, the agency shall 113523

notify the applicant at the time of the applicant's initial 113524
application for employment of the amount of the fee and that, 113525
unless the fee is paid, the head start agency will not consider 113526
the applicant for employment. 113527

(D) The report of any criminal records check conducted by the 113528
bureau of criminal identification and investigation in accordance 113529
with section 109.572 of the Revised Code and pursuant to a request 113530
made under division (A)(1) of this section is not a public record 113531
for the purposes of section 149.43 of the Revised Code and shall 113532
not be made available to any person other than the applicant who 113533
is the subject of the criminal records check or the applicant's 113534
representative, the head start agency requesting the criminal 113535
records check or its representative, and any court, hearing 113536
officer, or other necessary individual involved in a case dealing 113537
with the denial of employment to the applicant. 113538

(E) The director of ~~job children and family services~~ youth 113539
shall adopt rules pursuant to Chapter 119. of the Revised Code to 113540
implement this section, including rules specifying circumstances 113541
under which a head start agency may hire a person who has been 113542
convicted of an offense listed in division (B)(1) of this section 113543
but who meets standards in regard to rehabilitation set by the 113544
director. 113545

(F) Any person required by division (A)(1) of this section to 113546
request a criminal records check shall inform each person, at the 113547
time of the person's initial application for employment, that the 113548
person is required to provide a set of impressions of the person's 113549
fingerprints and that a criminal records check is required to be 113550
conducted and satisfactorily completed in accordance with section 113551
109.572 of the Revised Code if the person comes under final 113552
consideration for appointment or employment as a precondition to 113553
employment for that position. 113554

(G) As used in this section: 113555

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a head start agency as a person responsible for the care, custody, or control of a child.

(2) "Head start agency" means an entity in this state that has been approved to be an agency for purposes of the "Head Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

Sec. 3301.50. Except as otherwise provided under division (B) of section 3301.54 of the Revised Code, the issuing of any educator license designated for teaching in a preschool setting pursuant to section 3319.22 of the Revised Code shall not be construed as requiring any person who does not hold such a license to obtain one in order to be employed as a teacher in a pre-kindergarten program. However, a person hired after July 1, 1988, to direct a preschool program regulated by the ~~state board~~ department of education children and youth under sections 3301.52 to 3301.57 of the Revised Code, other than a program operated by a nontax-supported eligible nonpublic school, shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code plus the four courses required by division (A)(1) of section 3301.54 of the Revised Code, unless division (A)(4) of that section applies to the person.

Sec. 3301.53. (A) The state board of education, ~~in consultation with the director of job and the department of children and family services, youth~~ shall consult with each other

to formulate and prescribe jointly by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board ~~of education in consultation with the~~ 113616
~~director of job and family services and the department~~ shall 113617
ensure that the rules adopted ~~by the state board~~ under sections 113618
3301.52 to 3301.58 of the Revised Code are consistent with and 113619
meet or exceed the requirements of Chapter 5104. of the Revised 113620
Code with regard to child day-care centers that serve preschool 113621
children. The state board ~~and the director of job and family~~ 113622
~~services and the department~~ shall review all such rules at least 113623
once every five years. 113624

(C) The state board ~~of education, in consultation with the~~ 113625
~~director of job and family services, and the department~~ shall 113626
adopt rules for school child programs that are consistent with and 113627
meet or exceed the requirements of the rules adopted for child 113628
day-care centers that serve school-age children under Chapter 113629
5104. of the Revised Code. 113630

Sec. 3301.55. (A) A school district, county board of 113631
developmental disabilities, community school, or eligible 113632
nonpublic school operating a preschool program shall house the 113633
program in buildings that meet the following requirements: 113634

(1) The building is operated by the district, county board of 113635
developmental disabilities, community school, or eligible 113636
nonpublic school and has been approved by the division of 113637
industrial compliance in the department of commerce or a certified 113638
municipal, township, or county building department for the purpose 113639
of operating a program for preschool children. Any such structure 113640
shall be constructed, equipped, repaired, altered, and maintained 113641
in accordance with applicable provisions of Chapters 3781. and 113642
3791. and with rules adopted by the board of building standards 113643
under Chapter 3781. of the Revised Code for the safety and 113644
sanitation of structures erected for this purpose. 113645

(2) The building is in compliance with fire and safety laws 113646

and regulations as evidenced by reports of annual school fire and 113647
safety inspections as conducted by appropriate local authorities. 113648

(3) The school is in compliance with rules established by the 113649
state board of education regarding school food services. 113650

(4) The facility includes not less than thirty-five square 113651
feet of indoor space for each child in the program. Safe play 113652
space, including both indoor and outdoor play space, totaling not 113653
less than sixty square feet for each child using the space at any 113654
one time, shall be regularly available and scheduled for use. 113655

(5) First aid facilities and space for temporary placement or 113656
isolation of injured or ill children are provided. 113657

(B) Each school district, county board of developmental 113658
disabilities, community school, or eligible nonpublic school that 113659
operates, or proposes to operate, a preschool program shall submit 113660
a building plan including all information specified by the ~~state~~ 113661
~~board of education to the board~~ department of children and youth 113662
not later than the first day of September of the school year in 113663
which the program is to be initiated. The ~~board~~ department of 113664
children and youth, shall determine whether the buildings meet the 113665
requirements of this section and section 3301.53 of the Revised 113666
Code, and notify the superintendent of its determination. If the 113667
board determines, on the basis of the building plan or any other 113668
information, that the buildings do not meet those requirements, it 113669
shall cause the buildings to be inspected by the department of 113670
~~education~~ children and youth. The department shall make a report 113671
to the superintendent specifying any aspects of the building that 113672
are not in compliance with the requirements of this section and 113673
section 3301.53 of the Revised Code and the time period that will 113674
be allowed the district, county board of developmental 113675
disabilities, or school to meet the requirements. 113676

Sec. 3301.56. (A) The director, head teacher, elementary 113677

principal, or site administrator who is on site and responsible 113678
for supervision of each preschool program shall be responsible for 113679
the following: 113680

(1) Ensuring that the health and safety of the children are 113681
safeguarded by an organized program of school health services 113682
designed to identify child health problems and to coordinate 113683
school and community health resources for children, as evidenced 113684
by but not limited to: 113685

(a) Requiring immunization and compliance with emergency 113686
medical authorization requirements in accordance with rules 113687
~~adopted by the state board of education~~ under section 3301.53 of 113688
the Revised Code; 113689

(b) Providing procedures for emergency situations, including 113690
fire drills, rapid dismissals, tornado drills, and school safety 113691
drills in accordance with section 3737.73 of the Revised Code, and 113692
keeping records of such drills or dismissals; 113693

(c) Posting emergency procedures in preschool rooms and 113694
making them available to school personnel, children, and parents; 113695

(d) Posting emergency numbers by each telephone; 113696

(e) Supervising grounds, play areas, and other facilities 113697
when scheduled for use by children; 113698

(f) Providing first-aid facilities and materials. 113699

(2) Maintaining cumulative records for each child; 113700

(3) Supervising each child's admission, placement, and 113701
withdrawal according to established procedures; 113702

(4) Preparing at least once annually for each group of 113703
children in the program a roster of names and telephone numbers of 113704
parents, guardians, and custodians of children in the group and, 113705
on request, furnishing the roster for each group to the parents, 113706
guardians, and custodians of children in that group. The director 113707

may prepare a similar roster of all children in the program and, 113708
on request, make it available to the parents, guardians, and 113709
custodians, of children in the program. The director shall not 113710
include in either roster the name or telephone number of any 113711
parent, guardian, or custodian who requests that the parent's, 113712
guardian's, or custodian's name or number not be included, and 113713
shall not furnish any roster to any person other than a parent, 113714
guardian, or custodian of a child in the program. 113715

(5) Ensuring that clerical and custodial services are 113716
provided for the program; 113717

(6) Supervising the instructional program and the daily 113718
operation of the program; 113719

(7) Supervising and evaluating preschool staff members 113720
according to a planned sequence of observations and evaluation 113721
conferences, and supervising nonteaching employees. 113722

(B)(1) In each program the maximum number of children per 113723
preschool staff member and the maximum group size by age category 113724
of children shall be as follows: 113725

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	113726 113727 113728 113729 113730 113731 113732
12 months to less than 18 months	12	1:6	113733
18 months to less than 30 months	14	1:7	113734
30 months to less than 3 years	16	1:8	113735
3-year-olds	24	1:12	113736
4- and 5-year-olds not in school	28	1:14	113737

(2) When age groups are combined, the maximum number of 113738

children per preschool staff member shall be determined by the age 113739
of the youngest child in the group, except that when no more than 113740
one child thirty months of age or older receives child care in a 113741
group in which all the other children are in the next older age 113742
group, the maximum number of children per child-care staff member 113743
and maximum group size requirements of the older age group 113744
established under division (B)(1) of this section shall apply. 113745

(3) In a room where children are napping, if all the children 113746
are at least eighteen months of age, the maximum number of 113747
children per preschool staff member shall, for a period not to 113748
exceed one and one-half hours in any twenty-four hour day, be 113749
twice the maximum number of children per preschool staff member 113750
established under division (B)(1) of this section if all the 113751
following criteria are met: 113752

(a) At least one preschool staff member is present in the 113753
room; 113754

(b) Sufficient preschool staff members are present on the 113755
preschool program premises to comply with division (B)(1) of this 113756
section; 113757

(c) Naptime preparations have been completed and the children 113758
are resting or napping. 113759

(4) Any accredited program that uses the Montessori method 113760
endorsed by the American Montessori society or the association 113761
Montessori internationale as its primary method of instruction and 113762
is licensed as a preschool program under section 3301.58 of the 113763
Revised Code may combine preschool children of ages three to five 113764
years old with children enrolled in kindergarten. Notwithstanding 113765
anything to the contrary in division (B)(2) of this section, when 113766
such age groups are combined, the maximum number of children per 113767
preschool staff member shall be twelve and the maximum group size 113768
shall be twenty-four children. 113769

(C) In each building in which a preschool program is operated 113770
there shall be on the premises, and readily available at all 113771
times, at least one employee who has completed a course in first 113772
aid and in the prevention, recognition, and management of 113773
communicable diseases which is approved by the state department of 113774
health, and an employee who has completed a course in child abuse 113775
recognition and prevention. 113776

(D) Any parent, guardian, or custodian of a child enrolled in 113777
a preschool program shall be permitted unlimited access to the 113778
school during its hours of operation to contact the parent's, 113779
guardian's, or custodian's child, evaluate the care provided by 113780
the program, or evaluate the premises, or for other purposes 113781
approved by the director. Upon entering the premises, the parent, 113782
guardian, or custodian shall report to the school office. 113783

Sec. 3301.57. (A) For the purpose of improving programs, 113784
facilities, and implementation of the standards promulgated by the 113785
~~state board~~ department of education children and youth under 113786
section 3301.53 of the Revised Code, the ~~state~~ department of 113787
education and the department of children and youth shall provide 113788
consultation and technical assistance to school districts, county 113789
boards of developmental disabilities, community schools, and 113790
eligible nonpublic schools operating preschool programs or school 113791
child programs, and inservice training to preschool staff members, 113792
school child program staff members, and nonteaching employees. 113793

(B) The department of education, the department of children 113794
and youth, and the school district board of education, county 113795
board of developmental disabilities, community school, or eligible 113796
nonpublic school shall jointly monitor each preschool program and 113797
each school child program. 113798

If the program receives any grant or other funding from the 113799
state or federal government, the department of education and the 113800

department of children and youth annually shall monitor all 113801
reports on attendance, financial support, and expenditures 113802
according to provisions for use of the funds. 113803

(C) The department of education and the department of 113804
children and youth, at least once during every twelve-month period 113805
of operation of a preschool program or a licensed school child 113806
program, shall inspect the program and provide a written 113807
inspection report to the superintendent of the school district, 113808
county board of developmental disabilities, community school, or 113809
eligible nonpublic school. The ~~department~~ departments may inspect 113810
any program more than once, as considered necessary by the 113811
~~department~~ departments, during any twelve-month period of 113812
operation. All inspections may be unannounced. No person shall 113813
interfere with any inspection conducted pursuant to this division 113814
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 113815
the Revised Code. 113816

Upon receipt of any complaint that a preschool program or a 113817
licensed school child program is out of compliance with the 113818
requirements in sections 3301.52 to 3301.59 of the Revised Code or 113819
the rules adopted under those sections, the department of children 113820
and youth shall investigate and may inspect the program. If the 113821
complaint is related to a teacher, the department shall coordinate 113822
with the department of education to investigate and take action on 113823
a teacher's license. 113824

(D) If a preschool program or a licensed school child program 113825
is determined to be out of compliance with the requirements of 113826
sections 3301.52 to 3301.59 of the Revised Code or the rules 113827
adopted under those sections, the department of ~~education~~ children 113828
and youth shall notify the appropriate superintendent, county 113829
board of developmental disabilities, community school, or eligible 113830
nonpublic school in writing regarding the nature of the violation, 113831
what must be done to correct the violation, and by what date the 113832

correction must be made. If the correction is not made by the date 113833
established by the department, it may commence action under 113834
Chapter 119. of the Revised Code to close the program or to revoke 113835
the license of the program. If a program does not comply with an 113836
order to cease operation issued in accordance with Chapter 119. of 113837
the Revised Code, the department shall notify the attorney 113838
general, the prosecuting attorney of the county in which the 113839
program is located, or the city attorney, village solicitor, or 113840
other chief legal officer of the municipal corporation in which 113841
the program is located that the program is operating in violation 113842
of sections 3301.52 to 3301.59 of the Revised Code or the rules 113843
adopted under those sections and in violation of an order to cease 113844
operation issued in accordance with Chapter 119. of the Revised 113845
Code. Upon receipt of the notification, the attorney general, 113846
prosecuting attorney, city attorney, village solicitor, or other 113847
chief legal officer shall file a complaint in the court of common 113848
pleas of the county in which the program is located requesting the 113849
court to issue an order enjoining the program from operating. The 113850
court shall grant the requested injunctive relief upon a showing 113851
that the program named in the complaint is operating in violation 113852
of sections 3301.52 to 3301.59 of the Revised Code or the rules 113853
adopted under those sections and in violation of an order to cease 113854
operation issued in accordance with Chapter 119. of the Revised 113855
Code. 113856

(E) The department of education and department of children 113857
and youth shall prepare an annual report on inspections conducted 113858
under this section. The report shall include the number of 113859
inspections conducted, the number and types of violations found, 113860
and the steps taken to address the violations. The ~~department~~ 113861
departments shall file the report with the governor, the president 113862
and minority leader of the senate, and the speaker and minority 113863
leader of the house of representatives on or before the first day 113864
of January of each year, beginning in 1999. 113865

Sec. 3301.58. (A) The department of ~~education~~ children and youth is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall post the license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation.

(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage, conduct, or maintain a preschool program shall apply to the department of ~~education~~ children and youth for a license on a form that the department shall prescribe by rule. Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to obtain a license for a school child program shall apply to the department for a license on a form that the department shall prescribe by rule. The department shall provide at no charge to each applicant for a license under this section a copy of the

requirements under sections 3301.52 to 3301.59 of the Revised Code 113898
and any rules adopted under those sections. The department may 113899
establish application fees by rule adopted under Chapter 119. of 113900
the Revised Code, and all applicants for a license shall pay any 113901
fee established by the department at the time of making an 113902
application for a license. All fees collected pursuant to this 113903
section shall be paid into the state treasury to the credit of the 113904
general revenue fund. 113905

(C) Upon the filing of an application for a license, the 113906
department of ~~education~~ children and youth shall investigate and 113907
inspect the preschool program or school child program to determine 113908
the license capacity for each age category of children of the 113909
program and to determine whether the program complies with 113910
sections 3301.52 to 3301.59 of the Revised Code and any rules 113911
adopted under those sections. When, after investigation and 113912
inspection, the department of ~~education~~ is satisfied that sections 113913
3301.52 to 3301.59 of the Revised Code and any rules adopted under 113914
those sections are complied with by the applicant, the department 113915
of ~~education~~ shall issue the program a provisional license as soon 113916
as practicable in the form and manner prescribed by the rules of 113917
the department. The provisional license shall be valid for one 113918
year from the date of issuance unless revoked. 113919

(D) The department of ~~education~~ children and youth shall 113920
investigate and inspect a preschool program or school child 113921
program that has been issued a provisional license at least once 113922
during operation under the provisional license. If, after the 113923
investigation and inspection, the department of ~~education~~ 113924
determines that the requirements of sections 3301.52 to 3301.59 of 113925
the Revised Code and any rules adopted under those sections are 113926
met by the provisional licensee, the department of ~~education~~ shall 113927
issue the program a license. The license shall remain valid unless 113928
revoked or the program ceases operations. 113929

(E) The department of ~~education~~ children and youth annually 113930
shall investigate and inspect each preschool program or school 113931
child program licensed under division (D) of this section to 113932
determine if the requirements of sections 3301.52 to 3301.59 of 113933
the Revised Code and any rules adopted under those sections are 113934
met by the program, and shall notify the program of the results. 113935

(F) The license or provisional license shall state the name 113936
of the school district board of education, county board of 113937
developmental disabilities, community school, or eligible 113938
nonpublic school that operates the preschool program or school 113939
child program and the license capacity of the program. 113940

(G) The department of ~~education~~ children and youth may revoke 113941
the license of any preschool program or school child program that 113942
is not in compliance with the requirements of sections 3301.52 to 113943
3301.59 of the Revised Code and any rules adopted jointly with the 113944
state board of education under those sections. 113945

(H) If the department of ~~education~~ children and youth revokes 113946
a license, the department shall not issue a license to the program 113947
within two years from the date of the revocation. All actions of 113948
the department with respect to licensing preschool programs and 113949
school child programs shall be in accordance with Chapter 119. of 113950
the Revised Code. 113951

Sec. 3301.59. ~~(A)~~ No school child program may receive any 113952
state or federal funds specifically allocated for school child 113953
programs unless the school child program is licensed by the 113954
department of ~~education~~ children and youth pursuant to sections 113955
3301.52 to 3301.59 or Chapter 5104. of the Revised Code ~~or by the~~ 113956
~~department of job and family services pursuant to Chapter 5104. of~~ 113957
~~the Revised Code.~~ 113958

~~(B) If an eligible nonpublic school is operating, managing,~~ 113959
~~conducting, or maintaining a preschool program or school child~~ 113960

~~program on July 22, 1991, and if the eligible nonpublic school
previously obtained a license for the program from the department
of job and family services pursuant to Chapter 5104. of the
Revised Code, the eligible nonpublic school shall do one of the
following:~~

~~(1) On or before the expiration date of the license, apply
pursuant to Chapter 5104. of the Revised Code to the department of
job and family services for a renewal of the license;~~

~~(2) On or before the expiration date of the license, apply
pursuant to sections 3301.52 to 3301.59 of the Revised Code to the
department of education for a license for the program;~~

~~(3) If the program is a preschool program, cease to operate,
manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept any
state or federal funds specifically allocated for school child
programs and not accept any state or federal funds for publicly
funded child care pursuant to Chapter 5104. of the Revised Code.~~

~~(C) If an eligible nonpublic school is operating, managing,
conducting, or maintaining a preschool program or school child
program on July 22, 1991, and if the eligible nonpublic school
previously has not obtained a license for the program from the
department of job and family services pursuant to Chapter 5104. of
the Revised Code, the eligible nonpublic school shall do one of
the following:~~

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the
Revised Code to the department of job and family services for a
license for the program;~~

~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to
3301.59 of the Revised Code to the department of education for a
license for the program;~~

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 113991
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 113993
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~~(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 113997
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~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 114008
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~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by the respective departments.~~ 114016
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Sec. 3301.132. (A)(1) As used in this section, "policy" means a written clarification or explanation of a statute or rule that 114020
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is initiated by the department of education. "Policy" does not 114022
include any educational guideline, suggestion, or case study 114023
regarding how to comply with a statute or rule or any document or 114024
guideline regarding the internal organization or operation of the 114025
department, including matters regarding administration, personnel, 114026
or accounting. 114027

(2) A policy does not have the force of law. 114028

(B) Policies established by the department shall be subject 114029
to all of the following requirements: 114030

(1) A policy shall comply with the statutes and rules that 114031
are in existence at the time the policy is established. 114032

(2) A policy shall not establish any new requirement. 114033

(3) The first page of each policy shall have printed on it 114034
the following statement in uppercase letters: "THIS POLICY DOES 114035
NOT HAVE THE FORCE OF LAW." 114036

(4) A policy shall state clearly the statutory provision or 114037
administrative rule on which it is based. 114038

(C) Not later than ninety days after the effective date of 114039
this section, and every five years thereafter, the department 114040
shall review each policy that it established prior to the 114041
effective date of this section or that it establishes after that 114042
date and shall prepare written documentation certifying that the 114043
policy has been reviewed. The documentation is a public record 114044
under section 149.43 of the Revised Code. A policy that has not 114045
been so reviewed is void. 114046

(D) A person may file a written complaint at any time with 114047
the superintendent of public instruction alleging that a policy 114048
established by the department of education does not comply with 114049
the requirements established under division (B)(1) or (2) of this 114050
section. Not later than ninety days after receiving the complaint, 114051

the state superintendent shall review the policy and issue a 114052
determination as to whether the policy complies with those 114053
requirements. A determination issued by the state superintendent 114054
under this division is not a final action that is appealable under 114055
this chapter. 114056

(E) The department shall post all proposed policies in a 114057
prominent location on the department's web site. The department 114058
shall establish a public comment period of not less than sixty 114059
days for each proposed policy. If the department receives more 114060
than three public comments during that period, it shall hold at 114061
least one public hearing on the proposal. 114062

(F) Notwithstanding section 149.43 of the Revised Code, not 114063
later than ninety days after the effective date of this section, 114064
the department shall compile a copy of all its policies. The copy 114065
of policies shall be kept current and made available for public 114066
inspection and copying. 114067

Sec. 3301.94. Upon approval of the state board of education, 114068
the superintendent of public instruction and the chancellor of ~~the~~ 114069
~~Ohio board of regents~~ higher education may enter into a memorandum 114070
of understanding under which the department of education, on 114071
behalf of the chancellor, will receive and maintain copies of data 114072
records containing student information reported to the chancellor 114073
for the purpose of combining those records with the data reported 114074
to the education management information system established under 114075
section 3301.0714 of the Revised Code to establish an education 114076
data repository that may be used to conduct longitudinal research 114077
and evaluation. The memorandum of understanding shall specify the 114078
following: 114079

(A) That, prior to establishing the repository, the 114080
superintendent and chancellor shall develop a strategic plan for 114081
the repository that outlines the goals to be achieved from its 114082

implementation and use. A copy of the strategic plan shall be 114083
provided to the governor, the president of the senate, and the 114084
speaker of the house of representatives. 114085

(B) That the chancellor shall submit all student data to be 114086
included in the repository to the independent contractor engaged 114087
by the department to create and maintain the student data 114088
verification codes required by division (D)(2) of section 114089
3301.0714 of the Revised Code. For each student included in the 114090
data submitted by the chancellor, the independent contractor shall 114091
determine whether a data verification code has been assigned to 114092
that student. In the case of a student to whom a data verification 114093
code has been assigned, the independent contractor shall add the 114094
code to the student's data record and remove from the data record 114095
any information that would enable the data verification code to be 114096
matched to personally identifiable student data. In the case of a 114097
student to whom a data verification code has not been assigned, 114098
the independent contractor shall assign a data verification code 114099
to the student, add the data verification code to the student's 114100
data record, and remove from the data record any information that 114101
would enable the data verification code to be matched to 114102
personally identifiable student data. After making the 114103
modifications described in this division, the independent 114104
contractor shall transmit the data to the department. 114105

(C) That the superintendent and the chancellor jointly shall 114106
develop procedures for the maintenance of the data in the 114107
repository and shall designate the types of research that may be 114108
conducted using that data. Permitted uses of the data shall 114109
include, but are not limited to, the following: 114110

(1) Assisting the department of education, superintendent, ~~or~~ 114111
state board, and the department of children and youth in 114112
performing audit and evaluation functions concerning preschool, 114113
elementary, and secondary education as required or authorized by 114114

any provision of law, including division (C) of section 3301.07 114115
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 114116
3302.03 of the Revised Code; 114117

(2) Assisting the chancellor in performing audit and 114118
evaluation functions concerning higher education as required or 114119
authorized by any provision of law, including sections 3333.04, 114120
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 114121
3333.374, 3333.72, and 3333.82 of the Revised Code. 114122

(D) That the superintendent and the chancellor, from time to 114123
time, jointly may enter into written agreements with entities for 114124
the use of data in the repository to conduct research and analysis 114125
designed to evaluate the effectiveness of programs or services, to 114126
measure progress against specific strategic planning goals, or for 114127
any other purpose permitted by law that the superintendent and 114128
chancellor consider necessary for the performance of their duties 114129
under the Revised Code. The agreements may permit the disclosure 114130
of personally identifiable student information to the entity named 114131
in the agreement, provided that disclosure complies with the 114132
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 114133
20 U.S.C. 1232g, as amended, and regulations promulgated under 114134
that act prescribing requirements for such agreements. The 114135
superintendent shall notify the state board of each agreement 114136
entered into under this division. 114137

(E) That the data in the repository submitted by the 114138
department of education shall remain under the direct control of 114139
the department and that the data in the repository submitted by 114140
the chancellor shall remain under the direct control of the 114141
chancellor; 114142

(F) That the data in the repository shall be managed in a 114143
manner that complies with the "Family Educational Rights and 114144
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 114145

(G) That all costs related to the initial establishment and 114146
ongoing maintenance of the repository shall be paid from funds 114147
received from state incentive grants awarded under division (A), 114148
Title XIV, section 14006 of the American Recovery and Reinvestment 114149
Act of 2009, other federal grant programs, or existing 114150
appropriations of the department or chancellor that are designated 114151
for a purpose consistent with this section; 114152

(H) That the department of education annually shall report to 114153
the state board ~~and~~, the chancellor, and the department of 114154
children and youth all requests for access to or use of the data 114155
in the repository and all costs related to the initial 114156
establishment and ongoing maintenance of the repository. 114157

Sec. 3313.64. (A) As used in this section and in section 114158
3313.65 of the Revised Code: 114159

(1)(a) Except as provided in division (A)(1)(b) of this 114160
section, "parent" means either parent, unless the parents are 114161
separated or divorced or their marriage has been dissolved or 114162
annulled, in which case "parent" means the parent who is the 114163
residential parent and legal custodian of the child. When a child 114164
is in the legal custody of a government agency or a person other 114165
than the child's natural or adoptive parent, "parent" means the 114166
parent with residual parental rights, privileges, and 114167
responsibilities. When a child is in the permanent custody of a 114168
government agency or a person other than the child's natural or 114169
adoptive parent, "parent" means the parent who was divested of 114170
parental rights and responsibilities for the care of the child and 114171
the right to have the child live with the parent and be the legal 114172
custodian of the child and all residual parental rights, 114173
privileges, and responsibilities. 114174

(b) When a child is the subject of a power of attorney 114175
executed under sections 3109.51 to 3109.62 of the Revised Code, 114176

"parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job children and family services youth in

accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 114237
114238

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 114239
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 114244
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(b) The child resides in a home. 114247

(c) The child requires special education. 114248

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 114249
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(a) The placement for adoption has been terminated. 114255

(b) Another school district is required to admit the child under division (B)(1) of this section. 114256
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 114258
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(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in 114263
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divisions (C)(1) to (3) of this section, unless division (C)(4) of 114267
this section applies to the child: 114268

(1) If the child receives special education in accordance 114269
with Chapter 3323. of the Revised Code, the school district of 114270
residence, as defined in section 3323.01 of the Revised Code, 114271
shall pay tuition for the child in accordance with section 114272
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 114273
regardless of who has custody of the child or whether the child 114274
resides in a home. 114275

(2) For a child that does not receive special education in 114276
accordance with Chapter 3323. of the Revised Code, except as 114277
otherwise provided in division (C)(2)(d) of this section, if the 114278
child is in the permanent or legal custody of a government agency 114279
or person other than the child's parent, tuition shall be paid by: 114280

(a) The district in which the child's parent resided at the 114281
time the court removed the child from home or at the time the 114282
court vested legal or permanent custody of the child in the person 114283
or government agency, whichever occurred first; 114284

(b) If the parent's residence at the time the court removed 114285
the child from home or placed the child in the legal or permanent 114286
custody of the person or government agency is unknown, tuition 114287
shall be paid by the district in which the child resided at the 114288
time the child was removed from home or placed in legal or 114289
permanent custody, whichever occurred first; 114290

(c) If a school district cannot be established under division 114291
(C)(2)(a) or (b) of this section, tuition shall be paid by the 114292
district determined as required by section 2151.362 of the Revised 114293
Code by the court at the time it vests custody of the child in the 114294
person or government agency; 114295

(d) If at the time the court removed the child from home or 114296
vested legal or permanent custody of the child in the person or 114297

government agency, whichever occurred first, one parent was in a 114298
residential or correctional facility or a juvenile residential 114299
placement and the other parent, if living and not in such a 114300
facility or placement, was not known to reside in this state, 114301
tuition shall be paid by the district determined under division 114302
(D) of section 3313.65 of the Revised Code as the district 114303
required to pay any tuition while the parent was in such facility 114304
or placement; 114305

(e) If the department of education has determined, pursuant 114306
to division (A)(2) of section 2151.362 of the Revised Code, that a 114307
school district other than the one named in the court's initial 114308
order, or in a prior determination of the department, is 114309
responsible to bear the cost of educating the child, the district 114310
so determined shall be responsible for that cost. 114311

(3) If the child is not in the permanent or legal custody of 114312
a government agency or person other than the child's parent and 114313
the child resides in a home, tuition shall be paid by one of the 114314
following: 114315

(a) The school district in which the child's parent resides; 114316

(b) If the child's parent is not a resident of this state, 114317
the home in which the child resides. 114318

(4) Division (C)(4) of this section applies to any child who 114319
is admitted to a school district under division (B)(2) of this 114320
section, resides in a home that is not a foster home, a home 114321
maintained by the department of youth services, a detention 114322
facility established under section 2152.41 of the Revised Code, or 114323
a juvenile facility established under section 2151.65 of the 114324
Revised Code, and receives educational services at the home or 114325
facility in which the child resides pursuant to a contract between 114326
the home or facility and the school district providing those 114327
services. 114328

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home

fails to pay the tuition required by division (C)(3)(b) of this 114361
section, the board of education providing the education may 114362
recover in a civil action the tuition and the expenses incurred in 114363
prosecuting the action, including court costs and reasonable 114364
attorney's fees. If the prosecuting attorney or city director of 114365
law represents the board in such action, costs and reasonable 114366
attorney's fees awarded by the court, based upon the prosecuting 114367
attorney's, director's, or one of their designee's time spent 114368
preparing and presenting the case, shall be deposited in the 114369
county or city general fund. 114370

(E) A board of education may enroll a child free of any 114371
tuition obligation for a period not to exceed sixty days, on the 114372
sworn statement of an adult resident of the district that the 114373
resident has initiated legal proceedings for custody of the child. 114374

(F) In the case of any individual entitled to attend school 114375
under this division, no tuition shall be charged by the school 114376
district of attendance and no other school district shall be 114377
required to pay tuition for the individual's attendance. 114378
Notwithstanding division (B), (C), or (E) of this section: 114379

(1) All persons at least eighteen but under twenty-two years 114380
of age who live apart from their parents, support themselves by 114381
their own labor, and have not successfully completed the high 114382
school curriculum or the individualized education program 114383
developed for the person by the high school pursuant to section 114384
3323.08 of the Revised Code, are entitled to attend school in the 114385
district in which they reside. 114386

(2) Any child under eighteen years of age who is married is 114387
entitled to attend school in the child's district of residence. 114388

(3) A child is entitled to attend school in the district in 114389
which either of the child's parents is employed if the child has a 114390
medical condition that may require emergency medical attention. 114391

The parent of a child entitled to attend school under division 114392
(F)(3) of this section shall submit to the board of education of 114393
the district in which the parent is employed a statement from the 114394
child's physician certifying that the child's medical condition 114395
may require emergency medical attention. The statement shall be 114396
supported by such other evidence as the board may require. 114397

(4) Any child residing with a person other than the child's 114398
parent is entitled, for a period not to exceed twelve months, to 114399
attend school in the district in which that person resides if the 114400
child's parent files an affidavit with the superintendent of the 114401
district in which the person with whom the child is living resides 114402
stating all of the following: 114403

(a) That the parent is serving outside of the state in the 114404
armed services of the United States; 114405

(b) That the parent intends to reside in the district upon 114406
returning to this state; 114407

(c) The name and address of the person with whom the child is 114408
living while the parent is outside the state. 114409

(5) Any child under the age of twenty-two years who, after 114410
the death of a parent, resides in a school district other than the 114411
district in which the child attended school at the time of the 114412
parent's death is entitled to continue to attend school in the 114413
district in which the child attended school at the time of the 114414
parent's death for the remainder of the school year, subject to 114415
approval of that district board. 114416

(6) A child under the age of twenty-two years who resides 114417
with a parent who is having a new house built in a school district 114418
outside the district where the parent is residing is entitled to 114419
attend school for a period of time in the district where the new 114420
house is being built. In order to be entitled to such attendance, 114421
the parent shall provide the district superintendent with the 114422

following: 114423

(a) A sworn statement explaining the situation, revealing the 114424
location of the house being built, and stating the parent's 114425
intention to reside there upon its completion; 114426

(b) A statement from the builder confirming that a new house 114427
is being built for the parent and that the house is at the 114428
location indicated in the parent's statement. 114429

(7) A child under the age of twenty-two years residing with a 114430
parent who has a contract to purchase a house in a school district 114431
outside the district where the parent is residing and who is 114432
waiting upon the date of closing of the mortgage loan for the 114433
purchase of such house is entitled to attend school for a period 114434
of time in the district where the house is being purchased. In 114435
order to be entitled to such attendance, the parent shall provide 114436
the district superintendent with the following: 114437

(a) A sworn statement explaining the situation, revealing the 114438
location of the house being purchased, and stating the parent's 114439
intent to reside there; 114440

(b) A statement from a real estate broker or bank officer 114441
confirming that the parent has a contract to purchase the house, 114442
that the parent is waiting upon the date of closing of the 114443
mortgage loan, and that the house is at the location indicated in 114444
the parent's statement. 114445

The district superintendent shall establish a period of time 114446
not to exceed ninety days during which the child entitled to 114447
attend school under division (F)(6) or (7) of this section may 114448
attend without tuition obligation. A student attending a school 114449
under division (F)(6) or (7) of this section shall be eligible to 114450
participate in interscholastic athletics under the auspices of 114451
that school, provided the board of education of the school 114452
district where the student's parent resides, by a formal action, 114453

releases the student to participate in interscholastic athletics 114454
at the school where the student is attending, and provided the 114455
student receives any authorization required by a public agency or 114456
private organization of which the school district is a member 114457
exercising authority over interscholastic sports. 114458

(8) A child whose parent is a full-time employee of a city, 114459
local, or exempted village school district, or of an educational 114460
service center, may be admitted to the schools of the district 114461
where the child's parent is employed, or in the case of a child 114462
whose parent is employed by an educational service center, in the 114463
district that serves the location where the parent's job is 114464
primarily located, provided the district board of education 114465
establishes such an admission policy by resolution adopted by a 114466
majority of its members. Any such policy shall take effect on the 114467
first day of the school year and the effective date of any 114468
amendment or repeal may not be prior to the first day of the 114469
subsequent school year. The policy shall be uniformly applied to 114470
all such children and shall provide for the admission of any such 114471
child upon request of the parent. No child may be admitted under 114472
this policy after the first day of classes of any school year. 114473

(9) A child who is with the child's parent under the care of 114474
a shelter for victims of domestic violence, as defined in section 114475
3113.33 of the Revised Code, is entitled to attend school free in 114476
the district in which the child is with the child's parent, and no 114477
other school district shall be required to pay tuition for the 114478
child's attendance in that school district. 114479

The enrollment of a child in a school district under this 114480
division shall not be denied due to a delay in the school 114481
district's receipt of any records required under section 3313.672 114482
of the Revised Code or any other records required for enrollment. 114483
Any days of attendance and any credits earned by a child while 114484
enrolled in a school district under this division shall be 114485

transferred to and accepted by any school district in which the 114486
child subsequently enrolls. The state board of education shall 114487
adopt rules to ensure compliance with this division. 114488

(10) Any child under the age of twenty-two years whose parent 114489
has moved out of the school district after the commencement of 114490
classes in the child's senior year of high school is entitled, 114491
subject to the approval of that district board, to attend school 114492
in the district in which the child attended school at the time of 114493
the parental move for the remainder of the school year and for one 114494
additional semester or equivalent term. A district board may also 114495
adopt a policy specifying extenuating circumstances under which a 114496
student may continue to attend school under division (F)(10) of 114497
this section for an additional period of time in order to 114498
successfully complete the high school curriculum for the 114499
individualized education program developed for the student by the 114500
high school pursuant to section 3323.08 of the Revised Code. 114501

(11) As used in this division, "grandparent" means a parent 114502
of a parent of a child. A child under the age of twenty-two years 114503
who is in the custody of the child's parent, resides with a 114504
grandparent, and does not require special education is entitled to 114505
attend the schools of the district in which the child's 114506
grandparent resides, provided that, prior to such attendance in 114507
any school year, the board of education of the school district in 114508
which the child's grandparent resides and the board of education 114509
of the school district in which the child's parent resides enter 114510
into a written agreement specifying that good cause exists for 114511
such attendance, describing the nature of this good cause, and 114512
consenting to such attendance. 114513

In lieu of a consent form signed by a parent, a board of 114514
education may request the grandparent of a child attending school 114515
in the district in which the grandparent resides pursuant to 114516
division (F)(11) of this section to complete any consent form 114517

required by the district, including any authorization required by 114518
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 114519
Code. Upon request, the grandparent shall complete any consent 114520
form required by the district. A school district shall not incur 114521
any liability solely because of its receipt of a consent form from 114522
a grandparent in lieu of a parent. 114523

Division (F)(11) of this section does not create, and shall 114524
not be construed as creating, a new cause of action or substantive 114525
legal right against a school district, a member of a board of 114526
education, or an employee of a school district. This section does 114527
not affect, and shall not be construed as affecting, any 114528
immunities from defenses to tort liability created or recognized 114529
by Chapter 2744. of the Revised Code for a school district, 114530
member, or employee. 114531

(12) A child under the age of twenty-two years is entitled to 114532
attend school in a school district other than the district in 114533
which the child is entitled to attend school under division (B), 114534
(C), or (E) of this section provided that, prior to such 114535
attendance in any school year, both of the following occur: 114536

(a) The superintendent of the district in which the child is 114537
entitled to attend school under division (B), (C), or (E) of this 114538
section contacts the superintendent of another district for 114539
purposes of this division; 114540

(b) The superintendents of both districts enter into a 114541
written agreement that consents to the attendance and specifies 114542
that the purpose of such attendance is to protect the student's 114543
physical or mental well-being or to deal with other extenuating 114544
circumstances deemed appropriate by the superintendents. 114545

While an agreement is in effect under this division for a 114546
student who is not receiving special education under Chapter 3323. 114547
of the Revised Code and notwithstanding Chapter 3327. of the 114548

Revised Code, the board of education of neither school district 114549
involved in the agreement is required to provide transportation 114550
for the student to and from the school where the student attends. 114551

A student attending a school of a district pursuant to this 114552
division shall be allowed to participate in all student 114553
activities, including interscholastic athletics, at the school 114554
where the student is attending on the same basis as any student 114555
who has always attended the schools of that district while of 114556
compulsory school age. 114557

(13) All school districts shall comply with the 114558
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 114559
seq., for the education of homeless children. Each city, local, 114560
and exempted village school district shall comply with the 114561
requirements of that act governing the provision of a free, 114562
appropriate public education, including public preschool, to each 114563
homeless child. 114564

When a child loses permanent housing and becomes a homeless 114565
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 114566
such a homeless person changes temporary living arrangements, the 114567
child's parent or guardian shall have the option of enrolling the 114568
child in either of the following: 114569

(a) The child's school of origin, as defined in 42 U.S.C.A. 114570
11432(g)(3)(C); 114571

(b) The school that is operated by the school district in 114572
which the shelter where the child currently resides is located and 114573
that serves the geographic area in which the shelter is located. 114574

(14) A child under the age of twenty-two years who resides 114575
with a person other than the child's parent is entitled to attend 114576
school in the school district in which that person resides if both 114577
of the following apply: 114578

(a) That person has been appointed, through a military power 114579

of attorney executed under section 574(a) of the "National Defense 114580
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 114581
U.S.C. 1044b, or through a comparable document necessary to 114582
complete a family care plan, as the parent's agent for the care, 114583
custody, and control of the child while the parent is on active 114584
duty as a member of the national guard or a reserve unit of the 114585
armed forces of the United States or because the parent is a 114586
member of the armed forces of the United States and is on a duty 114587
assignment away from the parent's residence. 114588

(b) The military power of attorney or comparable document 114589
includes at least the authority to enroll the child in school. 114590

The entitlement to attend school in the district in which the 114591
parent's agent under the military power of attorney or comparable 114592
document resides applies until the end of the school year in which 114593
the military power of attorney or comparable document expires. 114594

(G) A board of education, after approving admission, may 114595
waive tuition for students who will temporarily reside in the 114596
district and who are either of the following: 114597

(1) Residents or domiciliaries of a foreign nation who 114598
request admission as foreign exchange students; 114599

(2) Residents or domiciliaries of the United States but not 114600
of Ohio who request admission as participants in an exchange 114601
program operated by a student exchange organization. 114602

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 114603
3327.04, and 3327.06 of the Revised Code, a child may attend 114604
school or participate in a special education program in a school 114605
district other than in the district where the child is entitled to 114606
attend school under division (B) of this section. 114607

(I)(1) Notwithstanding anything to the contrary in this 114608
section or section 3313.65 of the Revised Code, a child under 114609
twenty-two years of age may attend school in the school district 114610

in which the child, at the end of the first full week of October 114611
of the school year, was entitled to attend school as otherwise 114612
provided under this section or section 3313.65 of the Revised 114613
Code, if at that time the child was enrolled in the schools of the 114614
district but since that time the child or the child's parent has 114615
relocated to a new address located outside of that school district 114616
and within the same county as the child's or parent's address 114617
immediately prior to the relocation. The child may continue to 114618
attend school in the district, and at the school to which the 114619
child was assigned at the end of the first full week of October of 114620
the current school year, for the balance of the school year. 114621
Division (I)(1) of this section applies only if both of the 114622
following conditions are satisfied: 114623

(a) The board of education of the school district in which 114624
the child was entitled to attend school at the end of the first 114625
full week in October and of the district to which the child or 114626
child's parent has relocated each has adopted a policy to enroll 114627
children described in division (I)(1) of this section. 114628

(b) The child's parent provides written notification of the 114629
relocation outside of the school district to the superintendent of 114630
each of the two school districts. 114631

(2) At the beginning of the school year following the school 114632
year in which the child or the child's parent relocated outside of 114633
the school district as described in division (I)(1) of this 114634
section, the child is not entitled to attend school in the school 114635
district under that division. 114636

(3) Any person or entity owing tuition to the school district 114637
on behalf of the child at the end of the first full week in 114638
October, as provided in division (C) of this section, shall 114639
continue to owe such tuition to the district for the child's 114640
attendance under division (I)(1) of this section for the lesser of 114641
the balance of the school year or the balance of the time that the 114642

child attends school in the district under division (I)(1) of this section. 114643
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(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code. 114645
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(J) This division does not apply to a child receiving special education. 114657
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A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The 114659
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treasurer of each school district shall, by the fifteenth day of 114675
January and July, furnish the superintendent of public instruction 114676
a report of the names of each child who attended the district's 114677
schools under divisions (C)(2) and (3) of this section or section 114678
3313.65 of the Revised Code during the preceding six calendar 114679
months, the duration of the attendance of those children, the 114680
school district responsible for tuition on behalf of the child, 114681
and any other information that the superintendent requires. 114682

Upon receipt of the report the superintendent, pursuant to 114683
division (C) of section 3317.023 of the Revised Code, shall deduct 114684
each district's tuition obligations under divisions (C)(2) and (3) 114685
of this section or section 3313.65 of the Revised Code and pay to 114686
the district of attendance that amount plus any amount required to 114687
be paid by the state. 114688

(K) In the event of a disagreement, the superintendent of 114689
public instruction shall determine the school district in which 114690
the parent resides. 114691

(L) Nothing in this section requires or authorizes, or shall 114692
be construed to require or authorize, the admission to a public 114693
school in this state of a pupil who has been permanently excluded 114694
from public school attendance by the superintendent of public 114695
instruction pursuant to sections 3301.121 and 3313.662 of the 114696
Revised Code. 114697

(M) In accordance with division (B)(1) of this section, a 114698
child whose parent is a member of the national guard or a reserve 114699
unit of the armed forces of the United States and is called to 114700
active duty, or a child whose parent is a member of the armed 114701
forces of the United States and is ordered to a temporary duty 114702
assignment outside of the district, may continue to attend school 114703
in the district in which the child's parent lived before being 114704
called to active duty or ordered to a temporary duty assignment 114705
outside of the district, as long as the child's parent continues 114706

to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

Sec. 3313.646. (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a program to provide services to preschool-age children, provided the board has demonstrated a need for the program. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to any such program pursuant to rules adopted by such board and the ~~rules of the state board of education~~ adopted under sections 3301.52 to 3301.57 of the Revised Code.

A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the board may waive any such fees or tuition.

(B) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act.

(C) A board of education may contract with any of the following preschool providers to provide services to preschool-age children, other than those services for which the district is eligible to receive funding under section 3317.0213 of the Revised Code:

(1) Any organization receiving funds under the "Head Start

Act"; 114738

(2) Any nonsectarian eligible nonpublic school as defined in 114739
division (H) of section 3301.52 of the Revised Code; 114740

(3) Any child care provider licensed under Chapter 5104. of 114741
the Revised Code. 114742

Boards may contract to provide services to preschool-age 114743
children only with such organizations whose staff meet the 114744
requirements of rules adopted under section 3301.53 of the Revised 114745
Code or those of the child development associate credential 114746
established by the national association for the education of young 114747
children. 114748

(D) A contract entered into under division (C) of this 114749
section may provide for the board of education to lease school 114750
facilities to the preschool provider or to furnish transportation, 114751
utilities, or staff for the preschool program. 114752

(E) The treasurer of any board of education operating a 114753
preschool program pursuant to this section shall keep an account 114754
of all funds used to operate the program in the same manner as the 114755
treasurer would any other funds of the district pursuant to this 114756
chapter. 114757

Sec. 3314.03. A copy of every contract entered into under 114758
this section shall be filed with the superintendent of public 114759
instruction. The department of education shall make available on 114760
its web site a copy of every approved, executed contract filed 114761
with the superintendent under this section. 114762

(A) Each contract entered into between a sponsor and the 114763
governing authority of a community school shall specify the 114764
following: 114765

(1) That the school shall be established as either of the 114766
following: 114767

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	114768 114769
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	114770 114771
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	114772 114773 114774 114775
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	114776 114777 114778
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	114779 114780 114781 114782
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	114783 114784
(6)(a) Dismissal procedures;	114785
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	114786 114787 114788 114789 114790
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	114791 114792
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the	114793 114794 114795 114796 114797

Revised Code.	114798
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	114799 114800
(a) A detailed description of each facility used for instructional purposes;	114801 114802
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	114803 114804
(c) The annual mortgage principal and interest payments that are paid by the school;	114805 114806
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	114807 114808 114809
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	114810 114811 114812 114813 114814 114815
(11) That the school will comply with the following requirements:	114816 114817
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	114818 114819 114820
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	114821 114822 114823
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	114824 114825 114826 114827

(d) The school will comply with sections 9.90, 9.91, 109.65, 114828
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 114829
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 114830
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 114831
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 114832
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 114833
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 114834
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 114835
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 114836
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 114837
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 114838
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 114839
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 114840
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 114841
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 114842
4123., 4141., and 4167. of the Revised Code as if it were a school 114843
district and will comply with section 3301.0714 of the Revised 114844
Code in the manner specified in section 3314.17 of the Revised 114845
Code. 114846

(e) The school shall comply with Chapter 102. and section 114847
2921.42 of the Revised Code. 114848

(f) The school will comply with sections 3313.61, 3313.611, 114849
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 114850
except that for students who enter ninth grade for the first time 114851
before July 1, 2010, the requirement in sections 3313.61 and 114852
3313.611 of the Revised Code that a person must successfully 114853
complete the curriculum in any high school prior to receiving a 114854
high school diploma may be met by completing the curriculum 114855
adopted by the governing authority of the community school rather 114856
than the curriculum specified in Title XXXIII of the Revised Code 114857
or any rules of the state board of education. Beginning with 114858
students who enter ninth grade for the first time on or after July 114859

1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the

school will pay teachers based upon performance in accordance with 114892
section 3317.141 and will comply with section 3319.111 of the 114893
Revised Code as if it were a school district. 114894

(j) If the school operates a preschool program that is 114895
licensed ~~by the department of education~~ under sections 3301.52 to 114896
3301.59 of the Revised Code, the school shall comply with sections 114897
3301.50 to 3301.59 of the Revised Code and the minimum standards 114898
for preschool programs prescribed in rules adopted by the ~~state~~ 114899
~~board~~ department of children and youth under section 3301.53 of 114900
the Revised Code. 114901

(k) The school will comply with sections 3313.6021 and 114902
3313.6023 of the Revised Code as if it were a school district 114903
unless it is either of the following: 114904

(i) An internet- or computer-based community school; 114905

(ii) A community school in which a majority of the enrolled 114906
students are children with disabilities as described in division 114907
(A)(4)(b) of section 3314.35 of the Revised Code. 114908

(l) The school will comply with section 3321.191 of the 114909
Revised Code, unless it is an internet- or computer-based 114910
community school that is subject to section 3314.261 of the 114911
Revised Code. 114912

(12) Arrangements for providing health and other benefits to 114913
employees; 114914

(13) The length of the contract, which shall begin at the 114915
beginning of an academic year. No contract shall exceed five years 114916
unless such contract has been renewed pursuant to division (E) of 114917
this section. 114918

(14) The governing authority of the school, which shall be 114919
responsible for carrying out the provisions of the contract; 114920

(15) A financial plan detailing an estimated school budget 114921

for each year of the period of the contract and specifying the 114922
total estimated per pupil expenditure amount for each such year. 114923

(16) Requirements and procedures regarding the disposition of 114924
employees of the school in the event the contract is terminated or 114925
not renewed pursuant to section 3314.07 of the Revised Code; 114926

(17) Whether the school is to be created by converting all or 114927
part of an existing public school or educational service center 114928
building or is to be a new start-up school, and if it is a 114929
converted public school or service center building, specification 114930
of any duties or responsibilities of an employer that the board of 114931
education or service center governing board that operated the 114932
school or building before conversion is delegating to the 114933
governing authority of the community school with respect to all or 114934
any specified group of employees provided the delegation is not 114935
prohibited by a collective bargaining agreement applicable to such 114936
employees; 114937

(18) Provisions establishing procedures for resolving 114938
disputes or differences of opinion between the sponsor and the 114939
governing authority of the community school; 114940

(19) A provision requiring the governing authority to adopt a 114941
policy regarding the admission of students who reside outside the 114942
district in which the school is located. That policy shall comply 114943
with the admissions procedures specified in sections 3314.06 and 114944
3314.061 of the Revised Code and, at the sole discretion of the 114945
authority, shall do one of the following: 114946

(a) Prohibit the enrollment of students who reside outside 114947
the district in which the school is located; 114948

(b) Permit the enrollment of students who reside in districts 114949
adjacent to the district in which the school is located; 114950

(c) Permit the enrollment of students who reside in any other 114951
district in the state. 114952

(20) A provision recognizing the authority of the department 114953
of education to take over the sponsorship of the school in 114954
accordance with the provisions of division (C) of section 3314.015 114955
of the Revised Code; 114956

(21) A provision recognizing the sponsor's authority to 114957
assume the operation of a school under the conditions specified in 114958
division (B) of section 3314.073 of the Revised Code; 114959

(22) A provision recognizing both of the following: 114960

(a) The authority of public health and safety officials to 114961
inspect the facilities of the school and to order the facilities 114962
closed if those officials find that the facilities are not in 114963
compliance with health and safety laws and regulations; 114964

(b) The authority of the department of education as the 114965
community school oversight body to suspend the operation of the 114966
school under section 3314.072 of the Revised Code if the 114967
department has evidence of conditions or violations of law at the 114968
school that pose an imminent danger to the health and safety of 114969
the school's students and employees and the sponsor refuses to 114970
take such action. 114971

(23) A description of the learning opportunities that will be 114972
offered to students including both classroom-based and 114973
non-classroom-based learning opportunities that is in compliance 114974
with criteria for student participation established by the 114975
department under division (H)(2) of section 3314.08 of the Revised 114976
Code; 114977

(24) The school will comply with sections 3302.04 and 114978
3302.041 of the Revised Code, except that any action required to 114979
be taken by a school district pursuant to those sections shall be 114980
taken by the sponsor of the school. However, the sponsor shall not 114981
be required to take any action described in division (F) of 114982
section 3302.04 of the Revised Code. 114983

(25) Beginning in the 2006-2007 school year, the school will 114984
open for operation not later than the thirtieth day of September 114985
each school year, unless the mission of the school as specified 114986
under division (A)(2) of this section is solely to serve dropouts. 114987
In its initial year of operation, if the school fails to open by 114988
the thirtieth day of September, or within one year after the 114989
adoption of the contract pursuant to division (D) of section 114990
3314.02 of the Revised Code if the mission of the school is solely 114991
to serve dropouts, the contract shall be void. 114992

(26) Whether the school's governing authority is planning to 114993
seek designation for the school as a STEM school equivalent under 114994
section 3326.032 of the Revised Code; 114995

(27) That the school's attendance and participation policies 114996
will be available for public inspection; 114997

(28) That the school's attendance and participation records 114998
shall be made available to the department of education, auditor of 114999
state, and school's sponsor to the extent permitted under and in 115000
accordance with the "Family Educational Rights and Privacy Act of 115001
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 115002
regulations promulgated under that act, and section 3319.321 of 115003
the Revised Code; 115004

(29) If a school operates using the blended learning model, 115005
as defined in section 3301.079 of the Revised Code, all of the 115006
following information: 115007

(a) An indication of what blended learning model or models 115008
will be used; 115009

(b) A description of how student instructional needs will be 115010
determined and documented; 115011

(c) The method to be used for determining competency, 115012
granting credit, and promoting students to a higher grade level; 115013

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	115014 115015
(e) A statement describing how student progress will be monitored;	115016 115017
(f) A statement describing how private student data will be protected;	115018 115019
(g) A description of the professional development activities that will be offered to teachers.	115020 115021
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	115022 115023 115024 115025
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	115026 115027 115028 115029
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	115030 115031 115032 115033 115034
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	115035 115036 115037
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	115038 115039 115040
(1) The process by which the governing authority of the school will be selected in the future;	115041 115042
(2) The management and administration of the school;	115043

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at

least an annual basis; 115075

(3) Report on an annual basis the results of the evaluation 115076
conducted under division (D)(2) of this section to the department 115077
of education and to the parents of students enrolled in the 115078
community school; 115079

(4) Provide technical assistance to the community school in 115080
complying with laws applicable to the school and terms of the 115081
contract; 115082

(5) Take steps to intervene in the school's operation to 115083
correct problems in the school's overall performance, declare the 115084
school to be on probationary status pursuant to section 3314.073 115085
of the Revised Code, suspend the operation of the school pursuant 115086
to section 3314.072 of the Revised Code, or terminate the contract 115087
of the school pursuant to section 3314.07 of the Revised Code as 115088
determined necessary by the sponsor; 115089

(6) Have in place a plan of action to be undertaken in the 115090
event the community school experiences financial difficulties or 115091
closes prior to the end of a school year. 115092

(E) Upon the expiration of a contract entered into under this 115093
section, the sponsor of a community school may, with the approval 115094
of the governing authority of the school, renew that contract for 115095
a period of time determined by the sponsor, but not ending earlier 115096
than the end of any school year, if the sponsor finds that the 115097
school's compliance with applicable laws and terms of the contract 115098
and the school's progress in meeting the academic goals prescribed 115099
in the contract have been satisfactory. Any contract that is 115100
renewed under this division remains subject to the provisions of 115101
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 115102

(F) If a community school fails to open for operation within 115103
one year after the contract entered into under this section is 115104
adopted pursuant to division (D) of section 3314.02 of the Revised 115105

Code or permanently closes prior to the expiration of the 115106
contract, the contract shall be void and the school shall not 115107
enter into a contract with any other sponsor. A school shall not 115108
be considered permanently closed because the operations of the 115109
school have been suspended pursuant to section 3314.072 of the 115110
Revised Code. 115111

Sec. 3314.06. The governing authority of each community 115112
school established under this chapter shall adopt admission 115113
procedures that specify the following: 115114

(A) That, except as otherwise provided in this section, 115115
admission to the school shall be open to any individual age five 115116
to twenty-two entitled to attend school pursuant to section 115117
3313.64 or 3313.65 of the Revised Code in a school district in the 115118
state. 115119

Additionally, except as otherwise provided in this section, 115120
admission to the school may be open on a tuition basis to any 115121
individual age five to twenty-two who is not a resident of this 115122
state. The school shall not receive state funds under section 115123
3317.022 of the Revised Code for any student who is not a resident 115124
of this state. 115125

An individual younger than five years of age may be admitted 115126
to the school in accordance with division (A)(2) of section 115127
3321.01 of the Revised Code. The school shall receive funds for an 115128
individual admitted under that division in the manner provided 115129
under section 3317.022 of the Revised Code. 115130

If the school operates a program that uses the Montessori 115131
method endorsed by the American Montessori society, the Montessori 115132
accreditation council for teacher education, or the association 115133
Montessori internationale as its primary method of instruction, 115134
admission to the school may be open to individuals younger than 115135
five years of age but the school shall not receive funds under 115136

section 3317.022 of the Revised Code for those individuals. 115137
Notwithstanding anything to the contrary in this chapter, 115138
individuals younger than five years of age who are enrolled in a 115139
Montessori program shall be offered at least four hundred 115140
fifty-five hours of learning opportunities per school year. 115141

If the school operates a preschool program that is licensed 115142
~~by the department of education~~ under sections 3301.52 to 3301.59 115143
of the Revised Code, admission to the school may be open to 115144
individuals who are younger than five years of age, but the school 115145
shall not receive funds under this chapter for those individuals. 115146

(B)(1) That admission to the school may be limited to 115147
students who have attained a specific grade level or are within a 115148
specific age group; to students that meet a definition of 115149
"at-risk," as defined in the contract; to residents of a specific 115150
geographic area within the district, as defined in the contract; 115151
or to separate groups of autistic students and nondisabled 115152
students, as authorized in section 3314.061 of the Revised Code 115153
and as defined in the contract. 115154

(2) For purposes of division (B)(1) of this section, 115155
"at-risk" students may include those students identified as gifted 115156
students under section 3324.03 of the Revised Code. 115157

(C) Whether enrollment is limited to students who reside in 115158
the district in which the school is located or is open to 115159
residents of other districts, as provided in the policy adopted 115160
pursuant to the contract. 115161

(D)(1) That there will be no discrimination in the admission 115162
of students to the school on the basis of race, creed, color, 115163
disability, or sex except that: 115164

(a) The governing authority may do either of the following 115165
for the purpose described in division (G) of this section: 115166

(i) Establish a single-gender school for either sex; 115167

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division

(F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in

kindergarten, who are receiving special education and related	115229
services pursuant to an IEP;	115230
(3) The number of students reported under division (B)(2) of	115231
this section receiving special education and related services	115232
pursuant to an IEP for a disability described in each of divisions	115233
(A) to (F) of section 3317.013 of the Revised Code;	115234
(4) The full-time equivalent number of students reported	115235
under divisions (B)(1) and (2) of this section who are enrolled in	115236
career-technical education programs or classes described in each	115237
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code	115238
that are provided by the community school;	115239
(5) The number of students reported under divisions (B)(1)	115240
and (2) of this section who are not reported under division (B)(4)	115241
of this section but who are enrolled in career-technical education	115242
programs or classes described in each of divisions (A)(1) to (5)	115243
of section 3317.014 of the Revised Code at a joint vocational	115244
school district or another district in the career-technical	115245
planning district to which the school is assigned;	115246
(6) The number of students reported under divisions (B)(1)	115247
and (2) of this section who are category one to three English	115248
learners described in each of divisions (A) to (C) of section	115249
3317.016 of the Revised Code;	115250
(7) The number of students reported under divisions (B)(1)	115251
and (2) of this section who are economically disadvantaged, as	115252
defined by the department. A student shall not be categorically	115253
excluded from the number reported under division (B)(7) of this	115254
section based on anything other than family income.	115255
(8) For each student, the city, exempted village, or local	115256
school district in which the student is entitled to attend school	115257
under section 3313.64 or 3313.65 of the Revised Code.	115258
(9) The number of students enrolled in a preschool program	115259

operated by the school that is licensed ~~by the department of~~ 115260
~~education~~ under sections 3301.52 to 3301.59 of the Revised Code 115261
who are not receiving special education and related services 115262
pursuant to an IEP. 115263

A school district board and a community school governing 115264
authority shall include in their respective reports under division 115265
(B) of this section any child admitted in accordance with division 115266
(A)(2) of section 3321.01 of the Revised Code. 115267

A governing authority of a community school shall not include 115268
in its report under divisions (B)(1) to (9) of this section any 115269
student for whom tuition is charged under division (F) of this 115270
section. 115271

(C)(1)(a) If a community school's costs for a fiscal year for 115272
a student receiving special education and related services 115273
pursuant to an IEP for a disability described in divisions (B) to 115274
(F) of section 3317.013 of the Revised Code exceed the threshold 115275
catastrophic cost for serving the student as specified in division 115276
(B) of section 3317.0214 of the Revised Code, the school may 115277
submit to the superintendent of public instruction documentation, 115278
as prescribed by the superintendent, of all its costs for that 115279
student. Upon submission of documentation for a student of the 115280
type and in the manner prescribed, the department shall pay to the 115281
community school an amount equal to the school's costs for the 115282
student in excess of the threshold catastrophic costs. 115283

(b) The community school shall report under division 115284
(C)(1)(a) of this section, and the department shall pay for, only 115285
the costs of educational expenses and the related services 115286
provided to the student in accordance with the student's 115287
individualized education program. Any legal fees, court costs, or 115288
other costs associated with any cause of action relating to the 115289
student may not be included in the amount. 115290

(2) In any fiscal year, a community school receiving funds 115291
under division (A)(7) of section 3317.022 of the Revised Code 115292
shall spend those funds only for the purposes that the department 115293
designates as approved for career-technical education expenses. 115294
Career-technical education expenses approved by the department 115295
shall include only expenses connected to the delivery of 115296
career-technical programming to career-technical students. The 115297
department shall require the school to report data annually so 115298
that the department may monitor the school's compliance with the 115299
requirements regarding the manner in which funding received under 115300
division (A)(7) of section 3317.022 of the Revised Code may be 115301
spent. 115302

(3) Notwithstanding anything to the contrary in section 115303
3313.90 of the Revised Code, except as provided in division (C)(5) 115304
of this section, all funds received under division (A)(7) of 115305
section 3317.022 of the Revised Code shall be spent in the 115306
following manner: 115307

(a) At least seventy-five per cent of the funds shall be 115308
spent on curriculum development, purchase, and implementation; 115309
instructional resources and supplies; industry-based program 115310
certification; student assessment, credentialing, and placement; 115311
curriculum specific equipment purchases and leases; 115312
career-technical student organization fees and expenses; home and 115313
agency linkages; work-based learning experiences; professional 115314
development; and other costs directly associated with 115315
career-technical education programs including development of new 115316
programs. 115317

(b) Not more than twenty-five per cent of the funds shall be 115318
used for personnel expenditures. 115319

(4) A community school shall spend the funds it receives 115320
under division (A)(4) of section 3317.022 of the Revised Code in 115321
accordance with section 3317.25 of the Revised Code. 115322

(5) The department may waive the requirement in division 115323
(C)(3) of this section for any community school that exclusively 115324
provides one or more career-technical workforce development 115325
programs in arts and communications that are not 115326
equipment-intensive, as determined by the department. 115327

(6) For fiscal years 2022 and 2023, a community school shall 115328
spend the funds it receives under division (A)(5) of section 115329
3317.022 of the Revised Code only for services for English 115330
learners. 115331

(D) A board of education sponsoring a community school may 115332
utilize local funds to make enhancement grants to the school or 115333
may agree, either as part of the contract or separately, to 115334
provide any specific services to the community school at no cost 115335
to the school. 115336

(E) A community school may not levy taxes or issue bonds 115337
secured by tax revenues. 115338

(F) No community school shall charge tuition for the 115339
enrollment of any student who is a resident of this state. A 115340
community school may charge tuition for the enrollment of any 115341
student who is not a resident of this state. 115342

(G)(1)(a) A community school may borrow money to pay any 115343
necessary and actual expenses of the school in anticipation of the 115344
receipt of any portion of the payments to be received by the 115345
school pursuant to section 3317.022 of the Revised Code. The 115346
school may issue notes to evidence such borrowing. The proceeds of 115347
the notes shall be used only for the purposes for which the 115348
anticipated receipts may be lawfully expended by the school. 115349

(b) A school may also borrow money for a term not to exceed 115350
fifteen years for the purpose of acquiring facilities. 115351

(2) Except for any amount guaranteed under section 3318.50 of 115352
the Revised Code, the state is not liable for debt incurred by the 115353

governing authority of a community school. 115354

(H) The department of education shall adjust the amounts paid 115355
under section 3317.022 of the Revised Code to reflect any 115356
enrollment of students in community schools for less than the 115357
equivalent of a full school year. The state board of education 115358
within ninety days after April 8, 2003, shall adopt in accordance 115359
with Chapter 119. of the Revised Code rules governing the payments 115360
to community schools under section 3317.022 of the Revised Code 115361
including initial payments in a school year and adjustments and 115362
reductions made in subsequent periodic payments to community 115363
schools as provided under section 3317.022 of the Revised Code. 115364
For purposes of this division: 115365

(1) A student shall be considered enrolled in the community 115366
school for any portion of the school year the student is 115367
participating at a college under Chapter 3365. of the Revised 115368
Code. 115369

(2) A student shall be considered to be enrolled in a 115370
community school for the period of time beginning on the later of 115371
the date on which the school both has received documentation of 115372
the student's enrollment from a parent and the student has 115373
commenced participation in learning opportunities as defined in 115374
the contract with the sponsor, or thirty days prior to the date on 115375
which the student is entered into the education management 115376
information system established under section 3301.0714 of the 115377
Revised Code. For purposes of applying this division and divisions 115378
(H)(3) and (4) of this section to a community school student, 115379
"learning opportunities" shall be defined in the contract, which 115380
shall describe both classroom-based and non-classroom-based 115381
learning opportunities and shall be in compliance with criteria 115382
and documentation requirements for student participation which 115383
shall be established by the department. Any student's instruction 115384
time in non-classroom-based learning opportunities shall be 115385

certified by an employee of the community school. A student's 115386
enrollment shall be considered to cease on the date on which any 115387
of the following occur: 115388

(a) The community school receives documentation from a parent 115389
terminating enrollment of the student. 115390

(b) The community school is provided documentation of a 115391
student's enrollment in another public or private school. 115392

(c) The community school ceases to offer learning 115393
opportunities to the student pursuant to the terms of the contract 115394
with the sponsor or the operation of any provision of this 115395
chapter. 115396

Except as otherwise specified in this paragraph, beginning in 115397
the 2011-2012 school year, any student who completed the prior 115398
school year in an internet- or computer-based community school 115399
shall be considered to be enrolled in the same school in the 115400
subsequent school year until the student's enrollment has ceased 115401
as specified in division (H)(2) of this section. The department 115402
shall continue paying amounts for the student under section 115403
3317.022 of the Revised Code without interruption at the start of 115404
the subsequent school year. However, if the student without a 115405
legitimate excuse fails to participate in the first seventy-two 115406
consecutive hours of learning opportunities offered to the student 115407
in that subsequent school year, the student shall be considered 115408
not to have re-enrolled in the school for that school year and the 115409
department shall recalculate the payments to the school for that 115410
school year to account for the fact that the student is not 115411
enrolled. 115412

(3) The department shall determine each community school 115413
student's percentage of full-time equivalency based on the 115414
percentage of learning opportunities offered by the community 115415
school to that student, reported either as number of hours or 115416

number of days, is of the total learning opportunities offered by 115417
the community school to a student who attends for the school's 115418
entire school year. However, no internet- or computer-based 115419
community school shall be credited for any time a student spends 115420
participating in learning opportunities beyond ten hours within 115421
any period of twenty-four consecutive hours. Whether it reports 115422
hours or days of learning opportunities, each community school 115423
shall offer not less than nine hundred twenty hours of learning 115424
opportunities during the school year. 115425

(4) With respect to the calculation of full-time equivalency 115426
under division (H)(3) of this section, the department shall waive 115427
the number of hours or days of learning opportunities not offered 115428
to a student because the community school was closed during the 115429
school year due to disease epidemic, hazardous weather conditions, 115430
law enforcement emergencies, inoperability of school buses or 115431
other equipment necessary to the school's operation, damage to a 115432
school building, or other temporary circumstances due to utility 115433
failure rendering the school building unfit for school use, so 115434
long as the school was actually open for instruction with students 115435
in attendance during that school year for not less than the 115436
minimum number of hours required by this chapter. The department 115437
shall treat the school as if it were open for instruction with 115438
students in attendance during the hours or days waived under this 115439
division. 115440

(I) The department of education shall reduce the amounts paid 115441
under section 3317.022 of the Revised Code to reflect payments 115442
made to colleges under section 3365.07 of the Revised Code. 115443

(J)(1) No student shall be considered enrolled in any 115444
internet- or computer-based community school or, if applicable to 115445
the student, in any community school that is required to provide 115446
the student with a computer pursuant to division (C) of section 115447
3314.22 of the Revised Code, unless both of the following 115448

conditions are satisfied: 115449

(a) The student possesses or has been provided with all 115450
required hardware and software materials and all such materials 115451
are operational so that the student is capable of fully 115452
participating in the learning opportunities specified in the 115453
contract between the school and the school's sponsor as required 115454
by division (A)(23) of section 3314.03 of the Revised Code; 115455

(b) The school is in compliance with division (A) of section 115456
3314.22 of the Revised Code, relative to such student. 115457

(2) In accordance with policies adopted by the superintendent 115458
of public instruction, in consultation with the auditor of state, 115459
the department shall reduce the amounts otherwise payable under 115460
section 3317.022 of the Revised Code to any community school that 115461
includes in its program the provision of computer hardware and 115462
software materials to any student, if such hardware and software 115463
materials have not been delivered, installed, and activated for 115464
each such student in a timely manner or other educational 115465
materials or services have not been provided according to the 115466
contract between the individual community school and its sponsor. 115467

The superintendent of public instruction and the auditor of 115468
state shall jointly establish a method for auditing any community 115469
school to which this division pertains to ensure compliance with 115470
this section. 115471

The superintendent, auditor of state, and the governor shall 115472
jointly make recommendations to the general assembly for 115473
legislative changes that may be required to assure fiscal and 115474
academic accountability for such schools. 115475

(K)(1) If the department determines that a review of a 115476
community school's enrollment is necessary, such review shall be 115477
completed and written notice of the findings shall be provided to 115478
the governing authority of the community school and its sponsor 115479

within ninety days of the end of the community school's fiscal 115480
year, unless extended for a period not to exceed thirty additional 115481
days for one of the following reasons: 115482

(a) The department and the community school mutually agree to 115483
the extension. 115484

(b) Delays in data submission caused by either a community 115485
school or its sponsor. 115486

(2) If the review results in a finding that additional 115487
funding is owed to the school, such payment shall be made within 115488
thirty days of the written notice. If the review results in a 115489
finding that the community school owes moneys to the state, the 115490
following procedure shall apply: 115491

(a) Within ten business days of the receipt of the notice of 115492
findings, the community school may appeal the department's 115493
determination to the state board of education or its designee. 115494

(b) The board or its designee shall conduct an informal 115495
hearing on the matter within thirty days of receipt of such an 115496
appeal and shall issue a decision within fifteen days of the 115497
conclusion of the hearing. 115498

(c) If the board has enlisted a designee to conduct the 115499
hearing, the designee shall certify its decision to the board. The 115500
board may accept the decision of the designee or may reject the 115501
decision of the designee and issue its own decision on the matter. 115502

(d) Any decision made by the board under this division is 115503
final. 115504

(3) If it is decided that the community school owes moneys to 115505
the state, the department shall deduct such amount from the 115506
school's future payments in accordance with guidelines issued by 115507
the superintendent of public instruction. 115508

(L) The department shall not pay to a community school under 115509

section 3317.022 of the Revised Code any amount for any of the 115510
following: 115511

(1) Any student who has graduated from the twelfth grade of a 115512
public or nonpublic high school; 115513

(2) Any student who is not a resident of the state; 115514

(3) Any student who was enrolled in the community school 115515
during the previous school year when assessments were administered 115516
under section 3301.0711 of the Revised Code but did not take one 115517
or more of the assessments required by that section and was not 115518
excused pursuant to division (C)(1) or (3) of that section, unless 115519
the superintendent of public instruction grants the student a 115520
waiver from the requirement to take the assessment and a parent is 115521
not paying tuition for the student pursuant to section 3314.26 of 115522
the Revised Code. The superintendent may grant a waiver only for 115523
good cause in accordance with rules adopted by the state board of 115524
education. 115525

(4) Any student who has attained the age of twenty-two years, 115526
except for veterans of the armed services whose attendance was 115527
interrupted before completing the recognized twelve-year course of 115528
the public schools by reason of induction or enlistment in the 115529
armed forces and who apply for enrollment in a community school 115530
not later than four years after termination of war or their 115531
honorable discharge. If, however, any such veteran elects to 115532
enroll in special courses organized for veterans for whom tuition 115533
is paid under federal law, or otherwise, the department shall not 115534
pay to a community school under section 3317.022 of the Revised 115535
Code any amount for that veteran. 115536

Sec. 3323.022. The rules of the state board of education 115537
adopted in consultation with the department of children and youth 115538
for staffing ratios for programs with preschool children with 115539
disabilities shall require the following: 115540

(A) A full-time staff member shall be provided when there are 115541
eight full-day or sixteen half-day preschool children eligible for 115542
special education enrolled in a center-based preschool special 115543
education program. 115544

(B) Staff ratios of one teacher for every eight children 115545
shall be maintained at all times for a program with a center-based 115546
teacher, and a second adult shall be present when there are nine 115547
or more children, including nondisabled children enrolled in a 115548
class session. 115549

(C) Unless otherwise specified in the individualized 115550
education program, a minimum of ten hours of services per week 115551
shall be provided for each child served by a center-based teacher. 115552

Sec. 3323.20. ~~On July 1, 2006, and~~ Annually on each the first 115553
day of July ~~thereafter~~, the department of education, in 115554
consultation with the department of children and youth, shall 115555
electronically report to the general assembly the number of 115556
preschool children with disabilities who received services for 115557
which the department of education made a payment to any provider 115558
during the previous fiscal year, disaggregated according to each 115559
area of developmental deficiency identified by the department of 115560
education for the evaluation of such children. 115561

Sec. 3323.32. (A) The department of education shall contract 115562
with an entity to administer programs and coordinate services for 115563
infants, preschool and school-age children, and adults with autism 115564
and low incidence disabilities. The entity shall be selected by 115565
the superintendent of public instruction in consultation with the 115566
director of children and youth and the advisory board established 115567
under section 3323.33 of the Revised Code. 115568

The contract with the entity selected shall include, but not 115569
be limited to, the following provisions: 115570

(1) A description of the programs to be administered and 115571
services to be provided or coordinated by the entity, which shall 115572
include at least the duties prescribed by sections 3323.34 and 115573
3323.35 of the Revised Code; 115574

(2) A description of the expected outcomes from the programs 115575
administered and services provided or coordinated by the entity; 115576

(3) A stipulation that the entity's performance is subject to 115577
evaluation by the department and renewal of the entity's contract 115578
is subject to the department's satisfaction with the entity's 115579
performance; 115580

(4) A description of the measures and milestones the 115581
department will use to determine whether the performance of the 115582
entity is satisfactory; 115583

(5) Any other provision the department determines is 115584
necessary to ensure the quality of services to individuals with 115585
autism and low incidence disabilities. 115586

(B) In selecting the entity under division (A) of this 115587
section, the superintendent, the director of children and youth, 115588
and the advisory board shall give primary consideration to the 115589
Ohio Center for Autism and Low Incidence, established under 115590
section 3323.31 of the Revised Code, as long as the principal 115591
goals and mission of the Center, as determined by the 115592
superintendent, the director, and the advisory board, are 115593
consistent with the requirements of divisions (A)(1) to (5) of 115594
this section. 115595

Sec. 3325.06. (A) The state board of education, in 115596
consultation with the department of children and youth, shall 115597
institute and establish a program of education by the department 115598
of education to train parents of deaf or hard of hearing children 115599
of preschool age. The object and purpose of the educational 115600

program shall be to aid and assist the parents of deaf or hard of hearing children of preschool age in affording to the children the means of optimum communicational facilities.

(B) The state board of education, in consultation with the department of children and youth, shall institute and establish a program of education to train and assist parents of children of preschool age whose disabilities are visual impairments. The object and purpose of the educational program shall be to enable the parents of children of preschool age whose disabilities are visual impairments to provide their children with learning experiences that develop early literacy, communication, mobility, and daily living skills so the children can function independently in their living environments.

Sec. 3325.07. The state board of education, in consultation with the department of children and youth, in carrying out this section and division (A) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:

(A) Classes for parents of deaf or hard of hearing children of preschool age;

(B) A nursery school where parent and child would enter the nursery school as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care or child development courses;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a

pattern of communication at an early age. 115631

The superintendent may allow children who are not deaf or 115632
hard of hearing to participate in the methods of instruction 115633
described in divisions (A) to (G) of this section as a means to 115634
assist deaf or hard of hearing children to construct a pattern of 115635
communication. The superintendent shall establish policies and 115636
procedures regarding the participation of children who are not 115637
deaf or hard of hearing. 115638

The superintendent may establish reasonable fees for 115639
participation in the methods of instruction described in divisions 115640
(A) to (G) of this section to defray the costs of carrying them 115641
out. The superintendent shall determine the manner by which any 115642
such fees shall be collected. All fees shall be deposited in the 115643
even start fees and gifts fund, which is hereby created in the 115644
state treasury. The money in the fund shall be used to implement 115645
this section. 115646

Sec. 3701.507. (A) To assist in implementing sections 115647
3701.503 to 3701.509 of the Revised Code, the medically 115648
handicapped children's medical advisory council created in section 115649
3701.025 of the Revised Code shall appoint a permanent infant 115650
hearing screening subcommittee. The subcommittee shall consist of 115651
the following members: 115652

(1) One otolaryngologist; 115653

(2) One neonatologist; 115654

(3) One pediatrician; 115655

(4) One neurologist; 115656

(5) One hospital administrator; 115657

(6) Two or more audiologists who are experienced in infant 115658
hearing screening and evaluation; 115659

(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	115660 115661
(8) Two persons who are each a parent of a hearing-impaired child;	115662 115663
(9) One geneticist;	115664
(10) One epidemiologist;	115665
(11) One adult who is deaf or hearing impaired;	115666
(12) One representative from an organization for persons who are deaf or hearing impaired;	115667 115668
(13) One family advocate;	115669
(14) One nurse from a well-baby neonatal nursery;	115670
(15) One nurse from a special care neonatal nursery;	115671
(16) One teacher of persons who are deaf who works with infants and toddlers;	115672 115673
(17) One representative of the health insurance industry;	115674
(18) One representative of the children with medical handicaps program;	115675 115676
(19) One representative of the department of education;	115677
(20) One representative of the department of medicaid;	115678
(21) <u>One representative of the department of children and youth;</u>	115679 115680
<u>(22)</u> Any other person the advisory council appoints.	115681
(B) The infant hearing subcommittee shall:	115682
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	115683 115684 115685
(2) Advise and make recommendations regarding proposed rules	115686

prior to their adoption by the director under section 3701.508 of the Revised Code; 115687
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(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following: 115689
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(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment; 115693
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(b) Identification of locations where hearing evaluations may be conducted; 115697
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(c) Recommendations for methods and techniques of hearing screening and hearing evaluation; 115699
115700

(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care; 115701
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(e) Maintenance of a register of newborns and infants who do not pass the hearing screening; 115703
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(f) Preparation of the information required by section 3701.506 of the Revised Code. 115705
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Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of ~~twenty-one~~ twenty-two members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, 115707
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not more than one of whom is a member of the same political party. 115717
The following shall be members of the commission: the directors of 115718
health, mental health and addiction services, developmental 115719
disabilities, children and youth, and job and family services, or 115720
their designees; the medicaid director, or the director's 115721
designee; and the superintendent of public instruction, or the 115722
superintendent's designee. 115723

The commission shall elect a chairperson from among its 115724
members. 115725

Of the members appointed by the governor, five shall be 115726
appointed to initial terms of one year, and four shall be 115727
appointed to initial terms of two years. Thereafter, all members 115728
appointed by the governor shall be appointed to terms of two 115729
years. All members of the commission appointed by the speaker of 115730
the house of representatives or the president of the senate shall 115731
be nonvoting members of the commission and be appointed within 115732
thirty days after the commencement of the first regular session of 115733
each general assembly, and shall serve until the expiration of the 115734
session of the general assembly during which they were appointed. 115735

Members of the commission shall serve without compensation, 115736
but shall be reimbursed for the actual and necessary expenses they 115737
incur in the performance of their official duties. 115738

(B) The commission shall promote health and the prevention of 115739
disease among members of minority groups. Each year the commission 115740
shall distribute grants from available funds to community-based 115741
health groups to be used to promote health and the prevention of 115742
disease among members of minority groups. As used in this 115743
division, "minority group" means any of the following economically 115744
disadvantaged groups: Blacks, American Indians, Hispanics, and 115745
Orientals. The commission shall adopt and maintain rules pursuant 115746
to Chapter 119. of the Revised Code to provide for the 115747
distribution of these grants. No group shall qualify to receive a 115748

grant from the commission unless it receives at least twenty per 115749
cent of its funds from sources other than grants distributed under 115750
this section. 115751

(C) The commission may appoint such employees as it considers 115752
necessary to carry out its duties under this section. The 115753
department of health shall provide office space for the 115754
commission. 115755

(D) The commission shall meet at the call of its chairperson 115756
to conduct its official business. A majority of the voting members 115757
of the commission constitute a quorum. The votes of at least eight 115758
voting members of the commission are necessary for the commission 115759
to take any official action or to approve the distribution of 115760
grants under this section. 115761

Sec. 3701.80. The department of health shall cooperate with 115762
the director of ~~job~~ children and ~~family services~~ youth when the 115763
director promulgates rules pursuant to Chapter 5104. of the 115764
Revised Code governing the health and sanitary practices of meal 115765
preparation and service for type A family day-care homes, as 115766
defined in section 5104.01 of the Revised Code, recommend 115767
procedures for inspecting type A family day-care homes to 115768
determine whether they are in compliance with those rules, and 115769
provide training and technical assistance to the director on the 115770
procedures for determining compliance with those rules. 115771

Sec. 3705.32. (A) Except as provided in this section, records 115772
received and information assembled by the birth defects 115773
information system pursuant to section 3705.30 of the Revised Code 115774
are confidential medical records. 115775

(B)(1) The director of health may use information assembled 115776
by the system to notify parents, guardians, and custodians of 115777
children with congenital anomalies or abnormal conditions of 115778

medical care and other services available for the child and family. 115779
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(2) The director may disclose information assembled by the system with the written consent of the parent or legal guardian of the child who is the subject of the information. 115781
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(C)(1) Access to information assembled by the system shall be limited to the following persons and government entities: 115784
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(a) The director of health; 115786

(b) Authorized employees of the department of health; 115787

(c) The director of children and youth; 115788

(d) Qualified persons or government entities that are engaged in demographic, epidemiological, or similar studies related to health and health care provision. 115789
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(2) The director shall give a person or government entity described in division ~~(C)(1)(e)~~(C)(1)(d) of this section access to the system only if the person or a representative of the person or government entity signs an agreement to maintain the system's confidentiality. 115792
115793
115794
115795
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(3) The director shall maintain a record of all persons and government entities given access to the information in the system. The record shall include all of the following information: 115797
115798
115799

(a) The name of the person who authorized access to the system; 115800
115801

(b) The name, title, and organizational affiliation of the person or government entity given access to the system; 115802
115803

(c) The dates the person or government entity was given access to the system; 115804
115805

(d) The specific purpose for which the person or government entity intends to use the information. 115806
115807

(4) The record maintained pursuant to division (C)(3) of this section is a public record, as defined in section 149.43 of the Revised Code.

(5) A person who violates an agreement described in division (C)(2) of this section may be denied further access to confidential information maintained by the director.

(D) The director may disclose information assembled by the system in summary, statistical, or other form that does not identify particular individuals or individual sources of information.

Sec. 3705.36. Three years after the date a birth defects information system is implemented pursuant to section 3705.30 of the Revised Code, and annually thereafter, the department of health shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of developmental disabilities, education, children and youth, and job and family services, the commission on minority health, and the news media.

Sec. 3705.40. (A) As used in this section:

(1) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(2) "Geocoding" means a geographic information system (GIS) operation for converting street addresses into spatial data that can be displayed as features on a map, usually by referencing address information from a street segment data layer.

(B) The state registrar shall ensure that the department of children and youth and each board of health ~~has~~ have access to

preliminary birth and death data maintained by the department of 115838
health, as well as access to any electronic system of vital 115839
records the state registrar or department of health maintains, 115840
including the Ohio public health information warehouse. To the 115841
extent possible, the preliminary data shall be provided in a 115842
format that permits geocoding. If the state registrar requires the 115843
department of children and youth or a board to enter into a data 115844
use agreement before accessing such data or systems, the state 115845
registrar shall provide the department and each board with an 115846
application for this purpose and, if requested, assist with the 115847
application's completion. 115848

(C) The state registrar shall provide the users of the 115849
preliminary data and electronic systems described in division (B) 115850
of this section with a data analysis tool kit that assists the 115851
users with using the data in a manner that promotes consistency 115852
and accuracy among users. The tool kit shall include a data 115853
dictionary and sample data analyses. 115854

Sec. 3737.22. (A) The fire marshal shall do all of the 115855
following: 115856

(1) Adopt the state fire code under sections 3737.82 to 115857
3737.86 of the Revised Code; 115858

(2) Enforce the state fire code; 115859

(3) Appoint assistant fire marshals who are authorized to 115860
enforce the state fire code; 115861

(4) Conduct investigations into the cause, origin, and 115862
circumstances of fires and explosions, and assist in the 115863
prosecution of persons believed to be guilty of arson or a similar 115864
crime; 115865

(5) Compile statistics concerning loss due to fire and 115866
explosion as the fire marshal considers necessary, and consider 115867

the compatibility of the fire marshal's system of compilation with 115868
the systems of other state and federal agencies and fire marshals 115869
of other states; 115870

(6) Engage in research on the cause and prevention of losses 115871
due to fire and explosion; 115872

(7) Engage in public education and informational activities 115873
which will inform the public of fire safety information; 115874

(8) Operate a fire training academy and forensic laboratory; 115875

(9) Conduct other fire safety and fire fighting training 115876
activities for the public and groups as will further the cause of 115877
fire safety; 115878

(10) Conduct licensing examinations, and issue permits, 115879
licenses, and certificates, as authorized by the Revised Code; 115880

(11) Conduct tests of fire protection systems and devices, 115881
and fire fighting equipment to determine compliance with the state 115882
fire code, unless a building is insured against the hazard of 115883
fire, in which case such tests may be performed by the company 115884
insuring the building; 115885

(12) Establish and collect fees for conducting licensing 115886
examinations and for issuing permits, licenses, and certificates; 115887

(13) Make available for the prosecuting attorney and an 115888
assistant prosecuting attorney from each county of this state, in 115889
accordance with section 3737.331 of the Revised Code, a seminar 115890
program, attendance at which is optional, that is designed to 115891
provide current information, data, training, and techniques 115892
relative to the prosecution of arson cases; 115893

(14) Administer and enforce Chapter 3743. of the Revised 115894
Code; 115895

(15) Develop a uniform standard for the reporting of 115896
information required to be filed under division (E)(4) of section 115897

2921.22 of the Revised Code, and accept the reports of the 115898
information when they are filed. 115899

(B) The fire marshal shall appoint a chief deputy fire 115900
marshal, and shall employ professional and clerical assistants as 115901
the fire marshal considers necessary. The chief deputy shall be a 115902
competent former or current member of a fire agency and possess 115903
five years of recent, progressively more responsible experience in 115904
fire inspection, fire code enforcement, and fire code management. 115905
The chief deputy, with the approval of the director of commerce, 115906
shall temporarily assume the duties of the fire marshal when the 115907
fire marshal is absent or temporarily unable to carry out the 115908
duties of the office. When there is a vacancy in the office of 115909
fire marshal, the chief deputy, with the approval of the director 115910
of commerce, shall temporarily assume the duties of the fire 115911
marshal until a new fire marshal is appointed under section 115912
3737.21 of the Revised Code. 115913

All employees, other than the fire marshal; the chief deputy 115914
fire marshal; the superintendent of the Ohio fire academy; the 115915
grants administrator; the fiscal officer; the executive secretary 115916
to the fire marshal; legal counsel; the pyrotechnics 115917
administrator, the chief of the forensic laboratory; the person 115918
appointed by the fire marshal to serve as administrator over 115919
functions concerning testing, license examinations, and the 115920
issuance of permits and certificates; and the chiefs of the 115921
bureaus of fire prevention, of fire and explosion investigation, 115922
of code enforcement, and of underground storage tanks shall be in 115923
the classified civil service. The fire marshal shall authorize the 115924
chief deputy and other employees under the fire marshal's 115925
supervision to exercise powers granted to the fire marshal by law 115926
as may be necessary to carry out the duties of the fire marshal's 115927
office. 115928

(C) The fire marshal shall create, in and as a part of the 115929

office of fire marshal, a fire and explosion investigation bureau 115930
consisting of a chief of the bureau and additional assistant fire 115931
marshals as the fire marshal determines necessary for the 115932
efficient administration of the bureau. The chief shall be 115933
experienced in the investigation of the cause, origin, and 115934
circumstances of fires, and in administration, including the 115935
supervision of subordinates. The chief, among other duties 115936
delegated to the chief by the fire marshal, shall be responsible, 115937
under the direction of the fire marshal, for the investigation of 115938
the cause, origin, and circumstances of fires and explosions in 115939
the state, and for assistance in the prosecution of persons 115940
believed to be guilty of arson or a similar crime. 115941

(D)(1) The fire marshal shall create, as part of the office 115942
of fire marshal, a bureau of code enforcement consisting of a 115943
chief of the bureau and additional assistant fire marshals as the 115944
fire marshal determines necessary for the efficient administration 115945
of the bureau. The chief shall be qualified, by education or 115946
experience, in fire inspection, fire code development, fire code 115947
enforcement, or any other similar field determined by the fire 115948
marshal, and in administration, including the supervision of 115949
subordinates. The chief is responsible, under the direction of the 115950
fire marshal, for fire inspection, fire code development, fire 115951
code enforcement, and any other duties delegated to the chief by 115952
the fire marshal. 115953

(2) The fire marshal, the chief deputy fire marshal, the 115954
chief of the bureau of code enforcement, or any assistant fire 115955
marshal under the direction of the fire marshal, the chief deputy 115956
fire marshal, or the chief of the bureau of code enforcement may 115957
cause to be conducted the inspection of all buildings, structures, 115958
and other places, the condition of which may be dangerous from a 115959
fire safety standpoint to life or property, or to property 115960
adjacent to the buildings, structures, or other places. 115961

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of ~~job~~ children and ~~family services~~ youth when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director of children and youth and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of ~~job~~ children and ~~family services~~ youth, as a precondition of approval by the state board of education under section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. In municipal corporations and in townships

where there is a certified fire safety inspector, the inspections 115994
shall be made by that inspector under the supervision of the fire 115995
marshal, according to rules adopted under section 5104.052 of the 115996
Revised Code. In townships outside municipal corporations where 115997
there is no certified fire safety inspector, inspections shall be 115998
made by the fire marshal. 115999

Sec. 3742.32. (A) The director of health shall appoint an 116000
advisory council to assist in the ongoing development and 116001
implementation of the child lead poisoning prevention program 116002
created under section 3742.31 of the Revised Code. The advisory 116003
council shall consist of the following members: 116004

(1) A representative of the department of medicaid; 116005

(2) A representative of the bureau of child care in the 116006
department of job and family services; 116007

(3) A representative of the department of environmental 116008
protection; 116009

(4) A representative of the department of education; 116010

(5) A representative of the department of development 116011
~~services agency~~; 116012

(6) A representative of the department of children and youth; 116013

(7) A representative of the Ohio apartment owner's 116014
association; 116015

~~(7)~~(8) A representative of the Ohio healthy homes network; 116016

~~(8)~~(9) A representative of the Ohio environmental health 116017
association; 116018

~~(9)~~(10) An Ohio representative of the American coatings 116019
association; 116020

~~(10)~~(11) A representative from Ohio realtors; 116021

~~(11)~~(12) A representative of the Ohio housing finance agency; 116022

~~(12)~~(13) A physician knowledgeable in the field of lead 116023
poisoning prevention; 116024

~~(13)~~(14) A representative of the public. 116025

(B) The advisory council shall do both of the following: 116026

(1) Provide the director with advice regarding the policies 116027
the child lead poisoning prevention program should emphasize, 116028
preferred methods of financing the program, and any other matter 116029
relevant to the program's operation; 116030

(2) Submit a report of the state's activities to the 116031
governor, president of the senate, and speaker of the house of 116032
representatives on or before the first day of March each year. 116033

(C) The advisory council is not subject to sections 101.82 to 116034
101.87 of the Revised Code. 116035

Sec. 3781.06. (A)(1) Any building that may be used as a place 116036
of resort, assembly, education, entertainment, lodging, dwelling, 116037
trade, manufacture, repair, storage, traffic, or occupancy by the 116038
public, any residential building, and all other buildings or parts 116039
and appurtenances of those buildings erected within this state, 116040
shall be so constructed, erected, equipped, and maintained that 116041
they shall be safe and sanitary for their intended use and 116042
occupancy. 116043

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 116044
3791.04 of the Revised Code shall be construed to limit the power 116045
of the division of industrial compliance of the department of 116046
commerce to adopt rules of uniform application governing 116047
manufactured home parks pursuant to section 4781.26 of the Revised 116048
Code. 116049

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 116050
Revised Code do not apply to any of the following: 116051

(1) Buildings or structures that are incident to the use for 116052
agricultural purposes of the land on which the buildings or 116053
structures are located, provided those buildings or structures are 116054
not used in the business of retail trade. For purposes of this 116055
division, a building or structure is not considered used in the 116056
business of retail trade if fifty per cent or more of the gross 116057
income received from sales of products in the building or 116058
structure by the owner or operator is from sales of products 116059
produced or raised in a normal crop year on farms owned or 116060
operated by the seller. 116061

(2) Existing single-family, two-family, and three-family 116062
detached dwelling houses for which applications have been 116063
submitted to the director of ~~job~~ children and ~~family services~~ 116064
youth pursuant to section 5104.03 of the Revised Code for the 116065
purposes of operating type A family day-care homes as defined in 116066
section 5104.01 of the Revised Code; 116067

(3) A mobile computing unit. As used in this division, 116068
"mobile computing unit" means an assembly that meets all of the 116069
following criteria: 116070

(a) Its purpose is to house and operate computers as defined 116071
in section 2913.01 of the Revised Code. 116072

(b) Its exterior is integral to the protection or cooling, or 116073
both, of the computers housed within it. 116074

(c) It is not attached to a permanent foundation. 116075

(d) It is not accessible to the public. 116076

(e) It is not designed for regular occupancy, but rather 116077
limited access for service and maintenance. 116078

(f) It can be moved or transported as a single integrated 116079
unit. 116080

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 116081

Revised Code: 116082

(1) "Agricultural purposes" include agriculture, farming, 116083
dairying, pasturage, apiculture, algaculture meaning the farming 116084
of algae, horticulture, floriculture, viticulture, ornamental 116085
horticulture, olericulture, pomiculture, and animal and poultry 116086
husbandry. 116087

(2) "Building" means any structure consisting of foundations, 116088
walls, columns, girders, beams, floors, and roof, or a combination 116089
of any number of these parts, with or without other parts or 116090
appurtenances. 116091

(3) "Industrialized unit" means a building unit or assembly 116092
of closed construction fabricated in an off-site facility, that is 116093
substantially self-sufficient as a unit or as part of a greater 116094
structure, and that requires transportation to the site of 116095
intended use. "Industrialized unit" includes units installed on 116096
the site as independent units, as part of a group of units, or 116097
incorporated with standard construction methods to form a 116098
completed structural entity. "Industrialized unit" does not 116099
include a manufactured home as defined by division (C)(4) of this 116100
section or a mobile home as defined by division (O) of section 116101
4501.01 of the Revised Code. 116102

(4) "Manufactured home" means a building unit or assembly of 116103
closed construction that is fabricated in an off-site facility and 116104
constructed in conformance with the federal construction and 116105
safety standards established by the secretary of housing and urban 116106
development pursuant to the "Manufactured Housing Construction and 116107
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 116108
5403, and that has a permanent label or tag affixed to it, as 116109
specified in 42 U.S.C.A. 5415, certifying compliance with all 116110
applicable federal construction and safety standards. 116111

(5) "Permanent foundation" means permanent masonry, concrete, 116112

or a footing or foundation approved by the division of industrial 116113
compliance of the department of commerce pursuant to Chapter 4781. 116114
of the Revised Code, to which a manufactured or mobile home may be 116115
affixed. 116116

(6) "Permanently sited manufactured home" means a 116117
manufactured home that meets all of the following criteria: 116118

(a) The structure is affixed to a permanent foundation and is 116119
connected to appropriate facilities; 116120

(b) The structure, excluding any addition, has a width of at 116121
least twenty-two feet at one point, a length of at least 116122
twenty-two feet at one point, and a total living area, excluding 116123
garages, porches, or attachments, of at least nine hundred square 116124
feet; 116125

(c) The structure has a minimum 3:12 residential roof pitch, 116126
conventional residential siding, and a six-inch minimum eave 116127
overhang, including appropriate guttering; 116128

(d) The structure was manufactured after January 1, 1995; 116129

(e) The structure is not located in a manufactured home park 116130
as defined by section 4781.01 of the Revised Code. 116131

(7) "Safe," with respect to a building, means it is free from 116132
danger or hazard to the life, safety, health, or welfare of 116133
persons occupying or frequenting it, or of the public and from 116134
danger of settlement, movement, disintegration, or collapse, 116135
whether such danger arises from the methods or materials of its 116136
construction or from equipment installed therein, for the purpose 116137
of lighting, heating, the transmission or utilization of electric 116138
current, or from its location or otherwise. 116139

(8) "Sanitary," with respect to a building, means it is free 116140
from danger or hazard to the health of persons occupying or 116141
frequenting it or to that of the public, if such danger arises 116142

from the method or materials of its construction or from any 116143
equipment installed therein, for the purpose of lighting, heating, 116144
ventilating, or plumbing. 116145

(9) "Residential building" means a one-family, two-family, or 116146
three-family dwelling house, and any accessory structure 116147
incidental to that dwelling house. "Residential building" includes 116148
a one-family, two-family, or three-family dwelling house that is 116149
used as a model to promote the sale of a similar dwelling house. 116150
"Residential building" does not include an industrialized unit as 116151
defined by division (C)(3) of this section, a manufactured home as 116152
defined by division (C)(4) of this section, or a mobile home as 116153
defined by division (O) of section 4501.01 of the Revised Code. 116154

(10) "Nonresidential building" means any building that is not 116155
a residential building or a manufactured or mobile home. 116156

(11) "Accessory structure" means a structure that is attached 116157
to a residential building and serves the principal use of the 116158
residential building. "Accessory structure" includes, but is not 116159
limited to, a garage, porch, or screened-in patio. 116160

Sec. 3781.10. (A)(1) The board of building standards shall 116161
formulate and adopt rules governing the erection, construction, 116162
repair, alteration, and maintenance of all buildings or classes of 116163
buildings specified in section 3781.06 of the Revised Code, 116164
including land area incidental to those buildings, the 116165
construction of industrialized units, the installation of 116166
equipment, and the standards or requirements for materials used in 116167
connection with those buildings. The board shall incorporate those 116168
rules into separate residential and nonresidential building codes. 116169
The standards shall relate to the conservation of energy and the 116170
safety and sanitation of those buildings. 116171

(2) The rules governing nonresidential buildings are the 116172
lawful minimum requirements specified for those buildings and 116173

industrialized units, except that no rule other than as provided 116174
in division (C) of section 3781.108 of the Revised Code that 116175
specifies a higher requirement than is imposed by any section of 116176
the Revised Code is enforceable. The rules governing residential 116177
buildings are uniform requirements for residential buildings in 116178
any area with a building department certified to enforce the state 116179
residential building code. In no case shall any local code or 116180
regulation differ from the state residential building code unless 116181
that code or regulation addresses subject matter not addressed by 116182
the state residential building code or is adopted pursuant to 116183
section 3781.01 of the Revised Code. 116184

(3) The rules adopted pursuant to this section are complete, 116185
lawful alternatives to any requirements specified for buildings or 116186
industrialized units in any section of the Revised Code. Except as 116187
otherwise provided in division (I) of this section, the board 116188
shall, on its own motion or on application made under sections 116189
3781.12 and 3781.13 of the Revised Code, formulate, propose, 116190
adopt, modify, amend, or repeal the rules to the extent necessary 116191
or desirable to effectuate the purposes of sections 3781.06 to 116192
3781.18 of the Revised Code. 116193

(B) The board shall report to the general assembly proposals 116194
for amendments to existing statutes relating to the purposes 116195
declared in section 3781.06 of the Revised Code that public health 116196
and safety and the development of the arts require and shall 116197
recommend any additional legislation to assist in carrying out 116198
fully, in statutory form, the purposes declared in that section. 116199
The board shall prepare and submit to the general assembly a 116200
summary report of the number, nature, and disposition of the 116201
petitions filed under sections 3781.13 and 3781.14 of the Revised 116202
Code. 116203

(C) On its own motion or on application made under sections 116204
3781.12 and 3781.13 of the Revised Code, and after thorough 116205

testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the

constitution. 116239

(E)(1) The board shall certify municipal, township, and 116240
county building departments, the personnel of those building 116241
departments, persons described in division (E)(7) of this section, 116242
and employees of individuals, firms, the state, or corporations 116243
described in division (E)(7) of this section to exercise 116244
enforcement authority, to accept and approve plans and 116245
specifications, and to make inspections, pursuant to sections 116246
3781.03, 3791.04, and 4104.43 of the Revised Code. 116247

(2) The board shall certify departments, personnel, and 116248
persons to enforce the state residential building code, to enforce 116249
the nonresidential building code, or to enforce both the 116250
residential and the nonresidential building codes. Any department, 116251
personnel, or person may enforce only the type of building code 116252
for which certified. 116253

(3) The board shall not require a building department, its 116254
personnel, or any persons that it employs to be certified for 116255
residential building code enforcement if that building department 116256
does not enforce the state residential building code. The board 116257
shall specify, in rules adopted pursuant to Chapter 119. of the 116258
Revised Code, the requirements for certification for residential 116259
and nonresidential building code enforcement, which shall be 116260
consistent with this division. The requirements for residential 116261
and nonresidential certification may differ. Except as otherwise 116262
provided in this division, the requirements shall include, but are 116263
not limited to, the satisfactory completion of an initial 116264
examination and, to remain certified, the completion of a 116265
specified number of hours of continuing building code education 116266
within each three-year period following the date of certification 116267
which shall be not less than thirty hours. The rules shall provide 116268
that continuing education credits and certification issued by the 116269
council of American building officials, national model code 116270

organizations, and agencies or entities the board recognizes are 116271
acceptable for purposes of this division. The rules shall specify 116272
requirements that are consistent with the provisions of section 116273
5903.12 of the Revised Code relating to active duty military 116274
service and are compatible, to the extent possible, with 116275
requirements the council of American building officials and 116276
national model code organizations establish. 116277

(4) The board shall establish and collect a certification and 116278
renewal fee for building department personnel, and persons and 116279
employees of persons, firms, or corporations as described in this 116280
section, who are certified pursuant to this division. 116281

(5) Any individual certified pursuant to this division shall 116282
complete the number of hours of continuing building code education 116283
that the board requires or, for failure to do so, forfeit 116284
certification. 116285

(6) This division does not require or authorize the board to 116286
certify personnel of municipal, township, and county building 116287
departments, and persons and employees of persons, firms, or 116288
corporations as described in this section, whose responsibilities 116289
do not include the exercise of enforcement authority, the approval 116290
of plans and specifications, or making inspections under the state 116291
residential and nonresidential building codes. 116292

(7) Enforcement authority for approval of plans and 116293
specifications and enforcement authority for inspections may be 116294
exercised, and plans and specifications may be approved and 116295
inspections may be made on behalf of a municipal corporation, 116296
township, or county, by any of the following who the board of 116297
building standards certifies: 116298

(a) Officers or employees of the municipal corporation, 116299
township, or county; 116300

(b) Persons, or employees of persons, firms, or corporations, 116301

pursuant to a contract to furnish architectural, engineering, or 116302
other services to the municipal corporation, township, or county; 116303

(c) Officers or employees of, and persons under contract 116304
with, a municipal corporation, township, county, health district, 116305
or other political subdivision, pursuant to a contract to furnish 116306
architectural, engineering, or other services; 116307

(d) Officers or employees of the division of industrial 116308
compliance in the department of commerce pursuant to a contract 116309
authorized by division (B) of section 121.083 of the Revised Code. 116310

(8) Municipal, township, and county building departments have 116311
jurisdiction within the meaning of sections 3781.03, 3791.04, and 116312
4104.43 of the Revised Code, only with respect to the types of 116313
buildings and subject matters for which they are certified under 116314
this section. 116315

(9) A certified municipal, township, or county building 116316
department may exercise enforcement authority, accept and approve 116317
plans and specifications, and make inspections pursuant to 116318
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 116319
park district created pursuant to Chapter 1545. of the Revised 116320
Code upon the approval, by resolution, of the board of park 116321
commissioners of the park district requesting the department to 116322
exercise that authority and conduct those activities, as 116323
applicable. 116324

(10) Certification shall be granted upon application by the 116325
municipal corporation, the board of township trustees, or the 116326
board of county commissioners and approval of that application by 116327
the board of building standards. The application shall set forth: 116328

(a) Whether the certification is requested for residential or 116329
nonresidential buildings, or both; 116330

(b) The number and qualifications of the staff composing the 116331
building department; 116332

(c) The names, addresses, and qualifications of persons, 116333
firms, or corporations contracting to furnish work or services 116334
pursuant to division (E)(7)(b) of this section; 116335

(d) The names of any other municipal corporation, township, 116336
county, health district, or political subdivision under contract 116337
to furnish work or services pursuant to division (E)(7) of this 116338
section; 116339

(e) The proposed budget for the operation of the building 116340
department. 116341

(11) The board of building standards shall adopt rules 116342
governing all of the following: 116343

(a) The certification of building department personnel and 116344
persons and employees of persons, firms, or corporations 116345
exercising authority pursuant to division (E)(7) of this section. 116346
The rules shall disqualify any employee of the department or 116347
person who contracts for services with the department from 116348
performing services for the department when that employee or 116349
person would have to pass upon, inspect, or otherwise exercise 116350
authority over any labor, material, or equipment the employee or 116351
person furnishes for the construction, alteration, or maintenance 116352
of a building or the preparation of working drawings or 116353
specifications for work within the jurisdictional area of the 116354
department. The department shall provide other similarly qualified 116355
personnel to enforce the residential and nonresidential building 116356
codes as they pertain to that work. 116357

(b) The minimum services to be provided by a certified 116358
building department. 116359

(12) The board of building standards may revoke or suspend 116360
certification to enforce the residential and nonresidential 116361
building codes, on petition to the board by any person affected by 116362
that enforcement or approval of plans, or by the board on its own 116363

motion. Hearings shall be held and appeals permitted on any 116364
proceedings for certification or revocation or suspension of 116365
certification in the same manner as provided in section 3781.101 116366
of the Revised Code for other proceedings of the board of building 116367
standards. 116368

(13) Upon certification, and until that authority is revoked, 116369
any county or township building department shall enforce the 116370
residential and nonresidential building codes for which it is 116371
certified without regard to limitation upon the authority of 116372
boards of county commissioners under Chapter 307. of the Revised 116373
Code or boards of township trustees under Chapter 505. of the 116374
Revised Code. 116375

(14) The board shall certify a person to exercise enforcement 116376
authority, to accept and approve plans and specifications, or to 116377
make inspections in this state in accordance with Chapter 4796. of 116378
the Revised Code if either of the following applies: 116379

(a) The person holds a license or certificate in another 116380
state. 116381

(b) The person has satisfactory work experience, a government 116382
certification, or a private certification as described in that 116383
chapter in the same profession, occupation, or occupational 116384
activity as the profession, occupation, or occupational activity 116385
for which the certificate is required in this state in a state 116386
that does not issue that license or certificate. 116387

(F) In addition to hearings sections 3781.06 to 3781.18 and 116388
3791.04 of the Revised Code require, the board of building 116389
standards shall make investigations and tests, and require from 116390
other state departments, officers, boards, and commissions 116391
information the board considers necessary or desirable to assist 116392
it in the discharge of any duty or the exercise of any power 116393
mentioned in this section or in sections 3781.06 to 3781.18, 116394

3791.04, and 4104.43 of the Revised Code. 116395

(G) The board shall adopt rules and establish reasonable fees 116396
for the review of all applications submitted where the applicant 116397
applies for authority to use a new material, assembly, or product 116398
of a manufacturing process. The fee shall bear some reasonable 116399
relationship to the cost of the review or testing of the 116400
materials, assembly, or products and for the notification of 116401
approval or disapproval as provided in section 3781.12 of the 116402
Revised Code. 116403

(H) The residential construction advisory committee shall 116404
provide the board with a proposal for a state residential building 116405
code that the committee recommends pursuant to division (D)(1) of 116406
section 4740.14 of the Revised Code. Upon receiving a 116407
recommendation from the committee that is acceptable to the board, 116408
the board shall adopt rules establishing that code as the state 116409
residential building code. 116410

(I)(1) The committee may provide the board with proposed 116411
rules to update or amend the state residential building code that 116412
the committee recommends pursuant to division (E) of section 116413
4740.14 of the Revised Code. 116414

(2) If the board receives a proposed rule to update or amend 116415
the state residential building code as provided in division (I)(1) 116416
of this section, the board either may accept or reject the 116417
proposed rule for incorporation into the residential building 116418
code. If the board does not act to either accept or reject the 116419
proposed rule within ninety days after receiving the proposed rule 116420
from the committee as described in division (I)(1) of this 116421
section, the proposed rule shall become part of the residential 116422
building code. 116423

(J) The board shall cooperate with the director of ~~job~~ 116424
children and ~~family services~~ youth when the director promulgates 116425

rules pursuant to section 5104.05 of the Revised Code regarding 116426
safety and sanitation in type A family day-care homes. 116427

(K) The board shall adopt rules to implement the requirements 116428
of section 3781.108 of the Revised Code. 116429

Sec. 3798.01. As used in this chapter: 116430

(A) "Administrative safeguards," "physical safeguards," and 116431
"technical safeguards" have the same meanings as in 45 C.F.R. 116432
164.304. 116433

(B) "Covered entity," "disclosure," "health care provider," 116434
"health information," "individually identifiable health 116435
information," "protected health information," and "use" have the 116436
same meanings as in 45 C.F.R. 160.103. 116437

(C) "Designated record set" has the same meaning as in 45 116438
C.F.R. 164.501. 116439

(D) "Direct exchange" means the activity of electronic 116440
transmission of health information through a direct connection 116441
between the electronic record systems of health care providers 116442
without the use of a health information exchange. 116443

(E) "Health care component" and "hybrid entity" have the same 116444
meanings as in 45 C.F.R. 164.103. 116445

(F) "Health information exchange" means any person or 116446
governmental entity that provides in this state a technical 116447
infrastructure to connect computer systems or other electronic 116448
devices used by covered entities to facilitate the secure 116449
transmission of health information. "Health information exchange" 116450
excludes health care providers engaged in direct exchange, 116451
including direct exchange through the use of a health information 116452
service provider. 116453

(G) "HIPAA privacy rule" means the standards for privacy of 116454
individually identifiable health information in 45 C.F.R. part 160 116455

and in 45 C.F.R. part 164, subparts A and E. 116456

(H) "Interoperability" means the capacity of two or more 116457
information systems to exchange information in an accurate, 116458
effective, secure, and consistent manner. 116459

(I) "Minor" means an unemancipated person under eighteen 116460
years of age or a mentally or physically disabled person under 116461
twenty-one years of age who meets criteria specified in rules 116462
adopted by the medicaid director under section 3798.13 of the 116463
Revised Code. 116464

(J) "More stringent" has the same meaning as in 45 C.F.R. 116465
160.202. 116466

(K) "Personal representative" means a person who has 116467
authority under applicable law to make decisions related to health 116468
care on behalf of an adult or emancipated minor, or the parent, 116469
legal guardian, or other person acting in loco parentis who is 116470
authorized under law to make health care decisions on behalf of an 116471
unemancipated minor. "Personal representative" does not include 116472
the parent or legal guardian of, or another person acting in loco 116473
parentis to, a minor who consents to the minor's own receipt of 116474
health care or a minor who makes medical decisions on the minor's 116475
own behalf pursuant to law, court approval, or because the minor's 116476
parent, legal guardian, or other person acting in loco parentis 116477
has assented to an agreement of confidentiality between the 116478
provider and the minor. 116479

(L) "Political subdivision" means a municipal corporation, 116480
township, county, school district, or other body corporate and 116481
politic responsible for governmental activities in a geographic 116482
area smaller than that of the state. 116483

(M) "State agency" means any one or more of the following: 116484

(1) The department of administrative services; 116485

(2) The department of aging;	116486
(3) The department of mental health and addiction services;	116487
(4) The department of developmental disabilities;	116488
(5) The department of education;	116489
(6) The department of health;	116490
(7) The department of insurance;	116491
(8) The department of job and family services;	116492
(9) The department of medicaid;	116493
(10) The department of rehabilitation and correction;	116494
(11) The department of youth services;	116495
(12) <u>The department of children and youth;</u>	116496
<u>(13)</u> The bureau of workers' compensation;	116497
(13) <u>(14)</u> The opportunities for Ohioans with disabilities agency;	116498 116499
(14) <u>(15)</u> The office of the attorney general;	116500
(15) <u>(16)</u> A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	116501 116502 116503
Sec. 4112.12. (A) There is hereby created the commission on African-Americans, which shall consist of not more than thirteen <u>fourteen</u> members as follows: the directors or their designees of the departments of health, development, mental health and addiction services, <u>children and youth</u> , and job and family services; the superintendent of public instruction; the chancellor of higher education or the chancellor's designee; two members of the house of representatives appointed by the speaker of the house of representatives each of whom shall be members of different political parties; and two members of the senate appointed by the	116504 116505 116506 116507 116508 116509 116510 116511 116512 116513

president of the senate each of whom shall be members of different 116514
political parties. The members who are members of the general 116515
assembly shall be nonvoting members. The Ohio state university 116516
Bell national resource center, in consultation with the governor, 116517
shall appoint two members from the private corporate sector or the 116518
nonprofit sector, and one member with experience in the 116519
philanthropic community. 116520

(B) Terms of office shall be for three years, except that 116521
members of the general assembly appointed to the commission shall 116522
be members only so long as they are members of the general 116523
assembly. Each term ends on the same day of the same month as did 116524
the term that it succeeds. Each member shall hold office from the 116525
date of appointment until the end of the term for which the member 116526
was appointed. Members may be reappointed. Vacancies shall be 116527
filled in the manner provided for original appointments. Any 116528
member appointed to fill a vacancy occurring prior to the 116529
expiration date of the term for which the member's predecessor was 116530
appointed shall hold office as a member for the remainder of that 116531
term. A member shall continue in office subsequent to the 116532
expiration date of the member's term until the member's successor 116533
takes office or until a period of sixty days has elapsed, 116534
whichever occurs first. 116535

The commission annually shall elect a chairperson from among 116536
its members. 116537

(C) Members of the commission and members of subcommittees 116538
appointed under division (B) of section 4112.13 of the Revised 116539
Code shall not be compensated, but shall be reimbursed for their 116540
necessary and actual expenses incurred in the performance of their 116541
official duties. 116542

(D) The Ohio state university Bell national resource center, 116543
in consultation with the governor, shall appoint an executive 116544
director of the commission on African-Americans, who shall be in 116545

the unclassified civil service. The executive director shall 116546
supervise the commission's activities and report to the commission 116547
and to the Ohio state university Bell national resource center on 116548
the progress of those activities. The executive director shall do 116549
all things necessary for the efficient and effective 116550
implementation of the duties of the commission. 116551

The responsibilities assigned to the executive director do 116552
not relieve the members of the commission from final 116553
responsibility for the proper performance of the requirements of 116554
this division. 116555

(E) The commission on African-Americans shall do all of the 116556
following: 116557

(1) Employ, promote, supervise, and remove all employees, as 116558
needed, in connection with the performance of its duties under 116559
this section; 116560

(2) Maintain its office at the Ohio state university Bell 116561
national resource center; 116562

(3) Acquire facilities, equipment, and supplies necessary to 116563
house the commission, its employees, and files and records under 116564
its control, and to discharge any duty imposed upon it by law. The 116565
expense of these acquisitions shall be audited and paid for in the 116566
same manner as other state expenses. 116567

(4) Establish the overall policy and management of the 116568
commission in accordance with this chapter; 116569

(5) Follow all state procurement requirements; 116570

(6) Implement the policies and plans of the Ohio state 116571
university Bell national resource center as those policies and 116572
plans are formulated and adopted by the center; 116573

(7) Report to the Ohio state university Bell national 116574
resource center on the progress of the commission on 116575

African-Americans in implementing the policies and plans of the center. 116576
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(F) The commission on African-Americans may: 116578

(1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly; 116579
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(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions. 116581
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(G) The Ohio state university Bell national resource center shall establish the overall policy and management of the commission on African-Americans and shall direct, manage, and oversee the commission. The center shall develop overall policies and plans, and the commission shall implement those policies and plans. The commission, through its executive director, shall keep the center informed as to the activities of the commission in such manner and at such times as the center shall determine. 116585
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The Ohio state university Bell national resource center may prescribe duties and responsibilities of the commission in addition to those prescribed in section 4112.13 of the Revised Code. 116593
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(H) The Ohio state university Bell national resource center annually shall contract for a report on the status of African Americans in this state. Issues to be evaluated in the report shall include the criminal justice system, education, employment, health care, and housing, and such other issues as the center may specify. The report shall include policy recommendations relating to the issues covered in the report. 116597
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Sec. 5101.09. (A) When the director of job and family services or the director of children and youth is authorized by 116604
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the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;

(b) The rule concerns a program administered by the department of job and family services or the director of children and youth, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;

(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.

(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply:

(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;

(b) The statute authorizing the rule requires that the rule be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.

(3) Section 111.15 of the Revised Code, including division (D) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.

(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, the department of children and youth, a county family services agency, or a local board subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this division, "local board" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 5101.11. (A) As used in this section:

(1) "Entity" includes an agency, board, commission, or department of the state or a political subdivision of the state; a private, nonprofit entity; a school district; a private school; or a public or private institution of higher education.

(2) "Federal financial participation" means the federal government's share of expenditures made by an entity in implementing a program administered by the department of job and family services.

(B) At the request of any public entity having authority to implement a program administered by the department of job and family services or the department of children and youth, or any private entity under contract with a public entity to implement a program administered by the applicable department, the applicable department may seek to obtain federal financial participation for costs incurred by the entity. Federal financial participation may be sought from programs operated pursuant to Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the "Social Security Act," 42 U.S.C. 670 et seq.; the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other statute or regulation under which federal financial participation may be available, except that federal financial participation may be sought only for expenditures made with funds for which federal

financial participation is available under federal law. 116667

(C) All funds collected by the department of job and family 116668
services or the department of children and youth pursuant to 116669
division (B) of this section shall be distributed to the entities 116670
that incurred the costs, except for any amounts retained by the 116671
applicable department pursuant to division (D)(3) of this section. 116672

(D) In distributing federal financial participation pursuant 116673
to this section, the department of job and family services or the 116674
department of children and youth may either enter into an 116675
agreement with the entity that is to receive the funds or 116676
distribute the funds in accordance with rules adopted under 116677
division (F) of this section. If ~~the department decides to enter~~ 116678
~~into~~ an agreement to distribute the funds is entered into, the 116679
agreement may include terms that do any of the following: 116680

(1) Provide for the whole or partial reimbursement of any 116681
cost incurred by the entity in implementing the program; 116682

(2) In the event that federal financial participation is 116683
disallowed or otherwise unavailable for any expenditure, require 116684
the applicable department or the entity, whichever party caused 116685
the disallowance or unavailability of federal financial 116686
participation, to assume responsibility for the expenditures; 116687

(3) Permit the applicable department to retain not more than 116688
five per cent of the amount of the federal financial participation 116689
to be distributed to the entity; 116690

(4) Require the public entity to certify the availability of 116691
sufficient unencumbered funds to match the federal financial 116692
participation it receives under this section; 116693

(5) Establish the length of the agreement, which may be for a 116694
fixed or a continuing period of time; 116695

(6) Establish any other requirements determined by the 116696

applicable department to be necessary for the efficient 116697
administration of the agreement. 116698

(E) An entity that receives federal financial participation 116699
pursuant to this section for a program aiding children and their 116700
families shall establish a process for collaborative planning with 116701
the department of job and family services or the department of 116702
children and youth for the use of the funds to improve and expand 116703
the program. 116704

(F) The director of job and family services and the director 116705
of children and youth each shall adopt rules as necessary to 116706
implement this section, including rules for the distribution of 116707
federal financial participation pursuant to this section. The 116708
rules shall be adopted in accordance with Chapter 119. of the 116709
Revised Code. ~~The~~ Each director may adopt or amend any statewide 116710
plan required by the federal government for a program administered 116711
by ~~the~~ that department, as necessary to implement this section. 116712

(G) Federal financial participation received pursuant to this 116713
section shall not be included in any calculation made under 116714
section 5101.16 or 5101.161 of the Revised Code. 116715

Sec. 5101.111. The foundation grant fund is hereby created in 116716
the state treasury. Money the department of job and family 116717
services or the department of children and youth receives from 116718
private foundations in support of pilot projects that promote 116719
exemplary programs for enhancing the health, safety, and 116720
well-being of children and families shall be credited to the fund. 116721
The applicable department may expend the money on such projects, 116722
may use the money, to the extent allowable, to match federal funds 116723
in support of such projects, and shall comply with requirements 116724
the foundations have stipulated in their agreements with the 116725
applicable department as to the purposes for which the money may 116726
be expended. 116727

Sec. 5101.12. The department of job and family services or 116728
department of children and youth may enter into contracts to 116729
maximize federal revenue without the expenditure of state money. 116730
In selecting private entities with which to contract, the 116731
applicable department shall engage in a request for proposals 116732
process. The applicable department, subject to the approval of the 116733
controlling board, may also directly enter into contracts with 116734
public entities providing revenue maximization services. 116735

Sec. 5101.13. (A) The department of ~~job and family services~~ 116736
children and youth shall establish and maintain a uniform 116737
statewide automated child welfare information system in accordance 116738
with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related 116739
federal regulations and guidelines. The information system shall 116740
contain records regarding any of the following: 116741

(1) Investigations of children and families, and children's 116742
care in out-of-home care, in accordance with sections 2151.421 and 116743
5153.16 of the Revised Code; 116744

(2) Care and treatment provided to children and families; 116745

(3) Any other information related to children and families 116746
that state or federal law, regulation, or rule requires the 116747
department or a public children services agency to maintain. 116748

(B) The department shall plan implementation of the 116749
information system on a county-by-county basis and shall finalize 116750
statewide implementation by all public children services agencies 116751
as described in section 5153.02 of the Revised Code not later than 116752
January 1, 2008. 116753

(C) The department shall promptly notify all public children 116754
services agencies of the initiation and completion of statewide 116755
implementation of the statewide information system established 116756
under division (A) of this section. 116757

(D) "Out-of-home care" has the same meaning as in section 116758
2151.011 of the Revised Code. 116759

Sec. 5101.132. (A) Information contained in the information 116760
system established and maintained under section 5101.13 of the 116761
Revised Code may be accessed or entered only as follows: 116762

(1) The department of job and family services, the department 116763
of children and youth, a public children services agency, a title 116764
IV-E agency, a prosecuting attorney, a private child placing 116765
agency, and a private noncustodial agency may access or enter the 116766
information when either of the following is the case: 116767

(a) The access or entry is directly connected with 116768
assessment, investigation, or services regarding a child or 116769
family; 116770

(b) The access or entry is permitted by state or federal law, 116771
rule, or regulation. 116772

(2) A person may access or enter the information in a manner, 116773
to the extent, and for the purposes authorized by rules adopted by 116774
the department. 116775

(B) As used in this section, "title IV-E agency" means a 116776
public children services agency or a public entity with which the 116777
department of job and family services or department of children 116778
and youth has a title IV-E subgrant agreement in effect. 116779

Sec. 5101.134. (A) Notwithstanding any provision of the 116780
Revised Code that requires confidentiality of information that is 116781
contained in the uniform statewide automated child welfare 116782
information system established in section 5101.13 of the Revised 116783
Code, the department of ~~job and family services~~ children and youth 116784
shall adopt rules in accordance with Chapter 119. of the Revised 116785
Code regarding a private child placing agency's or private 116786
noncustodial agency's access, data entry, and use of information 116787

in the uniform statewide automated child welfare information system. 116788
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(B)(1) The department of ~~job and family services~~ children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5101.13 to 5101.133 of the Revised Code. 116790
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(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A)(2) of section 5101.132 of the Revised Code. 116795
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(C) Public children services agencies shall implement and use the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the department. 116798
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Sec. 5101.135. (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome. 116802
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(B) ~~Beginning March 1, 2009, and each~~ On the first day of March ~~thereafter~~ of each year, the department of ~~job and family services~~ children and youth shall report to the director of health the number of reports of child abuse that arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome and that arose during the calendar year immediately preceding the calendar year in which the report is made, as determined by an examination of the statewide automated child welfare information system established and maintained under section 5101.13 of the Revised Code. 116809
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(C) As used in this section, "shaken baby syndrome" has the same meaning as in section ~~3701.63~~ 5180.14 of the Revised Code.

Sec. 5101.14. (A) As used in this section and section 5101.144 of the Revised Code, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.

(B) Within available funds, the department of ~~job~~ children and ~~family services~~ youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5101.144 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each

county shall receive the amount determined under division (C)(2) 116849
of this section as a base allocation, plus a percentage of the 116850
amount that exceeds the amount initially appropriated for the 116851
immediately preceding fiscal year. The amount exceeding the amount 116852
initially appropriated in the immediately preceding fiscal year 116853
shall be allocated to the counties as follows: 116854

(a) Twelve per cent divided equally among all counties; 116855

(b) Forty-eight per cent in the ratio that the number of 116856
residents of the county under the age of eighteen bears to the 116857
total number of such persons residing in this state; 116858

(c) Forty per cent in the ratio that the number of residents 116859
of the county with incomes under the federal poverty guideline 116860
bears to the total number of such persons in this state. 116861

As used in division (C)(3)(c) of this section, "federal 116862
poverty guideline" means the poverty guideline as defined by the 116863
United States office of management and budget and revised by the 116864
United States secretary of health and human services in accordance 116865
with section 673 of the "Community Services Block Grant Act," 95 116866
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 116867

(D) Within ninety days after the end of each state fiscal 116868
biennium, each county shall return any unspent funds to the 116869
department. 116870

(E) The director of ~~job children and family services~~ youth 116871
may adopt the following rules in accordance with section 111.15 of 116872
the Revised Code: 116873

(1) Rules that are necessary for the allocation of funds 116874
under this section; 116875

(2) Rules prescribing reports on expenditures to be submitted 116876
by the counties as necessary for the implementation of this 116877
section. 116878

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1417	116879
of the Revised Code:	116880
(1) "Adopted young adult" means a person:	116881
(a) Who was in the temporary or permanent custody of a public	116882
children services agency;	116883
(b) Who was adopted at the age of sixteen or seventeen and	116884
attained the age of sixteen before a Title IV-E adoption	116885
assistance agreement became effective;	116886
(c) Who has attained the age of eighteen; and	116887
(d) Who has not yet attained the age of twenty-one.	116888
(2) "Child" means any of the following:	116889
(a) A person who meets the requirements of division (B)(3) of	116890
section 5153.01 of the Revised Code;	116891
(b) An adopted young adult;	116892
(c) An emancipated young adult.	116893
(3) "Emancipated young adult" means a person:	116894
(a) Who was in the temporary or permanent custody of a public	116895
children services agency, a planned permanent living arrangement,	116896
or in the Title-IV-E-eligible care and placement responsibility of	116897
a juvenile court or other governmental agency that provides Title	116898
IV-E reimbursable placement services;	116899
(b) Whose custody, arrangement, or care and placement was	116900
terminated on or after the person's eighteenth birthday; and	116901
(c) Who has not yet attained the age of twenty-one.	116902
(4) "Kinship guardianship young adult" means an individual	116903
that meets the following criteria:	116904
(a) Was in the temporary or permanent custody of a public	116905
children services agency or a planned permanent living arrangement	116906

prior to the commitment described in division (A)(4)(b) of this section; 116907
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(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 116909
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(c) Has attained the age of eighteen; 116913

(d) Has not yet attained the age of twenty-one. 116914

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older: 116915
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(a) The following individuals related by blood or adoption to the child: 116917
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(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great"; 116919
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(ii) Siblings; 116921

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand"; 116922
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(iv) First cousins and first cousins once removed. 116925

(b) Stepparents and stepsiblings of the child; 116926

(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section; 116927
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(d) A legal guardian of the child; 116929

(e) A legal custodian of the child; 116930

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties. 116931
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(6) "Representative" means a person with whom the department 116934

of ~~job children~~ and ~~family services youth~~ has entered into a 116935
contract, pursuant to division (B)(2)(b) of this section. 116936

(7) "Title IV-E" means Title IV-E of the "Social Security 116937
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 116938

(B)(1) Except as provided in divisions (B)(2), (3), and (4) 116939
of this section, the department of ~~job children~~ and ~~family~~ 116940
~~services youth~~ shall act as the single state agency to administer 116941
federal payments for foster care, kinship guardianship assistance, 116942
and adoption assistance made pursuant to Title IV-E. The director 116943
of ~~job children~~ and ~~family services youth~~ shall adopt rules to 116944
implement this authority. Rules governing financial and 116945
administrative requirements applicable to public children services 116946
agencies and government entities that provide Title IV-E 116947
reimbursable placement services to children shall be adopted in 116948
accordance with section 111.15 of the Revised Code, as if they 116949
were internal management rules. Rules governing requirements 116950
applicable to private child placing agencies and private 116951
noncustodial agencies and rules establishing eligibility, program 116952
participation, and other requirements concerning Title IV-E shall 116953
be adopted in accordance with Chapter 119. of the Revised Code. A 116954
public children services agency to which the department 116955
distributes Title IV-E funds shall administer the funds in 116956
accordance with those rules. 116957

(2) If the state plan is amended under divisions (A) and (B) 116958
of section 5101.1411 of the Revised Code, both of the following 116959
shall apply: 116960

(a) Implementation of the amendments to the plan shall begin 116961
fifteen months after September 13, 2016, the effective date of 116962
H.B. 50 of the 131st general assembly, if both of the following 116963
apply: 116964

(i) The plan as amended is approved by the secretary of 116965

health and human services; 116966

(ii) The general assembly has appropriated sufficient funds 116967
to operate the program required under the plan as amended. 116968

(b) The department shall have, exercise, and perform all new 116969
duties required under the plan as amended. In doing so, the 116970
department may contract with another person to carry out those new 116971
duties, to the extent permitted under Title IV-E. 116972

(3) If the state plan is amended under division (C) of 116973
section 5101.1411 of the Revised Code, both of the following 116974
apply: 116975

(a) Implementation of the amendments to the plan shall begin 116976
fifteen months after ~~the effective date of this section~~ September 116977
30, 2021, if both of the following apply: 116978

(i) The plan as amended is approved by the secretary of 116979
health and human services. 116980

(ii) The general assembly has appropriated sufficient funds 116981
to operate the program required under the plan as amended. 116982

(b) The department shall perform all new duties required 116983
under the amended plan. In doing so, the department may contract 116984
with another person to carry out those new duties, to the extent 116985
permitted under Title IV-E. 116986

(4) If the state plan is amended under section 5101.1416 of 116987
the Revised Code, and is approved by the secretary of health and 116988
human services, implementation of the amendments to the plan shall 116989
begin fifteen months after ~~the effective date of this section~~ 116990
September 30, 2021. 116991

(C)(1) Except with regard to the new duties imposed on the 116992
department or its contractor under divisions (B)(2)(b) and 116993
(B)(3)(b) of this section that are not imposed on the county, the 116994
county, on behalf of each child eligible for foster care 116995

maintenance payments under Title IV-E, shall make payments to 116996
cover the cost of providing all of the following: 116997

(a) The child's food, clothing, shelter, daily supervision, 116998
and school supplies; 116999

(b) The child's personal incidentals; 117000

(c) Reasonable travel to the child's home for visitation. 117001

(2) In addition to payments made under division (C)(1) of 117002
this section, the county may, on behalf of each child eligible for 117003
foster care maintenance payments under Title IV-E, make payments 117004
to cover the cost of providing the following: 117005

(a) Liability insurance with respect to the child; 117006

(b) If the county is participating in the demonstration 117007
project established under division (A) of section 5101.142 of the 117008
Revised Code, services provided under the project. 117009

(3) With respect to a child who is in a child-care 117010
institution, including any type of group home designed for the 117011
care of children or any privately operated program consisting of 117012
two or more certified foster homes operated by a common 117013
administrative unit, the foster care maintenance payments made by 117014
the county on behalf of the child shall include the reasonable 117015
cost of the administration and operation of the institution, group 117016
home, or program, as necessary to provide the items described in 117017
divisions (C)(1) and (2) of this section. 117018

(D) To the extent that either foster care maintenance 117019
payments under division (C) of this section, Title IV-E kinship 117020
guardianship assistance, or Title IV-E adoption assistance 117021
payments for maintenance costs require the expenditure of county 117022
funds, the board of county commissioners shall report the nature 117023
and amount of each expenditure of county funds to the department. 117024

(E) The department shall distribute to public children 117025

services agencies that incur and report expenditures of the type 117026
described in division (D) of this section federal financial 117027
participation received for administrative and training costs 117028
incurred in the operation of foster care maintenance, kinship 117029
guardianship assistance, and adoption assistance programs. The 117030
department may withhold not more than three per cent of the 117031
federal financial participation received. The funds withheld may 117032
be used only to fund the following: 117033

(1) The Ohio child welfare training program established under 117034
section 5103.30 of the Revised Code; 117035

(2) The university partnership program for college and 117036
university students majoring in social work who have committed to 117037
work for a public children services agency upon graduation; 117038

(3) Efforts supporting organizational excellence, including 117039
voluntary activities to be accredited by a nationally recognized 117040
accreditation organization. 117041

The funds withheld shall be in addition to any administration 117042
and training cost for which the department is reimbursed through 117043
its own cost allocation plan. 117044

(F) All federal financial participation funds received by a 117045
county pursuant to this section shall be deposited into the 117046
county's children services fund created pursuant to section 117047
5101.144 of the Revised Code. 117048

(G) The department shall periodically publish and distribute 117049
the maximum amounts that the department will reimburse public 117050
children services agencies for making payments on behalf of 117051
children eligible for foster care maintenance payments. 117052

(H) The department, by and through its director, is hereby 117053
authorized to develop, participate in the development of, 117054
negotiate, and enter into one or more interstate compacts on 117055
behalf of this state with agencies of any other states, for the 117056

provision of social services to children in relation to whom all 117057
of the following apply: 117058

(1) They have special needs. 117059

(2) This state or another state that is a party to the 117060
interstate compact is providing kinship guardianship assistance or 117061
adoption assistance on their behalf. 117062

(3) They move into this state from another state or move out 117063
of this state to another state. 117064

Sec. 5101.142. (A) The department of ~~job~~ children and ~~family~~ 117065
~~services~~ youth may apply to the United States secretary of health 117066
and human services for a waiver of requirements established under 117067
Title IV-E, or regulations adopted thereunder, to conduct a 117068
demonstration project expanding eligibility for and services 117069
provided under Title IV-E. The department may enter into 117070
agreements with the secretary necessary to implement the 117071
demonstration project, including agreements establishing the terms 117072
and conditions of the waiver authorizing the project. If a 117073
demonstration project is to be established, the department shall 117074
do all of the following: 117075

(1) Have the director of ~~job~~ children and ~~family services~~ 117076
youth adopt rules in accordance with Chapter 119. of the Revised 117077
Code governing the project. The rules shall be consistent with the 117078
agreements the department enters into with the secretary. 117079

(2) Enter into agreements with public children services 117080
agencies that the department selects for participation in the 117081
project. The department shall not select an agency that objects to 117082
participation or refuses to be bound by the terms and conditions 117083
of the project. 117084

(3) Contract with persons or governmental agencies providing 117085
services under the project; 117086

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 U.S.C.A. 671, as amended, as needed to implement the project;

(5) Conduct ongoing evaluations of the project;

(6) Perform other administrative and operational activities required by the agreement with the secretary.

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

Sec. 5101.143. (A) The state adoption assistance loan fund is hereby created in the state treasury. The fund shall consist of all money appropriated or transferred to it and all loan repayments or other money, including interest and penalties, derived from state adoption assistance loans. The department of ~~job children~~ and ~~family services youth~~ shall administer the fund. Money in the fund shall be used to make state adoption assistance loans to prospective adoptive parents applying for a loan under section 3107.018 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section, including rules for creating a loan application form, procedures and standards for reviewing and granting or denying loan applications, conditions on the use of the loan, loan repayment terms, procedures for

collection of loan arrearages, and any monetary penalties for loan 117118
arrearages or improper use of loan funds. 117119

Sec. 5101.145. (A) In adopting rules under section 5101.141 117120
of the Revised Code regarding financial requirements applicable to 117121
public children services agencies, private child placing agencies, 117122
private noncustodial agencies, and government entities that 117123
provide Title IV-E reimbursable placement services to children, 117124
the department of ~~job~~ children and ~~family services~~ youth shall 117125
establish both of the following: 117126

(1) A single form for the agencies or entities to report 117127
costs reimbursable under Title IV-E and costs reimbursable under 117128
medicaid; 117129

(2) Procedures to monitor cost reports submitted by the 117130
agencies or entities. 117131

(B) The procedures established under division (A)(2) of this 117132
section shall be implemented not later than October 1, 2003. The 117133
procedures shall be used to do both of the following: 117134

(1) Determine which of the costs are reimbursable under Title 117135
IV-E; 117136

(2) Ensure that costs reimbursable under medicaid are 117137
excluded from determinations made under division (B)(1) of this 117138
section. 117139

Sec. 5101.146. The department of ~~job~~ children and ~~family~~ 117140
~~services~~ youth shall establish the following penalties, which 117141
shall be enforced at the discretion of the department, for the 117142
failure of a public children services agency, private child 117143
placing agency, private noncustodial agency, or government entity 117144
that provides Title IV-E reimbursable placement services to 117145
children to comply with procedures the department establishes to 117146
ensure fiscal accountability: 117147

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:

(1) For public children services agencies, the department may take any action permitted under division (C)(2), (4), (5), or (6) of section 5101.24 of the Revised Code.

(2) For private child placing agencies or private noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section 5101.141 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of the Revised Code;

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section 5101.141 of the Revised Code.

Sec. 5101.147. If a public children services agency fails to comply with the fiscal accountability procedures established by the department of ~~job children and family services youth~~ children and family services youth, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that

has entered into a contract for services with the private child placing agency or private noncustodial agency.

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Sec. 5101.148. If the department of ~~job children and family services~~ youth sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside.

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Sec. 5101.1410. In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of ~~job children and family services~~ youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case:

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(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code.

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(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report.

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(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed.

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(D) The agency's or entity's misstatement, misclassification,

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overstatement, understatement, or other inclusion or omission of 117209
any cost included in the cost report is not the direct result of a 117210
written directive concerning the agency or entity's cost report 117211
that the department issued to the agency or entity. 117212

Sec. 5101.1411. (A)(1) The director of job and family 117213
services shall, not later than nine months after September 13, 117214
2016, the effective date of H.B. 50 of the 131st general assembly, 117215
submit an amendment to the state plan required by 42 U.S.C. 671 to 117216
the United States secretary of health and human services to 117217
implement 42 U.S.C. 675(8) to make federal payments for foster 117218
care under Title IV-E directly to, or on behalf of, any 117219
emancipated young adult who meets the following requirements: 117220

(a) The emancipated young adult signs a voluntary 117221
participation agreement. 117222

(b) The emancipated young adult satisfies division (D) of 117223
this section. 117224

(2) Any emancipated young adult who meets the requirements of 117225
division (A)(1) of this section may apply for foster care payments 117226
and make the appropriate application at any time. 117227

(B)(1) The director of job and family services shall, not 117228
later than nine months after September 13, 2016, the effective 117229
date of H.B. 50 of the 131st general assembly, submit an amendment 117230
to the state plan required by 42 U.S.C. 671 to the United States 117231
secretary of health and human services to implement 42 U.S.C. 117232
675(8) to make federal payments for adoption assistance under 117233
Title IV-E available to any parent who meets all of the following 117234
requirements: 117235

(a) The parent adopted a person who is an adopted young adult 117236
and the parent entered into an adoption assistance agreement under 117237
42 U.S.C. 673 while the adopted person was age sixteen or 117238

seventeen. 117239

(b) The parent maintains parental responsibility for the 117240
adopted young adult. 117241

(c) The adopted young adult satisfies division (D) of this 117242
section. 117243

(2) Any parent who meets the requirements of division (B)(1) 117244
of this section that are applicable to a parent may request an 117245
extension of adoption assistance payments at any time before the 117246
adopted young adult reaches age twenty-one. 117247

(3) An adopted young adult who is eligible to receive 117248
adoption assistance payments is not considered an emancipated 117249
young adult and is therefore not eligible to receive payment under 117250
division (A) of this section. 117251

(C)(1) The director of job and family services shall, not 117252
later than nine months after ~~the effective date of this amendment~~ 117253
September 30, 2021, submit an amendment to the state plan required 117254
by 42 U.S.C. 671 to the United States secretary of health and 117255
human services to implement 42 U.S.C. 673(d) to provide kinship 117256
guardianship assistance under Title IV-E available to any relative 117257
who meets all of the following requirements: 117258

(a) Both of the following apply: 117259

(i) A juvenile court issued an order granting legal custody 117260
of a person who is a kinship guardianship young adult to the 117261
relative, or a probate court issued an order granting guardianship 117262
of a person who is a kinship guardianship young adult to the 117263
relative, and the order is not a temporary court order. 117264

(ii) The relative entered into a kinship guardianship 117265
assistance agreement under 42 U.S.C. 673(d) while the kinship 117266
guardianship young adult was age sixteen or seventeen. 117267

(b) The relative maintains parental responsibility for the 117268

kinship guardianship young adult.	117269
(c) The kinship guardianship young adult satisfies division	117270
(D) of this section.	117271
(2) Any person who meets the requirements of division (C)(1)	117272
of this section may request an extension of kinship guardianship	117273
assistance at any time before the kinship guardianship young adult	117274
reaches age twenty-one.	117275
(3) A kinship guardianship young adult who is eligible to	117276
receive kinship guardianship assistance is not considered an	117277
emancipated young adult and is therefore not eligible to receive	117278
assistance under division (A) of this section.	117279
(D) In addition to other requirements, an adopted, kinship	117280
guardianship, or emancipated young adult must meet at least one of	117281
the following criteria:	117282
(1) Is completing secondary education or a program leading to	117283
an equivalent credential;	117284
(2) Is enrolled in an institution that provides	117285
post-secondary or vocational education;	117286
(3) Is participating in a program or activity designed to	117287
promote, or remove barriers to, employment;	117288
(4) Is employed for at least eighty hours per month;	117289
(5) Is incapable of doing any of the activities described in	117290
divisions (D)(1) to (4) of this section due to a physical or	117291
mental condition, which incapacity is supported by regularly	117292
updated information in the person's case record or plan.	117293
(E) Any emancipated young adult described in division (A)(1)	117294
of this section who is directly receiving foster care payments, or	117295
on whose behalf such foster care payments are received, or any	117296
relative described in division (C)(1) of this section who is	117297
receiving kinship guardianship assistance, or any parent receiving	117298

adoption assistance payments, may refuse the payments at any time. 117299

(F)(1) An emancipated young adult described in division 117300
(A)(1) of this section who is directly receiving foster care 117301
payments, or on whose behalf such foster care payments are 117302
received, or any relative described in division (C)(1) of this 117303
section who is receiving kinship guardianship assistance and the 117304
kinship guardianship young adult, or a parent receiving adoption 117305
assistance payments and the adopted young adult shall be eligible 117306
for services set forth in the federal, "Fostering Connections to 117307
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 117308
Stat. 3949. 117309

(2) An emancipated young adult described in division (A)(1) 117310
of this section who is directly receiving foster care payments, or 117311
on whose behalf such foster care payments are received, pursuant 117312
to this section, may be eligible to reside in a supervised 117313
independent living setting, including apartment living, room and 117314
board arrangements, college or university dormitories, host homes, 117315
and shared roommate settings. 117316

(G) Any determination by the department of job and family 117317
services or the department of children and youth that denies or 117318
terminates foster care assistance, kinship guardianship 117319
assistance, kinship support program payments, or adoption 117320
assistance payments shall be subject to a state hearing pursuant 117321
to section 5101.35 of the Revised Code. 117322

Sec. 5101.1412. (A) Without the approval of a court, an 117323
emancipated young adult who receives payments, or on whose behalf 117324
payments are received, under division (A) of section 5101.1411 of 117325
the Revised Code, may enter into a voluntary participation 117326
agreement with the department of job children and ~~family services~~ 117327
youth, or its representative, for the emancipated young adult's 117328
care and placement. The agreement shall stay in effect until one 117329

of the following occurs: 117330

(1) The emancipated young adult enrolled in the program 117331
notifies the department, or its representative, that they want to 117332
terminate the agreement. 117333

(2) The emancipated young adult becomes ineligible for the 117334
program. 117335

(B) In order to maintain Title IV-E eligibility for the 117336
emancipated young adult, both of the following apply: 117337

(1) Not later than one hundred eighty days after the 117338
effective date of the voluntary participation agreement, the 117339
department or its representative must petition the court for, and 117340
obtain, a judicial determination that the emancipated young 117341
adult's best interest is served by continuing the care and 117342
placement with the department or its representative. 117343

(2) Not later than twelve months after the effective date of 117344
the voluntary participation agreement, and at least once every 117345
twelve months thereafter, the department or its representative 117346
must petition the court for, and obtain, a judicial determination 117347
that the department or its representative has made reasonable 117348
efforts to finalize a permanency plan to prepare the emancipated 117349
young adult for independence. 117350

Sec. 5101.1413. Notwithstanding section 5101.141 of the 117351
Revised Code and any rules adopted thereunder, the department of 117352
~~job children~~ and ~~family services youth~~ shall pay the full 117353
nonfederal share of payments made pursuant to section 5101.1411 of 117354
the Revised Code. No public children services agency shall be 117355
responsible for the cost of any payments made pursuant to section 117356
5101.1411 of the Revised Code. 117357

Sec. 5101.1414. (A) ~~Not later than nine months after~~ 117358

~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 117359
~~general assembly, the~~ The department of ~~job~~ children and ~~family~~ 117360
~~services~~ youth shall adopt rules necessary to carry out the 117361
purposes of sections 5101.1411 to 5101.1413 of the Revised Code, 117362
including rules that do all of the following: 117363

(1) Allow an emancipated young adult described in division 117364
(A)(1) of section 5101.1411 of the Revised Code who is directly 117365
receiving foster care payments, or on whose behalf such foster 117366
care payments are received, or an adopted young adult whose 117367
adoptive parents are receiving adoption assistance payments, to 117368
maintain eligibility while transitioning into, or out of, 117369
qualified employment or educational activities; 117370

(2) Require that a thirty-day notice of termination be given 117371
by the department to an emancipated young adult described in 117372
division (A)(1) of section 5101.1411 of the Revised Code who is 117373
receiving foster care payments, or on whose behalf such foster 117374
care payments are received, or to a parent receiving adoption 117375
assistance payments for an adopted young adult described in 117376
division (B)(1) of section 5101.1411 of the Revised Code, who is 117377
determined to be ineligible for payments; 117378

(3) Establish the scope of practice and training necessary 117379
for case managers and supervisors who care for emancipated young 117380
adults described in division (A)(1) of section 5101.1411 of the 117381
Revised Code who are receiving foster care payments, or on whose 117382
behalf such foster care payments are received, under section 117383
5101.1411 of the Revised Code. 117384

(B) The department of ~~job~~ children and ~~family services~~ youth 117385
shall create an advisory council to evaluate and make 117386
recommendations for statewide implementation of sections 5101.1411 117387
and 5101.1412 of the Revised Code ~~not later than one month after~~ 117388
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 117389

~~general assembly.~~ 117390

Sec. 5101.1417. ~~Not later than nine months after the~~ 117391
~~effective date of this section, the~~ The department of ~~job children~~ 117392
and ~~family services~~ youth shall adopt rules necessary to carry out 117393
the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the 117394
Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," 117395
including rules that do all of the following: 117396

(A) Allow a kinship guardianship young adult described in 117397
division (C) of section 5101.1411 of the Revised Code on whose 117398
behalf kinship guardianship assistance is received, to maintain 117399
eligibility while transitioning into, or out of, qualified 117400
employment or educational activities; 117401

(B) Require that a thirty-day notice of termination be given 117402
by the department to a person receiving kinship guardianship 117403
assistance for a kinship guardianship young adult described in 117404
division (C) of section 5101.1411 of the Revised Code, who is 117405
determined to be ineligible for assistance. 117406

Sec. 5101.1418. (A)(1) If, after a child's adoption is 117407
finalized, the department of ~~job children~~ and ~~family services~~ 117408
youth considers the child to be in need of public care or 117409
protective services, the department may, to the extent state funds 117410
are available for this purpose, enter into an agreement with the 117411
child's adoptive parent under which the department may make post 117412
adoption special services subsidy payments on behalf of the child 117413
as needed when both of the following apply: 117414

(a) The child has a physical or developmental disability or 117415
mental or emotional condition that either: 117416

(i) Existed before the adoption petition was filed; or 117417

(ii) Developed after the adoption petition was filed and can 117418
be directly attributed to factors in the child's preadoption 117419

background, medical history, or biological family's background or 117420
medical history. 117421

(b) The department determines the expenses necessitated by 117422
the child's disability or condition are beyond the adoptive 117423
parent's economic resources. 117424

(2) Services for which the department may make post adoption 117425
special services subsidy payments on behalf of a child under this 117426
section shall include medical, surgical, psychiatric, 117427
psychological, and counseling services, including residential 117428
treatment. 117429

(3) The department shall establish clinical standards to 117430
evaluate a child's physical or developmental disability or mental 117431
or emotional condition and assess the child's need for services. 117432

(4) The total dollar value of post adoption special services 117433
subsidy payments made on a child's behalf shall not exceed ten 117434
thousand dollars in any fiscal year, unless the department 117435
determines that extraordinary circumstances exist that necessitate 117436
further funding of services for the child. Under such 117437
extraordinary circumstances, the value of the payments made on the 117438
child's behalf shall not exceed fifteen thousand dollars in any 117439
fiscal year. 117440

(5) The adoptive parent or parents of a child who receives 117441
post adoption special services subsidy payments shall pay at least 117442
five per cent of the total cost of all services provided to the 117443
child; except that the department may waive this requirement if 117444
the gross annual income of the child's adoptive family is not more 117445
than two hundred per cent of the federal poverty guideline. 117446

(6) The department may use other sources of revenue to make 117447
post adoption special services subsidy payments, in addition to 117448
any state funds appropriated for that purpose. 117449

(7) The department may contract with another person to carry 117450

out any of the duties described in this section. 117451

(B) No payment shall be made on behalf of any person eighteen 117452
years of age or older beyond the end of the school year during 117453
which the person attains the age of eighteen or on behalf of a 117454
mentally or physically disabled person twenty-one years of age or 117455
older. 117456

(C) The director of ~~job children~~ and ~~family services~~, not 117457
~~later than July 1, 2022~~, youth shall adopt rules in accordance 117458
with Chapter 119. of the Revised Code necessary to implement this 117459
section. The rules shall establish all of the following: 117460

(1) The application process for all forms of assistance 117461
provided under this section; 117462

(2) Standards for determining the children who qualify to 117463
receive assistance provided under this section; 117464

(3) The method of determining the amount, duration, and scope 117465
of services provided to a child; 117466

(4) The method of transitioning the post adoption special 117467
services subsidy program from public children services agencies to 117468
the department; 117469

(5) Any other rule, requirement, or procedure the department 117470
considers appropriate for the implementation of this section. 117471

(D) The department shall implement this section not later 117472
than July 1, 2022. 117473

Sec. 5101.15. Within available funds the department of ~~job~~ 117474
children and ~~family services~~ youth may reimburse counties in 117475
accordance with this section for a portion of the salaries paid to 117476
child welfare workers employed under section 5153.12 of the 117477
Revised Code. No county with a population of eighty thousand or 117478
less, according to the latest census accepted by the department as 117479
official, shall be entitled to reimbursement on the salaries of 117480

more than two child welfare workers, and no county with a 117481
population of more than eighty thousand, according to such census, 117482
shall be entitled to reimbursement on the salaries of more than 117483
two child welfare workers plus one additional child welfare worker 117484
for each one hundred thousand of population in excess of eighty 117485
thousand. 117486

The maximum reimbursement to which a county may be entitled 117487
on any child welfare worker shall be as follows: 117488

(A) Twenty-seven hundred dollars a year for a child welfare 117489
worker who is a graduate of an accredited high school, college, or 117490
university; 117491

(B) Thirty-three hundred dollars a year for a child welfare 117492
worker who has one year or more of graduate training in social 117493
work or a field which the department finds to be related to social 117494
work; 117495

(C) Thirty-nine hundred dollars a year for a child welfare 117496
worker who has completed two years of social work training. 117497

The salary of the executive director, designated in 117498
accordance with section 5153.10 of the Revised Code, shall be 117499
subject to reimbursement under this section, provided that the 117500
executive director qualifies under division (A), (B), or (C) of 117501
this section. No funds shall be allocated under this section until 117502
the director of ~~job~~ children and ~~family services~~ youth has 117503
approved a plan of child welfare services for the county submitted 117504
by the public children services agency. 117505

Sec. 5101.183. (A) The director of job and family services 117506
and the director of children and youth, in accordance with section 117507
111.15 of the Revised Code, may adopt rules under which county 117508
family services agencies shall take action to recover the cost of 117509
the following benefits and services available under programs 117510

administered by the department of job and family services or the 117511
department of children and youth: 117512

(1) Benefits or services provided to any of the following: 117513

(a) Persons who were not eligible for the benefits or 117514
services but who secured the benefits or services through fraud or 117515
misrepresentation; 117516

(b) Persons who were eligible for the benefits or services 117517
but who intentionally diverted the benefits or services to other 117518
persons who were not eligible for the benefits or services. 117519

(2) Any benefits or services provided by a county family 117520
services agency for which recovery is required or permitted by 117521
federal law for the federal programs administered by the agency. 117522

(B) A county family services agency may bring a civil action 117523
against a recipient of benefits or services to recover any costs 117524
described in division (A) of this section. 117525

(C) A county family services agency shall retain any money it 117526
recovers under division (A) of this section and shall use the 117527
money to meet a family services duty, except that, if federal law 117528
requires the department of job and family services or the 117529
department of children and youth to return any portion of the 117530
money so recovered to the federal government, the county family 117531
services agency shall pay that portion to the department of job 117532
and family services or the department of children and youth. 117533

Sec. 5101.19. As used in sections 5101.19 to 5101.194 of the 117534
Revised Code: 117535

(A) "Adopted child" means a person who is less than eighteen 117536
years of age when the person becomes subject to a final order of 117537
adoption, an interlocutory order of adoption, or when the adoption 117538
is recognized by this state under section 3107.18 of the Revised 117539
Code. 117540

(B) "Adoption" includes an adoption arranged by an attorney, 117541
a public children services agency, private child placing agency, 117542
or a private noncustodial agency, an interstate adoption, or an 117543
international or foreign adoption. 117544

(C) "Adoptive parent" means the person or persons who obtain 117545
parental rights and responsibilities over an adopted child 117546
pursuant to a final order of adoption, an interlocutory order of 117547
adoption, or an adoption recognized by this state under section 117548
3107.18 of the Revised Code. 117549

(D) "Casework services" means services performed or arranged 117550
by a public children services agency, private child placing 117551
agency, private noncustodial agency, or public entity with whom 117552
the department of ~~job~~ children and ~~family services~~ youth has a 117553
Title IV-E subgrant agreement in effect, to manage the progress, 117554
provide supervision and protection of the child and the child's 117555
parent, guardian, or custodian. 117556

(E) "Foster caregiver" has the same meaning as in section 117557
5103.02 of the Revised Code. 117558

(F) "Qualified professional" means an individual that is, but 117559
not limited to, any one of the following: 117560

- (1) Audiologist; 117561
- (2) Orthopedist; 117562
- (3) Physician; 117563
- (4) Certified nurse practitioner; 117564
- (5) Physician assistant; 117565
- (6) Psychiatrist; 117566
- (7) Psychologist; 117567
- (8) School psychologist; 117568
- (9) Licensed marriage and family therapist; 117569

(10) Speech and language pathologist;	117570
(11) Licensed independent social worker;	117571
(12) Licensed professional clinical counselor;	117572
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	117573 117574
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	117575 117576
(G) "Special needs" means any of the following:	117577
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	117578 117579
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	117580 117581
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	117582 117583 117584
(4) Any mental or psychological disorder;	117585
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.	117586 117587 117588
Sec. 5101.191. (A) The director of job <u>children</u> and family services <u>youth</u> shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 to 5101.194 of the Revised Code.	117589 117590 117591 117592
(B) The director shall provide one, but not both, of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section 5101.192 of the Revised Code, but not division (B) of that section, are satisfied regarding the child:	117593 117594 117595 117596 117597

(1) Ten thousand dollars; 117598

(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption. 117599
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(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section 5101.192 of the Revised Code are satisfied regarding the child. 117601
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Sec. 5101.193. (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section 5101.191 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue Service. 117605
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(B) No application fee shall be charged for the grant program. 117614
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(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 117616
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(1) The submission of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code; 117619
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(2) Any department, agency, or division of the state, including the department of health, to provide any document related to the adoption. 117623
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117625

(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained 117626
117627

in a rule adopted under section 5101.193 of the Revised Code is 117628
not subject to sections 121.95 to 121.953 of the Revised Code. 117629

Sec. 5101.194. Any document provided to the department of ~~job~~ 117630
children and family services youth under division (C) of section 117631
5101.193 of the Revised Code remains a public record under section 117632
149.43 of the Revised Code if it was a public record under that 117633
section before being provided to the department. 117634

Sec. 5101.21. (A) As used in sections 5101.21 to 5101.212 of 117635
the Revised Code: 117636

(1) "County grantee" means all of the following: 117637

(a) A board of county commissioners; 117638

(b) A county children services board appointed under section 117639
5153.03 of the Revised Code; 117640

(c) A county elected official that is a child support 117641
enforcement agency. 117642

(2) "County subgrant" means a grant that a county grantee 117643
awards to another entity. 117644

(3) "County subgrant agreement" means an agreement between a 117645
county grantee and another entity under which the county grantee 117646
awards the other entity one or more county subgrants. 117647

(4) "Fiscal biennial period" means a two-year period 117648
beginning on the first day of July of an odd-numbered year and 117649
ending on the last day of June of the next odd-numbered year. 117650

(5) "Grant" means an award for one or more family services 117651
duties of federal financial assistance that a federal agency 117652
provides in the form of money, or property in lieu of money, to 117653
the department of job and family services or the department of 117654
children and youth and that ~~the~~ either department awards to a 117655
county grantee. "Grant" may include state funds the department 117656

awards to a county grantee to match the federal financial 117657
assistance. "Grant" does not mean either of the following: 117658

(a) Technical assistance that provides services instead of 117659
money; 117660

(b) Other assistance provided in the form of revenue sharing, 117661
loans, loan guarantees, interest subsidies, or insurance. 117662

(6) "Grant agreement" means an agreement between the 117663
department of job and family services or the department of 117664
children and youth and a county grantee under which ~~the~~ either 117665
department awards the county grantee one or more grants. 117666

(B) ~~Effective July 1, 2008, the~~ The director of job and 117667
family services and the director of children and youth may award 117668
grants to counties only through grant agreements entered into 117669
under this section. 117670

(C) The ~~director~~ directors shall enter into one or more 117671
written grant agreements with the county grantees of each county. 117672
If a county has multiple county grantees, the director shall 117673
jointly enter into the grant agreement with all of the county 117674
grantees. ~~The initial grant agreement shall be entered into not~~ 117675
~~later than January 31, 2008, and shall be in effect for fiscal~~ 117676
~~year 2009.~~ Except as provided in rules adopted under this section, 117677
subsequent grant agreements shall be entered into before the first 117678
day of each successive fiscal biennial period and shall be in 117679
effect for that fiscal biennial period or, in the case of a grant 117680
agreement entered into after the first day of a fiscal biennial 117681
period and except as provided by section 5101.211 of the Revised 117682
Code, for the remainder of the fiscal biennial period. A grant 117683
agreement shall do all of the following: 117684

(1) Comply with all of the conditions, requirements, and 117685
restrictions applicable to the family services duties for which 117686
the grants included in the agreement are awarded, including the 117687

conditions, requirements, and restrictions established by the 117688
department, federal or state law, state plans for receipt of 117689
federal financial participation, agreements between the ~~department~~ 117690
departments and a federal agency, and executive orders issued by 117691
the governor; 117692

(2) Establish terms and conditions governing the 117693
accountability for and use of the grants included in the grant 117694
agreement; 117695

(3) Specify both of the following: 117696

(a) The family services duties for which the grants included 117697
in the agreement are awarded; 117698

(b) The private and government entities designated under 117699
section 307.981 of the Revised Code to serve as the county family 117700
services agencies performing the family services duties; 117701

(4) Provide for the department of job and family services and 117702
the department of children and youth to award the grants included 117703
in the agreement in accordance with a methodology for determining 117704
the amount of the award established by rules adopted under this 117705
section; 117706

(5) Specify the form of the grants which may be a cash draw, 117707
reimbursement, property, advance, working capital advance, or 117708
other forms specified in rules adopted under this section; 117709

(6) Provide that the grants are subject to the availability 117710
of federal funds and appropriations made by the general assembly; 117711

(7) Specify annual financial, administrative, or other 117712
incentive awards, if any, to be provided in accordance with 117713
section 5101.23 of the Revised Code; 117714

(8) Include the assurance of each county grantee that the 117715
county grantee will do all of the following: 117716

(a) Ensure that the grants included in the agreement are 117717

used, and the family services duties for which the grants are 117718
awarded are performed, in accordance with conditions, 117719
requirements, and restrictions applicable to the duties 117720
established by the ~~department~~ departments, a federal or state law, 117721
state plans for receipt of federal financial participation, 117722
agreements between the ~~department~~ departments and a federal 117723
agency, and executive orders issued by the governor; 117724

(b) Utilize a financial management system and other 117725
accountability mechanisms for the grants awarded under the 117726
agreement that meet requirements the ~~department establishes~~ 117727
departments establish; 117728

(c) Do all of the following with regard to a county subgrant: 117729

(i) Award the subgrant through a written county subgrant 117730
agreement that requires the entity awarded the county subgrant to 117731
comply with all conditions, requirements, and restrictions 117732
applicable to the county grantee regarding the grant that the 117733
county grantee subgrants to the entity, including the conditions, 117734
requirements, and restrictions of this section; 117735

(ii) Monitor the entity that is awarded the subgrant to 117736
ensure that the entity uses the subgrant in accordance with 117737
conditions, requirements, and restrictions applicable to the 117738
family services duties for which the subgrant is awarded; 117739

(iii) Take action to recover subgrants that are not used in 117740
accordance with the conditions, requirements, or restrictions 117741
applicable to the family services duties for which the subgrant is 117742
awarded. 117743

(d) Promptly reimburse the ~~department~~ departments the amount 117744
that represents the amount the county grantee is responsible for, 117745
pursuant to action the ~~department takes~~ departments take under 117746
division (C) of section 5101.24 of the Revised Code, of funds the 117747
~~department pays~~ departments pay to any entity because of an 117748

adverse audit finding, adverse quality control finding, final 117749
disallowance of federal financial participation, or other sanction 117750
or penalty; 117751

(e) Take prompt corrective action, including paying amounts 117752
resulting from an adverse finding, sanction, or penalty, if the 117753
~~department~~ departments, auditor of state, federal agency, or other 117754
entity authorized by federal or state law to determine compliance 117755
with the conditions, requirements, and restrictions applicable to 117756
a family services duty for which a grant included in the agreement 117757
is awarded determines compliance has not been achieved; 117758

(f) Ensure that any matching funds, regardless of the source, 117759
that the county grantee manages are clearly identified and used in 117760
accordance with federal and state laws and the agreement. 117761

(9) Provide for the ~~department~~ departments taking action 117762
pursuant to division (C) of section 5101.24 of the Revised Code if 117763
authorized by division (B)(1), (2), (3), or (4) of that section; 117764

(10) Provide for timely audits required by federal and state 117765
law and require prompt release of audit findings and prompt action 117766
to correct problems identified in an audit; 117767

(11) Provide for administrative review procedures in 117768
accordance with section 5101.24 of the Revised Code; 117769

(12) Establish the method of amending or terminating the 117770
agreement and an expedited process for correcting terms or 117771
conditions of the agreement that the ~~director~~ directors and each 117772
county grantee agree are erroneous. 117773

(D) A grant agreement does not have to be amended for a 117774
county grantee to be required to comply with a new or amended 117775
condition, requirement, or restriction for a family services duty 117776
established by federal or state law, state plan for receipt of 117777
federal financial participation, agreement between the ~~department~~ 117778
departments and a federal agency, or executive order issued by the 117779

governor. 117780

(E) The ~~department~~ departments shall make payments authorized 117781
by a grant agreement on vouchers ~~it prepares~~ they prepare and may 117782
include any funds appropriated or allocated to ~~it~~ them for 117783
carrying out family services duties for which a grant included in 117784
the agreement is awarded, including funds for personal services 117785
and maintenance. 117786

(F)(1) The ~~director~~ directors shall adopt rules in accordance 117787
with section 111.15 of the Revised Code governing grant 117788
agreements. The ~~director~~ directors shall adopt the rules as if 117789
they were internal management rules. Before adopting the rules, 117790
the ~~director~~ directors shall give the public an opportunity to 117791
review and comment on the proposed rules. The rules shall 117792
establish methodologies to be used to determine the amount of the 117793
grants included in the agreements. The rules also shall establish 117794
terms and conditions under which an agreement may be entered into 117795
after the first day of a fiscal biennial period. The rules may do 117796
any or all of the following: 117797

(a) Govern the award of grants included in grant agreements, 117798
including the establishment of, and restrictions on, the form of 117799
the grants and the distribution of the grants; 117800

(b) Specify allowable uses of the grants included in the 117801
agreements; 117802

(c) Establish reporting, cash management, audit, and other 117803
requirements the ~~director determines~~ directors determine are 117804
necessary to provide accountability for the use of the grants 117805
included in the agreements and determine compliance with 117806
conditions, requirements, and restrictions established by the 117807
~~department~~ departments, a federal or state law, state plans for 117808
receipt of federal financial participation, agreements between the 117809
~~department~~ departments and a federal agency, and executive orders 117810

issued by the governor. 117811

(2) A requirement of a grant agreement established by a rule 117812
adopted under this division is applicable to a grant agreement 117813
without having to be restated in the grant agreement. A 117814
requirement established by a grant agreement is applicable to the 117815
grant agreement without having to be restated in a rule. 117816

Sec. 5101.214. The director of job and family services and 117817
the director of children and youth may enter into a written 117818
agreement with one or more state agencies, as defined in section 117819
117.01 of the Revised Code, and state universities and colleges to 117820
assist in the coordination, provision, or enhancement of the 117821
family services duties of a county family services agency or the 117822
workforce development activities of a local board, as defined in 117823
section 6301.01 of the Revised Code. The ~~director~~ directors also 117824
may enter into written agreements or contracts with, or issue 117825
grants to, private and government entities under which funds are 117826
provided for the enhancement or innovation of family services 117827
duties or workforce development activities on the state or local 117828
level. 117829

The ~~director~~ directors may adopt internal management rules in 117830
accordance with section 111.15 of the Revised Code to implement 117831
this section. 117832

Sec. 5101.216. The director of job and family services and 117833
the director of children and youth, as applicable, may enter into 117834
one or more written operational agreements with boards of county 117835
commissioners to do one or more of the following regarding family 117836
services duties: 117837

(A) Provide for the ~~director~~ directors to amend or rescind a 117838
rule the ~~director~~ directors previously adopted; 117839

(B) Provide for the ~~director~~ directors to modify procedures 117840

or establish alternative procedures to accommodate special 117841
circumstances in a county; 117842

(C) Provide for the ~~director~~ directors and board to jointly 117843
identify operational problems of mutual concern and develop a 117844
joint plan to address the problems; 117845

(D) Establish a framework for the ~~director~~ directors and 117846
board to modify the use of existing resources in a manner that is 117847
beneficial to the department of job and family services, the 117848
department of children and youth, and the county that the board 117849
serves and improves family services duties for the recipients of 117850
the services. 117851

Sec. 5101.22. The department of job and family services and 117852
the department of children and youth, as applicable, may establish 117853
performance and other administrative standards for the 117854
administration and outcomes of family services duties and 117855
determine at intervals the ~~department decides~~ departments decide 117856
the degree to which a county family services agency complies with 117857
a performance or other administrative standard. The ~~department~~ 117858
departments may use statistical sampling, performance audits, case 117859
reviews, or other methods ~~it determines~~ they determine necessary 117860
and appropriate to determine compliance with performance and 117861
administrative standards. 117862

Sec. 5101.221. (A) Except as provided by division (C) of this 117863
section, if the department of job and family services or the 117864
department of children and youth determines that a county family 117865
services agency has failed to comply with a performance or other 117866
administrative standard established under section 5101.22 of the 117867
Revised Code or by federal law for the administration or outcome 117868
of a family services duty, the department shall require the agency 117869
to develop, submit to the department for approval, and comply with 117870

a corrective action plan. 117871

(B) If a county family services agency fails to develop, 117872
submit to the department, or comply with a corrective action plan 117873
under division (A) of this section, or the department disapproves 117874
the agency's corrective action plan, the department may require 117875
the agency to develop, submit to the department for approval, and 117876
comply with a corrective action plan that requires the agency to 117877
commit existing resources to the plan. 117878

(C) The department may not require a county family services 117879
agency to take action under this section for failure to comply 117880
with a performance or other administrative standard established 117881
for an incentive awarded by the department. Instead, the 117882
department may require a county family services agency that fails 117883
to comply with that kind of performance or other administrative 117884
standard to take action in accordance with rules adopted by the 117885
department governing the standard. 117886

(D) At the request of a county family services agency, the 117887
department shall assist the agency with the development of a 117888
corrective action plan under this section and provide the agency 117889
technical assistance in the implementation of the plan. 117890

Sec. 5101.23. Subject to the availability of funds, the 117891
department of job and family services and the department of 117892
children and youth may provide annual financial, administrative, 117893
or other incentive awards to county family services agencies and 117894
local areas as defined in section 6301.01 of the Revised Code. A 117895
county family services agency or local area may spend an incentive 117896
awarded under this section only for the purpose for which the 117897
funds are appropriated. The ~~department~~ departments may adopt 117898
internal management rules in accordance with section 111.15 of the 117899
Revised Code to establish the amounts of awards, methodology for 117900

distributing the awards, types of awards, and standards for 117901
administration. 117902

There is hereby created in the state treasury the social 117903
services incentive fund. The director of job and family services 117904
and the director of children and youth may request that the 117905
director of budget and management transfer funds in the Title IV-A 117906
reserve fund created under section 5101.82 of the Revised Code and 117907
other funds appropriated for family services duties or workforce 117908
investment activities into the fund. If the director of budget and 117909
management determines that the funds identified by the director of 117910
job and family services or the director of children and youth are 117911
available and appropriate for transfer, the director of budget and 117912
management shall make the transfer. Money in the fund shall be 117913
used to provide incentive awards under this section. 117914

Sec. 5101.24. (A) As used in this section, "responsible 117915
county grantee" means whichever county grantee, as defined in 117916
section 5101.21 of the Revised Code, the director of job and 117917
family services ~~determines~~ and the director of children and youth 117918
determine is appropriate to take action against under division (C) 117919
of this section. 117920

(B) Regardless of whether a family services duty is performed 117921
by a county family services agency, private or government entity 117922
pursuant to a contract entered into under section 307.982 of the 117923
Revised Code or division (C)(2) of section 5153.16 of the Revised 117924
Code, or private or government provider of a family service duty, 117925
the department of job and family services or the department of 117926
children and youth may take action under division (C) of this 117927
section against the responsible county grantee if the department 117928
determines any of the following are the case: 117929

(1) A requirement of a grant agreement entered into under 117930
section 5101.21 of the Revised Code that includes a grant for the 117931

family services duty, including a requirement for grant agreements 117932
established by rules adopted under that section, is not complied 117933
with; 117934

(2) A county family services agency fails to develop, submit 117935
to the department, or comply with a corrective action plan under 117936
division (B) of section 5101.221 of the Revised Code, or the 117937
department disapproves the agency's corrective action plan 117938
developed under division (B) of section 5101.221 of the Revised 117939
Code; 117940

(3) A requirement for the family services duty established by 117941
the department or any of the following is not complied with: a 117942
federal or state law, state plan for receipt of federal financial 117943
participation, grant agreement between the department and a 117944
federal agency, or executive order issued by the governor; 117945

(4) The responsible county grantee is solely or partially 117946
responsible, as determined by the director of job and family 117947
services or the director of children and youth, for an adverse 117948
audit finding, adverse quality control finding, final disallowance 117949
of federal financial participation, or other sanction or penalty 117950
regarding the family services duty. 117951

(C) The department may take one or more of the following 117952
actions against the responsible county grantee when authorized by 117953
division (B)(1), (2), (3), or (4) of this section: 117954

(1) Require the responsible county grantee to comply with a 117955
corrective action plan pursuant to a time schedule specified by 117956
the department. The corrective action plan shall be established or 117957
approved by the department and shall not require a county grantee 117958
to commit resources to the plan. 117959

(2) Require the responsible county grantee to comply with a 117960
corrective action plan pursuant to a time schedule specified by 117961
the department. The corrective action plan shall be established or 117962

approved by the department and require a county grantee to commit 117963
to the plan existing resources identified by the agency. 117964

(3) Require the responsible county grantee to do one of the 117965
following: 117966

(a) Share with the department a final disallowance of federal 117967
financial participation or other sanction or penalty; 117968

(b) Reimburse the department the final amount the department 117969
pays to the federal government or another entity that represents 117970
the amount the responsible county grantee is responsible for of an 117971
adverse audit finding, adverse quality control finding, final 117972
disallowance of federal financial participation, or other sanction 117973
or penalty issued by the federal government, auditor of state, or 117974
other entity; 117975

(c) Pay the federal government or another entity the final 117976
amount that represents the amount the responsible county grantee 117977
is responsible for of an adverse audit finding, adverse quality 117978
control finding, final disallowance of federal financial 117979
participation, or other sanction or penalty issued by the federal 117980
government, auditor of state, or other entity; 117981

(d) Pay the department the final amount that represents the 117982
amount the responsible county grantee is responsible for of an 117983
adverse audit finding or adverse quality control finding. 117984

(4) Impose an administrative sanction issued by the 117985
department against the responsible county grantee. A sanction may 117986
be increased if the department has previously taken action against 117987
the responsible entity under this division. 117988

(5) Perform, or contract with a government or private entity 117989
for the entity to perform, the family services duty until the 117990
department is satisfied that the responsible county grantee 117991
ensures that the duty will be performed satisfactorily. If the 117992
department performs or contracts with an entity to perform a 117993

family services duty under division (C)(5) of this section, the 117994
department may do either or both of the following: 117995

(a) Spend funds in the county treasury appropriated by the 117996
board of county commissioners for the duty; 117997

(b) Withhold funds allocated or reimbursements due to the 117998
responsible county grantee for the duty and spend the funds for 117999
the duty. 118000

(6) Request that the attorney general bring mandamus 118001
proceedings to compel the responsible county grantee to take or 118002
cease the action that causes division (B)(1), (2), (3), or (4) of 118003
this section to apply. The attorney general shall bring mandamus 118004
proceedings in the Franklin county court of appeals at the 118005
department's request. 118006

(7) If the department takes action under this division 118007
because of division (B)(3) of this section, temporarily withhold 118008
funds allocated or reimbursement due to the responsible county 118009
grantee until the department determines that the responsible 118010
county grantee is in compliance with the requirement. The 118011
department shall release the funds when the department determines 118012
that compliance has been achieved. 118013

(D) If the department proposes to take action against the 118014
responsible county grantee under division (C) of this section, the 118015
department shall notify the responsible county grantee, director 118016
of the appropriate county family services agency, and county 118017
auditor. The notice shall be in writing and specify the action the 118018
department proposes to take. The department shall send the notice 118019
by regular United States mail. 118020

Except as provided by division (E) of this section, the 118021
responsible county grantee may request an administrative review of 118022
a proposed action in accordance with administrative review 118023
procedures the department shall establish. The administrative 118024

review procedures shall comply with all of the following: 118025

(1) A request for an administrative review shall state 118026
specifically all of the following: 118027

(a) The proposed action specified in the notice from the 118028
department for which the review is requested; 118029

(b) The reason why the responsible county grantee believes 118030
the proposed action is inappropriate; 118031

(c) All facts and legal arguments that the responsible county 118032
grantee wants the department to consider; 118033

(d) The name of the person who will serve as the responsible 118034
county grantee's representative in the review. 118035

(2) If the department's notice specifies more than one 118036
proposed action and the responsible county grantee does not 118037
specify all of the proposed actions in its request pursuant to 118038
division (D)(1)(a) of this section, the proposed actions not 118039
specified in the request shall not be subject to administrative 118040
review and the parts of the notice regarding those proposed 118041
actions shall be final and binding on the responsible county 118042
grantee. 118043

(3) In the case of a proposed action under division (C)(1) of 118044
this section, the responsible county grantee shall have fifteen 118045
calendar days after the department mails the notice to the 118046
responsible county grantee to send a written request to the 118047
department for an administrative review. If it receives such a 118048
request within the required time, the department shall postpone 118049
taking action under division (C)(1) of this section for fifteen 118050
calendar days following the day it receives the request or 118051
extended period of time provided for in division (D)(5) of this 118052
section to allow a representative of the department and a 118053
representative of the responsible county grantee an informal 118054
opportunity to resolve any dispute during that fifteen-day or 118055

extended period. 118056

(4) In the case of a proposed action under division (C)(2), 118057
(3), (4), (5), or (7) of this section, the responsible county 118058
grantee shall have thirty calendar days after the department mails 118059
the notice to the responsible county grantee to send a written 118060
request to the department for an administrative review. If it 118061
receives such a request within the required time, the department 118062
shall postpone taking action under division (C)(2), (3), (4), (5), 118063
or (7) of this section for thirty calendar days following the day 118064
it receives the request or extended period of time provided for in 118065
division (D)(5) of this section to allow a representative of the 118066
department and a representative of the responsible county grantee 118067
an informal opportunity to resolve any dispute during that 118068
thirty-day or extended period. 118069

(5) If the informal opportunity provided in division (D)(3) 118070
or (4) of this section does not result in a written resolution to 118071
the dispute within the fifteen- or thirty-day period, the director 118072
of job and family services or the director of children and youth 118073
and representative of the responsible county grantee may enter 118074
into a written agreement extending the time period for attempting 118075
an informal resolution of the dispute under division (D)(3) or (4) 118076
of this section. 118077

(6) In the case of a proposed action under division (C)(3) of 118078
this section, the responsible county grantee may not include in 118079
its request disputes over a finding, final disallowance of federal 118080
financial participation, or other sanction or penalty issued by 118081
the federal government, auditor of state, or entity other than the 118082
department. 118083

(7) If the responsible county grantee fails to request an 118084
administrative review within the required time, the responsible 118085
county grantee loses the right to request an administrative review 118086
of the proposed actions specified in the notice and the notice 118087

becomes final and binding on the responsible county grantee. 118088

(8) If the informal opportunity provided in division (D)(3) 118089
or (4) of this section does not result in a written resolution to 118090
the dispute within the time provided by division (D)(3), (4), or 118091
(5) of this section, the director shall appoint an administrative 118092
review panel to conduct the administrative review. The review 118093
panel shall consist of department employees and one director or 118094
other representative of the type of county family services agency 118095
that is responsible for the kind of family services duty that is 118096
the subject of the dispute and serves a different county than the 118097
county served by the responsible county grantee. No individual 118098
involved in the department's proposal to take action against the 118099
responsible county grantee may serve on the review panel. The 118100
review panel shall review the responsible county grantee's 118101
request. The review panel may require that the department or 118102
responsible county grantee submit additional information and 118103
schedule and conduct an informal hearing to obtain testimony or 118104
additional evidence. A review of a proposal to take action under 118105
division (C)(3) of this section shall be limited solely to the 118106
issue of the amount the responsible county grantee shall share 118107
with the department, reimburse the department, or pay to the 118108
federal government, department, or other entity under division 118109
(C)(3) of this section. The review panel is not required to make a 118110
stenographic record of its hearing or other proceedings. 118111

(9) After finishing an administrative review, an 118112
administrative review panel appointed under division (D)(8) of 118113
this section shall submit a written report to the director setting 118114
forth its findings of fact, conclusions of law, and 118115
recommendations for action. The director may approve, modify, or 118116
disapprove the recommendations. If the director modifies or 118117
disapproves the recommendations, the director shall state the 118118
reasons for the modification or disapproval and the actions to be 118119

taken against the responsible county grantee. 118120

(10) The director's approval, modification, or disapproval 118121
under division (D)(9) of this section shall be final and binding 118122
on the responsible county grantee and shall not be subject to 118123
further departmental review. 118124

(E) The responsible county grantee is not entitled to an 118125
administrative review under division (D) of this section for any 118126
of the following: 118127

(1) An action taken under division (C)(6) of this section; 118128

(2) An action taken under section 5101.242 of the Revised 118129
Code; 118130

(3) An action taken under division (C)(3) of this section if 118131
the federal government, auditor of state, or entity other than the 118132
department has identified the responsible county grantee as being 118133
solely or partially responsible for an adverse audit finding, 118134
adverse quality control finding, final disallowance of federal 118135
financial participation, or other sanction or penalty; 118136

(4) An adjustment to an allocation, cash draw, advance, or 118137
reimbursement to a responsible county grantee that the department 118138
determines necessary for budgetary reasons; 118139

(5) Withholding of a cash draw or reimbursement due to 118140
noncompliance with a reporting requirement established in rules 118141
adopted under section 5101.243 of the Revised Code; 118142

(6) An action taken under division (C)(5) of this section if 118143
the department determines that an emergency exists. 118144

(F) This section does not apply to other actions the 118145
department takes against the responsible county grantee pursuant 118146
to authority granted by another state law unless the other state 118147
law requires the department to take the action in accordance with 118148
this section. 118149

(G) The director of job and family services and children and youth may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 5101.243. The director of job and family services and the director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code establishing reporting requirements for family services duties and workforce development activities. If the ~~director adopts~~ directors adopt the rules, the ~~director~~ directors shall adopt the rules as if they were internal management rules and, before adopting the rules, give the public an opportunity to review and comment on the proposed rules.

Sec. 5101.244. (A) If the department of job and family services or the department of children and youth determines that a grant awarded to a county grantee in a grant agreement entered into under section 5101.21 of the Revised Code, an allocation, advance, or reimbursement the department makes to a county family services agency, or a cash draw a county family services agency makes exceeds the allowable amount for the grant, allocation, advance, reimbursement, or cash draw, the department may take one or more of the following actions to recover the excess amount:

(1) The department may adjust, offset, withhold, or reduce an allocation, cash draw, advance, reimbursement, or other financial assistance to the county grantee or county family services agency as necessary to recover the excess amount.

(2) The department may enter into an agreement with the county grantee or county family services agency for repayment of the excess amount by the grantee or agency. The department may require that the repayment include interest on the excess amount, calculated from the day that the excess occurred at a rate not exceeding the rate per annum prescribed by section 5703.47 of the

Revised Code. 118180

(3) The department may certify a claim to the attorney 118181
general under section 131.02 of the Revised Code for the attorney 118182
general to take action under that section against the county 118183
grantee or county family services agency to recover the excess 118184
amount. 118185

(B) In taking an action authorized under this section, the 118186
department is not required to take the action in accordance with 118187
section 5101.24 of the Revised Code. 118188

(C) The director of job and family services and the director 118189
of children and youth may adopt rules under section 111.15 of the 118190
Revised Code as necessary to implement this section. The ~~director~~ 118191
directors shall adopt the rules as if they were internal 118192
management rules. 118193

Sec. 5101.25. The department of ~~human~~ job and family 118194
services, and the department of children and youth in consultation 118195
with county representatives, shall develop annual training goals 118196
and model training curriculum for employees of county family 118197
services agencies and identify a variety of state funded training 118198
opportunities to meet the proposed goals. 118199

Sec. 5101.26. As used in this section and in sections 5101.27 118200
to 5101.30 of the Revised Code: 118201

(A) "County agency" means a county department of job and 118202
family services or a public children services agency. 118203

(B) "Fugitive felon" means an individual who is fleeing to 118204
avoid prosecution, or custody or confinement after conviction, 118205
under the laws of the place from which the individual is fleeing, 118206
for a crime or an attempt to commit a crime that is a felony under 118207
the laws of the place from which the individual is fleeing or, in 118208
the case of New Jersey, a high misdemeanor, regardless of whether 118209

the individual has departed from the individual's usual place of residence. 118210
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(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, the department of children and youth, a county agency, or an entity performing duties on behalf of the department or a county agency. 118212
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(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency. 118218
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(E) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code. 118226
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(F) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance. 118234
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(G) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code. 118236
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(H) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis 118238
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control unit designated pursuant to an agreement entered into by 118241
two or more boards of community commissioners under that section. 118242

Sec. 5101.27. (A) Except as permitted by this section, 118243
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 118244
rules adopted under section 5101.30 of the Revised Code, or when 118245
required by federal law, no person or government entity shall 118246
knowingly solicit, disclose, receive, use, permit the use of, or 118247
participate in the use of any information regarding a public 118248
assistance recipient for any purpose not directly connected with 118249
the administration of a public assistance program. 118250

(B) To the extent permitted by federal law, the department of 118251
job and family services, the department of children and youth, and 118252
county agencies shall do all of the following: 118253

(1) Release information regarding a public assistance 118254
recipient for purposes directly connected to the administration of 118255
the program to a government entity responsible for administering 118256
that public assistance program; 118257

(2) Provide information regarding a public assistance 118258
recipient to a law enforcement agency for the purpose of any 118259
investigation, prosecution, or criminal or civil proceeding 118260
relating to the administration of that public assistance program; 118261

(3) Provide, for purposes directly connected to the 118262
administration of a program that assists needy individuals with 118263
the costs of public utility services, information regarding a 118264
recipient of financial assistance provided under a program 118265
administered by the department or a county agency pursuant to 118266
Chapter 5107. or 5108. of the Revised Code to an entity 118267
administering the public utility services program. 118268

(C)(1) To the extent permitted by federal law and subject to 118269
division (C)(2) of this section, the department of ~~job~~ children 118270

and ~~family services~~ youth shall release, for purposes directly 118271
connected to a public health investigation related to section 118272
3301.531 or 5104.037 of the Revised Code, information regarding a 118273
public assistance recipient who receives publicly funded child 118274
care, so long as all of the following conditions are met: 118275

(a) The department of health or the tuberculosis control unit 118276
has initiated a public health investigation related to section 118277
3301.531 or 5104.037 of the Revised Code and has assessed the 118278
investigation as an emergency. 118279

(b) The department of health or the tuberculosis control unit 118280
has notified the department of ~~job children~~ and ~~family services~~ 118281
youth about the investigation and has requested that the 118282
department of ~~job children~~ and ~~family services~~ youth release the 118283
information for purposes of the investigation. 118284

(c) The department of ~~job children~~ and ~~family services~~ youth 118285
is unable to timely obtain voluntary, written authorization that 118286
complies with section 5101.272 of the Revised Code. 118287

(2) If the conditions specified in division (C)(1) of this 118288
section are met, the department of ~~job children~~ and ~~family~~ 118289
~~services~~ youth shall release to the department of health or the 118290
tuberculosis control unit the minimum information necessary to 118291
fulfill the needs of the department of health or tuberculosis 118292
control unit related to the public health investigation. 118293

(3) If the department of ~~job children~~ and ~~family services~~ 118294
youth releases information pursuant to division (C) of this 118295
section, it shall immediately notify the public assistance 118296
recipient. 118297

(D) To the extent permitted by federal law and section 118298
1347.08 of the Revised Code, the ~~department~~ departments and county 118299
agencies shall provide access to information regarding a public 118300
assistance recipient to all of the following: 118301

(1) The recipient; 118302

(2) The authorized representative; 118303

(3) The legal guardian of the recipient; 118304

(4) The attorney of the recipient, if the attorney has 118305
written authorization that complies with section 5101.272 of the 118306
Revised Code from the recipient. 118307

(E) To the extent permitted by federal law and subject to 118308
division (F) of this section, the ~~department~~ departments and 118309
county agencies may do both of the following: 118310

(1) Release information about a public assistance recipient 118311
if the recipient gives voluntary, written authorization that 118312
complies with section 5101.272 of the Revised Code; 118313

(2) Release information regarding a public assistance 118314
recipient to a state, federal, or federally assisted program that 118315
provides cash or in-kind assistance or services directly to 118316
individuals based on need or for the purpose of protecting 118317
children to a government entity responsible for administering a 118318
children's protective services program. 118319

(F) Except when the release is required by division (B), (C), 118320
or (D) of this section or is authorized by division (E)(2) of this 118321
section, the department or county agency shall release the 118322
information only in accordance with the authorization. The 118323
department or county agency shall provide, at no cost, a copy of 118324
each written authorization to the individual who signed it. 118325

(G) The department of job and family services and the 118326
department of children and youth may adopt rules defining 118327
"authorized representative" for purposes of division (D)(2) of 118328
this section. 118329

Sec. 5101.29. When contained in a record held by the 118330
department of job and family services, the department of children 118331

and youth, or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code: 118332
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(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure or registration under Chapter 5104. of the Revised Code; 118334
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(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code; 118338
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(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code; 118341
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(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code. 118347
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(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, the department of children and youth, a county agency, or other governmental entity: 118354
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(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been 118359
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convicted of, pleaded guilty to, or indicted or otherwise charged 118363
with any offense described in division (C)(1) of section 2151.86 118364
of the Revised Code: 118365

(i) The foster caregiver's name, date of birth, and county of 118366
residence; 118367

(ii) The date of the foster caregiver's certification; 118368

(iii) The date of each placement of a foster child into the 118369
foster caregiver's home; 118370

(iv) If applicable, the date of the removal of a foster child 118371
from the foster caregiver's home and the reason for the foster 118372
child's removal unless release of such information would be 118373
detrimental to the foster child or other children residing in the 118374
foster caregiver's home; 118375

(v) If applicable, the date of the foster care certificate 118376
revocation and all documents related to the revocation unless 118377
otherwise not a public record pursuant to section 149.43 of the 118378
Revised Code. 118379

(b) Nonidentifying foster care statistics including, but not 118380
limited to, the number of foster caregivers and foster care 118381
certificate revocations. 118382

Sec. 5101.32. (A) The department of job and family services 118383
and the department of children and youth shall work with the 118384
superintendent of the bureau of criminal identification and 118385
investigation to develop procedures and formats necessary to 118386
produce the notices described in division (D) of section 109.5721 118387
of the Revised Code in a format that is acceptable for use by the 118388
applicable department. ~~The~~ Each department may adopt rules in 118389
accordance with section 111.15 of the Revised Code, as if they 118390
were internal management rules, necessary for such collaboration. 118391

(B) The department of job and family services and department 118392

of children and youth may adopt rules in accordance with Chapter 118393
119. of the Revised Code necessary for utilizing the information 118394
received pursuant to section 109.5721 of the Revised Code, ~~with a~~ 118395
~~final effective date that is not later than December 31, 2008.~~ 118396

Sec. 5101.35. (A) As used in this section: 118397

(1)(a) "Agency" means the following entities that administer 118398
a family services program: 118399

(i) The department of job and family services; 118400

(ii) The department of children and youth; 118401

(iii) A county department of job and family services; 118402

~~(iii)~~(iv) A public children services agency; 118403

~~(iv)~~(v) A private or government entity administering, in 118404
whole or in part, a family services program for or on behalf of 118405
the department of job and family services, the department of 118406
children and youth, or a county department of job and family 118407
services or public children services agency. 118408

(b) If the department of medicaid contracts with the 118409
department of job and family services to hear appeals authorized 118410
by section 5160.31 of the Revised Code regarding medical 118411
assistance programs, "agency" includes the department of medicaid. 118412

(2) "Appellant" means an applicant, participant, former 118413
participant, recipient, or former recipient of a family services 118414
program who is entitled by federal or state law to a hearing 118415
regarding a decision or order of the agency that administers the 118416
program. 118417

(3)(a) "Family services program" means all of the following: 118418

(i) A Title IV-A program as defined in section 5101.80 of the 118419
Revised Code; 118420

(ii) Programs that provide assistance under Chapter 5104. of 118421

the Revised Code; 118422

(iii) Programs that provide assistance under section 118423
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 118424
Revised Code; 118425

(iv) Title XX social services provided under section 5101.46 118426
of the Revised Code, other than such services provided by the 118427
department of mental health and addiction services, the department 118428
of developmental disabilities, a board of alcohol, drug addiction, 118429
and mental health services, or a county board of developmental 118430
disabilities. 118431

(b) If the department of medicaid contracts with the 118432
department of job and family services to hear appeals authorized 118433
by section 5160.31 of the Revised Code regarding medical 118434
assistance programs, "family services program" includes medical 118435
assistance programs. 118436

(4) "Medical assistance program" has the same meaning as in 118437
section 5160.01 of the Revised Code. 118438

(B) Except as provided by divisions (G) and (H) of this 118439
section, an appellant who appeals under federal or state law a 118440
decision or order of an agency administering a family services 118441
program shall, at the appellant's request, be granted a state 118442
hearing by the department of job and family services or the 118443
department of children and youth, as appropriate. This state 118444
hearing shall be conducted in accordance with rules adopted under 118445
this section. The state hearing shall be recorded, but neither the 118446
recording nor a transcript of the recording shall be part of the 118447
official record of the proceeding. Except as provided in section 118448
5160.31 of the Revised Code, a state hearing decision is binding 118449
upon the agency and department, unless it is reversed or modified 118450
on appeal to the director of job and family services, director of 118451
children and youth, or a court of common pleas. 118452

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services, the director of children and youth, or ~~the~~ either director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the county in which the person resides, or to the court of common

pleas of Franklin county if the person does not reside in this state. 118485
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(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal. 118487
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(3) The appellant shall mail the notice of appeal to the department of job and family services or director of children and youth, as appropriate, and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court. 118490
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(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued. 118500
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(F) The department of job and family service and department of children and youth, as applicable, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following: 118508
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(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family 118512
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services to request a county conference with the county department 118516
before the state hearing is held. 118517

(2) Administrative appeals under division (C) of this 118518
section; 118519

(3) Time limits for complying with a decision issued under 118520
division (B) or (C) of this section; 118521

(4) Sanctions that may be applied against an agency under 118522
division (D) of this section. 118523

(G) The department of job and family services and the 118524
department of children and youth, as applicable, may adopt rules 118525
in accordance with Chapter 119. of the Revised Code establishing 118526
an appeals process for an appellant who appeals a decision or 118527
order regarding a Title IV-A program identified under division 118528
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 118529
Code that is different from the appeals process established by 118530
this section. The different appeals process may include having a 118531
state agency that administers the Title IV-A program pursuant to 118532
an interagency agreement entered into under section 5101.801 of 118533
the Revised Code administer the appeals process. 118534

(H) If an appellant receiving medicaid through a health 118535
insuring corporation that holds a certificate of authority under 118536
Chapter 1751. of the Revised Code is appealing a denial of 118537
medicaid services based on lack of medical necessity or other 118538
clinical issues regarding coverage by the health insuring 118539
corporation, the person hearing the appeal may order an 118540
independent medical review if that person determines that a review 118541
is necessary. The review shall be performed by a health care 118542
professional with appropriate clinical expertise in treating the 118543
recipient's condition or disease. The department shall pay the 118544
costs associated with the review. 118545

A review ordered under this division shall be part of the 118546

record of the hearing and shall be given appropriate evidentiary 118547
consideration by the person hearing the appeal. 118548

(I) The requirements of Chapter 119. of the Revised Code 118549
apply to a state hearing or administrative appeal under this 118550
section only to the extent, if any, specifically provided by rules 118551
adopted under this section. 118552

Sec. 5101.37. (A) The department of job and family services 118553
or the department of children and youth and each county department 118554
of job and family services and child support enforcement agency 118555
may conduct any audits or investigations that are necessary in the 118556
performance of their duties, and to that end they shall have the 118557
same power as a judge of a county court to administer oaths and to 118558
enforce the attendance and testimony of witnesses and the 118559
production of books or papers. 118560

The applicable department and each county department and 118561
agency shall keep a record of their audits and investigations 118562
stating the time, place, charges, or subject; witnesses summoned 118563
and examined; and their conclusions. 118564

Witnesses shall be paid the fees and mileage provided for 118565
under section 119.094 of the Revised Code. 118566

(B) In conducting hearings pursuant to Chapters 3119., 3121., 118567
and 3123. or pursuant to division (B) of section 5101.35 of the 118568
Revised Code, the applicable department and each child support 118569
enforcement agency have the same power as a judge of a county 118570
court to administer oaths and to enforce the attendance and 118571
testimony of witnesses and the production of books or papers. The 118572
applicable department and each agency shall keep a record of those 118573
hearings stating the time, place, charges, or subject; witnesses 118574
summoned and examined; and their conclusions. 118575

The issuance of a subpoena by the applicable department or a 118576

child support enforcement agency to enforce attendance and 118577
testimony of witnesses and the production of books or papers at a 118578
hearing is discretionary and the applicable department or agency 118579
is not required to pay the fees of witnesses for attendance and 118580
travel. 118581

(C) Any judge of any division of the court of common pleas, 118582
upon application of the applicable department or a county 118583
department or child support enforcement agency, may compel the 118584
attendance of witnesses, the production of books or papers, and 118585
the giving of testimony before the applicable department, county 118586
department, or agency, by a judgment for contempt or otherwise, in 118587
the same manner as in cases before those courts. 118588

(D) Until an audit report is formally released by the 118589
applicable department ~~of job and family services~~, the audit report 118590
or any working paper or other document or record prepared by the 118591
applicable department and related to the audit that is the subject 118592
of the audit report is not a public record under section 149.43 of 118593
the Revised Code. 118594

(E) The director of job and family services or director of 118595
children and youth may adopt rules as necessary to implement this 118596
section. The rules shall be adopted in accordance with section 118597
111.15 of the Revised Code as if they were internal management 118598
rules. 118599

Sec. 5101.46. (A) As used in this section: 118600

(1) "Title XX" means Title XX of the "Social Security Act," 118601
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 118602

(2) "Respective local agency" means, with respect to the 118603
department of job and family services and the department of 118604
children and youth, a county department of job and family 118605
services; with respect to the department of mental health and 118606

addiction services, a board of alcohol, drug addiction, and mental 118607
health services; and with respect to the department of 118608
developmental disabilities, a county board of developmental 118609
disabilities. 118610

(3) "Federal poverty guidelines" means the poverty guidelines 118611
as revised annually by the United States department of health and 118612
human services in accordance with section 673(2) of the "Omnibus 118613
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 118614
9902, as amended, for a family size equal to the size of the 118615
family of the person whose income is being determined. 118616

(B) The departments of job and family services, children and 118617
youth, mental health, and developmental disabilities, with their 118618
respective local agencies, shall administer the provision of 118619
social services funded through grants made under Title XX. The 118620
social services furnished with Title XX funds shall be directed at 118621
the following goals: 118622

(1) Achieving or maintaining economic self-support to 118623
prevent, reduce, or eliminate dependency; 118624

(2) Achieving or maintaining self-sufficiency, including 118625
reduction or prevention of dependency; 118626

(3) Preventing or remedying neglect, abuse, or exploitation 118627
of children and adults unable to protect their own interests, or 118628
preserving, rehabilitating, or reuniting families; 118629

(4) Preventing or reducing inappropriate institutional care 118630
by providing for community-based care, home-based care, or other 118631
forms of less intensive care; 118632

(5) Securing referral or admission for institutional care 118633
when other forms of care are not appropriate, or providing 118634
services to individuals in institutions. 118635

(C)(1) All federal funds received under Title XX shall be 118636

appropriated as follows: 118637

(a) Seventy-two and one-half per cent to the department of 118638
job and family services and the department of children and youth; 118639

(b) Twelve and ninety-three one-hundredths per cent to the 118640
department of mental health and addiction services; 118641

(c) Fourteen and fifty-seven one-hundredths per cent to the 118642
department of developmental disabilities. 118643

(2) Each of the state departments shall, subject to the 118644
approval of the controlling board, develop a formula for the 118645
distribution of the Title XX funds appropriated to the department 118646
to its respective local agencies. The formula developed by each 118647
state department shall take into account all of the following for 118648
each of its respective local agencies: 118649

(a) The total population of the area that is served by the 118650
respective local agency; 118651

(b) The percentage of the population in the area served that 118652
falls below the federal poverty guidelines; 118653

(c) The respective local agency's history of and ability to 118654
utilize Title XX funds. 118655

(3) Each of the state departments shall expend for state 118656
administrative costs not more than three per cent of the Title XX 118657
funds appropriated to the department. 118658

Each state department shall establish for each of its 118659
respective local agencies the maximum percentage of the Title XX 118660
funds distributed to the respective local agency that the 118661
respective local agency may expend for local administrative costs. 118662
The percentage shall be established by rule and shall comply with 118663
federal law governing the use of Title XX funds. The rules shall 118664
be adopted in accordance with section 111.15 of the Revised Code 118665
as if they were internal management rules. 118666

(4) The department of job and family services and the 118667
department of children and youth, as applicable, shall expend for 118668
the training of the following not more than two per cent of the 118669
Title XX funds appropriated to the department: 118670

(a) Employees of county departments of job and family 118671
services; 118672

(b) Providers of services under contract with the state 118673
departments' respective local agencies; 118674

(c) Employees of a public children services agency directly 118675
engaged in providing Title XX services. 118676

(5) Title XX funds distributed for the purpose of providing 118677
family planning services shall be distributed by the respective 118678
local agencies according to the same order of priority that 118679
applies to the department of job and family services under section 118680
5101.101 of the Revised Code. 118681

(D) The department of job and family services and the 118682
department of children and youth shall prepare an annual 118683
comprehensive Title XX social services plan on the intended use of 118684
Title XX funds. The ~~department~~ departments shall develop a method 118685
for obtaining public comment during the development of the plan 118686
and following its completion. 118687

For each federal fiscal year, the department of job and 118688
family services and the department of children and youth shall 118689
prepare a report on the actual use of Title XX funds. The 118690
department shall make the annual report available for public 118691
inspection. 118692

The departments of mental health and addiction services and 118693
developmental disabilities shall prepare and submit to the 118694
department of job and family services the portions of each annual 118695
plan and report that apply to services for mental health and 118696
developmental disabilities. Each respective local agency of the 118697

three state departments shall submit information as necessary for 118698
the preparation of annual plans and reports. 118699

(E) Each county department of job and family services shall 118700
adopt a county profile for the administration and provision of 118701
Title XX social services in the county. In developing its county 118702
profile, the county department shall take into consideration the 118703
comments and recommendations received from the public by the 118704
county family services planning committee pursuant to section 118705
329.06 of the Revised Code. As part of its preparation of the 118706
county profile, the county department may prepare a local needs 118707
report analyzing the need for Title XX social services. 118708

The county department shall submit the county profile to the 118709
board of county commissioners for its review. Once the county 118710
profile has been approved by the board, the county department 118711
shall file a copy of the county profile with the department of job 118712
and family services. The department shall approve the county 118713
profile if the department determines the profile provides for the 118714
Title XX social services to meet the goals specified in division 118715
(B) of this section. 118716

(F) Any of the three state departments and their respective 118717
local agencies may require that an entity under contract to 118718
provide social services with Title XX funds submit to an audit on 118719
the basis of alleged misuse or improper accounting of funds. If an 118720
audit is required, the social services provider shall reimburse 118721
the state department or respective local agency for the cost it 118722
incurred in conducting the audit or having the audit conducted. 118723

If an audit demonstrates that a social services provider is 118724
responsible for one or more adverse findings, the provider shall 118725
reimburse the appropriate state department or its respective local 118726
agency the amount of the adverse findings. The amount shall not be 118727
reimbursed with Title XX funds received under this section. The 118728
three state departments and their respective local agencies may 118729

terminate or refuse to enter into a Title XX contract with a 118730
social services provider if there are adverse findings in an audit 118731
that are the responsibility of the provider. 118732

(G) Except with respect to the matters for which each of the 118733
state departments must adopt rules under division (C)(3) of this 118734
section, the department of job and family services and the 118735
department of children and youth may adopt any rules ~~it considers~~ 118736
they consider necessary to implement and carry out the purposes of 118737
this section. Rules governing financial and operational matters of 118738
the ~~department~~ departments or matters between the ~~department~~ 118739
departments and county departments of job and family services 118740
shall be adopted as internal management rules in accordance with 118741
section 111.15 of the Revised Code. Rules governing eligibility 118742
for services, program participation, and other matters pertaining 118743
to applicants and participants shall be adopted in accordance with 118744
Chapter 119. of the Revised Code. 118745

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 118746
of this section, both of the following apply to the department of 118747
job and family services: 118748

(1) The department shall accept applications, determine 118749
eligibility, redetermine eligibility, and perform related 118750
administrative activities for the supplemental nutrition 118751
assistance program administered by the department pursuant to 118752
section 5101.54 of the Revised Code. 118753

The department may assign the duties described in division 118754
(A)(1) of this section to any county department of job and family 118755
services. 118756

(2) The department may accept applications, determine 118757
eligibility, redetermine eligibility, and perform related 118758
administrative activities for ~~one or more~~ either of the following: 118759

(a) ~~Publicly funded child care provided under Chapter 5104.~~ 118760
~~of the Revised Code;~~ 118761

~~(b) Other programs~~ Programs administered by the department 118762
that the director of job and family services determines are 118763
supportive of children, adults, or families; 118764

~~(e)~~(b) Other programs administered by the department 118765
regarding which the director determines administrative cost 118766
savings and efficiency may be achieved through the department 118767
accepting applications, determining eligibility, redetermining 118768
eligibility, or performing related administrative activities. 118769

(B) If federal law requires a face-to-face interview to 118770
complete an eligibility determination for a program specified in 118771
or pursuant to division (A) of this section, the face-to-face 118772
interview shall not be conducted by the department of job and 118773
family services. 118774

(C) Subject to division (B) of this section, if the 118775
department is required or elects to accept applications, determine 118776
eligibility, redetermine eligibility, and perform related 118777
administrative activities for a program specified in or pursuant 118778
to division (A) of this section, both of the following apply: 118779

(1) An individual seeking services under the program may 118780
apply for the program to the department or to the entity that 118781
state law governing the program authorizes to accept applications 118782
for the program. 118783

(2) The department is subject to federal statutes and 118784
regulations and state statutes and rules that require, permit, or 118785
prohibit an action regarding accepting applications, determining 118786
or redetermining eligibility, and performing related 118787
administrative activities for the program. 118788

~~(D)~~(D)(1) The department of children and youth may accept 118789
applications, determine eligibility, redetermine eligibility, and 118790

perform related administrative activities for publicly funded 118791
child care provided under Chapter 5104. of the Revised Code. 118792

(2) If the department elects to accept applications, 118793
determine eligibility, redetermine eligibility, and perform 118794
related administrative activities for publicly funded child care, 118795
both of the following apply: 118796

(a) An individual seeking publicly funded child care may 118797
apply to the department or to the entity that state law governing 118798
the program authorizes to accept applications for publicly funded 118799
child care. 118800

(b) The department is subject to federal statutes and 118801
regulations and state statutes and rules that require, permit, or 118802
prohibit an action regarding accepting applications, determining 118803
or redetermining eligibility, and performing related 118804
administrative activities for publicly funded childcare. 118805

(E) The director of job and family services and the director 118806
of children and youth may adopt rules as necessary to implement 118807
this section. 118808

Sec. 5101.76. (A) A residential camp, as defined in section 118809
2151.011 of the Revised Code, a child day camp, as defined in 118810
section 5104.01 of the Revised Code, or a child day camp operated 118811
by any county, township, municipal corporation, township park 118812
district created under section 511.18 of the Revised Code, park 118813
district created under section 1545.04 of the Revised Code, or 118814
joint recreation district established under section 755.14 of the 118815
Revised Code may procure epinephrine autoinjectors for use in 118816
emergency situations identified under division (C)(5) of this 118817
section by doing one of the following: 118818

(1) Having a licensed health professional authorized to 118819
prescribe drugs, acting in accordance with section 4723.483, 118820

4730.433, or 4731.96 of the Revised Code, personally furnish the 118821
epinephrine autoinjectors to the camp or issue a prescription for 118822
them in the name of the camp; 118823

(2) Obtaining a prescriber-issued protocol that includes 118824
definitive orders for epinephrine autoinjectors and the dosages of 118825
epinephrine to be administered through them. 118826

A camp that elects to procure epinephrine autoinjectors under 118827
this section is encouraged to maintain at least two epinephrine 118828
autoinjectors at all times. 118829

(B) A camp that elects to procure epinephrine autoinjectors 118830
under this section shall adopt a policy governing their 118831
maintenance and use. Before adopting the policy, the camp shall 118832
consult with a licensed health professional authorized to 118833
prescribe drugs. 118834

(C) The policy adopted under division (B) of this section 118835
shall do all of the following: 118836

(1) Identify the one or more locations in which an 118837
epinephrine autoinjector must be stored; 118838

(2) Specify the conditions under which an epinephrine 118839
autoinjector must be stored, replaced, and disposed; 118840

(3) Specify the individuals employed by or under contract 118841
with the camp who may access and use an epinephrine autoinjector 118842
to provide a dosage of epinephrine to an individual in an 118843
emergency situation identified under division (C)(5) of this 118844
section; 118845

(4) Specify any training that employees or contractors 118846
specified under division (C)(3) of this section must complete 118847
before being authorized to access and use an epinephrine 118848
autoinjector; 118849

(5) Identify the emergency situations, including when an 118850

individual exhibits signs and symptoms of anaphylaxis, in which 118851
employees or contractors specified under division (C)(3) of this 118852
section may access and use an epinephrine autoinjector; 118853

(6) Specify that assistance from an emergency medical service 118854
provider must be requested immediately after an epinephrine 118855
autoinjector is used; 118856

(7) Specify the individuals to whom a dosage of epinephrine 118857
may be administered through an epinephrine autoinjector in an 118858
emergency situation specified under division (C)(5) of this 118859
section. 118860

(D)(1) The following are not liable in damages in a civil 118861
action for injury, death, or loss to person or property that 118862
allegedly arises from an act or omission associated with 118863
procuring, maintaining, accessing, or using an epinephrine 118864
autoinjector under this section, unless the act or omission 118865
constitutes willful or wanton misconduct: 118866

(a) A camp; 118867

(b) A camp employee or contractor; 118868

(c) A licensed health professional authorized to prescribe 118869
drugs who personally furnishes or prescribes epinephrine 118870
autoinjectors, provides a consultation, or issues a protocol 118871
pursuant to this section. 118872

(2) This section does not eliminate, limit, or reduce any 118873
other immunity or defense that a camp or camp employee or 118874
contractor or licensed health professional may be entitled to 118875
under Chapter 2744. or any other provision of the Revised Code or 118876
under the common law of this state. 118877

(E) A camp may accept donations of epinephrine autoinjectors 118878
from a wholesale distributor of dangerous drugs, as defined in 118879
section 4729.01 of the Revised Code, and may accept donations of 118880

money from any person to purchase epinephrine autoinjectors. 118881

(F) A camp that elects to procure epinephrine autoinjectors 118882
under this section shall report to the department of ~~job~~ children 118883
and ~~family services~~ youth each procurement and occurrence in which 118884
an epinephrine autoinjector is used from a camp's supply of 118885
epinephrine autoinjectors. 118886

(G) As used in this section, "licensed health professional 118887
authorized to prescribe drugs" and "prescriber" have the same 118888
meanings as in section 4729.01 of the Revised Code. 118889

Sec. 5101.77. (A) As used in this section, "inhaler" means a 118890
device that delivers medication to alleviate asthmatic symptoms, 118891
is manufactured in the form of a metered dose inhaler or dry 118892
powdered inhaler, and may include a spacer, holding chamber, or 118893
other device that attaches to the inhaler and is used to improve 118894
the delivery of the medication. 118895

(B) A residential camp, as defined in section 2151.011 of the 118896
Revised Code, a child day camp, as defined in section 5104.01 of 118897
the Revised Code, or a child day camp operated by any county, 118898
township, municipal corporation, township park district created 118899
under section 511.18 of the Revised Code, park district created 118900
under section 1545.04 of the Revised Code, or joint recreation 118901
district established under section 755.14 of the Revised Code may 118902
procure inhalers for use in emergency situations identified under 118903
division (D)(5) of this section. A camp that elects to procure 118904
inhalers under this section is encouraged to maintain at least two 118905
inhalers at all times. 118906

(C) A camp that elects to procure inhalers under this section 118907
shall adopt a policy governing their maintenance and use. Before 118908
adopting the policy, the camp shall consult with a licensed health 118909
professional authorized to prescribe drugs, as defined in section 118910
4729.01 of the Revised Code. 118911

(D) A component of a policy adopted by a camp under division 118912
(C) of this section shall be a prescriber-issued protocol 118913
specifying definitive orders for inhalers, including the dosages 118914
of medication to be administered through them, the number of times 118915
that each inhaler may be used before disposal, and the methods of 118916
disposal. The policy also shall do all of the following: 118917

(1) Identify the one or more locations in which an inhaler 118918
must be stored; 118919

(2) Specify the conditions under which an inhaler must be 118920
stored, replaced, and disposed; 118921

(3) Specify the individuals employed by or under contract 118922
with the camp who may access and use an inhaler to provide a 118923
dosage of medication to an individual in an emergency situation 118924
identified under division (D)(5) of this section; 118925

(4) Specify any training that employees or contractors 118926
specified under division (D)(3) of this section must complete 118927
before being authorized to access and use an inhaler; 118928

(5) Identify the emergency situations, including when an 118929
individual exhibits signs and symptoms of asthma, in which 118930
employees or contractors specified under division (D)(3) of this 118931
section may access and use an inhaler; 118932

(6) Specify that assistance from an emergency medical service 118933
provider must be requested immediately after an employee or 118934
contractor, other than a licensed health professional, uses an 118935
inhaler; 118936

(7) Specify the individuals to whom a dosage of medication 118937
may be administered through an inhaler in an emergency situation 118938
specified under division (D)(5) of this section. 118939

(E) A camp or camp employee or contractor is not liable in 118940
damages in a civil action for injury, death, or loss to person or 118941

property that allegedly arises from an act or omission associated 118942
with procuring, maintaining, accessing, or using an inhaler under 118943
this section, unless the act or omission constitutes willful or 118944
wanton misconduct. 118945

This section does not eliminate, limit, or reduce any other 118946
immunity or defense that a camp or camp employee or contractor may 118947
be entitled to under Chapter 2744. or any other provision of the 118948
Revised Code or under the common law of this state. 118949

(F) A camp may accept donations of inhalers from a wholesale 118950
distributor of dangerous drugs, as defined in section 4729.01 of 118951
the Revised Code, and may accept donations of money from any 118952
person to purchase inhalers. 118953

(G) A camp that elects to procure inhalers under this section 118954
shall report to the department of ~~job children~~ and ~~family services~~ 118955
youth each procurement and occurrence in which an inhaler is used 118956
from a camp's supply of inhalers. 118957

Sec. 5101.78. (A) As used in this section, "licensed health 118958
professional authorized to prescribe drugs" and "prescriber" have 118959
the same meanings as in section 4729.01 of the Revised Code. 118960

(B) A residential camp, as defined in section 2151.011 of the 118961
Revised Code; a child day camp, as defined in section 5104.01 of 118962
the Revised Code; or a child day camp operated by any county, 118963
township, municipal corporation, township park district created 118964
under section 511.18 of the Revised Code, park district created 118965
under section 1545.04 of the Revised Code, or joint recreation 118966
district established under section 755.14 of the Revised Code may 118967
procure injectable or nasally administered glucagon for use in 118968
emergency situations identified under division (D)(5) of this 118969
section by doing one of the following: 118970

(1) Having a licensed health professional authorized to 118971

prescribe drugs, acting in accordance with section 4723.4811, 118972
4730.437, or 4731.92 of the Revised Code, personally furnish the 118973
injectable or nasally administered glucagon to the camp or issue a 118974
prescription for the drug in the name of the camp; 118975

(2) Obtaining a prescriber-issued protocol that includes 118976
definitive orders for injectable or nasally administered glucagon 118977
and the dosages to be administered; 118978

A camp that elects to procure injectable or nasally 118979
administered glucagon under this section is encouraged to maintain 118980
at least two doses of the drug at all times. 118981

(C) A camp that elects to procure injectable or nasally 118982
administered glucagon under this section shall adopt a policy 118983
governing maintenance and use of the drug. Before adopting the 118984
policy, the camp shall consult with a licensed health professional 118985
authorized to prescribe drugs. 118986

(D) The policy adopted under division (C) of this section 118987
shall do all of the following: 118988

(1) Identify the one or more locations at the camp in which 118989
injectable or nasally administered glucagon must be stored; 118990

(2) Specify the conditions under which injectable or nasally 118991
administered glucagon must be stored, replaced, or disposed; 118992

(3) Specify the individuals employed by or under contract 118993
with the camp, or who volunteer at the camp, who may access and 118994
use injectable or nasally administered glucagon in an emergency 118995
situation identified under division (D)(5) of this section; 118996

(4) Specify any training that employees, contractors, or 118997
volunteers specified under division (D)(3) of this section must 118998
complete before being authorized to access and use injectable or 118999
nasally administered glucagon; 119000

(5) Identify the emergency situations, including when an 119001

individual exhibits signs and symptoms of severe hypoglycemia, in 119002
which employees, contractors, or volunteers specified under 119003
division (D)(3) of this section may access and use injectable or 119004
nasally administered glucagon; 119005

(6) Specify that assistance from an emergency medical service 119006
provider must be requested immediately after a dose of glucagon is 119007
administered; 119008

(7) Specify the individuals to whom a dose of glucagon may be 119009
administered in an emergency situation specified under division 119010
(D)(5) of this section. 119011

(E)(1) The following are not liable in damages in a civil 119012
action for injury, death, or loss to person or property that 119013
allegedly arises from an act or omission associated with 119014
procuring, maintaining, accessing, or using injectable or nasally 119015
administered glucagon under this section, unless the act or 119016
omission constitutes willful or wanton misconduct: 119017

(a) A camp; 119018

(b) A camp employee, contractor, or volunteer; 119019

(c) A licensed health professional authorized to prescribe 119020
drugs who personally furnishes or prescribes injectable or nasally 119021
administered glucagon, provides a consultation, or issues a 119022
protocol pursuant to this section; 119023

(2) This section does not eliminate, limit, or reduce any 119024
other immunity or defense that a camp; camp employee, contractor, 119025
or volunteer; or licensed health professional may be entitled to 119026
under Chapter 2744. or any other provision of the Revised Code or 119027
under the common law of this state. 119028

(F) A camp may accept donations of injectable or nasally 119029
administered glucagon from a wholesale distributor of dangerous 119030
drugs or manufacturer of dangerous drugs, as defined in section 119031

4729.01 of the Revised Code, and may accept donations of money 119032
from any person to purchase the drug. 119033

(G) A camp that elects to procure injectable or nasally 119034
administered glucagon under this section shall report to the 119035
department of ~~job children~~ and ~~family services youth~~ each 119036
procurement and each occurrence in which a dose of the drug is 119037
used from the camp's supply. 119038

Sec. 5101.80. (A) As used in this section and in section 119039
5101.801 of the Revised Code: 119040

(1) "County family services agency" has the same meaning as 119041
in section 307.981 of the Revised Code. 119042

(2) "State agency" has the same meaning as in section 9.82 of 119043
the Revised Code. 119044

(3) "Title IV-A administrative agency" means both of the 119045
following: 119046

(a) A county family services agency or state agency 119047
administering a Title IV-A program under the supervision of the 119048
department of job and family services or the department of 119049
children and youth; 119050

(b) A government agency or private, not-for-profit entity 119051
administering a project funded in whole or in part with funds 119052
provided under the Title IV-A demonstration program created under 119053
section 5101.803 of the Revised Code. 119054

(4) "Title IV-A program" means all of the following that are 119055
funded in part with funds provided under the temporary assistance 119056
for needy families block grant established by Title IV-A of the 119057
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 119058
amended: 119059

(a) The Ohio works first program established under Chapter 119060
5107. of the Revised Code; 119061

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; 119062
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(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services or department of children and youth pursuant to section 5101.801 of the Revised Code; 119064
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(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code; 119069
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(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code; 119071
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(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code; 119073
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(g) A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component. 119075
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(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services. 119079
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(C) The department of job and family services shall do all of the following: 119088
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(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A 119090
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programs;	119092
(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (g) of this section;	119093 119094 119095 119096 119097
(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs;	119098 119099 119100
(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs;	119101 119102 119103 119104
(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;	119105 119106 119107
(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;	119108 119109 119110 119111
(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;	119112 119113 119114 119115 119116 119117 119118 119119
(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;	119120 119121

(9) Enter into reciprocal agreements with other states 119122
relative to the provision of Ohio works first and prevention, 119123
retention, and contingency to residents and nonresidents; 119124

(10) Contract with a private entity to conduct an independent 119125
on-going evaluation of the Ohio works first program and the 119126
prevention, retention, and contingency program. The contract must 119127
require the private entity to do all of the following: 119128

(a) Examine issues of process, practice, impact, and 119129
outcomes; 119130

(b) Study former participants of Ohio works first who have 119131
not participated in Ohio works first for at least one year to 119132
determine whether they are employed, the type of employment in 119133
which they are engaged, the amount of compensation they are 119134
receiving, whether their employer provides health insurance, 119135
whether and how often they have received benefits or services 119136
under the prevention, retention, and contingency program, and 119137
whether they are successfully self sufficient; 119138

(c) Provide the department with reports at times the 119139
department specifies. 119140

(11) Not later than the last day of each January and July, 119141
prepare a report containing information on the following: 119142

(a) Individuals exhausting the time limits for participation 119143
in Ohio works first set forth in section 5107.18 of the Revised 119144
Code. 119145

(b) Individuals who have been exempted from the time limits 119146
set forth in section 5107.18 of the Revised Code and the reasons 119147
for the exemption. 119148

(D) The department shall provide copies of the reports it 119149
receives under division (C)(10) of this section and prepares under 119150
division (C)(11) of this section to the governor, the president 119151

and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency 119183
for the state agency to administer the program under the 119184
department's supervision. 119185

(2) The department of job and family services and the 119186
department of children and youth may enter into an agreement with 119187
a government entity and, to the extent permitted by federal law, a 119188
private, not-for-profit entity for the entity to receive funding 119189
for a project under the Title IV-A demonstration program created 119190
under section 5101.803 of the Revised Code. 119191

(3) To the extent permitted by federal law, the department of 119192
children and youth may enter into an agreement with a private, 119193
not-for-profit entity for the entity to receive funds under the 119194
Ohio parenting and pregnancy program created under section 119195
5101.804 of the Revised Code. 119196

(C) The department of job and family services and the 119197
department of children and youth, may adopt rules governing Title 119198
IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), 119199
and (g) of section 5101.80 of the Revised Code. Rules governing 119200
financial and operational matters of ~~the~~ either department or 119201
between ~~the~~ either department and county family services agencies 119202
shall be adopted as internal management rules adopted in 119203
accordance with section 111.15 of the Revised Code. All other 119204
rules shall be adopted in accordance with Chapter 119. of the 119205
Revised Code. 119206

(D) If the department of job and family services or the 119207
department of children and youth, enters into an agreement 119208
regarding a Title IV-A program identified under division 119209
(A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code 119210
pursuant to division (B)(1)(b) or (2) of this section, the 119211
agreement shall include at least all of the following: 119212

(1) A requirement that the state agency or entity comply with 119213

the requirements for the program or project, including all of the 119214
following requirements established by federal statutes and 119215
regulations, state statutes and rules, the United States office of 119216
management and budget, and the Title IV-A state plan prepared 119217
under section 5101.80 of the Revised Code: 119218

(a) Eligibility; 119219

(b) Reports; 119220

(c) Benefits and services; 119221

(d) Use of funds; 119222

(e) Appeals for applicants for, and recipients and former 119223
recipients of, the benefits and services; 119224

(f) Audits. 119225

(2) A complete description of all of the following: 119226

(a) The benefits and services that the program or project is 119227
to provide; 119228

(b) The methods of program or project administration; 119229

(c) The appeals process under section 5101.35 of the Revised 119230
Code for applicants for, and recipients and former recipients of, 119231
the program or project's benefits and services; 119232

(d) Other requirements that the department of job and family 119233
services or the department of children and youth, as applicable, 119234
requires be included. 119235

(3) Procedures for the department of job and family services 119236
or the department of children and youth, as applicable, to approve 119237
a policy, established by rule or otherwise, that the state agency 119238
or entity establishes for the program or project before the policy 119239
is established; 119240

(4) Provisions regarding how the department of job and family 119241
services or the department of children and youth, as applicable, 119242

is to reimburse the state agency or entity for allowable 119243
expenditures under the program or project that the applicable 119244
department approves, including all of the following: 119245

(a) Limitations on administrative costs; 119246

(b) The department of job and family services or the 119247
department of children and youth, as applicable, at its 119248
discretion, doing either of the following: 119249

(i) Withholding no more than five per cent of the funds that 119250
the department of job and family services or the department of 119251
children and youth, as applicable, would otherwise provide to the 119252
state agency or entity for the program or project; 119253

(ii) Charging the state agency or entity for the costs to the 119254
department of job and family services or the department of 119255
children and youth, as applicable, of performing, or contracting 119256
for the performance of, audits and other administrative functions 119257
associated with the program or project. 119258

(5) If the state agency or entity arranges by contract, 119259
grant, or other agreement for another entity to perform a function 119260
the state agency or entity would otherwise perform regarding the 119261
program or project, the state agency or entity's responsibilities 119262
for both of the following: 119263

(a) Ensuring that the other entity complies with the 119264
agreement between the state agency or entity and the department of 119265
job and family services or the department of children and youth, 119266
as applicable and federal statutes and regulations and state 119267
statutes and rules governing the use of funds for the program or 119268
project; 119269

(b) Auditing the other entity in accordance with requirements 119270
established by the United States office of management and budget. 119271

(6) The state agency or entity's responsibilities regarding 119272

the prompt payment, including any interest assessed, of any 119273
adverse audit finding, final disallowance of federal funds, or 119274
other sanction or penalty imposed by the federal government, 119275
auditor of state, department of job and family services or the 119276
department of children and youth, as applicable, a court, or other 119277
entity regarding funds for the program or project; 119278

(7) Provisions for the department of job and family services 119279
or the department of children and youth, as applicable, to 119280
terminate the agreement or withhold reimbursement from the state 119281
agency or entity if either of the following occur: 119282

(a) The federal government disapproves the program or project 119283
or reduces federal funds for the program or project; 119284

(b) The state agency or entity fails to comply with the terms 119285
of the agreement. 119286

(8) Provisions for both of the following: 119287

(a) The department of job and family services or the 119288
department of children and youth, as applicable, and state agency 119289
or entity determining the performance outcomes expected for the 119290
program or project; 119291

(b) An evaluation of the program or project to determine its 119292
success in achieving the performance outcomes determined under 119293
division (D)(8)(a) of this section. 119294

(E) To the extent consistent with the law enacted by the 119295
general assembly or executive order issued by the governor 119296
establishing the Title IV-A program and subject to the approval of 119297
the director of budget and management, the director of job and 119298
family services or the director of children and youth, as 119299
applicable, may terminate a Title IV-A program identified under 119300
division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of 119301
the Revised Code or reduce funding for the program if the 119302
applicable director ~~of job and family services~~ determines that 119303

federal or state funds are insufficient to fund the program. If 119304
the director of budget and management approves the termination or 119305
reduction in funding for such a program, the director ~~of job and~~ 119306
~~family services~~ of job and family services or the department of 119307
children and youth, as applicable, shall issue instructions for 119308
the termination or funding reduction. If a Title IV-A 119309
administrative agency is administering the program, the agency is 119310
bound by the termination or funding reduction and shall comply 119311
with the applicable director's instructions. 119312

(F) The director of job and family services and the director 119313
of children and youth may adopt internal management rules in 119314
accordance with section 111.15 of the Revised Code as necessary to 119315
implement this section. The rules are binding on each Title IV-A 119316
administrative agency. 119317

Sec. 5101.802. (A) As used in this section: 119318

(1) "Custodian," "guardian," and "minor child" have the same 119319
meanings as in section 5107.02 of the Revised Code. 119320

(2) "Federal poverty guidelines" has the same meaning as in 119321
section 5101.46 of the Revised Code. 119322

(3) "Kinship caregiver" has the same meaning as in section 119323
5101.85 of the Revised Code. 119324

(B) Subject to division (E) of section 5101.801 of the 119325
Revised Code, there is hereby created the kinship permanency 119326
incentive program to promote permanency for a minor child in the 119327
legal and physical custody of a kinship caregiver. The program 119328
shall provide an initial one-time incentive payment to the kinship 119329
caregiver to defray the costs of initial placement of the minor 119330
child in the kinship caregiver's home. The program may provide 119331
additional permanency incentive payments for the minor child at 119332
six-month intervals, based on the availability of funds. An 119333

eligible caregiver may receive a maximum of eight incentive 119334
payments per minor child. 119335

(C) A kinship caregiver may participate in the program if all 119336
of the following requirements are met: 119337

(1) The kinship caregiver applies to a public children 119338
services agency in accordance with the application process 119339
established in rules authorized by division (E) of this section; 119340

(2) Not earlier than July 1, 2005, a juvenile court issues an 119341
order granting legal custody to the kinship caregiver, or a 119342
probate court grants guardianship to the kinship caregiver, except 119343
that a temporary court order is not sufficient to meet this 119344
requirement; 119345

(3) The kinship caregiver is either the minor child's 119346
custodian or guardian; 119347

(4) The minor child resides with the kinship caregiver 119348
pursuant to a placement approval process established in rules 119349
authorized by division (E) of this section; 119350

(5) Excluding any income excluded under rules adopted under 119351
division (E) of this section, the gross income of the kinship 119352
caregiver's family, including the minor child, does not exceed 119353
three hundred per cent of the federal poverty guidelines. 119354

(6) The kinship caregiver is not receiving kinship 119355
guardianship assistance under Title IV-E of the "Social Security 119356
Act," 42 U.S.C. 673(d), as amended, or the program described in 119357
section 5101.1411 of the Revised Code or the program described in 119358
section 5153.163 of the Revised Code. 119359

(D) Public children services agencies shall make initial and 119360
ongoing eligibility determinations for the kinship permanency 119361
incentive program in accordance with rules authorized by division 119362
(E) of this section. The director of ~~job~~ children and ~~family~~ 119363

~~services youth~~ shall supervise public children services agencies' duties under this section. 119364
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(E) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following: 119366
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(1) The application process for the program; 119370

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program; 119371
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(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility; 119374
119375

(4) The amount of the incentive payments provided under the program; 119376
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(5) The method by which the incentive payments are provided to a kinship caregiver. 119378
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(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007. 119380
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Sec. 5101.803. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Title IV-A demonstration program to provide funding for innovative and promising prevention and intervention projects that meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601 and are for individuals with specific and multiple barriers to achieving or maintaining self-sufficiency and personal responsibility. The department of job and family services and the department of children and youth, as applicable, may provide funding for such 119384
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projects to government entities and, to the extent permitted by 119394
federal law, private, not-for-profit entities with which ~~the~~ 119395
either department enters into agreements under division (B)(2) of 119396
section 5101.801 of the Revised Code. 119397

In accordance with criteria the department develops, the 119398
department of job and family services or the department of 119399
children and youth, as applicable, may solicit proposals from 119400
entities seeking to enter into an agreement with the applicable 119401
department under division (B)(2) of section 5101.801 of the 119402
Revised Code. The department of job and family services or the 119403
department of children and youth, as applicable, may enter into 119404
such agreements with entities that do both of the following: 119405

(1) Meet the proposals' criteria; 119406

(2) If the entity's proposed project does not potentially 119407
affect persons in each county of the state, provides the 119408
department evidence that the entity has notified, in writing, the 119409
county department of job and family services of each county where 119410
persons may be affected by the implementation of the project. 119411

(B) In developing the criteria, soliciting the proposals, and 119412
entering in the agreements, the department of job and family 119413
services and the department of children and youth shall comply 119414
with all applicable federal and state laws, the Title IV-A state 119415
plan submitted to the United States secretary of health and human 119416
services under section 5101.80 of the Revised Code, amendments to 119417
the Title IV-A state plan submitted to the United States secretary 119418
under that section, and federal waivers the United States 119419
secretary grants. 119420

~~(C) The department shall begin implementation of the Title 119421
IV-A demonstration program no later than January 1, 2006. 119422~~

Sec. 5101.804. (A) Subject to division (E) of section 119423

5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of ~~job children~~ and ~~family services~~ youth may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;

(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach;

(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received;

(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising;

(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender.

(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities;

(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising.

(D) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio parenting and pregnancy program.

Sec. 5101.83. (A) As used in this section:

(1) "Assistance group" has the same meaning as in section 5107.02 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program or the comprehensive case management and

employment program. 119484

(2) "Fraudulent assistance" means assistance and services, 119485
including cash assistance, provided under the Ohio works first 119486
program established under Chapter 5107., or benefits and services 119487
provided under the prevention, retention, and contingency program 119488
established under Chapter 5108. of the Revised Code or under the 119489
comprehensive case management and employment program established 119490
under Chapter 5116. of the Revised Code, to or on behalf of an 119491
assistance group that is provided as a result of fraud by a member 119492
of the assistance group, including an intentional violation of the 119493
program's requirements. "Fraudulent assistance" does not include 119494
assistance or services to or on behalf of an assistance group that 119495
is provided as a result of an error that is the fault of a county 119496
department of job and family services ~~or~~, the Ohio department of 119497
job and family services, or the department of children and youth. 119498

(B) If a county director of job and family services 119499
determines that an assistance group has received fraudulent 119500
assistance, the assistance group is ineligible to participate in 119501
the Ohio works first program, the prevention, retention, and 119502
contingency program, or the comprehensive case management and 119503
employment program until a member of the assistance group repays 119504
the cost of the fraudulent assistance. If a member repays the cost 119505
of the fraudulent assistance and the assistance group otherwise 119506
meets the eligibility requirements for the Ohio works first 119507
program, the prevention, retention, and contingency program, or 119508
the comprehensive case management and employment program, the 119509
assistance group shall not be denied the opportunity to 119510
participate in the program. 119511

This section does not limit the ability of a county 119512
department of job and family services to recover erroneous 119513
payments under section 5107.76 of the Revised Code. 119514

The Ohio department of job and family services and the 119515

department of children and youth shall adopt rules in accordance 119516
with Chapter 119. of the Revised Code to implement this section. 119517

Sec. 5101.851. The department of ~~job~~ children and ~~family~~ 119518
~~services~~ youth shall establish a statewide kinship care navigator 119519
program to assist kinship caregivers who are seeking information 119520
regarding, or assistance obtaining, services and benefits 119521
available at the state and local level that address the needs of 119522
those caregivers residing in each county. The program shall 119523
provide to kinship caregivers information and referral services 119524
and assistance obtaining support services including the following: 119525

(A) Publicly funded child care; 119526

(B) Respite care; 119527

(C) Training related to caring for special needs children; 119528

(D) A toll-free telephone number that may be called to obtain 119529
basic information about the rights of, and services available to, 119530
kinship caregivers; 119531

(E) Legal services. 119532

Sec. 5101.853. The director of ~~job~~ children and ~~family~~ 119533
~~services~~ youth shall divide the state into not less than five and 119534
not greater than twelve regions, for the kinship care navigator 119535
program under section 5101.851 of the Revised Code. The director 119536
shall take the following into consideration when establishing the 119537
regions: 119538

(A) The population size; 119539

(B) The estimated number of kinship caregivers; 119540

(C) The expertise of kinship navigators; 119541

(D) Any other factor the director considers relevant. 119542

Sec. 5101.855. ~~Not later than one year after the effective date of this amendment, the~~ The department of ~~job children~~ and ~~family services youth~~ shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

Sec. 5101.856. (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.

(2) The director of ~~job children~~ and ~~family services youth~~ shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

Sec. 5101.881. There is hereby established the kinship support program. The department of ~~job children~~ and ~~family services youth~~ shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose.

Sec. 5101.885. Kinship support program payments under section 5101.884 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of ~~job children~~ and ~~family services youth~~ shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment

made in the immediately preceding December. 119572

Sec. 5101.8811. The director of ~~job~~ children and ~~family~~ services youth may adopt rules for the administration of the 119573
kinship support program in accordance with section 111.15 of the 119574
Revised Code. 119575
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Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the 119577
Revised Code: 119578

(A)(1) "Association" or "institution" includes all of the 119579
following: 119580

(a) Any incorporated or unincorporated organization, society, 119581
association, or agency, public or private, that receives or cares 119582
for children for two or more consecutive weeks; 119583

(b) Any individual, including the operator of a foster home, 119584
who, for hire, gain, or reward, receives or cares for children for 119585
two or more consecutive weeks, unless the individual is related to 119586
them by blood or marriage; 119587

(c) Any individual not in the regular employ of a court, or 119588
of an institution or association certified in accordance with 119589
section 5103.03 of the Revised Code, who in any manner becomes a 119590
party to the placing of children in foster homes, unless the 119591
individual is related to such children by blood or marriage or is 119592
the appointed guardian of such children. 119593

(2) "Association" or "institution" does not include any of 119594
the following: 119595

(a) Any organization, society, association, school, agency, 119596
child guidance center, detention or rehabilitation facility, or 119597
children's clinic licensed, regulated, approved, operated under 119598
the direction of, or otherwise certified by the department of 119599
education, a local board of education, the department of youth 119600

services, the department of mental health and addiction services, 119601
or the department of developmental disabilities; 119602

(b) Any individual who provides care for only a single-family 119603
group, placed there by their parents or other relative having 119604
custody; 119605

(c) A private, nonprofit therapeutic wilderness camp; 119606

(d) A qualified organization as defined in section 2151.90 of 119607
the Revised Code. 119608

(B) "Family foster home" means a foster home that is not a 119609
specialized foster home. 119610

(C) "Foster caregiver" means a person holding a valid foster 119611
home certificate issued under section 5103.03 of the Revised Code. 119612

(D) "Foster home" means a private residence in which children 119613
are received apart from their parents, guardian, or legal 119614
custodian, by an individual reimbursed for providing the children 119615
nonsecure care, supervision, or training twenty-four hours a day. 119616
"Foster home" does not include care provided for a child in the 119617
home of a person other than the child's parent, guardian, or legal 119618
custodian while the parent, guardian, or legal custodian is 119619
temporarily away. Family foster homes and specialized foster homes 119620
are types of foster homes. 119621

(E) "Kinship caregiver" has the same meaning as in section 119622
5101.85 of the Revised Code. 119623

(F) "Medically fragile foster home" means a foster home that 119624
provides specialized medical services designed to meet the needs 119625
of children with intensive health care needs who meet all of the 119626
following criteria: 119627

(1) Under rules adopted by the medicaid director governing 119628
medicaid payments for long-term care services, the children 119629
require a skilled level of care. 119630

(2) The children require the services of a doctor of medicine 119631
or osteopathic medicine at least once a week due to the 119632
instability of their medical conditions. 119633

(3) The children require the services of a registered nurse 119634
on a daily basis. 119635

(4) The children are at risk of institutionalization in a 119636
hospital, skilled nursing facility, or intermediate care facility 119637
for individuals with intellectual disabilities. 119638

(G) "Private, nonprofit therapeutic wilderness camp" means a 119639
structured, alternative residential setting for children who are 119640
experiencing emotional, behavioral, moral, social, or learning 119641
difficulties at home or school in which all of the following are 119642
the case: 119643

(1) The children spend the majority of their time, including 119644
overnight, either outdoors or in a primitive structure. 119645

(2) The children have been placed there by their parents or 119646
another relative having custody. 119647

(3) The camp accepts no public funds for use in its 119648
operations. 119649

(H) "Recommending agency" means a public children services 119650
agency, private child placing agency, or private noncustodial 119651
agency that recommends that the department of ~~job~~ children and 119652
~~family services~~ youth take any of the following actions under 119653
section 5103.03 of the Revised Code regarding a foster home: 119654

(1) Issue a certificate; 119655

(2) Deny a certificate; 119656

(3) Renew a certificate; 119657

(4) Deny renewal of a certificate; 119658

(5) Revoke a certificate. 119659

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 119660
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(J) "Resource family" means a foster home or the kinship caregiver family. 119662
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(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 119664
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(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 119666
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Sec. 5103.03. (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code. 119673
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(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section. 119681
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(2) When the department of ~~job children and family services~~ youth is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that

the institution or association is in violation of law or rule. No 119723
juvenile court shall commit a child to an association or 119724
institution that is required to be certified under this section if 119725
its certificate has been revoked or, if after revocation, the date 119726
of reissue is less than fifteen months prior to the proposed 119727
commitment. 119728

(D) On a frequency specified by the department by rules 119729
adopted under division (A) of this section, each institution or 119730
association desiring certification or recertification shall submit 119731
to the department a report showing its condition, management, 119732
competency to care adequately for the children who have been or 119733
may be committed to it or to whom it provides care or services, 119734
the system of visitation it employs for children placed in private 119735
homes, and other information the department requires. 119736

(E) The department shall, not less than once each year, send 119737
a list of certified institutions and associations to each juvenile 119738
court and certified association or institution. 119739

(F) No person shall receive children or receive or solicit 119740
money on behalf of such an institution or association not so 119741
certified or whose certificate has been revoked. 119742

(G)(1) The director may delegate by rule any duties imposed 119743
on it by this section to inspect and approve family foster homes 119744
and specialized foster homes to public children services agencies, 119745
private child placing agencies, or private noncustodial agencies. 119746

(2) The director shall adopt rules that require a foster 119747
caregiver or other individual certified to operate a foster home 119748
under this section to notify the recommending agency that the 119749
foster caregiver or other individual is licensed to operate a type 119750
B family day-care home under Chapter 5104. of the Revised Code. 119751

(H) If the director of ~~job~~ children and ~~family services~~ youth 119752
determines that an institution or association that cares for 119753

children is operating without a certificate, the director may 119754
petition the court of common pleas in the county in which the 119755
institution or association is located for an order enjoining its 119756
operation. The court shall grant injunctive relief upon a showing 119757
that the institution or association is operating without a 119758
certificate. 119759

(I) If both of the following are the case, the director of 119760
~~job~~ children and ~~family services~~ youth may petition the court of 119761
common pleas of any county in which an institution or association 119762
that holds a certificate under this section operates for an order, 119763
and the court may issue an order, preventing the institution or 119764
association from receiving additional children into its care or an 119765
order removing children from its care: 119766

(1) The department has evidence that the life, health, or 119767
safety of one or more children in the care of the institution or 119768
association is at imminent risk. 119769

(2) The department has issued a proposed adjudication order 119770
pursuant to Chapter 119. of the Revised Code to deny renewal of or 119771
revoke the certificate of the institution or association. 119772

Sec. 5103.031. Except as provided in section 5103.033 of the 119773
Revised Code, the department of ~~job~~ children and ~~family services~~ 119774
youth may not issue a certificate under section 5103.03 of the 119775
Revised Code to a foster home unless the prospective foster 119776
caregiver successfully completes preplacement training through a 119777
preplacement training program approved by the department of ~~job~~ 119778
children and ~~family services~~ youth under section 5103.038 of the 119779
Revised Code or preplacement training provided under division (B) 119780
of section 5103.30 of the Revised Code. 119781

Sec. 5103.032. (A) Except as provided in division (B) of this 119782
section and in section 5103.033 of the Revised Code, the 119783

department of ~~job~~ children and ~~family services~~ youth may not renew 119784
a foster home certificate under section 5103.03 of the Revised 119785
Code unless the foster caregiver successfully completes continuing 119786
training in accordance with the foster caregiver's needs 119787
assessment and continuing training plan developed and implemented 119788
under section 5103.035 of the Revised Code. 119789

(B) A foster caregiver shall be given an additional amount of 119790
time within which the foster caregiver must complete the 119791
continuing training required under division (A) of this section in 119792
accordance with rules adopted by the department of ~~job~~ children 119793
and ~~family services~~ youth if either of the following applies: 119794

(1) The foster caregiver has served in active duty outside 119795
this state with a branch of the armed forces of the United States 119796
for more than thirty days in the preceding two-year period. 119797

(2) The foster caregiver has served in active duty as a 119798
member of the Ohio organized militia, as defined in section 119799
5923.01 of the Revised Code, for more than thirty days in the 119800
preceding two-year period and that active duty relates to either 119801
an emergency in or outside of this state or to military duty in or 119802
outside of this state. 119803

Sec. 5103.033. (A) The department of ~~job~~ children and ~~family~~ 119804
~~services~~ youth may issue or renew a certificate under section 119805
5103.03 of the Revised Code to a foster home for the care of a 119806
child who is in the custody of a public children services agency 119807
or private child placing agency pursuant to an agreement entered 119808
into under section 5103.15 of the Revised Code regarding a child 119809
who was less than six months of age on the date the agreement was 119810
executed if the prospective foster caregiver or foster caregiver 119811
successfully completes the following: 119812

(1) A preplacement training program approved under section 119813

5103.038 of the Revised Code or a program provided under division 119814
(B) of section 5103.30 of the Revised Code; 119815

(2) Continuing training in accordance with the foster 119816
caregiver's needs assessment and continuing training plan 119817
developed and implemented under section 5103.035 of the Revised 119818
Code. 119819

(B) A foster caregiver to whom either division (B)(1) or (2) 119820
of this section applies shall be given an additional amount of 119821
time within which to complete the continuing training required 119822
under division (A)(2) of this section in accordance with rules 119823
adopted by the department of ~~job children and family services~~ 119824
youth: 119825

(1) The foster caregiver has served in active duty outside 119826
this state with a branch of the armed forces of the United States 119827
for more than thirty days in the preceding two-year period. 119828

(2) The foster caregiver has served in active duty as a 119829
member of the Ohio organized militia, as defined in section 119830
5923.01 of the Revised Code, for more than thirty days in the 119831
preceding two-year period and that active duty relates to either 119832
an emergency in or outside of this state or to military duty in or 119833
outside of this state. 119834

Sec. 5103.034. (A) Private child placing agencies and private 119835
noncustodial agencies operating a preplacement or continuing 119836
training program approved by the department of ~~job children and~~ 119837
~~family services~~ youth under section 5103.038 of the Revised Code 119838
shall make the program available to a prospective foster caregiver 119839
or foster caregiver without regard to the type of recommending 119840
agency from which the prospective foster caregiver or foster 119841
caregiver seeks a recommendation. 119842

(B) A private child placing agency or private noncustodial 119843

agency operating a preplacement or continuing training program 119844
approved by the department of ~~job~~ children and ~~family services~~ 119845
youth under section 5103.038 of the Revised Code may condition the 119846
enrollment of a prospective foster caregiver or foster caregiver 119847
in the program on either or both of the following: 119848

(1) Availability of space in the training program; 119849

(2) Payment of an instruction or registration fee, if any, by 119850
the prospective foster caregiver or foster caregiver's 119851
recommending agency. 119852

(C) A private child placing agency or private noncustodial 119853
agency operating a preplacement or continuing training program 119854
approved by the department of ~~job~~ children and ~~family services~~ 119855
youth under section 5103.038 of the Revised Code may contract with 119856
a person or governmental entity to administer the program. 119857

Sec. 5103.036. (A) For the purpose of determining whether a 119858
prospective foster caregiver or foster caregiver has satisfied the 119859
requirement of section 5103.031 or 5103.032 of the Revised Code, a 119860
recommending agency shall accept training obtained from either of 119861
the following: 119862

(1) Any preplacement or continuing training program approved 119863
by the department of ~~job~~ children and ~~family services~~ youth under 119864
section 5103.038 of the Revised Code; 119865

(2) The Ohio child welfare training program pursuant to 119866
divisions (B) and (C) of section 5103.30 of the Revised Code. 119867

(B) A recommending agency may require that a prospective 119868
foster caregiver or foster caregiver successfully complete 119869
additional training as a condition of the agency recommending that 119870
the department of ~~job~~ children and ~~family services~~ youth certify 119871
or recertify the prospective foster caregiver or foster 119872
caregiver's foster home under section 5103.03 of the Revised Code. 119873

Sec. 5103.037. (A) Prior to employing or appointing a person 119874
as board president, or as an administrator or officer, an 119875
institution or association shall do the following regarding the 119876
person: 119877

(1) Request a summary report of a search of the uniform 119878
statewide automated child welfare information system in accordance 119879
with divisions (A) and (B) of section 5103.18 of the Revised Code; 119880

(2) Request a certified search of the findings for recovery 119881
database; 119882

(3) Conduct a database review at the federal web site known 119883
as the system for award management; 119884

(4) Conduct a search of the United States department of 119885
justice national sex offender public web site. 119886

(B) The institution or association may refuse to hire or 119887
appoint a person as board president, or as an administrator or 119888
officer as follows: 119889

(1) Based solely on the findings of the summary report 119890
described in division (B)(1)(a) of section 5103.18 of the Revised 119891
Code or the results of the search described in division (A)(4) of 119892
this section; 119893

(2) Based on the results of a certified search or database 119894
review described in division (A)(2) or (3) of this section, when 119895
considered within the totality of circumstances. 119896

(C) The director of ~~job~~ children and ~~family services~~ youth 119897
shall adopt rules in accordance with Chapter 119. of the Revised 119898
Code necessary for the implementation and execution of this 119899
section. 119900

Sec. 5103.038. (A) Every other year by a date specified in 119901
rules adopted under section 5103.0316 of the Revised Code, each 119902

private child placing agency and private noncustodial agency that 119903
seeks to operate a preplacement training program or continuing 119904
training program under section 5103.034 of the Revised Code shall 119905
submit to the department of ~~job children and family services~~ youth 119906
a proposal outlining the program. The proposal may be the same as, 119907
a modification of, or different from, a model design developed by 119908
the department. 119909

(B) Not later than thirty days after receiving a proposal 119910
under division (A) of this section, the department shall either 119911
approve or disapprove the proposed program. The department shall 119912
approve a proposed preplacement training program if it complies 119913
with rules adopted under section 5103.0316 of the Revised Code, as 119914
appropriate, and, in the case of a proposal submitted by an agency 119915
operating a preplacement training program at the time the proposal 119916
is submitted, the department is satisfied with the agency's 119917
operation of the program. The department shall approve a proposed 119918
continuing training program if it complies with rules adopted 119919
under section 5103.0316 of the Revised Code and, in the case of a 119920
proposal submitted by an agency operating a continuing training 119921
program at the time the proposal is submitted, the department is 119922
satisfied with the agency's operation of the program. If the 119923
department disapproves a proposal, it shall provide the reason for 119924
disapproval to the agency that submitted the proposal and advise 119925
the agency of how to revise the proposal so that the department 119926
can approve it. 119927

(C) The department's approval under division (B) of this 119928
section of a proposed preplacement training program or continuing 119929
training program is valid only for two years following the year 119930
the proposal for the program is submitted to the department under 119931
division (A) of this section. 119932

Sec. 5103.0310. (A) Prior to employing a person or engaging a 119933

subcontractor, intern, or volunteer, an institution or 119934
association, as defined in division (A)(1)(a) of section 5103.02 119935
of the Revised Code, that is a residential facility, as defined in 119936
division (A)(6) of section 5103.05 of the Revised Code, shall do 119937
the following regarding the person, subcontractor, intern, or 119938
volunteer: 119939

(1) Obtain a search of the United States department of 119940
justice national sex offender public web site regarding the 119941
person; 119942

(2) Obtain a summary report of a search of the uniform 119943
statewide automated child welfare information system in accordance 119944
with divisions (A) and (B) of section 5103.18 of the Revised Code. 119945

(B) An institution or association, as defined in division 119946
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 119947
residential facility, as defined in division (A)(6) of section 119948
5103.05 of the Revised Code, shall obtain the search and summary 119949
report described in division (A) of this section before hiring a 119950
person, or engaging a subcontractor, intern, or volunteer, who 119951
will have access to children. 119952

(C) If, at the time of ~~the effective date of this amendment~~ 119953
September 30, 2021, the institution or association has not 119954
obtained a report required under division (A) or (B) of this 119955
section for the person, subcontractor, intern, or volunteer, the 119956
institution or association shall obtain the report. 119957

(D) The institution or association may refuse to employ the 119958
person or engage the subcontractor, intern, or volunteer based 119959
solely on the results of the search described in division (A)(1) 119960
or (B) of this section or the findings of the summary report 119961
described in division (B)(1)(a) of section 5103.18 of the Revised 119962
Code. 119963

(E) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.0312. A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver shall reimburse the foster caregiver in a lump sum for attending a preplacement training program operated under section 5103.034 or 5103.30 of the Revised Code and shall reimburse the foster caregiver a stipend for attending a continuing training program operated under section 5103.034 or 5103.30 of the Revised Code. The amount of the lump sum reimbursement and the stipend rate shall be established by the department of ~~job~~ children and ~~family services~~ youth and shall be the same regardless of the type of recommending agency from which the foster caregiver seeks a recommendation. The department shall, pursuant to rules adopted under section 5103.0316 of the Revised Code, reimburse the recommending agency for stipend reimbursements it makes in accordance with this section. The department shall adopt rules under Chapter 119. of the Revised Code regarding the release of lump sum stipends to an individual for attending a preplacement training program.

Sec. 5103.0313. Except as provided in section 5103.303 of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall compensate a private child placing agency or private noncustodial agency for the cost of procuring or operating preplacement and continuing training programs approved by the department of ~~job~~ children and ~~family services~~ youth under section 5103.038 of the Revised Code for prospective foster caregivers and foster caregivers who are recommended for initial certification or recertification by the agency.

The compensation shall be paid to the agency in the form of 119995
an allowance to reimburse the agency for the cost of training 119996
pursuant to the rules adopted by the department of ~~job~~ children 119997
and ~~family services~~ youth in accordance with section 5103.0316 of 119998
the Revised Code. 119999

Sec. 5103.0314. The department of ~~job~~ children and ~~family~~ 120000
~~services~~ youth shall adopt rules regarding the compensation of a 120001
recommending agency for any training the agency requires a foster 120002
caregiver to undergo as a condition of the agency recommending the 120003
department certify the foster caregiver's foster home under 120004
section 5103.03 of the Revised Code if the training is in excess 120005
of the training required under section 5103.031 of the Revised 120006
Code. 120007

The department of ~~job~~ children and ~~family services~~ youth 120008
shall adopt rules regarding the compensation of a recommending 120009
agency for any training the agency requires a foster caregiver to 120010
undergo as a condition of the agency recommending the department 120011
recertify the foster caregiver's foster home under section 5103.03 120012
of the Revised Code if the training is in addition to the minimum 120013
training required under section 5103.032 of the Revised Code. 120014

Sec. 5103.0315. The department of ~~job~~ children and ~~family~~ 120015
~~services~~ youth shall seek federal financial participation for the 120016
cost of making payments under section 5103.0312 of the Revised 120017
Code and allowances under sections 5103.0313 and 5103.303 of the 120018
Revised Code. The department shall notify the governor, president 120019
of the senate, minority leader of the senate, speaker of the house 120020
of representatives, and minority leader of the house of 120021
representatives of any proposed federal legislation that endangers 120022
the federal financial participation. 120023

Sec. 5103.0316. The department of ~~job~~ children and ~~family~~ 120024

~~services~~ youth shall adopt rules in accordance with Chapter 119. 120025
of the Revised Code as necessary for the efficient administration 120026
of sections 5103.031 to 5103.0316 of the Revised Code. The rules 120027
shall provide for all of the following: 120028

(A) For the purpose of section 5103.038 of the Revised Code, 120029
the date by which a private child placing agency or private 120030
noncustodial agency that seeks to operate a preplacement training 120031
program or continuing training program under section 5103.034 of 120032
the Revised Code must submit to the department a proposal 120033
outlining the program; 120034

(B) Requirements governing the department's compensation of 120035
private child placing agencies and private noncustodial agencies 120036
under sections 5103.0312 and 5103.0313 of the Revised Code, 120037
including the allowance to reimburse the agencies for the cost of 120038
providing the training under sections 5103.031, 5103.032, and 120039
5103.033 of the Revised Code; 120040

(C) Requirements governing the continuing training required 120041
by sections 5103.032 and 5103.033 of the Revised Code; 120042

(D) The amount of training hours necessary for preplacement 120043
training and continuing training for purposes of sections 120044
5103.031, 5103.032, and 5103.033 of the Revised Code; 120045

(E) Courses necessary to meet the preplacement and continuing 120046
training requirements for foster homes under sections 5103.031, 120047
5103.032, and 5103.033 of the Revised Code; 120048

(F) Criteria used to create a written needs assessment and 120049
continuing training plan for each foster caregiver as required by 120050
section 5103.035 of the Revised Code; 120051

(G) The amount of preplacement and continuing training hours 120052
that may be completed online; 120053

(H) Any other matter the department considers appropriate. 120054

Sec. 5103.0317. The ~~Director~~ director of ~~Job~~ children and ~~Family Services~~ youth shall adopt rules concerning the maximum number of children a foster home may receive and any exceptions to the maximum number.

Sec. 5103.0319. (A) No foster caregiver or prospective foster caregiver shall fail to notify the recommending agency that recommended or is recommending the foster caregiver or prospective foster caregiver for certification in writing if a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to any of the following or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation:

(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, an OVI or OVUAC violation if the person previously was convicted of or pleaded guilty to one or more OVI or OVUAC

violations within the three years immediately preceding the 120086
current violation, or felonious sexual penetration in violation of 120087
former section 2907.12 of the Revised Code; 120088

(2) An offense that would be a felony if committed by an 120089
adult and the court determined that the child, if an adult, would 120090
be guilty of a specification found in section 2941.141, 2941.144, 120091
or 2941.145 of the Revised Code or in another section of the 120092
Revised Code that relates to the possession or use of a firearm, 120093
as defined in section 2923.11 of the Revised Code, during the 120094
commission of the act for which the child was adjudicated a 120095
delinquent child; 120096

(3) A violation of an existing or former law of this state, 120097
any other state, or the United States that is substantially 120098
equivalent to any of the offenses described in division (A)(1) or 120099
(2) of this section. 120100

(B) If a recommending agency learns that a foster caregiver 120101
has failed to comply with division (A) of this section, it shall 120102
notify the department of ~~job children~~ and ~~family services youth~~ 120103
and the department shall revoke the foster caregiver's foster home 120104
certificate. 120105

(C) As used in this section, "OVI or OVUAC violation" means a 120106
violation of section 4511.19 of the Revised Code or a violation of 120107
an existing or former law of this state, any other state, or the 120108
United States that is substantially equivalent to section 4511.19 120109
of the Revised Code. 120110

Sec. 5103.0320. The department of ~~job children~~ and ~~family~~ 120111
~~services youth~~ may deny a foster home certificate on the grounds 120112
that a person at least twelve years of age but less than eighteen 120113
years of age residing with the foster caregiver or prospective 120114
foster caregiver has been convicted of or pleaded guilty to an 120115
offense described in division (A) of section 5103.0319 of the 120116

Revised Code or has been adjudicated to be a delinquent child for 120117
committing an act that if committed by an adult would have 120118
constituted such an offense. 120119

Sec. 5103.0321. On receipt of notice under section 5103.0319 120120
of the Revised Code, the recommending agency shall do all of the 120121
following: 120122

(A) Review the foster caregiver's foster home certificate. 120123
After review, the agency may recommend that the department of ~~job~~ 120124
children and ~~family services~~ youth revoke the certificate. 120125

(B) Review the placement in the foster home of any child of 120126
whom the agency has temporary, legal, or permanent custody. After 120127
review, the agency may, consistent with any juvenile court order, 120128
remove the child from the foster home in which the child is 120129
residing and place the child in another certified foster home. 120130

(C) If the agency does not have temporary, legal, or 120131
permanent custody of a foster child residing in the foster home, 120132
notify the entity that has custody that it has received a notice 120133
under section 5103.0319 of the Revised Code. 120134

(D) Assess the foster caregiver's need for training because 120135
of the conviction, plea of guilty, or adjudication described in 120136
section 5103.0319 of the Revised Code and provide any necessary 120137
training. 120138

Sec. 5103.0322. On receipt of a recommendation from a public 120139
children services agency, private child placing agency, or private 120140
noncustodial agency regarding an application for, or renewal of, a 120141
family foster home or treatment foster home certification under 120142
section 5103.03 of the Revised Code, the department of ~~job~~ 120143
children and ~~family services~~ youth shall decide whether to issue 120144
or renew the certificate. The department shall notify the agency 120145
and the applicant or certificate holder of its decision. If the 120146

department's decision is different from the recommendation of the 120147
agency, the department shall state in the notice the reason that 120148
the decision is different from the recommendation. 120149

Sec. 5103.0323. (A) As used in this section, "American 120150
institute of certified public accountants auditing standards" and 120151
"AICPA auditing standards" mean the auditing standards published 120152
by the American institute of certified public accountants. 120153

(B) The first time that a private child placing agency or 120154
private noncustodial agency seeks renewal of a certificate issued 120155
under section 5103.03 of the Revised Code, it shall provide the 120156
department of ~~job children~~ and ~~family services youth~~, as a 120157
condition of renewal, evidence of an independent financial 120158
statement audit performed by a licensed public accounting firm 120159
following applicable AICPA auditing standards for the most recent 120160
fiscal year. Thereafter, when an agency seeks renewal of its 120161
certificate, it shall provide the department evidence of an 120162
independent financial statement audit performed by a licensed 120163
public accounting firm following applicable AICPA auditing 120164
standards for the two most recent previous fiscal years it is 120165
possible for an independent audit to have been conducted. 120166

(C) For an agency to be eligible for renewal, the independent 120167
audits must demonstrate that the agency operated in a fiscally 120168
accountable manner as determined by the department of ~~job children~~ 120169
and ~~family services youth~~. 120170

(D) The director of ~~job children~~ and ~~family services youth~~ 120171
may adopt rules as necessary to implement this section. The 120172
director shall adopt the rules in accordance with section 111.15 120173
of the Revised Code. 120174

Sec. 5103.0325. Notwithstanding section 106.03 of the Revised 120175
Code, the department of ~~job children~~ and ~~family services youth~~ 120176

shall review once every two years the department's rules governing 120177
visits and contacts by a public children services agency or 120178
private child placing agency with a child in the agency's custody 120179
and placed in foster care in this state. The department shall 120180
adopt rules in accordance with Chapter 119. of the Revised Code to 120181
ensure compliance with the department's rules governing agency 120182
visits and contacts with a child in its custody. 120183

Sec. 5103.0326. (A) A recommending agency may recommend that 120184
the department of ~~job~~ children and ~~family services~~ youth not renew 120185
a foster home certificate under section 5103.03 of the Revised 120186
Code if the foster caregiver refused to accept the placement of 120187
any children into the foster home during the current certification 120188
period. Based on the agency's recommendation, the department may 120189
refuse to renew a foster home certificate. 120190

(B) The department of ~~job~~ children and ~~family services~~ youth 120191
may revoke the certification of any foster caregiver who has not 120192
cared for one or more foster children in the foster caregiver's 120193
home within the preceding twelve months. Prior to the revocation 120194
of any certification pursuant to this division, the recommending 120195
agency shall have the opportunity to provide good cause for the 120196
department to continue the certification and not revoke the 120197
certification. If the department decides to revoke the 120198
certification, the department shall notify the recommending agency 120199
that the certification will be revoked. 120200

Sec. 5103.0328. (A) Not later than ninety-six hours after 120201
receiving notice from the superintendent of the bureau of criminal 120202
identification and investigation pursuant to section 109.5721 of 120203
the Revised Code that a foster caregiver has been arrested for, 120204
convicted of, or pleaded guilty to any foster 120205
caregiver-disqualifying offense, and not later than ninety-six 120206
hours after learning in any other manner that a foster caregiver 120207

has been arrested for, convicted of, or pleaded guilty to any 120208
foster caregiver-disqualifying offense, the department of ~~job~~ 120209
children and ~~family services~~ youth shall provide notice of that 120210
arrest, conviction, or guilty plea to both the recommending agency 120211
relative to the foster caregiver and the custodial agency of any 120212
child currently placed with that caregiver. 120213

(B) If a recommending agency receives notice from the 120214
department of ~~job~~ children and ~~family services~~ youth pursuant to 120215
division (A) of this section that a foster caregiver has been 120216
convicted of or pleaded guilty to any foster 120217
caregiver-disqualifying offense, or if a recommending agency 120218
learns in any other manner that a foster caregiver has been 120219
convicted of or pleaded guilty to any foster 120220
caregiver-disqualifying offense, the recommending agency shall 120221
assess the foster caregiver's overall situation for safety 120222
concerns and forward any recommendations, if applicable, for 120223
revoking the foster caregiver's certificate to the department for 120224
the department's review for possible revocation. 120225

(C) As used in this section, "foster caregiver-disqualifying 120226
offense" means any offense or violation listed or described in 120227
division (C)(1) of section 2151.86 of the Revised Code. 120228

Sec. 5103.0329. (A) A recommending agency may submit a 120229
request to the department of ~~job~~ children and ~~family services~~ 120230
youth, on a case-by-case basis only, to waive any non-safety 120231
standards for a kinship caregiver seeking foster home 120232
certification. Non-safety standards include training hours and 120233
other requirements under sections 5103.031, 5103.032, and 5103.039 120234
of the Revised Code and standards established by rules adopted 120235
under sections 5103.03 and 5103.0316 of the Revised Code, in 120236
accordance with 42 U.S.C. 671 (a)(10). 120237

(B) "Kinship caregiver" has the same meaning as in section 120238

5101.85 of the Revised Code. 120239

Sec. 5103.04. No association whose object embraces the care 120240
of dependent, neglected, abused, or delinquent children, or the 120241
placing of such children in private homes, shall be incorporated 120242
unless the proposed articles of incorporation have been submitted 120243
first to the department of ~~job~~ children and ~~family services~~ youth. 120244
The secretary of state shall not issue a certificate of 120245
incorporation to such association until there is filed in the 120246
secretary of state's office the certificate of the department that 120247
it has examined the articles of incorporation, that in its 120248
judgment the incorporators are reputable and respectable persons, 120249
the proposed work is needed, and the incorporation of such 120250
association is desirable and for the public good. 120251

Amendments proposed to the articles of incorporation of any 120252
such association shall be submitted in like manner to the 120253
department, and the secretary of state shall not record such 120254
amendment or issue a certificate therefor until there is filed in 120255
the secretary of state's office the certificate of the department 120256
that it has examined such amendment, that the association in 120257
question is performing in good faith the work undertaken by it, 120258
and that such amendment is a proper one, and for the public good. 120259

Sec. 5103.05. (A) As used in this section and section 120260
5103.051 of the Revised Code: 120261

(1) "Children's residential center" means a facility that is 120262
operated by a private child placing agency, private noncustodial 120263
agency, or public children services agency, that has been 120264
certified by the department of ~~job~~ children and ~~family services~~ 120265
youth to operate a children's residential center, and in which 120266
eleven or more children, including the children of any staff 120267
residing at the facility, are given nonsecure care and supervision 120268

twenty-four hours a day. 120269

(2) "Children's crisis care facility" has the same meaning as 120270
in section 5103.13 of the Revised Code. 120271

(3) "County children's home" means a facility established 120272
under section 5153.21 of the Revised Code. 120273

(4) "District children's home" means a facility established 120274
under section 5153.42 of the Revised Code. 120275

(5) "Group home for children" means any public or private 120276
facility that is operated by a private child placing agency, 120277
private noncustodial agency, or public children services agency, 120278
that has been certified by the department to operate a group home 120279
for children, and that meets all of the following criteria: 120280

(a) Gives, for compensation, a maximum of ten children, 120281
including the children of the operator or any staff who reside in 120282
the facility, nonsecure care and supervision twenty-four hours a 120283
day by a person or persons who are unrelated to the children by 120284
blood or marriage, or who is not the appointed guardian of any of 120285
the children; 120286

(b) Is not certified as a foster home; 120287

(c) Receives or cares for children for two or more 120288
consecutive weeks. 120289

"Group home for children" does not include any facility that 120290
provides care for children from only a single-family group, placed 120291
at the facility by the children's parents or other relative having 120292
custody. 120293

(6) "Residential facility" means a group home for children, 120294
children's crisis care facility, children's residential center, 120295
residential parenting facility that provides twenty-four-hour 120296
child care, county children's home, or district children's home. A 120297
foster home is not a residential facility. 120298

(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.

(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility.

(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility:

(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction. The written notice shall provide the address of the facility, identify the facility as a group home for children, children's crisis care facility, children's residential center, residential parenting facility, county children's home, or district children's home, and provide contact information for the facility.

(2) A copy of the facility's procedures for emergencies and disasters established pursuant to rules adopted under section 5103.03 of the Revised Code;

(3) A copy of the facility's medical emergency plan established pursuant to rules adopted under section 5103.03 of the Revised Code;

(4) A copy of the facility's community engagement plan 120330
established pursuant to rules adopted under section 5103.051 of 120331
the Revised Code. 120332

(C) Within ten days of a facility's recertification by the 120333
department, the facility shall provide to all county, municipal, 120334
or township law enforcement agencies, emergency management 120335
agencies, and fire departments with jurisdiction over the facility 120336
updated copies of the information required to be provided under 120337
divisions (B)(2), (3), and (4) of this section. 120338

(D) The department may adopt rules in accordance with Chapter 120339
119. of the Revised Code necessary to implement this section. 120340

Sec. 5103.051. (A) Each private child placing agency, private 120341
noncustodial agency, public children services agency, or 120342
superintendent of a county or district children's home shall 120343
establish a community engagement plan in accordance with rules 120344
adopted under division (B) of this section for each residential 120345
facility the agency, entity, or superintendent operates. 120346

~~(B)(1)(B)~~ The department of ~~job children~~ and ~~family services~~ 120347
youth shall adopt rules in accordance with Chapter 119. of the 120348
Revised Code that establish the following: 120349

~~(a)(1)~~ The contents of a community engagement plan to be 120350
established under division (A) of this section that includes the 120351
following: 120352

~~(i)(a)~~ Protocols for the community in which a residential 120353
facility is located to communicate concerns or other pertinent 120354
information directly to the agency or entity; 120355

~~(ii)(b)~~ Protocols for the agency or entity in responding to a 120356
communication made under division ~~(B)(1)(a)(i)(B)(1)(a)~~ of this 120357
section. 120358

~~(b)(2)~~ Orientation procedures for training residential 120359

facility staff on the implementation of the community engagement 120360
plan established under division (A) of this section and procedures 120361
for responding to incidents involving a child at the facility and 120362
neighbors or the police. 120363

~~(2) The department shall file initial rules adopted under 120364
division (B)(1) of this section within ninety days after the 120365
effective date of this section. 120366~~

Sec. 5103.07. The department of ~~job~~ children and ~~family~~ 120367
~~services youth~~ shall administer funds received under Title IV-B of 120368
the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, 120369
as amended, and the "Child Abuse Prevention and Treatment Act," 88 120370
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 120371
these funds, the department may establish a child welfare services 120372
program and a child abuse and neglect prevention and adoption 120373
reform program. The department has all powers necessary for the 120374
adequate administration of these funds and programs. The director 120375
of ~~job~~ children and ~~family services youth~~ may adopt rules as 120376
necessary to carry out the purposes of this section. 120377

Sec. 5103.08. The department of ~~job~~ children and ~~family~~ 120378
~~services youth~~ may enter into contracts with the department of 120379
education authorizing the department of ~~job~~ children and ~~family~~ 120380
~~services youth~~ to administer funds received by the department of 120381
education under the "State Dependent Care Development Grants Act," 120382
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 120383
its duties under such a contract, the department of ~~job~~ children 120384
and ~~family services youth~~ may make grants to or enter into 120385
contracts with other public or private entities. 120386

Sec. 5103.11. There is hereby created the foster care and 120387
adoption initiatives fund. The fund shall be in the custody of the 120388
treasurer of state, but shall not be part of the state treasury. 120389

The fund shall consist of moneys collected under section 2919.1912 120390
of the Revised Code. All interest earned on the fund shall be 120391
credited to the fund. The purpose of the fund is to provide 120392
funding for foster care and adoption services and initiatives. The 120393
department of ~~job~~ children and ~~family services~~ youth shall 120394
allocate moneys from the fund according to the following 120395
distribution: 120396

(A) Fifty per cent of the moneys in the fund shall be used 120397
for foster care services and initiatives. 120398

(B) Fifty per cent of the moneys in the fund shall be used 120399
for adoption services and initiatives. 120400

Sec. 5103.12. (A) As used in this section: 120401

(1) "Hearing" has the same meaning as in section 119.01 of 120402
the Revised Code. 120403

(2) "Permanent custody" has the same meaning as in section 120404
2151.011 of the Revised Code. 120405

(B) The department of ~~job~~ children and ~~family services~~ youth 120406
may enter into agreements with public children services agencies 120407
and private child placing agencies under which the department will 120408
make payments to encourage the adoptive placement of children in 120409
the permanent custody of a public children services agency. If the 120410
department terminates, or refuses to enter into or renew, an 120411
agreement with a public children services agency or private child 120412
placing agency under this section, the agency is entitled to a 120413
hearing. 120414

Notwithstanding section 127.16 of the Revised Code, the 120415
department is not required to follow competitive selection 120416
procedures or to receive the approval of the controlling board to 120417
enter into agreements under this section or to make payments 120418
pursuant to the agreements. 120419

(C) The director of ~~job children and family services~~ youth 120420
shall adopt rules in accordance with Chapter 119. of the Revised 120421
Code to implement this section, including rules that establish all 120422
of the following: 120423

(1) A single, uniform agreement that, at a minimum, 120424
prescribes a payment schedule and the terms and conditions with 120425
which a public children services agency or private child placing 120426
agency must comply to receive a payment; 120427

(2) Eligibility requirements a public children services 120428
agency or private child placing agency must meet to enter into an 120429
agreement with the department; 120430

(3) Eligibility requirements that a child who is the subject 120431
of an agreement must meet; 120432

(4) Other administrative and operational requirements. 120433

Sec. 5103.13. (A) As used in this section and section 120434
5103.131 of the Revised Code: 120435

(1)(a) "Children's crisis care facility" means a facility 120436
that has as its primary purpose the provision of residential and 120437
other care to either or both of the following: 120438

(i) One or more preteens voluntarily placed in the facility 120439
by the preteen's parent or other caretaker who is facing a crisis 120440
that causes the parent or other caretaker to seek temporary care 120441
for the preteen and referral for support services; 120442

(ii) One or more preteens placed in the facility by a public 120443
children services agency or private child placing agency that has 120444
legal custody or permanent custody of the preteen and determines 120445
that an emergency situation exists necessitating the preteen's 120446
placement in the facility rather than an institution certified 120447
under section 5103.03 of the Revised Code or elsewhere. 120448

(b) "Children's crisis care facility" does not include any of 120449

the following: 120450

(i) Any organization, society, association, school, agency, 120451
child guidance center, detention or rehabilitation facility, or 120452
children's clinic licensed, regulated, approved, operated under 120453
the direction of, or otherwise certified by the department of 120454
education, a local board of education, the department of youth 120455
services, the department of mental health and addiction services, 120456
or the department of developmental disabilities; 120457

(ii) Any individual who provides care for only a 120458
single-family group, placed there by their parents or other 120459
relative having custody; 120460

(iii) Any residential infant care center, as an entity deemed 120461
a residential infant care center under section 5103.602 of the 120462
Revised Code shall no longer be licensed as a children's crisis 120463
care center. 120464

(2) "Legal custody" and "permanent custody" have the same 120465
meanings as in section 2151.011 of the Revised Code. 120466

(3) "Pediatric medical service" means medical service 120467
required to be provided by, or with oversight from, a licensed 120468
medical professional, including prescribing medication, 120469
administering rectal or intravenous medication, and outpatient 120470
laboratory service, and providing for sick visits, on-site well 120471
child exams, and children assisted by medical technology. 120472

(4) "Preteen" means an individual under thirteen years of 120473
age. 120474

(B) No person shall operate a children's crisis care facility 120475
or hold a children's crisis care facility out as a certified 120476
children's crisis care facility unless there is a valid children's 120477
crisis care facility certificate issued under this section for the 120478
facility. 120479

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

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

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

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

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E)(4) of this section;

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

(4) Fail to comply with section 2151.86 of the Revised Code.

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

(1) Employ a licensed social worker, a licensed independent

social worker, a licensed professional counselor, or a licensed professional clinical counselor; 120510
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(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service: 120512
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(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 120515
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(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended; 120517
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(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to make the medical professional's or social worker's best effort to ensure the parent or caretaker is competent to provide the ongoing care; 120521
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(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment. 120527
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(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to make their best efforts to ensure the parent or caretaker is competent in the basic parenting skills needed to care for the preteen; 120531
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(4) Require only a transfer summary for the transfer of a preteen from one certified children's crisis care facility location to another, if the facility has more than one location; 120537
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120539

(5) Require the facility to have a dedicated and private enclosed space for the purpose of completing required admission paperwork and medical forms;

(6) Require the facility to develop a visitation plan for the preteen's parent or caretaker with the preteen while residential care is being provided, which shall occur during awake hours and not include overnight visits, for the parent or caretaker with the preteen.

(F) A certified children's crisis care facility may do the following:

(1) Count administrative staff, interns, and volunteers toward child staff ratios required under paragraph (G) of rule 5101:2-9-36 of the Administrative Code for up to three hours if the administrative staff, interns, or volunteers meet the following requirements:

(a) Completed training in the mission of the children's crisis care facility;

(b) Completed training pursuant to rule 5101:2-9-03 of the Administrative Code;

(c) Are supervised by facility staff.

(2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios.

(G) The director of ~~job children and family services~~ youth may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification

standards established in rules adopted under division (H) of this 120570
section or the facility's operator ceases to comply with any of 120571
the rules governing the certification of children's crisis care 120572
facilities adopted under that division. 120573

(H) ~~Not later than ninety days after September 21, 2006, the~~ 120574
~~The~~ director of ~~job~~ children and ~~family services~~ youth shall adopt 120575
rules pursuant to Chapter 119. of the Revised Code for the 120576
certification of children's crisis care facilities. The rules 120577
shall specify that a certificate shall not be issued to an 120578
applicant if the conditions at the children's crisis care facility 120579
would jeopardize the health or safety of the preteens placed in 120580
the facility. 120581

Sec. 5103.131. The department of ~~job~~ children and ~~family~~ 120582
~~services~~ youth may apply to the United States secretary of health 120583
and human services for a federal grant under the "Child Abuse 120584
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 120585
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, 120586
to assist children's crisis care facilities certified under 120587
section 5103.13 of the Revised Code in providing temporary 120588
residential and other care to preteens. 120589

Sec. 5103.14. The department of ~~job~~ children and ~~family~~ 120590
~~services~~ youth shall enforce sections 2151.39, 5103.15, and 120591
5103.16 of the Revised Code. 120592

Sec. 5103.151. (A) As used in this section and in section 120593
5103.152 of the Revised Code, "identifying information" has the 120594
same meaning as in section 3107.01 of the Revised Code. 120595

(B) Except as provided in division (C) of this section, a 120596
parent of a minor who will be, if adopted, an adopted person as 120597
defined in section 3107.45 of the Revised Code shall do all of the 120598
following as a condition of a juvenile court approving the 120599

parent's agreement with a public children services agency or 120600
private child placing agency under division (B)(1) of section 120601
5103.15 of the Revised Code: 120602

(1) Appear personally before the court; 120603

(2) Sign the component of the form prescribed under division 120604
(A)(1)(a) of section 3107.083 of the Revised Code; 120605

(3) Check either the "yes" or "no" space provided on the 120606
component of the form prescribed under division (A)(1)(b) of 120607
section 3107.083 of the Revised Code and sign that component; 120608

(4) If the parent is the mother, complete and sign the 120609
component of the form prescribed under division (A)(1)(c) of 120610
section 3107.083 of the Revised Code. 120611

At the time the parent signs the components of the form 120612
prescribed under divisions (A)(1)(a), (b), and (c) of section 120613
3107.083 of the Revised Code, the parent may sign, if the parent 120614
chooses to do so, the components of the form prescribed under 120615
divisions (A)(1)(d), (e), and (f) of that section. After the 120616
parent signs the components required to be signed and any 120617
discretionary components the parent chooses to sign, the parent or 120618
agency shall file the form and agreement with the court. The court 120619
or agency shall give the parent a copy of the form and agreement. 120620
The court and agency shall keep a copy of the form and agreement 120621
in the court and agency's records. The agency shall file a copy of 120622
the form and agreement with the probate court with which a 120623
petition to adopt the child who is the subject of the agreement is 120624
filed. 120625

The juvenile court shall question the parent to determine 120626
that the parent understands the adoption process, the 120627
ramifications of entering into a voluntary permanent custody 120628
surrender agreement, each component of the form prescribed under 120629
division (A)(1) of section 3107.083 of the Revised Code, and that 120630

the child and adoptive parent may receive identifying information 120631
about the parent in accordance with section 3107.47 of the Revised 120632
Code unless the parent checks the "no" space provided on the 120633
component of the form prescribed under division (A)(1)(b) of 120634
section 3107.083 of the Revised Code or has a denial of release 120635
form filed with the department of health under section 3107.46 of 120636
the Revised Code. The court also shall question the parent to 120637
determine that the parent enters into the permanent custody 120638
surrender agreement voluntarily and any decisions the parent makes 120639
in filling out the form prescribed under division (A)(1) of 120640
section 3107.083 of the Revised Code are made voluntarily. 120641

(C) A juvenile court may approve an agreement entered into 120642
under division (B)(1) of section 5103.15 of the Revised Code 120643
between a public children services agency or private child placing 120644
agency and the parents of a child who is less than six months of 120645
age and will be, if adopted, an adopted person as defined in 120646
section 3107.45 of the Revised Code without the parents personally 120647
appearing before the court if both parents do all of the 120648
following: 120649

(1) Enter into the agreement with the agency; 120650

(2) Sign the component of the form prescribed under division 120651
(A)(1)(a) of section 3107.083 of the Revised Code; 120652

(3) Check either the "yes" or "no" space provided on the 120653
component of the form prescribed under division (A)(1)(b) of 120654
section 3107.083 of the Revised Code and sign that component. 120655

At the time the parents sign the components of the form 120656
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 120657
of the Revised Code, the mother shall complete and sign the 120658
component of the form prescribed under division (A)(1)(c) of that 120659
section and the agency shall provide the parents the opportunity 120660
to sign, if they choose to do so, the components of the form 120661

prescribed under divisions (A)(1)(d), (e), and (f) of that 120662
section. Not later than two business days after the parents enter 120663
into the agreements and sign the components of the form required 120664
to be signed and any discretionary components the parents choose 120665
to sign, the agency shall file the agreements and forms with the 120666
court. The agency shall give the parents a copy of the agreements 120667
and forms. At the time the agency files the agreements and forms 120668
with the court, the agency also shall file with the court all 120669
other documents the director of ~~job~~ children and ~~family services~~ 120670
youth requires by rules adopted under division (D) of section 120671
3107.083 of the Revised Code to be filed with the court. The court 120672
and agency shall keep a copy of the agreements, forms, and 120673
documents in the court and attorney's records. The agency shall 120674
file a copy of the agreements, forms, and documents with the 120675
probate court with which a petition to adopt the child who is the 120676
subject of the agreement is filed. 120677

(D) Except as provided in division (E) of this section, a 120678
parent of a minor, who will be, if adopted, an adopted person as 120679
defined in section 3107.38 of the Revised Code, shall do all of 120680
the following as a condition of a juvenile court approving the 120681
parent's agreement with a public children services agency or 120682
private child placing agency under division (B)(1) of section 120683
5103.15 of the Revised Code: 120684

(1) Appear personally before the court; 120685

(2) Sign the component of the form prescribed under division 120686
(B)(1)(a) of section 3107.083 of the Revised Code; 120687

(3) If the parent is the mother, complete and sign the 120688
component of the form prescribed under division (B)(1)(b) of 120689
section 3107.083 of the Revised Code. 120690

At the time the parent signs the components prescribed under 120691
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 120692

Code, the parent may sign, if the parent chooses to do so, the 120693
components of the form prescribed under divisions (B)(1)(c), (d), 120694
and (e) of that section. After the parent signs the components 120695
required to be signed and any discretionary components the parent 120696
chooses to sign, the parent or agency shall file the form and 120697
agreement with the court. The court or agency shall give the 120698
parent a copy of the form and agreement. The court and agency 120699
shall keep a copy of the form and agreement in the court and 120700
agency's records. The agency shall file a copy of the form and 120701
agreement with the probate court with which a petition to adopt 120702
the child who is the subject of the agreement is filed. 120703

The juvenile court shall question the parent to determine 120704
that the parent understands the adoption process, the 120705
ramifications of entering into a voluntary permanent custody 120706
surrender agreement, and each component of the form prescribed 120707
under division (B)(1) of section 3107.083 of the Revised Code. The 120708
court also shall question the parent to determine that the parent 120709
enters into the permanent custody surrender agreement voluntarily 120710
and any decisions the parent makes in filling out the form are 120711
made voluntarily. 120712

(E) A juvenile court may approve an agreement entered into 120713
under division (B)(1) of section 5103.15 of the Revised Code 120714
between a public children services agency or private child placing 120715
agency and the parent of a child who is less than six months of 120716
age and will be, if adopted, an adopted person as defined in 120717
section 3107.38 of the Revised Code without the parent personally 120718
appearing before the court if the parent does both of the 120719
following: 120720

(1) Signs the component of the form prescribed under division 120721
(B)(1)(a) of section 3107.083 of the Revised Code; 120722

(2) If the parent is the mother, completes and signs the 120723
component of the form prescribed under division (B)(1)(b) of 120724

section 3107.083 of the Revised Code. 120725

At the time the parent signs that component, the agency shall 120726
provide the parent the opportunity to sign, if the parent chooses 120727
to do so, the components of the form prescribed under divisions 120728
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. 120729
Not later than two business days after the parent enters into the 120730
agreement and signs the components of the form required to be 120731
signed and any discretionary components the parent chooses to 120732
sign, the agency shall file the agreement and form with the court. 120733
The agency shall give the parent a copy of the agreement and form. 120734
At the time the agency files the agreement and form with the 120735
court, the agency also shall file with the court all other 120736
documents the director of ~~job~~ children and ~~family services~~ youth 120737
requires by rules adopted under division (D) of section 3107.083 120738
of the Revised Code to be filed with the court. The court and 120739
agency shall keep a copy of the agreement, form, and documents in 120740
the court and agency's records. The agency shall file a copy of 120741
the agreement, form, and documents with the probate court with 120742
which a petition to adopt the child who is the subject of the 120743
agreement is filed. 120744

Sec. 5103.152. Not less than seventy-two hours before a 120745
public children services agency or private child placing agency 120746
enters into an agreement with a parent under division (B) of 120747
section 5103.15 of the Revised Code, an assessor shall meet in 120748
person with the parent and do both of the following: 120749

(A) Provide the parent with a copy of the written materials 120750
about adoption prepared by the department of ~~job~~ children and 120751
~~family services~~ youth under division (C) of section 3107.083 of 120752
the Revised Code, discuss with the parent the adoption process and 120753
ramifications of a parent entering into a voluntary permanent 120754
custody surrender agreement, and provide the parent the 120755

opportunity to review the materials and ask questions about the materials, discussion, and related matters;

(B) If the child who is the subject of the agreement, if adopted, will be an adopted person as defined in section 3107.45 of the Revised Code, inform the parent that the parent's child and the adoptive parent may receive, in accordance with section 3107.47 of the Revised Code, identifying information about the parent that is contained in the child's adoption file maintained by the department of health unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or signs and has filed with the department a denial of release form prescribed under section 3107.50 of the Revised Code.

Sec. 5103.155. As used in this section, "children with special needs" has the same meaning as in rules adopted under section 5153.163 of the Revised Code.

If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may ~~use~~ transfer surplus moneys in the fund to the department of children and youth to promote adoption of children with special needs.

Sec. 5103.16. (A) Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of ~~job children and family services~~

youth under section 5103.03 of the Revised Code, without the 120786
written consent of the office in the department that oversees the 120787
interstate compact for placement of children established under 120788
section 5103.20 of the Revised Code or the interstate compact on 120789
the placement of children established under section 5103.23 of the 120790
Revised Code, as applicable, or by a commitment of a juvenile 120791
court, or by a commitment of a probate court as provided in this 120792
section. A child may be placed temporarily without written consent 120793
or court commitment with persons related by blood or marriage or 120794
in a legally licensed boarding home. 120795

(B)(1) Associations and institutions certified under section 120796
5103.03 of the Revised Code for the purpose of placing children in 120797
free foster homes or for legal adoption shall keep a record of the 120798
temporary and permanent surrenders of children. This record shall 120799
be available for separate statistics, which shall include a copy 120800
of an official birth record and all information concerning the 120801
social, mental, and medical history of the children that will aid 120802
in an intelligent disposition of the children in case that becomes 120803
necessary because the parents or guardians fail or are unable to 120804
reassume custody. 120805

(2) No child placed on a temporary surrender with an 120806
association or institution shall be placed permanently in a foster 120807
home or for legal adoption. All surrendered children who are 120808
placed permanently in foster homes or for adoption shall have been 120809
permanently surrendered, and a copy of the permanent surrender 120810
shall be a part of the separate record kept by the association or 120811
institution. 120812

(C) Any agreement or understanding to transfer or surrender 120813
the legal rights, powers, or duties of the legal parent or parents 120814
and place a child with a person seeking to adopt the child under 120815
this section shall be construed to contain a promise by the person 120816
seeking to adopt the child to pay the expenses listed in divisions 120817

(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 120818
if the person seeking to adopt the child refuses to accept 120819
placement of the child, to pay the temporary costs of routine 120820
maintenance and medical care for the child in a hospital, foster 120821
home, or other appropriate place for up to thirty days or until 120822
other custody is established for the child, as provided by law, 120823
whichever is less. 120824

(D) No child shall be placed or received for adoption or with 120825
intent to adopt unless placement is made by a public children 120826
services agency, an institution or association that is certified 120827
by the department of ~~job children~~ and ~~family services~~ youth under 120828
section 5103.03 of the Revised Code to place children for 120829
adoption, or custodians in another state or foreign country, or 120830
unless all of the following criteria are met: 120831

(1) Prior to the placement and receiving of the child, the 120832
parent or parents of the child personally have applied to, and 120833
appeared before, the probate court of the county in which the 120834
parent or parents reside, or in which the person seeking to adopt 120835
the child resides, for approval of the proposed placement 120836
specified in the application and have signed and filed with the 120837
court a written statement showing that the parent or parents are 120838
aware of their right to contest the decree of adoption subject to 120839
the limitations of section 3107.16 of the Revised Code; 120840

(2) The court ordered an independent home study of the 120841
proposed placement to be conducted as provided in section 3107.031 120842
of the Revised Code, and after completion of the home study, the 120843
court determined that the proposed placement is in the best 120844
interest of the child; 120845

(3) The court has approved of record the proposed placement. 120846

In determining whether a custodian has authority to place 120847
children for adoption under the laws of a foreign country, the 120848

probate court shall determine whether the child has been released 120849
for adoption pursuant to the laws of the country in which the 120850
child resides, and if the release is in a form that satisfies the 120851
requirements of the immigration and naturalization service of the 120852
United States department of justice for purposes of immigration to 120853
this country pursuant to section 101(b)(1)(F) of the "Immigration 120854
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 120855
(b)(1)(F), as amended or reenacted. 120856

If the parent or parents of the child are deceased or have 120857
abandoned the child, as determined under division (A) of section 120858
3107.07 of the Revised Code, the application for approval of the 120859
proposed adoptive placement may be brought by the relative seeking 120860
to adopt the child, or by the department, board, or organization 120861
not otherwise having legal authority to place the orphaned or 120862
abandoned child for adoption, but having legal custody of the 120863
orphaned or abandoned child, in the probate court of the county in 120864
which the child is a resident, or in which the department, board, 120865
or organization is located, or where the person or persons with 120866
whom the child is to be placed reside. Unless the parent, parents, 120867
or guardian of the person of the child personally have appeared 120868
before the court and applied for approval of the placement, notice 120869
of the hearing on the application shall be served on the parent, 120870
parents, or guardian. 120871

The consent to placement, surrender, or adoption executed by 120872
a minor parent before a judge of the probate court or an 120873
authorized deputy or referee of the court, whether executed within 120874
or outside the confines of the court, is as valid as though 120875
executed by an adult. A consent given as above before an employee 120876
of a children services agency that is licensed as provided by law, 120877
is equally effective, if the consent also is accompanied by an 120878
affidavit executed by the witnessing employee or employees to the 120879
effect that the legal rights of the parents have been fully 120880

explained to the parents, prior to the execution of any consent, 120881
and that the action was done after the birth of the child. 120882

If the court approves a placement, the prospective adoptive 120883
parent with whom the child is placed has care, custody, and 120884
control of the child pending further order of the court. 120885

(E)(1) This section does not apply to an adoption by a 120886
stepparent, a grandparent, a grandparent's husband or wife, a 120887
legal custodian, or a guardian. 120888

(2) As used in division (E)(1) of this section: 120889

(a) "Legal custodian" means a person who has been granted the 120890
legal custody of a child by a court of competent jurisdiction. 120891

(b) "Legal custody" has the same meaning as in section 120892
2151.011 of the Revised Code or in any other substantially 120893
equivalent statute. 120894

Sec. 5103.163. (A) The department of ~~job children and family~~ 120895
~~services youth~~ shall adopt rules in accordance with Chapter 119. 120896
of the Revised Code to establish and enforce a resource family 120897
bill of rights for resource families providing care for 120898
individuals who are in the custody or care and placement of an 120899
agency that provides Title IV-E reimbursable services pursuant to 120900
sections 5103.03 to 5103.181 of the Revised Code. 120901

(B) If the rights of the resource family conflict with the 120902
rights of the individual established by section 2151.316 of the 120903
Revised Code, division (B) of section 2151.316 of the Revised Code 120904
shall apply. 120905

(C) The rights established by rules under this section shall 120906
not create grounds for a civil action against the department, the 120907
recommending agency, or the custodial agency. 120908

Sec. 5103.17. (A) As used in this section: 120909

(1) "Advertise" means a method of communication that is 120910
electronic, written, visual, or oral and made by means of personal 120911
representation, newspaper, magazine, circular, billboard, direct 120912
mailing, sign, radio, television, telephone, or otherwise. 120913

(2) "Qualified adoptive parent" means a person who is 120914
eligible to adopt a child under section 3107.03 of the Revised 120915
Code and for whom an assessor has conducted a home study to 120916
determine whether the person is suitable to adopt a child, if 120917
required by section 3107.031 of the Revised Code. 120918

(B) Subject to section 5103.16 of the Revised Code and to 120919
division (C), (D), or (E) of this section, no person or government 120920
entity, other than a private child placing agency or private 120921
noncustodial agency certified by the department of ~~job~~ children 120922
and ~~family services~~ youth under section 5103.03 of the Revised 120923
Code or a public children services agency, shall advertise that 120924
the person or government entity will adopt children or place them 120925
in foster homes, hold out inducements to parents to part with 120926
their offspring or in any manner knowingly become a party to the 120927
separation of a child from the child's parents or guardians, 120928
except through a juvenile court or probate court commitment. 120929

(C) The biological parent of a child may advertise the 120930
availability for placement of the parent's child for adoption to a 120931
qualified adoptive parent. 120932

(D) A qualified adoptive parent may advertise that the 120933
qualified adoptive parent is available for placement of a child 120934
into the qualified adoptive parent's care for the purpose of 120935
adopting the child. 120936

(E) A government entity may advertise about its role in the 120937
placement of children for adoption or any other information that 120938
would be relevant to qualified adoptive parents. 120939

(F) Except as provided in section 3107.055 of the Revised 120940

Code, the following apply: 120941

(1) No person shall offer money or anything of value in 120942
exchange for placement of a child for adoption. 120943

(2) No biological parent may request money or anything of 120944
value in exchange for placement for adoption of the parent's child 120945
with a qualified adoptive parent. 120946

(G) If the department of ~~job~~ children and ~~family services~~ 120947
youth has reasonable cause to believe a violation of this section 120948
has been committed, the department shall notify the attorney 120949
general or the county prosecutor, city attorney, village 120950
solicitor, or other chief legal officer of the political 120951
subdivision in which the violation has allegedly occurred. On 120952
receipt of the notification, the attorney general, county 120953
prosecutor, city attorney, village solicitor, or other chief legal 120954
officer shall take action to enforce this section through 120955
injunctive relief or criminal charge. 120956

Sec. 5103.18. (A)(1) Prior to certification or 120957
recertification as a foster home under section 5103.03 of the 120958
Revised Code, a recommending agency shall obtain a summary report 120959
of a search of the uniform statewide automated child welfare 120960
information system, established under section 5101.13 of the 120961
Revised Code, from an entity listed in section 5101.132 of the 120962
Revised Code. 120963

(2) Whenever a prospective foster parent or any other person 120964
eighteen years of age or older who resides with a prospective 120965
foster parent has resided in another state within the five-year 120966
period immediately prior to the date on which a criminal records 120967
check is requested for the person under division (A) of section 120968
2151.86 of the Revised Code, the recommending agency shall request 120969
a check of the central registry of abuse and neglect of this state 120970
from the department of ~~job~~ children and ~~family services~~ youth 120971

regarding the prospective foster parent or the person eighteen 120972
years of age or older who resides with the prospective foster 120973
parent to enable the agency to check any child abuse and neglect 120974
registry maintained by that other state. The recommending agency 120975
shall make the request and shall review the results of the check 120976
before the prospective foster parent may be finally approved for 120977
placement of a child. Information received pursuant to such a 120978
request shall be considered for purposes of this chapter as if it 120979
were a summary report required under division (A) of this section. 120980
The department of ~~job~~ children and ~~family services~~ youth shall 120981
comply with any request to check the central registry that is 120982
similar to the request described in this division and that is 120983
received from any other state. 120984

(B)(1) The summary report required under division (A) of this 120985
section shall contain, if applicable, a chronological list of 120986
abuse and neglect determinations or allegations of which a person 120987
seeking to become a foster caregiver of a child is subject and in 120988
regards to which a public children services agency has done one of 120989
the following: 120990

(a) Determined that abuse or neglect occurred; 120991

(b) Initiated an investigation, and the investigation is 120992
ongoing; 120993

(c) Initiated an investigation, and the agency was unable to 120994
determine whether abuse or neglect occurred. 120995

(2) The summary report required under division (A) of this 120996
section shall not contain any of the following: 120997

(a) An abuse and neglect determination of which a person 120998
seeking to become a foster caregiver of a child is subject and in 120999
regards to which a public children services agency determined that 121000
abuse or neglect did not occur; 121001

(b) Information or reports the dissemination of which is 121002

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C)(1) A foster home certification or recertification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) ~~Not later than January 1, 2008, the~~ The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.181. (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all persons eighteen years of age or older who reside with the prospective or current foster caregiver. Certification or recertification may be denied based solely on the results of the search.

(B) The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.21. The department of ~~job~~ children and ~~family~~ services youth may adopt rules necessary for the implementation of section 5103.20 of the Revised Code.

Sec. 5103.22. As used in division (B) of Article VIII of section 5103.20 of the Revised Code, "state human services administration" means the department of ~~job~~ children and ~~family~~ services youth.

Sec. 5103.232. The "appropriate public authorities" as used in Article III of ~~the interstate compact on the placement of~~ section 5103.20 of the Revised Code means the department of ~~job~~ children and ~~family services youth~~ and that department shall receive and act with reference to notices required by said Article III.

Sec. 5103.233. As used in paragraph (A) of Article V of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the department of ~~job~~ children and ~~family~~ services youth.

Sec. 5103.30. The Ohio child welfare training program is hereby established in the department of ~~job~~ children and ~~family~~ services youth as a statewide program. The program shall provide all of the following:

(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;

(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;

(C) The continuing training that sections 5103.032 and

5103.033 of the Revised Code require a foster caregiver to complete; 121061
complete; 121062

(D) The training that section 5153.122 of the Revised Code requires a PCSA caseworker to complete; 121063
requires a PCSA caseworker to complete; 121064

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete; 121065
requires a PCSA caseworker supervisor to complete; 121066

(F) The training required under section 5101.1414 of the Revised Code for a case manager and supervisor. 121067
Revised Code for a case manager and supervisor. 121068

Sec. 5103.303. When the Ohio child welfare training program provides preplacement or continuing training to a prospective foster caregiver or foster caregiver whose recommending agency is a private child placing agency or private noncustodial agency, the department of ~~job children~~ and ~~family services~~ youth shall not pay the Ohio child welfare training program the allowance the department would otherwise pay to the private child placing agency or private noncustodial agency under section 5103.0313 of the Revised Code for the training. 121069
provides preplacement or continuing training to a prospective 121070
foster caregiver or foster caregiver whose recommending agency is 121071
a private child placing agency or private noncustodial agency, the 121072
department of ~~job children~~ and ~~family services~~ youth shall not pay 121073
the Ohio child welfare training program the allowance the 121074
department would otherwise pay to the private child placing agency 121075
or private noncustodial agency under section 5103.0313 of the 121076
Revised Code for the training. 121077

Sec. 5103.32. (A) As used in this section: 121078

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 121079
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 121080

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 121081
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 121082

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 121083
the Revised Code. 121084

(B) For purposes of adequately funding the Ohio child welfare training program, the department of ~~job children~~ and ~~family services~~ youth may use any of the following: 121085
training program, the department of ~~job children~~ and ~~family 121086
services~~ youth may use any of the following: 121087

(1) The federal financial participation funds withheld pursuant to division (E) of section 5101.141 of the Revised Code 121088
pursuant to division (E) of section 5101.141 of the Revised Code 121089

in an amount determined by the department;	121090
(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;	121091
(3) Other available state or federal funds;	121092
(4) Funds that a person, including a foundation, makes available for the program.	121093
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Sec. 5103.33. The director of job <u>children</u> and family <u>services youth</u> shall adopt rules under Chapter 119. of the Revised Code as necessary to implement the Ohio child welfare training program.	121096
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Sec. 5103.34. The department of job <u>children</u> and family <u>services youth</u> shall monitor and evaluate the Ohio child welfare training program to ensure that the program satisfies all of the requirements established by law enacted by the general assembly regarding the program and rules adopted under section 5103.33 of the Revised Code. As part of the monitoring and evaluation, the department shall ensure that the training provided under section 5103.30 of the Revised Code meets all of the requirements of section 5103.31 of the Revised Code, including the requirement that the training be competency based.	121100
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Sec. 5103.35. Each fiscal biennium, the department of job <u>children</u> and family services youth shall contract with an entity to serve as the Ohio child welfare training program coordinator. The department shall select the entity with which to contract from the entities that submit a proposal that meets, as determined under section 5103.362 of the Revised Code, the requirements of the request for proposals issued under section 5103.36 of the Revised Code. The department may contract with the entity the department contracted with the previous fiscal biennium even	121110
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though no request for proposals is issued if, as specified in 121119
section 5103.361 of the Revised Code, a request for proposals is 121120
not required for the upcoming fiscal biennium. 121121

A contract entered into under this section shall be effective 121122
on the first day of the fiscal biennium for which it is entered 121123
into and terminate on the last day of that fiscal biennium. The 121124
contract shall require the coordinator to perform the duties 121125
specified in section 5103.37 of the Revised Code. 121126

Sec. 5103.36. The department of ~~job~~ children and ~~family~~ 121127
~~services~~ youth shall develop and issue or cause to be issued a 121128
request for proposals for an entity to serve as the Ohio child 121129
welfare training program coordinator. The department shall develop 121130
the request for proposals in consultation with individuals 121131
solicited under section 5103.365 of the Revised Code. The request 121132
for proposals shall explain the types of duties of the 121133
coordinator. 121134

Sec. 5103.362. After considering recommendations from the 121135
individuals solicited under section 5103.363 of the Revised Code, 121136
the department of ~~job~~ children and ~~family~~ ~~services~~ youth shall 121137
determine which of the proposals received in response to a request 121138
for proposals issued under section 5103.36 of the Revised Code 121139
meet the requirements of the request. 121140

Sec. 5103.363. The director of ~~job~~ children and ~~family~~ 121141
~~services~~ youth shall solicit representatives from all of the 121142
following organizations to perform the consultation and 121143
recommendation duties under sections 5103.36 and 5103.362 of the 121144
Revised Code: 121145

(A) Regional training centers established under section 121146
5103.42 of the Revised Code; 121147

(B) Staff of public children services agencies;	121148
(C) Staff of the state department of job <u>children</u> and family services <u>youth</u> ;	121149 121150
(D) A statewide organization that represents the interests of public children services agencies.	121151 121152
Sec. 5103.38. The department of job <u>children</u> and family services <u>youth</u> shall oversee the Ohio child welfare training program coordinator's development, implementation, and management of the Ohio child welfare training program.	121153 121154 121155 121156
Sec. 5103.39. The director of job <u>children</u> and family services <u>youth</u> shall establish the Ohio child welfare training program steering committee. Sections 101.82 to 101.87 of the Revised Code do not apply to the committee.	121157 121158 121159 121160
Sec. 5103.391. The director of job <u>children</u> and family services <u>youth</u> shall appoint all of the following to serve on the Ohio child welfare training program steering committee:	121161 121162 121163
(A) Employees of the department of job <u>children</u> and family services <u>youth</u> ;	121164 121165
(B) One representative of each of the regional training centers established under section 5103.42 of the Revised Code;	121166 121167
(C) One representative of a statewide organization that represents the interests of public children services agencies;	121168 121169
(D) One representative of the Ohio child welfare training program coordinator;	121170 121171
(E) Two current foster caregivers certified by the department of job <u>children</u> and family services <u>youth</u> under section 5103.03 of the Revised Code;	121172 121173 121174
(F) Employees of public children services agencies.	121175

Sec. 5103.40. The Ohio child welfare training program 121176
steering committee shall do all of the following: 121177

(A) Following procedures the committee shall establish, 121178
adopt, amend, and rescind by-laws as necessary regarding the 121179
committee's governance, frequency of meetings, and other matters 121180
concerning the committee's operation; 121181

(B) Conduct strategic planning activities regarding the Ohio 121182
child welfare training program; 121183

(C) Provide the department of ~~job~~ children and ~~family~~ 121184
~~services~~ youth and Ohio child welfare training program coordinator 121185
recommendations regarding the program's operation; 121186

(D) After reviewing individual training needs assessments 121187
completed under sections 5153.125 and 5153.126 of the Revised 121188
Code, consult with the Ohio child welfare training program 121189
coordinator on the design and content of the training that the 121190
program provides pursuant to divisions (D) and (E) of section 121191
5103.30 of the Revised Code; 121192

(E) Review curricula created for the training provided under 121193
section 5103.30 of the Revised Code; 121194

(F) Provide the department recommendations regarding the 121195
curricula reviewed under division (E) of this section as the 121196
committee determines necessary for the training to be relevant to 121197
the needs of the child welfare field; 121198

(G) Evaluate the training and provide the department 121199
recommendations as the committee determines necessary for the 121200
training to be able to enable all of the following: 121201

(1) Assessors to satisfy the training requirement of section 121202
3107.014 of the Revised Code; 121203

(2) Prospective foster caregivers and foster caregivers to 121204
satisfy the preplacement and continuing training requirements of 121205

sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 121206

(3) PCSA caseworkers to satisfy the training requirements of 121207
section 5153.122 of the Revised Code; 121208

(4) PCSA caseworker supervisors to satisfy the training 121209
requirements of section 5153.123 of the Revised Code. 121210

Sec. 5103.41. Prior to the beginning of the fiscal biennium 121211
that first follows October 5, 2000, the department of job and 121212
family services, in consultation with the Ohio child welfare 121213
training program steering committee, shall designate eight 121214
training regions in the state. The department of children and 121215
youth, at times it selects, shall review the composition of the 121216
training regions. The committee, at times it selects, shall also 121217
review the training regions' composition and provide the 121218
department recommendations on changes. The department of children 121219
and youth may change the composition of the training regions as 121220
the department considers necessary. Each training region shall 121221
contain only one regional training center established and 121222
maintained under section 5103.42 of the Revised Code. 121223

Sec. 5103.42. Prior to the beginning of the fiscal biennium 121224
that first follows October 5, 2000, the public children services 121225
agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, Lucas, 121226
and Summit counties shall each establish and maintain a regional 121227
training center. Prior to the beginning of the fiscal biennium 121228
that first follows ~~the effective date of this amendment~~ September 121229
29, 2013, the public children services agency of Butler county 121230
shall establish and maintain a regional training center. ~~At any~~ 121231
~~time after the beginning of the specified biennium, the~~ The 121232
department of ~~job~~ children and family services youth, on the 121233
recommendation of the Ohio child welfare training program steering 121234
committee, may direct a public children services agency to 121235

establish and maintain a training center to replace the center 121236
established by an agency under this section. There may be no more 121237
and no less than eight centers in existence at any time. The 121238
department of children and youth may make a grant to a public 121239
children services agency that establishes and maintains a regional 121240
training center under this section for the purpose of wholly or 121241
partially subsidizing the operation of the center. The department 121242
of children and youth shall specify in the grant all of the 121243
center's duties, including the duties specified in section 121244
5103.422 of the Revised Code. 121245

The regional training center established by the public 121246
children services agency of Butler county under this section 121247
replaces the regional training center previously established by 121248
the public children services agency of Hamilton county under this 121249
section. 121250

Sec. 5103.50. (A) As used in this section and sections 121251
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 121252
therapeutic wilderness camp" has the same meaning as in section 121253
5103.02 of the Revised Code. 121254

(B) The director of ~~job~~ children and ~~family services~~ youth 121255
shall adopt rules in accordance with Chapter 119. of the Revised 121256
Code to implement standards set forth in division (D) of this 121257
section and section 5103.54 of the Revised Code that are 121258
substantially similar, as determined by the director, to other 121259
similarly situated providers of residential care to children. 121260

(C) The director of ~~job~~ children and ~~family services~~ youth 121261
shall issue a license to a private, nonprofit therapeutic 121262
wilderness camp that submits an application to the director, on a 121263
form prescribed by the director, that indicates to the director's 121264
satisfaction that the camp meets the standards set forth in rules 121265
adopted under division (B) of this section. 121266

(D) In accordance with rules adopted by the director under	121267
division (B) of this section, the camp shall develop and implement	121268
written policies that establish all of the following:	121269
(1) Standards for hiring, training, and supervising staff;	121270
(2) Standards for behavioral intervention, including	121271
standards prohibiting the use of prone restraint and governing the	121272
use of other restraints or isolation;	121273
(3) Standards for recordkeeping, including specifying	121274
information that must be included in each child's record, who may	121275
access records, confidentiality, maintenance, security, and	121276
disposal of records;	121277
(4) A procedure for handling complaints about the camp from	121278
the children attending the camp, their families, staff, and the	121279
public;	121280
(5) Standards for emergency and disaster preparedness,	121281
including procedures for emergency evacuation and standards	121282
requiring that a method of emergency communication be accessible	121283
at all times;	121284
(6) Standards that ensure the protection of children's civil	121285
rights;	121286
(7) Standards for the admission and discharge of children	121287
attending the camp, including standards for emergency discharge;	121288
(8) Standards for the supervision of children, including	121289
minimum staff to child ratios;	121290
(9) Standards for ensuring proper medical care, including	121291
administration of medications;	121292
(10) Standards for proper notification of critical incidents;	121293
(11) Standards regarding the health and safety of residents,	121294
including proper health department approvals, fire inspections,	121295
and food service licenses;	121296

(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met. 121297
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(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of ~~job children~~ and ~~family services youth~~. This evaluation shall be conducted in accordance with rules adopted by the director. 121299
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(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written policies of the camp. 121307
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(G) The camps shall ensure that no child is left without supervision of camp staff at any time. 121310
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(H) The camp shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event. 121312
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(I) The camp shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision. 121316
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Sec. 5103.51. A license issued under section 5103.50 of the Revised Code is valid for two years, unless earlier revoked by the director of ~~job children~~ and ~~family services youth~~. The license may be renewed. 121319
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Each private, nonprofit therapeutic wilderness camp seeking license renewal shall submit to the director an application for license renewal on such form as the director prescribes. 121323
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Sec. 5103.52. (A) The director of ~~job~~ children and ~~family services~~ youth may inspect a private, nonprofit therapeutic wilderness camp at any time.

(B) The director may request access to the camp's records or to the written policies adopted by the camp pursuant to section 5103.50 of the Revised Code.

Sec. 5103.53. A private, nonprofit therapeutic wilderness camp shall not operate without a license issued under section 5103.50 of the Revised Code. If the director of ~~job~~ children and ~~family services~~ youth determines that a camp is operating without a license, the director may petition the court of common pleas in the county in which the camp is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the camp is operating without a license.

Sec. 5103.54. (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the following:

(1) Policies and procedures for enforcing the minimum standards of operation for private, nonprofit therapeutic wilderness camps;

(2) Procedures the director shall follow if the director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

(B) Rules adopted under this section shall be substantially similar, as determined by the director, to rules applicable to other residential care providers to children.

(C) The director may issue, deny, or revoke a license according to procedures set forth in rules adopted under this section or section 5103.50 of the Revised Code.

Sec. 5103.58. (A) Professional treatment staff employed by a public children services agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G), (H), (J), and (L) of that section and only for the number of hours needed to complete those courses.

(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be offered by a private child placing agency, private noncustodial agency, or qualified nonprofit organization.

(3) Prior to the department of ~~job~~ children and family services ~~youth~~ establishing a training program under section 5103.59 of the Revised Code, training that meets the requirements described in division (B)(1) of this section may be offered only upon approval by the department. The department shall approve or disapprove a program not later than sixty days after the program is submitted for approval.

(4) A private child placing agency, private noncustodial agency, or qualified nonprofit organization shall cease to provide a training program approved under division (B)(3) of this section

once the department establishes a training program described in 121385
section 5103.59 of the Revised Code, after which all training 121386
shall be provided by the department only. 121387

Sec. 5103.59. The department of ~~job~~ children and ~~family~~ 121388
~~services~~ youth shall work with private child placing agencies and 121389
private noncustodial agencies to establish a comprehensive, 121390
competency-based professional treatment staff training program for 121391
employees of private child placing agencies and private 121392
noncustodial agencies that meets the requirements of division 121393
(B)(1) of section 5103.58 of the Revised Code. 121394

Sec. 5103.602. (A) A person seeking to operate a residential 121395
infant care center after ~~the effective date of this section~~ June 121396
13, 2022, shall apply to the director of ~~job~~ children and ~~family~~ 121397
~~services~~ youth to obtain a certificate for the facility. 121398

(B) A person who, on ~~the effective date of this section~~ June 121399
13, 2022, is operating a children's crisis care facility that has 121400
as its primary purpose the provision of residential services for 121401
infants affected by substance use and the preservation of families 121402
through infant diversion practices and programs shall be deemed a 121403
residential infant care center by the director if the center is in 121404
compliance with the requirements and rules described under 121405
division (B) of section 5103.603 of the Revised Code. 121406

Sec. 5103.603. The director of ~~job~~ children and ~~family~~ 121407
~~services~~ youth shall issue a certificate to a person to operate a 121408
residential infant care center as follows: 121409

(A) Pursuant to division (A) of section 5103.602 of the 121410
Revised Code if the center complies with all of the requirements 121411
under sections 5103.608 to 5103.6012 of the Revised Code and, if 121412
applicable, all of the rules adopted under section 5103.6018 of 121413
the Revised Code; 121414

(B)(1) Pursuant to division (B) of section 5103.602 of the Revised Code if the center is in compliance with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and rules adopted under division (H) of section 5103.13 of the Revised Code, except the rules described in division (B) of section 5103.6011 of the Revised Code, on ~~the effective date of this section~~ June 13, 2022.

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

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

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

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

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

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

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

(D) Develop and implement a program for parents and

caregivers that, either individually or in a group setting, 121445
teaches parenting skills, bonding, and caring for the infant's 121446
special needs. 121447

(E) Require both of the following: 121448

(1) Child-care staff, volunteers, and interns in positions 121449
responsible for the daily direct care or supervision of children 121450
to be at least eighteen years old and have a high school diploma 121451
or certificate of high school equivalence; 121452

(2) Volunteers and interns who are under twenty-one years of 121453
age to be supervised. 121454

(F) Request a criminal records check with respect to 121455
volunteers and interns in accordance with section 2151.86 of the 121456
Revised Code; 121457

(G) Employ registered nurses, patient care assistants, or 121458
licensed professional nurses to meet required child-to-staff 121459
ratios; 121460

(H) Require the center's peer supporter, family advocate, 121461
licensed social worker, licensed independent social worker, 121462
licensed professional counselor, or licensed professional clinical 121463
counselor to do the following: 121464

(1) Provide wraparound services to affected family and 121465
caregivers; 121466

(2) Coordinate and cooperate with any transferring hospital, 121467
public children services agency, and private child placing agency; 121468

(3) Refer affected families or caregivers to appropriate 121469
community agencies and services for support and aftercare; 121470

(4) Follow up with affected families and caregivers following 121471
the infant's discharge. 121472

(I)(1) Encourage employee-supervised dyad care and permit one 121473
of the infant's parents or caregivers to room-in with the infant 121474

for bonding and education;	121475
(2) Provide the following for dyad care and rooming-in:	121476
(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;	121477 121478
(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;	121479 121480
(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.	121481 121482
(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.	121483 121484 121485
(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;	121486 121487 121488 121489
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	121490 121491
(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;	121492 121493 121494
(M) Follow the department of health's <u>children and youth's</u> safe sleep education program recommendations established under section 3701.66 <u>5180.16</u> of the Revised Code.	121495 121496 121497
Sec. 5103.6011. (A) A residential infant care center shall not be required to do the following:	121498 121499
(1) Provide toilets or potty chairs for infants.	121500
(2) Comply with the following rules:	121501
(a) Paragraph (E) of rule 5101:2-5-09 of the Administrative	121502

Code.	121503
(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.	121504 121505
(c) Rule 5101:2-9-19 of the Administrative Code.	121506
(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.	121507 121508
(e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code.	121509 121510
(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.	121511 121512
(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code.	121513 121514
(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the Administrative Code.	121515 121516
(3) Require registered nurses and licensed professional nurses employed by the center to comply with the requirements under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to (L) of rule 5101:2-9-03 of the Administrative Code.	121517 121518 121519 121520
(B) The provisions of this section do not apply on and after the date the department of job children and family services youth adopts rules regarding certification under section 5103.6018 of the Revised Code.	121521 121522 121523 121524
Sec. 5103.6015. The department of job children and family services youth may apply to the United States secretary of health and human services for a federal grant under the "Child Abuse Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 to assist residential infant care centers certified under section 5103.603 of the Revised Code in providing temporary residential	121525 121526 121527 121528 121529 121530 121531

and other care to infants. 121532

Sec. 5103.6017. The director of ~~job~~ children and ~~family~~ services youth may suspend or revoke a residential infant care center's certificate pursuant to Chapter 119. of the Revised Code if the center violates or fails to comply with any of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and, as applicable, the rules adopted under section 5103.6018 of the Revised Code or division (H) of section 5103.13 of the Revised Code. 121533
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Sec. 5103.6018. The director of ~~job~~ children and ~~family~~ services youth shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of residential infant care centers. 121541
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Sec. 5103.611. A person who holds an active license to operate a children's crisis care facility under section 5103.13 of the Revised Code or a residential infant care center under section 5103.602 of the Revised Code may apply to the director of ~~job~~ children and ~~family services youth~~ to obtain a certificate as a family preservation center under this section. 121545
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Sec. 5103.612. (A) The director of ~~job~~ children and ~~family~~ services youth shall certify the person's family preservation center if the center complies with all of the requirements imposed under section 5103.614 of the Revised Code and all of the rules adopted under section 5103.617 of the Revised Code. 121551
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(B) The director shall not issue a waiver to a person of compliance with any of the requirements imposed under this section or any of the rules adopted under section 5103.617 of the Revised Code. 121556
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Sec. 5103.615. The director of ~~job children~~ and ~~family services youth~~ may suspend or revoke a family preservation center's certificate pursuant to Chapter 119. of the Revised Code if the center violates or fails to comply with section 5103.614 of the Revised Code or any of the rules adopted under section 5103.617 of the Revised Code.

Sec. 5103.617. Not later than ninety days ~~after the effective date of this section~~ June 13, 2022, the director of ~~job children~~ and ~~family services youth~~ shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of family preservation centers.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is

licensed, certified, or otherwise approved by that state to 121588
provide child care funded by the child care block grant act. 121589

(E) "Career pathways model" means an alternative pathway to 121590
meeting the requirements to be a child-care staff member or 121591
administrator that does both of the following: 121592

(1) Uses a framework approved by the director of ~~job~~ children 121593
and ~~family services~~ youth to document formal education, training, 121594
experience, and specialized credentials and certifications; 121595

(2) Allows the child-care staff member or administrator to 121596
achieve a designation as an early childhood professional level 121597
one, two, three, four, five, or six. 121598

(F) "Caretaker parent" means the father or mother of a child 121599
whose presence in the home is needed as the caretaker of the 121600
child, a person who has legal custody of a child and whose 121601
presence in the home is needed as the caretaker of the child, a 121602
guardian of a child whose presence in the home is needed as the 121603
caretaker of the child, and any other person who stands in loco 121604
parentis with respect to the child and whose presence in the home 121605
is needed as the caretaker of the child. 121606

(G) "Chartered nonpublic school" means a school that meets 121607
standards for nonpublic schools prescribed by the state board of 121608
education for nonpublic schools pursuant to section 3301.07 of the 121609
Revised Code. 121610

(H) "Child" includes an infant, toddler, preschool-age child, 121611
or school-age child. 121612

(I) "Child care block grant act" means the "Child Care and 121613
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 121614
U.S.C. 9858, as amended. 121615

(J) "Child day camp" means a program in which only school-age 121616
children attend or participate, that operates for no more than 121617

twelve hours per day and no more than fifteen weeks during the 121618
summer. For purposes of this division, the maximum twelve hours of 121619
operation time does not include transportation time from a child's 121620
home to a child day camp and from a child day camp to a child's 121621
home. 121622

(K) "Child care" means all of the following: 121623

(1) Administering to the needs of infants, toddlers, 121624
preschool-age children, and school-age children outside of school 121625
hours; 121626

(2) By persons other than their parents, guardians, or 121627
custodians; 121628

(3) For part of the twenty-four-hour day; 121629

(4) In a place other than a child's own home, except that an 121630
in-home aide provides child care in the child's own home; 121631

(5) By a provider required by this chapter to be licensed or 121632
approved by the department of ~~job children~~ and ~~family services~~ 121633
youth, certified by a county department of job and family services 121634
, or under contract with the department to provide publicly funded 121635
child care as described in section 5104.32 of the Revised Code. 121636

(L) "Child day-care center" and "center" mean any place that 121637
is not the permanent residence of the licensee or administrator in 121638
which child care or publicly funded child care is provided for 121639
seven or more children at one time. "Child day-care center" and 121640
"center" do not include any of the following: 121641

(1) A place located in and operated by a hospital, as defined 121642
in section 3727.01 of the Revised Code, in which the needs of 121643
children are administered to, if all the children whose needs are 121644
being administered to are monitored under the on-site supervision 121645
of a physician licensed under Chapter 4731. of the Revised Code or 121646
a registered nurse licensed under Chapter 4723. of the Revised 121647

Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following apply:

(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating

training for child care professionals and provision of technical	121677
assistance to current and potential child care providers,	121678
employers, and the community;	121679
(6) Collection and analysis of data on the supply of and	121680
demand for child care in the community;	121681
(7) Technical assistance concerning locally, state, and	121682
federally funded child care and early childhood education	121683
programs;	121684
(8) Stimulation of employer involvement in making child care	121685
more affordable, more available, safer, and of higher quality for	121686
their employees and for the community;	121687
(9) Provision of written educational materials to caretaker	121688
parents and informational resources to child care providers;	121689
(10) Coordination of services among child care resource and	121690
referral service organizations to assist in developing and	121691
maintaining a statewide system of child care resource and referral	121692
services if required by the department of job <u>children</u> and family	121693
services <u>youth</u> ;	121694
(11) Cooperation with the county department of job and family	121695
services in encouraging the establishment of parent cooperative	121696
child care centers and parent cooperative type A family day-care	121697
homes.	121698
(O) "Child-care staff member" means an employee of a child	121699
day-care center, type A family day-care home, licensed type B	121700
family day-care home, or approved child day camp who is primarily	121701
responsible for the care and supervision of children. The	121702
administrator, authorized representative, or owner may be a	121703
child-care staff member when not involved in other duties.	121704
(P) "Drop-in child day-care center," "drop-in center,"	121705
"drop-in type A family day-care home," and "drop-in type A home"	121706

mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	121737 121738
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	121739 121740 121741
(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	121742 121743 121744
(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.	121745 121746 121747 121748 121749 121750 121751
(X) "Infant" means a child who is less than eighteen months of age.	121752 121753
(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.	121754 121755 121756 121757 121758 121759
(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.	121760 121761 121762 121763 121764 121765 121766
(AA) "License capacity" means the maximum number in each age	121767

category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of ~~job~~ children and ~~family services~~ youth considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of ~~job~~ children and ~~family services~~ youth pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of ~~job~~ children and ~~family services~~ youth pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of ~~job~~ children and ~~family services~~ youth pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 121798
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(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 121800
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(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation. 121802
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(II) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day. 121815
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(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities. 121821
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(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child. 121825
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(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the 121827
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following apply: 121829

(1) A case plan has been prepared and maintained for the 121830
child pursuant to section 2151.412 of the Revised Code. 121831

(2) The case plan indicates a need for protective care. 121832

(3) The child resides with a parent, stepparent, guardian, or 121833
another person who stands in loco parentis as defined in rules 121834
adopted under section 5104.38 of the Revised Code. 121835

(MM) "Publicly funded child care" means administering to the 121836
needs of infants, toddlers, preschool-age children, and school-age 121837
children under age thirteen during any part of the 121838
twenty-four-hour day by persons other than their caretaker parents 121839
for remuneration wholly or in part with federal or state funds, 121840
including funds available under the child care block grant act, 121841
Title IV-A, and Title XX, distributed by the department of ~~job~~ 121842
children and family services youth. 121843

(NN) "Religious activities" means any of the following: 121844
worship or other religious services; religious instruction; Sunday 121845
school classes or other religious classes conducted during or 121846
prior to worship or other religious services; youth or adult 121847
fellowship activities; choir or other musical group practices or 121848
programs; meals; festivals; or meetings conducted by an organized 121849
religious group. 121850

(OO) "School-age child" means a child who is enrolled in or 121851
is eligible to be enrolled in a grade of kindergarten or above but 121852
is less than fifteen years old or, in the case of a child who is 121853
receiving special needs child care, is less than eighteen years 121854
old. 121855

(PP) "Serious risk noncompliance" means a licensure or 121856
certification rule violation that leads to a great risk of harm 121857
to, or death of, a child, and is observable, not inferable. 121858

(QQ) "Special needs child care" means child care provided to 121859
a child who is less than eighteen years of age and either has one 121860
or more chronic health conditions or does not meet age appropriate 121861
expectations in one or more areas of development, including 121862
social, emotional, cognitive, communicative, perceptual, motor, 121863
physical, and behavioral development and that may include on a 121864
regular basis such services, adaptations, modifications, or 121865
adjustments needed to assist in the child's function or 121866
development. 121867

(RR) "Title IV-A" means Title IV-A of the "Social Security 121868
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 121869

(SS) "Title XX" means Title XX of the "Social Security Act," 121870
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 121871

(TT) "Toddler" means a child who is at least eighteen months 121872
of age but less than three years of age. 121873

(UU) "Type A family day-care home" and "type A home" mean the 121874
permanent residence of the administrator in which child care or 121875
publicly funded child care is provided for seven to twelve 121876
children at one time or a permanent residence of the administrator 121877
in which child care is provided for four to twelve children at one 121878
time if four or more children at one time are under two years of 121879
age. In counting children for the purposes of this division, any 121880
children under six years of age who are related to a licensee, 121881
administrator, or employee and who are on the premises of the type 121882
A home shall be counted. "Type A family day-care home" and "type A 121883
home" do not include any child day camp. 121884

(VV) "Type B family day-care home" and "type B home" mean a 121885
permanent residence of the provider in which care is provided for 121886
one to six children at one time and in which no more than three 121887
children are under two years of age at one time. In counting 121888
children for the purposes of this division, any children under six 121889

years of age who are related to the provider and who are on the 121890
premises of the type B home shall be counted. "Type B family 121891
day-care home" and "type B home" do not include any child day 121892
camp. 121893

Sec. 5104.013. (A) As used in this section: 121894

(1) "Applicant" means either of the following: 121895

(a) A person who is under final consideration for appointment 121896
to or employment in a position with a licensed preschool program 121897
or licensed school child program that provides publicly funded 121898
child care, child day-care center, type A family day-care home, 121899
licensed type B family day-care home, or child day camp; 121900

(b) A person who would serve in any position with a licensed 121901
preschool program or licensed school child program that provides 121902
publicly funded child care, child day-care center, type A family 121903
day-care home, licensed type B family day-care home, or child day 121904
camp pursuant to a contract with another entity. 121905

(2) "Criminal records check" has the same meaning as in 121906
section 109.572 of the Revised Code. 121907

(B)(1) At the times specified in division (B)(2)(a) of this 121908
section, the director of ~~job~~ children and ~~family services~~ youth 121909
shall request the superintendent of the bureau of criminal 121910
identification and investigation to conduct a criminal records 121911
check for each of the following persons: 121912

(a) Any owner or licensee of a child day-care center; 121913

(b) Any owner or licensee of a type A family day-care home or 121914
licensed type B family day-care home and any person eighteen years 121915
of age or older who resides in the home; 121916

(c) Any owner of an approved child day camp; 121917

(d) Any director of a licensed preschool program or licensed 121918

school child program that provides publicly funded child care; 121919

(e) Any in-home aide; 121920

(f) Any applicant or employee, including an administrator, of 121921
a child day-care center, type A family day-care home, licensed 121922
type B family day-care home, approved child day camp, or licensed 121923
preschool program or licensed school child program that provides 121924
publicly funded child care. 121925

(2)(a) The director shall request a criminal records check at 121926
the following times: 121927

(i) In the case of an owner or licensee of child day-care 121928
center or an owner or licensee of a type A family day-care home or 121929
licensed type B family day-care home or a resident of such a home, 121930
at the time of initial application for licensure and every five 121931
years thereafter; 121932

(ii) In the case of an owner of an approved child day camp, 121933
at the time of initial application for approval and every five 121934
years thereafter; 121935

(iii) In the case of a director of a licensed child care 121936
program or licensed school child program, at the time of initial 121937
application to provide publicly funded child care and every five 121938
years thereafter; 121939

(iv) In the case of an in-home aide, at the time of initial 121940
application for certification and every five years thereafter; 121941

(v) Except as provided in division (B)(2)(a)(vi) of this 121942
section, in the case of an applicant or employee, at the time of 121943
initial application for employment and every five years 121944
thereafter; 121945

(vi) In the case of an applicant who has been determined 121946
eligible for employment after a review of a criminal records check 121947
within the past five years and who has been employed by a licensed 121948

preschool program or licensed school child program that provides 121949
publicly funded child care, child day-care center, type A family 121950
day-care home, licensed type B family day-care home, or approved 121951
child day camp within the past one hundred eighty consecutive 121952
days, every five years after the date of the initial 121953
determination. 121954

(b) A criminal records check requested at the time of initial 121955
application shall include a request that the superintendent of the 121956
bureau of criminal identification and investigation obtain 121957
information from the federal bureau of investigation as part of 121958
the criminal records check for the person, including 121959
fingerprint-based checks of national crime information databases 121960
as described in 42 U.S.C. 671 for the person subject to the 121961
criminal records check. 121962

(c) A criminal records check requested at any time other than 121963
the time of initial application may include a request that the 121964
superintendent of the bureau of criminal identification and 121965
investigation obtain information from the federal bureau of 121966
investigation as part of the criminal records check for the 121967
person, including fingerprint-based checks of national crime 121968
information databases as described in 42 U.S.C. 671 for the person 121969
subject to the criminal records check. 121970

(3) With respect to a criminal records check requested for a 121971
person described in division (B)(1) of this section, the director 121972
of ~~job children~~ and ~~family services~~ youth shall do all of the 121973
following: 121974

(a) Provide to the person a copy of the form prescribed 121975
pursuant to division (C)(1) of section 109.572 of the Revised Code 121976
and a standard impression sheet to obtain fingerprint impressions 121977
prescribed pursuant to division (C)(2) of that section; 121978

(b) Obtain the completed form and impression sheet from the 121979

person; 121980

(c) Forward the completed form and impression sheet to the 121981
superintendent of the bureau of criminal identification and 121982
investigation; 121983

(d) Review the results of the criminal records check. 121984

(4) A person who receives from the director a copy of the 121985
form and standard impression sheet and who is requested to 121986
complete the form and provide a set of fingerprint impressions 121987
shall complete the form or provide all of the information 121988
necessary to complete the form and shall provide the impression 121989
sheet with the impressions of the person's fingerprints. If the 121990
person, upon request, fails to provide the information necessary 121991
to complete the form or fails to provide impressions of the 121992
person's fingerprints, the director of children and youth or a 121993
county director of job and family services may consider the 121994
failure a reason to deny licensure, approval, or certification or 121995
to determine an employee ineligible for employment. 121996

(5) Except as provided in rules adopted under division (F) of 121997
this section: 121998

(a) The director of ~~job~~ children and ~~family services~~ youth 121999
shall refuse to issue a license to or approve a center, type A 122000
home, type B home, child day camp, preschool program, or school 122001
child program, and shall revoke a license or approval, and a 122002
county director of job and family services shall not certify an 122003
in-home aide and shall revoke a certification, if a person for 122004
whom a criminal records check was required under division 122005
(B)(1)(a) to (B)(1)(e) of this section has been convicted of or 122006
pleaded guilty to any of the violations described in division 122007
(A)(5) of section 109.572 of the Revised Code. 122008

(b) The director of ~~job~~ children and ~~family services~~ youth 122009
shall not issue a license to a type A home or type B home if a 122010

resident of the type A home or type B home is under eighteen years 122011
of age and has been adjudicated a delinquent child for committing 122012
either a violation of any section listed in division (A)(5) of 122013
section 109.572 of the Revised Code or an offense of another state 122014
or the United States that is substantially equivalent to an 122015
offense listed in division (A)(5) of section 109.572 of the 122016
Revised Code. 122017

(c) The director shall determine an applicant or employee 122018
ineligible for employment if the person has been convicted of or 122019
pleaded guilty to any of the violations described in division 122020
(A)(5) of section 109.572 of the Revised Code. 122021

(6) Each child day-care center, type A home, type B home, 122022
approved child day camp, licensed child care program, licensed 122023
school child program, and in-home aide shall pay to the bureau of 122024
criminal identification and investigation the fee prescribed 122025
pursuant to division (C)(3) of section 109.572 of the Revised Code 122026
for each criminal records check conducted in accordance with that 122027
section upon a request made pursuant to division (B) of this 122028
section. 122029

A center, home, camp, preschool program, or school child 122030
program may charge an applicant a fee for the costs it incurs in 122031
obtaining a criminal records check under this section. A fee 122032
charged under this division shall not exceed the amount the 122033
center, home, camp, or program pays under this section. If a fee 122034
is charged, the center, home, camp, or program shall notify the 122035
applicant at the time of the applicant's initial application for 122036
employment of the amount of the fee and that, unless the fee is 122037
paid, the center, home, camp, or program will not consider the 122038
applicant for employment. 122039

(7) The report of any criminal records check conducted by the 122040
bureau of criminal identification and investigation in accordance 122041
with section 109.572 of the Revised Code and pursuant to a request 122042

made under division (B) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of ~~job~~ children and ~~family services~~ youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of ~~job~~ children and ~~family services~~ youth shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall search the information system at the

following times: 122073

~~(i)~~(a) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 122074
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~~(ii)~~(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 122079
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~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 122082
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~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 122086
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~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 122089
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~~(vi)~~(f) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 122093
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(3) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by 122102
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a public children services agency pursuant to section 5153.175 of 122104
the Revised Code. If the director determines that the information, 122105
when viewed within the totality of the circumstances, reasonably 122106
leads to the conclusion that the person may directly or indirectly 122107
endanger the health, safety, or welfare of children, the director 122108
of children and youth or county director of job and family 122109
services shall do any of the following: 122110

(a) Refuse to issue a license to or approve a center, type A 122111
home, type B home, child day camp, preschool program, or school 122112
child program; 122113

(b) Revoke a license or approval; 122114

(c) Refuse to certify an in-home aide or revoke a 122115
certification; 122116

(d) Determine an applicant or employee ineligible for 122117
employment with the center, type A home, licensed type B home, 122118
child day camp, preschool program, or school child program. 122119

(4) Any information obtained under division (C) of this 122120
section is confidential and not a public record for the purposes 122121
of section 149.43 of the Revised Code. The information shall not 122122
be made available to any person other than the person who is the 122123
subject of the search or the person's representative, the director 122124
of ~~job~~ children and family services youth, the director of a 122125
county department of job and family services, and any court, 122126
hearing officer, or other necessary individual involved in a case 122127
dealing with a denial or revocation of licensure, approval, or 122128
certification related to the search. 122129

(D)(1) At the times specified in division (D)(2) of this 122130
section, the director of ~~job~~ children and family services youth 122131
shall inspect the state registry of sex offenders and child-victim 122132
offenders established under section 2950.13 of the Revised Code 122133
and the national sex offender registry as described in 42 U.S.C. 122134

16901 to determine if any of the following persons is registered	122135
or required to be registered as an offender:	122136
(a) Any owner or licensee of a child day-care center;	122137
(b) Any owner or licensee of a type A family day-care home or	122138
licensed type B family day-care home and any person eighteen years	122139
of age or older who resides in the home;	122140
(c) Any owner of an approved child day camp;	122141
(d) Any director of a licensed preschool program or licensed	122142
school child program that provides publicly funded child care;	122143
(e) Any in-home aide;	122144
(f) Any applicant or employee, including an administrator, of	122145
a child day-care center, type A family day-care home, licensed	122146
type B family day-care home, approved child day camp, or licensed	122147
preschool program or licensed school child program that provides	122148
publicly funded child care.	122149
(2) The director shall inspect each registry at the following	122150
times:	122151
(i) <u>(a)</u> In the case of an owner or licensee of child day-care	122152
center or an owner or licensee of a type A family day-care home or	122153
type B family day-care home or a resident of such a home, at the	122154
time of initial application for licensure and every five years	122155
thereafter;	122156
(ii) <u>(b)</u> In the case of an owner of an approved child day	122157
camp, at the time of initial application for approval and every	122158
five years thereafter;	122159
(iii) <u>(c)</u> In the case of a director of a licensed child care	122160
program or licensed school child program, at the time of initial	122161
application to provide publicly funded child care;	122162
(iv) <u>(d)</u> In the case of an in-home aide, at the time of	122163
initial application for certification and every five years	122164

thereafter; 122165

~~(v)~~(e) Except as provided in division (D)(2)~~(a)~~~~(vi)~~(f) of 122166
this section, in the case of an applicant or employee, at the time 122167
of initial application for employment and every five years 122168
thereafter; 122169

~~(vi)~~(f) In the case of an applicant who has been determined 122170
eligible for employment after an inspection of the state registry 122171
of sex offenders and child-victim offenders established under 122172
section 2950.13 of the Revised Code and the national sex offender 122173
registry as described in 42 U.S.C. 16901 within the past five 122174
years and who has been employed by a licensed preschool program or 122175
licensed school child program that provides publicly funded child 122176
care, child day-care center, type A family day-care home, licensed 122177
type B family day-care home, or approved child day camp within the 122178
past one hundred eighty consecutive days, every five years after 122179
the date of the initial determination. 122180

(3) If the director determines that the person is registered 122181
or required to be registered on either registry, the director of 122182
children and youth or county director of job and family services 122183
shall do any of the following: 122184

(a) Refuse to issue a license to or approve a center, type A 122185
home, type B home, child day camp, preschool program, or school 122186
child program; 122187

(b) Revoke a license or approval; 122188

(c) Refuse to certify an in-home aide or revoke a 122189
certification; 122190

(d) Determine an applicant or employee ineligible for 122191
employment with the center, type A home, licensed type B home, 122192
child day camp, preschool program, or school child program. 122193

(4) Any information obtained under division (D) of this 122194

section is confidential and not a public record for the purposes 122195
of section 149.43 of the Revised Code. The information shall not 122196
be made available to any person other than the person who is the 122197
subject of the inspection or the person's representative, the 122198
director of ~~job~~ children and ~~family services~~ youth, the director 122199
of a county department of job and family services, and any court, 122200
hearing officer, or other necessary individual involved in a case 122201
dealing with a denial or revocation of licensure, approval, or 122202
certification related to the search. 122203

(E) Whenever the director of ~~job~~ children and ~~family services~~ 122204
youth determines a person ineligible for employment under division 122205
(B), (C), or (D) of this section, the director shall as soon as 122206
practicable notify the following of that determination: the 122207
licensed preschool program or licensed school child program that 122208
provides publicly funded child care, child day-care center, type A 122209
family day-care home, licensed type B family day-care home, or 122210
approved child day camp that is considering the person for 122211
appointment or employment. A licensed preschool program or 122212
licensed school child program that provides publicly funded child 122213
care, child day-center, type A family day-care home, licensed type 122214
B family day-care home, or approved child day camp shall not 122215
employ a person who is determined under this section to be 122216
ineligible for employment. 122217

(F)(1) An administrator of a child day camp, other than an 122218
approved child day camp shall request the superintendent of the 122219
bureau of criminal identification and investigation to conduct a 122220
criminal records check for any applicant or employee, including an 122221
administrator, of the child day camp. The request shall be made at 122222
the time of initial application for employment and every five 122223
years thereafter. 122224

(2) A criminal records check requested at the time of initial 122225
application shall include a request that the superintendent of the 122226

bureau of criminal identification and investigation obtain 122227
information from the federal bureau of investigation as part of 122228
the criminal records check for the person, including 122229
fingerprint-based checks of national crime information databases 122230
as described in 42 U.S.C. 671 for the person subject to the 122231
criminal records check. 122232

(3) A criminal records check requested at any time other than 122233
the time of initial application may include a request that the 122234
superintendent of the bureau of criminal identification and 122235
investigation obtain information from the federal bureau of 122236
investigation as part of the criminal records check for the 122237
person, including fingerprint-based checks of national crime 122238
information databases as described in 42 U.S.C. 671 for the person 122239
subject to the criminal records check. 122240

(4) With respect to a criminal records check requested under 122241
division (F) of this section, the administrator shall do all of 122242
the following: 122243

(a) Provide to the applicant or employee a copy of the form 122244
prescribed pursuant to division (C)(1) of section 109.572 of the 122245
Revised Code and a standard impression sheet to obtain fingerprint 122246
impressions prescribed pursuant to division (C)(2) of that 122247
section; 122248

(b) Obtain the completed form and impression sheet from the 122249
applicant or employee; 122250

(c) Forward the completed form and impression sheet to the 122251
superintendent of the bureau of criminal identification and 122252
investigation; 122253

(d) Review the results of the criminal records check. 122254

(5) An applicant or employee who receives from the 122255
administrator a copy of the form and standard impression sheet and 122256
who is requested to complete the form and provide a set of 122257

fingerprint impressions shall complete the form or provide all of 122258
the information necessary to complete the form and shall provide 122259
the impression sheet with the impressions of the person's 122260
fingerprints. If the applicant or employee, upon request, fails to 122261
provide the information necessary to complete the form or fails to 122262
provide impressions of the person's fingerprints, the 122263
administrator may consider the failure a reason to determine an 122264
applicant or employee ineligible for employment. 122265

(6) A child day camp, other than an approved child day camp, 122266
may employ an applicant or continue to employ an employee until 122267
the criminal records check required by this section is completed 122268
and the camp receives the results of the check. Until the 122269
administrator has reviewed the results of the criminal records 122270
check and determines that the applicant or employee is eligible 122271
for employment, the camp shall not grant the applicant or employee 122272
sole responsibility for the care, custody, or control of a child. 122273
If the results indicate that the applicant or employee is 122274
ineligible for employment, the camp shall immediately release the 122275
applicant or employee from employment. 122276

(7) Except as provided in rules adopted under this section, 122277
the administrator shall determine an applicant or employee 122278
ineligible for employment if the person has been convicted of or 122279
pleaded guilty to any of the violations described in division 122280
(A)(5) of section 109.572 of the Revised Code. If the applicant or 122281
employee is determined ineligible, the child day camp shall not 122282
employ the applicant or employee or contract with another entity 122283
for the services of the applicant or employee. 122284

(8) Each child day camp shall pay to the bureau of criminal 122285
identification and investigation the fee prescribed pursuant to 122286
division (C)(3) of section 109.572 of the Revised Code for each 122287
criminal records check conducted in accordance with that section 122288
upon a request made pursuant to division (F) of this section. A 122289

camp may charge an applicant or employee a fee for the costs it 122290
incurs in obtaining a criminal records check under division (F) of 122291
this section. A fee charged under this division shall not exceed 122292
the fees the camp pays under this section. If a fee is charged, 122293
the camp shall notify the applicant at the time of the applicant's 122294
initial application for employment of the amount of the fee and 122295
that, unless the fee is paid, the camp will not consider the 122296
applicant for employment. 122297

(9) The report of any criminal records check conducted by the 122298
bureau of criminal identification and investigation in accordance 122299
with section 109.572 of the Revised Code and pursuant to a request 122300
made under division (F) of this section is confidential and not a 122301
public record for the purposes of section 149.43 of the Revised 122302
Code. The report shall not be made available to any person other 122303
than the person who is the subject of the criminal records check 122304
or the person's representative, the director of ~~job children~~ and 122305
~~family services youth~~, the administrator, and any court, hearing 122306
officer, or other necessary individual involved in a case dealing 122307
with a denial or revocation of registration related to the 122308
criminal records check. 122309

(G) The director of ~~job children~~ and ~~family services youth~~ 122310
shall adopt rules as necessary to implement this section. The 122311
rules shall be adopted in accordance with Chapter 119. of the 122312
Revised Code. The rules shall specify exceptions to the 122313
prohibitions in ~~division~~ divisions (B), (E), and (F) of this 122314
section for a person who has been convicted of or pleaded guilty 122315
to a criminal offense listed in division (A)(5) of section 109.572 122316
of the Revised Code but who meets standards in regard to 122317
rehabilitation set by the director. 122318

(H)(1) Whenever the director of ~~job children~~ and ~~family~~ 122319
~~services youth~~ requests a criminal records check, searches the 122320
uniform statewide automated child welfare information system, or 122321

inspects the state registry of sex offenders and child-victim 122322
offenders and national sex offender registry as required by this 122323
section and finds that a person who is subject to the requirements 122324
of division (B), (C), or (D) of this section resided in another 122325
state during the previous five years, the director shall request 122326
the following from the other state: a criminal records check and 122327
information from the uniform statewide automated child welfare 122328
information system or state registry of sex offenders. 122329

(2) Whenever the director receives from an agency of another 122330
state a request for a criminal records check or for information 122331
from the uniform statewide automated child welfare information 122332
system or state registry of sex offenders that is related to a 122333
child care license or the provision of publicly funded child care, 122334
the director shall provide to that other state's agency the 122335
results of the records check and information from the system and 122336
registry. 122337

Sec. 5104.015. The director of ~~job~~ children and ~~family~~ 122338
~~services~~ youth shall adopt rules in accordance with Chapter 119. 122339
of the Revised Code governing the operation of child day-care 122340
centers, including parent cooperative centers, part-time centers, 122341
and drop-in centers. The rules shall reflect the various forms of 122342
child care and the needs of children receiving child care or 122343
publicly funded child care and shall include specific rules for 122344
school-age child care centers that are developed in consultation 122345
with the department of education. The rules shall include the 122346
following: 122347

(A) Submission of a site plan and descriptive plan of 122348
operation to demonstrate how the center proposes to meet the 122349
requirements of this chapter and rules adopted pursuant to this 122350
chapter for the initial license application; 122351

(B) Standards for ensuring that the physical surroundings of 122352

the center are safe and sanitary including the physical 122353
environment, the physical plant, and the equipment of the center; 122354

(C) Standards for the supervision, care, and discipline of 122355
children receiving child care or publicly funded child care in the 122356
center; 122357

(D) Standards for a program of activities, and for play 122358
equipment, materials, and supplies, to enhance the development of 122359
each child; however, any educational curricula, philosophies, and 122360
methodologies that are developmentally appropriate and that 122361
enhance the social, emotional, intellectual, and physical 122362
development of each child shall be permissible. As used in this 122363
division, "program" does not include instruction in religious or 122364
moral doctrines, beliefs, or values that is conducted at child 122365
day-care centers owned and operated by churches and does include 122366
methods of disciplining children at child day-care centers. 122367

(E) Admissions policies and procedures; 122368

(F) Health care policies and procedures, including procedures 122369
for the isolation of children with communicable diseases; 122370

(G) First aid and emergency procedures; 122371

(H) Procedures for discipline and supervision of children; 122372

(I) Standards for the provision of nutritious meals and 122373
snacks; 122374

(J) Procedures for screening children that may include any 122375
necessary physical examinations and shall include immunizations in 122376
accordance with section 5104.014 of the Revised Code; 122377

(K) Procedures for screening employees that may include any 122378
necessary physical examinations and immunizations; 122379

(L) Methods for encouraging parental participation in the 122380
center and methods for ensuring that the rights of children, 122381
parents, and employees are protected and that responsibilities of 122382

parents and employees are met;	122383
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	122384 122385 122386
(N) Procedures for record keeping, organization, and administration;	122387 122388
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	122389 122390 122391
(P) Inspection procedures;	122392
(Q) Procedures and standards for setting initial license application fees;	122393 122394
(R) Procedures for receiving, recording, and responding to complaints about centers;	122395 122396
(S) Procedures for enforcing section 5104.04 of the Revised Code;	122397 122398
(T) Minimum qualifications for employment as an administrator or child-care staff member;	122399 122400
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	122401 122402 122403 122404
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	122405 122406 122407 122408
(W) A procedure for reporting of injuries of children that occur at the center;	122409 122410
(X) Standards for licensing child day-care centers for	122411

children with short-term illnesses and other temporary medical 122412
conditions; 122413

(Y) Minimum requirements for instructional time for child 122414
day-care centers rated through the step up to quality program 122415
established pursuant to section 5104.29 of the Revised Code; 122416

(Z) Any other procedures and standards necessary to carry out 122417
the provisions of this chapter regarding child day-care centers. 122418

Sec. 5104.016. The director of ~~job~~ children and ~~family~~ 122419
~~services~~ youth, in addition to the rules adopted under section 122420
5104.015 of the Revised Code, shall adopt rules establishing 122421
minimum requirements for child day-care centers. The rules shall 122422
include the requirements set forth in sections 5104.032 to 122423
5104.034 of the Revised Code. Except as provided in section 122424
5104.07 of the Revised Code, the rules shall not change the square 122425
footage requirements of section 5104.032 of the Revised Code or 122426
the maximum number of children per child-care staff member and 122427
maximum group size requirements of section 5104.033 of the Revised 122428
Code. However, the rules shall provide procedures for determining 122429
compliance with those requirements. 122430

Sec. 5104.017. The director of ~~job~~ children and ~~family~~ 122431
~~services~~ youth shall adopt rules pursuant to Chapter 119. of the 122432
Revised Code governing the operation of type A family day-care 122433
homes, including parent cooperative type A homes, part-time type A 122434
homes, and drop-in type A homes. The rules shall reflect the 122435
various forms of child care and the needs of children receiving 122436
child care. The rules shall include the following: 122437

(A) Submission of a site plan and descriptive plan of 122438
operation to demonstrate how the type A home proposes to meet the 122439
requirements of this chapter and rules adopted pursuant to this 122440
chapter for the initial license application; 122441

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;	122442 122443 122444 122445
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	122446 122447 122448
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	122449 122450 122451 122452 122453 122454
(E) Admissions policies and procedures;	122455
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	122456 122457
(G) First aid and emergency procedures;	122458
(H) Procedures for discipline and supervision of children;	122459
(I) Standards for the provision of nutritious meals and snacks;	122460 122461
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	122462 122463 122464
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	122465 122466
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	122467 122468 122469 122470
(M) Procedures for ensuring the safety and adequate	122471

supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	122472
(N) Procedures for record keeping, organization, and administration;	122473
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	122474
(P) Inspection procedures;	122475
(Q) Procedures and standards for setting initial license application fees;	122476
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	122477
(S) Procedures for enforcing section 5104.04 of the Revised Code;	122478
(T) A standard requiring the inclusion of a current department of job children and family services <u>youth</u> toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	122479
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	122480
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	122481
(W) Standards for the maximum number of children per child-care staff member;	122482
(X) Requirements for the amount of usable indoor floor space	122483

for each child;	122502
(Y) Requirements for safe outdoor play space;	122503
(Z) Qualifications and training requirements for administrators and for child-care staff members;	122504 122505
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	122506 122507 122508
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	122509 122510 122511
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	122512 122513
Sec. 5104.018. The director of job <u>children</u> and family services <u>youth</u> shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	122514 122515 122516 122517 122518 122519 122520
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	122521 122522 122523
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	122524 122525 122526
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	122527 122528 122529
(D) Standards for a program of activities, and for play	122530

equipment, materials, and supplies to enhance the development of	122531
each child; however, any educational curricula, philosophies, and	122532
methodologies that are developmentally appropriate and that	122533
enhance the social, emotional, intellectual, and physical	122534
development of each child shall be permissible;	122535
(E) Admission policies and procedures;	122536
(F) Health care, first aid and emergency procedures;	122537
(G) Procedures for the care of sick children;	122538
(H) Procedures for discipline and supervision of children;	122539
(I) Nutritional standards;	122540
(J) Procedures for screening children, including any	122541
necessary physical examinations and the immunizations required	122542
pursuant to section 5104.014 of the Revised Code;	122543
(K) Procedures for screening administrators and employees,	122544
including any necessary physical examinations and immunizations;	122545
(L) Methods of encouraging parental participation and	122546
ensuring that the rights of children, parents, and administrators	122547
are protected and the responsibilities of parents and	122548
administrators are met;	122549
(M) Standards for the safe transport of children when under	122550
the care of administrators;	122551
(N) Procedures for issuing, denying, or revoking licenses;	122552
(O) Procedures for the inspection of type B homes that	122553
require, at a minimum, that each type B home be inspected prior to	122554
licensure to ensure that the home is safe and sanitary;	122555
(P) Procedures for record keeping and evaluation;	122556
(Q) Procedures for receiving, recording, and responding to	122557
complaints;	122558
(R) Standards providing for the needs of children who have	122559

disabilities or who receive treatment for health conditions while	122560
the child is receiving child care or publicly funded child care in	122561
the type B home;	122562
(S) Requirements for the amount of usable indoor floor space	122563
for each child;	122564
(T) Requirements for safe outdoor play space;	122565
(U) Qualification and training requirements for	122566
administrators;	122567
(V) Procedures for granting a parent who is the residential	122568
parent and legal custodian, or a custodian or guardian access to	122569
the type B home during its hours of operation;	122570
(W) Requirements for the type B home to notify parents with	122571
children in the type B home that the type B home is certified as a	122572
foster home under section 5103.03 of the Revised Code;	122573
(X) Minimum requirements for instructional time for type B	122574
homes rated through the step up to quality program established	122575
pursuant to section 5104.29 of the Revised Code;	122576
(Y) Any other procedures and standards necessary to carry out	122577
the provisions of this chapter regarding licensure of type B	122578
homes.	122579
Sec. 5104.019. The director of job <u>children</u> and family	122580
services <u>youth</u> shall adopt rules in accordance with Chapter 119.	122581
of the Revised Code governing the certification of in-home aides.	122582
The rules shall provide for safeguarding the health, safety, and	122583
welfare of children receiving publicly funded child care in their	122584
own home and shall include the following:	122585
(A) Standards for ensuring that the child's home and the	122586
physical surroundings of the child's home are safe and sanitary,	122587
including physical environment, physical plant, and equipment;	122588

(B) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	122589 122590
(C) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	122591 122592 122593 122594 122595 122596
(D) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including any necessary physical examinations and immunizations;	122597 122598 122599 122600 122601
(E) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	122602 122603 122604 122605
(F) Standards for the safe transport of children when under the care of in-home aides;	122606 122607
(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	122608 122609
(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	122610 122611
(I) Procedures for record keeping and evaluation;	122612
(J) Procedures for receiving, recording, and responding to complaints;	122613 122614
(K) Qualifications and training requirements for in-home aides;	122615 122616
(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions	122617 122618

while the child is receiving publicly funded child care in the 122619
child's own home; 122620

(M) Any other procedures and standards necessary to carry out 122621
the provisions of this chapter regarding certification of in-home 122622
aides. 122623

Sec. 5104.0111. (A) The director of ~~job~~ children and family 122624
~~services~~ youth shall do all of the following: 122625

(1) Provide or make available in either paper or electronic 122626
form to each licensee notice of proposed rules governing the 122627
licensure of child day-care centers, type A homes, and type B 122628
homes; 122629

(2) Give public notice of hearings regarding the proposed 122630
rules at least thirty days prior to the date of the public 122631
hearing, in accordance with section 119.03 of the Revised Code; 122632

(3) At least thirty days before the effective date of a rule, 122633
provide, in either paper or electronic form, a copy of the adopted 122634
rule to each licensee; 122635

(4) Send to each county director of job and family services a 122636
notice of proposed rules governing the certification of in-home 122637
aides that includes an internet web site address where the 122638
proposed rules can be viewed; 122639

(5) Provide to each county director of job and family 122640
services an electronic copy of each adopted rule at least 122641
forty-five days prior to the rule's effective date; 122642

(6) Review all rules adopted pursuant to this chapter at 122643
least once every seven years. 122644

(B) The county director of job and family services shall 122645
provide or make available in either paper or electronic form to 122646
each in-home aide copies of proposed rules and shall give public 122647
notice of hearings regarding the rules to each in-home aide at 122648

least thirty days prior to the date of the public hearing, in 122649
accordance with section 119.03 of the Revised Code. At least 122650
thirty days before the effective date of a rule, the county 122651
director of job and family services shall provide, in either paper 122652
or electronic form, copies of the adopted rule to each in-home 122653
aide. 122654

(C) Additional copies of proposed and adopted rules shall be 122655
made available by the director of ~~job~~ children and ~~family services~~ 122656
youth to the public on request at no charge. 122657

(D) The director of ~~job~~ children and ~~family services~~ youth 122658
may adopt rules in accordance with Chapter 119. of the Revised 122659
Code for imposing sanctions on persons and entities that are 122660
licensed or certified under this chapter. Sanctions may be imposed 122661
only for an action or omission that constitutes a serious risk 122662
noncompliance. The sanctions imposed shall be based on the scope 122663
and severity of the violations. 122664

The director shall make a dispute resolution process 122665
available for the implementation of sanctions. The process may 122666
include an opportunity for appeal pursuant to Chapter 119. of the 122667
Revised Code. 122668

(E) The director of ~~job~~ children and ~~family services~~ youth 122669
shall adopt rules in accordance with Chapter 119. of the Revised 122670
Code that establish standards for the training of individuals who 122671
inspect or investigate type B family day-care homes pursuant to 122672
section 5104.03 of the Revised Code. The department shall provide 122673
training in accordance with those standards for individuals in the 122674
categories described in this division. 122675

Sec. 5104.0112. Notwithstanding any provision of the Revised 122676
Code, the director of ~~job~~ children and ~~family services~~ youth shall 122677
not regulate in any way under this chapter or rules adopted 122678
pursuant to this chapter, instruction in religious or moral 122679

doctrines, beliefs, or values. 122680

Sec. 5104.02. (A) The director of ~~job~~ children and ~~family~~ youth is responsible for licensing child day-care 122681
centers, type A family day-care homes, and type B family day-care 122682
homes. Each entity operating a head start program shall meet the 122683
criteria for, and be licensed as, a child day-care center. The 122684
director is responsible for the enforcement of this chapter and of 122685
rules promulgated pursuant to this chapter. 122686
122687

No person, firm, organization, institution, or agency shall 122688
operate, establish, manage, conduct, or maintain a child day-care 122689
center or type A family day-care home without a license issued 122690
under section 5104.03 of the Revised Code. The current license 122691
shall be posted in the center or home in a conspicuous place that 122692
is accessible to parents, custodians, or guardians and employees 122693
of the center or home at all times when the center or home is in 122694
operation. 122695

(B) A person, firm, institution, organization, or agency 122696
operating any of the following programs is exempt from the 122697
requirements of this chapter: 122698

(1) A program caring for children that operates for two 122699
consecutive weeks or less and not more than six weeks total in 122700
each calendar year; 122701

(2) Caring for children in places of worship during religious 122702
activities while at least one parent, guardian, or custodian of 122703
each child is participating in such activities and is readily 122704
available; 122705

(3) Supervised training, instruction, or activities of 122706
children in specific areas, including, but not limited to: art; 122707
drama; dance; music; athletic skills or sports; computers; or an 122708
educational subject conducted on an organized or periodic basis 122709

that a child does not attend for more than eight total hours per week; 122710
122711

(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times; 122712
122713
122714
122715
122716

(5) Programs that provide care and are regulated by state departments other than the department of ~~job children and family services~~ youth or the state board of education. 122717
122718
122719

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of ~~education~~ children and youth under sections 3301.52 to 3301.59 of the Revised Code. 122720
122721
122722
122723

(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 122724
122725
122726
122727

(a) The nonpublic school has given the notice to the state board and the director of ~~job children and family services~~ youth required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 122728
122729
122730
122731

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 122732
122733
122734

(c) The program is conducted in a school building; 122735

(d) The program is operated in accordance with rules promulgated by the ~~state board~~ department of children and youth under section 3301.53 of the Revised Code. 122736
122737
122738

(8) A youth development program operated outside of school 122739

hours to which all of the following apply: 122740

(a) The children enrolled in the program are under nineteen 122741
years of age and enrolled in or eligible to be enrolled in a grade 122742
of kindergarten or above. 122743

(b) The program provides informal care, which is care that 122744
does not require parental signature, permission, or notice for the 122745
child receiving the care to enter or leave the program. 122746

(c) The program provides any of the following supervised 122747
activities: educational, recreational, culturally enriching, 122748
social, and personal development activities. 122749

(d) The entity operating the program is exempt from federal 122750
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 122751

(9) A preschool program operated by a nonchartered, 122752
nontax-supported school if the preschool program meets all of the 122753
following conditions: 122754

(a) The program complies with state and local health, fire, 122755
and safety laws. 122756

(b) The program annually certifies in a report to the parents 122757
of its pupils that the school is in compliance with division 122758
(B)(9)(a) of this section and files a copy of the report with the 122759
department of ~~job~~ children and ~~family services~~ youth on or before 122760
the thirtieth day of September of each year. 122761

(c) The program complies with all applicable reporting 122762
requirements in the same manner as required by the state board of 122763
education for nonchartered, nonpublic primary and secondary 122764
schools. 122765

(d) The program is associated with a nonchartered, 122766
nontax-supported primary or secondary school. 122767

(10) A program that provides activities for children who are 122768
five years of age or older and is operated by a county, township, 122769

municipal corporation, township park district created under 122770
section 511.18 of the Revised Code, park district created under 122771
section 1545.04 of the Revised Code, or joint recreation district 122772
established under section 755.14 of the Revised Code. 122773

Sec. 5104.021. The director of ~~job~~ children and ~~family~~ 122774
~~services~~ youth may issue a child day-care center or type A family 122775
day-care home license to a youth development program that is 122776
exempted by division (B)(8) of section 5104.02 of the Revised Code 122777
from the requirements of this chapter if the youth development 122778
program applies for and meets all of the requirements for the 122779
license. 122780

Sec. 5104.022. In no case shall the director of ~~job~~ children 122781
and ~~family services~~ youth issue a license to operate a type A 122782
family day-care home if the type A home is certified as a foster 122783
home or specialized foster home pursuant to Chapter 5103. of the 122784
Revised Code. In no case shall the director issue a license to 122785
operate a type B family day-care home if the type B home is 122786
certified as a specialized foster home pursuant to Chapter 5103. 122787
of the Revised Code. 122788

Sec. 5104.03. (A) As used in this section, "owner" has the 122789
same meaning as in section 5104.01 of the Revised Code, except 122790
that "owner" also includes a firm, organization, institution, or 122791
agency, as well as any individual governing board members, 122792
partners, or authorized representatives of the owner. 122793

(B) Any person, firm, organization, institution, or agency 122794
seeking to establish a child day-care center, type A family 122795
day-care home, or licensed type B family day-care home shall apply 122796
for a license to the director of ~~job~~ children and ~~family services~~ 122797
youth on such form as the director prescribes. The director shall 122798
provide at no charge to each applicant for licensure a copy of the 122799

child care license requirements in this chapter and a copy of the 122800
rules adopted pursuant to this chapter. The copies may be provided 122801
in paper or electronic form. 122802

Fees shall be set by the director pursuant to sections 122803
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 122804
paid at the time of application for a license to operate a center, 122805
type A home, or type B home. Fees collected under this section 122806
shall be paid into the state treasury to the credit of the general 122807
revenue fund. 122808

(C)(1) Upon filing of the application for a license, the 122809
director shall investigate and inspect the center, type A home, or 122810
type B home to determine the license capacity for each age 122811
category of children of the center, type A home, or type B home 122812
and to determine whether the center, type A home, or type B home 122813
complies with this chapter and rules adopted pursuant to this 122814
chapter. When, after investigation and inspection, the director is 122815
satisfied that this chapter and rules adopted pursuant to it are 122816
complied with, subject to division (G) of this section, a license 122817
shall be issued as soon as practicable in such form and manner as 122818
prescribed by the director. The license shall be designated as 122819
provisional and shall be valid for at least twelve months from the 122820
date of issuance and until the continuous license is issued or 122821
until the provisional license is revoked or suspended pursuant to 122822
section 5104.042 of the Revised Code. 122823

(2) The director may contract with a government entity or a 122824
private nonprofit entity for the entity to inspect type A or type 122825
B family day-care homes pursuant to this section. If the director 122826
contracts with a government entity or private nonprofit entity for 122827
that purpose, the entity may contract with another government 122828
entity or private nonprofit entity for the other entity to inspect 122829
type A or type B homes pursuant to this section. The director, 122830
government entity, or private nonprofit entity shall conduct an 122831

inspection prior to the issuance of a license for a type A or type 122832
B home and, as part of that inspection, ensure that the home is 122833
safe and sanitary. 122834

(D) The director shall investigate and inspect the center, 122835
type A home, or type B home at least once during operation under a 122836
license designated as provisional. If after the investigation and 122837
inspection the director determines that the requirements of this 122838
chapter and rules adopted pursuant to this chapter are met, 122839
subject to division (G) of this section, the director shall issue 122840
a continuous license to the center or home. 122841

(E) Each license shall state the name of the licensee, the 122842
name of the administrator, the address of the center, type A home, 122843
or licensed type B home, and the license capacity for each age 122844
category of children. The license shall include thereon, in 122845
accordance with sections 5104.015, 5104.017, and 5104.018 of the 122846
Revised Code, the toll-free telephone number to be used by persons 122847
suspecting that the center, type A home, or licensed type B home 122848
has violated a provision of this chapter or rules adopted pursuant 122849
to this chapter. A license is valid only for the licensee, 122850
administrator, address, and license capacity for each age category 122851
of children designated on the license. The license capacity 122852
specified on the license is the maximum number of children in each 122853
age category that may be cared for in the center, type A home, or 122854
licensed type B home at one time. 122855

A center or home licensee shall notify the director in 122856
writing when the administrator, address, or license capacity of 122857
the center or home changes. The director shall amend the current 122858
license to reflect a change in any of the following: 122859

(1) An administrator, if the administrator meets the 122860
requirements of this chapter and rules adopted pursuant to this 122861
chapter; 122862

(2) Address, if the new address meets the requirements of 122863
this chapter and rules adopted pursuant to this chapter; 122864

(3) License capacity for any age category of children as 122865
determined by the director of ~~job children~~ and ~~family services~~
youth. 122866
122867

(F) If the director revokes the license of a center, a type A 122868
home, or a type B home, the director shall not issue another 122869
license to the owner of the center, type A home, or type B home 122870
until five years have elapsed from the date the license is 122871
revoked. 122872

If the director denies an application for a license, the 122873
director shall not consider another application from the applicant 122874
until five years have elapsed from the date the application is 122875
denied. 122876

(G)(1) Except as provided in division (G)(2) of this section, 122877
all actions of the director with respect to licensing centers, 122878
type A homes, or type B homes, refusal to license, and revocation 122879
of a license shall be in accordance with Chapter 119. of the 122880
Revised Code. Except as provided in division (G)(2) of this 122881
section, any applicant who is denied a license or any owner whose 122882
license is revoked may appeal in accordance with section 119.12 of 122883
the Revised Code. 122884

(2) The following actions by the director are not subject to 122885
Chapter 119. of the Revised Code: 122886

(a) The director ceases its review of an application because 122887
the owner of a center, type A home, or type B home sought a 122888
license before five years had elapsed from the date the previous 122889
license was revoked and the director does not issue the license. 122890

(b) The director ceases its review of an application because 122891
the applicant applied for licensure before five years had elapsed 122892
from the date the previous application was denied and the director 122893

does not issue the license. 122894

(c) The director closes a license because the director has 122895
determined that the center, type A home, or type B home is no 122896
longer operating at the address stated on the license and did not 122897
notify the director of the address change as described in division 122898
(E) of this section. 122899

(H) In no case shall the director issue a license under this 122900
section for a center, type A home, or type B home if the director, 122901
based on documentation provided by the appropriate county 122902
department of job and family services, determines that the 122903
applicant had been certified as an in-home aide, that the county 122904
department revoked that certification within the immediately 122905
preceding five years, that the revocation was based on the 122906
applicant's refusal or inability to comply with the criteria for 122907
certification, and that the refusal or inability resulted in a 122908
risk to the health or safety of children. 122909

(I) An owner of a type B family day-care home that receives a 122910
license pursuant to this section is an independent contractor and 122911
is not an employee of the department of ~~job children~~ and ~~family~~ 122912
~~services youth~~. 122913

Sec. 5104.034. Each child day-care center shall have on the 122914
center premises and readily available at all times at least one 122915
child-care staff member who has completed a course in first aid, 122916
one staff member who has completed a course in prevention, 122917
recognition, and management of communicable diseases which is 122918
approved by the state department of health, and a staff member who 122919
has completed a course in child abuse recognition and prevention 122920
training which is approved by the department of ~~job children~~ and 122921
~~family services youth~~. 122922

Sec. 5104.038. The administrator of each child day-care 122923

center shall maintain enrollment, health, and attendance records 122924
for all children attending the center and health and employment 122925
records for all center employees. The records shall be 122926
confidential, except that they shall be disclosed by the 122927
administrator to the director of children and youth upon request 122928
for the purpose of administering and enforcing this chapter and 122929
rules adopted pursuant to this chapter. Neither the center nor the 122930
licensee, administrator, or employees of the center shall be 122931
civilly or criminally liable in damages or otherwise for records 122932
disclosed to the director by the administrator pursuant to this 122933
division. It shall be a defense to any civil or criminal charge 122934
based upon records disclosed by the administrator to the director 122935
that the records were disclosed pursuant to this division. 122936

Sec. 5104.04. (A) The department of ~~job~~ children and ~~family~~ 122937
~~services~~ youth shall establish procedures to be followed in 122938
investigating, inspecting, and licensing child day-care centers, 122939
type A family day-care homes, and licensed type B family day-care 122940
homes. 122941

(B)(1)(a) The department shall, at least once during every 122942
twelve-month period of operation of a center, type A home, or 122943
licensed type B home, inspect the center, type A home, or licensed 122944
type B home. The department shall inspect a part-time center or 122945
part-time type A home at least once during every twelve-month 122946
period of operation. The department shall provide a written 122947
inspection report to the licensee within a reasonable time after 122948
each inspection. 122949

Inspections may be unannounced. No person, firm, 122950
organization, institution, or agency shall interfere with the 122951
inspection of a center, type A home, or licensed type B home by 122952
any state or local official engaged in performing duties required 122953
of the state or local official by this chapter or rules adopted 122954

pursuant to this chapter, including inspecting the center, type A home, or licensed type B home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center, type A home or licensed type B home is out of compliance with the requirements of this chapter or rules adopted pursuant to this chapter, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center, type A home, or licensed type B home that otherwise is imposed under this section, or any authority of the department to inspect a center, type A home, or licensed type B home that otherwise is granted under this section.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(C) The department may deny an application or revoke a license of a center, type A home, or licensed type B home, if the applicant knowingly submits falsified information to the department or if the center or home does not comply with the requirements of this chapter or rules adopted pursuant to this

chapter. 122986

(D) If the department finds, after notice and hearing 122987
pursuant to Chapter 119. of the Revised Code, that any applicant, 122988
person, firm, organization, institution, or agency applying for 122989
licensure or licensed under section 5104.03 of the Revised Code is 122990
in violation of any provision of this chapter or rules adopted 122991
pursuant to this chapter, the department may issue an order of 122992
denial to the applicant or an order of revocation to the center, 122993
type A home, or licensed type B home revoking the license 122994
previously issued by the department. Upon the issuance of such an 122995
order, the person whose application is denied or whose license is 122996
revoked may appeal in accordance with section 119.12 of the 122997
Revised Code. 122998

(E) The surrender of a center, type A home, or licensed type 122999
B home license to the department or the withdrawal of an 123000
application for licensure by the owner or administrator of the 123001
center, type A home, or licensed type B home shall not prohibit 123002
the department from instituting any of the actions set forth in 123003
this section. 123004

(F) Whenever the department receives a complaint, is advised, 123005
or otherwise has any reason to believe that a center or type A 123006
home is providing child care without a license issued pursuant to 123007
section 5104.03 and is not exempt from licensing pursuant to 123008
section 5104.02 of the Revised Code, the department shall 123009
investigate the center or type A home and may inspect the areas 123010
children have access to or areas necessary for the care of 123011
children in the center or type A home during suspected hours of 123012
operation to determine whether the center or type A home is 123013
subject to the requirements of this chapter or rules adopted 123014
pursuant to this chapter. 123015

(G) The department, upon determining that the center or type 123016
A home is operating without a license, shall notify the attorney 123017

general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.041. (A) All type A family day-care homes and licensed type B family day-care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care home against liability arising out of, or in connection with, the operation of the family day-care home. The insurance procured shall cover any

cause for which the type A or type B family day-care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family day-care home that states all of the following:

(a) The family day-care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care home.

(B) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under

division (A) of this section shall be maintained at the type A or 123079
type B family day-care home and made available for review during 123080
inspection or investigation as required under this chapter. 123081

(D) The director of ~~job children~~ and ~~family services youth~~ 123082
shall adopt rules for the enforcement of this section. 123083

Sec. 5104.042. (A) The department of ~~job children~~ and ~~family~~ 123084
~~services youth~~ may suspend, without a prior hearing, the license 123085
of a child day-care center, type A family day-care home, or 123086
licensed type B family day-care home if any of the following 123087
occur: 123088

(1) A child dies or suffers a serious injury while receiving 123089
child care in the center, type A home, or licensed type B home. 123090

(2) A public children services agency receives a report 123091
pursuant to section 2151.421 of the Revised Code, and the person 123092
alleged to have inflicted abuse or neglect on the child who is the 123093
subject of the report is any of the following: 123094

(a) The owner, licensee, or administrator of the center, type 123095
A home, or licensed type B home; 123096

(b) An employee of the center, type A home, or licensed type 123097
B home who has not immediately been placed on administrative leave 123098
or released from employment; 123099

(c) Any person who resides in the type A home or licensed 123100
type B home. 123101

(3) An owner, licensee, administrator, or employee of the 123102
center, type A home, or licensed type B home, or a resident of the 123103
type A home or licensed type B home is charged by an indictment, 123104
information, or complaint with an offense relating to the abuse or 123105
neglect of a child. 123106

(4) The department or a county department of job and family 123107
services determines that the center, type A home, or licensed type 123108

B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of ~~job children and family services~~ youth may adopt rules in accordance with Chapter 119. of the Revised

Code establishing standards and procedures for the summary 123139
suspension of licenses. 123140

(F) This section does not limit the authority of the 123141
department to revoke a license pursuant to section 5104.04 of the 123142
Revised Code. 123143

Sec. 5104.043. (A) If the department of ~~job~~ children and 123144
~~family services~~ youth determines that an act or omission of a 123145
child day-care center, type A family day-care home, or licensed 123146
type B family day-care home constitutes a serious risk 123147
noncompliance, the licensee shall notify the caretaker parent of 123148
each child receiving care in the center or home of the 123149
department's determination. 123150

(B) With respect to the notice required by division (A) of 123151
this section, all of the following apply: 123152

(1) The licensee shall notify caretaker parents not later 123153
than fifteen business days after the department informs the 123154
licensee of the department's determination. If the licensee 123155
requests a review of the department's determination, the licensee 123156
shall notify caretaker parents not later than five business days 123157
after the department has completed its review. 123158

(2) The notice shall include a statement informing each 123159
caretaker parent of the web site maintained by the department and 123160
the location of further information regarding the determination. 123161

(3) The licensee may provide written or electronic notice to 123162
caretaker parents. 123163

(4) The licensee shall provide a copy of the notice to the 123164
department. 123165

(C) The director of ~~job~~ children and ~~family services~~ youth 123166
shall adopt rules to enforce this section. 123167

(D) The requirements of this section do not apply if the 123168

department suspends the license of a child day-care center, type A 123169
family day-care home, or licensed type B family day-care home 123170
pursuant to section 5104.042 of the Revised Code. 123171

Sec. 5104.05. (A) The director of ~~job~~ children and ~~family~~ 123172
~~services~~ youth shall issue a license or provisional license for 123173
the operation of a child day-care center, if the director finds, 123174
after investigation of the applicant and inspection of the center, 123175
that other requirements of this chapter, rules promulgated 123176
pursuant to this chapter, and the following requirements are met: 123177

(1) The buildings in which the center is housed, subsequent 123178
to any major modification, have been approved by the department of 123179
commerce or a certified municipal, township, or county building 123180
department for the purpose of operating a child day-care center. 123181
Any structure used for the operation of a center shall be 123182
constructed, equipped, repaired, altered, and maintained in 123183
accordance with applicable provisions of Chapters 3781. and 3791. 123184
of the Revised Code and with regulations adopted by the board of 123185
building standards under Chapter 3781. of the Revised Code and 123186
this division for the safety and sanitation of structures erected 123187
for this purpose. 123188

(2) The state fire marshal or the fire chief or fire 123189
prevention officer of the municipal corporation or township in 123190
which the center is located has inspected the center annually 123191
within the preceding license period and has found the center to be 123192
in compliance with rules promulgated by the fire marshal pursuant 123193
to section 3737.83 of the Revised Code regarding fire prevention 123194
and fire safety in a child day-care center. 123195

(3) The center has received a food service operation license 123196
under Chapter 3717. of the Revised Code if meals are to be served 123197
to children other than children of the licensee or administrator, 123198
whether or not a consideration is received for the meals. 123199

(B) The director of ~~job~~ children and ~~family services~~ youth 123200
shall issue a license or provisional license for the operation of 123201
a type A family day-care home, if the director finds, after 123202
investigation of the applicant and inspection of the type A home, 123203
that other requirements of this chapter, rules promulgated 123204
pursuant to this chapter, and the following requirements are met: 123205

(1) The state fire marshal or the fire chief or fire 123206
prevention officer of the municipal corporation or township in 123207
which the type A family day-care home is located has inspected the 123208
type A home annually within the preceding license period and has 123209
found the type A home to be in compliance with rules promulgated 123210
by the fire marshal pursuant to section 3737.83 of the Revised 123211
Code regarding fire prevention and fire safety in a type A home. 123212

(2) The type A home is in compliance with rules set by the 123213
director of ~~job~~ children and ~~family services~~ youth in cooperation 123214
with the director of health pursuant to section 3701.80 of the 123215
Revised Code regarding meal preparation and meal service in the 123216
home. The director of ~~job~~ children and ~~family services~~ youth, in 123217
accordance with procedures recommended by the director of health, 123218
shall inspect each type A home to determine compliance with those 123219
rules. 123220

(3) The type A home is in compliance with rules promulgated 123221
by the director of ~~job~~ children and ~~family services~~ youth in 123222
cooperation with the board of building standards regarding safety 123223
and sanitation pursuant to section 3781.10 of the Revised Code. 123224

Sec. 5104.052. The director of ~~job~~ children and ~~family~~ 123225
~~services~~ youth, in cooperation with the fire marshal pursuant to 123226
section 3737.22 of the Revised Code, shall adopt rules regarding 123227
fire prevention and fire safety in licensed type B family day-care 123228
homes. In accordance with those rules, the director shall inspect 123229
each type B home that applies to be licensed that is providing or 123230

is to provide publicly funded child care. 123231

Sec. 5104.053. As a precondition of approval by the state 123232
board of education pursuant to section 3313.813 of the Revised 123233
Code for receipt of United States department of agriculture child 123234
and adult care food program funds established under the "National 123235
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 123236
amended, the provider of child care in a type B family day-care 123237
home that is not licensed by the director of ~~job~~ children and 123238
~~family services~~ youth shall request an inspection of the type B 123239
home by the fire marshal, who shall inspect the type B home 123240
pursuant to section 3737.22 of the Revised Code to determine that 123241
it is in compliance with rules established pursuant to section 123242
5104.052 of the Revised Code for licensed type B homes. 123243

Sec. 5104.054. Any type B family day-care home, whether 123244
licensed or not licensed by the director of ~~job~~ children and 123245
~~family services~~ youth, shall be considered to be a residential use 123246
of property for purposes of municipal, county, and township zoning 123247
and shall be a permitted use in all zoning districts in which 123248
residential uses are permitted. No municipal, county, or township 123249
zoning regulations shall require a conditional use permit or any 123250
other special exception certification for any such type B family 123251
day-care home. 123252

Sec. 5104.06. (A) The director of ~~job~~ children and ~~family~~ 123253
~~services~~ youth shall provide consultation, technical assistance, 123254
and training to child day-care centers, type A family day-care 123255
homes, and type B family day-care homes to improve programs and 123256
facilities providing child care. As part of these activities, the 123257
director shall provide assistance in meeting the requirements of 123258
this chapter and rules adopted pursuant to this chapter and shall 123259
furnish information regarding child abuse identification and 123260

reporting of child abuse. 123261

(B) The director of ~~job children~~ and ~~family services youth~~ 123262
shall provide consultation and technical assistance to county 123263
departments of job and family services to assist the departments 123264
with the implementation of certification of in-home aides. 123265

Sec. 5104.07. (A) The director of ~~job children~~ and ~~family~~ 123266
~~services youth~~ may prescribe additional requirements for licensing 123267
child day-care centers or type A family day-care homes that 123268
provide publicly funded child care pursuant to this chapter and 123269
any rules adopted under it. The director shall develop standards 123270
as required by federal laws and regulations for child care 123271
programs supported by federal funds. 123272

(B)(1) ~~On or before February 28, 1992, the~~ The department of 123273
~~job children~~ and ~~family services youth~~ shall develop a statewide 123274
plan for child care resource and referral services. The plan shall 123275
be based upon the experiences of other states with respect to 123276
child care resource and referral services, the experiences of 123277
communities in this state that have child care resource and 123278
referral service organizations, and the needs of communities in 123279
this state that do not have child care resource and referral 123280
service organizations. The plan shall be designed to ensure that 123281
child care resource and referral services are available in each 123282
county in the state to families who need child care. The 123283
department shall consider the special needs of migrant workers 123284
when it develops the plan and shall include in the plan procedures 123285
designed to accommodate the needs of migrant workers. 123286

(2) In addition to the requirements described in division 123287
(B)(1) of this section, the plan shall include all of the 123288
following: 123289

(a) A description of the services that a child care resource 123290
and referral service organization is required to provide to 123291

families who need child care;	123292
(b) The qualifications for a child care resource and referral service organization;	123293 123294
(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;	123295 123296 123297
(d) A timetable for providing child care resource and referral services to all communities in the state;	123298 123299
(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;	123300 123301
(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;	123302 123303 123304 123305 123306 123307
(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.	123308 123309 123310 123311
(C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.	123312 123313 123314 123315 123316 123317 123318 123319
Sec. 5104.08. (A) There is hereby created in the department of job children and family services <u>youth</u> a child care advisory	123320 123321

council to advise and assist the department in the administration 123322
of this chapter and in the development of child care. The council 123323
shall consist of twenty-two voting members appointed by the 123324
director of ~~job children~~ and ~~family services~~ youth with the 123325
approval of the governor. The director of job and family services, 123326
the director of children and youth, the director of developmental 123327
disabilities, the director of mental health and addiction 123328
services, the superintendent of public instruction, the director 123329
of health, the director of commerce, and the state fire marshal 123330
shall serve as nonvoting members of the council. 123331

Six members shall be representatives of child care centers 123332
subject to licensing, the members to represent a variety of 123333
centers, including nonprofit and proprietary, from different 123334
geographical areas of the state. At least three members shall be 123335
parents, guardians, or custodians of children receiving child care 123336
or publicly funded child care in the child's own home, a center, a 123337
type A home, a head start program, a licensed type B home, or a 123338
type B home at the time of appointment. Three members shall be 123339
representatives of in-home aides, type A homes, licensed type B 123340
homes, or type B homes or head start programs. At least six 123341
members shall represent county departments of job and family 123342
services. The remaining members shall be representatives of the 123343
teaching, child development, and health professions, and other 123344
individuals interested in the welfare of children. At least six 123345
members of the council shall not be employees or licensees of a 123346
child day-care center, head start program, or type A home, or 123347
providers operating a licensed type B home or type B home, or 123348
in-home aides. 123349

Appointments shall be for three-year terms. Vacancies shall 123350
be filled for the unexpired terms. A member of the council is 123351
subject to removal by the director of ~~job children~~ and ~~family~~ 123352
~~services~~ youth for a willful and flagrant exercise of authority or 123353

power that is not authorized by law, for a refusal or willful 123354
neglect to perform any official duty as a member of the council 123355
imposed by law, or for being guilty of misfeasance, malfeasance, 123356
nonfeasance, or gross neglect of duty as a member of the council. 123357

There shall be two co-chairpersons of the council. One 123358
co-chairperson shall be the director of ~~job~~ children and ~~family~~ 123359
~~services~~ youth or the director's designee, and one co-chairperson 123360
shall be elected by the members of the council. The council shall 123361
meet as often as is necessary to perform its duties, provided that 123362
it shall meet at least once in each quarter of each calendar year 123363
and at the call of the co-chairpersons. The co-chairpersons or 123364
their designee shall send to each member a written notice of the 123365
date, time, and place of each meeting. 123366

Members of the council shall serve without compensation, but 123367
shall be reimbursed for necessary expenses. 123368

(B) The child care advisory council shall advise the director 123369
on matters affecting the licensing of centers, type A homes, and 123370
type B homes and the certification of in-home aides. The council 123371
shall make an annual report to the director of ~~job~~ children and 123372
~~family services~~ youth that addresses the availability, 123373
affordability, accessibility, and quality of child care and that 123374
summarizes the recommendations and plans of action that the 123375
council has proposed to the director during the preceding fiscal 123376
year. The director of ~~job~~ children and ~~family services~~ youth shall 123377
provide copies of the report to the governor, speaker and minority 123378
leader of the house of representatives, and the president and 123379
minority leader of the senate and, on request, shall make copies 123380
available to the public. 123381

(C) The director of ~~job~~ children and ~~family services~~ youth 123382
shall adopt rules in accordance with Chapter 119. of the Revised 123383
Code to implement this section. 123384

Sec. 5104.081. The department of ~~job~~ children and ~~family~~ services youth shall employ at least one senior-level, full-time employee who shall manage and oversee all child care functions under the authority of the department.

Sec. 5104.10. No employer shall discharge, demote, suspend, or threaten to discharge, demote, suspend, or in any manner discriminate against any employee based solely on the employee taking any of the following actions:

(A) Making any good faith oral or written complaint to the director of ~~job~~ children and ~~family~~ services youth or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;

(B) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;

(C) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;

(D) Refusing to perform work that constitutes a violation of Chapter 5104., or the rules adopted pursuant to Chapter 5104. of the Revised Code.

Sec. 5104.12. (A)(1) A county director of job and family services may certify in-home aides to provide publicly funded child care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

(2) Every person desiring to receive certification as an in-home aide shall apply for certification to a county director of

job and family services on such forms as the director of ~~job~~ 123414
children and ~~family services~~ youth prescribes. A county director 123415
shall provide at no charge to each applicant a copy of rules for 123416
certifying in-home aides adopted pursuant to this chapter. 123417

(B) To be eligible for certification as an in-home aide, a 123418
person shall not be either of the following: 123419

(1) The owner of a center or home whose license was revoked 123420
pursuant to section 5104.04 of the Revised Code within the 123421
previous five years; 123422

(2) An in-home aide whose certificate was revoked under 123423
division (C)(2) of this section within the previous five years. 123424

(C)(1) If the county director of job and family services 123425
determines that the applicant complies with this chapter and any 123426
rules adopted under it, the county director shall certify the 123427
person as an in-home aide and issue the person a certificate to 123428
provide publicly funded child care for twenty-four months. The 123429
county director shall furnish a copy of the certificate to the 123430
parent, custodian, or guardian. The certificate shall state the 123431
name and address of the in-home aide, the expiration date of the 123432
certification, and the name and telephone number of the county 123433
director who issued the certificate. 123434

(2) The county director may revoke the certificate in either 123435
of the following circumstances: 123436

(a) The county director determines, pursuant to rules adopted 123437
under Chapter 119. of the Revised Code, that revocation is 123438
necessary; 123439

(b) The in-home aide does not comply with division (C)(2) of 123440
section 5104.32 of the Revised Code. 123441

(D)(1) The county director of job and family services shall 123442
inspect every home of a child who is receiving publicly funded 123443

child care in the child's own home while the in-home aide is 123444
providing the services. Inspections may be unannounced. Upon 123445
receipt of a complaint, the county director shall investigate the 123446
in-home aide, shall investigate the home of a child who is 123447
receiving publicly funded child care in the child's own home, and 123448
division (D)(2) of this section applies regarding the complaint. 123449
The caretaker parent shall permit the county director to inspect 123450
any part of the child's home. The county director shall prepare a 123451
written inspection report and furnish one copy each to the in-home 123452
aide and the caretaker parent within a reasonable time after the 123453
inspection. 123454

(2) Upon receipt of a complaint as described in division 123455
(D)(1) of this section, in addition to the investigations that are 123456
required under that division, both of the following apply: 123457

(a) If the complaint alleges that a child suffered physical 123458
harm while receiving publicly funded child care in the child's own 123459
home from an in-home aide or that the noncompliance with law or 123460
act alleged in the complaint involved, resulted in, or poses a 123461
substantial risk of physical harm to a child receiving publicly 123462
funded child care in the child's own home from an in-home aide, 123463
the county director shall inspect the home of the child. 123464

(b) If division (D)(2)(a) of this section does not apply 123465
regarding the complaint, the county director may inspect the home 123466
of the child. 123467

(3) Division (D)(2) of this section does not limit, restrict, 123468
or negate any duty of the county director to inspect a home of a 123469
child who is receiving publicly funded child care from an in-home 123470
aide that otherwise is imposed under this section, or any 123471
authority of the county director to inspect such a home that 123472
otherwise is granted under this section when the county director 123473
believes the inspection is necessary and it is permitted under the 123474
grant. 123475

Sec. 5104.13. The department of ~~job~~ children and ~~family services~~ youth shall prepare a guide describing the state statutes and rules governing the licensure of type B family day-care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the public, including type B home providers.

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Sec. 5104.14. All materials that are supplied by the department of ~~job~~ children and ~~family services~~ youth to type A family day-care home providers, type B family day-care home providers, in-home aides, persons seeking to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this section.

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Sec. 5104.21. (A) The department of ~~job~~ children and ~~family services~~ youth shall register child day camps and enforce this section and sections 5104.211 and 5104.22 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department.

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(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and sections 5104.211 and 5104.22 of the Revised Code:

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(1) A child day camp that operates for two consecutive weeks or less and for no more than a total of two weeks during each calendar year;

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(2) Supervised training, instruction, or activities of children that is conducted on an organized or periodic basis in

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specific areas or in a combination of areas for a maximum of eight 123506
hours each week, including art, drama, dance, music, athletic 123507
skill or sport, computers, or an educational subject; 123508

(3) Programs in which the department determines that at least 123509
one parent, custodian, or guardian of each child attending or 123510
participating in the child day camp is on the child day camp 123511
activity site and is readily accessible at all times, except that 123512
a child day camp on the premises of a parent's, custodian's, or 123513
guardian's place of employment shall be registered in accordance 123514
with division (A) of this section; 123515

(4) Child day camps regulated by any state department other 123516
than the department of ~~job children~~ and ~~family services youth~~; 123517

(5) A program that provides activities for children who are 123518
five years of age or older and is operated by any county, 123519
township, municipal corporation, township park district created 123520
under section 511.18 of the Revised Code, park district created 123521
under section 1545.04 of the Revised Code, or joint recreation 123522
district established under section 755.04 of the Revised Code. 123523

(C) A person, firm, organization, institution, or agency 123524
operating a child day camp that is exempt under division (B) of 123525
this section from registering under division (A) of this section 123526
may elect to register itself under division (A) of this section. 123527
All requirements of this section and the rules adopted pursuant to 123528
this section shall apply to any exempt child day camp that so 123529
elects to register. 123530

(D) The director of ~~job children~~ and ~~family services youth~~ 123531
shall adopt pursuant to Chapter 119. of the Revised Code rules 123532
prescribing the registration form and establishing the procedure 123533
for the child day camps to register. The form shall state both of 123534
the following: 123535

(1) That the child day camp administrator or the 123536

administrator's representative agrees to provide the parents of 123537
each school-age child who attends or participates in that child 123538
day camp with the telephone number of the county department of 123539
health and the public children services agency of the county in 123540
which the child day camp is located; 123541

(2) That the child day camp administrator or the 123542
administrator's representative agrees to permit a public children 123543
services agency or the county department of health to review or 123544
inspect the child day camp if a complaint is made to that 123545
department or any other state department or public children 123546
services agency against that child day camp. 123547

(E) The department may charge a fee to register a child day 123548
camp. The fee for each child day camp shall be twenty-five 123549
dollars. No organization that operates, or owner of, child day 123550
camps shall pay a fee that exceeds two hundred fifty dollars for 123551
all of its child day camps. 123552

(F) If a child day camp that is required to register under 123553
this section fails to register with the department in accordance 123554
with this section or the rules adopted pursuant to it or if a 123555
child day camp that files a registration form under this section 123556
knowingly provides false or misleading information on the 123557
registration form, the department shall require the child day camp 123558
to register or register correctly and to pay a registration fee 123559
that equals three times the registration fee as set forth in 123560
division (E) of this section. 123561

(G) A child day camp administrator or the administrator's 123562
representative shall provide the parents of each school-age child 123563
who attends or participates in that child day camp with both of 123564
the following: 123565

(1) Telephone numbers of the county department of health and 123566
the county public children services agency of the county in which 123567

the child day camp is located; 123568

(2) A statement that the parents may contact the county 123569
department or agency to make a complaint regarding the child day 123570
camp. 123571

Sec. 5104.211. (A) The director of ~~job~~ children and ~~family~~ 123572
~~services~~ youth may periodically conduct a random sampling of child 123573
day camps to determine compliance with section 5104.013 of the 123574
Revised Code. 123575

(B)(1) No child day camp shall fail to comply with section 123576
5104.013 of the Revised Code in regards to a person it appoints or 123577
employs. 123578

(2) If the director determines that a camp has violated 123579
division (B)(1) of this section, the director shall do both of the 123580
following: 123581

(a) Consider imposing a civil penalty on the camp in an 123582
amount that shall not exceed ten per cent of the camp's gross 123583
revenues for the full month immediately preceding the month in 123584
which the violation occurred. If the camp was not operating for 123585
the entire calendar month preceding the month in which the 123586
violation occurred, the penalty shall be five hundred dollars. 123587

(b) Order the camp to initiate a criminal records check of 123588
the person who is the subject of the violation within a specified 123589
period of time. 123590

(3) If, within the specified period of time, the camp fails 123591
to comply with an order to initiate a criminal records check of 123592
the person who is the subject of the violation or to release the 123593
person from the appointment or employment, the director shall do 123594
both of the following: 123595

(a) Impose a civil penalty in an amount that is not less than 123596
the amount previously imposed and that does not exceed twice the 123597

amount permitted by division (B)(2)(a) of this section; 123598

(b) Order the camp to initiate a criminal records check of 123599
the person who is the subject of the violation within a specified 123600
period of time. 123601

(C) If the director determines that a child day camp has 123602
violated division (B)(1) of this section, the director may post a 123603
notice at a prominent place at the camp that states that the camp 123604
has failed to conduct criminal records checks of its appointees or 123605
employees as required by section 5104.013 of the Revised Code. 123606
Once the camp demonstrates to the department that the camp is in 123607
compliance with that section, the director shall permit the camp 123608
to remove the notice. 123609

(D) The director may include on the web site of the 123610
department of ~~job children~~ and ~~family services~~ youth a list of 123611
child day camps that the director has determined to not be in 123612
compliance with the criminal records check requirements of section 123613
5104.013 of the Revised Code. The director shall remove a camp's 123614
name from the list when the camp demonstrates to the director that 123615
the camp is in compliance with that section. 123616

(E) For the purposes of divisions (C) and (D) of this 123617
section, a child day camp will be considered to be in compliance 123618
with section 5104.013 of the Revised Code by doing any of the 123619
following: 123620

(1) Requesting that the bureau of criminal identification and 123621
investigation conduct a criminal records check regarding the 123622
person who is the subject of the violation of division (B)(1) of 123623
this section and, if the person does not qualify for the 123624
appointment or employment, releasing the person from the 123625
appointment or employment; 123626

(2) Releasing the person who is the subject of the violation 123627
from the appointment or employment. 123628

(F) The attorney general shall commence and prosecute to 123629
judgment a civil action in a court of competent jurisdiction to 123630
collect any civil penalty imposed under this section that remains 123631
unpaid. 123632

(G) This section does not apply to a child day camp that is 123633
an approved child day camp. 123634

Sec. 5104.22. (A) The director of children and ~~family~~ 123635
~~services youth~~, ~~no later than September 1, 1993,~~ and pursuant to 123636
Chapter 119. of the Revised Code, shall adopt rules establishing a 123637
procedure and standards for the approval of child day camps that 123638
will enable an approved child day camp to receive public moneys 123639
pursuant to sections 5104.30 to 5104.39 of the Revised Code. The 123640
department of ~~job~~ children and ~~family services youth~~ may charge a 123641
reasonable fee to inspect a child day camp to determine whether 123642
that child day camp meets the standards set forth in this section 123643
or in the rules adopted under this section. The department shall 123644
approve any child day camp that meets both of the following: 123645

(1) The department inspects the camp and determines that it 123646
meets the standards established in rules adopted under this 123647
section; 123648

(2) The camp is accredited by the American camp association 123649
or a nationally recognized organization that accredits child day 123650
camps by using standards that the department has determined are 123651
substantially similar and comparable to those of the American camp 123652
association. The department shall approve a child day camp for a 123653
period of one year and shall inspect an approved child day camp on 123654
an annual basis. 123655

(B) An approved child day camp shall comply with this section 123656
and section 5104.21 of the Revised Code and the rules adopted 123657
pursuant to those sections. If an approved child day camp is not 123658
in substantial compliance with those sections or rules at any 123659

time, the department shall terminate the child day camp's approval 123660
until the child day camp complies with those sections and rules or 123661
for a period of two years, whichever period is longer. 123662

Sec. 5104.25. (A) Except as otherwise provided in division 123663
(C) of this section, no child day-care center shall permit any 123664
person to smoke in any indoor or outdoor space that is part of the 123665
center. 123666

The administrator of a child day-care center shall post in a 123667
conspicuous place at the main entrance of the center a notice 123668
stating that smoking is prohibited in any indoor or outdoor space 123669
that is part of the center, except under the conditions described 123670
in division (C) of this section. 123671

(B) Except as otherwise provided in division (C) of this 123672
section, no type A family day-care home or licensed type B family 123673
day-care home shall permit any person to smoke in any indoor or 123674
outdoor space that is part of the home during the hours the home 123675
is in operation. Smoking may be permitted during hours other than 123676
the hours of operation if the administrator of the home has 123677
provided to a parent, custodian, or guardian of each child 123678
receiving child care at the home notice that smoking occurs or may 123679
occur at the home when it is not in operation. 123680

The administrator of a type A family day-care home or a 123681
licensed type B family day-care home shall post in a conspicuous 123682
place at the main entrance of the home a notice specifying the 123683
hours the home is in operation and stating that smoking is 123684
prohibited during those hours in any indoor or outdoor space that 123685
is part of the home, except under the conditions described in 123686
division (C) of this section. 123687

(C) A child day-care center, type A family day-care home, or 123688
licensed type B family home may allow persons to smoke at the 123689
center or home during its hours of operation if those persons 123690

cannot be seen smoking by the children being cared for and if they 123691
smoke in either of the following: 123692

(1) An indoor area that is separately ventilated from the 123693
rest of the center or home; 123694

(2) An outdoor area that is so far removed from the children 123695
being cared for that they cannot inhale any smoke. 123696

(D) The director of ~~job children~~ and ~~family services youth~~, 123697
in consultation with the director of health, shall adopt rules in 123698
accordance with Chapter 119. of the Revised Code to implement the 123699
requirements of this section. These rules may prohibit smoking in 123700
a child day-care center, type A family day-care home, or licensed 123701
type B family home if its design and structure do not allow 123702
persons to smoke under the conditions described in division (C) of 123703
this section or if repeated violations of division (A) or (B) of 123704
this section have occurred there. 123705

Sec. 5104.29. (A) As used in this section, "early learning 123706
and development program" has the same meaning as "licensed child 123707
care program" as defined in section 5104.01 of the Revised Code. 123708

(B) There is hereby created in the department of ~~job children~~ 123709
and ~~family services youth~~ the step up to quality program, under 123710
which the department of ~~job children~~ and ~~family services youth~~, in 123711
cooperation with the department of education, shall develop a 123712
tiered quality rating and improvement system for all early 123713
learning and development programs in this state. The step up to 123714
quality program shall include all of the following components: 123715

(1) Quality program standards for early learning and 123716
development programs; 123717

(2) Accountability measures that include tiered ratings 123718
representing each program's level of quality; 123719

(3) Program and provider outreach and support to help 123720

programs meet higher standards and promote participation in the 123721
step up to quality program; 123722

(4) Financial incentives for early learning and development 123723
programs that provide publicly funded child care and are linked to 123724
achieving and maintaining quality standards; 123725

(5) Parent and consumer education to help parents learn about 123726
program quality and ratings so they can make informed choices on 123727
behalf of their children. 123728

(C) The step up to quality program shall have the following 123729
goals: 123730

(1) Increasing the number of low-income children, special 123731
needs children, and children with limited English proficiency 123732
participating in quality early learning and development programs; 123733

(2) Providing families with an easy-to-use tool for 123734
evaluating the quality of early learning and development programs; 123735

(3) Recognizing and supporting early learning and development 123736
programs that achieve higher levels of quality; 123737

(4) Providing incentives and supports to help early learning 123738
and development programs implement continuous quality improvement 123739
systems. 123740

(D) Under the step up to quality program, participating early 123741
learning and development programs may be eligible for grants, 123742
technical assistance, training, and other assistance. Programs 123743
that maintain a quality rating may be eligible for unrestricted 123744
monetary awards. 123745

(E) The tiered ratings developed pursuant to this section 123746
shall be based on an early learning and development program's 123747
performance in meeting program standards in the following four 123748
domains: 123749

(1) Learning and development; 123750

(2) Administration and leadership practices; 123751

(3) Staff quality and professional development; 123752

(4) Family and community partnerships. 123753

(F) The director of ~~job children~~ and ~~family services youth~~, 123754
in collaboration with the superintendent of public instruction, 123755
shall adopt rules in accordance with Chapter 119. of the Revised 123756
Code to implement the step up to quality program described in this 123757
section. 123758

Sec. 5104.30. (A) The department of ~~job children~~ and ~~family~~ 123759
~~services youth~~ is hereby designated as the state agency 123760
responsible for administration and coordination of federal and 123761
state funding for publicly funded child care in this state. 123762
Publicly funded child care shall be provided to the following: 123763

(1) Recipients of transitional child care as provided under 123764
section 5104.34 of the Revised Code; 123765

(2) Participants in the Ohio works first program established 123766
under Chapter 5107. of the Revised Code; 123767

(3) Individuals who would be participating in the Ohio works 123768
first program if not for a sanction under section 5107.16 of the 123769
Revised Code and who continue to participate in a work activity, 123770
developmental activity, or alternative work activity pursuant to 123771
an assignment under section 5107.42 of the Revised Code; 123772

(4) A family receiving publicly funded child care on October 123773
1, 1997, until the family's income reaches one hundred fifty per 123774
cent of the federal poverty line; 123775

(5) Subject to available funds, other individuals determined 123776
eligible in accordance with rules adopted under section 5104.38 of 123777
the Revised Code. 123778

The department shall apply to the United States department of 123779

health and human services for authority to operate a coordinated 123780
program for publicly funded child care, if the director of ~~job~~ 123781
children and ~~family services~~ youth determines that the application 123782
is necessary. For purposes of this section, the department of ~~job~~ 123783
children and ~~family services~~ youth may enter into agreements with 123784
other state agencies that are involved in regulation or funding of 123785
child care. The department shall consider the special needs of 123786
migrant workers when it administers and coordinates publicly 123787
funded child care and shall develop appropriate procedures for 123788
accommodating the needs of migrant workers for publicly funded 123789
child care. 123790

(B) The department of ~~job~~ children and ~~family services~~ youth 123791
shall distribute state and federal funds for publicly funded child 123792
care, including appropriations of state funds for publicly funded 123793
child care and appropriations of federal funds available under the 123794
child care block grant act, Title IV-A, and Title XX. The 123795
department may use any state funds appropriated for publicly 123796
funded child care as the state share required to match any federal 123797
funds appropriated for publicly funded child care. 123798

(C) In the use of federal funds available under the child 123799
care block grant act, all of the following apply: 123800

(1) The department may use the federal funds to hire staff to 123801
prepare any rules required under this chapter and to administer 123802
and coordinate federal and state funding for publicly funded child 123803
care. 123804

(2) Not more than five per cent of the aggregate amount of 123805
the federal funds received for a fiscal year may be expended for 123806
administrative costs. 123807

(3) The department shall allocate and use at least four per 123808
cent of the federal funds for the following: 123809

(a) Activities designed to provide comprehensive consumer 123810

education to parents and the public; 123811

(b) Activities that increase parental choice; 123812

(c) Activities, including child care resource and referral 123813
services, designed to improve the quality, and increase the 123814
supply, of child care; 123815

(d) Establishing the step up to quality program pursuant to 123816
section 5104.29 of the Revised Code. 123817

(4) The department shall ensure that the federal funds will 123818
be used only to supplement, and will not be used to supplant, 123819
federal, state, and local funds available on the effective date of 123820
the child care block grant act for publicly funded child care and 123821
related programs. If authorized by rules adopted by the department 123822
pursuant to section 5104.42 of the Revised Code, county 123823
departments of job and family services may purchase child care 123824
from funds obtained through any other means. 123825

(D) The department shall encourage the development of 123826
suitable child care throughout the state, especially in areas with 123827
high concentrations of recipients of public assistance and 123828
families with low incomes. The department shall encourage the 123829
development of suitable child care designed to accommodate the 123830
special needs of migrant workers. On request, the department, 123831
through its employees or contracts with state or community child 123832
care resource and referral service organizations, shall provide 123833
consultation to groups and individuals interested in developing 123834
child care. The department of ~~job children~~ and ~~family services~~ 123835
youth may enter into interagency agreements with the department of 123836
education, the chancellor of higher education, the department of 123837
development, and other state agencies and entities whenever the 123838
cooperative efforts of the other state agencies and entities are 123839
necessary for the department of ~~job children~~ and ~~family services~~ 123840
youth to fulfill its duties and responsibilities under this 123841

chapter. 123842

The department shall develop and maintain a registry of 123843
persons providing child care. The director shall adopt rules in 123844
accordance with Chapter 119. of the Revised Code establishing 123845
procedures and requirements for the registry's administration. 123846

(E)(1) The director shall adopt rules in accordance with 123847
Chapter 119. of the Revised Code establishing both of the 123848
following: 123849

(a) Reimbursement rates for providers of publicly funded 123850
child care not later than the first day of July in each 123851
odd-numbered year; 123852

(b) A procedure for reimbursing and paying providers of 123853
publicly funded child care. 123854

(2) In establishing reimbursement rates under division 123855
(E)(1)(a) of this section, the director shall do all of the 123856
following: 123857

(a) Use the information obtained in accordance with 45 C.F.R. 123858
98.45; 123859

(b) Establish an enhanced reimbursement rate for providers 123860
who provide child care for caretaker parents who work 123861
nontraditional hours; 123862

(c) With regard to the step up to quality program established 123863
pursuant to section 5104.29 of the Revised Code, establish 123864
enhanced reimbursement rates for child day-care providers that 123865
participate in the program. 123866

(3) In establishing reimbursement rates under division 123867
(E)(1)(a) of this section, the director may establish different 123868
reimbursement rates based on any of the following: 123869

(a) Geographic location of the provider; 123870

(b) Type of care provided; 123871

(c) Age of the child served;	123872
(d) Special needs of the child served;	123873
(e) Whether the expanded hours of service are provided;	123874
(f) Whether weekend service is provided;	123875
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	123876 123877
(h) Any other factors the director considers appropriate.	123878
Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child care. A program established under this section may include any of the following:	123879 123880 123881 123882 123883 123884
(A) Recruitment of parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;	123885 123886 123887
(B) Provision of technical assistance in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;	123888 123889 123890
(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home.	123891 123892 123893 123894
A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care center or parent cooperative type A family day-care home organized pursuant to this section.	123895 123896 123897 123898 123899
Parents of children enrolled in a parent cooperative child	123900

day-care center or parent cooperative type A family day-care home 123901
pursuant to this section shall be required to work in the center 123902
or home a minimum of four hours per week. 123903

The director of ~~job~~ children and ~~family services~~ youth shall 123904
adopt rules governing the establishment and operation of programs 123905
under this section. 123906

Sec. 5104.31. (A) Publicly funded child care may be provided 123907
only by the following: 123908

(1) Any of the following licensed by the department of ~~job~~ 123909
children and ~~family services~~ youth pursuant to section 5104.03 of 123910
the Revised Code or pursuant to rules adopted under section 123911
5104.018 of the Revised Code: 123912

(a) A child day-care center, including a parent cooperative 123913
child day-care center; 123914

(b) A type A family day-care home, including a parent 123915
cooperative type A family day-care home; 123916

(c) A licensed type B family day-care home. 123917

(2) An in-home aide who has been certified by the county 123918
department of job and family services pursuant to section 5104.12 123919
of the Revised Code; 123920

(3) A child day camp approved pursuant to section 5104.22 of 123921
the Revised Code; 123922

(4) A licensed preschool program; 123923

(5) A licensed school child program; 123924

(6) A border state child care provider, except that a border 123925
state child care provider may provide publicly funded child care 123926
only to an individual who resides in an Ohio county that borders 123927
the state in which the provider is located. 123928

(B) Publicly funded child day-care may be provided in a 123929

child's own home only by an in-home aide. 123930

(C)(1) Except as provided in division (C)(2) of this section, 123931
a licensed child care program may provide publicly funded child 123932
care only if the program is rated through the step up to quality 123933
program established pursuant to section 5104.29 of the Revised 123934
Code. 123935

(2) A licensed child care program that is any of the 123936
following may provide publicly funded child care without being 123937
rated through the step up to quality program: 123938

(a) A program that operates only during the summer and for 123939
not more than fifteen consecutive weeks; 123940

(b) A program that operates only during school breaks; 123941

(c) A program that operates only on weekday evenings, 123942
weekends, or both; 123943

(d) A program that holds a provisional license issued under 123944
section 5104.03 of the Revised Code; 123945

(e) A program that had its step up to quality program rating 123946
~~removed by the department of job and family services~~ within the 123947
previous twelve months; 123948

(f) A program that is the subject of a revocation action 123949
initiated by the department, but the license has not yet been 123950
revoked; 123951

(g) A program that provides publicly funded child care to 123952
less than twenty-five per cent of the program's license capacity; 123953

(h) A program that is a type A family day-care home or 123954
licensed type B family day-care home. 123955

Sec. 5104.32. (A) All purchases of publicly funded child care 123956
shall be made under a contract entered into by a licensed child 123957
day-care center, licensed type A family day-care home, licensed 123958

type B family day-care home, certified in-home aide, approved 123959
child day camp, licensed preschool program, licensed school child 123960
program, or border state child care provider and the department of 123961
~~job children~~ and ~~family services~~ youth. All contracts for publicly 123962
funded child care shall be contingent upon the availability of 123963
state and federal funds. The department shall prescribe a standard 123964
form to be used for all contracts for the purchase of publicly 123965
funded child care, regardless of the source of public funds used 123966
to purchase the child care. To the extent permitted by federal law 123967
and notwithstanding any other provision of the Revised Code that 123968
regulates state contracts or contracts involving the expenditure 123969
of state or federal funds, all contracts for publicly funded child 123970
care shall be entered into in accordance with the provisions of 123971
this chapter and are exempt from any other provision of the 123972
Revised Code that regulates state contracts or contracts involving 123973
the expenditure of state or federal funds. 123974

(B) Each contract for publicly funded child care shall 123975
specify at least the following: 123976

(1) That the provider of publicly funded child care agrees to 123977
be paid for rendering services at the lower of the rate 123978
customarily charged by the provider for children enrolled for 123979
child care or the reimbursement rate of payment established 123980
pursuant to section 5104.30 of the Revised Code; 123981

(2) That, if a provider provides child care to an individual 123982
potentially eligible for publicly funded child care who is 123983
subsequently determined to be eligible, the department agrees to 123984
pay for all child care provided between the date the county 123985
department of job and family services receives the individual's 123986
completed application and the date the individual's eligibility is 123987
determined; 123988

(3) Whether the county department of job and family services, 123989

the provider, or a child care resource and referral service 123990
organization will make eligibility determinations, whether the 123991
provider or a child care resource and referral service 123992
organization will be required to collect information to be used by 123993
the county department to make eligibility determinations, and the 123994
time period within which the provider or child care resource and 123995
referral service organization is required to complete required 123996
eligibility determinations or to transmit to the county department 123997
any information collected for the purpose of making eligibility 123998
determinations; 123999

(4) That the provider, other than a border state child care 124000
provider, shall continue to be licensed, approved, or certified 124001
pursuant to this chapter and shall comply with all standards and 124002
other requirements in this chapter and in rules adopted pursuant 124003
to this chapter for maintaining the provider's license, approval, 124004
or certification; 124005

(5) That, in the case of a border state child care provider, 124006
the provider shall continue to be licensed, certified, or 124007
otherwise approved by the state in which the provider is located 124008
and shall comply with all standards and other requirements 124009
established by that state for maintaining the provider's license, 124010
certificate, or other approval; 124011

(6) Whether the provider will be paid by the ~~state~~ department 124012
of ~~job children~~ and ~~family services~~ youth or in some other manner 124013
as prescribed by rules adopted under section 5104.42 of the 124014
Revised Code; 124015

(7) That the contract is subject to the availability of state 124016
and federal funds. 124017

(C)(1) The department shall establish an automated child care 124018
system to track attendance and calculate payments for publicly 124019
funded child care. 124020

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;

(b) Falsify attendance records;

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible;

(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home.

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:

(1) The terms of the contract entered into under this section;

(2) This chapter or any rules adopted under it.

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment

determinations, and contract terminations is final and is not 124051
subject to appeal, hearing, or further review under Chapter 119. 124052
of the Revised Code. 124053

Sec. 5104.33. (A) The department of ~~job children and family~~ 124054
~~services youth~~ shall prescribe an application form for use in 124055
making eligibility determinations for publicly funded child care. 124056
The form shall be as brief and simple as practicable. 124057

(B) In administering the process of applying for publicly 124058
funded child care, the county department of job and family 124059
services shall implement policies designed to ensure that the 124060
application process is as accessible to the public as possible. 124061
These policies shall include making the application forms 124062
available at appropriate locations selected by the county 124063
department and making arrangements that enable applicants to 124064
complete the application process at times outside their normal 124065
working hours, and at locations, convenient for them. The 124066
arrangements may include stationing certain of their employees at 124067
various sites in the county for the purpose of assisting 124068
applicants in completing the application process and of making 124069
eligibility determinations at those locations. The arrangements 124070
may also include providing training and technical assistance to 124071
appropriate entities that qualify them to provide assistance in 124072
completing the application process and, to the extent permitted by 124073
federal law, to make eligibility determinations. 124074

Each county department of job and family services shall 124075
submit to the department of ~~job children and family services youth~~ 124076
for approval its plan for ensuring that the application process is 124077
as accessible to the public as possible and complies with this 124078
division. The county department shall make any changes to its plan 124079
that the department determines are necessary for compliance with 124080
this division and with any state standards adopted for the 124081

administration of this division. 124082

Sec. 5104.34. (A)(1) Each county department of job and family 124083
services shall implement procedures for making determinations of 124084
eligibility for publicly funded child care. Under those 124085
procedures, the eligibility determination for each applicant shall 124086
be made no later than thirty calendar days from the date the 124087
county department receives a completed application for publicly 124088
funded child care. Each applicant shall be notified promptly of 124089
the results of the eligibility determination. An applicant 124090
aggrieved by a decision or delay in making an eligibility 124091
determination may appeal the decision or delay to the department 124092
of ~~job children~~ and ~~family services~~ youth in accordance with 124093
section 5101.35 of the Revised Code. The due process rights of 124094
applicants shall be protected. 124095

To the extent permitted by federal law, the county department 124096
may make all determinations of eligibility for publicly funded 124097
child care, may contract with child care providers or child care 124098
resource and referral service organizations for the providers or 124099
resource and referral service organizations to make all or any 124100
part of the determinations, and may contract with child care 124101
providers or child care resource and referral service 124102
organizations for the providers or resource and referral service 124103
organizations to collect specified information for use by the 124104
county department in making determinations. If a county department 124105
contracts with a child care provider or a child care resource and 124106
referral service organization for eligibility determinations or 124107
for the collection of information, the contract shall require the 124108
provider or resource and referral service organization to make 124109
each eligibility determination no later than thirty calendar days 124110
from the date the provider or resource and referral organization 124111
receives a completed application that is the basis of the 124112
determination and to collect and transmit all necessary 124113

information to the county department within a period of time that 124114
enables the county department to make each eligibility 124115
determination no later than thirty days after the filing of the 124116
application that is the basis of the determination. 124117

The county department may station employees of the department 124118
in various locations throughout the county to collect information 124119
relevant to applications for publicly funded child care and to 124120
make eligibility determinations. The county department, child care 124121
provider, and child care resource and referral service 124122
organization shall make each determination of eligibility for 124123
publicly funded child care no later than thirty days after the 124124
filing of the application that is the basis of the determination, 124125
shall make each determination in accordance with any relevant 124126
rules adopted pursuant to section 5104.38 of the Revised Code, and 124127
shall notify promptly each applicant for publicly funded child 124128
care of the results of the determination of the applicant's 124129
eligibility. 124130

The director of ~~job children~~ and ~~family services~~ youth shall 124131
adopt rules in accordance with Chapter 119. of the Revised Code 124132
for monitoring the eligibility determination process. In 124133
accordance with those rules, the state department shall monitor 124134
eligibility determinations made by county departments of job and 124135
family services and shall direct any entity that is not in 124136
compliance with this division or any rule adopted under this 124137
division to implement corrective action specified by the 124138
department. 124139

(2)(a) All eligibility determinations for publicly funded 124140
child care shall be made in accordance with rules adopted pursuant 124141
to division (A) of section 5104.38 of the Revised Code. Except as 124142
otherwise provided in this section, all of the following apply: 124143

(i) Publicly funded child care may be provided only to 124144
eligible infants, toddlers, preschool-age children, school-age 124145

children under age thirteen, or children receiving special needs 124146
child care. 124147

(ii) For an applicant to be eligible for publicly funded 124148
child care, the caretaker parent must be employed or participating 124149
in a program of education or training for an amount of time 124150
reasonably related to the time that the parent's children are 124151
receiving publicly funded child care. This restriction does not 124152
apply to families whose children are eligible for protective child 124153
care. 124154

(iii) The eligibility period for publicly funded child care 124155
shall be at least twelve months. 124156

(b) In accordance with rules adopted under division (B) of 124157
section 5104.38 of the Revised Code, an applicant may receive 124158
publicly funded child care while the county department determines 124159
eligibility. An applicant may receive publicly funded child care 124160
while a county department determines eligibility only once during 124161
a twelve-month period. If the county department determines that an 124162
applicant is not eligible for publicly funded child care, the 124163
child care provider shall be paid for providing publicly funded 124164
child care for up to five days after that determination if the 124165
county department received a completed application with all 124166
required documentation. A program may appeal a denial of payment 124167
under this division. 124168

(c) If a caretaker parent who has been determined eligible to 124169
receive publicly funded child care no longer meets the 124170
requirements of division (A)(2)(a)(ii) of this section, the 124171
caretaker parent may continue to receive publicly funded child 124172
care for a period of at least three but not more than four months 124173
not to extend beyond the caretaker parent's eligibility period. 124174

(d) If a child turns thirteen, or if a child receiving 124175
special needs child care turns eighteen, during the eligibility 124176

period, the caretaker parent may continue to receive publicly funded child care until the end of that eligibility period.

Subject to available funds, the department of ~~job children~~ and ~~family services~~ youth shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the eligibility period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of ~~job children~~ and ~~family services~~ youth may require a caretaker

parent determined to be eligible for publicly funded child care to 124208
pay a fee according to the schedule of fees established in rules 124209
adopted under section 5104.38 of the Revised Code. The department 124210
shall make protective child care services and homeless child care 124211
services available to children without regard to the income or 124212
assets of the caretaker parent of the child. 124213

(C) A caretaker parent receiving publicly funded child care 124214
shall report to the entity that determined eligibility any changes 124215
in status with respect to employment or participation in a program 124216
of education or training not later than ten calendar days after 124217
the change occurs. 124218

(D) If the department of ~~job children~~ and ~~family services~~ 124219
youth determines that available resources are not sufficient to 124220
provide publicly funded child care to all eligible families who 124221
request it, the department may establish a waiting list. The 124222
department may establish separate waiting lists within the waiting 124223
list based on income. 124224

(E) A caretaker parent shall not receive publicly funded 124225
child care from more than one child care provider per child during 124226
a week, unless a county department grants the family an exemption 124227
for one of the following reasons: 124228

(1) The child needs additional care during non-traditional 124229
hours; 124230

(2) The child needs to change providers in the middle of the 124231
week and the hours of care provided by the providers do not 124232
overlap; 124233

(3) The child's provider is closed on scheduled school days 124234
off or on calamity days. 124235

(F) As used in this section, "maximum income eligibility 124236
limit" means the amount of income specified in rules adopted under 124237
division (A) of section 5104.38 of the Revised Code. 124238

Sec. 5104.36. The licensee or administrator of a child day-care center, type A family day-care home, or licensed type B family day-care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of ~~job children and family services~~ youth on request. The record shall include all of the following:

- (A) The name and date of birth of the child;
- (B) The name and address of the child's caretaker parent;
- (C) The name and address of the caretaker parent's place of employment or program of education or training;
- (D) The hours for which child care services have been provided for the child;
- (E) Any other information required by the county department of job and family services or the ~~state~~ department of ~~job children and family services~~ youth.

Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of ~~job children and family~~ youth services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:

- (A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial

and continued eligibility. The maximum amount shall not exceed 124269
three hundred per cent of the federal poverty line. The rules may 124270
specify exceptions to the eligibility requirements in the case of 124271
a family that previously received publicly funded child care and 124272
is seeking to have the child care reinstated after the family's 124273
eligibility was terminated. 124274

(B) Procedures under which an applicant for publicly funded 124275
child care may receive publicly funded child care while the county 124276
department of job and family services determines eligibility and 124277
under which a child care provider may appeal a denial of payment 124278
under division (A)(2)(b) of section 5104.34 of the Revised Code; 124279

(C) A schedule of fees requiring all eligible caretaker 124280
parents to pay a fee for publicly funded child care according to 124281
income and family size, which shall be uniform for all types of 124282
publicly funded child care, except as authorized by rule, and, to 124283
the extent permitted by federal law, shall permit the use of state 124284
and federal funds to pay the customary deposits and other advance 124285
payments that a provider charges all children who receive child 124286
care from that provider. 124287

(D) A formula for determining the amount of state and federal 124288
funds appropriated for publicly funded child care that may be 124289
allocated to a county department to use for administrative 124290
purposes; 124291

(E) Procedures to be followed by the department and county 124292
departments in recruiting individuals and groups to become 124293
providers of child care; 124294

(F) Procedures to be followed in establishing state or local 124295
programs designed to assist individuals who are eligible for 124296
publicly funded child care in identifying the resources available 124297
to them and to refer the individuals to appropriate sources to 124298
obtain child care; 124299

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	124300 124301
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	124302 124303
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	124304 124305
(J) A definition of "person who stands in loco parentis" for the purposes of division (LL)(3) of section 5104.01 of the Revised Code;	124306 124307 124308
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	124309 124310 124311 124312 124313
(L) If the director establishes a different reimbursement rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	124314 124315 124316 124317 124318
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;	124319 124320 124321 124322 124323 124324 124325 124326
(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.	124327 124328
Sec. 5104.382. In adopting rules under division (A) of	124329

section 5104.38 of the Revised Code establishing criteria for 124330
eligibility for publicly funded child care, the director of ~~job~~ 124331
children and ~~family services~~ youth may prescribe the amount, 124332
duration, and scope of benefits available as publicly funded child 124333
care. 124334

Sec. 5104.39. (A) The director of ~~job~~ children and ~~family~~ 124335
~~services~~ youth shall adopt rules in accordance with Chapter 119. 124336
of the Revised Code establishing a procedure for monitoring the 124337
expenditures for publicly funded child care to ensure that 124338
expenditures do not exceed the available federal and state funds 124339
for publicly funded child care. The department of ~~job~~ children and 124340
~~family services~~ youth, with the assistance of the office of budget 124341
and management and the child care advisory council created 124342
pursuant to section 5104.08 of the Revised Code, shall monitor the 124343
anticipated future expenditures for publicly funded child care and 124344
shall compare those anticipated future expenditures to available 124345
federal and state funds for publicly funded child care. Whenever 124346
the department determines that the anticipated future expenditures 124347
for publicly funded child care will exceed the available federal 124348
and state funds, the department shall promptly notify the county 124349
departments of job and family services and, before the available 124350
state and federal funds are used, the director shall issue and 124351
implement an administrative order that shall specify both of the 124352
following: 124353

(1) Priorities for expending the remaining available federal 124354
and state funds for publicly funded child care; 124355

(2) Instructions and procedures to be used by the county 124356
departments regarding eligibility determinations. 124357

(B) The order may do any or all of the following: 124358

(1) Suspend enrollment of all new participants in any program 124359

of publicly funded child care;	124360
(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;	124361 124362 124363
(3) Disenroll existing participants with income above a specified percentage of the federal poverty line;	124364 124365
(4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;	124366 124367 124368
(5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code.	124369 124370 124371
(C) Each county department shall comply with the order no later than thirty days after it is issued.	124372 124373
(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.	124374 124375 124376 124377 124378 124379 124380 124381 124382 124383 124384
(E) The department of job <u>children</u> and family services <u>youth</u> shall do all of the following:	124385 124386
(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code;	124387 124388 124389

(2) Prepare reports based upon the evaluations that specify 124390
for each county the number of participants and amount of 124391
expenditures; 124392

(3) Provide copies of the reports to both houses of the 124393
general assembly and, on request, to interested parties. 124394

Sec. 5104.42. (A) The director of ~~job~~ children and ~~family~~ 124395
~~services~~ youth shall adopt rules pursuant to section 111.15 of the 124396
Revised Code establishing a payment procedure for publicly funded 124397
child care. 124398

(B) The director, by rule adopted in accordance with section 124399
111.15 of the Revised Code, may establish a methodology for 124400
allocating the state and federal funds appropriated for publicly 124401
funded child care. 124402

Sec. 5104.44. On receipt of a notice pursuant to section 124403
3123.43 of the Revised Code, the department of ~~job~~ children and 124404
~~family services~~ youth shall comply with sections 3123.41 to 124405
3123.50 of the Revised Code and any applicable rules adopted under 124406
section 3123.63 of the Revised Code with respect to a license or 124407
certificate issued pursuant to this chapter. 124408

Sec. ~~3301.90~~ 5104.50. The governor shall create the early 124409
childhood advisory council in accordance with 42 U.S.C. 124410
9837b(b)(1) and shall appoint one of its members to serve as 124411
chairperson of the council. The council shall serve as the state 124412
advisory council on early childhood education and care, as 124413
described in 42 U.S.C. 9837b(b)(1). In addition to the duties 124414
specified in 42 U.S.C. 9837b(b)(1), the council shall promote 124415
family-centered programs and services that acknowledge and support 124416
the social, emotional, cognitive, intellectual, and physical 124417
development of children and the vital role of families in ensuring 124418
the well-being and success of children. 124419

Sec. 5104.51. The department of children and youth shall 124420
license a preschool program pursuant to sections 3301.52 to 124421
3301.59 of the Revised Code. 124422

Sec. 5104.52. (A) The department of children and youth shall 124423
develop a diagnostic assessment designed to measure each student's 124424
readiness for kindergarten. The kindergarten readiness assessment 124425
shall not include components to identify gifted students. Blank 124426
copies of the kindergarten readiness assessment shall be public 124427
records. 124428

(B) When the kindergarten readiness assessment has been 124429
completed, the department shall inform all school districts of its 124430
completion and the department shall make the kindergarten 124431
readiness assessment available to districts at no cost to the 124432
district. 124433

(C) School districts shall administer the kindergarten 124434
readiness assessment pursuant to section 3301.0715 of the Revised 124435
Code beginning the first school year following the development of 124436
the kindergarten readiness assessment. Prior to that school year, 124437
school districts shall administer the kindergarten readiness 124438
assessment that was developed by the department of education under 124439
section 3301.0715 of the Revised as it existed prior to the 124440
effective date of this section. 124441

Sec. 5107.24. (A) As used in this section: 124442

(1) "Adult-supervised living arrangement" means a family 124443
setting approved, licensed, or certified by the department of job 124444
and family services, the department of mental health and addiction 124445
services, the department of developmental disabilities, the 124446
department of youth services, a public children services agency, a 124447
private child placing agency, or a private noncustodial agency 124448
that is maintained by a person age eighteen or older who assumes 124449

responsibility for the care and control of a minor parent, 124450
pregnant minor, or child of a minor parent or provides the minor 124451
parent, pregnant minor, or child of a minor parent supportive 124452
services, including counseling, guidance, and supervision. 124453
"Adult-supervised living arrangement" does not mean a public 124454
institution. 124455

(2) "Child of a minor parent" means a child born to a minor 124456
parent, except that the child ceases to be considered a child of 124457
minor parent when the minor parent attains age eighteen. 124458

(3) "Minor parent" means a parent who is under age eighteen 124459
and is not married. 124460

(4) "Pregnant minor" means a pregnant person who is under age 124461
eighteen and not married. 124462

(B)(1) Except as provided in division (B)(2) of this section 124463
and to the extent permitted by Title IV-A and federal regulations 124464
adopted under Title IV-A, a pregnant minor, minor parent, or child 124465
of a minor parent must reside in a place of residence maintained 124466
by a parent, guardian, custodian, or specified relative of the 124467
pregnant minor or minor parent as the parent's, guardian's, 124468
custodian's, or specified relative's own home to be eligible to 124469
participate in Ohio works first. 124470

(2) To the extent permitted by Title IV-A and federal 124471
regulations adopted under it, a pregnant minor, minor parent, or 124472
child of a minor parent is exempt from the requirement of division 124473
(B)(1) of this section if any of the following apply: 124474

(a) The minor parent or pregnant minor does not have a 124475
parent, guardian, custodian, or specified relative living or whose 124476
whereabouts are known. 124477

(b) No parent, guardian, custodian, or specified relative of 124478
the minor parent or pregnant minor will allow the pregnant minor, 124479
minor parent, or minor parent's child to live in the parent's, 124480

guardian's, custodian's, or specified relative's home. 124481

(c) The department of job and family services, the department 124482
of children and youth, a county department of job and family 124483
services, or a public children services agency determines that the 124484
physical or emotional health or safety of the pregnant minor, 124485
minor parent, or minor parent's child would be in jeopardy if the 124486
pregnant minor, minor parent, or minor parent's child lived in the 124487
same home as the parent, guardian, custodian, or specified 124488
relative. 124489

(d) The department of job and family services, the department 124490
of children and youth, a county department of job and family 124491
services, or a public children services agency otherwise 124492
determines that it is in the best interest of the pregnant minor, 124493
minor parent, or minor parent's child to waive the requirement of 124494
division (B)(1) of this section. 124495

(C) A pregnant minor, minor parent, or child of a minor 124496
parent exempt from the requirement of division (B)(1) of this 124497
section must reside in an adult-supervised living arrangement to 124498
be eligible to participate in Ohio works first. 124499

(D) The department of job and family services, whenever 124500
possible and to the extent permitted by Title IV-A and federal 124501
regulations adopted under it, shall provide cash assistance under 124502
Ohio works first to the parent, guardian, custodian, or specified 124503
relative of a pregnant minor or minor parent on behalf of the 124504
pregnant minor, minor parent, or minor parent's child. 124505

Sec. 5123.02. The department of developmental disabilities 124506
shall do the following: 124507

(A) Promote comprehensive statewide programs and services for 124508
persons with developmental disabilities and their families 124509
wherever they reside in the state. These programs shall include 124510

public awareness, prevention, assessment, treatment, training, and care. 124511
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(B) Provide administrative leadership for statewide services; 124513

(C) Develop and maintain, to the extent feasible, data on all services and programs that governmental and private agencies provide for persons with developmental disabilities; 124514
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(D) Provide leadership to local authorities in planning and developing community-wide services for persons with developmental disabilities and their families; 124517
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(E) Promote programs of professional training and research in cooperation with other state departments, agencies, and institutions of higher learning; 124520
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~~(F) Serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), to implement the state's part C early intervention services program, through which early intervention services are provided to eligible infants and toddlers in accordance with part C of the "Individuals with Disabilities Education Act," 20 U.S.C. 1431 et seq., and regulations implementing that part in 34 C.F.R. part 303.~~ 124523
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Sec. 5123.026. (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, children and youth, and transportation; and the opportunities for Ohioans with disabilities agency. 124530
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(B) The task force shall do all of the following: 124537

(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities; 124538
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(2) Use technology to reduce the barriers individuals with developmental disabilities experience; 124541
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(3) Align policies for all state agencies on the task force. 124543

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following: 124544
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(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 124548
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(2) The projects and activities of the task force. 124551

(D) The department and state agencies may adopt rules to implement the task force. 124552
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Sec. 5139.39. The department of youth services, in the manner provided in this chapter and Chapter 2151. of the Revised Code, may transfer to a foster care facility certified by the department of ~~job children~~ and ~~family services youth~~ under section 5103.03 of the Revised Code, any child committed to it and, in the event of a transfer of that nature, unless otherwise mutually agreed, the department of youth services shall bear the cost of care and services provided for the child in the foster care facility. A juvenile court may transfer to any foster facility certified by the department of ~~job children~~ and ~~family services youth~~ any child between twelve and eighteen years of age, other than a psychotic child or a child with an intellectual disability, who has been designated a delinquent child and placed on probation by order of the juvenile court as a result of having violated any law of this state or the United States or any ordinance of a political subdivision of this state. 124554
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Sec. 5153.01. (A) As used in the Revised Code, "public 124570

children services agency" means an entity specified in section 124571
5153.02 of the Revised Code that has assumed the powers and duties 124572
of the children services function prescribed by this chapter for a 124573
county. 124574

(B) As used in this chapter: 124575

(1) "Certified foster home" means a foster home, as defined 124576
in section 5103.02 of the Revised Code, certified under section 124577
5103.03 of the Revised Code. 124578

(2) "Certified organization" means any organization holding a 124579
certificate issued pursuant to section 5103.03 of the Revised Code 124580
that is in full force and effect. 124581

(3) "Child" means any person under eighteen years of age or a 124582
person with a mental or physical disability, as defined by rule 124583
adopted by the director of ~~job~~ children and ~~family services~~ youth, 124584
under twenty-one years of age. 124585

(4) "Executive director" means the person charged with the 124586
responsibility of administering the powers and duties of a public 124587
children services agency appointed pursuant to section 5153.10 of 124588
the Revised Code. 124589

(5) "Organization" means any public, semipublic, or private 124590
institution, including maternity homes and day nurseries, and any 124591
private association, society, or agency, located or operating in 124592
this state, incorporated or unincorporated, having among its 124593
functions the furnishing of protective services or care for 124594
children or the placement of children in certified foster homes or 124595
elsewhere. 124596

(6) "PCSA caseworker" means an individual employed by a 124597
public children services agency as a caseworker. 124598

(7) "PCSA caseworker supervisor" means an individual employed 124599
by a public children services agency to supervise PCSA 124600

caseworkers. 124601

Sec. 5153.111. (A)(1) The executive director of a public 124602
children services agency shall request the superintendent of the 124603
bureau of criminal identification and investigation to conduct a 124604
criminal records check with respect to any applicant who has 124605
applied to the agency for employment as a person responsible for 124606
the care, custody, or control of a child. If the applicant does 124607
not present proof that the applicant has been a resident of this 124608
state for the five-year period immediately prior to the date upon 124609
which the criminal records check is requested or does not provide 124610
evidence that within that five-year period the superintendent has 124611
requested information about the applicant from the federal bureau 124612
of investigation in a criminal records check, the executive 124613
director shall request that the superintendent obtain information 124614
from the federal bureau of investigation as a part of the criminal 124615
records check for the applicant. If the applicant presents proof 124616
that the applicant has been a resident of this state for that 124617
five-year period, the executive director may request that the 124618
superintendent include information from the federal bureau of 124619
investigation in the criminal records check. 124620

(2) Any person required by division (A)(1) of this section to 124621
request a criminal records check shall provide to each applicant a 124622
copy of the form prescribed pursuant to division (C)(1) of section 124623
109.572 of the Revised Code, provide to each applicant a standard 124624
impression sheet to obtain fingerprint impressions prescribed 124625
pursuant to division (C)(2) of section 109.572 of the Revised 124626
Code, obtain the completed form and impression sheet from each 124627
applicant, and forward the completed form and impression sheet to 124628
the superintendent of the bureau of criminal identification and 124629
investigation at the time the person requests a criminal records 124630
check pursuant to division (A)(1) of this section. 124631

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, that agency shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the director of ~~job children~~ and ~~family services~~ youth in accordance with division (E) of this section, no public children services agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the

violation occurred prior to that date, a violation of section 124664
2925.11 of the Revised Code that is not a minor drug possession 124665
offense, or felonious sexual penetration in violation of former 124666
section 2907.12 of the Revised Code; 124667

(b) A violation of an existing or former law of this state, 124668
any other state, or the United States that is substantially 124669
equivalent to any of the offenses or violations described in 124670
division (B)(1)(a) of this section. 124671

(2) A public children services agency may employ an applicant 124672
conditionally until the criminal records check required by this 124673
section is completed and the agency receives the results of the 124674
criminal records check. If the results of the criminal records 124675
check indicate that, pursuant to division (B)(1) of this section, 124676
the applicant does not qualify for employment, the agency shall 124677
release the applicant from employment. 124678

(C)(1) Each public children services agency shall pay to the 124679
bureau of criminal identification and investigation the fee 124680
prescribed pursuant to division (C)(3) of section 109.572 of the 124681
Revised Code for each criminal records check conducted in 124682
accordance with that section upon the request pursuant to division 124683
(A)(1) of this section of the executive director of the agency. 124684

(2) A public children services agency may charge an applicant 124685
a fee for the costs it incurs in obtaining a criminal records 124686
check under this section. A fee charged under this division shall 124687
not exceed the amount of fees the agency pays under division 124688
(C)(1) of this section. If a fee is charged under this division, 124689
the agency shall notify the applicant at the time of the 124690
applicant's initial application for employment of the amount of 124691
the fee and that, unless the fee is paid, the agency will not 124692
consider the applicant for employment. 124693

(D) The report of any criminal records check conducted by the 124694

bureau of criminal identification and investigation in accordance 124695
with section 109.572 of the Revised Code and pursuant to a request 124696
under division (A)(1) of this section is not a public record for 124697
the purposes of section 149.43 of the Revised Code and shall not 124698
be made available to any person other than the applicant who is 124699
the subject of the criminal records check or the applicant's 124700
representative, the public children services agency requesting the 124701
criminal records check or its representative, and any court, 124702
hearing officer, or other necessary individual involved in a case 124703
dealing with the denial of employment to the applicant. 124704

(E) The director of ~~job children and family services~~ youth 124705
shall adopt rules pursuant to Chapter 119. of the Revised Code to 124706
implement this section, including rules specifying circumstances 124707
under which a public children services agency may hire a person 124708
who has been convicted of an offense listed in division (B)(1) of 124709
this section but who meets standards in regard to rehabilitation 124710
set by the department. 124711

(F) Any person required by division (A)(1) of this section to 124712
request a criminal records check shall inform each person, at the 124713
time of the person's initial application for employment, that the 124714
person is required to provide a set of impressions of the person's 124715
fingerprints and that a criminal records check is required to be 124716
conducted and satisfactorily completed in accordance with section 124717
109.572 of the Revised Code if the person comes under final 124718
consideration for appointment or employment as a precondition to 124719
employment for that position. 124720

(G) As used in this section: 124721

(1) "Applicant" means a person who is under final 124722
consideration for appointment or employment in a position with the 124723
agency as a person responsible for the care, custody, or control 124724
of a child. 124725

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 124726
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(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 124728
124729

Sec. 5153.113. (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant. 124730
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(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child; 124733
124734
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(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services agency to perform services within the agency voluntarily, without monetary gain or compensation, as a person responsible for the care, custody, or control of a child. 124738
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(B) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, before a public children services agency employs an applicant, the executive director of the agency, or the executive director's designee within the agency, shall review promptly any information the agency determines to be relevant for the purpose of evaluating the fitness of the applicant, including, but not limited to, the following: 124743
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(1) Abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the applicant is the subject where it has been determined that abuse or neglect occurred; 124751
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124753

(2) The final disposition of investigations of the abuse and neglect reports, or if the investigations have not been completed, 124754
124755

the status of the investigations; 124756

(3) Any underlying documentation concerning the reports. 124757

(C) The information reviewed under division (B) of this 124758
section shall not include the name of the person or entity that 124759
made the report or participated in the making of the report of 124760
child abuse or neglect. 124761

(D) The director of ~~job children~~ and ~~family services youth~~ 124762
shall adopt rules pursuant to Chapter 119. of the Revised Code to 124763
implement this section. 124764

Sec. 5153.121. (A) The board of county commissioners and the 124765
county children services board may agree to permit any employee of 124766
the department of ~~job children~~ and ~~family services youth~~ also to 124767
perform duties for the county children services board, or to 124768
permit any employee of the county children services board also to 124769
perform duties for the department of ~~job children~~ and ~~family~~ 124770
~~services youth~~. 124771

(B) An agreement made under division (A) of this section may 124772
require the board of county commissioners to pay a portion of the 124773
wages of any employee of the county children services board who 124774
also performs duties for the department of ~~job children~~ and ~~family~~ 124775
~~services youth~~ or require the county children services board to 124776
pay a portion of the wages of any employee of the department of 124777
~~job children~~ and ~~family services youth~~ who also performs duties 124778
for the county children services board. 124779

Sec. 5153.122. Each PCSA caseworker hired after January 1, 124780
2007, shall complete at least one hundred two hours of in-service 124781
training during the first year of the caseworker's continuous 124782
employment as a PCSA caseworker, except that the executive 124783
director of the public children services agency may waive the 124784
training requirement for a school of social work graduate who 124785

participated in the university partnership program described in	124786
division (E) of section 5101.141 of the Revised Code and as	124787
provided in section 5153.124 of the Revised Code. The training	124788
shall consist of courses in all of the following:	124789
(A) Recognizing, accepting reports of, and preventing child	124790
abuse, neglect, and dependency;	124791
(B) Assessing child safety;	124792
(C) Assessing risks;	124793
(D) Interviewing persons;	124794
(E) Investigating cases;	124795
(F) Intervening;	124796
(G) Providing services to children and their families;	124797
(H) The importance of and need for accurate data;	124798
(I) Preparation for court;	124799
(J) Maintenance of case record information;	124800
(K) The legal duties of PCSA caseworkers to protect the	124801
constitutional and statutory rights of children and families from	124802
the initial time of contact during investigation through	124803
treatment, including instruction regarding parents' rights and the	124804
limitations that the Fourth Amendment to the United States	124805
Constitution places upon caseworkers and their investigations;	124806
(L) Content on other topics relevant to child abuse, neglect,	124807
and dependency, including permanency strategies, concurrent	124808
planning, and adoption as an option for unintended pregnancies.	124809
After a PCSA caseworker's first year of continuous employment	124810
as a PCSA caseworker, the caseworker annually shall complete	124811
thirty-six hours of training in areas relevant to the caseworker's	124812
assigned duties.	124813
During the first two years of continuous employment as a PCSA	124814

caseworker, each PCSA caseworker shall complete at least twelve 124815
hours of training in recognizing the signs of domestic violence 124816
and its relationship to child abuse as established in rules the 124817
director of ~~job~~ children and ~~family services~~ youth shall adopt 124818
pursuant to Chapter 119. of the Revised Code. The twelve hours may 124819
be in addition to the training required during the caseworker's 124820
first year of employment or part of the training required during 124821
the second year of employment. 124822

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 124823
at least sixty hours of in-service training during the first year 124824
of the supervisor's continuous employment as a PCSA caseworker 124825
supervisor. The training shall include courses in screening 124826
reports of child abuse, neglect, or dependency. After a PCSA 124827
caseworker supervisor's first year of continuous employment as a 124828
PCSA caseworker supervisor, the supervisor annually shall complete 124829
thirty hours of training in areas relevant to the supervisor's 124830
assigned duties. During the first two years of continuous 124831
employment as a PCSA caseworker supervisor, each PCSA caseworker 124832
supervisor shall complete at least twelve hours of training in 124833
recognizing the signs of domestic violence and its relationship to 124834
child abuse as established in rules the director of ~~job~~ children 124835
and ~~family services~~ youth shall adopt pursuant to Chapter 119. of 124836
the Revised Code. The twelve hours may be in addition to the 124837
training required during the supervisor's first year of employment 124838
or part of the training required during the second year of 124839
employment. 124840

Sec. 5153.124. (A)(1) The director of ~~job~~ children and ~~family~~ 124841
~~services~~ youth shall adopt rules as necessary to implement the 124842
training requirements of sections 5153.122 and 5153.123 of the 124843
Revised Code. 124844

(2) Not later than nine months after ~~the effective date of~~ 124845

~~the amendment to this section by H.B. 110 of the 134th general assembly September 30, 2021,~~ the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code.

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of ~~job children and family services youth~~ may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

Sec. 5153.14. The executive director shall prepare and submit an annual report to the public children services agency at the end of each calendar year and shall file copies of such report with the department of ~~job children and family services youth~~, the board of county commissioners, and the juvenile court. The executive director shall submit the inspection reports required under section 5153.16 of the Revised Code and such other reports as are required by law, by the rules of the director of ~~job children and family services youth~~, or by the board of county commissioners to specified governmental bodies and officers and shall provide reports to the public, when so authorized.

Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be

an abused, neglected, or dependent child; 124876

(2) Enter into agreements with the parent, guardian, or other 124877
person having legal custody of any child, or with the department 124878
of ~~job~~ children and ~~family services~~ youth, department of mental 124879
health and addiction services, department of developmental 124880
disabilities, other department, any certified organization within 124881
or outside the county, or any agency or institution outside the 124882
state, having legal custody of any child, with respect to the 124883
custody, care, or placement of any child, or with respect to any 124884
matter, in the interests of the child, provided the permanent 124885
custody of a child shall not be transferred by a parent to the 124886
public children services agency without the consent of the 124887
juvenile court; 124888

(3) Accept custody of children committed to the public 124889
children services agency by a court exercising juvenile 124890
jurisdiction; 124891

(4) Provide such care as the public children services agency 124892
considers to be in the best interests of any child adjudicated to 124893
be an abused, neglected, or dependent child the agency finds to be 124894
in need of public care or service; 124895

(5) Provide social services to any unmarried girl adjudicated 124896
to be an abused, neglected, or dependent child who is pregnant 124897
with or has been delivered of a child; 124898

(6) Make available to the children with medical handicaps 124899
program of the department of health at its request any information 124900
concerning a child with a disability found to be in need of 124901
treatment under sections 3701.021 to 3701.028 of the Revised Code 124902
who is receiving services from the public children services 124903
agency; 124904

(7) Provide temporary emergency care for any child considered 124905
by the public children services agency to be in need of such care, 124906

without agreement or commitment; 124907

(8) Find certified foster homes, within or outside the 124908
county, for the care of children, including children with 124909
disabilities from other counties attending special schools in the 124910
county; 124911

(9) Subject to the approval of the board of county 124912
commissioners and the ~~state~~ department of ~~job children~~ and ~~family~~ 124913
~~services youth~~, establish and operate a training school or enter 124914
into an agreement with any municipal corporation or other 124915
political subdivision of the county respecting the operation, 124916
acquisition, or maintenance of any children's home, training 124917
school, or other institution for the care of children maintained 124918
by such municipal corporation or political subdivision; 124919

(10) Acquire and operate a county children's home, establish, 124920
maintain, and operate a receiving home for the temporary care of 124921
children, or procure certified foster homes for this purpose; 124922

(11) Enter into an agreement with the trustees of any 124923
district children's home, respecting the operation of the district 124924
children's home in cooperation with the other county boards in the 124925
district; 124926

(12) Cooperate with, make its services available to, and act 124927
as the agent of persons, courts, the department of ~~job children~~ 124928
and ~~family services youth~~, the department of health, and other 124929
organizations within and outside the state, in matters relating to 124930
the welfare of children, except that the public children services 124931
agency shall not be required to provide supervision of or other 124932
services related to the exercise of parenting time rights granted 124933
pursuant to section 3109.051 or 3109.12 of the Revised Code or 124934
companionship or visitation rights granted pursuant to section 124935
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 124936
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 124937

a common pleas court, pursuant to division (E)(6) of section 124938
3113.31 of the Revised Code, requires the provision of supervision 124939
or other services related to the exercise of the parenting time 124940
rights or companionship or visitation rights; 124941

(13) Make investigations at the request of any superintendent 124942
of schools in the county or the principal of any school concerning 124943
the application of any child adjudicated to be an abused, 124944
neglected, or dependent child for release from school, where such 124945
service is not provided through a school attendance department; 124946

(14) Administer funds provided under Title IV-E of the 124947
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 124948
amended, in accordance with rules adopted under section 5101.141 124949
of the Revised Code; 124950

(15) In addition to administering Title IV-E adoption 124951
assistance funds, enter into agreements to make adoption 124952
assistance payments under section 5153.163 of the Revised Code; 124953

(16) Implement a system of safety and risk assessment, in 124954
accordance with rules adopted by the director of ~~job~~ children and 124955
~~family services~~ youth, to assist the public children services 124956
agency in determining the risk of abuse or neglect to a child; 124957

(17) Enter into a plan of cooperation with the board of 124958
county commissioners under section 307.983 of the Revised Code and 124959
comply with each fiscal agreement the board enters into under 124960
section 307.98 of the Revised Code that include family services 124961
duties of public children services agencies and contracts the 124962
board enters into under sections 307.981 and 307.982 of the 124963
Revised Code that affect the public children services agency; 124964

(18) Make reasonable efforts to prevent the removal of an 124965
alleged or adjudicated abused, neglected, or dependent child from 124966
the child's home, eliminate the continued removal of the child 124967
from the child's home, or make it possible for the child to return 124968

home safely, except that reasonable efforts of that nature are not 124969
required when a court has made a determination under division 124970
(A)(2) of section 2151.419 of the Revised Code; 124971

(19) Make reasonable efforts to place the child in a timely 124972
manner in accordance with the permanency plan approved under 124973
division (E) of section 2151.417 of the Revised Code and to 124974
complete whatever steps are necessary to finalize the permanent 124975
placement of the child; 124976

(20) Administer a Title IV-A program identified under 124977
division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 124978
that the department of ~~job~~ children and ~~family services~~ youth 124979
provides for the public children services agency to administer 124980
under the department's supervision pursuant to section 5101.801 of 124981
the Revised Code; 124982

(21) Administer the kinship permanency incentive program 124983
created under section 5101.802 of the Revised Code under the 124984
supervision of the director of ~~job~~ children and ~~family services~~ 124985
youth; 124986

(22) Provide independent living services pursuant to sections 124987
2151.81 to 2151.84 of the Revised Code; 124988

(23) File a missing child report with a local law enforcement 124989
agency upon becoming aware that a child in the custody of the 124990
public children services agency is or may be missing. 124991

(B) The public children services agency shall use the system 124992
implemented pursuant to division (A)(16) of this section in 124993
connection with an investigation undertaken pursuant to division 124994
(G)(1) of section 2151.421 of the Revised Code to assess both of 124995
the following: 124996

(1) The ongoing safety of the child; 124997

(2) The appropriateness of the intensity and duration of the 124998

services provided to meet child and family needs throughout the 124999
duration of a case. 125000

(C) Except as provided in section 2151.422 of the Revised 125001
Code, in accordance with rules of the director of ~~job~~ children and 125002
~~family services~~ youth, and on behalf of children in the county 125003
whom the public children services agency considers to be in need 125004
of public care or protective services, the public children 125005
services agency may do the following: 125006

(1) Provide or find, with other child serving systems, 125007
specialized foster care for the care of children in a specialized 125008
foster home, as defined in section 5103.02 of the Revised Code, 125009
certified under section 5103.03 of the Revised Code; 125010

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 125011
this section, contract with the following for the purpose of 125012
assisting the agency with its duties: 125013

(i) County departments of job and family services; 125014

(ii) Boards of alcohol, drug addiction, and mental health 125015
services; 125016

(iii) County boards of developmental disabilities; 125017

(iv) Regional councils of political subdivisions established 125018
under Chapter 167. of the Revised Code; 125019

(v) Private and government providers of services; 125020

(vi) Managed care organizations and prepaid health plans. 125021

(b) A public children services agency contract under division 125022
(C)(2)(a) of this section regarding the agency's duties under 125023
section 2151.421 of the Revised Code may not provide for the 125024
entity under contract with the agency to perform any service not 125025
authorized by the department's rules. 125026

(c) Only a county children services board appointed under 125027
section 5153.03 of the Revised Code that is a public children 125028

services agency may contract under division (C)(2)(a) of this 125029
section. If an entity specified in division (B) or (C) of section 125030
5153.02 of the Revised Code is the public children services agency 125031
for a county, the board of county commissioners may enter into 125032
contracts pursuant to section 307.982 of the Revised Code 125033
regarding the agency's duties. 125034

Sec. 5153.163. (A) As used in this section: 125035

(1) "Adoptive parent" means, as the context requires, a 125036
prospective adoptive parent or an adoptive parent. 125037

(2) "Relative" has the same meaning as in section 5101.141 of 125038
the Revised Code. 125039

(B)(1) Before a child's adoption is finalized, a public 125040
children services agency may enter into an agreement with the 125041
child's adoptive parent under which the agency, to the extent 125042
state funds are available, may make state adoption maintenance 125043
subsidy payments as needed on behalf of the child when all of the 125044
following apply: 125045

(a) The child is a child with special needs. 125046

(b) The child was placed in the adoptive home by a public 125047
children services agency or a private child placing agency and may 125048
legally be adopted. 125049

(c) The adoptive parent has the capability of providing the 125050
permanent family relationships needed by the child. 125051

(d) The needs of the child are beyond the economic resources 125052
of the adoptive parent. 125053

(e) Acceptance of the child as a member of the adoptive 125054
parent's family would not be in the child's best interest without 125055
payments on the child's behalf under this section. 125056

(f) The gross income of the adoptive parent's family does not 125057

exceed one hundred twenty per cent of the median income of a 125058
family of the same size, including the child, as most recently 125059
determined for this state by the secretary of health and human 125060
services under Title XX of the "Social Security Act," 88 Stat. 125061
2337, 42 U.S.C.A. 1397, as amended. 125062

(g) The child is not eligible for adoption assistance 125063
payments under Title IV-E of the "Social Security Act," 94 Stat. 125064
501 (1980), 42 U.S.C.A. 671, as amended. 125065

(2) State adoption maintenance subsidy payment agreements 125066
must be made by either the public children services agency that 125067
has permanent custody of the child or the public children services 125068
agency of the county in which the private child placing agency 125069
that has permanent custody of the child is located. 125070

(3) State adoption maintenance subsidy payments shall be made 125071
in accordance with the agreement between the public children 125072
services agency and the adoptive parent and are subject to an 125073
annual redetermination of need. 125074

(4) Payments under this division may begin either before or 125075
after issuance of the final adoption decree, except that payments 125076
made before issuance of the final adoption decree may be made only 125077
while the child is living in the adoptive parent's home. 125078
Preadoption payments may be made for not more than twelve months, 125079
unless the final adoption decree is not issued within that time 125080
because of a delay in court proceedings. Payments that begin 125081
before issuance of the final adoption decree may continue after 125082
its issuance. 125083

(C)(1) A public children services agency may enter into an 125084
agreement with a child's relative under which the agency, to the 125085
extent state funds are available, may provide state kinship 125086
guardianship assistance as needed on behalf of the child when all 125087
of the following apply: 125088

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 125089
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(b) Both of the following apply: 125092

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 125093
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(ii) The relative has committed to care for the child on a permanent basis. 125097
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(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 125099
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(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 125102
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(e) Returning the child home or adoption are not appropriate permanency options for the child. 125106
125107

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 125108
125109
125110

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 125111
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125113

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 125114
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(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or 125117
125118

guardianship of the child to a relative of the child described in 125119
division (C)(1) of this section is authorized to enter into a 125120
state kinship guardianship assistance agreement with that 125121
relative. 125122

(3) State kinship guardianship assistance for a child shall 125123
be provided in accordance with a state kinship guardianship 125124
assistance agreement entered into between the public children 125125
services agency and relative of the child described in division 125126
(C)(1) of this section and is subject to an annual redetermination 125127
of need. 125128

(4) Not later than fifteen months after ~~the effective date of~~ 125129
~~this section~~ September 30, 2021, if the amended state plan 125130
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 125131
described in section 5101.1416 of the Revised Code is approved, 125132
division (C) of this section shall be implemented. 125133

(D) No payment shall be made under division (B) or (C) of 125134
this section on behalf of any person eighteen years of age or 125135
older beyond the end of the school year during which the person 125136
attains the age of eighteen or on behalf of a person with a mental 125137
or physical disability twenty-one years of age or older. 125138

(E) The director of ~~job children~~ and ~~family services~~ youth 125139
shall adopt rules in accordance with Chapter 119. of the Revised 125140
Code that are needed to implement this section. The rules shall 125141
establish all of the following: 125142

(1) The application process for all forms of assistance 125143
provided under this section; 125144

(2) The method to determine the amount of assistance payable 125145
under division (B) of this section; 125146

(3) The definition of "child with special needs" for this 125147
section; 125148

(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined; 125149
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(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 125152
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(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004. 125154
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(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes. 125162
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Sec. 5153.166. In addition to other rules specifically authorized by the Revised Code, the director of ~~job~~ children and ~~family services~~ youth may adopt rules governing public children services agencies' performance of their family services duties, including the family services duties that public children services agencies have under sections 5153.16 to 5153.19 of the Revised Code. 125166
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Sec. 5153.17. The public children services agency shall prepare and keep written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, and shall prepare and keep such other records as are required by the department of ~~job~~ children and ~~family services~~ youth. Such records shall be confidential, but, 125173
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except as provided by division (B) of section 3107.17 of the Revised Code, shall be open to inspection by the agency, the director of ~~job~~ children and ~~family services~~ youth, and the director of the county department of job and family services, and by other persons upon the written permission of the executive director.

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, when a public children services agency has determined that child abuse or neglect occurred and that abuse or neglect involves a person who has applied for licensure as a type A family day-care home or type B family day-care home, the agency shall promptly provide to the department of ~~job~~ children and ~~family services~~ youth any information the agency determines to be relevant for the purpose of evaluating the fitness of the person, including, but not limited to, both of the following:

(1) A summary report of the chronology of abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the person is the subject where the agency determined that abuse or neglect occurred and the final disposition of the investigation of the reports or, if the investigations have not been completed, the status of the investigations;

(2) Any underlying documentation concerning those reports.

(B) The agency shall not include in the information provided to the department under division (A) of this section the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect.

(C) Upon provision of information under division (A) of this section, the agency shall notify the department of both of the following:

(1) That the information is confidential; 125210

(2) That unauthorized dissemination of the information is a 125211
violation of division (I)(2) of section 2151.421 of the Revised 125212
Code and any person who permits or encourages unauthorized 125213
dissemination of the information is guilty of a misdemeanor of the 125214
fourth degree pursuant to section 2151.99 of the Revised Code. 125215

Sec. 5153.20. (A)(1) Except as provided in division (B) of 125216
this section, the cost of care furnished by the public children 125217
services agency or the board of county commissioners to any child 125218
having a legal residence in another county shall be charged to the 125219
county of legal residence. No expense shall be incurred by the 125220
agency or the board of county commissioners, on account of such 125221
care, except for temporary or emergency care, without the consent 125222
of the agency or board of county commissioners, or as provided by 125223
this section. If such consent cannot be obtained the board of 125224
county commissioners may file a petition in the court of common 125225
pleas of the county in which the child is found for a 125226
determination of legal residence of such child. Summons in such a 125227
proceeding shall be served, as in other civil actions, upon the 125228
board of county commissioners and the executive director of the 125229
agency of the county alleged to be the county of legal residence, 125230
but the answer day shall be the tenth day after the issuance of 125231
such summons. The return day shall be the fifth day after issuance 125232
of the summons. The cause shall be set for hearing not less than 125233
ten nor more than thirty days after the issuance of the summons. 125234
The finding and determination by the court upon such application, 125235
subject to the right of appeal, shall be final and conclusive as 125236
to the county chargeable under this section with the costs of the 125237
care of such child. The board of county commissioners out of its 125238
general funds shall reimburse the agency furnishing such care, 125239
upon receipt of itemized statements. 125240

(2) Any moneys received by the agency furnishing such care 125241
from persons liable for the cost of any part of such care, by 125242
agreement or otherwise, shall be credited to the county of legal 125243
residence. 125244

(3) The agency may remove and deliver any child, having legal 125245
residence in another county in Ohio and deemed to be in need of 125246
public care, to the public children services agency of the county 125247
of legal residence. All cost incidental to the transportation of 125248
such child and of any escort required shall be paid by the public 125249
children services agency which delivers back the child. With the 125250
approval of the department of ~~job children~~ and ~~family services~~ 125251
youth, any child whose legal residence has been found to be in 125252
another state or country may be transferred to the department for 125253
return to the place of legal residence, or such child may be 125254
returned by the agency. All costs incidental to the transportation 125255
of such child and of any escort required shall be paid by the 125256
department of ~~job children~~ and ~~family services~~ youth if it returns 125257
the child, otherwise the cost shall be paid by the agency, subject 125258
in either case to such reimbursement as may be obtained from the 125259
responsible persons or authorities of the place of legal 125260
residence. The department of ~~job children~~ and ~~family services~~ 125261
youth may enter into agreements with the authorities of other 125262
states relative to the placement and return of children. 125263

(B)(1) If a court determines that reasonable efforts have 125264
been made to prevent removal of an adopted child from the child's 125265
home pursuant to section 2151.419 of the Revised Code and an 125266
adopted child is placed in the temporary or permanent custody of a 125267
public children services agency or a private child placing agency 125268
within thirty-six months of the date that the child's adoption was 125269
finalized, the agency that previously held permanent custody of 125270
the child when the child was placed with the adoptive parent shall 125271
be given opportunity to participate in planning for the child's 125272

care and treatment and shall assume fifty per cent of the 125273
financial responsibility for the care and treatment. Shared 125274
planning and financial responsibility shall cease on the first day 125275
of the thirty-seventh month after the date that the child's 125276
adoption was finalized and, on this date, the custodial agency 125277
shall then assume full planning and financial responsibility. The 125278
custodial agency and the agency that previously held permanent 125279
custody of the child may enter into a written agreement for shared 125280
financial responsibility that differs from the responsibilities 125281
allocated in this division. 125282

(2) Division (B)(1) of this section does not apply to any of 125283
the following: 125284

(a) An adoption by a stepparent whose spouse is a biological 125285
or adoptive parent of the child; 125286

(b) An international adoption; 125287

(c) An adoption where either the custodial agency or agency 125288
that previously held permanent custody of the child is not in this 125289
state. 125290

(3) Nothing in division (B) of this section shall prevent a 125291
court or a child support enforcement agency from issuing a child 125292
support order. 125293

Sec. 5153.21. The board of county commissioners may establish 125294
a children's home upon the recommendation of the public children 125295
services agency and subject to certification by the department of 125296
~~job children~~ and ~~family services~~ youth under section 5103.03 of 125297
the Revised Code and the requirements of sections 5103.05 and 125298
5103.051 of the Revised Code. 125299

Sec. 5153.22. If there is no children's home in the county or 125300
if the facilities for institutional care are inadequate, the 125301
public children services agency may, subject to the approval of 125302

the department of ~~job~~ children and ~~family services~~ youth and the 125303
board of county commissioners, enter into an agreement with the 125304
public children services agency of, or a certified organization 125305
located in, another county, or with the board of trustees of any 125306
district or semipublic children's home, or with any agency or 125307
institution outside the state for the furnishing of institutional 125308
care to children of the county. 125309

Sec. 5153.27. A public children services agency operating a 125310
children's home or other institution is subject to sections 125311
5103.03 and 5103.04 of the Revised Code respecting certification 125312
by the department of ~~job~~ children and ~~family services~~ youth. 125313

Sec. 5153.29. The board of county commissioners of any county 125314
having a county children's home, may, upon the recommendation of 125315
the public children services agency and with the approval of the 125316
department of ~~job~~ children and ~~family services~~ youth, abandon the 125317
use of such home and proceed to sell or lease the site, building, 125318
furniture, and equipment of such home in the manner most 125319
advantageous to the county, or it may use the home for other 125320
necessary and proper purposes. The net proceeds of any such sale 125321
or lease shall be paid into the county treasury. 125322

Sec. 5153.30. The public children services agency may accept 125323
and receive bequests, donations, and gifts of funds or property, 125324
real or personal, for child care and services. The facilities or 125325
services to be established or maintained through any such gift 125326
shall be subject to the approval of the department of ~~job~~ children 125327
and ~~family services~~ youth. 125328

Sec. 5153.32. Any corporation, organized under the laws of 125329
this state for the purpose of establishing, conducting, and 125330
maintaining a child welfare institution or agency, which is 125331

unable, for any reason, to conduct and maintain such institution 125332
or agency, and which has not, for a period of three consecutive 125333
years, conducted or maintained a place or establishment for the 125334
care of children, and which has in its hands funds or properties 125335
acquired by it for the purpose of establishing, conducting, and 125336
maintaining such institution or agency, may, subject to the 125337
approval of the department of ~~job~~ children and ~~family services~~ 125338
youth, and subject to the terms of any deed, will, or other 125339
instrument pursuant to which such funds or properties were 125340
acquired, transfer such funds or properties to the public children 125341
services agency, to be used for the purposes for which such funds 125342
or property were acquired. The transfer of such funds or 125343
properties to the agency shall be a full discharge of the 125344
obligation or liability of such corporation and its trustees with 125345
respect to the funds and properties so transferred. 125346

Sec. 5153.35. The boards of county commissioners shall levy 125347
taxes and make appropriations sufficient to enable the public 125348
children services agency to perform its functions and duties under 125349
this chapter. If the board of county commissioners levies a tax 125350
for children services and the children services functions are 125351
transferred from a county children services board to the 125352
department of ~~job~~ children and ~~family services~~ youth, or from the 125353
department of ~~job~~ children and ~~family services~~ youth to a county 125354
children services board, the levy shall continue in effect for the 125355
period for which it was approved by the electors for the use by 125356
the public children services agency that provides children 125357
services pursuant to the transfer. 125358

In addition to making the usual appropriations, there may be 125359
allowed annually to the executive director an amount not to exceed 125360
one-half the executive director's official salary to provide for 125361
necessary expenses which are incurred by the executive director or 125362
the executive director's staff in the performance of their 125363

official duties. Upon the order of the executive director, the county auditor shall draw a warrant on the county treasurer payable to the executive director or such other person as the order designates, for such amount as the order requires, not exceeding the amount provided for in this section, and to be paid out of the general fund of the county. The bond of the executive director provided for by section 5153.13 of the Revised Code shall at all times be in sufficient amount to cover the additional appropriations provided for by this section.

The executive director, annually, before the first Monday of January, shall file with the auditor a detailed and itemized statement, verified by the executive director, as to the manner in which the fund has been expended during the current year, and if any part of such fund remains in the executive director's hands unexpended, forthwith shall pay that amount into the county treasury.

Sec. 5153.36. The boards of county commissioners of two or more adjoining counties, not to exceed four, may, upon the recommendation of the public children services agencies of such counties, and subject to the approval of the department of ~~job~~ children and ~~family services~~ youth form themselves into a joint board, and proceed to organize a district for the establishment and support of a children's home, by using a site and buildings already established in one such county, or by providing for the purchase of a site and the erection of necessary buildings thereon.

Sec. 5153.38. When any person donates or bequeaths the person's real or personal estate, or any part thereof, to the use and benefit of a district children's home, the board of trustees of the home may accept and use such donation or bequest as they deem for the best interests of the institution, and consistent

with the conditions of such bequest. The facilities or services to 125395
be established or maintained through any such gift shall be 125396
subject to the approval of the department of ~~job~~ children and 125397
~~family services~~ youth. 125398

Sec. 5153.49. The board of county commissioners of any county 125399
within a children's home district may, upon the recommendation of 125400
the public children services agency, and subject to the approval 125401
of the department of ~~job~~ children and ~~family services~~ youth, 125402
withdraw from such district and dispose of its interest in such 125403
home by selling or leasing its right, title, and interest in the 125404
site, buildings, furniture, and equipment to any counties in the 125405
district, at such price and on such terms as are agreed upon among 125406
the boards of county commissioners of the counties concerned. 125407
Section 307.10 of the Revised Code does not apply to this section. 125408
The net proceeds of any such sale or lease shall be paid into the 125409
county treasury of the withdrawing county. 125410

Members of the board of trustees of a district children's 125411
home who are residents of a county withdrawing from such district 125412
are deemed to have resigned their positions upon completion of the 125413
withdrawal procedure provided by this section. Vacancies thus 125414
created shall be filled according to sections 5153.39 and 5153.45 125415
of the Revised Code. 125416

Sec. 5153.52. The board of county commissioners of any county 125417
which has no county children's home may aid an incorporated 125418
children's home or other unincorporated society, whose object is 125419
the care, aid, and education of neglected or destitute children, 125420
by contributing toward the purchase of land for such home or 125421
society, the erection of buildings by it, or of additions to 125422
existing buildings, or other improvements, to an amount not to 125423
exceed twenty-five hundred dollars in any one year. 125424

The board of any such county may submit to the people of such county, under section 133.18 of the Revised Code, the question of whether bonds of such county shall be issued for the purposes of this section. If the people of such county approve the issue of bonds, the board may issue the bonds under Chapter 133. of the Revised Code, as if they were being issued for the construction of a county children's home owned by the county, and may use the proceeds of such bond issue for the purposes of and without the restriction as to amount imposed by this section.

The board may contribute an amount not to exceed five hundred dollars in any one year for the purpose of keeping such property in repair. If such children's home ceases to exist, so that the property so purchased ceases to be used for the purpose of a children's home by the corporation, such county shall have a lien upon the property for the amount of money contributed for its purchase, and if such corporation fails to maintain, manage, and control such home so as to subserve the purpose of a children's home for which it was incorporated, the board may enforce such lien or, if it prefers may, upon approval of the department of ~~job children~~ and ~~family services~~, youth first being obtained, organize such home into a county children's home. The title to such property, where the county has contributed the whole amount of the purchase money, shall vest in and be the property of such county.

Sec. 5160.011. References to the department or director of public welfare, department or director of human services, department or director of job and family services, department or director of children and youth, office of medical assistance, or medical assistance director in any statute, rule, contract, grant, or other document is deemed to refer to the department of medicaid or medicaid director, as the case may be, to the extent the reference is about a duty or authority of the department of

medicaid or medicaid director regarding a medical assistance 125457
program. 125458

Sec. 5162.11. (A) The department of medicaid shall enter into 125459
an agreement with the department of administrative services for 125460
the department of administrative services to contract through 125461
competitive selection pursuant to section 125.07 of the Revised 125462
Code with a vendor to perform an assessment of the data collection 125463
and data warehouse functions of the medicaid data warehouse 125464
system, including the ability to link the data sets of all 125465
agencies serving medicaid recipients. 125466

The assessment of the data system shall include functions 125467
related to fraud and abuse detection, program management and 125468
budgeting, and performance measurement capabilities of all 125469
agencies serving medicaid recipients, including the departments of 125470
aging, health, job and family services, medicaid, mental health 125471
and addiction services, children and youth, and developmental 125472
disabilities. 125473

A qualified vendor with whom the department of administrative 125474
services contracts to assess the data system shall also assist the 125475
medicaid agencies in the definition of the requirements for an 125476
enhanced data system or a new data system and assist the 125477
department of administrative services in the preparation of a 125478
request for proposals to enhance or develop a data system. 125479

(B) Based on the assessment performed pursuant to division 125480
(A) of this section, the department of administrative services 125481
shall seek a qualified vendor through competitive selection 125482
pursuant to Chapter 125. of the Revised Code to develop or enhance 125483
a data collection and data warehouse system for the department of 125484
medicaid and all agencies serving medicaid recipients. 125485

The department of medicaid shall seek enhanced federal 125486

financial participation for ninety per cent of the funds required 125487
to establish or enhance the data system. The department of 125488
administrative services shall not award a contract for 125489
establishing or enhancing the data system until the department of 125490
medicaid receives approval from the United States secretary of 125491
health and human services for the ninety per cent federal 125492
financial participation. 125493

Sec. 5162.135. (A) As used in this section, "stillbirth" has 125494
the same meaning as in section ~~3701.97~~ 5180.12 of the Revised 125495
Code. 125496

(B) The department of medicaid shall create an infant 125497
mortality scorecard. The scorecard shall report all of the 125498
following: 125499

(1) The performance of the fee-for-service component of 125500
medicaid and each medicaid managed care organization on population 125501
health measures, including the infant mortality rate, preterm 125502
birth rate, ~~and~~ low-birthweight rate, and stillbirth rate, 125503
delineated in accordance with division (C) of this section; 125504

(2) The performance of the fee-for-service component of 125505
medicaid and each medicaid managed care organization on service 125506
utilization and outcome measures using claims data and data from 125507
vital records; 125508

(3) The number and percentage of women who are at least 125509
fifteen but less than forty-four years of age who are medicaid 125510
recipients; 125511

(4) The number of medicaid recipients who delivered a newborn 125512
and the percentage of those who reported tobacco use at the time 125513
of delivery; 125514

(5) The number of prenatal, postpartum, and adolescent 125515
wellness visits made by medicaid recipients; 125516

(6) The percentage of pregnant medicaid recipients who initiated progesterone therapy during pregnancy;	125517 125518
(7) The percentage of female medicaid recipients of childbearing age who participate in a tobacco cessation program or use a tobacco cessation product;	125519 125520 125521
(8) The percentage of female medicaid recipients of childbearing age who use long-acting reversible contraception;	125522 125523
(9) A comparison of the low-birthweight rate of medicaid recipients with the low-birthweight rate of women who are not medicaid recipients;	125524 125525 125526
(10) Any other information on maternal and child health that the department considers appropriate.	125527 125528
(C) To the extent possible, the performance measures described in division (B)(1) of this section shall be delineated in the scorecard as follows:	125529 125530 125531
(1) For each region of the state and the state as a whole, by race and ethnic group;	125532 125533
(2) For the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code, as well as for any other communities that are the subject of targeted infant mortality reduction initiatives administered by one or more state agencies, by race, ethnic group, and census tract.	125534 125535 125536 125537 125538
The scorecard shall be updated each calendar quarter and made available on the department's internet web site.	125539 125540
(D) The department shall make available the data sources and methodology used to complete the scorecard to any person or government entity on request.	125541 125542 125543
Sec. 5164.15. (A) As used in this section:	125544
(1) "Community mental health services provider or facility"	125545

means a community mental health services provider or facility that 125546
has its community mental health services certified by the 125547
department of mental health and addiction services under section 125548
5119.36 of the Revised Code or by the department of ~~job~~ children 125549
and ~~family services~~ youth under section 5103.03 of the Revised 125550
Code. 125551

(2) "Mental health professional" means a person qualified to 125552
work with persons with mental illnesses under the standards 125553
established by the director of mental health and addiction 125554
services pursuant to section 5119.36 of the Revised Code. 125555

(B) The medicaid program may cover the following mental 125556
health services when provided by community mental health services 125557
providers or facilities: 125558

(1) Outpatient mental health services, including, but not 125559
limited to, preventive, diagnostic, therapeutic, rehabilitative, 125560
and palliative interventions rendered to individuals in an 125561
individual or group setting by a mental health professional in 125562
accordance with a plan of treatment appropriately established, 125563
monitored, and reviewed; 125564

(2) Partial-hospitalization mental health services rendered 125565
by persons directly supervised by a mental health professional; 125566

(3) Unscheduled, emergency mental health services of a kind 125567
ordinarily provided to persons in crisis when rendered by persons 125568
supervised by a mental health professional; 125569

(4) Assertive community treatment and intensive home-based 125570
mental health services. 125571

(C) The department of medicaid shall enter into a separate 125572
contract with the department of mental health and addiction 125573
services under section 5162.35 of the Revised Code with regard to 125574
the mental health services the medicaid program covers pursuant to 125575
this section. 125576

Sec. 5166.01. As used in this chapter:	125577
"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.	125578 125579 125580 125581 125582
"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.	125583 125584 125585 125586 125587 125588
"Care management system" has the same meaning as in section 5167.01 of the Revised Code.	125589 125590
"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	125591 125592
"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.	125593 125594
"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	125595 125596
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	125597 125598
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	125599 125600 125601 125602
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	125603 125604
"Hospital long-term care unit" has the same meaning as in	125605

section 5168.40 of the Revised Code. 125606

"ICDS participant" has the same meaning as in section 5164.01 125607
of the Revised Code. 125608

"ICF/IID" and "ICF/IID services" have the same meanings as in 125609
section 5124.01 of the Revised Code. 125610

"Integrated care delivery system" and "ICDS" have the same 125611
meanings as in section 5164.01 of the Revised Code. 125612

"Level of care determination" means a determination of 125613
whether an individual needs the level of care provided by a 125614
hospital, nursing facility, or ICF/IID and whether the individual, 125615
if determined to need that level of care, would receive hospital 125616
services, nursing facility services, or ICF/IID services if not 125617
for a home and community-based services medicaid waiver component. 125618

"Medicaid buy-in for workers with disabilities program" has 125619
the same meaning as in section 5163.01 of the Revised Code. 125620

"Medicaid MCO plan" has the same meaning as in section 125621
5167.01 of the Revised Code. 125622

"Medicaid provider" has the same meaning as in section 125623
5164.01 of the Revised Code. 125624

"Medicaid services" has the same meaning as in section 125625
5164.01 of the Revised Code. 125626

"Medicaid waiver component" means a component of the medicaid 125627
program authorized by a waiver granted by the United States 125628
department of health and human services under section 1115 or 1915 125629
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 125630
waiver component" does not include the care management system or 125631
services delivered under a prepaid inpatient health plan, as 125632
defined in 42 C.F.R. 438.2. 125633

"Medically fragile child" means an individual who is under 125634
eighteen years of age, has intensive health care needs, and is 125635

considered blind or disabled under section 1614(a)(2) or (3) of 125636
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 125637

"Nursing facility" and "nursing facility services" have the 125638
same meanings as in section 5165.01 of the Revised Code. 125639

"Ohio home care waiver program" means the home and 125640
community-based services medicaid waiver component that is known 125641
as Ohio home care and was created pursuant to section 5166.11 of 125642
the Revised Code. 125643

"Provider agreement" has the same meaning as in section 125644
5164.01 of the Revised Code. 125645

"Residential treatment facility" means a residential facility 125646
licensed by the department of mental health and addiction services 125647
under section 5119.34 of the Revised Code, or an institution 125648
certified by the department of ~~job children~~ and ~~family services~~ 125649
youth under section 5103.03 of the Revised Code, that serves 125650
children and either has more than sixteen beds or is part of a 125651
campus of multiple facilities or institutions that, combined, have 125652
a total of more than sixteen beds. 125653

"Skilled nursing facility" has the same meaning as in section 125654
5165.01 of the Revised Code. 125655

"Unified long-term services and support medicaid waiver 125656
component" means the medicaid waiver component authorized by 125657
section 5166.14 of the Revised Code. 125658

Sec. 5167.16. (A) As used in this section: 125659

(1) "Help me grow program" means the program established by 125660
the department of health pursuant to section ~~3701.61~~ 5180.21 of 125661
the Revised Code. 125662

(2) "Targeted case management" has the same meaning as in 42 125663
C.F.R. 440.169(b). 125664

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services:

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit;

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of a child under five years of age.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

Sec. ~~3701.68~~ 5180.10. (A) As used in this section:

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:

(1) Conduct a complete inventory of services provided or

administered by the state that are available to address the infant mortality rate in this state; 125695
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(2) For each service identified under division (B)(1) of this section, determine both of the following: 125697
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(a) The sources of the funds that are used to pay for the service; 125699
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(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should. 125701
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(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates. 125705
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(C) The commission shall consist of the following members: 125709

(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president; 125710
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(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives; 125713
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(3) The governor or the governor's designee; 125716

(4) The medicaid director or the director's designee; 125717

(5) The director of children and youth or the director's designee; 125718
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(6) The director of health or the director's designee; 125720

~~(6)~~(7) The director of developmental disabilities or the director's designee; 125721
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~~(7)~~(8) The executive director of the commission on minority 125723

health or the executive director's designee; 125724

~~(8)~~(9) The attorney general or the attorney general's 125725
designee; 125726

~~(9)~~(10) A health commissioner of a city or general health 125727
district, appointed by the governor; 125728

~~(10)~~(11) A coroner, deputy coroner, or other person who 125729
conducts death scene investigations, appointed by the governor; 125730

~~(11)~~(12) An individual who represents the Ohio hospital 125731
association, appointed by the association's president; 125732

~~(12)~~(13) An individual who represents the Ohio children's 125733
hospital association, appointed by the association's president; 125734

~~(13)~~(14) Two individuals who represent community-based 125735
programs that serve pregnant women or new mothers whose infants 125736
tend to be at a higher risk for infant mortality, appointed by the 125737
governor; 125738

~~(14)~~(15) Two individuals who represent children's interests, 125739
one to be appointed by the speaker of the house of representatives 125740
and one to be appointed by the senate president. 125741

(D) An appointed commission member shall hold office until a 125742
successor is appointed. A vacancy shall be filled in the same 125743
manner as the original appointment. 125744

From among the members, the president of the senate and 125745
speaker of the house of representatives shall appoint two to serve 125746
as co-chairpersons of the commission. 125747

A member shall serve without compensation except to the 125748
extent that serving on the commission is considered part of the 125749
member's regular duties of employment. 125750

(E) The commission may request assistance from the staff of 125751
the legislative service commission. 125752

(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

Sec. ~~3701.951~~ 5180.11. (A) As used in this section:

(1) "Preliminary infant mortality and preterm birth rates" means infant mortality and preterm birth rates that are derived from vital records as defined in section 3705.01 of the Revised Code, are not considered finalized by the department of health, and are subject to modification as additional birth and death data are received by the department and added to vital records.

(2) "Stillbirth" has the same meaning as in section ~~3701.97~~ 5180.12 of the Revised Code.

(B) Each calendar quarter, the department of ~~health~~ children and youth shall determine the state's preliminary infant mortality and preterm birth rates, as well as the stillbirth rate, delineated by race and ethnic group. The rates shall be determined using a simple rolling average. The department shall publish the rates in a quarterly report, which shall also include a description of the data sources and methodology used to determine the rates. The department shall make each report available on its internet web site not later than five business days after the rates are determined.

Sec. ~~3701.97~~ 5180.12. (A) As used in this section, "stillbirth" means death prior to the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(B) The director of ~~health~~ children and youth shall do all of the following:

(1) Publish stillbirth data compiled from the department of health's fetal death statistical file and make it available on the ~~department's~~ department of children and youth's internet web site;

(2) Review the stillbirth data described in division (B)(1) of this section and identify potential trends in the incidence of stillbirth and the possible causes of, and conditions that could lead to or indicate the possible occurrence of, stillbirth;

(3) Develop educational materials in conjunction with statewide medical associations that may be used to apprise health care providers of trends, if any, that were identified through a review described in division (B)(2) of this section;

(4) Electronically disseminate the educational materials developed under division (B)(3) of this section to the state medical board and statewide medical associations and make them available on the department of ~~health's~~ children and youth's web site in an easily accessible format.

Sec. ~~3701.953~~ 5180.13. (A) The department of ~~health~~ children and youth shall create an infant mortality scorecard. The scorecard shall report all of the following:

(1) The state's performance on population health measures, including the infant mortality rate, preterm birth rate, and low birth weight rate, delineated by race, ethnic group, region of the state, and the state as a whole;

(2) Preliminary data the department possesses on the state's unexpected infant death rate;

(3) To the extent such information is available, the state's performance on outcome measures identified by the department that are related to preconception health, reproductive health, prenatal care, labor and delivery, smoking, infant safe sleep practices, breastfeeding, and behavioral health, delineated by race, ethnic group, region of the state, and the state as a whole;

(4) A comparison of the state's performance on the population health measures specified in division (A)(1) of this section and, to the extent such information is available, the state's performance on outcome measures specified in division (A)(3) of this section with the targets for the measures, or the targets for the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be updated each calendar quarter and 125843
made available on the department's internet web site. 125844

(C) The scorecard shall include a description of the data 125845
sources and methodology used to complete the scorecard. 125846

Sec. ~~3701.63~~ 5180.14. (A) As used in this section and 125847
sections ~~3701.64~~ 5180.15, ~~3701.66~~ 5180.16, and ~~3701.67~~ 5180.17 of 125848
the Revised Code: 125849

(1) "Child day-care center," "type A family day-care home," 125850
and "licensed type B family day-care home" have the same meanings 125851
as in section 5104.01 of the Revised Code. 125852

(2) "Child care facility" means a child day-care center, a 125853
type A family day-care home, or a licensed type B family day-care 125854
home. 125855

(3) "Foster caregiver" has the same meaning as in section 125856
5103.02 of the Revised Code. 125857

(4) "Freestanding birthing center" has the same meaning as in 125858
section 3701.503 of the Revised Code. 125859

(5) "Hospital" has the same meaning as in section 3722.01 of 125860
the Revised Code to which either of the following applies: 125861

(a) The hospital has a maternity unit. 125862

(b) The hospital receives for care infants who have been 125863
transferred to it from other facilities and who have never been 125864
discharged to their residences following birth. 125865

(6) "Infant" means a child who is less than one year of age. 125866

(7) "Maternity unit" means the distinct portion of a hospital 125867
in which maternity services are provided. 125868

(8) "Other person responsible for the infant" includes a 125869
foster caregiver. 125870

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of ~~health~~ children and youth shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;

(2) Making available on the department of ~~health~~ children and youth web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials are distributed, as described in section ~~3701.64~~ 5180.15 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to

the extent possible, minimize administrative or financial burdens 125901
on any of the entities or persons listed in section ~~3701.64~~ 125902
5180.15 of the Revised Code. 125903

Sec. ~~3701.64~~ 5180.15. (A) A copy of the shaken baby syndrome 125904
educational materials developed under section ~~3701.63~~ 5180.14 of 125905
the Revised Code shall be distributed in the following manner: 125906

(1) By ~~child birth~~ childbirth educators and the staff of 125907
obstetricians' offices, to an expectant parent who uses their 125908
services; 125909

(2) By the staff of pediatric physicians' offices, to any of 125910
the following who use their services: an infant's parent, 125911
guardian, or other person responsible for the infant; 125912

(3) By the staff of a hospital or freestanding birthing 125913
center, to an infant's parent, guardian, or other person 125914
responsible for the infant, before the child is discharged from 125915
the facility to the infant's residence following birth; 125916

(4) By the staff of the help me grow program established 125917
pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, to an 125918
infant's parent, guardian, or other person responsible for the 125919
infant, during home-visiting services conducted in accordance with 125920
that section; 125921

(5) By each child care facility operating in this state, to 125922
each of its employees; 125923

(6) By a public children services agency, when the agency has 125924
initial contact with an infant's parent, guardian, or other person 125925
responsible for the infant. 125926

(B) An entity or person required to distribute educational 125927
materials pursuant to division (A) of this section is not liable 125928
for damages in a civil action for injury, death, or loss to person 125929
or property that allegedly arises from an act or omission 125930

associated with the dissemination of those educational materials 125931
unless the act or omission constitutes willful or wanton 125932
misconduct. 125933

An entity or person required to distribute educational 125934
materials in accordance with division (A) of this section is not 125935
subject to criminal prosecution or, to the extent that a person is 125936
regulated under Title XLVII of the Revised Code, professional 125937
disciplinary action under that title, for an act or omission 125938
associated with the dissemination of those educational materials. 125939

This division does not eliminate, limit, or reduce any other 125940
immunity or defense that an entity or person may be entitled to 125941
under Chapter 2744. of the Revised Code, or any other provision of 125942
the Revised Code, or the common law of this state. 125943

Sec. ~~3701.66~~ 5180.16. (A) As used in this section, "sudden 125944
unexpected infant death" means the death of an infant that occurs 125945
suddenly and unexpectedly, the cause of which is not immediately 125946
obvious prior to investigation. 125947

(B) The department of ~~health~~ children and youth shall 125948
establish the safe sleep education program by doing all of the 125949
following: 125950

(1) ~~By not later than sixty days after March 19, 2015,~~ 125951
~~developing~~ Developing educational materials that present readily 125952
comprehensible information on safe sleeping practices for infants 125953
and possible causes of sudden unexpected infant death; 125954

(2) Making available on the department's internet web site in 125955
an easily accessible format the educational materials developed 125956
under division (B)(1) of this section; 125957

(3) Providing annual training classes at no cost to 125958
individuals who provide safe sleep education to parents and infant 125959
caregivers who reside in the urban and rural communities specified 125960

under section 3701.142 of the Revised Code, including child care 125961
providers as defined in section 2151.011 of the Revised Code, 125962
hospital staff and volunteers, local health department staff, 125963
social workers, individuals who provide home visiting services, 125964
and community health workers; 125965

(4) ~~Beginning in 2015, annually~~ Annually assessing the 125966
effectiveness of the safe sleep education program by evaluating 125967
the reports submitted by child fatality review boards to the 125968
department pursuant to section 307.626 of the Revised Code. 125969

(C) In meeting the requirements under division (B) of this 125970
section, the department shall develop educational materials that, 125971
to the extent possible, minimize administrative or financial 125972
burdens on any of the entities or persons required by division (D) 125973
of this section to distribute the materials. 125974

(D) A copy of the safe sleep educational materials developed 125975
under this section shall be distributed by entities and persons 125976
with and in the same manner as the shaken baby syndrome 125977
educational materials are distributed pursuant to section ~~3701.64~~ 125978
5180.15 of the Revised Code. 125979

An entity or person required to distribute the educational 125980
materials is not liable for damages in a civil action for injury, 125981
death, or loss to person or property that allegedly arises from an 125982
act or omission associated with the dissemination of those 125983
educational materials unless the act or omission constitutes 125984
willful or wanton misconduct. 125985

An entity or person required to distribute the educational 125986
materials is not subject to criminal prosecution or, to the extent 125987
that a person is regulated under Title XLVII of the Revised Code, 125988
professional disciplinary action under that title, for an act or 125989
omission associated with the dissemination of those educational 125990
materials. 125991

This division does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under Chapter 2744. of the Revised Code, or any other provision of the Revised Code, or the common law of this state.

(E) Each entity or person that is required to distribute the educational materials and has infants regularly sleeping at a facility or location under the entity's or person's control shall adopt an internal infant safe sleep policy. The policy shall specify when and to whom educational materials on infant safe sleep practices are to be delivered to individuals working or volunteering at the facility or location and be consistent with the model internal infant safe sleep policy adopted under division (F) of this section.

(F) The director of ~~health~~ children and youth shall adopt a model internal infant safe sleep policy for use by entities and persons that must comply with division (E) of this section. The policy shall specify safe infant sleep practices, include images depicting safe infant sleep practices, and specify sample content for an infant safe sleep education program that entities and persons may use when conducting new staff orientation programs.

Sec. ~~3701.67~~ 5180.17. (A) As used in this section:

(1) "Contractor" means a person who provides personal services pursuant to a contract.

(2) "Critical access hospital" means a facility designated as a critical access hospital by the director of health under section 3701.073 of the Revised Code.

(3) "Crib" includes a portable play yard or other suitable sleeping place.

(B) Each hospital and freestanding birthing center shall implement an infant safe sleep screening procedure. The purpose of

the procedure is to determine whether there will be a safe crib 126022
for an infant to sleep in once the infant is discharged from the 126023
facility to the infant's residence following birth. The procedure 126024
shall consist of questions that facility staff or volunteers must 126025
ask the infant's parent, guardian, or other person responsible for 126026
the infant regarding the infant's intended sleeping place and 126027
environment. 126028

The director of ~~health~~ children and youth shall develop 126029
questions that facilities may use when implementing the infant 126030
safe sleep screening procedure required by this division. The 126031
director may consult with persons and government entities that 126032
have expertise in infant safe sleep practices when developing the 126033
questions. 126034

(C) If, prior to an infant's discharge from a facility to the 126035
infant's residence following birth, a facility other than a 126036
critical access hospital or a facility identified under division 126037
(D) of this section determines through the procedure implemented 126038
under division (B) of this section that the infant is unlikely to 126039
have a safe crib at the infant's residence, the facility shall 126040
make a good faith effort to arrange for the parent, guardian, or 126041
other person responsible for the infant to obtain a safe crib at 126042
no charge to that individual. In meeting this requirement, the 126043
facility may do any of the following: 126044

(1) Obtain a safe crib with its own resources; 126045

(2) Collaborate with or obtain assistance from persons or 126046
government entities that are able to procure a safe crib or 126047
provide money to purchase a safe crib; 126048

(3) Refer the parent, guardian, or other person responsible 126049
for the infant to a person or government entity described in 126050
division (C)(2) of this section to obtain a safe crib free of 126051
charge from that source; 126052

(4) If funds are available for the cribs for kids program or a successor program administered by the department of ~~health~~ children and youth, refer the parent, guardian, or other person responsible for the infant to a site, designated by the department for purposes of the program, at which a safe crib may be obtained at no charge.

If a safe crib is procured as described in division (C)(1), (2), or (3) of this section, the facility shall ensure that the crib recipient receives safe sleep education and crib assembly instructions from the facility or another source. If a safe crib is procured as described in division (C)(4) of this section, the department of ~~health~~ children and youth shall ensure that the cribs for kids program or a successor program administered by the department provides safe sleep education and crib assembly instructions to the recipient.

(D) The director of ~~health~~ children and youth shall identify the facilities in this state that are not critical access hospitals and are not served by a site described in division (C)(4) of this section. The director shall identify not less than annually the facilities that meet both criteria and notify those that do so.

(E) When a facility that is a hospital registers with the department of health under section 3701.07 of the Revised Code or a facility that is a freestanding birthing center renews its license in accordance with rules adopted under section 3702.30 of the Revised Code, the facility shall report the following information to the department of children and youth in a manner the department prescribes:

(1) The number of safe cribs that the facility obtained and distributed by using its own resources as described in division (C)(1) of this section since the last time the facility reported this information to the department;

(2) The number of safe cribs that the facility obtained and distributed by collaborating with or obtaining assistance from another person or government entity as described in division (C)(2) of this section since the last time the facility reported this information to the department;

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(3) The number of referrals that the facility made to a person or government entity as described in division (C)(3) of this section since the last time the facility reported this information to the department;

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(4) The number of referrals that the facility made to a site designated by the department as described in division (C)(4) of this section since the last time the facility reported this information to the department;

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(5) Demographic information specified by the director of health children and youth regarding the individuals to whom safe cribs were distributed as described in division (E)(1) or (2) of this section or for whom a referral described in division (E)(3) or (4) of this section was made;

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(6) In the case of a critical access hospital or a facility identified under division (D) of this section, demographic information specified by the director of health children and youth regarding each parent, guardian, or other person responsible for the infant determined to be unlikely to have a safe crib at the infant's residence pursuant to the procedure implemented under division (B) of this section;

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(7) Any other information collected by the facility regarding infant sleep environments and intended infant sleep environments that the director determines to be appropriate.

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(F) The director of health children and youth shall prepare a written report that summarizes the information collected under division (E) of this section for the preceding twelve months,

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assesses whether at-risk families are sufficiently being served by 126116
the crib distribution and referral system established by this 126117
section, makes suggestions for system improvements, and provides 126118
any other information the director considers appropriate for 126119
inclusion in the report. On completion, the report shall be 126120
submitted to the general assembly with, and in the same manner as, 126121
the report that the department of medicaid submits to the general 126122
assembly and joint medicaid oversight committee pursuant to 126123
section 5162.13 of the Revised Code. A copy of the report also 126124
shall be submitted to the governor. 126125

(G) A facility, and any employee, contractor, or volunteer of 126126
a facility, that implements an infant safe sleep procedure in 126127
accordance with division (B) of this section is not liable for 126128
damages in a civil action for injury, death, or loss to person or 126129
property that allegedly arises from an act or omission associated 126130
with implementation of the procedure, unless the act or omission 126131
constitutes willful or wanton misconduct. 126132

A facility, and any employee, contractor, or volunteer of a 126133
facility, that implements an infant safe sleep screening procedure 126134
in accordance with division (B) of this section is not subject to 126135
criminal prosecution or, to the extent that a person is regulated 126136
under Title XLVII of the Revised Code, professional disciplinary 126137
action under that title, for an act or omission associated with 126138
implementation of the procedure. 126139

This division does not eliminate, limit, or reduce any other 126140
immunity or defense that a facility, or an employee, contractor, 126141
or volunteer of a facility, may be entitled to under Chapter 2744. 126142
of the Revised Code, or any other provision of the Revised Code, 126143
or the common law of this state. 126144

(H) A facility, and any employee, contractor, or volunteer of 126145
a facility, is neither liable for damages in a civil action, nor 126146
subject to criminal prosecution, for injury, death, or loss to 126147

person or property that allegedly arises from a crib obtained by a parent, guardian, or other person responsible for the infant as a result of any action the facility, employee, contractor, or volunteer takes to comply with division (C) of this section.

The immunity provided by this division does not require compliance with division (D) of section 2305.37 of the Revised Code.

Sec. ~~3701.671~~ 5180.18. The director of ~~health children and youth~~ shall require each recipient of a grant the department of ~~health children and youth~~ administers that pertains to safe crib procurement to report annually to the department both of the following:

(A) Demographic information specified by the director of ~~health children and youth~~ regarding the individuals to whom safe cribs were distributed;

(B) If known, the extent to which distributed cribs are being used.

Sec. ~~3701.952~~ 5180.19. (A) The department of ~~health children and youth~~ shall create a population-based questionnaire designed to examine maternal behaviors and experiences before, during, and after a woman's pregnancy, as well as during the early infancy of the woman's child. The questionnaire shall collect information that is similar to the information collected by the pregnancy risk assessment monitoring system (PRAMS) questionnaire that the department of health most recently used prior to ~~the effective date of this section~~ April 6, 2017, as well as any additional information suggested by the United States centers for disease control and prevention (CDC) for PRAMS questionnaires.

(B) The department shall implement and use the questionnaires created under division (A) of this section in a manner that is

consistent with the standardized data collection methodology for 126178
PRAMS questionnaires prescribed by the CDC model surveillance 126179
protocol. In addition, for the purpose of having statistically 126180
valid data for local analyses, the department shall oversample 126181
women in Cuyahoga, Franklin, and Hamilton counties on an annual 126182
basis, and shall oversample women in the remaining counties that 126183
constitute the Ohio equity institute cohort (Butler, Stark, 126184
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial 126185
basis. 126186

(C) The department shall report results from the 126187
questionnaires not less than annually in a manner consistent with 126188
guidelines established by the CDC for the reporting of PRAMS 126189
questionnaire results. 126190

Sec. ~~3701.95~~ 5180.20. (A) ~~As used in this section,~~ 126191
~~"government program providing public benefits" has the same~~ 126192
~~meaning as in section 191.01 of the Revised Code.~~ 126193

~~(B)~~ The director of ~~health~~ children and youth shall identify 126194
each government program providing benefits, other than the help me 126195
grow program established by the department of ~~health~~ children and 126196
youth pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, 126197
that has the goal of reducing infant mortality and negative birth 126198
outcomes or the goal of reducing disparities among women who are 126199
pregnant or capable of becoming pregnant and who belong to a 126200
racial or ethnic minority. A program shall be identified only if 126201
it provides education, training, and support services related to 126202
those goals to program participants in their homes. The director 126203
may consult with the Ohio partnership to build stronger families 126204
for assistance with identifying the programs. 126205

~~(C)~~(B) An administrator of a program identified under 126206
division ~~(B)~~(A) of this section shall report to the director data 126207
on program performance indicators that are used to assess progress 126208

toward achieving program goals. The administrator shall report the 126209
data in the format and within the time frames specified in rules 126210
adopted under division ~~(D)~~(C) of this section. Using the data 126211
reported under this division, the director shall prepare an annual 126212
report assessing the performance of each government program 126213
identified pursuant to division ~~(B)~~(A) of this section during the 126214
immediately preceding twelve-month period. In addition, the report 126215
shall summarize and provide an analysis of the information 126216
contained in the "information for medical and health use only" 126217
section of the birth records for individuals born during the prior 126218
twelve-month period. 126219

The director shall provide a copy of the report to the 126220
general assembly and the joint medicaid oversight committee. The 126221
copy to the general assembly shall be provided in accordance with 126222
section 101.68 of the Revised Code. 126223

~~(D)~~(C) The director shall adopt rules specifying program 126224
performance indicators on which data must be reported by the 126225
administrators described in division ~~(C)~~(B) of this section as 126226
well as the format and time frames in which the data must be 126227
reported. To the extent possible, the program performance 126228
indicators specified in the rules shall be consistent with federal 126229
reporting requirements for federally funded home visiting 126230
services. The rules shall be adopted in accordance with Chapter 126231
119. of the Revised Code. 126232

Sec. ~~3701.61~~ 5180.21. (A) The department of ~~health~~ children 126233
and youth shall establish the help me grow program as the state's 126234
evidence-based parent support program that encourages early 126235
prenatal and well-baby care, as well as provides parenting 126236
education to promote the comprehensive health and development of 126237
children. The program shall provide home visiting services to 126238
families with a pregnant woman or child under five years of age 126239

that meet the eligibility requirements established in rules 126240
adopted under this section. Home visiting services shall be 126241
provided through evidence-based home visiting models or 126242
innovative, promising home visiting models recommended by the Ohio 126243
home visiting consortium created under section ~~3701.612~~ 5180.23 of 126244
the Revised Code. 126245

(B) Families shall be referred to the appropriate home 126246
visiting services through the central intake and referral system 126247
created under section ~~3701.611~~ 5180.22 of the Revised Code. 126248

(C) To the extent possible, the goals of the help me grow 126249
program shall be consistent with the goals of the federal home 126250
visiting program, as specified by the maternal and child health 126251
bureau of the health resources and services administration in the 126252
United States department of health and human services or its 126253
successor. 126254

(D) The director of ~~health~~ children and youth may enter into 126255
an interagency agreement with one or more state agencies to 126256
implement the help me grow program and ensure coordination of 126257
early childhood programs. 126258

(E) The director may distribute help me grow program funds 126259
through contracts, grants, or subsidies to entities providing 126260
services under the program. 126261

(F) As a condition of receiving payments for home visiting 126262
services, providers shall report to the director data on the 126263
program performance indicators, specified in rules adopted under 126264
division (G) of this section, that are used to assess progress 126265
toward achieving all of the following: 126266

(1) The benchmark domains established for the federal home 126267
visiting program, including improvement in maternal and newborn 126268
health; reduction in child injuries, abuse, and neglect; improved 126269

school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section ~~3701.97~~ 5180.12 of the Revised Code;

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of ~~health~~ children and youth.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;

(2) Eligibility requirements for providers of home visiting services;

(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;

(4) Procedures for appealing the denial of an application for program services or the termination of services;

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;

(6) Procedures for addressing complaints;

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;

(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;

(9) Criteria for payment of approved providers of program services;

(10) Any other rules necessary to implement the program.

(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.

Sec. ~~3701.611~~ 5180.22. (A) The department of ~~health children and youth~~ shall create a central intake and referral system for all home visiting programs operating in this state. Through a competitive bidding process, the department of ~~health children and youth~~ may select one or more persons or government entities to operate the system.

(B) If the department of ~~health children and youth~~ chooses to select one or more system operators as described in division (A) of this section, a contract with any system operator shall require that the system do both of the following:

(1) Serve as a single point of entry for access, assessment, and referral of families to appropriate home visiting services based on each family's location of residence;

(2) Use a standardized form or other mechanism to assess for

each family member's risk factors and social determinants of 126330
health, as well as ensure that the family is referred to the 126331
appropriate home visiting program, which may include a program 126332
that uses home visiting contractors who provide services within a 126333
community HUB that fully or substantially complies with the 126334
pathways community HUB certification standards developed by the 126335
pathways community HUB institute. 126336

(C) The standardized form or other mechanism described in 126337
division (B)(2) of this section shall be agreed to by the home 126338
visiting consortium created under section ~~3701.612~~ 5180.23 of the 126339
Revised Code. 126340

(D) A contract entered into under division (B) of this 126341
section shall require a system operator to issue an annual report 126342
to the department of ~~health~~ children and youth that includes data 126343
regarding referrals made by the central intake and referral 126344
system, costs associated with the referrals, and the quality of 126345
services received by families who were referred to services 126346
through the system. The report shall be distributed to the home 126347
visiting consortium created under section ~~3701.612~~ 5180.23 of the 126348
Revised Code. 126349

(E) Nothing in this section is intended to do any of the 126350
following: 126351

(1) Prohibit the department of ~~health~~ children and youth from 126352
using alternative promotional materials or names for the central 126353
intake and referral system; 126354

(2) Require the use of help me grow program promotional 126355
materials or names; 126356

(3) Prohibit providers, central coordinators, the department 126357
of ~~health~~ children and youth, or stakeholders from using the help 126358
me grow name for promotional materials for home visiting. 126359

Sec. ~~3701.612~~ 5180.23. (A) The Ohio home visiting consortium 126360
is hereby created. The purpose of the consortium is to ensure that 126361
home visiting services provided by home visiting programs 126362
operating in this state, as well as home visiting services 126363
provided or arranged for by medicaid managed care organizations, 126364
are high-quality and delivered through evidence-based or 126365
innovative, promising home visiting models, including models used 126366
by home visiting contractors who provide services within one or 126367
more community HUBs that fully or substantially comply with the 126368
pathways community HUB certification standards developed by the 126369
pathways community HUB institute. It is the intent of the general 126370
assembly that all home visiting services provided in this state do 126371
both of the following: 126372

(1) Improve health, educational, and social outcomes for 126373
expectant and new parents and young children; 126374

(2) Promote safe, connected families and communities in which 126375
children are able to grow up healthy and ready to learn. 126376

(B)(1) In furtherance of the consortium's purpose, the 126377
consortium shall do both of the following: 126378

(a) Make recommendations to the department of children and 126379
youth, department of health, department of medicaid, department of 126380
mental health and addiction services, and department of 126381
developmental disabilities regarding how to leverage all funding 126382
sources available for home visiting services, including medicaid, 126383
to accomplish both of the following in this state: 126384

(i) Expand the use of evidence-based home visiting program 126385
models, including models used by home visiting contractors who 126386
provide services within one or more community HUBs that fully or 126387
substantially comply with the pathways community HUB certification 126388
standards developed by the pathways community HUB institute; 126389

(ii) Initiate, as pilot projects, innovative, promising home visiting models. 126390
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(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section. 126392
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(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section ~~3701.611~~ 5180.22 of the Revised Code. 126401
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(C) The consortium shall consist of the following members: 126405

(1) The director of children and youth or the director's designee; 126406
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(2) The director of health or the director's designee; 126408

~~(2)~~(3) The medicaid director or the director's designee; 126409

~~(3)~~(4) The director of mental health and addiction services or the director's designee; 126410
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~~(4)~~(5) The director of developmental disabilities or the director's designee; 126412
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(5)(6) The executive director of the commission on minority health or the executive director's designee; 126414
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~~(6)~~(7) A member of the commission on infant mortality who is not a legislator or an individual specified under this division; 126416
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~~(7)~~(8) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio 126418
126419

association of health plans; 126420

~~(8)~~(9) One individual who represents county boards of 126421
developmental disabilities, recommended by the Ohio association of 126422
county boards of developmental disabilities; 126423

~~(9)~~(10) A home visiting contractor who provides services 126424
within the help me grow program through a contract, grant, or 126425
other agreement with the department of ~~health~~ children and youth; 126426

~~(10)~~(11) A home visiting contractor who provides services 126427
within one or more community HUBs that fully or substantially 126428
comply with the pathways community HUB certification standards 126429
developed by the pathways community HUB institute through a 126430
contract, grant, or other agreement with the commission on 126431
minority health; 126432

~~(11)~~(12) An individual who receives home visiting services 126433
from the help me grow program; 126434

~~(12)~~(13) An individual who receives home visiting services 126435
from a home visiting contractor who provides services within one 126436
or more community HUBs that fully or substantially comply with the 126437
pathways community HUB certification standards developed by the 126438
pathways community HUB institute; 126439

~~(13)~~(14) Two members of the senate, one from the majority 126440
party and one from the minority party, each appointed by the 126441
senate president; 126442

~~(14)~~(15) Two members of the house of representatives, one 126443
from the majority party and one from the minority party, each 126444
appointed by the speaker of the house of representatives. 126445

(D) The consortium members described in divisions 126446
~~(C)~~(10)(C)(11) and ~~(12)~~(13) of this section shall be appointed not 126447
later than thirty days after ~~the effective date of this amendment~~ 126448
October 17, 2019. An appointed member shall hold office until a 126449

successor is appointed. A vacancy shall be filled in the same 126450
manner as the original appointment. 126451

The director of ~~health~~ children and youth shall serve as the 126452
chairperson of the consortium. 126453

A member shall serve without compensation except to the 126454
extent that serving on the consortium is considered part of the 126455
member's regular duties of employment. 126456

(E) The consortium shall meet at the call of the director of 126457
~~health~~ children and youth but not less than once each calendar 126458
quarter. The consortium's first meeting shall occur not later than 126459
sixty days after April 6, 2017. 126460

(F) The department of ~~health~~ children and youth shall provide 126461
meeting space and staff and other administrative support for the 126462
consortium. 126463

(G) The consortium is not subject to sections 101.82 to 126464
101.87 of the Revised Code. 126465

Sec. ~~3701.613~~ 5180.24. Beginning in fiscal year ~~2018~~ 2026, 126466
the department of ~~health~~ children and youth shall facilitate and 126467
allocate funds for a biennial summit on home visiting programs. 126468
The purpose of each summit is to convene persons and government 126469
entities involved with the delivery of home visiting services in 126470
this state, as well as other interested persons, to do all of the 126471
following: 126472

(A) Share the latest research on evidence-based and 126473
innovative, promising home visiting models; 126474

(B) Discuss strategies to ensure that home visiting programs 126475
in this state use evidence-based or innovative, promising home 126476
visiting models; 126477

(C) Discuss strategies to reduce tobacco use by families 126478
participating in home visiting programs; 126479

(D) Present successes and challenges encountered by home 126480
visiting programs. 126481

Sec. ~~3701.614~~ 5180.25. (A) The department of ~~health children~~ 126482
~~and youth~~ shall develop educational materials describing the 126483
health risks of lead-based paint and measures that may be taken to 126484
reduce those risks. 126485

(B) As part of the home visiting services described in 126486
section ~~3701.61~~ 5180.21 of the Revised Code, each eligible family 126487
residing in a house, apartment, or other residence built before 126488
January 1, 1979, shall receive a copy of the educational materials 126489
described in this section. If the date on which the residence was 126490
built is unknown to the family or home visiting services provider, 126491
the family shall receive a copy of the educational materials. 126492

(C) The educational materials developed and distributed under 126493
this section shall be culturally and linguistically appropriate 126494
for the families described in division (B) of this section. 126495

Sec. 5180.30. The department of children and youth shall 126496
serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), 126497
to implement the state's part C early intervention services 126498
program, through which early intervention services are provided to 126499
eligible infants and toddlers in accordance with part C of the 126500
"Individuals with Disabilities Education Act," 20 U.S.C. 1431 et 126501
seq., and regulations implementing that part in 34 C.F.R. part 126502
303. 126503

Sec. ~~5123.024~~ 5180.31. The department of ~~developmental~~ 126504
~~disabilities~~ children and youth may do any of the following as the 126505
lead agency to implement the state's part C early intervention 126506
services program, as described in section ~~5123.02~~ 5180.30 of the 126507
Revised Code: 126508

(A) Enter into an interagency agreement with one or more other state agencies to implement the program and ensure coordination of early childhood programs;	126509 126510 126511
(B) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;	126512 126513
(C) Establish a system of payment to program service providers.	126514 126515
Sec. 5123.0421 5180.32. The director of developmental disabilities children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement the state's part C early intervention services program, including rules that specify all of the following:	126516 126517 126518 126519 126520
(A) Eligibility requirements to receive program services;	126521
(B) Eligibility requirements to be a program service provider;	126522 126523
(C) Operating standards and procedures for program service providers, including standards and procedures governing data collection, program monitoring, and program evaluation;	126524 126525 126526
(D) Procedures to appeal the denial of an application to receive program services or the termination of program services;	126527 126528
(E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;	126529 126530 126531
(F) Procedures for addressing complaints by persons who receive program services;	126532 126533
(G) Criteria for the payment of program service providers;	126534
(H) The metrics or indicators used to measure program service provider performance.	126535 126536

Sec. ~~5123.0423~~ 5180.33. As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.

The director of ~~developmental disabilities~~ children and youth shall request a student data verification code from the independent contractor engaged by the department of education to create and maintain such codes for school districts and community schools under division (D)(2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the child, or from any other person who is authorized by law to make decisions regarding the child's education, the name and address of the child's school district of residence. The director shall submit the data verification code for that child to the child's school district of residence at the time the child ceases to receive services from the part C early intervention services program.

The director and each school district that receives a data verification code under this section shall not release that code to any person except as provided by law. Any document that the director holds in the director's files that contains both a child's name or other personally identifiable information and the child's data verification code is not a public record under section 149.43 of the Revised Code.

Sec. ~~5123.0422~~ 5180.34. The governor shall establish the early intervention services advisory council, which shall serve as the state interagency coordinating council, as described in 20 U.S.C. 1441. In establishing the council, the governor shall comply with the requirements of 20 U.S.C. 1441, including the requirement to ensure that the membership of the council reasonably represents the population of the state.

The governor shall appoint one of the council members to 126568
serve as chairperson of the council, or the governor may delegate 126569
appointment of the chairperson to the council. No member of the 126570
council representing the department of health or the department of 126571
~~developmental disabilities~~ children and youth shall serve as 126572
chairperson. 126573

The council is not subject to sections 101.82 to 101.87 of 126574
the Revised Code. 126575

Section 130.13. That existing sections 9.55, 103.60, 109.65, 126576
109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 126577
329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 126578
2151.3519, 2151.3534, 2151.3535, 2151.36, 2151.39, 2151.412, 126579
2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 126580
2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 126581
2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 126582
2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 126583
3107.015, 3107.016, 3107.017, 3107.018, 3107.031, 3107.032, 126584
3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 126585
3107.09, 3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 126586
3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 126587
3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 126588
3301.32, 3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 126589
3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 126590
3323.022, 3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61, 126591
3701.611, 3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66, 126592
3701.67, 3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951, 126593
3701.952, 3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 126594
3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 126595
5101.111, 5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14, 126596
5101.141, 5101.142, 5101.143, 5101.145, 5101.146, 5101.147, 126597
5101.148, 5101.1410, 5101.1411, 5101.1412, 5101.1413, 5101.1414, 126598
5101.1417, 5101.1418, 5101.15, 5101.183, 5101.19, 5101.191, 126599

5101.193, 5101.194, 5101.21, 5101.214, 5101.216, 5101.22, 126600
5101.221, 5101.23, 5101.24, 5101.243, 5101.244, 5101.25, 5101.26, 126601
5101.27, 5101.29, 5101.32, 5101.35, 5101.37, 5101.46, 5101.47, 126602
5101.76, 5101.77, 5101.78, 5101.80, 5101.801, 5101.802, 5101.803, 126603
5101.804, 5101.83, 5101.851, 5101.853, 5101.855, 5101.856, 126604
5101.881, 5101.885, 5101.8811, 5103.02, 5103.03, 5103.031, 126605
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5103.0325, 5103.0326, 5103.0328, 5103.0329, 5103.04, 5103.05, 126609
5103.051, 5103.07, 5103.08, 5103.11, 5103.12, 5103.13, 5103.131, 126610
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5103.18, 5103.181, 5103.21, 5103.22, 5103.232, 5103.233, 5103.30, 126612
5103.303, 5103.32, 5103.33, 5103.34, 5103.35, 5103.36, 5103.362, 126613
5103.363, 5103.38, 5103.39, 5103.391, 5103.40, 5103.41, 5103.42, 126614
5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.58, 5103.59, 126615
5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 5103.6017, 126616
5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 5104.01, 126617
5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 126618
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5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 126621
5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 5104.211, 126622
5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 5104.32, 126623
5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 5104.42, 126624
5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 126625
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 126626
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 126627
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 126628
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 126629
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 126630
and 5167.16 of the Revised Code are hereby repealed. 126631

Section 130.14. That section 3301.521 of the Revised Code is 126632
hereby repealed. 126633

Section 130.15. Sections 130.12, 130.13, and 130.14 of this 126634
act take effect January 1, 2025. 126635

Section 130.16. The General Assembly, applying the principle 126636
stated in division (B) of section 1.52 of the Revised Code that 126637
amendments are to be harmonized if reasonably capable of 126638
simultaneous operation, finds that the following sections, 126639
presented in this act as composites of the sections as amended by 126640
the acts indicated, are the resulting versions of the sections in 126641
effect prior to the effective date of the sections as presented in 126642
this act: 126643

Section 2151.353 of the Revised Code as amended by H.B. 8 and 126644
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 126645
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 126646
General Assembly. 126647

Section 3301.0715 of the Revised Code as amended by both H.B. 126648
82 and H.B. 110 of the 134th General Assembly. 126649

Section 5104.017 of the Revised Code as amended by both H.B. 126650
110 and H.B. 281 of the 134th General Assembly. 126651

Section 5123.02 of the Revised Code as amended by both H.B. 126652
158 and H.B. 483 of the 131st General Assembly. 126653

Section 5153.163 of the Revised Code as amended by both H.B. 126654
110 and H.B. 281 of the 134th General Assembly. 126655

Section 130.20. That sections 109.57, 349.01, 921.06, 126656
1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 126657
2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 126658
2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 126659

3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 126660
3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 126661
3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 126662
5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 126663
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5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 126668
5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 126669
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 126670
5733.38, and 6109.121 of the Revised Code be amended to read as 126671
follows: 126672

Sec. 109.57. (A)(1) The superintendent of the bureau of 126673
criminal identification and investigation shall procure from 126674
wherever procurable and file for record photographs, pictures, 126675
descriptions, fingerprints, measurements, and other information 126676
that may be pertinent of all persons who have been convicted of 126677
committing within this state a felony, any crime constituting a 126678
misdemeanor on the first offense and a felony on subsequent 126679
offenses, or any misdemeanor described in division (A)(1)(a), 126680
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 126681
all children under eighteen years of age who have been adjudicated 126682
delinquent children for committing within this state an act that 126683
would be a felony or an offense of violence if committed by an 126684
adult or who have been convicted of or pleaded guilty to 126685
committing within this state a felony or an offense of violence, 126686
and of all well-known and habitual criminals. The person in charge 126687
of any county, multicounty, municipal, municipal-county, or 126688
multicounty-municipal jail or workhouse, community-based 126689
correctional facility, halfway house, alternative residential 126690

facility, or state correctional institution and the person in 126691
charge of any state institution having custody of a person 126692
suspected of having committed a felony, any crime constituting a 126693
misdemeanor on the first offense and a felony on subsequent 126694
offenses, or any misdemeanor described in division (A)(1)(a), 126695
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 126696
having custody of a child under eighteen years of age with respect 126697
to whom there is probable cause to believe that the child may have 126698
committed an act that would be a felony or an offense of violence 126699
if committed by an adult shall furnish such material to the 126700
superintendent of the bureau. Fingerprints, photographs, or other 126701
descriptive information of a child who is under eighteen years of 126702
age, has not been arrested or otherwise taken into custody for 126703
committing an act that would be a felony or an offense of violence 126704
who is not in any other category of child specified in this 126705
division, if committed by an adult, has not been adjudicated a 126706
delinquent child for committing an act that would be a felony or 126707
an offense of violence if committed by an adult, has not been 126708
convicted of or pleaded guilty to committing a felony or an 126709
offense of violence, and is not a child with respect to whom there 126710
is probable cause to believe that the child may have committed an 126711
act that would be a felony or an offense of violence if committed 126712
by an adult shall not be procured by the superintendent or 126713
furnished by any person in charge of any county, multicounty, 126714
municipal, municipal-county, or multicounty-municipal jail or 126715
workhouse, community-based correctional facility, halfway house, 126716
alternative residential facility, or state correctional 126717
institution, except as authorized in section 2151.313 of the 126718
Revised Code. 126719

(2) Every clerk of a court of record in this state, other 126720
than the supreme court or a court of appeals, shall send to the 126721
superintendent of the bureau a weekly report containing a summary 126722

of each case involving a felony, involving any crime constituting 126723
a misdemeanor on the first offense and a felony on subsequent 126724
offenses, involving a misdemeanor described in division (A)(1)(a), 126725
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 126726
involving an adjudication in a case in which a child under 126727
eighteen years of age was alleged to be a delinquent child for 126728
committing an act that would be a felony or an offense of violence 126729
if committed by an adult. The clerk of the court of common pleas 126730
shall include in the report and summary the clerk sends under this 126731
division all information described in divisions (A)(2)(a) to (f) 126732
of this section regarding a case before the court of appeals that 126733
is served by that clerk. The summary shall be written on the 126734
standard forms furnished by the superintendent pursuant to 126735
division (B) of this section and shall include the following 126736
information: 126737

(a) The incident tracking number contained on the standard 126738
forms furnished by the superintendent pursuant to division (B) of 126739
this section; 126740

(b) The style and number of the case; 126741

(c) The date of arrest, offense, summons, or arraignment; 126742

(d) The date that the person was convicted of or pleaded 126743
guilty to the offense, adjudicated a delinquent child for 126744
committing the act that would be a felony or an offense of 126745
violence if committed by an adult, found not guilty of the 126746
offense, or found not to be a delinquent child for committing an 126747
act that would be a felony or an offense of violence if committed 126748
by an adult, the date of an entry dismissing the charge, an entry 126749
declaring a mistrial of the offense in which the person is 126750
discharged, an entry finding that the person or child is not 126751
competent to stand trial, or an entry of a nolle prosequi, or the 126752
date of any other determination that constitutes final resolution 126753
of the case; 126754

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

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional

institution or in any facility for delinquent children for 126787
committing an act that would be a felony or an offense of violence 126788
if committed by an adult, and any other information that the 126789
superintendent may receive from law enforcement officials of the 126790
state and its political subdivisions. 126791

(4) The superintendent shall carry out Chapter 2950. of the 126792
Revised Code with respect to the registration of persons who are 126793
convicted of or plead guilty to a sexually oriented offense or a 126794
child-victim oriented offense and with respect to all other duties 126795
imposed on the bureau under that chapter. 126796

(5) The bureau shall perform centralized recordkeeping 126797
functions for criminal history records and services in this state 126798
for purposes of the national crime prevention and privacy compact 126799
set forth in section 109.571 of the Revised Code and is the 126800
criminal history record repository as defined in that section for 126801
purposes of that compact. The superintendent or the 126802
superintendent's designee is the compact officer for purposes of 126803
that compact and shall carry out the responsibilities of the 126804
compact officer specified in that compact. 126805

(6) The superintendent shall, upon request, assist a county 126806
coroner in the identification of a deceased person through the use 126807
of fingerprint impressions obtained pursuant to division (A)(1) of 126808
this section or collected pursuant to section 109.572 or 311.41 of 126809
the Revised Code. 126810

(B) The superintendent shall prepare and furnish to every 126811
county, multicounty, municipal, municipal-county, or 126812
multicounty-municipal jail or workhouse, community-based 126813
correctional facility, halfway house, alternative residential 126814
facility, or state correctional institution and to every clerk of 126815
a court in this state specified in division (A)(2) of this section 126816
standard forms for reporting the information required under 126817
division (A) of this section. The standard forms that the 126818

superintendent prepares pursuant to this division may be in a 126819
tangible format, in an electronic format, or in both tangible 126820
formats and electronic formats. 126821

(C)(1) The superintendent may operate a center for 126822
electronic, automated, or other data processing for the storage 126823
and retrieval of information, data, and statistics pertaining to 126824
criminals and to children under eighteen years of age who are 126825
adjudicated delinquent children for committing an act that would 126826
be a felony or an offense of violence if committed by an adult, 126827
criminal activity, crime prevention, law enforcement, and criminal 126828
justice, and may establish and operate a statewide communications 126829
network to be known as the Ohio law enforcement gateway to gather 126830
and disseminate information, data, and statistics for the use of 126831
law enforcement agencies and for other uses specified in this 126832
division. The superintendent may gather, store, retrieve, and 126833
disseminate information, data, and statistics that pertain to 126834
children who are under eighteen years of age and that are gathered 126835
pursuant to sections 109.57 to 109.61 of the Revised Code together 126836
with information, data, and statistics that pertain to adults and 126837
that are gathered pursuant to those sections. 126838

(2) The superintendent or the superintendent's designee shall 126839
gather information of the nature described in division (C)(1) of 126840
this section that pertains to the offense and delinquency history 126841
of a person who has been convicted of, pleaded guilty to, or been 126842
adjudicated a delinquent child for committing a sexually oriented 126843
offense or a child-victim oriented offense for inclusion in the 126844
state registry of sex offenders and child-victim offenders 126845
maintained pursuant to division (A)(1) of section 2950.13 of the 126846
Revised Code and in the internet database operated pursuant to 126847
division (A)(13) of that section and for possible inclusion in the 126848
internet database operated pursuant to division (A)(11) of that 126849
section. 126850

(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

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

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

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

(D)(1) The following are not public records under section

149.43 of the Revised Code: 126883

(a) Information and materials furnished to the superintendent 126884
pursuant to division (A) of this section; 126885

(b) Information, data, and statistics gathered or 126886
disseminated through the Ohio law enforcement gateway pursuant to 126887
division (C)(1) of this section; 126888

(c) Information and materials furnished to any board or 126889
person under division (F) or (G) of this section. 126890

(2) The superintendent or the superintendent's designee shall 126891
gather and retain information so furnished under division (A) of 126892
this section that pertains to the offense and delinquency history 126893
of a person who has been convicted of, pleaded guilty to, or been 126894
adjudicated a delinquent child for committing a sexually oriented 126895
offense or a child-victim oriented offense for the purposes 126896
described in division (C)(2) of this section. 126897

(E)(1) The attorney general shall adopt rules, in accordance 126898
with Chapter 119. of the Revised Code and subject to division 126899
(E)(2) of this section, setting forth the procedure by which a 126900
person may receive or release information gathered by the 126901
superintendent pursuant to division (A) of this section. A 126902
reasonable fee may be charged for this service. If a temporary 126903
employment service submits a request for a determination of 126904
whether a person the service plans to refer to an employment 126905
position has been convicted of or pleaded guilty to an offense 126906
listed or described in division (A)(1), (2), or (3) of section 126907
109.572 of the Revised Code, the request shall be treated as a 126908
single request and only one fee shall be charged. 126909

(2) Except as otherwise provided in this division or division 126910
(E)(3) or (4) of this section, a rule adopted under division 126911
(E)(1) of this section may provide only for the release of 126912
information gathered pursuant to division (A) of this section that 126913

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

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

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

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

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

(b) A criminal action resulting from the arrest is pending, 126945
and the superintendent confirms that the criminal action has not 126946
been resolved at the time the criminal records check is performed. 126947

(c) The bureau cannot reasonably determine whether a criminal 126948
action resulting from the arrest is pending, and not more than one 126949
year has elapsed since the date of the arrest. 126950

(4) A rule adopted under division (E)(1) of this section may 126951
provide for the release of information gathered pursuant to 126952
division (A) of this section that relates to an adjudication of a 126953
child as a delinquent child if not more than five years have 126954
elapsed since the date of the adjudication, the adjudication was 126955
for an act that would have been a felony if committed by an adult, 126956
the records of the adjudication have not been sealed or expunged 126957
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 126958
the request for information is made under division (F) of this 126959
section or under section 109.572 of the Revised Code. In the case 126960
of an adjudication for a violation of the terms of community 126961
control or supervised release, the five-year period shall be 126962
calculated from the date of the adjudication to which the 126963
community control or supervised release pertains. 126964

(F)(1) As used in division (F)(2) of this section, "head 126965
start agency" means an entity in this state that has been approved 126966
to be an agency for purposes of subchapter II of the "Community 126967
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 126968
as amended. 126969

(2)(a) In addition to or in conjunction with any request that 126970
is required to be made under section 109.572, 2151.86, 3301.32, 126971
3301.541, division (C) of section 3310.58, or section 3319.39, 126972
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 126973
Revised Code or that is made under section 3314.41, 3319.392, 126974
3326.25, or 3328.20 of the Revised Code, the board of education of 126975
any school district; the director of developmental disabilities; 126976

any county board of developmental disabilities; any provider or 126977
subcontractor as defined in section 5123.081 of the Revised Code; 126978
the chief administrator of any chartered nonpublic school; the 126979
chief administrator of a registered private provider that is not 126980
also a chartered nonpublic school; the chief administrator of any 126981
home health agency; the chief administrator of or person operating 126982
any child ~~day-care~~ care center, type A family ~~day-care~~ child care 126983
home, or type B family ~~day-care~~ child care home licensed under 126984
Chapter 5104. of the Revised Code; the chief administrator of any 126985
head start agency; the executive director of a public children 126986
services agency; a private company described in section 3314.41, 126987
3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer 126988
described in division (J)(2) of section 3327.10 of the Revised 126989
Code may request that the superintendent of the bureau investigate 126990
and determine, with respect to any individual who has applied for 126991
employment in any position after October 2, 1989, or any 126992
individual wishing to apply for employment with a board of 126993
education may request, with regard to the individual, whether the 126994
bureau has any information gathered under division (A) of this 126995
section that pertains to that individual. On receipt of the 126996
request, subject to division (E)(2) of this section, the 126997
superintendent shall determine whether that information exists 126998
and, upon request of the person, board, or entity requesting 126999
information, also shall request from the federal bureau of 127000
investigation any criminal records it has pertaining to that 127001
individual. The superintendent or the superintendent's designee 127002
also may request criminal history records from other states or the 127003
federal government pursuant to the national crime prevention and 127004
privacy compact set forth in section 109.571 of the Revised Code. 127005
Within thirty days of the date that the superintendent receives a 127006
request, subject to division (E)(2) of this section, the 127007
superintendent shall send to the board, entity, or person a report 127008
of any information that the superintendent determines exists, 127009

including information contained in records that have been sealed 127010
under section 2953.32 of the Revised Code, and, within thirty days 127011
of its receipt, subject to division (E)(2) of this section, shall 127012
send the board, entity, or person a report of any information 127013
received from the federal bureau of investigation, other than 127014
information the dissemination of which is prohibited by federal 127015
law. 127016

(b) When a board of education or a registered private 127017
provider is required to receive information under this section as 127018
a prerequisite to employment of an individual pursuant to division 127019
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 127020
may accept a certified copy of records that were issued by the 127021
bureau of criminal identification and investigation and that are 127022
presented by an individual applying for employment with the 127023
district in lieu of requesting that information itself. In such a 127024
case, the board shall accept the certified copy issued by the 127025
bureau in order to make a photocopy of it for that individual's 127026
employment application documents and shall return the certified 127027
copy to the individual. In a case of that nature, a district or 127028
provider only shall accept a certified copy of records of that 127029
nature within one year after the date of their issuance by the 127030
bureau. 127031

(c) Notwithstanding division (F)(2)(a) of this section, in 127032
the case of a request under section 3319.39, 3319.391, or 3327.10 127033
of the Revised Code only for criminal records maintained by the 127034
federal bureau of investigation, the superintendent shall not 127035
determine whether any information gathered under division (A) of 127036
this section exists on the person for whom the request is made. 127037

(3) The state board of education may request, with respect to 127038
any individual who has applied for employment after October 2, 127039
1989, in any position with the state board or the department of 127040
education, any information that a school district board of 127041

education is authorized to request under division (F)(2) of this 127042
section, and the superintendent of the bureau shall proceed as if 127043
the request has been received from a school district board of 127044
education under division (F)(2) of this section. 127045

(4) When the superintendent of the bureau receives a request 127046
for information under section 3319.291 of the Revised Code, the 127047
superintendent shall proceed as if the request has been received 127048
from a school district board of education and shall comply with 127049
divisions (F)(2)(a) and (c) of this section. 127050

(G) In addition to or in conjunction with any request that is 127051
required to be made under section 3712.09, 3721.121, or 3740.11 of 127052
the Revised Code with respect to an individual who has applied for 127053
employment in a position that involves providing direct care to an 127054
older adult or adult resident, the chief administrator of a home 127055
health agency, hospice care program, home licensed under Chapter 127056
3721. of the Revised Code, or adult day-care program operated 127057
pursuant to rules adopted under section 3721.04 of the Revised 127058
Code may request that the superintendent of the bureau investigate 127059
and determine, with respect to any individual who has applied 127060
after January 27, 1997, for employment in a position that does not 127061
involve providing direct care to an older adult or adult resident, 127062
whether the bureau has any information gathered under division (A) 127063
of this section that pertains to that individual. 127064

In addition to or in conjunction with any request that is 127065
required to be made under section 173.27 of the Revised Code with 127066
respect to an individual who has applied for employment in a 127067
position that involves providing ombudsman services to residents 127068
of long-term care facilities or recipients of community-based 127069
long-term care services, the state long-term care ombudsman, the 127070
director of aging, a regional long-term care ombudsman program, or 127071
the designee of the ombudsman, director, or program may request 127072
that the superintendent investigate and determine, with respect to 127073

any individual who has applied for employment in a position that 127074
does not involve providing such ombudsman services, whether the 127075
bureau has any information gathered under division (A) of this 127076
section that pertains to that applicant. 127077

In addition to or in conjunction with any request that is 127078
required to be made under section 173.38 of the Revised Code with 127079
respect to an individual who has applied for employment in a 127080
direct-care position, the chief administrator of a provider, as 127081
defined in section 173.39 of the Revised Code, may request that 127082
the superintendent investigate and determine, with respect to any 127083
individual who has applied for employment in a position that is 127084
not a direct-care position, whether the bureau has any information 127085
gathered under division (A) of this section that pertains to that 127086
applicant. 127087

In addition to or in conjunction with any request that is 127088
required to be made under section 3712.09 of the Revised Code with 127089
respect to an individual who has applied for employment in a 127090
position that involves providing direct care to a pediatric 127091
respite care patient, the chief administrator of a pediatric 127092
respite care program may request that the superintendent of the 127093
bureau investigate and determine, with respect to any individual 127094
who has applied for employment in a position that does not involve 127095
providing direct care to a pediatric respite care patient, whether 127096
the bureau has any information gathered under division (A) of this 127097
section that pertains to that individual. 127098

On receipt of a request under this division, the 127099
superintendent shall determine whether that information exists 127100
and, on request of the individual requesting information, shall 127101
also request from the federal bureau of investigation any criminal 127102
records it has pertaining to the applicant. The superintendent or 127103
the superintendent's designee also may request criminal history 127104
records from other states or the federal government pursuant to 127105

the national crime prevention and privacy compact set forth in 127106
section 109.571 of the Revised Code. Within thirty days of the 127107
date a request is received, subject to division (E)(2) of this 127108
section, the superintendent shall send to the requester a report 127109
of any information determined to exist, including information 127110
contained in records that have been sealed under section 2953.32 127111
of the Revised Code, and, within thirty days of its receipt, shall 127112
send the requester a report of any information received from the 127113
federal bureau of investigation, other than information the 127114
dissemination of which is prohibited by federal law. 127115

(H) Information obtained by a government entity or person 127116
under this section is confidential and shall not be released or 127117
disseminated. 127118

(I) The superintendent may charge a reasonable fee for 127119
providing information or criminal records under division (F)(2) or 127120
(G) of this section. 127121

(J) As used in this section: 127122

(1) "Pediatric respite care program" and "pediatric care 127123
patient" have the same meanings as in section 3712.01 of the 127124
Revised Code. 127125

(2) "Sexually oriented offense" and "child-victim oriented 127126
offense" have the same meanings as in section 2950.01 of the 127127
Revised Code. 127128

(3) "Registered private provider" means a nonpublic school or 127129
entity registered with the superintendent of public instruction 127130
under section 3310.41 of the Revised Code to participate in the 127131
autism scholarship program or section 3310.58 of the Revised Code 127132
to participate in the Jon Peterson special needs scholarship 127133
program. 127134

Sec. 349.01. As used in this chapter: 127135

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns

the land within a new community district, or has the ability to 127167
acquire such land, either by voluntary acquisition or condemnation 127168
in order to eliminate slum, blighted, and deteriorated or 127169
deteriorating areas and to prevent the recurrence thereof. 127170
"Developer" may also mean a person, municipal corporation, county, 127171
or port authority that controls land within a new community 127172
district through leases of at least seventy-five years' duration. 127173
"Developer" includes a lessor that continues to own and control 127174
land for purposes of this chapter pursuant to leases with a 127175
ninety-nine-year renewable term, so long as all of the following 127176
apply: 127177

(1) The developer's new community district consists of at 127178
least five leases described in this section. 127179

(2) The leases are subject to forfeiture for all of the 127180
following: 127181

(a) Failing to pay taxes and assessments; 127182

(b) Failing to pay an annual fee of up to one per cent of 127183
rent for sanitary purposes and improvements made to streets; 127184

(c) Failing to keep the premises as required by sanitary and 127185
police regulations of the developer. 127186

(3) The new community authority is established on or before 127187
December 31, 2024. 127188

(F) "Organizational board of commissioners" means the 127189
following: 127190

(1) For a new community district that is located in only one 127191
county, the board of county commissioners of that county; 127192

(2) For a new community district that is located in more than 127193
one county, a board consisting of the members of the board of 127194
county commissioners of each of the counties in which the district 127195
is located, provided that action of the board shall require a 127196

majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, ~~day~~ child care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural

facilities, community streets and off-street parking facilities, 127229
pathway and bikeway systems, pedestrian underpasses and 127230
overpasses, lighting facilities, design amenities, or other 127231
community facilities, and buildings needed in connection with 127232
water supply or sewage disposal installations, or energy 127233
facilities including those for renewable or sustainable energy 127234
sources, and steam, gas, or electric lines or installation. 127235

(J) "Cost" as applied to a new community development program 127236
means all costs related to land acquisition and land development, 127237
the acquisition, construction, maintenance, and operation of 127238
community facilities and offices of the community authority, and 127239
of providing furnishings and equipment therefor, financing charges 127240
including interest prior to and during construction and for the 127241
duration of the new community development program, planning 127242
expenses, engineering expenses, administrative expenses including 127243
working capital, and all other expenses necessary and incident to 127244
the carrying forward of the new community development program. 127245

(K) "Income source" means any and all sources of income to 127246
the community authority, including community development charges 127247
of which the new community authority is the beneficiary as 127248
provided in section 349.07 of the Revised Code, rentals, user fees 127249
and other charges received by the new community authority, any 127250
gift or grant received, any moneys received from any funds 127251
invested by or on behalf of the new community authority, and 127252
proceeds from the sale or lease of land and community facilities. 127253

(L) "Community development charge" means: 127254

(1) A dollar amount which shall be determined on the basis of 127255
the assessed valuation of real property or interests in real 127256
property in a new community district, the income of the residents 127257
of such property subject to such charge under section 349.07 of 127258
the Revised Code, if such property is devoted to residential uses 127259
or to the profits, gross receipts, or other revenues of any 127260

business including, but not limited to, rentals received from 127261
leases of real property located in the district, a uniform or 127262
other fee on each parcel of such real property in a new community 127263
district, or any combination of the foregoing bases. 127264

(2) If a new community authority imposes a community 127265
development charge determined on the basis of rentals received 127266
from leases of real property, improvements of any real property 127267
located in the new community district and subject to that charge 127268
may not be exempted from taxation under section 5709.40, 5709.41, 127269
5709.73, or 5709.78 of the Revised Code. 127270

(M) "Proximate city" means the following: 127271

(1) For a new community district other than a new community 127272
district described in division (M)(2) or (3) of this section, any 127273
city that, as of the date of filing of the petition under section 127274
349.03 of the Revised Code, is the city with the greatest 127275
population located in the county in which the proposed new 127276
community district is located, is the city with the greatest 127277
population located in an adjoining county if any portion of such 127278
city is within five miles of any part of the boundaries of such 127279
district, or exercises extraterritorial subdivision authority 127280
under section 711.09 of the Revised Code with respect to any part 127281
of such district. 127282

(2) A municipal corporation in which, at the time of filing 127283
the petition under section 349.03 of the Revised Code, any portion 127284
of the proposed new community district is located. 127285

(3) For a new community district other than a new community 127286
district described in division (M)(2) of this section, if at the 127287
time of filing the petition under section 349.03 of the Revised 127288
Code, more than one-half of the proposed district is contained 127289
within a joint economic development district created under 127290
sections 715.70 to 715.83 of the Revised Code, the township 127291

containing the greatest portion of the territory of the joint 127292
economic development district. 127293

(N) "Community activities" means cultural, educational, 127294
governmental, recreational, residential, industrial, commercial, 127295
distribution and research activities, or any combination thereof 127296
that includes residential activities. 127297

Sec. 921.06. (A)(1) No individual shall do any of the 127298
following without having a commercial applicator license issued by 127299
the director of agriculture: 127300

(a) Apply pesticides for a pesticide business without direct 127301
supervision; 127302

(b) Apply pesticides as part of the individual's duties while 127303
acting as an employee of the United States government, a state, 127304
county, township, or municipal corporation, or a park district, 127305
port authority, or sanitary district created under Chapter 1545., 127306
4582., or 6115. of the Revised Code, respectively; 127307

(c) Apply restricted use pesticides. Division (A)(1)(c) of 127308
this section does not apply to a private applicator or an 127309
immediate family member or a subordinate employee of a private 127310
applicator who is acting under the direct supervision of that 127311
private applicator. 127312

(d) If the individual is the owner of a business other than a 127313
pesticide business or an employee of such an owner, apply 127314
pesticides at any of the following publicly accessible sites that 127315
are located on the property: 127316

(i) Food service operations that are licensed under Chapter 127317
3717. of the Revised Code; 127318

(ii) Retail food establishments that are licensed under 127319
Chapter 3717. of the Revised Code; 127320

(iii) Golf courses; 127321

(iv) Rental properties of more than four apartment units at one location;	127322 127323
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	127324 127325
(vi) Child day-care <u>care</u> centers or <u>licensed</u> school child day-care centers <u>programs</u> as defined in section 5104.01 of the Revised Code;	127326 127327 127328
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	127329 127330 127331 127332 127333 127334
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	127335 127336 127337 127338 127339 127340 127341 127342 127343 127344
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	127345 127346
(x) Any other site designated by rule.	127347
(e) Conduct authorized diagnostic inspections.	127348
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	127349 127350 127351

(3) Licenses shall be issued for a period of time established 127352
by rule and shall be renewed in accordance with deadlines 127353
established by rule. The fee for each such license shall be 127354
established by rule. If a license is not issued or renewed, the 127355
application fee shall be retained by the state as payment for the 127356
reasonable expense of processing the application. The director 127357
shall by rule classify by pesticide-use category licenses to be 127358
issued under this section. A single license may include more than 127359
one pesticide-use category. No individual shall be required to pay 127360
an additional license fee if the individual is licensed for more 127361
than one category. 127362

The fee for each license or renewal does not apply to an 127363
applicant who is an employee of the department of agriculture 127364
whose job duties require licensure as a commercial applicator as a 127365
condition of employment. 127366

(B) Application for a commercial applicator license shall be 127367
made on a form prescribed by the director. Each application for a 127368
license shall state the pesticide-use category or categories of 127369
license for which the applicant is applying and other information 127370
that the director determines essential to the administration of 127371
this chapter. 127372

(C) If the director finds that the applicant is competent to 127373
apply pesticides and conduct diagnostic inspections and that the 127374
applicant has passed both the general examination and each 127375
applicable pesticide-use category examination as required under 127376
division (A) of section 921.12 of the Revised Code, the director 127377
shall issue a commercial applicator license limited to the 127378
pesticide-use category or categories for which the applicant is 127379
found to be competent. If the director rejects an application, the 127380
director may explain why the application was rejected, describe 127381
the additional requirements necessary for the applicant to obtain 127382
a license, and return the application. The applicant may resubmit 127383

the application without payment of any additional fee. 127384

(D)(1) A person who is a commercial applicator shall be 127385
deemed to hold a private applicator's license for purposes of 127386
applying pesticides on agricultural commodities that are produced 127387
by the commercial applicator. 127388

(2) A commercial applicator shall apply pesticides only in 127389
the pesticide-use category or categories in which the applicator 127390
is licensed under this chapter. 127391

(E) All money collected under this section shall be credited 127392
to the pesticide, fertilizer, and lime program fund created in 127393
section 921.22 of the Revised Code. 127394

Sec. 1923.01. (A) As provided in this chapter, any judge of a 127395
county or municipal court or a court of common pleas, within the 127396
judge's proper area of jurisdiction, may inquire about persons who 127397
make unlawful and forcible entry into lands or tenements and 127398
detain them, and about persons who make a lawful and peaceable 127399
entry into lands or tenements and hold them unlawfully and by 127400
force. If, upon the inquiry, it is found that an unlawful and 127401
forcible entry has been made and the lands or tenements are 127402
detained, or that, after a lawful entry, lands or tenements are 127403
held unlawfully and by force, a judge shall cause the plaintiff in 127404
an action under this chapter to have restitution of the lands or 127405
tenements. 127406

(B) An action shall be brought under this chapter within two 127407
years after the cause of action accrues. 127408

(C) As used in this chapter: 127409

(1) "Tenant" means a person who is entitled under a rental 127410
agreement to the use or occupancy of premises, other than premises 127411
located in a manufactured home park, to the exclusion of others, 127412
except that as used in division (A)(6) of section 1923.02 and 127413

section 1923.051 of the Revised Code, "tenant" includes a 127414
manufactured home park resident. 127415

(2) "Landlord" means the owner, lessor, or sublessor of 127416
premises, or the agent or person the landlord authorizes to manage 127417
premises or to receive rent from a tenant under a rental 127418
agreement, except, if required by the facts of the action to which 127419
the term is applied, "landlord" means a park operator. 127420

(3) "Resident" has the same meaning as in section 4781.01 of 127421
the Revised Code. 127422

(4) "Residential premises" has the same meaning as in section 127423
5321.01 of the Revised Code, except, if required by the facts of 127424
the action to which the term is applied, "residential premises" 127425
has the same meaning as in section 4781.01 of the Revised Code. 127426

(5) "Rental agreement" means any agreement or lease, written 127427
or oral, that establishes or modifies the terms, conditions, 127428
rules, or other provisions concerning the use or occupancy of 127429
premises by one of the parties to the agreement or lease, except 127430
that "rental agreement," as used in division (A)(13) of section 127431
1923.02 of the Revised Code and where the context requires as used 127432
in this chapter, means a rental agreement as defined in division 127433
(D) of section 5322.01 of the Revised Code. 127434

(6) "Controlled substance" has the same meaning as in section 127435
3719.01 of the Revised Code. 127436

(7) "School premises" has the same meaning as in section 127437
2925.01 of the Revised Code. 127438

(8) "Sexually oriented offense" and "child-victim oriented 127439
offense" have the same meanings as in section 2950.01 of the 127440
Revised Code. 127441

(9) "Recreational vehicle" and "mobile home" have the same 127442
meanings as in section 4501.01 of the Revised Code. 127443

(10) "Manufactured home" has the same meaning as in section 127444
3781.06 of the Revised Code. 127445

(11) "Manufactured home park" has the same meaning as in 127446
section 4781.01 of the Revised Code and also means any tract of 127447
land upon which one or two manufactured or mobile homes used for 127448
habitation are parked, either free of charge or for revenue 127449
purposes, pursuant to rental agreements between the owners of the 127450
manufactured or mobile homes and the owner of the tract of land. 127451

(12) "Park operator" has the same meaning as in section 127452
4781.01 of the Revised Code and also means a landlord of premises 127453
upon which one or two manufactured or mobile homes used for 127454
habitation are parked, either free of charge or for revenue 127455
purposes, pursuant to rental agreements between the owners of the 127456
manufactured or mobile homes and a landlord who is not licensed as 127457
a manufactured home park operator pursuant to Chapter 4781. of the 127458
Revised Code. 127459

(13) "Personal property" means tangible personal property 127460
other than a manufactured home, mobile home, or recreational 127461
vehicle that is the subject of an action under this chapter. 127462

(14) "Preschool or child ~~day-care~~ care center premises" has 127463
the same meaning as in section 2950.034 of the Revised Code. 127464

Sec. 1923.02. (A) Proceedings under this chapter may be had 127465
as follows: 127466

(1) Against tenants or manufactured home park residents 127467
holding over their terms; 127468

(2) Against tenants or manufactured home park residents in 127469
possession under an oral tenancy, who are in default in the 127470
payment of rent as provided in division (B) of this section; 127471

(3) In sales of real estate, on executions, orders, or other 127472
judicial process, when the judgment debtor was in possession at 127473

the time of the rendition of the judgment or decree, by virtue of 127474
which the sale was made; 127475

(4) In sales by executors, administrators, or guardians, and 127476
on partition, when any of the parties to the complaint were in 127477
possession at the commencement of the action, after the sales, so 127478
made on execution or otherwise, have been examined by the proper 127479
court and adjudged legal; 127480

(5) When the defendant is an occupier of lands or tenements, 127481
without color of title, and the complainant has the right of 127482
possession to them; 127483

(6) In any other case of the unlawful and forcible detention 127484
of lands or tenements. For purposes of this division, in addition 127485
to any other type of unlawful and forcible detention of lands or 127486
tenements, such a detention may be determined to exist when both 127487
of the following apply: 127488

(a) A tenant fails to vacate residential premises within 127489
three days after both of the following occur: 127490

(i) The tenant's landlord has actual knowledge of or has 127491
reasonable cause to believe that the tenant, any person in the 127492
tenant's household, or any person on the premises with the consent 127493
of the tenant previously has or presently is engaged in a 127494
violation of Chapter 2925. or 3719. of the Revised Code, or of a 127495
municipal ordinance that is substantially similar to any section 127496
in either of those chapters, which involves a controlled substance 127497
and which occurred in, is occurring in, or otherwise was or is 127498
connected with the premises, whether or not the tenant or other 127499
person has been charged with, has pleaded guilty to or been 127500
convicted of, or has been determined to be a delinquent child for 127501
an act that, if committed by an adult, would be a violation as 127502
described in this division. For purposes of this division, a 127503
landlord has "actual knowledge of or has reasonable cause to 127504

believe" that a tenant, any person in the tenant's household, or 127505
any person on the premises with the consent of the tenant 127506
previously has or presently is engaged in a violation as described 127507
in this division if a search warrant was issued pursuant to 127508
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 127509
affidavit presented to obtain the warrant named or described the 127510
tenant or person as the individual to be searched and particularly 127511
described the tenant's premises as the place to be searched, named 127512
or described one or more controlled substances to be searched for 127513
and seized, stated substantially the offense under Chapter 2925. 127514
or 3719. of the Revised Code or the substantially similar 127515
municipal ordinance that occurred in, is occurring in, or 127516
otherwise was or is connected with the tenant's premises, and 127517
states the factual basis for the affiant's belief that the 127518
controlled substances are located on the tenant's premises; the 127519
warrant was properly executed by a law enforcement officer and any 127520
controlled substance described in the affidavit was found by that 127521
officer during the search and seizure; and, subsequent to the 127522
search and seizure, the landlord was informed by that or another 127523
law enforcement officer of the fact that the tenant or person has 127524
or presently is engaged in a violation as described in this 127525
division and it occurred in, is occurring in, or otherwise was or 127526
is connected with the tenant's premises. 127527

(ii) The landlord gives the tenant the notice required by 127528
division (C) of section 5321.17 of the Revised Code. 127529

(b) The court determines, by a preponderance of the evidence, 127530
that the tenant, any person in the tenant's household, or any 127531
person on the premises with the consent of the tenant previously 127532
has or presently is engaged in a violation as described in 127533
division (A)(6)(a)(i) of this section. 127534

(7) In cases arising out of Chapter 5313. of the Revised 127535
Code. In those cases, the court has the authority to declare a 127536

forfeiture of the vendee's rights under a land installment 127537
contract and to grant any other claims arising out of the 127538
contract. 127539

(8) Against tenants who have breached an obligation that is 127540
imposed by section 5321.05 of the Revised Code, other than the 127541
obligation specified in division (A)(9) of that section, and that 127542
materially affects health and safety. Prior to the commencement of 127543
an action under this division, notice shall be given to the tenant 127544
and compliance secured with section 5321.11 of the Revised Code. 127545

(9) Against tenants who have breached an obligation imposed 127546
upon them by a written rental agreement; 127547

(10) Against manufactured home park residents who have 127548
defaulted in the payment of rent or breached the terms of a rental 127549
agreement with a park operator. Nothing in this division precludes 127550
the commencement of an action under division (A)(12) of this 127551
section when the additional circumstances described in that 127552
division apply. 127553

(11) Against manufactured home park residents who have 127554
committed two material violations of the rules of the manufactured 127555
home park, of the division of industrial compliance of the 127556
department of commerce, or of applicable state and local health 127557
and safety codes and who have been notified of the violations in 127558
compliance with section 4781.45 of the Revised Code; 127559

(12) Against a manufactured home park resident, or the estate 127560
of a manufactured home park resident, who as a result of death or 127561
otherwise has been absent from the manufactured home park for a 127562
period of thirty consecutive days prior to the commencement of an 127563
action under this division and whose manufactured home or mobile 127564
home, or recreational vehicle that is parked in the manufactured 127565
home park, has been left unoccupied for that thirty-day period, 127566
without notice to the park operator and without payment of rent 127567

due under the rental agreement with the park operator; 127568

(13) Against occupants of self-service storage facilities, as 127569
defined in division (A) of section 5322.01 of the Revised Code, 127570
who have breached the terms of a rental agreement or violated 127571
section 5322.04 of the Revised Code; 127572

(14) Against any resident or occupant who, pursuant to a 127573
rental agreement, resides in or occupies residential premises 127574
located within one thousand feet of any school premises, preschool 127575
or child ~~day-care~~ care center premises, children's crisis care 127576
facility premises, or residential infant care center premises and 127577
to whom both of the following apply: 127578

(a) The resident's or occupant's name appears on the state 127579
registry of sex offenders and child-victim offenders maintained 127580
under section 2950.13 of the Revised Code. 127581

(b) The state registry of sex offenders and child-victim 127582
offenders indicates that the resident or occupant was convicted of 127583
or pleaded guilty to a sexually oriented offense or a child-victim 127584
oriented offense in a criminal prosecution and was not sentenced 127585
to a serious youthful offender dispositional sentence for that 127586
offense. 127587

(15) Against any tenant who permits any person to occupy 127588
residential premises located within one thousand feet of any 127589
school premises, preschool or child ~~day-care~~ care center premises, 127590
children's crisis care facility premises, or residential infant 127591
care center premises if both of the following apply to the person: 127592

(a) The person's name appears on the state registry of sex 127593
offenders and child-victim offenders maintained under section 127594
2950.13 of the Revised Code. 127595

(b) The state registry of sex offenders and child-victim 127596
offenders indicates that the person was convicted of or pleaded 127597
guilty to a sexually oriented offense or a child-victim oriented 127598

offense in a criminal prosecution and was not sentenced to a 127599
serious youthful offender dispositional sentence for that offense. 127600

(B) If a tenant or manufactured home park resident holding 127601
under an oral tenancy is in default in the payment of rent, the 127602
tenant or resident forfeits the right of occupancy, and the 127603
landlord may, at the landlord's option, terminate the tenancy by 127604
notifying the tenant or resident, as provided in section 1923.04 127605
of the Revised Code, to leave the premises, for the restitution of 127606
which an action may then be brought under this chapter. 127607

(C)(1) If a tenant or any other person with the tenant's 127608
permission resides in or occupies residential premises that are 127609
located within one thousand feet of any school premises, 127610
children's crisis care facility premises, or residential infant 127611
care center premises and is a resident or occupant of the type 127612
described in division (A)(14) of this section or a person of the 127613
type described in division (A)(15) of this section, the landlord 127614
for those residential premises, upon discovery that the tenant or 127615
other person is a resident, occupant, or person of that nature, 127616
may terminate the rental agreement or tenancy for those 127617
residential premises by notifying the tenant and all other 127618
occupants, as provided in section 1923.04 of the Revised Code, to 127619
leave the premises. 127620

(2) If a landlord is authorized to terminate a rental 127621
agreement or tenancy pursuant to division (C)(1) of this section 127622
but does not so terminate the rental agreement or tenancy, the 127623
landlord is not liable in a tort or other civil action in damages 127624
for any injury, death, or loss to person or property that 127625
allegedly result from that decision. 127626

(D) This chapter does not apply to a student tenant as 127627
defined by division (H) of section 5321.01 of the Revised Code 127628
when the college or university proceeds to terminate a rental 127629
agreement pursuant to section 5321.031 of the Revised Code. 127630

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

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;	127661 127662
(b) Participates in the placement of children in certified foster homes;	127663 127664
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	127665 127666
(B) As used in this chapter:	127667
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	127668 127669 127670 127671 127672 127673
(2) "Adult" means an individual who is eighteen years of age or older.	127674 127675
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	127676 127677 127678 127679
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	127680 127681 127682 127683 127684 127685
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	127686 127687 127688
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any	127689 127690

person who is adjudicated an unruly child prior to attaining 127691
eighteen years of age until the person attains twenty-one years of 127692
age, and, for purposes of that jurisdiction related to that 127693
adjudication, a person who is so adjudicated an unruly child shall 127694
be deemed a "child" until the person attains twenty-one years of 127695
age. 127696

(7) "Child day camp," "child care," "child ~~day-care~~ care 127697
center," "part-time child ~~day-care~~ care center," "type A family 127698
~~day-care~~ child care home," "licensed type B family ~~day-care~~ child 127699
care home," "type B family ~~day-care~~ child care home," 127700
"administrator of a child ~~day-care~~ care center," "administrator of 127701
a type A family ~~day-care~~ child care home," and "in-home aide" have 127702
the same meanings as in section 5104.01 of the Revised Code. 127703

(8) "Child care provider" means an individual who is a 127704
child-care staff member or administrator of a child ~~day-care~~ care 127705
center, a type A family ~~day-care~~ child care home, or a type B 127706
family ~~day-care~~ child care home, or an in-home aide or an 127707
individual who is licensed, is regulated, is approved, operates 127708
under the direction of, or otherwise is certified by the 127709
department of job and family services, department of developmental 127710
disabilities, or the early childhood programs of the department of 127711
education. 127712

(9) "Commit" means to vest custody as ordered by the court. 127713

(10) "Counseling" includes both of the following: 127714

(a) General counseling services performed by a public 127715
children services agency or shelter for victims of domestic 127716
violence to assist a child, a child's parents, and a child's 127717
siblings in alleviating identified problems that may cause or have 127718
caused the child to be an abused, neglected, or dependent child. 127719

(b) Psychiatric or psychological therapeutic counseling 127720
services provided to correct or alleviate any mental or emotional 127721

illness or disorder and performed by a licensed psychiatrist, 127722
licensed psychologist, or a person licensed under Chapter 4757. of 127723
the Revised Code to engage in social work or professional 127724
counseling. 127725

(11) "Custodian" means a person who has legal custody of a 127726
child or a public children services agency or private child 127727
placing agency that has permanent, temporary, or legal custody of 127728
a child. 127729

(12) "Delinquent child" has the same meaning as in section 127730
2152.02 of the Revised Code. 127731

(13) "Detention" means the temporary care of children pending 127732
court adjudication or disposition, or execution of a court order, 127733
in a public or private facility designed to physically restrict 127734
the movement and activities of children. 127735

(14) "Developmental disability" has the same meaning as in 127736
section 5123.01 of the Revised Code. 127737

(15) "Differential response approach" means an approach that 127738
a public children services agency may use to respond to accepted 127739
reports of child abuse or neglect with either an alternative 127740
response or a traditional response. 127741

(16) "Foster caregiver" has the same meaning as in section 127742
5103.02 of the Revised Code. 127743

(17) "Guardian" means a person, association, or corporation 127744
that is granted authority by a probate court pursuant to Chapter 127745
2111. of the Revised Code to exercise parental rights over a child 127746
to the extent provided in the court's order and subject to the 127747
residual parental rights of the child's parents. 127748

(18) "Habitual truant" means any child of compulsory school 127749
age who is absent without legitimate excuse for absence from the 127750
public school the child is supposed to attend for thirty or more 127751

consecutive hours, forty-two or more hours in one school month, or 127752
seventy-two or more hours in a school year. 127753

(19) "Intellectual disability" has the same meaning as in 127754
section 5123.01 of the Revised Code. 127755

(20) "Juvenile traffic offender" has the same meaning as in 127756
section 2152.02 of the Revised Code. 127757

(21) "Legal custody" means a legal status that vests in the 127758
custodian the right to have physical care and control of the child 127759
and to determine where and with whom the child shall live, and the 127760
right and duty to protect, train, and discipline the child and to 127761
provide the child with food, shelter, education, and medical care, 127762
all subject to any residual parental rights, privileges, and 127763
responsibilities. An individual granted legal custody shall 127764
exercise the rights and responsibilities personally unless 127765
otherwise authorized by any section of the Revised Code or by the 127766
court. 127767

(22) A "legitimate excuse for absence from the public school 127768
the child is supposed to attend" includes, but is not limited to, 127769
any of the following: 127770

(a) The fact that the child in question has enrolled in and 127771
is attending another public or nonpublic school in this or another 127772
state; 127773

(b) The fact that the child in question is excused from 127774
attendance at school for any of the reasons specified in section 127775
3321.04 of the Revised Code; 127776

(c) The fact that the child in question has received an age 127777
and schooling certificate in accordance with section 3331.01 of 127778
the Revised Code. 127779

(23) "Mental illness" has the same meaning as in section 127780
5122.01 of the Revised Code. 127781

(24) "Mental injury" means any behavioral, cognitive, 127782
emotional, or mental disorder in a child caused by an act or 127783
omission that is described in section 2919.22 of the Revised Code 127784
and is committed by the parent or other person responsible for the 127785
child's care. 127786

(25) "Nonsecure care, supervision, or training" means care, 127787
supervision, or training of a child in a facility that does not 127788
confine or prevent movement of the child within the facility or 127789
from the facility. 127790

(26) "Of compulsory school age" has the same meaning as in 127791
section 3321.01 of the Revised Code. 127792

(27) "Organization" means any institution, public, 127793
semipublic, or private, and any private association, society, or 127794
agency located or operating in the state, incorporated or 127795
unincorporated, having among its functions the furnishing of 127796
protective services or care for children, or the placement of 127797
children in certified foster homes or elsewhere. 127798

(28) "Out-of-home care" means detention facilities, shelter 127799
facilities, certified children's crisis care facilities, certified 127800
foster homes, placement in a prospective adoptive home prior to 127801
the issuance of a final decree of adoption, organizations, 127802
certified organizations, child ~~day-care~~ care centers, type A 127803
family ~~day-care~~ child care homes, type B family ~~day-care~~ child 127804
care homes, child care provided by in-home aides, group home 127805
providers, group homes, institutions, state institutions, 127806
residential facilities, residential care facilities, residential 127807
camps, day camps, private, nonprofit therapeutic wilderness camps, 127808
public schools, chartered nonpublic schools, educational service 127809
centers, hospitals, and medical clinics that are responsible for 127810
the care, physical custody, or control of children. 127811

(29) "Out-of-home care child abuse" means any of the 127812

following when committed by a person responsible for the care of a	127813
child in out-of-home care:	127814
(a) Engaging in sexual activity with a child in the person's	127815
care;	127816
(b) Denial to a child, as a means of punishment, of proper or	127817
necessary subsistence, education, medical care, or other care	127818
necessary for a child's health;	127819
(c) Use of restraint procedures on a child that cause injury	127820
or pain;	127821
(d) Administration of prescription drugs or psychotropic	127822
medication to the child without the written approval and ongoing	127823
supervision of a licensed physician;	127824
(e) Commission of any act, other than by accidental means,	127825
that results in any injury to or death of the child in out-of-home	127826
care or commission of any act by accidental means that results in	127827
an injury to or death of a child in out-of-home care and that is	127828
at variance with the history given of the injury or death.	127829
(30) "Out-of-home care child neglect" means any of the	127830
following when committed by a person responsible for the care of a	127831
child in out-of-home care:	127832
(a) Failure to provide reasonable supervision according to	127833
the standards of care appropriate to the age, mental and physical	127834
condition, or other special needs of the child;	127835
(b) Failure to provide reasonable supervision according to	127836
the standards of care appropriate to the age, mental and physical	127837
condition, or other special needs of the child, that results in	127838
sexual or physical abuse of the child by any person;	127839
(c) Failure to develop a process for all of the following:	127840
(i) Administration of prescription drugs or psychotropic	127841
drugs for the child;	127842

- (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 127843
127844
- (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 127845
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127847
- (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 127848
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- (e) Confinement of the child to a locked room without monitoring by staff; 127851
127852
- (f) Failure to provide ongoing security for all prescription and nonprescription medication; 127853
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- (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 127855
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- (31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 127858
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- (32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 127864
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- (33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 127869
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- (34) "Person responsible for a child's care in out-of-home 127872

care" means any of the following:	127873
(a) Any foster caregiver, in-home aide, or provider;	127874
(b) Any administrator, employee, or agent of any of the	127875
following: a public or private detention facility; shelter	127876
facility; certified children's crisis care facility; organization;	127877
certified organization; child day-care <u>care</u> center; type A family	127878
day-care <u>child care</u> home; licensed type B family day-care <u>child</u>	127879
<u>care</u> home; group home; institution; state institution; residential	127880
facility; residential care facility; residential camp; day camp;	127881
school district; community school; chartered nonpublic school;	127882
educational service center; hospital; or medical clinic;	127883
(c) Any person who supervises or coaches children as part of	127884
an extracurricular activity sponsored by a school district, public	127885
school, or chartered nonpublic school;	127886
(d) Any other person who performs a similar function with	127887
respect to, or has a similar relationship to, children.	127888
(35) "Physical impairment" means having one or more of the	127889
following conditions that substantially limit one or more of an	127890
individual's major life activities, including self-care, receptive	127891
and expressive language, learning, mobility, and self-direction:	127892
(a) A substantial impairment of vision, speech, or hearing;	127893
(b) A congenital orthopedic impairment;	127894
(c) An orthopedic impairment caused by disease, rheumatic	127895
fever or any other similar chronic or acute health problem, or	127896
amputation or another similar cause.	127897
(36) "Placement for adoption" means the arrangement by a	127898
public children services agency or a private child placing agency	127899
with a person for the care and adoption by that person of a child	127900
of whom the agency has permanent custody.	127901
(37) "Placement in foster care" means the arrangement by a	127902

public children services agency or a private child placing agency 127903
for the out-of-home care of a child of whom the agency has 127904
temporary custody or permanent custody. 127905

(38) "Planned permanent living arrangement" means an order of 127906
a juvenile court pursuant to which both of the following apply: 127907

(a) The court gives legal custody of a child to a public 127908
children services agency or a private child placing agency without 127909
the termination of parental rights. 127910

(b) The order permits the agency to make an appropriate 127911
placement of the child and to enter into a written agreement with 127912
a foster care provider or with another person or agency with whom 127913
the child is placed. 127914

(39) "Practice of social work" and "practice of professional 127915
counseling" have the same meanings as in section 4757.01 of the 127916
Revised Code. 127917

(40) "Private, nonprofit therapeutic wilderness camp" has the 127918
same meaning as in section 5103.02 of the Revised Code. 127919

(41) "Sanction, service, or condition" means a sanction, 127920
service, or condition created by court order following an 127921
adjudication that a child is an unruly child that is described in 127922
division (A)(4) of section 2152.19 of the Revised Code. 127923

(42) "Protective supervision" means an order of disposition 127924
pursuant to which the court permits an abused, neglected, 127925
dependent, or unruly child to remain in the custody of the child's 127926
parents, guardian, or custodian and stay in the child's home, 127927
subject to any conditions and limitations upon the child, the 127928
child's parents, guardian, or custodian, or any other person that 127929
the court prescribes, including supervision as directed by the 127930
court for the protection of the child. 127931

(43) "Psychiatrist" has the same meaning as in section 127932

5122.01 of the Revised Code.	127933
(44) "Psychologist" has the same meaning as in section	127934
4732.01 of the Revised Code.	127935
(45) "Resource caregiver" has the same meaning as in section	127936
5103.02 of the Revised Code.	127937
(46) "Resource family" has the same meaning as in section	127938
5103.02 of the Revised Code.	127939
(47) "Residential camp" means a program in which the care,	127940
physical custody, or control of children is accepted overnight for	127941
recreational or recreational and educational purposes.	127942
(48) "Residential care facility" means an institution,	127943
residence, or facility that is licensed by the department of	127944
mental health and addiction services under section 5119.34 of the	127945
Revised Code and that provides care for a child.	127946
(49) "Residential facility" means a home or facility that is	127947
licensed by the department of developmental disabilities under	127948
section 5123.19 of the Revised Code and in which a child with a	127949
developmental disability resides.	127950
(50) "Residual parental rights, privileges, and	127951
responsibilities" means those rights, privileges, and	127952
responsibilities remaining with the natural parent after the	127953
transfer of legal custody of the child, including, but not	127954
necessarily limited to, the privilege of reasonable visitation,	127955
consent to adoption, the privilege to determine the child's	127956
religious affiliation, and the responsibility for support.	127957
(51) "School day" means the school day established by the	127958
board of education of the applicable school district pursuant to	127959
section 3313.481 of the Revised Code.	127960
(52) "School year" has the same meaning as in section 3313.62	127961
of the Revised Code.	127962

(53) "Secure correctional facility" means a facility under 127963
the direction of the department of youth services that is designed 127964
to physically restrict the movement and activities of children and 127965
used for the placement of children after adjudication and 127966
disposition. 127967

(54) "Sexual activity" has the same meaning as in section 127968
2907.01 of the Revised Code. 127969

(55) "Shelter" means the temporary care of children in 127970
physically unrestricted facilities pending court adjudication or 127971
disposition. 127972

(56) "Shelter for victims of domestic violence" has the same 127973
meaning as in section 3113.33 of the Revised Code. 127974

(57) "Temporary custody" means legal custody of a child who 127975
is removed from the child's home, which custody may be terminated 127976
at any time at the discretion of the court or, if the legal 127977
custody is granted in an agreement for temporary custody, by the 127978
person who executed the agreement. 127979

(58) "Traditional response" means a public children services 127980
agency's response to a report of child abuse or neglect that 127981
encourages engagement of the family in a comprehensive evaluation 127982
of the child's current and future safety needs and a fact-finding 127983
process to determine whether child abuse or neglect occurred and 127984
the circumstances surrounding the alleged harm or risk of harm. 127985

(C) For the purposes of this chapter, a child shall be 127986
presumed abandoned when the parents of the child have failed to 127987
visit or maintain contact with the child for more than ninety 127988
days, regardless of whether the parents resume contact with the 127989
child after that period of ninety days. 127990

Sec. 2151.421. (A)(1)(a) No person described in division 127991
(A)(1)(b) of this section who is acting in an official or 127992

professional capacity and knows, or has reasonable cause to 127993
suspect based on facts that would cause a reasonable person in a 127994
similar position to suspect, that a child under eighteen years of 127995
age, or a person under twenty-one years of age with a 127996
developmental disability or physical impairment, has suffered or 127997
faces a threat of suffering any physical or mental wound, injury, 127998
disability, or condition of a nature that reasonably indicates 127999
abuse or neglect of the child shall fail to immediately report 128000
that knowledge or reasonable cause to suspect to the entity or 128001
persons specified in this division. Except as otherwise provided 128002
in this division or section 5120.173 of the Revised Code, the 128003
person making the report shall make it to the public children 128004
services agency or a peace officer in the county in which the 128005
child resides or in which the abuse or neglect is occurring or has 128006
occurred. If the person making the report is a peace officer, the 128007
officer shall make it to the public children services agency in 128008
the county in which the child resides or in which the abuse or 128009
neglect is occurring or has occurred. In the circumstances 128010
described in section 5120.173 of the Revised Code, the person 128011
making the report shall make it to the entity specified in that 128012
section. 128013

(b) Division (A)(1)(a) of this section applies to any person 128014
who is an attorney; health care professional; practitioner of a 128015
limited branch of medicine as specified in section 4731.15 of the 128016
Revised Code; licensed school psychologist; independent marriage 128017
and family therapist or marriage and family therapist; coroner; 128018
administrator or employee of a child ~~day-care~~ care center; 128019
administrator or employee of a residential camp, child day camp, 128020
or private, nonprofit therapeutic wilderness camp; administrator 128021
or employee of a certified child care agency or other public or 128022
private children services agency; school teacher; school employee; 128023
school authority; peace officer; humane society agent; dog warden, 128024

deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant

to division (A)(1) of this section concerning any communication 128057
the attorney or physician receives from a client or patient in an 128058
attorney-client or physician-patient relationship, if, in 128059
accordance with division (A) or (B) of section 2317.02 of the 128060
Revised Code, the attorney or physician could not testify with 128061
respect to that communication in a civil or criminal proceeding. 128062

(3) The client or patient in an attorney-client or 128063
physician-patient relationship described in division (A)(2) of 128064
this section is deemed to have waived any testimonial privilege 128065
under division (A) or (B) of section 2317.02 of the Revised Code 128066
with respect to any communication the attorney or physician 128067
receives from the client or patient in that attorney-client or 128068
physician-patient relationship, and the attorney or physician 128069
shall make a report pursuant to division (A)(1) of this section 128070
with respect to that communication, if all of the following apply: 128071

(a) The client or patient, at the time of the communication, 128072
is a child under eighteen years of age or is a person under 128073
twenty-one years of age with a developmental disability or 128074
physical impairment. 128075

(b) The attorney or physician knows, or has reasonable cause 128076
to suspect based on facts that would cause a reasonable person in 128077
similar position to suspect that the client or patient has 128078
suffered or faces a threat of suffering any physical or mental 128079
wound, injury, disability, or condition of a nature that 128080
reasonably indicates abuse or neglect of the client or patient. 128081

(c) The abuse or neglect does not arise out of the client's 128082
or patient's attempt to have an abortion without the notification 128083
of her parents, guardian, or custodian in accordance with section 128084
2151.85 of the Revised Code. 128085

(4)(a) No cleric and no person, other than a volunteer, 128086
designated by any church, religious society, or faith acting as a 128087

leader, official, or delegate on behalf of the church, religious 128088
society, or faith who is acting in an official or professional 128089
capacity, who knows, or has reasonable cause to believe based on 128090
facts that would cause a reasonable person in a similar position 128091
to believe, that a child under eighteen years of age, or a person 128092
under twenty-one years of age with a developmental disability or 128093
physical impairment, has suffered or faces a threat of suffering 128094
any physical or mental wound, injury, disability, or condition of 128095
a nature that reasonably indicates abuse or neglect of the child, 128096
and who knows, or has reasonable cause to believe based on facts 128097
that would cause a reasonable person in a similar position to 128098
believe, that another cleric or another person, other than a 128099
volunteer, designated by a church, religious society, or faith 128100
acting as a leader, official, or delegate on behalf of the church, 128101
religious society, or faith caused, or poses the threat of 128102
causing, the wound, injury, disability, or condition that 128103
reasonably indicates abuse or neglect shall fail to immediately 128104
report that knowledge or reasonable cause to believe to the entity 128105
or persons specified in this division. Except as provided in 128106
section 5120.173 of the Revised Code, the person making the report 128107
shall make it to the public children services agency or a peace 128108
officer in the county in which the child resides or in which the 128109
abuse or neglect is occurring or has occurred. In the 128110
circumstances described in section 5120.173 of the Revised Code, 128111
the person making the report shall make it to the entity specified 128112
in that section. 128113

(b) Except as provided in division (A)(4)(c) of this section, 128114
a cleric is not required to make a report pursuant to division 128115
(A)(4)(a) of this section concerning any communication the cleric 128116
receives from a penitent in a cleric-penitent relationship, if, in 128117
accordance with division (C) of section 2317.02 of the Revised 128118
Code, the cleric could not testify with respect to that 128119
communication in a civil or criminal proceeding. 128120

(c) The penitent in a cleric-penitent relationship described 128121
in division (A)(4)(b) of this section is deemed to have waived any 128122
testimonial privilege under division (C) of section 2317.02 of the 128123
Revised Code with respect to any communication the cleric receives 128124
from the penitent in that cleric-penitent relationship, and the 128125
cleric shall make a report pursuant to division (A)(4)(a) of this 128126
section with respect to that communication, if all of the 128127
following apply: 128128

(i) The penitent, at the time of the communication, is a 128129
child under eighteen years of age or is a person under twenty-one 128130
years of age with a developmental disability or physical 128131
impairment. 128132

(ii) The cleric knows, or has reasonable cause to believe 128133
based on facts that would cause a reasonable person in a similar 128134
position to believe, as a result of the communication or any 128135
observations made during that communication, the penitent has 128136
suffered or faces a threat of suffering any physical or mental 128137
wound, injury, disability, or condition of a nature that 128138
reasonably indicates abuse or neglect of the penitent. 128139

(iii) The abuse or neglect does not arise out of the 128140
penitent's attempt to have an abortion performed upon a child 128141
under eighteen years of age or upon a person under twenty-one 128142
years of age with a developmental disability or physical 128143
impairment without the notification of her parents, guardian, or 128144
custodian in accordance with section 2151.85 of the Revised Code. 128145

(d) Divisions (A)(4)(a) and (c) of this section do not apply 128146
in a cleric-penitent relationship when the disclosure of any 128147
communication the cleric receives from the penitent is in 128148
violation of the sacred trust. 128149

(e) As used in divisions (A)(1) and (4) of this section, 128150
"cleric" and "sacred trust" have the same meanings as in section 128151

2317.02 of the Revised Code. 128152

(B) Anyone who knows, or has reasonable cause to suspect 128153
based on facts that would cause a reasonable person in similar 128154
circumstances to suspect, that a child under eighteen years of 128155
age, or a person under twenty-one years of age with a 128156
developmental disability or physical impairment, has suffered or 128157
faces a threat of suffering any physical or mental wound, injury, 128158
disability, or other condition of a nature that reasonably 128159
indicates abuse or neglect of the child may report or cause 128160
reports to be made of that knowledge or reasonable cause to 128161
suspect to the entity or persons specified in this division. 128162
Except as provided in section 5120.173 of the Revised Code, a 128163
person making a report or causing a report to be made under this 128164
division shall make it or cause it to be made to the public 128165
children services agency or to a peace officer. In the 128166
circumstances described in section 5120.173 of the Revised Code, a 128167
person making a report or causing a report to be made under this 128168
division shall make it or cause it to be made to the entity 128169
specified in that section. 128170

(C) Any report made pursuant to division (A) or (B) of this 128171
section shall be made forthwith either by telephone or in person 128172
and shall be followed by a written report, if requested by the 128173
receiving agency or officer. The written report shall contain: 128174

(1) The names and addresses of the child and the child's 128175
parents or the person or persons having custody of the child, if 128176
known; 128177

(2) The child's age and the nature and extent of the child's 128178
injuries, abuse, or neglect that is known or reasonably suspected 128179
or believed, as applicable, to have occurred or of the threat of 128180
injury, abuse, or neglect that is known or reasonably suspected or 128181
believed, as applicable, to exist, including any evidence of 128182
previous injuries, abuse, or neglect; 128183

(3) Any other information, including, but not limited to, 128184
results and reports of any medical examinations, tests, or 128185
procedures performed under division (D) of this section, that 128186
might be helpful in establishing the cause of the injury, abuse, 128187
or neglect that is known or reasonably suspected or believed, as 128188
applicable, to have occurred or of the threat of injury, abuse, or 128189
neglect that is known or reasonably suspected or believed, as 128190
applicable, to exist. 128191

(D)(1) Any person, who is required by division (A) of this 128192
section to report child abuse or child neglect that is known or 128193
reasonably suspected or believed to have occurred, may take or 128194
cause to be taken color photographs of areas of trauma visible on 128195
a child and, if medically necessary for the purpose of diagnosing 128196
or treating injuries that are suspected to have occurred as a 128197
result of child abuse or child neglect, perform or cause to be 128198
performed radiological examinations and any other medical 128199
examinations of, and tests or procedures on, the child. 128200

(2) The results and any available reports of examinations, 128201
tests, or procedures made under division (D)(1) of this section 128202
shall be included in a report made pursuant to division (A) of 128203
this section. Any additional reports of examinations, tests, or 128204
procedures that become available shall be provided to the public 128205
children services agency, upon request. 128206

(3) If a health care professional provides health care 128207
services in a hospital, children's advocacy center, or emergency 128208
medical facility to a child about whom a report has been made 128209
under division (A) of this section, the health care professional 128210
may take any steps that are reasonably necessary for the release 128211
or discharge of the child to an appropriate environment. Before 128212
the child's release or discharge, the health care professional may 128213
obtain information, or consider information obtained, from other 128214
entities or individuals that have knowledge about the child. 128215

Nothing in division (D)(3) of this section shall be construed to 128216
alter the responsibilities of any person under sections 2151.27 128217
and 2151.31 of the Revised Code. 128218

(4) A health care professional may conduct medical 128219
examinations, tests, or procedures on the siblings of a child 128220
about whom a report has been made under division (A) of this 128221
section and on other children who reside in the same home as the 128222
child, if the professional determines that the examinations, 128223
tests, or procedures are medically necessary to diagnose or treat 128224
the siblings or other children in order to determine whether 128225
reports under division (A) of this section are warranted with 128226
respect to such siblings or other children. The results of the 128227
examinations, tests, or procedures on the siblings and other 128228
children may be included in a report made pursuant to division (A) 128229
of this section. 128230

(5) Medical examinations, tests, or procedures conducted 128231
under divisions (D)(1) and (4) of this section and decisions 128232
regarding the release or discharge of a child under division 128233
(D)(3) of this section do not constitute a law enforcement 128234
investigation or activity. 128235

(E)(1) When a peace officer receives a report made pursuant 128236
to division (A) or (B) of this section, upon receipt of the 128237
report, the peace officer who receives the report shall refer the 128238
report to the appropriate public children services agency, in 128239
accordance with requirements specified under division (B)(6) of 128240
section 2151.4211 of the Revised Code, unless an arrest is made at 128241
the time of the report that results in the appropriate public 128242
children services agency being contacted concerning the possible 128243
abuse or neglect of a child or the possible threat of abuse or 128244
neglect of a child. 128245

(2) When a public children services agency receives a report 128246
pursuant to this division or division (A) or (B) of this section, 128247

upon receipt of the report, the public children services agency 128248
shall do all of the following: 128249

(a) Comply with section 2151.422 of the Revised Code; 128250

(b) If the county served by the agency is also served by a 128251
children's advocacy center and the report alleges sexual abuse of 128252
a child or another type of abuse of a child that is specified in 128253
the memorandum of understanding that creates the center as being 128254
within the center's jurisdiction, comply regarding the report with 128255
the protocol and procedures for referrals and investigations, with 128256
the coordinating activities, and with the authority or 128257
responsibility for performing or providing functions, activities, 128258
and services stipulated in the interagency agreement entered into 128259
under section 2151.428 of the Revised Code relative to that 128260
center; 128261

(c) Unless an arrest is made at the time of the report that 128262
results in the appropriate law enforcement agency being contacted 128263
concerning the possible abuse or neglect of a child or the 128264
possible threat of abuse or neglect of a child, and in accordance 128265
with requirements specified under division (B)(6) of section 128266
2151.4211 of the Revised Code, notify the appropriate law 128267
enforcement agency of the report, if the public children services 128268
agency received either of the following: 128269

(i) A report of abuse of a child; 128270

(ii) A report of neglect of a child that alleges a type of 128271
neglect identified by the department of job and family services in 128272
rules adopted under division (L)(2) of this section. 128273

(F) No peace officer shall remove a child about whom a report 128274
is made pursuant to this section from the child's parents, 128275
stepparents, or guardian or any other persons having custody of 128276
the child without consultation with the public children services 128277
agency, unless, in the judgment of the officer, and, if the report 128278

was made by physician, the physician, immediate removal is 128279
considered essential to protect the child from further abuse or 128280
neglect. The agency that must be consulted shall be the agency 128281
conducting the investigation of the report as determined pursuant 128282
to section 2151.422 of the Revised Code. 128283

(G)(1) Except as provided in section 2151.422 of the Revised 128284
Code or in an interagency agreement entered into under section 128285
2151.428 of the Revised Code that applies to the particular 128286
report, the public children services agency shall investigate, 128287
within twenty-four hours, each report of child abuse or child 128288
neglect that is known or reasonably suspected or believed to have 128289
occurred and of a threat of child abuse or child neglect that is 128290
known or reasonably suspected or believed to exist that is 128291
referred to it under this section to determine the circumstances 128292
surrounding the injuries, abuse, or neglect or the threat of 128293
injury, abuse, or neglect, the cause of the injuries, abuse, 128294
neglect, or threat, and the person or persons responsible. The 128295
investigation shall be made in cooperation with the law 128296
enforcement agency and in accordance with the memorandum of 128297
understanding prepared under sections 2151.4210 to 2151.4224 of 128298
the Revised Code. A representative of the public children services 128299
agency shall, at the time of initial contact with the person 128300
subject to the investigation, inform the person of the specific 128301
complaints or allegations made against the person. The information 128302
shall be given in a manner that is consistent with division (I)(1) 128303
of this section and protects the rights of the person making the 128304
report under this section. 128305

A failure to make the investigation in accordance with the 128306
memorandum is not grounds for, and shall not result in, the 128307
dismissal of any charges or complaint arising from the report or 128308
the suppression of any evidence obtained as a result of the report 128309
and does not give, and shall not be construed as giving, any 128310

rights or any grounds for appeal or post-conviction relief to any 128311
person. The public children services agency shall report each case 128312
to the uniform statewide automated child welfare information 128313
system that the department of job and family services shall 128314
maintain in accordance with section 5101.13 of the Revised Code. 128315
The public children services agency shall submit a report of its 128316
investigation, in writing, to the law enforcement agency. 128317

(2) The public children services agency shall make any 128318
recommendations to the county prosecuting attorney or city 128319
director of law that it considers necessary to protect any 128320
children that are brought to its attention. 128321

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 128322
(I)(3) of this section, any person, health care professional, 128323
hospital, institution, school, health department, or agency shall 128324
be immune from any civil or criminal liability for injury, death, 128325
or loss to person or property that otherwise might be incurred or 128326
imposed as a result of any of the following: 128327

(i) Participating in the making of reports pursuant to 128328
division (A) of this section or in the making of reports in good 128329
faith, pursuant to division (B) of this section; 128330

(ii) Participating in medical examinations, tests, or 128331
procedures under division (D) of this section; 128332

(iii) Providing information used in a report made pursuant to 128333
division (A) of this section or providing information in good 128334
faith used in a report made pursuant to division (B) of this 128335
section; 128336

(iv) Participating in a judicial proceeding resulting from a 128337
report made pursuant to division (A) of this section or 128338
participating in good faith in a proceeding resulting from a 128339
report made pursuant to division (B) of this section. 128340

(b) Immunity under division (H)(1)(a)(ii) of this section 128341

shall not apply when a health care provider has deviated from the 128342
standard of care applicable to the provider's profession. 128343

(c) Notwithstanding section 4731.22 of the Revised Code, the 128344
physician-patient privilege shall not be a ground for excluding 128345
evidence regarding a child's injuries, abuse, or neglect, or the 128346
cause of the injuries, abuse, or neglect in any judicial 128347
proceeding resulting from a report submitted pursuant to this 128348
section. 128349

(2) In any civil or criminal action or proceeding in which it 128350
is alleged and proved that participation in the making of a report 128351
under this section was not in good faith or participation in a 128352
judicial proceeding resulting from a report made under this 128353
section was not in good faith, the court shall award the 128354
prevailing party reasonable attorney's fees and costs and, if a 128355
civil action or proceeding is voluntarily dismissed, may award 128356
reasonable attorney's fees and costs to the party against whom the 128357
civil action or proceeding is brought. 128358

(I)(1) Except as provided in divisions (I)(4) and (N) of this 128359
section and sections 2151.423 and 2151.4210 of the Revised Code, a 128360
report made under this section is confidential. The information 128361
provided in a report made pursuant to this section and the name of 128362
the person who made the report shall not be released for use, and 128363
shall not be used, as evidence in any civil action or proceeding 128364
brought against the person who made the report. Nothing in this 128365
division shall preclude the use of reports of other incidents of 128366
known or suspected abuse or neglect in a civil action or 128367
proceeding brought pursuant to division (M) of this section 128368
against a person who is alleged to have violated division (A)(1) 128369
of this section, provided that any information in a report that 128370
would identify the child who is the subject of the report or the 128371
maker of the report, if the maker of the report is not the 128372
defendant or an agent or employee of the defendant, has been 128373

redacted. In a criminal proceeding, the report is admissible in 128374
evidence in accordance with the Rules of Evidence and is subject 128375
to discovery in accordance with the Rules of Criminal Procedure. 128376

(2)(a) Except as provided in division (I)(2)(b) of this 128377
section, no person shall permit or encourage the unauthorized 128378
dissemination of the contents of any report made under this 128379
section. 128380

(b) A health care professional that obtains the same 128381
information contained in a report made under this section from a 128382
source other than the report may disseminate the information, if 128383
its dissemination is otherwise permitted by law. 128384

(3) A person who knowingly makes or causes another person to 128385
make a false report under division (B) of this section that 128386
alleges that any person has committed an act or omission that 128387
resulted in a child being an abused child or a neglected child is 128388
guilty of a violation of section 2921.14 of the Revised Code. 128389

(4) If a report is made pursuant to division (A) or (B) of 128390
this section and the child who is the subject of the report dies 128391
for any reason at any time after the report is made, but before 128392
the child attains eighteen years of age, the public children 128393
services agency or peace officer to which the report was made or 128394
referred, on the request of the child fatality review board, the 128395
suicide fatality review committee, or the director of health 128396
pursuant to guidelines established under section 3701.70 of the 128397
Revised Code, shall submit a summary sheet of information 128398
providing a summary of the report to the review board or review 128399
committee of the county in which the deceased child resided at the 128400
time of death or to the director. On the request of the review 128401
board, review committee, or director, the agency or peace officer 128402
may, at its discretion, make the report available to the review 128403
board, review committee, or director. If the county served by the 128404
public children services agency is also served by a children's 128405

advocacy center and the report of alleged sexual abuse of a child 128406
or another type of abuse of a child is specified in the memorandum 128407
of understanding that creates the center as being within the 128408
center's jurisdiction, the agency or center shall perform the 128409
duties and functions specified in this division in accordance with 128410
the interagency agreement entered into under section 2151.428 of 128411
the Revised Code relative to that advocacy center. 128412

(5) A public children services agency shall advise a person 128413
alleged to have inflicted abuse or neglect on a child who is the 128414
subject of a report made pursuant to this section, including a 128415
report alleging sexual abuse of a child or another type of abuse 128416
of a child referred to a children's advocacy center pursuant to an 128417
interagency agreement entered into under section 2151.428 of the 128418
Revised Code, in writing of the disposition of the investigation. 128419
The agency shall not provide to the person any information that 128420
identifies the person who made the report, statements of 128421
witnesses, or police or other investigative reports. 128422

(J) Any report that is required by this section, other than a 128423
report that is made to the state highway patrol as described in 128424
section 5120.173 of the Revised Code, shall result in protective 128425
services and emergency supportive services being made available by 128426
the public children services agency on behalf of the children 128427
about whom the report is made, in an effort to prevent further 128428
neglect or abuse, to enhance their welfare, and, whenever 128429
possible, to preserve the family unit intact. The agency required 128430
to provide the services shall be the agency conducting the 128431
investigation of the report pursuant to section 2151.422 of the 128432
Revised Code. 128433

(K)(1) Except as provided in division (K)(4) or (5) of this 128434
section, a person who is required to make a report under division 128435
(A) of this section may make a reasonable number of requests of 128436
the public children services agency that receives or is referred 128437

the report, or of the children's advocacy center that is referred 128438
the report if the report is referred to a children's advocacy 128439
center pursuant to an interagency agreement entered into under 128440
section 2151.428 of the Revised Code, to be provided with the 128441
following information: 128442

(a) Whether the agency or center has initiated an 128443
investigation of the report; 128444

(b) Whether the agency or center is continuing to investigate 128445
the report; 128446

(c) Whether the agency or center is otherwise involved with 128447
the child who is the subject of the report; 128448

(d) The general status of the health and safety of the child 128449
who is the subject of the report; 128450

(e) Whether the report has resulted in the filing of a 128451
complaint in juvenile court or of criminal charges in another 128452
court. 128453

(2)(a) A person may request the information specified in 128454
division (K)(1) of this section only if, at the time the report is 128455
made, the person's name, address, and telephone number are 128456
provided to the person who receives the report. 128457

(b) When a peace officer or employee of a public children 128458
services agency receives a report pursuant to division (A) or (B) 128459
of this section the recipient of the report shall inform the 128460
person of the right to request the information described in 128461
division (K)(1) of this section. The recipient of the report shall 128462
include in the initial child abuse or child neglect report that 128463
the person making the report was so informed and, if provided at 128464
the time of the making of the report, shall include the person's 128465
name, address, and telephone number in the report. 128466

(c) If the person making the report provides the person's 128467

name and contact information on making the report, the public 128468
children services agency that received or was referred the report 128469
shall send a written notice via United States mail or electronic 128470
mail, in accordance with the person's preference, to the person 128471
not later than seven calendar days after receipt of the report. 128472
The notice shall provide the status of the agency's investigation 128473
into the report made, who the person may contact at the agency for 128474
further information, and a description of the person's rights 128475
under division (K)(1) of this section. 128476

(d) Each request is subject to verification of the identity 128477
of the person making the report. If that person's identity is 128478
verified, the agency shall provide the person with the information 128479
described in division (K)(1) of this section a reasonable number 128480
of times, except that the agency shall not disclose any 128481
confidential information regarding the child who is the subject of 128482
the report other than the information described in those 128483
divisions. 128484

(3) A request made pursuant to division (K)(1) of this 128485
section is not a substitute for any report required to be made 128486
pursuant to division (A) of this section. 128487

(4) If an agency other than the agency that received or was 128488
referred the report is conducting the investigation of the report 128489
pursuant to section 2151.422 of the Revised Code, the agency 128490
conducting the investigation shall comply with the requirements of 128491
division (K) of this section. 128492

(5) A health care professional who made a report under 128493
division (A) of this section, or on whose behalf such a report was 128494
made as provided in division (A)(1)(c) of this section, may 128495
authorize a person to obtain the information described in division 128496
(K)(1) of this section if the person requesting the information is 128497
associated with or acting on behalf of the health care 128498
professional who provided health care services to the child about 128499

whom the report was made. 128500

(6) If the person making the report provides the person's 128501
name and contact information on making the report, the public 128502
children services agency that received or was referred the report 128503
shall send a written notice via United States mail or electronic 128504
mail, in accordance with the person's preference, to the person 128505
not later than seven calendar days after the agency closes the 128506
investigation into the case reported by the person. The notice 128507
shall notify the person that the agency has closed the 128508
investigation. 128509

(L)(1) The director of job and family services shall adopt 128510
rules in accordance with Chapter 119. of the Revised Code to 128511
implement this section. The department of job and family services 128512
may enter into a plan of cooperation with any other governmental 128513
entity to aid in ensuring that children are protected from abuse 128514
and neglect. The department shall make recommendations to the 128515
attorney general that the department determines are necessary to 128516
protect children from child abuse and child neglect. 128517

(2) Not later than ninety days after ~~the effective date of~~ 128518
~~this amendment~~ May 30, 2022, the director of job and family 128519
services shall adopt rules in accordance with Chapter 119. of the 128520
Revised Code to identify the types of neglect of a child that a 128521
public children services agency shall be required to notify law 128522
enforcement of pursuant to division (E)(2)(c)(ii) of this section. 128523

(M) Whoever violates division (A) of this section is liable 128524
for compensatory and exemplary damages to the child who would have 128525
been the subject of the report that was not made. A person who 128526
brings a civil action or proceeding pursuant to this division 128527
against a person who is alleged to have violated division (A)(1) 128528
of this section may use in the action or proceeding reports of 128529
other incidents of known or suspected abuse or neglect, provided 128530
that any information in a report that would identify the child who 128531

is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency

shall provide the written notice to the owner or governing board 128564
of the out-of-home care entity that is the subject of the report. 128565
The agency shall not provide witness statements or police or other 128566
investigative reports. 128567

(3) No later than three days after the day on which a public 128568
children services agency that conducted the investigation as 128569
determined pursuant to section 2151.422 of the Revised Code makes 128570
a disposition of an investigation involving a report of alleged 128571
child abuse or child neglect, or a report of an alleged threat of 128572
child abuse or child neglect, that allegedly occurred in or 128573
involved an out-of-home care entity, the agency shall send written 128574
notice of the disposition of the investigation to the 128575
administrator, director, or other chief administrative officer and 128576
the owner or governing board of the out-of-home care entity. The 128577
agency shall not provide witness statements or police or other 128578
investigative reports. 128579

(0) As used in this section: 128580

(1) "Children's advocacy center" and "sexual abuse of a 128581
child" have the same meanings as in section 2151.425 of the 128582
Revised Code. 128583

(2) "Health care professional" means an individual who 128584
provides health-related services including a physician, hospital 128585
intern or resident, dentist, podiatrist, registered nurse, 128586
licensed practical nurse, visiting nurse, licensed psychologist, 128587
speech pathologist, audiologist, person engaged in social work or 128588
the practice of professional counseling, and employee of a home 128589
health agency. "Health care professional" does not include a 128590
practitioner of a limited branch of medicine as specified in 128591
section 4731.15 of the Revised Code, licensed school psychologist, 128592
independent marriage and family therapist or marriage and family 128593
therapist, or coroner. 128594

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.86. (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then section 3319.39 of the Revised Code shall apply instead. If the out-of-home care entity is a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, type B family ~~day-care~~ child care home, certified in-home aide, or child day camp, then section 5104.013 of the Revised Code shall apply instead.

(2) At the times specified in this division, the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent shall request the superintendent of BCII to conduct a criminal records check with respect to that prospective adoptive parent and a criminal records check with respect to all persons eighteen years of age or older who reside with the prospective adoptive parent. The administrative director or attorney shall request a criminal records check pursuant to this division at the time of the initial

home study, every four years after the initial home study at the 128626
time of an update, and at the time that an adoptive home study is 128627
completed as a new home study. 128628

(3) Before a recommending agency submits a recommendation to 128629
the department of job and family services on whether the 128630
department should issue a certificate to a foster home under 128631
section 5103.03 of the Revised Code, and every four years 128632
thereafter prior to a recertification under that section, the 128633
administrative director of the agency shall request that the 128634
superintendent of BCII conduct a criminal records check with 128635
respect to the prospective foster caregiver and a criminal records 128636
check with respect to all other persons eighteen years of age or 128637
older who reside with the foster caregiver. 128638

(B)(1) When the appointing or hiring officer requests, at the 128639
time of initial application for appointment or employment, a 128640
criminal records check for a person subject to division (A)(1) of 128641
this section, the officer shall request that the superintendent of 128642
BCII obtain information from the federal bureau of investigation 128643
as part of the criminal records check, including fingerprint-based 128644
checks of national crime information databases as described in 42 128645
U.S.C. 671, for the person subject to the criminal records check. 128646
In all other cases in which the appointing or hiring officer 128647
requests a criminal records check for a person pursuant to 128648
division (A)(1) of this section, the officer may request that the 128649
superintendent of BCII obtain information from the federal bureau 128650
of investigation as part of the criminal records check, including 128651
fingerprint-based checks of national crime information databases 128652
as described in 42 U.S.C. 671, for the person subject to the 128653
criminal records check. 128654

When the administrative director of an agency, or attorney, 128655
who arranges an adoption for a prospective parent requests, at the 128656
time of the initial home study, a criminal records check for a 128657

person pursuant to division (A)(2) of this section, the 128658
administrative director or attorney shall request that the 128659
superintendent of BCII obtain information from the federal bureau 128660
of investigation as part of the criminal records check, including 128661
fingerprint-based checks of national crime information databases 128662
as described in 42 U.S.C. 671, for the person subject to the 128663
criminal records check. In all other cases in which the 128664
administrative director of an agency, or attorney, who arranges an 128665
adoption for a prospective parent requests a criminal records 128666
check for a person pursuant to division (A)(2) of this section, 128667
the administrative director or attorney may request that the 128668
superintendent of BCII include information from the federal bureau 128669
of investigation in the criminal records check, including 128670
fingerprint-based checks of national crime information databases 128671
as described in 42 U.S.C. 671. 128672

When the administrative director of a recommending agency 128673
requests, before submitting a recommendation to the department of 128674
job and family services on whether the department should issue a 128675
certificate to a foster home under section 5103.03 of the Revised 128676
Code, a criminal records check for a person pursuant to division 128677
(A)(3) of this section, the administrative director shall request 128678
that the superintendent of BCII obtain information from the 128679
federal bureau of investigation as part of a criminal records 128680
check, including fingerprint-based checks of national crime 128681
information databases as described in 42 U.S.C. 671, for the 128682
person subject to the criminal records check. In all other cases 128683
in which the administrative director of a recommending agency 128684
requests a criminal records check for a person pursuant to 128685
division (A)(3) of this section, the administrative director may 128686
request that the superintendent of BCII include information from 128687
the federal bureau of investigation in the criminal records check, 128688
including fingerprint-based checks of national crime information 128689
databases as described in 42 U.S.C. 671. 128690

Prior to a hearing on a final decree of adoption or
interlocutory order of adoption by a probate court, the
administrative director of an agency, or an attorney, who arranges
an adoption for a prospective parent shall provide to the clerk of
the probate court either of the following:

(a) Any information received pursuant to a request made under
this division from the superintendent of BCII or the federal
bureau of investigation as part of the criminal records check,
including fingerprint-based checks of national crime information
databases as described in 42 U.S.C. 671, for the person subject to
the criminal records check;

(b) Written notification that the person subject to a
criminal records check pursuant to this division failed upon
request to provide the information necessary to complete the form
or failed to provide impressions of the person's fingerprints as
required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director,
or attorney required by division (A) of this section to request a
criminal records check shall provide to each person subject to a
criminal records check a copy of the form prescribed pursuant to
division (C)(1) of section 109.572 of the Revised Code and a
standard impression sheet to obtain fingerprint impressions
prescribed pursuant to division (C)(2) of section 109.572 of the
Revised Code, obtain the completed form and impression sheet from
the person, and forward the completed form and impression sheet to
the superintendent of BCII at the time the criminal records check
is requested.

Any person subject to a criminal records check who receives
pursuant to this division a copy of the form prescribed pursuant
to division (C)(1) of section 109.572 of the Revised Code and a
copy of an impression sheet prescribed pursuant to division (C)(2)
of that section and who is requested to complete the form and

provide a set of fingerprint impressions shall complete the form 128723
or provide all the information necessary to complete the form and 128724
shall provide the impression sheet with the impressions of the 128725
person's fingerprints. If a person subject to a criminal records 128726
check, upon request, fails to provide the information necessary to 128727
complete the form or fails to provide impressions of the person's 128728
fingerprints, the appointing or hiring officer shall not appoint 128729
or employ the person as a person responsible for a child's care in 128730
out-of-home care, a probate court may not issue a final decree of 128731
adoption or an interlocutory order of adoption making the person 128732
an adoptive parent, and the department of job and family services 128733
shall not issue a certificate authorizing the prospective foster 128734
caregiver to operate a foster home. 128735

(C)(1) No appointing or hiring officer shall appoint or 128736
employ a person as a person responsible for a child's care in 128737
out-of-home care, the department of job and family services shall 128738
not issue a certificate under section 5103.03 of the Revised Code 128739
authorizing a prospective foster caregiver to operate a foster 128740
home, and no probate court shall issue a final decree of adoption 128741
or an interlocutory order of adoption making a person an adoptive 128742
parent if the person or, in the case of a prospective foster 128743
caregiver or prospective adoptive parent, any person eighteen 128744
years of age or older who resides with the prospective foster 128745
caregiver or prospective adoptive parent previously has been 128746
convicted of or pleaded guilty to any of the violations described 128747
in division (A)(4) of section 109.572 of the Revised Code, unless 128748
the person meets rehabilitation standards established in rules 128749
adopted under division (F) of this section. 128750

(2) Prior to certification or recertification under section 128751
5103.03 of the Revised Code, the prospective foster caregiver 128752
subject to a criminal records check under division (A)(3) of this 128753
section shall notify the recommending agency of the revocation of 128754

any foster home license, certificate, or other similar 128755
authorization in another state occurring within the five years 128756
prior to the date of application to become a foster caregiver in 128757
this state. The failure of a prospective foster caregiver to 128758
notify the recommending agency of any revocation of that type in 128759
another state that occurred within that five-year period shall be 128760
grounds for denial of the person's foster home application or the 128761
revocation of the person's foster home certification, whichever is 128762
applicable. If a person has had a revocation in another state 128763
within the five years prior to the date of the application, the 128764
department of job and family services shall not issue a foster 128765
home certificate to the prospective foster caregiver. 128766

(D) The appointing or hiring officer, administrative 128767
director, or attorney shall pay to the bureau of criminal 128768
identification and investigation the fee prescribed pursuant to 128769
division (C)(3) of section 109.572 of the Revised Code for each 128770
criminal records check conducted in accordance with that section 128771
upon a request pursuant to division (A) of this section. The 128772
officer, director, or attorney may charge the person subject to 128773
the criminal records check a fee for the costs the officer, 128774
director, or attorney incurs in obtaining the criminal records 128775
check. A fee charged under this division shall not exceed the 128776
amount of fees the officer, director, or attorney pays for the 128777
criminal records check. If a fee is charged under this division, 128778
the officer, director, or attorney shall notify the person who is 128779
the applicant at the time of the person's initial application for 128780
appointment or employment, an adoption to be arranged, or a 128781
certificate to operate a foster home of the amount of the fee and 128782
that, unless the fee is paid, the person who is the applicant will 128783
not be considered for appointment or employment or as an adoptive 128784
parent or foster caregiver. 128785

(E) The report of any criminal records check conducted by the 128786

bureau of criminal identification and investigation in accordance 128787
with section 109.572 of the Revised Code and pursuant to a request 128788
made under division (A) of this section is not a public record for 128789
the purposes of section 149.43 of the Revised Code and shall not 128790
be made available to any person other than the following: 128791

(1) The person who is the subject of the criminal records 128792
check or the person's representative; 128793

(2) The appointing or hiring officer, administrative 128794
director, or attorney requesting the criminal records check or the 128795
officer's, director's, or attorney's representative; 128796

(3) The department of job and family services, a county 128797
department of job and family services, or a public children 128798
services agency; 128799

(4) Any court, hearing officer, or other necessary individual 128800
involved in a case dealing with the denial of employment, a final 128801
decree of adoption or interlocutory order of adoption, or a foster 128802
home certificate. 128803

(F) The director of job and family services shall adopt rules 128804
in accordance with Chapter 119. of the Revised Code to implement 128805
this section. The rules shall include rehabilitation standards a 128806
person who has been convicted of or pleaded guilty to an offense 128807
listed in division (A)(4) of section 109.572 of the Revised Code 128808
must meet for an appointing or hiring officer to appoint or employ 128809
the person as a person responsible for a child's care in 128810
out-of-home care, a probate court to issue a final decree of 128811
adoption or interlocutory order of adoption making the person an 128812
adoptive parent, or the department to issue a certificate 128813
authorizing the prospective foster caregiver to operate a foster 128814
home or not revoke a foster home certificate for a violation 128815
specified in section 5103.0328 of the Revised Code. 128816

(G) An appointing or hiring officer, administrative director, 128817

or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised

Code, except that it does not include a prospective employee of 128849
the department of youth services or a person responsible for a 128850
child's care in a hospital or medical clinic other than a 128851
children's hospital. 128852

(4) "Person subject to a criminal records check" means the 128853
following: 128854

(a) A person who is under final consideration for appointment 128855
or employment as a person responsible for a child's care in 128856
out-of-home care; 128857

(b) A prospective or current adoptive parent; 128858

(c) A prospective or current foster caregiver; 128859

(d) A person eighteen years old or older who resides with a 128860
prospective or current foster caregiver or a prospective or 128861
current adoptive parent. 128862

(5) "Recommending agency" means a public children services 128863
agency, private child placing agency, or private noncustodial 128864
agency to which the department of job and family services has 128865
delegated a duty to inspect and approve foster homes. 128866

(6) "Superintendent of BCII" means the superintendent of the 128867
bureau of criminal identification and investigation. 128868

Sec. 2919.223. As used in sections 2919.223 to 2919.227 of 128869
the Revised Code: 128870

(A) "Child care," "child ~~day-care~~ care center," "in-home 128871
aide," "type A family ~~day-care~~ child care home," and "type B 128872
family ~~day-care~~ child care home" have the same meanings as in 128873
section 5104.01 of the Revised Code. 128874

(B) "Child care center licensee" means the owner of a child 128875
~~day-care~~ care center licensed pursuant to Chapter 5104. of the 128876
Revised Code who is responsible for ensuring the center's 128877

compliance with Chapter 5104. of the Revised Code and rules 128878
adopted pursuant to that chapter. 128879

(C) "Child care facility" means a child ~~day-care~~ care center, 128880
a type A family ~~day-care~~ child care home, or a type B family 128881
~~day-care~~ child care home. 128882

(D) "Child care provider" means any of the following: 128883

(1) An owner, provider, administrator, or employee of, or 128884
volunteer at, a child care facility; 128885

(2) An in-home aide; 128886

(3) A person who represents that the person provides child 128887
care. 128888

(E) "Peace officer" has the same meaning as in section 128889
2935.01 of the Revised Code. 128890

Sec. 2919.224. (A) No child care provider shall knowingly 128891
misrepresent any factor or condition that relates to the provision 128892
of child care and that substantially affects the health or safety 128893
of any child or children in that provider's facility or receiving 128894
child care from that provider to any of the following: 128895

(1) A parent, guardian, custodian, or other person 128896
responsible for the care of a child in the provider's facility or 128897
receiving child care from the provider; 128898

(2) A parent, guardian, custodian, or other person 128899
responsible for the care of a child who is considering the 128900
provider as a child care provider for the child; 128901

(3) A public official responsible for issuing the provider a 128902
license or certificate to provide child care; 128903

(4) A public official investigating or inquiring about the 128904
provision of child care by the provider; 128905

(5) A peace officer. 128906

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;

(4) The conditions or safety features of the child care facility;

(5) The area of the child care facility in which child ~~day-care~~ care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

Sec. 2919.225. (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family ~~day-care~~ child care home or type B family ~~day-care~~ child care home, knowing that the event described in division (A)(1) or (2) of this section has occurred, shall accept a child into that home without first disclosing to the parent, guardian, custodian, or other person responsible for the care of that child any of the following that has occurred:

(1) A child died while under the care of the home or while receiving child care from the owner, provider, or administrator or

died as a result of injuries suffered while under the care of the 128937
home or while receiving child care from the owner, provider, or 128938
administrator. 128939

(2) Within the preceding ten years, a child suffered injuries 128940
while under the care of the home or while receiving child care 128941
from the owner, provider, or administrator, and those injuries led 128942
to the child being hospitalized for more than twenty-four hours. 128943

(B)(1) Subject to division (C) of this section, no owner, 128944
provider, or administrator of a type A family ~~day-care~~ child care 128945
home or type B family ~~day-care~~ child care home shall fail to 128946
provide notice in accordance with division (B)(3) of this section 128947
to the persons and entities specified in division (B)(2) of this 128948
section, of any of the following that occurs: 128949

(a) A child who is under the care of the home or is receiving 128950
child care from the owner, provider, or administrator dies while 128951
under the care of the home or while receiving child care from the 128952
owner, provider, or administrator or dies as a result of injuries 128953
suffered while under the care of the home or while receiving child 128954
~~day-care~~ care from the owner, provider, or administrator. 128955

(b) A child who is under the care of the home or is receiving 128956
child care from the owner, provider, or administrator is 128957
hospitalized for more than twenty-four hours as a result of 128958
injuries suffered while under the care of the home or while 128959
receiving child care from the owner, provider, or administrator. 128960

(2) An owner, provider, or administrator of a home shall 128961
provide the notices required under division (B)(1) of this section 128962
to each of the following: 128963

(a) For each child who, at the time of the injury or death 128964
for which the notice is required, is receiving or is enrolled to 128965
receive child care at the home or from the owner, provider, or 128966
administrator, to the parent, guardian, custodian, or other person 128967

responsible for the care of the child; 128968

(b) If the notice is required as the result of the death of a 128969
child as described in division (B)(1)(a) of this section, to the 128970
public children services agency of the county in which the home is 128971
located or the child care was given, a municipal or county peace 128972
officer in the county in which the child resides or in which the 128973
home is located or the child care was given, and the child 128974
fatality review board appointed under section 307.621 of the 128975
Revised Code that serves the county in which the home is located 128976
or the child care was given. 128977

(3) An owner, provider, or administrator of a home shall 128978
provide the notices required by divisions (B)(1) and (2) of this 128979
section not later than forty-eight hours after the child dies or, 128980
regarding a child who is hospitalized for more than twenty-four 128981
hours as a result of injuries suffered while under the care of the 128982
home, not later than forty-eight hours after the child suffers the 128983
injuries. If a child is hospitalized for more than twenty-four 128984
hours as a result of injuries suffered while under the care of the 128985
home, and the child subsequently dies as a result of those 128986
injuries, the owner, provider, or administrator shall provide 128987
separate notices under divisions (B)(1) and (2) of this section 128988
regarding both the injuries and the death. All notices provided 128989
under divisions (B)(1) and (2) of this section shall state that 128990
the death or injury occurred. 128991

(C) Division (A) of this section does not require more than 128992
one person to make disclosures to the same parent, guardian, 128993
custodian, or other person responsible for the care of a child 128994
regarding any single injury or death for which disclosure is 128995
required under that division. Division (B) of this section does 128996
not require more than one person to give notices to the same 128997
parent, guardian, custodian, other person responsible for the care 128998
of the child, public children services agency, peace officer, or 128999

child fatality review board regarding any single injury or death 129000
for which disclosure is required under division (B)(1) of this 129001
section. 129002

(D) An owner, provider, or administrator of a type A family 129003
~~day-care~~ child care home or type B family ~~day-care~~ child care home 129004
is not subject to civil liability solely for making a disclosure 129005
required by this section. 129006

(E) Whoever violates division (A) or (B) of this section is 129007
guilty of failure of a type A or type B family ~~day-care~~ child care 129008
home to disclose the death or serious injury of a child, a 129009
misdemeanor of the fourth degree. 129010

Sec. 2919.226. (A) If a child care provider accurately 129011
answers the questions on a child care disclosure form that is in 129012
substantially the form set forth in division (B) of this section, 129013
presents the form to a person identified in division (A)(1) or (2) 129014
of section 2919.224 of the Revised Code, and obtains the person's 129015
signature on the acknowledgement in the form, to the extent that 129016
the information set forth on the form is accurate, the provider 129017
who presents the form is not subject to prosecution under division 129018
(A) of section 2919.224 of the Revised Code regarding presentation 129019
of that information to that person. 129020

An owner, provider, or administrator of a type A family 129021
~~day-care~~ child care home or a type B family ~~day-care~~ child care 129022
home may comply with division (A) of section 2919.225 of the 129023
Revised Code by accurately answering the questions on a child care 129024
disclosure form that is in substantially the form set forth in 129025
division (B) of this section, providing a copy of the form to the 129026
parent, guardian, custodian, or other person responsible for the 129027
care of a child and to whom disclosure is to be made under 129028
division (A) of section 2919.225 of the Revised Code, and 129029
obtaining the person's signature on the acknowledgement in the 129030

form. 129031

The use of the form set forth in division (B) of this section 129032
is discretionary and is not required to comply with any disclosure 129033
requirement contained in section 2919.225 of the Revised Code or 129034
for any purpose related to section 2919.224 of the Revised Code. 129035

(B) To be sufficient for the purposes described in division 129036
(A) of this section, a child care disclosure form shall be in 129037
substantially the following form: 129038

"CHILD CARE DISCLOSURE FORM 129039

Please Note: This form contains information that is accurate 129040
only at the time the form is given to you. The information 129041
provided in this form is likely to change over time. It is the 129042
duty of the person responsible for the care of the child to 129043
monitor the status of child care services to ensure that those 129044
services remain satisfactory. If a question on this form is left 129045
unanswered, the child care provider makes no assertion regarding 129046
the question. Choosing appropriate child care for a child is a 129047
serious responsibility, and the person responsible for the care of 129048
the child is encouraged to make all appropriate inquiries. Also, 129049
in acknowledging receipt of this form, the person responsible for 129050
the care of the child acknowledges that in selecting the child 129051
care provider the person is not relying on any representations 129052
other than those provided in this form unless the child care 129053
provider has acknowledged the other representations in writing. 129054

1. What are the names and qualifications to provide child 129055
care of: (a) the child care provider, (b) the employee who will 129056
provide child care to the applicant child, (c) the volunteer who 129057
will provide child care to the applicant child, and (d) any other 129058
employees or volunteers of the child care provider? (attach 129059
additional sheets if necessary): 129060

..... 129061

.....	129062
.....	129063
2. What is the maximum number of children to whom you provide	129064
child care at one time? (If children are divided into groups or	129065
classes, please describe the maximum number of children in each	129066
group or class and indicate the group or class in which the	129067
applicant child will be placed.):	129068
.....	129069
.....	129070
.....	129071
3. Where in the home will you provide child care to the	129072
applicant child?:	129073
.....	129074
.....	129075
.....	129076
4. Has a child died while in the care of, or receiving child	129077
care from, the child care provider? (Yes/No)	129078
Description/explanation (attach additional sheets if	129079
necessary)	129080
.....	129081
.....	129082
.....	129083
5. Has a child died as a result of injuries suffered while	129084
under the care of, or receiving child care from, the child	129085
day-care <u>care</u> provider? (Yes/No)	129086
Description/explanation (attach additional sheets if	129087
necessary)	129088
.....	129089
.....	129090
.....	129091
6. Within the preceding ten years, has a child suffered	129092

purposes described in division (A) of this section. 129125

An owner, provider, or administrator of a type A family 129126
~~day-care~~ child care home or a type B family ~~day-care~~ child care 129127
home who accurately answers the questions on a disclosure form 129128
that is substantially similar to the form described in division 129129
(B) of this section, provides a copy of the completed form to the 129130
parent, guardian, custodian, or other person who is responsible 129131
for the care of a child and to whom disclosure is to be made under 129132
division (A) of section 2919.225 of the Revised Code, and obtains 129133
the person's signature on the acknowledgement in the form complies 129134
with the requirements of that division. If the owner, provider, or 129135
administrator uses the disclosure form, leaving a portion of the 129136
disclosure form blank does not constitute a misrepresentation for 129137
the purposes of section 2919.224 of the Revised Code but may 129138
constitute a violation of section 2919.225 of the Revised Code. 129139
The owner, provider, or administrator of a type A family ~~day-care~~ 129140
child care home or type B family ~~day-care~~ child care home who 129141
completes the disclosure form and provides a copy of the form to 129142
any person described in section 2919.224 or 2919.225 of the 129143
Revised Code may retain a copy of the completed form. 129144

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 129145
the Revised Code: 129146

(A) "Application form" means the application form prescribed 129147
pursuant to division (A)(1) of section 109.731 of the Revised Code 129148
and includes a copy of that form. 129149

(B) "Competency certification" and "competency certificate" 129150
mean a document of the type described in division (B)(3) of 129151
section 2923.125 of the Revised Code. 129152

(C) "Detention facility" has the same meaning as in section 129153
2921.01 of the Revised Code. 129154

(D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a concealed handgun license has been issued by another state.	129155 129156 129157 129158 129159 129160 129161
(E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type.	129162 129163 129164
(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	129165 129166
(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.	129167 129168
(H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.	129169 129170 129171
(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.	129172 129173
(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	129174 129175
(K) "Child day-care <u>care</u> center," "type A family day-care <u>child care</u> home" and "type B family day-care <u>child care</u> home" have the same meanings as in section 5104.01 of the Revised Code.	129176 129177 129178
(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.	129179 129180 129181
(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.	129182 129183
(N) "Motor carrier enforcement unit" has the same meaning as	129184

in section 2923.16 of the Revised Code. 129185

Sec. 2923.126. (A) A concealed handgun license that is issued 129186
under section 2923.125 of the Revised Code shall expire five years 129187
after the date of issuance. A licensee who has been issued a 129188
license under that section shall be granted a grace period of 129189
thirty days after the licensee's license expires during which the 129190
licensee's license remains valid. Except as provided in divisions 129191
(B) and (C) of this section, a licensee who has been issued a 129192
concealed handgun license under section 2923.125 or 2923.1213 of 129193
the Revised Code may carry a concealed handgun anywhere in this 129194
state if the license is valid when the licensee is in actual 129195
possession of a concealed handgun. The licensee shall give notice 129196
of any change in the licensee's residence address to the sheriff 129197
who issued the license within forty-five days after that change. 129198
129199

(B) A valid concealed handgun license does not authorize the 129200
licensee to carry a concealed handgun in any manner prohibited 129201
under division (B) of section 2923.12 of the Revised Code or in 129202
any manner prohibited under section 2923.16 of the Revised Code. A 129203
valid license does not authorize the licensee to carry a concealed 129204
handgun into any of the following places: 129205

(1) A police station, sheriff's office, or state highway 129206
patrol station, premises controlled by the bureau of criminal 129207
identification and investigation; a state correctional 129208
institution, jail, workhouse, or other detention facility; any 129209
area of an airport passenger terminal that is beyond a passenger 129210
or property screening checkpoint or to which access is restricted 129211
through security measures by the airport authority or a public 129212
agency; or an institution that is maintained, operated, managed, 129213
and governed pursuant to division (A) of section 5119.14 of the 129214
Revised Code or division (A)(1) of section 5123.03 of the Revised 129215

Code; 129216

(2) A school safety zone if the licensee's carrying the 129217
concealed handgun is in violation of section 2923.122 of the 129218
Revised Code; 129219

(3) A courthouse or another building or structure in which a 129220
courtroom is located if the licensee's carrying the concealed 129221
handgun is in violation of section 2923.123 of the Revised Code; 129222

(4) Any premises or open air arena for which a D permit has 129223
been issued under Chapter 4303. of the Revised Code if the 129224
licensee's carrying the concealed handgun is in violation of 129225
section 2923.121 of the Revised Code; 129226

(5) Any premises owned or leased by any public or private 129227
college, university, or other institution of higher education, 129228
unless the handgun is in a locked motor vehicle or the licensee is 129229
in the immediate process of placing the handgun in a locked motor 129230
vehicle or unless the licensee is carrying the concealed handgun 129231
pursuant to a written policy, rule, or other authorization that is 129232
adopted by the institution's board of trustees or other governing 129233
body and that authorizes specific individuals or classes of 129234
individuals to carry a concealed handgun on the premises; 129235

(6) Any church, synagogue, mosque, or other place of worship, 129236
unless the church, synagogue, mosque, or other place of worship 129237
posts or permits otherwise; 129238

(7) Any building that is a government facility of this state 129239
or a political subdivision of this state and that is not a 129240
building that is used primarily as a shelter, restroom, parking 129241
facility for motor vehicles, or rest facility and is not a 129242
courthouse or other building or structure in which a courtroom is 129243
located that is subject to division (B)(3) of this section, unless 129244
the governing body with authority over the building has enacted a 129245
statute, ordinance, or policy that permits a licensee to carry a 129246

concealed handgun into the building; 129247

(8) A place in which federal law prohibits the carrying of 129248
handguns. 129249

(C)(1) Nothing in this section shall negate or restrict a 129250
rule, policy, or practice of a private employer that is not a 129251
private college, university, or other institution of higher 129252
education concerning or prohibiting the presence of firearms on 129253
the private employer's premises or property, including motor 129254
vehicles owned by the private employer. Nothing in this section 129255
shall require a private employer of that nature to adopt a rule, 129256
policy, or practice concerning or prohibiting the presence of 129257
firearms on the private employer's premises or property, including 129258
motor vehicles owned by the private employer. 129259

(2)(a) A private employer shall be immune from liability in a 129260
civil action for any injury, death, or loss to person or property 129261
that allegedly was caused by or related to a licensee bringing a 129262
handgun onto the premises or property of the private employer, 129263
including motor vehicles owned by the private employer, unless the 129264
private employer acted with malicious purpose. A private employer 129265
is immune from liability in a civil action for any injury, death, 129266
or loss to person or property that allegedly was caused by or 129267
related to the private employer's decision to permit a licensee to 129268
bring, or prohibit a licensee from bringing, a handgun onto the 129269
premises or property of the private employer. 129270

(b) A political subdivision shall be immune from liability in 129271
a civil action, to the extent and in the manner provided in 129272
Chapter 2744. of the Revised Code, for any injury, death, or loss 129273
to person or property that allegedly was caused by or related to a 129274
licensee bringing a handgun onto any premises or property owned, 129275
leased, or otherwise under the control of the political 129276
subdivision. As used in this division, "political subdivision" has 129277
the same meaning as in section 2744.01 of the Revised Code. 129278

(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those

premises. Except as otherwise provided in this division, a person 129311
who knowingly violates a posted prohibition of that nature is 129312
guilty of criminal trespass in violation of division (A)(4) of 129313
section 2911.21 of the Revised Code and is guilty of a misdemeanor 129314
of the fourth degree. If a person knowingly violates a posted 129315
prohibition of that nature and the posted land or premises 129316
primarily was a parking lot or other parking facility, the person 129317
is not guilty of criminal trespass under section 2911.21 of the 129318
Revised Code or under any other criminal law of this state or 129319
criminal law, ordinance, or resolution of a political subdivision 129320
of this state, and instead is subject only to a civil cause of 129321
action for trespass based on the violation. 129322

If a person knowingly violates a posted prohibition of the 129323
nature described in this division and the posted land or premises 129324
is a child ~~day-care~~ care center, type A family ~~day-care~~ child care 129325
home, or type B family ~~day-care~~ child care home, unless the person 129326
is a licensee who resides in a type A family ~~day-care~~ child care 129327
home or type B family ~~day-care~~ child care home, the person is 129328
guilty of aggravated trespass in violation of section 2911.211 of 129329
the Revised Code. Except as otherwise provided in this division, 129330
the offender is guilty of a misdemeanor of the first degree. If 129331
the person previously has been convicted of a violation of this 129332
division or of any offense of violence, if the weapon involved is 129333
a firearm that is either loaded or for which the offender has 129334
ammunition ready at hand, or if the weapon involved is dangerous 129335
ordnance, the offender is guilty of a felony of the fourth degree. 129336

(b) A landlord may not prohibit or restrict a tenant who is a 129337
licensee and who on or after September 9, 2008, enters into a 129338
rental agreement with the landlord for the use of residential 129339
premises, and the tenant's guest while the tenant is present, from 129340
lawfully carrying or possessing a handgun on those residential 129341
premises. 129342

(c) As used in division (C)(3) of this section: 129343

(i) "Residential premises" has the same meaning as in section 129344
5321.01 of the Revised Code, except "residential premises" does 129345
not include a dwelling unit that is owned or operated by a college 129346
or university. 129347

(ii) "Landlord," "tenant," and "rental agreement" have the 129348
same meanings as in section 5321.01 of the Revised Code. 129349

(D) A person who holds a valid concealed handgun license 129350
issued by another state that is recognized by the attorney general 129351
pursuant to a reciprocity agreement entered into pursuant to 129352
section 109.69 of the Revised Code or a person who holds a valid 129353
concealed handgun license under the circumstances described in 129354
division (B) of section 109.69 of the Revised Code has the same 129355
right to carry a concealed handgun in this state as a person who 129356
was issued a concealed handgun license under section 2923.125 of 129357
the Revised Code and is subject to the same restrictions that 129358
apply to a person who has been issued a license under that section 129359
that is valid at the time in question. 129360

(E)(1) A peace officer has the same right to carry a 129361
concealed handgun in this state as a person who was issued a 129362
concealed handgun license under section 2923.125 of the Revised 129363
Code, provided that the officer when carrying a concealed handgun 129364
under authority of this division is carrying validating 129365
identification. For purposes of reciprocity with other states, a 129366
peace officer shall be considered to be a licensee in this state. 129367

(2) An active duty member of the armed forces of the United 129368
States who is carrying a valid military identification card and 129369
documentation of successful completion of firearms training that 129370
meets or exceeds the training requirements described in division 129371
(G)(1) of section 2923.125 of the Revised Code has the same right 129372
to carry a concealed handgun in this state as a person who was 129373

issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not

for reasons of mental instability. 129406

(ii) Before retiring from service as a peace officer with 129407
that agency, the person was authorized to engage in or supervise 129408
the prevention, detection, investigation, or prosecution of, or 129409
the incarceration of any person for, any violation of law and the 129410
person had statutory powers of arrest. 129411

(iii) At the time of the person's retirement as a peace 129412
officer with that agency, the person was trained and qualified to 129413
carry firearms in the performance of the peace officer's duties. 129414

(iv) Before retiring from service as a peace officer with 129415
that agency, the person was regularly employed as a peace officer 129416
for an aggregate of fifteen years or more, or, in the alternative, 129417
the person retired from service as a peace officer with that 129418
agency, after completing any applicable probationary period of 129419
that service, due to a service-connected disability, as determined 129420
by the agency. 129421

(b) A retired peace officer identification card issued to a 129422
person under division (F)(2)(a) of this section shall identify the 129423
person by name, contain a photograph of the person, identify the 129424
public agency of this state or of the political subdivision of 129425
this state from which the person retired as a peace officer and 129426
that is issuing the identification card, and specify that the 129427
person retired in good standing from service as a peace officer 129428
with the issuing public agency and satisfies the criteria set 129429
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 129430
addition to the required content specified in this division, a 129431
retired peace officer identification card issued to a person under 129432
division (F)(2)(a) of this section may include the firearms 129433
requalification certification described in division (F)(3) of this 129434
section, and if the identification card includes that 129435
certification, the identification card shall serve as the firearms 129436
requalification certification for the retired peace officer. If 129437

the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set

forth in divisions (F)(2)(a)(i) to (iv) of this section 129470
satisfactorily completes such a firearms requalification program, 129471
the retired peace officer shall be issued a firearms 129472
requalification certification that identifies the retired peace 129473
officer by name, identifies the entity that taught the program, 129474
specifies that the retired peace officer successfully completed 129475
the program, specifies the date on which the course was 129476
successfully completed, and specifies that the requalification is 129477
valid for five years from that date of successful completion. The 129478
firearms requalification certification for a retired peace officer 129479
may be included in the retired peace officer identification card 129480
issued to the retired peace officer under division (F)(2) of this 129481
section. 129482

A retired peace officer who attends a firearms 129483
requalification program that is approved for purposes of firearms 129484
requalification required under section 109.801 of the Revised Code 129485
may be required to pay the cost of the program. 129486

(G) As used in this section: 129487

(1) "Qualified retired peace officer" means a person who 129488
satisfies all of the following: 129489

(a) The person satisfies the criteria set forth in divisions 129490
(F)(2)(a)(i) to (v) of this section. 129491

(b) The person is not under the influence of alcohol or 129492
another intoxicating or hallucinatory drug or substance. 129493

(c) The person is not prohibited by federal law from 129494
receiving firearms. 129495

(2) "Retired peace officer identification card" means an 129496
identification card that is issued pursuant to division (F)(2) of 129497
this section to a person who is a retired peace officer. 129498

(3) "Government facility of this state or a political 129499

subdivision of this state" means any of the following: 129500

(a) A building or part of a building that is owned or leased 129501
by the government of this state or a political subdivision of this 129502
state and where employees of the government of this state or the 129503
political subdivision regularly are present for the purpose of 129504
performing their official duties as employees of the state or 129505
political subdivision; 129506

(b) The office of a deputy registrar serving pursuant to 129507
Chapter 4503. of the Revised Code that is used to perform deputy 129508
registrar functions. 129509

(4) "Governing body" has the same meaning as in section 129510
154.01 of the Revised Code. 129511

(5) "Tactical medical professional" has the same meaning as 129512
in section 109.71 of the Revised Code. 129513

(6) "Validating identification" means photographic 129514
identification issued by the agency for which an individual serves 129515
as a peace officer that identifies the individual as a peace 129516
officer of the agency. 129517

(7) "Nonprofit corporation" means any private organization 129518
that is exempt from federal income taxation pursuant to subsection 129519
501(a) and described in subsection 501(c) of the Internal Revenue 129520
Code. 129521

Sec. 2950.034. (A) No person who has been convicted of, is 129522
convicted of, has pleaded guilty to, or pleads guilty to a 129523
sexually oriented offense or a child-victim oriented offense shall 129524
establish a residence or occupy residential premises within one 129525
thousand feet of any school premises, preschool or child ~~day-care~~ 129526
care center premises, children's crisis care facility premises, or 129527
residential infant care center premises. 129528

(B) If a person to whom division (A) of this section applies 129529

violates division (A) of this section by establishing a residence 129530
or occupying residential premises within one thousand feet of any 129531
school premises, preschool or child ~~day-care~~ care center premises, 129532
children's crisis care facility premises, or residential infant 129533
care center premises, an owner or lessee of real property that is 129534
located within one thousand feet of those school premises, 129535
preschool or child ~~day-care~~ care center premises, children's 129536
crisis care facility premises, or residential infant care center 129537
premises, or the prosecuting attorney, village solicitor, city or 129538
township director of law, similar chief legal officer of a 129539
municipal corporation or township, or official designated as a 129540
prosecutor in a municipal corporation that has jurisdiction over 129541
the place at which the person establishes the residence or 129542
occupies the residential premises in question, has a cause of 129543
action for injunctive relief against the person. The plaintiff 129544
shall not be required to prove irreparable harm in order to obtain 129545
the relief. 129546

(C) As used in this section: 129547

(1) "Child ~~day-care~~ care center" has the same meaning as in 129548
section 5104.01 of the Revised Code. 129549

(2) "Children's crisis care facility" has the same meaning as 129550
in section 5103.13 of the Revised Code. 129551

(3) "Children's crisis care facility premises" means both of 129552
the following: 129553

(a) The parcel of real property on which any children's 129554
crisis care facility is situated; 129555

(b) Any grounds, play areas, and other facilities of a 129556
children's crisis care facility that are regularly used by the 129557
children served by the facility. 129558

(4) "Preschool" means any public or private institution or 129559
center that provides early childhood instructional or educational 129560

services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child ~~day-care~~ care setting.

"Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child ~~day-care~~ care center premises" means all of the following:

(a) Any building in which any preschool or child ~~day-care~~ care center activities are conducted if the building has signage that indicates that the building houses a preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(b) The parcel of real property on which a preschool or child ~~day-care~~ care center is situated if the parcel of real property has signage that indicates that a preschool or child ~~day-care~~ care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(c) Any grounds, play areas, and other facilities of a preschool or child ~~day-care~~ care center that are regularly used by the children served by the preschool or child ~~day-care~~ care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.

(6) "Residential infant care center" has the same meaning as

in section 5103.60 of the Revised Code. 129592

(7) "Residential infant care center premises" means both of 129593
the following: 129594

(a) The parcel of real property on which any residential 129595
infant care center is situated; 129596

(b) Any grounds, play areas, and other facilities of a 129597
residential infant care center that are regularly used by the 129598
children served by the center. 129599

Sec. 2950.11. (A) Regardless of when the sexually oriented 129600
offense or child-victim oriented offense was committed, if a 129601
person is convicted of, pleads guilty to, has been convicted of, 129602
or has pleaded guilty to a sexually oriented offense or a 129603
child-victim oriented offense or a person is or has been 129604
adjudicated a delinquent child for committing a sexually oriented 129605
offense or a child-victim oriented offense and is classified a 129606
juvenile offender registrant or is an out-of-state juvenile 129607
offender registrant based on that adjudication, and if the 129608
offender or delinquent child is in any category specified in 129609
division (F)(1)(a), (b), or (c) of this section, the sheriff with 129610
whom the offender or delinquent child has most recently registered 129611
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 129612
and the sheriff to whom the offender or delinquent child most 129613
recently sent a notice of intent to reside under section 2950.04 129614
or 2950.041 of the Revised Code, within the period of time 129615
specified in division (C) of this section, shall provide a written 129616
notice containing the information set forth in division (B) of 129617
this section to all of the persons described in divisions (A)(1) 129618
to (10) of this section. If the sheriff has sent a notice to the 129619
persons described in those divisions as a result of receiving a 129620
notice of intent to reside and if the offender or delinquent child 129621
registers a residence address that is the same residence address 129622

described in the notice of intent to reside, the sheriff is not 129623
required to send an additional notice when the offender or 129624
delinquent child registers. The sheriff shall provide the notice 129625
to all of the following persons: 129626

(1)(a) Any occupant of each residential unit that is located 129627
within one thousand feet of the offender's or delinquent child's 129628
residential premises, that is located within the county served by 129629
the sheriff, and that is not located in a multi-unit building. 129630
Division (D)(3) of this section applies regarding notices required 129631
under this division. 129632

(b) If the offender or delinquent child resides in a 129633
multi-unit building, any occupant of each residential unit that is 129634
located in that multi-unit building and that shares a common 129635
hallway with the offender or delinquent child. For purposes of 129636
this division, an occupant's unit shares a common hallway with the 129637
offender or delinquent child if the entrance door into the 129638
occupant's unit is located on the same floor and opens into the 129639
same hallway as the entrance door to the unit the offender or 129640
delinquent child occupies. Division (D)(3) of this section applies 129641
regarding notices required under this division. 129642

(c) The building manager, or the person the building owner or 129643
condominium unit owners association authorizes to exercise 129644
management and control, of each multi-unit building that is 129645
located within one thousand feet of the offender's or delinquent 129646
child's residential premises, including a multi-unit building in 129647
which the offender or delinquent child resides, and that is 129648
located within the county served by the sheriff. In addition to 129649
notifying the building manager or the person authorized to 129650
exercise management and control in the multi-unit building under 129651
this division, the sheriff shall post a copy of the notice 129652
prominently in each common entryway in the building and any other 129653
location in the building the sheriff determines appropriate. The 129654

manager or person exercising management and control of the 129655
building shall permit the sheriff to post copies of the notice 129656
under this division as the sheriff determines appropriate. In lieu 129657
of posting copies of the notice as described in this division, a 129658
sheriff may provide notice to all occupants of the multi-unit 129659
building by mail or personal contact; if the sheriff so notifies 129660
all the occupants, the sheriff is not required to post copies of 129661
the notice in the common entryways to the building. Division 129662
(D)(3) of this section applies regarding notices required under 129663
this division. 129664

(d) All additional persons who are within any category of 129665
neighbors of the offender or delinquent child that the attorney 129666
general by rule adopted under section 2950.13 of the Revised Code 129667
requires to be provided the notice and who reside within the 129668
county served by the sheriff; 129669

(2) The executive director of the public children services 129670
agency that has jurisdiction within the specified geographical 129671
notification area and that is located within the county served by 129672
the sheriff; 129673

(3)(a) The superintendent of each board of education of a 129674
school district that has schools within the specified geographical 129675
notification area and that is located within the county served by 129676
the sheriff; 129677

(b) The principal of the school within the specified 129678
geographical notification area and within the county served by the 129679
sheriff that the delinquent child attends; 129680

(c) If the delinquent child attends a school outside of the 129681
specified geographical notification area or outside of the school 129682
district where the delinquent child resides, the superintendent of 129683
the board of education of a school district that governs the 129684
school that the delinquent child attends and the principal of the 129685

school that the delinquent child attends. 129686

(4)(a) The appointing or hiring officer of each chartered 129687
nonpublic school located within the specified geographical 129688
notification area and within the county served by the sheriff or 129689
of each other school located within the specified geographical 129690
notification area and within the county served by the sheriff and 129691
that is not operated by a board of education described in division 129692
(A)(3) of this section; 129693

(b) Regardless of the location of the school, the appointing 129694
or hiring officer of a chartered nonpublic school that the 129695
delinquent child attends. 129696

(5) The director, head teacher, elementary principal, or site 129697
administrator of each preschool program governed by Chapter 3301. 129698
of the Revised Code that is located within the specified 129699
geographical notification area and within the county served by the 129700
sheriff; 129701

(6) The administrator of each child ~~day-care~~ care center or 129702
type A family ~~day-care~~ child care home that is located within the 129703
specified geographical notification area and within the county 129704
served by the sheriff, and each holder of a license to operate a 129705
type B family ~~day-care~~ child care home that is located within the 129706
specified geographical notification area and within the county 129707
served by the sheriff. As used in this division, "child ~~day-care~~ 129708
care center," "type A family ~~day-care~~ child care home," and "type 129709
B family ~~day-care~~ child care home" have the same meanings as in 129710
section 5104.01 of the Revised Code. 129711

(7) The president or other chief administrative officer of 129712
each institution of higher education, as defined in section 129713
2907.03 of the Revised Code, that is located within the specified 129714
geographical notification area and within the county served by the 129715
sheriff, and the chief law enforcement officer of the state 129716

university law enforcement agency or campus police department 129717
established under section 3345.04 or 1713.50 of the Revised Code, 129718
if any, that serves that institution; 129719

(8) The sheriff of each county that includes any portion of 129720
the specified geographical notification area; 129721

(9) If the offender or delinquent child resides within the 129722
county served by the sheriff, the chief of police, marshal, or 129723
other chief law enforcement officer of the municipal corporation 129724
in which the offender or delinquent child resides or, if the 129725
offender or delinquent child resides in an unincorporated area, 129726
the constable or chief of the police department or police district 129727
police force of the township in which the offender or delinquent 129728
child resides; 129729

(10) Volunteer organizations in which contact with minors or 129730
other vulnerable individuals might occur or any organization, 129731
company, or individual who requests notification as provided in 129732
division (J) of this section. 129733

(B) The notice required under division (A) of this section 129734
shall include all of the following information regarding the 129735
subject offender or delinquent child: 129736

(1) The offender's or delinquent child's name; 129737

(2) The address or addresses of the offender's or public 129738
registry-qualified juvenile offender registrant's residence, 129739
school, institution of higher education, or place of employment, 129740
as applicable, or the residence address or addresses of a 129741
delinquent child who is not a public registry-qualified juvenile 129742
offender registrant; 129743

(3) The sexually oriented offense or child-victim oriented 129744
offense of which the offender was convicted, to which the offender 129745
pleaded guilty, or for which the child was adjudicated a 129746
delinquent child; 129747

(4) A statement that identifies the category specified in 129748
division (F)(1)(a), (b), or (c) of this section that includes the 129749
offender or delinquent child and that subjects the offender or 129750
delinquent child to this section; 129751

(5) The offender's or delinquent child's photograph. 129752

(C) If a sheriff with whom an offender or delinquent child 129753
registers under section 2950.04, 2950.041, or 2950.05 of the 129754
Revised Code or to whom the offender or delinquent child most 129755
recently sent a notice of intent to reside under section 2950.04 129756
or 2950.041 of the Revised Code is required by division (A) of 129757
this section to provide notices regarding an offender or 129758
delinquent child and if, pursuant to that requirement, the sheriff 129759
provides a notice to a sheriff of one or more other counties in 129760
accordance with division (A)(8) of this section, the sheriff of 129761
each of the other counties who is provided notice under division 129762
(A)(8) of this section shall provide the notices described in 129763
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 129764
each person or entity identified within those divisions that is 129765
located within the specified geographical notification area and 129766
within the county served by the sheriff in question. 129767

(D)(1) A sheriff required by division (A) or (C) of this 129768
section to provide notices regarding an offender or delinquent 129769
child shall provide the notice to the neighbors that are described 129770
in division (A)(1) of this section and the notices to law 129771
enforcement personnel that are described in divisions (A)(8) and 129772
(9) of this section as soon as practicable, but no later than five 129773
days after the offender sends the notice of intent to reside to 129774
the sheriff and again no later than five days after the offender 129775
or delinquent child registers with the sheriff or, if the sheriff 129776
is required by division (C) of this section to provide the 129777
notices, no later than five days after the sheriff is provided the 129778
notice described in division (A)(8) of this section. 129779

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 129812
occupants of a multi-unit building by mail or personal contact, 129813
the provision of one written notice per unit is deemed as 129814
providing notice to all occupants of that unit. 129815

(E) All information that a sheriff possesses regarding an 129816
offender or delinquent child who is in a category specified in 129817
division (F)(1)(a), (b), or (c) of this section that is described 129818
in division (B) of this section and that must be provided in a 129819
notice required under division (A) or (C) of this section or that 129820
may be provided in a notice authorized under division (D)(2) of 129821
this section is a public record that is open to inspection under 129822
section 149.43 of the Revised Code. 129823

The sheriff shall not cause to be publicly disseminated by 129824
means of the internet any of the information described in this 129825
division that is provided by a delinquent child unless that child 129826
is in a category specified in division (F)(1)(a), (b), or (c) of 129827
this section. 129828

(F)(1) Except as provided in division (F)(2) of this section, 129829
the duties to provide the notices described in divisions (A) and 129830
(C) of this section apply regarding any offender or delinquent 129831
child who is in any of the following categories: 129832

(a) The offender is a tier III sex offender/child-victim 129833
offender, or the delinquent child is a public registry-qualified 129834
juvenile offender registrant, and a juvenile court has not removed 129835
pursuant to section 2950.15 of the Revised Code the delinquent 129836
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 129837
and 2950.06 of the Revised Code. 129838

(b) The delinquent child is a tier III sex 129839
offender/child-victim offender who is not a public 129840
registry-qualified juvenile offender registrant, the delinquent 129841
child was subjected to this section prior to January 1, 2008, as a 129842

sexual predator, habitual sex offender, child-victim predator, or 129843
habitual child-victim offender, as those terms were defined in 129844
section 2950.01 of the Revised Code as it existed prior to January 129845
1, 2008, and a juvenile court has not removed pursuant to section 129846
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 129847
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 129848
the Revised Code. 129849

(c) The delinquent child is a tier III sex 129850
offender/child-victim offender who is not a public 129851
registry-qualified juvenile offender registrant, the delinquent 129852
child was classified a juvenile offender registrant on or after 129853
January 1, 2008, the court has imposed a requirement under section 129854
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 129855
delinquent child to this section, and a juvenile court has not 129856
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 129857
the delinquent child's duty to comply with sections 2950.04, 129858
2950.041, 2950.05, and 2950.06 of the Revised Code. 129859

(2) The notification provisions of this section do not apply 129860
to a person described in division (F)(1)(a), (b), or (c) of this 129861
section if a court finds at a hearing after considering the 129862
factors described in this division that the person would not be 129863
subject to the notification provisions of this section that were 129864
in the version of this section that existed immediately prior to 129865
January 1, 2008. In making the determination of whether a person 129866
would have been subject to the notification provisions under prior 129867
law as described in this division, the court shall consider the 129868
following factors: 129869

(a) The offender's or delinquent child's age; 129870

(b) The offender's or delinquent child's prior criminal or 129871
delinquency record regarding all offenses, including, but not 129872
limited to, all sexual offenses; 129873

(c) The age of the victim of the sexually oriented offense	129874
for which sentence is to be imposed or the order of disposition is	129875
to be made;	129876
(d) Whether the sexually oriented offense for which sentence	129877
is to be imposed or the order of disposition is to be made	129878
involved multiple victims;	129879
(e) Whether the offender or delinquent child used drugs or	129880
alcohol to impair the victim of the sexually oriented offense or	129881
to prevent the victim from resisting;	129882
(f) If the offender or delinquent child previously has been	129883
convicted of or pleaded guilty to, or been adjudicated a	129884
delinquent child for committing an act that if committed by an	129885
adult would be, a criminal offense, whether the offender or	129886
delinquent child completed any sentence or dispositional order	129887
imposed for the prior offense or act and, if the prior offense or	129888
act was a sex offense or a sexually oriented offense, whether the	129889
offender or delinquent child participated in available programs	129890
for sexual offenders;	129891
(g) Any mental illness or mental disability of the offender	129892
or delinquent child;	129893
(h) The nature of the offender's or delinquent child's sexual	129894
conduct, sexual contact, or interaction in a sexual context with	129895
the victim of the sexually oriented offense and whether the sexual	129896
conduct, sexual contact, or interaction in a sexual context was	129897
part of a demonstrated pattern of abuse;	129898
(i) Whether the offender or delinquent child, during the	129899
commission of the sexually oriented offense for which sentence is	129900
to be imposed or the order of disposition is to be made, displayed	129901
cruelty or made one or more threats of cruelty;	129902
(j) Whether the offender or delinquent child would have been	129903
a habitual sex offender or a habitual child victim offender under	129904

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board~~ department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a

designee of a sheriff of that type, may request the department of 129936
job and family services, department of education, or ~~Ohio board~~ 129937
department of regents higher education, by telephone, in person, 129938
or by mail, to provide the sheriff or designee with the names, 129939
addresses, and telephone numbers of the appropriate persons and 129940
entities to whom the notices described in divisions (A)(2) to (7) 129941
of this section are to be provided. Upon receipt of a request, the 129942
department ~~or board~~ shall provide the requesting sheriff or 129943
designee with the names, addresses, and telephone numbers of the 129944
appropriate persons and entities to whom those notices are to be 129945
provided. 129946

(H)(1) Upon the motion of the offender or the prosecuting 129947
attorney of the county in which the offender was convicted of or 129948
pleaded guilty to the sexually oriented offense or child-victim 129949
oriented offense for which the offender is subject to community 129950
notification under this section, or upon the motion of the 129951
sentencing judge or that judge's successor in office, the judge 129952
may schedule a hearing to determine whether the interests of 129953
justice would be served by suspending the community notification 129954
requirement under this section in relation to the offender. The 129955
judge may dismiss the motion without a hearing but may not issue 129956
an order suspending the community notification requirement without 129957
a hearing. At the hearing, all parties are entitled to be heard, 129958
and the judge shall consider all of the factors set forth in 129959
division (K) of this section. If, at the conclusion of the 129960
hearing, the judge finds that the offender has proven by clear and 129961
convincing evidence that the offender is unlikely to commit in the 129962
future a sexually oriented offense or a child-victim oriented 129963
offense and if the judge finds that suspending the community 129964
notification requirement is in the interests of justice, the judge 129965
may suspend the application of this section in relation to the 129966
offender. The order shall contain both of these findings. 129967

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 129999

(b) A person who is convicted of or pleads guilty to a 130000
sexually oriented offense that is a violation of division 130001
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 130002
after January 2, 2007, and either who is sentenced under section 130003
2971.03 of the Revised Code or upon whom a sentence of life 130004
without parole is imposed under division (B) of section 2907.02 of 130005
the Revised Code; 130006

(c) A person who is convicted of or pleads guilty to a 130007
sexually oriented offense that is attempted rape committed on or 130008
after January 2, 2007, and who also is convicted of or pleads 130009
guilty to a specification of the type described in section 130010
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 130011

(d) A person who is convicted of or pleads guilty to an 130012
offense described in division (B)(3)(a), (b), (c), or (d) of 130013
section 2971.03 of the Revised Code and who is sentenced for that 130014
offense pursuant to that division; 130015

(e) An offender who is in a category specified in division 130016
(F)(1)(a), (b), or (c) of this section and who, subsequent to 130017
being subjected to community notification, has pleaded guilty to 130018
or been convicted of a sexually oriented offense or child-victim 130019
oriented offense. 130020

(I) If a person is convicted of, pleads guilty to, has been 130021
convicted of, or has pleaded guilty to a sexually oriented offense 130022
or a child-victim oriented offense or a person is or has been 130023
adjudicated a delinquent child for committing a sexually oriented 130024
offense or a child-victim oriented offense and is classified a 130025
juvenile offender registrant or is an out-of-state juvenile 130026
offender registrant based on that adjudication, and if the 130027
offender or delinquent child is not in any category specified in 130028
division (F)(1)(a), (b), or (c) of this section, the sheriff with 130029

whom the offender or delinquent child has most recently registered 130030
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 130031
and the sheriff to whom the offender or delinquent child most 130032
recently sent a notice of intent to reside under section 2950.04 130033
or 2950.041 of the Revised Code, within the period of time 130034
specified in division (D) of this section, shall provide a written 130035
notice containing the information set forth in division (B) of 130036
this section to the executive director of the public children 130037
services agency that has jurisdiction within the specified 130038
geographical notification area and that is located within the 130039
county served by the sheriff. 130040

(J) Each sheriff shall allow a volunteer organization or 130041
other organization, company, or individual who wishes to receive 130042
the notice described in division (A)(10) of this section regarding 130043
a specific offender or delinquent child or notice regarding all 130044
offenders and delinquent children who are located in the specified 130045
geographical notification area to notify the sheriff by electronic 130046
mail or through the sheriff's web site of this election. The 130047
sheriff shall promptly inform the bureau of criminal 130048
identification and investigation of these requests in accordance 130049
with the forwarding procedures adopted by the attorney general 130050
pursuant to section 2950.13 of the Revised Code. 130051

(K) In making a determination under division (H)(1) of this 130052
section as to whether to suspend the community notification 130053
requirement under this section for an offender, the judge shall 130054
consider all relevant factors, including, but not limited to, all 130055
of the following: 130056

(1) The offender's age; 130057

(2) The offender's prior criminal or delinquency record 130058
regarding all offenses, including, but not limited to, all 130059
sexually oriented offenses or child-victim oriented offenses; 130060

(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;	130061 130062
(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;	130063 130064
(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;	130065 130066 130067 130068
(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;	130069 130070 130071 130072 130073 130074 130075 130076
(7) Any mental illness or mental disability of the offender;	130077
(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	130078 130079 130080 130081 130082 130083 130084 130085
(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;	130086 130087 130088 130089
(10) Any additional behavioral characteristics that contribute to the offender's conduct.	130090 130091

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

Sec. 2950.13. (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful

offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;	130155 130156 130157
(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;	130158 130159 130160 130161 130162 130163 130164
(g) Fingerprints and palmprints of the person;	130165
(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;	130166 130167
(i) Whether the person has any outstanding arrest warrants;	130168
(j) Whether the person is in compliance with the person's duties under this chapter.	130169 130170
(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;	130171 130172 130173 130174
(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a	130175 130176 130177 130178 130179 130180 130181 130182 130183 130184 130185

request that specifies that the victim would like to be provided 130186
the notices described in divisions (A)(1) and (2) of section 130187
2950.10 of the Revised Code; 130188

(4) In consultation with local law enforcement 130189
representatives and through the bureau of criminal identification 130190
and investigation, prescribe the forms to be used by judges and 130191
officials pursuant to section 2950.03 or 2950.032 of the Revised 130192
Code to advise offenders and delinquent children of their duties 130193
of filing a notice of intent to reside, registration, notification 130194
of a change of residence, school, institution of higher education, 130195
or place of employment address and registration of the new school, 130196
institution of higher education, or place of employment address, 130197
as applicable, and address verification under sections 2950.04, 130198
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 130199
the forms to be used by sheriffs relative to those duties of 130200
filing a notice of intent to reside, registration, change of 130201
residence, school, institution of higher education, or place of 130202
employment address notification, and address verification; 130203

(5) Make copies of the forms prescribed under division (A)(4) 130204
of this section available to judges, officials, and sheriffs; 130205

(6) Through the bureau of criminal identification and 130206
investigation, provide the notifications, the information and 130207
materials, and the documents that the bureau is required to 130208
provide to appropriate law enforcement officials and to the 130209
federal bureau of investigation pursuant to sections 2950.04, 130210
2950.041, 2950.05, and 2950.06 of the Revised Code; 130211

(7) Through the bureau of criminal identification and 130212
investigation, maintain the verification forms returned under the 130213
address verification mechanism set forth in section 2950.06 of the 130214
Revised Code; 130215

(8) In consultation with representatives of the officials, 130216

judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care care centers, type A family day-care child care homes, licensed type B family day-care child care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every

delinquent child who has committed a sexually oriented offense, is 130249
a public registry-qualified juvenile offender registrant, and 130250
registers in any county in this state pursuant to either such 130251
section. The bureau shall not include on the database the identity 130252
of any offender's or public registry-qualified juvenile offender 130253
registrant's victim, any offender's or public registry-qualified 130254
juvenile offender registrant's social security number, the name of 130255
any school or institution of higher education attended by any 130256
offender or public registry-qualified juvenile offender 130257
registrant, the name of the place of employment of any offender or 130258
public registry-qualified juvenile offender registrant, any 130259
tracking or identification number described in division (A)(1)(f) 130260
of this section, or any information described in division (C)(7) 130261
of section 2950.04 or 2950.041 of the Revised Code. The bureau 130262
shall provide on the database, for each offender and each public 130263
registry-qualified juvenile offender registrant, at least the 130264
information specified in divisions (A)(11)(a) to (h) of this 130265
section. Otherwise, the bureau shall determine the information to 130266
be provided on the database for each offender and public 130267
registry-qualified juvenile offender registrant and shall obtain 130268
that information from the information contained in the state 130269
registry of sex offenders and child-victim offenders described in 130270
division (A)(1) of this section, which information, while in the 130271
possession of the sheriff who provided it, is a public record open 130272
for inspection as described in section 2950.081 of the Revised 130273
Code. The database is a public record open for inspection under 130274
section 149.43 of the Revised Code, and it shall be searchable by 130275
offender or public registry-qualified juvenile offender registrant 130276
name, by county, by zip code, and by school district. The database 130277
shall provide a link to the web site of each sheriff who has 130278
established and operates on the internet a sex offender and 130279
child-victim offender database that contains information for 130280
offenders and public registry-qualified juvenile offender 130281

registrants who register in that county pursuant to section 130282
2950.04 or 2950.041 of the Revised Code, with the link being a 130283
direct link to the sex offender and child-victim offender database 130284
for the sheriff. The bureau shall provide on the database, for 130285
each offender and public registry-qualified juvenile offender 130286
registrant, at least the following information: 130287

(a) The information described in divisions (A)(1)(a), (b), 130288
(c), and (d) of this section relative to the offender or public 130289
registry-qualified juvenile offender registrant; 130290

(b) The address of the offender's or public 130291
registry-qualified juvenile offender registrant's school, 130292
institution of higher education, or place of employment provided 130293
in a registration form; 130294

(c) The information described in division (C)(6) of section 130295
2950.04 or 2950.041 of the Revised Code; 130296

(d) A chart describing which sexually oriented offenses and 130297
child-victim oriented offenses are included in the definitions of 130298
tier I sex offender/child-victim offender, tier II sex 130299
offender/child-victim offender, and tier III sex 130300
offender/child-victim offender; 130301

(e) Fingerprints and palmprints of the offender or public 130302
registry-qualified juvenile offender registrant and a DNA specimen 130303
from the offender or public registry-qualified juvenile offender 130304
registrant; 130305

(f) The information set forth in division (B) of section 130306
2950.11 of the Revised Code; 130307

(g) Any outstanding arrest warrants for the offender or 130308
public registry-qualified juvenile offender registrant; 130309

(h) The offender's or public registry-qualified juvenile 130310
offender registrant's compliance status with duties under this 130311

chapter. 130312

(12) Develop software to be used by sheriffs in establishing 130313
on the internet a sex offender and child-victim offender database 130314
for the public dissemination of some or all of the information and 130315
materials described in division (A) of section 2950.081 of the 130316
Revised Code that are public records under that division, that are 130317
not prohibited from inclusion by division (B) of that section, and 130318
that pertain to offenders and public registry-qualified juvenile 130319
offender registrants who register in the sheriff's county pursuant 130320
to section 2950.04 or 2950.041 of the Revised Code and for the 130321
public dissemination of information the sheriff receives pursuant 130322
to section 2950.14 of the Revised Code and, upon the request of 130323
any sheriff, provide technical guidance to the requesting sheriff 130324
in establishing on the internet such a database; 130325

(13) Through the bureau of criminal identification and 130326
investigation, not later than January 1, 2004, establish and 130327
operate on the internet a database that enables local law 130328
enforcement representatives to remotely search by electronic means 130329
the state registry of sex offenders and child-victim offenders 130330
described in division (A)(1) of this section and any information 130331
and materials the bureau receives pursuant to sections 2950.04, 130332
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 130333
database shall enable local law enforcement representatives to 130334
obtain detailed information regarding each offender and delinquent 130335
child who is included in the registry, including, but not limited 130336
to the offender's or delinquent child's name, aliases, residence 130337
address, name and address of any place of employment, school, 130338
institution of higher education, if applicable, license plate 130339
number of each vehicle identified in division (C)(5) of section 130340
2950.04 or 2950.041 of the Revised Code to the extent applicable, 130341
victim preference if available, date of most recent release from 130342
confinement if applicable, fingerprints, and palmprints, all of 130343

the information and material described in divisions (A)(1)(a) to 130344
(h) of this section regarding the offender or delinquent child, 130345
and other identification parameters the bureau considers 130346
appropriate. The database is not a public record open for 130347
inspection under section 149.43 of the Revised Code and shall be 130348
available only to law enforcement representatives as described in 130349
this division. Information obtained by local law enforcement 130350
representatives through use of this database is not open to 130351
inspection by the public or by any person other than a person 130352
identified in division (A) of section 2950.08 of the Revised Code. 130353

(14) Through the bureau of criminal identification and 130354
investigation, maintain a list of requests for notice about a 130355
specified offender or delinquent child or specified geographical 130356
notification area made pursuant to division (J) of section 2950.11 130357
of the Revised Code and, when an offender or delinquent child 130358
changes residence to another county, forward any requests for 130359
information about that specific offender or delinquent child to 130360
the appropriate sheriff; 130361

(15) Through the bureau of criminal identification and 130362
investigation, establish and operate a system for the immediate 130363
notification by electronic means of the appropriate officials in 130364
other states specified in this division each time an offender or 130365
delinquent child registers a residence, school, institution of 130366
higher education, or place of employment address under section 130367
2950.04 or 2950.041 of the Revised Code or provides a notice of a 130368
change of address or registers a new address under division (A) or 130369
(B) of section 2950.05 of the Revised Code. The immediate 130370
notification by electronic means shall be provided to the 130371
appropriate officials in each state in which the offender or 130372
delinquent child is required to register a residence, school, 130373
institution of higher education, or place of employment address. 130374
The notification shall contain the offender's or delinquent 130375

child's name and all of the information the bureau receives from 130376
the sheriff with whom the offender or delinquent child registered 130377
the address or provided the notice of change of address or 130378
registered the new address. 130379

(B) The attorney general in consultation with local law 130380
enforcement representatives, may adopt rules that establish one or 130381
more categories of neighbors of an offender or delinquent child 130382
who, in addition to the occupants of residential premises and 130383
other persons specified in division (A)(1) of section 2950.11 of 130384
the Revised Code, must be given the notice described in division 130385
(B) of that section. 130386

(C) No person, other than a local law enforcement 130387
representative, shall knowingly do any of the following: 130388

(1) Gain or attempt to gain access to the database 130389
established and operated by the attorney general, through the 130390
bureau of criminal identification and investigation, pursuant to 130391
division (A)(13) of this section. 130392

(2) Permit any person to inspect any information obtained 130393
through use of the database described in division (C)(1) of this 130394
section, other than as permitted under that division. 130395

(D) As used in this section, "local law enforcement 130396
representatives" means representatives of the sheriffs of this 130397
state, representatives of the municipal chiefs of police and 130398
marshals of this state, and representatives of the township 130399
constables and chiefs of police of the township police departments 130400
or police district police forces of this state. 130401

Sec. 3109.051. (A) If a divorce, dissolution, legal 130402
separation, or annulment proceeding involves a child and if the 130403
court has not issued a shared parenting decree, the court shall 130404
consider any mediation report filed pursuant to section 3109.052 130405

of the Revised Code and, in accordance with division (C) of this 130406
section, shall make a just and reasonable order or decree 130407
permitting each parent who is not the residential parent to have 130408
parenting time with the child at the time and under the conditions 130409
that the court directs, unless the court determines that it would 130410
not be in the best interest of the child to permit that parent to 130411
have parenting time with the child and includes in the journal its 130412
findings of fact and conclusions of law. Whenever possible, the 130413
order or decree permitting the parenting time shall ensure the 130414
opportunity for both parents to have frequent and continuing 130415
contact with the child, unless frequent and continuing contact by 130416
either parent with the child would not be in the best interest of 130417
the child. The court shall include in its final decree a specific 130418
schedule of parenting time for that parent. Except as provided in 130419
division (E)(6) of section 3113.31 of the Revised Code, if the 130420
court, pursuant to this section, grants parenting time to a parent 130421
or companionship or visitation rights to any other person with 130422
respect to any child, it shall not require the public children 130423
services agency to provide supervision of or other services 130424
related to that parent's exercise of parenting time or that 130425
person's exercise of companionship or visitation rights with 130426
respect to the child. This section does not limit the power of a 130427
juvenile court pursuant to Chapter 2151. of the Revised Code to 130428
issue orders with respect to children who are alleged to be 130429
abused, neglected, or dependent children or to make dispositions 130430
of children who are adjudicated abused, neglected, or dependent 130431
children or of a common pleas court to issue orders pursuant to 130432
section 3113.31 of the Revised Code. 130433

(B)(1) In a divorce, dissolution of marriage, legal 130434
separation, annulment, or child support proceeding that involves a 130435
child, the court may grant reasonable companionship or visitation 130436
rights to any grandparent, any person related to the child by 130437

consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or

visitation schedule, determining other parenting time matters 130469
under this section or section 3109.12 of the Revised Code or 130470
visitation matters under this section or under section 3109.11 or 130471
3109.12 of the Revised Code, and resolving any issues related to 130472
the making of any determination with respect to parenting time or 130473
visitation rights or the establishment of any specific parenting 130474
time or visitation schedule, the court, in its discretion, may 130475
interview in chambers any or all involved children regarding their 130476
wishes and concerns. If the court interviews any child concerning 130477
the child's wishes and concerns regarding those parenting time or 130478
visitation matters, the interview shall be conducted in chambers, 130479
and no person other than the child, the child's attorney, the 130480
judge, any necessary court personnel, and, in the judge's 130481
discretion, the attorney of each parent shall be permitted to be 130482
present in the chambers during the interview. No person shall 130483
obtain or attempt to obtain from a child a written or recorded 130484
statement or affidavit setting forth the wishes and concerns of 130485
the child regarding those parenting time or visitation matters. A 130486
court, in considering the factors listed in division (D) of this 130487
section for purposes of determining whether to grant any parenting 130488
time or visitation rights, establishing a parenting time or 130489
visitation schedule, determining other parenting time matters 130490
under this section or section 3109.12 of the Revised Code or 130491
visitation matters under this section or under section 3109.11 or 130492
3109.12 of the Revised Code, or resolving any issues related to 130493
the making of any determination with respect to parenting time or 130494
visitation rights or the establishment of any specific parenting 130495
time or visitation schedule, shall not accept or consider a 130496
written or recorded statement or affidavit that purports to set 130497
forth the child's wishes or concerns regarding those parenting 130498
time or visitation matters. 130499

(D) In determining whether to grant parenting time to a 130500
parent pursuant to this section or section 3109.12 of the Revised 130501

Code or companionship or visitation rights to a grandparent, 130502
relative, or other person pursuant to this section or section 130503
3109.11 or 3109.12 of the Revised Code, in establishing a specific 130504
parenting time or visitation schedule, and in determining other 130505
parenting time matters under this section or section 3109.12 of 130506
the Revised Code or visitation matters under this section or 130507
section 3109.11 or 3109.12 of the Revised Code, the court shall 130508
consider all of the following factors: 130509

(1) The prior interaction and interrelationships of the child 130510
with the child's parents, siblings, and other persons related by 130511
consanguinity or affinity, and with the person who requested 130512
companionship or visitation if that person is not a parent, 130513
sibling, or relative of the child; 130514

(2) The geographical location of the residence of each parent 130515
and the distance between those residences, and if the person is 130516
not a parent, the geographical location of that person's residence 130517
and the distance between that person's residence and the child's 130518
residence; 130519

(3) The child's and parents' available time, including, but 130520
not limited to, each parent's employment schedule, the child's 130521
school schedule, and the child's and the parents' holiday and 130522
vacation schedule; 130523

(4) The age of the child; 130524

(5) The child's adjustment to home, school, and community; 130525

(6) If the court has interviewed the child in chambers, 130526
pursuant to division (C) of this section, regarding the wishes and 130527
concerns of the child as to parenting time by the parent who is 130528
not the residential parent or companionship or visitation by the 130529
grandparent, relative, or other person who requested companionship 130530
or visitation, as to a specific parenting time or visitation 130531
schedule, or as to other parenting time or visitation matters, the 130532

wishes and concerns of the child, as expressed to the court;	130533
(7) The health and safety of the child;	130534
(8) The amount of time that will be available for the child to spend with siblings;	130535 130536
(9) The mental and physical health of all parties;	130537
(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;	130538 130539 130540 130541 130542
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;	130543 130544 130545 130546 130547 130548 130549 130550 130551 130552
(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the	130553 130554 130555 130556 130557 130558 130559 130560 130561 130562 130563

offense was a member of the family or household that is the 130564
subject of the current proceeding; whether either parent 130565
previously has been convicted of an offense involving a victim who 130566
at the time of the commission of the offense was a member of the 130567
family or household that is the subject of the current proceeding 130568
and caused physical harm to the victim in the commission of the 130569
offense; and whether there is reason to believe that the person 130570
has acted in a manner resulting in a child being an abused child 130571
or a neglected child; 130572

(13) Whether the residential parent or one of the parents 130573
subject to a shared parenting decree has continuously and 130574
willfully denied the other parent's right to parenting time in 130575
accordance with an order of the court; 130576

(14) Whether either parent has established a residence or is 130577
planning to establish a residence outside this state; 130578

(15) In relation to requested companionship or visitation by 130579
a person other than a parent, the wishes and concerns of the 130580
child's parents, as expressed by them to the court; 130581

(16) Any other factor in the best interest of the child. 130582

(E) The remarriage of a residential parent of a child does 130583
not affect the authority of a court under this section to grant 130584
parenting time rights with respect to the child to the parent who 130585
is not the residential parent or to grant reasonable companionship 130586
or visitation rights with respect to the child to any grandparent, 130587
any person related by consanguinity or affinity, or any other 130588
person. 130589

(F)(1) If the court, pursuant to division (A) of this 130590
section, denies parenting time to a parent who is not the 130591
residential parent or denies a motion for reasonable companionship 130592
or visitation rights filed under division (B) of this section and 130593
the parent or movant files a written request for findings of fact 130594

and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court

determines that that parent has not been so convicted and has not
been determined to be the perpetrator of an abusive act that is
the basis of a child abuse adjudication, the court shall issue an
order stating that a copy of any notice of relocation that is
filed with the court pursuant to division (G)(1) of this section
will be sent to the parent who is given the parenting time rights
in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the
parenting time rights has been convicted of or pleaded guilty to a
violation of section 2919.25 of the Revised Code involving a
victim who at the time of the commission of the offense was a
member of the family or household that is the subject of the
proceeding, has been convicted of or pleaded guilty to any other
offense involving a victim who at the time of the commission of
the offense was a member of the family or household that is the
subject of the proceeding and caused physical harm to the victim
in the commission of the offense, or has been determined to be the
perpetrator of the abusive act that is the basis of an
adjudication that a child is an abused child, it shall issue an
order stating that that parent will not be given a copy of any
notice of relocation that is filed with the court pursuant to
division (G)(1) of this section unless the court determines that
it is in the best interest of the children to give that parent a
copy of the notice of relocation, issues an order stating that
that parent will be given a copy of any notice of relocation filed
pursuant to division (G)(1) of this section, and issues specific
written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order
granting parenting time rights to a parent who is not the
residential parent and did not require the residential parent in
that order to give the parent who is granted the parenting time
rights notice of any change of address and if the residential

parent files a notice of relocation pursuant to division (G)(1) of 130659
this section, the court shall determine if the parent who is 130660
granted the parenting time rights has been convicted of or pleaded 130661
guilty to a violation of section 2919.25 of the Revised Code 130662
involving a victim who at the time of the commission of the 130663
offense was a member of the family or household that is the 130664
subject of the proceeding, has been convicted of or pleaded guilty 130665
to any other offense involving a victim who at the time of the 130666
commission of the offense was a member of the family or household 130667
that is the subject of the proceeding and caused physical harm to 130668
the victim in the commission of the offense, or has been 130669
determined to be the perpetrator of the abusive act that is the 130670
basis of an adjudication that a child is an abused child. If the 130671
court determines that the parent who is granted the parenting time 130672
rights has not been so convicted and has not been determined to be 130673
the perpetrator of an abusive act that is the basis of a child 130674
abuse adjudication, the court shall issue an order stating that a 130675
copy of any notice of relocation that is filed with the court 130676
pursuant to division (G)(1) of this section will be sent to the 130677
parent who is granted parenting time rights in accordance with 130678
division (G)(1) of this section. 130679

If the court determines that the parent who is granted the 130680
parenting time rights has been convicted of or pleaded guilty to a 130681
violation of section 2919.25 of the Revised Code involving a 130682
victim who at the time of the commission of the offense was a 130683
member of the family or household that is the subject of the 130684
proceeding, has been convicted of or pleaded guilty to any other 130685
offense involving a victim who at the time of the commission of 130686
the offense was a member of the family or household that is the 130687
subject of the proceeding and caused physical harm to the victim 130688
in the commission of the offense, or has been determined to be the 130689
perpetrator of the abusive act that is the basis of an 130690
adjudication that a child is an abused child, it shall issue an 130691

order stating that that parent will not be given a copy of any 130692
notice of relocation that is filed with the court pursuant to 130693
division (G)(1) of this section unless the court determines that 130694
it is in the best interest of the children to give that parent a 130695
copy of the notice of relocation, issues an order stating that 130696
that parent will be given a copy of any notice of relocation filed 130697
pursuant to division (G)(1) of this section, and issues specific 130698
written findings of fact in support of its determination. 130699

(4) If a parent who is granted parenting time rights pursuant 130700
to this section or any other section of the Revised Code is 130701
authorized by an order issued pursuant to this section or any 130702
other court order to receive a copy of any notice of relocation 130703
that is filed pursuant to division (G)(1) of this section or 130704
pursuant to court order, if the residential parent intends to move 130705
to a residence other than the residence address specified in the 130706
parenting time order, and if the residential parent does not want 130707
the parent who is granted the parenting time rights to receive a 130708
copy of the relocation notice because the parent with parenting 130709
time rights has been convicted of or pleaded guilty to a violation 130710
of section 2919.25 of the Revised Code involving a victim who at 130711
the time of the commission of the offense was a member of the 130712
family or household that is the subject of the proceeding, has 130713
been convicted of or pleaded guilty to any other offense involving 130714
a victim who at the time of the commission of the offense was a 130715
member of the family or household that is the subject of the 130716
proceeding and caused physical harm to the victim in the 130717
commission of the offense, or has been determined to be the 130718
perpetrator of the abusive act that is the basis of an 130719
adjudication that a child is an abused child, the residential 130720
parent may file a motion with the court requesting that the parent 130721
who is granted the parenting time rights not receive a copy of any 130722
notice of relocation. Upon the filing of the motion, the court 130723
shall schedule a hearing on the motion and give both parents 130724

notice of the date, time, and location of the hearing. If the 130725
court determines that the parent who is granted the parenting time 130726
rights has been so convicted or has been determined to be the 130727
perpetrator of an abusive act that is the basis of a child abuse 130728
adjudication, the court shall issue an order stating that the 130729
parent who is granted the parenting time rights will not be given 130730
a copy of any notice of relocation that is filed with the court 130731
pursuant to division (G)(1) of this section or that the 130732
residential parent is no longer required to give that parent a 130733
copy of any notice of relocation unless the court determines that 130734
it is in the best interest of the children to give that parent a 130735
copy of the notice of relocation, issues an order stating that 130736
that parent will be given a copy of any notice of relocation filed 130737
pursuant to division (G)(1) of this section, and issues specific 130738
written findings of fact in support of its determination. If it 130739
does not so find, it shall dismiss the motion. 130740

(H)(1) Subject to section 3125.16 and division (F) of section 130741
3319.321 of the Revised Code, a parent of a child who is not the 130742
residential parent of the child is entitled to access, under the 130743
same terms and conditions under which access is provided to the 130744
residential parent, to any record that is related to the child and 130745
to which the residential parent of the child legally is provided 130746
access, unless the court determines that it would not be in the 130747
best interest of the child for the parent who is not the 130748
residential parent to have access to the records under those same 130749
terms and conditions. If the court determines that the parent of a 130750
child who is not the residential parent should not have access to 130751
records related to the child under the same terms and conditions 130752
as provided for the residential parent, the court shall specify 130753
the terms and conditions under which the parent who is not the 130754
residential parent is to have access to those records, shall enter 130755
its written findings of facts and opinion in the journal, and 130756
shall issue an order containing the terms and conditions to both 130757

the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any

confidential law enforcement investigatory record. The court shall 130790
schedule a hearing on the motion and give notice of the date, 130791
time, and location of the hearing to all parties. 130792

(I) A court that issues a parenting time order or decree 130793
pursuant to this section or section 3109.12 of the Revised Code 130794
shall determine whether the parent granted the right of parenting 130795
time is to be permitted access, in accordance with section 130796
5104.039 of the Revised Code, to any child ~~day-care~~ care center 130797
that is, or that in the future may be, attended by the children 130798
with whom the right of parenting time is granted. Unless the court 130799
determines that the parent who is not the residential parent 130800
should not have access to the center to the same extent that the 130801
residential parent is granted access to the center, the parent who 130802
is not the residential parent and who is granted parenting time 130803
rights is entitled to access to the center to the same extent that 130804
the residential parent is granted access to the center. If the 130805
court determines that the parent who is not the residential parent 130806
should not have access to the center to the same extent that the 130807
residential parent is granted such access under section 5104.039 130808
of the Revised Code, the court shall specify the terms and 130809
conditions under which the parent who is not the residential 130810
parent is to have access to the center, provided that the access 130811
shall not be greater than the access that is provided to the 130812
residential parent under section 5104.039 of the Revised Code, the 130813
court shall enter its written findings of fact and opinions in the 130814
journal, and the court shall include the terms and conditions of 130815
access in the parenting time order or decree. 130816

(J)(1) Subject to division (F) of section 3319.321 of the 130817
Revised Code, when a court issues an order or decree allocating 130818
parental rights and responsibilities for the care of a child, the 130819
parent of the child who is not the residential parent of the child 130820
is entitled to access, under the same terms and conditions under 130821

which access is provided to the residential parent, to any student 130822
activity that is related to the child and to which the residential 130823
parent of the child legally is provided access, unless the court 130824
determines that it would not be in the best interest of the child 130825
to grant the parent who is not the residential parent access to 130826
the student activities under those same terms and conditions. If 130827
the court determines that the parent of the child who is not the 130828
residential parent should not have access to any student activity 130829
that is related to the child under the same terms and conditions 130830
as provided for the residential parent, the court shall specify 130831
the terms and conditions under which the parent who is not the 130832
residential parent is to have access to those student activities, 130833
shall enter its written findings of facts and opinion in the 130834
journal, and shall issue an order containing the terms and 130835
conditions to both the residential parent and the parent of the 130836
child who is not the residential parent. The court shall include 130837
in every order issued pursuant to this division notice that any 130838
school official or employee who knowingly fails to comply with the 130839
order or division (J) of this section is in contempt of court. 130840

(2) Subject to division (F) of section 3319.321 of the 130841
Revised Code, subsequent to the issuance of an order under 130842
division (J)(1) of this section, all school officials and 130843
employees shall permit the parent of the child who is not the 130844
residential parent to have access to any student activity under 130845
the same terms and conditions under which access is provided to 130846
the residential parent of the child, unless the residential parent 130847
has presented the school official or employee, the board of 130848
education of the school, or the governing body of the chartered 130849
nonpublic school with a copy of an order issued under division 130850
(J)(1) of this section that limits the terms and conditions under 130851
which the parent who is not the residential parent is to have 130852
access to student activities related to the child and the order 130853
pertains to the student activity in question. If the residential 130854

parent presents the school official or employee, the board of 130855
education of the school, or the governing body of the chartered 130856
nonpublic school with a copy of that type of order, the school 130857
official or employee shall permit the parent who is not the 130858
residential parent to have access to the student activity only in 130859
accordance with the most recent order that has been issued 130860
pursuant to division (J)(1) of this section and presented to the 130861
school official or employee, the board of education of the school, 130862
or the governing body of the chartered nonpublic school by the 130863
residential parent or the parent who is not the residential 130864
parent. Any school official or employee who knowingly fails to 130865
comply with division (J) of this section or with any order issued 130866
pursuant to division (J)(1) of this section is in contempt of 130867
court. 130868

(K) If any person is found in contempt of court for failing 130869
to comply with or interfering with any order or decree granting 130870
parenting time rights issued pursuant to this section or section 130871
3109.12 of the Revised Code or companionship or visitation rights 130872
issued pursuant to this section, section 3109.11 or 3109.12 of the 130873
Revised Code, or any other provision of the Revised Code, the 130874
court that makes the finding, in addition to any other penalty or 130875
remedy imposed, shall assess all court costs arising out of the 130876
contempt proceeding against the person and require the person to 130877
pay any reasonable attorney's fees of any adverse party, as 130878
determined by the court, that arose in relation to the act of 130879
contempt, and may award reasonable compensatory parenting time or 130880
visitation to the person whose right of parenting time or 130881
visitation was affected by the failure or interference if such 130882
compensatory parenting time or visitation is in the best interest 130883
of the child. Any compensatory parenting time or visitation 130884
awarded under this division shall be included in an order issued 130885
by the court and, to the extent possible, shall be governed by the 130886
same terms and conditions as was the parenting time or visitation 130887

that was affected by the failure or interference. 130888

(L) Any parent who requests reasonable parenting time rights 130889
with respect to a child under this section or section 3109.12 of 130890
the Revised Code or any person who requests reasonable 130891
companionship or visitation rights with respect to a child under 130892
this section, section 3109.11 or 3109.12 of the Revised Code, or 130893
any other provision of the Revised Code may file a motion with the 130894
court requesting that it waive all or any part of the costs that 130895
may accrue in the proceedings. If the court determines that the 130896
movant is indigent and that the waiver is in the best interest of 130897
the child, the court, in its discretion, may waive payment of all 130898
or any part of the costs of those proceedings. 130899

(M)(1) A parent who receives an order for active military 130900
service in the uniformed services and who is subject to a 130901
parenting time order may apply to the court for any of the 130902
following temporary orders for the period extending from the date 130903
of the parent's departure to the date of return: 130904

(a) An order delegating all or part of the parent's parenting 130905
time with the child to a relative or to another person who has a 130906
close and substantial relationship with the child if the 130907
delegation is in the child's best interest; 130908

(b) An order that the other parent make the child reasonably 130909
available for parenting time with the parent when the parent is on 130910
leave from active military service; 130911

(c) An order that the other parent facilitate contact, 130912
including telephone and electronic contact, between the parent and 130913
child while the parent is on active military service. 130914

(2)(a) Upon receipt of an order for active military service, 130915
a parent who is subject to a parenting time order and seeks an 130916
order under division (M)(1) of this section shall notify the other 130917
parent who is subject to the parenting time order and apply to the 130918

court as soon as reasonably possible after receipt of the order 130919
for active military service. The application shall include the 130920
date on which the active military service begins. 130921

(b) The court shall schedule a hearing upon receipt of an 130922
application under division (M) of this section and hold the 130923
hearing not later than thirty days after its receipt, except that 130924
the court shall give the case calendar priority and handle the 130925
case expeditiously if exigent circumstances exist in the case. No 130926
hearing shall be required if both parents agree to the terms of 130927
the requested temporary order and the court determines that the 130928
order is in the child's best interest. 130929

(c) In determining whether a delegation under division 130930
(M)(1)(a) of this section is in the child's best interest, the 130931
court shall consider all relevant factors, including the factors 130932
set forth in division (D) of this section. 130933

(d) An order delegating all or part of the parent's parenting 130934
time pursuant to division (M)(1)(a) of this section does not 130935
create standing on behalf of the person to whom parenting time is 130936
delegated to assert visitation or companionship rights independent 130937
of the order. 130938

(3) At the request of a parent who is ordered for active 130939
military service in the uniformed services and who is a subject of 130940
a proceeding pertaining to a parenting time order or pertaining to 130941
a request for companionship rights or visitation with a child, the 130942
court shall permit the parent to participate in the proceeding and 130943
present evidence by electronic means, including communication by 130944
telephone, video, or internet to the extent permitted by rules of 130945
the supreme court of Ohio. 130946

(N) The juvenile court has exclusive jurisdiction to enter 130947
the orders in any case certified to it from another court. 130948

(O) As used in this section: 130949

(1) "Abused child" has the same meaning as in section 130950
2151.031 of the Revised Code, and "neglected child" has the same 130951
meaning as in section 2151.03 of the Revised Code. 130952

(2) "Active military service" and "uniformed services" have 130953
the same meanings as in section 3109.04 of the Revised Code. 130954

(3) "Confidential law enforcement investigatory record" has 130955
the same meaning as in section 149.43 of the Revised Code. 130956

(4) "Parenting time order" means an order establishing the 130957
amount of time that a child spends with the parent who is not the 130958
residential parent or the amount of time that the child is to be 130959
physically located with a parent under a shared parenting order. 130960

(5) "Record" means any record, document, file, or other 130961
material that contains information directly related to a child, 130962
including, but not limited to, any of the following: 130963

(a) Records maintained by public and nonpublic schools; 130964

(b) Records maintained by facilities that provide child care, 130965
as defined in section 5104.01 of the Revised Code, publicly funded 130966
child care, as defined in section 5104.01 of the Revised Code, or 130967
pre-school services operated by or under the supervision of a 130968
school district board of education or a nonpublic school; 130969

(c) Records maintained by hospitals, other facilities, or 130970
persons providing medical or surgical care or treatment for the 130971
child; 130972

(d) Records maintained by agencies, departments, 130973
instrumentalities, or other entities of the state or any political 130974
subdivision of the state, other than a child support enforcement 130975
agency. Access to records maintained by a child support 130976
enforcement agency is governed by section 3125.16 of the Revised 130977
Code. 130978

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 130979

Revised Code:	130980
(A) "Preschool program" means either of the following:	130981
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	130982 130983 130984
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	130985 130986 130987
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	130988 130989
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	130990 130991 130992
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	130993 130994 130995
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	130996 130997 130998
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	130999 131000 131001
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	131002 131003 131004 131005
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for	131006 131007 131008

any combination of grades one through twelve, regardless of 131009
whether it also offers kindergarten. 131010

(I) "School child program" means a child care program for 131011
only school children that is operated by a school district board 131012
of education, county board of developmental disabilities, 131013
community school, or eligible nonpublic school. 131014

(J) "School child" means a child who is enrolled in or is 131015
eligible to be enrolled in a grade of kindergarten or above but is 131016
less than fifteen years old. 131017

(K) "School child program staff member" means an employee 131018
whose primary responsibility is the care, teaching, or supervision 131019
of children in a school child program. 131020

(L) "Child care" means administering to the needs of infants, 131021
toddlers, preschool children, and school children outside of 131022
school hours by persons other than their parents or guardians, 131023
custodians, or relatives by blood, marriage, or adoption for any 131024
part of the twenty-four-hour day in a place or residence other 131025
than a child's own home. 131026

(M) "Child ~~day-care~~ care center" and "publicly funded child 131027
care" have the same meanings as in section 5104.01 of the Revised 131028
Code. 131029

(N) "Community school" means either of the following: 131030

(1) A community school established under Chapter 3314. of the 131031
Revised Code that is sponsored by an entity that is rated 131032
"exemplary" under section 3314.016 of the Revised Code. 131033

(2) A community school established under Chapter 3314. of the 131034
Revised Code that has received, on its most recent report card, 131035
either of the following: 131036

(a) If the school offers any of grade levels four through 131037
twelve, either of the following: 131038

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child ~~day-care~~ care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child ~~day-care~~ care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 1311099
"guardian," or "other person having charge or care of a child" 1311100
means either parent unless the parents are separated or divorced 1311101
or their marriage has been dissolved or annulled, in which case 1311102
"parent" means the parent who is the residential parent and legal 1311103
custodian of the child. If the child is in the legal or permanent 1311104
custody of a person or government agency, "parent" means that 1311105
person or government agency. When a child is a resident of a home, 1311106
as defined in section 3313.64 of the Revised Code, and the child's 1311107
parent is not a resident of this state, "parent," "guardian," or 1311108
"other person having charge or care of a child" means the head of 1311109
the home. 1311110

A child between six and eighteen years of age is "of 1311111
compulsory school age" for the purpose of sections 3321.01 to 1311112
3321.13 of the Revised Code. A child under six years of age who 1311113
has been enrolled in kindergarten also shall be considered "of 1311114
compulsory school age" for the purpose of sections 3321.01 to 1311115
3321.13 of the Revised Code unless at any time the child's parent 1311116
or guardian, at the parent's or guardian's discretion and in 1311117
consultation with the child's teacher and principal, formally 1311118
withdraws the child from kindergarten. The compulsory school age 1311119
of a child shall not commence until the beginning of the term of 1311120
such schools, or other time in the school year fixed by the rules 1311121
of the board of the district in which the child resides. 1311122

(2) In a district in which all children are admitted to 1311123
kindergarten and the first grade in August or September, a child 1311124
shall be admitted if the child is five or six years of age, 1311125
respectively, by the thirtieth day of September of the year of 1311126
admittance, or by the first day of a term or semester other than 1311127
one beginning in August or September in school districts granting 1311128
admittance at the beginning of such term or semester. A child who 1311129
does not meet the age requirements of this section for admittance 1311130

to kindergarten or first grade, but who will be five or six years 131131
old, respective, prior to the first day of January of the school 131132
year in which admission is requested, shall be evaluated for early 131133
admittance in accordance with district policy upon referral by the 131134
child's parent or guardian, an educator employed by the district, 131135
a preschool educator who knows the child, or a pediatrician or 131136
psychologist who knows the child. Following an evaluation in 131137
accordance with a referral under this section, the district board 131138
shall decide whether to admit the child. If a child for whom 131139
admission to kindergarten or first grade is requested will not be 131140
five or six years of age, respectively, prior to the first day of 131141
January of the school year in which admission is requested, the 131142
child shall be admitted only in accordance with the district's 131143
acceleration policy adopted under section 3324.10 of the Revised 131144
Code. 131145

(3) Notwithstanding division (A)(2) of this section, 131146
beginning with the school year that starts in 2001 and continuing 131147
thereafter the board of education of any district may adopt a 131148
resolution establishing the first day of August in lieu of the 131149
thirtieth day of September as the required date by which students 131150
must have attained the age specified in that division. 131151

(4) After a student has been admitted to kindergarten in a 131152
school district or chartered nonpublic school, no board of 131153
education of a school district to which the student transfers 131154
shall deny that student admission based on the student's age. 131155

(B) As used in division (C) of this section, "successfully 131156
completed kindergarten" means that the child has completed the 131157
kindergarten requirements at one of the following: 131158

(1) A public or chartered nonpublic school; 131159

(2) A kindergarten class that is both of the following: 131160

(a) Offered by a ~~day-care~~ child care provider licensed under 131161

Chapter 5104. of the Revised Code;	131162
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	131163 131164
(i) A valid educator license issued under section 3319.22 of the Revised Code;	131165 131166
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	131167 131168 131169
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	131170 131171 131172
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	131173 131174
(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	131175 131176 131177
(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	131178 131179 131180
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	131181 131182 131183 131184
(E) Any kindergarten class offered by a day-care <u>child care</u> provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.	131185 131186 131187
(F) Upon written request of a day-care <u>child care</u> provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division	131188 131189 131190 131191

(B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner 131222
prescribed by the department, the information described in 131223
divisions (G)(2)(a) to (d) of this section. 131224

The department shall issue an annual report on the results of 131225
the survey and shall post the report on its web site. The 131226
department shall issue the first report not later than April 30, 131227
2008, and shall issue a report not later than the thirtieth day of 131228
April each year thereafter. 131229

Sec. 3321.05. (A) As used in this section, "all-day 131230
kindergarten" means a kindergarten class that is in session for 131231
not less than the same number of clock hours each week as for 131232
students in grades one through six. 131233

(B) Any school district may operate all-day kindergarten or 131234
extended kindergarten, but no district shall require any student 131235
to attend kindergarten for more than the number of clock hours 131236
required each day for traditional kindergarten by the minimum 131237
standards adopted under division (D) of section 3301.07 of the 131238
Revised Code. Each school district that operates all-day or 131239
extended kindergarten shall accommodate kindergarten students 131240
whose parents or guardians elect to enroll them for the minimum 131241
number of hours. 131242

(C) A school district may use space in child ~~day-care~~ care 131243
centers licensed under Chapter 5104. of the Revised Code to 131244
provide all-day kindergarten under this section. 131245

Sec. 3325.07. The state board of education in carrying out 131246
this section and division (A) of section 3325.06 of the Revised 131247
Code shall, insofar as practicable, plan, present, and carry into 131248
effect an educational program by means of any of the following 131249
methods of instruction: 131250

(A) Classes for parents of deaf or hard of hearing children 131251

of preschool age;	131252
(B) A nursery school where parent and child would enter the nursery school as a unit;	131253 131254
(C) Correspondence course;	131255
(D) Personal consultations and interviews;	131256
(E) Day-care <u>Child care</u> or child development courses;	131257
(F) Summer enrichment courses;	131258
(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.	131259 131260 131261 131262
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	131263 131264 131265 131266 131267 131268 131269
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	131270 131271 131272 131273 131274 131275 131276 131277
Sec. 3325.071. The state board of education in carrying out this section and division (B) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following	131278 131279 131280 131281

methods of instruction:	131282
(A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;	131283 131284 131285
(B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;	131286 131287
(C) Correspondence course;	131288
(D) Personal consultations and interviews;	131289
(E) Day-care <u>Child care</u> or child development courses for children and parents;	131290 131291
(F) Summer enrichment courses;	131292
(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.	131293 131294 131295 131296 131297
The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.	131298 131299 131300 131301 131302 131303 131304 131305 131306
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the	131307 131308 131309 131310 131311

state school for the blind even start fees and gifts fund, which 131312
is hereby created in the state treasury. The money in the fund 131313
shall be used to implement this section. 131314

Sec. 3701.63. (A) As used in this section and sections 131315
3701.64, 3701.66, and 3701.67 of the Revised Code: 131316

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 131317
child care home," and "licensed type B family ~~day-care~~ child care 131318
home" have the same meanings as in section 5104.01 of the Revised 131319
Code. 131320

(2) "Child care facility" means a child ~~day-care~~ care center, 131321
a type A family ~~day-care~~ child care home, or a licensed type B 131322
family ~~day-care~~ child care home. 131323

(3) "Foster caregiver" has the same meaning as in section 131324
5103.02 of the Revised Code. 131325

(4) "Freestanding birthing center" has the same meaning as in 131326
section 3702.141 of the Revised Code. 131327

(5) "Hospital" means a hospital classified pursuant to rules 131328
adopted under section 3701.07 of the Revised Code as a general 131329
hospital or children's hospital and to which either of the 131330
following applies: 131331

(a) The hospital has a maternity unit. 131332

(b) The hospital receives for care infants who have been 131333
transferred to it from other facilities and who have never been 131334
discharged to their residences following birth. 131335

(6) "Infant" means a child who is less than one year of age. 131336

(7) "Maternity unit" means the distinct portion of a hospital 131337
licensed as a maternity unit under Chapter 3711. of the Revised 131338
Code. 131339

(8) "Other person responsible for the infant" includes a 131340

foster caregiver. 131341

(9) "Parent" means either parent, unless the parents are 131342
separated or divorced or their marriage has been dissolved or 131343
annulled, in which case "parent" means the parent who is the 131344
residential parent and legal custodian of the child. "Parent" also 131345
means a prospective adoptive parent with whom a child is placed. 131346

(10) "Shaken baby syndrome" means signs and symptoms, 131347
including, but not limited to, retinal hemorrhages in one or both 131348
eyes, subdural hematoma, or brain swelling, resulting from the 131349
violent shaking or the shaking and impacting of the head of an 131350
infant or small child. 131351

(B) The director of health shall establish the shaken baby 131352
syndrome education program by doing all of the following: 131353

(1) Developing educational materials that present readily 131354
comprehensible information on shaken baby syndrome; 131355

(2) Making available on the department of health web site in 131356
an easily accessible format the educational materials developed 131357
under division (B)(1) of this section; 131358

(3) Annually assessing the effectiveness of the shaken baby 131359
syndrome education program by doing all of the following: 131360

(a) Evaluating the reports received pursuant to section 131361
5101.135 of the Revised Code; 131362

(b) Reviewing the content of the educational materials to 131363
determine if updates or improvements should be made; 131364

(c) Reviewing the manner in which the educational materials 131365
are distributed, as described in section 3701.64 of the Revised 131366
Code, to determine if modifications to that manner should be made. 131367

(C) In meeting the requirements under division (B) of this 131368
section, the director shall develop educational materials that, to 131369
the extent possible, minimize administrative or financial burdens 131370

on any of the entities or persons listed in section 3701.64 of the Revised Code. 131371
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Sec. 3701.80. The department of health shall cooperate with 131373
the director of job and family services when the director 131374
promulgates rules pursuant to Chapter 5104. of the Revised Code 131375
governing the health and sanitary practices of meal preparation 131376
and service for type A family ~~day-care~~ child care homes, as 131377
defined in section 5104.01 of the Revised Code, recommend 131378
procedures for inspecting type A family ~~day-care~~ child care homes 131379
to determine whether they are in compliance with those rules, and 131380
provide training and technical assistance to the director on the 131381
procedures for determining compliance with those rules. 131382

Sec. 3714.03. (A) As used in this section: 131383

(1) "Aquifer system" means one or more geologic units or 131384
formations that are wholly or partially saturated with water and 131385
are capable of storing, transmitting, and yielding significant 131386
amounts of water to wells or springs. 131387

(2) "Category 3 wetland" means a wetland that supports 131388
superior habitat or hydrological or recreational functions as 131389
determined by an appropriate wetland evaluation methodology 131390
acceptable to the director of environmental protection. "Category 131391
3 wetland" includes a wetland with high levels of diversity, a 131392
high proportion of native species, and high functional values and 131393
includes, but is not limited to, a wetland that contains or 131394
provides habitat for threatened or endangered species. "Category 3 131395
wetland" may include high quality forested wetlands, including old 131396
growth forested wetlands, mature forested riparian wetlands, 131397
vernal pools, bogs, fens, and wetlands that are scarce regionally. 131398

(3) "Natural area" means either of the following: 131399

(a) An area designated by the director of natural resources 131400

as a wild, scenic, or recreational river under section 1547.81 of the Revised Code;

(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.

(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child ~~day-care~~ care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:

(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year

flood plain shall be determined by the applicant for a permit 131432
based upon standard methodologies set forth in "urban hydrology 131433
for small watersheds" (soil conservation service technical release 131434
number 55) and section 4 of the "national engineering hydrology 131435
handbook" of the soil conservation service of the United States 131436
department of agriculture. 131437

(2) Within the boundaries of a sole source aquifer designated 131438
by the administrator of the United States environmental protection 131439
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 131440
42 U.S.C.A. 300f, as amended. 131441

(C) Neither the director nor any board shall issue a permit 131442
to install under section 3714.051 of the Revised Code to establish 131443
a new construction and demolition debris facility when the 131444
horizontal limits of construction and demolition debris placement 131445
at the new facility are proposed to be located in any of the 131446
following locations: 131447

(1) Within one hundred feet of a perennial stream as defined 131448
by the United States geological survey seven and one-half minute 131449
quadrangle map or a category 3 wetland; 131450

(2) Within one hundred feet of the facility's property line; 131451

(3)(a) Except as provided in division (C)(3)(b) of this 131452
section, within five hundred feet of a residential or public water 131453
supply well. 131454

(b) Division (C)(3)(a) of this section does not apply to a 131455
residential well under any of the circumstances specified in 131456
divisions (C)(3)(b)(i) to (iii) of this section as follows: 131457

(i) The well is controlled by the owner or operator of the 131458
construction and demolition debris facility. 131459

(ii) The well is hydrologically separated from the horizontal 131460
limits of construction and demolition debris placement. 131461

(iii) The well is at least three hundred feet upgradient from 131462
the horizontal limits of construction and demolition debris 131463
placement and division (D) of this section does not prohibit the 131464
issuance of the permit to install. 131465

(4) Within five hundred feet of a park created or operated 131466
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 131467
of the Revised Code, a state park established or dedicated under 131468
Chapter 1546. of the Revised Code, a state park purchase area 131469
established under section 1546.06 of the Revised Code, a national 131470
recreation area, any unit of the national park system, or any 131471
property that lies within the boundaries of a national park or 131472
recreation area, but that has not been acquired or is not 131473
administered by the secretary of the United States department of 131474
the interior, located in this state, or any area located in this 131475
state that is recommended by the secretary for study for potential 131476
inclusion in the national park system in accordance with "The Act 131477
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 131478

(5) Within five hundred feet of a natural area, any area 131479
established by the department of natural resources as a state 131480
wildlife area under Chapter 1531. of the Revised Code and rules 131481
adopted under it, any area that is formally dedicated as a nature 131482
preserve under section 1517.05 of the Revised Code, or any area 131483
designated by the United States department of the interior as a 131484
national wildlife refuge; 131485

(6) Within five hundred feet of a lake or reservoir of one 131486
acre or more that is hydrogeologically connected to ground water. 131487
For purposes of division (C)(6) of this section, a lake or 131488
reservoir does not include a body of water constructed and used 131489
for purposes of surface water drainage or sediment control. 131490

(7) Within five hundred feet of a state forest purchased or 131491
otherwise acquired under Chapter 1503. of the Revised Code; 131492

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.

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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.

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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.

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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following:

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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;

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(2) Surface water drainage and sediment controls that are required by the director;

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(3) If the facility is proposed to be located in an area in

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which an applicable zoning resolution allows residential 131524
construction, vegetated earthen berms or an equivalent barrier 131525
with a minimum height of six feet separating the facility from 131526
adjoining property. 131527

(G)(1) The siting criteria established in this section shall 131528
be applied to an application for a permit to install at the time 131529
that the application is submitted to the director or a board of 131530
health, as applicable. Circumstances related to the siting 131531
criteria that change after the application is submitted shall not 131532
be considered in approving or disapproving the application. 131533

(2) The siting criteria established in this section by this 131534
amendment do not apply to an expansion of a construction and 131535
demolition debris facility that was in operation prior to December 131536
22, 2005, onto property within the property boundaries identified 131537
in the application for the initial license for that facility or 131538
any subsequent license issued for that facility up to and 131539
including the license issued for that facility for calendar year 131540
2005. The siting criteria established in this section prior to 131541
December 22, 2005, apply to such an expansion. 131542

Sec. 3717.42. (A) The following are not food service 131543
operations: 131544

(1) A retail food establishment licensed under this chapter, 131545
including a retail food establishment that provides the services 131546
of a food service operation pursuant to an endorsement issued 131547
under section 3717.24 of the Revised Code; 131548

(2) An entity exempt from the requirement to be licensed as a 131549
retail food establishment under division (B) of section 3717.22 of 131550
the Revised Code; 131551

(3) A business or that portion of a business that is 131552
regulated by the federal government or the department of 131553

agriculture as a food manufacturing or food processing business, 131554
including a business or that portion of a business regulated by 131555
the department of agriculture under Chapter 911., 913., 915., 131556
917., 918., or 925. of the Revised Code. 131557

(B) All of the following are exempt from the requirement to 131558
be licensed as a food service operation: 131559

(1) A private home in which individuals related by blood, 131560
marriage, or law reside and in which the food that is prepared or 131561
served is intended only for those individuals and their nonpaying 131562
guests; 131563

(2) A private home operated as a bed-and-breakfast that 131564
prepares and offers food to guests, if the home is owner-occupied, 131565
the number of available guest bedrooms does not exceed six, 131566
breakfast is the only meal offered, and the number of guests 131567
served does not exceed sixteen; 131568

(3) A stand operated on the premises of a private home by one 131569
or more children under the age of twelve, if the food served is 131570
not potentially hazardous; 131571

(4) A residential facility that accommodates not more than 131572
sixteen residents; is licensed, certified, registered, or 131573
otherwise regulated by the federal government or by the state or a 131574
political subdivision of the state; and prepares food for or 131575
serves food to only the residents of the facility, the staff of 131576
the facility, and any nonpaying guests of residents or staff; 131577

(5) A church, school, fraternal or veterans' organization, 131578
volunteer fire organization, or volunteer emergency medical 131579
service organization preparing or serving food intended for 131580
individual portion service on its premises for not more than seven 131581
consecutive days or not more than fifty-two separate days during a 131582
licensing period. This exemption extends to any individual or 131583
group raising all of its funds during the time periods specified 131584

in division (B)(5) of this section for the benefit of the church,
school, or organization by preparing or serving food intended for
individual portion service under the same conditions.

(6) A common carrier that prepares or serves food, if the
carrier is regulated by the federal government;

(7) A food service operation serving thirteen or fewer
individuals daily;

(8) A type A or type B family ~~day-care~~ child care home, as
defined in section 5104.01 of the Revised Code, that prepares or
serves food for the children receiving ~~day-care~~ child care;

(9) A vending machine location where the only foods dispensed
are foods from one or both of the following categories:

(a) Prepackaged foods that are not potentially hazardous;

(b) Nuts, panned or wrapped bulk chewing gum, or panned or
wrapped bulk candies.

(10) A place servicing the vending machines at a vending
machine location described in division (B)(9) of this section;

(11) A commissary servicing vending machines that dispense
only milk, milk products, or frozen desserts that are under a
state or federal inspection and analysis program;

(12) A "controlled location vending machine location," which
means a vending machine location at which all of the following
apply:

(a) The vending machines dispense only foods that are not
potentially hazardous;

(b) The machines are designed to be filled and maintained in
a sanitary manner by untrained persons;

(c) Minimal protection is necessary to ensure against
contamination of food and equipment.

(13) A private home that prepares and offers food to guests, 131614
if the home is owner-occupied, meals are served on the premises of 131615
that home, the number of meals served does not exceed one hundred 131616
fifteen per week, and the home displays a notice in a place 131617
conspicuous to all of its guests informing them that the home is 131618
not required to be licensed as a food service operation; 131619

(14) An individual who prepares full meals or meal 131620
components, such as pies or baked goods, in the individual's home 131621
to be served off the premises of that home, if the number of meals 131622
or meal components prepared for that purpose does not exceed 131623
twenty in a seven-day period. 131624

(15) The holder of an A-1-A permit issued under section 131625
4303.021 of the Revised Code to which both of the following apply: 131626

(a) The A-1-A permit holder has also been issued an A-1c 131627
permit under section 4303.022 of the Revised Code; 131628

(b) The A-1-A permit holder serves only unopened commercially 131629
prepackaged meals and nonalcoholic beverages, as well as beer and 131630
intoxicating liquor. 131631

Sec. 3728.01. As used in this chapter: 131632

(A) "Administer epinephrine" means to inject an individual 131633
with epinephrine using an autoinjector in a manufactured dosage 131634
form. 131635

(B) "Prescriber" means an individual who is authorized by law 131636
to prescribe drugs or dangerous drugs or drug therapy related 131637
devices in the course of the individual's professional practice, 131638
including only the following: 131639

(1) A clinical nurse specialist, certified nurse-midwife, or 131640
certified nurse practitioner who holds a certificate to prescribe 131641
issued under section 4723.48 of the Revised Code; 131642

(2) A physician authorized under Chapter 4731. of the Revised 131643

Code to practice medicine and surgery, osteopathic medicine and 131644
surgery, or podiatric medicine and surgery; 131645

(3) A physician assistant who is licensed under Chapter 4730. 131646
of the Revised Code, holds a valid prescriber number issued by the 131647
state medical board, and has been granted physician-delegated 131648
prescriptive authority. 131649

(C) "Qualified entity" means any public or private entity 131650
that is associated with a location where allergens capable of 131651
causing anaphylaxis may be present, including child ~~day-care~~ care 131652
centers, colleges and universities, places of employment, 131653
restaurants, amusement parks, recreation camps, sports playing 131654
fields and arenas, and other similar locations, except that 131655
"qualified entity" does not include either of the following: 131656

(1) A chartered or nonchartered nonpublic school; community 131657
school; science, technology, engineering, and mathematics school; 131658
or a school operated by the board of education of a city, local, 131659
exempted village, or joint vocational school district; 131660

(2) A camp described in section 5101.76 of the Revised Code. 131661

Sec. 3737.22. (A) The fire marshal shall do all of the 131662
following: 131663

(1) Adopt the state fire code under sections 3737.82 to 131664
3737.86 of the Revised Code; 131665

(2) Enforce the state fire code; 131666

(3) Appoint assistant fire marshals who are authorized to 131667
enforce the state fire code; 131668

(4) Conduct investigations into the cause, origin, and 131669
circumstances of fires and explosions, and assist in the 131670
prosecution of persons believed to be guilty of arson or a similar 131671
crime; 131672

(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	131673 131674 131675 131676 131677
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	131678 131679
(7) Engage in public education and informational activities which will inform the public of fire safety information;	131680 131681
(8) Operate a fire training academy and forensic laboratory;	131682
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	131683 131684 131685
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	131686 131687
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	131688 131689 131690 131691 131692
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	131693 131694
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	131695 131696 131697 131698 131699 131700
(14) Administer and enforce Chapter 3743. of the Revised Code;	131701 131702

(15) Develop a uniform standard for the reporting of 131703
information required to be filed under division (E)(4) of section 131704
2921.22 of the Revised Code, and accept the reports of the 131705
information when they are filed. 131706

(B) The fire marshal shall appoint a chief deputy fire 131707
marshal, and shall employ professional and clerical assistants as 131708
the fire marshal considers necessary. The chief deputy shall be a 131709
competent former or current member of a fire agency and possess 131710
five years of recent, progressively more responsible experience in 131711
fire inspection, fire code enforcement, and fire code management. 131712
The chief deputy, with the approval of the director of commerce, 131713
shall temporarily assume the duties of the fire marshal when the 131714
fire marshal is absent or temporarily unable to carry out the 131715
duties of the office. When there is a vacancy in the office of 131716
fire marshal, the chief deputy, with the approval of the director 131717
of commerce, shall temporarily assume the duties of the fire 131718
marshal until a new fire marshal is appointed under section 131719
3737.21 of the Revised Code. 131720

All employees, other than the fire marshal; the chief deputy 131721
fire marshal; the superintendent of the Ohio fire academy; the 131722
grants administrator; the fiscal officer; the executive secretary 131723
to the fire marshal; legal counsel; the pyrotechnics 131724
administrator, the chief of the forensic laboratory; the person 131725
appointed by the fire marshal to serve as administrator over 131726
functions concerning testing, license examinations, and the 131727
issuance of permits and certificates; and the chiefs of the 131728
bureaus of fire prevention, of fire and explosion investigation, 131729
of code enforcement, and of underground storage tanks shall be in 131730
the classified civil service. The fire marshal shall authorize the 131731
chief deputy and other employees under the fire marshal's 131732
supervision to exercise powers granted to the fire marshal by law 131733
as may be necessary to carry out the duties of the fire marshal's 131734

office. 131735

(C) The fire marshal shall create, in and as a part of the 131736
office of fire marshal, a fire and explosion investigation bureau 131737
consisting of a chief of the bureau and additional assistant fire 131738
marshals as the fire marshal determines necessary for the 131739
efficient administration of the bureau. The chief shall be 131740
experienced in the investigation of the cause, origin, and 131741
circumstances of fires, and in administration, including the 131742
supervision of subordinates. The chief, among other duties 131743
delegated to the chief by the fire marshal, shall be responsible, 131744
under the direction of the fire marshal, for the investigation of 131745
the cause, origin, and circumstances of fires and explosions in 131746
the state, and for assistance in the prosecution of persons 131747
believed to be guilty of arson or a similar crime. 131748

(D)(1) The fire marshal shall create, as part of the office 131749
of fire marshal, a bureau of code enforcement consisting of a 131750
chief of the bureau and additional assistant fire marshals as the 131751
fire marshal determines necessary for the efficient administration 131752
of the bureau. The chief shall be qualified, by education or 131753
experience, in fire inspection, fire code development, fire code 131754
enforcement, or any other similar field determined by the fire 131755
marshal, and in administration, including the supervision of 131756
subordinates. The chief is responsible, under the direction of the 131757
fire marshal, for fire inspection, fire code development, fire 131758
code enforcement, and any other duties delegated to the chief by 131759
the fire marshal. 131760

(2) The fire marshal, the chief deputy fire marshal, the 131761
chief of the bureau of code enforcement, or any assistant fire 131762
marshal under the direction of the fire marshal, the chief deputy 131763
fire marshal, or the chief of the bureau of code enforcement may 131764
cause to be conducted the inspection of all buildings, structures, 131765
and other places, the condition of which may be dangerous from a 131766

fire safety standpoint to life or property, or to property 131767
adjacent to the buildings, structures, or other places. 131768

(E) The fire marshal shall create, as a part of the office of 131769
fire marshal, a bureau of fire prevention consisting of a chief of 131770
the bureau and additional assistant fire marshals as the fire 131771
marshal determines necessary for the efficient administration of 131772
the bureau. The chief shall be qualified, by education or 131773
experience, to promote programs for rural and urban fire 131774
prevention and protection. The chief, among other duties delegated 131775
to the chief by the fire marshal, is responsible, under the 131776
direction of the fire marshal, for the promotion of rural and 131777
urban fire prevention and protection through public information 131778
and education programs. 131779

(F) The fire marshal shall cooperate with the director of job 131780
and family services when the director adopts rules under section 131781
5104.052 of the Revised Code regarding fire prevention and fire 131782
safety in licensed type B family ~~day-care~~ child care homes, as 131783
defined in section 5104.01 of the Revised Code, recommend 131784
procedures for inspecting type B homes to determine whether they 131785
are in compliance with those rules, and provide training and 131786
technical assistance to the director and county directors of job 131787
and family services on the procedures for determining compliance 131788
with those rules. 131789

(G) The fire marshal, upon request of a provider of child 131790
care in a type B home that is not licensed by the director of job 131791
and family services, as a precondition of approval by the state 131792
board of education under section 3313.813 of the Revised Code for 131793
receipt of United States department of agriculture child and adult 131794
care food program funds established under the "National School 131795
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 131796
inspect the type B home to determine compliance with rules adopted 131797
under section 5104.052 of the Revised Code regarding fire 131798

prevention and fire safety in licensed type B homes. In municipal 131799
corporations and in townships where there is a certified fire 131800
safety inspector, the inspections shall be made by that inspector 131801
under the supervision of the fire marshal, according to rules 131802
adopted under section 5104.052 of the Revised Code. In townships 131803
outside municipal corporations where there is no certified fire 131804
safety inspector, inspections shall be made by the fire marshal. 131805

Sec. 3737.83. The fire marshal shall, as part of the state 131806
fire code, adopt rules to: 131807

(A) Establish minimum standards of performance for fire 131808
protection equipment and fire fighting equipment; 131809

(B) Establish minimum standards of training, fix minimum 131810
qualifications, and require certificates for all persons who 131811
engage in the business for profit of installing, testing, 131812
repairing, or maintaining fire protection equipment; 131813

(C) Provide for the issuance of certificates required under 131814
division (B) of this section and establish the fees to be charged 131815
for such certificates. A certificate shall be granted, renewed, or 131816
revoked according to rules the fire marshal shall adopt. 131817

(D) Establish minimum standards of flammability for consumer 131818
goods in any case where the federal government or any department 131819
or agency thereof has established, or may from time to time 131820
establish standards of flammability for consumer goods. The 131821
standards established by the fire marshal shall be identical to 131822
the minimum federal standards. 131823

In any case where the federal government or any department or 131824
agency thereof, establishes standards of flammability for consumer 131825
goods subsequent to the adoption of a flammability standard by the 131826
fire marshal, standards previously adopted by the fire marshal 131827
shall not continue in effect to the extent such standards are not 131828

identical to the minimum federal standards. 131829

With respect to the adoption of minimum standards of 131830
flammability, this division shall supersede any authority granted 131831
a political subdivision by any other section of the Revised Code. 131832

(E) Establish minimum standards pursuant to section 5104.05 131833
of the Revised Code for fire prevention and fire safety in child 131834
~~day-care~~ care centers and in type A family ~~day-care~~ child care 131835
homes, as defined in section 5104.01 of the Revised Code. 131836

(F) Establish minimum standards for fire prevention and 131837
safety in a residential facility licensed under section 5119.34 of 131838
the Revised Code that provides accommodations, supervision, and 131839
personal care services for three to sixteen unrelated adults. The 131840
fire marshal shall adopt the rules under this division in 131841
consultation with the director of mental health and addiction 131842
services and interested parties designated by the director of 131843
mental health and addiction services. 131844

Sec. 3737.841. As used in this section and section 3737.842 131845
of the Revised Code: 131846

(A) "Public occupancy" means all of the following: 131847

(1) Any state correctional institution as defined in section 131848
2967.01 of the Revised Code and any county, multicounty, 131849
municipal, or municipal-county jail or workhouse; 131850

(2) Any hospital as defined in section 3727.01 of the Revised 131851
Code, any hospital licensed by the department of mental health and 131852
addiction services under section 5119.33 of the Revised Code, and 131853
any institution, hospital, or other place established, controlled, 131854
or supervised by the department of mental health and addiction 131855
services under Chapter 5119. of the Revised Code; 131856

(3) Any nursing home, residential care facility, or home for 131857
the aging as defined in section 3721.01 of the Revised Code and 131858

any residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; 131859
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(4) Any child ~~day-care~~ care center and any type A family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code; 131862
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(5) Any public auditorium or stadium; 131865

(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture. 131866
131867

(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner. 131868
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(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either: 131871
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(1) Is made with loose or attached cushions or pillows; 131876

(2) Is stuffed or filled in whole or in part with any filling material; 131877
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(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering. 131879
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"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering. 131882
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(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following: 131885
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(1) Cushions or pads intended solely for outdoor use; 131888

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

Sec. 3742.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or type B family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who

performs a clearance examination. 131919

(E) "Clinical laboratory" means a facility for the 131920
biological, microbiological, serological, chemical, 131921
immunohematological, hematological, biophysical, cytological, 131922
pathological, or other examination of substances derived from the 131923
human body for the purpose of providing information for the 131924
diagnosis, prevention, or treatment of any disease, or in the 131925
assessment or impairment of the health of human beings. "Clinical 131926
laboratory" does not include a facility that only collects or 131927
prepares specimens, or serves as a mailing service, and does not 131928
perform testing. 131929

(F) "Encapsulation" means the coating and sealing of surfaces 131930
with durable surface coating specifically formulated to be 131931
elastic, able to withstand sharp and blunt impacts, long-lasting, 131932
and resilient, while also resistant to cracking, peeling, algae, 131933
fungus, and ultraviolet light, so as to prevent any part of 131934
lead-containing paint from becoming part of house dust or 131935
otherwise accessible to children. 131936

(G) "Enclosure" means the resurfacing or covering of surfaces 131937
with durable materials such as wallboard or paneling, and the 131938
sealing or caulking of edges and joints, so as to prevent or 131939
control chalking, flaking, peeling, scaling, or loose 131940
lead-containing substances from becoming part of house dust or 131941
otherwise accessible to children. 131942

(H) "Environmental lead analytical laboratory" means a 131943
facility that analyzes air, dust, soil, water, paint, film, or 131944
other substances, other than substances derived from the human 131945
body, for the presence and concentration of lead. 131946

(I) "HEPA" means the designation given to a product, device, 131947
or system that has been equipped with a high-efficiency 131948
particulate air filter, which is a filter capable of removing 131949

particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency. 131950
131951

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs. 131952
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(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following: 131958
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131960

(a) Removal of lead-based paint and lead-contaminated dust; 131961

(b) Permanent enclosure or encapsulation of lead-based paint; 131962

(c) Replacement of surfaces or fixtures painted with lead-based paint; 131963
131964

(d) Removal or permanent covering of lead-contaminated soil; 131965

(e) Preparation, cleanup, and disposal activities associated with lead abatement. 131966
131967

(2) "Lead abatement" does not include any of the following: 131968

(a) Residential rental unit lead-safe maintenance practices performed pursuant to sections 3742.41 and 3742.42 of the Revised Code; 131969
131970
131971

(b) Implementation of interim controls; 131972

(c) Activities performed by a property owner on a residential unit to which both of the following apply: 131973
131974

(i) It is a freestanding single-family home used as the property owner's private residence. 131975
131976

(ii) No child under six years of age who has lead poisoning resides in the unit. 131977
131978

(L) "Lead abatement contractor" means any individual who 131979
engages in or intends to engage in lead abatement and employs or 131980
supervises one or more lead abatement workers, including on-site 131981
supervision of lead abatement projects, or prepares 131982
specifications, plans, or documents for a lead abatement project. 131983

(M) "Lead abatement project" means one or more lead abatement 131984
activities that are conducted by a lead abatement contractor and 131985
are reasonably related to each other. 131986

(N) "Lead abatement project designer" means a person who is 131987
responsible for designing lead abatement projects and preparing a 131988
pre-abatement plan for all designed projects. 131989

(O) "Lead abatement worker" means an individual who is 131990
responsible in a nonsupervisory capacity for the performance of 131991
lead abatement. 131992

(P) "Lead-based paint" means any paint or other similar 131993
surface-coating substance containing lead at or in excess of the 131994
level that is hazardous to human health, as that level is 131995
established in rules adopted under section 3742.45 of the Revised 131996
Code. 131997

(Q) "Lead-contaminated dust" means dust that contains an area 131998
or mass concentration of lead at or in excess of the level that is 131999
hazardous to human health, as that level is established in rules 132000
adopted under section 3742.45 of the Revised Code. 132001

(R) "Lead-contaminated soil" means soil that contains lead at 132002
or in excess of the level that is hazardous to human health, as 132003
that level is established in rules adopted under section 3742.45 132004
of the Revised Code. 132005

(S) "Lead free" means no lead-based paint is present in any 132006
area referenced in division (B) of section 3742.42 of the Revised 132007
Code. 132008

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential 132040
unit, child care facility, or school; interpreting results of 132041
inspections and risk assessments; identifying hazard control 132042
strategies to reduce or eliminate lead exposures; and completing a 132043
risk assessment report. 132044

(Z) "Lead-safe residential rental unit" means a residential 132045
rental unit that has undergone the residential rental unit 132046
lead-safe maintenance practices described in section 3742.42 of 132047
the Revised Code, including post-maintenance dust sampling or are 132048
registered pursuant to division (D) of section 3742.41 of the 132049
Revised Code. 132050

(AA) "Manager" means a person, who may be the same person as 132051
the owner, responsible for the daily operation of a residential 132052
unit, child care facility, or school. 132053

(BB) "Permanent" means an expected design life of at least 132054
twenty years. 132055

(CC) "Replacement" means an activity that entails removing 132056
components such as windows, doors, and trim that have lead hazards 132057
on their surfaces and installing components free of lead hazards. 132058

(DD) "Residential unit" means a dwelling or any part of a 132059
building being used as an individual's private residence. 132060
"Residential unit" includes a residential rental unit. 132061

(EE) "Residential rental unit" means a rental property 132062
containing a dwelling or any part of a building being used as an 132063
individual's private residence. 132064

(FF) "School" means a public or nonpublic school in which 132065
children under six years of age receive education. 132066

Sec. 3767.41. (A) As used in this section: 132067

(1) "Building" means, except as otherwise provided in this 132068
division, any building or structure that is used or intended to be 132069

used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units.

(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard:

(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards,

functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);

(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);

(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, ~~daycare~~ child care rooms, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its

remaining useful life. "Abatement" does not include the closing or 132132
boarding up of any building that is found to be a public nuisance. 132133

(4) "Interested party" means any owner, mortgagee, 132134
lienholder, tenant, or person that possesses an interest of record 132135
in any property that becomes subject to the jurisdiction of a 132136
court pursuant to this section, and any applicant for the 132137
appointment of a receiver pursuant to this section. 132138

(5) "Neighbor" means any owner of property, including, but 132139
not limited to, any person who is purchasing property by land 132140
installment contract or under a duly executed purchase contract, 132141
that is located within five hundred feet of any property that 132142
becomes subject to the jurisdiction of a court pursuant to this 132143
section, and any occupant of a building that is so located. 132144

(6) "Tenant" has the same meaning as in section 5321.01 of 132145
the Revised Code. 132146

(7) "Subsidized housing" means a property consisting of more 132147
than four dwelling units that, in whole or in part, receives 132148
project-based assistance pursuant to a contract under any of the 132149
following federal housing programs: 132150

(a) The new construction or substantial rehabilitation 132151
program under section 8(b)(2) of the "United States Housing Act of 132152
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 132153
that program was in effect immediately before the first day of 132154
October, 1983; 132155

(b) The moderate rehabilitation program under section 8(e)(2) 132156
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 132157
Stat. 888, 42 U.S.C. 1437f(e)(2); 132158

(c) The loan management assistance program under section 8 of 132159
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 132160
Stat. 888, 42 U.S.C. 1437f; 132161

(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 132162
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(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 132165
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(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q; 132170
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(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 132173
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132175

(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a. 132176
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(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property. 132180
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(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code. 132183
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(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal 132185
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corporation or township in which the building involved is located, 132193
by any neighbor, tenant, or by a nonprofit corporation that is 132194
duly organized and has as one of its goals the improvement of 132195
housing conditions in the county or municipal corporation in which 132196
the building involved is located, if a building is alleged to be a 132197
public nuisance, the municipal corporation, township, neighbor, 132198
tenant, or nonprofit corporation may apply in its complaint for an 132199
injunction or other order as described in division (C)(1) of this 132200
section, or for the relief described in division (C)(2) of this 132201
section, including, if necessary, the appointment of a receiver as 132202
described in divisions (C)(2) and (3) of this section, or for both 132203
such an injunction or other order and such relief. The municipal 132204
corporation, township, neighbor, tenant, or nonprofit corporation 132205
commencing the action is not liable for the costs, expenses, and 132206
fees of any receiver appointed pursuant to divisions (C)(2) and 132207
(3) of this section. 132208

(b) Prior to commencing a civil action for abatement when the 132209
property alleged to be a public nuisance is subsidized housing, 132210
the municipal corporation, township, neighbor, tenant, or 132211
nonprofit corporation commencing the action shall provide the 132212
landlord of that property with written notice that specifies one 132213
or more defective conditions that constitute a public nuisance as 132214
that term applies to subsidized housing and states that if the 132215
landlord fails to remedy the condition within sixty days of the 132216
service of the notice, a claim pursuant to this section may be 132217
brought on the basis that the property constitutes a public 132218
nuisance in subsidized housing. Any party authorized to bring an 132219
action against the landlord shall make reasonable attempts to 132220
serve the notice in the manner prescribed in the Rules of Civil 132221
Procedure to the landlord or the landlord's agent for the property 132222
at the property's management office, or at the place where the 132223
tenants normally pay or send rent. If the landlord is not the 132224
owner of record, the party bringing the action shall make a 132225

reasonable attempt to serve the owner. If the owner does not 132226
receive service the person bringing the action shall certify the 132227
attempts to serve the owner. 132228

(2)(a) In a civil action described in division (B)(1) of this 132229
section, a copy of the complaint and a notice of the date and time 132230
of a hearing on the complaint shall be served upon the owner of 132231
the building and all other interested parties in accordance with 132232
the Rules of Civil Procedure. If certified mail service, personal 132233
service, or residence service of the complaint and notice is 132234
refused or certified mail service of the complaint and notice is 132235
not claimed, and if the municipal corporation, township, neighbor, 132236
tenant, or nonprofit corporation commencing the action makes a 132237
written request for ordinary mail service of the complaint and 132238
notice, or uses publication service, in accordance with the Rules 132239
of Civil Procedure, then a copy of the complaint and notice shall 132240
be posted in a conspicuous place on the building. 132241

(b) The judge in a civil action described in division (B)(1) 132242
of this section shall conduct a hearing at least twenty-eight days 132243
after the owner of the building and the other interested parties 132244
have been served with a copy of the complaint and the notice of 132245
the date and time of the hearing in accordance with division 132246
(B)(2)(a) of this section. 132247

(c) In considering whether subsidized housing is a public 132248
nuisance, the judge shall construe the standards set forth in 132249
division (A)(2)(b) of this section in a manner consistent with 132250
department of housing and urban development and judicial 132251
interpretations of those standards. The judge shall deem that the 132252
property is not a public nuisance if during the twelve months 132253
prior to the service of the notice that division (B)(1)(b) of this 132254
section requires, the department of housing and urban 132255
development's real estate assessment center issued a score of 132256
seventy-five or higher out of a possible one hundred points 132257

pursuant to its regulations governing the physical condition of 132258
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 132259
and since the most recent inspection, there has been no 132260
significant change in the property's conditions that would create 132261
a serious threat to the health, safety, or welfare of the 132262
property's tenants. 132263

(C)(1) If the judge in a civil action described in division 132264
(B)(1) of this section finds at the hearing required by division 132265
(B)(2) of this section that the building involved is a public 132266
nuisance, if the judge additionally determines that the owner of 132267
the building previously has not been afforded a reasonable 132268
opportunity to abate the public nuisance or has been afforded such 132269
an opportunity and has not refused or failed to abate the public 132270
nuisance, and if the complaint of the municipal corporation, 132271
township, neighbor, tenant, or nonprofit corporation commencing 132272
the action requested the issuance of an injunction as described in 132273
this division, then the judge may issue an injunction requiring 132274
the owner of the building to abate the public nuisance or issue 132275
any other order that the judge considers necessary or appropriate 132276
to cause the abatement of the public nuisance. If an injunction is 132277
issued pursuant to this division, the owner of the building 132278
involved shall be given no more than thirty days from the date of 132279
the entry of the judge's order to comply with the injunction, 132280
unless the judge, for good cause shown, extends the time for 132281
compliance. 132282

(2) If the judge in a civil action described in division 132283
(B)(1) of this section finds at the hearing required by division 132284
(B)(2) of this section that the building involved is a public 132285
nuisance, if the judge additionally determines that the owner of 132286
the building previously has been afforded a reasonable opportunity 132287
to abate the public nuisance and has refused or failed to do so, 132288
and if the complaint of the municipal corporation, township, 132289

neighbor, tenant, or nonprofit corporation commencing the action 132290
requested relief as described in this division, then the judge 132291
shall offer any mortgagee, lienholder, or other interested party 132292
associated with the property on which the building is located, in 132293
the order of the priority of interest in title, the opportunity to 132294
undertake the work and to furnish the materials necessary to abate 132295
the public nuisance. Prior to selecting any interested party, the 132296
judge shall require the interested party to demonstrate the 132297
ability to promptly undertake the work and furnish the materials 132298
required, to provide the judge with a viable financial and 132299
construction plan for the rehabilitation of the building as 132300
described in division (D) of this section, and to post security 132301
for the performance of the work and the furnishing of the 132302
materials. 132303

If the judge determines, at the hearing, that no interested 132304
party is willing or able to undertake the work and to furnish the 132305
materials necessary to abate the public nuisance, or if the judge 132306
determines, at any time after the hearing, that any party who is 132307
undertaking corrective work pursuant to this division cannot or 132308
will not proceed, or has not proceeded with due diligence, the 132309
judge may appoint a receiver pursuant to division (C)(3) of this 132310
section to take possession and control of the building. 132311

(3)(a) The judge in a civil action described in division 132312
(B)(1) of this section shall not appoint any person as a receiver 132313
unless the person first has provided the judge with a viable 132314
financial and construction plan for the rehabilitation of the 132315
building involved as described in division (D) of this section and 132316
has demonstrated the capacity and expertise to perform the 132317
required work and to furnish the required materials in a 132318
satisfactory manner. An appointed receiver may be a financial 132319
institution that possesses an interest of record in the building 132320
or the property on which it is located, a nonprofit corporation as 132321

described in divisions (B)(1) and (C)(3)(b) of this section, 132322
including, but not limited to, a nonprofit corporation that 132323
commenced the action described in division (B)(1) of this section, 132324
or any other qualified property manager. 132325

(b) To be eligible for appointment as a receiver, no part of 132326
the net earnings of a nonprofit corporation shall inure to the 132327
benefit of any private shareholder or individual. Membership on 132328
the board of trustees of a nonprofit corporation appointed as a 132329
receiver does not constitute the holding of a public office or 132330
employment within the meaning of sections 731.02 and 731.12 or any 132331
other section of the Revised Code and does not constitute a direct 132332
or indirect interest in a contract or expenditure of money by any 132333
municipal corporation. A member of a board of trustees of a 132334
nonprofit corporation appointed as a receiver shall not be 132335
disqualified from holding any public office or employment, and 132336
shall not forfeit any public office or employment, by reason of 132337
membership on the board of trustees, notwithstanding any law to 132338
the contrary. 132339

(D) Prior to ordering any work to be undertaken, or the 132340
furnishing of any materials, to abate a public nuisance under this 132341
section, the judge in a civil action described in division (B)(1) 132342
of this section shall review the submitted financial and 132343
construction plan for the rehabilitation of the building involved 132344
and, if it specifies all of the following, shall approve that 132345
plan: 132346

(1) The estimated cost of the labor, materials, and any other 132347
development costs that are required to abate the public nuisance; 132348

(2) The estimated income and expenses of the building and the 132349
property on which it is located after the furnishing of the 132350
materials and the completion of the repairs and improvements; 132351

(3) The terms, conditions, and availability of any financing 132352

that is necessary to perform the work and to furnish the materials; 132353
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(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance. 132355
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(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership. 132358
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(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge. 132366
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The judge may empower the receiver to do any or all of the following: 132371
132372

(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 132373
132374
132375
132376

(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 132377
132378
132379
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132382

(3) Pay pre-receivership mortgages or installments of them 132383

and other liens;	132384
(4) Perform or enter into contracts for the performance of	132385
all work and the furnishing of materials necessary to abate, and	132386
obtain financing for the abatement of, the public nuisance;	132387
(5) Pursuant to court order, remove and dispose of any	132388
personal property abandoned, stored, or otherwise located in or on	132389
the building and the property that creates a dangerous or unsafe	132390
condition or that constitutes a violation of any local building,	132391
housing, air pollution, sanitation, health, fire, zoning, or	132392
safety code, ordinance, or regulation;	132393
(6) Obtain mortgage insurance for any receiver's mortgage	132394
from any agency of the federal government;	132395
(7) Enter into any agreement and do those things necessary to	132396
maintain and preserve the building and the property and comply	132397
with all local building, housing, air pollution, sanitation,	132398
health, fire, zoning, or safety codes, ordinances, resolutions,	132399
and regulations;	132400
(8) Give the custody of the building and the property, and	132401
the opportunity to abate the nuisance and operate the property, to	132402
its owner or any mortgagee or lienholder of record;	132403
(9) Issue notes and secure them by a mortgage bearing	132404
interest, and upon terms and conditions, that the judge approves.	132405
When sold or transferred by the receiver in return for valuable	132406
consideration in money, material, labor, or services, the notes or	132407
certificates shall be freely transferable. Any mortgages granted	132408
by the receiver shall be superior to any claims of the receiver.	132409
Priority among the receiver's mortgages shall be determined by the	132410
order in which they are recorded.	132411
(G) A receiver appointed pursuant to this section is not	132412
personally liable except for misfeasance, malfeasance, or	132413
nonfeasance in the performance of the functions of the office of	132414

receiver. 132415

(H)(1) The judge in a civil action described in division 132416
(B)(1) of this section may assess as court costs, the expenses 132417
described in division (F)(2) of this section, and may approve 132418
receiver's fees to the extent that they are not covered by the 132419
income from the property. Subject to that limitation, a receiver 132420
appointed pursuant to divisions (C)(2) and (3) of this section is 132421
entitled to receive fees in the same manner and to the same extent 132422
as receivers appointed in actions to foreclose mortgages. 132423

(2)(a) Pursuant to the police powers vested in the state, all 132424
expenditures of a mortgagee, lienholder, or other interested party 132425
that has been selected pursuant to division (C)(2) of this section 132426
to undertake the work and to furnish the materials necessary to 132427
abate a public nuisance, and any expenditures in connection with 132428
the foreclosure of the lien created by this division, is a first 132429
lien upon the building involved and the property on which it is 132430
located and is superior to all prior and subsequent liens or other 132431
encumbrances associated with the building or the property, 132432
including, but not limited to, those for taxes and assessments, 132433
upon the occurrence of both of the following: 132434

(i) The prior approval of the expenditures by, and the entry 132435
of a judgment to that effect by, the judge in the civil action 132436
described in division (B)(1) of this section; 132437

(ii) The recordation of a certified copy of the judgment 132438
entry and a sufficient description of the property on which the 132439
building is located with the county recorder in the county in 132440
which the property is located within sixty days after the date of 132441
the entry of the judgment. 132442

(b) Pursuant to the police powers vested in the state, all 132443
expenses and other amounts paid in accordance with division (F) of 132444
this section by a receiver appointed pursuant to divisions (C)(2) 132445

and (3) of this section, the amounts of any notes issued by the receiver in accordance with division (F) of this section, all mortgages granted by the receiver in accordance with that division, the fees of the receiver approved pursuant to division (H)(1) of this section, and any amounts expended in connection with the foreclosure of a mortgage granted by the receiver in accordance with division (F) of this section or with the foreclosure of the lien created by this division, are a first lien upon the building involved and the property on which it is located and are superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The approval of the expenses, amounts, or fees by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section; or the approval of the mortgages in accordance with division (F)(9) of this section by, and the entry of a judgment to that effect by, that judge;

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal

investment under Chapter 1107. or any other chapter of the Revised Code. 132478
132479

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 132480
and (3) of this section files with the judge in the civil action 132481
described in division (B)(1) of this section a report indicating 132482
that the public nuisance has been abated, if the judge confirms 132483
that the receiver has abated the public nuisance, and if the 132484
receiver or any interested party requests the judge to enter an 132485
order directing the receiver to sell the building and the property 132486
on which it is located, the judge may enter that order after 132487
holding a hearing as described in division (I)(2) of this section 132488
and otherwise complying with that division. 132489

(2)(a) The receiver or interested party requesting an order 132490
as described in division (I)(1) of this section shall cause a 132491
notice of the date and time of a hearing on the request to be 132492
served on the owner of the building involved and all other 132493
interested parties in accordance with division (B)(2)(a) of this 132494
section. The judge in the civil action described in division 132495
(B)(1) of this section shall conduct the scheduled hearing. At the 132496
hearing, if the owner or any interested party objects to the sale 132497
of the building and the property, the burden of proof shall be 132498
upon the objecting person to establish, by a preponderance of the 132499
evidence, that the benefits of not selling the building and the 132500
property outweigh the benefits of selling them. If the judge 132501
determines that there is no objecting person, or if the judge 132502
determines that there is one or more objecting persons but no 132503
objecting person has sustained the burden of proof specified in 132504
this division, the judge may enter an order directing the receiver 132505
to offer the building and the property for sale upon terms and 132506
conditions that the judge shall specify. 132507

(b) In any sale of subsidized housing that is ordered 132508
pursuant to this section, the judge shall specify that the 132509

subsidized housing not be conveyed unless that conveyance complies 132510
with applicable federal law and applicable program contracts for 132511
that housing. Any such conveyance shall be subject to the 132512
condition that the purchaser enter into a contract with the 132513
department of housing and urban development or the rural housing 132514
service of the federal department of agriculture under which the 132515
property continues to be subsidized housing and the owner 132516
continues to operate that property as subsidized housing unless 132517
the secretary of housing and urban development or the 132518
administrator of the rural housing service terminates that 132519
property's contract prior to or upon the conveyance of the 132520
property. 132521

(3) If a sale of a building and the property on which it is 132522
located is ordered pursuant to divisions (I)(1) and (2) of this 132523
section and if the sale occurs in accordance with the terms and 132524
conditions specified by the judge in the judge's order of sale, 132525
then the receiver shall distribute the proceeds of the sale and 132526
the balance of any funds that the receiver may possess, after the 132527
payment of the costs of the sale, in the following order of 132528
priority and in the described manner: 132529

(a) First, in satisfaction of any notes issued by the 132530
receiver pursuant to division (F) of this section, in their order 132531
of priority; 132532

(b) Second, any unreimbursed expenses and other amounts paid 132533
in accordance with division (F) of this section by the receiver, 132534
and the fees of the receiver approved pursuant to division (H)(1) 132535
of this section; 132536

(c) Third, all expenditures of a mortgagee, lienholder, or 132537
other interested party that has been selected pursuant to division 132538
(C)(2) of this section to undertake the work and to furnish the 132539
materials necessary to abate a public nuisance, provided that the 132540
expenditures were approved as described in division (H)(2)(a) of 132541

this section and provided that, if any such interested party 132542
subsequently became the receiver, its expenditures shall be paid 132543
prior to the expenditures of any of the other interested parties 132544
so selected; 132545

(d) Fourth, the amount due for delinquent taxes, assessments, 132546
charges, penalties, and interest owed to this state or a political 132547
subdivision of this state, provided that, if the amount available 132548
for distribution pursuant to division (I)(3)(d) of this section is 132549
insufficient to pay the entire amount of those taxes, assessments, 132550
charges, penalties, and interest, the proceeds and remaining funds 132551
shall be paid to each claimant in proportion to the amount of 132552
those taxes, assessments, charges, penalties, and interest that 132553
each is due. 132554

(e) The amount of any pre-receivership mortgages, liens, or 132555
other encumbrances, in their order of priority. 132556

(4) Following a distribution in accordance with division 132557
(I)(3) of this section, the receiver shall request the judge in 132558
the civil action described in division (B)(1) of this section to 132559
enter an order terminating the receivership. If the judge 132560
determines that the sale of the building and the property on which 132561
it is located occurred in accordance with the terms and conditions 132562
specified by the judge in the judge's order of sale under division 132563
(I)(2) of this section and that the receiver distributed the 132564
proceeds of the sale and the balance of any funds that the 132565
receiver possessed, after the payment of the costs of the sale, in 132566
accordance with division (I)(3) of this section, and if the judge 132567
approves any final accounting required of the receiver, the judge 132568
may terminate the receivership. 132569

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 132570
(3) of this section may be discharged at any time in the 132571
discretion of the judge in the civil action described in division 132572
(B)(1) of this section. The receiver shall be discharged by the 132573

judge as provided in division (I)(4) of this section, or when all 132574
of the following have occurred: 132575

(a) The public nuisance has been abated; 132576

(b) All costs, expenses, and approved fees of the 132577
receivership have been paid; 132578

(c) Either all receiver's notes issued and mortgages granted 132579
pursuant to this section have been paid, or all the holders of the 132580
notes and mortgages request that the receiver be discharged. 132581

(2) If a judge in a civil action described in division (B)(1) 132582
of this section determines that, and enters of record a 132583
declaration that, a public nuisance has been abated by a receiver, 132584
and if, within three days after the entry of the declaration, all 132585
costs, expenses, and approved fees of the receivership have not 132586
been paid in full, then, in addition to the circumstances 132587
specified in division (I) of this section for the entry of such an 132588
order, the judge may enter an order directing the receiver to sell 132589
the building involved and the property on which it is located. Any 132590
such order shall be entered, and the sale shall occur, only in 132591
compliance with division (I) of this section. 132592

(K) The title in any building, and in the property on which 132593
it is located, that is sold at a sale ordered under division (I) 132594
or (J)(2) of this section shall be incontestable in the purchaser 132595
and shall be free and clear of all liens for delinquent taxes, 132596
assessments, charges, penalties, and interest owed to this state 132597
or any political subdivision of this state, that could not be 132598
satisfied from the proceeds of the sale and the remaining funds in 132599
the receiver's possession pursuant to the distribution under 132600
division (I)(3) of this section. All other liens and encumbrances 132601
with respect to the building and the property shall survive the 132602
sale, including, but not limited to, a federal tax lien notice 132603
properly filed in accordance with section 317.09 of the Revised 132604

Code prior to the time of the sale, and the easements and 132605
covenants of record running with the property that were created 132606
prior to the time of the sale. 132607

(L)(1) Nothing in this section shall be construed as a 132608
limitation upon the powers granted to a court of common pleas, a 132609
municipal court or a housing or environmental division of a 132610
municipal court under Chapter 1901. of the Revised Code, or a 132611
county court under Chapter 1907. of the Revised Code. 132612

(2) The monetary and other limitations specified in Chapters 132613
1901. and 1907. of the Revised Code upon the jurisdiction of 132614
municipal and county courts, and of housing or environmental 132615
divisions of municipal courts, in civil actions do not operate as 132616
limitations upon any of the following: 132617

(a) Expenditures of a mortgagee, lienholder, or other 132618
interested party that has been selected pursuant to division 132619
(C)(2) of this section to undertake the work and to furnish the 132620
materials necessary to abate a public nuisance; 132621

(b) Any notes issued by a receiver pursuant to division (F) 132622
of this section; 132623

(c) Any mortgage granted by a receiver in accordance with 132624
division (F) of this section; 132625

(d) Expenditures in connection with the foreclosure of a 132626
mortgage granted by a receiver in accordance with division (F) of 132627
this section; 132628

(e) The enforcement of an order of a judge entered pursuant 132629
to this section; 132630

(f) The actions that may be taken pursuant to this section by 132631
a receiver or a mortgagee, lienholder, or other interested party 132632
that has been selected pursuant to division (C)(2) of this section 132633
to undertake the work and to furnish the materials necessary to 132634

abate a public nuisance. 132635

(3) A judge in a civil action described in division (B)(1) of 132636
this section, or the judge's successor in office, has continuing 132637
jurisdiction to review the condition of any building that was 132638
determined to be a public nuisance pursuant to this section. 132639

(4) Nothing in this section shall be construed to limit or 132640
prohibit a municipal corporation or township that has filed with 132641
the superintendent of insurance a certified copy of an adopted 132642
resolution, ordinance, or regulation authorizing the procedures 132643
described in divisions (C) and (D) of section 3929.86 of the 132644
Revised Code from receiving insurance proceeds under section 132645
3929.86 of the Revised Code. 132646

Sec. 3781.06. (A)(1) Any building that may be used as a place 132647
of resort, assembly, education, entertainment, lodging, dwelling, 132648
trade, manufacture, repair, storage, traffic, or occupancy by the 132649
public, any residential building, and all other buildings or parts 132650
and appurtenances of those buildings erected within this state, 132651
shall be so constructed, erected, equipped, and maintained that 132652
they shall be safe and sanitary for their intended use and 132653
occupancy. 132654

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 132655
3791.04 of the Revised Code shall be construed to limit the power 132656
of the division of industrial compliance of the department of 132657
commerce to adopt rules of uniform application governing 132658
manufactured home parks pursuant to section 4781.26 of the Revised 132659
Code. 132660

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 132661
Revised Code do not apply to any of the following: 132662

(1) Buildings or structures that are incident to the use for 132663
agricultural purposes of the land on which the buildings or 132664

structures are located, provided those buildings or structures are 132665
not used in the business of retail trade. For purposes of this 132666
division, a building or structure is not considered used in the 132667
business of retail trade if fifty per cent or more of the gross 132668
income received from sales of products in the building or 132669
structure by the owner or operator is from sales of products 132670
produced or raised in a normal crop year on farms owned or 132671
operated by the seller. 132672

(2) Existing single-family, two-family, and three-family 132673
detached dwelling houses for which applications have been 132674
submitted to the director of job and family services pursuant to 132675
section 5104.03 of the Revised Code for the purposes of operating 132676
type A family ~~day-care~~ child care homes as defined in section 132677
5104.01 of the Revised Code; 132678

(3) A mobile computing unit. As used in this division, 132679
"mobile computing unit" means an assembly that meets all of the 132680
following criteria: 132681

(a) Its purpose is to house and operate computers as defined 132682
in section 2913.01 of the Revised Code. 132683

(b) Its exterior is integral to the protection or cooling, or 132684
both, of the computers housed within it. 132685

(c) It is not attached to a permanent foundation. 132686

(d) It is not accessible to the public. 132687

(e) It is not designed for regular occupancy, but rather 132688
limited access for service and maintenance. 132689

(f) It can be moved or transported as a single integrated 132690
unit. 132691

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 132692
Revised Code: 132693

(1) "Agricultural purposes" include agriculture, farming, 132694

dairying, pasturage, apiculture, algaculture meaning the farming 132695
of algae, horticulture, floriculture, viticulture, ornamental 132696
horticulture, olericulture, pomiculture, and animal and poultry 132697
husbandry. 132698

(2) "Building" means any structure consisting of foundations, 132699
walls, columns, girders, beams, floors, and roof, or a combination 132700
of any number of these parts, with or without other parts or 132701
appurtenances. 132702

(3) "Industrialized unit" means a building unit or assembly 132703
of closed construction fabricated in an off-site facility, that is 132704
substantially self-sufficient as a unit or as part of a greater 132705
structure, and that requires transportation to the site of 132706
intended use. "Industrialized unit" includes units installed on 132707
the site as independent units, as part of a group of units, or 132708
incorporated with standard construction methods to form a 132709
completed structural entity. "Industrialized unit" does not 132710
include a manufactured home as defined by division (C)(4) of this 132711
section or a mobile home as defined by division (O) of section 132712
4501.01 of the Revised Code. 132713

(4) "Manufactured home" means a building unit or assembly of 132714
closed construction that is fabricated in an off-site facility and 132715
constructed in conformance with the federal construction and 132716
safety standards established by the secretary of housing and urban 132717
development pursuant to the "Manufactured Housing Construction and 132718
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 132719
5403, and that has a permanent label or tag affixed to it, as 132720
specified in 42 U.S.C.A. 5415, certifying compliance with all 132721
applicable federal construction and safety standards. 132722

(5) "Permanent foundation" means permanent masonry, concrete, 132723
or a footing or foundation approved by the division of industrial 132724
compliance of the department of commerce pursuant to Chapter 4781. 132725
of the Revised Code, to which a manufactured or mobile home may be 132726

affixed. 132727

(6) "Permanently sited manufactured home" means a 132728
manufactured home that meets all of the following criteria: 132729

(a) The structure is affixed to a permanent foundation and is 132730
connected to appropriate facilities; 132731

(b) The structure, excluding any addition, has a width of at 132732
least twenty-two feet at one point, a length of at least 132733
twenty-two feet at one point, and a total living area, excluding 132734
garages, porches, or attachments, of at least nine hundred square 132735
feet; 132736

(c) The structure has a minimum 3:12 residential roof pitch, 132737
conventional residential siding, and a six-inch minimum eave 132738
overhang, including appropriate guttering; 132739

(d) The structure was manufactured after January 1, 1995; 132740

(e) The structure is not located in a manufactured home park 132741
as defined by section 4781.01 of the Revised Code. 132742

(7) "Safe," with respect to a building, means it is free from 132743
danger or hazard to the life, safety, health, or welfare of 132744
persons occupying or frequenting it, or of the public and from 132745
danger of settlement, movement, disintegration, or collapse, 132746
whether such danger arises from the methods or materials of its 132747
construction or from equipment installed therein, for the purpose 132748
of lighting, heating, the transmission or utilization of electric 132749
current, or from its location or otherwise. 132750

(8) "Sanitary," with respect to a building, means it is free 132751
from danger or hazard to the health of persons occupying or 132752
frequenting it or to that of the public, if such danger arises 132753
from the method or materials of its construction or from any 132754
equipment installed therein, for the purpose of lighting, heating, 132755
ventilating, or plumbing. 132756

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of

the Revised Code is enforceable. The rules governing residential 132788
buildings are uniform requirements for residential buildings in 132789
any area with a building department certified to enforce the state 132790
residential building code. In no case shall any local code or 132791
regulation differ from the state residential building code unless 132792
that code or regulation addresses subject matter not addressed by 132793
the state residential building code or is adopted pursuant to 132794
section 3781.01 of the Revised Code. 132795

(3) The rules adopted pursuant to this section are complete, 132796
lawful alternatives to any requirements specified for buildings or 132797
industrialized units in any section of the Revised Code. Except as 132798
otherwise provided in division (I) of this section, the board 132799
shall, on its own motion or on application made under sections 132800
3781.12 and 3781.13 of the Revised Code, formulate, propose, 132801
adopt, modify, amend, or repeal the rules to the extent necessary 132802
or desirable to effectuate the purposes of sections 3781.06 to 132803
3781.18 of the Revised Code. 132804

(B) The board shall report to the general assembly proposals 132805
for amendments to existing statutes relating to the purposes 132806
declared in section 3781.06 of the Revised Code that public health 132807
and safety and the development of the arts require and shall 132808
recommend any additional legislation to assist in carrying out 132809
fully, in statutory form, the purposes declared in that section. 132810
The board shall prepare and submit to the general assembly a 132811
summary report of the number, nature, and disposition of the 132812
petitions filed under sections 3781.13 and 3781.14 of the Revised 132813
Code. 132814

(C) On its own motion or on application made under sections 132815
3781.12 and 3781.13 of the Revised Code, and after thorough 132816
testing and evaluation, the board shall determine by rule that any 132817
particular fixture, device, material, process of manufacture, 132818
manufactured unit or component, method of manufacture, system, or 132819

method of construction complies with performance standards adopted 132820
pursuant to section 3781.11 of the Revised Code. The board shall 132821
make its determination with regard to adaptability for safe and 132822
sanitary erection, use, or construction, to that described in any 132823
section of the Revised Code, wherever the use of a fixture, 132824
device, material, method of manufacture, system, or method of 132825
construction described in that section of the Revised Code is 132826
permitted by law. The board shall amend or annul any rule or issue 132827
an authorization for the use of a new material or manufactured 132828
unit on any like application. No department, officer, board, or 132829
commission of the state other than the board of building standards 132830
or the board of building appeals shall permit the use of any 132831
fixture, device, material, method of manufacture, newly designed 132832
product, system, or method of construction at variance with what 132833
is described in any rule the board of building standards adopts or 132834
issues or that is authorized by any section of the Revised Code. 132835
Nothing in this section shall be construed as requiring approval, 132836
by rule, of plans for an industrialized unit that conforms with 132837
the rules the board of building standards adopts pursuant to 132838
section 3781.11 of the Revised Code. 132839

(D) The board shall recommend rules, codes, and standards to 132840
help carry out the purposes of section 3781.06 of the Revised Code 132841
and to help secure uniformity of state administrative rulings and 132842
local legislation and administrative action to the bureau of 132843
workers' compensation, the director of commerce, any other 132844
department, officer, board, or commission of the state, and to 132845
legislative authorities and building departments of counties, 132846
townships, and municipal corporations, and shall recommend that 132847
they audit those recommended rules, codes, and standards by any 132848
appropriate action that they are allowed pursuant to law or the 132849
constitution. 132850

(E)(1) The board shall certify municipal, township, and 132851

county building departments, the personnel of those building 132852
departments, persons described in division (E)(7) of this section, 132853
and employees of individuals, firms, the state, or corporations 132854
described in division (E)(7) of this section to exercise 132855
enforcement authority, to accept and approve plans and 132856
specifications, and to make inspections, pursuant to sections 132857
3781.03, 3791.04, and 4104.43 of the Revised Code. 132858

(2) The board shall certify departments, personnel, and 132859
persons to enforce the state residential building code, to enforce 132860
the nonresidential building code, or to enforce both the 132861
residential and the nonresidential building codes. Any department, 132862
personnel, or person may enforce only the type of building code 132863
for which certified. 132864

(3) The board shall not require a building department, its 132865
personnel, or any persons that it employs to be certified for 132866
residential building code enforcement if that building department 132867
does not enforce the state residential building code. The board 132868
shall specify, in rules adopted pursuant to Chapter 119. of the 132869
Revised Code, the requirements for certification for residential 132870
and nonresidential building code enforcement, which shall be 132871
consistent with this division. The requirements for residential 132872
and nonresidential certification may differ. Except as otherwise 132873
provided in this division, the requirements shall include, but are 132874
not limited to, the satisfactory completion of an initial 132875
examination and, to remain certified, the completion of a 132876
specified number of hours of continuing building code education 132877
within each three-year period following the date of certification 132878
which shall be not less than thirty hours. The rules shall provide 132879
that continuing education credits and certification issued by the 132880
council of American building officials, national model code 132881
organizations, and agencies or entities the board recognizes are 132882
acceptable for purposes of this division. The rules shall specify 132883

requirements that are consistent with the provisions of section 132884
5903.12 of the Revised Code relating to active duty military 132885
service and are compatible, to the extent possible, with 132886
requirements the council of American building officials and 132887
national model code organizations establish. 132888

(4) The board shall establish and collect a certification and 132889
renewal fee for building department personnel, and persons and 132890
employees of persons, firms, or corporations as described in this 132891
section, who are certified pursuant to this division. 132892

(5) Any individual certified pursuant to this division shall 132893
complete the number of hours of continuing building code education 132894
that the board requires or, for failure to do so, forfeit 132895
certification. 132896

(6) This division does not require or authorize the board to 132897
certify personnel of municipal, township, and county building 132898
departments, and persons and employees of persons, firms, or 132899
corporations as described in this section, whose responsibilities 132900
do not include the exercise of enforcement authority, the approval 132901
of plans and specifications, or making inspections under the state 132902
residential and nonresidential building codes. 132903

(7) Enforcement authority for approval of plans and 132904
specifications and enforcement authority for inspections may be 132905
exercised, and plans and specifications may be approved and 132906
inspections may be made on behalf of a municipal corporation, 132907
township, or county, by any of the following who the board of 132908
building standards certifies: 132909

(a) Officers or employees of the municipal corporation, 132910
township, or county; 132911

(b) Persons, or employees of persons, firms, or corporations, 132912
pursuant to a contract to furnish architectural, engineering, or 132913
other services to the municipal corporation, township, or county; 132914

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services

pursuant to division (E)(7)(b) of this section; 132946

(d) The names of any other municipal corporation, township, 132947
county, health district, or political subdivision under contract 132948
to furnish work or services pursuant to division (E)(7) of this 132949
section; 132950

(e) The proposed budget for the operation of the building 132951
department. 132952

(11) The board of building standards shall adopt rules 132953
governing all of the following: 132954

(a) The certification of building department personnel and 132955
persons and employees of persons, firms, or corporations 132956
exercising authority pursuant to division (E)(7) of this section. 132957
The rules shall disqualify any employee of the department or 132958
person who contracts for services with the department from 132959
performing services for the department when that employee or 132960
person would have to pass upon, inspect, or otherwise exercise 132961
authority over any labor, material, or equipment the employee or 132962
person furnishes for the construction, alteration, or maintenance 132963
of a building or the preparation of working drawings or 132964
specifications for work within the jurisdictional area of the 132965
department. The department shall provide other similarly qualified 132966
personnel to enforce the residential and nonresidential building 132967
codes as they pertain to that work. 132968

(b) The minimum services to be provided by a certified 132969
building department. 132970

(12) The board of building standards may revoke or suspend 132971
certification to enforce the residential and nonresidential 132972
building codes, on petition to the board by any person affected by 132973
that enforcement or approval of plans, or by the board on its own 132974
motion. Hearings shall be held and appeals permitted on any 132975
proceedings for certification or revocation or suspension of 132976

certification in the same manner as provided in section 3781.101 132977
of the Revised Code for other proceedings of the board of building 132978
standards. 132979

(13) Upon certification, and until that authority is revoked, 132980
any county or township building department shall enforce the 132981
residential and nonresidential building codes for which it is 132982
certified without regard to limitation upon the authority of 132983
boards of county commissioners under Chapter 307. of the Revised 132984
Code or boards of township trustees under Chapter 505. of the 132985
Revised Code. 132986

(F) In addition to hearings sections 3781.06 to 3781.18 and 132987
3791.04 of the Revised Code require, the board of building 132988
standards shall make investigations and tests, and require from 132989
other state departments, officers, boards, and commissions 132990
information the board considers necessary or desirable to assist 132991
it in the discharge of any duty or the exercise of any power 132992
mentioned in this section or in sections 3781.06 to 3781.18, 132993
3791.04, and 4104.43 of the Revised Code. 132994

(G) The board shall adopt rules and establish reasonable fees 132995
for the review of all applications submitted where the applicant 132996
applies for authority to use a new material, assembly, or product 132997
of a manufacturing process. The fee shall bear some reasonable 132998
relationship to the cost of the review or testing of the 132999
materials, assembly, or products and for the notification of 133000
approval or disapproval as provided in section 3781.12 of the 133001
Revised Code. 133002

(H) The residential construction advisory committee shall 133003
provide the board with a proposal for a state residential building 133004
code that the committee recommends pursuant to division (D)(1) of 133005
section 4740.14 of the Revised Code. Upon receiving a 133006
recommendation from the committee that is acceptable to the board, 133007
the board shall adopt rules establishing that code as the state 133008

residential building code. 133009

(I)(1) The committee may provide the board with proposed 133010
rules to update or amend the state residential building code that 133011
the committee recommends pursuant to division (E) of section 133012
4740.14 of the Revised Code. 133013

(2) If the board receives a proposed rule to update or amend 133014
the state residential building code as provided in division (I)(1) 133015
of this section, the board either may accept or reject the 133016
proposed rule for incorporation into the residential building 133017
code. If the board does not act to either accept or reject the 133018
proposed rule within ninety days after receiving the proposed rule 133019
from the committee as described in division (I)(1) of this 133020
section, the proposed rule shall become part of the residential 133021
building code. 133022

(J) The board shall cooperate with the director of job and 133023
family services when the director promulgates rules pursuant to 133024
section 5104.05 of the Revised Code regarding safety and 133025
sanitation in type A family ~~day-care~~ child care homes. 133026

(K) The board shall adopt rules to implement the requirements 133027
of section 3781.108 of the Revised Code. 133028

Sec. 3796.30. (A) Except as provided in division (B) of this 133029
section, no medical marijuana cultivator, processor, retail 133030
dispensary, or laboratory that tests medical marijuana shall be 133031
located within five hundred feet of the boundaries of a parcel of 133032
real estate having situated on it a school, church, public 133033
library, public playground, or public park. 133034

If the relocation of a cultivator, processor, retail 133035
dispensary, or laboratory licensed under this chapter results in 133036
the cultivator, processor, retail dispensary, or laboratory being 133037
located within five hundred feet of the boundaries of a parcel of 133038

real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child ~~day-care~~ care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

Sec. 3797.06. (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in

division (B) of this section to be given to the persons identified 133069
in divisions (A)(1) to (9) of this section. If a court enters a 133070
declaratory judgment against a registrant under section 2721.21 of 133071
the Revised Code, the sheriff with whom the registrant has most 133072
recently registered under section 3797.02 or 3797.03 of the 133073
Revised Code and the sheriff to whom the registrant most recently 133074
sent a notice of intent to reside under section 3797.03 of the 133075
Revised Code shall provide within the period of time specified in 133076
division (C) of this section a written notice containing the 133077
information set forth in division (B) of this section to all of 133078
the persons described in divisions (A)(1) to (9) of this section. 133079
If the sheriff has sent a notice to the persons described in those 133080
divisions as a result of receiving a notice of intent to reside 133081
and if the registrant registers a residence address that is the 133082
same residence address described in the notice of intent to 133083
reside, the sheriff is not required to send an additional notice 133084
when the registrant registers. The sheriff shall provide the 133085
notice to all of the following persons: 133086

(1)(a) Any occupant of each residential unit that is located 133087
within one thousand feet of the registrant's residential premises, 133088
that is located within the county served by the sheriff, and that 133089
is not located in a multi-unit building. Division (D)(3) of this 133090
section applies regarding notices required under this division. 133091

(b) If the registrant resides in a multi-unit building, any 133092
occupant of each residential unit that is located in that 133093
multi-unit building and that shares a common hallway with the 133094
registrant. For purposes of this division, an occupant's unit 133095
shares a common hallway with the registrant if the entrance door 133096
into the occupant's unit is located on the same floor and opens 133097
into the same hallway as the entrance door to the unit the 133098
registrant occupies. Division (D)(3) of this section applies 133099
regarding notices required under this division. 133100

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical

notification area and that is located within the county served by the sheriff; 133133
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(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 133135
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 133142
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(6) The administrator of each child ~~day-care~~ care center or type A family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code. 133147
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(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution; 133157
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(8) The sheriff of each county that includes any portion of 133165
the specified geographical notification area; 133166

(9) If the registrant resides within the county served by the 133167
sheriff, the chief of police, marshal, or other chief law 133168
enforcement officer of the municipal corporation in which the 133169
registrant resides or, if the registrant resides in an 133170
unincorporated area, the constable or chief of the police 133171
department or police district police force of the township in 133172
which the registrant resides. 133173

(B) The notice required under division (A) of this section 133174
shall include the registrant's name, residence or employment 133175
address, as applicable, and a statement that the registrant has 133176
been found liable for childhood sexual abuse in a civil action and 133177
is listed on the civil registry established by the attorney 133178
general pursuant to section 3797.08 of the Revised Code. 133179

(C) If a sheriff with whom a registrant registers under 133180
section 3797.02 or 3797.03 of the Revised Code or to whom the 133181
registrant most recently sent a notice of intent to reside under 133182
section 3797.03 of the Revised Code is required by division (A) of 133183
this section to provide notices regarding a registrant and if the 133184
sheriff provides a notice pursuant to that requirement the sheriff 133185
provides a notice to a sheriff of one or more other counties in 133186
accordance with division (A)(8) of this section, the sheriff of 133187
each of the other counties who is provided notice under division 133188
(A)(8) of this section shall provide the notices described in 133189
divisions (A)(1) to (7) and (A)(9) of this section to each person 133190
or entity identified within those divisions that is located within 133191
the specified geographical notification area and within the county 133192
served by the sheriff in question. 133193

(D)(1) A sheriff required by division (A) or (C) of this 133194
section to provide notices regarding a registrant shall provide 133195
the notice to the neighbors that are described in division (A)(1) 133196

of this section and the notices to law enforcement personnel that 133197
are described in divisions (A)(8) and (9) of this section as soon 133198
as practicable, but not later than five days after the registrant 133199
sends the notice of intent to reside to the sheriff, and again not 133200
later than five days after the registrant registers with the 133201
sheriff or, if the sheriff is required by division (C) to provide 133202
the notices, not later than five days after the sheriff is 133203
provided the notice described in division (A)(8) of this section. 133204

A sheriff required by division (A) or (C) of this section to 133205
provide notices regarding a registrant shall provide the notices 133206
to all other specified persons that are described in divisions 133207
(A)(2) to (7) of this section as soon as practicable, but not 133208
later than seven days after the registrant registers with the 133209
sheriff, or, if the sheriff is required by division (C) to provide 133210
the notices, not later than five days after the sheriff is 133211
provided the notice described in division (A)(8) of this section. 133212

(2) If a registrant in relation to whom division (A) of this 133213
section applies verifies the registrant's current residence 133214
address with a sheriff pursuant to section 3797.04 of the Revised 133215
Code, the sheriff may provide a written notice containing the 133216
information set forth in division (B) of this section to the 133217
persons identified in divisions (A)(1) to (9) of this section. If 133218
a sheriff provides a notice pursuant to this division to the 133219
sheriff of one or more other counties in accordance with division 133220
(A)(8) of this section, the sheriff of each of the other counties 133221
who is provided the notice under division (A)(8) of this section 133222
may provide, but is not required to provide, a written notice 133223
containing the information set forth in division (B) of this 133224
section to the persons identified in divisions (A)(1) to (7) and 133225
(A)(9) of this section. 133226

(3) A sheriff may provide notice under division (A)(1)(a) or 133227
(b) of this section, and may provide notice under division 133228

(A)(1)(c) of this section to a building manager or person 133229
authorized to exercise management and control of a building, by 133230
mail, by personal contact, or by leaving the notice at or under 133231
the entry door to a residential unit. For purposes of divisions 133232
(A)(1)(a) and (b) of this section and of the portion of division 133233
(A)(1)(c) of this section relating to the provision of notice to 133234
occupants of a multi-unit building by mail or personal contact, 133235
the provision of one written notice per unit is deemed providing 133236
notice to all occupants of that unit. 133237

(E) All information that a sheriff possesses regarding a 133238
registrant that is described in division (B) of this section and 133239
that must be provided in a notice required under division (A) or 133240
(C) of this section or that may be provided in a notice authorized 133241
under division (D)(2) of this section is a public record that is 133242
open to inspection under section 149.43 of the Revised Code. 133243

(F) A sheriff required by division (A) or (C) of this 133244
section, or authorized by division (D)(2) of this section, to 133245
provide notices regarding a registrant may request the department 133246
of job and family services, department of education, or ~~Ohio board~~ 133247
department of regents higher education, by telephone, in 133248
registrant, or by mail, to provide the sheriff with the names, 133249
addresses, and telephone numbers of the appropriate persons and 133250
entities to whom the notices described in divisions (A)(2) to (7) 133251
of this section are to be provided. Upon receipt of a request, the 133252
department ~~or board~~ shall provide the requesting sheriff with the 133253
names, addresses, and telephone numbers of the appropriate persons 133254
and entities to whom those notices are to be provided. 133255

(G)(1) Upon the motion of the registrant or the judge that 133256
entered a declaratory judgment pursuant to section 2721.21 of the 133257
Revised Code or that judge's successor in office, the judge may 133258
schedule a hearing to determine whether the interests of justice 133259
would be served by suspending the community notification 133260

requirement under this section in relation to the registrant. The 133261
judge may dismiss the motion without a hearing but may not issue 133262
an order suspending the community notification requirement without 133263
a hearing. At the hearing, all parties are entitled to be heard. 133264
If, at the conclusion of the hearing, the judge finds that the 133265
registrant has proven by clear and convincing evidence that the 133266
registrant is unlikely to commit childhood sexual abuse in the 133267
future and that suspending the community notification requirement 133268
is in the interests of justice, the judge may issue an order 133269
suspending the application of this section in relation to the 133270
registrant. The order shall contain both of these findings. 133271

The judge promptly shall serve a copy of the order upon the 133272
sheriff with whom the registrant most recently registered a 133273
residence address and the sheriff with whom the registrant most 133274
recently registered an employment address under section 3797.02 of 133275
the Revised Code. 133276

An order suspending the community notification requirement 133277
does not suspend or otherwise alter a registrant's duties to 133278
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 133279
Code. 133280

(2) A registrant has the right to appeal an order denying a 133281
motion made under division (G)(1) of this section. 133282

Sec. 3905.064. As used in sections 3905.064 to 3905.0611 of 133283
the Revised Code: 133284

(A) "Aggregator site" means a web site that provides access 133285
to information regarding insurance products from more than one 133286
insurer, including product and insurer information, for use in 133287
comparison shopping. 133288

(B) "Blanket travel insurance" means a policy of travel 133289
insurance issued to any eligible group providing coverage for 133290

specific classes of persons defined in the policy with coverage 133291
provided to all members of the eligible group without a separate 133292
charge to individual members of the eligible group. 133293

(C) "Cancellation fee waiver" means a contractual agreement 133294
between a supplier of travel services and its customer to waive 133295
some or all of the nonrefundable cancellation fee provisions of 133296
the supplier's underlying travel contract, with or without regard 133297
to the reason for the cancellation or form of reimbursement. 133298

(D) "Eligible group" means, solely for the purposes of travel 133299
insurance, two or more persons who are engaged in a common 133300
enterprise, or have an economic, educational, or social affinity 133301
or relationship. "Eligible group" includes any of the following: 133302

(1) Any entity engaged in the business of providing travel or 133303
travel services, including all of the following: 133304

(a) Tour operators; 133305

(b) Lodging providers; 133306

(c) Vacation property owners; 133307

(d) Hotels and resorts; 133308

(e) Travel clubs; 133309

(f) Travel agencies; 133310

(g) Property managers; 133311

(h) Cultural exchange programs; 133312

(i) Common carriers or the operator, owner, or lessor of a 133313
means of transportation of passengers, including airlines, cruise 133314
lines, railroads, steamship companies, and public bus carriers 133315
that, with regard to any particular travel or type of travel or 133316
travelers, subjects all members or customers of the group to a 133317
common exposure to risk attendant to such travel; 133318

(2) Any college, school, or other institution of learning, 133319

obtaining travel insurance covering students, teachers, employees, or volunteers;	133320 133321
(3) Any employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents, or guests;	133322 133323 133324
(4) Any sports team, camp, or sponsor thereof, obtaining travel insurance coverage for participants, members, campers, employees, officials, supervisors, or volunteers;	133325 133326 133327
(5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, obtaining travel insurance coverage for any group of members, participants, or volunteers;	133328 133329 133330
(6) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of, or designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers;	133331 133332 133333 133334 133335
(7) Any incorporated or unincorporated association, including labor unions, that have a common interest, constitution, and bylaws, and that are organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;	133336 133337 133338 133339 133340
(8) Any trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers of one or more associations meeting the requirements of division (D)(7) of this section, subject to the superintendent's permitting the use of a trust and the state's premium tax provisions in section 3905.068 of the Revised Code;	133341 133342 133343 133344 133345 133346
(9) Any entertainment production company obtaining travel insurance coverage for any group of participants, volunteers, audience members, contestants, or workers;	133347 133348 133349

- (10) Any volunteer fire department, ambulance, rescue, police, or court, or any first aid, civil defense, or other such volunteer group;
- (11) Preschools, child care centers, adult day-care institutions ~~for children or adults~~, and senior citizen clubs;
- (12) Any automobile or truck rental or leasing company obtaining travel insurance coverage for a group of individuals who may become renters, lessees, or passengers, defined by their travel status, on the rented or leased vehicles;
- (13) Any other group whose members the superintendent has determined are engaged in a common enterprise, or that have an economic, educational, or social affinity or relationship, if the superintendent also determines that issuance of the travel insurance policy would not be contrary to the public interest.
- (E) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details.
- (F) "Group travel insurance" means travel insurance issued to any eligible group.
- (G) "Limited lines travel insurance agent" means an individual or business entity licensed to sell, solicit, or negotiate travel insurance under section 3905.065 of the Revised Code. "Limited lines travel insurance agent" includes a licensed insurance agent and a travel administrator.
- (H) "Offer and sell" means providing general information, including a description of the coverage and price, as well as processing the application and collecting premiums.
- (I) "Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy.

(J) "Primary policyholder" means an individual person who
elects and purchases individual travel insurance.

(K) "Travel administrator" means a person who directly or
indirectly underwrites, collects charges, collateral, or premiums
from, or adjusts or settles claims on residents of this state, in
connection with travel insurance. The following persons shall not
be considered a travel administrator if they engage in no other
activities that would cause them to be considered a travel
administrator:

(1) A person working for a travel administrator to the extent
that the person's activities are subject to the supervision and
control of the travel administrator;

(2) An insurance agent selling insurance or engaged in
administrative and claims-related activities within the scope of
the agent's license;

(3) A travel retailer offering and selling travel insurance
and registered under the license of a limited-lines travel
insurance agent in accordance with sections 3905.065 and 3905.066
of the Revised Code;

(4) An individual adjusting or settling claims in the normal
course of that individual's practice or employment as an attorney
at law and who does not collect charges or premiums in connection
with insurance coverage;

(5) A business entity affiliated with a licensed insurer
while that insurer is acting as a travel administrator for the
direct and assumed insurance business of a separate affiliated
insurer.

(L) "Travel assistance services" means noninsurance services
for which the consumer is not indemnified based on a fortuitous
event, and where providing the service does not result in transfer
or shifting of risk that would constitute the business of

insurance. "Travel assistance services" include all of the	133411
following:	133412
(1) Security advisories;	133413
(2) Destination information;	133414
(3) Vaccination and immunization information services;	133415
(4) Travel reservation services;	133416
(5) Entertainment;	133417
(6) Activity and event planning;	133418
(7) Translation assistance;	133419
(8) Emergency messaging;	133420
(9) International legal and medical referrals;	133421
(10) Medical case monitoring;	133422
(11) Coordination of transportation arrangements;	133423
(12) Emergency cash transfer assistance;	133424
(13) Medical prescription replacement assistance;	133425
(14) Passport and travel document replacement assistance;	133426
(15) Lost luggage assistance;	133427
(16) Concierge services;	133428
(17) Any other service that is furnished in connection with planned travel.	133429 133430
(M)(1) "Travel insurance" means insurance coverage for	133431
personal risks incident to planned travel, including all of the	133432
following:	133433
(a) Interruption or cancellation of a trip or event;	133434
(b) Loss of baggage or personal effects;	133435
(c) Damages to accommodations or rental vehicles;	133436

(d) Sickness, accident, disability, or death occurring during travel;	133437 133438
(e) Emergency evacuation;	133439
(f) Repatriation of remains;	133440
(g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.	133441 133442 133443
(2) "Travel insurance" does not include any of the following:	133444
(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;	133445 133446 133447 133448
(b) Any other product that requires a specific insurance agent license;	133449 133450
(c) Travel assistance services;	133451
(d) Cancellation fee waivers.	133452
(N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.	133453 133454
(O) "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.	133455 133456 133457
(P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services.	133458 133459 133460 133461 133462 133463
Sec. 4510.021. (A) Unless expressly prohibited by section 2919.22, section 4510.13, or any other section of the Revised	133464 133465

Code, a court may grant limited driving privileges for any purpose 133466
described in division (A) of this section during any suspension 133467
imposed by the court. In granting the privileges, the court shall 133468
specify the purposes, times, and places of the privileges and may 133469
impose any other reasonable conditions on the person's driving of 133470
a motor vehicle. The privileges shall be for any of the following 133471
limited purposes: 133472

(1) Occupational, educational, vocational, or medical 133473
purposes; 133474

(2) Taking the driver's or commercial driver's license 133475
examination; 133476

(3) Attending court-ordered treatment; 133477

(4) Attending any court proceeding related to the offense for 133478
which the offender's suspension was imposed; 133479

(5) Transporting a minor to a child care provider, ~~day care~~ 133480
child care, preschool, school, or to any other location for 133481
purposes of receiving child care; 133482

(6) Any other purpose the court determines to be appropriate. 133483

(B) Unless expressly authorized by a section of the Revised 133484
Code, a court may not grant limited driving privileges during any 133485
suspension imposed by the bureau of motor vehicles. To obtain 133486
limited driving privileges during a suspension imposed by the 133487
bureau, the person under suspension may file a petition in a court 133488
of record in the county in which the person resides. A person who 133489
is not a resident of this state shall file any petition for 133490
privileges either in the Franklin county municipal court or in the 133491
municipal or county court located in the county where the offense 133492
occurred. If the person who is not a resident of this state is a 133493
minor, the person may file the petition either in the Franklin 133494
county juvenile court or in the juvenile court with jurisdiction 133495

over the offense. If a court grants limited driving privileges as 133496
described in this division, the privileges shall be for any of the 133497
limited purposes identified in division (A) of this section. 133498

(C) When the use of an immobilizing or disabling device is 133499
not otherwise required by law, the court, as a condition of 133500
granting limited driving privileges, may require that the person's 133501
vehicle be equipped with an immobilizing or disabling device, 133502
except as provided in division (C) of section 4510.43 of the 133503
Revised Code. When the use of restricted license plates issued 133504
under section 4503.231 of the Revised Code is not otherwise 133505
required by law, the court, as a condition of granting limited 133506
driving privileges, may require that the person's vehicle be 133507
equipped with restricted license plates of that nature, except as 133508
provided in division (B) of that section. 133509

(D) When the court grants limited driving privileges under 133510
section 4510.31 of the Revised Code or any other provision of law 133511
during the suspension of the temporary instruction permit or 133512
probationary driver's license of a person who is under eighteen 133513
years of age, the court may include as a purpose of the privilege 133514
the person's practicing of driving with the person's parent, 133515
guardian, or other custodian during the period of the suspension. 133516
If the court grants limited driving privileges for this purpose, 133517
the court, in addition to all other conditions it imposes, shall 133518
impose as a condition that the person exercise the privilege only 133519
when a parent, guardian, or custodian of the person who holds a 133520
current valid driver's or commercial driver's license issued by 133521
this state actually occupies the seat beside the person in the 133522
vehicle the person is operating. 133523

(E) Before granting limited driving privileges under this 133524
section, the court shall require the offender to provide proof of 133525
financial responsibility pursuant to section 4509.45 of the 133526
Revised Code. 133527

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 133528
the Revised Code: 133529

(A) "Vehicle" means every device, including a motorized 133530
bicycle and an electric bicycle, in, upon, or by which any person 133531
or property may be transported or drawn upon a highway, except 133532
that "vehicle" does not include any motorized wheelchair, any 133533
electric personal assistive mobility device, any low-speed 133534
micromobility device, any personal delivery device as defined in 133535
section 4511.513 of the Revised Code, any device that is moved by 133536
power collected from overhead electric trolley wires or that is 133537
used exclusively upon stationary rails or tracks, or any device, 133538
other than a bicycle, that is moved by human power. 133539

(B) "Motor vehicle" means every vehicle propelled or drawn by 133540
power other than muscular power or power collected from overhead 133541
electric trolley wires, except motorized bicycles, electric 133542
bicycles, road rollers, traction engines, power shovels, power 133543
cranes, and other equipment used in construction work and not 133544
designed for or employed in general highway transportation, 133545
hole-digging machinery, well-drilling machinery, ditch-digging 133546
machinery, farm machinery, and trailers designed and used 133547
exclusively to transport a boat between a place of storage and a 133548
marina, or in and around a marina, when drawn or towed on a street 133549
or highway for a distance of no more than ten miles and at a speed 133550
of twenty-five miles per hour or less. 133551

(C) "Motorcycle" means every motor vehicle, other than a 133552
tractor, having a seat or saddle for the use of the operator and 133553
designed to travel on not more than three wheels in contact with 133554
the ground, including, but not limited to, motor vehicles known as 133555
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 133556
motorcycle," or "motorcycle" without regard to weight or brake 133557
horsepower. 133558

(D) "Emergency vehicle" means emergency vehicles of 133559
municipal, township, or county departments or public utility 133560
corporations when identified as such as required by law, the 133561
director of public safety, or local authorities, and motor 133562
vehicles when commandeered by a police officer. 133563

(E) "Public safety vehicle" means any of the following: 133564

(1) Ambulances, including private ambulance companies under 133565
contract to a municipal corporation, township, or county, and 133566
private ambulances and nontransport vehicles bearing license 133567
plates issued under section 4503.49 of the Revised Code; 133568

(2) Motor vehicles used by public law enforcement officers or 133569
other persons sworn to enforce the criminal and traffic laws of 133570
the state; 133571

(3) Any motor vehicle when properly identified as required by 133572
the director of public safety, when used in response to fire 133573
emergency calls or to provide emergency medical service to ill or 133574
injured persons, and when operated by a duly qualified person who 133575
is a member of a volunteer rescue service or a volunteer fire 133576
department, and who is on duty pursuant to the rules or directives 133577
of that service. The state fire marshal shall be designated by the 133578
director of public safety as the certifying agency for all public 133579
safety vehicles described in division (E)(3) of this section. 133580

(4) Vehicles used by fire departments, including motor 133581
vehicles when used by volunteer fire fighters responding to 133582
emergency calls in the fire department service when identified as 133583
required by the director of public safety. 133584

Any vehicle used to transport or provide emergency medical 133585
service to an ill or injured person, when certified as a public 133586
safety vehicle, shall be considered a public safety vehicle when 133587
transporting an ill or injured person to a hospital regardless of 133588
whether such vehicle has already passed a hospital. 133589

(5) Vehicles used by the motor carrier enforcement unit for 133590
the enforcement of orders and rules of the public utilities 133591
commission as specified in section 5503.34 of the Revised Code. 133592

(F) "School bus" means every bus designed for carrying more 133593
than nine passengers that is owned by a public, private, or 133594
governmental agency or institution of learning and operated for 133595
the transportation of children to or from a school session or a 133596
school function, or owned by a private person and operated for 133597
compensation for the transportation of children to or from a 133598
school session or a school function, provided "school bus" does 133599
not include a bus operated by a municipally owned transportation 133600
system, a mass transit company operating exclusively within the 133601
territorial limits of a municipal corporation, or within such 133602
limits and the territorial limits of municipal corporations 133603
immediately contiguous to such municipal corporation, nor a common 133604
passenger carrier certified by the public utilities commission 133605
unless such bus is devoted exclusively to the transportation of 133606
children to and from a school session or a school function, and 133607
"school bus" does not include a van or bus used by a licensed 133608
child ~~day-care~~ care center or type A family ~~day-care~~ child care 133609
home to transport children from the child ~~day-care~~ care center or 133610
type A family ~~day-care~~ child care home to a school if the van or 133611
bus does not have more than fifteen children in the van or bus at 133612
any time. 133613

(G) "Bicycle" means every device, other than a device that is 133614
designed solely for use as a play vehicle by a child, that is 133615
propelled solely by human power upon which a person may ride, and 133616
that has two or more wheels, any of which is more than fourteen 133617
inches in diameter. 133618

(H) "Motorized bicycle" or "moped" means any vehicle having 133619
either two tandem wheels or one wheel in the front and two wheels 133620
in the rear, that may be pedaled, and that is equipped with a 133621

helper motor of not more than fifty cubic centimeters piston 133622
displacement that produces not more than one brake horsepower and 133623
is capable of propelling the vehicle at a speed of not greater 133624
than twenty miles per hour on a level surface. "Motorized bicycle" 133625
or "moped" does not include an electric bicycle. 133626

(I) "Commercial tractor" means every motor vehicle having 133627
motive power designed or used for drawing other vehicles and not 133628
so constructed as to carry any load thereon, or designed or used 133629
for drawing other vehicles while carrying a portion of such other 133630
vehicles, or load thereon, or both. 133631

(J) "Agricultural tractor" means every self-propelling 133632
vehicle designed or used for drawing other vehicles or wheeled 133633
machinery but having no provision for carrying loads independently 133634
of such other vehicles, and used principally for agricultural 133635
purposes. 133636

(K) "Truck" means every motor vehicle, except trailers and 133637
semitrailers, designed and used to carry property. 133638

(L) "Bus" means every motor vehicle designed for carrying 133639
more than nine passengers and used for the transportation of 133640
persons other than in a ridesharing arrangement, and every motor 133641
vehicle, automobile for hire, or funeral car, other than a taxicab 133642
or motor vehicle used in a ridesharing arrangement, designed and 133643
used for the transportation of persons for compensation. 133644

(M) "Trailer" means every vehicle designed or used for 133645
carrying persons or property wholly on its own structure and for 133646
being drawn by a motor vehicle, including any such vehicle when 133647
formed by or operated as a combination of a "semitrailer" and a 133648
vehicle of the dolly type, such as that commonly known as a 133649
"trailer dolly," a vehicle used to transport agricultural produce 133650
or agricultural production materials between a local place of 133651
storage or supply and the farm when drawn or towed on a street or 133652

highway at a speed greater than twenty-five miles per hour, and a 133653
vehicle designed and used exclusively to transport a boat between 133654
a place of storage and a marina, or in and around a marina, when 133655
drawn or towed on a street or highway for a distance of more than 133656
ten miles or at a speed of more than twenty-five miles per hour. 133657

(N) "Semitrailer" means every vehicle designed or used for 133658
carrying persons or property with another and separate motor 133659
vehicle so that in operation a part of its own weight or that of 133660
its load, or both, rests upon and is carried by another vehicle. 133661

(O) "Pole trailer" means every trailer or semitrailer 133662
attached to the towing vehicle by means of a reach, pole, or by 133663
being boomed or otherwise secured to the towing vehicle, and 133664
ordinarily used for transporting long or irregular shaped loads 133665
such as poles, pipes, or structural members capable, generally, of 133666
sustaining themselves as beams between the supporting connections. 133667

(P) "Railroad" means a carrier of persons or property 133668
operating upon rails placed principally on a private right-of-way. 133669

(Q) "Railroad train" means a steam engine or an electric or 133670
other motor, with or without cars coupled thereto, operated by a 133671
railroad. 133672

(R) "Streetcar" means a car, other than a railroad train, for 133673
transporting persons or property, operated upon rails principally 133674
within a street or highway. 133675

(S) "Trackless trolley" means every car that collects its 133676
power from overhead electric trolley wires and that is not 133677
operated upon rails or tracks. 133678

(T) "Explosives" means any chemical compound or mechanical 133679
mixture that is intended for the purpose of producing an explosion 133680
that contains any oxidizing and combustible units or other 133681
ingredients in such proportions, quantities, or packing that an 133682
ignition by fire, by friction, by concussion, by percussion, or by 133683

a detonator of any part of the compound or mixture may cause such 133684
a sudden generation of highly heated gases that the resultant 133685
gaseous pressures are capable of producing destructive effects on 133686
contiguous objects, or of destroying life or limb. Manufactured 133687
articles shall not be held to be explosives when the individual 133688
units contain explosives in such limited quantities, of such 133689
nature, or in such packing, that it is impossible to procure a 133690
simultaneous or a destructive explosion of such units, to the 133691
injury of life, limb, or property by fire, by friction, by 133692
concussion, by percussion, or by a detonator, such as fixed 133693
ammunition for small arms, firecrackers, or safety fuse matches. 133694

(U) "Flammable liquid" means any liquid that has a flash 133695
point of seventy degrees fahrenheit, or less, as determined by a 133696
tagliabue or equivalent closed cup test device. 133697

(V) "Gross weight" means the weight of a vehicle plus the 133698
weight of any load thereon. 133699

(W) "Person" means every natural person, firm, 133700
co-partnership, association, or corporation. 133701

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 133702
includes a personal delivery device as defined in section 4511.513 133703
of the Revised Code unless the context clearly suggests otherwise. 133704

(Y) "Driver or operator" means every person who drives or is 133705
in actual physical control of a vehicle, trackless trolley, or 133706
streetcar. 133707

(Z) "Police officer" means every officer authorized to direct 133708
or regulate traffic, or to make arrests for violations of traffic 133709
regulations. 133710

(AA) "Local authorities" means every county, municipal, and 133711
other local board or body having authority to adopt police 133712
regulations under the constitution and laws of this state. 133713

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing

traffic shall not be modified by sections 4511.01 to 4511.79 and 133745
4511.99 of the Revised Code. 133746

(JJ) "State route" means every highway that is designated 133747
with an official state route number and so marked. 133748

(KK) "Intersection" means: 133749

(1) The area embraced within the prolongation or connection 133750
of the lateral curb lines, or, if none, the lateral boundary lines 133751
of the roadways of two highways that join one another at, or 133752
approximately at, right angles, or the area within which vehicles 133753
traveling upon different highways that join at any other angle 133754
might come into conflict. The junction of an alley or driveway 133755
with a roadway or highway does not constitute an intersection 133756
unless the roadway or highway at the junction is controlled by a 133757
traffic control device. 133758

(2) If a highway includes two roadways that are thirty feet 133759
or more apart, then every crossing of each roadway of such divided 133760
highway by an intersecting highway constitutes a separate 133761
intersection. If both intersecting highways include two roadways 133762
thirty feet or more apart, then every crossing of any two roadways 133763
of such highways constitutes a separate intersection. 133764

(3) At a location controlled by a traffic control signal, 133765
regardless of the distance between the separate intersections as 133766
described in division (KK)(2) of this section: 133767

(a) If a stop line, yield line, or crosswalk has not been 133768
designated on the roadway within the median between the separate 133769
intersections, the two intersections and the roadway and median 133770
constitute one intersection. 133771

(b) Where a stop line, yield line, or crosswalk line is 133772
designated on the roadway on the intersection approach, the area 133773
within the crosswalk and any area beyond the designated stop line 133774
or yield line constitute part of the intersection. 133775

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences

and buildings in use for business. 133807

(PP) "Urban district" means the territory contiguous to and 133808
including any street or highway which is built up with structures 133809
devoted to business, industry, or dwelling houses situated at 133810
intervals of less than one hundred feet for a distance of a 133811
quarter of a mile or more, and the character of such territory is 133812
indicated by official traffic control devices. 133813

(QQ) "Traffic control device" means a flagger, sign, signal, 133814
marking, or other device used to regulate, warn, or guide traffic, 133815
placed on, over, or adjacent to a street, highway, private road 133816
open to public travel, pedestrian facility, or shared-use path by 133817
authority of a public agency or official having jurisdiction, or, 133818
in the case of a private road open to public travel, by authority 133819
of the private owner or private official having jurisdiction. 133820

(RR) "Traffic control signal" means any highway traffic 133821
signal by which traffic is alternately directed to stop and 133822
permitted to proceed. 133823

(SS) "Railroad sign or signal" means any sign, signal, or 133824
device erected by authority of a public body or official or by a 133825
railroad and intended to give notice of the presence of railroad 133826
tracks or the approach of a railroad train. 133827

(TT) "Traffic" means pedestrians, ridden or herded animals, 133828
vehicles, streetcars, trackless trolleys, and other devices, 133829
either singly or together, while using for purposes of travel any 133830
highway or private road open to public travel. 133831

(UU) "Right-of-way" means either of the following, as the 133832
context requires: 133833

(1) The right of a vehicle, streetcar, trackless trolley, or 133834
pedestrian to proceed uninterruptedly in a lawful manner in the 133835
direction in which it or the individual is moving in preference to 133836
another vehicle, streetcar, trackless trolley, or pedestrian 133837

approaching from a different direction into its or the 133838
individual's path; 133839

(2) A general term denoting land, property, or the interest 133840
therein, usually in the configuration of a strip, acquired for or 133841
devoted to transportation purposes. When used in this context, 133842
right-of-way includes the roadway, shoulders or berm, ditch, and 133843
slopes extending to the right-of-way limits under the control of 133844
the state or local authority. 133845

(VV) "Rural mail delivery vehicle" means every vehicle used 133846
to deliver United States mail on a rural mail delivery route. 133847

(WW) "Funeral escort vehicle" means any motor vehicle, 133848
including a funeral hearse, while used to facilitate the movement 133849
of a funeral procession. 133850

(XX) "Alley" means a street or highway intended to provide 133851
access to the rear or side of lots or buildings in urban districts 133852
and not intended for the purpose of through vehicular traffic, and 133853
includes any street or highway that has been declared an "alley" 133854
by the legislative authority of the municipal corporation in which 133855
such street or highway is located. 133856

(YY) "Freeway" means a divided multi-lane highway for through 133857
traffic with all crossroads separated in grade and with full 133858
control of access. 133859

(ZZ) "Expressway" means a divided arterial highway for 133860
through traffic with full or partial control of access with an 133861
excess of fifty per cent of all crossroads separated in grade. 133862

(AAA) "Thruway" means a through highway whose entire roadway 133863
is reserved for through traffic and on which roadway parking is 133864
prohibited. 133865

(BBB) "Stop intersection" means any intersection at one or 133866
more entrances of which stop signs are erected. 133867

(CCC) "Arterial street" means any United States or state
numbered route, controlled access highway, or other major radial
or circumferential street or highway designated by local
authorities within their respective jurisdictions as part of a
major arterial system of streets or highways.

(DDD) "Ridesharing arrangement" means the transportation of
persons in a motor vehicle where such transportation is incidental
to another purpose of a volunteer driver and includes ridesharing
arrangements known as carpools, vanpools, and buspools.

(EEE) "Motorized wheelchair" means any self-propelled vehicle
designed for, and used by, a person with a disability and that is
incapable of a speed in excess of eight miles per hour.

(FFF) "Child ~~day-care~~ care center" and "type A family
~~day-care~~ child care home" have the same meanings as in section
5104.01 of the Revised Code.

(GGG) "Multi-wheel agricultural tractor" means a type of
agricultural tractor that has two or more wheels or tires on each
side of one axle at the rear of the tractor, is designed or used
for drawing other vehicles or wheeled machinery, has no provision
for carrying loads independently of the drawn vehicles or
machinery, and is used principally for agricultural purposes.

(HHH) "Operate" means to cause or have caused movement of a
vehicle, streetcar, or trackless trolley.

(III) "Predicate motor vehicle or traffic offense" means any
of the following:

(1) A violation of section 4511.03, 4511.051, 4511.12,
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213,
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29,
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36,
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43,
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452,

4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 133899
4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 133900
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 133901
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 133902
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 133903
Code; 133904

(2) A violation of division (A)(2) of section 4511.17, 133905
divisions (A) to (D) of section 4511.51, or division (A) of 133906
section 4511.74 of the Revised Code; 133907

(3) A violation of any provision of sections 4511.01 to 133908
4511.76 of the Revised Code for which no penalty otherwise is 133909
provided in the section that contains the provision violated; 133910

(4) A violation of section 4511.214 of the Revised Code; 133911

(5) A violation of a municipal ordinance that is 133912
substantially similar to any section or provision set forth or 133913
described in division (III)(1), (2), (3), or (4) of this section. 133914

(JJJ) "Road service vehicle" means wreckers, utility repair 133915
vehicles, and state, county, and municipal service vehicles 133916
equipped with visual signals by means of flashing, rotating, or 133917
oscillating lights. 133918

(KKK) "Beacon" means a highway traffic signal with one or 133919
more signal sections that operate in a flashing mode. 133920

(LLL) "Hybrid beacon" means a type of beacon that is 133921
intentionally placed in a dark mode between periods of operation 133922
where no indications are displayed and, when in operation, 133923
displays both steady and flashing traffic control signal 133924
indications. 133925

(MMM) "Highway traffic signal" means a power-operated traffic 133926
control device by which traffic is warned or directed to take some 133927
specific action. "Highway traffic signal" does not include a 133928

power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 133929
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(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 133931
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(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. 133936
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(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. 133946
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(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in 133957
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specific highway maintenance activities. 133961

(RRR) "Waste collection vehicle" means a vehicle used in the 133962
collection of garbage, refuse, trash, or recyclable materials. 133963

(SSS) "Electric bicycle" means a "class 1 electric bicycle," 133964
a "class 2 electric bicycle," or a "class 3 electric bicycle" as 133965
defined in this section. 133966

(TTT) "Class 1 electric bicycle" means a bicycle that is 133967
equipped with fully operable pedals and an electric motor of less 133968
than seven hundred fifty watts that provides assistance only when 133969
the rider is pedaling and ceases to provide assistance when the 133970
bicycle reaches the speed of twenty miles per hour. 133971

(UUU) "Class 2 electric bicycle" means a bicycle that is 133972
equipped with fully operable pedals and an electric motor of less 133973
than seven hundred fifty watts that may provide assistance 133974
regardless of whether the rider is pedaling and is not capable of 133975
providing assistance when the bicycle reaches the speed of twenty 133976
miles per hour. 133977

(VVV) "Class 3 electric bicycle" means a bicycle that is 133978
equipped with fully operable pedals and an electric motor of less 133979
than seven hundred fifty watts that provides assistance only when 133980
the rider is pedaling and ceases to provide assistance when the 133981
bicycle reaches the speed of twenty-eight miles per hour. 133982

(WWW) "Low-speed micromobility device" means a device 133983
weighing less than one hundred pounds that has handlebars, is 133984
propelled by an electric motor or human power, and has an 133985
attainable speed on a paved level surface of not more than twenty 133986
miles per hour when propelled by the electric motor. 133987

Sec. 4511.81. (A) When any child who is in either or both of 133988
the following categories is being transported in a motor vehicle, 133989
other than a taxicab or public safety vehicle as defined in 133990

section 4511.01 of the Revised Code, that is required by the 133991
United States department of transportation to be equipped with 133992
seat belts at the time of manufacture or assembly, the operator of 133993
the motor vehicle shall have the child properly secured in 133994
accordance with the manufacturer's instructions in a child 133995
restraint system that meets federal motor vehicle safety 133996
standards: 133997

(1) A child who is less than four years of age; 133998

(2) A child who weighs less than forty pounds. 133999

(B) When any child who is in either or both of the following 134000
categories is being transported in a motor vehicle, other than a 134001
taxicab, that is owned, leased, or otherwise under the control of 134002
a nursery school or ~~day-care~~ child care center, the operator of 134003
the motor vehicle shall have the child properly secured in 134004
accordance with the manufacturer's instructions in a child 134005
restraint system that meets federal motor vehicle safety 134006
standards: 134007

(1) A child who is less than four years of age; 134008

(2) A child who weighs less than forty pounds. 134009

(C) When any child who is less than eight years of age and 134010
less than four feet nine inches in height, who is not required by 134011
division (A) or (B) of this section to be secured in a child 134012
restraint system, is being transported in a motor vehicle, other 134013
than a taxicab or public safety vehicle as defined in section 134014
4511.01 of the Revised Code or a vehicle that is regulated under 134015
section 5104.015 of the Revised Code, that is required by the 134016
United States department of transportation to be equipped with 134017
seat belts at the time of manufacture or assembly, the operator of 134018
the motor vehicle shall have the child properly secured in 134019
accordance with the manufacturer's instructions on a booster seat 134020
that meets federal motor vehicle safety standards. 134021

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence

imputable to the child, is not admissible as evidence in any civil 134054
action involving the rights of the child against any other person 134055
allegedly liable for injuries to the child, is not to be used as a 134056
basis for a criminal prosecution of the operator of the motor 134057
vehicle other than a prosecution for a violation of this section, 134058
and is not admissible as evidence in any criminal action involving 134059
the operator of the motor vehicle other than a prosecution for a 134060
violation of this section. 134061

(H) This section does not apply when an emergency exists that 134062
threatens the life of any person operating or occupying a motor 134063
vehicle that is being used to transport a child who otherwise 134064
would be required to be restrained under this section. This 134065
section does not apply to a person operating a motor vehicle who 134066
has an affidavit signed by a physician licensed to practice in 134067
this state under Chapter 4731. of the Revised Code or a 134068
chiropractor licensed to practice in this state under Chapter 134069
4734. of the Revised Code that states that the child who otherwise 134070
would be required to be restrained under this section has a 134071
physical impairment that makes use of a child restraint system, 134072
booster seat, or an occupant restraining device impossible or 134073
impractical, provided that the person operating the vehicle has 134074
safely and appropriately restrained the child in accordance with 134075
any recommendations of the physician or chiropractor as noted on 134076
the affidavit. 134077

(I) There is hereby created in the state treasury the child 134078
highway safety fund, consisting of fines imposed pursuant to 134079
division ~~(K)(1)~~(L)(1) of this section for violations of divisions 134080
(A), (B), (C), and (D) of this section. The money in the fund 134081
shall be used by the department of health only to defray the cost 134082
of designating hospitals as pediatric trauma centers under section 134083
3727.081 of the Revised Code and to establish and administer a 134084
child highway safety program. The purpose of the program shall be 134085

to educate the public about child restraint systems and booster 134086
seats and the importance of their proper use. The program also 134087
shall include a process for providing child restraint systems and 134088
booster seats to persons who meet the eligibility criteria 134089
established by the department, and a toll-free telephone number 134090
the public may utilize to obtain information about child restraint 134091
systems and booster seats, and their proper use. 134092

(J) The director of health, in accordance with Chapter 119. 134093
of the Revised Code, shall adopt any rules necessary to carry out 134094
this section, including rules establishing the criteria a person 134095
must meet in order to receive a child restraint system or booster 134096
seat under the department's child highway safety program; provided 134097
that rules relating to the verification of pediatric trauma 134098
centers shall not be adopted under this section. 134099

(K) Nothing in this section shall be construed to require any 134100
person to carry with the person the birth certificate of a child 134101
to prove the age of the child, but the production of a valid birth 134102
certificate for a child showing that the child was not of an age 134103
to which this section applies is a defense against any ticket, 134104
citation, or summons issued for violating this section. 134105

(L)(1) Whoever violates division (A), (B), (C), or (D) of 134106
this section shall be punished as follows, provided that the 134107
failure of an operator of a motor vehicle to secure more than one 134108
child in a child restraint system, booster seat, or occupant 134109
restraining device as required by this section that occurred at 134110
the same time, on the same day, and at the same location is deemed 134111
to be a single violation of this section: 134112

(a) Except as otherwise provided in division (L)(1)(b) of 134113
this section, the offender is guilty of a minor misdemeanor and 134114
shall be fined not less than twenty-five dollars nor more than 134115
seventy-five dollars. 134116

(b) If the offender previously has been convicted of or 134117
pleaded guilty to a violation of division (A), (B), (C), or (D) of 134118
this section or of a municipal ordinance that is substantially 134119
similar to any of those divisions, the offender is guilty of a 134120
misdemeanor of the fourth degree. 134121

(2) All fines imposed pursuant to division (L)(1) of this 134122
section shall be forwarded to the treasurer of state for deposit 134123
in the child highway safety fund created by division (I) of this 134124
section. 134125

Sec. 4513.182. (A) No person shall operate any motor vehicle 134126
owned, leased, or hired by a nursery school, kindergarten, or 134127
~~day-care~~ child care center, while transporting preschool children 134128
to or from such an institution unless the motor vehicle is 134129
equipped with and displaying two amber flashing lights mounted on 134130
a bar attached to the top of the vehicle, and a sign bearing the 134131
designation "caution--children," which shall be attached to the 134132
bar carrying the amber flashing lights in such a manner as to be 134133
legible to persons both in front of and behind the vehicle. The 134134
lights and sign shall meet standards and specifications adopted by 134135
the director of public safety. The director, subject to Chapter 134136
119. of the Revised Code, shall adopt standards and specifications 134137
for the lights and sign, which shall include, but are not limited 134138
to, requirements for the color and size of lettering to be used on 134139
the sign, the type of material to be used for the sign, and the 134140
method of mounting the lights and sign so that they can be removed 134141
from a motor vehicle being used for purposes other than those 134142
specified in this section. 134143

(B) No person shall operate a motor vehicle displaying the 134144
lights and sign required by this section for any purpose other 134145
than the transportation of preschool children as provided in this 134146
section. 134147

(C) Whoever violates this section shall be punished as 134148
provided in section 4513.99 of the Revised Code. 134149

Sec. 4715.36. As used in this section and sections 4715.361 134150
to 4715.374 of the Revised Code: 134151

(A) "Accredited dental hygiene school" means a dental hygiene 134152
school accredited by the American dental association commission on 134153
dental accreditation or a dental hygiene school whose educational 134154
standards are recognized by the American dental association 134155
commission on dental accreditation and approved by the state 134156
dental board. 134157

(B) "Authorizing dentist" means a dentist who authorizes a 134158
dental hygienist to perform dental hygiene services under section 134159
4715.365 of the Revised Code. 134160

(C) "Clinical evaluation" means a diagnosis and treatment 134161
plan formulated for an individual patient by a dentist. 134162

(D) "Dentist" means an individual licensed under this chapter 134163
to practice dentistry. 134164

(E) "Dental hygienist" means an individual licensed under 134165
this chapter to practice as a dental hygienist. 134166

(F) "Dental hygiene services" means the prophylactic, 134167
preventive, and other procedures that dentists are authorized by 134168
this chapter and rules of the state dental board to assign to 134169
dental hygienists, except for procedures while a patient is 134170
anesthetized, definitive root planing, definitive subgingival 134171
curettage, the administration of local anesthesia, and the 134172
procedures specified in rules adopted by the board as described in 134173
division (C)(3) of section 4715.22 of the Revised Code. 134174

(G) "Facility" means any of the following: 134175

(1) A health care facility, as defined in section 4715.22 of 134176
the Revised Code; 134177

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	134178 134179
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care <u>care</u> center;	134180 134181 134182 134183
(4) A residential facility licensed under section 5123.19 of the Revised Code;	134184 134185
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	134186 134187 134188 134189
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	134190 134191 134192 134193
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	134194 134195 134196
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	134197 134198
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	134199 134200
(10) A foster home, as defined in section 5103.02 of the Revised Code;	134201 134202
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	134203 134204
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3740.11 of the Revised Code;	134205 134206 134207

(13) A dispensary;	134208
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	134209 134210
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	134211 134212 134213
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	134214 134215 134216
(17) A women, infants, and children clinic;	134217
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	134218 134219 134220
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	134221 134222 134223 134224 134225 134226 134227
Sec. 5101.29. When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:	134228 134229 134230 134231
(A) Names and other identifying information regarding children enrolled in or attending a child day-care <u>care</u> center or home subject to licensure or registration under Chapter 5104. of the Revised Code;	134232 134233 134234 134235
(B) Names and other identifying information regarding children placed with an institution or association certified under	134236 134237

section 5103.03 of the Revised Code; 134238

(C) Names and other identifying information regarding a 134239
person who makes an oral or written complaint regarding an 134240
institution, association, child ~~day-care~~ care center, or home 134241
subject to licensure or registration to the department or other 134242
state or county entity responsible for enforcing Chapter 5103. or 134243
5104. of the Revised Code; 134244

(D)(1) Except as otherwise provided in division (D)(2) of 134245
this section, names, documentation, and other identifying 134246
information regarding a foster caregiver or a prospective foster 134247
caregiver, including the foster caregiver application for 134248
certification under section 5103.03 of the Revised Code and the 134249
home study conducted pursuant to section 5103.0324 of the Revised 134250
Code. 134251

(2) Notwithstanding division (D)(1) of this section, the 134252
following are public records for the purposes of section 149.43 of 134253
the Revised Code, when contained in a record held by the 134254
department of job and family services, a county agency, or other 134255
governmental entity: 134256

(a) All of the following information regarding a currently 134257
certified foster caregiver who has had a foster care certificate 134258
revoked pursuant to Chapter 5103. of the Revised Code or, after 134259
receiving a current or current renewed certificate has been 134260
convicted of, pleaded guilty to, or indicted or otherwise charged 134261
with any offense described in division (C)(1) of section 2151.86 134262
of the Revised Code: 134263

(i) The foster caregiver's name, date of birth, and county of 134264
residence; 134265

(ii) The date of the foster caregiver's certification; 134266

(iii) The date of each placement of a foster child into the 134267
foster caregiver's home; 134268

(iv) If applicable, the date of the removal of a foster child 134269
from the foster caregiver's home and the reason for the foster 134270
child's removal unless release of such information would be 134271
detrimental to the foster child or other children residing in the 134272
foster caregiver's home; 134273

(v) If applicable, the date of the foster care certificate 134274
revocation and all documents related to the revocation unless 134275
otherwise not a public record pursuant to section 149.43 of the 134276
Revised Code. 134277

(b) Nonidentifying foster care statistics including, but not 134278
limited to, the number of foster caregivers and foster care 134279
certificate revocations. 134280

Sec. 5103.03. (A) The director of job and family services 134281
shall adopt rules as necessary for the adequate and competent 134282
management and certification of institutions or associations. The 134283
director shall ensure that foster care home study rules adopted 134284
under this section align any home study content, time period, and 134285
process with any home study content, time period, and process 134286
required by rules adopted under section 3107.033 of the Revised 134287
Code. 134288

(B)(1) Except for facilities under the control of the 134289
department of youth services, places of detention for children 134290
established and maintained pursuant to sections 2152.41 to 2152.44 134291
of the Revised Code, and child ~~day-care~~ care centers subject to 134292
Chapter 5104. of the Revised Code, the department of job and 134293
family services shall pass upon the fitness of every institution 134294
and association that receives, or desires to receive and care for 134295
children, or places children in private homes, at a frequency 134296
established by rules adopted under division (A) of this section. 134297

(2) When the department of job and family services is 134298
satisfied as to the care given such children, and that the 134299

requirements of the statutes and rules covering the management of 134300
such institutions and associations are being complied with, it 134301
shall issue to the institution or association a certificate to 134302
that effect. A certificate is valid for a length of time 134303
determined by rules adopted under division (A) of this section. 134304
When determining whether an institution or association meets a 134305
particular requirement for certification, the department may 134306
consider the institution or association to have met the 134307
requirement if the institution or association shows to the 134308
department's satisfaction that it has met a comparable requirement 134309
to be accredited by a nationally recognized accreditation 134310
organization. 134311

(3) The department may issue a temporary certificate valid 134312
for less than one year authorizing an institution or association 134313
to operate until minimum requirements have been met. 134314

(4) An institution or association that knowingly makes a 134315
false statement that is included as a part of certification under 134316
this section is guilty of the offense of falsification under 134317
section 2921.13 of the Revised Code and the department shall not 134318
certify that institution or association. 134319

(5) The department shall not issue a certificate to a 134320
prospective foster home or prospective specialized foster home 134321
pursuant to this section if the prospective foster home or 134322
prospective specialized foster home operates as a type A family 134323
~~day-care~~ child care home pursuant to Chapter 5104. of the Revised 134324
Code. The department shall not issue a certificate to a 134325
prospective specialized foster home if the prospective specialized 134326
foster home operates a type B family ~~day-care~~ child care home 134327
pursuant to Chapter 5104. of the Revised Code. 134328

(C) The department may revoke a certificate if it finds that 134329
the institution or association is in violation of law or rule. No 134330
juvenile court shall commit a child to an association or 134331

institution that is required to be certified under this section if 134332
its certificate has been revoked or, if after revocation, the date 134333
of reissue is less than fifteen months prior to the proposed 134334
commitment. 134335

(D) On a frequency specified by the department by rules 134336
adopted under division (A) of this section, each institution or 134337
association desiring certification or recertification shall submit 134338
to the department a report showing its condition, management, 134339
competency to care adequately for the children who have been or 134340
may be committed to it or to whom it provides care or services, 134341
the system of visitation it employs for children placed in private 134342
homes, and other information the department requires. 134343

(E) The department shall, not less than once each year, send 134344
a list of certified institutions and associations to each juvenile 134345
court and certified association or institution. 134346

(F) No person shall receive children or receive or solicit 134347
money on behalf of such an institution or association not so 134348
certified or whose certificate has been revoked. 134349

(G)(1) The director may delegate by rule any duties imposed 134350
on it by this section to inspect and approve family foster homes 134351
and specialized foster homes to public children services agencies, 134352
private child placing agencies, or private noncustodial agencies. 134353

(2) The director shall adopt rules that require a foster 134354
caregiver or other individual certified to operate a foster home 134355
under this section to notify the recommending agency that the 134356
foster caregiver or other individual is licensed to operate a type 134357
B family ~~day-care~~ child care home under Chapter 5104. of the 134358
Revised Code. 134359

(H) If the director of job and family services determines 134360
that an institution or association that cares for children is 134361
operating without a certificate, the director may petition the 134362

court of common pleas in the county in which the institution or 134363
association is located for an order enjoining its operation. The 134364
court shall grant injunctive relief upon a showing that the 134365
institution or association is operating without a certificate. 134366

(I) If both of the following are the case, the director of 134367
job and family services may petition the court of common pleas of 134368
any county in which an institution or association that holds a 134369
certificate under this section operates for an order, and the 134370
court may issue an order, preventing the institution or 134371
association from receiving additional children into its care or an 134372
order removing children from its care: 134373

(1) The department has evidence that the life, health, or 134374
safety of one or more children in the care of the institution or 134375
association is at imminent risk. 134376

(2) The department has issued a proposed adjudication order 134377
pursuant to Chapter 119. of the Revised Code to deny renewal of or 134378
revoke the certificate of the institution or association. 134379

Sec. 5104.01. As used in this chapter: 134380

(A) "Administrator" means the person responsible for the 134381
daily operation of a center, type A home, or approved child day 134382
camp. The administrator and the owner may be the same person. 134383

(B) "Approved child day camp" means a child day camp approved 134384
pursuant to section 5104.22 of the Revised Code. 134385

(C) "Authorized representative" means an individual employed 134386
by a center, type A home, or approved child day camp that is owned 134387
by a person other than an individual and who is authorized by the 134388
owner to do all of the following: 134389

(1) Communicate on the owner's behalf; 134390

(2) Submit on the owner's behalf applications for licensure 134391
or approval; 134392

(3) Enter into on the owner's behalf provider agreements for 134393
publicly funded child care. 134394

(D) "Border state child care provider" means a child care 134395
provider that is located in a state bordering Ohio and that is 134396
licensed, certified, or otherwise approved by that state to 134397
provide child care funded by the child care block grant act. 134398

(E) "Career pathways model" means an alternative pathway to 134399
meeting the requirements to be a ~~child-care~~ child care staff 134400
member or administrator that does both of the following: 134401

(1) Uses a framework approved by the director of job and 134402
family services to document formal education, training, 134403
experience, and specialized credentials and certifications; 134404

(2) Allows the ~~child-care~~ child care staff member or 134405
administrator to achieve a designation as an early childhood 134406
professional level one, two, three, four, five, or six. 134407

(F) "Caretaker parent" means the father or mother of a child 134408
whose presence in the home is needed as the caretaker of the 134409
child, a person who has legal custody of a child and whose 134410
presence in the home is needed as the caretaker of the child, a 134411
guardian of a child whose presence in the home is needed as the 134412
caretaker of the child, and any other person who stands in loco 134413
parentis with respect to the child and whose presence in the home 134414
is needed as the caretaker of the child. 134415

(G) "Chartered nonpublic school" means a school that meets 134416
standards for nonpublic schools prescribed by the state board of 134417
education for nonpublic schools pursuant to section 3301.07 of the 134418
Revised Code. 134419

(H) "Child" includes an infant, toddler, preschool-age child, 134420
or school-age child. 134421

(I) "Child care block grant act" means the "Child Care and 134422

Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 134423
U.S.C. 9858, as amended. 134424

(J) "Child day camp" means a program in which only school-age 134425
children attend or participate, that operates for no more than 134426
twelve hours per day and no more than fifteen weeks during the 134427
summer. For purposes of this division, the maximum twelve hours of 134428
operation time does not include transportation time from a child's 134429
home to a child day camp and from a child day camp to a child's 134430
home. 134431

(K) "Child care" means all of the following: 134432

(1) Administering to the needs of infants, toddlers, 134433
preschool-age children, and school-age children outside of school 134434
hours; 134435

(2) By persons other than their parents, guardians, or 134436
custodians; 134437

(3) For part of the twenty-four-hour day; 134438

(4) In a place other than a child's own home, except that an 134439
in-home aide provides child care in the child's own home; 134440

(5) By a provider required by this chapter to be licensed or 134441
approved by the department of job and family services, certified 134442
by a county department of job and family services, or under 134443
contract with the department to provide publicly funded child care 134444
as described in section 5104.32 of the Revised Code. 134445

(L) "Child ~~day-care~~ care center" and "center" mean any place 134446
that is not the permanent residence of the licensee or 134447
administrator in which child care or publicly funded child care is 134448
provided for seven or more children at one time. "Child ~~day-care~~ 134449
care center" and "center" do not include any of the following: 134450

(1) A place located in and operated by a hospital, as defined 134451
in section 3727.01 of the Revised Code, in which the needs of 134452

children are administered to, if all the children whose needs are 134453
being administered to are monitored under the on-site supervision 134454
of a physician licensed under Chapter 4731. of the Revised Code or 134455
a registered nurse licensed under Chapter 4723. of the Revised 134456
Code, and the services are provided only for children who, in the 134457
opinion of the child's parent, guardian, or custodian, are 134458
exhibiting symptoms of a communicable disease or other illness or 134459
are injured; 134460

(2) A child day camp; 134461

(3) A place that provides care, if all of the following 134462
apply: 134463

(a) An organized religious body provides the care; 134464

(b) A parent, custodian, or guardian of at least one child 134465
receiving care is on the premises and readily accessible at all 134466
times; 134467

(c) The care is not provided for more than thirty days a 134468
year; 134469

(d) The care is provided only for preschool-age and 134470
school-age children. 134471

(M) "Child care resource and referral service organization" 134472
means a community-based nonprofit organization that provides child 134473
care resource and referral services but not child care. 134474

(N) "Child care resource and referral services" means all of 134475
the following services: 134476

(1) Maintenance of a uniform data base of all child care 134477
providers in the community that are in compliance with this 134478
chapter, including current occupancy and vacancy data; 134479

(2) Provision of individualized consumer education to 134480
families seeking child care; 134481

(3) Provision of timely referrals of available child care 134482

providers to families seeking child care;	134483
(4) Recruitment of child care providers;	134484
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	134485 134486 134487 134488
(6) Collection and analysis of data on the supply of and demand for child care in the community;	134489 134490
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	134491 134492 134493
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	134494 134495 134496
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	134497 134498
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	134499 134500 134501 134502
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care <u>child care</u> homes.	134503 134504 134505 134506
(0) " Child-care <u>Child care</u> staff member" means an employee of a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care <u>child care</u> staff	134507 134508 134509 134510 134511 134512

member when not involved in other duties. 134513

(P) "Drop-in child ~~day-care~~ care center," "drop-in center," 134514
"drop-in type A family ~~day-care~~ child care home," and "drop-in 134515
type A home" mean a center or type A home that provides child care 134516
or publicly funded child care for children on a temporary, 134517
irregular basis. 134518

(Q) "Employee" means a person who either: 134519

(1) Receives compensation for duties performed in a child 134520
~~day-care~~ care center, type A family ~~day-care~~ child care home, 134521
licensed type B family ~~day-care~~ child care home, or approved child 134522
day camp; 134523

(2) Is assigned specific working hours or duties in a child 134524
~~day-care~~ care center, type A family ~~day-care~~ child care home, 134525
licensed type B family ~~day-care~~ child care home, or approved child 134526
day camp. 134527

(R) "Employer" means a person, firm, institution, 134528
organization, or agency that operates a child ~~day-care~~ care 134529
center, type A family ~~day-care~~ child care home, licensed type B 134530
family ~~day-care~~ child care home, or approved child day camp 134531
subject to licensure or approval under this chapter. 134532

(S) "Federal poverty line" means the official poverty 134533
guideline as revised annually in accordance with section 673(2) of 134534
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 134535
U.S.C. 9902, as amended, for a family size equal to the size of 134536
the family of the person whose income is being determined. 134537

(T) "Head start program" means a school-readiness program 134538
that satisfies all of the following: 134539

(1) Is for children from birth to age five who are from 134540
low-income families; 134541

(2) Receives funds distributed under the "Improving Head 134542

Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 134543
amended; 134544

(3) Is licensed as a child care program. 134545

(U) "Homeless child care" means child care provided to a 134546
child who satisfies any of the following: 134547

(1) Is homeless as defined in 42 U.S.C. 11302; 134548

(2) Is a homeless child or youth as defined in 42 U.S.C. 134549
11434a; 134550

(3) Resides temporarily with a caretaker in a facility 134551
providing emergency shelter for homeless families or is determined 134552
by a county department of job and family services to be homeless. 134553

(V) "Income" means gross income, as defined in section 134554
5107.10 of the Revised Code, less any amounts required by federal 134555
statutes or regulations to be disregarded. 134556

(W) "Indicator checklist" means an inspection tool, used in 134557
conjunction with an instrument-based program monitoring 134558
information system, that contains selected licensing requirements 134559
that are statistically reliable indicators or predictors of a 134560
child ~~day-care~~ care center's, type A family ~~day-care~~ child care 134561
home's, or licensed type B family ~~day-care~~ child care home's 134562
compliance with licensing requirements. 134563

(X) "Infant" means a child who is less than eighteen months 134564
of age. 134565

(Y) "In-home aide" means a person who does not reside with 134566
the child but provides care in the child's home and is certified 134567
by a county director of job and family services pursuant to 134568
section 5104.12 of the Revised Code to provide publicly funded 134569
child care to a child in a child's own home pursuant to this 134570
chapter and any rules adopted under it. 134571

(Z) "Instrument-based program monitoring information system" 134572

means a method to assess compliance with licensing requirements 134573
for child ~~day-care~~ care centers, type A family ~~day-care~~ child care 134574
homes, and licensed type B family ~~day-care~~ child care homes in 134575
which each licensing requirement is assigned a weight indicative 134576
of the relative importance of the requirement to the health, 134577
growth, and safety of the children that is used to develop an 134578
indicator checklist. 134579

(AA) "License capacity" means the maximum number in each age 134580
category of children who may be cared for in a child ~~day-care~~ care 134581
center, type A family ~~day-care~~ child care home, or licensed type B 134582
family ~~day-care~~ child care home at one time as determined by the 134583
director of job and family services considering building occupancy 134584
limits established by the department of commerce, amount of 134585
available indoor floor space and outdoor play space, and amount of 134586
available play equipment, materials, and supplies. 134587

(BB) "Licensed child care program" means any of the 134588
following: 134589

(1) A child ~~day-care~~ care center licensed by the department 134590
of job and family services pursuant to this chapter; 134591

(2) A type A family ~~day-care~~ child care home or type B family 134592
~~day-care~~ child care home licensed by the department of job and 134593
family services pursuant to this chapter; 134594

(3) A licensed preschool program or licensed school child 134595
program. 134596

(CC) "Licensed preschool program" or "licensed school child 134597
program" means a preschool program or school child program, as 134598
defined in section 3301.52 of the Revised Code, that is licensed 134599
by the department of education pursuant to sections 3301.52 to 134600
3301.59 of the Revised Code. 134601

(DD) "Licensed type B family ~~day-care~~ child care home" and 134602
"licensed type B home" mean a type B family ~~day-care~~ child care 134603

home for which there is a valid license issued by the director of 134604
job and family services pursuant to section 5104.03 of the Revised 134605
Code. 134606

(EE) "Licensee" means the owner of a child ~~day-care~~ care 134607
center, type A family ~~day-care~~ child care home, or type B family 134608
~~day-care~~ child care home that is licensed pursuant to this chapter 134609
and who is responsible for ensuring compliance with this chapter 134610
and rules adopted pursuant to this chapter. 134611

(FF) "Operate a child day camp" means to operate, establish, 134612
manage, conduct, or maintain a child day camp. 134613

(GG) "Owner" includes a person, as defined in section 1.59 of 134614
the Revised Code, or government entity. 134615

(HH) "Parent cooperative child ~~day-care~~ care center," "parent 134616
cooperative center," "parent cooperative type A family ~~day-care~~ 134617
child care home," and "parent cooperative type A home" mean a 134618
corporation or association organized for providing educational 134619
services to the children of members of the corporation or 134620
association, without gain to the corporation or association as an 134621
entity, in which the services of the corporation or association 134622
are provided only to children of the members of the corporation or 134623
association, ownership and control of the corporation or 134624
association rests solely with the members of the corporation or 134625
association, and at least one parent-member of the corporation or 134626
association is on the premises of the center or type A home during 134627
its hours of operation. 134628

(II) "Part-time child ~~day-care~~ care center," "part-time 134629
center," "part-time type A family ~~day-care~~ child care home," and 134630
"part-time type A home" mean a center or type A home that provides 134631
child care or publicly funded child care for not more than four 134632
hours a day for any child or not more than fifteen consecutive 134633
weeks per year, regardless of the number of hours per day. 134634

(JJ) "Place of worship" means a building where activities of 134635
an organized religious group are conducted and includes the 134636
grounds and any other buildings on the grounds used for such 134637
activities. 134638

(KK) "Preschool-age child" means a child who is three years 134639
old or older but is not a school-age child. 134640

(LL) "Protective child care" means publicly funded child care 134641
for the direct care and protection of a child to whom all of the 134642
following apply: 134643

(1) A case plan has been prepared and maintained for the 134644
child pursuant to section 2151.412 of the Revised Code. 134645

(2) The case plan indicates a need for protective care. 134646

(3) The child resides with a parent, stepparent, guardian, or 134647
another person who stands in loco parentis as defined in rules 134648
adopted under section 5104.38 of the Revised Code. 134649

(MM) "Publicly funded child care" means administering to the 134650
needs of infants, toddlers, preschool-age children, and school-age 134651
children under age thirteen during any part of the 134652
twenty-four-hour day by persons other than their caretaker parents 134653
for remuneration wholly or in part with federal or state funds, 134654
including funds available under the child care block grant act, 134655
Title IV-A, and Title XX, distributed by the department of job and 134656
family services. 134657

(NN) "Religious activities" means any of the following: 134658
worship or other religious services; religious instruction; Sunday 134659
school classes or other religious classes conducted during or 134660
prior to worship or other religious services; youth or adult 134661
fellowship activities; choir or other musical group practices or 134662
programs; meals; festivals; or meetings conducted by an organized 134663
religious group. 134664

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family ~~day-care~~ child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related

to a licensee, administrator, or employee and who are on the 134696
premises of the type A home shall be counted. "Type A family 134697
~~day-care~~ child care home" and "type A home" do not include any 134698
child day camp. 134699

(VV) "Type B family ~~day-care~~ child care home" and "type B 134700
home" mean a permanent residence of the provider in which care is 134701
provided for one to six children at one time and in which no more 134702
than three children are under two years of age at one time. In 134703
counting children for the purposes of this division, any children 134704
under six years of age who are related to the provider and who are 134705
on the premises of the type B home shall be counted. "Type B 134706
family ~~day-care~~ child care home" and "type B home" do not include 134707
any child day camp. 134708

Sec. 5104.013. (A) As used in this section: 134709

(1) "Applicant" means either of the following: 134710

(a) A person who is under final consideration for appointment 134711
to or employment in a position with a licensed preschool program 134712
or licensed school child program that provides publicly funded 134713
child care, child ~~day-care~~ care center, type A family ~~day-care~~ 134714
child care home, licensed type B family ~~day-care~~ child care home, 134715
or child day camp; 134716

(b) A person who would serve in any position with a licensed 134717
preschool program or licensed school child program that provides 134718
publicly funded child care, child ~~day-care~~ care center, type A 134719
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 134720
child care home, or child day camp pursuant to a contract with 134721
another entity. 134722

(2) "Criminal records check" has the same meaning as in 134723
section 109.572 of the Revised Code. 134724

(B)(1) At the times specified in division (B)(2)(a) of this 134725

section, the director of job and family services shall request the 134726
superintendent of the bureau of criminal identification and 134727
investigation to conduct a criminal records check for each of the 134728
following persons: 134729

(a) Any owner or licensee of a child ~~day-care~~ care center; 134730

(b) Any owner or licensee of a type A family ~~day-care~~ child 134731
care home or licensed type B family ~~day-care~~ child care home and 134732
any person eighteen years of age or older who resides in the home; 134733

(c) Any owner of an approved child day camp; 134734

(d) Any director of a licensed preschool program or licensed 134735
school child program that provides publicly funded child care; 134736

(e) Any in-home aide; 134737

(f) Any applicant or employee, including an administrator, of 134738
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134739
home, licensed type B family ~~day-care~~ child care home, approved 134740
child day camp, or licensed preschool program or licensed school 134741
child program that provides publicly funded child care. 134742

(2)(a) The director shall request a criminal records check at 134743
the following times: 134744

(i) In the case of an owner or licensee of child ~~day-care~~ 134745
care center or an owner or licensee of a type A family ~~day-care~~ 134746
child care home or licensed type B family ~~day-care~~ child care home 134747
or a resident of such a home, at the time of initial application 134748
for licensure and every five years thereafter; 134749

(ii) In the case of an owner of an approved child day camp, 134750
at the time of initial application for approval and every five 134751
years thereafter; 134752

(iii) In the case of a director of a licensed child care 134753
program or licensed school child program, at the time of initial 134754
application to provide publicly funded child care and every five 134755

years thereafter; 134756

(iv) In the case of an in-home aide, at the time of initial 134757
application for certification and every five years thereafter; 134758

(v) Except as provided in division (B)(2)(a)(vi) of this 134759
section, in the case of an applicant or employee, at the time of 134760
initial application for employment and every five years 134761
thereafter; 134762

(vi) In the case of an applicant who has been determined 134763
eligible for employment after a review of a criminal records check 134764
within the past five years and who has been employed by a licensed 134765
preschool program or licensed school child program that provides 134766
publicly funded child care, child ~~day-care~~ care center, type A 134767
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 134768
child care home, or approved child day camp within the past one 134769
hundred eighty consecutive days, every five years after the date 134770
of the initial determination. 134771

(b) A criminal records check requested at the time of initial 134772
application shall include a request that the superintendent of the 134773
bureau of criminal identification and investigation obtain 134774
information from the federal bureau of investigation as part of 134775
the criminal records check for the person, including 134776
fingerprint-based checks of national crime information databases 134777
as described in 42 U.S.C. 671 for the person subject to the 134778
criminal records check. 134779

(c) A criminal records check requested at any time other than 134780
the time of initial application may include a request that the 134781
superintendent of the bureau of criminal identification and 134782
investigation obtain information from the federal bureau of 134783
investigation as part of the criminal records check for the 134784
person, including fingerprint-based checks of national crime 134785
information databases as described in 42 U.S.C. 671 for the person 134786

subject to the criminal records check. 134787

(3) With respect to a criminal records check requested for a 134788
person described in division (B)(1) of this section, the director 134789
of job and family services shall do all of the following: 134790

(a) Provide to the person a copy of the form prescribed 134791
pursuant to division (C)(1) of section 109.572 of the Revised Code 134792
and a standard impression sheet to obtain fingerprint impressions 134793
prescribed pursuant to division (C)(2) of that section; 134794

(b) Obtain the completed form and impression sheet from the 134795
person; 134796

(c) Forward the completed form and impression sheet to the 134797
superintendent of the bureau of criminal identification and 134798
investigation; 134799

(d) Review the results of the criminal records check. 134800

(4) A person who receives from the director a copy of the 134801
form and standard impression sheet and who is requested to 134802
complete the form and provide a set of fingerprint impressions 134803
shall complete the form or provide all of the information 134804
necessary to complete the form and shall provide the impression 134805
sheet with the impressions of the person's fingerprints. If the 134806
person, upon request, fails to provide the information necessary 134807
to complete the form or fails to provide impressions of the 134808
person's fingerprints, the director or a county director of job 134809
and family services may consider the failure a reason to deny 134810
licensure, approval, or certification or to determine an employee 134811
ineligible for employment. 134812

(5) Except as provided in rules adopted under division (F) of 134813
this section: 134814

(a) The director of job and family services shall refuse to 134815
issue a license to or approve a center, type A home, type B home, 134816

child day camp, preschool program, or school child program, and 134817
shall revoke a license or approval, and a county director of job 134818
and family services shall not certify an in-home aide and shall 134819
revoke a certification, if a person for whom a criminal records 134820
check was required under division (B)(1)(a) to (B)(1)(e) of this 134821
section has been convicted of or pleaded guilty to any of the 134822
violations described in division (A)(5) of section 109.572 of the 134823
Revised Code. 134824

(b) The director of job and family services shall not issue a 134825
license to a type A home or type B home if a resident of the type 134826
A home or type B home is under eighteen years of age and has been 134827
adjudicated a delinquent child for committing either a violation 134828
of any section listed in division (A)(5) of section 109.572 of the 134829
Revised Code or an offense of another state or the United States 134830
that is substantially equivalent to an offense listed in division 134831
(A)(5) of section 109.572 of the Revised Code. 134832

(c) The director shall determine an applicant or employee 134833
ineligible for employment if the person has been convicted of or 134834
pleaded guilty to any of the violations described in division 134835
(A)(5) of section 109.572 of the Revised Code. 134836

(6) Each child ~~day-care~~ care center, type A home, type B 134837
home, approved child day camp, licensed child care program, 134838
licensed school child program, and in-home aide shall pay to the 134839
bureau of criminal identification and investigation the fee 134840
prescribed pursuant to division (C)(3) of section 109.572 of the 134841
Revised Code for each criminal records check conducted in 134842
accordance with that section upon a request made pursuant to 134843
division (B) of this section. 134844

A center, home, camp, preschool program, or school child 134845
program may charge an applicant a fee for the costs it incurs in 134846
obtaining a criminal records check under this section. A fee 134847
charged under this division shall not exceed the amount the 134848

center, home, camp, or program pays under this section. If a fee 134849
is charged, the center, home, camp, or program shall notify the 134850
applicant at the time of the applicant's initial application for 134851
employment of the amount of the fee and that, unless the fee is 134852
paid, the center, home, camp, or program will not consider the 134853
applicant for employment. 134854

(7) The report of any criminal records check conducted by the 134855
bureau of criminal identification and investigation in accordance 134856
with section 109.572 of the Revised Code and pursuant to a request 134857
made under division (B) of this section is confidential and not a 134858
public record for the purposes of section 149.43 of the Revised 134859
Code. The report shall not be made available to any person other 134860
than the person who is the subject of the criminal records check 134861
or the person's representative, the director of job and family 134862
services, the director of a county department of job and family 134863
services, and any court, hearing officer, or other necessary 134864
individual involved in a case dealing with a denial or revocation 134865
of licensure, approval, or certification related to the criminal 134866
records check. 134867

(C)(1) At the times specified in division (C)(2) of this 134868
section, the director of job and family services shall search the 134869
uniform statewide automated child welfare information system for 134870
information concerning any abuse or neglect report made pursuant 134871
to section 2151.421 of the Revised Code of which any of the 134872
following persons is a subject: 134873

(a) Any owner or licensee of a child ~~day-care~~ care center; 134874

(b) Any owner or licensee of a type A family ~~day-care~~ child
care home or licensed type B family ~~day-care~~ child care home and 134875
any person eighteen years of age or older who resides in the home; 134876
134877

(c) Any owner of an approved child day camp; 134878

(d) Any director of a licensed preschool program or licensed 134879

school child program that provides publicly funded child care; 134880

(e) Any in-home aide; 134881

(f) Any applicant or employee, including an administrator, of 134882
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134883
home, licensed type B family ~~day-care~~ child care home, approved 134884
child day camp, or licensed preschool program or licensed school 134885
child program that provides publicly funded child care. 134886

(2) The director shall search the information system at the 134887
following times: 134888

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 134889
care center or an owner or licensee of a type A family ~~day-care~~ 134890
child care home or licensed type B family ~~day-care~~ child care home 134891
or a resident of such a home, at the time of initial application 134892
for licensure and every five years thereafter; 134893

~~(ii)~~(b) In the case of an owner of an approved child day 134894
camp, at the time of initial application for approval and every 134895
five years thereafter; 134896

~~(iii)~~(c) In the case of a director of a licensed child care 134897
program or licensed school child program, at the time of initial 134898
application to provide publicly funded child care and every five 134899
years thereafter; 134900

~~(iv)~~(d) In the case of an in-home aide, at the time of 134901
initial application for certification and every five years 134902
thereafter; 134903

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) 134904
of this section, in the case of an applicant or employee, at the 134905
time of initial application for employment and every five years 134906
thereafter; 134907

~~(vi)~~(f) In the case of an applicant who has been determined 134908
eligible for employment after a search of the uniform statewide 134909

automated child welfare information system within the past five 134910
years and who has been employed by a licensed preschool program or 134911
licensed school child program that provides publicly funded child 134912
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 134913
care home, licensed type B family ~~day-care~~ child care home, or 134914
approved child day camp within the past one hundred eighty 134915
consecutive days, every five years after the date of the initial 134916
determination. 134917

(3) The director shall consider any information discovered 134918
pursuant to division (C)(1) of this section or that is provided by 134919
a public children services agency pursuant to section 5153.175 of 134920
the Revised Code. If the director determines that the information, 134921
when viewed within the totality of the circumstances, reasonably 134922
leads to the conclusion that the person may directly or indirectly 134923
endanger the health, safety, or welfare of children, the director 134924
or county director of job and family services shall do any of the 134925
following: 134926

(a) Refuse to issue a license to or approve a center, type A 134927
home, type B home, child day camp, preschool program, or school 134928
child program; 134929

(b) Revoke a license or approval; 134930

(c) Refuse to certify an in-home aide or revoke a 134931
certification; 134932

(d) Determine an applicant or employee ineligible for 134933
employment with the center, type A home, licensed type B home, 134934
child day camp, preschool program, or school child program. 134935

(4) Any information obtained under division (C) of this 134936
section is confidential and not a public record for the purposes 134937
of section 149.43 of the Revised Code. The information shall not 134938
be made available to any person other than the person who is the 134939
subject of the search or the person's representative, the director 134940

of job and family services, the director of a county department of 134941
job and family services, and any court, hearing officer, or other 134942
necessary individual involved in a case dealing with a denial or 134943
revocation of licensure, approval, or certification related to the 134944
search. 134945

(D)(1) At the times specified in division (D)(2) of this 134946
section, the director of job and family services shall inspect the 134947
state registry of sex offenders and child-victim offenders 134948
established under section 2950.13 of the Revised Code and the 134949
national sex offender registry as described in 42 U.S.C. 16901 to 134950
determine if any of the following persons is registered or 134951
required to be registered as an offender: 134952

(a) Any owner or licensee of a child ~~day-care~~ care center; 134953

(b) Any owner or licensee of a type A family ~~day-care~~ child 134954
care home or licensed type B family ~~day-care~~ child care home and 134955
any person eighteen years of age or older who resides in the home; 134956

(c) Any owner of an approved child day camp; 134957

(d) Any director of a licensed preschool program or licensed 134958
school child program that provides publicly funded child care; 134959

(e) Any in-home aide; 134960

(f) Any applicant or employee, including an administrator, of 134961
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 134962
home, licensed type B family ~~day-care~~ child care home, approved 134963
child day camp, or licensed preschool program or licensed school 134964
child program that provides publicly funded child care. 134965

(2) The director shall inspect each registry at the following 134966
times: 134967

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 134968
care center or an owner or licensee of a type A family ~~day-care~~ 134969
child care home or type B family ~~day-care~~ child care home or a 134970

resident of such a home, at the time of initial application for
licensure and every five years thereafter;

~~(ii)~~(b) In the case of an owner of an approved child day
camp, at the time of initial application for approval and every
five years thereafter;

~~(iii)~~(c) In the case of a director of a licensed child care
program or licensed school child program, at the time of initial
application to provide publicly funded child care;

~~(iv)~~(d) In the case of an in-home aide, at the time of
initial application for certification and every five years
thereafter;

~~(v)~~(e) Except as provided in division ~~(D)(2)(a)~~~~(vi)~~(D)(2)(f)
of this section, in the case of an applicant or employee, at the
time of initial application for employment and every five years
thereafter;

~~(vi)~~(f) In the case of an applicant who has been determined
eligible for employment after an inspection of the state registry
of sex offenders and child-victim offenders established under
section 2950.13 of the Revised Code and the national sex offender
registry as described in 42 U.S.C. 16901 within the past five
years and who has been employed by a licensed preschool program or
licensed school child program that provides publicly funded child
care, child ~~day-care~~ care center, type A family ~~day-care~~ child
care home, licensed type B family ~~day-care~~ child care home, or
approved child day camp within the past one hundred eighty
consecutive days, every five years after the date of the initial
determination.

(3) If the director determines that the person is registered
or required to be registered on either registry, the director or
county director of job and family services shall do any of the
following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 135002
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(b) Revoke a license or approval; 135005

(c) Refuse to certify an in-home aide or revoke a certification; 135006
135007

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 135008
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(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 135011
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-center~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 135021
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child care home, or approved child day camp shall not employ a 135033
person who is determined under this section to be ineligible for 135034
employment. 135035

(F)(1) An administrator of a child day camp, other than an 135036
approved child day camp shall request the superintendent of the 135037
bureau of criminal identification and investigation to conduct a 135038
criminal records check for any applicant or employee, including an 135039
administrator, of the child day camp. The request shall be made at 135040
the time of initial application for employment and every five 135041
years thereafter. 135042

(2) A criminal records check requested at the time of initial 135043
application shall include a request that the superintendent of the 135044
bureau of criminal identification and investigation obtain 135045
information from the federal bureau of investigation as part of 135046
the criminal records check for the person, including 135047
fingerprint-based checks of national crime information databases 135048
as described in 42 U.S.C. 671 for the person subject to the 135049
criminal records check. 135050

(3) A criminal records check requested at any time other than 135051
the time of initial application may include a request that the 135052
superintendent of the bureau of criminal identification and 135053
investigation obtain information from the federal bureau of 135054
investigation as part of the criminal records check for the 135055
person, including fingerprint-based checks of national crime 135056
information databases as described in 42 U.S.C. 671 for the person 135057
subject to the criminal records check. 135058

(4) With respect to a criminal records check requested under 135059
division (F) of this section, the administrator shall do all of 135060
the following: 135061

(a) Provide to the applicant or employee a copy of the form 135062
prescribed pursuant to division (C)(1) of section 109.572 of the 135063

Revised Code and a standard impression sheet to obtain fingerprint 135064
impressions prescribed pursuant to division (C)(2) of that 135065
section; 135066

(b) Obtain the completed form and impression sheet from the 135067
applicant or employee; 135068

(c) Forward the completed form and impression sheet to the 135069
superintendent of the bureau of criminal identification and 135070
investigation; 135071

(d) Review the results of the criminal records check. 135072

(5) An applicant or employee who receives from the 135073
administrator a copy of the form and standard impression sheet and 135074
who is requested to complete the form and provide a set of 135075
fingerprint impressions shall complete the form or provide all of 135076
the information necessary to complete the form and shall provide 135077
the impression sheet with the impressions of the person's 135078
fingerprints. If the applicant or employee, upon request, fails to 135079
provide the information necessary to complete the form or fails to 135080
provide impressions of the person's fingerprints, the 135081
administrator may consider the failure a reason to determine an 135082
applicant or employee ineligible for employment. 135083

(6) A child day camp, other than an approved child day camp, 135084
may employ an applicant or continue to employ an employee until 135085
the criminal records check required by this section is completed 135086
and the camp receives the results of the check. Until the 135087
administrator has reviewed the results of the criminal records 135088
check and determines that the applicant or employee is eligible 135089
for employment, the camp shall not grant the applicant or employee 135090
sole responsibility for the care, custody, or control of a child. 135091
If the results indicate that the applicant or employee is 135092
ineligible for employment, the camp shall immediately release the 135093
applicant or employee from employment. 135094

(7) Except as provided in rules adopted under this section, 135095
the administrator shall determine an applicant or employee 135096
ineligible for employment if the person has been convicted of or 135097
pleaded guilty to any of the violations described in division 135098
(A)(5) of section 109.572 of the Revised Code. If the applicant or 135099
employee is determined ineligible, the child day camp shall not 135100
employ the applicant or employee or contract with another entity 135101
for the services of the applicant or employee. 135102

(8) Each child day camp shall pay to the bureau of criminal 135103
identification and investigation the fee prescribed pursuant to 135104
division (C)(3) of section 109.572 of the Revised Code for each 135105
criminal records check conducted in accordance with that section 135106
upon a request made pursuant to division (F) of this section. A 135107
camp may charge an applicant or employee a fee for the costs it 135108
incurs in obtaining a criminal records check under division (F) of 135109
this section. A fee charged under this division shall not exceed 135110
the fees the camp pays under this section. If a fee is charged, 135111
the camp shall notify the applicant at the time of the applicant's 135112
initial application for employment of the amount of the fee and 135113
that, unless the fee is paid, the camp will not consider the 135114
applicant for employment. 135115

(9) The report of any criminal records check conducted by the 135116
bureau of criminal identification and investigation in accordance 135117
with section 109.572 of the Revised Code and pursuant to a request 135118
made under division (F) of this section is confidential and not a 135119
public record for the purposes of section 149.43 of the Revised 135120
Code. The report shall not be made available to any person other 135121
than the person who is the subject of the criminal records check 135122
or the person's representative, the director of job and family 135123
services, the administrator, and any court, hearing officer, or 135124
other necessary individual involved in a case dealing with a 135125
denial or revocation of registration related to the criminal 135126

records check. 135127

(G) The director of job and family services shall adopt rules 135128
as necessary to implement this section. The rules shall be adopted 135129
in accordance with Chapter 119. of the Revised Code. The rules 135130
shall specify exceptions to the prohibitions in ~~division~~ divisions 135131
(B), (E), and (F) of this section for a person who has been 135132
convicted of or pleaded guilty to a criminal offense listed in 135133
division (A)(5) of section 109.572 of the Revised Code but who 135134
meets standards in regard to rehabilitation set by the director. 135135

(H)(1) Whenever the director of job and family services 135136
requests a criminal records check, searches the uniform statewide 135137
automated child welfare information system, or inspects the state 135138
registry of sex offenders and child-victim offenders and national 135139
sex offender registry as required by this section and finds that a 135140
person who is subject to the requirements of division (B), (C), or 135141
(D) of this section resided in another state during the previous 135142
five years, the director shall request the following from the 135143
other state: a criminal records check and information from the 135144
uniform statewide automated child welfare information system or 135145
state registry of sex offenders. 135146

(2) Whenever the director receives from an agency of another 135147
state a request for a criminal records check or for information 135148
from the uniform statewide automated child welfare information 135149
system or state registry of sex offenders that is related to a 135150
child care license or the provision of publicly funded child care, 135151
the director shall provide to that other state's agency the 135152
results of the records check and information from the system and 135153
registry. 135154

Sec. 5104.014. (A) As used in this section: 135155

(1) "Child" includes both of the following: 135156

(a) An infant, toddler, or preschool age child;	135157
(b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, or licensed type B family day-care <u>child care</u> home or receives child care from a certified in-home aide.	135158 135159 135160 135161 135162
(2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.	135163 135164 135165 135166
(B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, or licensed type B family day-care <u>child care</u> home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases:	135167 135168 135169 135170 135171 135172 135173 135174 135175 135176 135177 135178
(1) Chicken pox;	135179
(2) Diphtheria;	135180
(3) Haemophilus influenzae type b;	135181
(4) Hepatitis A;	135182
(5) Hepatitis B;	135183
(6) Influenza;	135184
(7) Measles;	135185
(8) Mumps;	135186

(9) Pertussis;	135187
(10) Pneumococcal disease;	135188
(11) Poliomyelitis;	135189
(12) Rotavirus;	135190
(13) Rubella;	135191
(14) Tetanus.	135192
(C)(1) A child is not required to be immunized against a	135193
disease specified in division (B) of this section if any of the	135194
following is the case:	135195
(a) Immunization against the disease is medically	135196
contraindicated for the child;	135197
(b) The child's parent or guardian has declined to have the	135198
child immunized against the disease for reasons of conscience,	135199
including religious convictions;	135200
(c) Immunization against the disease is not medically	135201
appropriate for the child's age.	135202
(2) In the case of influenza, a child is not required to be	135203
immunized against the disease if the seasonal vaccine is not	135204
available.	135205
(D)(1) The medical statement shall include all of the	135206
following information:	135207
(a) The dates that a child received immunizations against	135208
each of the diseases specified in division (B) of this section;	135209
(b) Whether a child is subject to any of the exceptions	135210
specified in division (C) of this section.	135211
(2) The medical statement shall include a component where a	135212
parent or guardian may indicate that the parent or guardian has	135213
declined to have the child immunized.	135214

Sec. 5104.015. The director of job and family services shall 135215
adopt rules in accordance with Chapter 119. of the Revised Code 135216
governing the operation of child ~~day-care~~ care centers, including 135217
parent cooperative centers, part-time centers, and drop-in 135218
centers. The rules shall reflect the various forms of child care 135219
and the needs of children receiving child care or publicly funded 135220
child care and shall include specific rules for school-age child 135221
care centers that are developed in consultation with the 135222
department of education. The rules shall include the following: 135223

(A) Submission of a site plan and descriptive plan of 135224
operation to demonstrate how the center proposes to meet the 135225
requirements of this chapter and rules adopted pursuant to this 135226
chapter for the initial license application; 135227

(B) Standards for ensuring that the physical surroundings of 135228
the center are safe and sanitary including the physical 135229
environment, the physical plant, and the equipment of the center; 135230

(C) Standards for the supervision, care, and discipline of 135231
children receiving child care or publicly funded child care in the 135232
center; 135233

(D) Standards for a program of activities, and for play 135234
equipment, materials, and supplies, to enhance the development of 135235
each child; however, any educational curricula, philosophies, and 135236
methodologies that are developmentally appropriate and that 135237
enhance the social, emotional, intellectual, and physical 135238
development of each child shall be permissible. As used in this 135239
division, "program" does not include instruction in religious or 135240
moral doctrines, beliefs, or values that is conducted at child 135241
~~day-care~~ care centers owned and operated by churches and does 135242
include methods of disciplining children at child ~~day-care~~ care 135243
centers. 135244

(E) Admissions policies and procedures; 135245

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	135246
(G) First aid and emergency procedures;	135248
(H) Procedures for discipline and supervision of children;	135249
(I) Standards for the provision of nutritious meals and snacks;	135250 135251
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	135252 135253 135254
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	135255 135256
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	135257 135258 135259 135260
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	135261 135262 135263
(N) Procedures for record keeping, organization, and administration;	135264 135265
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	135266 135267 135268
(P) Inspection procedures;	135269
(Q) Procedures and standards for setting initial license application fees;	135270 135271
(R) Procedures for receiving, recording, and responding to complaints about centers;	135272 135273
(S) Procedures for enforcing section 5104.04 of the Revised	135274

Code;	135275
(T) Minimum qualifications for employment as an administrator or child-care <u>child care</u> staff member;	135276 135277
(U) Requirements for the training of administrators and child-care <u>child care</u> staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	135278 135279 135280 135281
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	135282 135283 135284 135285
(W) A procedure for reporting of injuries of children that occur at the center;	135286 135287
(X) Standards for licensing child day-care <u>care</u> centers for children with short-term illnesses and other temporary medical conditions;	135288 135289 135290
(Y) Minimum requirements for instructional time for child day-care <u>care</u> centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	135291 135292 135293
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care <u>care</u> centers.	135294 135295 135296
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care <u>care</u> centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of	135297 135298 135299 135300 135301 135302 135303 135304

children per ~~child-care~~ care staff member and maximum group size 135305
requirements of section 5104.033 of the Revised Code. However, the 135306
rules shall provide procedures for determining compliance with 135307
those requirements. 135308

Sec. 5104.017. The director of job and family services shall 135309
adopt rules pursuant to Chapter 119. of the Revised Code governing 135310
the operation of type A family ~~day-care~~ child care homes, 135311
including parent cooperative type A homes, part-time type A homes, 135312
and drop-in type A homes. The rules shall reflect the various 135313
forms of child care and the needs of children receiving child 135314
care. The rules shall include the following: 135315

(A) Submission of a site plan and descriptive plan of 135316
operation to demonstrate how the type A home proposes to meet the 135317
requirements of this chapter and rules adopted pursuant to this 135318
chapter for the initial license application; 135319

(B) Standards for ensuring that the physical surroundings of 135320
the type A home are safe and sanitary, including the physical 135321
environment, the physical plant, and the equipment of the type A 135322
home; 135323

(C) Standards for the supervision, care, and discipline of 135324
children receiving child care or publicly funded child care in the 135325
type A home; 135326

(D) Standards for a program of activities, and for play 135327
equipment, materials, and supplies, to enhance the development of 135328
each child; however, any educational curricula, philosophies, and 135329
methodologies that are developmentally appropriate and that 135330
enhance the social, emotional, intellectual, and physical 135331
development of each child shall be permissible; 135332

(E) Admissions policies and procedures; 135333

(F) Health care policies and procedures, including procedures 135334

for the isolation of children with communicable diseases;	135335
(G) First aid and emergency procedures;	135336
(H) Procedures for discipline and supervision of children;	135337
(I) Standards for the provision of nutritious meals and snacks;	135338 135339
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	135340 135341 135342
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	135343 135344
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	135345 135346 135347 135348
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	135349 135350 135351
(N) Procedures for record keeping, organization, and administration;	135352 135353
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	135354 135355 135356
(P) Inspection procedures;	135357
(Q) Procedures and standards for setting initial license application fees;	135358 135359
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	135360 135361
(S) Procedures for enforcing section 5104.04 of the Revised Code;	135362 135363

(T) A standard requiring the inclusion of a current 135364
department of job and family services toll-free telephone number 135365
on each type A home license that any person may use to report a 135366
suspected violation by the type A home of this chapter or rules 135367
adopted pursuant to this chapter; 135368

(U) Requirements for the training of administrators and 135369
~~child-care~~ child care staff members in first aid, in prevention, 135370
recognition, and management of communicable diseases, and in child 135371
abuse recognition and prevention; 135372

(V) Standards providing for the needs of children who have 135373
disabilities or who require treatment for health conditions while 135374
the child is receiving child care or publicly funded child care in 135375
the type A home; 135376

(W) Standards for the maximum number of children per 135377
~~child-care~~ child care staff member; 135378

(X) Requirements for the amount of usable indoor floor space 135379
for each child; 135380

(Y) Requirements for safe outdoor play space; 135381

(Z) Qualifications and training requirements for 135382
administrators and for ~~child-care~~ child care staff members; 135383

(AA) Procedures for granting a parent who is the residential 135384
parent and legal custodian, or a custodian or guardian access to 135385
the type A home during its hours of operation; 135386

(BB) Minimum requirements for instructional time for type A 135387
homes rated through the step up to quality program established 135388
pursuant to section 5104.29 of the Revised Code; 135389

(CC) Any other procedures and standards necessary to carry 135390
out the provisions of this chapter regarding type A homes. 135391

Sec. 5104.018. The director of job and family services shall 135392

adopt rules in accordance with Chapter 119. of the Revised Code 135393
governing the licensure of type B family ~~day-care~~ child care 135394
homes. The rules shall provide for safeguarding the health, 135395
safety, and welfare of children receiving child care or publicly 135396
funded child care in a licensed type B family ~~day-care~~ child care 135397
home and shall include all of the following: 135398

(A) Requirements for the type B home to notify parents with 135399
children in the type B home that the type B home is certified as a 135400
foster home under section 5103.03 of the Revised Code; 135401

(B) Standards for ensuring that the type B home and the 135402
physical surroundings of the type B home are safe and sanitary, 135403
including physical environment, physical plant, and equipment; 135404

(C) Standards for the supervision, care, and discipline of 135405
children receiving child care or publicly funded child care in the 135406
home; 135407

(D) Standards for a program of activities, and for play 135408
equipment, materials, and supplies to enhance the development of 135409
each child; however, any educational curricula, philosophies, and 135410
methodologies that are developmentally appropriate and that 135411
enhance the social, emotional, intellectual, and physical 135412
development of each child shall be permissible; 135413

(E) Admission policies and procedures; 135414

(F) Health care, first aid and emergency procedures; 135415

(G) Procedures for the care of sick children; 135416

(H) Procedures for discipline and supervision of children; 135417

(I) Nutritional standards; 135418

(J) Procedures for screening children, including any 135419
necessary physical examinations and the immunizations required 135420
pursuant to section 5104.014 of the Revised Code; 135421

(K) Procedures for screening administrators and employees, 135422

including any necessary physical examinations and immunizations;	135423
(L) Methods of encouraging parental participation and	135424
ensuring that the rights of children, parents, and administrators	135425
are protected and the responsibilities of parents and	135426
administrators are met;	135427
(M) Standards for the safe transport of children when under	135428
the care of administrators;	135429
(N) Procedures for issuing, denying, or revoking licenses;	135430
(O) Procedures for the inspection of type B homes that	135431
require, at a minimum, that each type B home be inspected prior to	135432
licensure to ensure that the home is safe and sanitary;	135433
(P) Procedures for record keeping and evaluation;	135434
(Q) Procedures for receiving, recording, and responding to	135435
complaints;	135436
(R) Standards providing for the needs of children who have	135437
disabilities or who receive treatment for health conditions while	135438
the child is receiving child care or publicly funded child care in	135439
the type B home;	135440
(S) Requirements for the amount of usable indoor floor space	135441
for each child;	135442
(T) Requirements for safe outdoor play space;	135443
(U) Qualification and training requirements for	135444
administrators;	135445
(V) Procedures for granting a parent who is the residential	135446
parent and legal custodian, or a custodian or guardian access to	135447
the type B home during its hours of operation;	135448
(W) Requirements for the type B home to notify parents with	135449
children in the type B home that the type B home is certified as a	135450
foster home under section 5103.03 of the Revised Code;	135451

(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

Sec. 5104.0111. (A) The director of job and family services shall do all of the following:

(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child ~~day-care~~ care centers, type A homes, and type B homes;

(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;

(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee;

(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed;

(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date;

(6) Review all rules adopted pursuant to this chapter at least once every seven years.

(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public

notice of hearings regarding the rules to each in-home aide at 135482
least thirty days prior to the date of the public hearing, in 135483
accordance with section 119.03 of the Revised Code. At least 135484
thirty days before the effective date of a rule, the county 135485
director of job and family services shall provide, in either paper 135486
or electronic form, copies of the adopted rule to each in-home 135487
aide. 135488

(C) Additional copies of proposed and adopted rules shall be 135489
made available by the director of job and family services to the 135490
public on request at no charge. 135491

(D) The director of job and family services may adopt rules 135492
in accordance with Chapter 119. of the Revised Code for imposing 135493
sanctions on persons and entities that are licensed or certified 135494
under this chapter. Sanctions may be imposed only for an action or 135495
omission that constitutes a serious risk noncompliance. The 135496
sanctions imposed shall be based on the scope and severity of the 135497
violations. 135498

The director shall make a dispute resolution process 135499
available for the implementation of sanctions. The process may 135500
include an opportunity for appeal pursuant to Chapter 119. of the 135501
Revised Code. 135502

(E) The director of job and family services shall adopt rules 135503
in accordance with Chapter 119. of the Revised Code that establish 135504
standards for the training of individuals who inspect or 135505
investigate type B family ~~day-care~~ child care homes pursuant to 135506
section 5104.03 of the Revised Code. The department shall provide 135507
training in accordance with those standards for individuals in the 135508
categories described in this division. 135509

Sec. 5104.02. (A) The director of job and family services is 135510
responsible for licensing child ~~day-care~~ care centers, type A 135511
family ~~day-care~~ child care homes, and type B family ~~day-care~~ child 135512

care homes. Each entity operating a head start program shall meet 135513
the criteria for, and be licensed as, a child ~~day-care~~ care 135514
center. The director is responsible for the enforcement of this 135515
chapter and of rules promulgated pursuant to this chapter. 135516

No person, firm, organization, institution, or agency shall 135517
operate, establish, manage, conduct, or maintain a child ~~day-care~~ 135518
care center or type A family ~~day-care~~ child care home without a 135519
license issued under section 5104.03 of the Revised Code. The 135520
current license shall be posted in the center or home in a 135521
conspicuous place that is accessible to parents, custodians, or 135522
guardians and employees of the center or home at all times when 135523
the center or home is in operation. 135524

(B) A person, firm, institution, organization, or agency 135525
operating any of the following programs is exempt from the 135526
requirements of this chapter: 135527

(1) A program caring for children that operates for two 135528
consecutive weeks or less and not more than six weeks total in 135529
each calendar year; 135530

(2) Caring for children in places of worship during religious 135531
activities while at least one parent, guardian, or custodian of 135532
each child is participating in such activities and is readily 135533
available; 135534

(3) Supervised training, instruction, or activities of 135535
children in specific areas, including, but not limited to: art; 135536
drama; dance; music; athletic skills or sports; computers; or an 135537
educational subject conducted on an organized or periodic basis 135538
that a child does not attend for more than eight total hours per 135539
week; 135540

(4) Programs in which the director determines that at least 135541
one parent, custodian, or guardian of each child who is not an 135542
employee of the facility engaged in employment duties is on the 135543

premises of the facility that offers care and is readily 135544
accessible at all times; 135545

(5) Programs that provide care and are regulated by state 135546
departments other than the department of job and family services 135547
or the state board of education. 135548

(6) Any preschool program or school child program, except a 135549
head start program, that is subject to licensure by the department 135550
of education under sections 3301.52 to 3301.59 of the Revised 135551
Code. 135552

(7) Any program providing care that meets all of the 135553
following requirements and, on October 20, 1987, was being 135554
operated by a nonpublic school that holds a charter issued by the 135555
state board of education for kindergarten only: 135556

(a) The nonpublic school has given the notice to the state 135557
board and the director of job and family services required by 135558
Section 4 of Substitute House Bill No. 253 of the 117th general 135559
assembly; 135560

(b) The nonpublic school continues to be chartered by the 135561
state board for kindergarten, or receives and continues to hold a 135562
charter from the state board for kindergarten through grade five; 135563

(c) The program is conducted in a school building; 135564

(d) The program is operated in accordance with rules 135565
promulgated by the state board under section 3301.53 of the 135566
Revised Code. 135567

(8) A youth development program operated outside of school 135568
hours to which all of the following apply: 135569

(a) The children enrolled in the program are under nineteen 135570
years of age and enrolled in or eligible to be enrolled in a grade 135571
of kindergarten or above. 135572

(b) The program provides informal care, which is care that 135573

does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

Sec. 5104.021. The director of job and family services may

issue a child ~~day-care~~ care center or type A family ~~day-care~~ child
care home license to a youth development program that is exempted
by division (B)(8) of section 5104.02 of the Revised Code from the
requirements of this chapter if the youth development program
applies for and meets all of the requirements for the license.

Sec. 5104.022. In no case shall the director of job and
family services issue a license to operate a type A family
~~day-care~~ child care home if the type A home is certified as a
foster home or specialized foster home pursuant to Chapter 5103.
of the Revised Code. In no case shall the director issue a license
to operate a type B family ~~day-care~~ child care home if the type B
home is certified as a specialized foster home pursuant to Chapter
5103. of the Revised Code.

Sec. 5104.03. (A) As used in this section, "owner" has the
same meaning as in section 5104.01 of the Revised Code, except
that "owner" also includes a firm, organization, institution, or
agency, as well as any individual governing board members,
partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency
seeking to establish a child ~~day-care~~ care center, type A family
~~day-care~~ child care home, or licensed type B family ~~day-care~~ child
care home shall apply for a license to the director of job and
family services on such form as the director prescribes. The
director shall provide at no charge to each applicant for
licensure a copy of the child care license requirements in this
chapter and a copy of the rules adopted pursuant to this chapter.
The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be
paid at the time of application for a license to operate a center,

type A home, or type B home. Fees collected under this section 135634
shall be paid into the state treasury to the credit of the general 135635
revenue fund. 135636

(C)(1) Upon filing of the application for a license, the 135637
director shall investigate and inspect the center, type A home, or 135638
type B home to determine the license capacity for each age 135639
category of children of the center, type A home, or type B home 135640
and to determine whether the center, type A home, or type B home 135641
complies with this chapter and rules adopted pursuant to this 135642
chapter. When, after investigation and inspection, the director is 135643
satisfied that this chapter and rules adopted pursuant to it are 135644
complied with, subject to division (G) of this section, a license 135645
shall be issued as soon as practicable in such form and manner as 135646
prescribed by the director. The license shall be designated as 135647
provisional and shall be valid for at least twelve months from the 135648
date of issuance and until the continuous license is issued or 135649
until the provisional license is revoked or suspended pursuant to 135650
section 5104.042 of the Revised Code. 135651

(2) The director may contract with a government entity or a 135652
private nonprofit entity for the entity to inspect type A or type 135653
B family ~~day-care~~ child care homes pursuant to this section. If 135654
the director contracts with a government entity or private 135655
nonprofit entity for that purpose, the entity may contract with 135656
another government entity or private nonprofit entity for the 135657
other entity to inspect type A or type B homes pursuant to this 135658
section. The director, government entity, or private nonprofit 135659
entity shall conduct an inspection prior to the issuance of a 135660
license for a type A or type B home and, as part of that 135661
inspection, ensure that the home is safe and sanitary. 135662

(D) The director shall investigate and inspect the center, 135663
type A home, or type B home at least once during operation under a 135664
license designated as provisional. If after the investigation and 135665

inspection the director determines that the requirements of this 135666
chapter and rules adopted pursuant to this chapter are met, 135667
subject to division (G) of this section, the director shall issue 135668
a continuous license to the center or home. 135669

(E) Each license shall state the name of the licensee, the 135670
name of the administrator, the address of the center, type A home, 135671
or licensed type B home, and the license capacity for each age 135672
category of children. The license shall include thereon, in 135673
accordance with sections 5104.015, 5104.017, and 5104.018 of the 135674
Revised Code, the toll-free telephone number to be used by persons 135675
suspecting that the center, type A home, or licensed type B home 135676
has violated a provision of this chapter or rules adopted pursuant 135677
to this chapter. A license is valid only for the licensee, 135678
administrator, address, and license capacity for each age category 135679
of children designated on the license. The license capacity 135680
specified on the license is the maximum number of children in each 135681
age category that may be cared for in the center, type A home, or 135682
licensed type B home at one time. 135683

A center or home licensee shall notify the director in 135684
writing when the administrator, address, or license capacity of 135685
the center or home changes. The director shall amend the current 135686
license to reflect a change in any of the following: 135687

(1) An administrator, if the administrator meets the 135688
requirements of this chapter and rules adopted pursuant to this 135689
chapter; 135690

(2) Address, if the new address meets the requirements of 135691
this chapter and rules adopted pursuant to this chapter; 135692

(3) License capacity for any age category of children as 135693
determined by the director of job and family services. 135694

(F) If the director revokes the license of a center, a type A 135695
home, or a type B home, the director shall not issue another 135696

license to the owner of the center, type A home, or type B home 135697
until five years have elapsed from the date the license is 135698
revoked. 135699

If the director denies an application for a license, the 135700
director shall not consider another application from the applicant 135701
until five years have elapsed from the date the application is 135702
denied. 135703

(G)(1) Except as provided in division (G)(2) of this section, 135704
all actions of the director with respect to licensing centers, 135705
type A homes, or type B homes, refusal to license, and revocation 135706
of a license shall be in accordance with Chapter 119. of the 135707
Revised Code. Except as provided in division (G)(2) of this 135708
section, any applicant who is denied a license or any owner whose 135709
license is revoked may appeal in accordance with section 119.12 of 135710
the Revised Code. 135711

(2) The following actions by the director are not subject to 135712
Chapter 119. of the Revised Code: 135713

(a) The director ceases its review of an application because 135714
the owner of a center, type A home, or type B home sought a 135715
license before five years had elapsed from the date the previous 135716
license was revoked and the director does not issue the license. 135717

(b) The director ceases its review of an application because 135718
the applicant applied for licensure before five years had elapsed 135719
from the date the previous application was denied and the director 135720
does not issue the license. 135721

(c) The director closes a license because the director has 135722
determined that the center, type A home, or type B home is no 135723
longer operating at the address stated on the license and did not 135724
notify the director of the address change as described in division 135725
(E) of this section. 135726

(H) In no case shall the director issue a license under this 135727

section for a center, type A home, or type B home if the director, 135728
based on documentation provided by the appropriate county 135729
department of job and family services, determines that the 135730
applicant had been certified as an in-home aide, that the county 135731
department revoked that certification within the immediately 135732
preceding five years, that the revocation was based on the 135733
applicant's refusal or inability to comply with the criteria for 135734
certification, and that the refusal or inability resulted in a 135735
risk to the health or safety of children. 135736

(I) An owner of a type B family ~~day-care~~ child care home that 135737
receives a license pursuant to this section is an independent 135738
contractor and is not an employee of the department of job and 135739
family services. 135740

Sec. 5104.032. (A) The child ~~day-care~~ care center shall have, 135741
for each child for whom the center is licensed, at least 135742
thirty-five square feet of usable indoor floor space wall-to-wall 135743
regularly available for the child care operation exclusive of any 135744
parts of the structure in which the care of children is prohibited 135745
by law or by rules adopted by the board of building standards. The 135746
minimum of thirty-five square feet of usable indoor floor space 135747
shall not include hallways, kitchens, storage areas, or any other 135748
areas that are not available for the care of children, as 135749
determined by the director, in meeting the space requirement of 135750
this division, and bathrooms shall be counted in determining 135751
square footage only if they are used exclusively by children 135752
enrolled in the center, except that the exclusion of hallways, 135753
kitchens, storage areas, bathrooms not used exclusively by 135754
children enrolled in the center, and any other areas not available 135755
for the care of children from the minimum of thirty-five square 135756
feet of usable indoor floor space shall not apply to: 135757

(1) Centers licensed prior to or on September 1, 1986, that 135758

continue under licensure after that date; 135759

(2) Centers licensed prior to or on September 1, 1986, that 135760
are issued a new license after that date solely due to a change of 135761
ownership of the center. 135762

(B) The child ~~day-care~~ care center shall have on the site a 135763
safe outdoor play space which is enclosed by a fence or otherwise 135764
protected from traffic or other hazards. The play space shall 135765
contain not less than sixty square feet per child using such space 135766
at any one time, and shall provide an opportunity for supervised 135767
outdoor play each day in suitable weather. The director may exempt 135768
a center from the requirement of this division, if an outdoor play 135769
space is not available and if all of the following are met: 135770

(1) The center provides an indoor recreation area that has 135771
not less than sixty square feet per child using the space at any 135772
one time, that has a minimum of one thousand four hundred forty 135773
square feet of space, and that is separate from the indoor space 135774
required under division (A) of this section. 135775

(2) The director has determined that there is regularly 135776
available and scheduled for use a conveniently accessible and safe 135777
park, playground, or similar outdoor play area for play or 135778
recreation. 135779

(3) The children are closely supervised during play and while 135780
traveling to and from the area. 135781

The director also shall exempt from the requirement of this 135782
division a child ~~day-care~~ care center that was licensed prior to 135783
September 1, 1986, if the center received approval from the 135784
director prior to September 1, 1986, to use a park, playground, or 135785
similar area, not connected with the center, for play or 135786
recreation in lieu of the outdoor space requirements of this 135787
section and if the children are closely supervised both during 135788
play and while traveling to and from the area and except if the 135789

director determines upon investigation and inspection pursuant to 135790
 section 5104.04 of the Revised Code and rules adopted pursuant to 135791
 that section that the park, playground, or similar area, as well 135792
 as access to and from the area, is unsafe for the children. 135793

Sec. 5104.033. (A)(1) A child ~~day-care~~ care center shall have 135794
 at least two responsible adults available on the premises at all 135795
 times when seven or more children are in the center. The center 135796
 shall organize the children in the center in small groups, shall 135797
 provide ~~child-care~~ child care staff to give continuity of care and 135798
 supervision to the children on a day-by-day basis, and shall 135799
 ensure that no child is left alone or unsupervised. Except as 135800
 otherwise provided in division (B) of this section, the maximum 135801
 number of children per ~~child-care~~ child care staff member and 135802
 maximum group size, by age category of children, are as follows: 135803

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care <u>child</u>	Group	
	<u>care</u>		
of Children	Staff Member	Size	
(a) Infants:			135807
(i) Less than twelve			135808
months old	5:1, or		135809
	12:2 if two		135810
	child-care <u>child</u>		135811
	<u>care</u>		135812
	staff members		135813
	are in the room	12	135814
(ii) At least twelve			135815
months old, but			135816
less than eighteen			135817
months old	6:1	12	135818
(b) Toddlers:			135819

(i) At least eighteen months old, but less than thirty months old	7:1	14	135820 135821 135822 135823
(ii) At least thirty months old, but less than three years old	8:1	16	135824 135825 135826
(c) Preschool-age children:			135827 135828
(i) Three years old	12:1	24	135829
(ii) Four years old and five years old who are not school children	14:1	28	135830 135831 135832 135833
(d) School-age children:			135834
(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than eleven years old	18:1	36	135835 135836 135837 135838 135839 135840 135841 135842
(ii) Eleven through fourteen years old	20:1	40	135843 135844
(2) Except as otherwise provided in division (B) of this section, the maximum number of children per child-care <u>child care</u> staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.			135845 135846 135847 135848
(B)(1) When age groups are combined, the maximum number of children per child-care <u>child care</u> staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older			135849 135850 135851 135852

receives services in a group in which all the other children are 135853
in the next older age group, the maximum number of children per 135854
~~child-care~~ child care staff member and maximum group size 135855
requirements of the older age group established under division (A) 135856
of this section shall apply. 135857

(2) The maximum number of toddlers or preschool-age children 135858
per ~~child-car~~ child care staff member in a room where children are 135859
napping shall be twice the maximum number of children per 135860
child-care staff member established under division (A) of this 135861
section if all the following criteria are met: 135862

(a) At least one ~~child-care~~ child care staff member is 135863
present in the room. 135864

(b) Sufficient ~~child-care~~ child care staff members are on the 135865
child ~~day-care~~ care center premises to meet the maximum number of 135866
children per ~~child-care~~ child care staff member requirements 135867
established under division (A) of this section. 135868

(c) Naptime preparations are complete and all napping 135869
children are resting or sleeping on cots. 135870

(d) The maximum number established under division (B)(2) of 135871
this section is in effect for no more than two hours during a 135872
twenty-four-hour day. 135873

Sec. 5104.034. Each child ~~day-care~~ care center shall have on 135874
the center premises and readily available at all times at least 135875
one ~~child-care~~ child care staff member who has completed a course 135876
in first aid, one staff member who has completed a course in 135877
prevention, recognition, and management of communicable diseases 135878
which is approved by the state department of health, and a staff 135879
member who has completed a course in child abuse recognition and 135880
prevention training which is approved by the department of job and 135881
family services. 135882

Sec. 5104.037. (A) As used in this section:	135883
(1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.	135884 135885
(2) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.	135886 135887 135888 135889
(3) "Licensed health professional" means any of the following:	135890 135891
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	135892 135893 135894
(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;	135895 135896 135897
(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;	135898 135899
(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code.	135900 135901
(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section.	135902 135903 135904 135905 135906
(5) "Tuberculosis test" means either of the following:	135907
(a) A two-step Mantoux tuberculin skin test;	135908
(b) A blood assay for m. tuberculosis.	135909
(B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child	135910 135911

~~day-care~~ care center shall determine if the person has done both 135912
of the following: 135913

(1) Resided in a country identified by the world health 135914
organization as having a high burden of tuberculosis; 135915

(2) Arrived in the United States within the five years 135916
immediately preceding the date of application for employment. 135917

(C) If the person meets the criteria described in division 135918
(B) of this section, the center shall require the person to 135919
undergo a tuberculosis test before employment. If the result of 135920
the test is negative, the center may employ the person. 135921

(D) If the result of any tuberculosis test performed as 135922
described in division (C) of this section is positive, the center 135923
shall require the person to undergo additional testing for 135924
tuberculosis, which may include a chest radiograph or the 135925
collection and examination of specimens. 135926

(1) If additional testing indicates active tuberculosis, then 135927
until the person is no longer infectious as determined by the 135928
county tuberculosis unit, the center shall not employ the person 135929
or, if employed, shall not allow the person to be physically 135930
present at the center's location. 135931

For purposes of this section, evidence that a person is no 135932
longer infectious shall consist of a written statement to that 135933
effect signed by a representative of the tuberculosis control 135934
unit. 135935

(2) If additional testing indicates latent tuberculosis, then 135936
until the person submits to the program evidence that the person 135937
is receiving treatment as prescribed by a licensed health 135938
professional, the preschool program shall not employ the person 135939
or, if employed, shall not allow the person to be physically 135940
present at the program's location. Once the person submits to the 135941
program evidence that the person is in the process of completing a 135942

tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.

Sec. 5104.038. The administrator of each child ~~day-care~~ care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.039. (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child ~~day-care~~ care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the

premises of the center, or for other purposes approved by the 135974
director. A parent of a child enrolled in a child ~~day-care~~ care 135975
center who is not the child's residential parent shall be 135976
permitted unlimited access to the center during its hours of 135977
operation for those purposes under the same terms and conditions 135978
under which the residential parent of that child is permitted 135979
access to the center for those purposes. However, the access of 135980
the parent who is not the residential parent is subject to any 135981
agreement between the parents and, to the extent described in 135982
division (B) of this section, is subject to any terms and 135983
conditions limiting the right of access of the parent who is not 135984
the residential parent, as described in division (I) of section 135985
3109.051 of the Revised Code, that are contained in a parenting 135986
time order or decree issued under that section, section 3109.12 of 135987
the Revised Code, or any other provision of the Revised Code. 135988

(B) If a parent who is the residential parent of a child has 135989
presented the administrator or the administrator's designee with a 135990
copy of a parenting time order that limits the terms and 135991
conditions under which the parent who is not the residential 135992
parent is to have access to the center, as described in division 135993
(I) of section 3109.051 of the Revised Code, the parent who is not 135994
the residential parent shall be provided access to the center only 135995
to the extent authorized in the order. If the residential parent 135996
has presented such an order, the parent who is not the residential 135997
parent shall be permitted access to the center only in accordance 135998
with the most recent order that has been presented to the 135999
administrator or the administrator's designee by the residential 136000
parent or the parent who is not the residential parent. 136001

(C) Upon entering the premises pursuant to division (A) or 136002
(B) of this section, the parent who is the residential parent and 136003
legal custodian, the parent who is not the residential parent, or 136004
the custodian or guardian shall notify the administrator or the 136005

administrator's designee of the parent's, custodian's, or 136006
guardian's presence. 136007

Sec. 5104.04. (A) The department of job and family services 136008
shall establish procedures to be followed in investigating, 136009
inspecting, and licensing child ~~day-care~~ care centers, type A 136010
family ~~day-care~~ child care homes, and licensed type B family 136011
~~day-care~~ child care homes. 136012

(B)(1)(a) The department shall, at least once during every 136013
twelve-month period of operation of a center, type A home, or 136014
licensed type B home, inspect the center, type A home, or licensed 136015
type B home. The department shall inspect a part-time center or 136016
part-time type A home at least once during every twelve-month 136017
period of operation. The department shall provide a written 136018
inspection report to the licensee within a reasonable time after 136019
each inspection. 136020

Inspections may be unannounced. No person, firm, 136021
organization, institution, or agency shall interfere with the 136022
inspection of a center, type A home, or licensed type B home by 136023
any state or local official engaged in performing duties required 136024
of the state or local official by this chapter or rules adopted 136025
pursuant to this chapter, including inspecting the center, type A 136026
home, or licensed type B home, reviewing records, or interviewing 136027
licensees, employees, children, or parents. 136028

(b) Upon receipt of any complaint that a center, type A home 136029
or licensed type B home is out of compliance with the requirements 136030
of this chapter or rules adopted pursuant to this chapter, the 136031
department shall investigate the center or home, and both of the 136032
following apply: 136033

(i) If the complaint alleges that a child suffered physical 136034
harm while receiving child care at the center or home or that the 136035
noncompliance alleged in the complaint involved, resulted in, or 136036

poses a substantial risk of physical harm to a child receiving 136037
child care at the center or home, the department shall inspect the 136038
center or home. 136039

(ii) If division (B)(1)(b)(i) of this section does not apply 136040
regarding the complaint, the department may inspect the center or 136041
home. 136042

(c) Division (B)(1)(b) of this section does not limit, 136043
restrict, or negate any duty of the department to inspect a 136044
center, type A home, or licensed type B home that otherwise is 136045
imposed under this section, or any authority of the department to 136046
inspect a center, type A home, or licensed type B home that 136047
otherwise is granted under this section. 136048

(2) If the department implements an instrument-based program 136049
monitoring information system, it may use an indicator checklist 136050
to comply with division (B)(1) of this section. 136051

(C) The department may deny an application or revoke a 136052
license of a center, type A home, or licensed type B home, if the 136053
applicant knowingly submits falsified information to the 136054
department or if the center or home does not comply with the 136055
requirements of this chapter or rules adopted pursuant to this 136056
chapter. 136057

(D) If the department finds, after notice and hearing 136058
pursuant to Chapter 119. of the Revised Code, that any applicant, 136059
person, firm, organization, institution, or agency applying for 136060
licensure or licensed under section 5104.03 of the Revised Code is 136061
in violation of any provision of this chapter or rules adopted 136062
pursuant to this chapter, the department may issue an order of 136063
denial to the applicant or an order of revocation to the ~~center,~~ 136064
~~type center,~~ type A home, or licensed type B home revoking the 136065
license previously issued by the department. Upon the issuance of 136066
such an order, the person whose application is denied or whose 136067

license is revoked may appeal in accordance with section 119.12 of 136068
the Revised Code. 136069

(E) The surrender of a center, type A home, or licensed type 136070
B home license to the department or the withdrawal of an 136071
application for licensure by the owner or administrator of the 136072
center, type A home, or licensed type B home shall not prohibit 136073
the department from instituting any of the actions set forth in 136074
this section. 136075

(F) Whenever the department receives a complaint, is advised, 136076
or otherwise has any reason to believe that a center or type A 136077
home is providing child care without a license issued pursuant to 136078
section 5104.03 and is not exempt from licensing pursuant to 136079
section 5104.02 of the Revised Code, the department shall 136080
investigate the center or type A home and may inspect the areas 136081
children have access to or areas necessary for the care of 136082
children in the center or type A home during suspected hours of 136083
operation to determine whether the center or type A home is 136084
subject to the requirements of this chapter or rules adopted 136085
pursuant to this chapter. 136086

(G) The department, upon determining that the center or type 136087
A home is operating without a license, shall notify the attorney 136088
general, the prosecuting attorney of the county in which the 136089
center or type A home is located, or the city attorney, village 136090
solicitor, or other chief legal officer of the municipal 136091
corporation in which the center or type A home is located, that 136092
the center or type A home is operating without a license. Upon 136093
receipt of the notification, the attorney general, prosecuting 136094
attorney, city attorney, village solicitor, or other chief legal 136095
officer of a municipal corporation shall file a complaint in the 136096
court of common pleas of the county in which the center or type A 136097
home is located requesting that the court grant an order enjoining 136098
the owner from operating the center or type A home in violation of 136099

section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.041. (A) All type A family ~~day-care~~ child care homes and licensed type B family ~~day-care~~ child care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family ~~day-care~~ child care home against liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home. The insurance procured shall cover any cause for which the type A or type B family ~~day-care~~ child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family ~~day-care~~ child care home that states all of the following:

(a) The family ~~day-care~~ child care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home.

(B) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located and the family ~~day-care~~ child care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family ~~day-care~~ child care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family ~~day-care~~ child care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.042. (A) The department of job and family services 136160
may suspend, without a prior hearing, the license of a child 136161
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 136162
licensed type B family ~~day-care~~ child care home if any of the 136163
following occur: 136164

(1) A child dies or suffers a serious injury while receiving 136165
child care in the center, type A home, or licensed type B home. 136166

(2) A public children services agency receives a report 136167
pursuant to section 2151.421 of the Revised Code, and the person 136168
alleged to have inflicted abuse or neglect on the child who is the 136169
subject of the report is any of the following: 136170

(a) The owner, licensee, or administrator of the center, type 136171
A home, or licensed type B home; 136172

(b) An employee of the center, type A home, or licensed type 136173
B home who has not immediately been placed on administrative leave 136174
or released from employment; 136175

(c) Any person who resides in the type A home or licensed 136176
type B home. 136177

(3) An owner, licensee, administrator, or employee of the 136178
center, type A home, or licensed type B home, or a resident of the 136179
type A home or licensed type B home is charged by an indictment, 136180
information, or complaint with an offense relating to the abuse or 136181
neglect of a child. 136182

(4) The department or a county department of job and family 136183
services determines that the center, type A home, or licensed type 136184
B home created a serious risk to the health or safety of a child 136185
receiving child care in the center, type A home, or licensed type 136186
B home that resulted in or could have resulted in a child's death 136187
or injury. 136188

(5) The department determines that the owner or licensee of 136189

the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of job and family

services determines that an act or omission of a child ~~day-care~~ 136220
care center, type A family ~~day-care~~ child care home, or licensed 136221
type B family ~~day-care~~ child care home constitutes a serious risk 136222
noncompliance, the licensee shall notify the caretaker parent of 136223
each child receiving care in the center or home of the 136224
department's determination. 136225

(B) With respect to the notice required by division (A) of 136226
this section, all of the following apply: 136227

(1) The licensee shall notify caretaker parents not later 136228
than fifteen business days after the department informs the 136229
licensee of the department's determination. If the licensee 136230
requests a review of the department's determination, the licensee 136231
shall notify caretaker parents not later than five business days 136232
after the department has completed its review. 136233

(2) The notice shall include a statement informing each 136234
caretaker parent of the web site maintained by the department and 136235
the location of further information regarding the determination. 136236

(3) The licensee may provide written or electronic notice to 136237
caretaker parents. 136238

(4) The licensee shall provide a copy of the notice to the 136239
department. 136240

(C) The director of job and family services shall adopt rules 136241
to enforce this section. 136242

(D) The requirements of this section do not apply if the 136243
department suspends the license of a child ~~day-care~~ care center, 136244
type A family ~~day-care~~ child care home, or licensed type B family 136245
~~day-care~~ child care home pursuant to section 5104.042 of the 136246
Revised Code. 136247

Sec. 5104.05. (A) The director of job and family services 136248

shall issue a license or provisional license for the operation of a child ~~day-care~~ care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child ~~day-care~~ care center. Any structure used for the operation of a center shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. of the Revised Code and with regulations adopted by the board of building standards under Chapter 3781. of the Revised Code and this division for the safety and sanitation of structures erected for this purpose.

(2) The state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the center is located has inspected the center annually within the preceding license period and has found the center to be in compliance with rules promulgated by the fire marshal pursuant to section 3737.83 of the Revised Code regarding fire prevention and fire safety in a child ~~day-care~~ care center.

(3) The center has received a food service operation license under Chapter 3717. of the Revised Code if meals are to be served to children other than children of the licensee or administrator, whether or not a consideration is received for the meals.

(B) The director of job and family services shall issue a license or provisional license for the operation of a type A family ~~day-care~~ child care home, if the director finds, after investigation of the applicant and inspection of the type A home, that other requirements of this chapter, rules promulgated

pursuant to this chapter, and the following requirements are met: 136281

(1) The state fire marshal or the fire chief or fire 136282
prevention officer of the municipal corporation or township in 136283
which the type A family ~~day-care~~ child care home is located has 136284
inspected the type A home annually within the preceding license 136285
period and has found the type A home to be in compliance with 136286
rules promulgated by the fire marshal pursuant to section 3737.83 136287
of the Revised Code regarding fire prevention and fire safety in a 136288
type A home. 136289

(2) The type A home is in compliance with rules set by the 136290
director of job and family services in cooperation with the 136291
director of health pursuant to section 3701.80 of the Revised Code 136292
regarding meal preparation and meal service in the home. The 136293
director of job and family services, in accordance with procedures 136294
recommended by the director of health, shall inspect each type A 136295
home to determine compliance with those rules. 136296

(3) The type A home is in compliance with rules promulgated 136297
by the director of job and family services in cooperation with the 136298
board of building standards regarding safety and sanitation 136299
pursuant to section 3781.10 of the Revised Code. 136300

Sec. 5104.051. (A)(1) The department of commerce is 136301
responsible for the inspections of child ~~day-care~~ care centers as 136302
required by division (A)(1) of section 5104.05 of the Revised 136303
Code. Where there is a municipal, township, or county building 136304
department certified under section 3781.10 of the Revised Code to 136305
exercise enforcement authority with respect to the category of 136306
building occupancy which includes ~~day-care~~ child care centers, all 136307
inspections required under division (A)(1) of section 5104.05 of 136308
the Revised Code shall be made by that department according to the 136309
standards established by the board of building standards. 136310
Inspections in areas of the state where there is no municipal, 136311

township, or county building department certified under section 136312
3781.10 of the Revised Code to exercise enforcement authority with 136313
respect to the category of building occupancy which includes 136314
~~day-care~~ child care centers shall be made by personnel of the 136315
department of commerce. Inspections of centers shall be contingent 136316
upon payment of a fee by the applicant to the department having 136317
jurisdiction to inspect. 136318

(2) The department of commerce is responsible for the 136319
inspections of type A family ~~day-care~~ child care homes as required 136320
by division (B)(3) of section 5104.05 of the Revised Code. Where 136321
there is a municipal, township, or county building department 136322
certified under section 3781.10 of the Revised Code to exercise 136323
enforcement authority with respect to the category of building 136324
occupancy which includes type A homes, all inspections required 136325
under division (B)(3) of section 5104.05 of the Revised Code shall 136326
be made by that department according to the standards established 136327
by the board of building standards. Inspections in areas of the 136328
state where there is no municipal, township, or county building 136329
department certified under section 3781.10 of the Revised Code to 136330
exercise enforcement authority with respect to the category of 136331
building occupancy which includes type A homes shall be made by 136332
personnel of the department of commerce. Inspections of type A 136333
homes shall be contingent upon payment of a fee by the applicant 136334
to the department having jurisdiction to inspect. 136335

(B) The state fire marshal is responsible for the inspections 136336
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 136337
Revised Code. In municipal corporations and in townships outside 136338
municipal corporations where there is a fire prevention official, 136339
the inspections shall be made by the fire chief or the fire 136340
prevention official under the supervision of and according to the 136341
standards established by the state fire marshal. In townships 136342
outside municipal corporations where there is no fire prevention 136343

official, inspections shall be made by the employees of the state 136344
fire marshal. 136345

(C) The state fire marshal shall enforce all statutes and 136346
rules pertaining to fire safety and fire prevention in child 136347
~~day-care~~ care centers and type A family ~~day-care~~ child care homes. 136348
In the event of a dispute between the state fire marshal and any 136349
other responsible officer under sections 5104.05 and 5104.051 of 136350
the Revised Code with respect to the interpretation or application 136351
of a specific fire safety statute or rule, the interpretation of 136352
the state fire marshal shall prevail. 136353

(D) As used in this division, "licensor" has the same meaning 136354
as in section 3717.01 of the Revised Code. 136355

The licensor for food service operations in the city or 136356
general health district in which the center is located is 136357
responsible for the inspections required under Chapter 3717. of 136358
the Revised Code. 136359

(E) Any moneys collected by the department of commerce under 136360
this section shall be paid into the state treasury to the credit 136361
of the industrial compliance operating fund created in section 136362
121.084 of the Revised Code. 136363

Sec. 5104.052. The director of job and family services, in 136364
cooperation with the fire marshal pursuant to section 3737.22 of 136365
the Revised Code, shall adopt rules regarding fire prevention and 136366
fire safety in licensed type B family ~~day-care~~ child care homes. 136367
In accordance with those rules, the director shall inspect each 136368
type B home that applies to be licensed that is providing or is to 136369
provide publicly funded child care. 136370

Sec. 5104.053. As a precondition of approval by the state 136371
board of education pursuant to section 3313.813 of the Revised 136372
Code for receipt of United States department of agriculture child 136373

and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family ~~day-care~~ child care home that is not licensed by the director of job and family services shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

Sec. 5104.054. Any type B family ~~day-care~~ child care home, whether licensed or not licensed by the director of job and family services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family ~~day-care~~ child care home.

Sec. 5104.06. (A) The director of job and family services shall provide consultation, technical assistance, and training to child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, and type B family ~~day-care~~ child care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of job and family services shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of job and family services may 136405
prescribe additional requirements for licensing child ~~day-care~~ 136406
care centers or type A family ~~day-care~~ child care homes that 136407
provide publicly funded child care pursuant to this chapter and 136408
any rules adopted under it. The director shall develop standards 136409
as required by federal laws and regulations for child care 136410
programs supported by federal funds. 136411

(B)(1) On or before February 28, 1992, the department of job 136412
and family services shall develop a statewide plan for child care 136413
resource and referral services. The plan shall be based upon the 136414
experiences of other states with respect to child care resource 136415
and referral services, the experiences of communities in this 136416
state that have child care resource and referral service 136417
organizations, and the needs of communities in this state that do 136418
not have child care resource and referral service organizations. 136419
The plan shall be designed to ensure that child care resource and 136420
referral services are available in each county in the state to 136421
families who need child care. The department shall consider the 136422
special needs of migrant workers when it develops the plan and 136423
shall include in the plan procedures designed to accommodate the 136424
needs of migrant workers. 136425

(2) In addition to the requirements described in division 136426
(B)(1) of this section, the plan shall include all of the 136427
following: 136428

(a) A description of the services that a child care resource 136429
and referral service organization is required to provide to 136430
families who need child care; 136431

(b) The qualifications for a child care resource and referral 136432
service organization; 136433

(c) A description of the procedures for providing federal and 136434
state funding for county or multicounty child care resource and 136435

referral service organizations; 136436

(d) A timetable for providing child care resource and 136437
referral services to all communities in the state; 136438

(e) Uniform information gathering and reporting procedures 136439
that are designed to be used in compatible computer systems; 136440

(f) Procedures for establishing statewide nonprofit technical 136441
assistance services to coordinate uniform data collection and to 136442
publish reports on child care supply, demand, and cost and to 136443
provide technical assistance to communities that do not have child 136444
care resource and referral service organizations and to existing 136445
child care resource and referral service organizations; 136446

(g) Requirements governing contracts entered into under 136447
division (C) of this section, which may include limits on the 136448
percentage of funds distributed by the department that may be used 136449
for the contracts. 136450

(C) Child care resource and referral service organizations 136451
receiving funds distributed by the department may enter into 136452
contracts with local governmental entities, nonprofit 136453
organizations including nonprofit organizations that provide child 136454
care, and individuals under which the entities, organizations, or 136455
individuals may provide child care resource and referral services 136456
in the community with those funds, if the contracts are submitted 136457
to and approved by the department prior to execution. 136458

Sec. 5104.08. (A) There is hereby created in the department 136459
of job and family services a child care advisory council to advise 136460
and assist the department in the administration of this chapter 136461
and in the development of child care. The council shall consist of 136462
twenty-two voting members appointed by the director of job and 136463
family services with the approval of the governor. The director of 136464
job and family services, the director of developmental 136465

disabilities, the director of mental health and addiction 136466
services, the superintendent of public instruction, the director 136467
of health, the director of commerce, and the state fire marshal 136468
shall serve as nonvoting members of the council. 136469

Six members shall be representatives of child care centers 136470
subject to licensing, the members to represent a variety of 136471
centers, including nonprofit and proprietary, from different 136472
geographical areas of the state. At least three members shall be 136473
parents, guardians, or custodians of children receiving child care 136474
or publicly funded child care in the child's own home, a center, a 136475
type A home, a head start program, a licensed type B home, or a 136476
type B home at the time of appointment. Three members shall be 136477
representatives of in-home aides, type A homes, licensed type B 136478
homes, or type B homes or head start programs. At least six 136479
members shall represent county departments of job and family 136480
services. The remaining members shall be representatives of the 136481
teaching, child development, and health professions, and other 136482
individuals interested in the welfare of children. At least six 136483
members of the council shall not be employees or licensees of a 136484
child ~~day-care~~ care center, head start program, or type A home, or 136485
providers operating a licensed type B home or type B home, or 136486
in-home aides. 136487

Appointments shall be for three-year terms. Vacancies shall 136488
be filled for the unexpired terms. A member of the council is 136489
subject to removal by the director of job and family services for 136490
a willful and flagrant exercise of authority or power that is not 136491
authorized by law, for a refusal or willful neglect to perform any 136492
official duty as a member of the council imposed by law, or for 136493
being guilty of misfeasance, malfeasance, nonfeasance, or gross 136494
neglect of duty as a member of the council. 136495

There shall be two co-chairpersons of the council. One 136496
co-chairperson shall be the director of job and family services or 136497

the director's designee, and one co-chairperson shall be elected 136498
by the members of the council. The council shall meet as often as 136499
is necessary to perform its duties, provided that it shall meet at 136500
least once in each quarter of each calendar year and at the call 136501
of the co-chairpersons. The co-chairpersons or their designee 136502
shall send to each member a written notice of the date, time, and 136503
place of each meeting. 136504

Members of the council shall serve without compensation, but 136505
shall be reimbursed for necessary expenses. 136506

(B) The child care advisory council shall advise the director 136507
on matters affecting the licensing of centers, type A homes, and 136508
type B homes and the certification of in-home aides. The council 136509
shall make an annual report to the director of job and family 136510
services that addresses the availability, affordability, 136511
accessibility, and quality of child care and that summarizes the 136512
recommendations and plans of action that the council has proposed 136513
to the director during the preceding fiscal year. The director of 136514
job and family services shall provide copies of the report to the 136515
governor, speaker and minority leader of the house of 136516
representatives, and the president and minority leader of the 136517
senate and, on request, shall make copies available to the public. 136518

(C) The director of job and family services shall adopt rules 136519
in accordance with Chapter 119. of the Revised Code to implement 136520
this section. 136521

Sec. 5104.09. No administrator, employee, licensee, or 136522
~~child care~~ child care staff member shall discriminate in the 136523
enrollment of children in a child ~~day-care~~ care center, type A 136524
home, licensed type B home, or approved child day camp upon the 136525
basis of race, color, religion, sex, disability, or national 136526
origin. 136527

Sec. 5104.13. The department of job and family services shall 136528
prepare a guide describing the state statutes and rules governing 136529
the licensure of type B family ~~day-care~~ child care homes. The 136530
department may publish the guide electronically or otherwise and 136531
shall do so in a manner that the guide is accessible to the 136532
public, including type B home providers. 136533

Sec. 5104.14. All materials that are supplied by the 136534
department of job and family services to type A family ~~day-care~~ 136535
child care home providers, type B family ~~day-care~~ child care home 136536
providers, in-home aides, persons seeking to be type A family 136537
~~day-care~~ child care home providers, type B family ~~day-care~~ child 136538
care home providers, or in-home aides, and caretaker parents shall 136539
be written at no higher than the sixth grade reading level. The 136540
department may employ a readability expert to verify its 136541
compliance with this section. 136542

Sec. 5104.25. (A) Except as otherwise provided in division 136543
(C) of this section, no child ~~day-care~~ care center shall permit 136544
any person to smoke in any indoor or outdoor space that is part of 136545
the center. 136546

The administrator of a child ~~day-care~~ care center shall post 136547
in a conspicuous place at the main entrance of the center a notice 136548
stating that smoking is prohibited in any indoor or outdoor space 136549
that is part of the center, except under the conditions described 136550
in division (C) of this section. 136551

(B) Except as otherwise provided in division (C) of this 136552
section, no type A family ~~day-care~~ child care home or licensed 136553
type B family ~~day-care~~ child care home shall permit any person to 136554
smoke in any indoor or outdoor space that is part of the home 136555
during the hours the home is in operation. Smoking may be 136556
permitted during hours other than the hours of operation if the 136557

administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family ~~day-care~~ child care home or a licensed type B family ~~day-care~~ child care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of job and family services, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this section or if repeated violations of division (A) or (B) of this section have occurred there.

Sec. 5104.30. (A) The department of job and family services

is hereby designated as the state agency responsible for 136588
administration and coordination of federal and state funding for 136589
publicly funded child care in this state. Publicly funded child 136590
care shall be provided to the following: 136591

(1) Recipients of transitional child care as provided under 136592
section 5104.34 of the Revised Code; 136593

(2) Participants in the Ohio works first program established 136594
under Chapter 5107. of the Revised Code; 136595

(3) Individuals who would be participating in the Ohio works 136596
first program if not for a sanction under section 5107.16 of the 136597
Revised Code and who continue to participate in a work activity, 136598
developmental activity, or alternative work activity pursuant to 136599
an assignment under section 5107.42 of the Revised Code; 136600

(4) A family receiving publicly funded child care on October 136601
1, 1997, until the family's income reaches one hundred fifty per 136602
cent of the federal poverty line; 136603

(5) Subject to available funds, other individuals determined 136604
eligible in accordance with rules adopted under section 5104.38 of 136605
the Revised Code. 136606

The department shall apply to the United States department of 136607
health and human services for authority to operate a coordinated 136608
program for publicly funded child care, if the director of job and 136609
family services determines that the application is necessary. For 136610
purposes of this section, the department of job and family 136611
services may enter into agreements with other state agencies that 136612
are involved in regulation or funding of child care. The 136613
department shall consider the special needs of migrant workers 136614
when it administers and coordinates publicly funded child care and 136615
shall develop appropriate procedures for accommodating the needs 136616
of migrant workers for publicly funded child care. 136617

(B) The department of job and family services shall 136618
distribute state and federal funds for publicly funded child care, 136619
including appropriations of state funds for publicly funded child 136620
care and appropriations of federal funds available under the child 136621
care block grant act, Title IV-A, and Title XX. The department may 136622
use any state funds appropriated for publicly funded child care as 136623
the state share required to match any federal funds appropriated 136624
for publicly funded child care. 136625

(C) In the use of federal funds available under the child 136626
care block grant act, all of the following apply: 136627

(1) The department may use the federal funds to hire staff to 136628
prepare any rules required under this chapter and to administer 136629
and coordinate federal and state funding for publicly funded child 136630
care. 136631

(2) Not more than five per cent of the aggregate amount of 136632
the federal funds received for a fiscal year may be expended for 136633
administrative costs. 136634

(3) The department shall allocate and use at least four per 136635
cent of the federal funds for the following: 136636

(a) Activities designed to provide comprehensive consumer 136637
education to parents and the public; 136638

(b) Activities that increase parental choice; 136639

(c) Activities, including child care resource and referral 136640
services, designed to improve the quality, and increase the 136641
supply, of child care; 136642

(d) Establishing the step up to quality program pursuant to 136643
section 5104.29 of the Revised Code. 136644

(4) The department shall ensure that the federal funds will 136645
be used only to supplement, and will not be used to supplant, 136646
federal, state, and local funds available on the effective date of 136647

the child care block grant act for publicly funded child care and 136648
related programs. If authorized by rules adopted by the department 136649
pursuant to section 5104.42 of the Revised Code, county 136650
departments of job and family services may purchase child care 136651
from funds obtained through any other means. 136652

(D) The department shall encourage the development of 136653
suitable child care throughout the state, especially in areas with 136654
high concentrations of recipients of public assistance and 136655
families with low incomes. The department shall encourage the 136656
development of suitable child care designed to accommodate the 136657
special needs of migrant workers. On request, the department, 136658
through its employees or contracts with state or community child 136659
care resource and referral service organizations, shall provide 136660
consultation to groups and individuals interested in developing 136661
child care. The department of job and family services may enter 136662
into interagency agreements with the department of education, the 136663
chancellor of higher education, the department of development, and 136664
other state agencies and entities whenever the cooperative efforts 136665
of the other state agencies and entities are necessary for the 136666
department of job and family services to fulfill its duties and 136667
responsibilities under this chapter. 136668

The department shall develop and maintain a registry of 136669
persons providing child care. The director shall adopt rules in 136670
accordance with Chapter 119. of the Revised Code establishing 136671
procedures and requirements for the registry's administration. 136672

(E)(1) The director shall adopt rules in accordance with 136673
Chapter 119. of the Revised Code establishing both of the 136674
following: 136675

(a) Reimbursement rates for providers of publicly funded 136676
child care not later than the first day of July in each 136677
odd-numbered year; 136678

(b) A procedure for reimbursing and paying providers of publicly funded child care.	136679 136680
(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:	136681 136682 136683
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	136684 136685
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	136686 136687 136688
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care <u>care</u> providers that participate in the program.	136689 136690 136691 136692
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	136693 136694 136695
(a) Geographic location of the provider;	136696
(b) Type of care provided;	136697
(c) Age of the child served;	136698
(d) Special needs of the child served;	136699
(e) Whether the expanded hours of service are provided;	136700
(f) Whether weekend service is provided;	136701
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	136702 136703
(h) Any other factors the director considers appropriate.	136704
Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent	136705 136706

cooperative child ~~day-care~~ care centers and parent cooperative 136707
type A family ~~day-care~~ child care homes for recipients of publicly 136708
funded child care. A program established under this section may 136709
include any of the following: 136710

(A) Recruitment of parents interested in organizing a parent 136711
cooperative child ~~day-care~~ care center or parent cooperative type 136712
A family ~~day-care~~ child care home; 136713

(B) Provision of technical assistance in organizing a parent 136714
cooperative child ~~day-care~~ care center or parent cooperative type 136715
A family ~~day-care~~ child care home; 136716

(C) Assistance in the developing, conducting, and 136717
disseminating training for parents interested in organizing a 136718
parent cooperative child ~~day-care~~ care center or parent 136719
cooperative type A family ~~day-care~~ child care home. 136720

A county department that implements a program under this 136721
section shall receive from funds available under the child care 136722
block grant act a five thousand dollar incentive payment for each 136723
parent cooperative child ~~day-care~~ care center or parent 136724
cooperative type A family ~~day-care~~ child care home organized 136725
pursuant to this section. 136726

Parents of children enrolled in a parent cooperative child 136727
~~day-care~~ care center or parent cooperative type A family ~~day-care~~ 136728
child care home pursuant to this section shall be required to work 136729
in the center or home a minimum of four hours per week. 136730

The director of job and family services shall adopt rules 136731
governing the establishment and operation of programs under this 136732
section. 136733

Sec. 5104.31. (A) Publicly funded child care may be provided 136734
only by the following: 136735

(1) Any of the following licensed by the department of job 136736

and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 136737
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(a) A child ~~day-care~~ care center, including a parent cooperative child ~~day-care~~ care center; 136740
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(b) A type A family ~~day-care~~ child care home, including a parent cooperative type A family ~~day-care~~ child care home; 136742
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(c) A licensed type B family ~~day-care~~ child care home. 136744

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 136745
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(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 136748
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(4) A licensed preschool program; 136750

(5) A licensed school child program; 136751

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 136752
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(B) Publicly funded child ~~day-care~~ care may be provided in a child's own home only by an in-home aide. 136756
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(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 136758
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(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 136763
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(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;	136766 136767
(b) A program that operates only during school breaks;	136768
(c) A program that operates only on weekday evenings, weekends, or both;	136769 136770
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;	136771 136772
(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;	136773 136774 136775
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	136776 136777 136778
(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;	136779 136780
(h) A program that is a type A family day-care <u>child care</u> home or licensed type B family day-care <u>child care</u> home.	136781 136782
Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care <u>care</u> center, licensed type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision	136783 136784 136785 136786 136787 136788 136789 136790 136791 136792 136793 136794 136795

of the Revised Code that regulates state contracts or contracts 136796
involving the expenditure of state or federal funds, all contracts 136797
for publicly funded child care shall be entered into in accordance 136798
with the provisions of this chapter and are exempt from any other 136799
provision of the Revised Code that regulates state contracts or 136800
contracts involving the expenditure of state or federal funds. 136801

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(B) Each contract for publicly funded child care shall 136803
specify at least the following: 136804

(1) That the provider of publicly funded child care agrees to 136805
be paid for rendering services at the lower of the rate 136806
customarily charged by the provider for children enrolled for 136807
child care or the reimbursement rate of payment established 136808
pursuant to section 5104.30 of the Revised Code; 136809

(2) That, if a provider provides child care to an individual 136810
potentially eligible for publicly funded child care who is 136811
subsequently determined to be eligible, the department agrees to 136812
pay for all child care provided between the date the county 136813
department of job and family services receives the individual's 136814
completed application and the date the individual's eligibility is 136815
determined; 136816

(3) Whether the county department of job and family services, 136817
the provider, or a child care resource and referral service 136818
organization will make eligibility determinations, whether the 136819
provider or a child care resource and referral service 136820
organization will be required to collect information to be used by 136821
the county department to make eligibility determinations, and the 136822
time period within which the provider or child care resource and 136823
referral service organization is required to complete required 136824
eligibility determinations or to transmit to the county department 136825
any information collected for the purpose of making eligibility 136826

determinations; 136827

(4) That the provider, other than a border state child care 136828
provider, shall continue to be licensed, approved, or certified 136829
pursuant to this chapter and shall comply with all standards and 136830
other requirements in this chapter and in rules adopted pursuant 136831
to this chapter for maintaining the provider's license, approval, 136832
or certification; 136833

(5) That, in the case of a border state child care provider, 136834
the provider shall continue to be licensed, certified, or 136835
otherwise approved by the state in which the provider is located 136836
and shall comply with all standards and other requirements 136837
established by that state for maintaining the provider's license, 136838
certificate, or other approval; 136839

(6) Whether the provider will be paid by the state department 136840
of job and family services or in some other manner as prescribed 136841
by rules adopted under section 5104.42 of the Revised Code; 136842

(7) That the contract is subject to the availability of state 136843
and federal funds. 136844

(C)(1) The department shall establish an automated child care 136845
system to track attendance and calculate payments for publicly 136846
funded child care. 136847

(2) Each eligible provider that provides publicly funded 136848
child care shall participate in the automated child care system. A 136849
provider participating in the system shall not do any of the 136850
following: 136851

(a) Use or have possession of a personal identification 136852
number or password issued to a caretaker parent under the 136853
automated child care system; 136854

(b) Falsify attendance records; 136855

(c) Knowingly seek or accept payment for publicly funded 136856

child care that was not provided or for which the provider was not 136857
eligible; 136858

(d) Knowingly seek or accept payment for child care provided 136859
to a child who resides in the provider's own home. 136860

(D) The department may withhold any money due under this 136861
chapter and may recover through any appropriate method any money 136862
erroneously paid under this chapter if evidence demonstrates that 136863
a provider of publicly funded child care failed to comply with 136864
either of the following: 136865

(1) The terms of the contract entered into under this 136866
section; 136867

(2) This chapter or any rules adopted under it. 136868

(E) If the department has evidence that a provider has 136869
employed an individual who is ineligible for employment under 136870
section 5104.013 of the Revised Code and the provider has not 136871
released the individual from employment upon notice that the 136872
individual is ineligible, the department may terminate immediately 136873
the contract entered into under this section to provide publicly 136874
funded child care. 136875

(F) Any decision by the department concerning publicly funded 136876
child care, including the recovery of funds, overpayment 136877
determinations, and contract terminations is final and is not 136878
subject to appeal, hearing, or further review under Chapter 119. 136879
of the Revised Code. 136880

Sec. 5104.35. (A) Each county department of job and family 136881
services shall do all of the following: 136882

(1) Accept any gift, grant, or other funds from either public 136883
or private sources offered unconditionally or under conditions 136884
which are, in the judgment of the department, proper and 136885
consistent with this chapter and deposit the funds in the county 136886

public assistance fund established by section 5101.161 of the Revised Code; 136887
136888

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, or licensed type B family ~~day-care~~ child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request; 136889
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(3) Inform clients of the availability of child care services. 136896
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(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care. 136898
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Sec. 5104.36. The licensee or administrator of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following: 136903
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(A) The name and date of birth of the child; 136912

(B) The name and address of the child's caretaker parent; 136913

(C) The name and address of the caretaker parent's place of employment or program of education or training; 136914
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(D) The hours for which child care services have been 136916

provided for the child; 136917

(E) Any other information required by the county department 136918
of job and family services or the state department of job and 136919
family services. 136920

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 136921
Revised Code shall be punished as follows: 136922

(1) For each offense, the offender shall be fined not less 136923
than one hundred dollars nor more than five hundred dollars 136924
multiplied by the number of children receiving child care at the 136925
child ~~day-care~~ care center or type A family ~~day-care~~ child care 136926
home that either exceeds the number of children to which a type B 136927
family day-care home may provide child care or, if the offender is 136928
a licensed type A family ~~day-care~~ child care home that is 136929
operating as a child ~~day-care~~ care center without being licensed 136930
as a center, exceeds the license capacity of the type A home. 136931

(2) In addition to the fine specified in division (A)(1) of 136932
this section, all of the following apply: 136933

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 136934
of this section, the court shall order the offender to reduce the 136935
number of children to which it provides child care to a number 136936
that does not exceed either the number of children to which a type 136937
B family ~~day-care~~ child care home may provide child care or, if 136938
the offender is a licensed type A family ~~day-care~~ child care home 136939
that is operating as a child ~~day-care~~ care center without being 136940
licensed as a center, the license capacity of the type A home. 136941

(b) If the offender previously has been convicted of or 136942
pleaded guilty to one violation of section 5104.02 of the Revised 136943
Code, the court shall order the offender to cease the provision of 136944
child care to any person until it obtains a child ~~day-care~~ care 136945
center license or a type A family ~~day-care~~ child care home 136946

license, as appropriate, under section 5104.03 of the Revised Code. 136947
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(c) If the offender previously has been convicted of or 136949
pleaded guilty to two violations of section 5104.02 of the Revised 136950
Code, the offender is guilty of a misdemeanor of the first degree, 136951
and the court shall order the offender to cease the provision of 136952
child care to any person until it obtains a child ~~day-care~~ care 136953
center license or a type A family ~~day-care~~ child care home 136954
license, as appropriate, under section 5104.03 of the Revised 136955
Code. The court shall impose the fine specified in division (A)(1) 136956
of this section and may impose an additional fine provided that 136957
the total amount of the fines so imposed does not exceed the 136958
maximum fine authorized for a misdemeanor of the first degree 136959
under section 2929.28 of the Revised Code. 136960

(d) If the offender previously has been convicted of or 136961
pleaded guilty to three or more violations of section 5104.02 of 136962
the Revised Code, the offender is guilty of a felony of the fifth 136963
degree, and the court shall order the offender to cease the 136964
provision of child care to any person until it obtains a child 136965
~~day-care~~ care center license or a type A family ~~day-care~~ child 136966
care home license, as appropriate, under section 5104.03 of the 136967
Revised Code. The court shall impose the fine specified in 136968
division (A)(1) of this section and may impose an additional fine 136969
provided that the total amount of the fines so imposed does not 136970
exceed the maximum fine authorized for a felony of the fifth 136971
degree under section 2929.18 of the Revised Code. 136972

(B) Whoever violates section 5104.09 of the Revised Code is 136973
guilty of a misdemeanor of the third degree. 136974

Sec. 5107.60. In accordance with Title IV-A, federal 136975
regulations, state law, the Title IV-A state plan prepared under 136976
section 5101.80 of the Revised Code, and amendments to the plan, 136977

county departments of job and family services shall establish and 136978
administer the following work activities, in addition to the work 136979
activities established under sections 5107.50, 5107.52, 5107.54, 136980
and 5107.58 of the Revised Code, for minor heads of households and 136981
adults participating in Ohio works first: 136982

(A) Unsubsidized employment activities, including activities 136983
a county department determines are legitimate entrepreneurial 136984
activities; 136985

(B) On-the-job training activities, including training to 136986
become an employee of a child ~~day-care~~ care center or type A 136987
family ~~day-care~~ child care home, administrator of a licensed type 136988
B family ~~day-care~~ child care home, or in-home aide; 136989

(C) Community service activities including a program under 136990
which a participant of Ohio works first who is the parent, 136991
guardian, custodian, or specified relative responsible for the 136992
care of a minor child enrolled in grade twelve or lower is 136993
involved in the minor child's education on a regular basis; 136994

(D) Vocational educational training activities; 136995

(E) Jobs skills training activities that are directly related 136996
to employment; 136997

(F) Education activities that are directly related to 136998
employment for participants who have not earned a high school 136999
diploma or certificate of high school equivalence; 137000

(G) Education activities for participants who have not 137001
completed secondary school or received a certificate of high 137002
school equivalence under which the participants attend a secondary 137003
school or a course of study leading to a certificate of high 137004
school equivalence, including LEAP participation by a minor head 137005
of household; 137006

(H) Child-care service activities aiding another participant 137007

assigned to a community service activity or other work activity. A 137008
county department may provide for a participant assigned to this 137009
work activity to receive training necessary to provide child-care 137010
services. 137011

Sec. 5119.37. (A)(1)(a) Except as provided in division 137012
(A)(1)(b) of this section, no person or government entity shall 137013
operate an opioid treatment program requiring certification, as 137014
certification is defined in 42 C.F.R. 8.2, unless the person or 137015
government entity is a community addiction services provider and 137016
the program is licensed under this section. 137017

(b) Division (A)(1)(a) of this section does not apply to a 137018
program operated by the United States department of veterans 137019
affairs. 137020

(2) No community addiction services provider licensed under 137021
this section shall operate an opioid treatment program in a manner 137022
inconsistent with this section and the rules adopted under it. 137023

(B) A community addiction services provider seeking a license 137024
to operate an opioid treatment program shall apply to the 137025
department of mental health and addiction services. The department 137026
shall review all applications received. 137027

(C) The department may issue a license to operate an opioid 137028
treatment program to a community addiction services provider only 137029
if all of the following apply: 137030

(1) During the three-year period immediately preceding the 137031
date of application, the provider or any owner, sponsor, medical 137032
director, administrator, or principal of the provider has been in 137033
good standing to operate an opioid treatment program in all other 137034
locations where the provider or such other person has been 137035
operating a similar program, as evidenced by both of the 137036
following: 137037

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction; 137038
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(b) Not having been the subject of any of the following in this state or another jurisdiction: 137041
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 137043
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 137046
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(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 137049
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 137054
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(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 137057
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child ~~day-care~~ care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by 137061
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the department under this chapter. 137069

(5) The provider meets any additional requirements 137070
established by the department in rules adopted under division (F) 137071
of this section. 137072

(D) The department may waive the requirement of division 137073
(C)(4) of this section if it receives, from each public or private 137074
school, child ~~day-care~~ care center, or child-serving agency that 137075
is within the five hundred linear feet radius described in that 137076
division, a letter of support for the location. The department 137077
shall determine whether a letter of support is satisfactory for 137078
purposes of waiving the requirement. 137079

(E)(1) Except as provided in division (E)(2) of this section, 137080
a license to operate an opioid treatment program shall expire two 137081
years from the date of issuance. Licenses may be renewed. 137082

(2) In circumstances in which the director of mental health 137083
and addiction services has concerns regarding compliance of a 137084
community addiction services provider licensed as an opioid 137085
treatment program, the department shall notify the provider of 137086
those concerns and stipulate that the provider's license expires 137087
annually on a date determined by the department. 137088

(F) The department shall establish procedures and adopt rules 137089
for licensing, inspection, and supervision of community addiction 137090
services providers that operate an opioid treatment program. The 137091
rules shall establish standards for the control, storage, 137092
furnishing, use, dispensing, and administering of medications used 137093
in medication-assisted treatment; prescribe minimum standards for 137094
the operation of the opioid treatment program component of the 137095
provider's operations; and comply with federal laws and 137096
regulations. 137097

All rules adopted under this division shall be adopted in 137098
accordance with Chapter 119. of the Revised Code. All actions 137099

taken by the department regarding the licensing of providers to 137100
operate opioid treatment programs shall be conducted in accordance 137101
with Chapter 119. of the Revised Code, except as provided in 137102
division (L) of this section. 137103

(G)(1) The department shall inspect all community addiction 137104
services providers licensed to operate an opioid treatment 137105
program. Inspections shall be conducted at least biennially and 137106
may be conducted more frequently. 137107

In addition, the department may inspect any provider or other 137108
person that it reasonably believes to be operating an opioid 137109
treatment program without a license issued under this section. 137110

(2) When conducting an inspection, the department may do both 137111
of the following: 137112

(a) Examine and copy all records, accounts, and other 137113
documents relating to the provider's or other person's operations, 137114
including records pertaining to patients or clients; 137115

(b) Conduct interviews with any individual employed by or 137116
contracted or otherwise associated with the provider or person, 137117
including an administrator, staff person, patient, or client. 137118

(3) No person or government entity shall interfere with a 137119
state or local government official acting on behalf of the 137120
department while conducting an inspection. 137121

(H) A community addiction services provider shall not 137122
administer or dispense methadone in a tablet, powder, or 137123
intravenous form. Methadone shall be administered or dispensed 137124
only in a liquid form intended for ingestion. 137125

A community addiction services provider shall not administer 137126
or dispense a medication used in medication-assisted treatment for 137127
pain or other medical reasons. 137128

(I) As used in this division, "program sponsor" means a 137129

person who assumes responsibility for the operation and employees 137130
of the opioid treatment program component of a community addiction 137131
services provider's operations. 137132

A provider shall not permit an individual to act as a program 137133
sponsor, medical director, or director of the provider if the 137134
individual is receiving a medication used in medication-assisted 137135
treatment from any community addiction services provider. 137136

(J) The department may issue orders to ensure compliance with 137137
all laws relating to drug abuse and the rules adopted under this 137138
section. Subject to section 5119.27 of the Revised Code, the 137139
department may hold hearings, require the production of relevant 137140
matter, compel testimony, issue subpoenas, and make adjudications. 137141
Upon failure of a person without lawful excuse to obey a subpoena 137142
or to produce relevant matter, the department may apply to a court 137143
of common pleas for an order compelling compliance. 137144

(K) The department may refuse to issue, or may withdraw or 137145
revoke, a license to operate an opioid treatment program. A 137146
license may be refused if a community addiction services provider 137147
does not meet the requirements of division (C) of this section. A 137148
license may be withdrawn at any time the department determines 137149
that the provider no longer meets the requirements for receiving 137150
the license. A license may be revoked in accordance with division 137151
(L) of this section. 137152

Once a license is issued under this section, the department 137153
shall not consider the requirement of division (C)(4) of this 137154
section in determining whether to renew, withdraw, or revoke the 137155
license or whether to reissue the license as a result of a change 137156
in ownership. 137157

(L) If the department finds reasonable cause to believe that 137158
a community addiction services provider licensed under this 137159
section is in violation of any state or federal law or rule 137160

relating to drug abuse, the department may issue an order 137161
immediately revoking the license, subject to division (M) of this 137162
section. The department shall set a date not more than fifteen 137163
days later than the date of the order of revocation for a hearing 137164
on the continuation or cancellation of the revocation. For good 137165
cause, the department may continue the hearing on application of 137166
any interested party. In conducting hearings, the department has 137167
all the authority and power set forth in division (J) of this 137168
section. Following the hearing, the department shall either 137169
confirm or cancel the revocation. The hearing shall be conducted 137170
in accordance with Chapter 119. of the Revised Code, except that 137171
the provider shall not be permitted to operate an opioid treatment 137172
program pending the hearing or pending any appeal from an 137173
adjudication made as a result of the hearing. Notwithstanding any 137174
provision of Chapter 119. of the Revised Code to the contrary, a 137175
court shall not stay or suspend any order of revocation issued by 137176
the department under this division pending judicial appeal. 137177

(M) The department shall not revoke a license to operate an 137178
opioid treatment program unless all clients receiving medication 137179
used in medication-assisted treatment from the community addiction 137180
services provider are provided adequate substitute medication or 137181
treatment. For purposes of this division, the department may 137182
transfer the clients to other providers licensed to operate opioid 137183
treatment programs or replace any or all of the administrators and 137184
staff of the provider with representatives of the department who 137185
shall continue on a provisional basis the opioid treatment 137186
component of the provider's operations. 137187

(N) Each time the department receives an application from a 137188
community addiction services provider for a license to operate an 137189
opioid treatment program, issues or refuses to issue a license, or 137190
withdraws or revokes a license, the department shall notify the 137191
board of alcohol, drug addiction, and mental health services of 137192

each alcohol, drug addiction, and mental health service district 137193
in which the provider operates. 137194

(O) Whenever it appears to the department from files, upon 137195
complaint, or otherwise, that a community addiction services 137196
provider has engaged in any practice declared to be illegal or 137197
prohibited by section 3719.61 of the Revised Code, or any other 137198
state or federal laws or regulations relating to drug abuse, or 137199
when the department believes it to be in the best interest of the 137200
public and necessary for the protection of the citizens of the 137201
state, the department may request criminal proceedings by laying 137202
before the prosecuting attorney of the proper county any evidence 137203
of criminality which may come to its knowledge. 137204

(P) The department shall maintain a current list of community 137205
addiction services providers licensed by the department under this 137206
section and shall provide a copy of the current list to a judge of 137207
a court of common pleas who requests a copy for the use of the 137208
judge under division (H) of section 2925.03 of the Revised Code. 137209
The list of licensed community addiction services providers shall 137210
identify each licensed provider by its name, its address, and the 137211
county in which it is located. 137212

Sec. 5119.371. (A) On application by a community addiction 137213
services provider that has purchased or leased real property to be 137214
used as the location of an opioid treatment program subject to 137215
licensure under section 5119.37 of the Revised Code, the 137216
department of mental health and addiction services shall determine 137217
whether the location of the proposed program complies with the 137218
requirements of division (C)(4) of section 5119.37 of the Revised 137219
Code by not being located on a parcel of real estate that is 137220
within a radius of five hundred linear feet of the boundaries of a 137221
parcel of real estate having situated on it a public or private 137222
school, child ~~day-care~~ care center licensed under Chapter 5104. of 137223

the Revised Code, or child-serving agency regulated by the 137224
department under this chapter. 137225

If the department determines that the location is in 137226
compliance with division (C)(4) of section 5119.37 of the Revised 137227
Code, the department shall issue a declaration stating that the 137228
location is in compliance. The declaration is valid for two years 137229
from the date of issuance. 137230

The department shall provide to the provider either a copy of 137231
the declaration or a notice that the department has determined 137232
that the location is not in compliance with division (C)(4) of 137233
section 5119.37 of the Revised Code. 137234

If, before expiration of the declaration, a community 137235
addiction services provider applies for a license to operate an 137236
opioid treatment program, the department shall not consider the 137237
requirement of division (C)(4) of section 5119.37 of the Revised 137238
Code in determining whether to issue the license. 137239

(B) A community addiction services provider seeking to 137240
relocate an opioid treatment program licensed under section 137241
5119.37 of the Revised Code may apply for and be granted a 137242
declaration under division (A) of this section. If, before 137243
expiration of the declaration, the provider applies for issuance 137244
of a license due to relocation, the department shall not consider 137245
the requirement of division (C)(4) of section 5119.37 of the 137246
Revised Code in determining whether to reissue the license due to 137247
relocation. 137248

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 137249
2151.421, section 5153.17, and any other section of the Revised 137250
Code pertaining to confidentiality, when a public children 137251
services agency has determined that child abuse or neglect 137252
occurred and that abuse or neglect involves a person who has 137253

applied for licensure as a type A family ~~day-care~~ child care home 137254
or type B family ~~day-care~~ child care home, the agency shall 137255
promptly provide to the department of job and family services any 137256
information the agency determines to be relevant for the purpose 137257
of evaluating the fitness of the person, including, but not 137258
limited to, both of the following: 137259

(1) A summary report of the chronology of abuse and neglect 137260
reports made pursuant to section 2151.421 of the Revised Code of 137261
which the person is the subject where the agency determined that 137262
abuse or neglect occurred and the final disposition of the 137263
investigation of the reports or, if the investigations have not 137264
been completed, the status of the investigations; 137265

(2) Any underlying documentation concerning those reports. 137266

(B) The agency shall not include in the information provided 137267
to the department under division (A) of this section the name of 137268
the person or entity that made the report or participated in the 137269
making of the report of child abuse or neglect. 137270

(C) Upon provision of information under division (A) of this 137271
section, the agency shall notify the department of both of the 137272
following: 137273

(1) That the information is confidential; 137274

(2) That unauthorized dissemination of the information is a 137275
violation of division (I)(2) of section 2151.421 of the Revised 137276
Code and any person who permits or encourages unauthorized 137277
dissemination of the information is guilty of a misdemeanor of the 137278
fourth degree pursuant to section 2151.99 of the Revised Code. 137279

Sec. 5321.01. As used in this chapter: 137280

(A) "Tenant" means a person entitled under a rental agreement 137281
to the use and occupancy of residential premises to the exclusion 137282

of others. 137283

(B) "Landlord" means the owner, lessor, or sublessor of 137284
residential premises, the agent of the owner, lessor, or 137285
sublessor, or any person authorized by the owner, lessor, or 137286
sublessor to manage the premises or to receive rent from a tenant 137287
under a rental agreement. 137288

(C) "Residential premises" means a dwelling unit for 137289
residential use and occupancy and the structure of which it is a 137290
part, the facilities and appurtenances in it, and the grounds, 137291
areas, and facilities for the use of tenants generally or the use 137292
of which is promised the tenant. "Residential premises" includes a 137293
dwelling unit that is owned or operated by a college or 137294
university. "Residential premises" does not include any of the 137295
following: 137296

(1) Prisons, jails, workhouses, and other places of 137297
incarceration or correction, including, but not limited to, 137298
halfway houses or residential arrangements that are used or 137299
occupied as a requirement of a community control sanction, a 137300
post-release control sanction, or parole; 137301

(2) Hospitals and similar institutions with the primary 137302
purpose of providing medical services, and homes licensed pursuant 137303
to Chapter 3721. of the Revised Code; 137304

(3) Tourist homes, hotels, motels, recreational vehicle 137305
parks, recreation camps, combined park-camps, temporary 137306
park-camps, and other similar facilities where circumstances 137307
indicate a transient occupancy; 137308

(4) Elementary and secondary boarding schools, where the cost 137309
of room and board is included as part of the cost of tuition; 137310

(5) Orphanages and similar institutions; 137311

(6) Farm residences furnished in connection with the rental 137312

of land of a minimum of two acres for production of agricultural products by one or more of the occupants; 137313
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(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code; 137315
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(8) Occupancy by an owner of a condominium unit; 137317

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies: 137318
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(a) The occupancy is for a period of less than sixty days. 137325

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following: 137326
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(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of persons with mental illnesses, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons experiencing substance abuse; 137330
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(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons. 137335
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(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways. 137337
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(D) "Rental agreement" means any agreement or lease, written 137343
or oral, which establishes or modifies the terms, conditions, 137344
rules, amount of rent charged or paid, or any other provisions 137345
concerning the use and occupancy of residential premises by one of 137346
the parties. 137347

(E) "Security deposit" means any deposit of money or property 137348
to secure performance by the tenant under a rental agreement. 137349

(F) "Dwelling unit" means a structure or the part of a 137350
structure that is used as a home, residence, or sleeping place by 137351
one person who maintains a household or by two or more persons who 137352
maintain a common household. 137353

(G) "Controlled substance" has the same meaning as in section 137354
3719.01 of the Revised Code. 137355

(H) "Student tenant" means a person who occupies a dwelling 137356
unit owned or operated by the college or university at which the 137357
person is a student, and who has a rental agreement that is 137358
contingent upon the person's status as a student. 137359

(I) "Recreational vehicle park," "recreation camp," "combined 137360
park-camp," and "temporary park-camp" have the same meanings as in 137361
section 3729.01 of the Revised Code. 137362

(J) "Community control sanction" has the same meaning as in 137363
section 2929.01 of the Revised Code. 137364

(K) "Post-release control sanction" has the same meaning as 137365
in section 2967.01 of the Revised Code. 137366

(L) "School premises" has the same meaning as in section 137367
2925.01 of the Revised Code. 137368

(M) "Sexually oriented offense" and "child-victim oriented 137369
offense" have the same meanings as in section 2950.01 of the 137370
Revised Code. 137371

(N) "Preschool or child ~~day-care~~ care center premises" has 137372

the same meaning as in section 2950.034 of the Revised Code. 137373

(O) "Rent control" means requiring below-market rents for 137374
residential premises or controlling rental rates for residential 137375
premises in any manner, including by prohibiting rent increases, 137376
regulating rental rate changes between tenancies, limiting rental 137377
rate increases, regulating the rental rates of residential 137378
premises based on income or wealth of tenants, and other forms of 137379
restraint or limitation of rental rates. 137380

(P) "Rent stabilization" means allowing rent increases for 137381
residential premises of a fixed amount or on a fixed schedule as 137382
set by a political subdivision. 137383

(Q) "Political subdivision" means a county, township, 137384
municipal corporation, or any other body corporate and politic 137385
that is responsible for government activities in a geographic area 137386
smaller than that of the state. 137387

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 137388
Revised Code, a landlord may bring an action under Chapter 1923. 137389
of the Revised Code for possession of the premises if: 137390

(1) The tenant is in default in the payment of rent; 137391

(2) The violation of the applicable building, housing, 137392
health, or safety code that the tenant complained of was primarily 137393
caused by any act or lack of reasonable care by the tenant, or by 137394
any other person in the tenant's household, or by anyone on the 137395
premises with the consent of the tenant; 137396

(3) Compliance with the applicable building, housing, health, 137397
or safety code would require alteration, remodeling, or demolition 137398
of the premises which would effectively deprive the tenant of the 137399
use of the dwelling unit; 137400

(4) A tenant is holding over the tenant's term. 137401

(5) The residential premises are located within one thousand 137402

feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:

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

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

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

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

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

Sec. 5321.051. (A)(1) No tenant of any residential premises located within one thousand feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises shall allow any person to occupy those residential premises if both of the following apply regarding the person:

(a) The person's name appears on the state registry of sex

offenders and child-victim offenders maintained under section 137433
2950.13 of the Revised Code. 137434

(b) The state registry of sex offenders and child-victim 137435
offenders indicates that the person was convicted of or pleaded 137436
guilty to either a sexually oriented offense that is not a 137437
registration-exempt sexually oriented offense or a child-victim 137438
oriented offense in a criminal prosecution and was not sentenced 137439
to a serious youthful offender dispositional sentence for that 137440
offense. 137441

(2) If a tenant allows occupancy in violation of this section 137442
or a person establishes a residence or occupies residential 137443
premises in violation of section 2950.034 of the Revised Code, the 137444
landlord for the residential premises that are the subject of the 137445
rental agreement or other tenancy may terminate the rental 137446
agreement or other tenancy of the tenant and all other occupants. 137447

(B) If a landlord is authorized to terminate a rental 137448
agreement or other tenancy pursuant to division (A) of this 137449
section but does not so terminate the rental agreement or other 137450
tenancy, the landlord is not liable in a tort or other civil 137451
action in damages for any injury, death, or loss to person or 137452
property that allegedly results from that decision. 137453

(C) As used in this section, "children's crisis care facility 137454
premises" and "residential infant care center premises" have the 137455
same meanings as in section 2950.034 of the Revised Code. 137456

Sec. 5709.65. (A) An enterprise issued a certificate under 137457
section 5709.64 of the Revised Code shall be entitled to the 137458
following tax incentives: 137459

(1) With the exception of improvements to land or tangible 137460
personal property constituting or used in the retail portion, if 137461
any, of a facility, any improvement to land or tangible personal 137462

property at a facility for which a certificate is issued, first 137463
used in business at the facility as the result of a project, shall 137464
not be considered an asset of a corporate enterprise in 137465
determining the value of its issued and outstanding stock under 137466
division (A) of section 5733.05 of the Revised Code at the end of 137467
the taxable year that includes the certificate's date of issuance. 137468

(2) With the exception of the original cost of improvements 137469
to land or tangible personal property constituting or used in the 137470
retail portion, if any, of a facility, the original cost of any 137471
improvement to land or tangible personal property at the facility 137472
for which the certificate is issued, first used in business at the 137473
facility as a result of a project, shall be excluded from the 137474
numerator upon computation of the property factor of a corporate 137475
enterprise under division (B)(2)(a) of section 5733.05 of the 137476
Revised Code, or of a noncorporate enterprise under division (A) 137477
of section 5747.21 of the Revised Code, for the taxable year that 137478
includes the certificate's date of issuance. 137479

As used in divisions (A)(1) and (2) of this section, the 137480
"retail portion" of a facility is that part of a facility used 137481
primarily for making retail sales as defined in division (O) of 137482
section 5739.01 of the Revised Code. 137483

(3) Compensation paid to new employees described under 137484
divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code 137485
at the facility for which the certificate is issued, who are hired 137486
as a result of a project, shall be excluded from the numerator 137487
upon computation of the payroll factor of a corporate enterprise 137488
under division (B)(2)(b) of section 5733.05 of the Revised Code, 137489
or of a noncorporate enterprise under division (B) of section 137490
5747.21 of the Revised Code, for the taxable year that includes 137491
the certificate's date of issuance. 137492

(4) An enterprise that reimburses its new employees described 137493
under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised 137494

Code for all or part of the cost of ~~day-care~~ child care services 137495
necessary to enable them to be employed at a facility for which a 137496
certificate is issued shall be entitled to a credit equal to the 137497
amounts so reimbursed, up to a maximum of three hundred dollars 137498
for each child or dependent receiving the services, for the 137499
taxable year in which reimbursement is made, against the tax 137500
imposed by section 5733.06 of the Revised Code on a corporate 137501
enterprise, or against the aggregate amount of tax imposed on the 137502
owners of a noncorporate enterprise under section 5747.02 of the 137503
Revised Code, for the taxable year that includes the certificate's 137504
date of issuance. Only reimbursements of amounts paid by new 137505
employees to ~~day-care~~ child care centers licensed by the 137506
department of job and family services for ~~day-care~~ child care 137507
services provided during the first twenty-four months of 137508
employment as a new employee may be applied toward the credit 137509
provided under this division. Any enterprise claiming this credit 137510
shall maintain records verifying that the credit is claimed only 137511
for reimbursement of amounts expended by new employees for such 137512
services. 137513

(5) For each new employee described in divisions (A)(2)(a) to 137514
(e) of section 5709.64 of the Revised Code who completes a 137515
training program and is subsequently employed by an enterprise for 137516
at least ninety days, if the enterprise pays or reimburses all or 137517
part of the cost of the employee's participation in the training 137518
program, it may claim a credit equal to the amount paid or 137519
reimbursed or one thousand dollars, whichever is less, in the 137520
taxable year in which the employee completes the ninety days of 137521
subsequent employment, against the tax imposed on a corporate 137522
enterprise by section 5733.06 of the Revised Code, or against the 137523
aggregate amount of tax imposed on the owners of a noncorporate 137524
enterprise under section 5747.02 of the Revised Code. Only one 137525
credit shall be allowed with respect to any individual. Attendance 137526
at a qualified training program under this section does not bar an 137527

otherwise eligible individual from receipt of benefits under 137528
Chapter 4141. of the Revised Code. 137529

(B) None of the items set forth in divisions (A)(2) and (3) 137530
of this section shall be considered in making any allocation or 137531
apportionment under division (B)(2)(d) of section 5733.05 or 137532
division (D) of section 5747.21 of the Revised Code. 137533

(C) All credits provided under this section to a noncorporate 137534
enterprise shall be divided pro rata among the owners of the 137535
enterprise subject to the tax imposed by section 5747.02 of the 137536
Revised Code, based upon their proportionate ownership interests 137537
in the enterprise. The enterprise shall file with the tax 137538
commissioner, on a form prescribed by the commissioner, a 137539
statement showing the total available credit and the portion 137540
thereof attributed to each owner. The statement shall identify 137541
each owner by name and social security number and shall be filed 137542
with the tax commissioner by the date prescribed by the 137543
commissioner, which shall be no earlier than the fifteenth day of 137544
the month following the close of the enterprise's taxable year for 137545
which the credit is claimed. 137546

(D) All state income tax or corporation franchise tax credits 137547
provided under this section shall be claimed in the order required 137548
under section 5733.98 or 5747.98 of the Revised Code. The credits, 137549
to the extent they exceed the taxpayer's aggregate tax liability 137550
for the taxable year after allowance for any other credits that 137551
precede the credits under this section in that order, shall be 137552
carried forward to the next succeeding taxable year or years until 137553
fully utilized. 137554

Sec. 5733.36. This section applies only to tax years 1999, 137555
2000, 2001, 2002, and 2003. 137556

A nonrefundable credit is allowed against the tax imposed by 137557
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a 137558

taxpayer that enters into an agreement with a child ~~day-care~~ care center pursuant to this section. Under the terms of the agreement, the taxpayer must make one or more support payments to the ~~day-care~~ center on a periodic basis, and the center must agree to serve a child of an employee of the taxpayer for the period covered by each support payment. The center must be licensed under section 5104.03 of the Revised Code. The amount of the support payment must be set forth in the agreement, and cannot exceed a reasonable charge for a child to attend a ~~day-care~~ center in the vicinity of the taxpayer's worksite. The agreement must specify that an employee has the option of refusing to place the employee's child in a ~~day-care~~ center that receives support payments from the taxpayer.

The amount of the credit equals fifty per cent of the total amount of support payments made by the taxpayer during the taxable year. The taxpayer shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5733.38 of the Revised Code. The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code.

Sec. 5733.37. (A) A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to the lesser of one hundred thousand dollars, or fifty per cent of the amount incurred by a taxpayer for equipment, supplies, labor, and real property, including renovation of real property, used exclusively to establish a child ~~day-care~~ care center. The credit is allowed only for the tax year immediately following the taxable year in which the ~~child day-care~~ center begins operations. The credit may be claimed only for tax year 1999, 2000, 2001, 2002, or 2003, but may be carried forward pursuant to division (B) of this section.

The center must be licensed under section 5104.03 of the Revised Code, used exclusively by employees of the taxpayer, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the taxpayer must specify that an employee has the option of refusing to place the employee's child in the ~~day-care~~ center established by the taxpayer.

(B) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, and shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next taxable year. The credit may be carried forward for five tax years following the tax year for which the credit is claimed under division (A) of this section. However, if the taxpayer disposes of the ~~day-care~~ center or ceases to operate it at any time during the five-year period, it shall not claim or carry forward any credit in connection with that property in the taxable year of disposal or cessation of operation or in any ensuing taxable year.

Sec. 5733.38. This section applies only to tax years 1999, 2000, 2001, 2002, and 2003.

A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty

dollars per child. 137622

The taxpayer shall count toward the credit only 137623
reimbursements it pays to or for the benefit of employees for 137624
amounts paid by those employees for child care provided to 137625
dependents of the employees at child ~~day-care~~ care centers 137626
licensed under section 5104.03 of the Revised Code. The taxpayer 137627
shall not count toward the credit any amount it paid directly or 137628
indirectly in connection with a plan or program described in 137629
section 125 of the Internal Revenue Code or under section 5733.36 137630
of the Revised Code. The taxpayer shall claim the credit in the 137631
order required under section 5733.98 of the Revised Code. 137632

Sec. 6109.121. (A) The director of environmental protection 137633
shall adopt rules in accordance with Chapter 119. of the Revised 137634
Code that do all of the following: 137635

(1) Require the owner or operator of a community or 137636
nontransient noncommunity water system to conduct sampling of the 137637
system for lead and copper; 137638

(2) Establish a schedule for lead and copper sampling 137639
applicable to the owner or operator of a community or nontransient 137640
noncommunity water system that, at a minimum, does both of the 137641
following: 137642

(a) Allows the director, in establishing the schedule, to 137643
consider the following factors when determining if a community or 137644
nontransient noncommunity water system must conduct sampling at 137645
least once annually: 137646

(i) The age of the water system; 137647

(ii) Whether corrosion control requirements are met; 137648

(iii) Any other relevant risk factors, as determined by the 137649
director, including aging infrastructure likely to contain lead 137650
service lines. 137651

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;

(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;

(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;

(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:

(a) The system changes or adds a source from which water is obtained.

(b) The system makes a substantial change in water treatment.

(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.

(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.

(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate

circumstances;	137682
(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;	137683 137684 137685 137686 137687 137688 137689 137690 137691
(9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;	137692 137693 137694 137695 137696 137697 137698 137699
(10) Establish a lead threshold for individual taps;	137700
(11) Establish and revise content for public education materials;	137701 137702
(12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division (A)(15) of this section;	137703 137704 137705 137706 137707
(13) Authorize the director to assess administrative penalties in accordance with section 6109.23 of the Revised Code for violations of the notice requirements established in rules adopted under divisions (A)(15)(b) and (c)(i) of this section;	137708 137709 137710 137711
(14) Require a laboratory that receives a lead or copper tap	137712

water sample from a community or nontransient noncommunity water system to do both of the following:

(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample;

(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director.

(15) Require the owner or operator of a community or nontransient noncommunity water system to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division (A)(14) of this section:

(a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results;

(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

(i) For the owner or operator of a nontransient noncommunity

water system, immediately remove from service all fixtures 137744
identified as contributing to elevated lead levels; 137745

(ii) For the owner or operator of a community water system, 137746
include in the system's annual consumer confidence report the lead 137747
or copper laboratory results, an explanation of the associated 137748
health risks, what actions consumers of the system can take to 137749
reduce health risks, and the actions the system is taking to 137750
reduce public exposure; 137751

(iii) Not later than two business days after the receipt of 137752
the laboratory results, provide information on the availability of 137753
health screening and blood lead level testing to the owner and 137754
persons served at the residence or other structure where the 137755
sample was collected and provide notice of the laboratory results 137756
to the applicable local board of health. 137757

(c) If the laboratory results show that the community or 137758
nontransient noncommunity water system exceeds the lead action 137759
level established in rules adopted under this chapter, do all of 137760
the following, as applicable: 137761

(i) Not later than two business days after the receipt of the 137762
laboratory results, provide notice to all of the system's water 137763
consumers that the system exceeds the lead action level. The owner 137764
or operator shall provide the notice in a form specified by the 137765
director. 137766

(ii) Not later than five business days after the receipt of 137767
the laboratory results by the owner or operator of a community 137768
water system, provide information on the availability of tap water 137769
testing for lead to all consumers served by the system who are 137770
known or likely to have lead service lines, lead pipes, or lead 137771
solder as identified in the map required to be completed by rules 137772
adopted under division (A)(18) of this section; 137773

(iii) Not later than thirty business days after the receipt 137774

of the laboratory results, make an analysis of laboratory results 137775
available to all consumers served by the system, comply with 137776
public education requirements established in rules adopted under 137777
this chapter that apply when a public water system exceeds the 137778
lead action level, and provide information to consumers served by 137779
the system about the availability of health screenings and blood 137780
lead level testing in the area served by the water system; 137781

(iv) Subject to rules adopted under division (A)(7) of this 137782
section, perform a corrosion control treatment study and submit a 137783
corrosion control treatment plan to the director not later than 137784
eighteen months after the date on which laboratory results were 137785
received by the owner or operator indicating that the system 137786
exceeded the lead action level. 137787

(16) Require that not later than five business days after the 137788
receipt of the laboratory results, the owner or operator shall 137789
certify to the director that the owner or operator has complied 137790
with the requirements of rules adopted under divisions (A)(15)(b), 137791
(A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable. 137792

(17) Require that if the owner or operator of a community or 137793
nontransient noncommunity water system fails to provide the 137794
notices required under rules adopted under division (A)(15)(b) or 137795
(c)(i) of this section, the director shall provide those notices 137796
beginning ten business days from the date that the director 137797
receives laboratory results under the rules adopted under division 137798
(A)(14) of this section. 137799

(18) Require the owner or operator of a community or 137800
nontransient noncommunity water system to submit a map to the 137801
director showing areas of the system that are known or are likely 137802
to contain lead service lines and identifying characteristics of 137803
buildings served by the system that may contain lead piping, 137804
solder, or fixtures. The rules shall, at a minimum, require the 137805
owner or operator to do all of the following: 137806

(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 137807
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(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site; 137809
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(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act. 137814
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(B) The director shall post information on the environmental protection agency's web site about sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement. 137818
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(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child ~~day-care~~ care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division (A)(18) of this section. 137823
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(D) As used in this section: 137828

(1) "Child ~~day-care~~ care center" has the same meaning as in section 5104.01 of the Revised Code. 137829
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(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of 137831
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trustees of a college-preparatory boarding school established 137838
under Chapter 3328. of the Revised Code, or the governing 137839
authority of a chartered or nonchartered nonpublic school. 137840

(3) "Local board of health" means the applicable board of 137841
health of a city or general health district or the authority 137842
having the duties of a board of health under section 3709.05 of 137843
the Revised Code. 137844

Section 130.21. That existing sections 109.57, 349.01, 137845
921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 137846
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 137847
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 137848
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 137849
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 137850
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 137851
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 137852
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 137853
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 137854
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 137855
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 137856
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 137857
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 137858
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 137859
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby 137860
repealed. 137861

Section 130.22. The General Assembly, applying the principle 137862
stated in division (B) of section 1.52 of the Revised Code that 137863
amendments are to be harmonized if reasonably capable of 137864
simultaneous operation, finds that the following sections, 137865
presented in this act as composites of the resulting versions of 137866
the sections in effect prior to the effective date of the sections 137867
as presented in this act: 137868

Section 109.57 of the Revised Code as amended by both H.B. 137869
405 and S.B. 288 of the 134th General Assembly. 137870

Section 4510.021 of the Revised Code as amended by both H.B. 137871
300 and S.B. 204 of the 131st General Assembly. 137872

Section 5104.017 of the Revised Code as amended by both H.B. 137873
110 and H.B. 281 of the 134th General Assembly. 137874

Section 5321.01 of the Revised Code amended by both H.B. 281 137875
and H.B. 430 of the 134th General Assembly. 137876

Section 130.23. That the version of section 3701.63 of the 137877
Revised Code that is scheduled to take effect September 30, 2024, 137878
be amended to read as follows: 137879

Sec. 3701.63. (A) As used in this section and sections 137880
3701.64, 3701.66, and 3701.67 of the Revised Code: 137881

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 137882
child care home," and "licensed type B family ~~day-care~~ child care 137883
home" have the same meanings as in section 5104.01 of the Revised 137884
Code. 137885

(2) "Child care facility" means a child ~~day-care~~ care center, 137886
a type A family ~~day-care~~ child care home, or a licensed type B 137887
family ~~day-care~~ child care home. 137888

(3) "Foster caregiver" has the same meaning as in section 137889
5103.02 of the Revised Code. 137890

(4) "Freestanding birthing center" has the same meaning as in 137891
section 3701.503 of the Revised Code. 137892

(5) "Hospital" has the same meaning as in section 3722.01 of 137893
the Revised Code to which either of the following applies: 137894

(a) The hospital has a maternity unit. 137895

(b) The hospital receives for care infants who have been 137896

transferred to it from other facilities and who have never been discharged to their residences following birth.

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

(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;

(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials 137927
are distributed, as described in section 3701.64 of the Revised 137928
Code, to determine if modifications to that manner should be made. 137929

(C) In meeting the requirements under division (B) of this 137930
section, the director shall develop educational materials that, to 137931
the extent possible, minimize administrative or financial burdens 137932
on any of the entities or persons listed in section 3701.64 of the 137933
Revised Code. 137934

Section 130.24. That the existing version of section 3701.63 137935
of the Revised Code that is scheduled to take effect September 30, 137936
2024, is hereby repealed. 137937

Section 130.25. Sections 130.23 and 130.24 of this act take 137938
effect September 30, 2024. 137939

Section 130.26. That the versions of sections 921.06, 137940
3737.83, and 3781.10 of the Revised Code that are scheduled to 137941
take effect December 29, 2023, be amended to read as follows: 137942

Sec. 921.06. (A)(1) No individual shall do any of the 137943
following without having a commercial applicator license issued by 137944
the director of agriculture: 137945

(a) Apply pesticides for a pesticide business without direct 137946
supervision; 137947

(b) Apply pesticides as part of the individual's duties while 137948
acting as an employee of the United States government, a state, 137949
county, township, or municipal corporation, or a park district, 137950
port authority, or sanitary district created under Chapter 1545., 137951
4582., or 6115. of the Revised Code, respectively; 137952

(c) Apply restricted use pesticides. Division (A)(1)(c) of 137953
this section does not apply to a private applicator or an 137954

immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child ~~day-care~~ care centers or licensed school child ~~day-care centers~~ programs as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools

and program authorization for an associate or bachelor's degree 137985
program issued under section 3332.05 of the Revised Code, and 137986
private institutions exempt from regulation under Chapter 3332. of 137987
the Revised Code as prescribed in section 3333.046 of the Revised 137988
Code; 137989

(ix) Food processing establishments as defined in section 137990
3715.021 of the Revised Code; 137991

(x) Any other site designated by rule. 137992

(e) Conduct authorized diagnostic inspections. 137993

(2) Divisions (A)(1)(a) to (d) of this section do not apply 137994
to an individual who is acting as a trained serviceperson under 137995
the direct supervision of a commercial applicator. 137996

(3) Licenses shall be issued for a period of time established 137997
by rule and shall be renewed in accordance with deadlines 137998
established by rule. The fee for each such license shall be 137999
established by rule. If a license is not issued or renewed, the 138000
application fee shall be retained by the state as payment for the 138001
reasonable expense of processing the application. The director 138002
shall by rule classify by pesticide-use category licenses to be 138003
issued under this section. A single license may include more than 138004
one pesticide-use category. No individual shall be required to pay 138005
an additional license fee if the individual is licensed for more 138006
than one category. 138007

The fee for each license or renewal does not apply to an 138008
applicant who is an employee of the department of agriculture 138009
whose job duties require licensure as a commercial applicator as a 138010
condition of employment. 138011

(B) Application for a commercial applicator license shall be 138012
made on a form prescribed by the director. Each application for a 138013
license shall state the pesticide-use category or categories of 138014
license for which the applicant is applying and other information 138015

that the director determines essential to the administration of 138016
this chapter. 138017

(C)(1) Except as provided in division (C)(2) of this section, 138018
if the director finds that the applicant is competent to apply 138019
pesticides and conduct diagnostic inspections and that the 138020
applicant has passed both the general examination and each 138021
applicable pesticide-use category examination as required under 138022
division (A) of section 921.12 of the Revised Code, the director 138023
shall issue a commercial applicator license limited to the 138024
pesticide-use category or categories for which the applicant is 138025
found to be competent. If the director rejects an application, the 138026
director may explain why the application was rejected, describe 138027
the additional requirements necessary for the applicant to obtain 138028
a license, and return the application. The applicant may resubmit 138029
the application without payment of any additional fee. 138030

(2) The director shall issue a commercial applicator license 138031
in accordance with Chapter 4796. of the Revised Code to an 138032
individual if either of the following applies: 138033

(a) The individual holds a commercial applicator license in 138034
another state. 138035

(b) The individual has satisfactory work experience, a 138036
government certification, or a private certification as described 138037
in that chapter as a commercial applicator in a state that does 138038
not issue that license. 138039

A license issued under this division shall be limited to the 138040
pesticide-use category or categories for which the applicant is 138041
licensed in another state or has satisfactory work experience, a 138042
government certification, or a private certification in that 138043
state. 138044

(D)(1) A person who is a commercial applicator shall be 138045
deemed to hold a private applicator's license for purposes of 138046

applying pesticides on agricultural commodities that are produced 138047
by the commercial applicator. 138048

(2) A commercial applicator shall apply pesticides only in 138049
the pesticide-use category or categories in which the applicator 138050
is licensed under this chapter. 138051

(E) All money collected under this section shall be credited 138052
to the pesticide, fertilizer, and lime program fund created in 138053
section 921.22 of the Revised Code. 138054

Sec. 3737.83. The state fire marshal shall, as part of the 138055
state fire code, adopt rules to: 138056

(A) Establish minimum standards of performance for fire 138057
protection equipment and fire fighting equipment; 138058

(B) Establish minimum standards of training, fix minimum 138059
qualifications, and require certificates for all persons who 138060
engage in the business for profit of installing, testing, 138061
repairing, or maintaining fire protection equipment; 138062

(C) Provide for the issuance of certificates required under 138063
division (B) of this section and establish the fees to be charged 138064
for such certificates. A certificate shall be granted, renewed, or 138065
revoked according to rules the state fire marshal shall adopt, 138066
except that the state fire marshal shall grant a certificate in 138067
accordance with Chapter 4796. of the Revised Code to an applicant 138068
if either of the following applies: 138069

(1) The applicant holds a license or certificate in another 138070
state. 138071

(2) The applicant has satisfactory work experience, a 138072
government certification, or a private certification as described 138073
in that chapter as a person engaged in the business of installing, 138074
testing, repairing, or maintaining fire protection equipment in a 138075
state that does not issue that certificate. 138076

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in ~~child day-care~~ care centers and in type A family ~~day-care~~ child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code,

including land area incidental to those buildings, the 138108
construction of industrialized units, the installation of 138109
equipment, and the standards or requirements for materials used in 138110
connection with those buildings. The board shall incorporate those 138111
rules into separate residential and nonresidential building codes. 138112
The standards shall relate to the conservation of energy and the 138113
safety and sanitation of those buildings. 138114

(2) The rules governing nonresidential buildings are the 138115
lawful minimum requirements specified for those buildings and 138116
industrialized units, except that no rule other than as provided 138117
in division (C) of section 3781.108 of the Revised Code that 138118
specifies a higher requirement than is imposed by any section of 138119
the Revised Code is enforceable. The rules governing residential 138120
buildings are uniform requirements for residential buildings in 138121
any area with a building department certified to enforce the state 138122
residential building code. In no case shall any local code or 138123
regulation differ from the state residential building code unless 138124
that code or regulation addresses subject matter not addressed by 138125
the state residential building code or is adopted pursuant to 138126
section 3781.01 of the Revised Code. 138127

(3) The rules adopted pursuant to this section are complete, 138128
lawful alternatives to any requirements specified for buildings or 138129
industrialized units in any section of the Revised Code. Except as 138130
otherwise provided in division (I) of this section, the board 138131
shall, on its own motion or on application made under sections 138132
3781.12 and 3781.13 of the Revised Code, formulate, propose, 138133
adopt, modify, amend, or repeal the rules to the extent necessary 138134
or desirable to effectuate the purposes of sections 3781.06 to 138135
3781.18 of the Revised Code. 138136

(B) The board shall report to the general assembly proposals 138137
for amendments to existing statutes relating to the purposes 138138

declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be

consistent with this division. The requirements for residential 138204
and nonresidential certification may differ. Except as otherwise 138205
provided in this division, the requirements shall include, but are 138206
not limited to, the satisfactory completion of an initial 138207
examination and, to remain certified, the completion of a 138208
specified number of hours of continuing building code education 138209
within each three-year period following the date of certification 138210
which shall be not less than thirty hours. The rules shall provide 138211
that continuing education credits and certification issued by the 138212
council of American building officials, national model code 138213
organizations, and agencies or entities the board recognizes are 138214
acceptable for purposes of this division. The rules shall specify 138215
requirements that are consistent with the provisions of section 138216
5903.12 of the Revised Code relating to active duty military 138217
service and are compatible, to the extent possible, with 138218
requirements the council of American building officials and 138219
national model code organizations establish. 138220

(4) The board shall establish and collect a certification and 138221
renewal fee for building department personnel, and persons and 138222
employees of persons, firms, or corporations as described in this 138223
section, who are certified pursuant to this division. 138224

(5) Any individual certified pursuant to this division shall 138225
complete the number of hours of continuing building code education 138226
that the board requires or, for failure to do so, forfeit 138227
certification. 138228

(6) This division does not require or authorize the board to 138229
certify personnel of municipal, township, and county building 138230
departments, and persons and employees of persons, firms, or 138231
corporations as described in this section, whose responsibilities 138232
do not include the exercise of enforcement authority, the approval 138233
of plans and specifications, or making inspections under the state 138234
residential and nonresidential building codes. 138235

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as

applicable. 138267

(10) Certification shall be granted upon application by the 138268
municipal corporation, the board of township trustees, or the 138269
board of county commissioners and approval of that application by 138270
the board of building standards. The application shall set forth: 138271

(a) Whether the certification is requested for residential or 138272
nonresidential buildings, or both; 138273

(b) The number and qualifications of the staff composing the 138274
building department; 138275

(c) The names, addresses, and qualifications of persons, 138276
firms, or corporations contracting to furnish work or services 138277
pursuant to division (E)(7)(b) of this section; 138278

(d) The names of any other municipal corporation, township, 138279
county, health district, or political subdivision under contract 138280
to furnish work or services pursuant to division (E)(7) of this 138281
section; 138282

(e) The proposed budget for the operation of the building 138283
department. 138284

(11) The board of building standards shall adopt rules 138285
governing all of the following: 138286

(a) The certification of building department personnel and 138287
persons and employees of persons, firms, or corporations 138288
exercising authority pursuant to division (E)(7) of this section. 138289
The rules shall disqualify any employee of the department or 138290
person who contracts for services with the department from 138291
performing services for the department when that employee or 138292
person would have to pass upon, inspect, or otherwise exercise 138293
authority over any labor, material, or equipment the employee or 138294
person furnishes for the construction, alteration, or maintenance 138295
of a building or the preparation of working drawings or 138296

specifications for work within the jurisdictional area of the 138297
department. The department shall provide other similarly qualified 138298
personnel to enforce the residential and nonresidential building 138299
codes as they pertain to that work. 138300

(b) The minimum services to be provided by a certified 138301
building department. 138302

(12) The board of building standards may revoke or suspend 138303
certification to enforce the residential and nonresidential 138304
building codes, on petition to the board by any person affected by 138305
that enforcement or approval of plans, or by the board on its own 138306
motion. Hearings shall be held and appeals permitted on any 138307
proceedings for certification or revocation or suspension of 138308
certification in the same manner as provided in section 3781.101 138309
of the Revised Code for other proceedings of the board of building 138310
standards. 138311

(13) Upon certification, and until that authority is revoked, 138312
any county or township building department shall enforce the 138313
residential and nonresidential building codes for which it is 138314
certified without regard to limitation upon the authority of 138315
boards of county commissioners under Chapter 307. of the Revised 138316
Code or boards of township trustees under Chapter 505. of the 138317
Revised Code. 138318

(14) The board shall certify a person to exercise enforcement 138319
authority, to accept and approve plans and specifications, or to 138320
make inspections in this state in accordance with Chapter 4796. of 138321
the Revised Code if either of the following applies: 138322

(a) The person holds a license or certificate in another 138323
state. 138324

(b) The person has satisfactory work experience, a government 138325
certification, or a private certification as described in that 138326
chapter in the same profession, occupation, or occupational 138327

activity as the profession, occupation, or occupational activity 138328
for which the certificate is required in this state in a state 138329
that does not issue that license or certificate. 138330

(F) In addition to hearings sections 3781.06 to 3781.18 and 138331
3791.04 of the Revised Code require, the board of building 138332
standards shall make investigations and tests, and require from 138333
other state departments, officers, boards, and commissions 138334
information the board considers necessary or desirable to assist 138335
it in the discharge of any duty or the exercise of any power 138336
mentioned in this section or in sections 3781.06 to 3781.18, 138337
3791.04, and 4104.43 of the Revised Code. 138338

(G) The board shall adopt rules and establish reasonable fees 138339
for the review of all applications submitted where the applicant 138340
applies for authority to use a new material, assembly, or product 138341
of a manufacturing process. The fee shall bear some reasonable 138342
relationship to the cost of the review or testing of the 138343
materials, assembly, or products and for the notification of 138344
approval or disapproval as provided in section 3781.12 of the 138345
Revised Code. 138346

(H) The residential construction advisory committee shall 138347
provide the board with a proposal for a state residential building 138348
code that the committee recommends pursuant to division (D)(1) of 138349
section 4740.14 of the Revised Code. Upon receiving a 138350
recommendation from the committee that is acceptable to the board, 138351
the board shall adopt rules establishing that code as the state 138352
residential building code. 138353

(I)(1) The committee may provide the board with proposed 138354
rules to update or amend the state residential building code that 138355
the committee recommends pursuant to division (E) of section 138356
4740.14 of the Revised Code. 138357

(2) If the board receives a proposed rule to update or amend 138358

the state residential building code as provided in division (I)(1) 138359
of this section, the board either may accept or reject the 138360
proposed rule for incorporation into the residential building 138361
code. If the board does not act to either accept or reject the 138362
proposed rule within ninety days after receiving the proposed rule 138363
from the committee as described in division (I)(1) of this 138364
section, the proposed rule shall become part of the residential 138365
building code. 138366

(J) The board shall cooperate with the director of job and 138367
family services when the director promulgates rules pursuant to 138368
section 5104.05 of the Revised Code regarding safety and 138369
sanitation in type A family ~~day-care~~ child care homes. 138370

(K) The board shall adopt rules to implement the requirements 138371
of section 3781.108 of the Revised Code. 138372

Section 130.27. That the existing versions of sections 138373
921.06, 3737.83, and 3781.10 of the Revised Code that are 138374
scheduled to take effect December 29, 2023, are hereby repealed. 138375

Section 130.28. Sections 130.26 and 130.27 of this act take 138376
effect December 29, 2023. 138377

Section 130.30. That sections 127.15, 173.03, 753.19, 138378
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 138379
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 138380
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 138381
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 138382
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 138383
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 138384
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 138385
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 138386
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 138387
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 138388

5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 138389
5703.37, 5709.83, 5736.041, and 5751.40 be amended and sections 138390
1509.031 and 3745.019 of the Revised Code be enacted to read as 138391
follows: 138392

Sec. 127.15. The controlling board may authorize any state 138393
agency for which an appropriation is made, in any act making 138394
appropriations for capital improvements, to expend the moneys 138395
appropriated otherwise than in accordance with the items set 138396
forth, and for such purpose may authorize transfers among items or 138397
create new items and authorize transfers thereto, provided that 138398
prior to such transfers the agency seeking the same shall notify 138399
by mail or electronic mail the elected representatives to the 138400
general assembly from the counties affected by such transfers, 138401
stating the time and place of the hearing on the proposed 138402
transfers thereto. Such transfers among items shall not alter in 138403
total the appropriation to any state agency except as otherwise 138404
provided by the general assembly. The board may not authorize the 138405
transfer of a capital appropriation item of any state agency for 138406
use by such agency for operating expenses, except as otherwise 138407
provided by the general assembly. 138408

Sec. 173.03. (A) There is hereby created the Ohio advisory 138409
council for the aging, which shall consist of twelve members to be 138410
appointed by the governor with the advice and consent of the 138411
senate. Two ex officio members of the council shall be members of 138412
the house of representatives appointed by the speaker of the house 138413
of representatives and shall be members of two different political 138414
parties. Two ex officio members of the council shall be members of 138415
the senate appointed by the president of the senate and shall be 138416
members of two different political parties. The medicaid director 138417
and directors of mental health and addiction services, 138418

developmental disabilities, health, and job and family services, 138419
or their designees, shall serve as ex officio members of the 138420
council. The council shall carry out its role as defined under the 138421
"Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 138422
amended. 138423

At the first meeting of the council, and annually thereafter, 138424
the members shall select one of their members to serve as 138425
chairperson and one of their members to serve as vice-chairperson. 138426
The council may form a quorum and take votes at meetings conducted 138427
by interactive electronic medium if provisions are made for public 138428
attendance through the interactive electronic meeting. 138429

(B) Members of the council shall be appointed for a term of 138430
three years, except that for the first appointment members of the 138431
Ohio commission on aging who were serving on the commission 138432
immediately prior to July 26, 1984, shall become members of the 138433
council for the remainder of their unexpired terms. Thereafter, 138434
appointment to the council shall be for a three-year term by the 138435
governor. Each member shall hold office from the date of 138436
appointment until the end of the term for which the member was 138437
appointed. Any member appointed to fill a vacancy occurring prior 138438
to the expiration of the term for which the member's predecessor 138439
was appointed shall hold office for the remainder of the term. No 138440
member shall continue in office subsequent to the expiration date 138441
of the member's term unless reappointed under the provisions of 138442
this section, and no member shall serve more than three 138443
consecutive terms on the council. 138444

(C) Membership of the council shall represent all areas of 138445
Ohio and shall be as follows: 138446

(1) A majority of members of the council shall have attained 138447
the age of fifty and have a knowledge of and continuing interest 138448
in the affairs and welfare of the older citizens of Ohio. The 138449
fields of business, labor, health, law, and human services shall 138450

be represented in the membership. 138451

(2) No more than seven members shall be of the same political 138452
party. 138453

(D) Any member of the council may be removed from office by 138454
the governor for neglect of duty, misconduct, or malfeasance in 138455
office after being informed in writing of the charges and afforded 138456
an opportunity for a hearing. Two consecutive unexcused absences 138457
from regularly scheduled meetings constitute neglect of duty. 138458

(E) The director of aging may reimburse a member for actual 138459
and necessary traveling and other expenses incurred in the 138460
discharge of official duties. But reimbursement shall be made in 138461
the manner and at rates that do not exceed those prescribed by the 138462
director of budget and management for any officer, member, or 138463
employee of, or consultant to, any state agency. 138464

(F) Council members are not limited as to the number of terms 138465
they may serve. 138466

(G)(1) The department of aging may award grants to or enter 138467
into contracts with a member of the advisory council or an entity 138468
that the member represents if any of the following apply: 138469

(a) The department determines that the member or the entity 138470
the member represents is capable of providing the goods or 138471
services specified under the terms of the grant or contract. 138472

(b) The member has not taken part in any discussion or vote 138473
of the council related to whether the council should recommend 138474
that the department of aging award the grant to or enter into the 138475
contract with the member of the advisory council or the entity 138476
that the member represents. 138477

(2) A member of the advisory council is not in violation of 138478
Chapter 102. or section 2921.42 of the Revised Code with regard to 138479
receiving a grant or entering into a contract under this section 138480

if the conditions of division (G)(1)(a) and (b) of this section 138481
have been met. 138482

Sec. 753.19. (A) If a person who was convicted of or pleaded 138483
guilty to an offense or was indicted or otherwise charged with the 138484
commission of an offense escapes from a jail or workhouse of a 138485
municipal corporation or otherwise escapes from the custody of a 138486
municipal corporation, the chief of police or other chief law 138487
enforcement officer of that municipal corporation immediately 138488
after the escape shall report the escape, by telephone and in 138489
writing, to all local law enforcement agencies with jurisdiction 138490
over the place where the person escaped from custody, to the state 138491
highway patrol, to the department of rehabilitation and correction 138492
if the escaped person is a prisoner under the custody of the 138493
department who is in the jail or workhouse, to the prosecuting 138494
attorney of the county, and to a newspaper of general circulation 138495
in the municipal corporation in a newspaper of general circulation 138496
in each county in which part of the municipal corporation is 138497
located. The written notice may be by ~~either~~ facsimile 138498
transmission, electronic mail, or mail. A failure to comply with 138499
this requirement is a violation of section 2921.22 of the Revised 138500
Code. 138501

(B) Upon the apprehension of the escaped person, the chief 138502
law enforcement officer shall give notice of the apprehension of 138503
the escaped person by telephone and in writing to the persons 138504
notified under division (A) of this section. 138505

Sec. 1121.38. (A)(1) An administrative hearing provided for 138506
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 138507
Code shall be held in the county in which the principal place of 138508
business of the bank or trust company or residence of the 138509
regulated person is located, unless the bank, trust company, or 138510
regulated person requesting the hearing consents to another place. 138511

Within ninety days after the hearing, the superintendent of 138512
financial institutions shall render a decision, which shall 138513
include findings of fact upon which the decision is predicated, 138514
and shall issue and serve on the bank, trust company, or regulated 138515
person the decision and an order consistent with the decision. 138516
Judicial review of the order is exclusively as provided in 138517
division (B) of this section. Unless a notice of appeal is filed 138518
in a court of common pleas within thirty days after service of the 138519
superintendent's order as provided in division (B) of this 138520
section, and until the record of the administrative hearing has 138521
been filed, the superintendent may, at anytime, upon the notice 138522
and in the manner the superintendent considers proper, modify, 138523
terminate, or set aside the superintendent's order. After filing 138524
the record, the superintendent may modify, terminate, or set aside 138525
the superintendent's order with permission of the court. 138526

(a) A hearing provided for in section 1121.32, 1121.35, or 138527
1121.41 of the Revised Code shall be confidential, unless the 138528
superintendent determines that holding an open hearing would be in 138529
the public interest. Within twenty days after service of the 138530
notice of a hearing, a respondent may file a written request for a 138531
public hearing with the superintendent. A respondent's failure to 138532
file such a request constitutes a waiver of any objections to a 138533
confidential hearing. 138534

(b) A hearing provided for in section 1121.33 of the Revised 138535
Code shall be an open hearing. Within twenty days after service of 138536
the notice of a hearing, a respondent may file a written request 138537
for a confidential hearing with the superintendent. If such a 138538
request is received by the superintendent, the hearing shall be 138539
confidential unless the superintendent determines that holding an 138540
open hearing would be in the public interest. 138541

(2) In the course of, or in connection with, an 138542
administrative hearing governed by this section, the 138543

superintendent, or a person designated by the superintendent to 138544
conduct the hearing, may administer oaths and affirmations, take 138545
or cause depositions to be taken, and issue, revoke, quash, or 138546
modify subpoenas and subpoenas duces tecum. At any administrative 138547
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 138548
of the Revised Code, the record of which may be the basis of an 138549
appeal to court, a stenographic record of the testimony and other 138550
evidence submitted shall be taken at the expense of the division 138551
of financial institutions. The record shall include all of the 138552
testimony and other evidence, and any rulings on the admissibility 138553
thereof, presented at the hearing. The superintendent may adopt 138554
rules regarding these hearings. The attendance of witnesses and 138555
the production of documents provided for in this section may be 138556
required from any place within or outside the state. A party to a 138557
hearing governed by this section may apply to the court of common 138558
pleas of Franklin county, or the court of common pleas of the 138559
county in which the hearing is being conducted or the witness 138560
resides or carries on business, for enforcement of a subpoena or 138561
subpoena duces tecum issued pursuant to this section, and the 138562
courts have jurisdiction and power to order and require compliance 138563
with the subpoena. Witnesses subpoenaed under this section shall 138564
be paid the fees and mileage provided for under section 119.094 of 138565
the Revised Code. 138566

As used in this division, "stenographic record" means a 138567
record provided by stenographic means or by the use of audio 138568
electronic recording devices, as the division of financial 138569
institutions determines. 138570

(B)(1) A bank, trust company, or regulated person against 138571
whom the superintendent issues an order upon the record of a 138572
hearing under the authority of section 1121.32, 1121.33, 1121.35, 138573
or 1121.41 of the Revised Code may obtain a review of the order by 138574
filing a notice of appeal in the court of common pleas in the 138575

county in which the principal place of business of the bank, trust 138576
company, or regulated person, or residence of the regulated 138577
person, is located, or in the court of common pleas of Franklin 138578
county, within thirty days after the date of service of the 138579
superintendent's order. The clerk of the court shall promptly 138580
transmit a copy of the notice of appeal to the superintendent. 138581
Within thirty days after receiving the notice of appeal, the 138582
superintendent shall file a certified copy of the record of the 138583
administrative hearing with the clerk of the court. In the event 138584
of a private hearing, the record of the administrative hearing 138585
shall be filed under seal with the clerk of the court. Upon the 138586
filing of the notice of appeal, the court has jurisdiction, which 138587
upon the filing of the record of the administrative hearing is 138588
exclusive, to affirm, modify, terminate, or set aside, in whole or 138589
in part, the superintendent's order. 138590

(2) The commencement of proceedings for judicial review 138591
pursuant to division (B) of this section does not, unless 138592
specifically ordered by the court, operate as a stay of any order 138593
issued by the superintendent. If it appears to the court an 138594
unusual hardship to the appellant bank, trust company, or 138595
regulated person will result from the execution of the 138596
superintendent's order pending determination of the appeal, and 138597
the interests of depositors and the public will not be threatened 138598
by a stay of the order, the court may grant a stay and fix its 138599
terms. 138600

(C) The superintendent may, in the sole discretion of the 138601
superintendent, apply to the court of common pleas of the county 138602
in which the principal place of business of the bank, trust 138603
company, or regulated person, or residence of the regulated 138604
person, is located, or the court of common pleas of Franklin 138605
county, for the enforcement of an effective and outstanding 138606
superintendent's order issued under section 1121.32, 1121.33, 138607

1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 138608
has jurisdiction and power to order and require compliance with 138609
the superintendent's order. In an action by the superintendent 138610
pursuant to this division to enforce an order assessing a civil 138611
penalty issued under section 1121.35 of the Revised Code, the 138612
validity and appropriateness of the civil penalty is not subject 138613
to review. 138614

(D) No court has jurisdiction to affect, by injunction or 138615
otherwise, the issuance or enforcement of an order issued under 138616
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 138617
Revised Code or to review, modify, suspend, terminate, or set 138618
aside an order issued under section 1121.32, 1121.33, 1121.34, 138619
1121.35, or 1121.41 of the Revised Code, except as provided in 138620
this section, in division (G) of section 1121.32 of the Revised 138621
Code for an order issued pursuant to division (C)(3) or (4) of 138622
section 1121.32 of the Revised Code, or in division (A)(3) of 138623
section 1121.34 of the Revised Code for an order issued pursuant 138624
to division (A)(1) of section 1121.34 of the Revised Code. 138625

(E) Nothing in this section or in any other section of the 138626
Revised Code or rules implementing this or any other section of 138627
the Revised Code shall prohibit or limit the superintendent from 138628
doing any of the following: 138629

(1) Issuing orders pursuant to section 1121.32, 1121.33, 138630
1121.34, 1121.35, or 1121.41 of the Revised Code; 138631

(2) Individually or contemporaneously taking any other action 138632
provided by law or rule with respect to a bank, trust company, or 138633
regulated person; 138634

(3) Taking any action provided by law or rule with respect to 138635
a bank, trust company, or regulated person, whether alone or in 138636
conjunction with another regulatory agency or authority. 138637

Sec. 1509.031. (A) Notwithstanding any other provision of law 138638
to the contrary and other than a statement of production, the 138639
chief of the division of oil and gas resources management may 138640
require the electronic submission of any application, report, test 138641
result, fee, or document that is required to be submitted under 138642
this chapter. The chief shall require the submission of statements 138643
of production to be made electronically regardless of well type 138644
and the number of wells owned. 138645

(B) For good cause, a person may request to be excluded from 138646
any requirement to make an electronic submission under division 138647
(A) of this section other than the requirement to submit a 138648
statement of production electronically. The chief shall establish 138649
the procedure and form by which a person may request such 138650
exclusion. 138651

Sec. 1509.06. (A) An application for a permit to drill a new 138652
well, drill an existing well deeper, reopen a well, convert a well 138653
to any use other than its original purpose, or plug back a well to 138654
a different source of supply, including associated production 138655
operations, shall be filed with the chief of the division of oil 138656
and gas resources management upon such form as the chief 138657
prescribes and shall contain each of the following that is 138658
applicable: 138659

(1) The name and address of the owner and, if a corporation, 138660
the name and address of the statutory agent; 138661

(2) The signature of the owner or the owner's authorized 138662
agent. When an authorized agent signs an application, it shall be 138663
accompanied by a certified copy of the appointment as such agent. 138664

(3) The names and addresses of all persons holding the 138665
royalty interest in the tract upon which the well is located or is 138666
to be drilled or within a proposed drilling unit; 138667

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county; 138668
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(5) Designation of the well by name and number; 138671

(6)(a) The geological formation to be tested or used and the proposed total depth of the well; 138672
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(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected. 138674
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(7) The type of drilling equipment to be used; 138677

(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application. 138678
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(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner 138692
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access to sample the water well. The sampling shall be conducted 138699
in accordance with the guidelines established in "Best Management 138700
Practices For Pre-drilling Water Sampling" in effect at the time 138701
that the application is submitted. The division shall furnish 138702
those guidelines upon request and shall make them available on the 138703
division's web site. If the chief determines that conditions at 138704
the proposed well site warrant a revision, the chief may revise 138705
the distance established in this division for purposes of 138706
pre-drilling water sampling. 138707

(c) For an application for a permit to drill a new horizontal 138708
well, the results of sampling of water wells within one thousand 138709
five hundred feet of the proposed horizontal wellhead prior to 138710
commencement of drilling. In addition, the owner shall include a 138711
list that identifies the location of each water well where the 138712
owner of the property on which the water well is located denied 138713
the owner access to sample the water well. The sampling shall be 138714
conducted in accordance with the guidelines established in "Best 138715
Management Practices For Pre-drilling Water Sampling" in effect at 138716
the time that the application is submitted. The division shall 138717
furnish those guidelines upon request and shall make them 138718
available on the division's web site. If the chief determines that 138719
conditions at the proposed well site warrant a revision, the chief 138720
may revise the distance established in this division for purposes 138721
of pre-drilling water sampling. 138722

(9) For an application for a permit to drill a new well 138723
within an urbanized area, a sworn statement that the applicant has 138724
provided notice by regular mail of the application to the owner of 138725
each parcel of real property that is located within five hundred 138726
feet of the surface location of the well and to the executive 138727
authority of the municipal corporation or the board of township 138728
trustees of the township, as applicable, in which the well is to 138729
be located. In addition, the notice shall contain a statement that 138730

informs an owner of real property who is required to receive the 138731
notice under division (A)(9) of this section that within five days 138732
of receipt of the notice, the owner is required to provide notice 138733
under section 1509.60 of the Revised Code to each residence in an 138734
occupied dwelling that is located on the owner's parcel of real 138735
property. The notice shall contain a statement that an application 138736
has been filed with the division of oil and gas resources 138737
management, identify the name of the applicant and the proposed 138738
well location, include the name and address of the division, and 138739
contain a statement that comments regarding the application may be 138740
sent to the division. The notice may be provided by hand delivery 138741
or regular mail. The identity of the owners of parcels of real 138742
property shall be determined using the tax records of the 138743
municipal corporation or county in which a parcel of real property 138744
is located as of the date of the notice. 138745

(10) A plan for restoration of the land surface disturbed by 138746
drilling operations. The plan shall provide for compliance with 138747
the restoration requirements of division (A) of section 1509.072 138748
of the Revised Code and any rules adopted by the chief pertaining 138749
to that restoration. 138750

(11)(a) A description by name or number of the county, 138751
township, and municipal corporation roads, streets, and highways 138752
that the applicant anticipates will be used for access to and 138753
egress from the well site; 138754

(b) For an application for a permit for a horizontal well, a 138755
copy of an agreement concerning maintenance and safe use of the 138756
roads, streets, and highways described in division (A)(11)(a) of 138757
this section entered into on reasonable terms with the public 138758
official that has the legal authority to enter into such 138759
maintenance and use agreements for each county, township, and 138760
municipal corporation, as applicable, in which any such road, 138761
street, or highway is located or an affidavit on a form prescribed 138762

by the chief attesting that the owner attempted in good faith to 138763
enter into an agreement under division (A)(11)(b) of this section 138764
with the applicable public official of each such county, township, 138765
or municipal corporation, but that no agreement was executed. 138766

(12) Such other relevant information as the chief prescribes 138767
by rule. 138768

Each application shall be accompanied by a map, on a scale 138769
not smaller than four hundred feet to the inch, prepared by an 138770
Ohio registered surveyor, showing the location of the well and 138771
containing such other data as may be prescribed by the chief. If 138772
the well is or is to be located within the excavations and 138773
workings of a mine, the map also shall include the location of the 138774
mine, the name of the mine, and the name of the person operating 138775
the mine. 138776

(B) The chief shall cause a copy of the weekly circular 138777
prepared by the division to be provided to the county engineer of 138778
each county that contains active or proposed drilling activity. 138779
The weekly circular shall contain, in the manner prescribed by the 138780
chief, the names of all applicants for permits, the location of 138781
each well or proposed well, the information required by division 138782
(A)(11) of this section, and any additional information the chief 138783
prescribes. In addition, the chief promptly shall transfer an 138784
electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method 138785
is not available to a municipal corporation or township, a copy 138786
via regular mail, of a drilling permit application to the clerk of 138787
the legislative authority of the municipal corporation or to the 138788
clerk of the township in which the well or proposed well is or is 138789
to be located if the legislative authority of the municipal 138790
corporation or the board of township trustees has asked to receive 138791
copies of such applications and the appropriate clerk has provided 138792
the chief an accurate, current electronic mailing address ~~or~~ 138793
~~facsimile number, as applicable.~~ 138794

(C)(1) Except as provided in division (C)(2) of this section, 138795
the chief shall not issue a permit for at least ten days after the 138796
date of filing of the application for the permit unless, upon 138797
reasonable cause shown, the chief waives that period or a request 138798
for expedited review is filed under this section. However, the 138799
chief shall issue a permit within twenty-one days of the filing of 138800
the application unless the chief denies the application by order. 138801

(2) If the location of a well or proposed well will be or is 138802
within an urbanized area, the chief shall not issue a permit for 138803
at least eighteen days after the date of filing of the application 138804
for the permit unless, upon reasonable cause shown, the chief 138805
waives that period or the chief at the chief's discretion grants a 138806
request for an expedited review. However, the chief shall issue a 138807
permit for a well or proposed well within an urbanized area within 138808
thirty days of the filing of the application unless the chief 138809
denies the application by order. 138810

(D) An applicant may file a request with the chief for 138811
expedited review of a permit application if the well is not or is 138812
not to be located in a gas storage reservoir or reservoir 138813
protective area, as "reservoir protective area" is defined in 138814
section 1571.01 of the Revised Code. If the well is or is to be 138815
located in a coal bearing township, the application shall be 138816
accompanied by the affidavit of the landowner prescribed in 138817
section 1509.08 of the Revised Code. 138818

In addition to a complete application for a permit that meets 138819
the requirements of this section and the permit fee prescribed by 138820
this section, a request for expedited review shall be accompanied 138821
by a separate nonrefundable filing fee of two hundred fifty 138822
dollars. Upon the filing of a request for expedited review, the 138823
chief shall cause the county engineer of the county in which the 138824
well is or is to be located to be notified of the filing of the 138825
permit application and the request for expedited review by 138826

telephone or other means that in the judgment of the chief will 138827
provide timely notice of the application and request. The chief 138828
shall issue a permit within seven days of the filing of the 138829
request unless the chief denies the application by order. 138830
Notwithstanding the provisions of this section governing expedited 138831
review of permit applications, the chief may refuse to accept 138832
requests for expedited review if, in the chief's judgment, the 138833
acceptance of the requests would prevent the issuance, within 138834
twenty-one days of their filing, of permits for which applications 138835
are pending. 138836

(E) A well shall be drilled and operated in accordance with 138837
the plans, sworn statements, and other information submitted in 138838
the approved application. 138839

(F) The chief shall issue an order denying a permit if the 138840
chief finds that there is a substantial risk that the operation 138841
will result in violations of this chapter or rules adopted under 138842
it that will present an imminent danger to public health or safety 138843
or damage to the environment, provided that where the chief finds 138844
that terms or conditions to the permit can reasonably be expected 138845
to prevent such violations, the chief shall issue the permit 138846
subject to those terms or conditions, including, if applicable, 138847
terms and conditions regarding subjects identified in rules 138848
adopted under section 1509.03 of the Revised Code. The issuance of 138849
a permit shall not be considered an order of the chief. 138850

The chief shall post notice of each permit that has been 138851
approved under this section on the division's web site not later 138852
than two business days after the application for a permit has been 138853
approved. 138854

(G) Each application for a permit required by section 1509.05 138855
of the Revised Code, except an application for a well drilled or 138856
reopened for purposes of section 1509.22 of the Revised Code, also 138857
shall be accompanied by a nonrefundable fee as follows: 138858

(1) Five hundred dollars for a permit to conduct activities	138859
in a township with a population of fewer than ten thousand;	138860
(2) Seven hundred fifty dollars for a permit to conduct	138861
activities in a township with a population of ten thousand or	138862
more, but fewer than fifteen thousand;	138863
(3) One thousand dollars for a permit to conduct activities	138864
in either of the following:	138865
(a) A township with a population of fifteen thousand or more;	138866
(b) A municipal corporation regardless of population.	138867
(4) If the application is for a permit that requires	138868
mandatory pooling, an additional five thousand dollars.	138869
For purposes of calculating fee amounts, populations shall be	138870
determined using the most recent federal decennial census.	138871
Each application for the revision or reissuance of a permit	138872
shall be accompanied by a nonrefundable fee of two hundred fifty	138873
dollars.	138874
(H)(1) Prior to the commencement of well pad construction and	138875
prior to the issuance of a permit to drill a proposed horizontal	138876
well or a proposed well that is to be located in an urbanized	138877
area, the division shall conduct a site review to identify and	138878
evaluate any site-specific terms and conditions that may be	138879
attached to the permit. At the site review, a representative of	138880
the division shall consider fencing, screening, and landscaping	138881
requirements, if any, for similar structures in the community in	138882
which the well is proposed to be located. The terms and conditions	138883
that are attached to the permit shall include the establishment of	138884
fencing, screening, and landscaping requirements for the surface	138885
facilities of the proposed well, including a tank battery of the	138886
well.	138887
(2) Prior to the issuance of a permit to drill a proposed	138888

well, the division shall conduct a review to identify and evaluate 138889
any site-specific terms and conditions that may be attached to the 138890
permit if the proposed well will be located in a one-hundred-year 138891
floodplain or within the five-year time of travel associated with 138892
a public drinking water supply. 138893

(I) A permit shall be issued by the chief in accordance with 138894
this chapter. A permit issued under this section for a well that 138895
is or is to be located in an urbanized area shall be valid for 138896
twelve months, and all other permits issued under this section 138897
shall be valid for twenty-four months. 138898

(J) An applicant or a permittee, as applicable, shall submit 138899
to the chief an update of the information that is required under 138900
division (A)(8)(a) of this section if any of that information 138901
changes prior to commencement of production operations. 138902

(K) A permittee or a permittee's authorized representative 138903
shall notify an inspector from the division at least twenty-four 138904
hours, or another time period agreed to by the chief's authorized 138905
representative, prior to the commencement of well pad construction 138906
and of drilling, reopening, converting, well stimulation, or 138907
plugback operations. 138908

Sec. 1513.071. (A) Simultaneously with the filing of an 138909
application for a permit or significant revision of an existing 138910
permit under section 1513.07 of the Revised Code, the applicant 138911
shall submit to the chief of the division of mineral resources 138912
management a copy of the applicant's advertisement of the 138913
ownership, precise location, and boundaries of the land to be 138914
affected. At the time of submission, the advertisement shall be 138915
placed by the applicant in a newspaper of general circulation in 138916
the locality of the proposed coal mine at least once a week for 138917
four consecutive weeks. The chief shall notify, in each county or 138918
part of a county in which a proposed area to be permitted is 138919

located, the board of county commissioners, the board of township trustees, the legislative authorities of municipal corporations, private water companies, regional councils of governments, and the boards of directors of conservancy districts informing them of the operator's intention to conduct a coal mining operation on a particularly described tract of land and indicating the permit application number and where a copy of the proposed mining and reclamation plan may be inspected. The chief shall also notify the planning commissions with jurisdiction over all or part of the area to be permitted. These agencies, authorities, or companies may submit written comments on the application with respect to the effects of the proposed operation on the environment that are within their area of responsibility in quadruplicate to the chief within thirty days after notification by the chief of receipt of the application. The chief shall immediately transmit these comments to the applicant and make them available to the public at the same locations at which the mining application is available for inspection.

(B) A person having an interest that is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority may file written objections to the proposed initial or revised application for a coal mining and reclamation permit with the chief within thirty days after the last publication of the notice required by division (A) of this section. The objections shall immediately be transmitted to the applicant by the chief and shall be made available to the public. If written objections are filed and an informal conference requested, the chief or the chief's representative shall then hold an informal conference on the application for a permit within a reasonable time in the county where the largest area of the area to be permitted is located. The date, time, and location of the informal conference shall be advertised by the chief in a newspaper of general circulation in the locality at least two

weeks prior to the scheduled conference date. The chief may 138953
arrange with the applicant, upon request by any objecting party, 138954
access to the proposed mining area for the purpose of gathering 138955
information relevant to the proceeding. An electronic ~~or~~ 138956
~~stenographic~~ record shall be made of the conference proceeding 138957
unless waived by all parties. The record shall be maintained and 138958
shall be accessible to the parties until final release of the 138959
applicant's performance security. If all parties requesting the 138960
informal conference stipulate agreement prior to the requested 138961
informal conference and withdraw their request, the informal 138962
conference need not be held. 138963

Sec. 1513.08. (A) After a coal mining and reclamation permit 138964
application has been approved, the applicant shall file with the 138965
chief of the division of mineral resources management, on a form 138966
prescribed and furnished by the chief, the performance security 138967
required under this section that shall be payable to the state and 138968
conditioned on the faithful performance of all the requirements of 138969
this chapter and rules adopted under it and the terms and 138970
conditions of the permit. 138971

(B) Using the information contained in the permit 138972
application; the requirements contained in the approved permit and 138973
reclamation plan; and, after considering the topography, geology, 138974
hydrology, and revegetation potential of the area of the approved 138975
permit, the probable difficulty of reclamation; the chief shall 138976
determine the estimated cost of reclamation under the initial term 138977
of the permit if the reclamation has to be performed by the 138978
division of mineral resources management in the event of 138979
forfeiture of the performance security by the applicant. The chief 138980
shall send either written notice by certified mail or electronic 138981
notice with acknowledgment of receipt of the amount of the 138982
estimated cost of reclamation ~~by certified mail~~ to the applicant. 138983
The applicant shall send either written notice or electronic 138984

notice with acknowledgment of receipt to the chief indicating the 138985
method by which the applicant will provide the performance 138986
security pursuant to division (C) of this section. 138987

(C) The applicant shall provide the performance security in 138988
an amount using one of the following: 138989

(1) If the applicant elects to provide performance security 138990
without reliance on the reclamation forfeiture fund created in 138991
section 1513.18 of the Revised Code, the amount of the estimated 138992
cost of reclamation as determined by the chief under division (B) 138993
of this section for the increments of land on which the operator 138994
will conduct a coal mining and reclamation operation under the 138995
initial term of the permit as indicated in the application; 138996

(2) If the applicant elects to provide performance security 138997
together with reliance on the reclamation forfeiture fund through 138998
payment of the additional tax on the severance of coal that is 138999
levied under division (A)(8) of section 5749.02 of the Revised 139000
Code, an amount of twenty-five hundred dollars per acre of land on 139001
which the operator will conduct coal mining and reclamation under 139002
the initial term of the permit as indicated in the application. In 139003
order for an applicant to be eligible to provide performance 139004
security in accordance with division (C)(2) of this section, the 139005
applicant, an owner and controller of the applicant, or an 139006
affiliate of the applicant shall have held a permit issued under 139007
this chapter for any coal mining and reclamation operation for a 139008
period of not less than five years. 139009

If a permit is transferred, assigned, or sold, the transferee 139010
is not eligible to provide performance security under division 139011
(C)(2) of this section if the transferee has not held a permit 139012
issued under this chapter for any coal mining and reclamation 139013
operation for a period of not less than five years. This 139014
restriction applies even if the status or name of the permittee 139015
otherwise remains the same after the transfer, assignment, or 139016

sale. 139017

In the event of forfeiture of performance security that was 139018
provided in accordance with division (C)(2) of this section, the 139019
difference between the amount of that performance security and the 139020
estimated cost of reclamation as determined by the chief under 139021
division (B) of this section shall be obtained from money in the 139022
reclamation forfeiture fund as needed to complete the reclamation. 139023

The performance security provided under division (C) of this 139024
section for the entire area to be mined under one permit issued 139025
under this chapter shall not be less than ten thousand dollars. 139026

The performance security shall cover areas of land affected 139027
by mining within or immediately adjacent to the permitted area, so 139028
long as the total number of acres does not exceed the number of 139029
acres for which the performance security is provided. However, the 139030
authority for the performance security to cover areas of land 139031
immediately adjacent to the permitted area does not authorize a 139032
permittee to mine areas outside an approved permit area. As 139033
succeeding increments of coal mining and reclamation operations 139034
are to be initiated and conducted within the permit area, the 139035
permittee shall file with the chief additional performance 139036
security to cover the increments in accordance with this section. 139037
If a permittee intends to mine areas outside the approved permit 139038
area, the permittee shall provide additional performance security 139039
in accordance with this section to cover the areas to be mined. 139040

If an applicant or permittee is not eligible to provide 139041
performance security in accordance with division (C)(2) of this 139042
section, the applicant or permittee shall provide performance 139043
security in accordance with division (C)(1) of this section in the 139044
full amount of the estimated cost of reclamation as determined by 139045
the chief for a permitted coal preparation plant or coal refuse 139046
disposal area that is not located within a permitted area of a 139047
mine. If an applicant for a permit for a coal preparation plant or 139048

coal refuse disposal area or a permittee of a permitted coal 139049
preparation plant or coal refuse disposal area that is not located 139050
within a permitted area of a mine has held a permit issued under 139051
this chapter for any coal mining and reclamation operation for a 139052
period of five years or more, the applicant or permittee may 139053
provide performance security for the coal preparation plant or 139054
coal refuse disposal area either in accordance with division 139055
(C)(1) of this section in the full amount of the estimated cost of 139056
reclamation as determined by the chief or in accordance with 139057
division (C)(2) of this section in an amount of twenty-five 139058
hundred dollars per acre of land with reliance on the reclamation 139059
forfeiture fund. If a permittee has previously provided 139060
performance security under division (C)(1) of this section for a 139061
coal preparation plant or coal refuse disposal area that is not 139062
located within a permitted area of a mine and elects to provide 139063
performance security in accordance with division (C)(2) of this 139064
section, the permittee shall submit written notice to the chief 139065
indicating that the permittee elects to provide performance 139066
security in accordance with division (C)(2) of this section. Upon 139067
receipt of such a written notice, the chief shall release to the 139068
permittee the amount of the performance security previously 139069
provided under division (C)(1) of this section that exceeds the 139070
amount of performance security that is required to be provided 139071
under division (C)(2) of this section. 139072

(D) A permittee's liability under the performance security 139073
shall be limited to the obligations established under the permit, 139074
which include completion of the reclamation plan in order to make 139075
the land capable of supporting the postmining land use that was 139076
approved in the permit. The period of liability under the 139077
performance security shall be for the duration of the coal mining 139078
and reclamation operation and for a period coincident with the 139079
operator's responsibility for revegetation requirements under 139080
section 1513.16 of the Revised Code. 139081

(E) The amount of the estimated cost of reclamation 139082
determined under division (B) of this section and the amount of a 139083
permittee's performance security provided in accordance with 139084
division (C)(1) of this section shall be adjusted by the chief as 139085
the land that is affected by mining increases or decreases or if 139086
the cost of reclamation increases or decreases. If the performance 139087
security was provided in accordance with division (C)(2) of this 139088
section and the chief has issued a cessation order under division 139089
(D)(2) of section 1513.02 of the Revised Code for failure to abate 139090
a violation of the contemporaneous reclamation requirement under 139091
division (A)(15) of section 1513.16 of the Revised Code, the chief 139092
may require the permittee to increase the amount of performance 139093
security from twenty-five hundred dollars per acre of land to five 139094
thousand dollars per acre of land. 139095

The chief shall notify the permittee, each surety, and any 139096
person who has a property interest in the performance security and 139097
who has requested to be notified of any proposed adjustment to the 139098
performance security. The permittee may request an informal 139099
conference with the chief concerning the proposed adjustment, and 139100
the chief shall provide such an informal conference. 139101

If the chief increases the amount of performance security 139102
under this division, the permittee shall provide additional 139103
performance security in an amount determined by the chief. If the 139104
chief decreases the amount of performance security under this 139105
division, the chief shall determine the amount of the reduction of 139106
the performance security and send either written notice or 139107
electronic notice with acknowledgment of receipt of the amount of 139108
reduction to the permittee. The permittee may reduce the amount of 139109
the performance security in the amount determined by the chief. 139110

(F) A permittee may request a reduction in the amount of the 139111
performance security by submitting to the chief documentation 139112
proving that the amount of the performance security provided by 139113

the permittee exceeds the estimated cost of reclamation if the 139114
reclamation would have to be performed by the division in the 139115
event of forfeiture of the performance security. The chief shall 139116
examine the documentation and determine whether the permittee's 139117
performance security exceeds the estimated cost of reclamation. If 139118
the chief determines that the performance security exceeds that 139119
estimated cost, the chief shall determine the amount of the 139120
reduction of the performance security and send either written 139121
notice or electronic notice with acknowledgment of receipt of the 139122
amount to the permittee. The permittee may reduce the amount of 139123
the performance security in the amount determined by the chief. 139124
Adjustments in the amount of performance security under this 139125
division shall not be considered release of performance security 139126
and are not subject to section 1513.16 of the Revised Code. 139127

(G) If the performance security is a bond, it shall be 139128
executed by the operator and a corporate surety licensed to do 139129
business in this state. If the performance security is a cash 139130
deposit or negotiable certificates of deposit of a bank or savings 139131
and loan association, the bank or savings and loan association 139132
shall be licensed and operating in this state. The cash deposit or 139133
market value of the securities shall be equal to or greater than 139134
the amount of the performance security required under this 139135
section. The chief shall review any documents pertaining to the 139136
performance security and approve or disapprove the documents. The 139137
chief shall notify the applicant of the chief's determination. 139138

(H) If the performance security is a bond, the chief may 139139
accept the bond of the applicant itself without separate surety 139140
when the applicant demonstrates to the satisfaction of the chief 139141
the existence of a suitable agent to receive service of process 139142
and a history of financial solvency and continuous operation 139143
sufficient for authorization to self-insure or bond the amount. 139144

(I) Performance security provided under this section may be 139145

held in trust, provided that the state is the primary beneficiary 139146
of the trust and the custodian of the performance security held in 139147
trust is a bank, trust company, or other financial institution 139148
that is licensed and operating in this state. The chief shall 139149
review the trust document and approve or disapprove the document. 139150
The chief shall notify the applicant of the chief's determination. 139151

(J) If a surety, bank, savings and loan association, trust 139152
company, or other financial institution that holds the performance 139153
security required under this section becomes insolvent, the 139154
permittee shall notify the chief of the insolvency, and the chief 139155
shall order the permittee to submit a plan for replacement 139156
performance security within thirty days after receipt of notice 139157
from the chief. If the permittee provided performance security in 139158
accordance with division (C)(1) of this section, the permittee 139159
shall provide the replacement performance security within ninety 139160
days after receipt of notice from the chief. If the permittee 139161
provided performance security in accordance with division (C)(2) 139162
of this section, the permittee shall provide the replacement 139163
performance security within one year after receipt of notice from 139164
the chief, and, for a period of one year after the permittee's 139165
receipt of notice from the chief or until the permittee provides 139166
the replacement performance security, whichever occurs first, 139167
money in the reclamation forfeiture fund shall be the permittee's 139168
replacement performance security in an amount not to exceed the 139169
estimated cost of reclamation as determined by the chief. 139170

(K) If a permittee provided performance security in 139171
accordance with division (C)(1) of this section, the permittee's 139172
responsibility for repairing material damage and replacement of 139173
water supply resulting from subsidence shall be satisfied by 139174
either of the following: 139175

(1) The purchase prior to mining of a noncancelable 139176
premium-prepaid liability insurance policy in lieu of the 139177

permittee's performance security for subsidence damage. The 139178
insurance policy shall contain terms and conditions that 139179
specifically provide coverage for repairing material damage and 139180
replacement of water supply resulting from subsidence. 139181

(2) The provision of additional performance security in the 139182
amount of the estimated cost to the division of mineral resources 139183
management to repair material damage and replace water supplies 139184
resulting from subsidence until the repair or replacement is 139185
completed. However, if such repair or replacement is completed, or 139186
compensation for structures that have been damaged by subsidence 139187
is provided, by the permittee within ninety days of the occurrence 139188
of the subsidence, additional performance security is not 139189
required. In addition, the chief may extend the ninety-day period 139190
for a period not to exceed one year if the chief determines that 139191
the permittee has demonstrated in writing that subsidence is not 139192
complete and that probable subsidence-related damage likely will 139193
occur and, as a result, the completion of repairs of 139194
subsidence-related material damage to lands or protected 139195
structures or the replacement of water supply within ninety days 139196
of the occurrence of the subsidence would be unreasonable. 139197

(L) If the performance security provided in accordance with 139198
this section exceeds the estimated cost of reclamation, the chief 139199
may authorize the amount of the performance security that exceeds 139200
the estimated cost of reclamation together with any interest or 139201
other earnings on the performance security to be paid to the 139202
permittee. 139203

(M) A permittee that held a valid coal mining and reclamation 139204
permit immediately prior to April 6, 2007, shall provide, not 139205
later than a date established by the chief, performance security 139206
in accordance with division (C)(1) or (2) of this section, rather 139207
than in accordance with the law as it existed prior to that date, 139208
by filing it with the chief on a form that the chief prescribes 139209

and furnishes. Accordingly, for purposes of this section, 139210
"applicant" is deemed to include such a permittee. 139211

(N) As used in this section: 139212

(1) "Affiliate of the applicant" means an entity that has a 139213
parent entity in common with the applicant. 139214

(2) "Owner and controller of the applicant" means a person 139215
that has any relationship with the applicant that gives the person 139216
authority to determine directly or indirectly the manner in which 139217
the applicant conducts coal mining operations. 139218

Sec. 1513.16. (A) Any permit issued under this chapter to 139219
conduct coal mining operations shall require that the operations 139220
meet all applicable performance standards of this chapter and such 139221
other requirements as the chief of the division of mineral 139222
resources management shall adopt by rule. General performance 139223
standards shall apply to all coal mining and reclamation 139224
operations and shall require the operator at a minimum to do all 139225
of the following: 139226

(1) Conduct coal mining operations so as to maximize the 139227
utilization and conservation of the solid fuel resource being 139228
recovered so that re-affecting the land in the future through coal 139229
mining can be minimized; 139230

(2) Restore the land affected to a condition capable of 139231
supporting the uses that it was capable of supporting prior to any 139232
mining, or higher or better uses of which there is reasonable 139233
likelihood, so long as the uses do not present any actual or 139234
probable hazard to public health or safety or pose any actual or 139235
probable threat of diminution or pollution of the waters of the 139236
state, and the permit applicants' declared proposed land uses 139237
following reclamation are not considered to be impractical or 139238
unreasonable, to be inconsistent with applicable land use policies 139239

and plans, to involve unreasonable delay in implementation, or to 139240
violate federal, state, or local law; 139241

(3) Except as provided in division (B) of this section, with 139242
respect to all coal mining operations, backfill, compact where 139243
advisable to ensure stability or to prevent leaching of toxic 139244
materials, and grade in order to restore the approximate original 139245
contour of the land with all highwalls, spoil piles, and 139246
depressions eliminated unless small depressions are needed in 139247
order to retain moisture to assist revegetation or as otherwise 139248
authorized pursuant to this chapter, provided that if the operator 139249
demonstrates that due to volumetric expansion the amount of 139250
overburden and the spoil and waste materials removed in the course 139251
of the mining operation are more than sufficient to restore the 139252
approximate original contour, the operator shall backfill, grade, 139253
and compact the excess overburden and other spoil and waste 139254
materials to attain the lowest grade, but not more than the angle 139255
of repose, and to cover all acid-forming and other toxic materials 139256
in order to achieve an ecologically sound land use compatible with 139257
the surrounding region in accordance with the approved mining 139258
plan. The overburden or spoil shall be shaped and graded in such a 139259
way as to prevent slides, erosion, and water pollution and shall 139260
be revegetated in accordance with this chapter. 139261

(4) Stabilize and protect all surface areas, including spoil 139262
piles affected by the coal mining and reclamation operation, to 139263
control erosion and attendant air and water pollution effectively; 139264

(5) Remove the topsoil from the land in a separate layer, 139265
replace it on the backfill area, or, if not utilized immediately, 139266
segregate it in a separate pile from the spoil, and when the 139267
topsoil is not replaced on a backfill area within a time short 139268
enough to avoid deterioration of the topsoil, maintain a 139269
successful cover by quick-growing plants or other means thereafter 139270
so that the topsoil is preserved from wind and water erosion, 139271

remains free of any contamination by acid or other toxic material, 139272
and is in a usable condition for sustaining vegetation when 139273
restored during reclamation. If the topsoil is of insufficient 139274
quantity or of poor quality for sustaining vegetation or if other 139275
strata can be shown to be more suitable for vegetation 139276
requirements, the operator shall remove, segregate, and preserve 139277
in a like manner such other strata as are best able to support 139278
vegetation. 139279

(6) Restore the topsoil or the best available subsoil that is 139280
best able to support vegetation; 139281

(7) For all prime farmlands as identified in division 139282
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 139283
reclaimed, perform soil removal, storage, replacement, and 139284
reconstruction in accordance with specifications established by 139285
the secretary of the United States department of agriculture under 139286
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 139287
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 139288
required to do all of the following: 139289

(a) Segregate the A horizon of the natural soil, except where 139290
it can be shown that other available soil materials will create a 139291
final soil having a greater productive capacity, and, if not 139292
utilized immediately, stockpile this material separately from the 139293
spoil and provide needed protection from wind and water erosion or 139294
contamination by acid or other toxic material; 139295

(b) Segregate the B horizon of the natural soil, or 139296
underlying C horizons or other strata, or a combination of such 139297
horizons or other strata that are shown to be both texturally and 139298
chemically suitable for plant growth and that can be shown to be 139299
equally or more favorable for plant growth than the B horizon, in 139300
sufficient quantities to create in the regraded final soil a root 139301
zone of comparable depth and quality to that which existed in the 139302
natural soil, and, if not utilized immediately, stockpile this 139303

material separately from the spoil and provide needed protection 139304
from wind and water erosion or contamination by acid or other 139305
toxic material; 139306

(c) Replace and regrade the root zone material described in 139307
division (A)(7)(b) of this section with proper compaction and 139308
uniform depth over the regraded spoil material; 139309

(d) Redistribute and grade in a uniform manner the surface 139310
soil horizon described in division (A)(7)(a) of this section. 139311

(8) Create, if authorized in the approved mining and 139312
reclamation plan and permit, permanent impoundments of water on 139313
mining sites as part of reclamation activities only when it is 139314
adequately demonstrated by the operator that all of the following 139315
conditions will be met: 139316

(a) The size of the impoundment is adequate for its intended 139317
purposes. 139318

(b) The impoundment dam construction will be so designed as 139319
to achieve necessary stability with an adequate margin of safety 139320
compatible with that of structures constructed under the 139321
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 139322
(1954), 16 U.S.C. 1001, as amended. 139323

(c) The quality of impounded water will be suitable on a 139324
permanent basis for its intended use and discharges from the 139325
impoundment will not degrade the water quality below water quality 139326
standards established pursuant to applicable federal and state law 139327
in the receiving stream. 139328

(d) The level of water will be reasonably stable. 139329

(e) Final grading will provide adequate safety and access for 139330
proposed water users. 139331

(f) The water impoundments will not result in the diminution 139332
of the quality or quantity of water utilized by adjacent or 139333

surrounding landowners for agricultural, industrial, recreational, 139334
or domestic uses. 139335

(9) Conduct any augering operation associated with strip 139336
mining in a manner to maximize recoverability of mineral reserves 139337
remaining after the operation and reclamation are complete and 139338
seal all auger holes with an impervious and noncombustible 139339
material in order to prevent drainage, except where the chief 139340
determines that the resulting impoundment of water in such auger 139341
holes may create a hazard to the environment or the public health 139342
or safety. The chief may prohibit augering if necessary to 139343
maximize the utilization, recoverability, or conservation of the 139344
solid fuel resources or to protect against adverse water quality 139345
impacts. 139346

(10) Minimize the disturbances to the prevailing hydrologic 139347
balance at the mine site and in associated offsite areas and to 139348
the quality and quantity of water in surface and ground water 139349
systems both during and after coal mining operations and during 139350
reclamation by doing all of the following: 139351

(a) Avoiding acid or other toxic mine drainage by such 139352
measures as, but not limited to: 139353

(i) Preventing or removing water from contact with toxic 139354
producing deposits; 139355

(ii) Treating drainage to reduce toxic content that adversely 139356
affects downstream water upon being released to water courses in 139357
accordance with rules adopted by the chief in accordance with 139358
section 1513.02 of the Revised Code; 139359

(iii) Casing, sealing, or otherwise managing boreholes, 139360
shafts, and wells, and keeping acid or other toxic drainage from 139361
entering ground and surface waters. 139362

(b)(i) Conducting coal mining operations so as to prevent, to 139363
the extent possible using the best technology currently available, 139364

additional contributions of suspended solids to streamflow or 139365
runoff outside the permit area, but in no event shall 139366
contributions be in excess of requirements set by applicable state 139367
or federal laws; 139368

(ii) Constructing any siltation structures pursuant to 139369
division (A)(10)(b)(i) of this section prior to commencement of 139370
coal mining operations. The structures shall be certified by 139371
persons approved by the chief to be constructed as designed and as 139372
approved in the reclamation plan. 139373

(c) Cleaning out and removing temporary or large settling 139374
ponds or other siltation structures from drainways after disturbed 139375
areas are revegetated and stabilized, and depositing the silt and 139376
debris at a site and in a manner approved by the chief; 139377

(d) Restoring recharge capacity of the mined area to 139378
approximate premining conditions; 139379

(e) Avoiding channel deepening or enlargement in operations 139380
requiring the discharge of water from mines; 139381

(f) Such other actions as the chief may prescribe. 139382

(11) With respect to surface disposal of mine wastes, 139383
tailings, coal processing wastes, and other wastes in areas other 139384
than the mine working areas or excavations, stabilize all waste 139385
piles in designated areas through construction in compacted 139386
layers, including the use of noncombustible and impervious 139387
materials if necessary, and ensure that the final contour of the 139388
waste pile will be compatible with natural surroundings and that 139389
the site can and will be stabilized and revegetated according to 139390
this chapter; 139391

(12) Refrain from coal mining within five hundred feet of 139392
active and abandoned underground mines in order to prevent 139393
breakthroughs and to protect the health or safety of miners. The 139394
chief shall permit an operator to mine near, through, or partially 139395

through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:

(a) The chief finds in writing that:	139427
(i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations.	139428 139429 139430
(ii) The proposed underground mining operations are necessary or desirable to ensure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface.	139431 139432 139433
(iii) The applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in this state and that permits necessary for the underground mining operations have been issued by the appropriate authority.	139434 139435 139436 139437 139438
(iv) The areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations.	139439 139440 139441
(v) No substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this chapter.	139442 139443 139444
(vi) Provisions for the off-site storage of spoil will comply with division (A)(21) of this section.	139445 139446
(b) The chief has adopted specific rules to govern the granting of such variances in accordance with this division and has imposed such additional requirements as the chief considers necessary.	139447 139448 139449 139450
(c) Variances granted under this division shall be reviewed by the chief not more than three years from the date of issuance of the permit.	139451 139452 139453
(d) Liability under the performance security filed by the applicant with the chief pursuant to section 1513.08 of the Revised Code shall be for the duration of the underground mining	139454 139455 139456

operations and until the requirements of this section and section 139457
1513.08 of the Revised Code have been fully complied with. 139458

(16) Ensure that the construction, maintenance, and 139459
postmining conditions of access roads into and across the site of 139460
operations will control or prevent erosion and siltation, 139461
pollution of water, and damage to fish or wildlife or their 139462
habitat, or to public or private property; 139463

(17) Refrain from the construction of roads or other access 139464
ways up a stream bed or drainage channel or in such proximity to 139465
the channel as to seriously alter the normal flow of water; 139466

(18) Establish, on the regraded areas and all other lands 139467
affected, a diverse, effective, and permanent vegetative cover of 139468
the same seasonal variety native to the area of land to be 139469
affected and capable of self-regeneration and plant succession at 139470
least equal in extent of cover to the natural vegetation of the 139471
area, except that introduced species may be used in the 139472
revegetation process where desirable and necessary to achieve the 139473
approved postmining land use plan; 139474

(19)(a) Assume the responsibility for successful 139475
revegetation, as required by division (A)(18) of this section, for 139476
a period of five full years after the last year of augmented 139477
seeding, fertilizing, irrigation, or other work in order to ensure 139478
compliance with that division, except that when the chief approves 139479
a long-term intensive agricultural postmining land use, the 139480
applicable five-year period of responsibility for revegetation 139481
shall commence at the date of initial planting for that long-term 139482
intensive agricultural postmining land use, and except that when 139483
the chief issues a written finding approving a long-term intensive 139484
agricultural postmining land use as part of the mining and 139485
reclamation plan, the chief may grant an exception to division 139486
(A)(18) of this section; 139487

(b) On lands eligible for re-mining, assume the responsibility for successful revegetation, as required by division (A)(18) of this section, for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with that division.

(20) Protect off-site areas from slides or damage occurring during the coal mining and reclamation operations and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(21) Place all excess spoil material resulting from coal mining and reclamation operations in such a manner that all of the following apply:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way as to ensure mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for which performance security has been provided. All organic matter shall be removed immediately prior to spoil placement except in the zoned concept method.

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and mass movement.

(d) The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon,

or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement. (f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed. (g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses. (h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards. (i) All other provisions of this chapter are met. (22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site; (23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; (24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion; (25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations:

(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible.

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible.

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area.

(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.

(2) When an applicant meets the requirements of divisions 139580
(B)(3) and (4) of this section, a permit without regard to the 139581
requirement to restore to approximate original contour known as 139582
mountain top removal set forth in divisions (A)(3) or (C)(2) and 139583
(3) of this section may be granted for the mining of coal where 139584
the mining operation will remove an entire coal seam or seams 139585
running through the upper fraction of a mountain, ridge, or hill, 139586
except as provided in division (B)(4)(a) of this section, by 139587
removing all of the overburden and creating a level plateau or a 139588
gently rolling contour with no highwalls remaining, and capable of 139589
supporting postmining uses in accordance with this division. 139590

(3) In cases where an industrial, commercial, agricultural, 139591
residential, or public facility use, including recreational 139592
facilities, is proposed for the postmining use of the affected 139593
land, the chief may grant a permit for a mining operation of the 139594
nature described in division (B)(2) of this section when all of 139595
the following apply: 139596

(a) After consultation with the appropriate land use planning 139597
agencies, if any, the proposed postmining land use is considered 139598
to constitute an equal or better economic or public use of the 139599
affected land, as compared with premining use. 139600

(b) The applicant presents specific plans for the proposed 139601
postmining land use and appropriate assurances that the use will 139602
be all of the following: 139603

(i) Compatible with adjacent land uses; 139604

(ii) Obtainable according to data regarding expected need and 139605
market; 139606

(iii) Assured of investment in necessary public facilities; 139607

(iv) Supported by commitments from public agencies where 139608
appropriate; 139609

(v) Practicable with respect to private financial capability	139610
for completion of the proposed use;	139611
(vi) Planned pursuant to a schedule attached to the	139612
reclamation plan so as to integrate the mining operation and	139613
reclamation with the postmining land use;	139614
(vii) Designed by a registered engineer in conformity with	139615
professional standards established to ensure the stability,	139616
drainage, and configuration necessary for the intended use of the	139617
site.	139618
(c) The proposed use is consistent with adjacent land uses	139619
and existing state and local land use plans and programs.	139620
(d) The chief provides the governing body of the unit of	139621
general-purpose local government in which the land is located, and	139622
any state or federal agency that the chief, in the chief's	139623
discretion, determines to have an interest in the proposed use, an	139624
opportunity of not more than sixty days to review and comment on	139625
the proposed use.	139626
(e) All other requirements of this chapter will be met.	139627
(4) In granting a permit pursuant to this division, the chief	139628
shall require that each of the following is met:	139629
(a) The toe of the lowest coal seam and the overburden	139630
associated with it are retained in place as a barrier to slides	139631
and erosion.	139632
(b) The reclaimed area is stable.	139633
(c) The resulting plateau or rolling contour drains inward	139634
from the out slopes except at specified points.	139635
(d) No damage will be done to natural watercourses.	139636
(e) Spoil will be placed on the mountaintop bench as is	139637
necessary to achieve the planned postmining land use, except that	139638
all excess spoil material not retained on the mountaintop bench	139639

shall be placed in accordance with division (A)(21) of this section. 139640
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(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met. 139642
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(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary. 139644
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(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan. 139648
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(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section: 139654
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(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section. 139662
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(2) The operator shall complete backfilling with spoil 139670

material to cover completely the highwall and return the site to 139671
the approximate original contour, which material will maintain 139672
stability following mining and reclamation. 139673

(3) The operator shall not disturb land above the top of the 139674
highwall unless the chief finds that the disturbance will 139675
facilitate compliance with the environmental protection standards 139676
of this section, except that any such disturbance involving land 139677
above the highwall shall be limited to that amount of land 139678
necessary to facilitate compliance. 139679

(D)(1) The chief may permit variances for the purposes set 139680
forth in division (D)(3) of this section, provided that the 139681
watershed control of the area is improved and that complete 139682
backfilling with spoil material shall be required to cover 139683
completely the highwall, which material will maintain stability 139684
following mining and reclamation. 139685

(2) Where an applicant meets the requirements of divisions 139686
(D)(3) and (4) of this section, a variance from the requirement to 139687
restore to approximate original contour set forth in division 139688
(C)(2) of this section may be granted for the mining of coal when 139689
the owner of the surface knowingly requests in writing, as a part 139690
of the permit application, that such a variance be granted so as 139691
to render the land, after reclamation, suitable for an industrial, 139692
commercial, residential, or public use, including recreational 139693
facilities, in accordance with divisions (D)(3) and (4) of this 139694
section. 139695

(3) A variance pursuant to division (D)(2) of this section 139696
may be granted if: 139697

(a) After consultation with the appropriate land use planning 139698
agencies, if any, the potential use of the affected land is 139699
considered to constitute an equal or better economic or public 139700
use. 139701

(b) The postmining land condition is designed and certified 139702
by a registered professional engineer in conformity with 139703
professional standards established to ensure the stability, 139704
drainage, and configuration necessary for the intended use of the 139705
site. 139706

(c) After approval of the appropriate state environmental 139707
agencies, the watershed of the affected land is considered to be 139708
improved. 139709

(4) In granting a variance pursuant to division (D) of this 139710
section, the chief shall require that only such amount of spoil 139711
will be placed off the mine bench as is necessary to achieve the 139712
planned postmining land use, ensure stability of the spoil 139713
retained on the bench, and meet all other requirements of this 139714
chapter. All spoil placement off the mine bench shall comply with 139715
division (A)(21) of this section. 139716

(5) The chief shall adopt specific rules to govern the 139717
granting of variances under division (D) of this section and may 139718
impose such additional requirements as the chief considers 139719
necessary. 139720

(6) All variances granted under division (D) of this section 139721
shall be reviewed not more than three years from the date of 139722
issuance of the permit unless the permittee affirmatively 139723
demonstrates that the proposed development is proceeding in 139724
accordance with the terms of the reclamation plan. 139725

(E) The chief shall establish standards and criteria 139726
regulating the design, location, construction, operation, 139727
maintenance, enlargement, modification, removal, and abandonment 139728
of new and existing coal mine waste piles referred to in division 139729
(A)(13) of this section and division (A)(5) of section 1513.35 of 139730
the Revised Code. The standards and criteria shall conform to the 139731
standards and criteria used by the chief of the United States army 139732

corps of engineers to ensure that flood control structures are 139733
safe and effectively perform their intended function. In addition 139734
to engineering and other technical specifications, the standards 139735
and criteria developed pursuant to this division shall include 139736
provisions for review and approval of plans and specifications 139737
prior to construction, enlargement, modification, removal, or 139738
abandonment; performance of periodic inspections during 139739
construction; issuance of certificates of approval upon completion 139740
of construction; performance of periodic safety inspections; and 139741
issuance of notices for required remedial or maintenance work. 139742

(F)(1) The permittee may file a request with the chief for 139743
release of a part of a performance security under division (F)(3) 139744
of this section. Within thirty days after any request for 139745
performance security release under this section has been filed 139746
with the chief, the operator shall submit a copy of an 139747
advertisement placed at least once a week for four successive 139748
weeks in a newspaper of general circulation in the locality of the 139749
coal mining operation. The advertisement shall be considered part 139750
of any performance security release application and shall contain 139751
a notification of the precise location of the land affected, the 139752
number of acres, the permit number and the date approved, the 139753
amount of the performance security filed and the portion sought to 139754
be released, the type and appropriate dates of reclamation work 139755
performed, and a description of the results achieved as they 139756
relate to the operator's approved reclamation plan and, if 139757
applicable, the operator's pollution abatement plan. In addition, 139758
as part of any performance security release application, the 139759
applicant shall submit copies of the letters sent to adjoining 139760
property owners, local governmental bodies, planning agencies, and 139761
sewage and water treatment authorities or water companies in the 139762
locality in which the coal mining and reclamation activities took 139763
place, notifying them of the applicant's intention to seek release 139764
from the performance security. 139765

(2) Upon receipt of a copy of the advertisement and request for release of a performance security under division (F)(3)(c) of this section, the chief, within thirty days, shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuation or future occurrence of the pollution, and the estimated cost of abating the pollution. The chief shall notify the permittee in writing of the decision to release or not to release all or part of the performance security within sixty days after the filing of the request if no public hearing is held pursuant to division (F)(6) of this section or, if there has been a public hearing held pursuant to division (F)(6) of this section, within thirty days thereafter.

(3) The chief may release the performance security if the reclamation covered by the performance security or portion thereof has been accomplished as required by this chapter and rules adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading, and drainage control of an area for which performance security has been provided in accordance with the approved reclamation plan, and, if the area covered by the performance security is one for which an authorization was made under division (E)(7) of section 1513.07 of the Revised Code, the operator has complied with the approved pollution abatement plan and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas, the chief shall grant a release of fifty per cent of the performance security for the applicable permit area.

(b) After resoiling and revegetation have been established on

the regraded mined lands in accordance with the approved 139798
reclamation plan, the chief shall grant a release in an amount not 139799
exceeding thirty-five per cent of the original performance 139800
security for all or part of the affected area under the permit. 139801
When determining the amount of performance security to be released 139802
after successful revegetation has been established, the chief 139803
shall retain that amount of performance security for the 139804
revegetated area that would be sufficient for a third party to 139805
cover the cost of reestablishing revegetation for the period 139806
specified for operator responsibility in this section for 139807
reestablishing revegetation. No part of the performance security 139808
shall be released under this division so long as the lands to 139809
which the release would be applicable are contributing suspended 139810
solids to streamflow or runoff outside the permit area in excess 139811
of the requirements of this section or until soil productivity for 139812
prime farmlands has returned to equivalent levels of yield as 139813
nonmined land of the same soil type in the surrounding area under 139814
equivalent management practices as determined from the soil survey 139815
performed pursuant to section 1513.07 of the Revised Code. If the 139816
area covered by the performance security is one for which an 139817
authorization was made under division (E)(7) of section 1513.07 of 139818
the Revised Code, no part of the performance security shall be 139819
released under this division until the operator has complied with 139820
the approved pollution abatement plan and all additional 139821
requirements established by the chief in rules adopted under 139822
section 1513.02 of the Revised Code governing coal mining and 139823
reclamation operations on pollution abatement areas. Where a silt 139824
dam is to be retained as a permanent impoundment pursuant to 139825
division (A)(10) of this section, the portion of performance 139826
security may be released under this division so long as provisions 139827
for sound future maintenance by the operator or the landowner have 139828
been made with the chief. 139829

(c) When the operator has completed successfully all coal 139830

mining and reclamation activities, including, if applicable, all 139831
additional requirements established in the pollution abatement 139832
plan approved under division (E)(7) of section 1513.07 of the 139833
Revised Code and all additional requirements established by the 139834
chief in rules adopted under section 1513.02 of the Revised Code 139835
governing coal mining and reclamation operations on pollution 139836
abatement areas, the chief shall release all or any of the 139837
remaining portion of the performance security for all or part of 139838
the affected area under a permit, but not before the expiration of 139839
the period specified for operator responsibility in this section, 139840
except that the chief may adopt rules for a variance to the 139841
operator period of responsibility considering vegetation success 139842
and probability of continued growth and consent of the landowner, 139843
provided that no performance security shall be fully released 139844
until all reclamation requirements of this chapter are fully met. 139845

(4) If the chief disapproves the application for release of 139846
the performance security or portion thereof, the chief shall 139847
notify the permittee, in writing, stating the reasons for 139848
disapproval and recommending corrective actions necessary to 139849
secure the release, and allowing the opportunity for a public 139850
adjudicatory hearing. 139851

(5) When any application for total or partial performance 139852
security release is filed with the chief under this section, the 139853
chief shall notify the municipal corporation in which the coal 139854
mining operation is located by certified mail at least thirty days 139855
prior to the release of all or a portion of the performance 139856
security. 139857

(6) A person with a valid legal interest that might be 139858
adversely affected by release of a performance security under this 139859
section or the responsible officer or head of any federal, state, 139860
or local government agency that has jurisdiction by law or special 139861
expertise with respect to any environmental, social, or economic 139862

impact involved in the operation or is authorized to develop and 139863
enforce environmental standards with respect to such operations 139864
may file written objections to the proposed release from the 139865
performance security with the chief within thirty days after the 139866
last publication of the notice required by division (F)(1) of this 139867
section. If written objections are filed and an informal 139868
conference is requested, the chief shall inform all interested 139869
parties of the time and place of the conference. The date, time, 139870
and location of the informal conference shall be advertised by the 139871
chief in a newspaper of general circulation in the locality of the 139872
coal mining operation proposed for performance security release 139873
for at least once a week for two consecutive weeks. The informal 139874
conference shall be held in the locality of the coal mining 139875
operation proposed for performance security release or in Franklin 139876
county, at the option of the objector, within thirty days after 139877
the request for the conference. An electronic ~~or stenographic~~ 139878
record shall be made of the conference proceeding unless waived by 139879
all parties. The record shall be maintained and shall be 139880
accessible to the parties until final release of the performance 139881
security at issue. In the event all parties requesting the 139882
informal conference stipulate agreement prior to the requested 139883
informal conference and withdraw their request, the informal 139884
conference need not be held. 139885

(7) If an informal conference has been held pursuant to 139886
division (F)(6) of this section, the chief shall issue and furnish 139887
the applicant and persons who participated in the conference with 139888
the written decision regarding the release within sixty days after 139889
the conference. Within thirty days after notification of the final 139890
decision of the chief regarding the performance security release, 139891
the applicant or any person with an interest that is or may be 139892
adversely affected by the decision may appeal the decision to the 139893
reclamation commission pursuant to section 1513.13 of the Revised 139894
Code. 139895

(8)(a) If the chief determines that a permittee is responsible for mine drainage that requires water treatment after reclamation is completed under the terms of the permit or that a permittee must provide an alternative water supply after reclamation is completed under the terms of the permit, the permittee shall provide alternative financial security in an amount determined by the chief prior to the release of the remaining portion of performance security under division (F)(3)(c) of this section. The alternative financial security shall be in an amount that is equal to or greater than the present value of the estimated cost over time to develop and implement mine drainage plans and provide water treatment or in an amount that is necessary to provide and maintain an alternative water supply, as applicable. The alternative financial security shall include a contract, trust, or other agreement or mechanism that is enforceable under law to provide long-term water treatment or a long-term alternative water supply, or both. The contract, trust, or other agreement or mechanism included with the alternative financial security may provide for the funding of the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on guarantees or other collateral provided by the permittee and approved by the chief for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee.

(b) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of division (F)(8)(a) of this section.

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the

permittee may fund the alternative financial security 139928
incrementally over a period of time, not to exceed five years, 139929
with reliance on the reclamation forfeiture fund created in 139930
section 1513.18 of the Revised Code for the balance of the 139931
alternative financial security required until the alternative 139932
financial security has been fully funded by the permittee. The 139933
permittee semiannually shall pay to the division of mineral 139934
resources management a fee that is equal to seven and one-half per 139935
cent of the average balance of the alternative financial security 139936
that is being provided by reliance on the reclamation forfeiture 139937
fund over the previous six months. All money received from the fee 139938
shall be credited to the reclamation forfeiture fund. 139939

(9) Final release of the performance security in accordance 139940
with division (F)(3)(c) of this section terminates the 139941
jurisdiction of the chief under this chapter over the reclaimed 139942
site of a surface coal mining and reclamation operation or 139943
applicable portion of an operation. However, the chief shall 139944
reassert jurisdiction over such a site if the release was based on 139945
fraud, collusion, or misrepresentation of a material fact and the 139946
chief, in writing, demonstrates evidence of the fraud, collusion, 139947
or misrepresentation. Any person with an interest that is or may 139948
be adversely affected by the chief's determination may appeal the 139949
determination to the reclamation commission in accordance with 139950
section 1513.13 of the Revised Code. 139951

(G) The chief shall adopt rules governing the criteria for 139952
forfeiture of performance security, the method of determining the 139953
forfeited amount, and the procedures to be followed in the event 139954
of forfeiture. Cash received as the result of such forfeiture is 139955
the property of the state. 139956

Sec. 1565.12. When a loss of life is occasioned by accident 139957
in any mine, the operator thereof shall forthwith give notice 139958

thereof to the chief of the division of mineral resources 139959
management, and to the deputy mine inspector in charge of the 139960
district. Such notice shall be given by telephone or ~~telegraph~~ 139961
electronic format. The operator of such mine shall, within 139962
twenty-four hours after such accident causing loss of life, send a 139963
written report of the accident to the chief. Such written report 139964
shall specify the character and cause of the accident, the names 139965
of the persons killed, and the nature of the injuries that caused 139966
death. In the case of injury thereafter resulting in death, the 139967
operator shall send a written notice thereof to the chief, and to 139968
the deputy mine inspector of such district, at such time as such 139969
death comes to the operator's knowledge. 139970

No operator of a mine shall refuse or neglect to comply with 139971
this section. 139972

Sec. 1571.05. (A) Whenever any part of a gas storage 139973
reservoir or any part of its protective area underlies any part of 139974
a coal mine, or is, or within nine months is expected or intended 139975
to be, within two thousand linear feet of the boundary of a coal 139976
mine that is operating in a coal seam any part of which extends 139977
over any part of the storage reservoir or its protective area, the 139978
operator of the reservoir, if the reservoir operator or some other 139979
reservoir operator has not theretofore done so, shall: 139980

(1) Use every known method that is reasonable under the 139981
circumstance for discovering and locating all wells drilled within 139982
the area of the reservoir or its protective area that underlie any 139983
part of the coal mine or its protective area; 139984

(2) Plug or recondition all known wells drilled within the 139985
area of the reservoir or its protective area that underlie any 139986
part of the coal mine. 139987

(B) Whenever an operator of a gas storage reservoir is 139988
notified by the operator of a coal mine, as provided in division 139989

(B) of section 1571.03 of the Revised Code, that the coal mine operator believes that part of the boundary of the mine is within two thousand linear feet of a well that is drilled through the horizon of the coal mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed, unless it is agreed in a conference or is ordered by the chief of the division of oil and gas resources management after a hearing, as provided in section 1571.10 of the Revised Code, that the well referred to in the notice is not such a well as is described in division (B) of section 1571.03 of the Revised Code.

Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine as provided in division (C) or (D) of section 1571.03 of the Revised Code, that part of the boundary of the mine is, or within nine months is intended or expected to be, within two thousand linear feet of a well that is drilled through the horizon of the mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed.

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of the coal mine or the reservoir or well, the coal mine operator may file with the division objections to the use of the well for such purposes, and a request that a conference be held as provided in section 1571.10 of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not the well shall or shall not be used for such purposes, and whether or not the well shall be reconditioned,

inactivated, or plugged. The request shall set forth the mine 140022
operator's reasons for such objections. If no approved agreement 140023
is reached in the conference, the gas storage well inspector shall 140024
within ten days after the termination of the conference, file with 140025
the chief a request that the chief hear and determine the matters 140026
considered at the conference as provided in section 1571.10 of the 140027
Revised Code. Upon conclusion of the hearing, the chief shall find 140028
and determine whether or not the safety of persons or of the 140029
property on or in the vicinity of the premises of the coal mine, 140030
or the reservoir, or the well requires that the well be 140031
reconditioned, inactivated, or plugged, and shall make an order 140032
consistent with that determination, provided that the chief shall 140033
not order a well plugged unless the chief first finds that there 140034
is underground leakage of gas therefrom. 140035

The plugging or reconditioning of each well described in a 140036
notice from a coal mine operator to a reservoir operator as 140037
provided in division (B) of section 1571.03 of the Revised Code, 140038
which must be plugged or reconditioned, shall be completed within 140039
such time as the gas storage well inspector may fix in the case of 140040
each such well. The plugging or reconditioning of each well 140041
described in a notice from a coal mine operator to a reservoir 140042
operator as provided in division (C) of section 1571.03 of the 140043
Revised Code, which must be plugged or reconditioned, shall be 140044
completed by the time the well, by reason of the extension of the 140045
boundary of the coal mine, is within two thousand linear feet of 140046
any part of the boundary of the mine. The plugging or 140047
reconditioning of each well described in a notice from a coal mine 140048
operator to a reservoir operator, as provided in division (D) of 140049
section 1571.03 of the Revised Code, which must be plugged or 140050
reconditioned, shall be completed by the time the well, by reason 140051
of the opening of the new mine, is within two thousand linear feet 140052
of any part of the boundary of the new mine. A reservoir operator 140053
who is required to complete the plugging or reconditioning of a 140054

well within a period of time fixed as in this division prescribed, 140055
may prior to the end of that period of time, notify the division 140056
and the mine operator from whom the reservoir operator received a 140057
notice as provided in division (B), (C), or (D) of section 1571.03 140058
of the Revised Code, in writing by ~~registered~~ certified mail or 140059
electronic format, that the completion of the plugging or 140060
reconditioning of the well referred to in the notice will be 140061
delayed beyond the end of the period of time fixed therefor as in 140062
this section provided, and that the reservoir operator requests 140063
that a conference be held for the purpose of endeavoring to reach 140064
an agreement establishing a date subsequent to the end of that 140065
period of time, on or before which the reservoir operator may 140066
complete the plugging or reconditioning without incurring any 140067
penalties for failure to do so as provided in this chapter. If 140068
such a reservoir operator sends to such a mine operator and to the 140069
division a notice and request for a conference as in this division 140070
provided, the reservoir operator shall not incur any penalties for 140071
failure to complete the plugging or reconditioning of the well 140072
within the period of time fixed as in this division prescribed, 140073
unless the reservoir operator fails to complete the plugging or 140074
reconditioning of the well within the period of time fixed by an 140075
approved agreement reached in the conference, or fixed by an order 140076
by the chief upon a hearing held in the matter in the event of 140077
failure to reach an approved agreement in the conference. 140078

Whenever, in compliance with this division, a well is to be 140079
plugged by a reservoir operator, the operator shall give to the 140080
division notice thereof, as many days in advance as will be 140081
necessary for the gas storage well inspector or a deputy mine 140082
inspector to be present at the plugging. The notification shall be 140083
made on blanks furnished by the division and shall show the 140084
following information: 140085

(1) Name and address of the applicant; 140086

(2) The location of the well identified by section or lot number, city or village, and township and county;	140087 140088
(3) The well name and number of each well to be plugged.	140089
(C) The operator shall give written notice at the same time to the owner of the land upon which the well is located, the owners or agents of the adjoining land, and adjoining well owners or agents of the operator's intention to abandon the well, and of the time when the operator will be prepared to commence plugging and filling the same. In addition to giving such notices, the reservoir operator shall also at the same time send a copy of the notice by registered <u>certified mail or electronic format</u> to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the plugging of the well is done.	140090 140091 140092 140093 140094 140095 140096 140097 140098 140099 140100 140101 140102
If the reservoir operator plugs the well without the gas storage well inspector or a deputy mine inspector being present to supervise the plugging, the reservoir operator shall send to the division and to the coal mine operator a copy of the report of the plugging of the well, including in the report:	140103 140104 140105 140106 140107
(1) The date of abandonment;	140108
(2) The name of the owner or operator of the well at the time of abandonment and the well owner's or operator's post office address;	140109 140110 140111
(3) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof;	140112 140113 140114
(4) The date of the permit to drill;	140115
(5) The date when drilled;	140116

(6) Whether the well has been mapped;	140117
(7) The depth of the well;	140118
(8) The depth of the top of the sand to which the well was drilled;	140119 140120
(9) The depth of each seam of coal drilled through;	140121
(10) A detailed report as to how the well was plugged, giving in particular the manner in which the coal and various sands were plugged, and the date of the plugging of the well, including therein the names of those who witnessed the plugging of the well.	140122 140123 140124 140125
The report shall be signed by the operator or the operator's agent who plugged the well and verified by the oath of the party so signing. For the purposes of this section, a deputy mine inspector may take acknowledgements and administer oaths to the parties signing the report.	140126 140127 140128 140129 140130
Whenever, in compliance with this division, a well is to be reconditioned by a reservoir operator, the operator shall give to the division notice thereof as many days before the reconditioning is begun as will be necessary for the gas storage well inspector, or a deputy mine inspector, to be present at the reconditioning. No well shall be reconditioned if an inspector of the division is not present unless permission to do so has been granted by the chief. The reservoir operator, at the time of giving notice to the division as in this section required, also shall send a copy of the notice by registered <u>certified</u> mail <u>or electronic format</u> to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the reconditioning of the well is done.	140131 140132 140133 140134 140135 140136 140137 140138 140139 140140 140141 140142 140143 140144 140145 140146
If the reservoir operator reconditions the well when the gas	140147

storage well inspector or a deputy mine inspector is not present 140148
to supervise the reconditioning, the reservoir operator shall make 140149
written report to the division describing the manner in which the 140150
reconditioning was done, and shall send to the coal mine operator 140151
a copy of the report by ~~registered~~ certified mail or electronic 140152
format. 140153

(D) Wells that are required by this section to be plugged 140154
shall be plugged in the manner specified in sections 1509.13 to 140155
1509.17 of the Revised Code, and the operator shall give the 140156
notifications and reports required by divisions (B) and (C) of 140157
this section. No such well shall be plugged or abandoned without 140158
the written approval of the division, and no such well shall be 140159
mudded, plugged, or abandoned without the gas storage well 140160
inspector or a deputy mine inspector present unless written 140161
permission has been granted by the chief or the gas storage well 140162
inspector. For purposes of this section, the chief of the division 140163
of mineral resources management has the authority given the chief 140164
of the division of oil and gas resources management in sections 140165
1509.15 and 1509.17 of the Revised Code. If such a well has been 140166
plugged prior to the time plugging thereof is required by this 140167
section, and, on the basis of the data, information, and other 140168
evidence available it is determined that the plugging was done in 140169
the manner required by this section, or was done in accordance 140170
with statutes prescribing the manner of plugging wells in effect 140171
at the time the plugging was done, and that there is no evidence 140172
of leakage of gas from the well either at or below the surface, 140173
and that the plugging is sufficiently effective to prevent the 140174
leakage of gas from the well, the obligations imposed upon the 140175
reservoir operator by this section as to plugging the well shall 140176
be considered fully satisfied. The operator of a coal mine any 140177
part of the boundary of which is, or within nine months is 140178
expected or intended to be, within two thousand linear feet of the 140179
well may at any time raise a question as to whether the plugging 140180

of the well is sufficiently effective to prevent the leakage of 140181
gas therefrom, and the issue so made shall be determined by a 140182
conference or hearing as provided in section 1571.10 of the 140183
Revised Code. 140184

(E) Wells that are to be reconditioned as required by this 140185
section shall be, or shall be made to be: 140186

(1) Cased in accordance with the statutes of this state in 140187
effect at the time the wells were drilled, with the casing being, 140188
or made to be, sufficiently effective in that there is no evidence 140189
of any leakage of gas therefrom; 140190

(2) Equipped with a producing string and well head composed 140191
of new pipe, or pipe as good as new, and fittings designed to 140192
operate with safety and to contain the stored gas at maximum 140193
pressures contemplated. 140194

When a well that is to be reconditioned as required by this 140195
section has been reconditioned for use in the operation of the 140196
reservoir prior to the time prescribed in this section, and on the 140197
basis of the data, information, and other evidence available it is 140198
determined that at the time the well was so reconditioned the 140199
requirements prescribed in this division were met, and that there 140200
is no evidence of underground leakage of gas from the well, and 140201
that the reconditioning is sufficiently effective to prevent 140202
underground leakage from the well, the obligations imposed upon 140203
the reservoir operator by this section as to reconditioning the 140204
well shall be considered fully satisfied. Any operator of a coal 140205
mine any part of the boundary of which is, or within nine months 140206
is expected or intended to be, within two thousand linear feet of 140207
the well may at any time raise a question as to whether the 140208
reconditioning of the well is sufficiently effective to prevent 140209
underground leakage of gas therefrom, and the issue so made shall 140210
be determined by a conference or hearing as provided in section 140211
1571.10 of the Revised Code. 140212

If the gas storage well inspector at any time finds that a well that is drilled through the horizon of a coal mine and into or through the storage stratum or strata of a reservoir within the boundary of the reservoir or within its protective area is located within the boundary of the coal mine or within two thousand linear feet of the mine boundary, and was drilled prior to the time the statutes of this state required that wells be cased, and that the well fails to meet the casing and equipping requirements prescribed in this division, the gas storage well inspector shall promptly notify the operator of the reservoir thereof in writing, and the reservoir operator upon receipt of the notice shall promptly recondition the well in the manner prescribed in this division for reconditioning wells, unless, in a conference or hearing as provided in section 1571.10 of the Revised Code, a different course of action is agreed upon or ordered.

(F)(1) When a well within the boundary of a gas storage reservoir or within the reservoir's protective area penetrates the storage stratum or strata of the reservoir, but does not penetrate the coal seam within the boundary of a coal mine, the gas storage well inspector may, upon application of the operator of the storage reservoir, exempt the well from the requirements of this section. Either party affected by the action of the gas storage well inspector may request a conference and hearing with respect to the exemption.

(2) When a well located within the boundary of a storage reservoir or a reservoir's protective area is a producing well in a stratum above or below the storage stratum, the obligations imposed by this section shall not begin until the well ceases to be a producing well.

(G) When retreat mining reaches a point in a coal mine when the operator of the mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active

storage reservoir well, the operator of the mine shall promptly 140245
send by ~~registered~~ certified mail or electronic format notice to 140246
that effect to the operator of the reservoir. Thereupon the 140247
operators may by agreement determine whether it is necessary or 140248
advisable to temporarily inactivate the well. If inactivated, the 140249
well shall not be reactivated until a reasonable period of time 140250
has elapsed, such period of time to be determined by agreement by 140251
the operators. In the event that the parties cannot agree upon 140252
either of the foregoing matters, the question shall be submitted 140253
to the gas storage well inspector for a conference in accordance 140254
with section 1571.10 of the Revised Code. 140255

(H)(1) The provisions of this section that require the 140256
plugging or reconditioning of wells shall not apply to such wells 140257
as are used to inject gas into, store gas in, or remove gas from a 140258
gas storage reservoir when the sole purpose of the injection, 140259
storage, or removal is testing. The operator of a gas storage 140260
reservoir who injects gas into, stores gas in, or removes gas from 140261
a reservoir for the sole purpose of testing shall be subject to 140262
all other provisions of this chapter that are applicable to 140263
operators of reservoirs. 140264

(2) If the injection of gas into, or storage of gas in, a gas 140265
storage reservoir any part of which, or of the protective area of 140266
which, is within the boundary of a coal mine is begun after 140267
September 9, 1957, and if the injection or storage of gas is for 140268
the sole purpose of testing, the operator of the reservoir shall 140269
send by ~~registered~~ certified mail or electronic format to the 140270
operator of the coal mine, the division of oil and gas resources 140271
management, and the division of mineral resources management at 140272
least sixty days' notice of the date upon which the testing will 140273
be begun. 140274

If at any time within the period of time during which testing 140275
of a reservoir is in progress, any part of the reservoir or of its 140276

protective area comes within any part of the boundary of a coal mine, the operator of the reservoir shall promptly send notice to that effect by ~~registered~~ certified mail or electronic format to the operator of the mine, the division of oil and gas resources management, and the division of mineral resources management.

(3) Any coal mine operator who receives a notice as provided for in division (H)(2) of this section may within thirty days of the receipt thereof file with the division objections to the testing. The gas storage well inspector also may, within the time within which a coal mine operator may file an objection, place in the files of the division objections to the testing. The reservoir operator shall comply throughout the period of the testing operations with all conditions and requirements agreed upon and approved in the conference on such objections conducted as provided in section 1571.10 of the Revised Code, or in an order made by the chief following a hearing in the matter as provided in section 1571.10 of the Revised Code. If in complying with the agreement or order either the reservoir operator or the coal mine operator encounters or discovers conditions that were not known to exist at the time of the conference or hearing and that materially affect the agreement or order, or the ability of the reservoir operator to comply therewith, either operator may apply for a rehearing or modification of the order.

(I) In addition to complying with all other provisions of this chapter and any lawful orders issued thereunder, the operator of each gas storage reservoir shall keep all wells drilled into or through the storage stratum or strata within the boundary of the operator's reservoir or within the reservoir's protective area in such condition, and operate the same in such manner, as to prevent the escape of gas therefrom into any coal mine, and shall operate and maintain the storage reservoir and its facilities in such manner and at such pressures as will prevent gas from escaping

from the reservoir or its facilities into any coal mine. 140309

Sec. 1571.08. (A) Whenever in this chapter, the method or 140310
material to be used in discharging any obligations imposed by this 140311
chapter is specified, an alternative method or material may be 140312
used if approved by the gas storage well inspector or the chief of 140313
the division of oil and gas resources management. A person 140314
desiring to use such alternative method or material shall file 140315
with the division of oil and gas resources management an 140316
application for permission to do so. Such application shall 140317
describe such alternative method or material in reasonable detail. 140318
The gas storage well inspector shall promptly send by ~~registered~~ 140319
certified mail or electronic format notice of the filing of such 140320
application to any coal mine operator or reservoir operator whose 140321
mine or reservoir may be directly affected thereby. Any such coal 140322
mine operator or reservoir operator may within ten days following 140323
receipt of such notice, file with the division objections to such 140324
application. The gas storage well inspector may also file with the 140325
division an objection to such application at any time during which 140326
coal mine operators or reservoir operators are permitted to file 140327
objections. If no objections are filed within the ten-day period 140328
of time, the gas storage well inspector shall thereupon issue a 140329
permit approving the use of such alternative method or material. 140330
If any such objections are filed by any coal mine operator or 140331
reservoir operator, or by the gas storage well inspector, the 140332
question as to whether or not the use of such alternative method 140333
or material, or a modification thereof is approved, shall be 140334
determined by a conference or hearing as provided in section 140335
1571.10 of the Revised Code. 140336

(B) Whenever in this chapter, provision is made for the 140337
filing of objections with the division, such objections shall be 140338
in writing and shall state as definitely as is reasonably possible 140339
the reasons for such objections. Upon the filing of any such 140340

objection the gas storage well inspector shall promptly fix the 140341
time and place for holding a conference for the purpose of 140342
discussing and endeavoring to resolve by mutual agreement the 140343
issue raised by such objection. The gas storage well inspector 140344
shall send written notice thereof by ~~registered~~ certified mail or 140345
electronic format to each person having a direct interest therein. 140346
Thereupon the issue made by such objection shall be determined by 140347
a conference or hearing in accordance with the procedures for 140348
conferences and hearings as provided in section 1571.10 of the 140349
Revised Code. 140350

Sec. 1571.10. (A) The gas storage well inspector or any 140351
person having a direct interest in the administration of this 140352
chapter may at any time file with the division of oil and gas 140353
resources management a written request that a conference be held 140354
for the purpose of discussing and endeavoring to resolve by mutual 140355
agreement any question or issue relating to the administration of 140356
this chapter, or to compliance with its provisions, or to any 140357
violation thereof. Such request shall describe the matter 140358
concerning which the conference is requested. Thereupon the gas 140359
storage well inspector shall promptly fix the time and place for 140360
the holding of such conference and shall send written notice 140361
thereof to each person having a direct interest therein. At such 140362
conference the gas storage well inspector or a representative of 140363
the division designated by the gas storage well inspector shall be 140364
in attendance, and shall preside at the conference, and the gas 140365
storage well inspector or designated representative may make such 140366
recommendations as the gas storage well inspector or designated 140367
representative deems proper. Any agreement reached at such 140368
conference shall be consistent with the requirements of this 140369
chapter and, if approved by the gas storage well inspector, it 140370
shall be reduced to writing and shall be effective. Any such 140371
agreement approved by the gas storage well inspector shall be kept 140372

on file in the division and a copy thereof shall be furnished to 140373
each of the persons having a direct interest therein. The 140374
conference shall be deemed terminated as of the date an approved 140375
agreement is reached or when any person having a direct interest 140376
therein refuses to confer thereafter. Such a conference shall be 140377
held in all cases prior to the holding of a hearing as provided in 140378
this section. 140379

(B) Within ten days after the termination of a conference at 140380
which no approved agreement is reached, any person who 140381
participated in such conference and who has a direct interest in 140382
the subject matter thereof, or the gas storage well inspector, may 140383
file with the chief of the division of oil and gas resources 140384
management a request that the chief hear and determine the matter 140385
or matters, or any part thereof considered at the conference. 140386
Thereupon the chief shall promptly fix the time and place for the 140387
holding of such hearing and shall send written notice thereof to 140388
each person having a direct interest therein. The form of the 140389
request for such hearing and the conduct of the hearing shall be 140390
in accordance with rules that the chief adopts under section 140391
1571.11 of the Revised Code. Consistent with the requirement for 140392
reasonable notice each such hearing shall be held promptly after 140393
the filing of the request therefor. Any person having a direct 140394
interest in the matter to be heard shall be entitled to appear and 140395
be heard in person or by attorney. The division may present at 140396
such hearing any evidence that is material to the matter being 140397
heard and that has come to the division's attention in any 140398
investigation or inspection made pursuant to this chapter. 140399

(C) For the purpose of conducting such a hearing the chief 140400
may require the attendance of witnesses and the production of 140401
books, records, and papers, and the chief may, and at the request 140402
of any person having a direct interest in the matter being heard, 140403
the chief shall, issue subpoenas for witnesses or subpoenas duces 140404

tecum to compel the production of any books, records, or papers, 140405
directed to the sheriffs of the counties where such witnesses are 140406
found, which subpoenas shall be served and returned in the same 140407
manner as subpoenas in criminal cases are served and returned. The 140408
fees of sheriffs shall be the same as those allowed by the court 140409
of common pleas in criminal cases. Witnesses shall be paid the 140410
fees and mileage provided for under section 119.094 of the Revised 140411
Code. Such fee and mileage expenses shall be paid in advance by 140412
the persons at whose request they are incurred, and the remainder 140413
of such expenses shall be paid out of funds appropriated for the 140414
expenses of the division. 140415

In case of disobedience or neglect of any subpoena served on 140416
any person, or the refusal of any witness to testify to any matter 140417
regarding which the witness may be lawfully interrogated, the 140418
court of common pleas of the county in which such disobedience, 140419
neglect, or refusal occurs, or any judge thereof, on application 140420
of the chief, shall compel obedience by attachment proceedings for 140421
contempt as in the case of disobedience of the requirements of a 140422
subpoena issued from such court or a refusal to testify therein. 140423
Witnesses at such hearings shall testify under oath, and the chief 140424
may administer oaths or affirmations to persons who so testify. 140425

(D) With the consent of the chief, the testimony of any 140426
witness may be taken by deposition at the instance of a party to 140427
any hearing before the chief at any time after hearing has been 140428
formally commenced. The chief may, of the chief's own motion, 140429
order testimony to be taken by deposition at any stage in any 140430
hearing, proceeding, or investigation pending before the chief. 140431
Such deposition shall be taken in the manner prescribed by the 140432
laws of this state for taking depositions in civil cases in courts 140433
of record. 140434

(E) After the conclusion of a hearing the chief shall make a 140435
determination and finding of facts. Every adjudication, 140436

determination, or finding by the chief shall be made by written 140437
order and shall contain a written finding by the chief of the 140438
facts upon which the adjudication, determination, or finding is 140439
based. Notice of the making of such order shall be given to the 140440
persons whose rights, duties, or privileges are affected thereby, 140441
by sending a certified copy thereof by ~~registered~~ certified mail 140442
or electronic format to each of such persons. 140443

Adjudications, determinations, findings, and orders made by 140444
the chief shall not be governed by, or be subject to, Chapter 119. 140445
of the Revised Code. 140446

Sec. 1571.14. Any person claiming to be aggrieved or 140447
adversely affected by an order of the chief of the division of oil 140448
and gas resources management made as provided in section 1571.10 140449
or 1571.16 of the Revised Code may appeal to the director of 140450
natural resources for an order vacating or modifying such order. 140451
Upon receipt of the appeal, the director shall appoint an 140452
individual who has knowledge of the laws and rules regarding the 140453
underground storage of gas and who shall act as a hearing officer 140454
in accordance with Chapter 119. of the Revised Code in hearing the 140455
appeal. 140456

The person appealing to the director shall be known as 140457
appellant and the chief shall be known as appellee. The appellant 140458
and the appellee shall be deemed parties to the appeal. 140459

The appeal shall be in writing and shall set forth the order 140460
complained of and the grounds upon which the appeal is based. The 140461
appeal shall be filed with the director within thirty days after 140462
the date upon which appellant received notice by ~~registered~~ 140463
certified mail or electronic format of the making of the order 140464
complained of, as required by section 1571.10 of the Revised Code. 140465
Notice of the filing of such appeal shall be delivered by 140466
appellant to the chief within three days after the appeal is filed 140467

with the director. 140468

Within seven days after receipt of the notice of appeal the 140469
chief shall prepare and certify to the director at the expense of 140470
appellant a complete transcript of the proceedings out of which 140471
the appeal arises, including a transcript of the testimony 140472
submitted to the chief. 140473

Upon the filing of the appeal the director shall fix the time 140474
and place at which the hearing on the appeal will be held, and 140475
shall give appellant and the chief at least ten days' written 140476
notice thereof by mail. The director may postpone or continue any 140477
hearing upon the director's own motion or upon application of 140478
appellant or of the chief. 140479

The filing of an appeal provided for in this section does not 140480
automatically suspend or stay execution of the order appealed 140481
from, but upon application by the appellant the director may 140482
suspend or stay such execution pending determination of the appeal 140483
upon such terms as the director deems proper. 140484

The hearing officer appointed by the director shall hear the 140485
appeal de novo, and either party to the appeal may submit such 140486
evidence as the hearing officer deems admissible. 140487

For the purpose of conducting a hearing on an appeal, the 140488
hearing officer may require the attendance of witnesses and the 140489
production of books, records, and papers, and may, and at the 140490
request of any party shall, issue subpoenas for witnesses or 140491
subpoenas duces tecum to compel the production of any books, 140492
records, or papers, directed to the sheriffs of the counties where 140493
such witnesses are found, which subpoenas shall be served and 140494
returned in the same manner as subpoenas in criminal cases are 140495
served and returned. The fees of sheriffs shall be the same as 140496
those allowed by the court of common pleas in criminal cases. 140497
Witnesses shall be paid the fees and mileage provided for under 140498

section 119.094 of the Revised Code. Such fee and mileage expenses 140499
incurred at the request of appellant shall be paid in advance by 140500
appellant, and the remainder of such expenses shall be paid out of 140501
funds appropriated for the expenses of the division of oil and gas 140502
resources management. 140503

In case of disobedience or neglect of any subpoena served on 140504
any person, or the refusal of any witness to testify to any matter 140505
regarding which the witness may be lawfully interrogated, the 140506
court of common pleas of the county in which such disobedience, 140507
neglect, or refusal occurs, or any judge thereof, on application 140508
of the director, shall compel obedience by attachment proceedings 140509
for contempt as in the case of disobedience of the requirements of 140510
a subpoena issued from such court or a refusal to testify therein. 140511
Witnesses at such hearings shall testify under oath, and the 140512
hearing officer may administer oaths or affirmations to persons 140513
who so testify. 140514

At the request of any party to the appeal, a record of the 140515
testimony and other evidence submitted shall be taken by an 140516
official court reporter at the expense of the party making the 140517
request for the record. The record shall include all of the 140518
testimony and other evidence and the rulings on the admissibility 140519
thereof presented at the hearing. The hearing officer shall pass 140520
upon the admissibility of evidence, but any party may at the time 140521
object to the admission of any evidence and except to the ruling 140522
of the hearing officer thereon, and if the hearing officer refuses 140523
to admit evidence, the party offering same may make a proffer 140524
thereof, and such proffer shall be made a part of the record of 140525
such hearing. 140526

If upon completion of the hearing the hearing officer finds 140527
that the order appealed from was lawful and reasonable, the 140528
hearing officer shall make a written order affirming the order 140529
appealed from. If the hearing officer finds that such order was 140530

unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by ~~registered~~ certified mail or electronic format.

Sec. 1571.15. Any party adversely affected by an order of the hearing officer under section 1571.14 of the Revised Code may appeal to the court of common pleas of any county in which the well, or part of the gas storage reservoir, or part of the coal mine, involved in the order of the hearing officer which is being appealed, is located. Any party desiring to so appeal shall file with the director of natural resources a notice of appeal designating the order appealed from and stating whether the appeal is taken on questions of law or questions of law and fact. A copy of such notice shall also be filed by appellant with the court and shall be mailed or otherwise delivered to appellee. The notice shall be filed and mailed or otherwise delivered within thirty days after the date upon which appellant received notice from the hearing officer by ~~registered~~ certified mail or electronic format of the making of the order appealed from. No appeal bond shall be required to make either an appeal on questions of law or an appeal on questions of law and fact effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the hearing officer. If it appears to the court that an unjust hardship to the appellant will result from the execution of the hearing officer's order pending determination of the appeal, the court may grant a suspension of such order and fix its terms.

Within fifteen days after receipt of the notice of appeal the hearing officer shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including a transcript of the testimony and other evidence which has been submitted before ~~him~~ the hearing officer. The expense of preparing and transcribing such record shall be taxed as a part of the costs of the appeal. Appellant shall provide security for costs satisfactory to the court. Upon demand by a party the director shall furnish at the cost of the party requesting the same a copy of such record. In the event such complete record is not filed in the court within the time provided for in this section either party may apply to the court to have the case docketed, and the court shall order such record filed.

Appeals taken on questions of law shall be heard upon assignments of error filed in the cause or set out in the briefs of the appellant before the hearing. Errors not argued by brief may be disregarded, but the court may consider and decide errors which are not assigned or argued. Failure to file such briefs and assignments of error within the time prescribed by the court's rules shall be a cause for dismissal of such appeal.

In appeals taken on questions of law and fact, the hearing in the court shall be a hearing de novo of the appeal heard by the hearing officer in which the order appealed from was made. In such hearings any party may offer as evidence any part of the record of the proceedings out of which the appeal arises, certified to the court as provided for in this section, and any other evidence which the court deems admissible.

If the court finds that the order of the hearing officer appealed from was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the hearing officer should have made. The judgment of the

court is final unless reversed, vacated, or modified on appeal as 140594
in civil actions. 140595

Sec. 1571.16. (A) The gas storage well inspector or any 140596
person having a direct interest in the subject matter of this 140597
chapter may file with the division of oil and gas resources 140598
management a complaint in writing stating that a person is 140599
violating, or is about to violate, a provision or provisions of 140600
this chapter, or has done, or is about to do, an act, matter, or 140601
thing therein prohibited or declared to be unlawful, or has 140602
failed, omitted, neglected, or refused, or is about to fail, omit, 140603
neglect, or refuse, to perform a duty enjoined upon the person by 140604
this chapter. Upon the filing of such a complaint, the chief of 140605
the division of oil and gas resources management shall promptly 140606
fix the time for the holding of a hearing on such complaint and 140607
shall send by ~~registered~~ certified mail or electronic format to 140608
the person so complained of, a copy of such complaint together 140609
with at least five days' notice of the time and place at which 140610
such hearing will be held. Such notice of such hearing shall also 140611
be given to all persons having a direct interest in the matters 140612
complained of in such complaint. Such hearing shall be conducted 140613
in the same manner, and the chief and persons having a direct 140614
interest in the matter being heard, shall have the same powers, 140615
rights, and duties as provided in divisions (B), (C), (D), and (E) 140616
of section 1571.10 of the Revised Code, in connection with 140617
hearings by the chief, provided that if after conclusion of the 140618
hearing the chief finds that the charges against the person 140619
complained of, as stated in such complaint, have not been 140620
sustained by a preponderance of evidence, the chief shall make an 140621
order dismissing the complaint, and if the chief finds that the 140622
charges have been so sustained, the chief shall by appropriate 140623
order require compliance with those provisions. 140624

(B) Whenever the chief is of the opinion that any person is 140625

violating, or is about to violate, any provision of this chapter, 140626
or has done, or is about to do, any act, matter, or thing therein 140627
prohibited or declared to be unlawful, or has failed, omitted, 140628
neglected, or refused, or is about to fail, omit, neglect, or 140629
refuse, to perform any duty enjoined upon the person by this 140630
chapter, or has failed, omitted, neglected, or refused, or is 140631
about to fail, omit, neglect, or refuse, to obey any lawful 140632
requirement or order made by the chief, or any final judgment, 140633
order, or decree made by any court pursuant to this chapter, then 140634
and in every such case, the chief may institute in a court of 140635
competent jurisdiction of the county or counties wherein the 140636
operation is situated, an action to enjoin or restrain such 140637
violations or to enforce obedience with law or the orders of the 140638
chief. No injunction bond shall be required to be filed in any 140639
such proceeding. Such persons or corporations as the court may 140640
deem necessary or proper to be joined as parties in order to make 140641
its judgment, order, or writ effective may be joined as parties. 140642
An appeal may be taken as in other civil actions. 140643

(C) In addition to the other remedies as provided in 140644
divisions (A) and (B) of this section, any reservoir operator or 140645
coal mine operator affected by this chapter may proceed by 140646
injunction or other appropriate remedy to restrain violations or 140647
threatened violations of this chapter or of orders of the chief, 140648
or of the hearing officer appointed under section 1571.14 of the 140649
Revised Code, or the judgments, orders, or decrees of any court or 140650
to enforce obedience therewith. 140651

(D) Each remedy prescribed in divisions (A), (B), and (C) of 140652
this section is deemed concurrent or contemporaneous with each 140653
other remedy prescribed therein, and the existence or exercise of 140654
any one such remedy shall not prevent the exercise of any other 140655
such remedy. 140656

(E) The provisions of this chapter providing for conferences, 140657

hearings by the chief, appeals to the hearing officer from orders 140658
of the chief, and appeals to the court of common pleas from orders 140659
of the hearing officer, and the remedies prescribed in divisions 140660
(A), (B), (C), and (D) of this section, do not constitute the 140661
exclusive procedure that a person, who deems the person's rights 140662
to be unlawfully affected by any official action taken thereunder, 140663
must pursue in order to protect and preserve such rights, nor does 140664
this chapter constitute a procedure that such a person must pursue 140665
before the person may lawfully proceed by other actions, legal or 140666
equitable, to protect and preserve such rights. 140667

Sec. 1707.02. (A) "Exempt," as used in this section, means 140668
exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised 140669
Code. 140670

(B)(1) Except as provided in division (B)(2) of this section, 140671
the following securities are exempt, if the issuer or guarantor 140672
has the power of taxation or assessment for the purpose of paying 140673
the obligation represented by the security, or is in specific 140674
terms empowered by the laws of the state of issuance to issue 140675
securities payable as to principal or interest, or as to both, out 140676
of revenues collected or administered by such issuer: 140677

(a) Any security issued or guaranteed by the United States; 140678

(b) Any security issued or guaranteed by, and recognized, at 140679
the time of sale, as its valid obligation by, any foreign 140680
government with which the United States is, at the time of sale, 140681
maintaining diplomatic relations; 140682

(c) Any security issued or guaranteed, and recognized as its 140683
valid obligation, by any political subdivision or any governmental 140684
or other public body, corporation, or agency in or of the United 140685
States, any state, territory, or possession of the United States, 140686
or any foreign government with which the United States is, at the 140687
time of sale, maintaining diplomatic relations. 140688

(2) If a security described in division (B)(1) of this section is not payable out of the proceeds of a general tax, the security is exempt only if, at the time of its first sale in this state, there is no default in the payment of any of the interest or principal of the security, and there are no adjudications or pending suits adversely affecting its validity.

(C) Any security issued or guaranteed by a state or nationally chartered bank, savings and loan association, savings bank, or credit union, or a governmental corporation or agency created by or under the laws of the United States or of Canada is exempt, if it is under the supervision of or subject to regulation by the government or state under whose laws it was organized.

(D) Any interim certificate is exempt, if the securities to be delivered therefor are themselves exempt, are the subject matter of an exempt transaction, have been registered by description or registered by qualification, or are the subject matter of a transaction which has been registered by description.

(E)(1) A security is exempt if it meets any of the following requirements:

(a) The security is listed, or authorized for listing, on the New York stock exchange, the American stock exchange, or the national market system of the NASDAQ stock market, or any successor to such entities.

(b) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, designated by the securities and exchange commission in rule 146(b) promulgated under section 18(b)(1) of the Securities Act of 1933.

(c) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, that has listing standards that the

division of securities, on its own initiative or on the basis of 140720
an application, determines by rule are substantially similar to 140721
the listing standards applicable to securities described in 140722
division (E)(1)(a) of this section. 140723

(d) The security is a security of the same issuer that is 140724
equal in seniority or that is a senior security to a security 140725
described in division (E)(1)(a), (b), or (c) of this section. 140726

(2) Application for approval of a stock exchange or system 140727
not approved in this section may be made by any organized stock 140728
exchange or system, or by any dealer who is a member of such 140729
exchange, in such manner and upon such forms as are prescribed by 140730
the division, accompanied by payment of an approval fee of two 140731
hundred dollars, and the division shall make such investigation 140732
and may hold such hearings as it deems necessary to determine the 140733
propriety of giving approval. The cost of such investigation shall 140734
be borne by the applicant. The division may enter an order of 140735
approval, and if it does so, it shall notify the applicant of such 140736
approval. 140737

(3) The division may revoke the approval of an exchange or 140738
system enumerated in division (E)(1) of this section, provided 140739
that the exchange or system is not listed in section 18(b)(1) of 140740
the Securities Act of 1933 or any rule promulgated thereunder. The 140741
division may effect a revocation after due notice, investigation, 140742
a hearing, and a finding that the practices or requirements of 140743
such exchange or system have been so changed or modified, or are, 140744
in their actual operation, such that the contemplated protection 140745
is no longer afforded. The principles of res adjudicata ordinarily 140746
applicable in civil matters shall not be applicable to this 140747
matter, which is hereby declared to be administrative rather than 140748
judicial. Notice of the hearing may be given by ~~certified~~ 140749
electronic mail at least ten days before such hearing. 140750

(4) The division may suspend the exemption of any security 140751

described in division (E)(1) of this section, provided that the security is listed or authorized for listing on an exchange or system that is not listed in section 18(b)(1) of the Securities Act of 1933 or any rule promulgated thereunder. The division may effect a suspension by giving notice, by ~~certified~~ electronic mail, to that effect to the exchange or system upon which such security is listed or designated and to the issuer of such security. After notice and hearing, the division may revoke such exemption if it appears to it that sales of such security have been fraudulent or that future sales of it would be fraudulent. The division shall set such hearing not later than ten days from the date of the order of suspension, but may for good cause continue such hearing upon application of the exchange or system upon which such security is listed or designated or upon application of the issuer of such security.

(F) Any security, issued or guaranteed as to principal, interest, or dividend or distribution by a corporation owning or operating any public utility, is exempt, if such corporation is, as to its rates and charges or as to the issuance and guaranteeing of securities, under the supervision of or regulated by a public commission, board, or officer of the United States, or of Canada, or of any state, province, or municipal corporation in either of such countries. Equipment-trust securities based on chattel mortgages, leases, or agreements for conditional sale, of cars, locomotives, motor trucks, or other rolling stock or of motor vehicles mortgaged, leased, or sold to, or finished for the use of, a public utility, are exempt; and so are equipment securities where the ownership or title of such equipment is pledged or retained, in accordance with the laws of the United States or of any state, or of Canada or any province thereof, to secure the payment of such securities.

(G) Commercial paper and promissory notes are exempt when

they are not offered directly or indirectly for sale to the public. 140784
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(H) Any security issued or guaranteed by an insurance company, except as provided in section 1707.32 of the Revised Code, is exempt if such company is under the supervision of, and the issuance or guaranty of such security is regulated by, a state. 140786
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(I) Any security, except notes, bonds, debentures, or other evidences of indebtedness or of promises or agreements to pay money, which is issued by a person, corporation, or association organized not for profit, including persons, corporations, and associations organized exclusively for conducting county fairs, or for religious, educational, social, recreational, athletic, benevolent, fraternal, charitable, or reformatory purposes, and agricultural cooperatives as defined in section 1729.01 of the Revised Code, is exempt, if no part of the net earnings of such issuer inures to the benefit of any shareholder or member of such issuer or of any individual, and if the total commission, remuneration, expense, or discount in connection with the sale of such securities does not exceed two per cent of the total sale price thereof plus five hundred dollars. 140791
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(J)(1) Any securities outstanding for a period of not less than five years, on which there has occurred no default in payment of principal, interest, or dividend or distribution for the five years immediately preceding the sale, are exempt. 140805
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(2) For the purpose of division (J) of this section, the dividend, distribution, or interest rate on securities in which no such rate is specified shall be at the rate of at least four per cent annually on the aggregate of the price at which such securities are to be sold. 140809
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(K) All bonds issued under authority of Chapter 165. or 761., 140814

or section 4582.06 or 4582.31 of the Revised Code are exempt. 140815

Sec. 1707.04. (A) The division of securities may consider and 140816
conduct hearings upon any plan of reorganization, 140817
recapitalization, or refinancing of a corporation organized under 140818
the laws of this state, or having its principal place of business 140819
within this state, when such plan is proposed by such corporation 140820
or by any of its shareholders or creditors and contains a proposal 140821
to issue securities in exchange for one or more bona fide 140822
outstanding securities, claims, or property interests, or partly 140823
in such exchange or partly for cash. The division may also approve 140824
the terms of such issuance and exchange and the fairness of such 140825
terms, after a hearing upon such fairness at which all persons to 140826
whom it is proposed to issue securities in such exchange have the 140827
right to appear, if application for such a hearing is made by such 140828
corporation, by the holders of a majority in amount of its debts, 140829
or by the holders of a majority in amount of any outstanding class 140830
of securities issued by it. Notice in person or by electronic or 140831
regular mail of the time and place of such hearing shall be given 140832
to all persons to whom it is proposed to issue such securities, 140833
and evidence satisfactory to the division that such notice has 140834
been given shall be filed with the division. Securities issued in 140835
accordance with a plan so approved by the division are exempt from 140836
sections 1707.01 to 1707.50 of the Revised Code, relating to 140837
registration or qualification of securities or the registration of 140838
transactions therein. 140839

(B) "Reorganization," "recapitalization," and "refinancing," 140840
as used in this section, include the following: 140841

(1) A readjustment by modification of the terms of securities 140842
by agreement; 140843

(2) A readjustment by the exchange of securities by the 140844
issuer for others of its securities; 140845

(3) The exchange of securities by the issuer for securities of another issuer;	140846 140847
(4) The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by assets of such person;	140848 140849 140850 140851 140852
(5) A merger or consolidation.	140853
(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.	140854 140855 140856 140857 140858 140859 140860
Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:	140861 140862 140863
(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;	140864 140865 140866 140867
(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;	140868 140869 140870
(3) Engage in any manipulative act or practice.	140871
(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to	140872 140873 140874 140875

have designated the secretary of state as its agent for the 140876
service of process in any action or proceeding under this chapter. 140877
Upon receipt of any such process, together with an affidavit 140878
showing the last known address of the person who made or opposed 140879
the control bid or who realized such profit, the secretary of 140880
state shall forthwith give notice ~~by telegraph of the fact~~ of the 140881
service of process ~~and forward a copy of such process to such~~ 140882
~~address by certified mail, return receipt requested.~~ This section 140883
does not affect any right to serve process in any other manner 140884
permitted by law. 140885

(C) Any person who makes or opposes a control bid is subject 140886
to the liabilities and penalties applicable to a seller, and an 140887
offeree is entitled to the remedies applicable to a purchaser, as 140888
set forth in sections 1707.41 to 1707.50 of the Revised Code. 140889

(D) In case any provision or application of any provision of 140890
this section is for any reason held to be illegal or invalid, such 140891
illegality or invalidity shall not affect any legal and valid 140892
provision or application of this section. 140893

Sec. 1707.091. (A) Any security for which a registration 140894
statement has been filed pursuant to Section 6 of the Securities 140895
Act of 1933 or for which a notification form and offering circular 140896
has been filed pursuant to regulation A of the general rules and 140897
regulations of the securities and exchange commission, 17 C.F.R. 140898
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 140899
before or after the effective date of this section, in connection 140900
with the same offering may be registered by coordination. 140901

(B) A registration statement filed by or on behalf of the 140902
issuer under this section with the division of securities shall 140903
contain the following information and be accompanied by the 140904
following items in addition to the consent to service of process 140905
required by section 1707.11 of the Revised Code: 140906

(1) One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;	140907 140908 140909
(2) If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;	140910 140911 140912 140913 140914 140915 140916
(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;	140917 140918 140919
(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;	140920 140921 140922 140923 140924 140925 140926 140927
(5) A filing fee of one hundred dollars.	140928
(C) A registration statement filed under this section becomes effective either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:	140929 140930 140931 140932 140933 140934
(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised	140935 140936 140937

Code; 140938

(2) The registration statement has been on file with the 140939
division for at least fifteen days or for such shorter period as 140940
the division by rule or otherwise permits; provided, that if the 140941
registration statement is not filed with the division within five 140942
days of the initial filing with the securities and exchange 140943
commission, the registration statement must be on file with the 140944
division for thirty days or for such shorter period as the 140945
division by rule or otherwise permits. 140946

(3) A statement of the maximum and minimum proposed offering 140947
prices and the maximum underwriting discounts and commissions has 140948
been on file with the division for two full business days or for 140949
such shorter period as the division by rule or otherwise permits 140950
and the offering is made within those limitations; 140951

(4) The division has received a registration fee of one-tenth 140952
of one per cent of the aggregate price at which the securities are 140953
to be sold to the public in this state, which fee, however, shall 140954
in no case be less than one hundred or more than one thousand 140955
dollars. 140956

(D) The issuer shall promptly notify the division by 140957
telephone ~~or telegram~~ of the date and time when the federal 140958
registration statement became effective, or when the offering may 140959
otherwise be commenced in accordance with the rules, regulations, 140960
or orders of the securities and exchange commission, and of the 140961
contents of the price amendment, if any, and shall promptly file 140962
the price amendment. 140963

"Price amendment" for the purpose of this division, means the 140964
final federal registration statement amendment that includes a 140965
statement of the offering price, underwriting and selling 140966
discounts or commissions, amount of proceeds, conversion rates, 140967
call prices, and other matters dependent upon the offering price. 140968

If the division fails to receive the required notice and 140969
required copies of the price amendment, the division may enter a 140970
provisional stop order retroactively denying effectiveness to the 140971
registration statement or suspending its effectiveness until there 140972
is compliance with this division, provided the division promptly 140973
notifies the issuer or its representative by telephone ~~or~~ 140974
~~telegram~~, and promptly confirms by letter ~~or telegram~~ when it 140975
notifies by telephone, of the entry of the order. If the issuer or 140976
its representative proves compliance with the requirements of this 140977
division as to notice and price amendment filing, the stop order 140978
is void as of the time of its entry. The division may by rule or 140979
otherwise waive either or both of the conditions specified in 140980
divisions (C)(2) and (3) of this section. If the federal 140981
registration statement becomes effective, or if the offering may 140982
otherwise be commenced in accordance with the rules, regulations, 140983
or orders of the securities and exchange commission, before all of 140984
the conditions specified in divisions (C) and (D) of this section 140985
are satisfied and they are not waived by the division the 140986
registration statement becomes effective as soon as all of the 140987
conditions are satisfied. 140988

If the issuer advises the division of the date when the 140989
federal registration statement is expected to become effective, or 140990
when the offering may otherwise be commenced in accordance with 140991
the rules, regulations, or orders of the securities and exchange 140992
commission, the division shall promptly advise the issuer or its 140993
representative by telephone ~~or telegram~~, at the issuer's expense, 140994
whether all of the conditions have been satisfied or whether the 140995
division then contemplates the institution of a proceeding under 140996
section 1707.13 or 1707.23 of the Revised Code, but such advice 140997
does not preclude the institution of such a proceeding at any 140998
time. 140999

Sec. 1707.11. (A) Each person that is not organized under the 141000

laws of this state, that is not licensed under section 1703.03 of 141001
the Revised Code, or that does not have its principal place of 141002
business in this state, shall submit to the division of securities 141003
an irrevocable consent to service of process, as described in 141004
division (B) of this section, in connection with any of the 141005
following: 141006

(1) Filings to claim any of the exemptions enumerated in 141007
division (Q), (W), or (Y) of section 1707.03 of the Revised Code; 141008

(2) Applications for registration by description, 141009
qualification, or coordination; 141010

(3) Notice filings pursuant to section 1707.092 of the 141011
Revised Code. 141012

(B) The irrevocable written consent shall be executed and 141013
acknowledged by an individual duly authorized to give the consent 141014
and shall do all of the following: 141015

(1) Designate the secretary of state as agent for service of 141016
process or pleadings; 141017

(2) State that actions growing out of the sale of such 141018
securities, the giving of investment advice, or fraud committed by 141019
a person on whose behalf the consent is submitted may be commenced 141020
against the person, in the proper court of any county in this 141021
state in which a cause of action may arise or in which the 141022
plaintiff in the action may reside, by serving on the secretary of 141023
state any proper process or pleading authorized by the laws of 141024
this state; 141025

(3) Stipulate that service of process or pleading on the 141026
secretary of state shall be taken in all courts to be as valid and 141027
binding as if service had been made upon the person on whose 141028
behalf the consent is submitted. 141029

(C) Notwithstanding any application, form, or other material 141030

filed with or submitted to the division that purports to appoint 141031
as agent for service of process a person other than the secretary 141032
of state, the application, form, or other material shall be 141033
considered to appoint the secretary of state as agent for service 141034
of process. 141035

(D) Service of any process or pleadings may be made on the 141036
secretary of state ~~by duplicate copies, of which one shall be~~ 141037
~~filed~~ in the office of the secretary of state, and ~~the other~~ 141038
~~immediately~~ forwarded by the secretary of state ~~by certified mail~~ 141039
to the principal place of business of the person on whose behalf 141040
the consent is submitted or to the last known address as shown on 141041
the filing made with the division. However, failure to ~~mail~~ send 141042
such copy does not invalidate the service. 141043

(E) Notwithstanding any provision of this chapter, or of any 141044
rule adopted by the division of securities under this chapter, 141045
that requires the submission of a consent to service of process, 141046
the division may provide by rule for the electronic filing or 141047
submission of a consent to service of process. 141048

Sec. 1707.43. (A) Subject to divisions (B) and (C) of this 141049
section, every sale or contract for sale made in violation of 141050
Chapter 1707. of the Revised Code, is voidable at the election of 141051
the purchaser. The person making such sale or contract for sale, 141052
and every person that has participated in or aided the seller in 141053
any way in making such sale or contract for sale, are jointly and 141054
severally liable to the purchaser, in an action at law in any 141055
court of competent jurisdiction, upon tender to the seller ~~in~~ 141056
~~person or in open court~~ of the securities sold or of the contract 141057
made, for the full amount paid by the purchaser and for all 141058
taxable court costs, unless the court determines that the 141059
violation did not materially affect the protection contemplated by 141060
the violated provision. 141061

(B) No action for the recovery of the purchase price as 141062
provided for in this section, and no other action for any recovery 141063
based upon or arising out of a sale or contract for sale made in 141064
violation of Chapter 1707. of the Revised Code, shall be brought 141065
more than two years after the plaintiff knew, or had reason to 141066
know, of the facts by reason of which the actions of the person or 141067
director were unlawful, or more than five years from the date of 141068
such sale or contract for sale, whichever is the shorter period. 141069

(C) No purchaser is entitled to the benefit of this section 141070
who has failed to accept, within thirty days from the date of such 141071
offer, an offer in writing made after two weeks from the date of 141072
the sale or contract of sale, by the seller or by any person that 141073
has participated in or aided the seller in any way in making the 141074
sale or contract of sale, to take back the security in question 141075
and to refund the full amount paid by the purchaser. 141076

Sec. 1733.16. Unless otherwise provided in the articles, 141077
regulations, or bylaws, and subject to the exceptions applicable 141078
during an emergency, as that term is defined in section 1733.01 of 141079
the Revised Code: 141080

(A) Meetings of the directors may be called by the 141081
chairperson, vice-chairperson, president, or any vice-president of 141082
the board or any two directors. 141083

(B) Regularly scheduled meetings of the directors shall be 141084
held in the manner prescribed by the credit union's code of 141085
regulations, but not less frequently than quarterly. 141086

(C) Meetings of the directors may be held within or without 141087
the state. Unless the articles or regulations prohibit 141088
participation by directors at a meeting by means of communication 141089
equipment, meetings of the directors may be held through any 141090
communication equipment if all the persons participating can hear 141091
each other, and participation in the meeting pursuant to this 141092

division constitutes presence at the meeting. 1411093

(D) Notice of the place, if any, and time of each meeting of 1411094
the directors shall be given to each director either by personal 1411095
delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 1411096
service, or any other means of communication authorized by the 1411097
~~director~~ board of directors at least two days before the meeting, 1411098
unless otherwise specified in the regulations or bylaws. The 1411099
notice described in this division need not specify the purpose of 1411100
the meeting. 1411101

(E) Notice of adjournment of a meeting need not be given, if 1411102
the time and place to which it is adjourned are fixed and 1411103
announced at the meeting. 1411104

Sec. 2941.401. When a person has entered upon a term of 1411105
imprisonment in a correctional institution of this state, and when 1411106
during the continuance of the term of imprisonment there is 1411107
pending in this state any untried indictment, information, or 1411108
complaint against the prisoner, ~~he~~ the prisoner shall be brought 1411109
to trial within one hundred eighty days after ~~he~~ the prisoner 1411110
causes to be delivered to the prosecuting attorney and the 1411111
appropriate court in which the matter is pending, written notice 1411112
of the place of ~~his~~ the prisoner's imprisonment and a request for 1411113
a final disposition to be made of the matter, except that for good 1411114
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 1411115
counsel present, the court may grant any necessary or reasonable 1411116
continuance. The request of the prisoner shall be accompanied by a 1411117
certificate of the warden or superintendent having custody of the 1411118
prisoner, stating the term of commitment under which the prisoner 1411119
is being held, the time served and remaining to be served on the 1411120
sentence, the amount of good time earned, the time of parole 1411121
eligibility of the prisoner, and any decisions of the adult parole 1411122
authority relating to the prisoner. 1411123

The written notice and request for final disposition shall be given or sent by the prisoner to the warden or superintendent having custody of ~~him~~ the prisoner, who shall promptly forward it with the certificate to the appropriate prosecuting attorney and court by registered or certified mail, return receipt requested. If the appropriate prosecuting attorney and agency having custody of the prisoner have previously agreed, then the written notice, request, and certificate may be sent by electronic mail or facsimile, in lieu of registered mail or certified mail.

The warden or superintendent having custody of the prisoner shall promptly inform ~~him~~ the prisoner in writing of the source and contents of any untried indictment, information, or complaint against ~~him~~ the prisoner, concerning which the warden or superintendent has knowledge, and of ~~his~~ the prisoner's right to make a request for final disposition thereof.

Escape from custody by the prisoner, subsequent to ~~his~~ the prisoner's execution of the request for final disposition, voids the request.

If the action is not brought to trial within the time provided, subject to continuance allowed pursuant to this section, no court any longer has jurisdiction thereof, the indictment, information, or complaint is void, and the court shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment or death, or to any prisoner under sentence of death.

Sec. 3111.23. The natural mother, the man acknowledging he is the natural father, or the other custodian or guardian of a child, a child support enforcement agency pursuant to section 3111.22 of the Revised Code, a local registrar of vital statistics pursuant to section 3705.091 of the Revised Code, or a hospital staff

person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 141155
~~or~~ by mail, may file an acknowledgment of paternity with the 141156
office of child support in the department of job and family 141157
services, acknowledging that the child is the child of the man who 141158
signed the acknowledgment. The acknowledgment of paternity shall 141159
be made on the affidavit prepared pursuant to section 3111.31 of 141160
the Revised Code, shall be signed by the natural mother and the 141161
man acknowledging that he is the natural father, and each 141162
signature shall be notarized. The mother and man may sign and have 141163
the signature notarized outside of each other's presence. An 141164
acknowledgment shall be sent to the office no later than ten days 141165
after it has been signed and notarized. If a person knows a man is 141166
presumed under section 3111.03 of the Revised Code to be the 141167
father of the child described in this section and that the 141168
presumed father is not the man who signed an acknowledgment with 141169
respect to the child, the person shall not notarize or file the 141170
acknowledgment pursuant to this section. 141171

Sec. 3301.05. A majority of the voting members of the state 141172
board of education shall constitute a quorum for the transaction 141173
of business. Official actions of the state board, including the 141174
making and adoption of motions and resolutions, shall be 141175
transacted only at public meetings open to the public. The 141176
superintendent of public instruction, or a designated subordinate 141177
~~designated by him~~, shall record all official actions taken at each 141178
meeting of the board ~~in a book provided for that purpose~~, which 141179
shall be a public record. The record of the proceedings of each 141180
meeting of the board shall be read at its next succeeding meeting 141181
and corrected and approved, which approval shall be noted in the 141182
proceedings. The president shall sign the record and the 141183
superintendent of public instruction or ~~his~~ a designated 141184
subordinate attest it. The president's signature of the record and 141185

the attestation of the superintendent or designated subordinate 141186
may be made electronically. 141187

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 141188
section, for the 2014-2015 school year, and for each school year 141189
thereafter, when a provision refers to a school district or school 141190
building in a state of academic emergency, it shall mean a 141191
district or building rated "F"; when a provision refers to a 141192
school district or school building under an academic watch, it 141193
shall mean a district or building rated "D"; and when a provision 141194
refers to a school district or school building in need of 141195
continuous improvement, it shall mean a district or building rated 141196
"C" as those letter grade ratings for overall performance are 141197
assigned under division (C)(3) of section 3302.03 of the Revised 141198
Code, as it exists on or after March 22, 2013. 141199

(A) The department of education shall establish a system of 141200
intensive, ongoing support for the improvement of school districts 141201
and school buildings. In accordance with the model of 141202
differentiated accountability described in section 3302.041 of the 141203
Revised Code, the system shall give priority to the following: 141204

(1) For any school year prior to the 2012-2013 school year, 141205
districts and buildings that have been declared to be under an 141206
academic watch or in a state of academic emergency under section 141207
3302.03 of the Revised Code; 141208

(2) For the 2012-2013 school year, and for each school year 141209
thereafter, districts and buildings in the manner prescribed by 141210
any agreement currently in force between the department and the 141211
United States department of education. The department shall 141212
endeavor to include schools and buildings that receive grades or 141213
performance ratings under section 3302.03 of the Revised Code that 141214
the department considers to be low performing. 141215

The system shall include services provided to districts and 141216

buildings through regional service providers, such as educational 141217
service centers. The system may include the appointment of an 141218
improvement coordinator for any of the lowest performing 141219
districts, as determined by the department, to coordinate the 141220
district's academic improvement efforts and to build support among 141221
the community for those efforts. 141222

(B) This division does not apply to any school district after 141223
June 30, 2008. 141224

When a school district has been notified by the department 141225
pursuant to section 3302.03 of the Revised Code that the district 141226
or a building within the district has failed to make adequate 141227
yearly progress for two consecutive school years, the district 141228
shall develop a three-year continuous improvement plan for the 141229
district or building containing each of the following: 141230

(1) An analysis of the reasons for the failure of the 141231
district or building to meet any of the applicable performance 141232
indicators established under section 3302.02 of the Revised Code 141233
that it did not meet and an analysis of the reasons for its 141234
failure to make adequate yearly progress; 141235

(2) Specific strategies that the district or building will 141236
use to address the problems in academic achievement identified in 141237
division (B)(1) of this section; 141238

(3) Identification of the resources that the district will 141239
allocate toward improving the academic achievement of the district 141240
or building; 141241

(4) A description of any progress that the district or 141242
building made in the preceding year toward improving its academic 141243
achievement; 141244

(5) An analysis of how the district is utilizing the 141245
professional development standards adopted by the state board 141246
pursuant to section 3319.61 of the Revised Code; 141247

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

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No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

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(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

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(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.

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(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

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(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site

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evaluation prescribed by the agreement described in division	141279
(A)(2) of this section.	141280
(3) Division (D)(3) of this section does not apply to any	141281
school district after June 30, 2008.	141282
If any school district that is declared to be in a state of	141283
academic emergency or in a state of academic watch under section	141284
3302.03 of the Revised Code or encompasses a building that is	141285
declared to be in a state of academic emergency or in a state of	141286
academic watch fails to demonstrate to the department satisfactory	141287
improvement of the district or applicable buildings or fails to	141288
submit to the department any information required under rules	141289
established by the state board of education, prior to approving a	141290
three year continuous improvement plan under rules established by	141291
the state board of education, the department shall conduct a site	141292
evaluation of the school district or applicable buildings to	141293
determine whether the school district is in compliance with	141294
minimum standards established by law or rule.	141295
(4) Division (D)(4) of this section does not apply to any	141296
school district after June 30, 2008. Site evaluations conducted	141297
under divisions (D)(1), (2), and (3) of this section shall	141298
include, but not be limited to, the following:	141299
(a) Determining whether teachers are assigned to subject	141300
areas for which they are licensed or certified;	141301
(b) Determining pupil teacher ratios;	141302
(c) Examination of compliance with minimum instruction time	141303
requirements for each school day and for each school year;	141304
(d) Determining whether materials and equipment necessary to	141305
implement the curriculum approved by the school district board are	141306
available;	141307
(e) Examination of whether the teacher and principal	141308

~~evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;~~ 141309
141310

~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 141311
141312
141313

(E) This division applies only to school districts that 141314
operate a school building that fails to make adequate yearly 141315
progress for two or more consecutive school years. It does not 141316
apply to any such district after June 30, 2008, except as provided 141317
in division (D)(2) of section 3313.97 of the Revised Code. 141318

(1) For any school building that fails to make adequate 141319
yearly progress for two consecutive school years, the district 141320
shall do all of the following: 141321

(a) Provide written notification of the academic issues that 141322
resulted in the building's failure to make adequate yearly 141323
progress to the parent or guardian of each student enrolled in the 141324
building. The notification shall also describe the actions being 141325
taken by the district or building to improve the academic 141326
performance of the building and any progress achieved toward that 141327
goal in the immediately preceding school year. 141328

(b) If the building receives funds under Title I, Part A of 141329
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141330
6311 to 6339, from the district, in accordance with section 141331
3313.97 of the Revised Code, offer all students enrolled in the 141332
building the opportunity to enroll in an alternative building 141333
within the district that is not in school improvement status as 141334
defined by the "No Child Left Behind Act of 2001." Notwithstanding 141335
Chapter 3327. of the Revised Code, the district shall spend an 141336
amount equal to twenty per cent of the funds it receives under 141337
Title I, Part A of the "Elementary and Secondary Education Act of 141338
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 141339

students who enroll in alternative buildings under this division, 141340
unless the district can satisfy all demand for transportation with 141341
a lesser amount. If an amount equal to twenty per cent of the 141342
funds the district receives under Title I, Part A of the 141343
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 141344
to 6339, is insufficient to satisfy all demand for transportation, 141345
the district shall grant priority over all other students to the 141346
lowest achieving students among the subgroup described in division 141347
(B)(3) of section 3302.01 of the Revised Code in providing 141348
transportation. Any district that does not receive funds under 141349
Title I, Part A of the "Elementary and Secondary Education Act of 141350
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 141351
transportation to any student who enrolls in an alternative 141352
building under this division. 141353

(2) For any school building that fails to make adequate 141354
yearly progress for three consecutive school years, the district 141355
shall do both of the following: 141356

(a) If the building receives funds under Title I, Part A of 141357
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141358
6311 to 6339, from the district, in accordance with section 141359
3313.97 of the Revised Code, provide all students enrolled in the 141360
building the opportunity to enroll in an alternative building 141361
within the district that is not in school improvement status as 141362
defined by the "No Child Left Behind Act of 2001." Notwithstanding 141363
Chapter 3327. of the Revised Code, the district shall provide 141364
transportation for students who enroll in alternative buildings 141365
under this division to the extent required under division (E)(2) 141366
of this section. 141367

(b) If the building receives funds under Title I, Part A of 141368
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141369
6311 to 6339, from the district, offer supplemental educational 141370
services to students who are enrolled in the building and who are 141371

in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code. 141372
141373

The district shall spend a combined total of an amount equal 141374
to twenty per cent of the funds it receives under Title I, Part A 141375
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 141376
6311 to 6339, to provide transportation for students who enroll in 141377
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 141378
this section and to pay the costs of the supplemental educational 141379
services provided to students under division (E)(2)(b) of this 141380
section, unless the district can satisfy all demand for 141381
transportation and pay the costs of supplemental educational 141382
services for those students who request them with a lesser amount. 141383
In allocating funds between the requirements of divisions 141384
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 141385
shall spend at least an amount equal to five per cent of the funds 141386
it receives under Title I, Part A of the "Elementary and Secondary 141387
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 141388
transportation for students who enroll in alternative buildings 141389
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 141390
district can satisfy all demand for transportation with a lesser 141391
amount, and at least an amount equal to five per cent of the funds 141392
it receives under Title I, Part A of the "Elementary and Secondary 141393
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 141394
of the supplemental educational services provided to students 141395
under division (E)(2)(b) of this section, unless the district can 141396
pay the costs of such services for all students requesting them 141397
with a lesser amount. If an amount equal to twenty per cent of the 141398
funds the district receives under Title I, Part A of the 141399
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 141400
to 6339, is insufficient to satisfy all demand for transportation 141401
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 141402
the costs of all of the supplemental educational services provided 141403
to students under division (E)(2)(b) of this section, the district 141404

shall grant priority over all other students in providing 141405
transportation and in paying the costs of supplemental educational 141406
services to the lowest achieving students among the subgroup 141407
described in division (B)(3) of section 3302.01 of the Revised 141408
Code. 141409

Any district that does not receive funds under Title I, Part 141410
A of the "Elementary and Secondary Education Act of 1965," 20 141411
U.S.C. 6311 to 6339, shall not be required to provide 141412
transportation to any student who enrolls in an alternative 141413
building under division (E)(2)(a) of this section or to pay the 141414
costs of supplemental educational services provided to any student 141415
under division (E)(2)(b) of this section. 141416

No student who enrolls in an alternative building under 141417
division (E)(2)(a) of this section shall be eligible for 141418
supplemental educational services under division (E)(2)(b) of this 141419
section. 141420

(3) For any school building that fails to make adequate 141421
yearly progress for four consecutive school years, the district 141422
shall continue to comply with division (E)(2) of this section and 141423
shall implement at least one of the following options with respect 141424
to the building: 141425

(a) Institute a new curriculum that is consistent with the 141426
statewide academic standards adopted pursuant to division (A) of 141427
section 3301.079 of the Revised Code; 141428

(b) Decrease the degree of authority the building has to 141429
manage its internal operations; 141430

(c) Appoint an outside expert to make recommendations for 141431
improving the academic performance of the building. The district 141432
may request the department to establish a state intervention team 141433
for this purpose pursuant to division (G) of this section. 141434

(d) Extend the length of the school day or year; 141435

(e) Replace the building principal or other key personnel;	141436
(f) Reorganize the administrative structure of the building.	141437
(4) For any school building that fails to make adequate	141438
yearly progress for five consecutive school years, the district	141439
shall continue to comply with division (E)(2) of this section and	141440
shall develop a plan during the next succeeding school year to	141441
improve the academic performance of the building, which shall	141442
include at least one of the following options:	141443
(a) Reopen the school as a community school under Chapter	141444
3314. of the Revised Code;	141445
(b) Replace personnel;	141446
(c) Contract with a nonprofit or for-profit entity to operate	141447
the building;	141448
(d) Turn operation of the building over to the department;	141449
(e) Other significant restructuring of the building's	141450
governance.	141451
(5) For any school building that fails to make adequate	141452
yearly progress for six consecutive school years, the district	141453
shall continue to comply with division (E)(2) of this section and	141454
shall implement the plan developed pursuant to division (E)(4) of	141455
this section.	141456
(6) A district shall continue to comply with division	141457
(E)(1)(b) or (E)(2) of this section, whichever was most recently	141458
applicable, with respect to any building formerly subject to one	141459
of those divisions until the building makes adequate yearly	141460
progress for two consecutive school years.	141461
(F) This division applies only to school districts that have	141462
been identified for improvement by the department pursuant to the	141463
"No Child Left Behind Act of 2001." It does not apply to any such	141464
district after June 30, 2008.	141465

(1) If a school district has been identified for improvement 141466
for one school year, the district shall provide a written 141467
description of the continuous improvement plan developed by the 141468
district pursuant to division (B) of this section to the parent or 141469
guardian of each student enrolled in the district. If the district 141470
does not have a continuous improvement plan, the district shall 141471
develop such a plan in accordance with division (B) of this 141472
section and provide a written description of the plan to the 141473
parent or guardian of each student enrolled in the district. 141474

(2) If a school district has been identified for improvement 141475
for two consecutive school years, the district shall continue to 141476
implement the continuous improvement plan developed by the 141477
district pursuant to division (B) or (F)(1) of this section. 141478

(3) If a school district has been identified for improvement 141479
for three consecutive school years, the department shall take at 141480
least one of the following corrective actions with respect to the 141481
district: 141482

(a) Withhold a portion of the funds the district is entitled 141483
to receive under Title I, Part A of the "Elementary and Secondary 141484
Education Act of 1965," 20 U.S.C. 6311 to 6339; 141485

(b) Direct the district to replace key district personnel; 141486

(c) Institute a new curriculum that is consistent with the 141487
statewide academic standards adopted pursuant to division (A) of 141488
section 3301.079 of the Revised Code; 141489

(d) Establish alternative forms of governance for individual 141490
school buildings within the district; 141491

(e) Appoint a trustee to manage the district in place of the 141492
district superintendent and board of education. 141493

The department shall conduct individual audits of a sampling 141494
of districts subject to this division to determine compliance with 141495

the corrective actions taken by the department. 141496

(4) If a school district has been identified for improvement 141497
for four consecutive school years, the department shall continue 141498
to monitor implementation of the corrective action taken under 141499
division (F)(3) of this section with respect to the district. 141500

(5) If a school district has been identified for improvement 141501
for five consecutive school years, the department shall take at 141502
least one of the corrective actions identified in division (F)(3) 141503
of this section with respect to the district, provided that the 141504
corrective action the department takes is different from the 141505
corrective action previously taken under division (F)(3) of this 141506
section with respect to the district. 141507

(G) The department may establish a state intervention team to 141508
evaluate all aspects of a school district or building, including 141509
management, curriculum, instructional methods, resource 141510
allocation, and scheduling. Any such intervention team shall be 141511
appointed by the department and shall include teachers and 141512
administrators recognized as outstanding in their fields. The 141513
intervention team shall make recommendations regarding methods for 141514
improving the performance of the district or building. 141515

The department shall not approve a district's request for an 141516
intervention team under division (E)(3) of this section if the 141517
department cannot adequately fund the work of the team, unless the 141518
district agrees to pay for the expenses of the team. 141519

(H) The department shall conduct individual audits of a 141520
sampling of community schools established under Chapter 3314. of 141521
the Revised Code to determine compliance with this section. 141522

(I) A school district in which the pilot project scholarship 141523
program is operating under sections 3313.974 to 3313.979 of the 141524
Revised Code shall report the use of funding for tutorial 141525
assistance grants under that program in the district's three-year 141526

continuous improvement plan under this section in a manner 141527
approved by the department. 141528

(J) The state board shall adopt rules for implementing this 141529
section. 141530

Sec. 3310.521. (A) As a condition of receiving payments for a 141531
scholarship, each eligible applicant shall attest to receipt of 141532
the profile prescribed by division (B) of this section. Such 141533
attestation shall be made and submitted to the department of 141534
education in the form and manner as required by the department. 141535

(B) The alternative public provider or registered private 141536
provider that enrolls a qualified special education child shall 141537
submit in writing to the eligible applicant to whom a scholarship 141538
is awarded on behalf of that child a profile of the provider's 141539
special education program, in a form as prescribed by the 141540
department, that shall contain the following: 141541

(1) Methods of instruction that will be utilized by the 141542
provider to provide services to the qualified special education 141543
child; 141544

(2) Qualifications of teachers, instructors, and other 141545
persons who will be engaged by the provider to provide services to 141546
the qualified special education child. 141547

The form required under division (B) of this section may be 141548
submitted electronically. 141549

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 141550
and (F) of this section and in sections 3313.412 and 3313.413 of 141551
the Revised Code, when a board of education decides to dispose of 141552
real or personal property that it owns in its corporate capacity 141553
and that exceeds in value ten thousand dollars, it shall sell the 141554
property at public auction, after giving at least thirty days' 141555
notice of the auction by publication in a newspaper of general 141556

circulation in the school district, by publication as provided in 141557
section 7.16 of the Revised Code, or by posting notices in five of 141558
the most public places in the school district in which the 141559
property, if it is real property, is situated, or, if it is 141560
personal property, in the school district of the board of 141561
education that owns the property. The board may offer real 141562
property for sale as an entire tract or in parcels. 141563

(B) When the board of education has offered real or personal 141564
property for sale at public auction at least once pursuant to 141565
division (A) of this section, and the property has not been sold, 141566
the board may sell it at a private sale. Regardless of how it was 141567
offered at public auction, at a private sale, the board shall, as 141568
it considers best, sell real property as an entire tract or in 141569
parcels, and personal property in a single lot or in several lots. 141570

(C) If a board of education decides to dispose of real or 141571
personal property that it owns in its corporate capacity and that 141572
exceeds in value ten thousand dollars, it may sell the property to 141573
the adjutant general; to any subdivision or taxing authority as 141574
respectively defined in section 5705.01 of the Revised Code, 141575
township park district, board of park commissioners established 141576
under Chapter 755. of the Revised Code, or park district 141577
established under Chapter 1545. of the Revised Code; to a wholly 141578
or partially tax-supported university, university branch, or 141579
college; to a nonprofit institution of higher education that has a 141580
certificate of authorization under Chapter 1713. of the Revised 141581
Code; to the governing authority of a chartered nonpublic school; 141582
or to the board of trustees of a school district library, upon 141583
such terms as are agreed upon. The sale of real or personal 141584
property to the board of trustees of a school district library is 141585
limited, in the case of real property, to a school district 141586
library within whose boundaries the real property is situated, or, 141587
in the case of personal property, to a school district library 141588

whose boundaries lie in whole or in part within the school 141589
district of the selling board of education. 141590

(D) When a board of education decides to trade as a part or 141591
an entire consideration, an item of personal property on the 141592
purchase price of an item of similar personal property, it may 141593
trade the same upon such terms as are agreed upon by the parties 141594
to the trade. 141595

(E) The president and the treasurer of the board of education 141596
shall execute and deliver deeds or other necessary instruments of 141597
conveyance to complete any sale or trade under this section. 141598

(F) When a board of education has identified a parcel of real 141599
property that it determines is needed for school purposes, the 141600
board may, upon a majority vote of the members of the board, 141601
acquire that property by exchanging real property that the board 141602
owns in its corporate capacity for the identified real property or 141603
by using real property that the board owns in its corporate 141604
capacity as part or an entire consideration for the purchase price 141605
of the identified real property. Any exchange or acquisition made 141606
pursuant to this division shall be made by a conveyance executed 141607
by the president and the treasurer of the board. 141608

(G) When a school district board of education has property 141609
that the board, by resolution, finds is not needed for school 141610
district use, is obsolete, or is unfit for the use for which it 141611
was acquired, the board may donate that property in accordance 141612
with this division if the fair market value of the property is, in 141613
the opinion of the board, two thousand five hundred dollars or 141614
less. 141615

The property may be donated to an eligible nonprofit 141616
organization that is located in this state and is exempt from 141617
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 141618
Before donating any property under this division, the board shall 141619

adopt a resolution expressing its intent to make unneeded, 141620
obsolete, or unfit-for-use school district property available to 141621
these organizations. The resolution shall include guidelines and 141622
procedures the board considers to be necessary to implement the 141623
donation program and shall indicate whether the school district 141624
will conduct the donation program or the board will contract with 141625
a representative to conduct it. If a representative is known when 141626
the resolution is adopted, the resolution shall provide contact 141627
information such as the representative's name, address, and 141628
telephone number. 141629

The resolution shall include within its procedures a 141630
requirement that any nonprofit organization desiring to obtain 141631
donated property under this division shall submit a written notice 141632
to the board or its representative. The written notice shall 141633
include evidence that the organization is a nonprofit organization 141634
that is located in this state and is exempt from federal income 141635
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 141636
the organization's primary purpose; a description of the type or 141637
types of property the organization needs; and the name, address, 141638
and telephone number of a person designated by the organization's 141639
governing board to receive donated property and to serve as its 141640
agent. The written notice may be submitted electronically to the 141641
board or its representative. 141642

After adoption of the resolution, the board shall ~~publish, in~~ 141643
~~a newspaper of general circulation in the school district or as~~ 141644
~~provided in section 7.16 of the Revised Code, notice of its intent~~ 141645
~~to donate unneeded, obsolete, or unfit for use school district~~ 141646
~~property to eligible nonprofit organizations. The notice shall~~ 141647
~~include a summary of the information provided in the resolution~~ 141648
~~and shall be published twice. The second notice shall be published~~ 141649
~~not less than ten nor more than twenty days after the previous~~ 141650
~~notice. A similar notice also shall be posted continually post in~~ 141651

the board's office notice of its intent to donate school district property that is unneeded, obsolete, or unfit for use to eligible nonprofit organizations. If the school district maintains a web site on the internet, the notice shall be posted continually at that web site.

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics

commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

Sec. 3313.818. (A)(1) The department of education shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:

(a) In the ~~first~~ 2020-2021 school year ~~after the effective date of this section~~, the program shall apply to any public school in which seventy per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(b) In the ~~second~~ 2021-2022 school year ~~after the effective date of this section~~, the program shall apply to any public school in which sixty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment date of this section~~ and every school year thereafter, the program shall apply to any public school in which fifty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(2) The district superintendent or building principal, in consultation with the building staff, shall determine the model for serving breakfast under the program. Each breakfast served under the program shall comply with federal meal patterns and nutritional standards and with section 3313.814 of the Revised

Code. A school district board of education may make a charge in 141715
accordance with federal requirements for each meal to cover all or 141716
part of the costs incurred in operating the program. 141717

(B) The department shall publish a list of public schools 141718
that meet the conditions of division (A) of this section. The 141719
department shall offer technical assistance to school districts 141720
and schools regarding the implementation of a school breakfast 141721
program that complies with this section and the submission of 141722
claims for reimbursement under the federal school breakfast 141723
program. 141724

(C)(1) The department shall monitor each school participating 141725
in the program and ensure that each participating school complies 141726
with the requirements of this section. 141727

(2) If the board of education of a school district determines 141728
that, for financial reasons, a school under the board's control 141729
cannot comply with the requirements of this section or the board 141730
already has a successful breakfast program or partnership in 141731
place, the district board may choose not to comply with those 141732
requirements. 141733

(D) Not later than the thirty-first day of December of each 141734
school year, the department shall provide statistical reports on 141735
its web site that specify the number and percentage of students 141736
participating in school breakfast programs disaggregated by school 141737
district and individual schools, including community schools, 141738
established under Chapter 3314. of the Revised Code, and STEM 141739
schools, established under Chapter 3326. of the Revised Code. 141740

(E) Not later than the thirty-first day of December of each 141741
school year, the department shall prepare a report on the 141742
implementation and effectiveness of the program established under 141743
this section and submit the report to the general assembly, in 141744
accordance with section 101.68 of the Revised Code, and to the 141745

governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the free and reduced-price breakfast programs under this section for each school building;

(2) The type of breakfast model used by each school building participating in the breakfast program;

(3) The number of students and participation rates in free or reduced-price lunch for each school building.

Sec. 3314.21. (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students ~~in-person~~ throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred

twenty-five students enrolled in the internet- or computer-based 141775
community school that has retained that teacher. 141776

(C) For any internet- or computer-based community school, the 141777
contract between the sponsor and the governing authority of the 141778
school described in section 3314.03 of the Revised Code shall 141779
specify each of the following: 141780

(1) A requirement that the school use a filtering device or 141781
install filtering software that protects against internet access 141782
to materials that are obscene or harmful to juveniles on each 141783
computer provided to students for instructional use. The school 141784
shall provide such device or software at no cost to any student 141785
who works primarily from the student's residence on a computer 141786
obtained from a source other than the school. 141787

(2) A plan for fulfilling the intent of the general assembly 141788
specified in division (B)(1) of this section. The plan shall 141789
indicate the number of times teachers will visit each student 141790
throughout the school year and the manner in which those visits 141791
will be conducted. The visits may be conducted electronically. 141792

(3) That the school will set up a central base of operation 141793
and the sponsor will maintain a representative within fifty miles 141794
of that base of operation to provide monitoring and assistance. 141795

(D)(1) Annually, each internet- or computer-based community 141796
school shall prepare and submit to the department of education, in 141797
a time and manner prescribed by the department, a report that 141798
contains information about all of the following: 141799

(a) Classroom size; 141800

(b) The ratio of teachers to students per classroom; 141801

(c) The number of student-teacher meetings conducted in 141802
person or by video conference; 141803

(d) Any other information determined necessary by the 141804

department. 141805

(2) The department annually shall prepare and submit to the 141806
state board of education a report that contains the information 141807
received under division (D)(1) of this section. 141808

Sec. 3319.081. Except as otherwise provided in division (G) 141809
of this section, in all school districts wherein the provisions of 141810
Chapter 124. of the Revised Code do not apply, the following 141811
employment contract system shall control for employees whose 141812
contracts of employment are not otherwise provided by law: 141813

(A) Newly hired regular nonteaching school employees, 141814
including regular hourly rate and per diem employees, shall enter 141815
into written contracts for their employment which shall be for a 141816
period of not more than one year. If such employees are rehired, 141817
their three subsequent contracts shall be for a period of two 141818
years each. 141819

(B) After the termination of the third two-year contract 141820
provided in division (A) of this section, if the contract of a 141821
nonteaching employee is renewed, the employee shall be continued 141822
in employment, and the salary provided in the contract may be 141823
increased but not reduced unless such reduction is a part of a 141824
uniform plan affecting the nonteaching employees of the entire 141825
district. 141826

(C) The contracts as provided for in this section may be 141827
terminated by a majority vote of the board of education. Except as 141828
provided in sections 3319.0810 and 3319.172 of the Revised Code, 141829
the contracts may be terminated only for violation of written 141830
rules and regulations as set forth by the board of education or 141831
for incompetency, inefficiency, dishonesty, drunkenness, immoral 141832
conduct, insubordination, discourteous treatment of the public, 141833
neglect of duty, or any other acts of misfeasance, malfeasance, or 141834
nonfeasance. In addition to the right of the board of education to 141835

terminate the contract of an employee, the board may suspend an 141836
employee for a definite period of time or demote the employee for 141837
the reasons set forth in this division. The action of the board of 141838
education terminating the contract of an employee or suspending or 141839
demoting the employee shall be served upon the employee by 141840
certified mail, regular mail with a certificate of mailing, or 141841
other form of delivery with proof of delivery, including 141842
electronic delivery with electronic proof of delivery. Within ten 141843
days following the receipt of such notice by the employee, the 141844
employee may file an appeal, in writing, with the court of common 141845
pleas of the county in which such school board is situated. After 141846
hearing the appeal the common pleas court may affirm, disaffirm, 141847
or modify the action of the school board. 141848

A violation of division (A)(7) of section 2907.03 of the 141849
Revised Code is grounds for termination of employment of a 141850
nonteaching employee under this division. 141851

(D) All employees who have been employed by a school district 141852
where the provisions of Chapter 124. of the Revised Code do not 141853
apply, for a period of at least three years on November 24, 1967, 141854
shall hold continuing contracts of employment pursuant to this 141855
section. 141856

(E) Any nonteaching school employee may terminate the 141857
nonteaching school employee's contract of employment thirty days 141858
subsequent to the filing of a written notice of such termination 141859
with the treasurer of the board. 141860

(F) A person hired exclusively for the purpose of replacing a 141861
nonteaching school employee while such employee is on leave of 141862
absence granted under section 3319.13 of the Revised Code is not a 141863
regular nonteaching school employee under this section. 141864

(G) All nonteaching employees employed pursuant to this 141865
section and Chapter 124. of the Revised Code shall be paid for all 141866

time lost when the schools in which they are employed are closed 141867
owing to an epidemic or other public calamity. Nothing in this 141868
division shall be construed as requiring payment in excess of an 141869
employee's regular wage rate or salary for any time worked while 141870
the school in which the employee is employed is officially closed 141871
for the reasons set forth in this division. 141872

Sec. 3319.11. (A) As used in this section: 141873

(1) "Evaluation procedures" means the procedures required by 141874
the policy adopted pursuant to division (A) of section 3319.111 of 141875
the Revised Code. 141876

(2) "Limited contract" means a limited contract, as described 141877
in section 3319.08 of the Revised Code, that a school district 141878
board of education or governing board of an educational service 141879
center enters into with a teacher who is not eligible for 141880
continuing service status. 141881

(3) "Extended limited contract" means a limited contract, as 141882
described in section 3319.08 of the Revised Code, that a board of 141883
education or governing board enters into with a teacher who is 141884
eligible for continuing service status. 141885

(B) Teachers eligible for continuing service status in any 141886
city, exempted village, local, or joint vocational school district 141887
or educational service center shall be those teachers qualified as 141888
described in division (D) of section 3319.08 of the Revised Code, 141889
who within the last five years have taught for at least three 141890
years in the district or center, and those teachers who, having 141891
attained continuing contract status elsewhere, have served two 141892
years in the district or center, but the board, upon the 141893
recommendation of the superintendent, may at the time of 141894
employment or at any time within such two-year period, declare any 141895
of the latter teachers eligible. 141896

(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to

reemploy the teacher, the teacher is deemed reemployed under an 141930
extended limited contract for a term not to exceed one year at the 141931
same salary plus any increment provided by the salary schedule. 141932
The teacher is presumed to have accepted employment under the 141933
extended limited contract for a term not to exceed one year unless 141934
such teacher notifies the board in writing to the contrary on or 141935
before the fifteenth day of June, and an extended limited contract 141936
for a term not to exceed one year shall be executed accordingly. 141937
Upon any subsequent reemployment of a teacher only a continuing 141938
contract may be entered into. 141939

(3) Any teacher receiving written notice of the intention of 141940
a board not to reemploy such teacher pursuant to this division is 141941
entitled to the hearing provisions of division (G) of this 141942
section. 141943

(C)(1) If a board rejects the recommendation of the 141944
superintendent for reemployment of a teacher pursuant to division 141945
(B)(1) of this section, the superintendent may recommend 141946
reemployment of the teacher, if continuing service status has not 141947
previously been attained elsewhere, under an extended limited 141948
contract for a term not to exceed two years, provided that written 141949
notice of the superintendent's intention to make such 141950
recommendation has been given to the teacher with reasons directed 141951
at the professional improvement of the teacher on or before the 141952
first day of June. Upon subsequent reemployment of the teacher 141953
only a continuing contract may be entered into. 141954

(2) If a board of education takes affirmative action on a 141955
superintendent's recommendation, made pursuant to division (C)(1) 141956
of this section, of an extended limited contract for a term not to 141957
exceed two years but the board does not give the teacher written 141958
notice of its affirmative action on the superintendent's 141959
recommendation of an extended limited contract on or before the 141960
first day of June, the teacher is deemed reemployed under a 141961

continuing contract at the same salary plus any increment provided 141962
by the salary schedule. The teacher is presumed to have accepted 141963
employment under such continuing contract unless such teacher 141964
notifies the board in writing to the contrary on or before the 141965
fifteenth day of June, and a continuing contract shall be executed 141966
accordingly. 141967

(3) A board shall not reject a superintendent's 141968
recommendation, made pursuant to division (C)(1) of this section, 141969
of an extended limited contract for a term not to exceed two years 141970
except by a three-fourths vote of its full membership. If a board 141971
rejects by a three-fourths vote of its full membership the 141972
recommendation of the superintendent of an extended limited 141973
contract for a term not to exceed two years, the board may declare 141974
its intention not to reemploy the teacher by giving the teacher 141975
written notice on or before the first day of June of its intention 141976
not to reemploy the teacher. If evaluation procedures have not 141977
been complied with pursuant to section 3319.111 of the Revised 141978
Code or if the board does not give the teacher written notice on 141979
or before the first day of June of its intention not to reemploy 141980
the teacher, the teacher is deemed reemployed under an extended 141981
limited contract for a term not to exceed one year at the same 141982
salary plus any increment provided by the salary schedule. The 141983
teacher is presumed to have accepted employment under the extended 141984
limited contract for a term not to exceed one year unless such 141985
teacher notifies the board in writing to the contrary on or before 141986
the fifteenth day of June, and an extended limited contract for a 141987
term not to exceed one year shall be executed accordingly. Upon 141988
any subsequent reemployment of the teacher only a continuing 141989
contract may be entered into. 141990

Any teacher receiving written notice of the intention of a 141991
board not to reemploy such teacher pursuant to this division is 141992
entitled to the hearing provisions of division (G) of this 141993

section. 141994

(D) A teacher eligible for continuing contract status 141995
employed under an extended limited contract pursuant to division 141996
(B) or (C) of this section, is, at the expiration of such extended 141997
limited contract, deemed reemployed under a continuing contract at 141998
the same salary plus any increment granted by the salary schedule, 141999
unless evaluation procedures have been complied with pursuant to 142000
section 3319.111 of the Revised Code and the employing board, 142001
acting on the superintendent's recommendation that the teacher not 142002
be reemployed, gives the teacher written notice on or before the 142003
first day of June of its intention not to reemploy such teacher. A 142004
teacher who does not have evaluation procedures applied in 142005
compliance with section 3319.111 of the Revised Code or who does 142006
not receive notice on or before the first day of June of the 142007
intention of the board not to reemploy such teacher is presumed to 142008
have accepted employment under a continuing contract unless such 142009
teacher notifies the board in writing to the contrary on or before 142010
the fifteenth day of June, and a continuing contract shall be 142011
executed accordingly. 142012

Any teacher receiving a written notice of the intention of a 142013
board not to reemploy such teacher pursuant to this division is 142014
entitled to the hearing provisions of division (G) of this 142015
section. 142016

(E) The board shall enter into a limited contract with each 142017
teacher employed by the board who is not eligible to be considered 142018
for a continuing contract. 142019

Any teacher employed under a limited contract, and not 142020
eligible to be considered for a continuing contract, is, at the 142021
expiration of such limited contract, considered reemployed under 142022
the provisions of this division at the same salary plus any 142023
increment provided by the salary schedule unless evaluation 142024
procedures have been complied with pursuant to section 3319.111 of 142025

the Revised Code and the employing board, acting upon the 142026
superintendent's written recommendation that the teacher not be 142027
reemployed, gives such teacher written notice of its intention not 142028
to reemploy such teacher on or before the first day of June. A 142029
teacher who does not have evaluation procedures applied in 142030
compliance with section 3319.111 of the Revised Code or who does 142031
not receive notice of the intention of the board not to reemploy 142032
such teacher on or before the first day of June is presumed to 142033
have accepted such employment unless such teacher notifies the 142034
board in writing to the contrary on or before the fifteenth day of 142035
June, and a written contract for the succeeding school year shall 142036
be executed accordingly. 142037

Any teacher receiving a written notice of the intention of a 142038
board not to reemploy such teacher pursuant to this division is 142039
entitled to the hearing provisions of division (G) of this 142040
section. 142041

(F) The failure of a superintendent to make a recommendation 142042
to the board under any of the conditions set forth in divisions 142043
(B) to (E) of this section, or the failure of the board to give 142044
such teacher a written notice pursuant to divisions (C) to (E) of 142045
this section shall not prejudice or prevent a teacher from being 142046
deemed reemployed under either a limited or continuing contract as 142047
the case may be under the provisions of this section. A failure of 142048
the parties to execute a written contract shall not void any 142049
automatic reemployment provisions of this section. 142050

(G)(1) Any teacher receiving written notice of the intention 142051
of a board of education not to reemploy such teacher pursuant to 142052
division (B), (C)(3), (D), or (E) of this section may, within ten 142053
days of the date of receipt of the notice, file with the treasurer 142054
of the board a written demand for a written statement describing 142055
the circumstances that led to the board's intention not to 142056
reemploy the teacher. 142057

(2) The treasurer of a board, on behalf of the board, shall, 142058
within ten days of the date of receipt of a written demand for a 142059
written statement pursuant to division (G)(1) of this section, 142060
provide to the teacher a written statement describing the 142061
circumstances that led to the board's intention not to reemploy 142062
the teacher. 142063

(3) Any teacher receiving a written statement describing the 142064
circumstances that led to the board's intention not to reemploy 142065
the teacher pursuant to division (G)(2) of this section may, 142066
within five days of the date of receipt of the statement, file 142067
with the treasurer of the board a written demand for a hearing 142068
before the board pursuant to divisions (G)(4) to (6) of this 142069
section. 142070

(4) The treasurer of a board, on behalf of the board, shall, 142071
within ten days of the date of receipt of a written demand for a 142072
hearing pursuant to division (G)(3) of this section, provide to 142073
the teacher a written notice setting forth the time, date, and 142074
place of the hearing. The board shall schedule and conclude the 142075
hearing within forty days of the date on which the treasurer of 142076
the board receives a written demand for a hearing pursuant to 142077
division (G)(3) of this section. 142078

(5) Any hearing conducted pursuant to this division shall be 142079
conducted by a majority of the members of the board. The hearing 142080
shall be held in executive session of the board unless the board 142081
and the teacher agree to hold the hearing in public. The 142082
superintendent, assistant superintendent, the teacher, and any 142083
person designated by either party to take a record of the hearing 142084
may be present at the hearing. The board may be represented by 142085
counsel and the teacher may be represented by counsel or a 142086
designee. A record of the hearing may be taken by either party at 142087
the expense of the party taking the record. 142088

(6) Within ten days of the conclusion of a hearing conducted 142089

pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the first day of June of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was

not warranted by any statement given pursuant to division (G)(2) 142122
of this section. 142123

No appeal of an order of a board may be made except as 142124
specified in this division. 142125

(H)(1) In giving a teacher any notice required by division 142126
(B), (C), (D), or (E) of this section, the board or the 142127
superintendent shall do either of the following: 142128

(a) Deliver the notice by personal service upon the teacher; 142129

(b) Deliver the notice by certified mail, return receipt 142130
requested, regular mail with a certificate of mailing, or other 142131
form of delivery with proof of delivery, addressed to the teacher 142132
at the teacher's place of employment and deliver a copy of the 142133
notice by certified mail, return receipt requested, regular mail 142134
with a certificate of mailing, or other form of delivery with 142135
proof of delivery, addressed to the teacher at the teacher's place 142136
of residence. Delivery of the notice required under division 142137
(H)(1)(b) of this section may be satisfied by electronic delivery 142138
with electronic proof of delivery. 142139

(2) In giving a board any notice required by division (B), 142140
(C), (D), or (E) of this section, the teacher shall do either of 142141
the following: 142142

(a) Deliver the notice by personal delivery to the office of 142143
the superintendent during regular business hours; 142144

(b) Deliver the notice by certified mail, return receipt 142145
requested, regular mail with a certificate of mailing, or other 142146
form of delivery with proof of delivery, addressed to the office 142147
of the superintendent and deliver a copy of the notice by 142148
certified mail, return receipt requested, regular mail with a 142149
certificate of mailing, or other form of delivery with proof of 142150
delivery, addressed to the president of the board at the 142151
president's place of residence. Delivery of the notice required 142152

under division (H)(2)(b) of this section may be satisfied by 142153
electronic delivery with electronic proof of delivery. 142154

(3) When any notice and copy of the notice are mailed 142155
pursuant to division (H)(1)(b) or (2)(b) of this section, the 142156
notice or copy of the notice with the earlier date of receipt 142157
shall constitute the notice for the purposes of division (B), (C), 142158
(D), or (E) of this section. 142159

(I) The provisions of this section shall not apply to any 142160
supplemental written contracts entered into pursuant to section 142161
3319.08 of the Revised Code. 142162

(J) Notwithstanding any provision to the contrary in Chapter 142163
4117. of the Revised Code, the dates set forth in this section as 142164
"on or before the first day of June" or "on or before the 142165
fifteenth day of June" prevail over any conflicting provisions of 142166
a collective bargaining agreement entered into on or after ~~the~~ 142167
~~effective date of this amendment~~ March 22, 2013. 142168

Sec. 3319.16. The contract of any teacher employed by the 142169
board of education of any city, exempted village, local, county, 142170
or joint vocational school district may not be terminated except 142171
for good and just cause. Notwithstanding any provision to the 142172
contrary in Chapter 4117. of the Revised Code, the provisions of 142173
this section relating to the grounds for termination of the 142174
contract of a teacher prevail over any conflicting provisions of a 142175
collective bargaining agreement entered into after ~~the effective~~ 142176
~~date of this amendment~~ October 16, 2009. 142177

Before terminating any contract, the employing board shall 142178
furnish the teacher a written notice signed by its treasurer of 142179
its intention to consider the termination of the teacher's 142180
contract with full specification of the grounds for such 142181
consideration. The board shall not proceed with formal action to 142182
terminate the contract until after the tenth day after receipt of 142183

the notice by the teacher. Within ten days after receipt of the 142184
notice from the treasurer of the board, the teacher may file with 142185
the treasurer a written demand for a hearing before the board or 142186
before a referee, and the board shall set a time for the hearing 142187
which shall be within thirty days from the date of receipt of the 142188
written demand, and the treasurer shall give the teacher at least 142189
twenty days' notice in writing of the time and place of the 142190
hearing. If a referee is demanded by either the teacher or board, 142191
the treasurer also shall give twenty days' notice to the 142192
superintendent of public instruction. No hearing shall be held 142193
during the summer vacation without the teacher's consent. The 142194
hearing shall be private unless the teacher requests a public 142195
hearing. The hearing shall be conducted by a referee appointed 142196
pursuant to section 3319.161 of the Revised Code, if demanded; 142197
otherwise, it shall be conducted by a majority of the members of 142198
the board and shall be confined to the grounds given for the 142199
termination. The board shall provide for a complete ~~stenographic~~ 142200
record of the proceedings, a copy of the record to be furnished to 142201
the teacher. The board may suspend a teacher pending final action 142202
to terminate the teacher's contract if, in its judgment, the 142203
character of the charges warrants such action. 142204

Both parties may be present at such hearing, be represented 142205
by counsel, require witnesses to be under oath, cross-examine 142206
witnesses, take a record of the proceedings, and require the 142207
presence of witnesses in their behalf upon subpoena to be issued 142208
by the treasurer of the board. In case of the failure of any 142209
person to comply with a subpoena, a judge of the court of common 142210
pleas of the county in which the person resides, upon application 142211
of any interested party, shall compel attendance of the person by 142212
attachment proceedings as for contempt. Any member of the board or 142213
the referee may administer oaths to witnesses. After a hearing by 142214
a referee, the referee shall file a report within ten days after 142215
the termination of the hearing. After consideration of the 142216

referee's report, the board, by a majority vote, may accept or 142217
reject the referee's recommendation on the termination of the 142218
teacher's contract. After a hearing by the board, the board, by 142219
majority vote, may enter its determination upon its minutes. Any 142220
order of termination of a contract shall state the grounds for 142221
termination. If the decision, after hearing, is against 142222
termination of the contract, the charges and the record of the 142223
hearing shall be physically expunged from the minutes, and, if the 142224
teacher has suffered any loss of salary by reason of being 142225
suspended, the teacher shall be paid the teacher's full salary for 142226
the period of such suspension. 142227

Any teacher affected by an order of termination of contract 142228
may appeal to the court of common pleas of the county in which the 142229
school is located within thirty days after receipt of notice of 142230
the entry of such order. The appeal shall be an original action in 142231
the court and shall be commenced by the filing of a complaint 142232
against the board, in which complaint the facts shall be alleged 142233
upon which the teacher relies for a reversal or modification of 142234
such order of termination of contract. Upon service or waiver of 142235
summons in that appeal, the board immediately shall transmit to 142236
the clerk of the court for filing a transcript of the original 142237
papers filed with the board, a certified copy of the minutes of 142238
the board into which the termination finding was entered, and a 142239
certified transcript of all evidence adduced at the hearing or 142240
hearings before the board or a certified transcript of all 142241
evidence adduced at the hearing or hearings before the referee, 142242
whereupon the cause shall be at issue without further pleading and 142243
shall be advanced and heard without delay. The court shall examine 142244
the transcript and record of the hearing and shall hold such 142245
additional hearings as it considers advisable, at which it may 142246
consider other evidence in addition to the transcript and record. 142247

Upon final hearing, the court shall grant or deny the relief 142248

prayed for in the complaint as may be proper in accordance with 142249
the evidence adduced in the hearing. Such an action is a special 142250
proceeding, and either the teacher or the board may appeal from 142251
the decision of the court of common pleas pursuant to the Rules of 142252
Appellate Procedure and, to the extent not in conflict with those 142253
rules, Chapter 2505. of the Revised Code. 142254

In any court action, the board may utilize the services of 142255
the prosecuting attorney, village solicitor, city director of law, 142256
or other chief legal officer of a municipal corporation as 142257
authorized by section 3313.35 of the Revised Code, or may employ 142258
other legal counsel. 142259

A violation of division (A)(7) of section 2907.03 of the 142260
Revised Code is grounds for termination of a teacher contract 142261
under this section. 142262

Sec. 3319.291. (A) The state board of education shall require 142263
each of the following persons, at the times prescribed by division 142264
(A) of this section, to undergo a criminal records check, unless 142265
the person has undergone a records check under this section or a 142266
former version of this section less than five years prior to that 142267
time. 142268

(1) Any person initially applying for any certificate, 142269
license, or permit described in this chapter or in division (B) of 142270
section 3301.071 or in section 3301.074 of the Revised Code at the 142271
time that application is made; 142272

(2) Any person applying for renewal of any certificate, 142273
license, or permit described in division (A)(1) of this section at 142274
the time that application is made; 142275

(3) Any person who is teaching under a professional teaching 142276
certificate issued under former section 3319.222 of the Revised 142277
Code upon a date prescribed by the state board; 142278

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior

to the date upon which the person becomes subject to a criminal 142311
records check under this section. 142312

(C) Except as provided in division (D) of this section, prior 142313
to issuing or renewing any certificate, license, or permit for a 142314
person described in division (A)(1) or (2) of this section who is 142315
subject to a criminal records check and in the case of a person 142316
described in division (A)(3) or (4) of this section who is subject 142317
to a criminal records check, the state board or the superintendent 142318
of public instruction shall do one of the following: 142319

(1) If the person is required to submit fingerprints and 142320
written permission under division (B)(1) of this section, request 142321
the superintendent of the bureau of criminal identification and 142322
investigation to determine whether the bureau has any information, 142323
gathered pursuant to division (A) of section 109.57 of the Revised 142324
Code, pertaining to the person and to obtain any criminal records 142325
that the federal bureau of investigation has on the person. 142326

(2) If the person is required to submit fingerprints and 142327
written permission under division (B)(2) of this section, request 142328
the superintendent of the bureau of criminal identification and 142329
investigation to obtain any criminal records that the federal 142330
bureau of investigation has on the person. 142331

(D) The state board or the superintendent of public 142332
instruction may choose not to request any information about a 142333
person required by division (C) of this section if the person 142334
provides proof that a criminal records check that satisfies the 142335
requirements of that division was conducted on the person as a 142336
condition of employment pursuant to section 3319.39 of the Revised 142337
Code within the immediately preceding year. The state board or the 142338
superintendent of public instruction may accept a certified copy 142339
of records that were issued by the bureau of criminal 142340
identification and investigation and that are presented by the 142341
person in lieu of requesting that information under division (C) 142342

of this section if the records were issued by the bureau within 142343
the immediately preceding year. 142344

(E)(1) If a person described in division (A)(3) or (4) of 142345
this section who is subject to a criminal records check fails to 142346
submit fingerprints and written permission by the date specified 142347
in the applicable division, and the state board or the 142348
superintendent of public instruction does not apply division (D) 142349
of this section to the person, or if a person who is subject to 142350
division (G) of this section fails to submit fingerprints and 142351
written permission by the date prescribed under that division, the 142352
superintendent shall prepare a written notice to be sent to the 142353
person by mail or electronically stating that if the person does 142354
not submit the fingerprints and written permission within fifteen 142355
days after the date the notice was mailed or sent electronically, 142356
the person's application will be rejected or the person's 142357
professional or permanent teaching certificate or license will be 142358
inactivated. The superintendent shall send the notification by 142359
regular mail to the person's last known residence address or last 142360
known place of employment, as indicated in the department of 142361
education's records, or both. If the notice is sent 142362
electronically, the notification shall be sent via electronic mail 142363
to the person's last known electronic mail address. 142364

If the person fails to submit the fingerprints and written 142365
permission within fifteen days after the date the notice was 142366
mailed, the superintendent of public instruction, on behalf of the 142367
state board, shall issue a written order rejecting the application 142368
or inactivating the person's professional or permanent teaching 142369
certificate or license. The rejection or inactivation shall remain 142370
in effect until the person submits the fingerprints and written 142371
permission. The superintendent shall send the order by regular 142372
mail or electronic mail to the person's last known residence 142373
address, last known electronic mail address, or last known place 142374

of employment, as indicated in the department's records, ~~or both.~~ 142375
The order shall state the reason for the rejection or inactivation 142376
and shall explain that the rejection or inactivation remains in 142377
effect until the person submits the fingerprints and written 142378
permission. 142379

The rejection or inactivation of a professional or permanent 142380
teaching certificate or license under division (E)(1) of this 142381
section does not constitute a suspension or revocation of the 142382
certificate or license by the state board under section 3319.31 of 142383
the Revised Code and the state board and the superintendent of 142384
public instruction need not provide the person with an opportunity 142385
for a hearing with respect to the rejection or inactivation. 142386

(2) If a person whose professional or permanent teaching 142387
certificate or license has been rejected or inactivated under 142388
division (E)(1) of this section submits fingerprints and written 142389
permission as required by division (B) or (G) of this section, the 142390
superintendent of public instruction, on behalf of the state 142391
board, shall issue a written order issuing or reactivating the 142392
certificate or license. The superintendent shall send the order to 142393
the person by regular mail or electronic mail. 142394

(F) Notwithstanding divisions (A) to (C) of this section, if 142395
a person holds more than one certificate, license, or permit 142396
described in division (A)(1) of this section, the following shall 142397
apply: 142398

(1) If the certificates, licenses, or permits are of 142399
different durations, the person shall be subject to divisions (A) 142400
to (C) of this section only when applying for renewal of the 142401
certificate, license, or permit that is of the longest duration. 142402
Prior to renewing any certificate, license, or permit with a 142403
shorter duration, the state board or the superintendent of public 142404
instruction shall determine whether the department of education 142405
has received any information about the person pursuant to section 142406

109.5721 of the Revised Code, but the person shall not be subject 142407
to divisions (A) to (C) of this section as long as the person's 142408
certificate, license, or permit with the longest duration is 142409
valid. 142410

(2) If the certificates, licenses, or permits are of the same 142411
duration but do not expire in the same year, the person shall 142412
designate one of the certificates, licenses, or permits as the 142413
person's primary certificate, license, or permit and shall notify 142414
the department of that designation. The person shall be subject to 142415
divisions (A) to (C) of this section only when applying for 142416
renewal of the person's primary certificate, license, or permit. 142417
Prior to renewing any certificate, license, or permit that is not 142418
the person's primary certificate, license, or permit, the state 142419
board or the superintendent of public instruction shall determine 142420
whether the department has received any information about the 142421
person pursuant to section 109.5721 of the Revised Code, but the 142422
person shall not be subject to divisions (A) to (C) of this 142423
section as long as the person's primary certificate, license, or 142424
permit is valid. 142425

(3) If the certificates, licenses, or permits are of the same 142426
duration and expire in the same year and the person applies for 142427
renewal of the certificates, licenses, or permits at the same 142428
time, the state board or the superintendent of public instruction 142429
shall request only one criminal records check of the person under 142430
division (C) of this section. 142431

(G) If the department is unable to enroll a person who has 142432
submitted an application for licensure, or to whom the state board 142433
has issued a license, in the retained applicant fingerprint 142434
database established under section 109.5721 of the Revised Code 142435
because the person has not satisfied the requirements for 142436
enrollment, the department shall require the person to satisfy the 142437
requirements for enrollment, including requiring the person to 142438

submit, by a date prescribed by the department, one complete set 142439
of fingerprints and written permission that authorizes the 142440
superintendent of public instruction to forward the fingerprints 142441
to the bureau of criminal identification and investigation for the 142442
purpose of enrolling the person in the database. If the person 142443
fails to comply by the prescribed date, the department shall 142444
reject the application or shall take action to inactivate the 142445
person's license in accordance with division (E) of this section. 142446

Sec. 3319.311. (A)(1) The state board of education, or the 142447
superintendent of public instruction on behalf of the board, may 142448
investigate any information received about a person that 142449
reasonably appears to be a basis for action under section 3319.31 142450
of the Revised Code, including information received pursuant to 142451
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 142452
or 5153.176 of the Revised Code. Except as provided in division 142453
(A)(2) of this section, the board shall contract with the office 142454
of the Ohio attorney general to conduct any investigation of that 142455
nature. The board shall pay for the costs of the contract only 142456
from moneys in the state board of education licensure fund 142457
established under section 3319.51 of the Revised Code. Except as 142458
provided in division (A)(2) of this section, all information 142459
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 142460
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 142461
information obtained during an investigation is confidential and 142462
is not a public record under section 149.43 of the Revised Code. 142463
If an investigation is conducted under this division regarding 142464
information received about a person and no action is taken against 142465
the person under this section or section 3319.31 of the Revised 142466
Code within two years of the completion of the investigation, all 142467
records of the investigation shall be expunged. 142468

(2) In the case of a person about whom the board has learned 142469
of a plea of guilty to, finding of guilt by a jury or court of, or 142470

a conviction of an offense listed in division (C) of section 142471
3319.31 of the Revised Code, or substantially comparable conduct 142472
occurring in a jurisdiction outside this state, the board or the 142473
superintendent of public instruction need not conduct any further 142474
investigation and shall take the action required by division (C) 142475
or (F) of that section. Except as provided in division (G) of this 142476
section, all information obtained by the board or the 142477
superintendent of public instruction pertaining to the action is a 142478
public record under section 149.43 of the Revised Code. 142479

(B) The superintendent of public instruction shall review the 142480
results of each investigation of a person conducted under division 142481
(A)(1) of this section and shall determine, on behalf of the state 142482
board, whether the results warrant initiating action under 142483
division (B) of section 3319.31 of the Revised Code. The 142484
superintendent shall advise the board of such determination at a 142485
meeting of the board. Within fourteen days of the next meeting of 142486
the board, any member of the board may ask that the question of 142487
initiating action under section 3319.31 of the Revised Code be 142488
placed on the board's agenda for that next meeting. Prior to 142489
initiating that action against any person, the person's name and 142490
any other personally identifiable information shall remain 142491
confidential. 142492

(C) The board shall take no action against a person under 142493
division (B) of section 3319.31 of the Revised Code without 142494
providing the person with written notice of the charges and with 142495
an opportunity for a hearing in accordance with Chapter 119. of 142496
the Revised Code. 142497

(D) For purposes of an investigation under division (A)(1) of 142498
this section or a hearing under division (C) of this section or 142499
under division (E)(2) of section 3319.31 of the Revised Code, the 142500
board, or the superintendent on behalf of the board, may 142501
administer oaths, order the taking of depositions, issue 142502

subpoenas, and compel the attendance of witnesses and the 142503
production of books, accounts, papers, records, documents, and 142504
testimony. The issuance of subpoenas under this division may be by 142505
certified mail, regular mail with a certificate of mailing, or 142506
other form of delivery with proof of delivery, including 142507
electronic delivery with electronic proof of delivery, or personal 142508
delivery to the person. 142509

(E) The superintendent, on behalf of the board, may enter 142510
into a consent agreement with a person against whom action is 142511
being taken under division (B) of section 3319.31 of the Revised 142512
Code. The board may adopt rules governing the superintendent's 142513
action under this division. 142514

(F) No surrender of a license shall be effective until the 142515
board takes action to accept the surrender unless the surrender is 142516
pursuant to a consent agreement entered into under division (E) of 142517
this section. 142518

(G) The name of any person who is not required to report 142519
information under section 3314.40, 3319.313, 3326.24, 3328.19, 142520
5126.253, or 5153.176 of the Revised Code, but who in good faith 142521
provides information to the state board or superintendent of 142522
public instruction about alleged misconduct committed by a person 142523
who holds a license or has applied for issuance or renewal of a 142524
license, shall be confidential and shall not be released. Any such 142525
person shall be immune from any civil liability that otherwise 142526
might be incurred or imposed for injury, death, or loss to person 142527
or property as a result of the provision of that information. 142528

(H)(1) No person shall knowingly make a false report to the 142529
superintendent of public instruction or the state board of 142530
education alleging misconduct by an employee of a public or 142531
chartered nonpublic school or an employee of the operator of a 142532
community school established under Chapter 3314. or a 142533
college-preparatory boarding school established under Chapter 142534

3328. of the Revised Code. 142535

(2)(a) In any civil action brought against a person in which 142536
it is alleged and proved that the person violated division (H)(1) 142537
of this section, the court shall award the prevailing party 142538
reasonable attorney's fees and costs that the prevailing party 142539
incurred in the civil action or as a result of the false report 142540
that was the basis of the violation. 142541

(b) If a person is convicted of or pleads guilty to a 142542
violation of division (H)(1) of this section, if the subject of 142543
the false report that was the basis of the violation was charged 142544
with any violation of a law or ordinance as a result of the false 142545
report, and if the subject of the false report is found not to be 142546
guilty of the charges brought against the subject as a result of 142547
the false report or those charges are dismissed, the court that 142548
sentences the person for the violation of division (H)(1) of this 142549
section, as part of the sentence, shall order the person to pay 142550
restitution to the subject of the false report, in an amount equal 142551
to reasonable attorney's fees and costs that the subject of the 142552
false report incurred as a result of or in relation to the 142553
charges. 142554

Sec. 3321.13. (A) Whenever any child of compulsory school age 142555
withdraws from school the teacher of that child shall ascertain 142556
the reason for withdrawal. The fact of the withdrawal and the 142557
reason for it shall be immediately transmitted by the teacher to 142558
the superintendent of the city, local, or exempted village school 142559
district. If the child who has withdrawn from school has done so 142560
because of change of residence, the next residence shall be 142561
ascertained and shall be included in the notice thus transmitted. 142562
The superintendent shall thereupon forward a card showing the 142563
essential facts regarding the child and stating the place of the 142564
child's new residence to the superintendent of schools of the 142565

district to which the child has moved. 142566

The superintendent of public instruction may prescribe the 142567
forms to be used in the operation of this division. 142568

(B)(1) Upon receipt of information that a child of compulsory 142569
school age has withdrawn from school for a reason other than 142570
because of change of residence and is not enrolled in and 142571
attending in accordance with school policy an approved program to 142572
obtain a diploma or its equivalent, the superintendent shall 142573
notify the registrar of motor vehicles and the juvenile judge of 142574
the county in which the district is located of the withdrawal and 142575
failure to enroll in and attend an approved program to obtain a 142576
diploma or its equivalent. A notification to the registrar 142577
required by this division shall be given in the manner the 142578
registrar by rule requires and a notification to the juvenile 142579
judge required by this division shall be given in writing. Each 142580
notification shall be given within two weeks after the withdrawal 142581
and failure to enroll in and attend an approved program or its 142582
equivalent. 142583

(2) The board of education of a school district may adopt a 142584
resolution providing that the provisions of division (B)(2) of 142585
this section apply within the district. The provisions of division 142586
(B)(2) of this section do not apply within any school district, 142587
and no superintendent of a school district shall send a 142588
notification of the type described in division (B)(2) of this 142589
section to the registrar of motor vehicles or the juvenile judge 142590
of the county in which the district is located, unless the board 142591
of education of the district has adopted such a resolution. If the 142592
board of education of a school district adopts a resolution 142593
providing that the provisions of division (B)(2) of this section 142594
apply within the district, and if the superintendent of schools of 142595
that district receives information that, during any semester or 142596

term, a child of compulsory school age has been absent without 142597
legitimate excuse from the school the child is supposed to attend 142598
for more than sixty consecutive hours in a single month or for at 142599
least ninety hours in a school year, the superintendent shall 142600
notify the child and the child's parent, guardian, or custodian, 142601
in writing, that the information has been provided to the 142602
superintendent, that as a result of that information the child's 142603
temporary instruction permit or driver's license will be suspended 142604
or the opportunity to obtain such a permit or license will be 142605
denied, and that the child and the child's parent, guardian, or 142606
custodian may ~~appear in person~~ participate in a hearing at a 142607
scheduled date, time, and place ~~before~~ conducted by the 142608
superintendent or a designee to challenge the information provided 142609
to the superintendent. The hearing may be conducted by electronic 142610
means. 142611

The notification to the child and the child's parent, 142612
guardian, or custodian required by division (B)(2) of this section 142613
shall set forth the information received by the superintendent and 142614
shall inform the child and the child's parent, guardian, or 142615
custodian of the scheduled date, time, and ~~place~~ participation 142616
method of the ~~appearance that they may have~~ hearing before the 142617
superintendent or a designee. The date scheduled for the 142618
~~appearance~~ hearing shall be no earlier than three and no later 142619
than five days after the notification is given, provided that an 142620
extension may be granted upon request of the child or the child's 142621
parent, guardian, or custodian. If an extension is granted, the 142622
superintendent shall schedule a new date, time, and ~~place~~ method 142623
for the ~~appearance~~ hearing and shall inform the child and the 142624
child's parent, guardian, or custodian of the new date, time, and 142625
~~place~~ method. 142626

If the child and the child's parent, guardian, or custodian 142627
do not appear before the superintendent or a designee on the 142628

scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 142629
if the child and the child's parent, guardian, or custodian appear 142630
before the superintendent or a designee on the scheduled date and 142631
at the scheduled time ~~and place~~ but the superintendent or a 142632
designee determines that the information the superintendent 142633
received indicating that, during the semester or term, the child 142634
had been absent without legitimate excuse from the school the 142635
child was supposed to attend for more than sixty consecutive hours 142636
or for at least ninety total hours, the superintendent shall 142637
notify the registrar of motor vehicles and the juvenile judge of 142638
the county in which the district is located that the child has 142639
been absent for that period of time and that the child does not 142640
have any legitimate excuse for the habitual absence. A 142641
notification to the registrar required by this division shall be 142642
given in the manner the registrar by rule requires and a 142643
notification to the juvenile judge required by this division shall 142644
be given in writing. Each notification shall be given within two 142645
weeks after the receipt of the information of the habitual absence 142646
from school without legitimate excuse, or, if the child and the 142647
child's parent, guardian, or custodian appear before the 142648
superintendent or a designee to challenge the information, within 142649
two weeks after the ~~appearance~~ hearing. 142650

For purposes of division (B)(2) of this section, a legitimate 142651
excuse for absence from school includes, but is not limited to, 142652
the fact that the child in question has enrolled in another school 142653
or school district in this or another state, the fact that the 142654
child in question was excused from attendance for any of the 142655
reasons specified in section 3321.04 of the Revised Code, or the 142656
fact that the child in question has received an age and schooling 142657
certificate in accordance with section 3331.01 of the Revised 142658
Code. 142659

(3) Whenever a pupil is suspended or expelled from school 142660

pursuant to section 3313.66 of the Revised Code and the reason for 142661
the suspension or expulsion is the use or possession of alcohol, a 142662
drug of abuse, or alcohol and a drug of abuse, the superintendent 142663
of schools of that district may notify the registrar and the 142664
juvenile judge of the county in which the district is located of 142665
such suspension or expulsion. Any such notification of suspension 142666
or expulsion shall be given to the registrar, in the manner the 142667
registrar by rule requires and shall be given to the juvenile 142668
judge in writing. The notifications shall be given within two 142669
weeks after the suspension or expulsion. 142670

(4) Whenever a pupil is suspended, expelled, removed, or 142671
permanently excluded from a school for misconduct included in a 142672
policy that the board of education of a city, exempted village, or 142673
local school district has adopted under division (A) of section 142674
3313.661 of the Revised Code, and the misconduct involves a 142675
firearm or a knife or other weapon as defined in that policy, the 142676
superintendent of schools of that district shall notify the 142677
registrar and the juvenile judge of the county in which the 142678
district is located of the suspension, expulsion, removal, or 142679
permanent exclusion. The notification shall be given to the 142680
registrar in the manner the registrar, by rule, requires and shall 142681
be given to the juvenile judge in writing. The notifications shall 142682
be given within two weeks after the suspension, expulsion, 142683
removal, or permanent exclusion. 142684

(C) A notification of withdrawal, habitual absence without 142685
legitimate excuse, suspension, or expulsion given to the registrar 142686
or a juvenile judge under division (B)(1), (2), (3), or (4) of 142687
this section shall contain the name, address, date of birth, 142688
school, and school district of the child. If the superintendent 142689
finds, after giving a notification of withdrawal, habitual absence 142690
without legitimate excuse, suspension, or expulsion to the 142691
registrar and the juvenile judge under division (B)(1), (2), (3), 142692

or (4) of this section, that the notification was given in error, 142693
the superintendent immediately shall notify the registrar and the 142694
juvenile judge of that fact. 142695

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of 142696
the Revised Code, sent by registered mail, regular mail with a 142697
certificate of mailing, or other form of delivery with proof of 142698
delivery, including electronic delivery and electronic proof of 142699
delivery, is a legal notice. 142700

Sec. 3704.03. The director of environmental protection may do 142701
any of the following: 142702

(A) Develop programs for the prevention, control, and 142703
abatement of air pollution; 142704

(B) Advise, consult, contract, and cooperate with any 142705
governmental or private agency in the furtherance of the purposes 142706
of this chapter; 142707

(C) Encourage, participate in, or conduct studies, 142708
investigations, and research relating to air pollution, collect 142709
and disseminate information, and conduct education and training 142710
programs relating to the causes, prevention, control, and 142711
abatement of air pollution; 142712

(D) Adopt, modify, and rescind rules prescribing ambient air 142713
quality standards for the state as a whole or for various areas of 142714
the state that are consistent with and no more stringent than the 142715
national ambient air quality standards in effect under the federal 142716
Clean Air Act; 142717

(E) Adopt, modify, suspend, and rescind rules for the 142718
prevention, control, and abatement of air pollution, including 142719
rules prescribing for the state as a whole or for various areas of 142720
the state emission standards for air contaminants, and other 142721
necessary rules for the purpose of achieving and maintaining 142722

compliance with ambient air quality standards in all areas within 142723
the state as expeditiously as practicable, but not later than any 142724
deadlines applicable under the federal Clean Air Act; rules for 142725
the prevention or control of the emission of hazardous or toxic 142726
air contaminants; rules prescribing fugitive dust limitations and 142727
standards that are related, on an areawide basis, to attainment 142728
and maintenance of ambient air quality standards; rules 142729
prescribing shade, density, or opacity limitations and standards 142730
for emissions, provided that with regard to air contaminant 142731
sources for which there are particulate matter emission standards 142732
in addition to a shade, density, or opacity rule, upon 142733
demonstration by such a source of compliance with those other 142734
standards, the shade, density, or opacity rule shall provide for 142735
establishment of a shade, density, or opacity limitation for that 142736
source that does not require the source to reduce emissions below 142737
the level specified by those other standards; rules for the 142738
prevention or control of odors and air pollution nuisances; rules 142739
that prevent significant deterioration of air quality to the 142740
extent required by the federal Clean Air Act; rules for the 142741
protection of visibility as required by the federal Clean Air Act; 142742
and rules prescribing open burning limitations and standards. In 142743
adopting, modifying, suspending, or rescinding any such rules, the 142744
director, to the extent consistent with the federal Clean Air Act, 142745
shall hear and give consideration to evidence relating to all of 142746
the following: 142747

(1) Conditions calculated to result from compliance with the 142748
rules, the overall cost within this state of compliance with the 142749
rules, and their relation to benefits to the people of the state 142750
to be derived from that compliance; 142751

(2) The quantity and characteristics of air contaminants, the 142752
frequency and duration of their presence in the ambient air, and 142753
the dispersion and dilution of those contaminants; 142754

(3) Topography, prevailing wind directions and velocities, 142755
physical conditions, and other factors that may or may combine to 142756
affect air pollution. 142757

Consistent with division (K) of section 3704.036 of the 142758
Revised Code, the director shall consider alternative emission 142759
limits proposed by the owner or operator of an air contaminant 142760
source that is subject to an emission limit established in rules 142761
adopted under this division and shall accept those alternative 142762
emission limits that the director determines to be equivalent to 142763
emission limits established in rules adopted under this division. 142764

(F)(1) Adopt, modify, suspend, and rescind rules consistent 142765
with the purposes of this chapter prohibiting the location, 142766
installation, construction, or modification of any air contaminant 142767
source or any machine, equipment, device, apparatus, or physical 142768
facility intended primarily to prevent or control the emission of 142769
air contaminants unless an installation permit therefor has been 142770
obtained from the director or the director's authorized 142771
representative. 142772

(2)(a) Applications for installation permits shall be 142773
accompanied by plans, specifications, construction schedules, and 142774
such other pertinent information and data, including data on 142775
ambient air quality impact and a demonstration of best available 142776
technology, as the director may require. Installation permits 142777
shall be issued for a period specified by the director and are 142778
transferable. The director shall specify in each permit the 142779
applicable emission standards and that the permit is conditioned 142780
upon payment of the applicable fees as required by section 3745.11 142781
of the Revised Code and upon the right of the director's 142782
authorized representatives to enter upon the premises of the 142783
person to whom the permit has been issued, at any reasonable time 142784
and subject to safety requirements of the person in control of the 142785
premises, for the purpose of determining compliance with such 142786

standards, this chapter, the rules adopted thereunder, and the 142787
conditions of any permit, variance, or order issued thereunder. 142788
Each proposed new or modified air contaminant source shall provide 142789
such notice of its proposed installation or modification to other 142790
states as is required under the federal Clean Air Act. 142791
Installation permits shall include the authorization to operate 142792
sources installed and operated in accordance with terms and 142793
conditions of the installation permits for a period not to exceed 142794
one year from commencement of operation, which authorization shall 142795
constitute an operating permit under division (G) of this section 142796
and rules adopted under it. 142797

No installation permit shall be required for activities that 142798
are subject to and in compliance with a plant-wide applicability 142799
limit issued by the director in accordance with rules adopted 142800
under this section. 142801

No installation permit shall be issued except in accordance 142802
with all requirements of this chapter and rules adopted 142803
thereunder. No application shall be denied or permit revoked or 142804
modified without a written order stating the findings upon which 142805
denial, revocation, or modification is based. A copy of the order 142806
shall be sent to the applicant or permit holder by certified mail. 142807

(b) An air contaminant source that is the subject of an 142808
installation permit shall be installed or modified in accordance 142809
with the permit not later than eighteen months after the permit's 142810
effective date at which point the permit shall terminate unless 142811
one of the following applies: 142812

(i) The owner or operator has undertaken a continuing program 142813
of installation or modification during the eighteen-month period. 142814

(ii) The owner or operator has entered into a binding 142815
contractual obligation to undertake and complete within a 142816
reasonable period of time a continuing program of installation or 142817

modification of the air contaminant source during the 142818
eighteen-month period. 142819

(iii) The director has extended the date by which the air 142820
contaminant source that is the subject of the installation permit 142821
must be installed or modified. 142822

(iv) The installation permit is the subject of an appeal by a 142823
party other than the owner or operator of the air contaminant 142824
source that is the subject of the installation permit, in which 142825
case the date of termination of the permit is not later than 142826
eighteen months after the effective date of the permit plus the 142827
number of days between the date in which the permit was appealed 142828
and the date on which all appeals concerning the permit have been 142829
resolved. 142830

(v) The installation permit has been superseded by a 142831
subsequent installation permit, in which case the original 142832
installation permit terminates on the effective date of the 142833
superseding installation permit. 142834

Division (F)(2)(b) of this section applies to an installation 142835
permit that has not terminated as of ~~the effective date of this~~ 142836
~~amendment~~ October 16, 2009. 142837

The director may adopt rules in accordance with Chapter 119. 142838
of the Revised Code for the purpose of establishing additional 142839
requirements that are necessary for the implementation of division 142840
(F)(2)(b) of this section. 142841

(3) Not later than two years after August 3, 2006, the 142842
director shall adopt a rule in accordance with Chapter 119. of the 142843
Revised Code specifying that a permit to install is required only 142844
for new or modified air contaminant sources that emit any of the 142845
following air contaminants: 142846

(a) An air contaminant or precursor of an air contaminant for 142847
which a national ambient air quality standard has been adopted 142848

under the federal Clean Air Act; 142849

(b) An air contaminant for which the air contaminant source 142850
is regulated under the federal Clean Air Act; 142851

(c) An air contaminant that presents, or may present, through 142852
inhalation or other routes of exposure, a threat of adverse human 142853
health effects, including, but not limited to, substances that are 142854
known to be, or may reasonably be anticipated to be, carcinogenic, 142855
mutagenic, teratogenic, or neurotoxic, that cause reproductive 142856
dysfunction, or that are acutely or chronically toxic, or a threat 142857
of adverse environmental effects whether through ambient 142858
concentrations, bioaccumulation, deposition, or otherwise, and 142859
that is identified in the rule by chemical name and chemical 142860
abstract service number. 142861

The director may modify the rule adopted under division 142862
(F)(3)(c) of this section for the purpose of adding or deleting 142863
air contaminants. For each air contaminant that is contained in or 142864
deleted from the rule adopted under division (F)(3)(c) of this 142865
section, the director shall include in a notice accompanying any 142866
proposed or final rule an explanation of the director's 142867
determination that the air contaminant meets the criteria 142868
established in that division and should be added to, or no longer 142869
meets the criteria and should be deleted from, the list of air 142870
contaminants. The explanation shall include an identification of 142871
the scientific evidence on which the director relied in making the 142872
determination. Until adoption of the rule under division (F)(3)(c) 142873
of this section, nothing shall affect the director's authority to 142874
issue, deny, modify, or revoke permits to install under this 142875
chapter and rules adopted under it. 142876

(4)(a) Applications for permits to install new or modified 142877
air contaminant sources shall contain sufficient information 142878
regarding air contaminants for which the director may require a 142879
permit to install to determine conformity with the environmental 142880

protection agency's document entitled "Review of New Sources of
Air Toxics Emissions, Option A," dated May 1986, which the
director shall use to evaluate toxic emissions from new or
modified air contaminant sources. The director shall make copies
of the document available to the public upon request at no cost
and post the document on the environmental protection agency's web
site. Any inconsistency between the document and division (F)(4)
of this section shall be resolved in favor of division (F)(4) of
this section.

(b) The maximum acceptable ground level concentration of an
air contaminant shall be calculated in accordance with the
document entitled "Review of New Sources of Air Toxics Emissions,
Option A." Modeling shall be conducted to determine the increase
in the ground level concentration of an air contaminant beyond the
facility's boundary caused by the emissions from a new or modified
source that is the subject of an application for a permit to
install. Modeling shall be based on the maximum hourly rate of
emissions from the source using information including, but not
limited to, any emission control devices or methods, operational
restrictions, stack parameters, and emission dispersion devices or
methods that may affect ground level concentrations, either
individually or in combination. The director shall determine
whether the activities for which a permit to install is sought
will cause an increase in the ground level concentration of one or
more relevant air contaminants beyond the facility's boundary by
an amount in excess of the maximum acceptable ground level
concentration. In making the determination as to whether the
maximum acceptable ground level concentration will be exceeded,
the director shall give consideration to the modeling conducted
under division (F)(4)(b) of this section and other relevant
information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of

this section with respect to an application for a permit to 142913
install demonstrates that the maximum ground level concentration 142914
from a new or modified source will be greater than or equal to 142915
eighty per cent, but less than one hundred per cent of the maximum 142916
acceptable ground level concentration for an air contaminant, the 142917
director may establish terms and conditions in the permit to 142918
install for the air contaminant source that will require the owner 142919
or operator of the air contaminant source to maintain emissions of 142920
that air contaminant commensurate with the modeled level, which 142921
shall be expressed as allowable emissions per day. In order to 142922
calculate the allowable emissions per day, the director shall 142923
multiply the hourly emission rate modeled under division (F)(4)(b) 142924
of this section to determine the ground level concentration by the 142925
operating schedule that has been identified in the permit to 142926
install application. Terms and conditions imposed under division 142927
(F)(4)(c) of this section are not federally enforceable 142928
requirements and, if included in a Title V permit, shall be placed 142929
in the portion of the permit that is only enforceable by the 142930
state. 142931

(d) If the modeling conducted under division (F)(4)(b) of 142932
this section with respect to an application for a permit to 142933
install demonstrates that the maximum ground level concentration 142934
from a new or modified source will be less than eighty per cent of 142935
the maximum acceptable ground level concentration, the owner or 142936
operator of the source annually shall report to the director, on a 142937
form prescribed by the director, whether operations of the source 142938
are consistent with the information regarding the operations that 142939
was used to conduct the modeling with regard to the permit to 142940
install application. The annual report to the director shall be in 142941
lieu of an emission limit or other permit terms and conditions 142942
imposed pursuant to division (F)(4) of this section. The director 142943
may consider any significant departure from the operations of the 142944
source described in the permit to install application that results 142945

in greater emissions than the emissions rate modeled to determine 142946
the ground level concentration as a modification and require the 142947
owner or operator to submit a permit to install application for 142948
the increased emissions. The requirements established in division 142949
(F)(4)(d) of this section are not federally enforceable 142950
requirements and, if included in a Title V permit, shall be placed 142951
in the portion of the permit that is only enforceable by the 142952
state. 142953

(e) Division (F)(4) of this section and the document entitled 142954
"Review of New Sources of Air Toxics Emissions, Option A" shall 142955
not be included in the state implementation plan under section 110 142956
of the federal Clean Air Act and do not apply to an air 142957
contaminant source that is subject to a maximum achievable control 142958
technology standard or residual risk standard under section 112 of 142959
the federal Clean Air Act, to a particular air contaminant 142960
identified under 40 C.F.R. 51.166, division (b)(23), for which the 142961
director has determined that the owner or operator of the source 142962
is required to install best available control technology for that 142963
particular air contaminant, or to a particular air contaminant for 142964
which the director has determined that the source is required to 142965
meet the lowest achievable emission rate, as defined in 40 C.F.R. 142966
part 51, Appendix S, for that particular air contaminant. 142967

(f)(i) Division (F)(4) of this section and the document 142968
entitled "Review of New Sources of Air Toxics Emissions, Option A" 142969
do not apply to parking lots, storage piles, storage tanks, 142970
transfer operations, grain silos, grain dryers, emergency 142971
generators, gasoline dispensing operations, air contaminant 142972
sources that emit air contaminants solely from the combustion of 142973
fossil fuels, or the emission of wood dust, sand, glass dust, coal 142974
dust, silica, and grain dust. 142975

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 142976
the director may require an individual air contaminant source that 142977

is within one of the source categories identified in division 142978
(F)(4)(f)(i) of this section to submit information in an 142979
application for a permit to install a new or modified source in 142980
order to determine the source's conformity to the document if the 142981
director has information to conclude that the particular new or 142982
modified source will potentially cause an increase in ground level 142983
concentration beyond the facility's boundary that exceeds the 142984
maximum acceptable ground level concentration as set forth in the 142985
document. 142986

(iii) The director may adopt rules in accordance with Chapter 142987
119. of the Revised Code that are consistent with the purposes of 142988
this chapter and that add to or delete from the source category 142989
exemptions established in division (F)(4)(f)(i) of this section. 142990

(5) Not later than one year after August 3, 2006, the 142991
director shall adopt rules in accordance with Chapter 119. of the 142992
Revised Code specifying activities that do not, by themselves, 142993
constitute beginning actual construction activities related to the 142994
installation or modification of an air contaminant source for 142995
which a permit to install is required such as the grading and 142996
clearing of land, on-site storage of portable parts and equipment, 142997
and the construction of foundations or buildings that do not 142998
themselves emit air contaminants. The rules also shall allow 142999
specified initial activities that are part of the installation or 143000
modification of an air contaminant source, such as the 143001
installation of electrical and other utilities for the source, 143002
prior to issuance of a permit to install, provided that the owner 143003
or operator of the source has filed a complete application for a 143004
permit to install, the director or the director's designee has 143005
determined that the application is complete, and the owner or 143006
operator of the source has notified the director that this 143007
activity will be undertaken prior to the issuance of a permit to 143008
install. Any activity that is undertaken by the source under those 143009

rules shall be at the risk of the owner or operator. The rules 143010
shall not apply to activities that are precluded prior to permit 143011
issuance under section 111, section 112, Part C of Title I, and 143012
Part D of Title I of the federal Clean Air Act. 143013

(G) Adopt, modify, suspend, and rescind rules prohibiting the 143014
operation or other use of any new, modified, or existing air 143015
contaminant source unless an operating permit has been obtained 143016
from the director or the director's authorized representative, or 143017
the air contaminant source is being operated in compliance with 143018
the conditions of a variance issued pursuant to division (H) of 143019
this section. Applications for operating permits shall be 143020
accompanied by such plans, specifications, and other pertinent 143021
information as the director may require. Operating permits may be 143022
issued for a period determined by the director not to exceed ten 143023
years, are renewable, and are transferable. The director shall 143024
specify in each operating permit that the permit is conditioned 143025
upon payment of the applicable fees as required by section 3745.11 143026
of the Revised Code and upon the right of the director's 143027
authorized representatives to enter upon the premises of the 143028
person to whom the permit has been issued, at any reasonable time 143029
and subject to safety requirements of the person in control of the 143030
premises, for the purpose of determining compliance with this 143031
chapter, the rules adopted thereunder, and the conditions of any 143032
permit, variance, or order issued thereunder. Operating permits 143033
may be denied or revoked for failure to comply with this chapter 143034
or the rules adopted thereunder. An operating permit shall be 143035
issued only upon a showing satisfactory to the director or the 143036
director's representative that the air contaminant source is being 143037
operated in compliance with applicable emission standards and 143038
other rules or upon submission of a schedule of compliance 143039
satisfactory to the director for a source that is not in 143040
compliance with all applicable requirements at the time of permit 143041
issuance, provided that the compliance schedule shall be 143042

consistent with and at least as stringent as that contained in any 143043
judicial consent decree or administrative order to which the air 143044
contaminant source is subject. The rules shall provide for the 143045
issuance of conditional operating permits for such reasonable 143046
periods as the director may determine to allow the holder of an 143047
installation permit, who has constructed, installed, located, or 143048
modified a new air contaminant source in accordance with the 143049
provisions of an installation permit, to make adjustments or 143050
modifications necessary to enable the new air contaminant source 143051
to comply with applicable emission standards and other rules. 143052
Terms and conditions of operating permits issued pursuant to this 143053
division shall be federally enforceable for the purpose of 143054
establishing the potential to emit of a stationary source and 143055
shall be expressly designated as federally enforceable. Any such 143056
federally enforceable restrictions on a source's potential to emit 143057
shall include both an annual limit and a short-term limit of not 143058
more than thirty days for each pollutant to be restricted together 143059
with adequate methods for establishing compliance with the 143060
restrictions. In other respects, operating permits issued pursuant 143061
to this division are enforceable as state law only. No application 143062
shall be denied or permit revoked or modified without a written 143063
order stating the findings upon which denial, revocation, or 143064
modification is based. A copy of the order shall be sent to the 143065
applicant or permit holder by certified mail. 143066

(H) Adopt, modify, and rescind rules governing the issuance, 143067
revocation, modification, or denial of variances that authorize 143068
emissions in excess of the applicable emission standards. 143069

No variance shall be issued except pursuant to those rules. 143070
The rules shall prescribe conditions and criteria in furtherance 143071
of the purposes of this chapter and consistent with the federal 143072
Clean Air Act governing eligibility for issuance of variances, 143073
which shall include all of the following: 143074

(1) Provisions requiring consistency of emissions authorized	143075
by a variance with timely attainment and maintenance of ambient	143076
air quality standards;	143077
(2) Provisions prescribing the classes and categories of air	143078
contaminants and air contaminant sources for which variances may	143079
be issued;	143080
(3) Provisions defining the circumstances under which an	143081
applicant shall demonstrate that compliance with applicable	143082
emission standards is technically infeasible, economically	143083
unreasonable, or impossible because of conditions beyond the	143084
control of the applicant;	143085
(4) Other provisions prescribed in furtherance of the goals	143086
of this chapter.	143087
The rules shall prohibit the issuance of variances from any	143088
emission limitation that was applicable to a source pursuant to an	143089
installation permit and shall prohibit issuance of variances that	143090
conflict with the federal Clean Air Act.	143091
Applications for variances shall be accompanied by such	143092
information as the director may require. In issuing variances, the	143093
director may order the person to whom a variance is issued to	143094
furnish plans and specifications and such other information and	143095
data, including interim reports, as the director may require and	143096
to proceed to take such action within such time as the director	143097
may determine to be appropriate and reasonable to prevent,	143098
control, or abate the person's existing emissions of air	143099
contaminants. The director shall specify in each variance that the	143100
variance is conditioned upon payment of the applicable fees as	143101
required by section 3745.11 of the Revised Code and upon the right	143102
of the director's authorized representatives to enter upon the	143103
premises of the person to whom the variance has been issued, at	143104
any reasonable time and subject to safety requirements of the	143105

person in control of the premises, for the purpose of determining 143106
compliance with this chapter, the rules adopted thereunder, and 143107
the conditions of any permit, variance, or order issued 143108
thereunder. 143109

The director may hold a public hearing on an application for 143110
a variance or renewal thereof at a location in the county where 143111
the variance is sought. The director shall give not less than 143112
twenty days' notice of the hearing to the applicant by certified 143113
mail or another type of mail accompanied by a receipt and. The 143114
director also shall cause at least one publication of notice in a 143115
newspaper with general circulation in the county where the 143116
variance is sought or may instead provide public notice by 143117
publication on the environmental protection agency's web site. The 143118
director shall keep available for public inspection at the 143119
principal office of the environmental protection agency a current 143120
schedule of pending applications for variances and a current 143121
schedule of pending variance hearings. The director shall make a 143122
complete stenographic record or electronic record of testimony and 143123
other evidence submitted at the hearing. The director shall make a 143124
written determination to issue, renew, or deny the variance and 143125
shall enter the determination and the basis therefor into the 143126
record of the hearing. The director shall issue, renew, or deny an 143127
application for a variance or renewal thereof, or issue a proposed 143128
action upon the application pursuant to section 3745.07 of the 143129
Revised Code, within six months of the date upon which the 143130
director receives a complete application with all pertinent 143131
information and data required by the director. 143132

Any variance granted pursuant to rules adopted under this 143133
division shall be for a period specified by the director, not to 143134
exceed three years, and may be renewed from time to time on such 143135
terms and for such periods, not to exceed three years each, as the 143136
director determines to be appropriate. A variance may be revoked, 143137

or renewal denied, for failure to comply with conditions specified 143138
in the variance. No variance shall be issued, denied, revoked, or 143139
modified without a written order stating the findings upon which 143140
the issuance, denial, revocation, or modification is based. A copy 143141
of the order shall be sent to the applicant or variance holder by 143142
certified mail. 143143

(I) Require the owner or operator of an air contaminant 143144
source to install, employ, maintain, and operate such emissions, 143145
ambient air quality, meteorological, or other monitoring devices 143146
or methods as the director shall prescribe; to sample those 143147
emissions at such locations, at such intervals, and in such manner 143148
as the director prescribes; to maintain records and file periodic 143149
reports with the director containing information as to location, 143150
size, and height of emission outlets, rate, duration, and 143151
composition of emissions, and any other pertinent information the 143152
director prescribes; and to provide such written notice to other 143153
states as the director shall prescribe. In requiring monitoring 143154
devices, records, and reports, the director, to the extent 143155
consistent with the federal Clean Air Act, shall give 143156
consideration to technical feasibility and economic reasonableness 143157
and allow reasonable time for compliance. For sources where a 143158
specific monitoring, record-keeping, or reporting requirement is 143159
specified for a particular air contaminant from a particular air 143160
contaminant source in an applicable regulation adopted by the 143161
United States environmental protection agency under the federal 143162
Clean Air Act or in an applicable rule adopted by the director, 143163
the director shall not impose an additional requirement in a 143164
permit that is a different monitoring, record-keeping, or 143165
reporting requirement other than the requirement specified in the 143166
applicable regulation or rule for that air contaminant except as 143167
otherwise agreed to by the owner or operator of the air 143168
contaminant source and the director. If two or more regulations or 143169
rules impose different monitoring, record-keeping, or reporting 143170

requirements for the same air contaminant from the same air 143171
contaminant source, the director may impose permit terms and 143172
conditions that consolidate or streamline the monitoring, 143173
record-keeping, or reporting requirements in a manner that 143174
conforms with each applicable requirement. To the extent 143175
consistent with the federal Clean Air Act and except as otherwise 143176
agreed to by the owner or operator of an air contaminant source 143177
and the director, the director shall not require an operating 143178
restriction that has the practical effect of increasing the 143179
stringency of an existing applicable emission limitation or 143180
standard. 143181

(J) Establish, operate, and maintain monitoring stations and 143182
other devices designed to measure air pollution and enter into 143183
contracts with any public or private agency for the establishment, 143184
operation, or maintenance of such stations and devices; 143185

(K) By rule adopt procedures for giving reasonable public 143186
notice and conducting public hearings on any plans for the 143187
prevention, control, and abatement of air pollution that the 143188
director is required to submit to the federal government; 143189

(L) Through any employee, agent, or authorized representative 143190
of the director or the environmental protection agency, enter upon 143191
private or public property, including improvements thereon, at any 143192
reasonable time, to make inspections, take samples, conduct tests, 143193
and examine records or reports pertaining to any emission of air 143194
contaminants and any monitoring equipment or methods and to 143195
determine if there are any actual or potential emissions from such 143196
premises and, if so, to determine the sources, amounts, contents, 143197
and extent of those emissions, or to ascertain whether there is 143198
compliance with this chapter, any orders issued or rules adopted 143199
thereunder, or any other determination of the director. The 143200
director, at reasonable times, may have access to and copy any 143201
such records. If entry or inspection authorized by this division 143202

is refused, hindered, or thwarted, the director or the director's 143203
authorized representative may by affidavit apply for, and any 143204
judge of a court of record may issue, an appropriate inspection 143205
warrant necessary to achieve the purposes of this chapter within 143206
the court's territorial jurisdiction. 143207

(M) Accept and administer gifts or grants from the federal 143208
government and from any other source, public or private, for 143209
carrying out any of the functions under this chapter; 143210

(N) Obtain necessary scientific, technical, and laboratory 143211
services; 143212

(O) Establish advisory boards in accordance with section 143213
121.13 of the Revised Code; 143214

(P) Delegate to any city or general health district or 143215
political subdivision of the state any of the director's 143216
enforcement and monitoring powers and duties, other than 143217
rule-making powers, as the director elects to delegate, and in 143218
addition employ, compensate, and prescribe the powers and duties 143219
of such officers, employees, and consultants as are necessary to 143220
enable the director to exercise the authority and perform duties 143221
imposed upon the director by law. Technical and other services 143222
shall be performed, insofar as practical, by personnel of the 143223
environmental protection agency. 143224

(Q) Certify to the government of the United States or any 143225
agency thereof that an industrial air pollution facility is in 143226
conformity with the state program or requirements for control of 143227
air pollution whenever such certificate is required for a taxpayer 143228
pursuant to any federal law or requirements; 143229

(R) Issue, modify, or revoke orders requiring abatement of or 143230
prohibiting emissions that violate applicable emission standards 143231
or other requirements of this chapter and rules adopted 143232
thereunder, or requiring emission control devices or measures in 143233

order to comply with applicable emission standards or other 143234
requirements of this chapter and rules adopted thereunder. Any 143235
such order shall require compliance with applicable emission 143236
standards by a specified date and shall not conflict with any 143237
requirement of the federal Clean Air Act. In the making of such 143238
orders, the director, to the extent consistent with the federal 143239
Clean Air Act, shall give consideration to, and base the 143240
determination on, evidence relating to the technical feasibility 143241
and economic reasonableness of compliance with such orders and 143242
their relation to benefits to the people of the state to be 143243
derived from such compliance. If, under the federal Clean Air Act, 143244
any such order shall provide for the posting of a bond or surety 143245
to secure compliance with the order as a condition of issuance of 143246
the order, the order shall so provide, but only to the extent 143247
required by the federal Clean Air Act. 143248

(S) To the extent provided by the federal Clean Air Act, 143249
adopt, modify, and rescind rules providing for the administrative 143250
assessment and collection of monetary penalties, not in excess of 143251
those required pursuant to the federal Clean Air Act, for failure 143252
to comply with any emission limitation or standard, compliance 143253
schedule, or other requirement of any rule, order, permit, or 143254
variance issued or adopted under this chapter or required under 143255
the applicable implementation plan whether or not the source is 143256
subject to a federal or state consent decree. The director may 143257
require the submission of compliance schedules, calculations of 143258
penalties for noncompliance, and related information. Any orders, 143259
payments, sanctions, or other requirements imposed pursuant to 143260
rules adopted under this division shall be in addition to any 143261
other permits, orders, payments, sanctions, or other requirements 143262
established under this chapter and shall not affect any civil or 143263
criminal enforcement proceedings brought under any provision of 143264
this chapter or any other provision of state or local law. This 143265
division does not apply to any requirement of this chapter 143266

regarding the prevention or abatement of odors. 143267

(T) Require new or modified air contaminant sources to 143268
install best available technology, but only in accordance with 143269
this division. With respect to permits issued pursuant to division 143270
(F) of this section beginning three years after August 3, 2006, 143271
best available technology for air contaminant sources and air 143272
contaminants emitted by those sources that are subject to 143273
standards adopted under section 112, Part C of Title I, and Part D 143274
of Title I of the federal Clean Air Act shall be equivalent to and 143275
no more stringent than those standards. For an air contaminant or 143276
precursor of an air contaminant for which a national ambient air 143277
quality standard has been adopted under the federal Clean Air Act, 143278
best available technology only shall be required to the extent 143279
required by rules adopted under Chapter 119. of the Revised Code 143280
for permit to install applications filed three or more years after 143281
August 3, 2006. 143282

Best available technology requirements established in rules 143283
adopted under this division shall be expressed only in one of the 143284
following ways that is most appropriate for the applicable source 143285
or source categories: 143286

(1) Work practices; 143287

(2) Source design characteristics or design efficiency of 143288
applicable air contaminant control devices; 143289

(3) Raw material specifications or throughput limitations 143290
averaged over a twelve-month rolling period; 143291

(4) Monthly allowable emissions averaged over a twelve-month 143292
rolling period. 143293

Best available technology requirements shall not apply to an 143294
air contaminant source that has the potential to emit, taking into 143295
account air pollution controls installed on the source, less than 143296
ten tons per year of emissions of an air contaminant or precursor 143297

of an air contaminant for which a national ambient air quality 143298
standard has been adopted under the federal Clean Air Act. In 143299
addition, best available technology requirements established in 143300
rules adopted under this division shall not apply to any existing, 143301
new, or modified air contaminant source that is subject to a 143302
plant-wide applicability limit that has been approved by the 143303
director. Further, best available technology requirements 143304
established in rules adopted under this division shall not apply 143305
to general permits issued prior to January 1, 2006, under rules 143306
adopted under this chapter. 143307

For permits to install issued three or more years after 143308
August 3, 2006, any new or modified air contaminant source that 143309
has the potential to emit, taking into account air pollution 143310
controls installed on the source, ten or more tons per year of 143311
volatile organic compounds or nitrogen oxides shall meet, at a 143312
minimum, the requirements of any applicable reasonably available 143313
control technology rule in effect as of January 1, 2006, 143314
regardless of the location of the source. 143315

(U) Consistent with section 507 of the federal Clean Air Act, 143316
adopt, modify, suspend, and rescind rules for the establishment of 143317
a small business stationary source technical and environmental 143318
compliance assistance program as provided in section 3704.18 of 143319
the Revised Code; 143320

(V) Provide for emissions trading, marketable permits, 143321
auctions of emission rights, and economic incentives that would 143322
reduce the cost or increase the efficiency of achieving a 143323
specified level of environmental protection; 143324

(W) Provide for the construction of an air contaminant source 143325
prior to obtaining a permit to install pursuant to division (F) of 143326
this section if the applicant demonstrates that the source will be 143327
installed to comply with all applicable emission limits and will 143328
not adversely affect public health or safety or the environment 143329

and if the director determines that such an action will avoid an 143330
unreasonable hardship on the owner or operator of the source. Any 143331
such determination shall be consistent with the federal Clean Air 143332
Act. 143333

(X) Exercise all incidental powers, including adoption of 143334
rules, required to carry out this chapter. 143335

The environmental protection agency shall develop a plan to 143336
control air pollution resulting from state-operated facilities and 143337
property. 143338

Sec. 3734.02. (A) The director of environmental protection, 143339
in accordance with Chapter 119. of the Revised Code, shall adopt 143340
and may amend, suspend, or rescind rules having uniform 143341
application throughout the state governing solid waste facilities 143342
and the inspections of and issuance of permits and licenses for 143343
all solid waste facilities in order to ensure that the facilities 143344
will be located, maintained, and operated, and will undergo 143345
closure and post-closure care, in a sanitary manner so as not to 143346
create a nuisance, cause or contribute to water pollution, create 143347
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 143348
257.3-8, as amended. The rules may include, without limitation, 143349
financial assurance requirements for closure and post-closure care 143350
and corrective action and requirements for taking corrective 143351
action in the event of the surface or subsurface discharge or 143352
migration of explosive gases or leachate from a solid waste 143353
facility, or of ground water contamination resulting from the 143354
transfer or disposal of solid wastes at a facility, beyond the 143355
boundaries of any area within a facility that is operating or is 143356
undergoing closure or post-closure care where solid wastes were 143357
disposed of or are being disposed of. The rules shall not concern 143358
or relate to personnel policies, salaries, wages, fringe benefits, 143359
or other conditions of employment of employees of persons owning 143360

or operating solid waste facilities. The director, in accordance 143361
with Chapter 119. of the Revised Code, shall adopt and may amend, 143362
suspend, or rescind rules governing the issuance, modification, 143363
revocation, suspension, or denial of variances from the director's 143364
solid waste rules, including, without limitation, rules adopted 143365
under this chapter governing the management of scrap tires. 143366

Variances shall be issued, modified, revoked, suspended, or 143367
rescinded in accordance with this division, rules adopted under 143368
it, and Chapter 3745. of the Revised Code. The director may order 143369
the person to whom a variance is issued to take such action within 143370
such time as the director may determine to be appropriate and 143371
reasonable to prevent the creation of a nuisance or a hazard to 143372
the public health or safety or the environment. Applications for 143373
variances shall contain such detail plans, specifications, and 143374
information regarding objectives, procedures, controls, and other 143375
pertinent data as the director may require. The director shall 143376
grant a variance only if the applicant demonstrates to the 143377
director's satisfaction that construction and operation of the 143378
solid waste facility in the manner allowed by the variance and any 143379
terms or conditions imposed as part of the variance will not 143380
create a nuisance or a hazard to the public health or safety or 143381
the environment. In granting any variance, the director shall 143382
state the specific provision or provisions whose terms are to be 143383
varied and also shall state specific terms or conditions imposed 143384
upon the applicant in place of the provision or provisions. 143385

The director may hold a public hearing on an application for 143386
a variance or renewal of a variance at a location in the county 143387
where the operations that are the subject of the application for 143388
the variance are conducted. The director shall give not less than 143389
twenty days' notice of the hearing to the applicant by certified 143390
mail or by another type of mail accompanied by a receipt ~~and~~. The 143391
director shall publish at least one notice of the hearing in a 143392

newspaper with general circulation in the county where the hearing 143393
is to be held or may instead provide public notice by publication 143394
on the environmental protection agency's web site. The director 143395
shall make available for public inspection at the principal office 143396
of the environmental protection agency a current list of pending 143397
applications for variances and a current schedule of pending 143398
variance hearings. The director shall make a complete stenographic 143399
record or electronic record of testimony and other evidence 143400
submitted at the hearing. 143401

Within ten days after the hearing, the director shall make a 143402
written determination to issue, renew, or deny the variance and 143403
shall enter the determination and the basis for it into the record 143404
of the hearing. The director shall issue, renew, or deny an 143405
application for a variance or renewal of a variance within six 143406
months of the date upon which the director receives a complete 143407
application with all pertinent information and data required. No 143408
variance shall be issued, revoked, modified, or denied until the 143409
director has considered the relative interests of the applicant, 143410
other persons and property affected by the variance, and the 143411
general public. Any variance granted under this division shall be 143412
for a period specified by the director and may be renewed from 143413
time to time on such terms and for such periods as the director 143414
determines to be appropriate. No application shall be denied and 143415
no variance shall be revoked or modified without a written order 143416
stating the findings upon which the denial, revocation, or 143417
modification is based. A copy of the order shall be sent to the 143418
applicant or variance holder by certified mail or by another type 143419
of mail accompanied by a receipt. 143420

(B) The director shall prescribe and furnish the forms 143421
necessary to administer and enforce this chapter. The director may 143422
cooperate with and enter into agreements with other state, local, 143423
or federal agencies to carry out the purposes of this chapter. The 143424

director may exercise all incidental powers necessary to carry out 143425
the purposes of this chapter. 143426

(C) Except as provided in this division and divisions (N)(2) 143427
and (3) of this section, no person shall establish a new solid 143428
waste facility or infectious waste treatment facility, or modify 143429
an existing solid waste facility or infectious waste treatment 143430
facility, without submitting an application for a permit with 143431
accompanying detail plans, specifications, and information 143432
regarding the facility and method of operation and receiving a 143433
permit issued by the director, except that no permit shall be 143434
required under this division to install or operate a solid waste 143435
facility for sewage sludge treatment or disposal when the 143436
treatment or disposal is authorized by a current permit issued 143437
under Chapter 3704. or 6111. of the Revised Code. 143438

No person shall continue to operate a solid waste facility 143439
for which the director has disapproved plans and specifications 143440
required to be filed by an order issued under division (A)(3) of 143441
section 3734.05 of the Revised Code, after the date prescribed for 143442
commencement of closure of the facility in the order issued under 143443
division (A)(4) of that section denying the permit application or 143444
approval. 143445

On and after the effective date of the rules adopted under 143446
division (A) of this section and division (D) of section 3734.12 143447
of the Revised Code governing solid waste transfer facilities, no 143448
person shall establish a new, or modify an existing, solid waste 143449
transfer facility without first submitting an application for a 143450
permit with accompanying engineering detail plans, specifications, 143451
and information regarding the facility and its method of operation 143452
to the director and receiving a permit issued by the director. 143453

No person shall establish a new compost facility or continue 143454
to operate an existing compost facility that accepts exclusively 143455
source separated yard wastes without submitting a completed 143456

registration for the facility to the director in accordance with 143457
rules adopted under divisions (A) and (N)(3) of this section. 143458

This division does not apply to a generator of infectious 143459
wastes that does any of the following: 143460

(1) Treats, by methods, techniques, and practices established 143461
by rules adopted under division (B)(2)(a) of section 3734.021 of 143462
the Revised Code, any of the following: 143463

(a) Infectious wastes that are generated on any premises that 143464
are owned or operated by the generator; 143465

(b) Infectious wastes that are generated by a generator who 143466
has staff privileges at a hospital as defined in section 3727.01 143467
of the Revised Code; 143468

(c) Infectious wastes that are generated in providing care to 143469
a patient by an emergency medical services organization as defined 143470
in section 4765.01 of the Revised Code. 143471

(2) Holds a license or renewal of a license to operate a 143472
crematory facility issued under Chapter 4717. and a permit issued 143473
under Chapter 3704. of the Revised Code; 143474

(3) Treats or disposes of dead animals or parts thereof, or 143475
the blood of animals, and is subject to any of the following: 143476

(a) Inspection under the "Federal Meat Inspection Act," 81 143477
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 143478

(b) Chapter 918. of the Revised Code; 143479

(c) Chapter 953. of the Revised Code. 143480

(D) Neither this chapter nor any rules adopted under it apply 143481
to single-family residential premises; to infectious wastes 143482
generated by individuals for purposes of their own care or 143483
treatment; to the temporary storage of solid wastes, other than 143484
scrap tires, prior to their collection for disposal; to the 143485
storage of one hundred or fewer scrap tires unless they are stored 143486

in such a manner that, in the judgment of the director or the 143487
board of health of the health district in which the scrap tires 143488
are stored, the storage causes a nuisance, a hazard to public 143489
health or safety, or a fire hazard; or to the collection of solid 143490
wastes, other than scrap tires, by a political subdivision or a 143491
person holding a franchise or license from a political subdivision 143492
of the state; to composting, as defined in section 1511.01 of the 143493
Revised Code, conducted in accordance with section 1511.022 of the 143494
Revised Code; or to any person who is licensed to transport raw 143495
rendering material to a compost facility pursuant to section 143496
953.23 of the Revised Code. 143497

(E)(1) As used in this division: 143498

(a) "On-site facility" means a facility that stores, treats, 143499
or disposes of hazardous waste that is generated on the premises 143500
of the facility. 143501

(b) "Off-site facility" means a facility that stores, treats, 143502
or disposes of hazardous waste that is generated off the premises 143503
of the facility and includes such a facility that is also an 143504
on-site facility. 143505

(c) "Satellite facility" means any of the following: 143506

(i) An on-site facility that also receives hazardous waste 143507
from other premises owned by the same person who generates the 143508
waste on the facility premises; 143509

(ii) An off-site facility operated so that all of the 143510
hazardous waste it receives is generated on one or more premises 143511
owned by the person who owns the facility; 143512

(iii) An on-site facility that also receives hazardous waste 143513
that is transported uninterruptedly and directly to the facility 143514
through a pipeline from a generator who is not the owner of the 143515
facility. 143516

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC	TYPE OF FACILITY	FEE
MANAGEMENT UNIT		
Storage facility using:		
Containers	On-site, off-site, and	
	satellite	\$ 500

Tanks	On-site, off-site, and		143549
	satellite	500	143550
Waste pile	On-site, off-site, and		143551
	satellite	3,000	143552
Surface impoundment	On-site and satellite	8,000	143553
	Off-site	10,000	143554
Disposal facility using:			143555
Deep well injection	On-site and satellite	15,000	143556
	Off-site	25,000	143557
Landfill	On-site and satellite	25,000	143558
	Off-site	40,000	143559
Land application	On-site and satellite	2,500	143560
	Off-site	5,000	143561
Surface impoundment	On-site and satellite	10,000	143562
	Off-site	20,000	143563
Treatment facility using:			143564
Tanks	On-site, off-site, and		143565
	satellite	700	143566
Surface impoundment	On-site and satellite	8,000	143567
	Off-site	10,000	143568
Incinerator	On-site and satellite	5,000	143569
	Off-site	10,000	143570
Other forms			143571
of treatment	On-site, off-site, and		143572
	satellite	1,000	143573

A hazardous waste disposal facility that disposes of 143574
hazardous waste by deep well injection and that pays the annual 143575
permit fee established in section 6111.046 of the Revised Code is 143576
not subject to the permit fee established in this division for 143577
disposal facilities using deep well injection unless the director 143578
determines that the facility is not in compliance with applicable 143579
requirements established under this chapter and rules adopted 143580
under it. 143581

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 143644

(5) A hazardous waste facility as described in division 143645
(E)(3)(a) or (b) of this section. 143646

(G) The director, by order, may exempt any person generating, 143647
collecting, storing, treating, disposing of, or transporting solid 143648
wastes, infectious wastes, or hazardous waste, or processing solid 143649
wastes that consist of scrap tires, in such quantities or under 143650
such circumstances that, in the determination of the director, are 143651
unlikely to adversely affect the public health or safety or the 143652
environment from any requirement to obtain a registration 143653
certificate, permit, or license or comply with the manifest system 143654
or other requirements of this chapter. Such an exemption shall be 143655
consistent with and equivalent to any regulations adopted by the 143656
administrator of the United States environmental protection agency 143657
under the "Resource Conservation and Recovery Act of 1976," 90 143658
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 143659
provided in this chapter. 143660

(H) No person shall engage in filling, grading, excavating, 143661
building, drilling, or mining on land where a hazardous waste 143662
facility, or a solid waste facility, was operated without prior 143663
authorization from the director, who shall establish the procedure 143664
for granting such authorization by rules adopted in accordance 143665
with Chapter 119. of the Revised Code. 143666

A public utility that has main or distribution lines above or 143667
below the land surface located on an easement or right-of-way 143668
across land where a solid waste facility was operated may engage 143669
in any such activity within the easement or right-of-way without 143670
prior authorization from the director for purposes of performing 143671
emergency repair or emergency replacement of its lines; of the 143672
poles, towers, foundations, or other structures supporting or 143673
sustaining any such lines; or of the appurtenances to those 143674
structures, necessary to restore or maintain existing public 143675

utility service. A public utility may enter upon any such easement 143676
or right-of-way without prior authorization from the director for 143677
purposes of performing necessary or routine maintenance of those 143678
portions of its existing lines; of the existing poles, towers, 143679
foundations, or other structures sustaining or supporting its 143680
lines; or of the appurtenances to any such supporting or 143681
sustaining structure, located on or above the land surface on any 143682
such easement or right-of-way. Within twenty-four hours after 143683
commencing any such emergency repair, replacement, or maintenance 143684
work, the public utility shall notify the director or the 143685
director's authorized representative of those activities and shall 143686
provide such information regarding those activities as the 143687
director or the director's representative may request. Upon 143688
completion of the emergency repair, replacement, or maintenance 143689
activities, the public utility shall restore any land of the solid 143690
waste facility disturbed by those activities to the condition 143691
existing prior to the commencement of those activities. 143692

(I) No owner or operator of a hazardous waste facility, in 143693
the operation of the facility, shall cause, permit, or allow the 143694
emission therefrom of any particulate matter, dust, fumes, gas, 143695
mist, smoke, vapor, or odorous substance that, in the opinion of 143696
the director, unreasonably interferes with the comfortable 143697
enjoyment of life or property by persons living or working in the 143698
vicinity of the facility, or that is injurious to public health. 143699
Any such action is hereby declared to be a public nuisance. 143700

(J) Notwithstanding any other provision of this chapter, in 143701
the event the director finds an imminent and substantial danger to 143702
public health or safety or the environment that creates an 143703
emergency situation requiring the immediate treatment, storage, or 143704
disposal of hazardous waste, the director may issue a temporary 143705
emergency permit to allow the treatment, storage, or disposal of 143706
the hazardous waste at a facility that is not otherwise authorized 143707

by a hazardous waste facility installation and operation permit to 143708
treat, store, or dispose of the waste. The emergency permit shall 143709
not exceed ninety days in duration and shall not be renewed. The 143710
director shall adopt, and may amend, suspend, or rescind, rules in 143711
accordance with Chapter 119. of the Revised Code governing the 143712
issuance, modification, revocation, and denial of emergency 143713
permits. 143714

(K) Except for infectious wastes generated by a person who 143715
produces fewer than fifty pounds of infectious wastes at a 143716
premises during any one month, no owner or operator of a sanitary 143717
landfill shall knowingly accept for disposal, or dispose of, any 143718
infectious wastes that have not been treated to render them 143719
noninfectious. 143720

(L) The director, in accordance with Chapter 119. of the 143721
Revised Code, shall adopt, and may amend, suspend, or rescind, 143722
rules having uniform application throughout the state establishing 143723
a training and certification program that shall be required for 143724
employees of boards of health who are responsible for enforcing 143725
the solid waste and infectious waste provisions of this chapter 143726
and rules adopted under them and for persons who are responsible 143727
for the operation of solid waste facilities or infectious waste 143728
treatment facilities. The rules shall provide all of the 143729
following, without limitation: 143730

(1) The program shall be administered by the director and 143731
shall consist of a course on new solid waste and infectious waste 143732
technologies, enforcement procedures, and rules; 143733

(2) The course shall be offered on an annual basis; 143734

(3) Those persons who are required to take the course under 143735
division (L) of this section shall do so triennially; 143736

(4) Persons who successfully complete the course shall be 143737
certified by the director; 143738

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 143771
United States department of the interior, located in this state, 143772
or any candidate area located in this state and identified for 143773
potential inclusion in the national park system in the edition of 143774
the "national park system plan" submitted under paragraph (b) of 143775
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 143776
U.S.C.A. 1a-5, as amended, current at the time of filing of the 143777
application for the permit, unless the facility or proposed 143778
facility is or is to be used exclusively for the disposal of solid 143779
wastes generated within the park or recreation area and the 143780
director determines that the facility or proposed facility will 143781
not degrade any of the natural or cultural resources of the park 143782
or recreation area. The director shall not issue a variance under 143783
division (A) of this section and rules adopted under it, or issue 143784
an exemption order under division (G) of this section, that would 143785
authorize any such establishment or expansion of a solid waste 143786
facility within the boundaries of any such park or recreation 143787
area, state park purchase area, or candidate area, other than a 143788
solid waste facility exclusively for the disposal of solid wastes 143789
generated within the park or recreation area when the director 143790
determines that the facility will not degrade any of the natural 143791
or cultural resources of the park or recreation area. 143792

(N)(1) The rules adopted under division (A) of this section, 143793
other than those governing variances, do not apply to scrap tire 143794
collection, storage, monocell, monofill, and recovery facilities. 143795
Those facilities are subject to and governed by rules adopted 143796
under sections 3734.70 to 3734.73 of the Revised Code, as 143797
applicable. 143798

(2) Division (C) of this section does not apply to scrap tire 143799
collection, storage, monocell, monofill, and recovery facilities. 143800
The establishment and modification of those facilities are subject 143801
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 143802

Code, as applicable. 143803

(3) The director may adopt, amend, suspend, or rescind rules 143804
under division (A) of this section creating an alternative system 143805
for authorizing the establishment, operation, or modification of a 143806
solid waste compost facility in lieu of the requirement that a 143807
person seeking to establish, operate, or modify a solid waste 143808
compost facility apply for and receive a permit under division (C) 143809
of this section and section 3734.05 of the Revised Code and a 143810
license under division (A)(1) of that section. The rules may 143811
include requirements governing, without limitation, the 143812
classification of solid waste compost facilities, the submittal of 143813
operating records for solid waste compost facilities, and the 143814
creation of a registration or notification system in lieu of the 143815
issuance of permits and licenses for solid waste compost 143816
facilities. The rules shall specify the applicability of divisions 143817
(A)(1) and (2)(a) of section 3734.05 of the Revised Code to a 143818
solid waste compost facility. 143819

(O)(1) As used in this division, "secondary aluminum waste" 143820
means waste material or byproducts, when disposed of, containing 143821
aluminum generated from secondary aluminum smelting operations and 143822
consisting of dross, salt cake, baghouse dust associated with 143823
aluminum recycling furnace operations, or dry-milled wastes. 143824

(2) The owner or operator of a sanitary landfill shall not 143825
dispose of municipal solid waste that has been commingled with 143826
secondary aluminum waste. 143827

(3) The owner or operator of a sanitary landfill may dispose 143828
of secondary aluminum waste, but only in a monocell or monofill 143829
that has been permitted for that purpose in accordance with this 143830
chapter and rules adopted under it. 143831

(P)(1) As used in divisions (P) and (Q) of this section: 143832

(a) "Natural background" means two picocuries per gram or the 143833

actual number of picocuries per gram as measured at an individual 143834
solid waste facility, subject to verification by the director of 143835
health. 143836

(b) "Drilling operation" includes a production operation as 143837
defined in section 1509.01 of the Revised Code. 143838

(2) The owner or operator of a solid waste facility shall not 143839
accept for transfer or disposal technologically enhanced naturally 143840
occurring radioactive material if that material contains or is 143841
contaminated with radium-226, radium-228, or any combination of 143842
radium-226 and radium-228 at concentrations equal to or greater 143843
than five picocuries per gram above natural background. 143844

(3) The owner or operator of a solid waste facility may 143845
receive and process for purposes other than transfer or disposal 143846
technologically enhanced naturally occurring radioactive material 143847
that contains or is contaminated with radium-226, radium-228, or 143848
any combination of radium-226 and radium-228 at concentrations 143849
equal to or greater than five picocuries per gram above natural 143850
background, provided that the owner or operator has obtained and 143851
maintains all other necessary authorizations, including any 143852
authorization required by rules adopted by the director of health 143853
under section 3748.04 of the Revised Code. 143854

(4) The director of environmental protection may adopt rules 143855
in accordance with Chapter 119. of the Revised Code governing the 143856
receipt, acceptance, processing, handling, management, and 143857
disposal by solid waste facilities of material that contains or is 143858
contaminated with radioactive material, including, without 143859
limitation, technologically enhanced naturally occurring 143860
radioactive material that contains or is contaminated with 143861
radium-226, radium-228, or any combination of radium-226 and 143862
radium-228 at concentrations less than five picocuries per gram 143863
above natural background. Rules adopted by the director may 143864
include at a minimum both of the following: 143865

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to

render them noninfectious by methods, techniques, or practices 143896
prescribed by rules adopted under division (B)(2)(a) of this 143897
section before they are transported off that premises for disposal 143898
or ensure that such wastes are treated to render them 143899
noninfectious at an infectious waste treatment facility off that 143900
premises prior to disposal of the wastes; 143901

(ii) Transport and dispose of infectious wastes, if a 143902
generator produces fewer than fifty pounds of infectious wastes 143903
during any one month that are subject to and packaged and labeled 143904
in accordance with federal requirements, in the same manner as 143905
solid wastes. Such generators who treat specimen cultures and 143906
cultures of viable infectious agents on the premises where they 143907
are generated shall not be considered treatment facilities as 143908
"treatment" and "facility" are defined in section 3734.01 of the 143909
Revised Code. 143910

(iii) Dispose of infectious wastes subject to and treated in 143911
accordance with rules adopted under division (B)(1)(a)(i) of this 143912
section in the same manner as solid wastes; 143913

(iv) May take wastes generated in providing care to a patient 143914
by an emergency medical services organization, as defined in 143915
section 4765.01 of the Revised Code, to and leave them at a 143916
hospital, as defined in section 3727.01 of the Revised Code, for 143917
treatment at a treatment facility owned or operated by the 143918
hospital or, in conjunction with infectious wastes generated by 143919
the hospital, at another treatment facility regardless of whether 143920
the wastes were generated in providing care to the patient at the 143921
scene of an emergency or during the transportation of the patient 143922
to a hospital; 143923

(v) May take wastes generated by an individual for purposes 143924
of the individual's own care or treatment to and leave them at a 143925
hospital, as defined in section 3727.01 of the Revised Code, for 143926
treatment at a treatment facility owned or operated by the 143927

hospital or, in conjunction with infectious wastes generated by 143928
the hospital, at another treatment facility. 143929

(b) Each generator of fifty pounds or more of infectious 143930
wastes during any one month: 143931

(i) Register with the environmental protection agency as a 143932
generator of infectious wastes and obtain a registration 143933
certificate. The fee for issuance of a generator registration 143934
certificate is one hundred forty dollars payable at the time of 143935
application. The registration certificate applies to all the 143936
premises owned or operated by the generator in this state where 143937
infectious wastes are generated and shall list the address of each 143938
such premises. If a generator owns or operates facilities for the 143939
treatment of infectious wastes it generates, the certificate shall 143940
list the address and method of treatment used at each such 143941
facility. 143942

A generator registration certificate is valid for three years 143943
from the date of issuance and shall be renewed for a term of three 143944
years upon the generator's submission of an application for 143945
renewal and payment of a one hundred forty dollar renewal fee. 143946

The rules may establish a system of staggered renewal dates 143947
with approximately one-third of such certificates subject to 143948
renewal each year. The applicable renewal date shall be prescribed 143949
on each registration certificate. Registration fees shall be 143950
prorated according to the time remaining in the registration cycle 143951
to the nearest year. 143952

The registration and renewal fees collected under division 143953
(B)(1)(b)(i) of this section shall be deposited in the state 143954
treasury to the credit of the waste management fund created in 143955
section 3734.061 of the Revised Code. 143956

(ii) Segregate infectious wastes from other wastes at the 143957
point of generation. Nothing in this section and rules adopted 143958

under it prohibits a generator of infectious wastes from 143959
designating and managing any wastes, in addition to those defined 143960
as infectious wastes under section 3734.01 of the Revised Code, as 143961
infectious wastes. After designating any such other wastes as 143962
infectious, the generator shall manage those wastes in compliance 143963
with the requirements of this chapter and rules adopted under it 143964
applicable to the management of infectious wastes. 143965

(iii) Either treat the infectious wastes that it generates at 143966
a facility owned or operated by the generator by methods, 143967
techniques, or practices prescribed by rules adopted under 143968
division (B)(2)(a) of this section to render them noninfectious, 143969
or designate the wastes for treatment off that premises at an 143970
infectious waste treatment facility holding a license issued under 143971
division (B) of section 3734.05 of the Revised Code, at an 143972
infectious waste treatment facility that is located in another 143973
state that is in compliance with applicable state and federal 143974
laws, or at a treatment facility authorized by rules adopted under 143975
division (B)(2)(d) of this section, prior to disposal of the 143976
wastes. After being treated to render them noninfectious, the 143977
wastes shall be disposed of at a solid waste disposal facility 143978
holding a license issued under division (A) of section 3734.05 of 143979
the Revised Code or at a disposal facility in another state that 143980
is in compliance with applicable state and federal laws. 143981

(iv) Not compact or grind any type of infectious wastes prior 143982
to treatment in accordance with rules adopted under division 143983
(B)(2)(a) of this section; 143984

(v) May discharge untreated liquid or semiliquid infectious 143985
wastes consisting of blood, blood products, body fluids, and 143986
excreta into a disposal system, as defined in section 6111.01 of 143987
the Revised Code, unless the discharge of those wastes into a 143988
disposal system is inconsistent with the terms and conditions of 143989
the permit for the system issued under Chapter 6111. of the 143990

Revised Code;	143991
(vi) May transport or cause to be transported infectious wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported.	143992 143993 143994
(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that:	143995 143996 143997
(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director;	143998 143999 144000
(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.	144001 144002 144003 144004 144005 144006 144007 144008 144009 144010 144011 144012
(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;	144013 144014 144015
(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b)	144016 144017 144018 144019 144020 144021

and (c) of this section do not apply to a facility holding such a license and permit. 144022
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In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management. 144024
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(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements: 144030
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(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility; 144033
144034
144035

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and practices prescribed in rules adopted under division (B)(2)(a) of this section. 144036
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(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals: 144041
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144043

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household; 144044
144045
144046

(2) In accordance with Chapter 941. of the Revised Code; or 144047

(3) By persons who are subject to any of the following: 144048

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 144049
144050

(b) Chapter 918. of the Revised Code; 144051

(c) Chapter 953. of the Revised Code. 144052

(D) As used in this section, "generator" means a person who 144053
produces infectious wastes at a specific premises. 144054

(E) Rules adopted under this section shall not concern or 144055
relate to personnel policies, salaries, wages, fringe benefits, or 144056
other conditions of employment of employees of persons owning or 144057
operating infectious waste treatment facilities. 144058

(F)(1) The director, in accordance with Chapter 119. of the 144059
Revised Code, shall adopt rules governing the issuance, 144060
modification, revocation, suspension, and denial of variances from 144061
the rules adopted under division (B) of this section. Variances 144062
shall be issued, modified, revoked, suspended, or denied in 144063
accordance with division (F) of this section, rules adopted under 144064
it, and Chapter 3745. of the Revised Code. 144065

(2) A person who desires to obtain a variance or renew a 144066
variance from the rules adopted under division (B) of this section 144067
shall submit to the director an application as prescribed by the 144068
director. The application shall contain detail plans, 144069
specifications, and information regarding objectives, procedures, 144070
controls, and any other information that the director may require. 144071
The director shall issue, renew, or deny a variance or renewal of 144072
a variance within six months of the date on which the director 144073
receives a complete application with all required information and 144074
data. 144075

(3) The director may hold a public hearing on an application 144076
submitted under division (F) of this section for a variance at a 144077
location in the county in which the operations that are the 144078
subject of the application for a variance or renewal of variance 144079
are conducted. Not less than twenty days before the hearing, the 144080
director shall provide to the applicant notice of the hearing by 144081
certified mail or by another type of mail that is accompanied by a 144082

receipt and shall publish notice of the hearing at least one time 144083
in a newspaper of general circulation in the county in which the 144084
hearing is to be held or may instead provide public notice by 144085
publication on the environmental protection agency's web site. The 144086
director shall make a complete stenographic record or electronic 144087
record of testimony and other evidence submitted at the hearing. 144088
Not later than ten days after the hearing, the director shall make 144089
a written determination to issue, renew, or deny the variance and 144090
shall enter the determination and the basis for it into the record 144091
of the hearing. 144092

(4) A variance shall not be issued, modified, revoked, or 144093
denied under division (F) of this section until the director has 144094
considered the relative interests of the applicant, other persons 144095
and property that will be affected by the variance, and the 144096
general public. The director shall grant a variance only if the 144097
applicant demonstrates to the director's satisfaction that the 144098
requested action will not create a nuisance or a hazard to the 144099
health or safety of the public or to the environment. In granting 144100
a variance, the director shall state the specific provision or 144101
provisions whose terms are to be varied and also shall state 144102
specific terms or conditions imposed on the applicant in place of 144103
the provision or provisions. 144104

(5) A variance granted under division (F) of this section 144105
shall be for a period specified by the director and may be renewed 144106
from time to time on terms and for periods that the director 144107
determines to be appropriate. The director may order the person to 144108
whom a variance has been issued to take action within the time 144109
that the director determines to be appropriate and reasonable to 144110
prevent the creation of a nuisance or a hazard to the health or 144111
safety of the public or to the environment. 144112

(6) An application submitted under division (F) of this 144113
section shall not be denied and a variance shall not be revoked or 144114

modified under that division without a written order of the 144115
director stating the findings on which the denial, revocation, or 144116
modification is based. A copy of the order shall be sent to the 144117
applicant or holder of a variance by certified mail or by another 144118
type of mail that is accompanied by a receipt. 144119

(7) The director shall make available for public inspection 144120
at the principal office of the environmental protection agency a 144121
current list of pending applications for variances submitted under 144122
division (F) of this section and a current schedule of pending 144123
variance hearings under it. 144124

Sec. 3734.575. (A) The board of county commissioners of a 144125
county solid waste management district and the board of directors 144126
of a joint solid waste management district that is levying fees or 144127
amended fees or receiving fee revenue under division (B) of 144128
section 3734.57; section 3734.571, 3734.572, or 3734.573; or 144129
division (A), (B), or (D) of section 3734.574 of the Revised Code, 144130
within thirty days after the end of each calendar quarter, shall 144131
submit to the director of environmental protection a report 144132
containing all of the following information for that preceding 144133
quarter: 144134

- (1) The specific fees levied by the district; 144135
- (2) Revenues received by the district during the quarter from 144136
each of those sources, as applicable; 144137
- (3) All district planning account balances; 144138
- (4) The amount and use of revenues spent; 144139
- (5) A certification statement that the information in the 144140
report is true and accurate. 144141

A board shall submit each report on forms prescribed by the 144142
director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the 144143
director. A board is responsible for the accuracy of the 144144

information contained in each report and for providing it to the 144145
director not later than the deadline established in this division. 144146

Annually by not earlier than the first day of April, the 144147
director shall submit a compilation of the individual district 144148
reports received during the preceding calendar year to the speaker 144149
of the house of representatives and the president of the senate. 144150
In submitting the compilation, the director's sole responsibility 144151
shall be to compile the information submitted by the boards under 144152
this division. 144153

(B) If changes in the 1994 budget of a county or joint 144154
district result from the required change in the fees levied by the 144155
district under division (B) of section 3734.57 of the Revised 144156
Code, the levying of the fees under section 3734.573 of the 144157
Revised Code, or the levying of fees under division (A) or (B) of 144158
section 3734.574 of the Revised Code, the board of county 144159
commissioners or directors of the district shall include a 144160
description of the changes in the annual report of the district 144161
required to be submitted to the director pursuant to rules adopted 144162
under section 3734.50 of the Revised Code. 144163

Sec. 3745.019. (A) Notwithstanding any provision of the 144164
Revised Code or Administrative Code requiring the director of 144165
environmental protection to provide public notice by publication 144166
in one or more newspapers, including one or more newspapers of 144167
general circulation, the director may instead provide public 144168
notice by publication on the environmental protection agency's 144169
official web site. 144170

(B) Notwithstanding any provision of the Revised Code or 144171
Administrative Code requiring the director of environmental 144172
protection to deliver a document or notice by certified mail, the 144173
director may instead deliver the document or notice by any method 144174
capable of documenting the intended recipient's receipt of the 144175

document or notice. 144176

Sec. 3746.09. (A) A person who proposes to enter into or who 144177
is participating in the voluntary action program under this 144178
chapter and rules adopted under it, in accordance with this 144179
section and rules adopted under division (B)(10) of section 144180
3746.04 of the Revised Code, may apply to the director of 144181
environmental protection for a variance from applicable standards 144182
otherwise established in this chapter and rules adopted under it. 144183
The application for a variance shall be prepared by a certified 144184
professional. The director shall issue a variance from those 144185
applicable standards only if the application makes all of the 144186
following demonstrations to the director's satisfaction: 144187

(1) Either or both of the following: 144188

(a) It is technically infeasible to comply with the 144189
applicable standards otherwise established at the property named 144190
in the application; 144191

(b) The costs of complying with the applicable standards 144192
otherwise established at the property substantially exceed the 144193
economic benefits. 144194

(2) The proposed alternative standard or set of standards and 144195
terms and conditions set forth in the application will result in 144196
an improvement of environmental conditions at the property and 144197
ensure that public health and safety will be protected. 144198

(3) The establishment of and compliance with the alternative 144199
standard or set of standards and terms and conditions are 144200
necessary to promote, protect, preserve, or enhance employment 144201
opportunities or the reuse of the property named in the 144202
application. 144203

A variance issued under this section shall state the specific 144204
standard or standards whose terms are being varied and shall set 144205

forth the specific alternative standard or set of standards and 144206
the terms and conditions imposed on the applicant in their place. 144207
A variance issued under this section shall include only standards 144208
and terms and conditions proposed by the applicant in the 144209
application, except that the director may impose any additional or 144210
alternative terms and conditions that the director determines to 144211
be necessary to ensure that public health and safety will be 144212
protected. If the director finds that compliance with any standard 144213
or term or condition proposed by the applicant will not protect 144214
public health and safety and that the imposition of additional or 144215
alternative terms and conditions will not ensure that public 144216
health or safety will be protected, the director shall disapprove 144217
the application and shall include in the order of denial the 144218
specific findings on which the denial was based. 144219

(B) Variances shall be issued or denied in accordance with 144220
this section, rules adopted under division (B)(10) of section 144221
3746.04 of the Revised Code, and Chapter 3745. of the Revised 144222
Code. Upon determining that an application for a variance is 144223
complete, the director shall schedule a public meeting on the 144224
application to be held within ninety days after the director 144225
determines that the application is complete in the county in which 144226
is located the property to which the application pertains. 144227

(C) Not less than thirty days before the date scheduled for 144228
the public meeting on an application for a variance, the director 144229
shall publish notice of the public meeting and that the director 144230
will receive written comments on the application for a period of 144231
forty-five days commencing on the date of the publication of the 144232
notice. The notice shall contain all of the following information, 144233
at a minimum: 144234

(1) The address of the property to which the application 144235
pertains; 144236

(2) A brief summary of the alternative standards and terms 144237

and conditions proposed by the applicant; 144238

(3) The date, time, and location of the public meeting. 144239

The notice shall be published in a newspaper of general 144240
circulation in the county in which the property is located and, if 144241
the property is located in close proximity to the boundary of the 144242
county with an adjacent county, as determined by the director, 144243
shall be published in a newspaper of general circulation in the 144244
adjacent county. Concurrently with the publication of the notice 144245
of the public meeting, the director shall mail notice of the 144246
application, comment period, and public meeting to the owner of 144247
each parcel of land that is adjacent to the affected property and 144248
to the legislative authority of the municipal corporation or 144249
township, and county, in which the affected property is located. 144250
The notices mailed to the adjacent land owners and legislative 144251
authorities shall contain the same information as the published 144252
notice. 144253

(D) At the public meeting on an application for a variance, 144254
the applicant, or a representative of the applicant who is 144255
knowledgeable about the affected property and the application, 144256
shall present information regarding the application and the basis 144257
of the request for the variance and shall respond to questions 144258
from the public regarding the affected property and the 144259
application. A representative of the environmental protection 144260
agency who is familiar with the affected property and the 144261
application shall attend the public meeting to hear the public's 144262
comments and to respond to questions from the public regarding the 144263
affected property and the application. A stenographic record or 144264
electronic record of the proceedings at the public meeting shall 144265
be kept and shall be made a part of the administrative record 144266
regarding the application. 144267

(E) Within ninety days after conducting the public meeting on 144268
an application for a variance under division (D) of this section, 144269

the director shall issue a proposed action to the applicant in 144270
accordance with section 3745.07 of the Revised Code that indicates 144271
the director's intent with regard to the issuance or denial of the 144272
application. When considering whether to issue or deny the 144273
application or whether to impose terms and conditions of the 144274
variance that are in addition or alternative to those proposed by 144275
the applicant, the director shall consider comments on the 144276
application made by the public at the public meeting and written 144277
comments on the application received from the public. 144278

Sec. 3752.11. (A) As used in this section: 144279

(1) "Reporting facility" means a reporting facility at which 144280
all regulated operations have been temporarily or permanently 144281
discontinued. 144282

(2) "Abandoned by the owner" means either of the following 144283
that occurs on or after ~~the effective date of this section~~ July 1, 144284
1996: 144285

(a) All of the fee owners of a reporting facility have 144286
indicated ~~affirmately~~ affirmatively in writing to the holder of 144287
the first mortgage on the real property at the facility that they, 144288
and all tenants claiming possession under those owners, have 144289
abandoned all rights of possession to the reporting facility; 144290

(b) The first mortgage loan on the real property at the 144291
reporting facility is in default, the property is not occupied by 144292
any tenants, and the holder of the first ~~morgage~~ mortgage has been 144293
unable to contact the mortgagor under the mortgage regarding the 144294
default within the earlier of ninety days after the default or 144295
sixty days after the first time the first mortgage holder has 144296
attempted unsuccessfully to contact the mortgagor following the 144297
default if the first mortgage holder is unable to contact the 144298
mortgagor within the sixty-day period. 144299

(3) "Default" means the failure of the mortgagor to make any payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.

(4) "Contact" means actual person to person, telephonic, or similar direct voice conversation between the holder of the first mortgage and the mortgagor or written correspondence from the mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ ~~telefax~~ any other method capable of documenting the intended recipient's receipt of the document or notice, or similar means of communication.

(B) Not later than fifteen days after a reporting facility has been abandoned by the owner, the holder of the first mortgage on real property at the reporting facility shall do both of the following:

(1) Secure against unauthorized entry each building or structure at the facility where regulated operations were conducted and that contains or is contaminated with regulated substances and each outdoor location of operation. The holder shall secure each such building, structure, or outdoor location of operation by boarding windows, doors, and other potential means of entry, by providing security personnel, or by other methods prescribed in rules adopted under section 3752.03 of the Revised Code. Within that period, the holder also shall post about each such building, structure, or outdoor location of operation in publicly visible locations warning signs that prohibit trespassing and state that the building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment. The holder shall continue the security measures, and

maintain the warning signs, as required at each such building, 144332
structure, or outdoor location of operation until title to the 144333
facility has been transferred or until the holder files a release 144334
of the mortgage with the county recorder of the county in which 144335
the facility is located. Promptly after discovering that any of 144336
the entry barriers or warning signs installed pursuant to division 144337
(B)(1) of this section have been damaged, lost, or removed, the 144338
holder shall repair or replace them in order to maintain the 144339
security of the building, structure, or outdoor location of 144340
operation. 144341

(2) Submit to the director of environmental protection, the 144342
local emergency planning committee of the emergency planning 144343
district in which the facility is located, and the fire department 144344
having jurisdiction where the facility is located a notice of the 144345
abandonment of the facility by the owner and of the holder's 144346
compliance with division (B)(1) of this section. The holder shall 144347
submit the notice on a form prescribed by the director. 144348

(C) Within thirty days before the date when the holder of a 144349
mortgage will cease to maintain security and warning signs at a 144350
reporting facility pursuant to the filing of a release of the 144351
mortgage as provided in division (B)(1) of this section, the 144352
holder shall so notify the director, the local emergency planning 144353
committee of the emergency planning district in which the facility 144354
is located, and the fire department having jurisdiction where the 144355
facility is located. The holder shall submit the notice on a form 144356
prescribed by the director. 144357

(D) Actions undertaken by a holder of a mortgage under 144358
division (B) of this section, and the undertaking of any other 144359
activities relating to protecting and securing the facility, do 144360
not cause the holder to be an owner, operator, or mortgagee in 144361
possession of the facility or subject the holder to this chapter 144362
or any other provision of state law imposing liability or 144363

responsibility for the cleanup, removal, or remediation of 144364
regulated substances, provided that all activities not specified 144365
in that division shall be performed in compliance with the 144366
applicable requirements of Chapters 3704., 3714., 3734., 3737., 144367
3750., 3751., 6109., and 6111. of the Revised Code and rules 144368
adopted under them. 144369

(E) The holder of a mortgage who proceeds in good faith under 144370
divisions (B) and (C) of this section is not liable to the owner 144371
of the facility or the mortgagor, as appropriate, for damages 144372
suffered by the owner or mortgagor due to actions taken by the 144373
holder under those divisions. 144374

(F) Nothing in this section prevents the holder of a first 144375
mortgage from applying to the court for the appointment of a 144376
receiver. If a receiver is appointed, the receiver shall succeed 144377
to the obligations of the holder of the first mortgage under 144378
divisions (B) and (C) of this section. 144379

(G) No person shall fail to comply with this section. 144380

Sec. 3772.031. (A)(1) The general assembly finds that the 144381
exclusion or ejection of certain persons from casino facilities 144382
and from sports gaming is necessary to effectuate the intents and 144383
purposes of this chapter and Chapter 3775. of the Revised Code and 144384
to maintain strict and effective regulation of casino gaming and 144385
sports gaming. 144386

(2) The commission, by rule, shall provide for a list of 144387
persons who are to be excluded or ejected from a casino facility 144388
and a list of persons who are to be excluded or ejected from a 144389
sports gaming facility and from participating in the play or 144390
operation of sports gaming in this state. Persons included on an 144391
exclusion list shall be identified by name and physical 144392
description. The commission shall publish the exclusion lists on 144393
its web site, and shall transmit a copy of the exclusion lists 144394

periodically to casino operators and sports gaming proprietors, as 144395
applicable, as they are initially issued and thereafter as they 144396
are revised from time to time. 144397

(3) A casino operator shall take steps necessary to ensure 144398
that all its key employees and casino gaming employees are aware 144399
of and understand the casino exclusion list and its function, and 144400
that all its key employees and casino gaming employees are kept 144401
aware of the content of the casino exclusion list as it is issued 144402
and thereafter revised from time to time. 144403

(4) A sports gaming proprietor shall take steps necessary to 144404
ensure that its appropriate agents and employees are aware of and 144405
understand the sports gaming exclusion list and its function, and 144406
that all its appropriate agents and employees are kept aware of 144407
the content of the sports gaming exclusion list as it is issued 144408
and thereafter revised from time to time. 144409

(B) The casino exclusion list may include any person whose 144410
presence in a casino facility is determined by the commission to 144411
pose a threat to the interests of the state, to achieving the 144412
intents and purposes of this chapter, or to the strict and 144413
effective regulation of casino gaming. The sports gaming exclusion 144414
list may include any person whose presence in a sports gaming 144415
facility or whose participation in the play or operation of sports 144416
gaming in this state is determined by the commission to pose a 144417
threat to the interests of the state, to achieving the intents and 144418
purposes of Chapter 3775. of the Revised Code, or to the strict 144419
and effective regulation of sports gaming. In determining whether 144420
to include a person on an exclusion list, the commission may 144421
consider: 144422

(1) Any prior conviction of a crime that is a felony under 144423
the laws of this state, another state, or the United States, a 144424
crime involving moral turpitude, or a violation of the gaming laws 144425
of this state, another state, or the United States; and 144426

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino

facility or in the sports gaming industry in this state would be 144457
adverse to the interest of licensed gaming in this state; 144458

(7) If the commission has suspended the person's gaming 144459
privileges; 144460

(8) If the commission has revoked the person's licenses 144461
related to this chapter or Chapter 3775. of the Revised Code; 144462

(9) If the commission determines that the person poses a 144463
threat to the safety of patrons or employees of a casino facility 144464
or a sports gaming facility; 144465

(10) If the person has a history of conduct involving the 144466
disruption of gaming operations within a casino facility or in the 144467
sports gaming industry in this state. 144468

Race, color, creed, national origin or ancestry, or sex are 144469
not grounds for placing a person on an exclusion list. 144470

(C) The commission shall notify a person of the commission's 144471
intent to include such person on one or both exclusion lists. The 144472
notice shall be provided by personal service, by certified mail to 144473
the person's last known address, by commercial carrier utilizing a 144474
method of delivery that provides confirmation of delivery, or, if 144475
service cannot be accomplished by personal service ~~or~~, certified 144476
mail, or commercial carrier, by publication daily for two weeks in 144477
a newspaper of general circulation within the county in which the 144478
person resides and in a newspaper of general circulation within 144479
each county in which a casino facility or sports gaming facility, 144480
as applicable, is located. 144481

(D)(1) Except as otherwise provided in this section, a person 144482
who receives notice of intent to include the person on an 144483
exclusion list is entitled, upon the person's request, to an 144484
adjudication hearing under Chapter 119. of the Revised Code, in 144485
which the person may demonstrate why the person should not be 144486
included on the exclusion list or lists. The person shall request 144487

such an adjudication hearing not later than thirty days after the 144488
person receives the notice by personal service ~~or~~, certified mail, 144489
or commercial carrier, or not later than thirty days after the 144490
last newspaper publication of the notice. 144491

(2) If the person does not request a hearing in accordance 144492
with division (D)(1) of this section, the commission may, but is 144493
not required to, conduct an adjudication hearing under Chapter 144494
119. of the Revised Code. The commission may reopen an 144495
adjudication under this section at any time. 144496

(3) If the adjudication hearing, order, or any appeal thereof 144497
under Chapter 119. of the Revised Code results in an order that 144498
the person should not be included on the exclusion list or lists, 144499
the commission shall publish a revised exclusion list that does 144500
not include the person. The commission also shall notify casino 144501
operators or sports gaming proprietors, as applicable, that the 144502
person has been removed from the exclusion list or lists. A casino 144503
operator shall take all steps necessary to ensure its key 144504
employees and casino gaming employees are made aware that the 144505
person has been removed from the casino exclusion list. A sports 144506
gaming proprietor shall take all steps necessary to ensure its 144507
appropriate agents and employees are made aware that the person 144508
has been removed from the sports gaming exclusion list. 144509

(E) This section does not apply to any voluntary exclusion 144510
list created as part of a voluntary exclusion program under this 144511
chapter or Chapter 3775. of the Revised Code. 144512

Sec. 3772.04. (A)(1) If the commission concludes that an 144513
applicant, licensee, or other person subject to the commission's 144514
jurisdiction under this chapter should be fined or penalized, or 144515
that a license required by this chapter or Chapter 3775. of the 144516
Revised Code should be limited, conditioned, restricted, 144517
suspended, revoked, denied, or not renewed, the commission may, 144518

and if so requested by the licensee, applicant, or other person, 144519
shall, conduct a hearing in an adjudication under Chapter 119. of 144520
the Revised Code. After notice and opportunity for a hearing, the 144521
commission may fine or penalize the applicant, licensee, or other 144522
person or limit, condition, restrict, suspend, revoke, deny, or 144523
not renew a license under rules adopted by the commission. The 144524
commission may reopen an adjudication under this section at any 144525
time. 144526

(2) The commission shall appoint a hearing examiner to 144527
conduct the hearing in the adjudication. A party to the 144528
adjudication may file written objections to the hearing examiner's 144529
report and recommendations not later than the thirtieth day after 144530
they are served upon the party or the party's attorney or other 144531
representative of record. The commission shall not take up the 144532
hearing examiner's report and recommendations earlier than the 144533
thirtieth day after the hearing examiner's report and 144534
recommendations were submitted to the commission. 144535

(3) If the commission finds that a person fails or has failed 144536
to meet any requirement under this chapter or Chapter 3775. of the 144537
Revised Code or a rule adopted thereunder, or violates or has 144538
violated this chapter or Chapter 3775. of the Revised Code or a 144539
rule adopted thereunder, the commission may issue an order: 144540

(a) Limiting, conditioning, restricting, suspending, 144541
revoking, denying, or not renewing, a license issued under this 144542
chapter or Chapter 3775. of the Revised Code; 144543

(b) Requiring a casino facility to exclude a licensee from 144544
the casino facility or requiring a casino facility not to pay to 144545
the licensee any remuneration for services or any share of 144546
profits, income, or accruals on the licensee's investment in the 144547
casino facility; or 144548

(c) Fining a licensee or other person according to the 144549

penalties adopted by the commission.	144550
(4) An order may be judicially reviewed under section 119.12 of the Revised Code.	144551 144552
(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:	144553 144554 144555 144556
(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;	144557 144558 144559
(2) If the licensee has previously been disciplined by the commission;	144560 144561
(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;	144562 144563 144564
(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;	144565 144566 144567 144568
(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;	144569 144570
(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;	144571 144572 144573 144574 144575
(7) If the licensee realized a pecuniary gain from the violation;	144576 144577
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the	144578 144579

licensee;	144580
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	144581 144582 144583
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	144584 144585 144586
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	144587 144588 144589
(12) If the licensee's action substantially deviated from industry standards and customs;	144590 144591
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	144592 144593
(14) If the licensee has initiated remedial measures to prevent similar violations;	144594 144595
(15) The magnitude of penalties imposed on other licensees for similar violations;	144596 144597
(16) The proportionality of the penalty in relation to the misconduct;	144598 144599
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	144600 144601
(18) Any mitigating factors offered by the licensee; and	144602
(19) Any other factors the commission considers relevant.	144603
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual	144604 144605 144606 144607 144608

notice to all interested parties. 144609

(D)(1) For the purpose of conducting the hearing in an 144610
adjudication under division (A) of this section, or in the 144611
discharge of any duties imposed by this chapter or Chapter 3775. 144612
of the Revised Code, the commission may require that testimony be 144613
given under oath and administer such oath, issue subpoenas 144614
compelling the attendance of witnesses and the production of any 144615
papers, books, and accounts, directed to the sheriffs of the 144616
counties where such witnesses or papers, books, and accounts are 144617
found and cause the deposition of any witness. The subpoenas shall 144618
be served and returned in the same manner as subpoenas in criminal 144619
cases are served and returned. The fees of sheriffs shall be the 144620
same as those allowed by the court of common pleas in criminal 144621
cases. 144622

(2) In the event of the refusal of any person without good 144623
cause to comply with the terms of a subpoena issued by the 144624
commission or refusal to testify on matters about which the person 144625
may lawfully be questioned, the prosecuting attorney of the county 144626
in which such person resides, upon the petition of the commission, 144627
may bring a proceeding for contempt against such person in the 144628
court of common pleas of that county. 144629

(3) Witnesses shall be paid the fees and mileage provided for 144630
in section 119.094 of the Revised Code. 144631

(4) All fees and mileage expenses incurred at the request of 144632
a party shall be paid in advance by the party. 144633

(E) When conducting a public hearing, the commission shall 144634
not limit the number of speakers who may testify. However, the 144635
commission may set reasonable time limits on the length of an 144636
individual's testimony or the total amount of time allotted to 144637
proponents and opponents of an issue before the commission. 144638

(F) The commission may rely, in whole or in part, upon 144639

investigations, conclusions, or findings of other casino gaming or 144640
sports gaming commissions, as applicable, or other government 144641
regulatory bodies in connection with licensing, investigations, or 144642
other matters relating to an applicant or licensee under this 144643
chapter. 144644

(G) Notwithstanding anything to the contrary in this chapter 144645
or Chapter 3775. of the Revised Code, and except with respect to a 144646
license issued under this chapter to a casino operator, management 144647
company, or holding company, the executive director may issue an 144648
emergency order for the suspension, limitation, or conditioning of 144649
any license, registration, approval, or certificate issued, 144650
approved, granted, or otherwise authorized by the commission under 144651
Chapter 3772. or 3775. of the Revised Code or the rules adopted 144652
thereunder, requiring the inclusion of persons on the casino 144653
exclusion list or sports gaming exclusion list provided for under 144654
section 3772.031 of the Revised Code or Chapter 3775. of the 144655
Revised Code and the rules adopted thereunder, and requiring a 144656
casino facility not to pay a licensee, registrant, or approved or 144657
certified person any remuneration for services or any share of 144658
profits, income, or accruals on that person's investment in the 144659
casino facility. 144660

(1) An emergency order may be issued when the executive 144661
director finds either of the following: 144662

(a) A licensee, registrant, or approved or certified person 144663
has been charged with a violation of any of the criminal laws of 144664
this state, another state, or the federal government; 144665

(b) Such an action is necessary to prevent a violation of 144666
this chapter or Chapter 3775. of the Revised Code or a rule 144667
adopted thereunder. 144668

(2) An emergency order issued under division (G) of this 144669
section shall state the reasons for the commission's action, cite 144670

the law or rule directly involved, and state that the party will 144671
be afforded a hearing if the party requests it within thirty days 144672
after the time of mailing or personal delivery of the order. 144673

(3)(a) Not later than the next business day after the 144674
issuance of the emergency order, the order shall be sent by 144675
registered or certified mail, return receipt requested, or by 144676
commercial carrier utilizing any form of delivery requiring a 144677
signed receipt, to the party at the party's last known mailing 144678
address appearing in the commission's records or personally 144679
delivered at any time to the party by an employee or agent of the 144680
commission. 144681

(b) A copy of the order shall be mailed or an electronic copy 144682
provided to the attorney or other representative of record 144683
representing the party. 144684

(c) If the order sent by registered or certified mail or by 144685
commercial carrier is returned because the party fails to claim 144686
the order, the commission shall send the order by ordinary mail to 144687
the party at the party's last known address and shall obtain a 144688
certificate of mailing. Service by ordinary mail is complete when 144689
the certificate of mailing is obtained unless the order is 144690
returned showing failure of delivery. 144691

(d) If the order sent by commercial carrier or registered, 144692
certified, or ordinary mail is returned for failure of delivery, 144693
the commission shall either make personal delivery of the order by 144694
an employee or agent of the commission or cause a summary of the 144695
substantive provisions of the order to be published once a week 144696
for three consecutive weeks in a newspaper of general circulation 144697
in the county where the last known address of the party is 144698
located. 144699

(i) Failure of delivery occurs only when a mailed order is 144700
returned by the postal authorities or commercial carrier marked 144701

undeliverable, address or addressee unknown, or forwarding address 144702
unknown or expired. 144703

(ii) When service is completed by publication, a proof of 144704
publication affidavit, with the first publication of the summary 144705
set forth in the affidavit, shall be mailed by ordinary mail to 144706
the party at the party's last known address and the order shall be 144707
deemed received as of the date of the last publication. 144708

(e) Refusal of delivery of the order sent by mail or 144709
personally delivered to the party is not failure of delivery and 144710
service is deemed to be complete. 144711

(4) The emergency order shall be effective immediately upon 144712
service of the order on the party. The emergency order shall 144713
remain effective until further order of the executive director or 144714
the commission. 144715

(5) The commission may, and if so requested by the person 144716
affected by the emergency order shall, promptly conduct a hearing 144717
in an adjudication under Chapter 119. of the Revised Code. 144718

Sec. 3772.11. (A) A person may apply to the commission for a 144719
casino operator, management company, or holding company license to 144720
conduct casino gaming at a casino facility as provided in this 144721
chapter. The application shall be ~~made under oath~~ certified as 144722
true on forms provided by the commission and shall contain 144723
information as prescribed by rule, including, but not limited to, 144724
all of the following: 144725

(1) The name, business address, business telephone number, 144726
social security number, and, where applicable, the federal tax 144727
identification number of any applicant; 144728

(2) The identity of every person having a greater than five 144729
per cent direct or indirect interest in the applicant casino 144730
facility for which the license is sought; 144731

(3) An identification of any business, including the state of 144732
incorporation or registration if applicable, in which an 144733
applicant, or the spouse or children of an applicant, has an 144734
equity interest of more than five per cent; 144735

(4) The name of any casino operator, management company, 144736
holding company, and gaming-related vendor in which the applicant 144737
has an equity interest of at least five per cent; 144738

(5) If an applicant has ever applied for or has been granted 144739
any gaming license or certificate issued by a licensing authority 144740
in Ohio or any other jurisdiction that has been denied, 144741
restricted, suspended, revoked, or not renewed and a statement 144742
describing the facts and circumstances concerning the application, 144743
denial, restriction, suspension, revocation, or nonrenewal, 144744
including the licensing authority, the date each action was taken, 144745
and the reason for each action; 144746

(6) If an applicant has ever filed or had filed against it a 144747
civil or administrative action or proceeding in bankruptcy, 144748
including the date of filing, the name and location of the court, 144749
the case caption, the docket number, and the disposition; 144750

(7) The name and business telephone number of any attorney 144751
representing an applicant in matters before the commission; 144752

(8) Information concerning the amount, type of tax, the 144753
taxing agency, and times involved, if the applicant has filed or 144754
been served with a complaint or notice filed with a public body 144755
concerning a delinquency in the payment of or a dispute over a 144756
filing concerning the payment of a tax required under federal, 144757
state, or local law; 144758

(9) A description of any proposed casino gaming operation and 144759
related casino enterprises, including the type of casino facility, 144760
location, expected economic benefit to the community, anticipated 144761
or actual number of employees, any statement from an applicant 144762

regarding compliance with federal and state affirmative action 144763
guidelines, projected or actual admissions, projected or actual 144764
gross receipts, and scientific market research; 144765

(10) Financial information in the manner and form prescribed 144766
by the commission; 144767

(11) If an applicant has directly made a political 144768
contribution, loan, donation, or other payment of one hundred 144769
dollars or more to a statewide office holder, a member of the 144770
general assembly, a local government official elected in a 144771
jurisdiction where a casino facility is located, or a ballot issue 144772
not more than one year before the date the applicant filed the 144773
application and all information relating to the contribution, 144774
loan, donation, or other payment; 144775

(12) Any criminal conviction; and 144776

(13) Other information required by the commission under rules 144777
adopted by the commission. 144778

(B) Any holding company or management company, its directors, 144779
executive officers, members, managers, and any shareholder who 144780
holds more than five per cent ownership interest of a holding 144781
company or management company shall be required to submit the same 144782
information as required by an applicant under this section. 144783

Sec. 3772.12. (A) A person may apply for a gaming-related 144784
vendor license. All applications shall be ~~made under oath~~ 144785
certified as true. 144786

(B) A person who holds a gaming-related vendor's license is 144787
authorized to sell or lease, and to contract to sell or lease, 144788
equipment and supplies to any licensee involved in the ownership 144789
or management of a casino facility. 144790

(C) Gambling supplies and equipment shall not be distributed 144791
unless supplies and equipment conform to standards adopted in 144792

rules adopted by the commission. 144793

Sec. 3772.13. (A) No person may be employed as a key employee 144794
of a casino operator, management company, or holding company 144795
unless the person is the holder of a valid key employee license 144796
issued by the commission. 144797

(B) No person may be employed as a key employee of a 144798
gaming-related vendor unless that person is either the holder of a 144799
valid key employee license issued by the commission, or the 144800
person, at least five business days prior to the first day of 144801
employment as a key employee, has filed a notification of 144802
employment with the commission and subsequently files a completed 144803
application for a key employee license within the first thirty 144804
days of employment as a key employee. 144805

(C) Each applicant shall, before the issuance of any key 144806
employee license, produce information, documentation, and 144807
assurances as are required by this chapter and rules adopted 144808
thereunder. In addition, each applicant shall, in writing, 144809
authorize the examination of all bank accounts and records as may 144810
be deemed necessary by the commission. 144811

(D) To be eligible for a key employee license, the applicant 144812
shall be at least twenty-one years of age and shall meet the 144813
criteria set forth by rule by the commission. 144814

(E) Each application for a key employee license shall be on a 144815
form prescribed by the commission and shall contain all 144816
information required by the commission. The applicant shall set 144817
forth in the application if the applicant has been issued prior 144818
gambling-related licenses; if the applicant has been licensed in 144819
any other state under any other name, and, if so, the name under 144820
which the license was issued and the applicant's age at the time 144821
the license was issued; any criminal conviction the applicant has 144822
had; and if a permit or license issued to the applicant in any 144823

other state has been suspended, restricted, or revoked, and, if 144824
so, the cause and the duration of each action. The applicant also 144825
shall complete a cover sheet for the application on which the 144826
applicant shall disclose the applicant's name, the business 144827
address of the casino operator, management company, holding 144828
company, or gaming-related vendor employing the applicant, the 144829
business address and telephone number of such employer, and the 144830
county, state, and country in which the applicant's residence is 144831
located. 144832

(F) Each applicant shall submit with each application, on a 144833
form provided by the commission, two sets of fingerprints. The 144834
commission shall charge each applicant an application fee set by 144835
the commission to cover all actual costs generated by each 144836
licensee and all background checks under this section and section 144837
3772.07 of the Revised Code. 144838

(G)(1) The casino operator, management company, or holding 144839
company by whom a person is employed as a key employee shall 144840
terminate the person's employment in any capacity requiring a 144841
license under this chapter and shall not in any manner permit the 144842
person to exercise a significant influence over the operation of a 144843
casino facility if: 144844

(a) The person does not apply for and receive a key employee 144845
license within three months of being issued a provisional license, 144846
as established under commission rule. 144847

(b) The person's application for a key employee license is 144848
denied by the commission. 144849

(c) The person's key employee license is revoked by the 144850
commission. 144851

The commission shall notify the casino operator, management 144852
company, or holding company who employs such a person by certified 144853
mail, personal service, common carrier service utilizing any form 144854

of delivery requiring a signed receipt, or by an electronic means 144855
that provides evidence of delivery, of any such finding, denial, 144856
or revocation. 144857

(2) A casino operator, management company, or holding company 144858
shall not pay to a person whose employment is terminated under 144859
division (G)(1) of this section, any remuneration for any services 144860
performed in any capacity in which the person is required to be 144861
licensed, except for amounts due for services rendered before 144862
notice was received under that division. A contract or other 144863
agreement for personal services or for the conduct of any casino 144864
gaming at a casino facility between a casino operator, management 144865
company, or holding company and a person whose employment is 144866
terminated under division (G)(1) of this section may be terminated 144867
by the casino operator, management company, or holding company 144868
without further liability on the part of the casino operator, 144869
management company, or holding company. Any such contract or other 144870
agreement is deemed to include a term authorizing its termination 144871
without further liability on the part of the casino operator, 144872
management company, or holding company upon receiving notice under 144873
division (G)(1) of this section. That a contract or other 144874
agreement does not expressly include such a term is not a defense 144875
in any action brought to terminate the contract or other 144876
agreement, and is not grounds for relief in any action brought 144877
questioning termination of the contract or other agreement. 144878

(3) A casino operator, management company, or holding 144879
company, without having obtained the prior approval of the 144880
commission, shall not enter into any contract or other agreement 144881
with a person who has been found unsuitable, who has been denied a 144882
license, or whose license has been revoked under division (G)(1) 144883
of this section, or with any business enterprise under the control 144884
of such a person, after the date on which the casino operator, 144885
management company, or holding company receives notice under that 144886

division. 144887

Sec. 3772.131. (A) All casino gaming employees are required 144888
to have a casino gaming employee license. "Casino gaming employee" 144889
means the following and their supervisors: 144890

(1) Individuals involved in operating a casino gaming pit, 144891
including dealers, skills, clerks, hosts, and junket 144892
representatives; 144893

(2) Individuals involved in handling money, including 144894
cashiers, change persons, count teams, and coin wrappers; 144895

(3) Individuals involved in operating casino games; 144896

(4) Individuals involved in operating and maintaining slot 144897
machines, including mechanics, floor persons, and change and 144898
payoff persons; 144899

(5) Individuals involved in security, including guards and 144900
game observers; 144901

(6) Individuals with duties similar to those described in 144902
divisions (A)(1) to (5) of this section or other persons as the 144903
commission determines. "Casino gaming employee" does not include 144904
an individual whose duties are related solely to nongaming 144905
activities such as entertainment, hotel operation, maintenance, or 144906
preparing or serving food and beverages. 144907

(B) The commission may issue a casino gaming employee license 144908
to an applicant after it has determined that the applicant is 144909
eligible for a license under rules adopted by the commission and 144910
paid any applicable fee. All applications shall be ~~made under oath~~ 144911
certified as true. 144912

(C) To be eligible for a casino gaming employee license, an 144913
applicant shall be at least twenty-one years of age. 144914

(D) Each application for a casino gaming employee license 144915

shall be on a form prescribed by the commission and shall contain 144916
all information required by the commission. The applicant shall 144917
set forth in the application if the applicant has been issued 144918
prior gambling-related licenses; if the applicant has been 144919
licensed in any other state under any other name, and, if so, the 144920
name under which the license was issued and the applicant's age at 144921
the time the license was issued; any criminal conviction the 144922
applicant has had; and if a permit or license issued to the 144923
applicant in any other state has been suspended, restricted, or 144924
revoked, and, if so, the cause and the duration of each action. 144925

(E) Each applicant shall submit with each application, on a 144926
form provided by the commission, two sets of the applicant's 144927
fingerprints. The commission shall charge each applicant an 144928
application fee to cover all actual costs generated by each 144929
licensee and all background checks. 144930

Sec. 3781.08. The board of building standards shall organize 144931
by choosing a ~~chairman~~ chairperson who shall serve for a term of 144932
two years. The department of commerce shall provide and assign to 144933
the board of building standards such ~~stenographers~~, clerks, 144934
experts, and other employees as are required to enable the board 144935
to perform the duties and exercise the powers imposed upon or 144936
vested in it by law. 144937

Sec. 3781.11. (A) The rules of the board of building 144938
standards shall: 144939

(1) For nonresidential buildings, provide uniform minimum 144940
standards and requirements, and for residential buildings, provide 144941
standards and requirements that are uniform throughout the state, 144942
for construction and construction materials, including 144943
construction of industrialized units, to make residential and 144944
nonresidential buildings safe and sanitary as defined in section 144945

3781.06 of the Revised Code;	144946
(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;	144947 144948 144949 144950
(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;	144951 144952 144953 144954 144955 144956 144957 144958
(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;	144959 144960 144961 144962
(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:	144963 144964 144965 144966 144967 144968
(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.	144969 144970 144971
(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.	144972 144973
(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.	144974 144975 144976

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which 145008
minimum standards are prescribed by the state board of education 145009
pursuant to division (D) of section 3301.07 of the Revised Code. 145010

(2) "Workshop or factory" includes manufacturing, mechanical, 145011
electrical, mercantile, art, and laundering establishments, 145012
printing, ~~telegraph~~, and telephone offices, railroad depots, and 145013
memorial buildings, but does not include hotels and tenement and 145014
apartment houses. 145015

Sec. 3781.25. As used in sections 3781.25 to 3781.38 of the 145016
Revised Code: 145017

(A) "Protection service" means a notification center, but not 145018
an owner of an individual utility, that exists for the purpose of 145019
receiving notice from persons that prepare plans and 145020
specifications for or that engage in excavation work, that 145021
distributes this information to its members and participants, and 145022
that has registered by March 14, 1989, with the secretary of state 145023
and the public utilities commission of Ohio under former division 145024
(F) of section 153.64 of the Revised Code as it existed on that 145025
date. 145026

(B) "Underground utility facility" includes any item buried 145027
or placed below ground or submerged under water for use in 145028
connection with the storage or conveyance of water or sewage; 145029
electronic, or telephonic, ~~or telegraphic~~ communications; 145030
television signals; electricity; crude oil; petroleum products; 145031
artificial or liquefied petroleum; manufactured, mixed, or natural 145032
gas; synthetic or liquefied natural gas; propane gas; coal; steam; 145033
hot water; or other substances. "Underground utility facility" 145034
includes all operational underground pipes, sewers, tubing, 145035
conduits, cables, valves, lines, wires, worker access holes, and 145036
attachments, owned by any person, firm, or company. "Underground 145037
utility facility" does not include a private septic system in a 145038

one-family or multi-family dwelling utilized only for that 145039
dwelling and not connected to any other system. 145040

(C) "Utility" means any owner or operator, or an agent of an 145041
owner or operator, of an underground utility facility, including 145042
any public authority, that owns or operates an underground utility 145043
facility. "Utility" does not include the owners of the following 145044
types of real property with respect to any underground utility 145045
facility located on that property: 145046

(1) The owner of a single-family or two-, three-, or 145047
four-unit residential dwelling; 145048

(2) The owner of an apartment complex; 145049

(3) The owner of a commercial or industrial building or 145050
complex of buildings, including but not limited to, factories and 145051
shopping centers; 145052

(4) The owner of a farm; 145053

(5) The owner of an exempt domestic well as defined in 145054
section 1509.01 of the Revised Code. 145055

(D) "Approximate location" means the immediate area within 145056
the perimeter of a proposed excavation site where the underground 145057
utility facilities are located. 145058

(E) "Tolerance zone" means the site of the underground 145059
utility facility including the width of the underground utility 145060
facility plus eighteen inches on each side of the facility. 145061

(F) "Working days" excludes Saturdays, Sundays, and legal 145062
holidays as defined in section 1.14 of the Revised Code and 145063
"hours" excludes hours on Saturdays, Sundays, and legal holidays. 145064

(G) "Designer" means an engineer, architect, landscape 145065
architect, contractor, surveyor, or other person who develops 145066
plans or designs for real property improvement or any other 145067
activity that will involve excavation. 145068

(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

(J) "Excavation site" means the area within which excavation will be performed.

(K) "Excavator" means the person or persons responsible for making the actual excavation.

(L) "Interstate gas pipeline" means an interstate gas pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C. 1671, as amended.

(M) "Interstate hazardous liquids pipeline" means an interstate hazardous liquids pipeline subject to the "Hazardous Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 2002, as amended.

(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety

program adopted under federal law. 145100

(O) "Commercial excavator" means any excavator, excluding a utility as defined in this section, that satisfies both of the following: 145101
145102
145103

(1) For compensation, performs, directs, supervises, or is responsible for the excavation, construction, improvement, renovation, repair, or maintenance on a construction project and holds out or represents oneself as qualified or permitted to act as such; 145104
145105
145106
145107
145108

(2) Employs tradespersons who actually perform excavation, construction, improvement, renovation, repair, or maintenance on a construction project. 145109
145110
145111

(P) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a public authority. 145112
145113

(Q) "Positive response system" means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site. 145114
145115
145116
145117
145118

(R) "One-call notification system" means the software or communications system used by a protection system to notify its membership of proposed excavation sites. 145119
145120
145121

(S) "Project" means any undertaking by a private party of an improvement requiring excavation. 145122
145123

(T) "Public authority" has the same meaning as in section 153.64 of the Revised Code. 145124
145125

(U) "Improvement" means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other 145126
145127
145128
145129

structures or works of any nature. 145130

(V) "Emergency" means an unexpected occurrence causing a 145131
disruption or damage to an underground utility facility that 145132
requires immediate repair or a situation that creates a clear and 145133
imminent danger that demands immediate action to prevent or 145134
mitigate loss of or damage to life, health, property, or essential 145135
public services. 145136

(W) "Nondestructive manner" means using low-impact, low-risk 145137
technologies such as hand tools, or hydro or air vacuum excavation 145138
equipment. 145139

(X) "Cable service provider" has the same meaning as in 145140
section 1332.01 of the Revised Code. 145141

(Y) "Electric cooperative" and "electric utility" have the 145142
same meanings as in section 4928.01 of the Revised Code. 145143

Sec. 3781.29. (A)(1) Except as otherwise provided in division 145144
(A)(2) of this section, within forty-eight hours of receiving 145145
notice under section 3781.28 of the Revised Code, each utility 145146
shall review the status of its facilities within the excavation 145147
site, locate and mark its underground utility facilities at the 145148
excavation site in such a manner as to indicate their course, and 145149
report the appropriate information to the protection service for 145150
its positive response system. If a utility does not mark its 145151
underground utility facilities or contact the excavator within 145152
that time, the utility is deemed to have given notice that it does 145153
not have any facilities at the excavation site. If the utility 145154
cannot accurately mark the facilities, the utility shall mark them 145155
to the best of its ability, notify the excavator using the 145156
positive response system that the markings may not be accurate, 145157
and provide additional guidance to the excavator in locating the 145158
facilities as needed during the excavation. 145159

(2) In the case of an interstate hazardous liquids pipeline 145160
or an interstate gas pipeline, the owner of the pipeline shall 145161
locate and mark its pipeline within the time frame established in 145162
the public safety program of the owner. 145163

(B) Unless a facility actually is uncovered or probed by the 145164
utility or excavator, any indications of the depth of the facility 145165
shall be treated as estimates only. 145166

(C)(1) Except as provided in division (C)(2) of this section, 145167
a utility shall mark its underground facilities using the 145168
following color codes: 145169

Type of Underground			
Utility Facility	Color		145171
Electric power transmission	Safety red		145172
and distribution			145173
Gas transmission and distribution	High visibility safety yellow		145174
Oil transmission and distribution	High visibility safety yellow		145175
Dangerous materials, product	High visibility safety yellow		145176
lines, and steam lines			145177
Telephone and telegraph systems	Safety alert orange		145178
Police and fire communications	Safety alert orange		145179
Cable television	Safety alert orange		145180
Water systems	Safety precaution blue		145181
Slurry systems	Safety precaution purple		145182
Sewer lines	Safety green.		145183

(2) All underground facilities shall be marked in accordance 145184
with the Ohio universal marking standards that are on file with 145185
the Ohio utilities protection service. Industry representatives 145186
serving on Ohio damage prevention councils shall review the 145187
marking standards every two years. 145188

(D) Except as otherwise provided in divisions (E) and (F) of 145189
this section, prior to notifying a protection service of the 145190
proposed excavation, an excavator shall define and premark the 145191

approximate location. Proposed construction or excavation markings 145192
shall be made in white through the use of an industry-recognized 145193
method such as chalk-based paint, flags, stakes, or other method 145194
applicable to the specific site and when possible shall indicate 145195
the excavator's identity by name, abbreviation, or initial. 145196

(E)(1) Before beginning an emergency excavation, or as soon 145197
as possible thereafter, an excavator shall make every effort to 145198
notify a protection service of the excavation. In providing 145199
notification, the excavator shall provide, at a minimum: 145200

(a) The name of the individual notifying the protection 145201
service; 145202

(b) The name, address, any electronic mail address, and ~~any~~ 145203
telephone ~~and facsimile~~ numbers of the excavator; 145204

(c) The specific location of the excavation site; 145205

(d) A description of the excavation. 145206

(2) Upon receiving the information set forth in division 145207
(E)(1) of this section, the protection service shall provide the 145208
excavator with a reference number and a list of utilities that the 145209
protection service intends to notify. The protection service shall 145210
immediately notify each utility that according to the registration 145211
information provided under section 3781.26 of the Revised Code has 145212
facilities located within the designated area of the emergency 145213
excavation. 145214

(3) Any utility notified of an emergency excavation may 145215
inspect all of its underground utility facilities located at the 145216
emergency excavation site and may take any otherwise lawful action 145217
it considers necessary to prevent disturbance to or interference 145218
with its facilities during excavation. 145219

(F) An excavator is not required to premark the approximate 145220
location of an excavation as provided in division (D) of this 145221

section in any of the following situations: 145222

(1) The utility can determine the precise location, 145223
direction, size, and length of the proposed excavation site by 145224
referring to the notification provided by the protection service 145225
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 145226

(2) The excavator and the affected utility have had an 145227
on-site, preconstruction meeting for the purpose of premarking the 145228
excavation site. 145229

(3) The excavation involves replacing a pole that is within 145230
five feet of the location of an existing pole. 145231

(4) Premarking by the excavator would clearly interfere with 145232
pedestrian or vehicular traffic control. 145233

Sec. 3781.342. (A) The underground technical committee may 145234
conduct meetings in person, by teleconference, or by video 145235
conference. 145236

(B) The committee shall establish a primary meeting location 145237
that is open and accessible to the public. 145238

(C) Before convening a meeting by teleconference or video 145239
conference, the committee shall send, via electronic mail, 145240
~~facsimile~~, or United States postal service, a copy of 145241
meeting-related documents to each committee member. 145242

(D) The minutes of each meeting shall specify who was 145243
attending by teleconference, who was attending by video 145244
conference, and who was physically present. Any vote taken in a 145245
meeting held by teleconference that is not unanimous shall be 145246
recorded as a roll call vote. 145247

Sec. 3904.08. (A) If any individual, after proper 145248
identification, submits a written request to an insurance 145249
institution, agent, or insurance support organization for access 145250

to recorded personal information about the individual that is 145251
reasonably described by the individual and reasonably locatable 145252
and retrievable by the insurance institution, agent, or insurance 145253
support organization, the insurance institution, agent, or 145254
insurance support organization, within thirty business days from 145255
the date such request is received, shall do all of the following: 145256

(1) Inform the individual of the nature and substance of such 145257
recorded personal information in writing, by telephone, or by 145258
other oral communication, whichever the insurance institution, 145259
agent, or insurance support organization prefers; 145260

(2) Permit the individual to ~~see and copy, in person, such~~ 145261
~~recorded personal information pertaining to him or to obtain a~~ 145262
copy of such recorded ~~personal~~ information ~~by mail, whichever the~~ 145263
~~individual prefers~~ in a manner agreed upon by the individual and 145264
insurance institution, agent, or insurance support organization, 145265
unless such recorded personal information is in coded form, in 145266
which case an accurate translation in plain language shall be 145267
provided in writing; 145268

(3) Disclose to the individual the identity, if recorded, of 145269
those persons to whom the insurance institution, agent, or 145270
insurance support organization has disclosed such personal 145271
information within two years prior to such request, and if the 145272
identity is not recorded, the names of those insurance 145273
institutions, agents, insurance support organizations, or other 145274
persons to whom such information is normally disclosed; 145275

(4) Provide the individual with a summary of the procedures 145276
by which ~~he~~ the individual may request correction, amendment, or 145277
deletion of recorded personal information. 145278

(B) Any personal information provided pursuant to division 145279
(A) of this section shall identify the source of the information 145280
if such source is an institutional source. 145281

(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance

transaction. The rights granted to all natural persons by this 145314
division do not extend to information about them that relates to 145315
and is collected in connection with or in reasonable anticipation 145316
of a claim or civil or criminal proceeding involving them. 145317

(G) This section does not apply to a consumer reporting 145318
agency. 145319

Sec. 4121.19. A full and complete record shall be kept of all 145320
proceedings had before the bureau of workers' compensation on any 145321
investigation, ~~and all testimony shall be taken down by a~~ 145322
~~stenographer appointed by the bureau.~~ 145323

Sec. 4123.512. (A) The claimant or the employer may appeal an 145324
order of the industrial commission made under division (E) of 145325
section 4123.511 of the Revised Code in any injury or occupational 145326
disease case, other than a decision as to the extent of disability 145327
to the court of common pleas of the county in which the injury was 145328
inflicted or in which the contract of employment was made if the 145329
injury occurred outside the state, or in which the contract of 145330
employment was made if the exposure occurred outside the state. If 145331
no common pleas court has jurisdiction for the purposes of an 145332
appeal by the use of the jurisdictional requirements described in 145333
this division, the appellant may use the venue provisions in the 145334
Rules of Civil Procedure to vest jurisdiction in a court. If the 145335
claim is for an occupational disease, the appeal shall be to the 145336
court of common pleas of the county in which the exposure which 145337
caused the disease occurred. Like appeal may be taken from an 145338
order of a staff hearing officer made under division (D) of 145339
section 4123.511 of the Revised Code from which the commission has 145340
refused to hear an appeal. Except as otherwise provided in this 145341
division, the appellant shall file the notice of appeal with a 145342
court of common pleas within sixty days after the date of the 145343
receipt of the order appealed from or the date of receipt of the 145344

order of the commission refusing to hear an appeal of a staff 145345
hearing officer's decision under division (D) of section 4123.511 145346
of the Revised Code. Either the claimant or the employer may file 145347
a notice of an intent to settle the claim within thirty days after 145348
the date of the receipt of the order appealed from or of the order 145349
of the commission refusing to hear an appeal of a staff hearing 145350
officer's decision. The claimant or employer shall file notice of 145351
intent to settle with the administrator of workers' compensation, 145352
and the notice shall be served on the opposing party and the 145353
party's representative. The filing of the notice of intent to 145354
settle extends the time to file an appeal to one hundred fifty 145355
days, unless the opposing party files an objection to the notice 145356
of intent to settle within fourteen days after the date of the 145357
receipt of the notice of intent to settle. The party shall file 145358
the objection with the administrator, and the objection shall be 145359
served on the party that filed the notice of intent to settle and 145360
the party's representative. The filing of the notice of the appeal 145361
with the court is the only act required to perfect the appeal. 145362

If an action has been commenced in a court of a county other 145363
than a court of a county having jurisdiction over the action, the 145364
court, upon notice by any party or upon its own motion, shall 145365
transfer the action to a court of a county having jurisdiction. 145366

Notwithstanding anything to the contrary in this section, if 145367
the commission determines under section 4123.522 of the Revised 145368
Code that an employee, employer, or their respective 145369
representatives have not received written notice of an order or 145370
decision which is appealable to a court under this section and 145371
which grants relief pursuant to section 4123.522 of the Revised 145372
Code, the party granted the relief has sixty days from receipt of 145373
the order under section 4123.522 of the Revised Code to file a 145374
notice of appeal under this section. 145375

(B) The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

(C) The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

(D) Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of

facts in ordinary and concise language showing a cause of action 145408
to participate or to continue to participate in the fund and 145409
setting forth the basis for the jurisdiction of the court over the 145410
action. Further pleadings shall be had in accordance with the 145411
Rules of Civil Procedure, provided that service of summons on such 145412
petition shall not be required and provided that the claimant may 145413
not dismiss the complaint without the employer's consent if the 145414
employer is the party that filed the notice of appeal to court 145415
pursuant to this section. The clerk of the court shall, upon 145416
receipt thereof, transmit by certified mail a copy thereof to each 145417
party named in the notice of appeal other than the claimant. Any 145418
party may file with the clerk prior to the trial of the action a 145419
deposition of any physician taken in accordance with the 145420
provisions of the Revised Code, which deposition may be read in 145421
the trial of the action even though the physician is a resident of 145422
or subject to service in the county in which the trial is had. The 145423
bureau of workers' compensation shall pay the cost of the 145424
~~stenographic~~ deposition filed in court and of copies of the 145425
~~stenographic~~ deposition for each party from the surplus fund and 145426
charge the costs thereof against the unsuccessful party if the 145427
claimant's right to participate or continue to participate is 145428
finally sustained or established in the appeal. In the event the 145429
deposition is taken and filed, the physician whose deposition is 145430
taken is not required to respond to any subpoena issued in the 145431
trial of the action. The court, or the jury under the instructions 145432
of the court, if a jury is demanded, shall determine the right of 145433
the claimant to participate or to continue to participate in the 145434
fund upon the evidence adduced at the hearing of the action. 145435

(E) The court shall certify its decision to the commission 145436
and the certificate shall be entered in the records of the court. 145437
Appeals from the judgment are governed by the law applicable to 145438
the appeal of civil actions. 145439

(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the

self-insuring employer reports to the administrator under division 145472
(L) of section 4123.35 of the Revised Code. If an employer is a 145473
state risk and has paid an assessment for a violation of a 145474
specific safety requirement, and, in a final administrative or 145475
judicial action, it is determined that the employer did not 145476
violate the specific safety requirement, the administrator shall 145477
reimburse the employer from the surplus fund account under 145478
division (B) of section 4123.34 of the Revised Code for the amount 145479
of the assessment the employer paid for the violation. 145480

(2)(a) Notwithstanding a final determination that payments of 145481
benefits made to or on behalf of a claimant should not have been 145482
made, the administrator or self-insuring employer shall award 145483
payment of medical or vocational rehabilitation services submitted 145484
for payment after the date of the final determination if all of 145485
the following apply: 145486

(i) The services were approved and were rendered by the 145487
provider in good faith prior to the date of the final 145488
determination. 145489

(ii) The services were payable under division (I) of section 145490
4123.511 of the Revised Code prior to the date of the final 145491
determination. 145492

(iii) The request for payment is submitted within the time 145493
limit set forth in section 4123.52 of the Revised Code. 145494

(b) Payments made under division (H)(1) of this section shall 145495
be charged to the surplus fund account under division (B) of 145496
section 4123.34 of the Revised Code. If the employer of the 145497
employee who is the subject of a claim described in division 145498
(H)(2)(a) of this section is a state fund employer, the payments 145499
made under that division shall not be charged to the employer's 145500
experience. If that employer is a self-insuring employer, the 145501
self-insuring employer shall deduct the amount from the paid 145502

compensation the self-insuring employer reports to the 145503
administrator under division (L) of section 4123.35 of the Revised 145504
Code. 145505

(c) Division (H)(2) of this section shall apply only to a 145506
claim under this chapter or Chapter 4121., 4127., or 4131. of the 145507
Revised Code arising on or after July 29, 2011. 145508

(3) A self-insuring employer may elect to pay compensation 145509
and benefits under this section directly to an employee or an 145510
employee's dependents by filing an application with the bureau of 145511
workers' compensation not more than one hundred eighty days and 145512
not less than ninety days before the first day of the employer's 145513
next six-month coverage period. If the self-insuring employer 145514
timely files the application, the application is effective on the 145515
first day of the employer's next six-month coverage period, 145516
provided that the administrator shall compute the employer's 145517
assessment for the surplus fund account due with respect to the 145518
period during which that application was filed without regard to 145519
the filing of the application. On and after the effective date of 145520
the employer's election, the self-insuring employer shall pay 145521
directly to an employee or to an employee's dependents 145522
compensation and benefits under this section regardless of the 145523
date of the injury or occupational disease, and the employer shall 145524
receive no money or credits from the surplus fund account on 145525
account of those payments and shall not be required to pay any 145526
amounts into the surplus fund account on account of this section. 145527
The election made under this division is irrevocable. 145528

(I) All actions and proceedings under this section which are 145529
the subject of an appeal to the court of common pleas or the court 145530
of appeals shall be preferred over all other civil actions except 145531
election causes, irrespective of position on the calendar. 145532

This section applies to all decisions of the commission or 145533
the administrator on November 2, 1959, and all claims filed 145534

thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code.

Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code.

Sec. 4123.52. (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of medical benefits being provided under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last medical services being rendered or the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor.

(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the

administrator, with the advice and consent of the bureau of 145566
workers' compensation board of directors, neither the 145567
administrator nor the commission shall make any finding or award 145568
for payment of medical or vocational rehabilitation services 145569
submitted for payment more than one year after the date the 145570
services were rendered or more than one year after the date the 145571
services became payable under division (I) of section 4123.511 of 145572
the Revised Code, whichever is later. No medical or vocational 145573
rehabilitation provider shall bill a claimant for services 145574
rendered if the administrator or commission is prohibited from 145575
making that payment under this division. 145576

(C) Division (B) of this section does not apply to requests 145577
made by the centers for medicare and medicaid services in the 145578
United States department of health and human services for 145579
reimbursement of conditional payments made pursuant to section 145580
1395y(b)(2) of title 42, United States Code (commonly known as the 145581
"Medicare Secondary Payer Act"). 145582

(D) This section does not affect the right of a claimant to 145583
compensation accruing subsequent to the filing of any such 145584
application, provided the application is filed within the time 145585
limit provided in this section. 145586

(E) This section does not deprive the commission of its 145587
continuing jurisdiction to determine the questions raised by any 145588
application for modification of award which has been filed with 145589
the commission after June 1, 1932, and prior to the expiration of 145590
the applicable period but in respect to which no award has been 145591
granted or denied during the applicable period. 145592

(F) The commission may, by general rules, provide for the 145593
destruction of files of cases in which no further action may be 145594
taken. 145595

(G) The commission and administrator of workers' compensation 145596

each may, by general rules, provide for the retention and 145597
destruction of all other records in their possession or under 145598
their control pursuant to section 121.211 and sections 149.34 to 145599
149.36 of the Revised Code. The bureau of workers' compensation 145600
may purchase or rent required equipment for the document retention 145601
media, as determined necessary to preserve the records. 145602
Photographs, microphotographs, microfilm, films, or other direct 145603
or electronic document retention media, when properly identified, 145604
have the same effect as the original record and may be offered in 145605
like manner and may be received as evidence in proceedings before 145606
the industrial commission, staff hearing officers, and district 145607
hearing officers, and in any court where the original record could 145608
have been introduced. 145609

Sec. 4125.03. (A) The professional employer organization with 145610
whom a shared employee is coemployed shall do all of the 145611
following: 145612

(1) Pay wages associated with a shared employee pursuant to 145613
the terms and conditions of compensation in the professional 145614
employer organization agreement between the professional employer 145615
organization and the client employer; 145616

(2) Pay all related payroll taxes associated with a shared 145617
employee independent of the terms and conditions contained in the 145618
professional employer organization agreement between the 145619
professional employer organization and the client employer; 145620

(3) Maintain workers' compensation coverage, pay all workers' 145621
compensation premiums and manage all workers' compensation claims, 145622
filings, and related procedures associated with a shared employee 145623
in compliance with Chapters 4121. and 4123. of the Revised Code, 145624
except that when shared employees include family farm officers, 145625
ordained ministers, or corporate officers of the client employer, 145626
payroll reports shall include the entire amount of payroll 145627

associated with those persons;	145628
(4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;	145629 145630 145631 145632
(5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;	145633 145634 145635 145636 145637
(6) Maintain a record of workers' compensation claims for each client employer;	145638 145639
(7) Make periodic reports, as determined by the administrator of workers' compensation, of client employers and total workforce to the administrator;	145640 145641 145642
(8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator;	145643 145644 145645
(9) Within fourteen days after receiving notice from the bureau of workers' compensation that a refund or rebate will be applied to workers' compensation premiums, provide a copy of that notice to any client employer to whom that notice is relevant.	145646 145647 145648 145649
(B) The professional employer organization with whom a shared employee is coemployed shall provide a list of all of the following information to the client employer upon the written request of the client employer:	145650 145651 145652 145653
(1) All workers' compensation claims, premiums, and payroll associated with that client employer;	145654 145655
(2) Compensation and benefits paid and reserves established for each claim listed under division (B)(1) of this section;	145656 145657

(3) Any other information available to the professional employer organization from the bureau of workers' compensation regarding that client employer.

(C)(1) A professional employer organization shall provide the information required under division (B) of this section in writing to the requesting client employer within forty-five days after receiving a written request from the client employer.

(2) For purposes of division (C) of this section, a professional employer organization has provided the required information to the client employer when the any of the following occur:

(a) The information is received by the United States postal service or when the;

(b) The information is personally delivered, in writing, directly to the client employer;

(c) The information is delivered by electronic mail to the client employer.

(D) Except as provided in section 4125.08 of the Revised Code and unless otherwise agreed to in the professional employer organization agreement, the professional employer organization with whom a shared employee is coemployed has a right of direction and control over each shared employee assigned to a client employer's location. However, a client employer shall retain sufficient direction and control over a shared employee as is necessary to do any of the following:

(1) Conduct the client employer's business, including training and supervising shared employees;

(2) Ensure the quality, adequacy, and safety of the goods or services produced or sold in the client employer's business;

(3) Discharge any fiduciary responsibility that the client

employer may have; 145688

(4) Comply with any applicable licensure, regulatory, or 145689
statutory requirement of the client employer. 145690

(E) Unless otherwise agreed to in the professional employer 145691
organization agreement, liability for acts, errors, and omissions 145692
shall be determined as follows: 145693

(1) A professional employer organization shall not be liable 145694
for the acts, errors, and omissions of a client employer or a 145695
shared employee when those acts, errors, and omissions occur under 145696
the direction and control of the client employer. 145697

(2) A client employer shall not be liable for the acts, 145698
errors, and omissions of a professional employer organization or a 145699
shared employee when those acts, errors, and omissions occur under 145700
the direction and control of the professional employer 145701
organization. 145702

(F) Nothing in divisions (D) and (E) of this section shall be 145703
construed to limit any liability or obligation specifically agreed 145704
to in the professional employer organization agreement. 145705

Sec. 4141.09. (A) There is hereby created an unemployment 145706
compensation fund to be administered by the state without 145707
liability on the part of the state beyond the amounts paid into 145708
the fund and earned by the fund. The unemployment compensation 145709
fund shall consist of all contributions, payments in lieu of 145710
contributions described in sections 4141.241 and 4141.242 of the 145711
Revised Code, reimbursements of the federal share of extended 145712
benefits described in section 4141.301 of the Revised Code, 145713
collected under sections 4141.01 to 4141.56 of the Revised Code, 145714
and the amount required under division (A)(4) of section 4141.35 145715
of the Revised Code, together with all interest earned upon any 145716
moneys deposited with the secretary of the treasury of the United 145717

States to the credit of the account of this state in the 145718
unemployment trust fund established and maintained pursuant to 145719
section 904 of the "Social Security Act," any property or 145720
securities acquired through the use of moneys belonging to the 145721
fund, and all earnings of such property or securities. The 145722
unemployment compensation fund shall be used to pay benefits, 145723
shared work compensation as defined in section 4141.50 of the 145724
Revised Code, and refunds as provided by such sections and for no 145725
other purpose. 145726

(B) The treasurer of state shall be the custodian of the 145727
unemployment compensation fund and shall administer such fund in 145728
accordance with the directions of the director of job and family 145729
services. All disbursements therefrom shall be paid by the 145730
treasurer of state on warrants drawn by the director. Such 145731
warrants may ~~bear the facsimile~~ have the signature of the director 145732
printed thereon and that of a deputy or other employee of the 145733
director charged with the duty of keeping the account of the 145734
unemployment compensation fund and with the preparation of 145735
warrants for the payment of benefits to the persons entitled 145736
thereto. Moneys in the clearing and benefit accounts shall not be 145737
commingled with other state funds, except as provided in division 145738
(C) of this section, but shall be maintained in separate accounts 145739
on the books of the depository bank. Such money shall be secured 145740
by the depository bank to the same extent and in the same manner 145741
as required by sections 135.01 to 135.21 of the Revised Code; and 145742
collateral pledged for this purpose shall be kept separate and 145743
distinct from any collateral pledged to secure other funds of this 145744
state. All sums recovered for losses sustained by the unemployment 145745
compensation fund shall be deposited therein. The treasurer of 145746
state shall be liable on the treasurer's official bond for the 145747
faithful performance of the treasurer's duties in connection with 145748
the unemployment compensation fund, such liability to exist in 145749
addition to any liability upon any separate bond. 145750

(C) The treasurer of state shall maintain within the 145751
unemployment compensation fund three separate accounts which shall 145752
be a clearing account, a trust fund account, and a benefit 145753
account. All moneys payable to the unemployment compensation fund, 145754
upon receipt by the director, shall be forwarded to the treasurer 145755
of state, who shall immediately deposit them in the clearing 145756
account. Refunds of contributions, or payments in lieu of 145757
contributions, payable pursuant to division (E) of this section 145758
may be paid from the clearing account upon warrants signed by a 145759
deputy or other employee of the director charged with the duty of 145760
keeping the record of the clearing account and with the 145761
preparation of warrants for the payment of refunds to persons 145762
entitled thereto. After clearance thereof, all moneys in the 145763
clearing account shall be deposited with the secretary of the 145764
treasury of the United States to the credit of the account of this 145765
state in the unemployment trust fund established and maintained 145766
pursuant to section 904 of the "Social Security Act," in 145767
accordance with requirements of the "Federal Unemployment Tax 145768
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 145769
in this state relating to the deposit, administration, release, or 145770
disbursement of moneys in the possession or custody of this state 145771
to the contrary notwithstanding. The benefit account shall consist 145772
of all moneys requisitioned from this state's account in the 145773
unemployment trust fund. Federal funds may be deposited, at the 145774
director's discretion, into the benefit account. Any funds 145775
deposited into the benefit account shall be disbursed solely for 145776
payment of benefits under a federal program administered by this 145777
state and for no other purpose. Moneys in the clearing and benefit 145778
accounts may be deposited by the treasurer of state, under the 145779
direction of the director, in any bank or public depository in 145780
which general funds of the state may be deposited, but no public 145781
deposit insurance charge or premium shall be paid out of the fund. 145782

(D) Moneys shall be requisitioned from this state's account 145783

in the unemployment trust fund solely for the payment of benefits 145784
and in accordance with regulations prescribed by the director. The 145785
director shall requisition from the unemployment trust fund such 145786
amounts, not exceeding the amount standing to this state's account 145787
therein, as are deemed necessary for the payment of benefits for a 145788
reasonable future period. Upon receipt thereof, the treasurer of 145789
state shall deposit such moneys in the benefit account. 145790
Expenditures of such money in the benefit account and refunds from 145791
the clearing account shall not require specific appropriations or 145792
other formal release by state officers of money in their custody. 145793
Any balance of moneys requisitioned from the unemployment trust 145794
fund which remains unclaimed or unpaid in the benefit account 145795
after the expiration of the period for which such sums were 145796
requisitioned shall either be deducted from estimates for and may 145797
be utilized for the payment of benefits during succeeding periods, 145798
or, in the discretion of the director, shall be redeposited with 145799
the secretary of the treasury of the United States to the credit 145800
of this state's account in the unemployment trust fund, as 145801
provided in division (C) of this section. Unclaimed or unpaid 145802
federal funds redeposited with the secretary of the treasury of 145803
the United States shall be credited to the appropriate federal 145804
account. 145805

(E) No claim for an adjustment or a refund on contribution, 145806
payment in lieu of contributions, interest, or forfeiture alleged 145807
to have been erroneously or illegally assessed or collected, or 145808
alleged to have been collected without authority, and no claim for 145809
an adjustment or a refund of any sum alleged to have been 145810
excessive or in any manner wrongfully collected shall be allowed 145811
unless an application, in writing, therefor is made within four 145812
years from the date on which such payment was made. If the 145813
director determines that such contribution, payment in lieu of 145814
contributions, interest, or forfeiture, or any portion thereof, 145815
was erroneously collected, the director shall allow such employer 145816

to make an adjustment thereof without interest in connection with 145817
subsequent contribution payments, or payments in lieu of 145818
contributions, by the employer, or the director may refund said 145819
amount, without interest, from the clearing account of the 145820
unemployment compensation fund, except as provided in division (B) 145821
of section 4141.11 of the Revised Code. For like cause and within 145822
the same period, adjustment or refund may be so made on the 145823
director's own initiative. An overpayment of contribution, payment 145824
in lieu of contributions, interest, or forfeiture for which an 145825
employer has not made application for refund prior to the date of 145826
sale of the employer's business shall accrue to the employer's 145827
successor in interest. 145828

An application for an adjustment or a refund, or any portion 145829
thereof, that is rejected is binding upon the employer unless, 145830
within thirty days after the mailing of a written notice of 145831
rejection to the employer's last known address, or, in the absence 145832
of mailing of such notice, within thirty days after the delivery 145833
of such notice, the employer files an application for a review and 145834
redetermination setting forth the reasons therefor. The director 145835
shall promptly examine the application for review and 145836
redetermination, and if a review is granted, the employer shall be 145837
promptly notified thereof, and shall be granted an opportunity for 145838
a prompt hearing. 145839

(F) If the director finds that contributions have been paid 145840
to the director in error, and that such contributions should have 145841
been paid to a department of another state or of the United States 145842
charged with the administration of an unemployment compensation 145843
law, the director may upon request by such department or upon the 145844
director's own initiative transfer to such department the amount 145845
of such contributions, less any benefits paid to claimants whose 145846
wages were the basis for such contributions. The director may 145847
request and receive from such department any contributions or 145848

adjusted contributions paid in error to such department which 145849
should have been paid to the director. 145850

(G) In accordance with section 303(c)(3) of the Social 145851
Security Act, and section 3304(a)(17) of the Internal Revenue Code 145852
of 1954 for continuing certification of Ohio unemployment 145853
compensation laws for administrative grants and for tax credits, 145854
any interest required to be paid on advances under Title XII of 145855
the Social Security Act shall be paid in a timely manner and shall 145856
not be paid, directly or indirectly, by an equivalent reduction in 145857
the Ohio unemployment taxes or otherwise, by the state from 145858
amounts in the unemployment compensation fund. 145859

(H) The treasurer of state, under the direction of the 145860
director and in accordance with the "Cash Management Improvement 145861
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 145862
amounts of interest earned by the state on funds in the benefit 145863
account established pursuant to division (C) of this section into 145864
the unemployment trust fund. 145865

(I) The treasurer of state, under the direction of the 145866
director, shall deposit federal funds received by the director for 145867
training and administration and for payment of benefits, job 145868
search, relocation, transportation, and subsistence allowances 145869
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 145870
2101, as amended; the "North American Free Trade Agreement 145871
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 145872
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 145873
3801, as amended, into the Trade Act training and administration 145874
account, which is hereby created for the purpose of making 145875
payments specified under those acts. The treasurer of state, under 145876
the direction of the director, may transfer funds from the Trade 145877
Act training and administration account to the benefit account for 145878
the purpose of making any payments directly to claimants for 145879
benefits, job search, relocation, transportation, and subsistence 145880

allowances, as specified by those acts. 145881

Sec. 4141.47. (A) There is hereby created the auxiliary 145882
services personnel unemployment compensation fund, which shall not 145883
be a part of the state treasury. The fund shall consist of moneys 145884
paid into the fund pursuant to section 3317.06 of the Revised 145885
Code. The treasurer of state shall administer it in accordance 145886
with the directions of the director of job and family services. 145887
The director shall establish procedures under which school 145888
districts that are charged and have paid for unemployment benefits 145889
as reimbursing employers pursuant to this chapter for personnel 145890
employed pursuant to section 3317.06 of the Revised Code may apply 145891
for and receive reimbursement for those payments under this 145892
section. School districts are not entitled to reimbursement for 145893
any delinquency charges, except as otherwise provided by law. In 145894
the case of school districts electing to pay contributions under 145895
section 4141.242 of the Revised Code, the director shall establish 145896
procedures for reimbursement of the district from the fund of 145897
contributions made on wages earned by any auxiliary service 145898
personnel. 145899

(B) In the event of the termination of the auxiliary services 145900
program established pursuant to section 3317.06 of the Revised 145901
Code, and after the director has made reimbursement to school 145902
districts for all possible unemployment compensation claims of 145903
persons who were employed pursuant to section 3317.06 of the 145904
Revised Code, the director shall certify that fact to the 145905
treasurer of state, who shall then transfer all unexpended moneys 145906
in the auxiliary services personnel unemployment compensation fund 145907
to the general revenue fund. In the event the auxiliary services 145908
personnel unemployment compensation fund contains insufficient 145909
moneys to pay all valid claims by school districts for 145910
reimbursement pursuant to this section, the director shall 145911
estimate the total additional amount necessary to meet the 145912

liabilities of the fund and submit a request to the general 145913
assembly for an appropriation of that amount of money from the 145914
general revenue fund to the auxiliary services personnel 145915
unemployment compensation fund. 145916

(C) All disbursements from the auxiliary services personnel 145917
unemployment compensation fund shall be paid by the treasurer of 145918
state on warrants drawn by the director. The warrants may ~~bear~~ 145919
have the ~~facsimile~~ signature of the director printed thereon or 145920
that of a deputy or other employee of the director charged with 145921
the duty of keeping the account of the fund. Moneys in the fund 145922
shall be maintained in a separate account on the books of the 145923
depository bank. The money shall be secured by the depository bank 145924
to the same extent and in the same manner as required by Chapter 145925
135. of the Revised Code. All sums recovered for losses sustained 145926
by the fund shall be deposited therein. The treasurer of state is 145927
liable on the treasurer of state's official bond for the faithful 145928
performance of the treasurer of state's duties in connection with 145929
the fund. 145930

(D) All necessary and proper expenses incurred in 145931
administering this section shall be paid to the director from the 145932
auxiliary services personnel unemployment compensation fund. For 145933
this purpose, there is hereby created in the state treasury the 145934
auxiliary services program administrative fund. The treasurer of 145935
state, pursuant to the warrant procedures specified in division 145936
(C) of this section, shall advance moneys as requested by the 145937
director from the auxiliary services personnel unemployment 145938
compensation fund to the auxiliary services program administrative 145939
fund. The director periodically may request the advance of such 145940
moneys as in the treasurer of state's opinion are needed to meet 145941
anticipated administrative expenses and may make disbursements 145942
from the auxiliary services program administrative fund to pay 145943
those expenses. 145944

(E) Upon receipt of a certification from the department of education regarding a refund to a board of education pursuant to section 3317.06 of the Revised Code, the director shall issue a refund in the amount certified to the board from the auxiliary services personnel unemployment compensation fund.

Sec. 4167.10. (A) In order to carry out the purposes of this chapter, the administrator of workers' compensation or the administrator's designee shall, as provided in this section, enter without delay during normal working hours and at other reasonable times, to inspect and investigate any plant, facility, establishment, construction site, or any other area, workplace, or environment where work is being performed by a public employee of a public employer, and any place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any public employer, administrator, department head, operator, agent, or public employee. The authority to inspect and investigate includes the taking of environmental samples, the taking and obtaining of photographs related to the purposes of the inspection or investigation, the examination of records required to be kept under section 4167.11 of the Revised Code and other documents and records relevant to the inspection and investigation, the issuance of subpoenas, and the conducting of tests and other studies reasonably calculated to serve the purposes of implementing and enforcing this chapter. Except as provided in this section, the administrator or the administrator's designee shall conduct scheduled inspections and investigations only pursuant to rules adopted under section 4167.02 of the Revised Code, a request to do so by a public employee or public employee representative, or the notification the administrator receives pursuant to division (B) of section 4167.06 of the Revised Code and only if the administrator or the administrator's designee complies with this

section. The administrator or the administrator's designee shall 145977
conduct all requested or required inspections within a reasonable 145978
amount of time following receipt of the request or notification. 145979

(B)(1) Any public employee or public employee representative 145980
who believes that a violation of an Ohio employment risk reduction 145981
standard exists that threatens physical harm, or that an imminent 145982
danger exists, may request an inspection by giving written notice 145983
to the administrator or the administrator's designee of the 145984
violation or danger. The notice shall set forth with reasonable 145985
particularity the grounds for the notice, and shall be signed by 145986
the public employee or public employee representative. The names 145987
of individual public employees making the notice or referred to 145988
therein shall not appear in the copy provided to the public 145989
employer pursuant to division (B)(2) of this section and shall be 145990
kept confidential. 145991

(2) If, upon receipt of a notification pursuant to division 145992
(B)(1) of this section, the administrator determines that there 145993
are no reasonable grounds to believe that a violation or danger 145994
exists, the administrator shall inform the public employee or 145995
public employee representative in writing of the determination. 145996
If, upon receipt of a notification, the administrator determines 145997
that there are reasonable grounds to believe that a violation or 145998
danger exists, the administrator shall, within one week, excluding 145999
Saturdays, Sundays, and any legal holiday as defined in section 146000
1.14 of the Revised Code, after receipt of the notification, 146001
notify the public employer, by certified mail, return receipt 146002
requested, of the alleged violation or danger. The notice provided 146003
to the public employer or the public employer's agent shall inform 146004
the public employer of the alleged violation or danger and that 146005
the administrator or the administrator's designee will investigate 146006
and inspect the public employer's workplace as provided in this 146007
section. The public employer must respond to the administrator, in 146008

a method determined by the administrator, concerning the alleged 146009
violation or danger, within thirty days after receipt of the 146010
notice. If the public employer does not correct the violation or 146011
danger within the thirty-day period or if the public employer 146012
fails to respond within that time period, the administrator or the 146013
administrator's designee shall investigate and inspect the public 146014
employer's workplace as provided in this section. The 146015
administrator or the administrator's designee shall not conduct 146016
any inspection prior to the end of the thirty-day period unless 146017
requested or permitted by the public employer. The administrator 146018
may, at any time upon the request of the public employer, inspect 146019
and investigate any violation or danger alleged to exist at the 146020
public employer's place of employment. 146021

(3) The authority of the administrator or the administrator's 146022
designee to investigate and inspect a premises pursuant to a 146023
public employee or public employee representative notification is 146024
not limited to the alleged violation or danger contained in the 146025
notification. The administrator or the administrator's designee 146026
may investigate and inspect any other area of the premises where 146027
there is reason to believe that a violation or danger exists. In 146028
addition, if the administrator or the administrator's designee 146029
detects any obvious or apparent violation at any temporary place 146030
of employment while en route to the premises to be inspected or 146031
investigated, and that violation presents a substantial 146032
probability that the condition or practice could result in death 146033
or serious physical harm, the administrator or the administrator's 146034
designee may use any of the enforcement mechanisms provided in 146035
this section to correct or remove the condition or practice. 146036

(4) If, during an inspection or investigation, the 146037
administrator or the administrator's designee finds any condition 146038
or practice in any place of employment that presents a substantial 146039
probability that the condition or practice could result in death 146040

or serious physical harm, after notifying the employer of the 146041
administrator's intent to issue an order, the administrator shall 146042
issue an order, or the administrator's designee shall issue an 146043
order after consultation ~~either by telephone or in person~~ with the 146044
administrator and upon the recommendation of the administrator, 146045
which prohibits the employment of any public employee or any 146046
continuing operation or process under such condition or practice 146047
until necessary steps are taken to correct or remove the condition 146048
or practice. The order shall not be effective for more than 146049
fifteen days, unless a court of competent jurisdiction otherwise 146050
orders as provided in section 4167.14 of the Revised Code. 146051

(C) In making any inspections or investigations under this 146052
chapter, the administrator or the administrator's designee may 146053
administer oaths and require, by subpoena, the attendance and 146054
testimony of witnesses and the production of evidence under oath. 146055
Witnesses shall receive the fees and mileage provided for under 146056
section 119.094 of the Revised Code. In the case of contumacy, 146057
failure, or refusal of any person to comply with an order or any 146058
subpoena lawfully issued, or upon the refusal of any witness to 146059
testify to any matter regarding which the witness may lawfully be 146060
interrogated, a judge of the court of common pleas of any county 146061
in this state, on the application of the administrator or the 146062
administrator's designee, shall issue an order requiring the 146063
person to appear and to produce evidence if, as, and when so 146064
ordered, and to give testimony relating to the matter under 146065
investigation or in question. The court may punish any failure to 146066
obey the order of the court as a contempt thereof. 146067

(D) If, upon inspection or investigation, the administrator 146068
or the administrator's designee believes that a public employer 146069
has violated any requirement of this chapter or any rule, Ohio 146070
employment risk reduction standard, or order adopted or issued 146071
pursuant thereto, the administrator or the administrator's 146072

designee shall, with reasonable promptness, issue a citation to 146073
the public employer. The citation shall be in writing and describe 146074
with particularity the nature of the alleged violation, including 146075
a reference to the provision of law, Ohio employment risk 146076
reduction standard, rule, or order alleged to have been violated. 146077
In addition, the citation shall fix a time for the abatement of 146078
the violation, as provided in division (H) of this section. The 146079
administrator may prescribe procedures for the issuance of a 146080
notice with respect to minor violations and for enforcement of 146081
minor violations that have no direct or immediate relationship to 146082
safety or health. 146083

(E) Upon receipt of any citation under this section, the 146084
public employer shall immediately post the citation, or a copy 146085
thereof, at or near each place an alleged violation referred to in 146086
the citation occurred. 146087

(F) The administrator may not issue a citation under this 146088
section after the expiration of six months following the final 146089
occurrence of any violation. 146090

(G) If the administrator issues a citation pursuant to this 146091
section, the administrator shall mail the citation to the public 146092
employer by certified mail, return receipt requested. The public 146093
employer has fourteen days after receipt of the citation within 146094
which to notify the administrator that the employer wishes to 146095
contest the citation. If the employer notifies the administrator 146096
within the fourteen days that the employer wishes to contest the 146097
citation, or if within fourteen days after the issuance of a 146098
citation a public employee or public employee representative files 146099
notice that the time period fixed in the citation for the 146100
abatement of the violation is unreasonable, the administrator 146101
shall hold an adjudication hearing in accordance with Chapter 119. 146102
of the Revised Code. 146103

(H) In establishing the time limits in which a public 146104

employer must abate a violation under this section, the 146105
administrator shall consider the costs to the public employer, the 146106
size and financial resources of the public employer, the severity 146107
of the violation, the technological feasibility of the public 146108
employer's ability to comply with requirements of the citation, 146109
the possible present and future detriment to the health and safety 146110
of any public employee for failure of the public employer to 146111
comply with requirements of the citation, and such other factors 146112
as the administrator determines appropriate. The administrator 146113
may, after considering the above factors, permit the public 146114
employer to comply with the citation over a period of up to two 146115
years and may extend that period an additional one year, as the 146116
administrator determines appropriate. 146117

(I) Any public employer may request the administrator to 146118
conduct an employment risk reduction inspection of the public 146119
employer's place of employment. The administrator or the 146120
administrator's designee shall conduct the inspection within a 146121
reasonable amount of time following the request. Neither the 146122
administrator nor any other person may use any information 146123
obtained from the inspection for a period not to exceed three 146124
years in any proceeding for a violation of this chapter or any 146125
rule or order issued thereunder nor in any other action in any 146126
court in this state. 146127

Sec. 4301.17. (A)(1) Subject to local option as provided in 146128
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 146129
stores or agencies may be established in each county. One 146130
additional store may be established in any county for each twenty 146131
thousand of population of that county or major fraction thereof in 146132
excess of the first forty thousand, according to the last 146133
preceding federal decennial census or according to the population 146134
estimates certified by the department of development between 146135
decennial censuses. A person engaged in a mercantile business may 146136

act as the agent for the division of liquor control for the sale 146137
of spirituous liquor in a municipal corporation, in the 146138
unincorporated area of a township, or in an area designated and 146139
approved as a resort area under section 4303.262 of the Revised 146140
Code. The division shall fix the compensation for such an agent in 146141
the manner it considers best, but the compensation shall not 146142
exceed seven per cent of the gross sales made by the agent in any 146143
one year. 146144

(2) The division shall adopt rules in accordance with Chapter 146145
119. of the Revised Code governing the allocation and equitable 146146
distribution of agency store contracts. The division shall comply 146147
with the rules when awarding a contract under division (A)(1) of 146148
this section. 146149

(3) Pursuant to an agency store's contract, an agency store 146150
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 146151
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 146152
beverages, and spirituous liquor. 146153

(4) Pursuant to an agency store's contract, an agency store 146154
may be issued a D-3 permit to sell spirituous liquor if the agency 146155
store contains at least ten thousand square feet of sales floor 146156
area. A D-3 permit issued to an agency store shall not be 146157
transferred to a new location. The division shall revoke any D-3 146158
permit issued to an agency store under division (A)(4) of this 146159
section if the agent no longer operates the agency store. The 146160
division shall not issue a D-3a permit to an agency store. 146161

(5) An agency store to which a D-8 permit has been issued may 146162
allow the sale of tasting samples of spirituous liquor in 146163
accordance with section 4301.171 of the Revised Code. 146164

(6) An agency store may sell beer, wine, mixed beverages, and 146165
spirituous liquor only between the hours of nine a.m. and eleven 146166
p.m. 146167

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, ~~by certified mail or by personal service,~~ the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of

that contract to operate an agency store at the same location. The 146201
division may also consent to the assignment of an existing agency 146202
contract simultaneously with the relocation of the agency store. 146203
In any such assignment or relocation, the assignee and the 146204
location shall be subject to the same requirements that the 146205
existing location met at the time that the contract was first 146206
entered into as well as any additional requirements imposed by the 146207
division in rules adopted by the superintendent of liquor control. 146208
The division shall not consent to an assignment or relocation of 146209
an agency store until it has notified the authorities in control 146210
of the school, church, library, public playground, or township 146211
park and has provided those authorities with an opportunity for a 146212
complete hearing upon the advisability of consenting to the 146213
assignment or relocation. 146214

Any hearing provided for in this division shall be held in 146215
the central office of the division, except that upon written 146216
request of the legislative authority of the municipal corporation, 146217
the board of county commissioners, the board of township trustees, 146218
or the authorities in control of the school, church, library, 146219
public playground, or township park, the hearing shall be held in 146220
the county seat of the county where the proposed agency store is 146221
to be located. 146222

(C) All agency contracts entered into by the division 146223
pursuant to this section shall be in writing and shall contain a 146224
clause providing for the termination of the contract at will by 146225
the division upon its giving ninety days' notice in writing to the 146226
agent of its intention to do so. Any agency contract may include a 146227
clause requiring the agent to report to the appropriate law 146228
enforcement agency the name and address of any individual under 146229
twenty-one years of age who attempts to make an illegal purchase. 146230

The division shall issue a C-1 and C-2 permit to each agent 146231
who prior to November 1, 1994, had not been issued both of these 146232

permits, notwithstanding the population quota restrictions 146233
contained in section 4303.29 of the Revised Code or in any rule of 146234
the liquor control commission and notwithstanding the requirements 146235
of section 4303.31 of the Revised Code. The location of a C-1 or 146236
C-2 permit issued to such an agent shall not be transferred. The 146237
division shall revoke any C-1 or C-2 permit issued to an agent 146238
under this paragraph if the agent no longer operates an agency 146239
store. 146240

The division may enter into agreements with the department of 146241
development to implement a minority loan program to provide 146242
low-interest loans to minority business enterprises, as defined in 146243
section 122.71 of the Revised Code, that are awarded liquor agency 146244
contracts or assignments. 146245

(D) If the division closes a state liquor store and replaces 146246
that store with an agency store, any employees of the division 146247
employed at that state liquor store who lose their jobs at that 146248
store as a result shall be given preference by the agent who 146249
operates the agency store in filling any vacancies that occur 146250
among the agent's employees, if that preference does not conflict 146251
with the agent's obligations pursuant to a collective bargaining 146252
agreement. 146253

If the division closes a state liquor store and replaces the 146254
store with an agency store, any employees of the division employed 146255
at the state liquor store who lose their jobs at that store as a 146256
result may displace other employees as provided in sections 146257
124.321 to 124.328 of the Revised Code. If an employee cannot 146258
displace other employees and is laid off, the employee shall be 146259
reinstated in another job as provided in sections 124.321 to 146260
124.328 of the Revised Code, except that the employee's rights of 146261
reinstatement in a job at a state liquor store shall continue for 146262
a period of two years after the date of the employee's layoff and 146263
shall apply to jobs at state liquor stores located in the 146264

employee's layoff jurisdiction and any layoff jurisdiction 146265
adjacent to the employee's layoff jurisdiction. 146266

(E) The division shall require every agent to give bond with 146267
surety to the satisfaction of the division, in the amount the 146268
division fixes, conditioned for the faithful performance of the 146269
agent's duties as prescribed by the division. 146270

Sec. 4301.30. (A) All fees collected by the division of 146271
liquor control shall be deposited in the state treasury to the 146272
credit of the undivided liquor permit fund, which is hereby 146273
created, at the time prescribed under section 4301.12 of the 146274
Revised Code. Each payment shall be accompanied by a statement 146275
showing separately the amount collected for each class of permits 146276
in each municipal corporation and in each township outside the 146277
limits of any municipal corporation in such township. 146278

(B)(1) An amount equal to forty-five per cent of the fund 146279
shall be paid from the fund into the state liquor regulatory fund, 146280
which is hereby created in the state treasury. The state liquor 146281
regulatory fund shall be used to pay the operating expenses of the 146282
division of liquor control in administering and enforcing Title 146283
XLIII of the Revised Code and the operating expenses of the liquor 146284
control commission. Investment earnings of the fund shall be 146285
credited to the fund. 146286

(2) Whenever, in the judgment of the director of budget and 146287
management, the amount of money that is in the state liquor 146288
regulatory fund is in excess of the amount that is needed to pay 146289
the operating expenses of the division in administering and 146290
enforcing Title XLIII of the Revised Code and the operating 146291
expenses of the commission, the director shall credit the excess 146292
amount to the general revenue fund. 146293

(C) Twenty per cent of the undivided liquor permit fund shall 146294
be paid into the statewide treatment and prevention fund, which is 146295

hereby created in the state treasury. This amount shall be 146296
appropriated by the general assembly, together with an amount 146297
equal to one and one-half per cent of the gross profit of the 146298
division of liquor control derived under division (B)(4) of 146299
section 4301.10 of the Revised Code, to the department of mental 146300
health and addiction services. In planning for the allocation of 146301
and in allocating these amounts for the purposes of Chapter 5119. 146302
of the Revised Code, the department shall comply with the 146303
nondiscrimination provisions of Title VI of the Civil Rights Act 146304
of 1964, and any rules adopted under that act. 146305

(D) Thirty-five per cent of the undivided liquor permit fund 146306
shall be distributed by the superintendent of liquor control at 146307
quarterly calendar periods as follows: 146308

(1) To each municipal corporation, the aggregate amount shown 146309
by the statements to have been collected from permits in the 146310
municipal corporation, for the use of the general fund of the 146311
municipal corporation; 146312

(2) To each township, the aggregate amount shown by the 146313
statements to have been collected from permits in its territory, 146314
outside the limits of any municipal corporation located in the 146315
township, for the use of the general fund of the township, or for 146316
fire protection purposes, including buildings and equipment in the 146317
township or in an established fire district within the township, 146318
to the extent that the funds are derived from liquor permits 146319
within the territory comprising such fire district. 146320

(E) For the purpose of the distribution required by this 146321
section, E, H, and D permits covering boats or vessels are deemed 146322
to have been issued in the municipal corporation or township 146323
wherein the owner or operator of the vehicle, boat, vessel, or 146324
dining car equipment to which the permit relates has the owner's 146325
or operator's principal office or place of business within the 146326
state. 146327

(F) If the ~~liquor control commission~~ division determines that 146328
the police or other officers of any municipal corporation or 146329
township entitled to share in distributions under this section are 146330
refusing or culpably neglecting to enforce this chapter and 146331
Chapter 4303. of the Revised Code, or the penal laws of this state 146332
relating to the manufacture, importation, transportation, 146333
distribution, and sale of beer and intoxicating liquors, or if the 146334
prosecuting officer of a municipal corporation or a municipal 146335
court fails to comply with the request of the ~~commission~~ division 146336
authorized by division (A)(4) of section 4301.10 of the Revised 146337
Code, the ~~commission~~ division, by certified mail or by electronic 146338
means as determined by the superintendent to provide proper notice 146339
under the laws of this state, may notify the chief executive 146340
officer of the municipal corporation or the board of township 146341
trustees of the township of the failure and require the immediate 146342
cooperation of the responsible officers of the municipal 146343
corporation or township with the division ~~of liquor control~~ in the 146344
enforcement of those chapters and penal laws. Within thirty days 146345
after the notice is served, the ~~commission~~ division shall 146346
determine whether the requirement has been complied with. If the 146347
~~commission~~ division determines that the requirement has not been 146348
complied with, it may ~~issue an order to the superintendent to~~ 146349
withhold the distributive share of the municipal corporation or 146350
township ~~until further order of the commission~~. This action of the 146351
~~commission~~ division is reviewable within thirty days thereafter in 146352
the court of common pleas of Franklin county. 146353

(G) All fees collected by the division of liquor control from 146354
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 146355
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 146356
permits or A-2 or A-2f permits, shall be deposited in the state 146357
treasury to the credit of the state liquor regulatory fund. Once 146358
during each fiscal year, an amount equal to fifty per cent of the 146359
fees collected shall be paid from the state liquor regulatory fund 146360

into the general revenue fund. 146361

Sec. 4303.24. All application processing fees shall be 146362
remitted to the division of liquor control when applications are 146363
filed. The pendency, priority, or validity of an application for a 146364
permit or duplicate permit received by the division shall not be 146365
affected because the division did not issue the permit applied for 146366
or the applicant failed to appeal to the liquor control 146367
commission. 146368

The division, prior to the granting of a permit or duplicate 146369
permit applied for, shall notify, by certified mail, the applicant 146370
or the applicant's authorized agent. The applicant or the 146371
applicant's authorized agent, within thirty days after the mailing 146372
of that notice, shall pay to the division the entire amount of ~~the~~ 146373
any unpaid requisite permit fee required by sections 4303.02 to 146374
4303.231 or, in the case of a duplicate permit, section 4303.30 of 146375
the Revised Code, if the permit or duplicate permit is issued 146376
during the first six months of the year the permit or duplicate 146377
permit covers, or one-half of the amount of the requisite permit 146378
fee, if the permit or duplicate permit is issued during the last 146379
six months of the year the permit or duplicate permit covers. If 146380
the notice is returned because of failure or refusal of delivery, 146381
the division shall send another notice, by regular mail or by 146382
electronic means as determined by the division to provide proper 146383
notice under the laws of this state, to the applicant or the 146384
applicant's agent. If the applicant fails to pay the applicable 146385
amount of that requisite permit fee within ~~these~~ thirty days of 146386
the mailing of the last notice, the division shall cancel the 146387
applicant's application. 146388

All other fees shall be paid at the time and in the manner 146389
prescribed by the division. The liquor control commission may 146390
adopt rules requiring reports or returns for the purpose of 146391

determining the amounts of additional permit fees. 146392

Sec. 4507.081. (A) Upon the expiration of a restricted 146393
license issued under division (D)(3) of section 4507.08 of the 146394
Revised Code and submission of a statement as provided in division 146395
(C) of this section, the registrar of motor vehicles may issue a 146396
driver's license to the person to whom the restricted license was 146397
issued. A driver's license issued under this section, unless 146398
otherwise suspended or canceled, shall be effective for one year. 146399

(B) A driver's license issued under this section may be 146400
renewed annually, for no more than three consecutive years, 146401
whenever the person to whom the license has been issued submits to 146402
the registrar, ~~by certified mail and~~ no sooner than thirty days 146403
prior to the expiration date of the license or renewal thereof, a 146404
statement as provided in division (C) of this section. A renewal 146405
of a driver's license, unless the license is otherwise suspended 146406
or canceled, shall be effective for one year following the 146407
expiration date of the license or renewal thereof, ~~and shall be~~ 146408
~~evidenced by a validation sticker. The renewal validation sticker~~ 146409
~~shall be in a form prescribed by the registrar and shall be~~ 146410
~~affixed to the license.~~ 146411

(C) No person may be issued a driver's license under this 146412
section, and no such driver's license may be renewed, unless the 146413
person presents a signed statement from a licensed physician that 146414
the person's condition either is dormant or is under effective 146415
medical control, that the control has been maintained continuously 146416
for at least one year prior to the date on which application for 146417
the license is made, and that, if continued medication is 146418
prescribed to control the condition, the person may be depended 146419
upon to take the medication. 146420

The statement shall be made on a form provided by the 146421
registrar, ~~shall be in not less than duplicate,~~ and shall contain 146422

any other information the registrar considers necessary. The 146423
~~duplicate copy of the statement may be retained by the person~~ 146424
~~requesting the license renewal and, when in the person's immediate~~ 146425
~~possession and used in conjunction with the original license,~~ 146426
~~shall entitle the person to operate a motor vehicle during a~~ 146427
~~period of no more than thirty days following the date of~~ 146428
~~submission of the statement to the registrar, except when the~~ 146429
~~registrar denies the request for the license renewal and so~~ 146430
~~notifies the person.~~ 146431

(D) Whenever the registrar receives a statement indicating 146432
that the condition of a person to whom a driver's license has been 146433
issued under this section no longer is dormant or under effective 146434
medical control, the registrar shall cancel the person's driver's 146435
license. 146436

(E) Nothing in this section shall require a person submitting 146437
a signed statement from a licensed physician to obtain a medical 146438
examination prior to the submission of the statement. 146439

(F) Any person whose driver's license has been canceled under 146440
this section may apply for a subsequent restricted license 146441
according to the provisions of section 4507.08 of the Revised 146442
Code. 146443

Sec. 4508.021. (A) As used in this section: 146444

(1) "State agency" has the same meaning as in section 1.60 of 146445
the Revised Code. 146446

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 146447
~~interactive videodisc~~ web site, electronic mail communication, 146448
compact disc media, or other electronic format used to convey 146449
information to students through electronic means which information 146450
is sent or conveyed. 146451

(B) The classroom instruction required by division (C) of 146452

section 4508.02 of the Revised Code shall include the 146453
dissemination of information regarding anatomical gifts and 146454
anatomical gift procedures or a presentation and discussion of 146455
such gifts and procedures in accordance with this section. The 146456
second chance trust fund advisory committee created under section 146457
2108.35 of the Revised Code shall approve any brochure, written 146458
material, or electronic medium used by a driver training school to 146459
provide information to students regarding anatomical gifts and 146460
anatomical gift procedures. However, the committee shall not 146461
approve any such brochure, written material, or electronic medium 146462
that contains religious content for use in a driver education 146463
course conducted by a school district or educational service 146464
center. 146465

(C)(1) If any brochure or other written material approved by 146466
the committee under division (B) of this section is made available 146467
to a driver training school at no cost, the instructor shall 146468
provide such brochure or material to students. 146469

(2) If any electronic medium that is less than twenty minutes 146470
in length and that is approved by the committee under division (B) 146471
of this section is made available to a driver training school at 146472
no cost, the instructor shall show the electronic medium to 146473
students, provided that the school maintains operable viewing 146474
equipment. If more than one such electronic medium is made 146475
available to a school in accordance with this division, the 146476
instructor shall select one electronic medium from among those 146477
received by the school to show to students. 146478

(3) If no electronic medium is shown to students as specified 146479
in division (C)(2) of this section, the instructor shall organize 146480
a classroom presentation and discussion regarding anatomical gifts 146481
and anatomical gift procedures. The instructor may arrange for the 146482
presentation to be conducted by an employee of the department of 146483
health or any other state agency, an employee or volunteer of the 146484

second chance trust fund, an employee or volunteer of any 146485
organization involved in the procurement of organ donations, an 146486
organ donor, an organ recipient, an employee or volunteer of a 146487
tissue or eye bank, or a tissue or corneal transplant recipient, 146488
provided that no such person charges a fee to the school for the 146489
presentation. However, no such presentation that contains 146490
religious content shall be made to students of a driver education 146491
course conducted by a school district or educational service 146492
center. Students shall be granted the opportunity to ask questions 146493
on anatomical gifts and anatomical gift procedures during the 146494
presentation and discussion. 146495

Nothing in this section shall prohibit an instructor from 146496
also organizing a classroom presentation and discussion regarding 146497
anatomical gifts and anatomical gift procedures in accordance with 146498
this division if the instructor shows an electronic medium to 146499
students pursuant to division (C)(2) of this section. 146500

(D) No student shall be required to participate in any 146501
instruction in anatomical gifts or anatomical gift procedures 146502
conducted under this section upon written notification from the 146503
student's parent or guardian, or the student if the student is 146504
over eighteen years of age, that such instruction conflicts with 146505
the religious convictions of the student or the student's parent 146506
or guardian. If a student is excused from such instruction, the 146507
instructor shall give the student an alternative assignment. 146508

Sec. 4509.101. (A)(1) No person shall operate, or permit the 146509
operation of, a motor vehicle in this state, unless proof of 146510
financial responsibility is maintained continuously throughout the 146511
registration period with respect to that vehicle, or, in the case 146512
of a driver who is not the owner, with respect to that driver's 146513
operation of that vehicle. 146514

(2) Whoever violates division (A)(1) of this section shall be 146515

subject to the following civil penalties: 146516

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 146517
class (F) suspension of the person's driver's license, commercial 146518
driver's license, temporary instruction permit, probationary 146519
license, or nonresident operating privilege for the period of time 146520
specified in division (B)(6) of section 4510.02 of the Revised 146521
Code and impoundment of the person's license. The court may grant 146522
limited driving privileges to the person, but only if the person 146523
presents proof of financial responsibility and is enrolled in a 146524
reinstatement fee payment plan pursuant to section 4510.10 of the 146525
Revised Code. 146526

(b) If, within five years of the violation, the person's 146527
operating privileges are again suspended and the person's license 146528
again is impounded for a violation of division (A)(1) of this 146529
section, a class C suspension of the person's driver's license, 146530
commercial driver's license, temporary instruction permit, 146531
probationary license, or nonresident operating privilege for the 146532
period of time specified in division (B)(3) of section 4510.02 of 146533
the Revised Code. The court may grant limited driving privileges 146534
to the person only if the person presents proof of financial 146535
responsibility and has complied with division (A)(5) of this 146536
section, and no court may grant limited driving privileges for the 146537
first fifteen days of the suspension. 146538

(c) If, within five years of the violation, the person's 146539
operating privileges are suspended and the person's license is 146540
impounded two or more times for a violation of division (A)(1) of 146541
this section, a class B suspension of the person's driver's 146542
license, commercial driver's license, temporary instruction 146543
permit, probationary license, or nonresident operating privilege 146544
for the period of time specified in division (B)(2) of section 146545
4510.02 of the Revised Code. The court may grant limited driving 146546
privileges to the person only if the person presents proof of 146547

financial responsibility and has complied with division (A)(5) of 146548
this section, except that no court may grant limited driving 146549
privileges for the first thirty days of the suspension. 146550

(d) In addition to the suspension of an owner's license under 146551
division (A)(2)(a), (b), or (c) of this section, the suspension of 146552
the rights of the owner to register the motor vehicle and the 146553
impoundment of the owner's certificate of registration and license 146554
plates until the owner complies with division (A)(5) of this 146555
section. 146556

The clerk of court shall waive the cost of filing a petition 146557
for limited driving privileges if, pursuant to section 2323.311 of 146558
the Revised Code, the petitioner applies to be qualified as an 146559
indigent litigant and the court approves the application. 146560

(3) A person to whom this state has issued a certificate of 146561
registration for a motor vehicle or a license to operate a motor 146562
vehicle or who is determined to have operated any motor vehicle or 146563
permitted the operation in this state of a motor vehicle owned by 146564
the person shall be required to verify the existence of proof of 146565
financial responsibility covering the operation of the motor 146566
vehicle or the person's operation of the motor vehicle under 146567
either of the following circumstances: 146568

(a) The person or a motor vehicle owned by the person is 146569
involved in a traffic accident that requires the filing of an 146570
accident report under section 4509.06 of the Revised Code. 146571

(b) The person receives a traffic ticket indicating that 146572
proof of the maintenance of financial responsibility was not 146573
produced upon the request of a peace officer or state highway 146574
patrol trooper made in accordance with division (D)(2) of this 146575
section. 146576

(4) An order of the registrar that suspends and impounds a 146577
license or registration, or both, shall state the date on or 146578

before which the person is required to surrender the person's 146579
license or certificate of registration and license plates. The 146580
person is deemed to have surrendered the license or certificate of 146581
registration and license plates, in compliance with the order, if 146582
the person does either of the following: 146583

(a) On or before the date specified in the order, ~~personally~~ 146584
delivers the license or certificate of registration and license 146585
plates, ~~or causes the delivery of the items,~~ to the registrar; 146586

(b) Mails the license or certificate of registration and 146587
license plates to the registrar in an envelope or container 146588
bearing a postmark showing a date no later than the date specified 146589
in the order. 146590

(5) Except as provided in division (L) of this section, the 146591
registrar shall not restore any operating privileges or 146592
registration rights suspended under this section, return any 146593
license, certificate of registration, or license plates impounded 146594
under this section, or reissue license plates under section 146595
4503.232 of the Revised Code, if the registrar destroyed the 146596
impounded license plates under that section, or reissue a license 146597
under section 4510.52 of the Revised Code, if the registrar 146598
destroyed the suspended license under that section, unless the 146599
rights are not subject to suspension or revocation under any other 146600
law and unless the person, in addition to complying with all other 146601
conditions required by law for reinstatement of the operating 146602
privileges or registration rights, complies with all of the 146603
following: 146604

(a) Pays to the registrar or an eligible deputy registrar a 146605
financial responsibility reinstatement fee of one hundred dollars 146606
for the first violation of division (A)(1) of this section, three 146607
hundred dollars for a second violation of that division, and six 146608
hundred dollars for a third or subsequent violation of that 146609
division; 146610

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose 146642
certificate of registration and license plates have been impounded 146643
or are under an order of impoundment, or whose license has been 146644
suspended or is under an order of suspension; the serial number of 146645
the person's license; the serial numbers of the person's 146646
certificate of registration and license plates; and the person's 146647
social security account number, if assigned, or, where the motor 146648
vehicle is used for hire or principally in connection with any 146649
established business, the person's federal taxpayer identification 146650
number. The information shall be recorded in such a manner that it 146651
becomes a part of the person's permanent record, and assists the 146652
registrar in monitoring compliance with the orders of suspension 146653
or impoundment. 146654

(d) Send written notification to every person to whom the 146655
order pertains, at the person's last known address as shown on the 146656
records of the bureau. The person, within ten days after the date 146657
of the mailing of the notification, shall surrender to the 146658
registrar, in a manner set forth in division (A)(4) of this 146659
section, any certificate of registration and registration plates 146660
under an order of impoundment, or any license under an order of 146661
suspension. 146662

(2) The registrar shall issue any order under division (B)(1) 146663
of this section without a hearing. Any person adversely affected 146664
by the order, within ten days after the issuance of the order, may 146665
request an administrative hearing before the registrar, who shall 146666
provide the person with an opportunity for a hearing in accordance 146667
with this paragraph. A request for a hearing does not operate as a 146668
suspension of the order. The scope of the hearing shall be limited 146669
to whether the person in fact demonstrated to the registrar proof 146670
of financial responsibility in accordance with this section. The 146671
registrar shall determine the date, time, and place of any 146672
hearing, provided that the hearing shall be held, and an order 146673

issued or findings made, within thirty days after the registrar 146674
receives a request for a hearing. If requested by the person in 146675
writing, the registrar may designate as the place of hearing the 146676
county seat of the county in which the person resides or a place 146677
within fifty miles of the person's residence. The person shall pay 146678
the cost of the hearing before the registrar, if the registrar's 146679
order of suspension or impoundment is upheld. 146680

(C) Any order of suspension or impoundment issued under this 146681
section or division (B) of section 4509.37 of the Revised Code may 146682
be terminated at any time if the registrar determines upon a 146683
showing of proof of financial responsibility that the operator or 146684
owner of the motor vehicle was in compliance with division (A)(1) 146685
of this section at the time of the traffic offense, motor vehicle 146686
inspection, or accident that resulted in the order against the 146687
person. A determination may be made without a hearing. This 146688
division does not apply unless the person shows good cause for the 146689
person's failure to present satisfactory proof of financial 146690
responsibility to the registrar prior to the issuance of the 146691
order. 146692

(D)(1)(a) For the purpose of enforcing this section, every 146693
peace officer is deemed an agent of the registrar. 146694

(b) Any peace officer who, in the performance of the peace 146695
officer's duties as authorized by law, becomes aware of a person 146696
whose license is under an order of suspension, or whose 146697
certificate of registration and license plates are under an order 146698
of impoundment, pursuant to this section, may confiscate the 146699
license, certificate of registration, and license plates, and 146700
return them to the registrar. 146701

(2) A peace officer shall request the owner or operator of a 146702
motor vehicle to produce proof of financial responsibility in a 146703
manner described in division (G) of this section at the time the 146704
peace officer acts to enforce the traffic laws of this state and 146705

during motor vehicle inspections conducted pursuant to section 146706
4513.02 of the Revised Code. 146707

(3) A peace officer shall indicate on every traffic ticket 146708
whether the person receiving the traffic ticket produced proof of 146709
the maintenance of financial responsibility in response to the 146710
officer's request under division (D)(2) of this section. The peace 146711
officer shall inform every person who receives a traffic ticket 146712
and who has failed to produce proof of the maintenance of 146713
financial responsibility that the person must submit proof to the 146714
traffic violations bureau with any payment of a fine and costs for 146715
the ticketed violation or, if the person is to appear in court for 146716
the violation, the person must submit proof to the court. 146717

(4)(a) If a person who has failed to produce proof of the 146718
maintenance of financial responsibility appears in court for a 146719
ticketed violation, the court may permit the defendant to present 146720
evidence of proof of financial responsibility to the court at such 146721
time and in such manner as the court determines to be necessary or 146722
appropriate. In a manner prescribed by the registrar, the clerk of 146723
courts shall provide the registrar with the identity of any person 146724
who fails to submit proof of the maintenance of financial 146725
responsibility pursuant to division (D)(3) of this section. 146726

(b) If a person who has failed to produce proof of the 146727
maintenance of financial responsibility also fails to submit that 146728
proof to the traffic violations bureau with payment of a fine and 146729
costs for the ticketed violation, the traffic violations bureau, 146730
in a manner prescribed by the registrar, shall notify the 146731
registrar of the identity of that person. 146732

(5)(a) Upon receiving notice from a clerk of courts or 146733
traffic violations bureau pursuant to division (D)(4) of this 146734
section, the registrar shall order the suspension of the license 146735
of the person required under division (A)(2)(a), (b), or (c) of 146736
this section and the impoundment of the person's certificate of 146737

registration and license plates required under division (A)(2)(d) 146738
of this section, effective thirty days after the date of the 146739
mailing of notification. The registrar also shall notify the 146740
person that the person must present the registrar with proof of 146741
financial responsibility in accordance with this section, 146742
surrender to the registrar the person's certificate of 146743
registration, license plates, and license, or submit a statement 146744
subject to section 2921.13 of the Revised Code that the person did 146745
not operate or permit the operation of the motor vehicle at the 146746
time of the offense. Notification shall be in writing and shall be 146747
sent to the person at the person's last known address as shown on 146748
the records of the bureau of motor vehicles. The person, within 146749
fifteen days after the date of the mailing of notification, shall 146750
present proof of financial responsibility, surrender the 146751
certificate of registration, license plates, and license to the 146752
registrar in a manner set forth in division (A)(4) of this 146753
section, or submit the statement required under this section 146754
together with other information the person considers appropriate. 146755

If the registrar does not receive proof or the person does 146756
not surrender the certificate of registration, license plates, and 146757
license, in accordance with this division, the registrar shall 146758
permit the order for the suspension of the license of the person 146759
and the impoundment of the person's certificate of registration 146760
and license plates to take effect. 146761

(b) In the case of a person who presents, within the 146762
fifteen-day period, proof of financial responsibility, the 146763
registrar shall terminate the order of suspension and the 146764
impoundment of the registration and license plates required under 146765
division (A)(2)(d) of this section and shall send written 146766
notification to the person, at the person's last known address as 146767
shown on the records of the bureau. 146768

(c) Any person adversely affected by the order of the 146769

registrar under division (D)(5)(a) or (b) of this section, within 146770
ten days after the issuance of the order, may request an 146771
administrative hearing before the registrar, who shall provide the 146772
person with an opportunity for a hearing in accordance with this 146773
paragraph. A request for a hearing does not operate as a 146774
suspension of the order. The scope of the hearing shall be limited 146775
to whether, at the time of the hearing, the person presents proof 146776
of financial responsibility covering the vehicle and whether the 146777
person is eligible for an exemption in accordance with this 146778
section or any rule adopted under it. The registrar shall 146779
determine the date, time, and place of any hearing; ~~provided, that~~ 146780
~~the hearing shall be held, and an order issued or findings made,~~ 146781
~~within thirty days after the registrar receives a request for a~~ 146782
~~hearing. The hearing may be held remotely by electronic means.~~ 146783
If requested by the person in writing, the registrar may designate as 146784
the place of hearing the county seat of the county in which the 146785
person resides or a place within fifty miles of the person's 146786
residence. Such person shall pay the cost of the hearing before 146787
the registrar, if the registrar's order of suspension or 146788
impoundment under division (D)(5)(a) or (b) of this section is 146789
upheld. 146790

(6) A peace officer may charge an owner or operator of a 146791
motor vehicle with a violation of section 4510.16 of the Revised 146792
Code when the owner or operator fails to show proof of the 146793
maintenance of financial responsibility pursuant to a peace 146794
officer's request under division (D)(2) of this section, if a 146795
check of the owner or operator's driving record indicates that the 146796
owner or operator, at the time of the operation of the motor 146797
vehicle, is required to file and maintain proof of financial 146798
responsibility under section 4509.45 of the Revised Code for a 146799
previous violation of this chapter. 146800

(7) Any forms used by law enforcement agencies in 146801

administering this section shall be prescribed, supplied, and paid 146802
for by the registrar. 146803

(8) No peace officer, law enforcement agency employing a 146804
peace officer, or political subdivision or governmental agency 146805
that employs a peace officer shall be liable in a civil action for 146806
damages or loss to persons arising out of the performance of any 146807
duty required or authorized by this section. 146808

(9) As used in this section, "peace officer" has the meaning 146809
set forth in section 2935.01 of the Revised Code. 146810

(E) All fees, except court costs, fees paid to a deputy 146811
registrar, and those portions of the financial responsibility 146812
reinstatement fees as otherwise specified in this division, 146813
collected under this section shall be paid into the state treasury 146814
to the credit of the public safety - highway purposes fund 146815
established in section 4501.06 of the Revised Code and used to 146816
cover costs incurred by the bureau in the administration of this 146817
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 146818
Code, and by any law enforcement agency employing any peace 146819
officer who returns any license, certificate of registration, and 146820
license plates to the registrar pursuant to division (C) of this 146821
section. 146822

Of each financial responsibility reinstatement fee the 146823
registrar collects pursuant to division (A)(5)(a) of this section 146824
or receives from a deputy registrar under division (A)(5)(d) of 146825
this section, the registrar shall deposit twenty-five dollars of 146826
each one-hundred-dollar reinstatement fee, fifty dollars of each 146827
three-hundred-dollar reinstatement fee, and one hundred dollars of 146828
each six-hundred-dollar reinstatement fee into the state treasury 146829
to the credit of the indigent defense support fund created by 146830
section 120.08 of the Revised Code. 146831

(F) Chapter 119. of the Revised Code applies to this section 146832

only to the extent that any provision in that chapter is not 146833
clearly inconsistent with this section. 146834

(G)(1)(a) The registrar, court, traffic violations bureau, or 146835
peace officer may require proof of financial responsibility to be 146836
demonstrated by use of a standard form prescribed by the 146837
registrar. If the use of a standard form is not required, a person 146838
may demonstrate proof of financial responsibility under this 146839
section by presenting to the traffic violations bureau, court, 146840
registrar, or peace officer any of the following documents or a 146841
copy of the documents: 146842

(i) A financial responsibility identification card as 146843
provided in section 4509.103 of the Revised Code; 146844

(ii) A certificate of proof of financial responsibility on a 146845
form provided and approved by the registrar for the filing of an 146846
accident report required to be filed under section 4509.06 of the 146847
Revised Code; 146848

(iii) A policy of liability insurance, a declaration page of 146849
a policy of liability insurance, or liability bond, if the policy 146850
or bond complies with section 4509.20 or sections 4509.49 to 146851
4509.61 of the Revised Code; 146852

(iv) A bond or certification of the issuance of a bond as 146853
provided in section 4509.59 of the Revised Code; 146854

(v) A certificate of deposit of money or securities as 146855
provided in section 4509.62 of the Revised Code; 146856

(vi) A certificate of self-insurance as provided in section 146857
4509.72 of the Revised Code. 146858

(b) A person also may present proof of financial 146859
responsibility under this section to the traffic violations 146860
bureau, court, registrar, or peace officer through use of an 146861
electronic wireless communications device as specified under 146862

section 4509.103 of the Revised Code. 146863

(2) If a person fails to demonstrate proof of financial 146864
responsibility in a manner described in division (G)(1) of this 146865
section, the person may demonstrate proof of financial 146866
responsibility under this section by any other method that the 146867
court or the bureau, by reason of circumstances in a particular 146868
case, may consider appropriate. 146869

(3) A motor carrier certificated by the interstate commerce 146870
commission or by the public utilities commission may demonstrate 146871
proof of financial responsibility by providing a statement 146872
designating the motor carrier's operating authority and averring 146873
that the insurance coverage required by the certifying 146874
authority is in full force and effect. 146875

(4)(a) A finding by the registrar or court that a person is 146876
covered by proof of financial responsibility in the form of an 146877
insurance policy or surety bond is not binding upon the named 146878
insurer or surety or any of its officers, employees, agents, or 146879
representatives and has no legal effect except for the purpose of 146880
administering this section. 146881

(b) The preparation and delivery of a financial 146882
responsibility identification card or any other document 146883
authorized to be used as proof of financial responsibility and the 146884
generation and delivery of proof of financial responsibility to an 146885
electronic wireless communications device that is displayed on the 146886
device as text or images does not do any of the following: 146887

(i) Create any liability or estoppel against an insurer or 146888
surety, or any of its officers, employees, agents, or 146889
representatives; 146890

(ii) Constitute an admission of the existence of, or of any 146891
liability or coverage under, any policy or bond; 146892

(iii) Waive any defenses or counterclaims available to an 146893

insurer, surety, agent, employee, or representative in an action 146894
commenced by an insured or third-party claimant upon a cause of 146895
action alleged to have arisen under an insurance policy or surety 146896
bond or by reason of the preparation and delivery of a document 146897
for use as proof of financial responsibility or the generation and 146898
delivery of proof of financial responsibility to an electronic 146899
wireless communications device. 146900

(c) Whenever it is determined by a final judgment in a 146901
judicial proceeding that an insurer or surety, which has been 146902
named on a document or displayed on an electronic wireless 146903
communications device accepted by a court or the registrar as 146904
proof of financial responsibility covering the operation of a 146905
motor vehicle at the time of an accident or offense, is not liable 146906
to pay a judgment for injuries or damages resulting from such 146907
operation, the registrar, notwithstanding any previous contrary 146908
finding, shall forthwith suspend the operating privileges and 146909
registration rights of the person against whom the judgment was 146910
rendered as provided in division (A)(2) of this section. 146911

(H) In order for any document or display of text or images on 146912
an electronic wireless communications device described in division 146913
(G)(1) of this section to be used for the demonstration of proof 146914
of financial responsibility under this section, the document or 146915
words or images shall state the name of the insured or obligor, 146916
the name of the insurer or surety company, and the effective and 146917
expiration dates of the financial responsibility, and designate by 146918
explicit description or by appropriate reference all motor 146919
vehicles covered which may include a reference to fleet insurance 146920
coverage. 146921

(I) For purposes of this section, "owner" does not include a 146922
licensed motor vehicle leasing dealer as defined in section 146923
4517.01 of the Revised Code, but does include a motor vehicle 146924
renting dealer as defined in section 4549.65 of the Revised Code. 146925

Nothing in this section or in section 4509.51 of the Revised Code 146926
shall be construed to prohibit a motor vehicle renting dealer from 146927
entering into a contractual agreement with a person whereby the 146928
person renting the motor vehicle agrees to be solely responsible 146929
for maintaining proof of financial responsibility, in accordance 146930
with this section, with respect to the operation, maintenance, or 146931
use of the motor vehicle during the period of the motor vehicle's 146932
rental. 146933

(J) The purpose of this section is to require the maintenance 146934
of proof of financial responsibility with respect to the operation 146935
of motor vehicles on the highways of this state, so as to minimize 146936
those situations in which persons are not compensated for injuries 146937
and damages sustained in motor vehicle accidents. The general 146938
assembly finds that this section contains reasonable civil 146939
penalties and procedures for achieving this purpose. 146940

(K) Nothing in this section shall be construed to be subject 146941
to section 4509.78 of the Revised Code. 146942

(L)(1) The registrar may terminate any suspension imposed 146943
under this section and not require the owner to comply with 146944
divisions (A)(5)(a), (b), and (c) of this section if the registrar 146945
with or without a hearing determines that the owner of the vehicle 146946
has established by clear and convincing evidence that all of the 146947
following apply: 146948

(a) The owner customarily maintains proof of financial 146949
responsibility. 146950

(b) Proof of financial responsibility was not in effect for 146951
the vehicle on the date in question for one of the following 146952
reasons: 146953

(i) The vehicle was inoperable. 146954

(ii) The vehicle is operated only seasonally, and the date in 146955
question was outside the season of operation. 146956

(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver.

(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an

employee or official of a traffic violations bureau, or the court, 146988
the person assumes the risk of any resulting damage to the device 146989
unless the registrar, peace officer, employee, or official, or 146990
court personnel purposely, knowingly, or recklessly commits an 146991
action that results in damage to the device. 146992

Sec. 4510.03. (A) Every county court judge, mayor of a 146993
mayor's court, and clerk of a court of record shall keep a full 146994
record of every case in which a person is charged with any 146995
violation of any provision of sections 4511.01 to 4511.771 or 146996
4513.01 to 4513.36 of the Revised Code or of any other law or 146997
ordinance regulating the operation of vehicles, streetcars, and 146998
trackless trolleys on highways or streets. 146999

(B) If a person is convicted of or forfeits bail in relation 147000
to a violation of any section listed in division (A) of this 147001
section or a violation of any other law or ordinance regulating 147002
the operation of vehicles, streetcars, and trackless trolleys on 147003
highways or streets, the county court judge, mayor of a mayor's 147004
court, or clerk, within seven days after the conviction or bail 147005
forfeiture, shall prepare and immediately forward to the bureau of 147006
motor vehicles, in a secure electronic format, an abstract, 147007
certified by the preparer to be true and correct, of the court 147008
record covering the case in which the person was convicted or 147009
forfeited bail. Every court of record also shall forward to the 147010
bureau of motor vehicles, in a secure electronic format, an 147011
abstract of the court record as described in division (C) of this 147012
section upon the conviction of any person of aggravated vehicular 147013
homicide or vehicular homicide or of a felony in the commission of 147014
which a vehicle was used. 147015

(C) Each abstract required by this section shall be made upon 147016
a form approved and furnished by the bureau and shall include the 147017
name and address of the person charged, the number of the person's 147018

driver's or commercial driver's license, probationary driver's 147019
license, or temporary instruction permit, the registration number 147020
of the vehicle involved, the nature of the offense, the date of 147021
the offense, the date of hearing, the plea, the judgment, or 147022
whether bail was forfeited, and the amount of the fine or 147023
forfeiture. 147024

Sec. 4510.41. (A) As used in this section: 147025

(1) "Arrested person" means a person who is arrested for a 147026
violation of section 4510.14 or 4511.203 of the Revised Code, or a 147027
municipal ordinance that is substantially equivalent to either of 147028
those sections, and whose arrest results in a vehicle being seized 147029
under division (B) of this section. 147030

(2) "Vehicle owner" means either of the following: 147031

(a) The person in whose name is registered, at the time of 147032
the seizure, a vehicle that is seized under division (B) of this 147033
section; 147034

(b) A person to whom the certificate of title to a vehicle 147035
that is seized under division (B) of this section has been 147036
assigned and who has not obtained a certificate of title to the 147037
vehicle in that person's name, but who is deemed by the court as 147038
being the owner of the vehicle at the time the vehicle was seized 147039
under division (B) of this section. 147040

(3) "Interested party" includes the owner of a vehicle seized 147041
under this section, all lienholders, the arrested person, the 147042
owner of the place of storage at which a vehicle seized under this 147043
section is stored, and the person or entity that caused the 147044
vehicle to be removed. 147045

(B)(1) If a person is arrested for a violation of section 147046
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 147047
that is substantially equivalent to either of those sections, the 147048

arresting officer or another officer of the law enforcement agency 147049
that employs the arresting officer, in addition to any action that 147050
the arresting officer is required or authorized to take by any 147051
other provision of law, shall seize the vehicle that the person 147052
was operating at the time of, or that was involved in, the alleged 147053
offense if the vehicle is registered in the arrested person's name 147054
and its license plates. A law enforcement agency that employs a 147055
law enforcement officer who makes an arrest of a type that is 147056
described in this division and that involves a rented or leased 147057
vehicle that is being rented or leased for a period of thirty days 147058
or less shall notify, within twenty-four hours after the officer 147059
makes the arrest, the lessor or owner of the vehicle regarding the 147060
circumstances of the arrest and the location at which the vehicle 147061
may be picked up. At the time of the seizure of the vehicle, the 147062
law enforcement officer who made the arrest shall give the 147063
arrested person written notice that the vehicle and its license 147064
plates have been seized; that the vehicle either will be kept by 147065
the officer's law enforcement agency or will be immobilized at 147066
least until the person's initial appearance on the charge of the 147067
offense for which the arrest was made; that, at the initial 147068
appearance, the court in certain circumstances may order that the 147069
vehicle and license plates be released to the arrested person 147070
until the disposition of that charge; that, if the arrested person 147071
is convicted of that charge, the court generally must order the 147072
immobilization of the vehicle and the impoundment of its license 147073
plates or the forfeiture of the vehicle; and that the arrested 147074
person may be charged expenses or charges incurred under this 147075
section and section 4503.233 of the Revised Code for the removal 147076
and storage of the vehicle. 147077

(2) The arresting officer or a law enforcement officer of the 147078
agency that employs the arresting officer shall give written 147079
notice of the seizure under division (B)(1) of this section to the 147080
court that will conduct the initial appearance of the arrested 147081

person on the charges arising out of the arrest. Upon receipt of 147082
the notice, the court promptly shall determine whether the 147083
arrested person is the vehicle owner. If the court determines that 147084
the arrested person is not the vehicle owner, it promptly shall 147085
send by regular mail written notice of the seizure to the 147086
vehicle's registered owner. The written notice shall contain all 147087
of the information required by division (B)(1) of this section to 147088
be in a notice to be given to the arrested person and also shall 147089
specify the date, time, and place of the arrested person's initial 147090
appearance. The notice also shall inform the vehicle owner that if 147091
title to a motor vehicle that is subject to an order for criminal 147092
forfeiture under this section is assigned or transferred and 147093
division (B)(2) or (3) of section 4503.234 of the Revised Code 147094
applies, the court may fine the arrested person the value of the 147095
vehicle. The notice also shall state that if the vehicle is 147096
immobilized under division (A) of section 4503.233 of the Revised 147097
Code, seven days after the end of the period of immobilization a 147098
law enforcement agency will send the vehicle owner a notice, 147099
informing the owner that if the release of the vehicle is not 147100
obtained in accordance with division (D)(3) of section 4503.233 of 147101
the Revised Code, the vehicle shall be forfeited. The notice also 147102
shall inform the vehicle owner that the owner may be charged 147103
expenses or charges incurred under this section and section 147104
4503.233 of the Revised Code for the removal and storage of the 147105
vehicle. 147106

The written notice that is given to the arrested person also 147107
shall state that if the person is convicted of or pleads guilty to 147108
the offense and the court issues an immobilization and impoundment 147109
order relative to that vehicle, division (D)(4) of section 147110
4503.233 of the Revised Code prohibits the vehicle from being sold 147111
during the period of immobilization without the prior approval of 147112
the court. 147113

(3) At or before the initial appearance, the vehicle owner 147114
may file a motion requesting the court to order that the vehicle 147115
and its license plates be released to the vehicle owner. Except as 147116
provided in this division and subject to the payment of expenses 147117
or charges incurred in the removal and storage of the vehicle, the 147118
court, in its discretion, then may issue an order releasing the 147119
vehicle and its license plates to the vehicle owner. Such an order 147120
may be conditioned upon such terms as the court determines 147121
appropriate, including the posting of a bond in an amount 147122
determined by the court. If the arrested person is not the vehicle 147123
owner and if the vehicle owner is not present at the arrested 147124
person's initial appearance, and if the court believes that the 147125
vehicle owner was not provided with adequate notice of the initial 147126
appearance, the court, in its discretion, may allow the vehicle 147127
owner to file a motion within seven days of the initial 147128
appearance. If the court allows the vehicle owner to file such a 147129
motion after the initial appearance, the extension of time granted 147130
by the court does not extend the time within which the initial 147131
appearance is to be conducted. If the court issues an order for 147132
the release of the vehicle and its license plates, a copy of the 147133
order shall be made available to the vehicle owner. If the vehicle 147134
owner presents a copy of the order to the law enforcement agency 147135
that employs the law enforcement officer who arrested the arrested 147136
person, the law enforcement agency promptly shall release the 147137
vehicle and its license plates to the vehicle owner upon payment 147138
by the vehicle owner of any expenses or charges incurred in the 147139
removal or storage of the vehicle. 147140

(4) A vehicle seized under division (B)(1) of this section 147141
either shall be towed to a place specified by the law enforcement 147142
agency that employs the arresting officer to be safely kept by the 147143
agency at that place for the time and in the manner specified in 147144
this section or shall be otherwise immobilized for the time and in 147145
the manner specified in this section. ~~A law enforcement officer of~~ 147146

~~that agency shall remove the identification license plates of the~~ 147147
~~vehicle, and they shall be safely kept by the agency for the time~~ 147148
~~and in the manner specified in this section. The license plates~~ 147149
~~shall remain on the seized vehicle unless otherwise ordered by the~~ 147150
~~court.~~ No vehicle that is seized and either towed or immobilized 147151
pursuant to this division shall be considered contraband for 147152
purposes of Chapter 2981. of the Revised Code. The vehicle shall 147153
not be immobilized at any place other than a commercially operated 147154
private storage lot, a place owned by a law enforcement or other 147155
government agency, or a place to which one of the following 147156
applies: 147157

(a) The place is leased by or otherwise under the control of 147158
a law enforcement or other government agency. 147159

(b) The place is owned by the arrested person, the arrested 147160
person's spouse, or a parent or child of the arrested person. 147161

(c) The place is owned by a private person or entity, and, 147162
prior to the immobilization, the private entity or person that 147163
owns the place, or the authorized agent of that private entity or 147164
person, has given express written consent for the immobilization 147165
to be carried out at that place. 147166

(d) The place is a public street or highway on which the 147167
vehicle is parked in accordance with the law. 147168

(C)(1) A vehicle seized under division (B)(1) of this section 147169
shall be safely kept at the place to which it is towed or 147170
otherwise moved by the law enforcement agency that employs the 147171
arresting officer until the initial appearance of the arrested 147172
person relative to the charge in question. The license plates ~~of~~ 147173
~~shall remain on the seized vehicle that are removed pursuant to~~ 147174
~~division (B)(1) of this section shall be safely kept by the law~~ 147175
~~enforcement agency that employs the arresting officer until at~~ 147176
~~least the initial appearance of the arrested person relative to~~ 147177

~~the charge in question unless otherwise ordered by the court.~~ 147178

(2)(a) At the initial appearance or not less than seven days 147179
prior to the date of final disposition, the court shall notify the 147180
arrested person that, if title to a motor vehicle that is subject 147181
to an order for criminal forfeiture under this section is assigned 147182
or transferred and division (B)(2) or (3) of section 4503.234 of 147183
the Revised Code applies, the court may fine the arrested person 147184
the value of the vehicle. If, at the initial appearance, the 147185
arrested person pleads guilty to the violation of section 4510.14 147186
or 4511.203 of the Revised Code, or a municipal ordinance that is 147187
substantially equivalent to either of those sections or pleads no 147188
contest to and is convicted of the violation, the following 147189
sentencing provisions apply: 147190

(i) If the person violated section 4510.14 of the Revised 147191
Code or a municipal ordinance that is substantially equivalent to 147192
that section, the court shall impose sentence upon the person as 147193
provided by law or ordinance; the court shall order the 147194
immobilization of the vehicle the arrested person was operating at 147195
the time of, or that was involved in, the offense if registered in 147196
the arrested person's name and the impoundment of its license 147197
plates under sections 4503.233 and 4510.14 of the Revised Code or 147198
the criminal forfeiture to the state of the vehicle if registered 147199
in the arrested person's name under sections 4503.234 and 4510.14 147200
of the Revised Code, whichever is applicable; and the vehicle and 147201
its license plates shall not be returned or released to the 147202
arrested person. 147203

(ii) If the person violated section 4511.203 of the Revised 147204
Code or a municipal ordinance that is substantially equivalent to 147205
that section, the court shall impose sentence upon the person as 147206
provided by law or ordinance; the court may order the 147207
immobilization of the vehicle the arrested person was operating at 147208
the time of, or that was involved in, the offense if registered in 147209

the arrested person's name and the impoundment of its license 147210
plates under section 4503.233 and section 4511.203 of the Revised 147211
Code or the criminal forfeiture to the state of the vehicle if 147212
registered in the arrested person's name under section 4503.234 147213
and section 4511.203 of the Revised Code, whichever is applicable; 147214
and the vehicle and its license plates shall not be returned or 147215
released to the arrested person. 147216

(b) If, at any time, the charge that the arrested person 147217
violated section 4510.14 or 4511.203 of the Revised Code, or a 147218
municipal ordinance that is substantially equivalent to either of 147219
those sections is dismissed for any reason, the court shall order 147220
that the vehicle seized at the time of the arrest and its license 147221
plates immediately be released to the person. 147222

(D) If a vehicle and its license plates are seized under 147223
division (B)(1) of this section and are not returned or released 147224
to the arrested person pursuant to division (C) of this section, 147225
the vehicle and its license plates shall be retained until the 147226
final disposition of the charge in question. Upon the final 147227
disposition of that charge, the court shall do whichever of the 147228
following is applicable: 147229

(1) If the arrested person is convicted of or pleads guilty 147230
to the violation of section 4510.14 of the Revised Code or a 147231
municipal ordinance that is substantially equivalent to that 147232
section, the court shall impose sentence upon the person as 147233
provided by law or ordinance and shall order the immobilization of 147234
the vehicle the person was operating at the time of, or that was 147235
involved in, the offense if it is registered in the arrested 147236
person's name and the impoundment of its license plates under 147237
sections 4503.233 and 4510.14 of the Revised Code or the criminal 147238
forfeiture of the vehicle if it is registered in the arrested 147239
person's name under sections 4503.234 and 4510.14 of the Revised 147240
Code, whichever is applicable. 147241

(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this

section, the time between the seizure of the vehicle and either 147274
its release to the arrested person pursuant to division (C) of 147275
this section or the issuance of an order of immobilization of the 147276
vehicle under section 4503.233 of the Revised Code shall be 147277
credited against the period of immobilization ordered by the 147278
court. 147279

(F)(1) Except as provided in division (D)(4) of this section, 147280
the arrested person may be charged expenses or charges incurred in 147281
the removal and storage of the immobilized vehicle. The court with 147282
jurisdiction over the case, after notice to all interested 147283
parties, including lienholders, and after an opportunity for them 147284
to be heard, if the court finds that the arrested person does not 147285
intend to seek release of the vehicle at the end of the period of 147286
immobilization under section 4503.233 of the Revised Code or that 147287
the arrested person is not or will not be able to pay the expenses 147288
and charges incurred in its removal and storage, may order that 147289
title to the vehicle be transferred, in order of priority, first 147290
into the name of the person or entity that removed it, next into 147291
the name of a lienholder, or lastly into the name of the owner of 147292
the place of storage. 147293

Any lienholder that receives title under a court order shall 147294
do so on the condition that it pay any expenses or charges 147295
incurred in the vehicle's removal and storage. If the person or 147296
entity that receives title to the vehicle is the person or entity 147297
that removed it, the person or entity shall receive title on the 147298
condition that it pay any lien on the vehicle. The court shall not 147299
order that title be transferred to any person or entity other than 147300
the owner of the place of storage if the person or entity refuses 147301
to receive the title. Any person or entity that receives title 147302
either may keep title to the vehicle or may dispose of the vehicle 147303
in any legal manner that it considers appropriate, including 147304
assignment of the certificate of title to the motor vehicle to a 147305

salvage dealer or a scrap metal processing facility. The person or 147306
entity shall not transfer the vehicle to the person who is the 147307
vehicle's immediate previous owner. 147308

If the person or entity that receives title assigns the motor 147309
vehicle to a salvage dealer or scrap metal processing facility, 147310
the person or entity shall send the assigned certificate of title 147311
to the motor vehicle to the clerk of the court of common pleas of 147312
the county in which the salvage dealer or scrap metal processing 147313
facility is located. The person or entity shall mark the face of 147314
the certificate of title with the words "FOR DESTRUCTION" and 147315
shall deliver a photocopy of the certificate of title to the 147316
salvage dealer or scrap metal processing facility for its records. 147317

(2) Whenever a court issues an order under division (F)(1) of 147318
this section, the court also shall order removal of the license 147319
plates from the vehicle and cause them to be sent to the registrar 147320
if they have not already been sent to the registrar. Thereafter, 147321
no further proceedings shall take place under this section or 147322
under section 4503.233 of the Revised Code. 147323

(3) Prior to initiating a proceeding under division (F)(1) of 147324
this section, and upon payment of the fee under division (B) of 147325
section 4505.14, any interested party may cause a search to be 147326
made of the public records of the bureau of motor vehicles or the 147327
clerk of the court of common pleas, to ascertain the identity of 147328
any lienholder of the vehicle. The initiating party shall furnish 147329
this information to the clerk of the court with jurisdiction over 147330
the case, and the clerk shall provide notice to the arrested 147331
person, any lienholder, and any other interested parties listed by 147332
the initiating party, at the last known address supplied by the 147333
initiating party, by certified mail, or, at the option of the 147334
initiating party, by personal service or ordinary mail. 147335

Sec. 4735.13. (A) Every real estate broker licensed under 147336

this chapter shall have and maintain a definite place of business 147337
in this state. A post office box address is not a definite place 147338
of business for purposes of this section. The license of a real 147339
estate broker shall be prominently displayed in the office or 147340
place of business of the broker, and no license shall authorize 147341
the licensee to do business except from the location specified in 147342
it. If the broker maintains more than one place of business within 147343
the state, the broker shall apply for and procure a duplicate 147344
license for each branch office maintained by the broker. Each 147345
branch office shall be in the charge of a licensed broker or 147346
salesperson. The branch office license shall be prominently 147347
displayed at the branch office location. 147348

(B) The license of each real estate salesperson shall be 147349
electronically mailed to and remain in the possession of the 147350
licensed broker with whom the salesperson is or is to be 147351
associated until the licensee places the license on inactive or 147352
resigned status or until the salesperson leaves the brokerage or 147353
is terminated. The broker shall keep a copy of each salesperson's 147354
license in a way that it can, and shall on request, be made 147355
immediately available for public inspection at the office or place 147356
of business of the broker. Except as provided in divisions (G) and 147357
(H) of this section, immediately upon the salesperson's leaving 147358
the association or termination of the association of a real estate 147359
salesperson with the broker, the broker shall ~~return the~~ 147360
~~salesperson's license to~~ notify the superintendent of real estate 147361
by electronic mail to the division of real estate's general 147362
electronic mail address. The broker shall keep a copy of the 147363
written notification for three years after it is sent. 147364

The failure of a broker to ~~return the license~~ notify the 147365
superintendent of real estate in writing of a real estate 147366
salesperson or broker who leaves or who is terminated, via 147367
~~certified~~ electronic mail ~~return receipt requested~~, within three 147368

business days of the receipt of a written request from the 147369
superintendent for ~~the return of the license~~ such notification, is 147370
prima-facie evidence of misconduct under division (A)(6) of 147371
section 4735.18 of the Revised Code. 147372

(C) A licensee shall notify the superintendent in writing 147373
within fifteen days of any of the following occurrences: 147374

(1) The licensee is convicted of a felony. 147375

(2) The licensee is convicted of a crime involving moral 147376
turpitude. 147377

(3) The licensee is found to have violated any federal, 147378
state, or municipal civil rights law pertaining to discrimination 147379
in housing. 147380

(4) The licensee is found to have engaged in a discriminatory 147381
practice pertaining to housing accommodations described in 147382
division (H) of section 4112.02 of the Revised Code. 147383

(5) The licensee is the subject of an order by the department 147384
of commerce, the department of insurance, or the department of 147385
agriculture revoking or permanently surrendering any professional 147386
license, certificate, or registration. 147387

(6) The licensee is the subject of an order by any government 147388
agency concerning real estate, financial matters, or the 147389
performance of fiduciary duties with respect to any license, 147390
certificate, or registration. 147391

If a licensee fails to notify the superintendent within the 147392
required time, the superintendent immediately may suspend the 147393
license of the licensee. 147394

Any court that convicts a licensee of a violation of any 147395
municipal civil rights law pertaining to housing discrimination 147396
also shall notify the Ohio civil rights commission within fifteen 147397
days of the conviction. 147398

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the

superintendent to all salespersons associated with the broker when 147432
applying to place the broker's license on deposit. 147433

(F) If a real estate broker desires to become a member or 147434
officer of a partnership, association, limited liability company, 147435
limited liability partnership, or corporation that is or intends 147436
to become a licensed real estate broker, the broker shall notify 147437
the superintendent of the broker's intentions. The notice of 147438
intention shall be on a form prescribed by the superintendent and 147439
shall be accompanied by a fee of thirty-four dollars. One dollar 147440
of the fee shall be credited to the real estate education and 147441
research fund. 147442

A licensed real estate broker who is a member or officer of a 147443
partnership, association, limited liability company, limited 147444
liability partnership, or corporation shall only act as a real 147445
estate broker for such partnership, association, limited liability 147446
company, limited liability partnership, or corporation. 147447

(G)(1) If a real estate broker or salesperson enters the 147448
armed forces, the broker or salesperson may place the broker's or 147449
salesperson's license on deposit with the Ohio real estate 147450
commission. The licensee shall not be required to renew the 147451
license until the renewal date that follows the date of discharge 147452
from the armed forces. Any license deposited with the commission 147453
shall be subject to this chapter. 147454

Any licensee whose license is on deposit under this division 147455
and who fails to meet the continuing education requirements of 147456
section 4735.141 of the Revised Code because the licensee is in 147457
the armed forces shall satisfy the commission that the licensee 147458
has complied with the continuing education requirements within 147459
twelve months of the licensee's first birthday after discharge or 147460
within the amount of time equal to the total number of months the 147461
licensee spent on active duty, whichever is greater. The licensee 147462
shall submit proper documentation of active duty service and the 147463

length of that active duty service to the superintendent. The 147464
extension shall not exceed the total number of months that the 147465
licensee served in active duty. The superintendent shall notify 147466
the licensee of the licensee's obligations under section 4735.141 147467
of the Revised Code at the time the licensee applies for 147468
reactivation of the licensee's license. 147469

(2) If a licensee is a spouse of a member of the armed forces 147470
and the spouse's service resulted in the licensee's absence from 147471
this state, both of the following apply: 147472

(a) The licensee shall not be required to renew the license 147473
until the renewal date that follows the date of the spouse's 147474
discharge from the armed forces. 147475

(b) If the licensee fails to meet the continuing education 147476
requirements of section 4735.141 of the Revised Code, the licensee 147477
shall satisfy the commission that the licensee has complied with 147478
the continuing education requirements within twelve months after 147479
the licensee's first birthday after the spouse's discharge or 147480
within the amount of time equal to the total number of months the 147481
licensee's spouse spent on active duty, whichever is greater. The 147482
licensee shall submit proper documentation of the spouse's active 147483
duty service and the length of that active duty service. This 147484
extension shall not exceed the total number of months that the 147485
licensee's spouse served in active duty. 147486

(3) In the case of a licensee as described in division (G)(2) 147487
of this section, who holds the license through a reciprocity 147488
agreement with another state, the spouse's service shall have 147489
resulted in the licensee's absence from the licensee's state of 147490
residence for the provisions of that division to apply. 147491

(4) As used in this division, "armed forces" means the armed 147492
forces of the United States or reserve component of the armed 147493
forces of the United States including the Ohio national guard or 147494

the national guard of any other state. 147495

(H) If a licensed real estate salesperson submits an 147496
application to the superintendent to leave the association of one 147497
broker to associate with a different broker, the broker possessing 147498
the licensee's license need not ~~return the salesperson's license~~ 147499
~~to~~ notify the superintendent pursuant to division (B) of this 147500
section. The superintendent may process the application regardless 147501
of whether the licensee's license is returned to the 147502
superintendent or the superintendent is notified pursuant to 147503
division (B) of this section. 147504

Sec. 4735.14. (A) Each license issued under this chapter, 147505
shall be valid without further recommendation or examination until 147506
it is placed in an inactive or resigned status, is revoked or 147507
suspended, or such license expires by operation of law. 147508

(B) Except for a licensee who has placed the licensee's 147509
license in resigned status pursuant to section 4735.142 of the 147510
Revised Code, each licensed broker, brokerage, or salesperson 147511
shall file, on or before the date the Ohio real estate commission 147512
has adopted by rule for that licensee in accordance with division 147513
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 147514
renewal on a form prescribed by the superintendent of real estate. 147515
The notice of renewal shall be ~~mailed~~ sent by the superintendent 147516
two months prior to the filing deadline to the ~~personal residence~~ 147517
electronic mail address of each broker or salesperson that is on 147518
file with the division. If the licensee is a partnership, 147519
association, limited liability company, limited liability 147520
partnership, or corporation, the notice of renewal shall be ~~mailed~~ 147521
sent by the superintendent two months prior to the filing deadline 147522
to the brokerage's business electronic mail address on file with 147523
the division. A licensee shall not renew the licensee's license 147524
any earlier than two months prior to the filing deadline. 147525

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful

renewal available electronically to licensees as soon as 147558
practicable, but not later than thirty days after receipt by the 147559
division of a complete application and renewal fee. This notice 147560
shall serve as a notice of renewal for purposes of section 4745.02 147561
of the Revised Code. 147562

Sec. 5107.161. Before a county department of job and family 147563
services sanctions an assistance group under section 5107.16 of 147564
the Revised Code, the state department of job and family services 147565
shall provide the assistance group written notice of the sanction 147566
in accordance with rules adopted under section 5107.05 of the 147567
Revised Code. The written notice shall include a provision printed 147568
in bold type face that informs the assistance group that, not 147569
later than fifteen calendar days after the state department mailed 147570
the written notice to the assistance group, the assistance group 147571
may request, for the purpose of explaining why the assistance 147572
group believes it should not be sanctioned, a state hearing under 147573
division (B) of section 5101.35 of the Revised Code which, at the 147574
assistance group's request, may be preceded by a ~~face-to-face~~ 147575
county conference with the county department. The written notice 147576
shall include either the telephone number of an Ohio works first 147577
ombudsperson provided for under section 329.07 of the Revised Code 147578
or the toll-free telephone number of the state department of job 147579
and family services that the assistance group may call to obtain 147580
the telephone number of an Ohio works first ombudsperson. 147581

Sec. 5120.14. (A) If a person who was convicted of or pleaded 147582
guilty to an offense escapes from a correctional institution in 147583
this state under the control of the department of rehabilitation 147584
and correction or otherwise escapes from the custody of the 147585
department, the department immediately after the escape shall 147586
report the escape, by telephone and in writing, to all local law 147587
enforcement agencies with jurisdiction in the county in which the 147588

institution from which the escape was made or to which the person 147589
was sentenced is located, to all local law enforcement agencies 147590
with jurisdiction in the county in which the person was convicted 147591
or pleaded guilty to the offense for which the escaped person was 147592
sentenced, to the state highway patrol, to the prosecuting 147593
attorney of the county in which the institution from which the 147594
escape was made or to which the person was sentenced is located, 147595
to the prosecuting attorney of the county in which the person was 147596
convicted or pleaded guilty to the offense for which the escaped 147597
person was sentenced, to a newspaper of general circulation in the 147598
county in which the institution from which the escape was made or 147599
to which the person was sentenced is located, and to a newspaper 147600
of general circulation in each county in which the escaped person 147601
was indicted for an offense for which, at the time of the escape, 147602
the escaped person had been sentenced to that institution. The 147603
written notice may be by ~~either~~ facsimile transmission, electronic 147604
mail, or mail. A failure to comply with this requirement is a 147605
violation of section 2921.22 of the Revised Code. 147606

147607
(B) Upon the apprehension of the escaped person, the 147608
department shall give notice of the apprehension by telephone and 147609
in writing to the persons who were given notice of the escape 147610
under division (A) of this section. 147611

Sec. 5165.193. (A) The department of medicaid may, pursuant 147612
to rules authorized by this section, conduct an exception review 147613
of resident assessment data submitted by a nursing facility 147614
provider under section 5165.191 of the Revised Code. The 147615
department may conduct an exception review based on the findings 147616
of a medicaid certification survey conducted by the department of 147617
health, a risk analysis, or prior performance of the provider. 147618

Exception reviews shall be conducted ~~at the nursing facility~~ 147619

by appropriate health professionals under contract with or 147620
employed by the department. The professionals may review resident 147621
assessment forms and supporting documentation, conduct interviews, 147622
and observe residents to identify any patterns or trends of 147623
inaccurate resident assessments and resulting inaccurate case-mix 147624
scores. 147625

(B) If an exception review is conducted before the effective 147626
date of a nursing facility's rate for direct care costs that is 147627
based on the resident assessment data being reviewed and the 147628
review results in findings that exceed tolerance levels specified 147629
in the rules authorized by this section, the department, in 147630
accordance with those rules, may use the findings to redetermine 147631
individual resident case-mix scores, the nursing facility's 147632
case-mix score for the quarter, and the nursing facility's annual 147633
average case-mix score. The department may use the nursing 147634
facility's redetermined quarterly and annual average case-mix 147635
scores to determine the nursing facility's rate for direct care 147636
costs for the appropriate calendar quarter or quarters. 147637

(C) The department shall prepare a written summary of any 147638
exception review finding that is made after the effective date of 147639
a nursing facility's rate for direct care costs that is based on 147640
the resident assessment data that was reviewed. Where the provider 147641
is pursuing judicial or administrative remedies in good faith 147642
regarding the finding, the department shall not withhold from the 147643
provider's current payments any amounts the department claims to 147644
be due from the provider pursuant to section 5165.41 of the 147645
Revised Code. 147646

(D)(1) The medicaid director shall adopt rules under section 147647
5165.02 of the Revised Code as necessary to implement this 147648
section. The rules shall establish an exception review program 147649
that does all of the following: 147650

(a) Requires each exception review to comply with Title XVIII 147651

and Title XIX; 147652

(b) Requires a written summary for each exception review that 147653
states whether resident assessment forms have been completed 147654
accurately; 147655

(c) Prohibits each health professional who conducts an 147656
exception review from doing either of the following: 147657

(i) During the period of the professional's contract or 147658
employment with the department, having or being committed to 147659
acquire any direct or indirect financial interest in the 147660
ownership, financing, or operation of nursing facilities in this 147661
state; 147662

(ii) Reviewing any provider that has been a client of the 147663
professional. 147664

(2) For the purposes of division (D)(1)(c)(i) of this 147665
section, employment of a member of a health professional's family 147666
by a nursing facility that the professional does not review does 147667
not constitute a direct or indirect financial interest in the 147668
ownership, financing, or operation of the nursing facility. 147669

Sec. 5165.86. The department of medicaid, the department of 147670
health, and any contracting agency shall deliver a written notice, 147671
statement, or order to a nursing facility under sections 5165.60 147672
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 147673
mail ~~or~~, hand delivery, or other means reasonably calculated to 147674
provide prompt actual notice. If the notice, statement, or order 147675
is mailed, it shall be addressed to the administrator of the 147676
facility as indicated in the department's or agency's records. If 147677
it is hand delivered, it shall be delivered to a person at the 147678
facility who would appear to the average prudent person to have 147679
authority to accept it. 147680

Delivery of written notice by a nursing facility to the 147681

department of health, the department of medicaid, or a contracting 147682
agency under sections 5165.60 to 5165.89 of the Revised Code shall 147683
be by certified mail ~~or~~, hand delivery, or other means reasonably 147684
calculated to provide prompt actual notice to the appropriate 147685
department or the agency. 147686

Sec. 5166.303. A home care attendant shall do all of the 147687
following: 147688

(A) Maintain a clinical record for each consumer to whom the 147689
attendant provides home care attendant services in a manner that 147690
protects the consumer's privacy; 147691

(B) Participate in a face-to-face visit every ninety days 147692
with all of the following to monitor the health and welfare of 147693
each of the consumers to whom the attendant provides home care 147694
attendant services: 147695

(1) The consumer; 147696

(2) The consumer's authorized representative, if any; 147697

(3) A registered nurse who agrees to answer any questions 147698
that the attendant, consumer, or authorized representative has 147699
about consumer care needs, medications, and other issues. 147700

(C) Document the activities of each visit required by 147701
division (B) of this section in the consumer's clinical record 147702
with the assistance of the registered nurse. 147703

(D) The face-to-face visit requirement in division (B) of 147704
this section may be satisfied by telephone or electronically if 147705
permitted by rules adopted under section 5166.02 of the Revised 147706
Code. 147707

Sec. 5168.08. (A) Before or during each program year, the 147708
department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 147709
~~certified mail, return receipt requested,~~ the preliminary 147710

determination of the amount that the hospital is assessed under 147711
section 5168.06 of the Revised Code during the program year. The 147712
preliminary determination of a hospital's assessment shall be 147713
calculated for a cost-reporting period that is specified in rules 147714
adopted under section 5168.02 of the Revised Code. 147715

The department shall consult with hospitals each year when 147716
determining the date on which it will ~~mail~~ issue the preliminary 147717
determinations in order to minimize hospitals' cash flow 147718
difficulties. 147719

If no hospital submits a request for reconsideration under 147720
division (B) of this section, the preliminary determination 147721
constitutes the final reconciliation of each hospital's assessment 147722
under section 5168.06 of the Revised Code. The final 147723
reconciliation is subject to adjustments under division (D) of 147724
this section. 147725

(B) Not later than fourteen days after the preliminary 147726
determinations are ~~mailed~~ issued, any hospital may submit to the 147727
department a written request to reconsider the preliminary 147728
determinations. The request shall be accompanied by written 147729
materials setting forth the basis for the reconsideration. If one 147730
or more hospitals submit a request, the department shall hold a 147731
public hearing not later than thirty days after the preliminary 147732
determinations are ~~mailed~~ issued to reconsider the preliminary 147733
determinations. The department shall ~~mail~~ issue to each hospital a 147734
written notice of the date, time, and place of the hearing at 147735
least ten days prior to the hearing. On the basis of the evidence 147736
submitted to the department or presented at the public hearing, 147737
the department shall reconsider and may adjust the preliminary 147738
determinations. The result of the reconsideration is the final 147739
reconciliation of the hospital's assessment under section 5168.06 147740
of the Revised Code. The final reconciliation is subject to 147741
adjustments under division (D) of this section. 147742

(C) The department shall ~~mail~~ issue to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.22. (A) Before or during each assessment program year, the department of medicaid shall ~~mail~~ issue to each hospital ~~by certified mail, return receipt requested,~~ the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program

year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is ~~mailed~~ issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination ~~mailed~~ issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is ~~mailed~~ issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall ~~mail~~ issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

Sec. 5168.23. Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination

notice the department ~~mail~~ issues to hospitals under division (A) 147806
of section 5168.22 of the Revised Code. 147807

Sec. 5525.01. Before entering into a contract, the director 147808
of transportation ~~shall~~ may advertise for bids for two consecutive 147809
weeks in one newspaper of general circulation published in the 147810
county in which the improvement or part thereof is located, but if 147811
there is no such newspaper then in one newspaper having general 147812
circulation in an adjacent county. In the alternative, the 147813
director may advertise for bids as provided in section 7.16 of the 147814
Revised Code. The director ~~may~~ shall advertise for bids in such 147815
other publications as the director considers advisable. Such 147816
notices shall state that plans and specifications for the 147817
improvement are on file in the office of the director and the 147818
district deputy director of the district in which the improvement 147819
or part thereof is located and the time within which bids therefor 147820
will be received. 147821

Each bidder shall be required to file with the bidder's bid a 147822
bid guaranty in the form of a certified check, a cashier's check, 147823
or an electronic funds transfer to the treasurer of state that is 147824
evidenced by a receipt or by a certification to the director of 147825
transportation in a form prescribed by the director that an 147826
electronic funds transfer has been made to the treasurer of state, 147827
for an amount equal to five per cent of the bidder's bid, but in 147828
no event more than fifty thousand dollars, or a bid bond for ten 147829
per cent of the bidder's bid, payable to the director, which 147830
check, transferred sum, or bond shall be forthwith returned to the 147831
bidder in case the contract is awarded to another bidder, or, in 147832
case of a successful bidder, when the bidder has entered into a 147833
contract and furnished the bonds required by section 5525.16 of 147834
the Revised Code. In the event the contract is awarded to a 147835
bidder, and the bidder fails or refuses to furnish the bonds as 147836

required by section 5525.16 of the Revised Code, the check, 147837
transferred sum, or bid bond filed with the bidder's bid shall be 147838
forfeited as liquidated damages. No bidder shall be required 147839
either to file a signed contract with the bidder's bid, to enter 147840
into a contract, or to furnish the contract performance bond and 147841
the payment bond required by that section until the bids have been 147842
opened and the bidder has been notified by the director that the 147843
bidder is awarded the contract. 147844

The director shall permit a bidder to withdraw the bidder's 147845
bid from consideration, without forfeiture of the check, 147846
transferred sum, or bid bond filed with the bid, providing a 147847
written request together with a sworn statement of the grounds for 147848
such withdrawal is delivered within forty-eight hours after the 147849
time established for the receipt of bids, and if the price bid was 147850
substantially lower than the other bids, providing the bid was 147851
submitted in good faith, and the reason for the price bid being 147852
substantially lower was a clerical mistake evident on the face of 147853
the bid, as opposed to a judgment mistake, and was actually due to 147854
an unintentional and substantial arithmetic error or an 147855
unintentional omission of a substantial quantity of work, labor, 147856
or material made directly in the compilation of the bid. In the 147857
event the director decides the conditions for withdrawal have not 147858
been met, the director may award the contract to such bidder. If 147859
such bidder does not then enter into a contract and furnish the 147860
contract bond as required by law, the director may declare 147861
forfeited the check, transferred sum, or bid bond as liquidated 147862
damages and award the contract to the next higher bidder or reject 147863
the remaining bids and readvertise the project for bids. Such 147864
bidder, within thirty days, may appeal the decision of the 147865
director to the court of common pleas of Franklin county and the 147866
court may affirm or reverse the decision of the director and may 147867
order the director to refund the amount of the forfeiture. At the 147868
hearing before the common pleas court evidence may be introduced 147869

for and against the decision of the director. The decision of the 147870
common pleas court may be appealed as in other cases. 147871

There is hereby created the ODOT letting fund, which shall be 147872
in the custody of the treasurer of state but shall not be part of 147873
the state treasury. All certified checks and cashiers' checks 147874
received with bidders' bids, and all sums transferred to the 147875
treasurer of state by electronic funds transfer in connection with 147876
bidders' bids, under this section shall be credited to the fund. 147877
All such bid guaranties shall be held in the fund until a 147878
determination is made as to the final disposition of the money. If 147879
the department determines that any such bid guaranty is no longer 147880
required to be held, the amount of the bid guaranty shall be 147881
returned to the appropriate bidder. If the department determines 147882
that a bid guaranty under this section shall be forfeited, the 147883
amount of the bid guaranty shall be transferred or, in the case of 147884
money paid on a forfeited bond, deposited into the state treasury, 147885
to the credit of the highway operating fund. Any investment 147886
earnings of the ODOT letting fund shall be distributed as the 147887
treasurer of state considers appropriate. 147888

The director shall require all bidders to furnish the 147889
director, upon such forms as the director may prescribe, detailed 147890
information with respect to all pending work of the bidder, 147891
whether with the department of transportation or otherwise, 147892
together with such other information as the director considers 147893
necessary. 147894

In the event a bidder fails to submit anything required to be 147895
submitted with the bid and then fails or refuses to so submit such 147896
at the request of the director, the failure or refusal constitutes 147897
grounds for the director, in the director's discretion, to declare 147898
as forfeited the bid guaranty submitted with the bid. 147899

The director may reject any or all bids. Except in regard to 147900
contracts for environmental remediation and specialty work for 147901

which there are no classes of work set out in the rules adopted by 147902
the director, if the director awards the contract, the director 147903
shall award it to the lowest competent and responsible bidder as 147904
defined by rules adopted by the director under section 5525.05 of 147905
the Revised Code, who is qualified to bid under sections 5525.02 147906
to 5525.09 of the Revised Code. In regard to contracts for 147907
environmental remediation and specialty work for which there are 147908
no classes of work set out in the rules adopted by the director, 147909
the director shall competitively bid the projects in accordance 147910
with this chapter and shall award the contracts to the lowest and 147911
best bidder. 147912

The award for all projects competitively let by the director 147913
under this section shall be made within ten days after the date on 147914
which the bids are opened, and the successful bidder shall enter 147915
into a contract and furnish a contract performance bond and a 147916
payment bond, as provided for in section 5525.16 of the Revised 147917
Code, within ten days after the bidder is notified that the bidder 147918
has been awarded the contract. 147919

The director may insert in any contract awarded under this 147920
chapter a clause providing for value engineering change proposals, 147921
under which a contractor who has been awarded a contract may 147922
propose a change in the plans and specifications of the project 147923
that saves the department time or money on the project without 147924
impairing any of the essential functions and characteristics of 147925
the project such as service life, reliability, economy of 147926
operation, ease of maintenance, safety, and necessary standardized 147927
features. If the director adopts the value engineering proposal, 147928
the savings from the proposal shall be divided between the 147929
department and the contractor according to guidelines established 147930
by the director, provided that the contractor shall receive at 147931
least fifty per cent of the savings from the proposal. The 147932
adoption of a value engineering proposal does not invalidate the 147933

award of the contract or require the director to rebid the 147934
project. 147935

Sec. 5703.37. (A)(1) Except as provided in division (B) of 147936
this section, whenever service of a notice or order is required in 147937
the manner provided in this section, a copy of the notice or order 147938
shall be served upon the person affected thereby either by 147939
personal service, by certified mail, or by a delivery service 147940
authorized under section 5703.056 of the Revised Code that 147941
notifies the tax commissioner of the date of delivery. 147942

(2) In lieu of serving a copy of a notice or order through 147943
one of the means provided in division (A)(1) of this section, the 147944
commissioner may serve a notice or order upon the person affected 147945
thereby through alternative means as provided in this section, 147946
including, but not limited to, delivery by secure electronic mail 147947
as provided in division (F) of this section. Delivery by such 147948
means satisfies the requirements for delivery under this section. 147949

(B)(1)(a) If certified mail is returned because of an 147950
undeliverable address, the commissioner shall first utilize 147951
reasonable means to ascertain a new last known address, including 147952
the use of a change of address service offered by the United 147953
States postal service or an authorized delivery service under 147954
section 5703.056 of the Revised Code. If, after using reasonable 147955
means, the commissioner is unable to ascertain a new last known 147956
address, the assessment is final for purposes of section 131.02 of 147957
the Revised Code sixty days after the notice or order sent by 147958
certified mail is first returned to the commissioner, and the 147959
commissioner shall certify the notice or order, if applicable, to 147960
the attorney general for collection under section 131.02 of the 147961
Revised Code. 147962

(b) Notwithstanding certification to the attorney general 147963
under division (B)(1)(a) of this section, once the commissioner or 147964

attorney general, or the designee of either, makes an initial 147965
contact with the person to whom the notice or order is directed, 147966
the person may protest an assessment by filing a petition for 147967
reassessment within sixty days after the initial contact. The 147968
certification of an assessment under division (B)(1)(a) of this 147969
section is prima-facie evidence that delivery is complete and that 147970
the notice or order is served. 147971

(2) If mailing of a notice or order by certified mail is 147972
returned for some cause other than an undeliverable address or if 147973
a person does not access an electronic notice or order within the 147974
time provided in division (F) of this section, the commissioner 147975
shall resend the notice or order by ordinary mail. The notice or 147976
order shall show the date the commissioner sends the notice or 147977
order and include the following statement: 147978

"This notice or order is deemed to be served on the addressee 147979
under applicable law ten days from the date this notice or order 147980
was mailed by the commissioner as shown on the notice or order, 147981
and all periods within which an appeal may be filed apply from and 147982
after that date." 147983

Unless the mailing is returned because of an undeliverable 147984
address, the mailing of that information is prima-facie evidence 147985
that delivery of the notice or order was completed ten days after 147986
the commissioner sent the notice or order by ordinary mail and 147987
that the notice or order was served. 147988

If the ordinary mail is subsequently returned because of an 147989
undeliverable address, the commissioner shall proceed under 147990
division (B)(1)(a) of this section. A person may challenge the 147991
presumption of delivery and service under this division in 147992
accordance with division (C) of this section. 147993

(C)(1) A person disputing the presumption of delivery and 147994
service under division (B) of this section bears the burden of 147995

proving by a preponderance of the evidence that the address to 147996
which the notice or order was sent was not an address with which 147997
the person was associated at the time the commissioner originally 147998
mailed the notice or order by certified mail. For the purposes of 147999
this section, a person is associated with an address at the time 148000
the commissioner originally mailed the notice or order if, at that 148001
time, the person was residing, receiving legal documents, or 148002
conducting business at the address; or if, before that time, the 148003
person had conducted business at the address and, when the notice 148004
or order was mailed, the person's agent or the person's affiliate 148005
was conducting business at the address. For the purposes of this 148006
section, a person's affiliate is any other person that, at the 148007
time the notice or order was mailed, owned or controlled at least 148008
twenty per cent, as determined by voting rights, of the 148009
addressee's business. 148010

(2) If the person elects to protest an assessment certified 148011
to the attorney general for collection, the person must do so 148012
within sixty days after the attorney general's initial contact 148013
with the person. The attorney general may enter into a compromise 148014
with the person under sections 131.02 and 5703.06 of the Revised 148015
Code if the person does not file a petition for reassessment with 148016
the commissioner. 148017

(D) Nothing in this section prohibits the commissioner or the 148018
commissioner's designee from delivering a notice or order by 148019
personal service. 148020

(E) Collection actions taken pursuant to section 131.02 of 148021
the Revised Code upon any assessment being challenged under 148022
division (B)(1)(b) of this section shall be stayed upon the 148023
pendency of an appeal under this section. If a petition for 148024
reassessment is filed pursuant to this section on a claim that has 148025
been certified to the attorney general for collection, the claim 148026
shall be uncertified. 148027

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 148028
the person affected by the notice or order or that person's 148029
authorized representative through secure electronic means ~~only~~ 148030
~~with the person's consent~~ associated with the person's or 148031
representative's last known address. The commissioner must inform 148032
the recipient, electronically or by mail, that a notice or order 148033
is available for electronic review and provide instructions to 148034
access and print the notice or order. The types of electronic 148035
notification the commissioner may use include electronic mail, 148036
text message, or any other form of electronic communication. The 148037
recipient's electronic access of the notice or order satisfies the 148038
requirements for delivery under this section. If the recipient 148039
fails to access the notice or order electronically within ten 148040
business days, then the commissioner shall inform the recipient a 148041
second time, electronically or by mail, that a notice or order is 148042
available for electronic review and provide instructions to access 148043
and print the notice or order. If the recipient fails to access 148044
the notice or order electronically within ten business days of the 148045
second notification, the notice or order shall be served upon the 148046
person through the means provided in division (B)(2) of this 148047
section. 148048

(2) The tax commissioner shall establish a system to issue 148049
notification of assessments to taxpayers through secure electronic 148050
means. 148051

(G) As used in this section: 148052

(1) "Last known address" means the address the department has 148053
at the time the document is originally sent by certified mail, or 148054
any address the department can ascertain using reasonable means 148055
such as the use of a change of address service offered by the 148056
United States postal service or an authorized delivery service 148057
under section 5703.056 of the Revised Code. For documents sent by 148058
secure electronic means, "last known address" means an electronic 148059

mode of communication that is identified on a form prescribed by 148060
the commissioner for such purpose or that is associated with the 148061
person or the authorized representative of the person on the Ohio 148062
business gateway, as defined in section 718.01 of the Revised 148063
Code, as of the date the notification was sent. 148064

(2) "Undeliverable address" means an address to which the 148065
United States postal service or an authorized delivery service 148066
under section 5703.056 of the Revised Code is not able to deliver 148067
a notice or order, except when the reason for nondelivery is 148068
because the addressee fails to acknowledge or accept the notice or 148069
order. 148070

Sec. 5709.83. (A) Except as otherwise provided in division 148071
(B) or (C) of this section, prior to taking formal action to adopt 148072
or enter into any instrument granting a tax exemption under 148073
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 148074
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 148075
Revised Code or formally approving an agreement under section 148076
3735.671 of the Revised Code, or prior to forwarding an 148077
application for a tax exemption for residential property under 148078
section 3735.67 of the Revised Code to the county auditor, the 148079
legislative authority of the political subdivision or housing 148080
officer shall notify the board of education of each city, local, 148081
exempted village, or joint vocational school district in which the 148082
proposed tax-exempted property is located. The notice shall 148083
include a copy of the instrument or application. The notice shall 148084
be delivered not later than fourteen days prior to the day the 148085
legislative authority takes formal action to adopt or enter into 148086
the instrument, or not later than fourteen days prior to the day 148087
the housing officer forwards the application to the county 148088
auditor. If the board of education comments on the instrument or 148089
application to the legislative authority or housing officer, the 148090
legislative authority or housing officer shall consider the 148091

comments. If the board of education of the city, local, exempted 148092
village, or joint vocational school district so requests, the 148093
legislative authority or the housing officer shall meet ~~in person~~ 148094
with a representative designated by the board of education to 148095
discuss the terms of the instrument or application. 148096

(B) The notice otherwise required to be provided to boards of 148097
education under division (A) of this section is not required if 148098
the board has adopted a resolution waiving its right to receive 148099
such notices, and that resolution remains in effect. If a board of 148100
education adopts such a resolution, the board shall cause a copy 148101
of the resolution to be certified to the legislative authority. If 148102
the board of education rescinds such a resolution, it shall 148103
certify notice of the rescission to the legislative authority. A 148104
board of education may adopt such a resolution with respect to any 148105
one or more counties, townships, or municipal corporations 148106
situated in whole or in part within the school district. 148107

(C) If a legislative authority is required to provide notice 148108
to a city, local, or exempted village school district of its 148109
intent to adopt or enter into any instrument granting a tax 148110
exemption as required by section 3735.671, 5709.40, 5709.41, 148111
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 148112
Revised Code, the legislative authority, before adopting a 148113
resolution or ordinance or entering into an agreement under that 148114
section, shall notify the board of education of each joint 148115
vocational school district in which the property to be exempted is 148116
located using the same time requirements for the notice that 148117
applies to notices to city, local, and exempted village school 148118
districts. The content of the notice and procedures for responding 148119
to the notice are the same as required in division (A) of this 148120
section. 148121

Sec. 5736.041. The tax commissioner shall prepare and 148122

maintain a list of suppliers holding a license issued under 148123
section 5736.06 of the Revised Code that has not been revoked or 148124
canceled under section 5736.07 of the Revised Code. The list shall 148125
contain the names and addresses of all such suppliers and each 148126
supplier's account number for the tax imposed under section 148127
5736.02 of the Revised Code. ~~The list shall be open to public~~ 148128
~~inspection in the office of the commissioner.~~ The commissioner ~~may~~ 148129
shall post the list on the department of taxation's web site. 148130

Sec. 5751.40. (A) As used in this section and division 148131
(F)(2)(z) of section 5751.01 of the Revised Code: 148132

(1) "Qualifying distribution center receipts" means receipts 148133
of a supplier from qualified property that is delivered to a 148134
qualified distribution center, multiplied by a quantity that 148135
equals one minus the Ohio delivery percentage. If the qualified 148136
distribution center is a refining facility, "supplier" includes 148137
all dealers, brokers, processors, sellers, vendors, cosigners, and 148138
distributors of qualified property. 148139

(2) "Qualified property" means tangible personal property 148140
delivered to a qualified distribution center that is shipped to 148141
that qualified distribution center solely for further shipping by 148142
the qualified distribution center to another location in this 148143
state or elsewhere or, in the case of gold, silver, platinum, or 148144
palladium delivered to a refining facility solely for refining to 148145
a grade and fineness acceptable for delivery to a registered 148146
commodities exchange. "Further shipping" includes storing and 148147
repackaging property into smaller or larger bundles, so long as 148148
the property is not subject to further manufacturing or 148149
processing. "Refining" is limited to extracting impurities from 148150
gold, silver, platinum, or palladium through smelting or some 148151
other process at a refining facility. 148152

(3) "Qualified distribution center" means a warehouse, a 148153

facility similar to a warehouse, or a refining facility in this 148154
state that, for the qualifying year, is operated by a person that 148155
is not part of a combined taxpayer group and that has a qualifying 148156
certificate. All warehouses or facilities similar to warehouses 148157
that are operated by persons in the same taxpayer group and that 148158
are located within one mile of each other shall be treated as one 148159
qualified distribution center. All refining facilities that are 148160
operated by persons in the same taxpayer group and that are 148161
located in the same or adjacent counties may be treated as one 148162
qualified distribution center. 148163

(4) "Qualifying year" means the calendar year to which the 148164
qualifying certificate applies. 148165

(5) "Qualifying period" means the period of the first day of 148166
July of the second year preceding the qualifying year through the 148167
thirtieth day of June of the year preceding the qualifying year. 148168

(6) "Qualifying certificate" means the certificate issued by 148169
the tax commissioner after the operator of a distribution center 148170
files an annual application with the commissioner under division 148171
(B) of this section. 148172

(7) "Ohio delivery percentage" means the proportion of the 148173
total property delivered to a destination inside Ohio from the 148174
qualified distribution center during the qualifying period 148175
compared with total deliveries from such distribution center 148176
everywhere during the qualifying period. 148177

(8) "Refining facility" means one or more buildings located 148178
in a county in the Appalachian region of this state as defined by 148179
section 107.21 of the Revised Code and utilized for refining or 148180
smelting gold, silver, platinum, or palladium to a grade and 148181
fineness acceptable for delivery to a registered commodities 148182
exchange. 148183

(9) "Registered commodities exchange" means a board of trade, 148184

such as New York mercantile exchange, inc. or commodity exchange, 148185
inc., designated as a contract market by the commodity futures 148186
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 148187
et seq., as amended. 148188

(10) "Ineligible operator's supplier tax liability" means an 148189
amount equal to the tax liability of all suppliers of a 148190
distribution center had the distribution center not been issued a 148191
qualifying certificate for the qualifying year. Ineligible 148192
operator's supplier tax liability shall not include interest or 148193
penalties. 148194

(B) For purposes of division (B) of this section, "supplier" 148195
excludes any person that is part of the consolidated elected 148196
taxpayer group, if applicable, of the operator of the qualified 148197
distribution center. 148198

(1) An application for a qualifying certificate to be a 148199
qualified distribution center shall be filed, and an annual fee 148200
paid, for each qualified distribution center on or before the 148201
first day of September before the qualifying year or within 148202
forty-five days after the distribution center opens, whichever is 148203
later. The applicant must substantiate to the commissioner's 148204
satisfaction that, for the qualifying period, all persons 148205
operating the distribution center have more than fifty per cent of 148206
the cost of the qualified property shipped to a location such that 148207
it would be situated outside this state under the provisions of 148208
division (E) of section 5751.033 of the Revised Code. The 148209
applicant must also substantiate that the distribution center 148210
cumulatively had costs from its suppliers equal to or exceeding 148211
five hundred million dollars during the qualifying period. 148212

The commissioner may require an applicant to have an 148213
independent certified public accountant certify that the 148214
calculation of the minimum thresholds required for a qualified 148215
distribution center by the operator of a distribution center has 148216

been made in accordance with generally accepted accounting 148217
principles. The commissioner shall issue or deny the issuance of a 148218
certificate within sixty days after the receipt of the 148219
application. A denial is subject to appeal under section 5717.02 148220
of the Revised Code. If the operator files a timely appeal under 148221
section 5717.02 of the Revised Code, the operator shall be granted 148222
a qualifying certificate effective for the remainder of the 148223
qualifying year or until the appeal is finalized, whichever is 148224
earlier. If the operator does not prevail in the appeal, the 148225
operator shall pay the ineligible operator's supplier tax 148226
liability. 148227

(2) If the distribution center is new and was not open for 148228
the entire qualifying period, the operator of the distribution 148229
center may request that the commissioner grant a qualifying 148230
certificate. If the certificate is granted and it is later 148231
determined that more than fifty per cent of the qualified property 148232
during that year was not shipped to a location such that it would 148233
be sitused outside of this state under the provisions of division 148234
(E) of section 5751.033 of the Revised Code or if it is later 148235
determined that the person that operates the distribution center 148236
had average monthly costs from its suppliers of less than forty 148237
million dollars during that year, then the operator of the 148238
distribution center shall pay the ineligible operator's supplier 148239
tax liability. 148240

(3) The commissioner may grant a qualifying certificate to a 148241
distribution center that does not qualify as a qualified 148242
distribution center for an entire qualifying period if the 148243
operator of the distribution center demonstrates that the business 148244
operations of the distribution center have changed or will change 148245
such that the distribution center will qualify as a qualified 148246
distribution center within thirty-six months after the date the 148247
operator first applies for a certificate. If, at the end of that 148248

thirty-six-month period, the business operations of the 148249
distribution center have not changed such that the distribution 148250
center qualifies as a qualified distribution center, the operator 148251
of the distribution center shall pay the ineligible operator's 148252
supplier tax liability for each year that the distribution center 148253
received a certificate but did not qualify as a qualified 148254
distribution center. For each year the distribution center 148255
receives a certificate under division (B)(3) of this section, the 148256
distribution center shall pay all applicable fees required under 148257
this section and shall submit an updated business plan showing the 148258
progress the distribution center made toward qualifying as a 148259
qualified distribution center during the preceding year. 148260

(4) An operator may appeal a determination under division 148261
(B)(2) or (3) of this section that the ineligible operator is 148262
liable for the operator's supplier tax liability as a result of 148263
not qualifying as a qualified distribution center, as provided in 148264
section 5717.02 of the Revised Code. 148265

(C)(1) When filing an application for a qualifying 148266
certificate under division (B)(1) of this section, the operator of 148267
a qualified distribution center also shall provide documentation, 148268
as the commissioner requires, for the commissioner to ascertain 148269
the Ohio delivery percentage. The commissioner, upon issuing the 148270
qualifying certificate, also shall certify the Ohio delivery 148271
percentage. The operator of the qualified distribution center may 148272
appeal the commissioner's certification of the Ohio delivery 148273
percentage in the same manner as an appeal is taken from the 148274
denial of a qualifying certificate under division (B)(1) of this 148275
section. 148276

(2) In the case where the distribution center is new and not 148277
open for the entire qualifying period, the operator shall make a 148278
good faith estimate of an Ohio delivery percentage for use by 148279
suppliers in their reports of taxable gross receipts for the 148280

remainder of the qualifying period. The operator of the facility 148281
shall disclose to the suppliers that such Ohio delivery percentage 148282
is an estimate and is subject to recalculation. By the due date of 148283
the next application for a qualifying certificate, the operator 148284
shall determine the actual Ohio delivery percentage for the 148285
estimated qualifying period and proceed as provided in division 148286
(C)(1) of this section with respect to the calculation and 148287
recalculation of the Ohio delivery percentage. The supplier is 148288
required to file, within sixty days after receiving notice from 148289
the operator of the qualified distribution center, amended reports 148290
for the impacted calendar quarter or quarters or calendar year, 148291
whichever the case may be. Any additional tax liability or tax 148292
overpayment shall be subject to interest but shall not be subject 148293
to the imposition of any penalty so long as the amended returns 148294
are timely filed. 148295

(3) The operator of a distribution center that receives a 148296
qualifying certificate under division (B)(3) of this section shall 148297
make a good faith estimate of the Ohio delivery percentage that 148298
the operator estimates will apply to the distribution center at 148299
the end of the thirty-six-month period after the operator first 148300
applied for a qualifying certificate under that division. The 148301
result of the estimate shall be multiplied by a factor of one and 148302
seventy-five one-hundredths. The product of that calculation shall 148303
be the Ohio delivery percentage used by suppliers in their reports 148304
of taxable gross receipts for each qualifying year that the 148305
distribution center receives a qualifying certificate under 148306
division (B)(3) of this section, except that, if the product is 148307
less than five per cent, the Ohio delivery percentage used shall 148308
be five per cent and that, if the product exceeds forty-nine per 148309
cent, the Ohio delivery percentage used shall be forty-nine per 148310
cent. 148311

(D) Qualifying certificates and Ohio delivery percentages 148312

issued by the commissioner shall be ~~open to public inspection and~~ 148313
~~shall be~~ timely published ~~by the commissioner~~ on the department of 148314
taxation's web site and shall be accessible on that web site for 148315
at least four years after the date of issuance. A supplier relying 148316
in good faith on a certificate issued under this section shall not 148317
be subject to tax on the qualifying distribution center receipts 148318
under this section and division (F)(2)(z) of section 5751.01 of 148319
the Revised Code. An operator receiving a qualifying certificate 148320
is liable for the ineligible operator's supplier tax liability for 148321
each year the operator received a certificate but did not qualify 148322
as a qualified distribution center. 148323

(E) The tax commissioner shall determine an ineligible 148324
operator's supplier tax liability based on information that the 148325
commissioner may request from the operator of the distribution 148326
center. An operator shall provide a list of all suppliers of the 148327
distribution center and the corresponding costs of qualified 148328
property for the qualifying year at issue within sixty days of a 148329
request by the commissioner under this division. 148330

(F) The annual fee for a qualifying certificate shall be one 148331
hundred thousand dollars for each qualified distribution center. 148332
If a qualifying certificate is not issued, the annual fee is 148333
subject to refund after the exhaustion of all appeals provided for 148334
in division (B)(1) of this section. The first one hundred thousand 148335
dollars of the annual application fees collected each calendar 148336
year shall be credited to the revenue enhancement fund. The 148337
remainder of the annual application fees collected shall be 148338
distributed in the same manner required under section 5751.20 of 148339
the Revised Code. 148340

(G) The tax commissioner may require that adequate security 148341
be posted by the operator of the distribution center on appeal 148342
when the commissioner disagrees that the applicant has met the 148343
minimum thresholds for a qualified distribution center as set 148344

forth in this section. 148345

Section 130.31. That existing sections 127.15, 173.03, 148346
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 148347
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 148348
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 148349
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 148350
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 148351
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 148352
3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 148353
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 148354
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 148355
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 148356
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 148357
5525.01, 5703.37, 5709.83, 5736.041, and 5751.40 of the Revised 148358
Code are hereby repealed. 148359

Section 130.32. That section 5123.195 of the Revised Code is 148360
hereby repealed. 148361

Section 130.33. The amendment by this act of sections 5168.22 148362
and 5168.23 of the Revised Code does not supersede the repeal of 148363
those sections on October 1, 2023, as prescribed by Section 610.20 148364
of H.B. 110 of the 134th General Assembly. 148365

The amendment by this act of section 5168.08 of the Revised 148366
Code does not supersede the repeal of that section on October 16, 148367
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 148368
General Assembly. 148369

Section 130.34. The General Assembly, applying the principle 148370
stated in division (B) of section 1.52 of the Revised Code that 148371
amendments are to be harmonized if reasonably capable of 148372
simultaneous operation, finds that the following sections, 148373

presented in this act as composites of the sections as amended by 148374
the acts indicated, are the resulting versions of the sections in 148375
effect prior to the effective date of the sections as presented in 148376
this act: 148377

Section 3302.04 of the Revised Code as amended by both H.B. 148378
82 and H.B. 110 of the 134th General Assembly. 148379

The version of section 3772.13 of the Revised Code that is 148380
scheduled to take effect December 29, 2023, as amended by both 148381
H.B. 509 and S.B. 131 of the 134th General Assembly. 148382

The version of section 3772.131 of the Revised Code that is 148383
scheduled to take effect December 29, 2023, as amended by both 148384
H.B. 509 and S.B. 131 of the 134th General Assembly. 148385

Section 4509.101 of the Revised Code as amended by both H.B. 148386
62 and H.B. 158 of the 133rd General Assembly. 148387

Section 130.35. That the versions of sections 3772.13 and 148388
3772.131 of the Revised Code that are scheduled to take effect 148389
December 29, 2023, be amended to read as follows: 148390

Sec. 3772.13. (A) No person may be employed as a key employee 148391
of a casino operator, management company, or holding company 148392
unless the person is the holder of a valid key employee license 148393
issued by the commission. 148394

(B) No person may be employed as a key employee of a 148395
gaming-related vendor unless that person is either the holder of a 148396
valid key employee license issued by the commission, or the 148397
person, at least five business days prior to the first day of 148398
employment as a key employee, has filed a notification of 148399
employment with the commission and subsequently files a completed 148400
application for a key employee license within the first thirty 148401
days of employment as a key employee. 148402

(C) Each applicant shall, before the issuance of any key employee license, produce information, documentation, and assurances as are required by this chapter and rules adopted thereunder. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission.

(D) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission.

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section

3772.07 of the Revised Code. 148435

(G)(1) The casino operator, management company, or holding 148436
company by whom a person is employed as a key employee shall 148437
terminate the person's employment in any capacity requiring a 148438
license under this chapter and shall not in any manner permit the 148439
person to exercise a significant influence over the operation of a 148440
casino facility if: 148441

(a) The person does not apply for and receive a key employee 148442
license within three months of being issued a provisional license, 148443
as established under commission rule. 148444

(b) The person's application for a key employee license is 148445
denied by the commission. 148446

(c) The person's key employee license is revoked by the 148447
commission. 148448

The commission shall notify the casino operator, management 148449
company, or holding company who employs such a person by certified 148450
mail, personal service, common carrier service utilizing any form 148451
of delivery requiring a signed receipt, or by an electronic means 148452
that provides evidence of delivery, of any such finding, denial, 148453
or revocation. 148454

(2) A casino operator, management company, or holding company 148455
shall not pay to a person whose employment is terminated under 148456
division (G)(1) of this section, any remuneration for any services 148457
performed in any capacity in which the person is required to be 148458
licensed, except for amounts due for services rendered before 148459
notice was received under that division. A contract or other 148460
agreement for personal services or for the conduct of any casino 148461
gaming at a casino facility between a casino operator, management 148462
company, or holding company and a person whose employment is 148463
terminated under division (G)(1) of this section may be terminated 148464
by the casino operator, management company, or holding company 148465

without further liability on the part of the casino operator, 148466
management company, or holding company. Any such contract or other 148467
agreement is deemed to include a term authorizing its termination 148468
without further liability on the part of the casino operator, 148469
management company, or holding company upon receiving notice under 148470
division (G)(1) of this section. That a contract or other 148471
agreement does not expressly include such a term is not a defense 148472
in any action brought to terminate the contract or other 148473
agreement, and is not grounds for relief in any action brought 148474
questioning termination of the contract or other agreement. 148475

(3) A casino operator, management company, or holding 148476
company, without having obtained the prior approval of the 148477
commission, shall not enter into any contract or other agreement 148478
with a person who has been found unsuitable, who has been denied a 148479
license, or whose license has been revoked under division (G)(1) 148480
of this section, or with any business enterprise under the control 148481
of such a person, after the date on which the casino operator, 148482
management company, or holding company receives notice under that 148483
division. 148484

(H) Notwithstanding the requirements for a license under this 148485
section, the commission shall issue a key employee license in 148486
accordance with Chapter 4796. of the Revised Code to an applicant 148487
if either of the following applies: 148488

(1) The applicant holds a license in another state. 148489

(2) The applicant has satisfactory work experience, a 148490
government certification, or a private certification as described 148491
in that chapter as a key employee of a casino operator, management 148492
company, or holding company in a state that does not issue that 148493
license. 148494

Sec. 3772.131. (A) All casino gaming employees are required 148495
to have a casino gaming employee license. "Casino gaming employee" 148496

means the following and their supervisors: 148497

(1) Individuals involved in operating a casino gaming pit, 148498
including dealers, skills, clerks, hosts, and junket 148499
representatives; 148500

(2) Individuals involved in handling money, including 148501
cashiers, change persons, count teams, and coin wrappers; 148502

(3) Individuals involved in operating casino games; 148503

(4) Individuals involved in operating and maintaining slot 148504
machines, including mechanics, floor persons, and change and 148505
payoff persons; 148506

(5) Individuals involved in security, including guards and 148507
game observers; 148508

(6) Individuals with duties similar to those described in 148509
divisions (A)(1) to (5) of this section or other persons as the 148510
commission determines. "Casino gaming employee" does not include 148511
an individual whose duties are related solely to nongaming 148512
activities such as entertainment, hotel operation, maintenance, or 148513
preparing or serving food and beverages. 148514

(B) The commission may issue a casino gaming employee license 148515
to an applicant after it has determined that the applicant is 148516
eligible for a license under rules adopted by the commission and 148517
paid any applicable fee. All applications shall be ~~made under oath~~ 148518
certified as true. 148519

(C) To be eligible for a casino gaming employee license, an 148520
applicant shall be at least twenty-one years of age. 148521

(D) Each application for a casino gaming employee license 148522
shall be on a form prescribed by the commission and shall contain 148523
all information required by the commission. The applicant shall 148524
set forth in the application if the applicant has been issued 148525
prior gambling-related licenses; if the applicant has been 148526

licensed in any other state under any other name, and, if so, the 148527
name under which the license was issued and the applicant's age at 148528
the time the license was issued; any criminal conviction the 148529
applicant has had; and if a permit or license issued to the 148530
applicant in any other state has been suspended, restricted, or 148531
revoked, and, if so, the cause and the duration of each action. 148532

(E) Each applicant shall submit with each application, on a 148533
form provided by the commission, two sets of the applicant's 148534
fingerprints. The commission shall charge each applicant an 148535
application fee to cover all actual costs generated by each 148536
licensee and all background checks. 148537

(F) Notwithstanding the requirements for a license under this 148538
section, the commission shall issue a casino gaming employee 148539
license in accordance with Chapter 4796. of the Revised Code to an 148540
applicant if either of the following applies: 148541

(1) The applicant holds a license in another state. 148542

(2) The applicant has satisfactory work experience, a 148543
government certification, or a private certification as described 148544
in that chapter as a casino gaming employee in a state that does 148545
not issue that license. 148546

Section 130.36. That the existing versions of sections 148547
3772.13 and 3772.131 of the Revised Code that are scheduled to 148548
take effect December 29, 2023, are hereby repealed. 148549

Section 130.37. Sections 130.35 and 130.36 of this act take 148550
effect December 29, 2023. 148551

Section 130.40. That sections 2925.01, 3701.33, 3701.83, 148552
3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 148553
4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 148554
4736.14, 4736.15, 4743.05, 4776.20, and 5903.12 be amended and 148555

sections 4736.01 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 148556
4736.07 (3776.04), 4736.08 (3776.05), 4736.09 (3776.06), 4736.11 148557
(3776.07), 4736.12 (3776.08), 4736.13 (3776.09), 4736.14 148558
(3776.10), 4736.15 (3776.11), 4736.17 (3776.12), and 4736.18 148559
(3776.13) of the Revised Code be amended for the purpose of 148560
adopting new section numbers as indicated in parentheses to read 148561
as follows: 148562

Sec. 2925.01. As used in this chapter: 148563

(A) "Administer," "controlled substance," "controlled 148564
substance analog," "dispense," "distribute," "hypodermic," 148565
"manufacturer," "official written order," "person," "pharmacist," 148566
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 148567
"schedule IV," "schedule V," and "wholesaler" have the same 148568
meanings as in section 3719.01 of the Revised Code. 148569

(B) "Drug of abuse" and "person with a drug dependency" have 148570
the same meanings as in section 3719.011 of the Revised Code. 148571

(C) "Drug," "dangerous drug," "licensed health professional 148572
authorized to prescribe drugs," and "prescription" have the same 148573
meanings as in section 4729.01 of the Revised Code. 148574

(D) "Bulk amount" of a controlled substance means any of the 148575
following: 148576

(1) For any compound, mixture, preparation, or substance 148577
included in schedule I, schedule II, or schedule III, with the 148578
exception of any controlled substance analog, marihuana, cocaine, 148579
L.S.D., heroin, any fentanyl-related compound, and hashish and 148580
except as provided in division (D)(2), (5), or (6) of this 148581
section, whichever of the following is applicable: 148582

(a) An amount equal to or exceeding ten grams or twenty-five 148583
unit doses of a compound, mixture, preparation, or substance that 148584
is or contains any amount of a schedule I opiate or opium 148585

derivative; 148586

(b) An amount equal to or exceeding ten grams of a compound, 148587
mixture, preparation, or substance that is or contains any amount 148588
of raw or gum opium; 148589

(c) An amount equal to or exceeding thirty grams or ten unit 148590
doses of a compound, mixture, preparation, or substance that is or 148591
contains any amount of a schedule I hallucinogen other than 148592
tetrahydrocannabinol or lysergic acid amide, or a schedule I 148593
stimulant or depressant; 148594

(d) An amount equal to or exceeding twenty grams or five 148595
times the maximum daily dose in the usual dose range specified in 148596
a standard pharmaceutical reference manual of a compound, mixture, 148597
preparation, or substance that is or contains any amount of a 148598
schedule II opiate or opium derivative; 148599

(e) An amount equal to or exceeding five grams or ten unit 148600
doses of a compound, mixture, preparation, or substance that is or 148601
contains any amount of phencyclidine; 148602

(f) An amount equal to or exceeding one hundred twenty grams 148603
or thirty times the maximum daily dose in the usual dose range 148604
specified in a standard pharmaceutical reference manual of a 148605
compound, mixture, preparation, or substance that is or contains 148606
any amount of a schedule II stimulant that is in a final dosage 148607
form manufactured by a person authorized by the "Federal Food, 148608
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 148609
amended, and the federal drug abuse control laws, as defined in 148610
section 3719.01 of the Revised Code, that is or contains any 148611
amount of a schedule II depressant substance or a schedule II 148612
hallucinogenic substance; 148613

(g) An amount equal to or exceeding three grams of a 148614
compound, mixture, preparation, or substance that is or contains 148615
any amount of a schedule II stimulant, or any of its salts or 148616

isomers, that is not in a final dosage form manufactured by a 148617
person authorized by the Federal Food, Drug, and Cosmetic Act and 148618
the federal drug abuse control laws. 148619

(2) An amount equal to or exceeding one hundred twenty grams 148620
or thirty times the maximum daily dose in the usual dose range 148621
specified in a standard pharmaceutical reference manual of a 148622
compound, mixture, preparation, or substance that is or contains 148623
any amount of a schedule III or IV substance other than an 148624
anabolic steroid or a schedule III opiate or opium derivative; 148625

(3) An amount equal to or exceeding twenty grams or five 148626
times the maximum daily dose in the usual dose range specified in 148627
a standard pharmaceutical reference manual of a compound, mixture, 148628
preparation, or substance that is or contains any amount of a 148629
schedule III opiate or opium derivative; 148630

(4) An amount equal to or exceeding two hundred fifty 148631
milliliters or two hundred fifty grams of a compound, mixture, 148632
preparation, or substance that is or contains any amount of a 148633
schedule V substance; 148634

(5) An amount equal to or exceeding two hundred solid dosage 148635
units, sixteen grams, or sixteen milliliters of a compound, 148636
mixture, preparation, or substance that is or contains any amount 148637
of a schedule III anabolic steroid; 148638

(6) For any compound, mixture, preparation, or substance that 148639
is a combination of a fentanyl-related compound and any other 148640
compound, mixture, preparation, or substance included in schedule 148641
III, schedule IV, or schedule V, if the defendant is charged with 148642
a violation of section 2925.11 of the Revised Code and the 148643
sentencing provisions set forth in divisions (C)(10)(b) and 148644
(C)(11) of that section will not apply regarding the defendant and 148645
the violation, the bulk amount of the controlled substance for 148646
purposes of the violation is the amount specified in division 148647

(D)(1), (2), (3), (4), or (5) of this section for the other 148648
schedule III, IV, or V controlled substance that is combined with 148649
the fentanyl-related compound. 148650

(E) "Unit dose" means an amount or unit of a compound, 148651
mixture, or preparation containing a controlled substance that is 148652
separately identifiable and in a form that indicates that it is 148653
the amount or unit by which the controlled substance is separately 148654
administered to or taken by an individual. 148655

(F) "Cultivate" includes planting, watering, fertilizing, or 148656
tilling. 148657

(G) "Drug abuse offense" means any of the following: 148658

(1) A violation of division (A) of section 2913.02 that 148659
constitutes theft of drugs, or a violation of section 2925.02, 148660
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 148661
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 148662
2925.37 of the Revised Code; 148663

(2) A violation of an existing or former law of this or any 148664
other state or of the United States that is substantially 148665
equivalent to any section listed in division (G)(1) of this 148666
section; 148667

(3) An offense under an existing or former law of this or any 148668
other state, or of the United States, of which planting, 148669
cultivating, harvesting, processing, making, manufacturing, 148670
producing, shipping, transporting, delivering, acquiring, 148671
possessing, storing, distributing, dispensing, selling, inducing 148672
another to use, administering to another, using, or otherwise 148673
dealing with a controlled substance is an element; 148674

(4) A conspiracy to commit, attempt to commit, or complicity 148675
in committing or attempting to commit any offense under division 148676
(G)(1), (2), or (3) of this section. 148677

(H) "Felony drug abuse offense" means any drug abuse offense 148678
that would constitute a felony under the laws of this state, any 148679
other state, or the United States. 148680

(I) "Harmful intoxicant" does not include beer or 148681
intoxicating liquor but means any of the following: 148682

(1) Any compound, mixture, preparation, or substance the gas, 148683
fumes, or vapor of which when inhaled can induce intoxication, 148684
excitement, giddiness, irrational behavior, depression, 148685
stupefaction, paralysis, unconsciousness, asphyxiation, or other 148686
harmful physiological effects, and includes, but is not limited 148687
to, any of the following: 148688

(a) Any volatile organic solvent, plastic cement, model 148689
cement, fingernail polish remover, lacquer thinner, cleaning 148690
fluid, gasoline, or other preparation containing a volatile 148691
organic solvent; 148692

(b) Any aerosol propellant; 148693

(c) Any fluorocarbon refrigerant; 148694

(d) Any anesthetic gas. 148695

(2) Gamma Butyrolactone; 148696

(3) 1,4 Butanediol. 148697

(J) "Manufacture" means to plant, cultivate, harvest, 148698
process, make, prepare, or otherwise engage in any part of the 148699
production of a drug, by propagation, extraction, chemical 148700
synthesis, or compounding, or any combination of the same, and 148701
includes packaging, repackaging, labeling, and other activities 148702
incident to production. 148703

(K) "Possess" or "possession" means having control over a 148704
thing or substance, but may not be inferred solely from mere 148705
access to the thing or substance through ownership or occupation 148706
of the premises upon which the thing or substance is found. 148707

(L) "Sample drug" means a drug or pharmaceutical preparation 148708
that would be hazardous to health or safety if used without the 148709
supervision of a licensed health professional authorized to 148710
prescribe drugs, or a drug of abuse, and that, at one time, had 148711
been placed in a container plainly marked as a sample by a 148712
manufacturer. 148713

(M) "Standard pharmaceutical reference manual" means the 148714
current edition, with cumulative changes if any, of references 148715
that are approved by the state board of pharmacy. 148716

(N) "Juvenile" means a person under eighteen years of age. 148717

(O) "Counterfeit controlled substance" means any of the 148718
following: 148719

(1) Any drug that bears, or whose container or label bears, a 148720
trademark, trade name, or other identifying mark used without 148721
authorization of the owner of rights to that trademark, trade 148722
name, or identifying mark; 148723

(2) Any unmarked or unlabeled substance that is represented 148724
to be a controlled substance manufactured, processed, packed, or 148725
distributed by a person other than the person that manufactured, 148726
processed, packed, or distributed it; 148727

(3) Any substance that is represented to be a controlled 148728
substance but is not a controlled substance or is a different 148729
controlled substance; 148730

(4) Any substance other than a controlled substance that a 148731
reasonable person would believe to be a controlled substance 148732
because of its similarity in shape, size, and color, or its 148733
markings, labeling, packaging, distribution, or the price for 148734
which it is sold or offered for sale. 148735

(P) An offense is "committed in the vicinity of a school" if 148736
the offender commits the offense on school premises, in a school 148737

building, or within one thousand feet of the boundaries of any 148738
school premises, regardless of whether the offender knows the 148739
offense is being committed on school premises, in a school 148740
building, or within one thousand feet of the boundaries of any 148741
school premises. 148742

(Q) "School" means any school operated by a board of 148743
education, any community school established under Chapter 3314. of 148744
the Revised Code, or any nonpublic school for which the state 148745
board of education prescribes minimum standards under section 148746
3301.07 of the Revised Code, whether or not any instruction, 148747
extracurricular activities, or training provided by the school is 148748
being conducted at the time a criminal offense is committed. 148749

(R) "School premises" means either of the following: 148750

(1) The parcel of real property on which any school is 148751
situated, whether or not any instruction, extracurricular 148752
activities, or training provided by the school is being conducted 148753
on the premises at the time a criminal offense is committed; 148754

(2) Any other parcel of real property that is owned or leased 148755
by a board of education of a school, the governing authority of a 148756
community school established under Chapter 3314. of the Revised 148757
Code, or the governing body of a nonpublic school for which the 148758
state board of education prescribes minimum standards under 148759
section 3301.07 of the Revised Code and on which some of the 148760
instruction, extracurricular activities, or training of the school 148761
is conducted, whether or not any instruction, extracurricular 148762
activities, or training provided by the school is being conducted 148763
on the parcel of real property at the time a criminal offense is 148764
committed. 148765

(S) "School building" means any building in which any of the 148766
instruction, extracurricular activities, or training provided by a 148767
school is conducted, whether or not any instruction, 148768

extracurricular activities, or training provided by the school is 148769
being conducted in the school building at the time a criminal 148770
offense is committed. 148771

(T) "Disciplinary counsel" means the disciplinary counsel 148772
appointed by the board of commissioners on grievances and 148773
discipline of the supreme court under the Rules for the Government 148774
of the Bar of Ohio. 148775

(U) "Certified grievance committee" means a duly constituted 148776
and organized committee of the Ohio state bar association or of 148777
one or more local bar associations of the state of Ohio that 148778
complies with the criteria set forth in Rule V, section 6 of the 148779
Rules for the Government of the Bar of Ohio. 148780

(V) "Professional license" means any license, permit, 148781
certificate, registration, qualification, admission, temporary 148782
license, temporary permit, temporary certificate, or temporary 148783
registration that is described in divisions (W)(1) to (37) of this 148784
section and that qualifies a person as a professionally licensed 148785
person. 148786

(W) "Professionally licensed person" means any of the 148787
following: 148788

(1) A person who has received a certificate or temporary 148789
certificate as a certified public accountant or who has registered 148790
as a public accountant under Chapter 4701. of the Revised Code and 148791
who holds an Ohio permit issued under that chapter; 148792

(2) A person who holds a certificate of qualification to 148793
practice architecture issued or renewed and registered under 148794
Chapter 4703. of the Revised Code; 148795

(3) A person who is registered as a landscape architect under 148796
Chapter 4703. of the Revised Code or who holds a permit as a 148797
landscape architect issued under that chapter; 148798

(4) A person licensed under Chapter 4707. of the Revised Code;	148799 148800
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	148801 148802 148803
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	148804 148805 148806
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	148807 148808 148809 148810 148811 148812 148813 148814 148815 148816
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	148817 148818 148819 148820 148821
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	148822 148823 148824 148825
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	148826 148827 148828 148829

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	148830 148831 148832
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	148833 148834
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	148835 148836
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	148837 148838 148839 148840
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	148841 148842 148843 148844 148845
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	148846 148847
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	148848 148849 148850 148851 148852
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	148853 148854 148855
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	148856 148857
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	148858 148859

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	148860 148861
(22) A person registered as a registered environmental health specialist under Chapter 4736. <u>3776.</u> of the Revised Code;	148862 148863
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	148864 148865
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	148866 148867
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	148868 148869
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	148870 148871 148872 148873
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	148874 148875 148876
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	148877 148878 148879
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	148880 148881
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	148882 148883 148884
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	148885 148886
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family	148887 148888 148889

therapist, or marriage and family therapist, or registered as a	148890
social work assistant under Chapter 4757. of the Revised Code;	148891
(33) A person issued a license to practice dietetics under	148892
Chapter 4759. of the Revised Code;	148893
(34) A person who has been issued a license or limited permit	148894
to practice respiratory therapy under Chapter 4761. of the Revised	148895
Code;	148896
(35) A person who has been issued a real estate appraiser	148897
certificate under Chapter 4763. of the Revised Code;	148898
(36) A person who has been issued a home inspector license	148899
under Chapter 4764. of the Revised Code;	148900
(37) A person who has been admitted to the bar by order of	148901
the supreme court in compliance with its prescribed and published	148902
rules.	148903
(X) "Cocaine" means any of the following:	148904
(1) A cocaine salt, isomer, or derivative, a salt of a	148905
cocaine isomer or derivative, or the base form of cocaine;	148906
(2) Coca leaves or a salt, compound, derivative, or	148907
preparation of coca leaves, including ecgonine, a salt, isomer, or	148908
derivative of ecgonine, or a salt of an isomer or derivative of	148909
ecgonine;	148910
(3) A salt, compound, derivative, or preparation of a	148911
substance identified in division (X)(1) or (2) of this section	148912
that is chemically equivalent to or identical with any of those	148913
substances, except that the substances shall not include	148914
decocainized coca leaves or extraction of coca leaves if the	148915
extractions do not contain cocaine or ecgonine.	148916
(Y) "L.S.D." means lysergic acid diethylamide.	148917
(Z) "Hashish" means a resin or a preparation of a resin to	148918
which both of the following apply:	148919

(1) It is contained in or derived from any part of the plant 148920
of the genus cannabis, whether in solid form or in a liquid 148921
concentrate, liquid extract, or liquid distillate form. 148922

(2) It has a delta-9 tetrahydrocannabinol concentration of 148923
more than three-tenths per cent. 148924

"Hashish" does not include a hemp byproduct in the possession 148925
of a licensed hemp processor under Chapter 928. of the Revised 148926
Code, provided that the hemp byproduct is being produced, stored, 148927
and disposed of in accordance with rules adopted under section 148928
928.03 of the Revised Code. 148929

(AA) "Marihuana" has the same meaning as in section 3719.01 148930
of the Revised Code, except that it does not include hashish. 148931

(BB) An offense is "committed in the vicinity of a juvenile" 148932
if the offender commits the offense within one hundred feet of a 148933
juvenile or within the view of a juvenile, regardless of whether 148934
the offender knows the age of the juvenile, whether the offender 148935
knows the offense is being committed within one hundred feet of or 148936
within view of the juvenile, or whether the juvenile actually 148937
views the commission of the offense. 148938

(CC) "Presumption for a prison term" or "presumption that a 148939
prison term shall be imposed" means a presumption, as described in 148940
division (D) of section 2929.13 of the Revised Code, that a prison 148941
term is a necessary sanction for a felony in order to comply with 148942
the purposes and principles of sentencing under section 2929.11 of 148943
the Revised Code. 148944

(DD) "Major drug offender" has the same meaning as in section 148945
2929.01 of the Revised Code. 148946

(EE) "Minor drug possession offense" means either of the 148947
following: 148948

(1) A violation of section 2925.11 of the Revised Code as it 148949

existed prior to July 1, 1996; 148950

(2) A violation of section 2925.11 of the Revised Code as it 148951
exists on and after July 1, 1996, that is a misdemeanor or a 148952
felony of the fifth degree. 148953

(FF) "Mandatory prison term" has the same meaning as in 148954
section 2929.01 of the Revised Code. 148955

(GG) "Adulterate" means to cause a drug to be adulterated as 148956
described in section 3715.63 of the Revised Code. 148957

(HH) "Public premises" means any hotel, restaurant, tavern, 148958
store, arena, hall, or other place of public accommodation, 148959
business, amusement, or resort. 148960

(II) "Methamphetamine" means methamphetamine, any salt, 148961
isomer, or salt of an isomer of methamphetamine, or any compound, 148962
mixture, preparation, or substance containing methamphetamine or 148963
any salt, isomer, or salt of an isomer of methamphetamine. 148964

(JJ) "Deception" has the same meaning as in section 2913.01 148965
of the Revised Code. 148966

(KK) "Fentanyl-related compound" means any of the following: 148967

(1) Fentanyl; 148968

(2) Alpha-methylfentanyl 148969
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 148970
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 148971

(3) Alpha-methylthiofentanyl 148972
(N-[1-methyl-2-(2-thienyl)ethyl-4- 148973
piperidinyl]-N-phenylpropanamide); 148974

(4) Beta-hydroxyfentanyl 148975
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide); 148976

(5) Beta-hydroxy-3-methylfentanyl (other name: 148977
N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 148978

phenylpropanamide);	148979
(6) 3-methylfentanyl	148980
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	148981
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-	148982
piperidinyl]-N-phenylpropanamide);	148983
(8) Para-fluorofentanyl	148984
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	148985
(9) Thiofentanyl	148986
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	148987
(10) Alfentanil;	148988
(11) Carfentanil;	148989
(12) Remifentanil;	148990
(13) Sufentanil;	148991
(14) Acetyl-alpha-methylfentanyl	148992
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	148993
and	148994
(15) Any compound that meets all of the following fentanyl	148995
pharmacophore requirements to bind at the mu receptor, as	148996
identified by a report from an established forensic laboratory,	148997
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	148998
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	148999
para-fluorobutyrylfentanyl, acrylfentanyl, and	149000
ortho-fluorofentanyl:	149001
(a) A chemical scaffold consisting of both of the following:	149002
(i) A five, six, or seven member ring structure containing a	149003
nitrogen, whether or not further substituted;	149004
(ii) An attached nitrogen to the ring, whether or not that	149005
nitrogen is enclosed in a ring structure, including an attached	149006
aromatic ring or other lipophilic group to that nitrogen.	149007

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

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

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

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

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of

the second degree, except that if the violation for which sentence 149039
is being imposed is committed on or after March 22, 2019, it means 149040
the longest minimum prison term prescribed in division (A)(2)(a) 149041
of that section for a felony of the second degree. 149042

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 149043
in section 928.01 of the Revised Code. 149044

(QQ) An offense is "committed in the vicinity of a substance 149045
addiction services provider or a recovering addict" if either of 149046
the following apply: 149047

(1) The offender commits the offense on the premises of a 149048
substance addiction services provider's facility, including a 149049
facility licensed prior to June 29, 2019, under section 5119.391 149050
of the Revised Code to provide methadone treatment or an opioid 149051
treatment program licensed on or after that date under section 149052
5119.37 of the Revised Code, or within five hundred feet of the 149053
premises of a substance addiction services provider's facility and 149054
the offender knows or should know that the offense is being 149055
committed within the vicinity of the substance addiction services 149056
provider's facility. 149057

(2) The offender sells, offers to sell, delivers, or 149058
distributes the controlled substance or controlled substance 149059
analog to a person who is receiving treatment at the time of the 149060
commission of the offense, or received treatment within thirty 149061
days prior to the commission of the offense, from a substance 149062
addiction services provider and the offender knows that the person 149063
is receiving or received that treatment. 149064

(RR) "Substance addiction services provider" means an agency, 149065
association, corporation or other legal entity, individual, or 149066
program that provides one or more of the following at a facility: 149067

(1) Either alcohol addiction services, or drug addiction 149068
services, or both such services that are certified by the director 149069

of mental health and addiction services under section 5119.36 of 149070
the Revised Code; 149071

(2) Recovery supports that are related to either alcohol 149072
addiction services, or drug addiction services, or both such 149073
services and paid for with federal, state, or local funds 149074
administered by the department of mental health and addiction 149075
services or a board of alcohol, drug addiction, and mental health 149076
services. 149077

(SS) "Premises of a substance addiction services provider's 149078
facility" means the parcel of real property on which any substance 149079
addiction service provider's facility is situated. 149080

(TT) "Alcohol and drug addiction services" has the same 149081
meaning as in section 5119.01 of the Revised Code. 149082

Sec. 3701.33. (A) There is hereby created the Ohio public 149083
health advisory board. The board shall consist of the following 149084
members: 149085

(1) The following members appointed by the director of health 149086
from among individuals who are not employed by the state and are 149087
recommended by statewide trade or professional organizations that 149088
represent interests in public health: 149089

(a) One individual authorized under Chapter 4731. of the 149090
Revised Code to practice medicine and surgery or osteopathic 149091
medicine and surgery; 149092

(b) One individual authorized under Chapter 4723. of the 149093
Revised Code to practice nursing as a registered nurse; 149094

(c) Three members of the public, two of whom are 149095
representatives of entities licensed by the department of health 149096
or boards of health. 149097

(2) One representative of the association of Ohio health 149098
commissioners, appointed by the association; 149099

(3) One representative of the Ohio public health association, 149100
appointed by the association; 149101

(4) One representative of the Ohio environmental health 149102
association, appointed by the association, who is registered as an 149103
environmental health specialist under Chapter ~~4736~~ 3776. of the 149104
Revised Code; 149105

(5) One representative of the Ohio association of boards of 149106
health, appointed by the association; 149107

(6) One representative of the Ohio society for public health 149108
education, appointed by the society; 149109

(7) One representative of the Ohio hospital association, 149110
appointed by the association. 149111

The director of health or the director's designee shall serve 149112
as an ex officio, nonvoting member of the board. 149113

(B) Not later than thirty days after September 10, 2012, 149114
initial appointments shall be made to the board. Of the initial 149115
appointments, the members specified in divisions (A)(5), (6), and 149116
(7) and division (A)(1)(c) of this section representing entities 149117
licensed by the department of health or boards of health shall 149118
serve terms ending June 30, 2014, and the members specified in 149119
divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and 149120
division (A)(1)(c) of this section not representing entities 149121
licensed by the department or boards of health shall serve terms 149122
ending June 30, 2015. Thereafter, terms of office for all members 149123
shall be three years, with each term ending on the same day of the 149124
same month as the term it succeeds. Each member shall hold office 149125
from the date of appointment until the end of the term for which 149126
the member was appointed. Members may be reappointed, except that 149127
no member who has served two consecutive terms may be reappointed 149128
until three years have elapsed since the member's last term ended. 149129

Each member shall hold office from the date of appointment 149130

until the end of the term for which the member was appointed. 149131
Vacancies shall be filled in the same manner as original 149132
appointments. 149133

Any member appointed to fill a vacancy occurring prior to the 149134
expiration of the term for which the member's predecessor was 149135
appointed shall hold office for the remainder of that term. A 149136
member shall continue in office subsequent to the expiration date 149137
of the member's term until the member's successor takes office or 149138
until a period of ninety days has elapsed, whichever occurs first. 149139

(C) The board shall annually select from among its members a 149140
chairperson and vice-chairperson. The director shall designate an 149141
officer or employee of the department to act as the board's 149142
secretary. The secretary shall be a nonvoting board member. 149143

The board may adopt by laws governing its operation. The 149144
chairperson may appoint subcommittees as the chairperson considers 149145
necessary. 149146

(D) The board shall meet at the call of the chairperson, but 149147
not less than four times per year. A majority of the members of 149148
the board constitutes a quorum. Special meetings may be called by 149149
the chairperson and shall be called by the chairperson at the 149150
request of the director. In a request for a special meeting, the 149151
director shall specify the purpose of the meeting and the date and 149152
place the meeting is to be held. No other business shall be 149153
considered at a special meeting except by a unanimous vote of 149154
members present at the meeting. 149155

In conducting any meeting, the board and its subcommittees 149156
may use an interactive video teleconferencing system. If 149157
provisions are made that allow public attendance at a designated 149158
location with respect to a meeting using such a system, the board 149159
members who attend the meeting by video teleconference shall be 149160
counted for purposes of determining whether a quorum is present 149161

and shall be permitted to vote. 149162

Members shall be expected to attend a majority of meetings of 149163
the board. Unexcused absence from three consecutive meetings shall 149164
be considered notice of a member's intent to resign from the 149165
board. 149166

(E)(1) The department shall provide meeting space and staff 149167
and other administrative support for the board to carry out its 149168
duties. 149169

(2) To facilitate the board's review of proposed rules under 149170
division (A)(1) of section 3701.34 of the Revised Code, the 149171
department shall establish and maintain an electronic web-based 149172
database of board meeting agendas, board meeting minutes, proposed 149173
rules, public comments, and other documents relevant to the work 149174
of the board. 149175

(F) Notice of meetings shall be provided to members through 149176
the board's mailing list, the department's web site, or any other 149177
means available to the board. 149178

The minutes of previous meetings, the next meeting's agenda, 149179
and information on any matters to be presented to the board at any 149180
regular or special meeting shall be provided to the board in an 149181
electronic format. 149182

(G) Members shall attend annual ethics training provided by 149183
the Ohio ethics commission. 149184

(H) Members shall serve without compensation, but may be 149185
reimbursed for actual and necessary expenses incurred in the 149186
performance of their official duties. 149187

(I) Sections 101.82 to 101.87 of the Revised Code do not 149188
apply to the Ohio public health advisory board. 149189

Sec. 3701.83. There is hereby created in the state treasury 149190
the general operations fund. Moneys in the fund shall be used for 149191

the purposes specified in sections 3701.04, 3701.344, 3702.20, 149192
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 149193
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 149194
~~4736.06~~, 3776.08, and 4769.09 of the Revised Code. 149195

Sec. 3717.27. (A) All inspections of retail food 149196
establishments conducted by a licenser under this chapter shall be 149197
conducted according to the procedures and schedule of frequency 149198
specified in rules adopted under section 3717.33 of the Revised 149199
Code. An inspection may be performed only by an individual 149200
registered as an environmental health specialist or environmental 149201
health specialist in training under Chapter ~~4736~~ 3776. of the 149202
Revised Code. Each inspection shall be recorded on a form 149203
prescribed and furnished by the director of agriculture or a form 149204
approved by the director that has been prescribed by a board of 149205
health acting as licenser. With the assistance of the director, a 149206
board acting as licenser, to the extent practicable, shall 149207
computerize the inspection process and standardize the manner in 149208
which its inspections are conducted. 149209

(B) A person or government entity holding a retail food 149210
establishment license shall permit the licenser to inspect the 149211
retail food establishment for purposes of determining compliance 149212
with this chapter and the rules adopted under it or investigating 149213
a complaint concerning the establishment. On request of the 149214
licenser, the license holder shall permit the licenser to examine 149215
the records of the retail food establishment to obtain information 149216
about the purchase, receipt, or use of food, supplies, and 149217
equipment. 149218

A licenser may inspect any mobile retail food establishment 149219
being operated within the licenser's district. If an inspection of 149220
a mobile retail food establishment is conducted by a licenser 149221
other than the licenser that issued the license for the 149222

establishment, a report of the inspection shall be sent to the 149223
issuing licensor. The issuing licensor may use the inspection 149224
report to suspend or revoke the license under section 3717.29 or 149225
3717.30 of the Revised Code. 149226

(C) An inspection may include the following: 149227

(1) An investigation to determine the identity and source of 149228
a particular food; 149229

(2) Removal from use of any equipment, utensils, hand tools, 149230
or parts of facilities found to be maintained in a condition that 149231
presents a clear and present danger to the public health. 149232

Sec. 3717.47. (A) All inspections of food service operations 149233
conducted by a licensor under this chapter shall be conducted 149234
according to the procedures and schedule of frequency specified in 149235
rules adopted under section 3717.51 of the Revised Code. An 149236
inspection may be performed only by an individual registered as an 149237
environmental health specialist or environmental health specialist 149238
in training under Chapter ~~4736~~ 3776. of the Revised Code. Each 149239
inspection shall be recorded on a form prescribed and furnished by 149240
the director of health or a form approved by the director that has 149241
been prescribed by a board of health acting as licensor. With the 149242
assistance of the director, a board acting as licensor, to the 149243
extent practicable, shall computerize the inspection process and 149244
shall standardize the manner in which its inspections are 149245
conducted. 149246

(B) A person or government entity holding a food service 149247
operation license shall permit the licensor to inspect the food 149248
service operation for purposes of determining compliance with this 149249
chapter and the rules adopted under it or investigating a 149250
complaint regarding foodborne disease. On request of the licensor, 149251
the license holder shall permit the licensor to examine the 149252
records of the food service operation to obtain information about 149253

the purchase, receipt, or use of food, supplies, and equipment. 149254

A licensor may inspect any mobile food service operation or 149255
catering food service operation being operated within the 149256
licensor's district. If an inspection of a mobile or catering food 149257
service operation is conducted by a licensor other than the 149258
licensor that issued the license for the operation, a report of 149259
the inspection shall be sent to the issuing licensor. The issuing 149260
licensor may use the inspection report to suspend or revoke the 149261
license under section 3717.49 of the Revised Code. 149262

(C) An inspection may include an investigation to determine 149263
the identity and source of a particular food. 149264

Sec. 3718.011. (A) For purposes of this chapter, a sewage 149265
treatment system is causing a public health nuisance if any of the 149266
following situations occurs and, after notice by a board of health 149267
to the applicable property owner, timely repairs are not made to 149268
that system to eliminate the situation: 149269

(1) The sewage treatment system is not operating properly due 149270
to a missing component, incorrect settings, or a mechanical or 149271
electrical failure. 149272

(2) There is a blockage in a known sewage treatment system 149273
component or pipe that causes a backup of sewage or effluent 149274
affecting the treatment process or inhibiting proper plumbing 149275
drainage. 149276

(3) An inspection conducted by, or under the supervision of, 149277
the environmental protection agency or an environmental health 149278
specialist registered under Chapter ~~4736~~ 3776. of the Revised Code 149279
documents that there is ponding of liquid or bleeding of liquid 149280
onto the surface of the ground or into surface water and the 149281
liquid has a distinct sewage odor, a black or gray coloration, or 149282
the presence of organic matter and any of the following: 149283

(a) The presence of sewage effluent identified through a dye test; 149284
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(b) The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected; 149286
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(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected. 149292
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(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit. 149296
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(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test. 149300
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Sec. 3718.03. (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives. 149305
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(1) Of the members appointed by the governor, one shall represent academia and shall be active in teaching or research in the area of on-site wastewater treatment, one shall be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in sewage treatment systems, one shall be a registered professional engineer employed by the environmental protection agency, one shall be selected from among soil scientists in the division of soil and water conservation in the department of agriculture, and one shall be a representative of a statewide organization representing townships.

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

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

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

Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The applicable appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

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

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

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

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

(1) Develop with the department of health standards, 149379
guidelines, and protocols for approving or disapproving a sewage 149380
treatment system or components of a system under section 3718.04 149381
of the Revised Code. Any guideline requiring the submission of 149382
scientific information or testing data shall specify, in writing, 149383
the protocol and format to be used in submitting the information 149384
or data. 149385

(2) Develop with the department an application form to be 149386
submitted to the director by an applicant for approval or 149387
disapproval of a sewage treatment system or components of a system 149388
and specify the information that must be included with an 149389
application form; 149390

(3) Make recommendations to the director regarding the 149391
approval or disapproval of an application sent to the director 149392
under section 3718.04 of the Revised Code requesting approval of a 149393
sewage treatment system or components of a system; 149394

(4) Pursue and recruit in an active manner the research, 149395
development, introduction, and timely approval of innovative and 149396
cost-effective sewage treatment systems and components of a system 149397
for use in this state, which shall include conducting pilot 149398
projects to assess the effectiveness of a system or components of 149399
a system. 149400

(G) The chairperson of the committee shall prepare and submit 149401
an annual report concerning the activities of the committee to the 149402
general assembly not later than ninety days after the end of the 149403
calendar year. The report shall discuss the number of applications 149404
submitted under section 3718.04 of the Revised Code for the 149405
approval of a new sewage treatment system or a component of a 149406
system, the number of such systems and components that were 149407
approved, any information that the committee considers beneficial 149408
to the general assembly, and any other information that the 149409
chairperson determines is beneficial to the general assembly. If 149410

other members of the committee determine that certain information 149411
should be included in the report, they shall submit the 149412
information to the chairperson not later than thirty days after 149413
the end of the calendar year. 149414

(H) The department shall provide meeting space for the 149415
committee. The committee shall be assisted in its duties by the 149416
staff of the department. 149417

(I) Sections 101.82 to 101.87 of the Revised Code do not 149418
apply to the sewage treatment system technical advisory committee. 149419

Sec. 3742.03. The director of health shall adopt rules in 149420
accordance with Chapter 119. of the Revised Code for the 149421
administration and enforcement of sections 3742.01 to 3742.19 and 149422
3742.99 of the Revised Code. The rules shall specify all of the 149423
following: 149424

(A) Procedures to be followed by a lead abatement contractor, 149425
lead abatement project designer, lead abatement worker, lead 149426
inspector, or lead risk assessor licensed under section 3742.05 of 149427
the Revised Code for undertaking lead abatement activities and 149428
procedures to be followed by a clearance technician, lead 149429
inspector, or lead risk assessor in performing a clearance 149430
examination; 149431

(B)(1) Requirements for training and licensure, in addition 149432
to those established under section 3742.08 of the Revised Code, to 149433
include levels of training and periodic refresher training for 149434
each class of worker, and to be used for licensure under section 149435
3742.05 of the Revised Code. Except in the case of clearance 149436
technicians, these requirements shall include at least twenty-four 149437
classroom hours of training based on the Occupational Safety and 149438
Health Act training program for lead set forth in 29 C.F.R. 149439
1926.62. For clearance technicians, the training requirements to 149440
obtain an initial license shall not exceed six hours and the 149441

requirements for refresher training shall not exceed two hours 149442
every four years. In establishing the training and licensure 149443
requirements, the director shall consider the core of information 149444
that is needed by all licensed persons, and establish the training 149445
requirements so that persons who would seek licenses in more than 149446
one area would not have to take duplicative course work. 149447

(2) Persons certified by the American board of industrial 149448
hygiene as a certified industrial hygienist or as an industrial 149449
hygienist-in-training, and persons registered as a ~~sanitarian~~ 149450
environmental health specialist or ~~sanitarian-in-training~~ 149451
environmental health specialist in training under Chapter ~~4736~~ 149452
3776. of the Revised Code, shall be exempt from any training 149453
requirements for initial licensure established under this chapter, 149454
but shall be required to take any examinations for licensure 149455
required under section 3742.05 of the Revised Code. 149456

(C) Fees for licenses issued under section 3742.05 of the 149457
Revised Code and for their renewal; 149458

(D) Procedures to be followed by lead inspectors, lead 149459
abatement contractors, environmental lead analytical laboratories, 149460
lead risk assessors, lead abatement project designers, and lead 149461
abatement workers to prevent public exposure to lead hazards and 149462
ensure worker protection during lead abatement projects; 149463

(E)(1) Record-keeping and reporting requirements for clinical 149464
laboratories, environmental lead analytical laboratories, lead 149465
inspectors, lead abatement contractors, lead risk assessors, lead 149466
abatement project designers, and lead abatement workers for lead 149467
abatement projects and record-keeping and reporting requirements 149468
for clinical laboratories, environmental lead analytical 149469
laboratories, and clearance technicians for clearance 149470
examinations; 149471

(2) Record-keeping and reporting requirements regarding lead 149472

poisoning for physicians; 149473

(3) Information that is required to be reported under rules 149474
based on divisions (E)(1) and (2) of this section and that is a 149475
medical record is not a public record under section 149.43 of the 149476
Revised Code and shall not be released, except in aggregate 149477
statistical form. 149478

(F) Environmental sampling techniques for use in collecting 149479
samples of air, water, dust, paint, and other materials; 149480

(G) Requirements for a respiratory protection plan prepared 149481
in accordance with section 3742.07 of the Revised Code; 149482

(H) Requirements under which a manufacturer of encapsulants 149483
must demonstrate evidence of the safety and durability of its 149484
encapsulants by providing results of testing from an independent 149485
laboratory indicating that the encapsulants meet the standards 149486
developed by the "E06.23.30 task group on encapsulants," which is 149487
the task group of the lead hazards associated with buildings 149488
subcommittee of the performance of buildings committee of the 149489
American society for testing and materials. 149490

Sec. ~~4736.01~~ 3776.01. As used in this chapter: 149491

(A) "Environmental health science" means the aspect of public 149492
health science that includes, but is not limited to, the following 149493
bodies of knowledge: air quality, food quality and protection, 149494
hazardous and toxic substances, consumer product safety, housing, 149495
institutional health and safety, community noise control, 149496
radiation protection, recreational facilities, solid and liquid 149497
waste management, vector control, drinking water quality, milk 149498
sanitation, and rabies control. 149499

(B) "Environmental health specialist" means a person who 149500
performs for compensation educational, investigational, technical, 149501
or administrative duties requiring specialized knowledge and 149502

skills in the field of environmental health science. 149503

(C) "Registered environmental health specialist" means a 149504
person who is registered as an environmental health specialist in 149505
accordance with this chapter. 149506

(D) "Environmental health specialist in training" means a 149507
person who is registered as an environmental health specialist in 149508
training in accordance with this chapter. 149509

(E) "Practice of environmental health" means consultation, 149510
instruction, investigation, inspection, or evaluation by an 149511
employee of a city health district, a general health district, the 149512
environmental protection agency, the department of health, or the 149513
department of agriculture requiring specialized knowledge, 149514
training, and experience in the field of environmental health 149515
science, with the primary purpose of improving or conducting 149516
administration or enforcement under any of the following: 149517

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 149518
3730., or 3733. of the Revised Code; 149519

(2) Chapter 3734. of the Revised Code as it pertains to solid 149520
and hazardous waste; 149521

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or~~ 3707.03, 149522
~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 149523
of the Revised Code; 149524

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. 149525
of the Revised Code pertaining to ~~rabies control or~~ swimming 149526
pools; 149527

~~(5) Rules adopted under section 3701.935 of the Revised Code 149528
for school health and safety network inspections and rules adopted 149529
under section 3707.26 of the Revised Code for sanitary 149530
inspections. 149531~~

"Practice of environmental health" does not include sampling, 149532

testing, controlling of vectors, reporting of observations, or 149533
other duties that do not require application of specialized 149534
knowledge and skills in environmental health science performed 149535
under the supervision of a registered environmental health 149536
specialist. 149537

The director of health may further define environmental 149538
health science in relation to specific functions in the practice 149539
of environmental health through rules adopted by the director 149540
under Chapter 119. of the Revised Code. 149541

Sec. ~~4736.02~~ 3776.02. There is hereby created the 149542
environmental health specialist advisory board consisting of seven 149543
members appointed by the director of health ~~with the advice and~~ 149544
~~consent of the senate~~ for terms established in accordance with 149545
rules adopted by the director under section ~~4736.03~~ 3776.03 of the 149546
Revised Code. The advisory board shall advise the director 149547
regarding the registration of environmental health specialists in 149548
training and environmental health specialists, continuing 149549
education requirements for environmental health specialists, the 149550
manner in which the passage of an examination required by section 149551
~~4736.09~~ 3776.06 of the Revised Code is verified, the education and 149552
employment criteria required under section ~~4736.08~~ 3776.05 of the 149553
Revised Code, and any other matters as may be of assistance to the 149554
director in the regulation of environmental health specialists and 149555
environmental health specialists in training. 149556

Each member appointed by the director shall be a registered 149557
environmental health specialist who meets the education and 149558
~~experience~~ employment requirements of section ~~4736.08~~ 3776.05 of 149559
the Revised Code for registration as an environmental health 149560
specialist. At least one and not more than two of the members 149561
shall be employees of a general health district; at least one and 149562
not more than two shall be employees of a city health district; 149563

and at least one and not more than two shall be employed in 149564
private industry. Not more than one member may be employed by a 149565
university and not more than one member may be employed by an 149566
agency or department of the state. 149567

Within ninety days of September 29, 2017, the director shall 149568
make initial appointments to the advisory board. 149569

Sec. ~~4736.03~~ 3776.03. (A) The director of health shall adopt 149570
and may amend or rescind rules in accordance with Chapter 119. of 149571
the Revised Code governing ~~the~~ all of the following: 149572

(1) The manner in which the passage of an examination 149573
required by section ~~4736.09~~ 3776.06 of the Revised Code is 149574
verified, ~~prescribing the;~~ 149575

(2) The form for application, ~~establishing;~~ 149576

(3) The establishment of criteria for determining what 149577
courses may be included toward fulfillment of the science course 149578
requirements of section ~~4736.08~~ 3776.05 of the Revised Code, 149579
~~determining;~~ 149580

(4) The determination of the continuing education program 149581
requirements of section ~~4736.11~~ 3776.07 of the Revised Code, ~~and~~ 149582
~~for the;~~ 149583

(5) The administration and enforcement of this chapter. 149584

(B) The director ~~shall~~ may adopt, in accordance with Chapter 149585
119. of the Revised Code, rules ~~establishing~~ of a general 149586
application throughout the state for the practice of environmental 149587
health that are necessary to administer and enforce this chapter, 149588
including rules governing all of the following: 149589

(1) The registration, advancement, and reinstatement of 149590
applicants to practice as an environmental health specialist or 149591
environmental health specialist in training; 149592

(2) Educational requirements necessary for qualification for registration as an environmental health specialist or an environmental health specialist in training under division of (B) section 3776.05 of the Revised Code, including criteria for determining what courses may be included toward fulfillment of the science course requirements of that section; 149593
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(3) Continuing education requirements for environmental health specialists and environmental health specialists in training, including the process for applying for continuing education credits; 149599
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(4) The terms of office for members of the environmental health specialist advisory board created in section ~~4736.02~~ 3776.02 of the Revised Code; 149603
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149605

(5) Any other rule necessary for the administration and enforcement of this chapter. 149606
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Sec. ~~4736.07~~ 3776.04. The director of health shall keep a record of all applications for registration, ~~which shall include~~ including: 149608
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149610

(A) The name and address of each applicant; 149611

(B) The name and address of the employer or business connection of each applicant; 149612
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(C) The date of the application; 149614

(D) The educational and ~~experience~~ employment qualifications of each applicant; 149615
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(E) The date on which the director reviewed and acted upon each application; 149617
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(F) The action taken by the director on each application; 149619

~~(G) A serial number of each certificate of registration issued by the director.~~ 149620
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~~The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.~~

Sec. ~~4736.08~~ 3776.05. (A) A person seeking to register as an environmental health specialist or environmental health specialist in training shall submit an application to the director of health on a form prescribed by the director. Along with the application, the person shall submit the application fee prescribed in ~~section 4736.12 of the Revised Code~~ rules adopted under this chapter. The

(B) The director shall register an applicant as an environmental health specialist if the applicant complies with the examination requirements specified under section ~~4736.09~~ 3776.06 of the Revised Code and meets ~~the~~ any of the following education and ~~experience~~ employment requirements of ~~division (A), (B), or (C) of this section:~~

~~(A)(1)~~ Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least two years of full-time employment as an environmental health specialist;

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

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

(C)(1) The director shall register an applicant as an environmental health specialist in training if the applicant meets the educational qualifications of division (B)(1), (2), or (3) of this section, but does not meet the employment requirement of any such division. 149653
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(2) An environmental health specialist in training shall apply for registration as an environmental health specialist within four years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, in writing, sufficient cause for not applying for registration as an environmental health specialist within the four-year period. However, the director shall not extend the registration more than an additional two years beyond the four-year period. 149658
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Sec. ~~4736.09~~ 3776.06. (A) Prior to applying for an initial environmental health specialist registration, a person shall take the credentialed national environmental health association examination administered by the department of health. 149667
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(B) The director of health shall not register the person if the person fails to meet the minimum grade requirement for the examination specified by the national environmental health association. An applicant for registration who meets the minimum grade requirement shall verify the grade with the director on a form and in a manner prescribed by the director. 149671
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Sec. ~~4736.11~~ 3776.07. (A) The director of health shall issue a certificate of registration to practice to any applicant whom it registers as an environmental health specialist or an environmental health specialist in training. ~~Such~~ The director shall include the following information on the certificate shall bear of registration: 149677
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- (1) The name of the person; 149683
- (2) The date of issue; 149684
- (3) ~~A serial number, designated by the director;~~ 149685
- ~~(4)~~ The signature of the director; 149686
- ~~(5)~~(4) The designation "registered environmental health specialist" or "environmental health specialist in training." 149687
149688
- (B) ~~Certificates~~ The director shall issue certificates of 149689
registration to practice, which expire biennially on the date 149690
fixed by the director and become invalid on that date unless 149691
renewed pursuant to this section. ~~All~~ The director may renew a 149692
registration sixty days prior to the date of expiration, provided 149693
the applicant for renewal has done both of the following: 149694
- (1) Paid the renewal fee in accordance with rules adopted 149695
under section 3776.03 of the Revised Code; 149696
- (2) Submitted proof of compliance with the continuing 149697
education requirements described in this section. 149698
- (C) All registered environmental health specialists and 149699
environmental health specialists in training are required 149700
biennially to complete a continuing education program in subjects 149701
relating to practices of the profession as an environmental health 149702
specialist. The purpose of the program is that the utilization and 149703
application of new techniques, scientific advancements, and 149704
research findings will assure comprehensive service to the public. 149705
- ~~(C)~~(D) The director shall prescribe by rule a continuing 149706
education program for registered environmental health specialists 149707
and environmental health specialists in training to meet this 149708
requirement. Under the program, an environmental health specialist 149709
and environmental health specialists in training shall complete 149710
twenty-four hours of continuing education during the biennial 149711
period. At least once annually the director shall provide to each 149712

registered environmental health specialist and environmental 149713
health specialist in training a list of courses approved by the 149714
director as satisfying the program prescribed by rule. Upon the 149715
request of a registered environmental health specialist or 149716
environmental health specialist in training, the director shall 149717
supply a list of applicable courses that the director has 149718
approved. 149719

~~(D)~~(E) A certificate may be renewed for a period of two years 149720
at any time prior to the date of expiration upon payment of the 149721
renewal fee prescribed by section ~~4736.12~~ 3776.08 of the Revised 149722
Code and upon showing proof of having complied with the continuing 149723
education requirements of this section. The director may waive the 149724
continuing education requirement in cases of certified illness or 149725
disability which prevents the attendance at any qualified 149726
educational seminars during the twenty-four months immediately 149727
preceding the biennial certificate of registration renewal date. 149728
Certificates that expire may be reinstated under rules adopted by 149729
the director. 149730

~~(E)~~(F) An environmental health specialist shall not be 149731
required to pass an examination for purposes of renewal. 149732

Sec. ~~4736.12~~ 3776.08. (A) The director of health shall charge 149733
the following fees: 149734

(1) To apply as an environmental health specialist in 149735
training, fifty dollars; 149736

(2) For an environmental health specialist in training to 149737
apply for registration as an environmental health specialist, 149738
fifty dollars. 149739

(3) For persons other than environmental health specialists 149740
in training to apply for registration as environmental health 149741
specialists, one hundred dollars. 149742

(4) The renewal fee for a registered environmental health specialist is seventy-five dollars. 149743
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(5) The renewal fee for a registered environmental health specialist in training is thirty-five dollars. 149745
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(6) For late application for renewal, an additional seventy-five dollars. 149747
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The director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 149749
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(B) The director shall charge a fee for the examination required by section ~~4736.08~~ 3776.06 of the Revised Code, provided that the fee is not in excess of the actual cost to the department of health of conducting the examinations. 149753
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(C) The director may adopt rules establishing fees for all of the following: 149757
149758

(1) Application for the registration of a training agency approved under rules adopted by the director pursuant to section ~~4736.11~~ 3776.07 of the Revised Code and for the annual registration renewal of an approved training agency; 149759
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(2) Application for the review of continuing education hours submitted for the director's approval by approved training agencies or by registered environmental health specialists or environmental health specialists in training; 149763
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(3) Additional copies of pocket identification cards and wall certificates. 149767
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(D) Any fee collected under this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and 149769
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rules adopted under it. 149773

Sec. 4736.13 3776.09. The director of health may deny, refuse 149774
to renew, revoke, or suspend a certificate of registration to 149775
practice in accordance with Chapter 119. of the Revised Code for 149776
unprofessional conduct, the practice of fraud or deceit in 149777
obtaining a certificate of registration, dereliction of duty, 149778
incompetence in the practice of environmental health science, or 149779
for other good and sufficient cause. 149780

Sec. 4736.14 3776.10. The director of health may, upon 149781
application and proof of valid registration, issue a certificate 149782
of registration to any person who is or has been registered as an 149783
environmental health specialist or environmental health specialist 149784
in training by any other state, if the requirements of that state 149785
at the time of such registration are determined by the director to 149786
be at least equivalent to the requirements of this chapter. 149787

Sec. 4736.15 3776.11. (A) No person shall engage in, or offer 149788
to engage in, the practice of environmental health without being 149789
registered in accordance with ~~sections 4736.01 to 4736.15 of the~~ 149790
~~Revised Code~~ this chapter. ~~An environmental health specialist in~~ 149791
~~training may engage in the practice of environmental health for a~~ 149792
~~period not to exceed five years, provided the environmental health~~ 149793
~~specialist in training is supervised by a registered environmental~~ 149794
~~health specialist. No~~ 149795

(B) No person except a registered environmental health 149796
specialist shall use the title "registered environmental health 149797
specialist" or the abbreviation "R.E.H.S." after the person's 149798
name, or represent self as a registered environmental health 149799
specialist. ~~Whoever~~ 149800

(C)(1) No person except a registered environmental health 149801
specialist in training shall use the title "registered 149802

environmental health specialist in training" or the abbreviation 149803
"E.H.S.I.T." after the person's name, or represent self as a 149804
registered environmental health specialist in training. 149805

(2) No environmental health specialist in training shall 149806
engage in the active practice of environmental health for a period 149807
exceeding six years from the date that the environmental health 149808
specialist in training's registration was initially issued. During 149809
the period that a person is engaged as an environmental health 149810
specialist in training, the person shall undertake the duties of 149811
an environmental health specialist in training solely under the 149812
supervision of a registered environmental health specialist in 149813
good standing. Such supervision is a condition for the advancement 149814
of an environmental health specialist in training to an 149815
environmental health specialist. 149816

(D) Whoever violates this section is guilty of a misdemeanor 149817
of the fourth degree. 149818

Sec. ~~4736.17~~ 3776.12. On receipt of a notice pursuant to 149819
section 3123.43 of the Revised Code, the director of health shall 149820
comply with sections 3123.41 to 3123.50 of the Revised Code and 149821
any applicable rules adopted under section 3123.63 of the Revised 149822
Code with respect to a certificate issued pursuant to this 149823
chapter. 149824

Sec. ~~4736.18~~ 3776.13. The director of health shall comply 149825
with section 4776.20 of the Revised Code. 149826

Sec. 4743.05. (A) Except as otherwise provided in sections 149827
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 149828
Revised Code, all money collected under Chapters 3773., 4701., 149829
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 149830
4733., 4734., ~~4736.~~ 4741., 4744., 4747., 4753., 4755., 4757., 149831
4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 149832

paid into the state treasury to the credit of the occupational 149833
licensing and regulatory fund, which is hereby created for use in 149834
administering such chapters. 149835

(B) At the end of each quarter, the director of budget and 149836
management shall transfer from the occupational licensing and 149837
regulatory fund to the nurse education assistance fund created in 149838
section 3333.28 of the Revised Code the amount certified to the 149839
director under division (B) of section 4723.08 of the Revised 149840
Code. 149841

(C) At the end of each quarter, the director shall transfer 149842
from the occupational licensing and regulatory fund to the 149843
certified public accountant education assistance fund created in 149844
section 4701.26 of the Revised Code the amount certified to the 149845
director under division (H)(2) of section 4701.10 of the Revised 149846
Code. 149847

(D) On August 30, 2021, and every two years thereafter, the 149848
director shall transfer from the occupational licensing and 149849
regulatory fund to the veterinary student debt assistance fund 149850
created in section 4741.56 of the Revised Code the amount 149851
certified to the director under section 4741.57 of the Revised 149852
Code. 149853

Sec. 4776.20. (A) As used in this section: 149854

(1) "Licensing agency" means, in addition to each board 149855
identified in division (C) of section 4776.01 of the Revised Code, 149856
the board or other government entity authorized to issue a license 149857
under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 149858
4723., 4727., 4728., 4733., 4735., ~~4736.~~, 4737., 4738., 4740., 149859
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 149860
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 149861
"Licensing agency" includes an administrative officer that has 149862

authority to issue a license. 149863

(2) "Licensee" means, in addition to a licensee as described 149864
in division (B) of section 4776.01 of the Revised Code, the person 149865
to whom a license is issued by the board or other government 149866
entity authorized to issue a license under Chapters 3776., 4703., 149867
4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 149868
4735., ~~4736.~~, 4737., 4738., 4740., 4742., 4747., 4749., 4751., 149869
4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 149870
4773., and 4781. of the Revised Code. 149871

(3) "Prosecutor" has the same meaning as in section 2935.01 149872
of the Revised Code. 149873

(B) On a licensee's conviction of, plea of guilty to, 149874
judicial finding of guilt of, or judicial finding of guilt 149875
resulting from a plea of no contest to the offense of trafficking 149876
in persons in violation of section 2905.32 of the Revised Code, 149877
the prosecutor in the case shall promptly notify the licensing 149878
agency of the conviction, plea, or finding and provide the 149879
licensee's name and residential address. On receipt of this 149880
notification, the licensing agency shall immediately suspend the 149881
licensee's license. 149882

(C) If there is a conviction of, plea of guilty to, judicial 149883
finding of guilt of, or judicial finding of guilt resulting from a 149884
plea of no contest to the offense of trafficking in persons in 149885
violation of section 2905.32 of the Revised Code and all or part 149886
of the violation occurred on the premises of a facility that is 149887
licensed by a licensing agency, the prosecutor in the case shall 149888
promptly notify the licensing agency of the conviction, plea, or 149889
finding and provide the facility's name and address and the 149890
offender's name and residential address. On receipt of this 149891
notification, the licensing agency shall immediately suspend the 149892
facility's license. 149893

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

Sec. 5903.12. (A) As used in this section:

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, ~~4736.11~~, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving

the application and proper documentation, the licensing agency 149925
shall extend the current reporting period by an amount of time 149926
equal to the total number of months that the licensee spent on 149927
active duty during the current reporting period. For purposes of 149928
this division, any portion of a month served on active duty shall 149929
be considered one full month. 149930

Section 130.41. That existing sections 2925.01, 3701.33, 149931
3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 149932
4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 149933
4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.05, 4776.20, and 149934
5903.12 of the Revised Code are hereby repealed. 149935

Section 130.42. That sections 4736.05, 4736.06, and 4736.10 149936
of the Revised Code are hereby repealed. 149937

Section 130.43. That the version of section 3701.83 of the 149938
Revised Code that is scheduled to take effect on September 30, 149939
2024, be amended to read as follows: 149940

Sec. 3701.83. There is hereby created in the state treasury 149941
the general operations fund. Moneys in the fund shall be used for 149942
the purposes specified in sections 3701.04, 3701.344, 3711.16, 149943
3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 149944
3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06~~ 149945
3776.08, and 4769.09 of the Revised Code. 149946

Section 130.44. That the existing version of section 3701.83 149947
of the Revised Code that is scheduled to take effect on September 149948
30, 2024, is hereby repealed. 149949

Section 130.45. That the version of section 4736.14 of the 149950
Revised Code that is scheduled to take effect on December 29, 149951

2023, be amended and section 4736.14 (3776.10) of the Revised Code 149952
that is scheduled to take effect on December 29, 2023, be amended 149953
for the purpose of adopting a new section number as indicated in 149954
parentheses to read as follows: 149955

Sec. ~~4736.14~~ 3776.10. The director of health ~~shall~~ may, upon 149956
application and proof of valid registration, issue a certificate 149957
of registration ~~in accordance with Chapter 4796. of the Revised~~ 149958
Code to a any person if either of the following applies: 149959

~~(A) The person who~~ is or has been registered as an 149960
environmental health specialist or environmental health specialist 149961
in training by any other state. 149962

~~(B) The person has satisfactory work experience, a government~~ 149963
~~certification, or a private certification as described in that~~ 149964
~~chapter as an environmental health specialist in a state that does~~ 149965
~~not issue that certificate of registration, if the requirements of~~ 149966
that state at the time of such registration are determined by the 149967
director to be at least equivalent to the requirements of this 149968
chapter. 149969

Section 130.46. That the existing version of section 4736.14 149970
of the Revised Code that is scheduled to take effect on December 149971
29, 2023, is hereby repealed. 149972

Section 130.47. That the version of section 4736.10 of the 149973
Revised Code that is scheduled to take effect on December 29, 149974
2023, is hereby repealed. The outright repeal by this act of 149975
section 4736.10 of the Revised Code supersedes the amendment of 149976
that section scheduled to take effect on December 29, 2023, as 149977
prescribed by Section 1 of S.B. 131 of the 134th General Assembly. 149978

Section 130.48. Sections 130.45, 130.46, and 130.47 of this 149979

act take effect on December 29, 2023. 149980

Sections 130.43 and 130.44 of this act take effect on 149981
September 30, 2024. 149982

Section 130.49. The General Assembly, applying the principle 149983
stated in division (B) of section 1.52 of the Revised Code that 149984
amendments are to be harmonized if reasonably capable of 149985
simultaneous operation, finds that the following sections, 149986
presented in this act as composites of the sections as amended by 149987
the acts indicated, are the resulting versions of the sections in 149988
effect prior to the effective date of the sections as presented in 149989
this act: 149990

Section 2925.01 of the Revised Code as amended by H.B. 281, 149991
H.B. 509, and S.B. 25, all of the 134th General Assembly. 149992

Section 4736.08 of the Revised Code as amended by both H.B. 149993
442 and H.B. 263 of the 133rd General Assembly. 149994

Section 130.50. That the version of section 3701.351 of the 149995
Revised Code that is scheduled to take effect September 30, 2024, 149996
be amended to read as follows: 149997

Sec. 3701.351. (A) The governing body of every hospital shall 149998
set standards and procedures to be applied by the hospital and its 149999
medical staff in considering and acting upon applications for 150000
staff membership or professional privileges. These standards and 150001
procedures shall be available for public inspection. 150002

(B) The governing body of any hospital, in considering and 150003
acting upon applications for staff membership or professional 150004
privileges within the scope of the applicants' respective 150005
licensures, shall not discriminate against a qualified person 150006
solely on the basis of whether that person is licensed to practice 150007

medicine, osteopathic medicine, or podiatry, is licensed to 150008
practice dentistry or psychology, or is licensed to practice 150009
nursing as an advanced practice registered nurse. Staff membership 150010
or professional privileges shall be considered and acted on in 150011
accordance with standards and procedures established under 150012
division (A) of this section. This section does not permit a 150013
psychologist to admit a patient to a hospital in violation of 150014
section 3727.06 of the Revised Code. 150015

(C) The governing body of any hospital that provides 150016
maternity services, in considering and acting upon applications 150017
for clinical privileges, shall not discriminate against a 150018
qualified person solely on the basis that the person is authorized 150019
to practice nurse-midwifery. An application from a certified 150020
nurse-midwife who is not employed by the hospital shall contain 150021
the name of a physician member of the hospital's medical staff who 150022
holds clinical privileges in obstetrics at that hospital and who 150023
has agreed to be the collaborating physician for the applicant in 150024
accordance with section 4723.43 of the Revised Code. 150025

(D) Any person may apply to the court of common pleas for 150026
temporary or permanent injunctions restraining a violation of 150027
division (A), (B), or (C) of this section. This action is an 150028
additional remedy not dependent on the adequacy of the remedy at 150029
law. 150030

(E)(1) If a hospital does not provide or permit the provision 150031
of any diagnostic or treatment service for mental or emotional 150032
disorders or any other service that may be legally performed by a 150033
psychologist licensed under Chapter 4732. of the Revised Code, 150034
this section does not require the hospital to provide or permit 150035
the provision of any such service and the hospital shall be exempt 150036
from requirements of this section pertaining to psychologists. 150037

(2) This section does not impair the right of a hospital to 150038
enter into an employment, personal service, or any other kind of 150039

contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

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Section 130.51. That the existing version of section 3701.351 of the Revised Code that is scheduled to take effect September 30, 2024, is hereby repealed.

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Section 130.52. Sections 130.50 and 130.51 of this act take effect September 30, 2024.

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Section 130.53. That the versions of sections 3727.70 and 4723.431 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

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Section 130.54. That Sections 130.11 and 130.12 (as amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of the 134th General Assembly be amended to read as follows:

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Sec. 130.11. That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, ~~3727.70~~, 3781.112, 3901.40, 3929.67, ~~4723.431~~, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed.

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Sec. 130.12. That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, ~~3727.06~~, 3727.07, and 3727.99 of the Revised Code are hereby repealed.

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Section 130.55. That existing Sections 130.11 and 130.12 (as amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of

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the 134th General Assembly are hereby repealed. 150067

Section 130.56. Sections 130.54 and 130.55 of this act remove 150068
the limitations imposed on the continued existence of sections 150069
3727.06, 3727.70, and 4723.431 of the Revised Code. 150070

Section 130.60. That sections 128.01, 128.02, 128.021, 150071
128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 150072
128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 150073
128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 150074
128.99, 149.43, 2913.01, 4776.20, 5703.052, 5733.55, and 5751.01 150075
be amended; sections 128.18 (128.33), 128.22 (128.35), 128.32 150076
(128.96), 128.34 (128.98), 128.40 (128.20), 128.42 (128.40), and 150077
128.45 (128.451) be amended for the purpose of adopting new 150078
section numbers as indicated in parentheses; and new sections 150079
128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 and sections 150080
128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 128.24, 150081
128.241, 128.242, 128.243, 128.28, 128.41, 128.411, 128.412, 150082
128.413, 128.414, 128.416, 128.417, 128.418, 128.421, 128.422, and 150083
128.43 of the Revised Code be enacted to read as follows: 150084

Sec. 128.01. As used in this chapter: 150085

(A) "9-1-1 system" means a system through which individuals 150086
can request emergency service using the ~~telephone~~ access number 150087
9-1-1. 150088

(B) "Basic 9-1-1" means ~~a 9-1-1~~ an emergency telephone system 150089
~~in~~ to which all of the following apply: 150090

(1) The system automatically connects a caller ~~provides~~ 150091
~~information on the nature of and the location of an emergency, and~~ 150092
~~the personnel receiving the call must determine the appropriate~~ 150093
~~emergency service provider to respond at that location~~ to a 150094
designated public safety answering point. 150095

<u>(2) Call routing is determined by a central office only.</u>	150096
<u>(3) Automatic number identification and automatic location information may or may not be supported.</u>	150097 150098
(C) " Enhanced 9-1-1 " means a 9-1-1 <u>an emergency telephone system capable of providing both enhanced wireline 9-1-1 and wireless enhanced 9-1-1 that includes both of the following:</u>	150099 150100 150101
<u>(1) Network switching;</u>	150102
<u>(2) Database- and public-safety-answering-point premise elements capable of providing automatic location identification data, selective routing, selective transfer, fixed transfer, and a call back number.</u>	150103 150104 150105 150106
(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which the wireline telephone network, in providing wireline 9-1-1, does either of the following:	150107 150108 150109
(1) Automatically routes the call to emergency service providers that serve the location from which the call is made and immediately provides to personnel answering the 9-1-1 call information on the location and the telephone number from which the call is being made;	150110 150111 150112 150113 150114
(2) Receives, develops, collects, or processes requests for emergency assistance and relays, transfers, operates, maintains, or provides emergency notification services or system capabilities.	150115 150116 150117 150118
(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in providing wireless 9-1-1, has the capabilities of phase I and, to the extent available, phase II enhanced 9-1-1 services as described in 47 C.F.R. 20.18 (d) to (h).	150119 150120 150121 150122
(F)(1) (F) "Wireless service" means federally licensed commercial mobile service as defined in 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R.	150123 150124 150125

20.3, and includes services for communicating voice, text, and data and service provided by any wireless, two-way communications device, including a radio-telephone communications line used in cellular telephone service or personal communications service, a network radio access line, or any functional or competitive equivalent of such a radio-telephone communications or network radio access line.

~~(2) Nothing in this chapter applies to paging or any service that cannot be used to call 9-1-1.~~

(G) "Wireless service provider" means ~~a facilities-based provider of~~ any of the following that provides wireless service to one or more end users in this state:

(1) A facilities-based provider;

(2) A mobile virtual network operator;

(3) A mobile other licensed operator.

(H) "Wireless 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireless service provider.

(I) "Wireline 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider.

(J) "Wireline service provider" means a facilities-based provider of wireline service to one or more ~~end users~~ end users in this state.

(K) "Wireline service" means basic local exchange service, as defined in section 4927.01 of the Revised Code, that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the public utilities commission.

(L) "Wireline telephone network" means the selective router

and data base processing systems, trunking and data wiring cross 150156
connection points at the public safety answering point, and all 150157
other voice and data components of the 9-1-1 system. 150158

(M) "Subdivision" means a county, municipal corporation, 150159
township, township fire district, joint fire district, township 150160
police district, joint police district, joint ambulance district, 150161
or joint emergency medical services district that provides 150162
emergency service within its territory, or that contracts with 150163
another municipal corporation, township, or district or with a 150164
private entity to provide such service; and a state college or 150165
university, port authority, or park district of any kind that 150166
employs law enforcement officers that act as the primary police 150167
force on the grounds of the college or university or port 150168
authority or in the parks operated by the district. 150169

(N) "Emergency service" means emergency law enforcement, 150170
firefighting, ambulance, rescue, and medical service. 150171

(O) "Emergency service provider" means the state highway 150172
patrol and an emergency service department or unit of a 150173
subdivision or that provides emergency service to a subdivision 150174
under contract with the subdivision. 150175

(P) "Public safety answering point" means ~~a facility to which~~ 150176
an entity responsible for receiving requests for emergency 150177
services sent by dialing 9-1-1 system calls for within a specific 150178
specified territory ~~are initially routed for response and where~~ 150179
~~personnel respond to specific~~ and processing those requests for 150180
emergency ~~service by~~ services according to a specific operational 150181
policy that includes directly dispatching the appropriate 150182
emergency service provider, relaying a message to the appropriate 150183
emergency service provider, or transferring the ~~call request for~~ 150184
emergency services to the appropriate emergency service provider. 150185
A public safety answering point may be either of the following: 150186

<u>(1) Located in a specific facility;</u>	150187
<u>(2) Virtual, if telecommunicators are geographically dispersed and do not work from the same facility. The virtual workplace may be a logical combination of physical facilities, an alternate work environment such as a satellite facility, or a combination of the two. Workers may be connected and interoperate via internet-protocol connectivity.</u>	150188 150189 150190 150191 150192 150193
(Q) "Customer premises equipment" means telecommunications equipment, including telephone instruments, on the premises of a public safety answering point that is used in answering and responding to 9-1-1 system calls.	150194 150195 150196 150197
(R) "Municipal corporation in the county" includes any municipal corporation that is wholly contained in the county and each municipal corporation located in more than one county that has a greater proportion of its territory in the county to which the term refers than in any other county.	150198 150199 150200 150201 150202
(S) "Board of county commissioners" includes the legislative authority of a county established under Section 3 of Article X, Ohio Constitution, or Chapter 302. of the Revised Code.	150203 150204 150205
(T) "Final plan" means a final plan adopted under division (B) of section 128.08 of the Revised Code and, except as otherwise expressly provided, an amended final plan adopted under section 128.12 of the Revised Code.	150206 150207 150208 150209
(U) "Subdivision served by a public safety answering point" means a subdivision that provides emergency service for any part of its territory that is located within the territory of a public safety answering point whether the subdivision provides the emergency service with its own employees or pursuant to a contract.	150210 150211 150212 150213 150214 150215
(V) A township's population includes only population of the unincorporated portion of the township.	150216 150217

(W) "Telephone company" means a company engaged in the 150218
business of providing local exchange telephone service by making 150219
available or furnishing access and a dial tone to persons within a 150220
local calling area for use in originating and receiving voice 150221
grade communications over a switched network operated by the 150222
provider of the service within the area and gaining access to 150223
other telecommunications services. Unless otherwise specified, 150224
"telephone company" includes a wireline service provider, a 150225
wireless service provider, and any entity that is a covered 9-1-1 150226
service provider under 47 C.F.R. 12.4. ~~For purposes of sections~~ 150227
~~128.25 and 128.26 of the Revised Code, "telephone company" means a~~ 150228
~~wireline service provider.~~ 150229

(X) "Prepaid wireless calling service" has the same meaning 150230
as in division (AA)(5) of section 5739.01 of the Revised Code. 150231

(Y) "Provider of a prepaid wireless calling service" means a 150232
wireless service provider that provides a prepaid wireless calling 150233
service. 150234

(Z) "Retail sale" has the same meaning as in section 5739.01 150235
of the Revised Code. 150236

(AA) "Seller" means a person that sells a prepaid wireless 150237
calling service to another person by retail sale. 150238

(BB) "Consumer" means the ~~person~~ end user for whom the 150239
prepaid wireless calling service is provided, to whom the transfer 150240
effected or license given by a sale is or is to be made or given, 150241
to whom the prepaid wireless calling service is charged, or to 150242
whom the admission is granted. 150243

(CC) "Reseller" means a nonfacilities-based provider of 150244
wireless service that provides wireless service under its own name 150245
to one or more end users in this state using the network of a 150246
wireless service provider. 150247

(DD) "Steering committee" means the statewide ~~emergency~~ 150248

~~services internet protocol network 9-1-1 steering committee~~ 150249
~~established by division (A)(1) of section 128.02 of the Revised~~ 150250
~~Code.~~ 150251

(EE) "Communications service" includes wired or wireless 150252
telecommunications, voice over internet protocol service, 150253
multiline telephone systems, nonvoice messaging devices, devices 150254
such as sensors that generate data-only messages such as photos or 150255
videos, and other similar services or devices, regardless of 150256
whether those services or devices existed on the effective date of 150257
the amendments to this section by this act. 150258

(FF) "Ancillary connection service" means a communication 150259
connection service that allows devices, not otherwise able to 150260
connect directly with a 9-1-1 system, to communicate with a 9-1-1 150261
system. 150262

(GG) "Next generation 9-1-1" means an internet-protocol-based 150263
system comprised of managed emergency services internet protocol 150264
networks, functional elements, and databases that replicate 150265
traditional enhanced 9-1-1 features and functions and provide 150266
additional capabilities. 150267

(HH) "Emergency services internet-protocol network" means a 150268
managed internet-protocol network that is used for emergency 150269
services communications and provides the internet-protocol 150270
transport infrastructure upon which independent application 150271
platforms and core services can be deployed, including those 150272
necessary for providing next generation 9-1-1 services. The term 150273
designates the network and not the services that ride on the 150274
network. 150275

(II) "9-1-1 system service provider" means a company or 150276
entity engaged in the business of providing all or part of the 150277
emergency services internet-protocol network, software 150278
applications, hardware, databases, customer premises equipment 150279

components and operations, and management procedures required to 150280
support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, 150281
wireless enhanced 9-1-1, or next generation 9-1-1 systems. 150282

(JJ) "Voice over internet protocol" means technologies for 150283
the delivery of voice communications and multimedia sessions over 150284
internet-protocol networks, including private networks or the 150285
internet. 150286

(KK) "Multiline telephone system" means a system to which 150287
both of the following apply: 150288

(1) The system consists of common control units, telephone 150289
sets, control hardware and software, and adjunct systems, 150290
including network and premises-based systems. 150291

(2) The system is designed to aggregate more than one 150292
incoming voice communication channel for use by more than one 150293
telephone. 150294

(LL) "Business service user" means a user of business service 150295
that provides telecommunications service, including 9-1-1 service, 150296
to end users through a publicly or privately owned or controlled 150297
telephone switch. 150298

(MM) "Emergency response location" means an additional 150299
location identification that provides a specific location. It may 150300
include information regarding a specific location within a 150301
building, structure, complex, or campus, including a building 150302
name, floor number, wing name or number, unit name or number, room 150303
name or number, or office or cubicle name or number. 150304

(NN) "Operator of a multiline telephone system" means an 150305
entity to which both of the following apply: 150306

(1) The entity manages or operates a multiline telephone 150307
system through which an end user may initiate communication using 150308
the 9-1-1 system. 150309

(2) The entity owns, leases, or rents a multiline telephone system through which an end user may initiate communication using the 9-1-1 system. 150310
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(00) "Core services" means the base set of services needed to process a 9-1-1 call on an emergency services internet-protocol network. It includes all of the following: 150313
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(1) Emergency services routing proxy; 150316

(2) Emergency call routing function; 150317

(3) Location validation function; 150318

(4) Border control function; 150319

(5) Bridge, policy-store, and logging services; 150320

(6) Typical internet-protocol services such as domain name system and dynamic host configuration protocol. 150321
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The term includes the services and not the network on which they operate. 150323
150324

(PP) "Bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713. 150325
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Sec. 128.02. (A)(1) There is hereby created the statewide emergency services internet protocol network 9-1-1 steering committee, consisting of the following ten members: 150327
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(a) The state chief information officer or the officer's designee; 150330
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(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party; 150332
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(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party; 150335
150336

(d) Five members appointed by the governor. 150337

(2) In appointing the five members under division (A)(1)(d) 150338
of this section, the governor shall appoint two representatives of 150339
the county commissioners' association of Ohio or a successor 150340
organization, two representatives of the Ohio municipal league or 150341
a successor organization, and one representative of the Ohio 150342
township association or a successor organization. For each of 150343
these appointments, the governor shall consider a nominee proposed 150344
by the association or successor organization. The governor may 150345
reject any of the nominees and may request that a nominating 150346
entity submit alternative nominees. 150347

~~(3) Initial appointments shall be made not later than ten 150348
days after September 28, 2012. 150349~~

(B)(1) The state chief information officer or the officer's 150350
designee shall serve as the chairperson of the steering committee 150351
and shall be a nonvoting member. All other members shall be voting 150352
members. 150353

(2) A member of the steering committee appointed from the 150354
membership of the senate or the house of representatives shall 150355
serve during the member's term as a member of the general assembly 150356
and until a successor is appointed and qualified, notwithstanding 150357
adjournment of the general assembly or the expiration of the 150358
member's term as a member of the general assembly. 150359

(3) The initial terms of one of the representatives of the 150360
county commissioners' association of Ohio, one of the 150361
representatives of the Ohio municipal league, and the 150362
representative of the Ohio township association shall all expire 150363
on December 31, 2016. The initial terms of the other 150364
representatives of the county commissioners' association of Ohio 150365
and the Ohio municipal league shall expire on December 31, 2014. 150366
Thereafter, terms of the members appointed by the governor shall 150367
be for four years, with each term ending on the same day of the 150368
same month as the term it succeeds. Each member appointed by the 150369

governor shall hold office from the date of the member's 150370
appointment until the end of the term for which the member was 150371
appointed, and may be reappointed. A member appointed by the 150372
governor shall continue in office after the expiration date of the 150373
member's term until the member's successor takes office or until a 150374
period of sixty days has elapsed, whichever occurs first. Members 150375
appointed by the governor shall serve without compensation and 150376
shall not be reimbursed for expenses. 150377

(4) A vacancy in the position of any member of the steering 150378
committee shall be filled for the unexpired term in the same 150379
manner as the original appointment. 150380

(C) The steering committee shall generally advise the state 150381
on the implementation, operation, and maintenance of a statewide 150382
emergency services internet protocol network ~~that would support~~ 150383
~~state and local government, a statewide next-generation next~~ 150384
generation 9-1-1 core-services system, and the dispatch of 150385
emergency service providers. The steering committee shall do all 150386
of the following: 150387

(1) ~~On or before May 15, 2013, deliver an initial report to~~ 150388
~~the speaker of the house of representatives, the president of the~~ 150389
~~senate, and the governor providing recommendations for the state~~ 150390
~~to address the development of a statewide emergency services~~ 150391
~~internet protocol network, which recommendations shall include a~~ 150392
~~review of the current funding model for this state's 9-1-1 systems~~ 150393
~~and may include a recommendation for a reduction in wireless 9-1-1~~ 150394
~~charges;~~ 150395

~~(2)~~ Examine the readiness of the state's current technology 150396
infrastructure for a statewide emergency services internet 150397
protocol network; 150398

~~(3)~~(2) Research legislative authority with regard to 150399
governance and funding of a statewide emergency services internet 150400

protocol network, and provide recommendations on best practices to 150401
limit duplicative efforts to ensure an effective transition to 150402
~~next-generation~~ next generation 9-1-1; 150403

~~(4)(3)~~ Make Where feasible, make recommendations for 150404
consolidation of public-safety-answering-point operations in this 150405
state, ~~including recommendations for accelerating the~~ 150406
~~consolidation schedule established in section 128.571 of the~~ 150407
~~Revised Code,~~ to accommodate ~~next-generation~~ next generation 9-1-1 150408
technology and to facilitate a more efficient and effective 150409
emergency services system; 150410

~~(5)(4)~~ Recommend policies, procedures, and statutory or 150411
regulatory authority to effectively govern a statewide ~~emergency~~ 150412
~~services internet protocol network~~ next generation 9-1-1 system; 150413

~~(6)(5)~~ Designate a ~~next-generation~~ next generation 9-1-1 150414
statewide coordinator to serve as the primary point of contact for 150415
federal initiatives; 150416

~~(7)(6)~~ Coordinate with statewide initiatives and associations 150417
such as the state interoperable executive committee, the Ohio 150418
geographically referenced information program council, the Ohio 150419
multi-agency radio communications system steering committee, and 150420
other interested parties; 150421

~~(8)(7)~~ Serve as the entity responsible for the administration 150422
of Chapter 128. of the Revised Code. 150423

(D)(1) A 9-1-1 service provider shall provide to the steering 150424
committee: 150425

(a) The aggregate number of access lines that the provider 150426
maintains within the state of Ohio; 150427

(b) The aggregate amount of costs and cost recovery 150428
associated with providing 9-1-1 service, including coverage under 150429
tariffs and bill and keep arrangements within this state; 150430

(c) Any other information requested by the steering committee 150431
deemed necessary to support the transition to next generation 150432
9-1-1. 150433

(2) Any ~~political subdivision or governmental~~ entity 150434
operating a public safety answering point shall provide to the 150435
steering committee: 150436

(a) The geographic location and population of the area for 150437
which the ~~planning committee~~ entity is responsible; 150438

(b) Statistics detailing the number of 9-1-1 calls received; 150439

(c) A report of expenditures made from disbursements for 150440
9-1-1; 150441

(d) An inventory of and the technical specifications for the 150442
current 9-1-1 network and equipment; 150443

(e) Any other information requested by the steering committee 150444
that is deemed necessary to support the transition to next 150445
generation 9-1-1. 150446

(3) The information requested under divisions (D)(1) and (2) 150447
of this section shall be provided by the 9-1-1 service provider, 150448
political subdivision, or governmental entity within forty-five 150449
days of the request of the steering committee. 150450

(E) The ~~steering committee shall hold its inaugural meeting~~ 150451
~~not later than thirty days after September 28, 2012. Thereafter,~~ 150452
the steering committee shall meet at least once a ~~month~~ quarter, 150453
either in person or utilizing telecommunication-conferencing 150454
technology. A majority of the voting members shall constitute a 150455
quorum. 150456

(F)(1) The steering committee shall have a permanent 150457
technical-standards subcommittee and a permanent 150458
public-safety-answering-point-operations subcommittee, and may, 150459
from time to time, establish additional subcommittees, to advise 150460

and assist the steering committee based upon the subcommittees' 150461
areas of expertise. The subcommittees may meet either in person or 150462
utilizing telecommunication-conferencing technology. A majority of 150463
the voting members shall constitute a quorum. 150464

(2) The membership of subcommittees shall be determined by 150465
the steering committee. 150466

(a) The technical-standards subcommittee shall include one 150467
member representing a wireline or wireless service provider that 150468
participates in the state's 9-1-1 system, one representative of 150469
the Ohio academic resources network, one representative of the 150470
Ohio multi-agency radio communications system steering committee, 150471
one representative of the Ohio geographically referenced 150472
information program, and one member representing each of the 150473
following associations selected by the steering committee from 150474
nominations received from that association: 150475

(i) The Ohio telephone association; 150476

(ii) The Ohio chapter of the association of public-safety 150477
communications officials; 150478

(iii) The Ohio chapter of the national emergency number 150479
association. 150480

(b) The public-safety-answering-point-operations subcommittee 150481
shall include one member representing the division of emergency 150482
management of the department of public safety, one member 150483
representing the state highway patrol, one member representing the 150484
division of emergency medical services of the department of public 150485
safety, two members recommended by the county commissioners' 150486
association of Ohio who are managers of public safety answering 150487
points, two members recommended by the Ohio municipal league who 150488
are managers of public safety answering points, and one member 150489
from each of the following associations selected by the steering 150490
committee from nominations received from that association: 150491

(i) The buckeye state sheriffs' association;	150492
(ii) The Ohio association of chiefs of police;	150493
(iii) The Ohio association of fire chiefs <u>association</u> ;	150494
(iv) The Ohio chapter of the association of public-safety communications officials;	150495 150496
(v) The Ohio chapter of the national emergency number association.	150497 150498
(G) The committee is not an agency, as defined in section 101.82 of the Revised Code, for purposes of sections 101.82 to 101.87 of the Revised Code.	150499 150500 150501
(H) As used in this section, "9-1-1 system," "wireless service provider," "wireline service provider," "emergency service provider," and "public safety answering point" have the same meanings as in section 128.01 of the Revised Code.	150502 150503 150504 150505
(I) As used in this section, "bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713.	150506 150507
Sec. 128.021. (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for wireless 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.	150508 150509 150510 150511 150512 150513 150514 150515 150516 150517 150518 150519
(B) Not later than one year after September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering	150520 150521

committee shall conduct an assessment of the operational standards 150522
for public safety answering points developed under division (A) of 150523
this section and revise the standards as necessary to ensure that 150524
the operational standards contain the following: 150525

(1) Policies to ensure that public safety answering point 150526
personnel prioritize life-saving questions in responding to each 150527
call to a 9-1-1 system established under this chapter; 150528

(2) A requirement that all public safety answering point 150529
personnel complete proper training or provide proof of prior 150530
training to give instructions regarding emergency situations. 150531

(C) Upon the effective date of the amendments to this section 150532
by this act, all public safety answering points that answer 9-1-1 150533
calls for service from communications services shall be subject to 150534
the public safety answering point operations rules. Public safety 150535
answering points not originally required to be compliant shall 150536
comply with the standards not later than two years after the 150537
effective date of the amendments to this section by this act. 150538

Sec. 128.022. (A) The steering committee shall establish 150539
guidelines for the tax commissioner to use when disbursing money 150540
from the ~~next-generation~~ 9-1-1 government assistance fund to 150541
countywide 9-1-1 systems in the state, as well as guidelines for 150542
the use of funds from the next generation 9-1-1 fund. The 150543
guidelines shall be consistent with the standards adopted in 150544
section 128.021 of the Revised Code and shall specify that 150545
disbursements may be used for costs associated with the operation 150546
of and equipment for phase II wireless systems and for costs 150547
associated with a county's migration to next generation 9-1-1 150548
systems and technology. The committee shall periodically review 150549
the guidelines described in this division and adjust them as 150550
needed. 150551

(B) The committee shall report any adjustments to the 150552

guidelines described in division (A) of this section to the 150553
department of taxation. The adjustments shall take effect six 150554
months from the date the department is notified of the 150555
adjustments. 150556

Sec. 128.03. (A)~~(1)~~ A countywide 9-1-1 system shall include 150557
all of the territory of the townships and municipal corporations 150558
in the county and any portion of such a municipal corporation that 150559
extends into an adjacent county. 150560

~~(2) The system shall exclude any territory served by a~~ 150561
~~wireline service provider that is not capable of reasonably~~ 150562
~~meeting the technical and economic requirements of providing the~~ 150563
~~wireline telephone network portion of the countywide system for~~ 150564
~~that territory. The system shall exclude from enhanced 9-1-1 any~~ 150565
~~territory served by a wireline service provider that is not~~ 150566
~~capable of reasonably meeting the technical and economic~~ 150567
~~requirements of providing the wireline telephone network portion~~ 150568
~~of enhanced 9-1-1 for that territory. If a 9-1-1 planning~~ 150569
~~committee and a wireline service provider do not agree on whether~~ 150570
~~the provider is so capable, the planning committee shall notify~~ 150571
~~the steering committee, and the steering committee shall determine~~ 150572
~~whether the wireline service provider is so capable. The planning~~ 150573
~~committee shall ascertain whether such disagreement exists before~~ 150574
~~making its implementation proposal under division (A) of section~~ 150575
~~128.07 of the Revised Code. The steering committee's determination~~ 150576
~~shall be in the form of an order. No final plan shall require a~~ 150577
~~wireline service provider to provide the wireline telephone~~ 150578
~~network portion of a 9-1-1 system that the steering committee has~~ 150579
~~determined the provider is not reasonably capable of providing.~~ 150580

(B) A countywide 9-1-1 system may be a ~~basic~~ or an enhanced 150581
or next generation 9-1-1 system, or a combination of the two, and 150582
shall be for the purpose of providing both wireline 9-1-1 and 150583

wireless 9-1-1 designed to provide access to emergency services 150584
from all connected communications sources. 150585

(C)(1) Every emergency service provider that provides 150586
emergency service within the territory of a countywide 9-1-1 150587
system shall participate in the countywide system. 150588

(2) A countywide 9-1-1 system may be provided directly by the 150589
county, by a regional council of governments, or by connecting 150590
directly to the statewide next generation 9-1-1 system for call 150591
routing and core services. 150592

(D)(1) Each public safety answering point shall be operated 150593
by a subdivision or a regional council of governments and shall be 150594
operated constantly. 150595

(2) A subdivision or a regional council of governments that 150596
operates a public safety answering point shall pay all of the 150597
costs associated with establishing, equipping, furnishing, 150598
operating, and maintaining that facility and shall allocate those 150599
costs among itself and the subdivisions served by the answering 150600
point based on the allocation formula in a final plan. The 150601
wireline service provider or other entity that provides or 150602
maintains the customer premises equipment shall bill the operating 150603
subdivision or the operating regional council of governments for 150604
the cost of providing such equipment, or its maintenance. A 150605
wireless service provider and a subdivision or regional council of 150606
governments operating a public safety answering point may enter 150607
into a service agreement for providing wireless enhanced 9-1-1 150608
pursuant to a final plan adopted under this chapter. 150609

(E) Except to the extent provided in a final plan that 150610
provides for funding of a 9-1-1 system in part through charges 150611
imposed under section ~~128.22~~ 128.35 of the Revised Code, each 150612
subdivision served by a public safety answering point shall pay 150613
the subdivision or regional council of governments that operates 150614

the answering point the amount computed in accordance with the 150615
allocation formula set forth in the final plan. 150616

(F) Notwithstanding any other provision of law, the purchase 150617
or other acquisition, installation, and maintenance of the 150618
telephone network for a 9-1-1 system and the purchase or other 150619
acquisition, installation, and maintenance of customer premises 150620
equipment at a public safety answering point made in compliance 150621
with a final plan ~~or an agreement under section 128.09 of the~~ 150622
~~Revised Code~~, including customer premises equipment used to 150623
provide wireless enhanced 9-1-1, are not subject to any 150624
requirement of competitive bidding. 150625

(G) Each emergency service provider participating in a 150626
countywide 9-1-1 system shall maintain a telephone number in 150627
addition to 9-1-1. 150628

(H) ~~Whenever a final plan provides for the implementation of~~ 150629
~~basic 9-1-1, the planning committee shall so notify the steering~~ 150630
~~committee, which shall determine whether the wireline service~~ 150631
~~providers serving the territory covered by the plan are capable of~~ 150632
~~reasonably meeting the technical and economic requirements of~~ 150633
~~providing the wireline telephone network portion of an enhanced~~ 150634
~~9-1-1 system. The determination shall be made solely for purposes~~ 150635
~~of division (C)(2) of section 128.18 of the Revised Code.~~ 150636

~~(I)~~ If the public safety answering point personnel reasonably 150637
determine that a 9-1-1 call is not an emergency, the personnel 150638
shall provide the caller with the telephone number of an 150639
appropriate subdivision agency as applicable. 150640

~~(J)~~(I) A final plan adopted under this chapter, ~~or an~~ 150641
~~agreement under section 128.09 of the Revised Code~~, may provide 150642
that, by further agreement included in the plan ~~or agreement~~, the 150643
state highway patrol or one or more public safety answering points 150644
of another 9-1-1 system is the public safety answering point or 150645

points for the provision of wireline or wireless 9-1-1 for all or 150646
part of the territory of the 9-1-1 system established under the 150647
plan ~~or agreement~~. In that event, the subdivision for which the 150648
wireline or wireless 9-1-1 is provided as named in the agreement 150649
shall be deemed the subdivision operating the public safety 150650
answering point or points for purposes of this chapter, except 150651
that, for the purpose of division (D)(2) of this section, that 150652
subdivision shall pay only so much of the costs of establishing, 150653
equipping, furnishing, operating, or maintaining any such public 150654
safety answering point as are specified in the agreement with the 150655
patrol or other system. 150656

~~(K)~~(J) A final plan for the provision of wireless enhanced 150657
9-1-1 shall provide that any wireless 9-1-1 calls routed to a 150658
state highway patrol-operated public safety answering point by 150659
default, due to a wireless service provider so routing all such 150660
calls of its subscribers without prior permission, are instead to 150661
be routed as provided under the plan. Upon the implementation of 150662
countywide wireless enhanced 9-1-1 pursuant to a final plan, the 150663
state highway patrol shall cease any functioning as a public 150664
safety answering point providing wireless 9-1-1 within the 150665
territory covered by the countywide 9-1-1 system so established, 150666
unless the patrol functions as a public safety answering point 150667
providing wireless enhanced 9-1-1 pursuant to an agreement 150668
included in the plan as authorized under division ~~(J)~~(I) of this 150669
section. 150670

Sec. 128.05. Each county shall appoint a county 9-1-1 150671
coordinator to serve as the administrative coordinator for all 150672
public safety answering points participating in the countywide 150673
9-1-1 final plan described in section 128.03 of the Revised Code 150674
and shall also serve as a liaison with other county coordinators 150675
and the 9-1-1 program office. 150676

Sec. 128.06. (A) ~~A board of~~ Except as provided in divisions 150677
~~(B) and (C) of this section, every county commissioners or the~~ 150678
~~legislative authority of any municipal corporation in the county~~ 150679
~~that contains at least thirty per cent of the county's population~~ 150680
~~may adopt a resolution to convene~~ shall maintain a county 9-1-1 150681
~~planning program review~~ committee, which shall serve without 150682
compensation and shall consist of ~~three~~ six voting members as 150683
follows: 150684

(1) ~~The president or other presiding officer~~ A member of the 150685
board of county commissioners, who shall serve as chairperson of 150686
the committee; 150687

(2) The chief executive officer of the most populous 150688
municipal corporation in the county; 150689

(3) ~~From the more populous of the following, either the chief~~ 150690
~~executive officer of the second most populous municipal~~ 150691
~~corporation in the county or a~~ A member of the board of township 150692
trustees of the most populous township in the county as selected 150693
by majority vote of the board of trustees. 150694

~~In counties with a population of one hundred seventy five~~ 150695
~~thousand or more, the planning committee shall consist of two~~ 150696
~~additional voting members as follows: a;~~ 150697

(4) A member of a board of township trustees selected by the 150698
majority of boards of township trustees in the county pursuant to 150699
resolutions they adopt, ~~and the chief executive officer;~~ 150700

(5) A member of the legislative authority of a municipal 150701
corporation in the county selected by the majority of the 150702
legislative authorities of municipal corporations in the county 150703
pursuant to resolutions they adopt; 150704

(6) An elected official from within the county appointed by 150705
the board of county commissioners. 150706

When determining population under ~~this~~ division (A)(2) of this section, population residing outside the county shall be excluded. 150707
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150709

(B) In counties with fewer than five townships, a population in excess of seven hundred fifty thousand, and which contains more than one public safety answering point, the composition of the 9-1-1 program review committee shall consist of five members as follows: 150710
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(1) A member of the board of county commissioners, who shall serve as chairperson of the committee; 150715
150716

(2) The chief executive officer of the most populous municipal corporation in the county. Population residing outside the county shall be excluded when making this determination. 150717
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(3) A member from one of the following, whichever is more populous: 150720
150721

(a) The chief executive officer of the second most populous municipal corporation in the county; 150722
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(b) A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board of trustees. 150724
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150726

(4) The chief executive officer of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt; 150727
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(5) A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt. 150731
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~~Within thirty days after the adoption of a resolution to convene the~~ (C) In counties that contain only one public safety answering point, the composition of the 9-1-1 review committee 150734
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shall consist of three members as follows: 150737

(1) If the public safety answering point is not operated by 150738
the board of county commissioners, the committee shall be composed 150739
of the following: 150740

(a) A member of the board of county commissioners, who shall 150741
serve as chairperson of the committee; 150742

(b) One of the following: 150743

(i) If the public safety answering point is operated by a 150744
township, then a member of the board of township trustees; 150745

(ii) If the public safety answering point is operated by a 150746
municipal corporation, then the chief executive officer of the 150747
municipal corporation; 150748

(iii) If the public safety answering point is operated by a 150749
subdivision that is not a township or municipal corporation or is 150750
operated by a regional council of governments, then an elected 150751
official of that subdivision or regional council of governments. 150752

(c) A member who is an elected official of the most populous 150753
township or municipal corporation in the county that does not 150754
operate the public safety answering point. When determining 150755
population under this division, population residing outside the 150756
county shall be excluded. 150757

(2) If the public safety answering point is operated by the 150758
board of county commissioners, then the board of county 150759
commissioners shall serve as the 9-1-1 program review committee. 150760

(D) ~~Each~~ committee ~~under division (A) of this section, the~~ 150761
~~committee shall convene for the sole purpose of developing~~ 150762
~~maintain and amend~~ a final plan for implementing and operating a 150763
countywide 9-1-1 system. ~~The~~ Any amendment to the final plan shall 150764
~~require a two-thirds vote of the committee. Each committee shall~~ 150765
~~convene at least once annually for the purposes of maintaining or~~ 150766

amending a final plan described in this section. 150767

(E) Each committee shall, not later than the first day of 150768
March of each year, submit a report to the political subdivisions 150769
within the county and to the 9-1-1 program office detailing the 150770
sources and amounts of revenue expended to support and all costs 150771
incurred to operate the countywide 9-1-1 system and the public 150772
safety answering points that are a part of that system for the 150773
previous calendar year. A county shall provide the county's 150774
committee with any clerical, legal, and other staff assistance 150775
necessary to ~~develop the final plan and shall pay for copying,~~ 150776
~~mailing, and any other such expenses incurred by the committee in~~ 150777
~~developing the final plan and in meeting the requirements imposed~~ 150778
~~by sections 128.06 to 128.08 of the Revised Code.~~ 150779

~~(C) The 9-1-1 planning committee shall appoint a 9-1-1~~ 150780
~~technical advisory committee to assist it in planning the~~ 150781
~~countywide 9-1-1 system. The advisory committee shall include at~~ 150782
~~least one fire chief and one police chief serving in the county,~~ 150783
~~the county sheriff, a representative of the state highway patrol~~ 150784
~~selected by the patrol, one representative of each telephone~~ 150785
~~company in each case selected by the telephone company~~ 150786
~~represented, the director/coordinator of emergency management~~ 150787
~~appointed under section 5502.26, 5502.27, or 5502.271 of the~~ 150788
~~Revised Code, as appropriate, and a member of a board of township~~ 150789
~~trustees of a township in the county selected by a majority of~~ 150790
~~boards of township trustees in the county pursuant to resolutions~~ 150791
~~they adopt.~~ 150792

Sec. 128.07. ~~(A) The 9-1-1 planning committee shall prepare a~~ 150793
~~proposal on the implementation of a countywide 9-1-1 system and~~ 150794
~~shall hold a public meeting on the proposal to explain the system~~ 150795
~~to and receive comments from public officials. At least thirty but~~ 150796
~~not more than sixty days before the meeting, the committee shall~~ 150797

~~send a copy of the implementation proposal and written notice of
the meeting;~~ 150798
150799

~~(1) To the board of county commissioners, the legislative
authority of each municipal corporation in the county, and to the
board of trustees of each township in the county, either by
certified mail or, if the committee has record of an internet
identifier of record associated with the board or legislative
authority, by ordinary mail and by that internet identifier of
record; and~~ 150800
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~~(2) To the board of trustees, directors, or park
commissioners of each subdivision that will be served by a public
safety answering point under the plan.~~ 150807
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~~(B) The proposal and the final plan adopted by the committee
required under section 128.06 of the Revised Code shall specify:~~ 150810
150811

~~(1) Which telephone companies serving customers in the county
and, as authorized in division (A)(1) of section 128.03 of the
Revised Code, in an adjacent county will participate in the 9-1-1
system;~~ 150812
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~~(2) The location and number of public safety answering
points; how they the public safety answering points will be
connected to a ~~company's telephone network~~ county's preferred next
generation 9-1-1 system; from what geographic territory each
public safety answering point will receive 9-1-1 calls; whether
~~basic or~~ enhanced 9-1-1 or next generation 9-1-1 service will be
provided within such territory; what subdivisions will be served
by the public safety answering point; and whether ~~an~~ a public
safety answering point will respond to calls by directly
dispatching an emergency service provider, by relaying a message
to the appropriate emergency service provider, or by transferring
the call to the appropriate emergency service provider;~~ 150816
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(3) How originating service providers must connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by the originating service providers to provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system;

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(4) That in instances where a public safety answering point, even if capable, does not directly dispatch all entities that provide the emergency services potentially needed for an incident, without significant delay, that request shall be transferred or the information electronically relayed to the entity that directly dispatches the potentially needed emergency services;

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(5) Which subdivision or regional council of governments will establish, equip, furnish, operate, and maintain a particular public safety answering point;

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~~(4)~~(6) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each public safety answering point;

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~~(5)~~(7) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each public safety answering point should be funded through charges imposed under section ~~128.22~~ 128.35 of the Revised Code or will be allocated among the subdivisions served by the answering point and, if any such cost is to be allocated, the formula for so allocating it;

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~~(6)~~(8) How each emergency service provider will respond to a misdirected call or the provision of a caller location that is either misrepresentative of the actual location or does not meet requirements of the federal communications commission or other accepted national standards as they exist on the date of the call origination.

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~~(C) Following the meeting required by this section, the 9-1-1~~

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~~planning committee may modify the implementation proposal and, no later than nine months after the resolution authorized by section 128.06 of the Revised Code is adopted, may adopt, by majority vote, a final plan for implementing a countywide 9-1-1 system. If a planning committee and wireline service provider do not agree on whether the wireline service provider is capable of providing the wireline telephone network as described under division (A) of section 128.03 of the Revised Code and the planning committee refers that question to the steering committee, the steering committee may extend the nine-month deadline established by this division to twelve months. Immediately on completion of the plan, the planning~~ (B)(1) The 9-1-1 program review committee shall send a copy of the final plan:

~~(1)(a)~~ To the board of county commissioners of the county, to the legislative authority of each municipal corporation in the county, and to the board of township trustees of each township in the county either by certified mail or, if the committee has record of an internet identifier of record associated with the board or legislative authority, by ordinary mail and by that internet identifier of record; and

~~(2)(b)~~ To the board of trustees, directors, or park commissioners of each subdivision that will be served by a public safety answering point under the plan.

~~(D)(2)~~ The 9-1-1 program review committee shall file a copy of its current final plan with the Ohio 9-1-1 program office not later than six months after the effective date of this amendment. Any revisions or amendments shall be filed not later than ninety days after adoption.

(C) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

Sec. 128.08. (A) Within sixty days after receipt of the final

plan pursuant to division ~~(C)~~(B)(1) of section 128.07 of the 150890
Revised Code, the board of county commissioners of the county and 150891
the legislative authority of each municipal corporation in the 150892
county and of each township whose territory is proposed to be 150893
included in a countywide 9-1-1 system shall act by resolution to 150894
approve or disapprove the plan, except that, with respect to a 150895
final plan that provides for funding of the 9-1-1 system in part 150896
through charges imposed under section ~~128.22~~ 128.35 of the Revised 150897
Code, the board of county commissioners shall not act by 150898
resolution to approve or disapprove the plan until after a 150899
resolution adopted under section ~~128.22~~ 128.35 of the Revised Code 150900
has become effective as provided in division (D) of that section. 150901
~~A municipal corporation or township whose territory is proposed to~~ 150902
~~be included in the system includes any municipal corporation or~~ 150903
~~township in which a part of its territory is excluded pursuant to~~ 150904
~~division (A)(2) of section 128.03 of the Revised Code. Each such~~ 150905
authority immediately shall notify the board of county 150906
commissioners in writing of its approval or disapproval of the 150907
final plan. Failure by a board or legislative authority to notify 150908
the board of county commissioners of approval or disapproval 150909
within such sixty-day period shall be deemed disapproval by the 150910
board or authority. 150911

(B) As used in this division, "county's population" excludes 150912
the population of any municipal corporation or township that, 150913
under the plan, is completely excluded from 9-1-1 service in the 150914
county's final plan. A countywide plan is effective if all of the 150915
following entities approve the plan in accordance with this 150916
section: 150917

(1) The board of county commissioners; 150918

(2) The legislative authority of a municipal corporation that 150919
contains at least thirty per cent of the county's population, if 150920
any; 150921

(3) The legislative authorities of municipal corporations and townships that contain at least sixty per cent of the county's population or, if the plan has been approved by a municipal corporation that contains at least sixty per cent of the county's population, by the legislative authorities of municipal corporations and townships that contain at least seventy-five per cent of the county's population.

(C) After a countywide plan approved in accordance with this section is adopted, all of the telephone companies, subdivisions, and regional councils of governments included in the plan are subject to the specific requirements of the plan and to this chapter.

Sec. 128.12. (A) An amended final plan is required for any of the following purposes:

(1) Expanding the territory included in the countywide 9-1-1 system;

(2) Upgrading any part or all of a the countywide 9-1-1 system ~~from basic to enhanced wireline 9-1-1;~~

(3) Adjusting the territory served by a public safety answering point;

(4) Permitting a regional council of governments to operate a public safety answering point;

(5) Represcribing the funding of public safety answering points as between the alternatives set forth in division ~~(B)-(5)~~ (A)(7) of section 128.07 of the Revised Code;

(6) Providing for wireless enhanced 9-1-1;

(7) Adding, changing, or removing a ~~telephone company~~ 9-1-1 system service provider as a participant in a the countywide 9-1-1 system ~~after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1;~~

(8) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under division ~~(J)~~(I) of section 128.03 of the Revised Code;

(9) Making any other necessary adjustments to the plan.

~~(B)(1) To amend a final plan for the purpose described in division (A)(7) of this section, an entity that wishes to be added as a participant in a 9-1-1 system shall file a written letter of that intent with the board of county commissioners of the county that approved the final plan. The final plan is deemed amended upon the filing of that letter. The entity that files the letter shall send written notice of that filing to all subdivisions, regional councils of governments, and telephone companies participating in the system.~~

~~(2)~~ An amendment to a final plan for any other purpose set forth in division (A) of this section may be made by an addendum approved by a majority of the 9-1-1 planning program review committee. The board of county commissioners shall call a meeting of the 9-1-1 planning program review committee for the purpose of considering an addendum pursuant to this division.

~~(3)~~(2) Adoption of any resolution under section ~~128.22~~ 128.35 of the Revised Code pursuant to a final plan that both has been adopted and provides for funding through charges imposed under that section is not an amendment of a final plan for the purpose of this division.

(C) When a final plan is amended for a purpose described in division (A)(1), (2), or (7) of this section, sections ~~128.18~~ 128.33 and 5733.55 of the Revised Code apply with respect to the receipt of the nonrecurring and recurring rates and charges for

the wireline telephone network portion of the 9-1-1 system. 150983

Sec. ~~128.40~~ 128.20. There is hereby created within the 150984
department of administrative services the 9-1-1 program office, 150985
headed by an administrator in the unclassified civil service 150986
pursuant to division (A)(9) of section 124.11 of the Revised Code. 150987
The administrator shall be appointed by and serve at the pleasure 150988
of the director of administrative services ~~and shall report~~ 150989
~~directly to the state chief information officer.~~ The program 150990
office shall oversee administration of the ~~wireless~~ 9-1-1 150991
government assistance fund, the ~~wireless~~ 9-1-1 program fund, and 150992
the next generation 9-1-1 fund. 150993

Sec. 128.21. (A) The 9-1-1 program office shall coordinate 150994
and manage a statewide next generation 9-1-1 core services system. 150995
The office shall interoperate the system with Canada and the 150996
states that border this state. The office shall also manage the 150997
vendors supplying the equipment and services for the system to the 150998
department of administrative services. 150999

(B)(1) The statewide next generation 9-1-1 core services 151000
system shall be capable of providing 9-1-1 core services for all 151001
of the territory of all the counties within this state, over both 151002
land and water. The system shall route all 9-1-1 traffic using 151003
location and policy-based routing to legacy enhanced 9-1-1 public 151004
safety answering points, next generation 9-1-1 public safety 151005
answering points, and local next generation 9-1-1 systems. The 151006
system shall be designed to provide access to emergency services 151007
from all connected communications sources and provide multimedia 151008
data capabilities for public safety answering points and other 151009
emergency service organizations. 151010

(2) The emergency services internet protocol network that 151011
supports the statewide next generation 9-1-1 core services system 151012

shall be capable of being shared by all public safety agencies. It 151013
may be constructed from a mix of dedicated and shared facilities. 151014
It may be interconnected at local, regional, state, federal, 151015
national, and international levels to form an 151016
internet-protocol-based inter-network, or network of networks. 151017

Sec. 128.211. (A) Not later than six months after the 151018
effective date of this section, the 9-1-1 program office shall 151019
draft, submit, or update a state of Ohio 9-1-1 plan to the 151020
steering committee. The plan shall include all of the following: 151021

(1) A specific plan to address the amendments to this chapter 151022
by this act; 151023

(2) Specific system details describing interoperability among 151024
counties, the states bordering this state, and Canada; 151025

(3) A progression plan for the system and sustainability 151026
within the funding method encompassed by sections 128.41 to 151027
128.422 of the Revised Code. 151028

(B) Not later than six months after the plan is submitted 151029
under division (A) of this section, the steering committee shall 151030
review and may approve the plan. 151031

Sec. 128.212. (A) Any entity in this state that operates a 151032
9-1-1 system, emergency services internet-protocol network, or 151033
public safety answering point and that pursues a 9-1-1 grant from 151034
the state or federal government shall present a letter of 151035
coordination from the 9-1-1 program office.(B) The letter of 151036
coordination shall state all of the following: 151037

(1) The entity described in division (A) of this section; 151038

(2) The specific grantor identification; 151039

(3) The dollar amount of the grant; 151040

(4) The intended use of the grant; 151041

(5) The system, equipment, software, or any component to be 151042
procured with the grant and the purpose of the grant do not 151043
inhibit, conflict, or reduce interoperability with the statewide 151044
next generation 9-1-1 core services system and emergency services 151045
internet-protocol network and is consistent with the state of Ohio 151046
9-1-1 plan. 151047

Sec. 128.22. The 9-1-1 program office may do all of the 151048
following: 151049

(A) Expend funds from the 9-1-1 program fund for the purposes 151050
of 9-1-1 public education; 151051

(B) Coordinate, adopt, and communicate all necessary 151052
technical and operational standards and requirements to ensure an 151053
effective model for a statewide interconnected 9-1-1 system; 151054

(C) Collect and distribute data from and to public safety 151055
answering points, service providers, and emergency service 151056
providers regarding both of the following: 151057

(1) The status and operation of the components of the 151058
statewide 9-1-1 system, including all of the following: 151059

(a) The aggregate number of access lines that the provider 151060
maintains within this state; 151061

(b) The aggregate amount of costs and cost recovery 151062
associated with providing 9-1-1 service, including coverage under 151063
tariffs and bill and keep arrangements within this state; 151064

(c) Any other information requested by the steering committee 151065
and deemed necessary to support the transition to next generation 151066
9-1-1. 151067

(2) Location information necessary for the reconciliation and 151068
synchronization of next generation 9-1-1 location information, 151069
including all of the following: 151070

<u>(a) Address location information;</u>	151071
<u>(b) Master street address guide;</u>	151072
<u>(c) Service order inputs;</u>	151073
<u>(d) Geographic information system files;</u>	151074
<u>(e) Street center lines;</u>	151075
<u>(f) Response boundaries;</u>	151076
<u>(g) Administrative boundaries;</u>	151077
<u>(h) Address points.</u>	151078
<u>(D) Require, coordinate, oversee, and limit data collection</u>	151079
<u>and distribution to ensure that data collection and distribution</u>	151080
<u>meets legal privacy and confidentiality requirements;</u>	151081
<u>(E) With advice from the 9-1-1 steering committee, enter into</u>	151082
<u>interlocal contracts, interstate contracts, intrastate contracts,</u>	151083
<u>and federal contracts for the purpose of implementing statewide</u>	151084
<u>9-1-1 services.</u>	151085
<u>Sec. 128.221. (A) The data described in section 128.22 of the</u>	151086
<u>Revised Code shall be protected in accordance with applicable</u>	151087
<u>provisions of the Revised Code. Charges, terms, and conditions for</u>	151088
<u>the disclosure or use of that data provided by public safety</u>	151089
<u>answering points, service providers, and emergency service</u>	151090
<u>providers for the purpose of 9-1-1 shall be subject to the</u>	151091
<u>jurisdiction of the steering committee.</u>	151092
<u>(B) Data and information that contribute to more effective</u>	151093
<u>9-1-1 services and emergency response may be accessed and shared</u>	151094
<u>among 9-1-1 and emergency response functions specifically for the</u>	151095
<u>purposes of effective emergency response, while ensuring the</u>	151096
<u>overall privacy and confidentiality of the data and information</u>	151097
<u>involved.</u>	151098

<u>Sec. 128.23. (A) Every telecommunication service provider</u>	151099
<u>able to generate 9-1-1 traffic within the state shall do all of</u>	151100
<u>the following:</u>	151101
<u>(1) Register with the 9-1-1 program office;</u>	151102
<u>(2) Provide a single point of contact to the 9-1-1 program</u>	151103
<u>office who has the authority to assist in location-data</u>	151104
<u>discrepancies, including 9-1-1 traffic misroutes and</u>	151105
<u>no-record-found errors;</u>	151106
<u>(3) Provide location data for all 9-1-1 traffic with the</u>	151107
<u>accuracy and validity necessary to ensure proper routing to the</u>	151108
<u>most appropriate public safety answering point or local next</u>	151109
<u>generation 9-1-1 system. Provision of this location data may</u>	151110
<u>include both of the following:</u>	151111
<u>(a) Preprovisioning of location data into a state-operated</u>	151112
<u>database utilizing industry standard protocols;</u>	151113
<u>(b) Providing a routable location with the 9-1-1 traffic at</u>	151114
<u>call time, utilizing approved standards for both legacy and next</u>	151115
<u>generation 9-1-1.</u>	151116
<u>(B) If a service provider subject to division (A) of this</u>	151117
<u>section is notified by the 9-1-1 program office of a discrepancy</u>	151118
<u>in location data, the service provider shall correct the</u>	151119
<u>discrepancy within seventy-two hours.</u>	151120
<u>(C) All data provided under this section is private and</u>	151121
<u>subject to applicable privacy laws and shall not be considered a</u>	151122
<u>"public record" for purposes of section 149.43 of the Revised</u>	151123
<u>Code.</u>	151124
<u>Sec. 128.24. (A) Except as provided in division (C) of this</u>	151125
<u>section:</u>	151126
<u>(1) Each operator of a multiline telephone system that was</u>	151127

installed or substantially renovated on or after the effective 151128
date of this section, shall provide to the end user the same level 151129
of 9-1-1 service that is provided to other end users of 9-1-1 151130
within the state. That service shall include the provision of 151131
either of the following, which shall satisfy the requirements of 151132
division (A)(3) of this section: 151133

(a) Legacy automatic number identification and automatic 151134
location identification; 151135

(b) Next generation 9-1-1 location data. 151136

(2) Each operator of a multiline telephone system that was 151137
installed or substantially renovated on or after the effective 151138
date of this section, shall provide an emergency-response-location 151139
identifier as part of the location transmission to the public 151140
safety answering point, using either legacy private-switch 151141
automatic location identification or next generation 9-1-1 151142
methodologies. 151143

(3) Each operator of a multiline telephone system that was 151144
installed or substantially renovated on or after the effective 151145
date of this section, shall identify the specific location of the 151146
caller using an emergency response location that includes the 151147
public street address of the building from which the call 151148
originated, a suite or room number, the building floor, and a 151149
building identifier, if applicable. 151150

(B) All locations provided under this section shall be either 151151
master-street-address-guide or 151152
next-generation-9-1-1-location-validation-function valid. 151153

(C) The requirements of divisions (A)(1), (2), and (3) of 151154
this section do not apply to a multiline telephone system in a 151155
workspace of less than seven thousand square feet in a single 151156
building, on a single level of a structure, having a single public 151157
street address. 151158

Sec. 128.241. Beginning not later than one year after the effective date of this section and except as provided in sections 128.242 and 128.243 of the Revised Code, a business service user that provides residential or business facilities, owns or controls a multiline telephone system or voice over internet protocol system in those facilities, and provides outbound dialing capacity from those facilities shall ensure both of the following:

(A) In the case of a multiline telephone system that is capable of initiating a 9-1-1 call, the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9-1-1, the call connects to the public safety answering point without requiring the user to dial any additional digit or code.

(B) The system is configured to provide notification of any 9-1-1 call made through the system to a centralized location on the same site as the system. The business service user is not required to have a person available at the location to receive a notification.

Sec. 128.242. Except as provided in section 128.243 of the Revised Code, a business service user to which all of the following apply is exempt from the requirements of section 128.241 of the Revised Code until two years after the effective date of this section:

(A) The requirements would be unduly and unreasonably burdensome.

(B) The multiline telephone system or voice over internet protocol system needs to be reprogrammed or replaced.

(C) The business service user made a good-faith attempt to reprogram or replace the system.

(D) The business service user agrees to place an

instructional sticker next to the telephones that explains how to 151189
access 9-1-1 in case of emergency, provides the specific location 151190
where the device is installed, and reminds the caller to give the 151191
location information to the 9-1-1 call taker. 151192

(E) The instructions described in division (D) of this 151193
section are printed in at least sixteen-point boldface type in a 151194
contrasting color using a font that is easily readable. 151195

(F) The business service user affirms in an affidavit the 151196
conditions specified in divisions (B), (C), (D), and (E) of this 151197
section. 151198

(G) The affidavit described in division (F) of this section 151199
includes the manufacturer and model number of the system. 151200

Sec. 128.243. Sections 128.241 and 128.242 of the Revised 151201
Code shall not apply if they are preempted by or in conflict with 151202
federal law. 151203

Sec. 128.25. Each county shall provide a single point of 151204
contact to the 9-1-1 program office who has the authority to 151205
assist in location-data discrepancies, 9-1-1 traffic misroutes, 151206
and boundary disputes between public safety answering points. 151207

Sec. 128.26. Not later than five years after the date that 151208
the statewide next generation 9-1-1 core services system is 151209
operationally available to all counties in the state, each county 151210
or, as applicable, each regional council of governments, shall 151211
provide next generation 9-1-1 service for all areas to be covered 151212
as set forth in the county's final plan or the council's 151213
agreement. 151214

Sec. 128.27. A service provider that operates within a county 151215
that participates in the statewide next generation 9-1-1 core 151216

services system or within the area served by a regional council of 151217
governments that participates in that system shall deliver the 151218
9-1-1 traffic that originates in that geographic area to the next 151219
generation 9-1-1 core for that geographic area. 151220

Sec. 128.28. If a service provider or county participates in 151221
the statewide next generation 9-1-1 core services system, the 151222
service provider or county shall adhere to standards of the 9-1-1 151223
program office, which may include standards created by the 151224
national emergency number association and the internet engineering 151225
task force. 151226

Sec. ~~128.18~~ 128.33. (A) In accordance with this chapter and 151227
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 151228
public utilities commission shall determine the just, reasonable, 151229
and compensatory rates, tolls, classifications, charges, or 151230
rentals to be observed and charged for the wireline telephone 151231
network portion of a basic or enhanced 9-1-1 system, and each 151232
telephone company that is a wireline service provider 151233
participating in the system shall be subject to those chapters, to 151234
the extent they apply, as to the service provided by its portion 151235
of the wireline telephone network for the system as described in 151236
the final plan ~~or to be installed pursuant to agreements under~~ 151237
~~section 128.09 of the Revised Code~~, and as to the rates, tolls, 151238
classifications, charges, or rentals to be observed and charged 151239
for that service. 151240

(B) Only the customers of a participating telephone company 151241
described in division (A) of this section that are served within 151242
the area covered by a 9-1-1 system shall pay the recurring rates 151243
for the maintenance and operation of the company's portion of the 151244
wireline telephone network of the system. Such rates shall be 151245
computed by dividing the total monthly recurring rates set forth 151246

in the company's schedule as filed in accordance with section 151247
4905.30 of the Revised Code, by the total number of residential 151248
and business customer access lines, or their equivalent, within 151249
the area served. Each residential and business customer within the 151250
area served shall pay the recurring rates based on the number of 151251
its residential and business customer access lines or their 151252
equivalent. No company shall include such amount on any customer's 151253
bill until the company has completed its portion of the wireline 151254
telephone network in accordance with the terms, conditions, 151255
requirements, and specifications of the final plan ~~or an agreement~~ 151256
~~made under section 128.09 of the Revised Code.~~ 151257

(C)(1) Except as otherwise provided in division (C)(2) of 151258
this section, a participating telephone company described in 151259
division (A) of this section may receive through the credit 151260
authorized by section 5733.55 of the Revised Code the total 151261
nonrecurring charges for its portion of the wireline telephone 151262
network of the system and the total nonrecurring charges for any 151263
updating or modernization of that wireline telephone network in 151264
accordance with the terms, conditions, requirements, and 151265
specifications of the final plan ~~or pursuant to agreements under~~ 151266
~~section 128.09 of the Revised Code~~, as such charges are set forth 151267
in the schedule filed by the telephone company in accordance with 151268
section 4905.30 of the Revised Code. However, that portion, 151269
updating, or modernization shall not be for or include the 151270
provision of wireless 9-1-1. As applicable, the receipt of 151271
permissible charges shall occur only upon the completion of the 151272
installation of the network or the completion of the updating or 151273
modernization. 151274

(2) The credit shall not be allowed under division (C)(1) of 151275
this section for the upgrading of a system from basic to enhanced 151276
wireline 9-1-1 if both of the following apply: 151277

(a) The telephone company received the credit for the 151278

wireline telephone network portion of the basic 9-1-1 system now 151279
proposed to be upgraded. 151280

(b) At the time the final plan ~~or agreement pursuant to~~ 151281
~~section 128.09 of the Revised Code~~ calling for the basic 9-1-1 151282
system was agreed to, the telephone company was capable of 151283
reasonably meeting the technical and economic requirements of 151284
providing the wireline telephone network portion of an enhanced 151285
9-1-1 system within the territory proposed to be upgraded, ~~as~~ 151286
~~determined by the steering committee under division (A) or (H) of~~ 151287
~~section 128.03 or division (C) of section 128.09 of the Revised~~ 151288
Code. 151289

(3) If the credit is not allowed under division (C)(2) of 151290
this section, the total nonrecurring charges for the wireline 151291
telephone network used in providing 9-1-1 service, as set forth in 151292
the schedule filed by a telephone company in accordance with 151293
section 4905.30 of the Revised Code, on completion of the 151294
installation of the network in accordance with the terms, 151295
conditions, requirements, and specifications of the final plan ~~or~~ 151296
~~pursuant to section 128.09 of the Revised Code~~, shall be paid by 151297
the municipal corporations and townships with any territory in the 151298
area in which such upgrade from basic to enhanced 9-1-1 is made. 151299

(D) If customer premises equipment for a public safety 151300
answering point is supplied by a telephone company that is 151301
required to file a schedule under section 4905.30 of the Revised 151302
Code pertaining to customer premises equipment, the recurring and 151303
nonrecurring rates and charges for the installation and 151304
maintenance of the equipment specified in the schedule shall 151305
apply. 151306

Sec. ~~128.22~~ 128.35. (A)(1) For the purpose of paying the 151307
costs of establishing, equipping, and furnishing one or more 151308
public safety answering points as part of a countywide 9-1-1 151309

system effective under division (B) of section 128.08 of the Revised Code and paying the expense of administering and enforcing this section, the board of county commissioners of a county, in accordance with this section, may fix and impose, on each lot or parcel of real property in the county that is owned by a person, municipal corporation, township, or other political subdivision and is improved, or is in the process of being improved, reasonable charges to be paid by each such owner. The charges shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels.

(2) For the purpose of paying the costs of operating and maintaining the answering points and paying the expense of administering and enforcing this section, the board, in accordance with this section, may fix and impose reasonable charges to be paid by each owner, as provided in division (A)(1) of this section, that shall be sufficient to pay only the estimated allowed costs and shall be equal in amount for all such lots or parcels. The board may fix and impose charges under this division pursuant to a resolution adopted for the purposes of both divisions (A)(1) and (2) of this section or pursuant to a resolution adopted solely for the purpose of division (A)(2) of this section, and charges imposed under division (A)(2) of this section may be separately imposed or combined with charges imposed under division (A)(1) of this section.

(B) Any board adopting a resolution under this section pursuant to a final plan initiating the establishment of a 9-1-1 system or pursuant to an amendment to a final plan shall adopt the resolution within sixty days after the board receives the final plan for the 9-1-1 system pursuant to division ~~(C)~~(B)(1) of section 128.07 of the Revised Code. The board by resolution may change any charge imposed under this section whenever the board considers it advisable. Any resolution adopted under this section

shall declare whether securities will be issued under Chapter 133. 151342
of the Revised Code in anticipation of the collection of unpaid 151343
special assessments levied under this section. 151344

(C) The board shall adopt a resolution under this section at 151345
a public meeting held in accordance with section 121.22 of the 151346
Revised Code. Additionally, the board, before adopting any such 151347
resolution, shall hold at least two public hearings on the 151348
proposed charges. Prior to the first hearing, the board shall 151349
publish notice of the hearings once a week for two consecutive 151350
weeks in a newspaper of general circulation in the county or as 151351
provided in section 7.16 of the Revised Code. The notice shall 151352
include a listing of the charges proposed in the resolution and 151353
the date, time, and location of each of the hearings. The board 151354
shall hear any person who wishes to testify on the charges or the 151355
resolution. 151356

(D) No resolution adopted under this section shall be 151357
effective sooner than thirty days following its adoption nor shall 151358
any such resolution be adopted as an emergency measure. The 151359
resolution is subject to a referendum in accordance with sections 151360
305.31 to 305.41 of the Revised Code unless, in the resolution, 151361
the board of county commissioners directs the board of elections 151362
of the county to submit the question of imposing the charges to 151363
the electors of the county at the next primary or general election 151364
in the county occurring not less than ninety days after the 151365
resolution is certified to the board. No resolution shall go into 151366
effect unless approved by a majority of those voting upon it in 151367
any election allowed under this division. 151368

(E) To collect charges imposed under division (A) of this 151369
section, the board of county commissioners shall certify them to 151370
the county auditor of the county who then shall place them upon 151371
the real property duplicate against the properties to be assessed, 151372
as provided in division (A) of this section. Each assessment shall 151373

bear interest at the same rate that securities issued in 151374
anticipation of the collection of the assessments bear, is a lien 151375
on the property assessed from the date placed upon the real 151376
property duplicate by the auditor, and shall be collected in the 151377
same manner as other taxes. 151378

(F) All money collected by or on behalf of a county under 151379
this section shall be paid to the county treasurer of the county 151380
and kept in a separate and distinct fund to the credit of the 151381
county. The fund shall be used to pay the costs allowed in 151382
division (A) of this section and specified in the resolution 151383
adopted under that division. In no case shall any surplus so 151384
collected be expended for other than the use and benefit of the 151385
county. 151386

Sec. ~~128.42~~ 128.40. (A) ~~There~~ Ending three months after the 151387
effective date of this section, there is hereby imposed a the 151388
following wireless 9-1-1 ~~charge of twenty five cents per month as~~ 151389
~~follows~~ charges: 151390

(1) On each wireless telephone number of a wireless service 151391
subscriber who has a billing address in this state, a charge of 151392
twenty-five cents per month. The subscriber shall pay the wireless 151393
9-1-1 charge for each such wireless telephone number assigned to 151394
the subscriber. Each wireless service provider and each reseller 151395
shall collect the wireless 9-1-1 charge as a specific line item on 151396
each subscriber's monthly bill. The line item shall be expressly 151397
designated "State/Local Wireless-E911 Costs (\$0.25/billed 151398
number)." If a provider bills a subscriber for any wireless 151399
enhanced 9-1-1 costs that the provider may incur, the charge or 151400
amount is not to appear in the same line item as the state/local 151401
line item. If the charge or amount is to appear in its own, 151402
separate line item on the bill, the charge or amount shall be 151403
expressly designated "[Name of Provider] Federal Wireless-E911 151404

Costs." 151405

~~(2)(a) Prior to January 1, 2014, on each subscriber of~~ 151406
~~prepaid wireless service. A wireless service provider or reseller~~ 151407
~~shall collect the wireless 9-1-1 charge in either of the following~~ 151408
~~manners:~~ 151409

~~(i) If the subscriber has a positive account balance on the~~ 151410
~~last day of the month and has used the service during that month,~~ 151411
~~by reducing that balance not later than the end of the first week~~ 151412
~~of the following month by twenty five cents or an equivalent~~ 151413
~~number of airtime minutes;~~ 151414

~~(ii) By dividing the total earned prepaid wireless telephone~~ 151415
~~revenue from sales within this state received by the wireless~~ 151416
~~service provider or reseller during the month by fifty,~~ 151417
~~multiplying the quotient by twenty five cents.~~ 151418

~~(b) Amounts collected under division (A)(2) of this section~~ 151419
~~shall be remitted pursuant to division (A)(1) of section 128.46 of~~ 151420
~~the Revised Code.~~ 151421

~~The wireless 9-1-1 charges authorized under this section~~ 151422
~~shall not be imposed on a subscriber of wireless lifeline service~~ 151423
~~or a provider of that service.~~ 151424

~~(B) Beginning January 1, 2014:~~ 151425

~~(1) There is hereby imposed, on On each retail sale of a~~ 151426
~~prepaid wireless calling service occurring in this state, a~~ 151427
~~wireless 9-1-1 charge of five-tenths of one per cent of the sale~~ 151428
~~price.~~ 151429

~~(2)(B) For purposes of division (B)(1)(A)(2) of this section,~~ 151430
~~a retail sale occurs in this state if it is effected by the~~ 151431
~~consumer appearing in person at a seller's business location in~~ 151432
~~this state, or if the sale is sourced to this state under division~~ 151433
~~(E)(3) of section 5739.034 of the Revised Code, except that under~~ 151434

that division, in lieu of sourcing a sale under division (C)(5) of 151435
section 5739.033 of the Revised Code, the seller, rather than the 151436
service provider, may elect to source the sale to the location 151437
associated with the mobile telephone number. 151438

~~(3)(a)(C)(1)~~ Except as provided in division ~~(B)(4)(e)(D)(3)~~ 151439
of this section, the seller of the prepaid wireless calling 151440
service shall collect the charge imposed under division (A) of 151441
this section from the consumer at the time of each retail sale and 151442
disclose the amount of the charge to the consumer at the time of 151443
the sale by itemizing the charge on the receipt, invoice, or 151444
similar form of written documentation provided to the consumer. 151445

~~(b)(2)~~ The seller that collects the charge imposed under 151446
division (A) of this section shall comply with the reporting and 151447
remittance requirements under section 128.46 of the Revised Code. 151448

~~(4)(D)~~ When a prepaid wireless calling service is sold with 151449
one or more other products or services for a single, nonitemized 151450
price, the wireless 9-1-1 charge imposed under division 151451
~~(B)(1)(A)(2)~~ of this section shall apply to the entire nonitemized 151452
price, except as provided in divisions ~~(B)(4)(a)(D)(1)~~ to ~~(e)(3)~~ 151453
of this section. 151454

~~(a)(1)~~ If the amount of the prepaid wireless calling service 151455
is disclosed to the consumer as a dollar amount, the seller may 151456
elect to apply the charge only to that dollar amount. 151457

~~(b)(2)~~ If the seller can identify the portion of the 151458
nonitemized price that is attributable to the prepaid wireless 151459
calling service, by reasonable and verifiable standards from the 151460
seller's books and records that are kept in the regular course of 151461
business for other purposes, including nontax purposes, the seller 151462
may elect to apply the charge only to that portion. 151463

~~(e)(3)~~ If a minimal amount of a prepaid wireless calling 151464
service is sold with a prepaid wireless calling device for the 151465

single, nonitemized price, the seller may elect not to collect the charge. As used in this division, "minimal" means either ten minutes or less or five dollars or less.

(C)(E) The wireless 9-1-1 charges authorized under this section shall not be imposed on a subscriber of wireless lifeline service or a provider of that service.

(F) The wireless 9-1-1 charges shall be exempt from state or local taxation.

Sec. 128.41. Except as provided in sections 128.413 and 128.42 of the Revised Code:

(A) For a two-year period after the expiration of the fee described in section 128.40 of the Revised Code, there is imposed a next generation 9-1-1 access fee of sixty-four cents per month on each communications service to which both of the following apply:

(1) The communications service is sold in this state, registered to a service address or location within this state, or the subscriber's primary place of using the communications service is in this state.

(2) The communications service is capable of initiating a direct connection to 9-1-1.

(B) For a five-year period after the period described in division (A) of this section, there is imposed a next generation 9-1-1 access fee on each communications service described in that division. The amount of the fee shall be sixty-four cents per month or, if the steering committee designates an alternate amount under section 128.411 of the Revised Code, that alternate amount.

(C) After the five-year period described in division (B) of this section, there is imposed a next generation 9-1-1 access fee of sixty-four cents per month on each communications service

described in division (A) of this section. 151496

Sec. 128.411. (A) For purposes of division (B) of section 151497
128.41 of the Revised Code, the steering committee may, on the 151498
first day of January of each year and subject to division (B) of 151499
this section, designate an alternate amount for the monthly next 151500
generation 9-1-1 access fee. The alternative amount shall satisfy 151501
both of the following requirements: 151502

(1) It may not be more than two cents above the fee amount 151503
for the previous year. 151504

(2) It may not be higher than sixty-four cents. 151505

(B) The steering committee may designate a fee amount that is 151506
higher than the previous year's fee amount only if there are 151507
outstanding transitional costs associated with the next generation 151508
9-1-1 system. 151509

(C) The steering committee shall report to the general 151510
assembly any action to increase the next generation 9-1-1 access 151511
fee. The report shall state the remaining amount of the counties' 151512
transitional costs of connecting to the statewide emergency 151513
services internet protocol network. 151514

Sec. 128.412. (A) Except as provided in division (B) of this 151515
section and division (A) of section 128.413 of the Revised Code, 151516
the subscriber who is billed for a communications service 151517
described in division (A) of section 128.41 of the Revised Code 151518
shall pay a separate next generation 9-1-1 access fee for each 151519
such communications service for which the subscriber is billed. 151520

(B) In the case of a multiline telephone system, the 151521
subscriber shall pay a separate fee for each line. The maximum 151522
number of separate fees imposed on a single subscriber with a 151523
multiline telephone system shall not exceed two hundred per 151524
building with a unique street address or physically identifiable 151525

location. 151526

(C) In the case of a voice over internet protocol system, the subscriber shall pay a separate fee for each voice channel provided to the subscriber. The number of channels shall be equal to the number of outbound calls the subscriber can maintain at the same time using the system, but excludes a direct inward dialing number that merely routes an inbound call. 151527
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Sec. 128.413. The following are exempt from the next generation 9-1-1 access fee imposed under section 128.41 of the Revised Code: 151533
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(A) A subscriber of wireless lifeline service. 151536

(B) Wholesale transactions between telecommunications service providers where the service is a component of a service provided to an end user. This exemption includes network access charges and interconnection charges paid to a local exchange carrier. 151537
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(C) Devices that solely rely on ancillary connection services for direct connection to the 9-1-1 system, excluding any devices capable of both direct and ancillary connection to the 9-1-1 system. 151541
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Sec. 128.414. Each service provider and each reseller shall collect the next generation 9-1-1 access fee imposed under section 128.41 of the Revised Code as a specific line item on each subscriber's monthly bill or point of sale invoice. The line item shall be expressly designated "Ohio Next Generation 9-1-1 Access Fee ([amount]/service/month)." If a provider bills a subscriber for any other 9-1-1 costs that the provider may incur, the charge or amount is not to appear in the same line item as the next generation 9-1-1 access fee line item. If the charge or amount is to appear in a separate line item on the bill, the charge or amount shall be expressly designated "[Name of Provider] 151545
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[Description of charge or amount]." 151556

Sec. 128.416. (A) Not later than twelve months after the 151557
effective date of this section, the steering committee shall 151558
submit a report to the general assembly on the effectiveness of 151559
the next generation 9-1-1 access fee at sixty-four cents per 151560
month. 151561

(B) After the five-year period described in division (C) of 151562
section 128.41 of the Revised Code, the steering committee shall 151563
submit a report to the general assembly on a future amount for the 151564
next generation 9-1-1 access fee. 151565

Sec. 128.417. After installation and operation for twelve 151566
months of the statewide next generation 9-1-1 system, the steering 151567
committee shall monitor the accounts where funds are generated 151568
from the next generation 9-1-1 access fee. The steering committee 151569
may reduce the next generation access fee if it is determined the 151570
obligations of the funds can still be met to avoid over-collection 151571
of fees. If the fee is reduced, the steering committee may 151572
increase the fee, not to exceed the maximum rate of sixty-four 151573
cents, to ensure adequate funding exists to meet the obligations 151574
of the funds. 151575

Sec. 128.418. The steering committee shall notify the tax 151576
commissioner of the committee's intent to adjust the next 151577
generation 9-1-1 access fee not later than six months before the 151578
adjustment takes effect. 151579

Sec. 128.42. (A) Three months after the effective date of 151580
this section, there is imposed, on each retail sale of a prepaid 151581
wireless calling service occurring in this state, a next 151582
generation 9-1-1 access fee of five-tenths of one per cent of the 151583

sale price. 151584

(B) For purposes of division (A) of this section, a retail sale occurs in this state if it is effected by the consumer appearing in person at a seller's business location in this state, or if the sale is sourced to this state under division (E)(3) of section 5739.034 of the Revised Code, except that under that division, in lieu of sourcing a sale under division (C)(5) of section 5739.033 of the Revised Code, the seller, rather than the service provider, may elect to source the sale to the location associated with the mobile telephone number. 151585
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Sec. 128.421. Except as provided in division (B)(3) of section 128.422 of the Revised Code, the seller of the prepaid calling service shall collect the next generation 9-1-1 access fee imposed under section 128.42 of the Revised Code from the consumer at the time of each retail sale and disclose the amount of the fee to the consumer at the time of the sale by itemizing the fee on the receipt, invoice, or similar form of written documentation provided to the consumer. 151594
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Sec. 128.422. (A) When a prepaid calling service is sold with one or more other products or services for a single, nonitemized price, the next generation 9-1-1 access fee imposed under section 128.42 of the Revised Code shall apply to the entire nonitemized price, except as provided in divisions (B)(1) to (3) of this section. 151602
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(B)(1) If the amount of the prepaid calling service is disclosed to the consumer as a dollar amount, the seller may elect to apply the fee only to that dollar amount. 151608
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(2) If the seller can identify the portion of the nonitemized price that is attributable to the prepaid calling service, by reasonable and verifiable standards from the seller's books and 151611
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records that are kept in the regular course of business for other 151614
purposes, including nontax purposes, the seller may elect to apply 151615
the fee only to that portion. 151616

(3) If a minimal amount of a prepaid calling service is sold 151617
with a prepaid wireless calling device for the single, nonitemized 151618
price, the seller may elect not to collect the fee. As used in 151619
this division, "minimal" means either ten minutes or less or five 151620
dollars or less. 151621

Sec. 128.43. The next generation 9-1-1 access fee imposed 151622
under sections 128.41 and 128.42 of the Revised Code shall be 151623
exempt from state or local taxation. 151624

Sec. 128.44. Beginning January 1, 2014, the The tax 151625
commissioner shall provide notice to all known wireless service 151626
providers, resellers, and sellers of prepaid wireless calling 151627
services of any increase or decrease in either of the wireless 151628
next generation 9-1-1 charges access fee imposed under section 151629
sections 128.41 and 128.42 of the Revised Code. Each notice shall 151630
be provided not less than thirty days before the effective date of 151631
the increase or decrease. 151632

Sec. 128.45. (A) Each entity required to bill and collect a 151633
wireless 9-1-1 charge under section 128.40 of the Revised Code or 151634
the next generation 9-1-1 access fee under section 128.414 or 151635
128.421 of the Revised Code shall keep complete and accurate 151636
records of bills that include the charges and fees, together with 151637
a record of the charges and fees collected under those sections. 151638
The entities shall keep all related invoices and other pertinent 151639
documents. 151640

(B) Each seller shall keep complete and accurate records of 151641
retail sales of prepaid wireless calling services, together with a 151642
record of the charges and fees collected under sections 128.40 and 151643

128.421 of the Revised Code, and shall keep all related invoices 151644
and other pertinent documents. 151645

Sec. ~~128.45~~ 128.451. ~~Beginning January 1, 2014:~~ 151646

~~(A) Each wireless service provider and reseller shall keep~~ 151647
~~complete and accurate records of bills for wireless service,~~ 151648
~~together with a record of the wireless 9 1 1 charges collected~~ 151649
~~under section 128.42 of the Revised Code, and shall keep all~~ 151650
~~related invoices and other pertinent documents. Each seller shall~~ 151651
~~keep complete and accurate records of retail sales of prepaid~~ 151652
~~wireless calling services, together with a record of the wireless~~ 151653
~~9 1 1 charges collected under section 128.42 of the Revised Code,~~ 151654
~~and shall keep all related invoices and other pertinent documents.~~ 151655

~~(B) Records, invoices, and documents required to be kept~~ 151656
~~under this section 128.45 of the Revised Code shall be open during~~ 151657
~~business hours to the inspection of the tax commissioner. They~~ 151658
~~shall be preserved for a period of four years unless the tax~~ 151659
~~commissioner, in writing, consents to their destruction within~~ 151660
~~that period, or by order requires that they be kept longer.~~ 151661

Sec. 128.46. (A) ~~Prior to January 1, 2014:~~ 151662

~~(1) A wireless service provider or reseller, not later than~~ 151663
~~the last day of each month, shall remit the full amount of all~~ 151664
~~wireless 9 1 1 charges it collected under division (A) of section~~ 151665
~~128.42 of the Revised Code for the second preceding calendar month~~ 151666
~~to the administrator, with the exception of charges equivalent to~~ 151667
~~the amount authorized as a billing and collection fee under~~ 151668
~~division (A)(2) of this section. In doing so, the provider or~~ 151669
~~reseller may remit the requisite amount in any reasonable manner~~ 151670
~~consistent with its existing operating or technological~~ 151671
~~capabilities, such as by customer address, location associated~~ 151672
~~with the wireless telephone number, or another allocation method~~ 151673

~~based on comparable, relevant data. If the wireless service provider or reseller receives a partial payment for a bill from a wireless service subscriber, the wireless service provider or reseller shall apply the payment first against the amount the subscriber owes the wireless service provider or reseller and shall remit to the administrator such lesser amount, if any, as results from that invoice.~~

~~(2) A wireless service provider or reseller may retain as a billing and collection fee two per cent of the total wireless 9-1-1 charges it collects in a month and shall account to the administrator for the amount retained.~~

~~(3) The administrator shall return to, or credit against the next month's remittance of, a wireless service provider or reseller the amount of any remittances the administrator determines were erroneously submitted by the provider or reseller.~~

~~(B) Beginning January 1, 2014:~~

~~(1) Each seller of a prepaid wireless calling service, wireless service provider, and reseller An entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code shall, on or before the twenty-third day of each month, except as provided in divisions ~~(B)~~(A)(2) and (3) of this section, do both of the following:~~

~~(a) Make and file a return for the preceding month, in the form prescribed by the tax commissioner, showing the amount of the wireless 9-1-1 charges or fees due ~~under section 128.42 of the Revised Code~~ for that month;~~

~~(b) Remit the full amount due, as shown on the return, with the exception of charges and fees equivalent to the amount authorized as a collection fee under division (B)~~(4)~~ of this section.~~

(2) The commissioner may grant one or more thirty-day extensions for making and filing returns and remitting amounts due. 151705
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(3) If a seller is required to collect prepaid wireless 9-1-1 charges under section 128.40 of the Revised Code or next generation 9-1-1 access fees under section 128.421 of the Revised Code in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state. 151708
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~~(4)(B)~~ A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total wireless 9-1-1 charges required to be collected under section ~~128.42~~ 128.40 of the Revised Code, and shall account to the tax commissioner for the amount retained. 151716
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~~(5)(C)~~ The return required under division ~~(B)(A)~~ (1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, ~~the Ohio telefile system,~~ or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. ~~A wireless service provider, reseller, or seller~~ An entity required to file the return may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the ~~provider, reseller, or seller~~ entity from either or both of the requirements and may permit the ~~provider, reseller, or seller~~ entity to file returns or make remittances by nonelectronic means. 151721
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~~(C)(1)(D)(1)~~ Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of 151735
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~~section 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a wireless service provider or reseller collects charges under that division and fails to remit the money to the administrator, the wireless service provider or reseller is liable to the state for any amount collected and not remitted.~~

~~(2) Beginning January 1, 2014:~~

~~(a) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section ~~128.42~~ 128.40 of the Revised Code or on which a next generation 9-1-1 access fee is imposed under section 128.41 or 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails~~

~~(2) An entity required to bill or collect the wireless 9-1-1 charge, under section 128.40 of the Revised Code or if a seller fails to collect the charge, the provider, reseller, or seller is liable to the state for the amount not billed or collected. If a provider, reseller, or seller fails to remit money to the tax commissioner as required under this section, the provider, reseller, or seller the next generation 9-1-1 access fee under section ~~128.414~~ or ~~128.421~~ 128.40 of the Revised Code is liable to the state for the any amount that was required to be collected but that was not remitted, regardless of whether the amount was collected.~~

~~(b)(3) No provider of a prepaid wireless calling service shall be liable to the state for any wireless 9-1-1 charge imposed under division (B)(1) of section 128.40 of the Revised Code or any next generation 9-1-1 access fee imposed under section 128.42 of~~

the Revised Code that was not collected or remitted. 151769

~~(D) Prior to January 1, 2014:~~ 151770

~~(1) If the steering committee has reason to believe that a wireless service provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) of this section or has retained more than the amount authorized under division (A)(2) of this section, and after written notice to the provider or reseller, the steering committee may audit the provider or reseller for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's or reseller's billings, collections, remittances, or retentions for a representative period, and the steering committee shall make a good faith effort to reach agreement with the provider or reseller in selecting that sample.~~ 151771
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~~(2) Upon written notice to the wireless service provider or reseller, the steering committee, by order after completion of the audit, may make an assessment against the provider or reseller if, pursuant to the audit, the steering committee determines that the provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) of this section or has retained more than the amount authorized under division (A)(2) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the steering committee to the provider or reseller or, as applicable, in the amount of the excess amount under division (A)(2) of this section retained by the provider or reseller as of that date.~~ 151784
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~~(3) The portion of any assessment not paid within sixty days after the date of service by the steering committee of the assessment notice under division (D)(2) of this section shall bear interest from that date until paid at the rate per annum~~ 151797
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~~prescribed by section 5703.47 of the Revised Code. That interest 151801
may be collected by making an assessment under division (D)(2) of 151802
this section. An assessment under this division and any interest 151803
due shall be remitted in the same manner as the wireless 9-1-1 151804
charge imposed under division (A) of section 128.42 of the Revised 151805
Code. 151806~~

~~(4) Unless the provider, reseller, or seller assessed files 151807
with the steering committee within sixty days after service of the 151808
notice of assessment, either personally or by certified mail, a 151809
written petition for reassessment, signed by the party assessed or 151810
that party's authorized agent having knowledge of the facts, the 151811
assessment shall become final and the amount of the assessment 151812
shall be due and payable from the party assessed to the 151813
administrator. The petition shall indicate the objections of the 151814
party assessed, but additional objections may be raised in writing 151815
if received by the administrator or the steering committee prior 151816
to the date shown on the final determination. 151817~~

~~(5) After an assessment becomes final, if any portion of the 151818
assessment remains unpaid, including accrued interest, a certified 151819
copy of the final assessment may be filed in the office of the 151820
clerk of the court of common pleas in the county in which the 151821
place of business of the assessed party is located. If the party 151822
assessed maintains no place of business in this state, the 151823
certified copy of the final assessment may be filed in the office 151824
of the clerk of the court of common pleas of Franklin county. 151825
Immediately upon the filing, the clerk shall enter a judgment for 151826
the state against the assessed party in the amount shown on the 151827
final assessment. The judgment may be filed by the clerk in a 151828
loose leaf book entitled "special judgments for wireless 9-1-1 151829
charges" and shall have the same effect as other judgments. The 151830
judgment shall be executed upon the request of the steering 151831
committee. 151832~~

~~(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge imposed under division (A) of section 128.42 of the Revised Code. If, after the date of service of the audit notice under division (D)(1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.~~

~~(7) All money collected by the administrator under division (D) of this section shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.~~

~~(E) Beginning January 1, 2014:~~

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller an entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code has failed to bill, collect, or remit the wireless 9-1-1 charge or fee as required by this section and ~~section 128.42~~ sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B)~~(4)~~ of this section, and after written notice to the ~~provider, reseller, or seller,~~ entity the tax commissioner may audit the ~~provider, reseller, or seller~~ entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the ~~provider's, reseller's, or seller's~~ entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the ~~provider, reseller, or seller~~ entity in selecting that sample.

(2) Upon written notice to the ~~wireless service provider, reseller, or seller~~ entity, the tax commissioner, after completion of the audit, may make an assessment against the ~~provider,~~

~~reseller, or seller~~ entity if, pursuant to the audit, the tax 151865
commissioner determines that the ~~provider, reseller, or seller~~ 151866
entity has failed to bill, collect, or remit the ~~wireless 9-1-1~~ 151867
charge or fee as required by ~~this section and section 128.42~~ 151868
sections 128.40 to 128.422 of the Revised Code or has retained 151869
more than the amount authorized under division (B)(~~4~~) of this 151870
section. The assessment shall be in the amount of any remittance 151871
that was due and unpaid on the date notice of the audit was sent 151872
by the tax commissioner to the ~~provider, reseller, or seller~~ 151873
entity or, as applicable, in the amount of the excess amount under 151874
division (B)(~~4~~) of this section retained by the ~~provider,~~ 151875
~~reseller, or seller~~ entity as of that date. 151876

(3) The portion of any assessment consisting of ~~wireless~~ 151877
~~9-1-1~~ charges or fees due and not paid within sixty days after the 151878
date that the assessment was made under division (E)(2) of this 151879
section shall bear interest from that date until paid at the rate 151880
per annum prescribed by section 5703.47 of the Revised Code. That 151881
interest may be collected by making an assessment under division 151882
(E)(2) of this section. 151883

(4) Unless the ~~provider, reseller, or seller~~ entity assessed 151884
files with the tax commissioner within sixty days after service of 151885
the notice of assessment, either personally or by certified mail, 151886
a written petition for reassessment, signed by the ~~party~~ entity 151887
assessed or that ~~party's~~ entity's authorized agent having 151888
knowledge of the facts, the assessment shall become final and the 151889
amount of the assessment shall be due and payable from the ~~party~~ 151890
entity assessed to the treasurer of state, for deposit to the next 151891
generation 9-1-1 fund, which is created under section 128.54 of 151892
the Revised Code. The petition shall indicate the objections of 151893
the ~~party~~ entity assessed, but additional objections may be raised 151894
in writing if received by the commissioner prior to the date shown 151895
on the final determination. If the petition has been properly 151896

filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 151897
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(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed ~~party~~ entity is conducted. If the ~~party~~ entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed ~~party~~ entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for ~~wireless~~ 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner. 151899
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(6) If the commissioner determines that the commissioner erroneously has refunded a ~~wireless~~ 9-1-1 charge or fee to any person, the commissioner may make an assessment against that person for recovery of the erroneously refunded charge. 151914
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(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the ~~provider, reseller, or seller~~ entity for a ~~wireless~~ 9-1-1 charge or fee. If, after the date of service of the audit notice under division (E)(1) of this section, a subscriber or consumer pays a ~~wireless~~ 9-1-1 charge or fee for the period covered by the assessment, the payment shall be credited against the assessment. 151918
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Sec. 128.461. ~~Beginning January 1, 2014, any~~ Every wireless 9-1-1 charge and next generation 9-1-1 access fee required to be remitted under section 128.46 of the Revised Code shall be subject 151925
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to interest as prescribed by section 5703.47 of the Revised Code, 151928
calculated from the date the ~~wireless 9-1-1~~ charge or fee was due 151929
under section 128.46 of the Revised Code to the date the ~~wireless~~ 151930
~~9-1-1~~ charge or fee is remitted or the date of assessment, 151931
whichever occurs first. 151932

Sec. 128.462. ~~Beginning January 1, 2014:~~ 151933

(A) Except as otherwise provided in this section, no 151934
assessment shall be made or issued against a ~~wireless service~~ 151935
~~provider, reseller, or seller~~ an entity for any wireless 9-1-1 151936
charge ~~imposed by or pursuant to~~ required to be collected under 151937
section ~~128.42~~ 128.40 of the Revised Code or any next generation 151938
9-1-1 access fee required to be collected under section 128.414 or 151939
128.421 of the Revised Code more than four years after the return 151940
date for the period in which the sale or purchase was made, or 151941
more than four years after the return for such period is filed, 151942
whichever is later. This division does not bar an assessment: 151943

(1) When the tax commissioner has substantial evidence of 151944
amounts of ~~wireless 9-1-1~~ charges or fees collected by a ~~provider,~~ 151945
~~reseller, or seller~~ an entity from subscribers or consumers, which 151946
were not returned to the state; 151947

(2) When the ~~provider, reseller, or seller~~ entity assessed 151948
failed to file a return as required by section 128.46 of the 151949
Revised Code; 151950

(3) When the ~~provider, reseller, or seller~~ entity and the 151951
commissioner waive in writing the time limitation. 151952

(B) No assessment shall be made or issued against a ~~wireless~~ 151953
~~service provider, reseller, or seller~~ an entity for any wireless 151954
9-1-1 charge imposed by ~~or pursuant to~~ section 128.40 of the 151955
Revised Code or next generation 9-1-1 access fee imposed by 151956
section 128.41 or 128.42 of the Revised Code for any period during 151957

which there was in full force and effect a rule of the tax 151958
commissioner under or by virtue of which the collection or payment 151959
of any such ~~wireless 9-1-1~~ charge or fee was not required. This 151960
division does not bar an assessment when the tax commissioner has 151961
substantial evidence of amounts of ~~wireless 9-1-1~~ charges or fees 151962
collected by a ~~provider, reseller, or seller~~ an entity from 151963
subscribers or consumers, which were not returned to the state. 151964

Sec. 128.47. ~~Beginning January 1, 2014:~~ 151965

(A) ~~A wireless service provider, reseller, seller, wireless~~ 151966
~~service~~ An entity required to collect a wireless 9-1-1 charge 151967
under section 128.40 of the Revised Code or the next generation 151968
9-1-1 access fee under section 128.414 or 128.421 of the Revised 151969
Code, a subscriber, or a consumer of a prepaid wireless calling 151970
~~service~~ may apply to the tax commissioner for a refund of ~~wireless~~ 151971
~~9-1-1~~ charges or fees described in division (B) of this section 151972
and of any penalties assessed with respect to such charges. The 151973
application shall be made on the form prescribed by the tax 151974
commissioner. The application shall be made not later than four 151975
years after the date of the illegal or erroneous payment of the 151976
charge or fee by the subscriber or consumer, unless the ~~wireless~~ 151977
~~service provider, reseller, or seller~~ entity waives the time 151978
limitation under division (A)(3) of section 128.462 of the Revised 151979
Code. If the time limitation is waived, the refund application 151980
period shall be extended for the same period as the waiver. 151981

(B)(1) If a ~~wireless service provider, reseller, or seller~~ an 151982
entity refunds to a subscriber or consumer the full amount of 151983
wireless 9-1-1 charges or next generation 9-1-1 access fees that 151984
the subscriber or consumer paid illegally or erroneously, and if 151985
the ~~provider, reseller, or seller~~ entity remitted that amount 151986
under section 128.46 of the Revised Code, the tax commissioner 151987
shall refund that amount to the ~~provider, reseller, or seller~~ 151988

entity. 151989

(2) If a ~~wireless service provider, reseller, or seller~~ an 151990
entity has illegally or erroneously billed a subscriber or charged 151991
a consumer for a wireless 9-1-1 charge or a next generation 9-1-1 151992
access fee, and if the ~~provider, reseller, or seller~~ entity has 151993
not collected the charge or fee but has remitted that amount under 151994
section 128.46 of the Revised Code, the tax commissioner shall 151995
refund that amount to the ~~provider, reseller, or seller~~ entity. 151996

(C)(1) The tax commissioner may refund to a subscriber or 151997
consumer wireless 9-1-1 charges or next generation 9-1-1 access 151998
fees paid illegally or erroneously to a ~~provider, reseller, or~~ 151999
~~seller~~ an entity only if both of the following apply: 152000

(a) The tax commissioner has not refunded the wireless 9-1-1 152001
charges or fees to the ~~provider, reseller, or seller~~ entity. 152002

(b) The ~~provider, reseller, or seller~~ entity has not refunded 152003
the ~~wireless 9-1-1~~ charges or fees to the subscriber or consumer. 152004

(2) The tax commissioner may require the subscriber or 152005
consumer to obtain from the ~~provider, reseller, or seller~~ entity a 152006
written statement confirming that the ~~provider, reseller, or~~ 152007
~~seller~~ entity has not refunded the ~~wireless 9-1-1~~ charges or fees 152008
to the subscriber or consumer and that the ~~provider, reseller, or~~ 152009
~~seller~~ entity has not filed an application for a refund under this 152010
section. The tax commissioner may also require the ~~provider,~~ 152011
~~reseller, or seller~~ entity to provide this statement. 152012

(D) On the filing of an application for a refund under this 152013
section, the tax commissioner shall determine the amount of refund 152014
to which the applicant is entitled. If the amount is not less than 152015
that claimed, the commissioner shall certify the determined amount 152016
to the director of budget and management and the treasurer of 152017
state for payment from the tax refund fund created under section 152018
5703.052 of the Revised Code. If the amount is less than that 152019

claimed, the commissioner shall proceed in accordance with section 152020
5703.70 of the Revised Code. 152021

(E) Refunds granted under this section shall include interest 152022
as provided by section 5739.132 of the Revised Code. 152023

Sec. 128.52. (A) ~~Beginning on July 1, 2013, each~~ Each seller 152024
of a prepaid wireless calling service required to collect prepaid 152025
wireless 9-1-1 charges under ~~division (B) of section 128.42~~ 128.40 152026
of the Revised Code or next generation 9-1-1 access fees under 152027
section 128.421 of the Revised Code shall also be subject to the 152028
provisions of Chapter 5739. of the Revised Code regarding the 152029
excise tax on retail sales levied under section 5739.02 of the 152030
Revised Code, as those provisions apply to audits, assessments, 152031
appeals, enforcement, liability, and penalties. 152032

(B) The tax commissioner shall establish procedures by which 152033
a person may document that a sale is not a retail sale of a 152034
prepaid wireless calling service. The procedures shall 152035
substantially coincide with similar procedures under Chapter 5739. 152036
of the Revised Code. 152037

Sec. 128.54. (A)(1) For the purpose of receiving, 152038
distributing, and accounting for amounts received from the 152039
wireless 9-1-1 charges imposed under section 128.40 of the Revised 152040
Code and the next generation 9-1-1 access fees imposed under 152041
sections 128.41 and 128.42 of the Revised Code, the following 152042
funds are created in the state treasury: 152043

(a) The ~~wireless~~ 9-1-1 government assistance fund; 152044

(b) The ~~wireless~~ 9-1-1 administrative fund; 152045

(c) The ~~wireless~~ 9-1-1 program fund; 152046

(d) The next generation 9-1-1 fund. 152047

(2) Amounts remitted under section 128.46 of the Revised Code 152048

shall be paid to the treasurer of state for deposit as follows: 152049

(a) ~~Ninety-seven~~ Seventy-two per cent to the ~~wireless~~ 9-1-1 152050
government assistance fund. All interest earned on the ~~wireless~~ 152051
9-1-1 government assistance fund shall be credited to the fund. 152052

(b) One per cent to the ~~wireless~~ 9-1-1 administrative fund; 152053

(c) Two per cent to the 9-1-1 program fund; 152054

(d) Twenty-five per cent to the next generation 9-1-1 fund. 152055

(3) The tax commissioner shall use the ~~wireless~~ 9-1-1 152056
administrative fund to defray the costs incurred in carrying out 152057
this chapter. 152058

(4) The steering committee shall use the 9-1-1 program fund 152059
to defray the costs incurred by the steering committee in carrying 152060
out this chapter. 152061

(5) Annually, the tax commissioner, after paying 152062
administrative costs under division (A)(3) of this section, shall 152063
transfer any excess remaining in the ~~wireless~~ 9-1-1 administrative 152064
fund to the next generation 9-1-1 fund, created under this 152065
section. 152066

(B) At the direction of the steering committee, the tax 152067
commissioner shall transfer the funds remaining in the ~~wireless~~ 152068
9-1-1 government assistance fund to the credit of the next 152069
generation 9-1-1 fund. All interest earned on the next generation 152070
9-1-1 fund shall be credited to the fund. 152071

(C) From the ~~wireless~~ 9-1-1 government assistance fund, the 152072
director of budget and management shall, as funds are available, 152073
transfer to the tax refund fund, created under section 5703.052 of 152074
the Revised Code, amounts equal to the refunds certified by the 152075
tax commissioner under division (D) of section 128.47 of the 152076
Revised Code. 152077

Sec. 128.55. (A)(1) The tax commissioner, ~~not later than the~~ 152078
~~last day of each month,~~ shall disburse moneys from the ~~wireless~~ 152079
9-1-1 government assistance fund, plus any accrued interest on the 152080
fund, to each county treasurer in the same proportion distributed 152081
to that county by the tax commissioner in the corresponding 152082
calendar month of the previous year. Any shortfall in 152083
distributions resulting from the timing of funds received in a 152084
previous month shall be distributed in the following month. 152085
Disbursements shall occur not later than the tenth day of the 152086
month succeeding the month in which the wireless 9-1-1 charges 152087
imposed under section 128.40 of the Revised Code and the next 152088
generation 9-1-1 access fees imposed under sections 128.41 and 152089
128.42 of the Revised Code are remitted. 152090

(2) The ~~tax commissioner shall disburse moneys from the next~~ 152091
~~generation 9-1-1 fund in accordance with the guidelines~~ 152092
~~established under section 128.022 of the Revised Code shall be~~ 152093
administered by the department of administrative services and used 152094
exclusively to pay costs of installing, maintaining, and operating 152095
the call routing and core services statewide next generation 9-1-1 152096
system. 152097

(B) Immediately upon receipt by a county treasurer of a 152098
disbursement under division (A) of this section, the county shall 152099
disburse, in accordance with the allocation formula set forth in 152100
the final plan, the amount the county so received to any other 152101
subdivisions in the county and any regional councils of 152102
governments in the county that pay the costs of a public safety 152103
answering point providing wireless enhanced 9-1-1 under the plan. 152104

(C) Nothing in this chapter affects the authority of a 152105
subdivision operating or served by a public safety answering point 152106
of a 9-1-1 system or a regional council of governments operating a 152107
public safety answering point of a 9-1-1 system to use, as 152108

provided in the final plan for the system ~~or in an agreement under~~ 152109
~~section 128.09 of the Revised Code~~, any other authorized revenue 152110
of the subdivision or the regional council of governments for the 152111
purposes of providing basic or enhanced 9-1-1. 152112

Sec. 128.57. ~~Except as otherwise provided in section 128.571~~ 152113
~~of the Revised Code:~~ 152114

(A) A countywide 9-1-1 system receiving a disbursement under 152115
section 128.55 of the Revised Code shall provide countywide 152116
wireless enhanced 9-1-1 in accordance with this chapter beginning 152117
as soon as reasonably possible after receipt of the first 152118
disbursement or, if that service is already implemented, shall 152119
continue to provide such service. Except as provided in divisions 152120
(B), (C), ~~and (E)~~, and (F) of this section, a disbursement shall 152121
be used solely for the purpose of paying either or both of the 152122
following: 152123

(1) Any costs of ~~designing~~ the following: 152124

(a) Designing, upgrading, purchasing, leasing, programming, 152125
installing, testing, or maintaining the necessary data, hardware, 152126
software, and trunking required for the public safety answering 152127
point or points of the 9-1-1 system to provide wireless, enhanced, 152128
or next generation 9-1-1, ~~which costs are incurred before or on or~~ 152129
~~after May 6, 2005, and consist of such additional costs of the~~ 152130
~~9-1-1 system over and above any costs incurred to provide wireline~~ 152131
~~9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually,~~ 152132
~~up to twenty five thousand dollars of the disbursements received~~ 152133
~~on or after January 1, 2009, may be applied to data, hardware, and~~ 152134
~~software that automatically alerts personnel receiving a 9-1-1~~ 152135
~~call that a person at the subscriber's address or telephone number~~ 152136
~~may have a mental or physical disability, of which that personnel~~ 152137
~~shall inform the appropriate~~ service; 152138

(b) Processing 9-1-1 emergency calls from the point of origin 152139

to include any expense for interoperable bidirectional computer 152140
aided dispatch data transfers with other public safety answering 152141
points or emergency services organizations and transferring and 152142
receiving law enforcement, fire, and emergency medical service 152143
provider. On or after the provision of technical and operational 152144
standards pursuant to section 128.021 of the Revised Code, a 152145
regional council of governments operating a public safety 152146
answering point or a subdivision shall consider the standards 152147
before incurring any costs described in this division. data via 152148
wireless or internet connections from public safety answering 152149
points or emergency services organizations to all applicable 152150
emergency responders. 152151

(2) Any costs of training the staff of the public safety 152152
answering point or points to provide wireless enhanced 9-1-1- 152153
~~which costs are incurred before or on or after May 6, 2005.~~ 152154

(B) A subdivision or a regional council of governments that 152155
certifies to the steering committee that it has paid the costs 152156
described in divisions (A)(1) and (2) of this section and is 152157
providing countywide wireless enhanced 9-1-1 may use disbursements 152158
received under section 128.55 of the Revised Code to pay any of 152159
its personnel costs of one or more public safety answering points 152160
providing countywide wireless enhanced 9-1-1. 152161

(C) After receiving its July 2013 disbursement under division 152162
(A) of section 128.55 of the Revised Code as that division existed 152163
prior to the amendments to that division by H.B. 64 of the 131st 152164
general assembly, a regional council of governments operating a 152165
public safety answering point or a subdivision may use any 152166
remaining balance of disbursements it received under that 152167
division, as it existed prior to the amendments to it by H.B. 64 152168
of the 131st general assembly, to pay any of its costs of 152169
providing countywide wireless 9-1-1, including the personnel costs 152170
of one or more public safety answering points providing that 152171

service. 152172

(D) The costs described in divisions (A), (B), (C), and (E) 152173
of this section may include any such costs payable pursuant to an 152174
agreement under division ~~(J)~~(I) of section 128.03 of the Revised 152175
Code. 152176

(E)(1) No disbursement to a countywide 9-1-1 system for costs 152177
of a public safety answering point shall be made from the ~~wireless~~ 152178
9-1-1 government assistance fund or the next generation 9-1-1 fund 152179
unless the public safety answering point meets the standards set 152180
by rule of the steering committee under section 128.021 of the 152181
Revised Code. 152182

(2) The steering committee shall monitor compliance with the 152183
standards and shall notify the tax commissioner to suspend 152184
disbursements to a countywide 9-1-1 system that fails to meet the 152185
standards. Upon receipt of this notification, the commissioner 152186
shall suspend disbursements until the commissioner is notified of 152187
compliance with the standards. 152188

(F) The auditor of state may audit and review each county's 152189
expenditures of funds received from the ~~wireless~~ 9-1-1 government 152190
assistance fund to verify that the funds were used in accordance 152191
with the requirements of this chapter. All funds generated from 152192
the next generation 9-1-1 access fee imposed under sections 128.41 152193
and 128.42 of the Revised Code may be used only for 9-1-1 related 152194
expenses. 152195

Sec. 128.60. (A)(1) A telephone company, the state highway 152196
patrol as described in division ~~(J)~~(I) of section 128.03 of the 152197
Revised Code, and each subdivision or regional council of 152198
governments operating one or more public safety answering points 152199
for a countywide system providing wireless 9-1-1, shall provide 152200
the steering committee and the tax commissioner with such 152201
information as the steering committee and tax commissioner request 152202

for the purposes of carrying out their duties under this chapter, 152203
including, but not limited to, duties regarding the collection of 152204
the wireless 9-1-1 charges imposed under section 128.40 of the 152205
Revised Code and the next generation 9-1-1 access fee imposed 152206
under sections 128.41 and 128.42 of the Revised Code. 152207

(2) A wireless service provider shall provide an official, 152208
employee, agent, or representative of a subdivision or regional 152209
council of governments operating a public safety answering point, 152210
or of the state highway patrol as described in division ~~(J)~~(I) of 152211
section 128.03 of the Revised Code, with such technical, service, 152212
and location information as the official, employee, agent, or 152213
representative requests for the purpose of providing wireless 152214
9-1-1. 152215

(3) A subdivision or regional council of governments 152216
operating one or more public safety answering points of a 9-1-1 152217
system, and a telephone company, shall provide to the steering 152218
committee such information as the steering committee requires for 152219
the purpose of carrying out its duties under Chapter 128. of the 152220
Revised Code. 152221

(B)(1) Any information provided under division (A) of this 152222
section that consists of trade secrets as defined in section 152223
1333.61 of the Revised Code or of information regarding the 152224
customers, revenues, expenses, or network information of a 152225
telephone company shall be confidential and does not constitute a 152226
public record for the purpose of section 149.43 of the Revised 152227
Code. 152228

(2) The steering committee, tax commissioner, and any 152229
official, employee, agent, or representative of the steering 152230
committee, of the tax commissioner, of the state highway patrol as 152231
described in division ~~(J)~~(I) of section 128.03 of the Revised 152232
Code, or of a subdivision or regional council of governments 152233

operating a public safety answering point, while acting or 152234
claiming to act in the capacity of the steering committee or tax 152235
commissioner or such official, employee, agent, or representative, 152236
shall not disclose any information provided under division (A) of 152237
this section regarding a telephone company's customers, revenues, 152238
expenses, or network information. Nothing in division (B)(2) of 152239
this section precludes any such information from being aggregated 152240
and included in any report of the steering committee, tax 152241
commissioner, or any official, employee, agent, or representative 152242
of the steering committee or tax commissioner, provided the 152243
aggregated information does not identify the number of any 152244
particular company's customers or the amount of its revenues or 152245
expenses or identify a particular company as to any network 152246
information. 152247

Sec. 128.63. ~~(A)~~ The tax commissioner may adopt rules in 152248
accordance with Chapter 119. of the Revised Code to carry out this 152249
chapter, including rules prescribing the necessary accounting for 152250
the collection fee under division (B)~~(4)~~ of section 128.46 of the 152251
Revised Code. 152252

~~(B) The amounts of the wireless 9-1-1 charges shall be 152253
prescribed only by act of the general assembly. 152254~~

Sec. ~~128.32~~128.96. (A)(1) The state, the state highway 152255
patrol, a subdivision, or a regional council of governments 152256
participating in a 9-1-1 system established under this chapter and 152257
any officer, agent, employee, or independent contractor of the 152258
state, the state highway patrol, or such a participating 152259
subdivision or regional council of governments is not liable in 152260
damages in a civil action for injuries, death, or loss to persons 152261
or property arising from any act or omission, except willful or 152262
wanton misconduct, in connection with developing, adopting, or 152263
approving any final plan ~~or any agreement made under section 152264~~

~~128.09 of the Revised Code~~ or otherwise bringing into operation 152265
the 9-1-1 system pursuant to this chapter. 152266

(2) The steering committee and any member of the steering 152267
committee are not liable in damages in a civil action for 152268
injuries, death, or loss to persons or property arising from any 152269
act or omission, except willful or wanton misconduct, in 152270
connection with the development or operation of a 9-1-1 system 152271
established under this chapter. 152272

(B) Except as otherwise provided in this section, an 152273
individual who gives emergency instructions through a 9-1-1 system 152274
established under this chapter, and the principals for whom the 152275
person acts, including both employers and independent contractors, 152276
public and private, and an individual who follows emergency 152277
instructions and the principals for whom that person acts, 152278
including both employers and independent contractors, public and 152279
private, are not liable in damages in a civil action for injuries, 152280
death, or loss to persons or property arising from the issuance or 152281
following of emergency instructions, except where the issuance or 152282
following of the instructions constitutes willful or wanton 152283
misconduct. 152284

(C) Except for willful or wanton misconduct, a telephone 152285
company, and any other installer, maintainer, or provider, through 152286
the sale or otherwise, of customer premises equipment, or service 152287
used for or with a 9-1-1 system, and their respective officers, 152288
directors, employees, agents, suppliers, corporate parents, and 152289
affiliates are not liable in damages in a civil action for 152290
injuries, death, or loss to persons or property incurred by any 152291
person resulting from any of the following: 152292

(1) Such an entity's or its officers', directors', 152293
employees', agents', or suppliers' participation in or acts or 152294
omissions in connection with participating in or developing, 152295

maintaining, or operating a 9-1-1 system; 152296

(2) Such an entity's or its officers', directors', 152297
employees', agents', or suppliers' provision of assistance to a 152298
public utility, municipal utility, or state or local government as 152299
authorized by divisions ~~(G)~~(4)~~(H)~~(4) and (5) of this section. 152300

(D) Except for willful or wanton misconduct, a provider of 152301
and a seller of a prepaid wireless calling service and their 152302
respective officers, directors, employees, agents, and suppliers 152303
are not liable in damages in a civil action for injuries, death, 152304
or loss to persons or property incurred by any person resulting 152305
from anything described in division (C) of this section. 152306

(E) Except for willful or wanton misconduct, a 9-1-1 system 152307
service provider and the provider's respective officers, 152308
directors, employees, agents, and suppliers are not liable for any 152309
damages in a civil action for injuries, death, or loss to persons 152310
or property incurred by any person resulting from developing, 152311
adopting, implementing, maintaining, or operating a 9-1-1 system, 152312
or from complying with emergency-related information requests from 152313
state or local government officials. 152314

(F) No person shall knowingly use the telephone number of a 152315
9-1-1 system established under this chapter to report an emergency 152316
if the person knows that no emergency exists. 152317

~~(F)~~(G) No person shall knowingly use a 9-1-1 system for a 152318
purpose other than obtaining emergency service. 152319

~~(G)~~(H) No person shall disclose or use any information 152320
concerning telephone numbers, addresses, or names obtained from 152321
the data base that serves the public safety answering point of a 152322
9-1-1 system established under this chapter, except for any of the 152323
following purposes or under any of the following circumstances: 152324

(1) For the purpose of the 9-1-1 system; 152325

(2) For the purpose of responding to an emergency call to an emergency service provider;

(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;

(4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.

(5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee.

Sec. ~~128.34~~128.98. (A) The attorney general, upon request of the steering committee, or on the attorney general's own initiative, shall begin proceedings against a telephone company that is a wireline service provider to enforce compliance with this chapter or with the terms, conditions, requirements, or specifications of a final plan ~~or of an agreement under section 128.09 of the Revised Code~~ as to wireline or wireless 9-1-1.

(B) The attorney general, upon the attorney general's own initiative, or any prosecutor, upon the prosecutor's initiative, shall begin proceedings against a subdivision or a regional

council of governments as to wireline or wireless 9-1-1 to enforce 152357
compliance with this chapter or with the terms, conditions, 152358
requirements, or specifications of a final plan ~~or of an agreement~~ 152359
~~under section 128.09 of the Revised Code~~ as to wireline or 152360
wireless 9-1-1. 152361

Sec. 128.99. (A) Whoever violates division ~~(E)~~(F) of section 152362
~~128.32~~ 128.96 of the Revised Code is guilty of a misdemeanor of 152363
the fourth degree. 152364

(B) Whoever violates division ~~(F)~~~~or~~ (G) or (H) of section 152365
~~128.32~~ 128.96 or division (B)(2) of section 128.60 of the Revised 152366
Code is guilty of a misdemeanor of the fourth degree on a first 152367
offense and a felony of the fifth degree on each subsequent 152368
offense. 152369

(C) If a wireless service provider, reseller, or seller 152370
violates division ~~(B)~~(A)(1)(a) of section 128.46 of the Revised 152371
Code, and does not comply with any extensions granted under 152372
division ~~(B)~~~~(2)~~(A)(2) of that section, the tax commissioner may 152373
impose a late-filing penalty of not more than the greater of fifty 152374
dollars or five per cent of the amount required to be remitted as 152375
described in division (B)(1)(b) of that section. 152376

(D) If a wireless service provider, reseller, or seller fails 152377
to comply with division ~~(B)~~(A)(1)(b) of section 128.46 of the 152378
Revised Code, the tax commissioner may impose a late-payment 152379
penalty of not more than the greater of fifty dollars or five per 152380
cent of the wireless 9-1-1 charge required to be remitted for the 152381
reporting period minus any partial remittance made on or before 152382
the due date, including any extensions granted under division 152383
~~(B)~~(A)(2) of section 128.46 of the Revised Code. 152384

(E) The tax commissioner may impose an assessment penalty of 152385
not more than the greater of one hundred dollars or thirty-five 152386
per cent of the wireless 9-1-1 charges due after the tax 152387

commissioner notifies the person of an audit, an examination, a delinquency, assessment, or other notice that additional wireless 9-1-1 charges are due.

(F) If a wireless service provider, reseller, or seller fails to comply with either electronic requirement of division ~~(B)(5)~~(C) of section 128.46 of the Revised Code, the tax commissioner may impose an electronic penalty, for either or both failures to comply, of not more than the lesser of the following:

(1) The greater of one hundred dollars or ten per cent of the amount required to be, but not, remitted electronically;

(2) Five thousand dollars.

(G) Each penalty described in divisions (C) to (F) of this section is in addition to any other penalty described in those divisions. The tax commissioner may abate all or any portion of any penalty described in those divisions.

(H) An operator in violation of section 128.24 of the Revised Code may be assessed a fine of up to five thousand dollars per offense.

(I)(1) If a business service user fails to comply with section 128.241 of the Revised Code without being exempt under section 128.242 of the Revised Code, the 9-1-1 steering committee shall request the attorney general to bring an action to recover one of the following amounts from the user:

(a) One thousand dollars for an initial failure;

(b) Up to five thousand dollars for each subsequent failure within each continuing six-month period in which the user remains noncompliant.

(2) Any funds recovered under division (I)(1) of this section shall be deposited into the next generation 9-1-1 fund created under section 128.54 of the Revised Code.

(3) Divisions (I)(1) and (2) of this section shall not apply 152418
if they are preempted by or in conflict with federal law. 152419

Sec. 149.43. (A) As used in this section: 152420

(1) "Public record" means records kept by any public office, 152421
including, but not limited to, state, county, city, village, 152422
township, and school district units, and records pertaining to the 152423
delivery of educational services by an alternative school in this 152424
state kept by the nonprofit or for-profit entity operating the 152425
alternative school pursuant to section 3313.533 of the Revised 152426
Code. "Public record" does not mean any of the following: 152427

(a) Medical records; 152428

(b) Records pertaining to probation and parole proceedings, 152429
to proceedings related to the imposition of community control 152430
sanctions and post-release control sanctions, or to proceedings 152431
related to determinations under section 2967.271 of the Revised 152432
Code regarding the release or maintained incarceration of an 152433
offender to whom that section applies; 152434

(c) Records pertaining to actions under section 2151.85 and 152435
division (C) of section 2919.121 of the Revised Code and to 152436
appeals of actions arising under those sections; 152437

(d) Records pertaining to adoption proceedings, including the 152438
contents of an adoption file maintained by the department of 152439
health under sections 3705.12 to 3705.124 of the Revised Code; 152440

(e) Information in a record contained in the putative father 152441
registry established by section 3107.062 of the Revised Code, 152442
regardless of whether the information is held by the department of 152443
job and family services or, pursuant to section 3111.69 of the 152444
Revised Code, the office of child support in the department or a 152445
child support enforcement agency; 152446

(f) Records specified in division (A) of section 3107.52 of 152447

the Revised Code;	152448
(g) Trial preparation records;	152449
(h) Confidential law enforcement investigatory records;	152450
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	152451 152452
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	152453 152454
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	152455 152456 152457 152458
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	152459 152460 152461 152462
(m) Intellectual property records;	152463
(n) Donor profile records;	152464
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	152465 152466
(p) Designated public service worker residential and familial information;	152467 152468
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	152469 152470 152471 152472 152473
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	152474 152475
(s) In the case of a child fatality review board acting under	152476

sections 307.621 to 307.629 of the Revised Code or a review 152477
conducted pursuant to guidelines established by the director of 152478
health under section 3701.70 of the Revised Code, records provided 152479
to the board or director, statements made by board members during 152480
meetings of the board or by persons participating in the 152481
director's review, and all work products of the board or director, 152482
and in the case of a child fatality review board, child fatality 152483
review data submitted by the board to the department of health or 152484
a national child death review database, other than the report 152485
prepared pursuant to division (A) of section 307.626 of the 152486
Revised Code; 152487

(t) Records provided to and statements made by the executive 152488
director of a public children services agency or a prosecuting 152489
attorney acting pursuant to section 5153.171 of the Revised Code 152490
other than the information released under that section; 152491

(u) Test materials, examinations, or evaluation tools used in 152492
an examination for licensure as a nursing home administrator that 152493
the board of executives of long-term services and supports 152494
administers under section 4751.15 of the Revised Code or contracts 152495
under that section with a private or government entity to 152496
administer; 152497

(v) Records the release of which is prohibited by state or 152498
federal law; 152499

(w) Proprietary information of or relating to any person that 152500
is submitted to or compiled by the Ohio venture capital authority 152501
created under section 150.01 of the Revised Code; 152502

(x) Financial statements and data any person submits for any 152503
purpose to the Ohio housing finance agency or the controlling 152504
board in connection with applying for, receiving, or accounting 152505
for financial assistance from the agency, and information that 152506
identifies any individual who benefits directly or indirectly from 152507

financial assistance from the agency;	152508
(y) Records listed in section 5101.29 of the Revised Code;	152509
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	152510 152511 152512
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	152513 152514 152515
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	152516 152517 152518
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	152519 152520 152521
(dd) Personal information, as defined in section 149.45 of the Revised Code;	152522 152523
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant"	152524 152525 152526 152527 152528 152529 152530 152531 152532 152533 152534 152535 152536 152537 152538

have the meaning defined in section 111.41 of the Revised Code. 152539

(ff) Orders for active military service of an individual 152540
serving or with previous service in the armed forces of the United 152541
States, including a reserve component, or the Ohio organized 152542
militia, except that, such order becomes a public record on the 152543
day that is fifteen years after the published date or effective 152544
date of the call to order; 152545

(gg) The name, address, contact information, or other 152546
personal information of an individual who is less than eighteen 152547
years of age that is included in any record related to a traffic 152548
accident involving a school vehicle in which the individual was an 152549
occupant at the time of the accident; 152550

(hh) Protected health information, as defined in 45 C.F.R. 152551
160.103, that is in a claim for payment for a health care product, 152552
service, or procedure, as well as any other health claims data in 152553
another document that reveals the identity of an individual who is 152554
the subject of the data or could be used to reveal that 152555
individual's identity; 152556

(ii) Any depiction by photograph, film, videotape, or printed 152557
or digital image under either of the following circumstances: 152558

(i) The depiction is that of a victim of an offense the 152559
release of which would be, to a reasonable person of ordinary 152560
sensibilities, an offensive and objectionable intrusion into the 152561
victim's expectation of bodily privacy and integrity. 152562

(ii) The depiction captures or depicts the victim of a 152563
sexually oriented offense, as defined in section 2950.01 of the 152564
Revised Code, at the actual occurrence of that offense. 152565

(jj) Restricted portions of a body-worn camera or dashboard 152566
camera recording; 152567

(kk) In the case of a fetal-infant mortality review board 152568

acting under sections 3707.70 to 3707.77 of the Revised Code, 152569
records, documents, reports, or other information presented to the 152570
board or a person abstracting such materials on the board's 152571
behalf, statements made by review board members during board 152572
meetings, all work products of the board, and data submitted by 152573
the board to the department of health or a national infant death 152574
review database, other than the report prepared pursuant to 152575
section 3707.77 of the Revised Code. 152576

(ll) Records, documents, reports, or other information 152577
presented to the pregnancy-associated mortality review board 152578
established under section 3738.01 of the Revised Code, statements 152579
made by board members during board meetings, all work products of 152580
the board, and data submitted by the board to the department of 152581
health, other than the biennial reports prepared under section 152582
3738.08 of the Revised Code; 152583

(mm) Except as otherwise provided in division (A)(1)(oo) of 152584
this section, telephone numbers for a victim, as defined in 152585
section 2930.01 of the Revised Code or a witness to a crime that 152586
are listed on any law enforcement record or report. 152587

(nn) A preneed funeral contract, as defined in section 152588
4717.01 of the Revised Code, and contract terms and personally 152589
identifying information of a preneed funeral contract, that is 152590
contained in a report submitted by or for a funeral home to the 152591
board of embalmers and funeral directors under division (C) of 152592
section 4717.13, division (J) of section 4717.31, or section 152593
4717.41 of the Revised Code. 152594

(oo) Telephone numbers for a party to a motor vehicle 152595
accident subject to the requirements of section 5502.11 of the 152596
Revised Code that are listed on any law enforcement record or 152597
report, except that the telephone numbers described in this 152598
division are not excluded from the definition of "public record" 152599
under this division on and after the thirtieth day after the 152600

occurrence of the motor vehicle accident. 152601

(pp) Records pertaining to individuals who complete training 152602
under section 5502.703 of the Revised Code to be permitted by a 152603
school district board of education or governing body of a 152604
community school established under Chapter 3314. of the Revised 152605
Code, a STEM school established under Chapter 3326. of the Revised 152606
Code, or a chartered nonpublic school to convey deadly weapons or 152607
dangerous ordnance into a school safety zone; 152608

(qq) Records, documents, reports, or other information 152609
presented to a domestic violence fatality review board established 152610
under section 307.651 of the Revised Code, statements made by 152611
board members during board meetings, all work products of the 152612
board, and data submitted by the board to the department of 152613
health, other than a report prepared pursuant to section 307.656 152614
of the Revised Code; 152615

(rr) Records, documents, and information the release of which 152616
is prohibited under sections 2930.04 and 2930.07 of the Revised 152617
Code. 152618

(ss) Records of an existing qualified nonprofit corporation 152619
that creates a special improvement district under Chapter 1710. of 152620
the Revised Code that do not pertain to a purpose for which the 152621
district is created; 152622

A record that is not a public record under division (A)(1) of 152623
this section and that, under law, is permanently retained becomes 152624
a public record on the day that is seventy-five years after the 152625
day on which the record was created, except for any record 152626
protected by the attorney-client privilege, a trial preparation 152627
record as defined in this section, a statement prohibiting the 152628
release of identifying information signed under section 3107.083 152629
of the Revised Code, a denial of release form filed pursuant to 152630
section 3107.46 of the Revised Code, or any record that is exempt 152631

from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that

is generated and maintained in the process of medical treatment. 152663

(4) "Trial preparation record" means any record that contains 152664
information that is specifically compiled in reasonable 152665
anticipation of, or in defense of, a civil or criminal action or 152666
proceeding, including the independent thought processes and 152667
personal trial preparation of an attorney. 152668

(5) "Intellectual property record" means a record, other than 152669
a financial or administrative record, that is produced or 152670
collected by or for faculty or staff of a state institution of 152671
higher learning in the conduct of or as a result of study or 152672
research on an educational, commercial, scientific, artistic, 152673
technical, or scholarly issue, regardless of whether the study or 152674
research was sponsored by the institution alone or in conjunction 152675
with a governmental body or private concern, and that has not been 152676
publicly released, published, or patented. 152677

(6) "Donor profile record" means all records about donors or 152678
potential donors to a public institution of higher education 152679
except the names and reported addresses of the actual donors and 152680
the date, amount, and conditions of the actual donation. 152681

(7) "Designated public service worker" means a peace officer, 152682
parole officer, probation officer, bailiff, prosecuting attorney, 152683
assistant prosecuting attorney, correctional employee, county or 152684
multicounty corrections officer, community-based correctional 152685
facility employee, designated Ohio national guard member, 152686
protective services worker, youth services employee, firefighter, 152687
EMT, medical director or member of a cooperating physician 152688
advisory board of an emergency medical service organization, state 152689
board of pharmacy employee, investigator of the bureau of criminal 152690
identification and investigation, emergency service 152691
telecommunicator, forensic mental health provider, mental health 152692
evaluation provider, regional psychiatric hospital employee, 152693
judge, magistrate, or federal law enforcement officer. 152694

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:	152695 152696 152697
(a) The address of the actual personal residence of a designated public service worker, except for the following information:	152698 152699 152700
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	152701 152702
(ii) The state or political subdivision in which a designated public service worker resides.	152703 152704
(b) Information compiled from referral to or participation in an employee assistance program;	152705 152706
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	152707 152708 152709 152710
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	152711 152712 152713 152714
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	152715 152716 152717 152718 152719
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a	152720 152721 152722 152723 152724

designated public service worker; 152725

(g) A photograph of a peace officer who holds a position or 152726
has an assignment that may include undercover or plain clothes 152727
positions or assignments as determined by the peace officer's 152728
appointing authority. 152729

(9) As used in divisions (A)(7) and (15) to (17) of this 152730
section: 152731

"Peace officer" has the meaning defined in section 109.71 of 152732
the Revised Code and also includes the superintendent and troopers 152733
of the state highway patrol; it does not include the sheriff of a 152734
county or a supervisory employee who, in the absence of the 152735
sheriff, is authorized to stand in for, exercise the authority of, 152736
and perform the duties of the sheriff. 152737

"Correctional employee" means any employee of the department 152738
of rehabilitation and correction who in the course of performing 152739
the employee's job duties has or has had contact with inmates and 152740
persons under supervision. 152741

"County or multicounty corrections officer" means any 152742
corrections officer employed by any county or multicounty 152743
correctional facility. 152744

"Designated Ohio national guard member" means a member of the 152745
Ohio national guard who is participating in duties related to 152746
remotely piloted aircraft, including, but not limited to, pilots, 152747
sensor operators, and mission intelligence personnel, duties 152748
related to special forces operations, or duties related to 152749
cybersecurity, and is designated by the adjutant general as a 152750
designated public service worker for those purposes. 152751

"Protective services worker" means any employee of a county 152752
agency who is responsible for child protective services, child 152753
support services, or adult protective services. 152754

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

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"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

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"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

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"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

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~~"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code~~ means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

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"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

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"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as

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defined in section 5122.01 of the Revised Code, and reports to the 152786
probate court the respondent's mental condition. 152787

"Regional psychiatric hospital employee" means any employee 152788
of the department of mental health and addiction services who, in 152789
the course of performing the employee's duties, has contact with 152790
patients committed to the department of mental health and 152791
addiction services by a court order pursuant to section 2945.38, 152792
2945.39, 2945.40, or 2945.402 of the Revised Code. 152793

"Federal law enforcement officer" has the meaning defined in 152794
section 9.88 of the Revised Code. 152795

(10) "Information pertaining to the recreational activities 152796
of a person under the age of eighteen" means information that is 152797
kept in the ordinary course of business by a public office, that 152798
pertains to the recreational activities of a person under the age 152799
of eighteen years, and that discloses any of the following: 152800

(a) The address or telephone number of a person under the age 152801
of eighteen or the address or telephone number of that person's 152802
parent, guardian, custodian, or emergency contact person; 152803

(b) The social security number, birth date, or photographic 152804
image of a person under the age of eighteen; 152805

(c) Any medical record, history, or information pertaining to 152806
a person under the age of eighteen; 152807

(d) Any additional information sought or required about a 152808
person under the age of eighteen for the purpose of allowing that 152809
person to participate in any recreational activity conducted or 152810
sponsored by a public office or to use or obtain admission 152811
privileges to any recreational facility owned or operated by a 152812
public office. 152813

(11) "Community control sanction" has the meaning defined in 152814
section 2929.01 of the Revised Code. 152815

- (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. 152816
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- (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 152818
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- (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code. 152822
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- (15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties. 152824
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- (16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties. 152829
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- (17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following: 152833
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- (a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording; 152837
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- (b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this 152844
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section, the consent of the decedent's executor or administrator 152847
has been obtained; 152848

(c) The death of a correctional employee, youth services 152849
employee, peace officer, firefighter, paramedic, or other first 152850
responder, occurring while the decedent was engaged in the 152851
performance of official duties, unless, subject to division (H)(1) 152852
of this section, the consent of the decedent's executor or 152853
administrator has been obtained; 152854

(d) Grievous bodily harm, unless the injury was effected by a 152855
correctional employee, youth services employee, or peace officer 152856
or, subject to division (H)(1) of this section, the consent of the 152857
injured person or the injured person's guardian has been obtained; 152858

(e) An act of severe violence against a person that results 152859
in serious physical harm to the person, unless the act and injury 152860
was effected by a correctional employee, youth services employee, 152861
or peace officer or, subject to division (H)(1) of this section, 152862
the consent of the injured person or the injured person's guardian 152863
has been obtained; 152864

(f) Grievous bodily harm to a correctional employee, youth 152865
services employee, peace officer, firefighter, paramedic, or other 152866
first responder, occurring while the injured person was engaged in 152867
the performance of official duties, unless, subject to division 152868
(H)(1) of this section, the consent of the injured person or the 152869
injured person's guardian has been obtained; 152870

(g) An act of severe violence resulting in serious physical 152871
harm against a correctional employee, youth services employee, 152872
peace officer, firefighter, paramedic, or other first responder, 152873
occurring while the injured person was engaged in the performance 152874
of official duties, unless, subject to division (H)(1) of this 152875
section, the consent of the injured person or the injured person's 152876
guardian has been obtained; 152877

(h) A person's nude body, unless, subject to division (H)(1)	152878
of this section, the person's consent has been obtained;	152879
(i) Protected health information, the identity of a person in	152880
a health care facility who is not the subject of a law enforcement	152881
encounter, or any other information in a health care facility that	152882
could identify a person who is not the subject of a law	152883
enforcement encounter;	152884
(j) Information that could identify the alleged victim of a	152885
sex offense, menacing by stalking, or domestic violence;	152886
(k) Information, that does not constitute a confidential law	152887
enforcement investigatory record, that could identify a person who	152888
provides sensitive or confidential information to the department	152889
of rehabilitation and correction, the department of youth	152890
services, or a law enforcement agency when the disclosure of the	152891
person's identity or the information provided could reasonably be	152892
expected to threaten or endanger the safety or property of the	152893
person or another person;	152894
(l) Personal information of a person who is not arrested,	152895
cited, charged, or issued a written warning by a peace officer;	152896
(m) Proprietary police contingency plans or tactics that are	152897
intended to prevent crime and maintain public order and safety;	152898
(n) A personal conversation unrelated to work between peace	152899
officers or between a peace officer and an employee of a law	152900
enforcement agency;	152901
(o) A conversation between a peace officer and a member of	152902
the public that does not concern law enforcement activities;	152903
(p) The interior of a residence, unless the interior of a	152904
residence is the location of an adversarial encounter with, or a	152905
use of force by, a peace officer;	152906
(q) Any portion of the interior of a private business that is	152907

not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public

record shall make available all of the information within the 152938
public record that is not exempt. When making that public record 152939
available for public inspection or copying that public record, the 152940
public office or the person responsible for the public record 152941
shall notify the requester of any redaction or make the redaction 152942
plainly visible. A redaction shall be deemed a denial of a request 152943
to inspect or copy the redacted information, except if federal or 152944
state law authorizes or requires a public office to make the 152945
redaction. 152946

(2) To facilitate broader access to public records, a public 152947
office or the person responsible for public records shall organize 152948
and maintain public records in a manner that they can be made 152949
available for inspection or copying in accordance with division 152950
(B) of this section. A public office also shall have available a 152951
copy of its current records retention schedule at a location 152952
readily available to the public. If a requester makes an ambiguous 152953
or overly broad request or has difficulty in making a request for 152954
copies or inspection of public records under this section such 152955
that the public office or the person responsible for the requested 152956
public record cannot reasonably identify what public records are 152957
being requested, the public office or the person responsible for 152958
the requested public record may deny the request but shall provide 152959
the requester with an opportunity to revise the request by 152960
informing the requester of the manner in which records are 152961
maintained by the public office and accessed in the ordinary 152962
course of the public office's or person's duties. 152963

(3) If a request is ultimately denied, in part or in whole, 152964
the public office or the person responsible for the requested 152965
public record shall provide the requester with an explanation, 152966
including legal authority, setting forth why the request was 152967
denied. If the initial request was provided in writing, the 152968
explanation also shall be provided to the requester in writing. 152969

The explanation shall not preclude the public office or the person 152970
responsible for the requested public record from relying upon 152971
additional reasons or legal authority in defending an action 152972
commenced under division (C) of this section. 152973

(4) Unless specifically required or authorized by state or 152974
federal law or in accordance with division (B) of this section, no 152975
public office or person responsible for public records may limit 152976
or condition the availability of public records by requiring 152977
disclosure of the requester's identity or the intended use of the 152978
requested public record. Any requirement that the requester 152979
disclose the requester's identity or the intended use of the 152980
requested public record constitutes a denial of the request. 152981

(5) A public office or person responsible for public records 152982
may ask a requester to make the request in writing, may ask for 152983
the requester's identity, and may inquire about the intended use 152984
of the information requested, but may do so only after disclosing 152985
to the requester that a written request is not mandatory, that the 152986
requester may decline to reveal the requester's identity or the 152987
intended use, and when a written request or disclosure of the 152988
identity or intended use would benefit the requester by enhancing 152989
the ability of the public office or person responsible for public 152990
records to identify, locate, or deliver the public records sought 152991
by the requester. 152992

(6) If any person requests a copy of a public record in 152993
accordance with division (B) of this section, the public office or 152994
person responsible for the public record may require the requester 152995
to pay in advance the cost involved in providing the copy of the 152996
public record in accordance with the choice made by the requester 152997
under this division. The public office or the person responsible 152998
for the public record shall permit the requester to choose to have 152999
the public record duplicated upon paper, upon the same medium upon 153000
which the public office or person responsible for the public 153001

record keeps it, or upon any other medium upon which the public 153002
office or person responsible for the public record determines that 153003
it reasonably can be duplicated as an integral part of the normal 153004
operations of the public office or person responsible for the 153005
public record. When the requester makes a choice under this 153006
division, the public office or person responsible for the public 153007
record shall provide a copy of it in accordance with the choice 153008
made by the requester. Nothing in this section requires a public 153009
office or person responsible for the public record to allow the 153010
requester of a copy of the public record to make the copies of the 153011
public record. 153012

(7)(a) Upon a request made in accordance with division (B) of 153013
this section and subject to division (B)(6) of this section, a 153014
public office or person responsible for public records shall 153015
transmit a copy of a public record to any person by United States 153016
mail or by any other means of delivery or transmission within a 153017
reasonable period of time after receiving the request for the 153018
copy. The public office or person responsible for the public 153019
record may require the person making the request to pay in advance 153020
the cost of postage if the copy is transmitted by United States 153021
mail or the cost of delivery if the copy is transmitted other than 153022
by United States mail, and to pay in advance the costs incurred 153023
for other supplies used in the mailing, delivery, or transmission. 153024

(b) Any public office may adopt a policy and procedures that 153025
it will follow in transmitting, within a reasonable period of time 153026
after receiving a request, copies of public records by United 153027
States mail or by any other means of delivery or transmission 153028
pursuant to division (B)(7) of this section. A public office that 153029
adopts a policy and procedures under division (B)(7) of this 153030
section shall comply with them in performing its duties under that 153031
division. 153032

(c) In any policy and procedures adopted under division 153033

(B)(7) of this section: 153034

(i) A public office may limit the number of records requested 153035
by a person that the office will physically deliver by United 153036
States mail or by another delivery service to ten per month, 153037
unless the person certifies to the office in writing that the 153038
person does not intend to use or forward the requested records, or 153039
the information contained in them, for commercial purposes; 153040

(ii) A public office that chooses to provide some or all of 153041
its public records on a web site that is fully accessible to and 153042
searchable by members of the public at all times, other than 153043
during acts of God outside the public office's control or 153044
maintenance, and that charges no fee to search, access, download, 153045
or otherwise receive records provided on the web site, may limit 153046
to ten per month the number of records requested by a person that 153047
the office will deliver in a digital format, unless the requested 153048
records are not provided on the web site and unless the person 153049
certifies to the office in writing that the person does not intend 153050
to use or forward the requested records, or the information 153051
contained in them, for commercial purposes. 153052

(iii) For purposes of division (B)(7) of this section, 153053
"commercial" shall be narrowly construed and does not include 153054
reporting or gathering news, reporting or gathering information to 153055
assist citizen oversight or understanding of the operation or 153056
activities of government, or nonprofit educational research. 153057

(8) A public office or person responsible for public records 153058
is not required to permit a person who is incarcerated pursuant to 153059
a criminal conviction or a juvenile adjudication to inspect or to 153060
obtain a copy of any public record concerning a criminal 153061
investigation or prosecution or concerning what would be a 153062
criminal investigation or prosecution if the subject of the 153063
investigation or prosecution were an adult, unless the request to 153064
inspect or to obtain a copy of the record is for the purpose of 153065

acquiring information that is subject to release as a public 153066
record under this section and the judge who imposed the sentence 153067
or made the adjudication with respect to the person, or the 153068
judge's successor in office, finds that the information sought in 153069
the public record is necessary to support what appears to be a 153070
justiciable claim of the person. 153071

(9)(a) Upon written request made and signed by a journalist, 153072
a public office, or person responsible for public records, having 153073
custody of the records of the agency employing a specified 153074
designated public service worker shall disclose to the journalist 153075
the address of the actual personal residence of the designated 153076
public service worker and, if the designated public service 153077
worker's spouse, former spouse, or child is employed by a public 153078
office, the name and address of the employer of the designated 153079
public service worker's spouse, former spouse, or child. The 153080
request shall include the journalist's name and title and the name 153081
and address of the journalist's employer and shall state that 153082
disclosure of the information sought would be in the public 153083
interest. 153084

(b) Division (B)(9)(a) of this section also applies to 153085
journalist requests for: 153086

(i) Customer information maintained by a municipally owned or 153087
operated public utility, other than social security numbers and 153088
any private financial information such as credit reports, payment 153089
methods, credit card numbers, and bank account information; 153090

(ii) Information about minors involved in a school vehicle 153091
accident as provided in division (A)(1)(gg) of this section, other 153092
than personal information as defined in section 149.45 of the 153093
Revised Code. 153094

(c) As used in division (B)(9) of this section, "journalist" 153095
means a person engaged in, connected with, or employed by any news 153096

medium, including a newspaper, magazine, press association, news 153097
agency, or wire service, a radio or television station, or a 153098
similar medium, for the purpose of gathering, processing, 153099
transmitting, compiling, editing, or disseminating information for 153100
the general public. 153101

(10) Upon a request made by a victim, victim's attorney, or 153102
victim's representative, as that term is used in section 2930.02 153103
of the Revised Code, a public office or person responsible for 153104
public records shall transmit a copy of a depiction of the victim 153105
as described in division (A)(1)(ii) of this section to the victim, 153106
victim's attorney, or victim's representative. 153107

(C)(1) If a person allegedly is aggrieved by the failure of a 153108
public office or the person responsible for public records to 153109
promptly prepare a public record and to make it available to the 153110
person for inspection in accordance with division (B) of this 153111
section or by any other failure of a public office or the person 153112
responsible for public records to comply with an obligation in 153113
accordance with division (B) of this section, the person allegedly 153114
aggrieved may do only one of the following, and not both: 153115

(a) File a complaint with the clerk of the court of claims or 153116
the clerk of the court of common pleas under section 2743.75 of 153117
the Revised Code; 153118

(b) Commence a mandamus action to obtain a judgment that 153119
orders the public office or the person responsible for the public 153120
record to comply with division (B) of this section, that awards 153121
court costs and reasonable attorney's fees to the person that 153122
instituted the mandamus action, and, if applicable, that includes 153123
an order fixing statutory damages under division (C)(2) of this 153124
section. The mandamus action may be commenced in the court of 153125
common pleas of the county in which division (B) of this section 153126
allegedly was not complied with, in the supreme court pursuant to 153127
its original jurisdiction under Section 2 of Article IV, Ohio 153128

Constitution, or in the court of appeals for the appellate 153129
district in which division (B) of this section allegedly was not 153130
complied with pursuant to its original jurisdiction under Section 153131
3 of Article IV, Ohio Constitution. 153132

(2) If a requester transmits a written request by hand 153133
delivery, electronic submission, or certified mail to inspect or 153134
receive copies of any public record in a manner that fairly 153135
describes the public record or class of public records to the 153136
public office or person responsible for the requested public 153137
records, except as otherwise provided in this section, the 153138
requester shall be entitled to recover the amount of statutory 153139
damages set forth in this division if a court determines that the 153140
public office or the person responsible for public records failed 153141
to comply with an obligation in accordance with division (B) of 153142
this section. 153143

The amount of statutory damages shall be fixed at one hundred 153144
dollars for each business day during which the public office or 153145
person responsible for the requested public records failed to 153146
comply with an obligation in accordance with division (B) of this 153147
section, beginning with the day on which the requester files a 153148
mandamus action to recover statutory damages, up to a maximum of 153149
one thousand dollars. The award of statutory damages shall not be 153150
construed as a penalty, but as compensation for injury arising 153151
from lost use of the requested information. The existence of this 153152
injury shall be conclusively presumed. The award of statutory 153153
damages shall be in addition to all other remedies authorized by 153154
this section. 153155

The court may reduce an award of statutory damages or not 153156
award statutory damages if the court determines both of the 153157
following: 153158

(a) That, based on the ordinary application of statutory law 153159
and case law as it existed at the time of the conduct or 153160

threatened conduct of the public office or person responsible for 153161
the requested public records that allegedly constitutes a failure 153162
to comply with an obligation in accordance with division (B) of 153163
this section and that was the basis of the mandamus action, a 153164
well-informed public office or person responsible for the 153165
requested public records reasonably would believe that the conduct 153166
or threatened conduct of the public office or person responsible 153167
for the requested public records did not constitute a failure to 153168
comply with an obligation in accordance with division (B) of this 153169
section; 153170

(b) That a well-informed public office or person responsible 153171
for the requested public records reasonably would believe that the 153172
conduct or threatened conduct of the public office or person 153173
responsible for the requested public records would serve the 153174
public policy that underlies the authority that is asserted as 153175
permitting that conduct or threatened conduct. 153176

(3) In a mandamus action filed under division (C)(1) of this 153177
section, the following apply: 153178

(a)(i) If the court orders the public office or the person 153179
responsible for the public record to comply with division (B) of 153180
this section, the court shall determine and award to the relator 153181
all court costs, which shall be construed as remedial and not 153182
punitive. 153183

(ii) If the court makes a determination described in division 153184
(C)(3)(b)(iii) of this section, the court shall determine and 153185
award to the relator all court costs, which shall be construed as 153186
remedial and not punitive. 153187

(b) If the court renders a judgment that orders the public 153188
office or the person responsible for the public record to comply 153189
with division (B) of this section or if the court determines any 153190
of the following, the court may award reasonable attorney's fees 153191

to the relator, subject to division (C)(4) of this section: 153192

(i) The public office or the person responsible for the 153193
public records failed to respond affirmatively or negatively to 153194
the public records request in accordance with the time allowed 153195
under division (B) of this section. 153196

(ii) The public office or the person responsible for the 153197
public records promised to permit the relator to inspect or 153198
receive copies of the public records requested within a specified 153199
period of time but failed to fulfill that promise within that 153200
specified period of time. 153201

(iii) The public office or the person responsible for the 153202
public records acted in bad faith when the office or person 153203
voluntarily made the public records available to the relator for 153204
the first time after the relator commenced the mandamus action, 153205
but before the court issued any order concluding whether or not 153206
the public office or person was required to comply with division 153207
(B) of this section. No discovery may be conducted on the issue of 153208
the alleged bad faith of the public office or person responsible 153209
for the public records. This division shall not be construed as 153210
creating a presumption that the public office or the person 153211
responsible for the public records acted in bad faith when the 153212
office or person voluntarily made the public records available to 153213
the relator for the first time after the relator commenced the 153214
mandamus action, but before the court issued any order described 153215
in this division. 153216

(c) The court shall not award attorney's fees to the relator 153217
if the court determines both of the following: 153218

(i) That, based on the ordinary application of statutory law 153219
and case law as it existed at the time of the conduct or 153220
threatened conduct of the public office or person responsible for 153221
the requested public records that allegedly constitutes a failure 153222

to comply with an obligation in accordance with division (B) of 153223
this section and that was the basis of the mandamus action, a 153224
well-informed public office or person responsible for the 153225
requested public records reasonably would believe that the conduct 153226
or threatened conduct of the public office or person responsible 153227
for the requested public records did not constitute a failure to 153228
comply with an obligation in accordance with division (B) of this 153229
section; 153230

(ii) That a well-informed public office or person responsible 153231
for the requested public records reasonably would believe that the 153232
conduct or threatened conduct of the public office or person 153233
responsible for the requested public records would serve the 153234
public policy that underlies the authority that is asserted as 153235
permitting that conduct or threatened conduct. 153236

(4) All of the following apply to any award of reasonable 153237
attorney's fees awarded under division (C)(3)(b) of this section: 153238

(a) The fees shall be construed as remedial and not punitive. 153239

(b) The fees awarded shall not exceed the total of the 153240
reasonable attorney's fees incurred before the public record was 153241
made available to the relator and the fees described in division 153242
(C)(4)(c) of this section. 153243

(c) Reasonable attorney's fees shall include reasonable fees 153244
incurred to produce proof of the reasonableness and amount of the 153245
fees and to otherwise litigate entitlement to the fees. 153246

(d) The court may reduce the amount of fees awarded if the 153247
court determines that, given the factual circumstances involved 153248
with the specific public records request, an alternative means 153249
should have been pursued to more effectively and efficiently 153250
resolve the dispute that was subject to the mandamus action filed 153251
under division (C)(1) of this section. 153252

(5) If the court does not issue a writ of mandamus under 153253

division (C) of this section and the court determines at that time 153254
that the bringing of the mandamus action was frivolous conduct as 153255
defined in division (A) of section 2323.51 of the Revised Code, 153256
the court may award to the public office all court costs, 153257
expenses, and reasonable attorney's fees, as determined by the 153258
court. 153259

(D) Chapter 1347. of the Revised Code does not limit the 153260
provisions of this section. 153261

(E)(1) To ensure that all employees of public offices are 153262
appropriately educated about a public office's obligations under 153263
division (B) of this section, all elected officials or their 153264
appropriate designees shall attend training approved by the 153265
attorney general as provided in section 109.43 of the Revised 153266
Code. A future official may satisfy the requirements of this 153267
division by attending the training before taking office, provided 153268
that the future official may not send a designee in the future 153269
official's place. 153270

(2) All public offices shall adopt a public records policy in 153271
compliance with this section for responding to public records 153272
requests. In adopting a public records policy under this division, 153273
a public office may obtain guidance from the model public records 153274
policy developed and provided to the public office by the attorney 153275
general under section 109.43 of the Revised Code. Except as 153276
otherwise provided in this section, the policy may not limit the 153277
number of public records that the public office will make 153278
available to a single person, may not limit the number of public 153279
records that it will make available during a fixed period of time, 153280
and may not establish a fixed period of time before it will 153281
respond to a request for inspection or copying of public records, 153282
unless that period is less than eight hours. 153283

The public office shall distribute the public records policy 153284
adopted by the public office under this division to the employee 153285

of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public offices shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be

extracted without examination of all items in a records series, 153318
class of records, or database by a person who intends to use or 153319
forward the copies for surveys, marketing, solicitation, or resale 153320
for commercial purposes. "Bulk commercial special extraction 153321
request" does not include a request by a person who gives 153322
assurance to the bureau that the person making the request does 153323
not intend to use or forward the requested copies for surveys, 153324
marketing, solicitation, or resale for commercial purposes. 153325

(c) "Commercial" means profit-seeking production, buying, or 153326
selling of any good, service, or other product. 153327

(d) "Special extraction costs" means the cost of the time 153328
spent by the lowest paid employee competent to perform the task, 153329
the actual amount paid to outside private contractors employed by 153330
the bureau, or the actual cost incurred to create computer 153331
programs to make the special extraction. "Special extraction 153332
costs" include any charges paid to a public agency for computer or 153333
records services. 153334

(3) For purposes of divisions (F)(1) and (2) of this section, 153335
"surveys, marketing, solicitation, or resale for commercial 153336
purposes" shall be narrowly construed and does not include 153337
reporting or gathering news, reporting or gathering information to 153338
assist citizen oversight or understanding of the operation or 153339
activities of government, or nonprofit educational research. 153340

(G) A request by a defendant, counsel of a defendant, or any 153341
agent of a defendant in a criminal action that public records 153342
related to that action be made available under this section shall 153343
be considered a demand for discovery pursuant to the Criminal 153344
Rules, except to the extent that the Criminal Rules plainly 153345
indicate a contrary intent. The defendant, counsel of the 153346
defendant, or agent of the defendant making a request under this 153347
division shall serve a copy of the request on the prosecuting 153348
attorney, director of law, or other chief legal officer 153349

responsible for prosecuting the action. 153350

(H)(1) Any portion of a body-worn camera or dashboard camera 153351
recording described in divisions (A)(17)(b) to (h) of this section 153352
may be released by consent of the subject of the recording or a 153353
representative of that person, as specified in those divisions, 153354
only if either of the following applies: 153355

(a) The recording will not be used in connection with any 153356
probable or pending criminal proceedings; 153357

(b) The recording has been used in connection with a criminal 153358
proceeding that was dismissed or for which a judgment has been 153359
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 153360
and will not be used again in connection with any probable or 153361
pending criminal proceedings. 153362

(2) If a public office denies a request to release a 153363
restricted portion of a body-worn camera or dashboard camera 153364
recording, as defined in division (A)(17) of this section, any 153365
person may file a mandamus action pursuant to this section or a 153366
complaint with the clerk of the court of claims pursuant to 153367
section 2743.75 of the Revised Code, requesting the court to order 153368
the release of all or portions of the recording. If the court 153369
considering the request determines that the filing articulates by 153370
clear and convincing evidence that the public interest in the 153371
recording substantially outweighs privacy interests and other 153372
interests asserted to deny release, the court shall order the 153373
public office to release the recording. 153374

Sec. 2913.01. As used in this chapter, unless the context 153375
requires that a term be given a different meaning: 153376

(A) "Deception" means knowingly deceiving another or causing 153377
another to be deceived by any false or misleading representation, 153378
by withholding information, by preventing another from acquiring 153379

information, or by any other conduct, act, or omission that 153380
creates, confirms, or perpetuates a false impression in another, 153381
including a false impression as to law, value, state of mind, or 153382
other objective or subjective fact. 153383

(B) "Defraud" means to knowingly obtain, by deception, some 153384
benefit for oneself or another, or to knowingly cause, by 153385
deception, some detriment to another. 153386

(C) "Deprive" means to do any of the following: 153387

(1) Withhold property of another permanently, or for a period 153388
that appropriates a substantial portion of its value or use, or 153389
with purpose to restore it only upon payment of a reward or other 153390
consideration; 153391

(2) Dispose of property so as to make it unlikely that the 153392
owner will recover it; 153393

(3) Accept, use, or appropriate money, property, or services, 153394
with purpose not to give proper consideration in return for the 153395
money, property, or services, and without reasonable justification 153396
or excuse for not giving proper consideration. 153397

(D) "Owner" means, unless the context requires a different 153398
meaning, any person, other than the actor, who is the owner of, 153399
who has possession or control of, or who has any license or 153400
interest in property or services, even though the ownership, 153401
possession, control, license, or interest is unlawful. 153402

(E) "Services" include labor, personal services, professional 153403
services, rental services, public utility services including 153404
wireless service as defined in division ~~(F)(1)~~(F) of section 153405
128.01 of the Revised Code, common carrier services, and food, 153406
drink, transportation, entertainment, and cable television 153407
services and, for purposes of section 2913.04 of the Revised Code, 153408
include cable services as defined in that section. 153409

(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

(J) "Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

(K) "Theft offense" means any of the following:

(1) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or section 2913.51, 2915.05, or 2921.41 of the Revised Code;

(2) A violation of an existing or former municipal ordinance

or law of this or any other state, or of the United States, 153440
substantially equivalent to any section listed in division (K)(1) 153441
of this section or a violation of section 2913.41, 2913.81, or 153442
2915.06 of the Revised Code as it existed prior to July 1, 1996; 153443

(3) An offense under an existing or former municipal 153444
ordinance or law of this or any other state, or of the United 153445
States, involving robbery, burglary, breaking and entering, theft, 153446
embezzlement, wrongful conversion, forgery, counterfeiting, 153447
deceit, or fraud; 153448

(4) A conspiracy or attempt to commit, or complicity in 153449
committing, any offense under division (K)(1), (2), or (3) of this 153450
section. 153451

(L) "Computer services" includes, but is not limited to, the 153452
use of a computer system, computer network, computer program, data 153453
that is prepared for computer use, or data that is contained 153454
within a computer system or computer network. 153455

(M) "Computer" means an electronic device that performs 153456
logical, arithmetic, and memory functions by the manipulation of 153457
electronic or magnetic impulses. "Computer" includes, but is not 153458
limited to, all input, output, processing, storage, computer 153459
program, or communication facilities that are connected, or 153460
related, in a computer system or network to an electronic device 153461
of that nature. 153462

(N) "Computer system" means a computer and related devices, 153463
whether connected or unconnected, including, but not limited to, 153464
data input, output, and storage devices, data communications 153465
links, and computer programs and data that make the system capable 153466
of performing specified special purpose data processing tasks. 153467

(O) "Computer network" means a set of related and remotely 153468
connected computers and communication facilities that includes 153469
more than one computer system that has the capability to transmit 153470

among the connected computers and communication facilities through 153471
the use of computer facilities. 153472

(P) "Computer program" means an ordered set of data 153473
representing coded instructions or statements that, when executed 153474
by a computer, cause the computer to process data. 153475

(Q) "Computer software" means computer programs, procedures, 153476
and other documentation associated with the operation of a 153477
computer system. 153478

(R) "Data" means a representation of information, knowledge, 153479
facts, concepts, or instructions that are being or have been 153480
prepared in a formalized manner and that are intended for use in a 153481
computer, computer system, or computer network. For purposes of 153482
section 2913.47 of the Revised Code, "data" has the additional 153483
meaning set forth in division (A) of that section. 153484

(S) "Cable television service" means any services provided by 153485
or through the facilities of any cable television system or other 153486
similar closed circuit coaxial cable communications system, or any 153487
microwave or similar transmission service used in connection with 153488
any cable television system or other similar closed circuit 153489
coaxial cable communications system. 153490

(T) "Gain access" means to approach, instruct, communicate 153491
with, store data in, retrieve data from, or otherwise make use of 153492
any resources of a computer, computer system, or computer network, 153493
or any cable service or cable system both as defined in section 153494
2913.04 of the Revised Code. 153495

(U) "Credit card" includes, but is not limited to, a card, 153496
code, device, or other means of access to a customer's account for 153497
the purpose of obtaining money, property, labor, or services on 153498
credit, or for initiating an electronic fund transfer at a 153499
point-of-sale terminal, an automated teller machine, or a cash 153500
dispensing machine. It also includes a county procurement card 153501

issued under section 301.29 of the Revised Code. 153502

(V) "Electronic fund transfer" has the same meaning as in 92 153503
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 153504

(W) "Rented property" means personal property in which the 153505
right of possession and use of the property is for a short and 153506
possibly indeterminate term in return for consideration; the 153507
rentee generally controls the duration of possession of the 153508
property, within any applicable minimum or maximum term; and the 153509
amount of consideration generally is determined by the duration of 153510
possession of the property. 153511

(X) "Telecommunication" means the origination, emission, 153512
dissemination, transmission, or reception of data, images, 153513
signals, sounds, or other intelligence or equivalence of 153514
intelligence of any nature over any communications system by any 153515
method, including, but not limited to, a fiber optic, electronic, 153516
magnetic, optical, digital, or analog method. 153517

(Y) "Telecommunications device" means any instrument, 153518
equipment, machine, or other device that facilitates 153519
telecommunication, including, but not limited to, a computer, 153520
computer network, computer chip, computer circuit, scanner, 153521
telephone, cellular telephone, pager, personal communications 153522
device, transponder, receiver, radio, modem, or device that 153523
enables the use of a modem. 153524

(Z) "Telecommunications service" means the providing, 153525
allowing, facilitating, or generating of any form of 153526
telecommunication through the use of a telecommunications device 153527
over a telecommunications system. 153528

(AA) "Counterfeit telecommunications device" means a 153529
telecommunications device that, alone or with another 153530
telecommunications device, has been altered, constructed, 153531
manufactured, or programmed to acquire, intercept, receive, or 153532

otherwise facilitate the use of a telecommunications service or 153533
information service without the authority or consent of the 153534
provider of the telecommunications service or information service. 153535
"Counterfeit telecommunications device" includes, but is not 153536
limited to, a clone telephone, clone microchip, tumbler telephone, 153537
or tumbler microchip; a wireless scanning device capable of 153538
acquiring, intercepting, receiving, or otherwise facilitating the 153539
use of telecommunications service or information service without 153540
immediate detection; or a device, equipment, hardware, or software 153541
designed for, or capable of, altering or changing the electronic 153542
serial number in a wireless telephone. 153543

(BB)(1) "Information service" means, subject to division 153544
(BB)(2) of this section, the offering of a capability for 153545
generating, acquiring, storing, transforming, processing, 153546
retrieving, utilizing, or making available information via 153547
telecommunications, including, but not limited to, electronic 153548
publishing. 153549

(2) "Information service" does not include any use of a 153550
capability of a type described in division (BB)(1) of this section 153551
for the management, control, or operation of a telecommunications 153552
system or the management of a telecommunications service. 153553

(CC) "Elderly person" means a person who is sixty-five years 153554
of age or older. 153555

(DD) "Disabled adult" means a person who is eighteen years of 153556
age or older and has some impairment of body or mind that makes 153557
the person unable to work at any substantially remunerative 153558
employment that the person otherwise would be able to perform and 153559
that will, with reasonable probability, continue for a period of 153560
at least twelve months without any present indication of recovery 153561
from the impairment, or who is eighteen years of age or older and 153562
has been certified as permanently and totally disabled by an 153563
agency of this state or the United States that has the function of 153564

so classifying persons. 153565

(EE) "Firearm" and "dangerous ordnance" have the same 153566
meanings as in section 2923.11 of the Revised Code. 153567

(FF) "Motor vehicle" has the same meaning as in section 153568
4501.01 of the Revised Code. 153569

(GG) "Dangerous drug" has the same meaning as in section 153570
4729.01 of the Revised Code. 153571

(HH) "Drug abuse offense" has the same meaning as in section 153572
2925.01 of the Revised Code. 153573

(II)(1) "Computer hacking" means any of the following: 153574

(a) Gaining access or attempting to gain access to all or 153575
part of a computer, computer system, or a computer network without 153576
express or implied authorization with the intent to defraud or 153577
with intent to commit a crime; 153578

(b) Misusing computer or network services including, but not 153579
limited to, mail transfer programs, file transfer programs, proxy 153580
servers, and web servers by performing functions not authorized by 153581
the owner of the computer, computer system, or computer network or 153582
other person authorized to give consent. As used in this division, 153583
"misuse of computer and network services" includes, but is not 153584
limited to, the unauthorized use of any of the following: 153585

(i) Mail transfer programs to send mail to persons other than 153586
the authorized users of that computer or computer network; 153587

(ii) File transfer program proxy services or proxy servers to 153588
access other computers, computer systems, or computer networks; 153589

(iii) Web servers to redirect users to other web pages or web 153590
servers. 153591

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 153592
using a group of computer programs commonly known as "port 153593
scanners" or "probes" to intentionally access any computer, 153594

computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

(ii) The group of computer programs referred to in division (II)(1)(c)(i) of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software.

(d) The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent.

(2) "Computer hacking" does not include the introduction of a

computer contaminant, as defined in section 2909.01 of the Revised Code, into a computer, computer system, computer program, or computer network.

(JJ) "Police dog or horse" has the same meaning as in section 2921.321 of the Revised Code.

(KK) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

(LL) "Assistance dog" has the same meaning as in section 955.011 of the Revised Code.

(MM) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(NN) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.

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

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

(2) "Licensee" means, in addition to a licensee as described

in division (B) of section 4776.01 of the Revised Code, the person 153657
to whom a license is issued by the board or other government 153658
entity authorized to issue a license under Chapters 4703., 4707., 153659
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 153660
4736., 4737., 4738., 4740., ~~4742.~~, 4747., 4749., 4751., 4752., 153661
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 153662
4781. of the Revised Code. 153663

(3) "Prosecutor" has the same meaning as in section 2935.01 153664
of the Revised Code. 153665

(B) On a licensee's conviction of, plea of guilty to, 153666
judicial finding of guilt of, or judicial finding of guilt 153667
resulting from a plea of no contest to the offense of trafficking 153668
in persons in violation of section 2905.32 of the Revised Code, 153669
the prosecutor in the case shall promptly notify the licensing 153670
agency of the conviction, plea, or finding and provide the 153671
licensee's name and residential address. On receipt of this 153672
notification, the licensing agency shall immediately suspend the 153673
licensee's license. 153674

(C) If there is a conviction of, plea of guilty to, judicial 153675
finding of guilt of, or judicial finding of guilt resulting from a 153676
plea of no contest to the offense of trafficking in persons in 153677
violation of section 2905.32 of the Revised Code and all or part 153678
of the violation occurred on the premises of a facility that is 153679
licensed by a licensing agency, the prosecutor in the case shall 153680
promptly notify the licensing agency of the conviction, plea, or 153681
finding and provide the facility's name and address and the 153682
offender's name and residential address. On receipt of this 153683
notification, the licensing agency shall immediately suspend the 153684
facility's license. 153685

(D) Notwithstanding any provision of the Revised Code to the 153686
contrary, the suspension of a license under division (B) or (C) of 153687
this section shall be implemented by a licensing agency without a 153688

prior hearing. After the suspension, the licensing agency shall 153689
give written notice to the subject of the suspension of the right 153690
to request a hearing under Chapter 119. of the Revised Code. After 153691
a hearing is held, the licensing agency shall either revoke or 153692
permanently revoke the license of the subject of the suspension, 153693
unless it determines that the license holder has not been 153694
convicted of, pleaded guilty to, been found guilty of, or been 153695
found guilty based on a plea of no contest to the offense of 153696
trafficking in persons in violation of section 2905.32 of the 153697
Revised Code. 153698

Sec. 5703.052. (A) There is hereby created in the state 153699
treasury the tax refund fund, from which refunds shall be paid for 153700
taxes illegally or erroneously assessed or collected, or for any 153701
other reason overpaid, that are levied by Chapter 4301., 4305., 153702
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 153703
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 153704
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 153705
5727.81, and 5727.811 of the Revised Code. Refunds for fees ~~or~~ 153706
levied under sections 3734.90 to 3734.9014 of the Revised Code, 153707
wireless 9-1-1 charges imposed under section 128.40 of the Revised 153708
Code, or next generation 9-1-1 access fees imposed under sections 153709
128.41 and 128.42 of the Revised Code illegally or erroneously 153710
assessed or collected, or for any other reason overpaid, ~~that are~~ 153711
~~levied by sections 128.42 or 3734.90 to 3734.9014 of the Revised~~ 153712
~~Code~~ also shall be paid from the fund. Refunds for amounts 153713
illegally or erroneously assessed or collected by the tax 153714
commissioner, or for any other reason overpaid, that are due under 153715
section 1509.50 of the Revised Code shall be paid from the fund. 153716
Refunds for amounts illegally or erroneously assessed or collected 153717
by the commissioner, or for any other reason overpaid to the 153718
commissioner, under sections 718.80 to 718.95 of the Revised Code 153719
shall be paid from the fund. However, refunds for taxes levied 153720

under section 5739.101 of the Revised Code shall not be paid from 153721
the tax refund fund, but shall be paid as provided in section 153722
5739.104 of the Revised Code. 153723

(B)(1) Upon certification by the tax commissioner to the 153724
treasurer of state of a tax refund, next generation 9-1-1 access 153725
fee, a wireless 9-1-1 charge refund, or another amount refunded, 153726
or by the superintendent of insurance of a domestic or foreign 153727
insurance tax refund, the treasurer of state shall place the 153728
amount certified to the credit of the fund. The certified amount 153729
transferred shall be derived from the receipts of the same tax, 153730
fee, wireless 9-1-1 charge, next generation 9-1-1 access fee, or 153731
other amount from which the refund arose. 153732

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 153733
next generation 9-1-1 access fee, or other amount that is not 153734
levied by the state or that was illegally or erroneously 153735
distributed to a taxing jurisdiction, the tax commissioner shall 153736
recover the amount of that refund from the next distribution of 153737
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access 153738
fee, or other amount that otherwise would be made to the taxing 153739
jurisdiction. If the amount to be recovered would exceed 153740
twenty-five per cent of the next distribution of that tax, fee, 153741
wireless 9-1-1 charge, next generation 9-1-1 access fee, or other 153742
amount, the commissioner may spread the recovery over more than 153743
one future distribution, taking into account the amount to be 153744
recovered and the amount of the anticipated future distributions. 153745
In no event may the commissioner spread the recovery over a period 153746
to exceed thirty-six months. 153747

Sec. 5733.55. (A) As used in this section: 153748

(1) "9-1-1 system" has the same meaning as in section 128.01 153749
of the Revised Code. 153750

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges approved by the public utilities commission for the telephone network portion of a 9-1-1 system pursuant to section ~~128.18~~ 128.33 of the Revised Code.

(3) "Eligible nonrecurring 9-1-1 charges" means all nonrecurring 9-1-1 charges for a 9-1-1 system except both of the following:

(a) Charges for a system that was not established pursuant to a plan adopted under section 128.08 of the Revised Code ~~or an agreement under section 128.09 of the Revised Code;~~

(b) Charges for that part of a system established pursuant to such a plan ~~or agreement~~ that are excluded from the credit by division (C)(2) of section ~~128.18~~ 128.33 of the Revised Code.

(4) "Telephone company" has the same meaning as in section 5727.01 of the Revised Code.

(B) Beginning in tax year 2005, a telephone company shall be allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code equal to the amount of its eligible nonrecurring 9-1-1 charges. The credit shall be claimed for the company's taxable year that covers the period in which the 9-1-1 service for which the credit is claimed becomes available for use. The credit shall be claimed in the order required by section 5733.98 of the Revised Code. If the credit exceeds the total taxes due under section 5733.06 of the Revised Code for the tax year, the tax commissioner shall credit the excess against taxes due under that section for succeeding tax years until the full amount of the credit is granted.

(C) After the last day a return, with any extensions, may be filed by any telephone company that is eligible to claim a credit under this section, the commissioner shall determine whether the sum of the credits allowed for prior tax years commencing with tax

year 2005 plus the sum of the credits claimed for the current tax 153782
year exceeds fifteen million dollars. If it does, the credits 153783
allowed under this section for the current tax year shall be 153784
reduced by a uniform percentage such that the sum of the credits 153785
allowed for the current tax year do not exceed fifteen million 153786
dollars claimed by all telephone companies for all tax years. 153787
Thereafter, no credit shall be granted under this section, except 153788
for the remaining portions of any credits allowed under division 153789
(B) of this section. 153790

(D) A telephone company that is entitled to carry forward a 153791
credit against its public utility excise tax liability under 153792
section 5727.39 of the Revised Code is entitled to carry forward 153793
any amount of that credit remaining after its last public utility 153794
excise tax payment for the period of July 1, 2003, through June 153795
30, 2004, and claim that amount as a credit against its 153796
corporation franchise tax liability under this section. Nothing in 153797
this section authorizes a telephone company to claim a credit 153798
under this section for any eligible nonrecurring 9-1-1 charges for 153799
which it has already claimed a credit under this section or 153800
section 5727.39 of the Revised Code. 153801

Sec. 5751.01. As used in this chapter: 153802

(A) "Person" means, but is not limited to, individuals, 153803
combinations of individuals of any form, receivers, assignees, 153804
trustees in bankruptcy, firms, companies, joint-stock companies, 153805
business trusts, estates, partnerships, limited liability 153806
partnerships, limited liability companies, associations, joint 153807
ventures, clubs, societies, for-profit corporations, S 153808
corporations, qualified subchapter S subsidiaries, qualified 153809
subchapter S trusts, trusts, entities that are disregarded for 153810
federal income tax purposes, and any other entities. 153811

(B) "Consolidated elected taxpayer" means a group of two or 153812

more persons treated as a single taxpayer for purposes of this 153813
chapter as the result of an election made under section 5751.011 153814
of the Revised Code. 153815

(C) "Combined taxpayer" means a group of two or more persons 153816
treated as a single taxpayer for purposes of this chapter under 153817
section 5751.012 of the Revised Code. 153818

(D) "Taxpayer" means any person, or any group of persons in 153819
the case of a consolidated elected taxpayer or combined taxpayer 153820
treated as one taxpayer, required to register or pay tax under 153821
this chapter. "Taxpayer" does not include excluded persons. 153822

(E) "Excluded person" means any of the following: 153823

(1) Any person with not more than one hundred fifty thousand 153824
dollars of taxable gross receipts during the calendar year. 153825
Division (E)(1) of this section does not apply to a person that is 153826
a member of a consolidated elected taxpayer. 153827

(2) A public utility that paid the excise tax imposed by 153828
section 5727.24 or 5727.30 of the Revised Code based on one or 153829
more measurement periods that include the entire tax period under 153830
this chapter, except that a public utility that is a combined 153831
company is a taxpayer with regard to the following gross receipts: 153832

(a) Taxable gross receipts directly attributed to a public 153833
utility activity, but not directly attributed to an activity that 153834
is subject to the excise tax imposed by section 5727.24 or 5727.30 153835
of the Revised Code; 153836

(b) Taxable gross receipts that cannot be directly attributed 153837
to any activity, multiplied by a fraction whose numerator is the 153838
taxable gross receipts described in division (E)(2)(a) of this 153839
section and whose denominator is the total taxable gross receipts 153840
that can be directly attributed to any activity; 153841

(c) Except for any differences resulting from the use of an 153842

accrual basis method of accounting for purposes of determining 153843
gross receipts under this chapter and the use of the cash basis 153844
method of accounting for purposes of determining gross receipts 153845
under section 5727.24 of the Revised Code, the gross receipts 153846
directly attributed to the activity of a natural gas company shall 153847
be determined in a manner consistent with division (D) of section 153848
5727.03 of the Revised Code. 153849

As used in division (E)(2) of this section, "combined 153850
company" and "public utility" have the same meanings as in section 153851
5727.01 of the Revised Code. 153852

(3) A financial institution, as defined in section 5726.01 of 153853
the Revised Code, that paid the tax imposed by section 5726.02 of 153854
the Revised Code based on one or more taxable years that include 153855
the entire tax period under this chapter; 153856

(4) A person directly or indirectly owned by one or more 153857
financial institutions, as defined in section 5726.01 of the 153858
Revised Code, that paid the tax imposed by section 5726.02 of the 153859
Revised Code based on one or more taxable years that include the 153860
entire tax period under this chapter. 153861

For the purposes of division (E)(4) of this section, a person 153862
owns another person under the following circumstances: 153863

(a) In the case of corporations issuing capital stock, one 153864
corporation owns another corporation if it owns fifty per cent or 153865
more of the other corporation's capital stock with current voting 153866
rights; 153867

(b) In the case of a limited liability company, one person 153868
owns the company if that person's membership interest, as defined 153869
in section 1706.01 of the Revised Code, is fifty per cent or more 153870
of the combined membership interests of all persons owning such 153871
interests in the company; 153872

(c) In the case of a partnership, trust, or other 153873

unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be

excluded persons for purposes of the tax imposed under section 153906
5751.02 of the Revised Code. 153907

(8) Nonprofit organizations or the state and its agencies, 153908
instrumentalities, or political subdivisions. 153909

(F) Except as otherwise provided in divisions (F)(2), (3), 153910
and (4) of this section, "gross receipts" means the total amount 153911
realized by a person, without deduction for the cost of goods sold 153912
or other expenses incurred, that contributes to the production of 153913
gross income of the person, including the fair market value of any 153914
property and any services received, and any debt transferred or 153915
forgiven as consideration. 153916

(1) The following are examples of gross receipts: 153917

(a) Amounts realized from the sale, exchange, or other 153918
disposition of the taxpayer's property to or with another; 153919

(b) Amounts realized from the taxpayer's performance of 153920
services for another; 153921

(c) Amounts realized from another's use or possession of the 153922
taxpayer's property or capital; 153923

(d) Any combination of the foregoing amounts. 153924

(2) "Gross receipts" excludes the following amounts: 153925

(a) Interest income except interest on credit sales; 153926

(b) Dividends and distributions from corporations, and 153927
distributive or proportionate shares of receipts and income from a 153928
pass-through entity as defined under section 5733.04 of the 153929
Revised Code; 153930

(c) Receipts from the sale, exchange, or other disposition of 153931
an asset described in section 1221 or 1231 of the Internal Revenue 153932
Code, without regard to the length of time the person held the 153933
asset. Notwithstanding section 1221 of the Internal Revenue Code, 153934
receipts from hedging transactions also are excluded to the extent 153935

the transactions are entered into primarily to protect a financial 153936
position, such as managing the risk of exposure to (i) foreign 153937
currency fluctuations that affect assets, liabilities, profits, 153938
losses, equity, or investments in foreign operations; (ii) 153939
interest rate fluctuations; or (iii) commodity price fluctuations. 153940
As used in division (F)(2)(c) of this section, "hedging 153941
transaction" has the same meaning as used in section 1221 of the 153942
Internal Revenue Code and also includes transactions accorded 153943
hedge accounting treatment under statement of financial accounting 153944
standards number 133 of the financial accounting standards board. 153945
For the purposes of division (F)(2)(c) of this section, the actual 153946
transfer of title of real or tangible personal property to another 153947
entity is not a hedging transaction. 153948

(d) Proceeds received attributable to the repayment, 153949
maturity, or redemption of the principal of a loan, bond, mutual 153950
fund, certificate of deposit, or marketable instrument; 153951

(e) The principal amount received under a repurchase 153952
agreement or on account of any transaction properly characterized 153953
as a loan to the person; 153954

(f) Contributions received by a trust, plan, or other 153955
arrangement, any of which is described in section 501(a) of the 153956
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 153957
1, Subchapter (D) of the Internal Revenue Code applies; 153958

(g) Compensation, whether current or deferred, and whether in 153959
cash or in kind, received or to be received by an employee, former 153960
employee, or the employee's legal successor for services rendered 153961
to or for an employer, including reimbursements received by or for 153962
an individual for medical or education expenses, health insurance 153963
premiums, or employee expenses, or on account of a dependent care 153964
spending account, legal services plan, any cafeteria plan 153965
described in section 125 of the Internal Revenue Code, or any 153966
similar employee reimbursement; 153967

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	153968 153969 153970
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	153971 153972 153973
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	153974 153975 153976 153977 153978 153979 153980
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	153981 153982 153983
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	153984 153985 153986
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	153987 153988 153989 153990 153991 153992 153993 153994 153995 153996
(n) Pension reversions;	153997
(o) Contributions to capital;	153998

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only

if the sale or other transfer was based upon the transferee's need 154031
to meet a specific customer's preference for a motor vehicle; 154032

(u) Receipts from a financial institution described in 154033
division (E)(3) of this section for services provided to the 154034
financial institution in connection with the issuance, processing, 154035
servicing, and management of loans or credit accounts, if such 154036
financial institution and the recipient of such receipts have at 154037
least fifty per cent of their ownership interests owned or 154038
controlled, directly or constructively through related interests, 154039
by common owners; 154040

(v) Receipts realized from administering anti-neoplastic 154041
drugs and other cancer chemotherapy, biologicals, therapeutic 154042
agents, and supportive drugs in a physician's office to patients 154043
with cancer; 154044

(w) Funds received or used by a mortgage broker that is not a 154045
dealer in intangibles, other than fees or other consideration, 154046
pursuant to a table-funding mortgage loan or warehouse-lending 154047
mortgage loan. Terms used in division (F)(2)(w) of this section 154048
have the same meanings as in section 1322.01 of the Revised Code, 154049
except "mortgage broker" means a person assisting a buyer in 154050
obtaining a mortgage loan for a fee or other consideration paid by 154051
the buyer or a lender, or a person engaged in table-funding or 154052
warehouse-lending mortgage loans that are first lien mortgage 154053
loans. 154054

(x) Property, money, and other amounts received by a 154055
professional employer organization, as defined in section 4125.01 154056
of the Revised Code, or an alternate employer organization, as 154057
defined in section 4133.01 of the Revised Code, from a client 154058
employer, as defined in either of those sections as applicable, in 154059
excess of the administrative fee charged by the professional 154060
employer organization or the alternate employer organization to 154061
the client employer; 154062

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;	154063 154064 154065 154066 154067
(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code ; <u>i</u>	154068 154069
(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;	154070 154071 154072
(bb) Cash discounts allowed and taken;	154073
(cc) Returns and allowances;	154074
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered ; <u>.</u>	154075 154076 154077 154078 154079 154080 154081 154082 154083 154084 154085 154086 154087 154088
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	154089 154090 154091 154092
(ff) Any receipts directly attributed to a transfer agreement	154093

or to the enterprise transferred under that agreement under	154094
section 4313.02 of the Revised Code— <i>i</i>	154095
(gg) Qualified uranium receipts as determined under section	154096
5751.41 of the Revised Code— <i>i</i>	154097
(hh) In the case of amounts collected by a licensed casino	154098
operator from casino gaming, amounts in excess of the casino	154099
operator's gross casino revenue. In this division, "casino	154100
operator" and "casino gaming" have the meanings defined in section	154101
3772.01 of the Revised Code, and "gross casino revenue" has the	154102
meaning defined in section 5753.01 of the Revised Code.	154103
(ii) Receipts realized from the sale of agricultural	154104
commodities by an agricultural commodity handler, both as defined	154105
in section 926.01 of the Revised Code, that is licensed by the	154106
director of agriculture to handle agricultural commodities in this	154107
state— <i>i</i>	154108
(jj) Qualifying integrated supply chain receipts as	154109
determined under section 5751.42 of the Revised Code— <i>i</i>	154110
(kk) In the case of a railroad company described in division	154111
(D)(9) of section 5727.01 of the Revised Code that purchases dyed	154112
diesel fuel directly from a supplier as defined by section 5736.01	154113
of the Revised Code, an amount equal to the product of the number	154114
of gallons of dyed diesel fuel purchased directly from such a	154115
supplier multiplied by the average wholesale price for a gallon of	154116
diesel fuel as determined under section 5736.02 of the Revised	154117
Code for the period during which the fuel was purchased multiplied	154118
by a fraction, the numerator of which equals the rate of tax	154119
levied by section 5736.02 of the Revised Code less the rate of tax	154120
computed in section 5751.03 of the Revised Code, and the	154121
denominator of which equals the rate of tax computed in section	154122
5751.03 of the Revised Code— <i>i</i>	154123
(ll) Receipts realized by an out-of-state disaster business	154124

from disaster work conducted in this state during a disaster 154125
response period pursuant to a qualifying solicitation received by 154126
the business. Terms used in division (F)(2)(11) of this section 154127
have the same meanings as in section 5703.94 of the Revised Code. 154128

(mm) In the case of receipts from the sale or transfer of a 154129
mortgage-backed security or a mortgage loan by a mortgage lender 154130
holding a valid certificate of registration issued under Chapter 154131
1322. of the Revised Code or by a person that is a member of the 154132
mortgage lender's consolidated elected taxpayer group, an amount 154133
equal to the principal balance of the mortgage loan; 154134

(nn) Amounts of excess surplus of the state insurance fund 154135
received by the taxpayer from the Ohio bureau of workers' 154136
compensation pursuant to rules adopted under section 4123.321 of 154137
the Revised Code; 154138

(oo) Except as otherwise provided in division (B) of section 154139
5751.091 of the Revised Code, receipts of a megaproject supplier 154140
from sales of tangible personal property directly to a megaproject 154141
operator in this state for use at the site of the megaproject 154142
operator's megaproject, provided that the sale occurs during the 154143
period that the megaproject operator has an agreement with the tax 154144
credit authority for the megaproject under division (D) of section 154145
122.17 of the Revised Code that remains in effect and has not 154146
expired or been terminated, and provided the megaproject supplier 154147
holds a certificate for such megaproject issued under section 154148
5751.052 of the Revised Code for the calendar year in which the 154149
sales are made and, if the megaproject supplier meets the 154150
requirements described in division (A)(13)(b) of section 122.17 of 154151
the Revised Code, the megaproject supplier holds a certificate for 154152
such megaproject issued under division (D)(11) of section 122.17 154153
of the Revised Code on the first day of that calendar year; 154154

(pp) Receipts from the sale of each new piece of capital 154155
equipment that has a cost in excess of one hundred million dollars 154156

and that is used at the site of a megaproject that satisfies the 154157
criteria described in division (A)(11)(a)(ii) of section 122.17 of 154158
the Revised Code, provided that the sale occurs during the period 154159
that a megaproject operator has an agreement for that megaproject 154160
with the tax credit authority under division (D) of section 122.17 154161
of the Revised Code that remains in effect and has not expired or 154162
been terminated; 154163

(qq) In the case of amounts collected by a sports gaming 154164
proprietor from sports gaming, amounts in excess of the 154165
proprietor's sports gaming receipts. As used in this division, 154166
"sports gaming proprietor" has the same meaning as in section 154167
3775.01 of the Revised Code and "sports gaming receipts" has the 154168
same meaning as in section 5753.01 of the Revised Code. 154169

(rr) Any receipts for which the tax imposed by this chapter 154170
is prohibited by the constitution or laws of the United States or 154171
the constitution of this state; 154172

(ss) Receipts from fees imposed under sections 128.41 and 154173
128.42 of the Revised Code. 154174

(3) In the case of a taxpayer when acting as a real estate 154175
broker, "gross receipts" includes only the portion of any fee for 154176
the service of a real estate broker, or service of a real estate 154177
salesperson associated with that broker, that is retained by the 154178
broker and not paid to an associated real estate salesperson or 154179
another real estate broker. For the purposes of this division, 154180
"real estate broker" and "real estate salesperson" have the same 154181
meanings as in section 4735.01 of the Revised Code. 154182

(4) A taxpayer's method of accounting for gross receipts for 154183
a tax period shall be the same as the taxpayer's method of 154184
accounting for federal income tax purposes for the taxpayer's 154185
federal taxable year that includes the tax period. If a taxpayer's 154186
method of accounting for federal income tax purposes changes, its 154187

method of accounting for gross receipts under this chapter shall 154188
be changed accordingly. 154189

(G) "Taxable gross receipts" means gross receipts sitused to 154190
this state under section 5751.033 of the Revised Code. 154191

(H) A person has "substantial nexus with this state" if any 154192
of the following applies. The person: 154193

(1) Owns or uses a part or all of its capital in this state; 154194

(2) Holds a certificate of compliance with the laws of this 154195
state authorizing the person to do business in this state; 154196

(3) Has bright-line presence in this state; 154197

(4) Otherwise has nexus with this state to an extent that the 154198
person can be required to remit the tax imposed under this chapter 154199
under the Constitution of the United States. 154200

(I) A person has "bright-line presence" in this state for a 154201
reporting period and for the remaining portion of the calendar 154202
year if any of the following applies. The person: 154203

(1) Has at any time during the calendar year property in this 154204
state with an aggregate value of at least fifty thousand dollars. 154205
For the purpose of division (I)(1) of this section, owned property 154206
is valued at original cost and rented property is valued at eight 154207
times the net annual rental charge. 154208

(2) Has during the calendar year payroll in this state of at 154209
least fifty thousand dollars. Payroll in this state includes all 154210
of the following: 154211

(a) Any amount subject to withholding by the person under 154212
section 5747.06 of the Revised Code; 154213

(b) Any other amount the person pays as compensation to an 154214
individual under the supervision or control of the person for work 154215
done in this state; and 154216

(c) Any amount the person pays for services performed in this state on its behalf by another.	154217 154218
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars ; <i>i</i>	154219 154220
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts ; <i>i</i>	154221 154222 154223
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	154224 154225
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	154226 154227
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	154228 154229 154230 154231 154232 154233 154234 154235
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	154236 154237 154238
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	154239 154240 154241
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	154242 154243
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	154244 154245
(P) "Agent" means a person authorized by another person to	154246

act on its behalf to undertake a transaction for the other,	154247
including any of the following:	154248
(1) A person receiving a fee to sell financial instruments;	154249
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	154250 154251 154252
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	154253 154254
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	154255 154256
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	154257 154258
(Q) "Received" includes amounts accrued under the accrual method of accounting.	154259 154260
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	154261 154262 154263 154264 154265 154266 154267
(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.	154268 154269 154270
Section 130.61. That existing sections 128.01, 128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 128.99, 149.43, 2913.01, 4776.20, 5703.052, 5733.55, and 5751.01 of the Revised Code are hereby repealed.	154271 154272 154273 154274 154275 154276

Section 130.62. That sections 128.04, 128.09, 128.15, 128.25, 154277
128.26, 128.27, 128.571, 4742.01, 4742.02, 4742.03, 4742.04, 154278
4742.05, 4742.06, and 4742.07 of the Revised Code are hereby 154279
repealed. 154280

Section 130.63. Not later than twenty-four months after the 154281
effective date of this section, the 9-1-1 steering committee, in 154282
consultation with the Tax Commissioner, shall deliver a report to 154283
the General Assembly detailing any legislative recommendations to 154284
address issues concerning the collection and use of the next 154285
generation 9-1-1 access fees, including auditing carriers and 154286
other companies subject to collect such fees. 154287

Section 130.64. Any monthly charge adopted and imposed on a 154288
county's residents pursuant to sections 128.25 or 128.26 of the 154289
Revised Code as those sections existed prior to the effective date 154290
of this section are hereby terminated. 154291

Section 130.65. Section 149.43 of the Revised Code is 154292
presented in this act as a composite of the section as amended by 154293
H.B. 45, H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all 154294
of the 134th General Assembly. The General Assembly, applying the 154295
principle stated in division (B) of section 1.52 of the Revised 154296
Code that amendments are to be harmonized and reconciled if 154297
reasonably capable of simultaneous operation, finds that the 154298
composite is the resulting version of the section in effect prior 154299
to the effective date of the section as presented in this act. 154300

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 154301
Dedicated Purpose Fund Group 154302
4J80 889601 CPA Education \$ 525,000 \$ 525,000 154303
Assistance

4K90 889609	Operating Expenses	\$	1,343,885	\$	1,301,216	154304
TOTAL DPF Dedicated Purpose Fund						154305
Group		\$	1,868,885	\$	1,826,216	154306
TOTAL ALL BUDGET FUND GROUPS						154307

Section 205.10. ADJ ADJUTANT GENERAL 154309

General Revenue Fund 154310

GRF 745401 Ohio Military Reserve \$ 70,000 \$ 77,000 154311

GRF 745404 Air National Guard \$ 2,140,000 \$ 2,223,000 154312

GRF 745407 National Guard \$ 174,000 \$ 174,000 154313

Benefits

GRF 745409 Central \$ 3,299,000 \$ 3,414,000 154314

Administration

GRF 745499 Army National Guard \$ 4,865,000 \$ 4,972,000 154315

GRF 745503 Ohio Cyber Reserve \$ 1,099,000 \$ 1,151,000 154316

GRF 745504 Ohio Cyber Range \$ 2,650,000 \$ 2,650,000 154317

GRF 745505 State Active Duty \$ 50,000 \$ 50,000 154318

TOTAL GRF General Revenue Fund \$ 14,347,000 \$ 14,711,000 154319

Dedicated Purpose Fund Group 154320

5340 745612 Property Operations \$ 900,000 \$ 900,000 154321

Management

5360 745605 Marksmanship \$ 115,000 \$ 115,000 154322

Activities

5360 745620 Camp Perry and \$ 913,114 \$ 936,114 154323

Buckeye Inn

Operations

5370 745604 Ohio National Guard \$ 190,000 \$ 190,000 154324

Facilities

Maintenance

5LY0 745626 Military Medal of \$ 5,000 \$ 5,000 154325

Distinction

5U80 745613 Community Match \$ 350,000 \$ 350,000 154326

Armories

TOTAL DPF Dedicated Purpose Fund Group	\$	2,473,114	\$	2,496,114	154327
Federal Fund Group					154328
3420 745616 Army National Guard Service Agreement	\$	26,964,581	\$	26,964,581	154329
3E80 745628 Air National Guard Operations and Maintenance	\$	16,137,808	\$	16,903,235	154330
3R80 745603 Counter Drug Operations	\$	15,382	\$	15,382	154331
TOTAL FED Federal Fund Group	\$	43,117,771	\$	43,883,198	154332
TOTAL ALL BUDGET FUND GROUPS	\$	59,937,885	\$	61,090,312	154333

Section 205.20. NATIONAL GUARD BENEFITS 154335

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 154336
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 154340
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For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the 154349
154350
154351
154352

member's Servicemembers' Group Life Insurance Policy. 154353

OHIO CYBER RESERVE 154354

The foregoing appropriation item 745503, Ohio Cyber Reserve, 154355
shall be used for purposes of providing support for the 154356
administration of the Ohio Cyber Reserve, a civilian cyber reserve 154357
force that is part of the Ohio organized militia, capable of being 154358
expanded and trained to educate and protect all levels of state 154359
government, critical infrastructure, and the citizens of this 154360
state from cyberattacks and incidences under sections 5922.01, 154361
5922.02, and 5922.08 of the Revised Code. 154362

OHIO CYBER RANGE 154363

The foregoing appropriation item 745504, Ohio Cyber Range, 154364
shall be used by the Adjutant General's Department to establish 154365
and maintain the cyber range for purposes of providing cyber 154366
training and education to K-12 students, higher education 154367
students, members of the Ohio National Guard, federal employees, 154368
and state and local government employees, and provide for 154369
emergency preparedness exercises and trainings. 154370

The Adjutant General's Department, in conjunction and 154371
collaboration with the Department of Administrative Services, the 154372
Department of Public Safety, the Department of Higher Education, 154373
and the Department of Education shall establish and maintain a 154374
cyber range. The Adjutant General's Department may work with 154375
federal agencies to assist in accomplishing this objective. The 154376
state agencies identified in this paragraph may procure any 154377
necessary goods and services including, but not limited to, 154378
contracted services, hardware, networking services, maintenance 154379
costs, and the training and management costs of a cyber range. 154380
These state agencies shall determine the amount of funds each 154381
agency will contribute from available funds and appropriations 154382
enacted herein in order to establish and maintain a cyber range. 154383

	STATE ACTIVE DUTY				154384
	The foregoing appropriation item 745505, State Active Duty,				154385
	shall be used for the purpose of paying expenses related to state				154386
	active duty of members of the Ohio organized militia, in				154387
	accordance with a proclamation or order of the Governor. Expenses				154388
	include, but are not limited to, cost of equipment, supplies, and				154389
	services, as determined by the Adjutant General.				154390
	Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				154391
	General Revenue Fund				154392
GRF	100043 Ohio Geographic	\$	7,000,000	\$	0 154393
	Reference Information				
	Program				
GRF	100412 Unemployment Insurance	\$	1,560,000	\$	1,560,000 154394
	System Lease Rental				
	Payments				
GRF	100413 EDCS Lease Rental	\$	13,300,000	\$	13,300,000 154395
	Payments				
GRF	100414 MARCS Lease Rental	\$	6,500,000	\$	6,500,000 154396
	Payments				
GRF	100415 OAKS Lease Rental	\$	2,450,000	\$	2,450,000 154397
	Payments				
GRF	100416 STARS Lease Rental	\$	3,500,000	\$	3,500,000 154398
	Payments				
GRF	100447 Administrative	\$	71,000,000	\$	65,500,000 154399
	Buildings Lease Rental				
	Bond Payments				
GRF	100456 State IT Services	\$	1,206,000	\$	1,189,000 154400
GRF	100459 Ohio Business Gateway	\$	14,022,000	\$	14,723,000 154401
GRF	100469 Aronoff Center	\$	222,000	\$	222,000 154402
	Building Maintenance				
GRF	100501 MARCS	\$	30,326,000	\$	30,221,000 154403

GRF 130321	State Agency Support Services	\$ 27,500,000	\$ 30,000,000	154404
TOTAL GRF	General Revenue Fund	\$ 178,586,000	\$ 169,165,000	154405
Dedicated Purpose Fund Group				154406
4K90 100673	Ohio Professionals Licensing System	\$ 6,008,646	\$ 6,045,167	154407
5AB1 100674	Next Generation 911	\$ 28,180,270	\$ 17,765,277	154408
5L70 100610	Professional Development	\$ 8,250,000	\$ 1,650,000	154409
5MV0 100662	Theater Equipment Maintenance	\$ 50,000	\$ 21,700	154410
5NM0 100663	911 Program	\$ 634,660	\$ 653,492	154411
5V60 100619	Employee Educational Development	\$ 1,600,000	\$ 1,600,000	154412
TOTAL DPF	Dedicated Purpose Fund Group	\$ 44,723,576	\$ 27,735,636	154413
Internal Service Activity Fund Group				154414
1120 100616	DAS Administration	\$ 14,146,827	\$ 14,275,267	154415
1170 100644	General Services Division - Operating	\$ 23,842,795	\$ 24,025,069	154416
1220 100637	Fleet Management	\$ 28,792,538	\$ 30,768,908	154417
1250 100622	Human Resources Division - Operating	\$ 22,496,517	\$ 22,874,397	154418
1250 100657	Benefits Communication	\$ 656,891	\$ 689,571	154419
1280 100620	Office of Collective Bargaining	\$ 4,480,378	\$ 4,480,378	154420
1300 100606	Risk Management Reserve	\$ 22,669,370	\$ 23,424,433	154421
1320 100631	DAS Building Management	\$ 50,851,619	\$ 52,446,892	154422
1330 100607	IT Services Delivery	\$ 186,208,726	\$ 194,251,395	154423
2100 100612	State Printing	\$ 30,383,950	\$ 30,048,288	154424

2290 100630	IT Governance	\$	38,610,855	\$	42,176,321	154425
2290 100640	Consolidated IT	\$	29,641,650	\$	30,265,838	154426
	Purchases					
4270 100602	Investment Recovery	\$	1,761,010	\$	1,824,362	154427
4N60 100617	Major IT Purchases	\$	3,380,000	\$	4,000,000	154428
5C20 100605	MARCS Administration	\$	3,000,000	\$	3,000,000	154429
5EB0 100635	OAKS Support	\$	79,736,888	\$	88,301,070	154430
	Organization					
5EB0 100656	OAKS Updates and	\$	5,397,061	\$	5,367,485	154431
	Developments					
5KZ0 100659	Building Improvement	\$	1,585,500	\$	1,567,400	154432
5LJ0 100661	IT Development	\$	18,127,406	\$	12,839,922	154433
5PC0 100665	Enterprise	\$	14,562,038	\$	13,913,351	154434
	Applications					
5WU0 100672	Ohio Benefits	\$	161,734,809	\$	165,962,055	154435
TOTAL ISA	Internal Service Activity					154436
Fund Group		\$	742,066,828	\$	766,502,402	154437
Fiduciary Fund Group						154438
5UH0 100670	Enterprise	\$	1,365,000	\$	1,365,000	154439
	Transactions					
TOTAL FID	Fiduciary Fund Group	\$	1,365,000	\$	1,365,000	154440
TOTAL ALL BUDGET	FUND GROUPS	\$	966,741,404	\$	964,768,038	154441

Section 207.20. REFERENCE INFORMATION PROGRAM 154443

The foregoing appropriation item 100043, Ohio Geographic 154444
Reference Information Program, shall be used by the Director of 154445
Administrative Services to create the Ohio Surface Water Model, 154446
update Ohio's portion of the National Hydrography Dataset, and 154447
update Ohio's portion of the Watershed Boundary Dataset. In 154448
establishing the Ohio Surface Water Model, the Director may 154449
cooperate with the United States Geological Survey, any relevant 154450
state or federal agency, local governments, nonprofit entities, 154451
and other entities that may benefit from a high-resolution surface 154452

water dataset.	154453
UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS	154454
The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System.	154455 154456 154457 154458 154459 154460 154461 154462 154463
EDCS LEASE RENTAL PAYMENTS	154464
The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative.	154465 154466 154467 154468 154469 154470 154471 154472 154473 154474 154475
MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS	154476
The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the	154477 154478 154479 154480 154481 154482 154483

acquisition, development, implementation, and integration of the	154484
Multi-Agency Radio Communications System (MARCS) upgrade.	154485
OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS	154486
The foregoing appropriation item 100415, OAKS Lease Rental	154487
Payments, shall be used to make payments during the period from	154488
July 1, 2023, through June 30, 2025, pursuant to leases and	154489
agreements entered into under Chapter 125. of the Revised Code, as	154490
supplemented by Section 701.10 of H.B. 529 of the 132nd General	154491
Assembly and other prior acts of the General Assembly, with	154492
respect to financing the costs associated with the acquisition,	154493
development, implementation, and integration of the Ohio	154494
Administrative Knowledge System (OAKS).	154495
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	154496
PAYMENTS	154497
The foregoing appropriation item 100416, STARS Lease Rental	154498
Payments, shall be used to make payments during the period from	154499
July 1, 2023, through June 30, 2025, pursuant to leases and	154500
agreements entered into under Chapter 125. of the Revised Code, as	154501
supplemented by Section 701.30 of H.B. 529 of the 132nd General	154502
Assembly and other prior acts of the General Assembly, with	154503
respect to financing the costs associated with the acquisition,	154504
development, implementation, and integration of the State Taxation	154505
Accounting and Revenue System (STARS).	154506
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	154507
The foregoing appropriation item 100447, Administrative	154508
Buildings Lease Rental Bond Payments, shall be used to meet all	154509
payments during the period from July 1, 2023, through June 30,	154510
2025, by the Department of Administrative Services pursuant to	154511
leases and agreements under Chapters 152. and 154. of the Revised	154512
Code. These appropriations are the source of funds pledged for	154513
bond service charges on related obligations issued under Chapters	154514

152. and 154. of the Revised Code. 154515

MARCS 154516

Of the foregoing appropriation item 100501, MARCS, \$2,000,000 154517
in fiscal year 2024 shall be used by the Director of 154518
Administrative Services to purchase, install, and maintain one 154519
APCO P-25 compliant Motorola ISSI-8000 or a similar newer device 154520
that supports 20 simultaneous talk groups and allows for standards 154521
based interoperability between APCO P-25 compliant radio systems 154522
of differing manufacturers. 154523

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 154524
FUND 154525

The foregoing appropriation item 130321, State Agency Support 154526
Services, may be used to provide funding for the cost of property 154527
appraisals or building studies that the Department of 154528
Administrative Services may be required to obtain for property 154529
that is being sold by the state or property under consideration to 154530
be renovated or purchased by the state. 154531

Notwithstanding section 125.28 of the Revised Code, the 154532
foregoing appropriation item 130321, State Agency Support 154533
Services, also may be used to pay the operating expenses of state 154534
facilities maintained by the Department of Administrative Services 154535
that are not billed to building tenants, other costs associated 154536
with the Voinovich Center in Youngstown, Ohio, or costs of 154537
repairing vehicles donated pursuant to section 125.13 of the 154538
Revised Code. These expenses may include, but are not limited to, 154539
the costs for vacant space and space undergoing renovation, and 154540
the rent expenses of tenants that are relocated because of 154541
building renovations. These payments may be processed by the 154542
Department of Administrative Services through intrastate transfer 154543
vouchers and placed into the Building Management Fund (Fund 1320). 154544

At least once per year, the portion of appropriation item 154545

130321, State Agency Support Services, that is not used for the 154546
regular expenses of the appropriation item may be processed by the 154547
Department of Administrative Services through intrastate transfer 154548
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 154549

On July 1, 2024, or as soon as possible thereafter, the 154550
Director of Administrative Services may certify to the Director of 154551
Budget and Management an amount up to the unexpended, unencumbered 154552
balance of the foregoing appropriation item 130321, State Agency 154553
Support Services, at the end of fiscal year 2024 to be 154554
reappropriated to fiscal year 2025. The amount certified is hereby 154555
reappropriated to the same appropriation item for fiscal year 154556
2025. 154557

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 154558

Of the foregoing appropriation item 100610, Professional 154559
Development, up to \$1,650,000 in each fiscal year shall be used to 154560
make payments from the Professional Development Fund (Fund 5L70) 154561
under section 124.182 of the Revised Code. If it is determined by 154562
the Director of Budget and Management that additional amounts are 154563
necessary, the amounts are hereby appropriated. 154564

Of the foregoing appropriation item 100610, Professional 154565
Development, up to \$6,600,000 during the FY 2024-FY 2025 biennium 154566
may be used by the Director of Administrative Services for the 154567
creation, staffing, and administration of the Ohio Digital 154568
Academy. The Ohio Digital Academy shall exist to generate 154569
high-tech workforce capacity and serve the state of Ohio in 154570
advanced technology and cybersecurity needs. The goals of the Ohio 154571
Digital Academy shall be to educate, train, and subsequently 154572
employ analysts in completing boot camps, certifications, or 154573
degree programs in cybersecurity, coding, software engineering, 154574
user experience designers, and related fields. 154575

In consultation with CyberOhio, the Department of 154576

Administrative Services shall have full authority to select 154577
qualified candidates for the Ohio Digital Academy. Candidates 154578
shall be subject to all applicable background checks and if 154579
selected, shall be required to commit to three years of service 154580
with the state of Ohio. Ohio Digital Academy candidates may be 154581
placed in an unclassified, administrative staff position pursuant 154582
to division (A)(30) of section 124.11 of the Revised Code for 154583
which the Director of Administrative Services is hereby given 154584
specific authority to set compensation, or with other public or 154585
private employers identified by the Department with which a 154586
partnership agreement has been established. Notwithstanding any 154587
provision of law to the contrary, the Department may use the 154588
foregoing appropriation to reimburse selected students' tuition 154589
expenses for coursework, certification achieved, or other 154590
necessary expenses, prior to acceptance in the program, which is 154591
directly attributable to the targeted skills of the program if 154592
completed within one year prior to the effective date of this 154593
section. Upon hiring, candidates shall also be eligible for 154594
reimbursement of costs for continuing education or certification 154595
at the discretion of the Director to support the development of 154596
specialized skills in the areas of information technology and 154597
cybersecurity. Each candidate shall be responsible for any tax 154598
implications associated with the tuition. The Department reserves 154599
the right to recover all or a portion of funds provided to an Ohio 154600
Digital Academy participant who fails to complete the agreed upon 154601
three years of service commitment to the state. 154602

On July 1, 2023, or as soon as possible thereafter, the 154603
Department of Administrative Services may select and enter into a 154604
subgrant agreement with a regionally accredited Ohio institution 154605
of higher education with demonstrated significant coursework and 154606
programming in cybersecurity to serve as a Digital Analyst 154607
Training Academy (D.A.T.A.) Center. The Center shall be 154608
responsible for paying for costs associated with the work of the 154609

Ohio Digital Academy as designated by the Department of 154610
Administrative Services. On behalf of the Center, the selected 154611
institution shall do all the following: 154612

(A) Provide necessary educational coursework or training for 154613
the selected students' successful completion of a certificate or 154614
degree program as prescribed by the Department of Administrative 154615
Services at no cost to the selected students; 154616

(B) Administer weekly professional development programs for 154617
students in an academic setting; 154618

(C) Prepare analysts for summer mandatory recruit training as 154619
prescribed by the Department of Administrative Services; 154620

(D) Coordinate and manage summer scenarios; 154621

(E) Submit a quarterly report to the Department of 154622
Administrative Services that contains detailed information on the 154623
amount of grant funds expended for the aforementioned purposes; 154624

(F) Submit an annual report to the Department of 154625
Administrative Services of all achievements, including a status 154626
report of all expenditures, number of students enrolled by program 154627
area, number of students graduated or certifications achieved by 154628
program area, program expansion opportunities, and projected costs 154629
to continue operating the Center. 154630

Additional Centers may be added over the biennium subject to 154631
the approval of the Director of Administrative Services. 154632

On July 1, 2024, or as soon as possible thereafter, the 154633
Director of Administrative Services may certify to the Director of 154634
Budget and Management, the unencumbered, unexpended portion 154635
remaining in appropriation item 100610, Professional Development 154636
Fund, at the end of fiscal year 2024. The certified amount is 154637
hereby reappropriated for the same purposes in fiscal year 2025. 154638

911 PROGRAM 154639

The foregoing appropriation item 100663, 911 Program, shall 154640
be used by the Department of Administrative Services to pay the 154641
administrative, marketing, and educational costs of the Statewide 154642
Emergency Services Internet Protocol Network program. 154643

EMPLOYEE EDUCATIONAL DEVELOPMENT 154644

The foregoing appropriation item 100619, Employee Educational 154645
Development, shall be used to make payments from the Employee 154646
Educational Development Fund (Fund 5V60) under section 124.86 of 154647
the Revised Code. The fund shall be used to pay the costs of 154648
administering educational programs under existing collective 154649
bargaining agreements with District 1199, the Health Care and 154650
Social Service Union, Service Employees International Union; State 154651
Council of Professional Educators; Ohio Education Association and 154652
National Education Association; the Fraternal Order of Police 154653
State of Ohio, Unit 2 Association; and the Ohio State Troopers 154654
Association, Units 1 and 15. 154655

If it is determined by the Director of Budget and Management 154656
that additional amounts are necessary, the amounts are hereby 154657
appropriated. 154658

Section 207.40. GENERAL SERVICE CHARGES 154659

The Department of Administrative Services, with the approval 154660
of the Director of Budget and Management, shall establish charges 154661
for recovering the costs of administering the programs funded by 154662
the General Services Fund (Fund 1170) and the State Printing Fund 154663
(Fund 2100). 154664

COLLECTIVE BARGAINING ARBITRATION EXPENSES 154665

The Department of Administrative Services may seek 154666
reimbursement from state agencies for the actual costs and 154667
expenses the Department incurs in the collective bargaining 154668
arbitration process. The reimbursements shall be processed through 154669

intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).	154670 154671
CONSOLIDATED IT PURCHASES	154672
The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.	154673 154674 154675 154676 154677 154678 154679 154680
INVESTMENT RECOVERY FUND	154681
Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.	154682 154683 154684 154685 154686
MAJOR IT PURCHASES CHARGES	154687
Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60).	154688 154689 154690 154691 154692 154693
PROFESSIONS LICENSING SYSTEM	154694
The foregoing appropriation item, 100673, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.	154695 154696 154697 154698
The Department of Administrative Services shall establish	154699

charges for recovering the costs of ongoing maintenance of the 154700
system that are not otherwise recovered under section 125.18 of 154701
the Revised Code. The charges shall be proportionate to each 154702
benefiting state agency, board, or commission's use of the system. 154703
For agencies, boards, or commissions whose operations are not 154704
funded by appropriations from the Occupational Licensing and 154705
Regulatory Fund (Fund 4K90), the Director of Administrative 154706
Services shall certify to the Director of Budget and Management 154707
these entities' proportionate charges for use of the state's 154708
enterprise electronic licensing system. The Director of Budget and 154709
Management shall transfer cash equaling the certified amounts from 154710
these entities' respective operating funds into the Occupational 154711
Licensing and Regulatory Fund (Fund 4K90). 154712

Section 207.45. BUILDING IMPROVEMENT FUND 154713

The foregoing appropriation item 100659, Building 154714
Improvement, shall be used to make payments from the Building 154715
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 154716
required in facilities maintained by the Department of 154717
Administrative Services. The Department of Administrative Services 154718
shall conduct or contract for regular assessments of these 154719
buildings and may maintain a cash balance in Fund 5KZ0 equal to 154720
the cost of the repairs and improvements that are recommended to 154721
occur within the next five years, with the following exception 154722
described below. 154723

Upon request of the Director of Administrative Services, the 154724
Director of Budget and Management may permit a cash transfer from 154725
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 154726
of operating and maintaining facilities managed by the Department 154727
of Administrative Services that are not charged to tenants during 154728
the same fiscal year. 154729

Should the cash balance in Fund 1320 be determined to be 154730

sufficient, the Director of Administrative Services may request 154731
that the Director of Budget and Management transfer cash from Fund 154732
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 154733
made under this section plus applicable interest. 154734

INFORMATION TECHNOLOGY DEVELOPMENT 154735

The foregoing appropriation item 100661, IT Development, 154736
shall be used by the Department of Administrative Services to pay 154737
the costs of modernizing the state's information technology 154738
management and investment practices away from a limited, 154739
agency-specific focus in favor of a statewide methodology 154740
supporting development of enterprise solutions. This appropriation 154741
item may be used to pay the costs of enterprise information 154742
technology initiatives affecting state agencies or their 154743
customers. 154744

Notwithstanding any provision of law to the contrary, the 154745
Department of Administrative Services, with the approval of the 154746
Director of Budget and Management, may charge state agencies an 154747
information technology development assessment based on state 154748
agencies' information technology expenditures or other methodology 154749
and may assess fees or charges to entities that are not state 154750
agencies to offset the cost of specific technology events or 154751
services. The revenue from these assessments, fees, or charges 154752
shall be deposited into the Information Technology Development 154753
Fund (Fund 5LJ0), which is hereby created. 154754

ENTERPRISE APPLICATIONS 154755

The foregoing appropriation item 100665, Enterprise 154756
Applications, shall be used for the operation and management of 154757
information technology applications that support state agencies' 154758
objectives. Charges billed to benefiting agencies shall be 154759
deposited to the credit of the Enterprise Applications Fund (Fund 154760
5PC0). 154761

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 154762

The Director of Administrative Services shall determine and 154763
implement strategies that benefit the enterprise by improving 154764
efficiency, reducing costs, or enhancing capacity of information 154765
technology (IT) services. Such improvements and efficiencies may 154766
result in the consolidation and transfer of such services. As 154767
determined to be necessary for successful implementation of this 154768
section and notwithstanding any provision of law to the contrary, 154769
the Director of Administrative Services may request the Director 154770
of Budget and Management to consolidate or transfer IT-specific 154771
budget authority between agencies or within an agency as necessary 154772
to implement enterprise IT cost containment strategies and related 154773
efficiencies. Once the Director of Budget and Management is 154774
satisfied that the proposed initiative is cost advantageous to the 154775
enterprise, the Director of Budget and Management may request 154776
Controlling Board approval to transfer appropriations, funds, and 154777
cash to implement the proposed initiative. The establishment of 154778
any new fund or additional appropriation as a result of this 154779
section shall also be subject to Controlling Board approval. 154780

The Director of Budget and Management and the Director of 154781
Administrative Services may transfer any employees, assets, and 154782
liabilities, including, but not limited to, records, contracts, 154783
and agreements in order to facilitate the improvements determined 154784
in accordance with this section. 154785

Section 209.10. AGE DEPARTMENT OF AGING 154786

General Revenue Fund 154787
GRF 490321 Operating Expenses \$ 2,000,000 \$ 2,000,000 154788
GRF 490410 Long-Term Care \$ 3,123,000 \$ 3,123,000 154789
Ombudsman
GRF 490411 Senior Community \$ 11,600,000 \$ 11,300,000 154790

		Services				
GRF	490414	Alzheimer's and Other Dementia Respite	\$	4,300,000	\$	4,300,000 154791
GRF	490506	National Senior Service Corps	\$	222,000	\$	222,000 154792
GRF	490510	Community Projects	\$	250,000	\$	250,000 154793
GRF	656423	Long-Term Care Budget - State	\$	5,668,000	\$	4,762,000 154794
TOTAL GRF		General Revenue Fund	\$	27,163,000	\$	25,957,000 154795
		Dedicated Purpose Fund Group				154796
4800	490606	Senior Community Outreach and Education	\$	380,761	\$	380,761 154797
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000 154798
5BA0	490620	Ombudsman Support	\$	1,532,919	\$	1,532,919 154799
5CV3	490678	Healthy Aging Grants	\$	40,000,000	\$	0 154800
5HC8	656698	AGE Home and Community Based Services	\$	6,000,000	\$	0 154801
5K90	490613	Long-Term Care Consumers Guide	\$	675,459	\$	675,459 154802
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	789,046	\$	789,446 154803
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000 154804
5TI0	656624	Provider Certification	\$	120,000	\$	120,000 154805
5W10	490616	Resident Services Coordinator Program	\$	262,500	\$	262,500 154806
TOTAL DPF		Dedicated Purpose				154807

Fund Group		\$	50,960,685	\$	4,961,085	154808
Federal Fund Group						154809
3220 490618	Federal Aging Grants	\$	11,000,000	\$	11,000,000	154810
3C40 656623	Long Term Care Budget	\$	5,670,000	\$	5,000,000	154811
	- Federal					
3M40 490612	Federal Independence	\$	75,143,802	\$	60,000,000	154812
	Services					
TOTAL FED	Federal Fund Group	\$	91,813,802	\$	76,000,000	154813
TOTAL ALL BUDGET	FUND GROUPS	\$	169,937,487	\$	106,918,085	154814

Section 209.20. LONG-TERM CARE 154816

Pursuant to an interagency agreement, the Department of 154817
 Medicaid may designate the Department of Aging to perform 154818
 assessments under section 5165.04 of the Revised Code. The 154819
 Department of Aging shall provide long-term care consultations 154820
 under section 173.42 of the Revised Code to assist individuals in 154821
 planning for their long-term health care needs. 154822

The Department of Aging shall administer the Medicaid 154823
 waiver-funded PASSPORT Home Care Program, the Assisted Living 154824
 Program, and PACE as delegated by the Department of Medicaid in an 154825
 interagency agreement. 154826

PERFORMANCE-BASED REIMBURSEMENT 154827

In order to improve health outcomes among populations served 154828
 by PASSPORT administrative agencies, the Department of Aging, 154829
 through rules adopted in accordance with Chapter 119. of the 154830
 Revised Code, may design and utilize a payment method for PASSPORT 154831
 administrative agency operations that includes a 154832
 pay-for-performance incentive component that is earned by a 154833
 PASSPORT administrative agency when defined consumer and policy 154834
 outcomes are achieved. Prior to filing with the Joint Committee on 154835
 Agency Rule Review, as provided in section 119.03 of the Revised 154836
 Code, a proposed rule related to a payment method that includes a 154837

pay-for-performance incentive component, the Department shall 154838
submit a report to the Joint Medicaid Oversight Committee 154839
outlining the payment method. 154840

Section 209.30. MYCARE OHIO 154841

The authority of the Office of the State Long-Term Care 154842
Ombudsman as described in sections 173.14 to 173.28 of the Revised 154843
Code extends to MyCare Ohio during the period of the federal 154844
financial alignment demonstration program. 154845

SENIOR COMMUNITY SERVICES 154846

Of the foregoing appropriation item 490411, Senior Community 154847
Services, \$600,000 in fiscal year 2024 and \$300,000 in fiscal year 154848
2025 shall be used for the Senior Transportation Accessibility and 154849
Modernization Pilot Program administered by Senior Transportation 154850
Connection in Cuyahoga County. 154851

The remainder of appropriation item 490411, Senior Community 154852
Services, may be used for programs, services, and activities 154853
designated by the Department of Aging, including, but not limited 154854
to, home-delivered meals, congregate dining, transportation, 154855
personal care, respite, adult day services, home maintenance and 154856
chores, minor home modification, care coordination, evidence-based 154857
disease prevention and healthpromotion, and decision support 154858
systems. Funds may also be used to provide grants to community 154859
organizations to support and expand older adult programming. 154860
Services priority shall be given to low-income, high-need persons, 154861
and/or persons with a cognitive impairment who are sixty years of 154862
age or over. 154863

NATIONAL SENIOR SERVICE CORPS 154864

The foregoing appropriation item 490506, National Senior 154865
Service Corps, may be used by the Department of Aging to fund 154866
grants to organizations that receive federal funds from the 154867

Corporation for National and Community Service to support the 154868
following Senior Corps programs: the Foster Grandparents Program, 154869
the Senior Companion Program, and the Retired Senior Volunteer 154870
Program. A recipient of these grant funds shall use the funds to 154871
support priorities established by the Department and the Ohio 154872
State Office of the Corporation for National and Community 154873
Service. Neither the Department nor any area agencies on aging 154874
that are involved in the distribution of these funds to 154875
lower-tiered grant recipients may use any portion of these funds 154876
to cover administrative costs. 154877

COMMUNITY PROJECTS 154878

The foregoing appropriation item 490510, Community Projects, 154879
shall be distributed to the Benjamin Rose Institute on Aging to 154880
provide mental health services. 154881

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 154882

The foregoing appropriation item 490627, Board of Executives 154883
of Long-Term Services and Supports, may be used by the Board of 154884
Executives of Long-Term Services and Supports to administer and 154885
enforce Chapter 4751. of the Revised Code and rules adopted under 154886
it. 154887

HEALTHY AGING GRANTS 154888

The foregoing appropriation item 490678, Healthy Aging 154889
Grants, shall be used to provide one-time grants to the board of 154890
county commissioners, or the county executive and county council 154891
of a charter county, in all counties to foster improved quality of 154892
life for seniors so they can remain in their homes and connected 154893
to their communities, delay entry into Medicaid, preserve their 154894
personal assets, and promote a healthy, independent, active 154895
lifestyle. 154896

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 154897

General Revenue Fund					154898	
GRF 700401	Animal Health Programs	\$	7,622,000	\$	7,622,000	154899
GRF 700403	Dairy Division	\$	1,441,000	\$	1,513,000	154900
GRF 700404	Ohio Proud	\$	304,000	\$	280,000	154901
GRF 700406	Consumer Protection	\$	1,621,000	\$	1,705,000	154902
	Lab					
GRF 700407	Food Safety	\$	1,568,000	\$	1,657,000	154903
GRF 700409	Farmland Preservation	\$	524,000	\$	550,000	154904
GRF 700410	Plant Industry	\$	475,000	\$	489,000	154905
GRF 700412	Weights and Measures	\$	757,000	\$	791,000	154906
GRF 700415	Poultry Inspection	\$	909,000	\$	954,000	154907
GRF 700418	Livestock Regulation	\$	1,411,000	\$	1,453,000	154908
	Program					
GRF 700424	Livestock Testing and	\$	126,000	\$	129,000	154909
	Inspections					
GRF 700426	Dangerous and	\$	667,000	\$	687,000	154910
	Restricted Animals					
GRF 700427	High Volume Breeder	\$	1,449,000	\$	1,524,000	154911
	Kennel Control					
GRF 700428	Soil and Water	\$	4,000,000	\$	4,000,000	154912
	Division					
GRF 700499	Meat Inspection	\$	7,436,000	\$	7,839,000	154913
	Program - State Share					
GRF 700501	County Agricultural	\$	760,000	\$	760,000	154914
	Societies					
GRF 700509	Soil and Water	\$	13,410,000	\$	13,410,000	154915
	District Support					
GRF 700511	Ride Inspection	\$	716,000	\$	749,000	154916
GRF 700512	Local Fairs	\$	0	\$	4,700,000	154917
GRF 700674	Hemp Production	\$	379,000	\$	391,000	154918
TOTAL GRF	General Revenue Fund	\$	45,575,000	\$	51,203,000	154919
Dedicated Purpose Fund Group						154920

4900	700651	License Plates - Sustainable Agriculture	\$	18,300	\$	18,300	154921
4940	700612	Agricultural Commodity Marketing Program	\$	200,000	\$	200,000	154922
4960	700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000	154923
4970	700627	Grain Warehouse Program	\$	500,000	\$	500,000	154924
4C90	700605	Commercial Feed and Seed	\$	2,369,000	\$	2,396,000	154925
4D20	700609	Auction Education	\$	52,400	\$	54,900	154926
4E40	700606	Utility Radiological Safety	\$	109,800	\$	112,900	154927
4P70	700610	Food Safety Inspection	\$	1,200,000	\$	1,259,000	154928
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	154929
4R20	700637	Dairy Industry Inspection	\$	1,950,000	\$	1,970,000	154930
4T60	700611	Poultry and Meat Inspection	\$	104,900	\$	109,900	154931
5780	700620	Ride Inspection	\$	1,355,000	\$	1,417,000	154932
5B80	700629	Auctioneers	\$	367,600	\$	367,600	154933
5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000	154934
5BV0	700661	Soil and Water Districts	\$	9,500,000	\$	9,500,000	154935
5FC0	700648	Plant Pest Program	\$	1,300,000	\$	1,328,000	154936
5H20	700608	Metrology Lab and Scale Certification	\$	1,391,000	\$	1,460,000	154937
5L80	700604	Livestock Management Program	\$	245,000	\$	245,000	154938
5MA0	700657	Dangerous and	\$	10,000	\$	10,000	154939

		Restricted Animals				
5MR0	700658	High Volume Breeders and Kennels	\$	486,700	\$	510,000 154940
5MS0	700659	Captive Deer	\$	18,000	\$	18,000 154941
5PL0	700662	Pet Store License	\$	31,400	\$	32,900 154942
5QW0	700653	Watershed Assistance	\$	565,000	\$	565,000 154943
5WJ0	700671	Hemp Program	\$	400,000	\$	411,400 154944
6520	700634	Animal, Consumer, and ATL Labs	\$	6,833,500	\$	7,144,700 154945
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	5,735,000	\$	6,188,000 154946
6H20	700670	H2Ohio	\$	69,018,000	\$	69,114,000 154947
TOTAL DPF		Dedicated Purpose				154948
Fund Group			\$	105,616,100	\$	106,788,100 154949
Internal Service Activity		Fund Group				154950
5DA0	700644	Laboratory Administration Support	\$	1,479,000	\$	1,551,000 154951
5GH0	700655	Administrative Support	\$	6,748,000	\$	7,194,000 154952
TOTAL ISA		Internal Service Activity				154953
Fund Group			\$	8,227,000	\$	8,745,000 154954
Capital Projects		Fund Group				154955
7057	700632	Clean Ohio Agricultural Easement Operating	\$	512,000	\$	512,000 154956
TOTAL CPF		Capital Projects Fund	\$	512,000	\$	512,000 154957
Group						
Federal		Fund Group				154958
3260	700618	Meat Inspection Program - Federal	\$	5,541,500	\$	5,814,000 154959

		Share				
3360	700617	Ohio Farm Loan -	\$	225,000	\$	225,000 154960
		Revolving				
3820	700601	Federal Cooperative	\$	11,269,000	\$	11,399,000 154961
		Contracts				
3AB0	700641	Agricultural Easement	\$	200,000	\$	200,000 154962
3J40	700607	Federal	\$	1,936,000	\$	2,031,000 154963
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	7,652,000	\$	8,029,000 154964
		Industry				
TOTAL FED	Federal Fund Group		\$	26,823,500	\$	27,698,000 154965
TOTAL ALL BUDGET FUND GROUPS			\$	186,753,600	\$	194,946,100 154966

Section 211.20. COUNTY AGRICULTURAL SOCIETIES 154968

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 154969
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SUPPORT FOR SOIL AND WATER DISTRICTS 154973

Of the foregoing appropriation item 700509, Soil and Water District Support, \$7,000,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin and other priority regions as defined by the Director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support. 154974
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LOCAL FAIRS 154982

The foregoing appropriation item 700512, Local Fairs, shall be used to support county and independent agricultural societies. 154983
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SOIL AND WATER DISTRICTS	154985
In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.	154986 154987 154988 154989 154990 154991 154992 154993 154994 154995 154996
H2OHIO FUND	154997
The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.	154998 154999 155000 155001 155002
The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include, but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) best management practices recognized to reduce nutrients; (8) a revolving loan program; and (9) matching funds for the Conservation Reserve Enhancement Program in the Western Lake Erie Basin and Scioto River Basin.	155003 155004 155005 155006 155007 155008 155009 155010 155011 155012 155013 155014
Of the foregoing appropriation item 700670, H2Ohio, not less	155015

than \$10,700,000 in each fiscal year shall be used for programs to 155016
assist in reducing total phosphorus, dissolved reactive 155017
phosphorus, sediment, and other nutrients in the Western Lake Erie 155018
Basin. 155019

Of the foregoing appropriation item 700670, H2Ohio, 155020
\$2,000,000 in each fiscal year shall be used to establish a water 155021
quality pilot program focused on legacy phosphorus fields. 155022

Not later than one hundred twenty days after the effective 155023
date of this section, the Department of Agriculture, in 155024
consultation with the Lake Erie Commission, the Ohio Soil and 155025
Water Conservation Commission, and the Ohio State University 155026
Extension, shall establish a pilot program that assists farmers, 155027
agricultural retailers, and soil and water conservation districts 155028
in reducing phosphorus and dissolved reactive phosphorous 155029
discharging from legacy phosphorus fields. 155030

Funding under the program shall be used to pay for, but is 155031
not limited to, the following: identifying and evaluating legacy 155032
phosphorus fields for characteristics of high phosphorus run-off; 155033
collaborating with agricultural retailers and other agricultural 155034
organizations; soil testing; water management and edge-of-field 155035
drainage management strategies; phosphorus removal structures; 155036
monitoring and evaluating effectiveness of practices; and 155037
implementation of nutrient best management practices according to 155038
data collected by soil and water conservation. 155039

On July 1, 2024, or as soon as possible thereafter, the 155040
Director of Agriculture may certify to the Director of Budget and 155041
Management an amount up to the unexpended, unencumbered balance of 155042
the foregoing appropriation item, 700670, H2Ohio, at the end of 155043
fiscal year 2024 to be reappropriated in fiscal year 2025. The 155044
amount certified is hereby reappropriated to the same 155045
appropriation item for fiscal year 2025. 155046

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES				155047
The foregoing appropriation item 700632, Clean Ohio				155048
Agricultural Easement Operating, shall be used by the Department				155049
of Agriculture in administering Clean Ohio Agricultural Easement				155050
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and				155051
5301.67 to 5301.70 of the Revised Code.				155052
Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				155053
Dedicated Purpose Fund Group				155054
4Z90 898602 Small Business	\$	216,000	\$ 219,000	155055
Ombudsman				
5700 898601 Operating Expenses	\$	1,700,000	\$ 1,800,000	155056
5A00 898603 Small Business	\$	100,000	\$ 100,000	155057
Assistance				
TOTAL DPF Dedicated Purpose Fund	\$	2,016,000	\$ 2,119,000	155058
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,016,000	\$ 2,119,000	155059
Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				155061
AUTHORITY TRUST ACCOUNT				155062
Notwithstanding any other provision of law to the contrary,				155063
the Air Quality Development Authority may reimburse the Air				155064
Quality Development Authority trust account established under				155065
section 3706.10 of the Revised Code from all operating funds of				155066
the agency for expenses pertaining to the administration and				155067
shared costs incurred by the Air Quality Development Authority in				155068
the execution of responsibilities as prescribed in Chapter 3706.				155069
of the Revised Code. The reimbursement shall occur in accordance				155070
with an administrative cost recovery plan approved by the Air				155071
Quality Development Authority Board.				155072
Section 215.10. ARC ARCHITECTS BOARDS				155073

Dedicated Purpose Fund Group				155074
4K90 891609 Operating	\$	667,469	\$ 667,469	155075
TOTAL DPF Dedicated Purpose Fund				155076
Group	\$	667,469	\$ 667,469	155077
TOTAL ALL BUDGET FUND GROUPS	\$	667,469	\$ 667,469	155078

Section 217.10. ART OHIO ARTS COUNCIL 155080

General Revenue Fund				155081
GRF 370321 Operating Expenses	\$	2,314,000	\$ 2,375,000	155082
GRF 370502 State Program	\$	23,038,000	\$ 23,038,000	155083
Subsidies				
TOTAL GRF General Revenue Fund	\$	25,352,000	\$ 25,413,000	155084
Dedicated Purpose Fund Group				155085
4600 370602 Arts Council Program	\$	330,000	\$ 330,000	155086
Support				
4B70 370603 Percent for Art	\$	165,000	\$ 165,000	155087
Acquisitions				
TOTAL DPF Dedicated Purpose Fund	\$	495,000	\$ 495,000	155088
Group				
Federal Fund Group				155089
3140 370601 Federal Support	\$	1,350,000	\$ 1,500,000	155090
TOTAL FED Federal Fund Group	\$	1,350,000	\$ 1,500,000	155091
TOTAL ALL BUDGET FUND GROUPS	\$	27,197,000	\$ 27,408,000	155092

FEDERAL SUPPORT 155093

Notwithstanding any provision of law to the contrary, the 155094
foregoing appropriation item 370601, Federal Support, shall be 155095
used by the Ohio Arts Council for subsidies only, and not for its 155096
administrative costs, unless the Council is required to use a 155097
portion of the funds for administrative costs under conditions of 155098
the federal grant. 155099

Section 219.10. ATH ATHLETIC COMMISSION 155100

Dedicated Purpose Fund Group					155101
4K90 175609 Operating Expenses	\$	354,000	\$	345,000	155102
TOTAL DPF Dedicated Purpose Fund Group	\$	354,000	\$	345,000	155103
TOTAL ALL BUDGET FUND GROUPS	\$	354,000	\$	345,000	155104

Section 221.10. AGO ATTORNEY GENERAL 155106

General Revenue Fund					155107
GRF 055321 Operating Expenses	\$	81,854,000	\$	85,282,000	155108
GRF 055405 Law-Related Education	\$	68,000	\$	68,000	155109
GRF 055406 BCIRS Lease Rental Payments	\$	2,500,000	\$	2,500,000	155110
GRF 055411 County Sheriffs' Pay Supplement	\$	1,073,000	\$	1,091,000	155111
GRF 055415 County Prosecutors' Pay Supplement	\$	1,398,000	\$	1,437,000	155112
GRF 055431 Drug Abuse Response Team Grants	\$	1,500,000	\$	1,500,000	155113
GRF 055432 Drug Testing Equipment	\$	964,000	\$	964,000	155114
GRF 055434 Internet Crimes Against Children Task Force	\$	500,000	\$	500,000	155115
GRF 055440 Rapid DNA Pilot Project	\$	465,000	\$	397,000	155116
GRF 055441 Victims of Crime	\$	9,000,000	\$	7,000,000	155117
GRF 055446 Cyber Crime Division Expansion	\$	750,000	\$	750,000	155118
GRF 055447 Ohio Law Enforcement Gateway - (OHLEG)	\$	500,000	\$	750,000	155119
GRF 055501 Rape Crisis Centers	\$	15,000,000	\$	15,000,000	155120
GRF 055502 School Safety	\$	12,000,000	\$	12,000,000	155121

		Training Grants					
GRF	055504	Domestic Violence Programs	\$	10,000,000	\$	10,000,000	155122
GRF	055505	Pike County Capital Case	\$	500,000	\$	0	155123
GRF	055509	Law Enforcement Training	\$	40,000,000	\$	40,000,000	155124
GRF	055511	Prosecutor Victim Programs	\$	8,000,000	\$	8,000,000	155125
TOTAL GRF		General Revenue Fund	\$	186,072,000	\$	187,239,000	155126
		Dedicated Purpose Fund Group					155127
1060	055612	Attorney General Operating	\$	67,000,000	\$	67,000,000	155128
4020	055616	Victims of Crime	\$	15,000,000	\$	13,000,000	155129
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	155130
4180	055615	Charitable Foundations	\$	8,498,138	\$	8,498,138	155131
4190	055623	Claims Section	\$	44,818,400	\$	44,818,400	155132
4210	055617	Police Officers' Training Academy Fee	\$	1,500,000	\$	1,500,000	155133
4L60	055606	DARE Programs	\$	2,300,000	\$	2,300,000	155134
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	155135
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	155136
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	155137
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	155138
5LR0	055655	Peace Officer Training - Casino	\$	4,764,760	\$	4,764,760	155139
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000	155140

		Enforcement Trust					
5VL0	055435	Stop Bullying License	\$	3,000	\$	2,500	155141
		Plate					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	155142
		Enforcement					
6590	055641	Solid and Hazardous	\$	337,960	\$	337,960	155143
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,000,000	\$	2,000,000	155144
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					155145
Group			\$	157,742,334	\$	155,741,834	155146
		Internal Service Activity Fund Group					155147
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000	155148
		Section					
TOTAL ISA		Internal Service Activity	\$	9,115,000	\$	9,115,000	155149
Fund Group							
		Holding Account Fund Group					155150
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	155151
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	155152
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	155153
R042	055601	Organized Crime	\$	750,000	\$	750,000	155154
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	155155
		Redistribution					
TOTAL HLD		Holding Account					155156
Fund Group			\$	8,250,000	\$	8,250,000	155157
		Federal Fund Group					155158

3060	055620	Medicaid Fraud Control	\$	14,069,270	\$	14,069,270	155159
3830	055634	Crime Victims Assistance	\$	50,000,000	\$	50,000,000	155160
3E50	055638	Attorney General Pass-Through Funds	\$	8,020,999	\$	8,020,999	155161
3FV0	055656	Crime Victim Compensation	\$	1,200,000	\$	3,800,000	155162
3R60	055613	Attorney General Federal Funds	\$	3,652,129	\$	3,652,129	155163
TOTAL FED	Federal Fund Group		\$	76,942,398	\$	79,542,398	155164
TOTAL ALL BUDGET FUND GROUPS			\$	438,121,732	\$	439,888,232	155165

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 155167
155168

Of the foregoing appropriation item 055321, Operating Expenses, \$650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 155169
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NARCOTICS TASK FORCES 155176

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General. 155177
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DOMESTIC VIOLENCE PROGRAM 155180

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 155181
155182
155183
155184

OHIO FALLEN OFFICERS MEMORIAL WALL	155185
Of the foregoing appropriation item 055321, Operating Expenses, \$67,500 in fiscal year 2024 shall be used by the Attorney General to restore the Ohio Fallen Officers Memorial Wall on the grounds of the Ohio Peace Officer Training Academy.	155186 155187 155188 155189
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS	155190 155191
The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.	155192 155193 155194 155195 155196 155197 155198 155199
COUNTY SHERIFFS' PAY SUPPLEMENT	155200
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	155201 155202 155203 155204
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	155205 155206 155207 155208 155209 155210
COUNTY PROSECUTORS' PAY SUPPLEMENT	155211
The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by	155212 155213 155214

section 325.111 of the Revised Code. 155215

At the request of the Attorney General, the Director of 155216
Budget and Management may transfer appropriation from 155217
appropriation item 055321, Operating Expenses, to appropriation 155218
item 055415, County Prosecutors' Pay Supplement. Any appropriation 155219
so transferred shall be used to supplement the annual compensation 155220
of county prosecutors as required by section 325.111 of the 155221
Revised Code. 155222

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 155223

The Attorney General shall maintain the Drug Abuse Response 155224
Team Grant Program for the purpose of replicating or expanding 155225
successful law enforcement programs that address the opioid 155226
epidemic similar to the Drug Abuse Response Team established by 155227
the Lucas County Sheriff's Department, and the Quick Response 155228
Teams established in Colerain Township's Department of Public 155229
Safety in Hamilton County and Summit County. Any grants awarded by 155230
this grant program may include requirements for private or 155231
nonprofit matching support. 155232

The foregoing appropriation item 055431, Drug Abuse Response 155233
Team Grants, shall be used by the Attorney General to fund grants 155234
to law enforcement or other government agencies; the primary 155235
purpose of the grants shall be to replicate or expand successful 155236
law enforcement programs that address the opioid epidemic similar 155237
to the Drug Abuse Response Team established by the Lucas County 155238
Sheriff's Department and the Quick Response Teams established in 155239
Colerain Township's Department of Public Safety in Hamilton County 155240
and Summit County. 155241

Each recipient of a grant under this program shall, within 155242
six months of the end date of the grant, submit a written report 155243
describing the outcomes that resulted from the grant to the 155244
Governor, the President of the Senate, the Speaker of the House of 155245

Representatives, the Minority Leader of the Senate, and the	155246
Minority Leader of the House of Representatives.	155247
DRUG TESTING EQUIPMENT	155248
The foregoing appropriation item 055432, Drug Testing	155249
Equipment, shall be used to purchase drug testing equipment for	155250
the Bureau of Criminal Identification and Investigation.	155251
INTERNET CRIMES AGAINST CHILDREN TASK FORCE	155252
The foregoing appropriation item 055434, Internet Crimes	155253
Against Children Task Force, shall be used by the Attorney General	155254
in support of the Ohio Internet Crimes Against Children Task Force	155255
for the purposes described in section 195.02 of the Revised Code.	155256
RAPID DNA PILOT PROJECT	155257
The foregoing appropriation item 055440, Rapid DNA Pilot	155258
Project, shall be used to fund the necessary expenses incurred by	155259
the Bureau of Criminal Identification and Investigation to pilot	155260
rapid DNA technology with cooperating local law enforcement	155261
agencies.	155262
VICTIMS OF CRIME	155263
The foregoing appropriation item 055441, Victims of Crime,	155264
shall be allocated to the Crime Victim Compensation Program. Prior	155265
to using the funds from this appropriation item, the Attorney	155266
General shall, to the extent possible, first use funds related to	155267
the federal Victims of Crime Act.	155268
SCHOOL SAFETY TRAINING GRANTS	155269
(A) The foregoing appropriation item 055502, School Safety	155270
Training Grants, shall be used by the Attorney General, in	155271
consultation with the Superintendent of Public Instruction and the	155272
Director of Mental Health and Addiction Services, solely to make	155273
grants to public and chartered nonpublic schools, educational	155274
service centers, local law enforcement agencies, and schools	155275

operated by county boards of developmental disabilities	155276
administering special education services programs pursuant to	155277
section 5126.05 of the Revised Code for school safety and school	155278
climate programs and training.	155279
(B) The use of the grants includes, but is not limited to,	155280
all of the following:	155281
(1) The support of school resource officer certification	155282
training;	155283
(2) Any type of active shooter and school safety training or	155284
equipment;	155285
(3) All grade level type educational resources;	155286
(4) Training to identify and assist students with mental	155287
health issues;	155288
(5) School supplies or equipment related to school safety or	155289
for implementing the school's safety plan;	155290
(6) Any other training related to school safety.	155291
(C) The schools, educational service centers, and county	155292
boards shall work or contract with the county sheriff's office or	155293
a local police department in whose jurisdiction they are located	155294
to develop the programs and training described in divisions	155295
(B)(1), (2), (3), (5), and (6) of this section. Any grant awarded	155296
directly to a local law enforcement agency shall not be used to	155297
fund a similar request made by a school located within the	155298
jurisdiction of the local law enforcement agency.	155299
(D) As used in this section, "public school" means any school	155300
operated by a school district board of education, any community	155301
school established under Chapter 3314. of the Revised Code, and	155302
any STEM school established under Chapter 3326. of the Revised	155303
Code.	155304
DOMESTIC VIOLENCE PROGRAMS	155305

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 155310

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again."

BATTERED WOMEN'S SHELTER 155316

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

TRANSPORTATION GRANTS 155323

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$25,000 in fiscal year 2024 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The Attorney General shall adopt any rules necessary for the administration of the grant program.

PIKE COUNTY CAPITAL CASE 155330

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end of fiscal year 2023 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

LAW ENFORCEMENT TRAINING 155335

The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.

Of the foregoing appropriation item 055509, Law Enforcement Training, the Attorney General may use up to \$100,000 for administrative expenses associated with the program, including curriculum development.

On July 1, 2024, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 055509, Law Enforcement Training, at the end of fiscal year 2024 to be reappropriated for the same purpose in fiscal year 2025. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

PROSECUTOR VICTIM PROGRAMS

The foregoing appropriation item 055511, Prosecutor Victim Programs, shall be used for grants to prosecutor programs and prosecutor designated programs that provide assistance to victims and promote victim rights implementation.

ATTORNEY GENERAL OPERATING

In fiscal year 2024, if the Attorney General determines that additional funds are needed to pay expenses related to representation in a concluded opioid litigation, the Attorney General shall certify to the Director of Budget and Management the amount needed, not to exceed \$14,400,000, and shall include supporting documentation showing the amount required. If the Director determines that the amounts are required, the Director may transfer cash, up to the amount certified, from the General Revenue Fund to Attorney General Reimbursement Fund (Fund 1060),

for the purpose of paying the expenses approved. Such amounts 155367
transferred are hereby appropriated to appropriation item 055612, 155368
Attorney General Operating, for fiscal year 2024. 155369

WORKERS' COMPENSATION SECTION 155370

The Workers' Compensation Fund (Fund 1950) is entitled to 155371
receive quarterly payments from the Bureau of Workers' 155372
Compensation and the Ohio Industrial Commission to fund legal 155373
services provided to the Bureau of Workers' Compensation and the 155374
Ohio Industrial Commission during the fiscal year. 155375

In addition, the Bureau of Workers' Compensation shall 155376
transfer payments for the support of the Workers' Compensation 155377
Fraud Unit. 155378

All amounts shall be mutually agreed upon by the Attorney 155379
General, the Bureau of Workers' Compensation, and the Ohio 155380
Industrial Commission. 155381

GENERAL HOLDING ACCOUNT 155382

The foregoing appropriation item 055631, General Holding 155383
Account, shall be used, subject to Controlling Board approval, to 155384
distribute moneys under the terms of relevant court orders or 155385
other settlements received in a variety of cases involving the 155386
Office of the Attorney General. 155387

ANTITRUST SETTLEMENTS 155388

The foregoing appropriation item 055632, Antitrust 155389
Settlements, shall be used, subject to Controlling Board approval, 155390
to distribute moneys under the terms of relevant court orders or 155391
other out-of-court settlements in antitrust cases or antitrust 155392
matters involving the Office of the Attorney General. 155393

CONSUMER FRAUDS 155394

The foregoing appropriation item 055630, Consumer Frauds, 155395
shall be used for distribution of moneys from court-ordered 155396

judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

Section 223.10. AUD AUDITOR OF STATE

General Revenue Fund

GRF	070401	Audit Management and Services	\$	13,444,000	\$	13,748,000	155422
GRF	070402	Performance Audits	\$	2,311,000	\$	2,620,000	155423
GRF	070403	Fiscal Distress Technical Assistance	\$	500,000	\$	500,000	155424

GRF	070404	Fraud/Corruption	\$	2,877,000	\$	3,004,000	155425
		Audits and					
		Investigations					
GRF	070412	Local Government	\$	16,010,000	\$	16,550,000	155426
		Audit Support					
TOTAL GRF		General Revenue Fund	\$	35,142,000	\$	36,422,000	155427
		Dedicated Purpose Fund Group					155428
1090	070601	Public Audit Expense	\$	12,170,518	\$	12,539,160	155429
		- Intrastate					
4220	070602	Public Audit Expense	\$	33,346,525	\$	33,464,635	155430
		- Local Government					
5840	070603	Training Program	\$	200,000	\$	200,000	155431
5JZ0	070606	Auditor's Innovation	\$	300,000	\$	300,000	155432
		Fund					
5VP0	070611	Local Government	\$	16,010,000	\$	16,550,000	155433
		Audit Support Fund					
6750	070605	Uniform Accounting	\$	6,288,024	\$	10,734,834	155434
		Network					
TOTAL DPF		Dedicated Purpose Fund					155435
Group			\$	68,315,067	\$	73,788,629	155436
TOTAL ALL BUDGET FUND GROUPS			\$	103,457,067	\$	110,210,629	155437
		Section 223.20. AUDIT MANAGEMENT AND SERVICES					155439
		The foregoing appropriation item 070401, Audit Management and					155440
		Services, shall be used pursuant to section 117.13 of the Revised					155441
		Code to support costs of the Auditor of State that are not					155442
		recovered through charges to local governments and state entities,					155443
		including costs that cannot be recovered from audit clients under					155444
		federal indirect cost allocation guidelines. This appropriation					155445
		item also shall be used to cover costs of the Local Government					155446
		Services Section that are not charged to clients.					155447
		PERFORMANCE AUDITS					155448

The foregoing appropriation item 070402, Performance Audits, 155449
shall be used pursuant to section 117.13 of the Revised Code to 155450
support costs of the Auditor of State related to the provision of 155451
performance audits for local governments, school districts, state 155452
agencies, and colleges and universities that are not recovered 155453
through charges to those entities, including costs that cannot be 155454
recovered from audit clients under federal indirect cost 155455
allocation guidelines. 155456

FISCAL DISTRESS TECHNICAL ASSISTANCE 155457

The foregoing appropriation item 070403, Fiscal Distress 155458
Technical Assistance, shall be used to support costs of the 155459
Auditor of State responsibilities under Chapters 118. and 3316. of 155460
the Revised Code to provide services to local governments or 155461
schools in, or at risk of entering, a state of fiscal caution, 155462
watch, or emergency. 155463

LOCAL GOVERNMENT AUDIT SUPPORT 155464

The foregoing appropriation item 070412, Local Government 155465
Audit Support, shall be used pursuant to section 117.13 of the 155466
Revised Code to support costs of the Auditor of State that are not 155467
recovered through charges to local governments, including costs 155468
that cannot be recovered from audit clients under federal indirect 155469
cost allocation guidelines. 155470

LOCAL GOVERNMENT AUDIT SUPPORT FUND 155471

The foregoing appropriation item 070611, Local Government 155472
Audit Support Fund, shall be used pursuant to section 117.131 of 155473
the Revised Code to offset costs of audits that would otherwise be 155474
charged to local public offices in the absence of the fund. 155475

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 155476

General Revenue Fund 155477

GRF 042321 Operating Expenses \$ 4,502,000 \$ 4,592,000 155478

TOTAL GRF General Revenue Fund	\$	4,502,000	\$	4,592,000	155479
Internal Service Activity Fund Group					155480
1050 042603 Financial Management	\$	26,219,399	\$	26,219,399	155481
TOTAL ISA Internal Service Activity					155482
Fund Group	\$	26,219,399	\$	26,219,399	155483
Fiduciary Fund Group					155484
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000	155485
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	155486
TOTAL ALL BUDGET FUND GROUPS	\$	30,751,399	\$	30,841,399	155487

Section 229.20. AUDIT COSTS 155489

All centralized audit costs associated with either Single 155490
Audit Schedules or financial statements prepared in conformance 155491
with generally accepted accounting principles for the state shall 155492
be paid from the foregoing appropriation item 042603, Financial 155493
Management. 155494

Costs associated with the audit of the Auditor of State shall 155495
be paid from the foregoing appropriation item 042321, Operating 155496
Expenses. 155497

SHARED SERVICES CENTER 155498

The foregoing appropriation items 042321, Operating Expenses, 155499
and 042603, Financial Management, shall be used by the Director of 155500
Budget and Management to support the Shared Services program 155501
pursuant to division (D) of section 126.21 of the Revised Code. 155502

The Director of Budget and Management shall include the 155503
recovery of costs to operate the Shared Services program in the 155504
accounting and budgeting services payroll rate and through direct 155505
charges using intrastate transfer vouchers billed to agencies for 155506
services rendered using a methodology determined by the Director 155507
of Budget and Management. Such cost recovery revenues shall be 155508
deposited to the credit of the Accounting and Budgeting Fund (Fund 155509

1050).					155510
INTERNAL AUDIT					155511
The Director of Budget and Management shall include the					155512
recovery of costs to operate the Internal Audit Program pursuant					155513
to section 126.45 of the Revised Code in the accounting and					155514
budgeting services payroll rate using a methodology determined by					155515
the Director of Budget and Management. Such cost recovery revenues					155516
shall be deposited to the credit of Fund 1050.					155517
FORGERY RECOVERY					155518
The foregoing appropriation item 042604, Forgery Recovery,					155519
shall be used to reissue warrants that have been certified as					155520
forgeries by the rightful recipient as determined by the Bureau of					155521
Criminal Identification and Investigation and the Treasurer of					155522
State. Upon receipt of funds to cover the reissuance of the					155523
warrant, the Director of Budget and Management shall reissue a					155524
state warrant of the same amount. Any additional amounts needed to					155525
reissue warrants backed by the receipt of funds are hereby					155526
appropriated.					155527
Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD					155528
General Revenue Fund					155529
GRF 874321 Operating Expenses	\$	7,751,000	\$	7,751,000	155530
TOTAL GRF General Revenue Fund	\$	7,751,000	\$	7,751,000	155531
Dedicated Purpose Fund Group					155532
2080 874601 Underground Parking	\$	4,245,906	\$	4,245,906	155533
Garage Operations					
4G50 874603 Capitol Square	\$	6,000	\$	6,000	155534
Education Center and					
Arts					
TOTAL DPF Dedicated Purpose					155535
Fund Group	\$	4,251,906	\$	4,251,906	155536

Internal Service Activity Fund Group				155537
4S70 874602 Statehouse Gift	\$	800,000	\$ 800,000	155538
Shop/Events				
TOTAL ISA Internal Service Activity				155539
Fund Group	\$	800,000	\$ 800,000	155540
TOTAL ALL BUDGET FUND GROUPS	\$	12,802,906	\$ 12,802,906	155541

OPERATING EXPENSES 155542

On July 1, 2023, or as soon as possible thereafter, the 155543
Executive Director of the Capitol Square Review and Advisory Board 155544
may certify to the Director of Budget and Management the amount of 155545
the unexpended, unencumbered balance of the appropriation items 155546
874100, Personal Services, and 874320, Maintenance and Equipment, 155547
at the end of fiscal year 2023 to be reappropriated to 155548
appropriation item 874321, Operating Expenses, for fiscal year 155549
2024. The amount certified is hereby reappropriated to 155550
appropriation item 874321, Operating Expenses, for fiscal year 155551
2024. 155552

On July 1, 2024, or as soon as possible thereafter, the 155553
Executive Director of the Capitol Square Review and Advisory Board 155554
may certify to the Director of Budget and Management an amount up 155555
to the unexpended, unencumbered balance of the foregoing 155556
appropriation item 874321, Operating Expenses, at the end of 155557
fiscal year 2024 to be reappropriated for fiscal year 2025. The 155558
amount certified is hereby reappropriated to the same 155559
appropriation item 874321, Operating Expenses, for fiscal year 155560
2025. 155561

UNDERGROUND PARKING GARAGE FUND 155562

Notwithstanding division (G) of section 105.41 of the Revised 155563
Code and any other provision to the contrary, moneys in the 155564
Underground Parking Garage Fund (Fund 2080) may be used for 155565
personnel and operating costs related to the operations of the 155566

Statehouse and the Statehouse Underground Parking Garage.				155567
HOUSE AND SENATE PARKING REIMBURSEMENT				155568
On July 1 of each fiscal year, or as soon as possible				155569
thereafter, the Director of Budget and Management shall transfer				155570
\$500,000 cash from the General Revenue Fund to the Underground				155571
Parking Garage Fund (Fund 2080). The amounts transferred under				155572
this section shall be used to reimburse the Capitol Square Review				155573
and Advisory Board for legislative parking costs.				155574
Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND				155575
SCHOOLS				155576
Dedicated Purpose Fund Group				155577
4K90 233601 Operating Expenses	\$	551,000	\$ 567,000	155578
TOTAL DPF Dedicated Purpose Fund	\$	551,000	\$ 567,000	155579
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	551,000	\$ 567,000	155580
Section 235.10. CAC CASINO CONTROL COMMISSION				155582
Dedicated Purpose Fund Group				155583
5HS0 955321 Operating Expenses	\$	16,352,000	\$ 16,753,000	155584
5NU0 955601 Casino Commission	\$	250,000	\$ 250,000	155585
Enforcement				
5YR0 955602 Problem Sports Gaming	\$	500,000	\$ 500,000	155586
TOTAL DPF Dedicated Purpose Fund	\$	17,102,000	\$ 17,503,000	155587
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	17,102,000	\$ 17,503,000	155588
Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD				155591
Dedicated Purpose Fund Group				155592
4K90 930609 Operating Expenses	\$	925,837	\$ 998,837	155593
TOTAL DPF Dedicated Purpose Fund	\$	925,837	\$ 998,837	155594

Group

TOTAL ALL BUDGET FUND GROUPS	\$	925,837	\$	998,837	155595
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Section 239.10. CHR STATE CHIROPRACTIC BOARD 155597

Dedicated Purpose Fund Group 155598

4K90 878609 Operating Expenses	\$	592,868	\$	593,868	155599
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TOTAL DPF Dedicated Purpose Fund	\$	592,868	\$	593,868	155600
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	592,868	\$	593,868	155601
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Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 155603

General Revenue Fund 155604

GRF 876321 Operating Expenses	\$	6,963,000	\$	7,172,000	155605
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TOTAL GRF General Revenue Fund	\$	6,963,000	\$	7,172,000	155606
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Federal Fund Group 155607

3340 876601 Federal Programs	\$	3,786,800	\$	4,232,800	155608
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TOTAL FED Federal Special Revenue					155609
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Fund Group	\$	3,786,800	\$	4,232,800	155610
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TOTAL ALL BUDGET FUND GROUPS	\$	10,749,800	\$	11,404,800	155611
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Section 243.10. COM DEPARTMENT OF COMMERCE 155613

Dedicated Purpose Fund Group 155614

4B20 800631 Real Estate Appraisal	\$	35,000	\$	35,000	155615
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Recovery

4H90 800608 Cemeteries	\$	453,275	\$	453,275	155616
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4X20 800619 Financial Institutions	\$	2,196,327	\$	2,217,605	155617
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5430 800602 Unclaimed	\$	13,930,644	\$	14,039,257	155618
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Funds-Operating

5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	155619
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5440 800612 Banks	\$	10,557,393	\$	12,557,393	155620
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5460 800610 Fire Marshal	\$	30,868,718	\$	29,102,147	155621
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5460 800639 Fire Department Grants	\$	7,515,000	\$	7,515,000	155622
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5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	155623
5490	800614	Real Estate	\$	7,643,614	\$	6,672,175	155624
5500	800617	Securities	\$	10,955,287	\$	8,918,450	155625
5520	800604	Credit Union	\$	4,057,117	\$	5,213,603	155626
5530	800607	Consumer Finance	\$	6,139,757	\$	6,139,757	155627
5560	800615	Industrial Compliance	\$	31,832,113	\$	31,832,113	155628
5F10	800635	Small Government Fire	\$	600,000	\$	600,000	155629
		Departments					
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	155630
		Education					
5GK0	800609	Securities Investor	\$	2,182,150	\$	2,182,150	155631
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	155632
5LC0	800644	Liquor JobsOhio	\$	396,154	\$	396,154	155633
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	20,583,022	\$	20,583,022	155634
		Services					
5LP0	800646	Liquor Regulatory	\$	18,823,822	\$	15,823,822	155635
		Operating Expenses					
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000	155636
		Officers' Dependent					
		Fund					
5SY0	800650	Medical Marijuana	\$	7,990,837	\$	9,050,379	155637
		Control Program					
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000	155638
		Inspector Recovery					
5X60	800623	Video Service	\$	452,720	\$	452,720	155639
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000	155640
6530	800629	UST Registration/Permit	\$	2,539,151	\$	2,539,151	155641
		Fee					
TOTAL	DPF	Dedicated Purpose					155642
Fund	Group		\$	252,539,425	\$	249,110,497	155643
Internal	Service	Activity Fund Group					155644

1630	800620	Division of Administration	\$	9,572,488	\$	9,572,488	155645
1630	800637	Information Technology	\$	13,090,791	\$	13,431,945	155646
TOTAL ISA Internal Service Activity							155647
Fund Group			\$	22,663,279	\$	23,004,433	155648
Federal Fund Group							155649
3480	800622	Underground Storage Tanks	\$	831,359	\$	831,359	155650
3480	800624	Leaking Underground Storage Tanks	\$	2,055,439	\$	2,055,439	155651
TOTAL FED Federal Fund Group			\$	2,886,798	\$	2,886,798	155652
TOTAL ALL BUDGET FUND GROUPS			\$	278,089,502	\$	275,001,728	155653

Section 243.20. UNCLAIMED FUNDS PAYMENTS 155655

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 155656-155662

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 155663

The foregoing appropriation item 800631, Real Estate Appraisal Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 155664-155671

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court 155672-155673

orders under section 4735.12 of the Revised Code. If it is 155674
determined by the Director of Commerce that additional 155675
appropriation amounts are necessary to make such payments, the 155676
Director of Commerce may request that the Director of Budget and 155677
Management approve such increases. Any approved increases are 155678
hereby appropriated. 155679

The foregoing appropriation item 800653, Real Estate Home 155680
Inspector Recovery, shall be used to pay settlements, judgments, 155681
and court orders under section 4764.21 of the Revised Code. If it 155682
is determined by the Director of Commerce that additional 155683
appropriation amounts are necessary to make such payments, the 155684
Director of Commerce may request that the Director of Budget and 155685
Management approve such increases. Any approved increases are 155686
hereby appropriated. 155687

REAL ESTATE SALESPERSON LICENSE GRANTS 155688

Notwithstanding section 4735.06 of the Revised Code, or any 155689
other law to the contrary, the Superintendent of the Division of 155690
Real Estate and Professional Licensing may provide grants, not 155691
exceeding \$2,000, to applicants for salesperson licenses to defray 155692
the costs of satisfying the educational requirements of division 155693
(F) of section 4735.09 of the Revised Code. No more than \$25,000 155694
shall be granted from the Division of Real Estate Operating Fund 155695
(Fund 5490) in any one fiscal year. 155696

FIRE DEPARTMENT GRANTS 155697

(A) The foregoing appropriation item 800639, Fire Department 155698
Grants, shall be used to make annual grants to the following 155699
eligible recipients: volunteer fire departments, fire departments 155700
that serve one or more small municipalities or small townships, 155701
joint fire districts comprised of fire departments that primarily 155702
serve small municipalities or small townships, local units of 155703
government responsible for such fire departments, and local units 155704

of government responsible for the provision of fire protection 155705
services for small municipalities or small townships. For the 155706
purposes of these grants, a private fire company, as that phrase 155707
is defined in section 9.60 of the Revised Code, that is providing 155708
fire protection services under a contract to a political 155709
subdivision of the state, is an additional eligible recipient for 155710
a training grant. 155711

Eligible recipients that consist of small municipalities or 155712
small townships that all intend to contract with the same fire 155713
department or private fire company for fire protection services 155714
may jointly apply and be considered for a grant. If a joint 155715
applicant is awarded a grant, the State Fire Marshal shall, if 155716
feasible, proportionately award the grant and any equipment 155717
purchased with grant funds to each of the joint applicants based 155718
upon each applicant's contribution to and demonstrated need for 155719
fire protection services. For the purpose of this grant program, 155720
an eligible recipient or any firefighting entity that is 155721
contracted to serve an eligible recipient may only file, be listed 155722
as joint applicant, or be designated as a service provider on one 155723
grant application per fiscal year. 155724

If the grant awarded to joint applicants is an equipment 155725
grant and the equipment to be purchased cannot be readily 155726
distributed or possessed by multiple recipients, each of the joint 155727
applicants shall be awarded by the State Fire Marshal an ownership 155728
interest in the equipment so purchased in proportion to each 155729
applicant's contribution to and demonstrated need for fire 155730
protection services. The joint applicants shall then mutually 155731
agree on how the equipment is to be maintained, operated, stored, 155732
or disposed of. If, for any reason, the joint applicants cannot 155733
agree as to how jointly owned equipment is to be maintained, 155734
operated, stored, or disposed of or any of the joint applicants no 155735
longer maintain a contract with the same fire protection service 155736

provider as the other applicants, then the joint applicants shall, 155737
with the assistance of the State Fire Marshal, mutually agree as 155738
to how the jointly owned equipment is to be maintained, operated, 155739
stored, disposed of, or owned. If the joint applicants cannot 155740
agree how the grant equipment is to be maintained, operated, 155741
stored, disposed of, or owned, the State Fire Marshal may, in its 155742
discretion, require all of the equipment acquired by the joint 155743
applicants with grant funds to be returned to the State Fire 155744
Marshal. The State Fire Marshal may then award the returned 155745
equipment to any eligible recipients. For this paragraph only, an 155746
"equipment grant" also includes a MARCS Grant. 155747

(B) Except as otherwise provided in this section, the grants 155748
shall be used by recipients to purchase firefighting or rescue 155749
equipment or gear or similar items, to provide full or partial 155750
reimbursement for the documented costs of firefighter training, 155751
or, at the discretion of the State Fire Marshal, to cover fire 155752
department costs for providing fire protection services in that 155753
grant recipient's jurisdiction. 155754

(1) Of the foregoing appropriation item 800639, Fire 155755
Department Grants, up to \$1,300,000 per fiscal year may be used to 155756
pay for the State Fire Marshal's costs of providing firefighter I 155757
certification classes or other firefighter classes approved by the 155758
State Fire Marshal at no cost to selected students attending the 155759
Ohio Fire Academy or other class providers approved by the State 155760
Fire Marshal. The State Fire Marshal may establish the 155761
qualifications and selection processes for students to attend such 155762
classes by written policy, and such students shall be considered 155763
eligible recipients of fire department grants for the purposes of 155764
this portion of the grant program. 155765

(2) Of the foregoing appropriation item 800639, Fire 155766
Department Grants, up to \$4,000,000 in each fiscal year may be 155767
used for MARCS Grants. MARCS Grants may be used for the payment of 155768

user access fees by the eligible recipient to cover costs for 155769
accessing MARCS. 155770

For purposes of this section, a MARCS Grant is a grant for 155771
systems, equipment, or services that are a part of, integrated 155772
into, or otherwise interoperable with the Multi-Agency Radio 155773
Communication System (MARCS) operated by the state. 155774

MARCS Grant awards may be up to \$50,000 in each fiscal year 155775
per eligible recipient. Each eligible recipient may apply, as a 155776
separate entity or as a part of a joint application, for only one 155777
MARCS Grant per fiscal year. The State Fire Marshal may give a 155778
preference to MARCS Grants that will enhance the overall 155779
interoperability and effectiveness of emergency communication 155780
networks in the geographic region that includes and that is 155781
adjacent to the applicant. 155782

Eligible recipients that are or were awarded fire department 155783
grants that are not MARCS Grants may also apply for and receive 155784
MARCS Grants in accordance with criteria for the awarding of grant 155785
funds established by the State Fire Marshal. 155786

(3) Grant awards for firefighting or rescue equipment or gear 155787
or for fire department costs of providing fire protection services 155788
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 155789
fiscal year if an eligible entity serves a jurisdiction in which 155790
the Governor declared a natural disaster during the preceding or 155791
current fiscal year in which the grant was awarded. In addition to 155792
any grant funds awarded for rescue equipment or gear, or for fire 155793
department costs associated with the provision of fire protection 155794
services, an eligible entity may receive a grant for up to \$15,000 155795
per fiscal year for full or partial reimbursement of the 155796
documented costs of firefighter training. For each fiscal year, 155797
the State Fire Marshal shall determine the total amounts to be 155798
allocated for each eligible purpose. 155799

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

(D) Of the foregoing appropriation item 800639, Fire Department Grants, \$15,000 in each fiscal year shall be allocated to the Northwestern Ohio Volunteer Firemen's Association fire school.

DIVISION OF MARIJUANA CONTROL

The foregoing appropriation item 800650, Medical Marijuana Control Program, shall be used by the Department of Commerce to support the operation of the Division of Marijuana Control, including expenditures related to the transfer of the medical marijuana control program into the Department. If additional amounts are available in the Medical Marijuana Control Fund (Fund 5SY0), and additional amounts are necessary to transfer the program, the Director of Commerce may certify to the Director of the Office of Budget and Management the amount of additional appropriation necessary for this purpose. Upon approval by the Director of the Office of Budget and Management, that amount is

hereby appropriated. 155832

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 155833
OPERATING FUND 155834

If the Real Estate Recovery Fund (Fund 5480) cash balance 155835
exceeds \$250,000 during the biennium ending June 30, 2025, the 155836
Director of Budget and Management, upon the written request of the 155837
Director of Commerce and subject to the approval of the 155838
Controlling Board, may transfer cash from Fund 5480 to the 155839
Division of Real Estate Operating Fund (Fund 5490), such that the 155840
amount available in Fund 5480 is not less than \$250,000. 155841

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 155842
balance exceeds \$200,000 during the biennium ending June 30, 2025, 155843
the Director of Budget and Management, upon the written request of 155844
the Director of Commerce and subject to the approval of the 155845
Controlling Board, may transfer cash from Fund 4B20 to the 155846
Division of Real Estate Operating Fund (Fund 5490), such that the 155847
amount available in Fund 4B20 is not less than \$200,000. 155848

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 155849
REVOLVING LOAN FUND 155850

Upon the written request of the Director of Commerce, and 155851
subject to the approval of the Controlling Board, the Director of 155852
Budget and Management may transfer up to \$600,000 in cash from the 155853
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 155854
Department Services Revolving Loan Fund (Fund 5F10) during the 155855
biennium ending June 30, 2025. 155856

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 155857
EDUCATION AND ENFORCEMENT EXPENSE FUND 155858

Upon the written request of the Director of Commerce, the 155859
Director of Budget and Management may transfer up to \$5,000,000 in 155860
cash from the Division of Securities Fund (Fund 5500) to the 155861

Division of Securities Investor Education and Enforcement Expense 155862
Fund (Fund 5GK0) in fiscal year 2024. Upon the written request of 155863
the Director of Commerce, the Director of Budget and Management 155864
may transfer up to five per cent of the fees and charges received 155865
in Fund 5500 to Fund 5GK0 in fiscal year 2025. 155866

Of the foregoing appropriation item 800609, Securities 155867
Investor Education/Enforcement, up to \$1,000,000 in each fiscal 155868
year may be used by the Department of Commerce to provide grants 155869
for the purpose of securities investor education. 155870

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 155871

Upon the written request of the Director of Commerce, and 155872
subject to the approval of the Controlling Board, the Director of 155873
Budget and Management may transfer up to \$2,500,000 in each fiscal 155874
year from the Division of Securities Fund (Fund 5500) to the Ohio 155875
Investor Recovery Fund (Fund 5XK0) during the biennium ending June 155876
30, 2025. 155877

Of the foregoing appropriation item 800657, Ohio Investor 155878
Recovery, up to \$2,500,000 in each fiscal year shall be used by 155879
the Department of Commerce pursuant to section 1707.47 of the 155880
Revised Code to provide restitution assistance to victims who: (1) 155881
are identified in a final administrative order issued by the 155882
Division of Securities or a final court order in a civil or 155883
criminal proceeding initiated by the Division as a purchaser 155884
damaged by a sale or contract for sale made in violation of 155885
Chapter 1707. of the Revised Code; and (2) have not received the 155886
full amount of any restitution ordered in a final order before the 155887
application for restitution assistance is due. 155888

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 155889

Dedicated Purpose Fund Group 155890
5F50 053601 Operating Expenses \$ 6,313,267 \$ 6,313,267 155891

TOTAL DPF Dedicated Purpose Fund	\$	1,967,897	\$	2,039,897	155918
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,967,897	\$	2,039,897	155919
Section 253.10. CLA COURT OF CLAIMS					155921
General Revenue Fund					155922
GRF 015321 Operating Expenses	\$	2,984,000	\$	3,109,000	155923
GRF 015403 Public Records	\$	1,040,000	\$	1,081,000	155924
Adjudication					
TOTAL GRF General Revenue Fund	\$	4,024,000	\$	4,190,000	155925
Dedicated Purpose Fund Group					155926
5K20 015603 CLA Victims of Crime	\$	572,502	\$	595,107	155927
5TE0 015604 Public Records	\$	6,000	\$	2,000	155928
TOTAL DPF Dedicated Purpose Fund	\$	578,502	\$	597,107	155929
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	4,602,502	\$	4,787,107	155930
Section 255.10. DEN STATE DENTAL BOARD					155932
Dedicated Purpose Fund Group					155933
4K90 880609 Operating Expenses	\$	1,979,497	\$	1,991,497	155934
TOTAL DPF Dedicated Purpose Fund	\$	1,979,497	\$	1,991,497	155935
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,979,497	\$	1,991,497	155936
Section 257.10. BDP BOARD OF DEPOSIT					155938
Dedicated Purpose Fund Group					155939
4M20 974601 Board of Deposit	\$	1,688,400	\$	1,688,400	155940
TOTAL DPF Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	155941
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,688,400	\$	1,688,400	155942
Section 257.20. BOARD OF DEPOSIT EXPENSE FUND					155944

Upon receiving certification of expenses from the Treasurer 155945
of State, the Director of Budget and Management shall transfer 155946
cash from the Investment Earnings Redistribution Fund (Fund 6080) 155947
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 155948
shall be used pursuant to section 135.02 of the Revised Code to 155949
pay for any and all necessary expenses of the Board of Deposit or 155950
for banking charges and fees required for the operation of the 155951
State of Ohio Regular Account. 155952

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 155953

General Revenue Fund 155954

GRF 195405 Minority Business \$ 10,150,000 \$ 9,150,000 155955
Development

GRF 195415 Business Development \$ 5,700,000 \$ 5,700,000 155956
Services

GRF 195426 Redevelopment \$ 1,065,000 \$ 1,065,000 155957
Assistance

GRF 195453 Technology Programs \$ 835,000 \$ 835,000 155958
and Grants

GRF 195454 Small Business and \$ 4,000,000 \$ 4,000,000 155959
Export Assistance

GRF 195455 Appalachia Assistance \$ 6,514,000 \$ 6,514,000 155960

GRF 195497 CDBG Operating Match \$ 1,400,000 \$ 1,400,000 155961

GRF 195499 BSD Federal Programs \$ 13,274,000 \$ 13,274,000 155962
Match

GRF 195501 iBELIEVE \$ 300,000 \$ 300,000 155963

GRF 195503 Local Development \$ 23,100,000 \$ 22,425,000 155964
Projects

GRF 195537 Ohio-Israel \$ 365,000 \$ 365,000 155965
Agricultural
Initiative

GRF 195553 Industry Sector \$ 7,500,000 \$ 7,500,000 155966

		Partnerships				
GRF	195556	TechCred Program	\$	25,200,000	\$	25,200,000 155967
GRF	195566	Main Street Job	\$	1,000,000	\$	1,000,000 155968
		Recovery Program				
GRF	195584	Ohio Nuclear	\$	750,000	\$	750,000 155969
		Development Authority				
TOTAL GRF		General Revenue Fund	\$	101,153,000	\$	99,478,000 155970
		Dedicated Purpose Fund Group				155971
4500	195624	Minority Business	\$	100,000	\$	100,000 155972
		Bonding Program				
		Administration				
4510	195649	Business Assistance	\$	3,000,000	\$	3,000,000 155973
		Programs				
4F20	195639	State Special Projects	\$	150,000	\$	150,000 155974
4F20	195655	Workforce Development	\$	1,175,000	\$	1,175,000 155975
		Programs				
4F20	195699	Utility Community	\$	750,000	\$	750,000 155976
		Assistance				
4W10	195646	Minority Business	\$	5,000,000	\$	5,000,000 155977
		Enterprise Loan				
5AF1	1956G8	Ohio Aviation	\$	2,500,000	\$	2,500,000 155978
		Workforce Innovation				
		Fund				
5AI1	1956G9	Broadband Pole	\$	50,000,000	\$	0 155979
		Replacement and				
		Undergrounding Program				
5CV3	1956A1	Water and Sewer	\$	160,000,000	\$	0 155980
		Quality Program				
5CV5	1956B4	ARPA Capital Projects	\$	267,000,000	\$	0 155981
5JR0	195635	Tax Incentives	\$	1,000,000	\$	1,000,000 155982
		Operating				
5KP0	195645	Historic	\$	1,300,000	\$	1,300,000 155983
		Rehabilitation				

		Operating			
5M40	195659	Low Income Energy Assistance (USF)	\$ 325,000,000	\$ 325,000,000	155984
5M50	195660	Advanced Energy Loan Programs	\$ 8,925,000	\$ 8,925,000	155985
5MH0	195644	SiteOhio Administration	\$ 5,000	\$ 5,000	155986
5MJ0	195683	TourismOhio Administration	\$ 10,000,000	\$ 10,000,000	155987
5UL0	195627	Brownfields Revolving Loan Program	\$ 1,695,000	\$ 1,695,000	155988
5UY0	195496	Sports Events Grants	\$ 10,000,000	\$ 0	155989
5W60	195691	International Trade Cooperative Projects	\$ 50,000	\$ 50,000	155990
5XH0	195632	Women Owned Business Loans	\$ 5,000,000	\$ 5,000,000	155991
5XH0	195694	Micro-Loan	\$ 2,500,000	\$ 2,500,000	155992
5XM0	195576	All Ohio Future Fund	\$ 40,000,000	\$ 0	155993
5XX0	195408	Meat Processing Investment Program	\$ 14,000,000	\$ 0	155994
5YE0	1956A2	Brownfield Remediation	\$ 175,000,000	\$ 175,000,000	155995
5YF0	1956A3	Demolition and Site Revitalization	\$ 150,000,000	\$ 0	155996
5ZK0	1956F8	Innovation Hubs	\$ 25,000,000	\$ 0	155997
5ZU0	1956G2	Downtown Development Grant	\$ 150,000,000	\$ 0	155998
5ZV0	1956G3	Township Development Grant	\$ 50,000,000	\$ 0	155999
5ZW0	1956G4	Cultural Center Grant	\$ 25,000,000	\$ 0	156000
5ZX0	1956G5	County and Independent Fairs Grant	\$ 25,000,000	\$ 0	156001
5ZZ0	1956G7	Local Projects	\$ 102,000,000	\$ 0	156002
6170	195654	Volume Cap	\$ 40,000	\$ 40,000	156003

		Administration				
6460	195638	Low- and Moderate- Income Housing Programs	\$	65,000,000	\$	65,000,000 156004
TOTAL DPF Dedicated Purpose Fund Group						
			\$	1,676,190,000	\$	608,190,000 156005
Internal Service Activity Fund Group						
						156006
1350	195684	Development Operations	\$	16,922,815	\$	17,112,847 156007
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000 156008
TOTAL ISA Internal Service Activity Fund Group						
			\$	17,047,815	\$	17,237,847 156009
Facilities Establishment Fund Group						
						156010
4Z60	195647	Rural Industrial Park Loan	\$	20,000,000	\$	20,000,000 156011
5S90	195628	Capital Access Loan Program	\$	2,500,000	\$	2,500,000 156012
7009	195664	Innovation Ohio	\$	5,000,000	\$	5,000,000 156013
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000 156014
7037	195615	Facilities Establishment	\$	15,000,000	\$	15,000,000 156015
TOTAL FCE Facilities Establishment Fund Group						
			\$	47,500,000	\$	47,500,000 156016
Bond Research and Development Fund Group						
						156017
7011	195686	Third Frontier Tax Exempt - Operating	\$	1,000,000	\$	1,000,000 156018
7011	195687	Third Frontier Research and Development Projects	\$	2,000,000	\$	2,000,000 156019

7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	156020
7014	195692	Research and Development Taxable Bond Projects	\$	20,000,000	\$	20,000,000	156021
TOTAL BRD Bond Research and Development Fund Group			\$	24,710,000	\$	24,710,000	156022
Federal Fund Group							156023
3080	195580	Energy Efficiency and Conservation Block Grant Program	\$	3,130,030	\$	0	156024
3080	195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$	3,202,320	\$	0	156025
3080	195602	Appalachian Regional Commission	\$	5,750,000	\$	5,750,000	156026
3080	195603	Housing Assistance Programs	\$	12,575,000	\$	12,575,000	156027
3080	195609	Small Business Administration Grants	\$	5,550,000	\$	5,550,000	156028
3080	195618	Energy Grants	\$	20,000,000	\$	0	156029
3080	195670	Home Weatherization Program	\$	102,000,000	\$	102,000,000	156030
3080	195672	Manufacturing Extension Partnership	\$	6,600,000	\$	6,600,000	156031
3080	195675	Procurement Technical Assistance	\$	1,300,000	\$	1,300,000	156032
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	156033
3350	195610	Energy Programs	\$	350,000	\$	350,000	156034
3AE0	195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	156035
3FJ0	195626	Small Business	\$	8,000,000	\$	8,000,000	156036

		Capital Access and Collateral Enhancement Program					
3IC0	1956D9	Growth Capital Fund	\$	53,431,176	\$	0	156037
3IC0	1956E1	Early-Stage Focus Fund	\$	26,156,936	\$	0	156038
3IC0	1956E2	Certified Development Financial Institution Loan Participation	\$	32,571,614	\$	0	156039
3IC0	1956E3	Collateral Enhancement Program	\$	17,747,554	\$	0	156040
3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$	105,000,000	\$	0	156041
3IF0	1956E5	Broadband Digital Equity Acts Program	\$	1,000,000	\$	30,000,000	156042
3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$	124,875,180	\$	0	156043
3IM0	195583	High-Efficiency Electric Home Rebate Program	\$	124,150,970	\$	0	156044
3K80	195613	Community Development Block Grant	\$	62,975,000	\$	62,975,000	156045
3K90	195611	Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	156046
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	156047
3L00	195612	Community Services Block Grant	\$	29,000,000	\$	29,000,000	156048
3V10	195601	HOME Program	\$	62,975,000	\$	62,975,000	156049
TOTAL	FED	Federal Fund Group	\$	1,016,340,780	\$	535,075,000	156050

TOTAL ALL BUDGET FUND GROUPS \$ 2,882,941,595 \$ 1,332,190,847 156051

Section 259.20. MINORITY BUSINESS DEVELOPMENT 156053

The foregoing appropriation item 195405, Minority Business 156054
Development, shall be used to support the activities of the 156055
Minority Business Development Division, including providing grants 156056
to local nonprofit organizations to support economic development 156057
activities that promote minority business development, in 156058
conjunction with local organizations funded through appropriation 156059
item 195454, Small Business and Export Assistance. 156060

(A) Of the foregoing appropriation item 195405, Minority 156061
Business Development, up to \$1,000,000 in fiscal year 2024 shall 156062
be used to contract with an Ohio-based minority-, women-, or 156063
veteran-owned research and consulting firm to conduct a study to 156064
assess whether minority-, women-, and veteran-owned businesses 156065
face any barriers to contracting with the state for goods and 156066
services. The study shall focus on contracts awarded by the state 156067
and state-supported educational institutions between July 1, 2017, 156068
and June 30, 2022. 156069

(B) The study shall examine: 156070

(1) The percentage of contract dollars that state agencies 156071
and state supported educational institutions spent with minority-, 156072
women-, and veteran-owned businesses during the study period; 156073

(2) The percentage of contract dollars that minority-, 156074
women-, and veteran-owned businesses might be expected to receive 156075
based on their ability to deliver the required performance under 156076
state contracts. 156077

(C) The study shall also include qualitative and quantitative 156078
information related to all of the following: 156079

(1) Legal considerations surrounding the implementation of 156080
the Minority Business Enterprise, Women-Owned Business Enterprise, 156081

and Veteran friendly Business Enterprise Programs;	156082
(2) Marketplace conditions for minority-, women-, and veteran-owned businesses;	156083 156084
(3) Contracting policies and business assistance programs offered by the state and state-supported educational institutions;	156085 156086
(4) Recommendations to further encourage minority-, women-, and veteran-owned business participation in state contracts.	156087 156088
BUSINESS DEVELOPMENT SERVICES	156089
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.	156090 156091 156092 156093
Of the foregoing appropriation item 195415, Business Development Services, \$1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives.	156094 156095 156096 156097 156098 156099 156100 156101 156102 156103 156104 156105 156106 156107
REDEVELOPMENT ASSISTANCE	156108
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may	156109 156110 156111

be implemented, and may be used to match federal grant funding. 156112

TECHNOLOGY PROGRAMS AND GRANTS 156113

The foregoing appropriation item 195453, Technology Programs 156114
and Grants, shall be used for operating expenses incurred in 156115
administering the Ohio Third Frontier Programs and other 156116
technology focused programs that may be implemented. 156117

SMALL BUSINESS AND EXPORT ASSISTANCE 156118

The foregoing appropriation item 195454, Small Business and 156119
Export Assistance, may be used to provide a range of business 156120
assistance, including grants to local organizations to support 156121
economic development activities that promote small business 156122
development, entrepreneurship, and exports of Ohio's goods and 156123
services, in conjunction with local organizations funded through 156124
appropriation item 195405, Minority Business Development. The 156125
foregoing appropriation item shall also be used as matching funds 156126
for grants from the United States Small Business Administration 156127
and other federal agencies, pursuant to Pub. L. No. 96-302 as 156128
amended by Pub. L. No. 98-395, and regulations and policy 156129
guidelines for the programs pursuant thereto. 156130

APPALACHIA ASSISTANCE 156131

The foregoing GRF appropriation item 195455, Appalachia 156132
Assistance, may be used for the administrative costs of planning 156133
and liaison activities for the Governor's Office of Appalachia, to 156134
provide financial assistance to projects in Ohio's Appalachian 156135
counties, to support four local development districts, and to pay 156136
dues for the Appalachian Regional Commission. These funds may be 156137
used to match federal funds from the Appalachian Regional 156138
Commission. Programs funded through the appropriation item shall 156139
be identified and recommended by the local development districts 156140
and approved by the Governor's Office of Appalachia. The 156141
Department of Development shall conduct compliance and regulatory 156142

review of the programs recommended by the local development 156143
districts. Moneys allocated under the appropriation item may be 156144
used to fund projects including, but not limited to, those 156145
designated by the local development districts as community 156146
investment and rapid response projects. 156147

Of the foregoing appropriation item 195455, Appalachia 156148
Assistance, in each fiscal year, \$170,000 shall be allocated to 156149
the Ohio Valley Regional Development Commission, \$170,000 shall be 156150
allocated to the Ohio Mid-Eastern Government Association, \$170,000 156151
shall be allocated to the Buckeye Hills-Hocking Valley Regional 156152
Development District, and \$170,000 shall be allocated to the 156153
Eastgate Regional Council of Governments. Local development 156154
districts receiving funding under this section shall use the funds 156155
for the implementation and administration of programs and duties 156156
under section 107.21 of the Revised Code. 156157

CDBG OPERATING MATCH 156158

The foregoing appropriation item 195497, CDBG Operating 156159
Match, shall be used as matching funds for grants from the United 156160
States Department of Housing and Urban Development pursuant to the 156161
Housing and Community Development Act of 1974 and regulations and 156162
policy guidelines for the programs pursuant thereto. 156163

BSD FEDERAL PROGRAMS MATCH 156164

The foregoing appropriation item 195499, BSD Federal Programs 156165
Match, shall be used as matching funds for grants from the U.S. 156166
Department of Commerce, National Institute of Standards and 156167
Technology Manufacturing Extension Partnership Program and 156168
Department of Defense APEX Accelerator Program, and other federal 156169
agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 156170
98-395, and regulations and policy guidelines for the programs 156171
pursuant thereto. The appropriation item shall also be used for 156172
operating expenses of the Business Services Division. 156173

iBELIEVE 156174

The foregoing appropriation item 195501, iBELIEVE, shall be 156175
allocated to the iBELIEVE Foundation to provide opportunities for 156176
Appalachian youth to develop twenty-first century skills, 156177
including leadership, communication, and problem-solving for 156178
college access and retention. 156179

LOCAL DEVELOPMENT PROJECTS 156180

Of the foregoing appropriation item 195503, Local Development 156181
Projects, \$10,000,000 in each fiscal year shall be allocated to 156182
the Foundation for Appalachian Ohio. 156183

Of the foregoing appropriation item 195503, Local Development 156184
Projects, up to \$5,000,000 in each fiscal year shall be allocated 156185
for the GRIT program to be administered by the Governor's Office 156186
of Appalachia and the Department of Development. The program shall 156187
create jobs in economically distressed and at-risk areas within 156188
eleven counties in the service territory of the Ohio Valley 156189
Regional Development Commission. This portion of the foregoing 156190
appropriation item shall be used to establish virtual workforce 156191
development centers and place un- and under-employed adults into 156192
jobs, in collaboration with private businesses and public sector 156193
partners. Of this portion of the foregoing appropriation item, up 156194
to \$1,250,000 in each fiscal year may be used for youth assessment 156195
and career development activities, up to \$1,150,000 in each fiscal 156196
year may be used to support the development of virtual workforce 156197
centers, up to \$800,000 in each fiscal year may be used for 156198
assessments, and up to \$800,000 in each fiscal year may be used 156199
for operating costs. 156200

Of the foregoing appropriation item 195503, Local Development 156201
Projects, \$3,000,000 in each fiscal year shall be allocated to the 156202
Edison Welding Institute to provide technology development and 156203
implementation assistance to manufacturers in the state to foster 156204

manufacturing industry jobs. 156205

Of the foregoing appropriation item 195503, Local Development 156206
Projects, \$2,500,000 in each fiscal year shall be allocated to 156207
Ohio Life Sciences Foundation for workforce initiatives and 156208
operations. 156209

Of the foregoing appropriation item 195503, Local Development 156210
Projects, \$1,000,000 in each fiscal year shall be allocated to 156211
Ohio University's Voinovich School of Leadership and Public 156212
Service to work on behalf of the Mayor's Partnership for Progress. 156213

Of the foregoing appropriation item 195503, Local Development 156214
Projects, \$500,000 in fiscal year 2024 shall be allocated to 156215
Mercer County to support the construction of the Market Hall. 156216

Of the foregoing appropriation item 195503, Local Development 156217
Projects, \$300,000 in each fiscal year shall be used to support 156218
the Camp James A. Garfield Joint Military Training Center and the 156219
Youngstown Air Reserve Station. 156220

Of the foregoing appropriation item 195503, Local Development 156221
Projects, \$300,000 in fiscal year 2024 and \$125,000 in fiscal year 156222
2025 shall be allocated to the Buckeye Lake Region Corporation for 156223
operating expenses associated with community development 156224
activities in the Buckeye Lake region, including, but not limited 156225
to, development planning, technical assistance for small 156226
businesses, and community clean energy projects. 156227

Of the foregoing appropriation item 195503, Local Development 156228
Projects, \$250,000 in each fiscal year shall be used to support a 156229
study, including the acquisition of any necessary equipment, to 156230
determine an estimate of storage capacity and maximum annual yield 156231
of the network of aquifers that are in the state of Ohio and north 156232
of the Maumee River, but that may also cross into other states. 156233

Of the foregoing appropriation item 195503, Local Development 156234
Projects, \$250,000 in each fiscal year shall be allocated to the 156235

Center for Advanced Manufacturing and Logistics for operating and 156236
equipment expenses incurred for providing workforce development, 156237
supply chain management, automation, research and development, and 156238
entrepreneurship to foster manufacturing and logistic industry 156239
jobs and company creation. 156240

An amount equal to the unexpended, unencumbered portion of 156241
appropriation item 195503, Local Development Projects, used to 156242
support Fulton County or Fulton County Land Reutilization 156243
Corporation for a program to demolish vacant commercial, 156244
industrial, or residential buildings located in Fulton County at 156245
the end of fiscal year 2023 is hereby reappropriated in fiscal 156246
year 2024. 156247

OHIO-ISRAEL AGRICULTURAL INITIATIVE 156248

The foregoing appropriation item 195537, Ohio-Israel 156249
Agricultural Initiative, shall be used for the Ohio-Israel 156250
Agricultural Initiative. The appropriation shall not be used for 156251
travel and entertainment expenses incurred under the initiative. 156252

SECTOR PARTNERSHIP NETWORKS 156253

The foregoing appropriation item 195553, Industry Sector 156254
Partnerships, shall be used for the grant program described in 156255
section 122.179 of the Revised Code. 156256

TECHCRED PROGRAM 156257

The foregoing appropriation item 195556, TechCred Program, 156258
shall be used for the programs described under sections 122.178 156259
and 122.1710 of the Revised Code. 156260

MAIN STREET JOB RECOVERY PROGRAM 156261

The foregoing appropriation item 195566, Main Street Job 156262
Recovery Program, shall be used by the Department of Development 156263
or in coordination with a statewide community development 156264
organization to provide grants to nonprofit organizations to 156265

create permanent business development and employment opportunities 156266
targeted to low- and moderate-income individuals or individuals of 156267
the reentry population. Grants shall be awarded by the Department 156268
based on the following criteria: number of businesses created and 156269
expanded, number of jobs created for low- and moderate-income 156270
individuals, and the amount of funds leveraged as a result of the 156271
program. 156272

Not later than the thirtieth day of June of each year during 156273
the FY 2024-FY 2025 biennium, the Department of Development shall 156274
submit a written report describing the outcomes of the Main Street 156275
Job Recovery Program to the President of the Senate, the Speaker 156276
of the House of Representatives, the Minority Leader of the 156277
Senate, the Minority Leader of the House of Representatives, and 156278
the Ohio Legislative Service Commission. 156279

Section 259.30. MINORITY BUSINESS BONDING FUND 156280

Notwithstanding Chapters 122., 169., and 175. of the Revised 156281
Code, the Director of Development may, upon the recommendation of 156282
the Minority Development Financing Advisory Board, pledge up to 156283
\$10,000,000 in the biennium ending June 30, 2025, of unclaimed 156284
funds administered by the Director of Commerce and allocated to 156285
the Minority Business Bonding Program under section 169.05 of the 156286
Revised Code. 156287

If needed for the payment of losses arising from the Minority 156288
Business Bonding Program, the Director of Budget and Management 156289
may, at the request of the Director of Development, request that 156290
the Director of Commerce transfer unclaimed funds that have been 156291
reported by holders of unclaimed funds under section 169.05 of the 156292
Revised Code to the Minority Bonding Fund (Fund 4490). The 156293
transfer of unclaimed funds shall only occur after proceeds of the 156294
initial transfer of \$2,700,000 by the Controlling Board to the 156295
Minority Business Bonding Program have been used for that purpose. 156296

If expenditures are required for payment of losses arising from 156297
the Minority Business Bonding Program, such expenditures shall be 156298
made from appropriation item 195658, Minority Business Bonding 156299
Contingency in the Minority Business Bonding Fund, and such 156300
amounts are hereby appropriated. 156301

BUSINESS ASSISTANCE PROGRAMS 156302

The foregoing appropriation item 195649, Business Assistance 156303
Programs, shall be used for administrative expenses associated 156304
with the operation of loan incentives. 156305

STATE SPECIAL PROJECTS 156306

The State Special Projects Fund (Fund 4F20), may be used for 156307
the deposit of private-sector funds from utility companies and for 156308
the deposit of other miscellaneous state funds. State moneys so 156309
deposited may also be used to match federal funding and to support 156310
programs of the Community Service Division and Business Services 156311
Division. 156312

MINORITY BUSINESS ENTERPRISE LOAN 156313

The foregoing appropriation item 195646, Minority Business 156314
Enterprise Loan, shall be used for awards under the Minority 156315
Business Enterprise Loan Program and to cover operating expenses 156316
of the Minority Business Development Division. All repayments from 156317
the Minority Development Financing Advisory Board Loan Program 156318
shall be deposited in the state treasury to the credit of the 156319
Minority Business Enterprise Loan Fund (Fund 4W10). 156320

OHIO AVIATION WORKFORCE INNOVATION FUND 156321

The foregoing appropriation item 1956G8, Ohio Aviation 156322
Workforce Innovation Fund, shall be used by the Department of 156323
Development, in consultation with any other relevant state 156324
agencies, to provide supplemental support for fees incurred by 156325
students enrolled at state institutions of higher education as 156326

defined in section 3345.011 of the Revised Code and private 156327
nonprofit institutions of higher education holding certificates of 156328
authorization under Chapter 1713. of the Revised Code that offer 156329
manned fixed wing aviation programs. 156330

The Director of Development, in consultation with any other 156331
relevant state agencies, shall establish an application process 156332
for state institutions of higher education and private nonprofit 156333
institutions of higher education to apply for the funds. To be 156334
eligible for funds, state institutions of higher education and 156335
private nonprofit institutions of higher education shall have an 156336
established and accredited aviation program as of June 30, 2023. 156337
The Director of Development shall require each applicant to 156338
provide the cost per hour of flight the school is currently 156339
charging, as well as other costs included in the total amount. 156340

The foregoing appropriation item 1956G8, Ohio Aviation 156341
Workforce Innovation Fund, shall be used to support the cost per 156342
hour of flight currently being paid by students. Based on 156343
available funds, the Department shall not reimburse more than 156344
fifty per cent of the cost per hour. The appropriation item shall 156345
only be used for direct costs incurred by enrolled students 156346
including, but not limited to, fuel, maintenance, and liability. 156347

Not later than January 1, 2025, the Director of Development 156348
shall submit a report to the Ohio General Assembly and the 156349
Legislative Service Commission detailing the use of funds under 156350
the appropriation item. The report shall include input from other 156351
state agencies that were consulted. The report shall be posted to 156352
the Department of Development web site. 156353

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 156354

The foregoing appropriation item 1956G9, Broadband Pole 156355
Replacement and Undergrounding Program, shall be used by the 156356
Department of Development to support the Broadband Pole 156357

Replacement and Undergrounding Program under section 191.27 of the Revised Code. 156358
156359

WATER AND SEWER QUALITY PROGRAM 156360

The foregoing appropriation item 1956A1, Water and Sewer Quality Program, shall be used to award grants under the Water and Sewer Quality Program established in Section 259.30 of H.B. 168 of the 134th General Assembly. This appropriation shall be used to fund a new round of grants under which all political subdivisions may apply for water and sewer improvements under the program. 156361
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156364
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Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$5,000,000 in fiscal year 2024 shall be allocated to Ashtabula County to support a sewer project located in Kingsville Township at the interchange of State Route 193 and Interstate Route 90. 156367
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156371

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$5,000,000 in fiscal year 2024 shall be used to support the Bacon Road Pump Station construction project in Lake County. 156372
156373
156374
156375

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$5,000,000 in fiscal year 2024 shall be allocated to the City of Coshocton to repay its existing water loan. 156376
156377
156378

Of the foregoing appropriation item 1956A1, Water and Sewer Quality Program, \$2,000,000 in fiscal year 2024 shall be allocated to Kelleys Island for the design and planning of its public sewer system. 156379
156380
156381
156382

ARPA CAPITAL PROJECTS 156383

The Director of Development shall seek Controlling Board approval before expending any money under the foregoing appropriation item 1956B4, ARPA Capital Projects. 156384
156385
156386

BROADBAND DEVELOPMENT GRANTS 156387

On July 1, 2023, or as soon as possible thereafter, the 156388
Director of Development shall certify to the Director of Budget 156389
and Management the unexpended, unencumbered balance of the 156390
appropriation item 195550, Broadband Development Grants, at the 156391
end of fiscal year 2023 to be reappropriated in fiscal year 2024. 156392
The amount certified is hereby reappropriated to the same 156393
appropriation item for the same purpose in fiscal year 2024. 156394

On July 1, 2024, or as soon as possible thereafter, the 156395
Director of Development shall certify to the Director of Budget 156396
and Management the unexpended, unencumbered balance of the 156397
appropriation item 195550, Broadband Development Grants, at the 156398
end of fiscal year 2024 to be reappropriated in fiscal year 2025. 156399
The amount certified is hereby reappropriated to the same 156400
appropriation item for the same purpose in fiscal year 2025. 156401

ADVANCED ENERGY LOAN PROGRAMS 156402

The foregoing appropriation item 195660, Advanced Energy Loan 156403
Programs, shall be used to provide financial assistance to 156404
customers for eligible advanced energy projects for residential, 156405
commercial, and industrial business, local government, educational 156406
institution, nonprofit, and agriculture customers. The 156407
appropriation item may be used to match federal grant funding and 156408
to pay for the program's administrative costs as provided in 156409
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 156410
by the Director of Development. 156411

TOURISMOHIO ADMINISTRATION 156412

Of the foregoing appropriation item 195683, TourismOhio 156413
Administration, \$2,000,000 in each fiscal year shall be used by 156414
TourismOhio to contract for a statewide trails economic impact 156415
study and a data-driven statewide marketing plan for Ohio's trails 156416
system, including motorized trails for all-terrain vehicles. 156417

The economic impact study shall utilize extensive user 156418

surveys and technology to measure existing trail use covering 156419
various regions and types of trails, including underserved 156420
populations and geographic areas of the state. The statewide 156421
trails marketing plan shall address trail use from a broad 156422
perspective, including economic development, public health, and 156423
active transportation. TourismOhio shall work in consultation with 156424
state agencies, local governments, industry, and trail user groups 156425
when designing the scope and deliverables from the impact study 156426
and the marketing plan. 156427

SPORTS EVENTS GRANTS 156428

The foregoing appropriation item 195496, Sports Events 156429
Grants, shall be used for grants as described in sections 122.12 156430
and 122.121 of the Revised Code. 156431

On July 1, 2024, or as soon as possible thereafter, the 156432
Director of Development shall certify to the Director of Budget 156433
and Management the amount of the unexpended, unencumbered balance 156434
of appropriation item 195496, Sports Events Grants, at the end of 156435
fiscal year 2024 to be reappropriated in fiscal year 2025. The 156436
amount certified is hereby reappropriated to the same 156437
appropriation item for the same purpose in fiscal year 2025. 156438

WOMEN OWNED BUSINESS LOAN 156439

The foregoing appropriation item 195632, Women Owned Business 156440
Loan, shall be used to operate the Women Owned Business Loan 156441
Program. 156442

MINORITY BUSINESS MICRO-LOAN 156443

The foregoing appropriation item 195694, Micro-Loan, shall be 156444
used to operate the Minority Business Micro-Loan Program. 156445

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND 156446
TO THE MBD FINANCIAL ASSISTANCE FUND 156447

Upon the completion of the original Collateral Enhancement 156448

Program, the Director of Development shall certify to the Director 156449
of Budget and Management the remaining cash balance in the State 156450
Small Business Credit Initiative Fund (Fund 3FJ0). The Director of 156451
Budget and Management may transfer the certified amount from Fund 156452
3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0). 156453

ALL OHIO FUTURE FUND 156454

The foregoing appropriation item 195576, All Ohio Future 156455
Fund, shall be used for the purposes enumerated in section 126.62 156456
of the Revised Code. 156457

MEAT PROCESSING INVESTMENT PROGRAM 156458

The foregoing appropriation item 195408, Meat Processing 156459
Investment Program, shall be used by the Department of Development 156460
to award grants under the Ohio Meat Processing Grant Program to 156461
custom processors of food animals from farms. The grants shall be 156462
used to support the construction of new, or improvements at 156463
existing, processing facilities. 156464

BROWNFIELD REMEDIATION 156465

The appropriation item 1956A2, Brownfield Remediation, shall 156466
be used to award grants under the Brownfield Remediation Program 156467
as described in section 122.6511 of the Revised Code. An amount up 156468
to two and one-half per cent of the appropriation item 1956A2, 156469
Brownfield Remediation, may be used to pay the administrative 156470
costs of the program. 156471

On July 1, 2023, or as soon as possible thereafter, the 156472
Director of Development shall certify the unexpended, unencumbered 156473
balance of appropriation item 1956A2, Brownfield Remediation, at 156474
the end of fiscal year 2023 to be reappropriated in fiscal year 156475
2024. The amount certified is hereby reappropriated to the same 156476
appropriation item for the same purpose in fiscal year 2024. 156477

On July 1, 2024, or as soon as possible thereafter, the 156478

Director of Development shall certify to the Director of Budget 156479
and Management the unexpended, unencumbered balance of 156480
appropriation item 1956A2, Brownfield Remediation, at the end of 156481
fiscal year 2024 to be reappropriated in fiscal year 2025. The 156482
amount certified is hereby reappropriated to the same 156483
appropriation item for the same purpose in fiscal year 2025. 156484

DEMOLITION AND SITE REVITALIZATION 156485

The appropriation item 1956A3, Demolition and Site 156486
Revitalization, shall be used to award grants under the Building 156487
Demolition and Site Revitalization Program as described in section 156488
122.6512 of the Revised Code. An amount up to two and one-half per 156489
cent of the appropriation item 1956A3, Demolition and Site 156490
Revitalization, may be used to pay the administrative costs of the 156491
program. 156492

On July 1, 2023, or as soon as possible thereafter, the 156493
Director of Development shall certify to the Director of Budget 156494
and Management the unexpended, unencumbered balance of 156495
appropriation item 1956A3, Demolition and Site Revitalization, at 156496
the end of fiscal year 2023 to be reappropriated in fiscal year 156497
2024. The amount certified is hereby reappropriated to the same 156498
appropriation item for the same purpose in fiscal year 2024. 156499

On July 1, 2024, or as soon as possible thereafter, the 156500
Director of Development shall certify to the Director of Budget 156501
and Management the unexpended, unencumbered balance of 156502
appropriation item 1956A3, Demolition and Site Revitalization, at 156503
the end of fiscal year 2024 to be reappropriated in fiscal year 156504
2025. The amount certified is hereby reappropriated to the same 156505
appropriation item for the same purpose in fiscal year 2025. 156506

INNOVATION HUBS 156507

The foregoing appropriation item 1956F8, Innovation Hubs, 156508
shall be allocated to eligible innovation hubs as defined by the 156509

Department of Development. Innovation hubs located within an 156510
existing innovation district, as defined by the Department of 156511
Development, are ineligible to receive funding under the foregoing 156512
appropriation item. 156513

Funding awarded to innovation hubs under the foregoing 156514
appropriation item may be used for, but not limited to, capital 156515
expenses to establish an innovation hub near a research-oriented 156516
anchor institution, recruiting or providing research and 156517
development opportunities within an innovation hub, or creating 156518
new or preserving existing jobs and employment opportunities, any 156519
of which would improve the economic welfare to the innovation 156520
hub's region. 156521

On July 1, 2024, or as soon as possible thereafter, the 156522
Director of Development shall certify to the Director of Budget 156523
and Management the unexpended, unencumbered balance of 156524
appropriation item 1956F8, Innovation Hubs, at the end of fiscal 156525
year 2024 to be reappropriated in fiscal year 2025. The amount 156526
certified is hereby reappropriated to the same appropriation item 156527
for the same purpose in fiscal year 2025. 156528

DOWNTOWN DEVELOPMENT GRANT 156529

Of the foregoing appropriation item 1956G2, Downtown 156530
Development Grant, \$3,500,000 in fiscal year 2024 shall be 156531
allocated to the Dayton Dragons to support stadium improvements. 156532

Of the foregoing appropriation item 1956G2, Downtown 156533
Development Grant, \$3,000,000 in fiscal year 2024 shall be 156534
allocated to Cleveland Neighborhood Progress for the Middle 156535
Neighborhood Investment Project. 156536

Of the foregoing appropriation item 1956G2, Downtown 156537
Development Grant, \$3,000,000 in fiscal year 2024 shall be 156538
allocated to the City of West Carrolton to support riverfront 156539
development. 156540

Of the foregoing appropriation item 1956G2, Downtown 156541
Development Grant, \$1,000,000 in fiscal year 2024 shall be used to 156542
conduct a feasibility study, in conjunction with the Eastgate 156543
Regional Council of Governments, examining infrastructure 156544
improvements to enhance economic development in the City of Warren 156545
in Trumbull County. 156546

Of the foregoing appropriation item 1956G2, Downtown 156547
Development Grant, \$250,000 in fiscal year 2024 shall be provided 156548
to the City of Nelsonville for community development; \$100,000 in 156549
fiscal year 2024 shall be provided to the City of Belpre for 156550
community development; and \$850,000 in fiscal year 2024 shall be 156551
used to support the Chesapeake River Front Development Project. 156552

Of the foregoing appropriation item 1956G2, Downtown 156553
Development Grant, \$175,000 in fiscal year 2024 shall be used to 156554
provide for the construction of a sidewalk along U.S. 250 in the 156555
City of Ashland, Ashland County. 156556

The remainder of appropriation item 1956G2, Downtown 156557
Development Grant, shall be used to award grants to municipalities 156558
for the development of infrastructure and capital projects 156559
designed to support economic growth in downtown areas. The amount 156560
shall be awarded equally to each of the following population tiers 156561
as of the most recent federal decennial census: (A) less than 156562
35,000, (B) 35,001 to 64,999, and (C) 65,000 or more. 156563

TOWNSHIP DEVELOPMENT GRANT 156564

Of the foregoing appropriation item 1956G3, Township 156565
Development Grant, \$250,000 in fiscal year 2024 shall be provided 156566
to Scipio Township in Meigs County for community development and 156567
\$55,000 in fiscal year 2024 shall be provided to the Village of 156568
Racine Fire Department for building improvements for its 156569
firehouse. 156570

The remainder of appropriation item 1956G3, Township 156571

Development Grant, shall be used to award grants to townships for 156572
the development of infrastructure and capital projects, including 156573
township facility projects, designed to support economic growth in 156574
the township. The Department of Development shall set an 156575
application deadline and distribute grants evenly among all grant 156576
applicants. 156577

CULTURAL CENTER GRANT 156578

Of the foregoing appropriation item 1956G4, Cultural Center 156579
Grant, \$4,000,000 in fiscal year 2024 shall be used to support the 156580
Norwalk Art Center. 156581

Of the foregoing appropriation item 1956G4, Cultural Center 156582
Grant, \$650,000 in fiscal year 2024 shall be used to support the 156583
Chesapeake Community Center; \$250,000 in fiscal year 2024 shall be 156584
used to support the Dairy Barn in Athens for elevator and roof 156585
repairs; \$250,000 in fiscal year 2024 shall be used to support the 156586
Passion Works Studio in Athens; and \$110,000 in fiscal year 2024 156587
shall be used to support Starmill Park. 156588

Of the foregoing appropriation item 1956G4, Cultural Center 156589
Grant, \$600,000 in fiscal year 2024 shall be allocated to the 156590
Cleveland Institute of Music (CIM) to support the Academy at CIM. 156591

Of the foregoing appropriation item 1956G4, Cultural Center 156592
Grant, \$500,000 in fiscal year 2024 shall be used for the 156593
Cleveland Museum of Art. 156594

Of the foregoing appropriation item 1956G4, Cultural Center 156595
Grant, \$500,000 in fiscal year 2024 shall be allocated to the 156596
Cleveland Museum of Natural History to increase access to its STEM 156597
education programs for students in grades pre-kindergarten through 156598
12 across Ohio with a focus on serving those attending Title 156599
I-served schools. 156600

Of the foregoing appropriation item 1956G4, Cultural Center 156601
Grant, \$500,000 in fiscal year 2024 shall be used for the 156602

Cleveland Orchestra. 156603

Of the foregoing appropriation item 1956G4, Cultural Center 156604
Grant \$300,000 in fiscal year 2024 shall be used for the Nancy and 156605
David Wolf Holocaust and Humanity Center. 156606

Of the foregoing appropriation item 1956G4, Cultural Center 156607
Grant, \$110,000 in fiscal year 2024 shall be used to support the 156608
Johnny Appleseed Museum and Education Center. 156609

Of the foregoing appropriation item 1956G4, Cultural Center 156610
Grant, \$25,000 in fiscal year 2024 shall be allocated to Ashland 156611
Community Theatre to purchase equipment for those with hearing 156612
impairments. 156613

The remainder of appropriation item 1956G4, Cultural Center 156614
Grant, shall be used to award grants to museums and other cultural 156615
centers. 156616

COUNTY AND INDEPENDENT FAIRS GRANT 156617

Of the foregoing appropriation item 1956G5, County and 156618
Independent Fairs Grant, \$1,500,000 in fiscal year 2024 shall be 156619
used to support the Gallia County Fair. 156620

Of the foregoing appropriation item 1956G5, County and 156621
Independent Fairs Grant, \$1,000,000 in fiscal year 2024 shall be 156622
distributed to 4-H Camp Palmer for new dining hall and storm 156623
shelter projects. 4-H Camp Palmer shall use all funds received 156624
under this division within four years of receiving them. 156625

The remainder of appropriation item 1956G5, County and 156626
Independent Fairs Grant, shall be used to award grants to county 156627
and independent fairs to increase fair access or economic impact. 156628
The Department of Development shall set an application deadline 156629
and distribute grants evenly among all grant applicants. 156630

LOCAL PROJECTS 156631

Of the foregoing appropriation item 1956G7, Local Projects, 156632

\$62,000,000 in fiscal year 2024 shall be used to support the 156633
Cleveland Municipal Land Bridge project. 156634

Of the foregoing appropriation item 1956G7, Local Projects, 156635
\$22,500,000 in fiscal year 2024 shall be allocated to the City of 156636
Mason to support the Western and Southern Open tennis tournament. 156637

Of the foregoing appropriation item 1956G7, Local Projects, 156638
\$10,000,000 in fiscal year 2024 shall be allocated to Ohio State 156639
University for the Multispecies Animal Learning Center. 156640

Of the foregoing appropriation item 1956G7, Local Projects, 156641
\$4,500,000 in fiscal year 2024 shall be allocated to the North 156642
East Ohio Medical School for the creation and running of a new 156643
Certified Mental Health Assistant Program. 156644

Of the foregoing appropriation item 1956G7, Local Projects, 156645
\$3,000,000 in fiscal year 2024 shall be allocated to Hamilton 156646
County to support the construction of the Hamilton County Regional 156647
Safety Complex. 156648

VOLUME CAP ADMINISTRATION 156649

The foregoing appropriation item 195654, Volume Cap 156650
Administration, shall be used for expenses related to the 156651
administration of the Volume Cap Program. Revenues received by the 156652
Volume Cap Administration Fund (Fund 6170) shall consist of 156653
application fees, forfeited deposits, and interest earned from the 156654
custodial account held by the Treasurer of State. 156655

Section 259.40. DEVELOPMENT OPERATIONS 156656

The Director of Development may assess offices of the 156657
department for the cost of central service operations. An 156658
assessment shall contain the characteristics of administrative 156659
ease and uniform application. A division's payments shall be 156660
credited to the Supportive Services Fund (Fund 1350) using an 156661
intrastate transfer voucher. 156662

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	156663
The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).	156664 156665 156666 156667 156668 156669 156670
Section 259.50. RURAL INDUSTRIAL PARK LOAN	156671
The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Loans awarded under the appropriation item shall not exceed \$4,000,000.	156672 156673 156674 156675 156676
CAPITAL ACCESS LOAN PROGRAM	156677
The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.	156678 156679 156680 156681 156682 156683 156684
The Director of Budget and Management may transfer an amount not to exceed \$2,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.	156685 156686 156687 156688 156689
INNOVATION OHIO	156690
The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including	156691 156692

loan guarantees and loans under Chapter 166. and particularly 156693
sections 166.12 to 166.16 of the Revised Code. 156694

TRANSFERS FROM THE INNOVATION OHIO LOAN FUND 156695

Notwithstanding Chapter 166. of the Revised Code, the 156696
Director of Budget and Management may transfer an amount to exceed 156697
\$5,000,000 cash in each fiscal year from the Innovation Ohio Loan 156698
Fund (Fund 7009) to the Minority Business Enterprise Loan Fund 156699
(Fund 4W10), subject to Controlling Board approval. 156700

Notwithstanding Chapter 166. of the Revised Code, on July 1, 156701
2023, or as soon as possible thereafter, the Director of Budget 156702
and Management may transfer \$40,000,000 cash from Fund 7009 to the 156703
Rural Industrial Park Loan Fund (Fund 4Z60). 156704

RESEARCH AND DEVELOPMENT 156705

The foregoing appropriation item 195665, Research and 156706
Development, shall be used to provide for research and development 156707
purposes, including loans, under Chapter 166. and particularly 156708
sections 166.17 to 166.21 of the Revised Code. 156709

FACILITIES ESTABLISHMENT 156710

The foregoing appropriation item 195615, Facilities 156711
Establishment, shall be used for the purposes of the Facilities 156712
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 156713
Code. 156714

In the biennium ending June 30, 2025, notwithstanding section 156715
127.14 and division (B) of section 131.35 of the Revised Code, the 156716
Controlling Board may authorize expenditures, in excess of the 156717
amount appropriated, but not to exceed the limitation set in 156718
division (E) of section 131.35 of the Revised Code, using the 156719
Facilities Establishment Fund (Fund 7037) for purposes consistent 156720
with Chapter 166. of the Revised Code. The amounts authorized by 156721
the Controlling Board are hereby appropriated. 156722

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND	156723
Notwithstanding Chapter 166. of the Revised Code, an amount	156724
not to exceed \$3,500,000 in cash in each fiscal year may be	156725
transferred from the Facilities Establishment Fund (Fund 7037) to	156726
the Business Assistance Fund (Fund 4510), subject to Controlling	156727
Board approval.	156728
Notwithstanding Chapter 166. of the Revised Code, the	156729
Director of Budget and Management may transfer an amount not to	156730
exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to	156731
the Capital Access Loan Fund (Fund 5S90), subject to Controlling	156732
Board approval.	156733
Section 259.60. THIRD FRONTIER OPERATING COSTS	156734
The foregoing appropriation items 195686, Third Frontier Tax	156735
Exempt - Operating, and 195620, Third Frontier Taxable -	156736
Operating, shall be used for operating expenses incurred in	156737
administering projects pursuant to sections 184.10 to 184.20 of	156738
the Revised Code. Operating expenses paid from appropriation item	156739
195686 shall be limited to the administration of projects funded	156740
from the Third Frontier Research & Development Fund (Fund 7011),	156741
and operating expenses paid from appropriation item 195620 shall	156742
be limited to the administration of projects funded from the Third	156743
Frontier Research & Development Taxable Bond Project Fund (Fund	156744
7014).	156745
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT	156746
PROJECTS	156747
The foregoing appropriation items 195687, Third Frontier	156748
Research and Development Projects, and 195692, Research and	156749
Development Taxable Bond Projects, shall be used to fund selected	156750
projects which may include internship programs. Eligible costs are	156751
those costs of research and development projects to which the	156752

proceeds of Fund 7011 and Fund 7014 are to be applied. 156753

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 156754

The Director of Budget and Management may approve written 156755
requests from the Director of Development for the transfer of 156756
appropriations between appropriation items 195687, Third Frontier 156757
Research and Development Projects, and 195692, Research and 156758
Development Taxable Bond Projects, based upon awards recommended 156759
by the Third Frontier Commission. 156760

In fiscal year 2024, the Director of Development may request 156761
that the Director of Budget and Management reappropriate any 156762
unexpended, unencumbered balances of the prior fiscal year's 156763
appropriation to the foregoing appropriation items 195687, Third 156764
Frontier Research and Development Projects, and 195692, Research 156765
and Development Taxable Bond Projects, for fiscal year 2024. The 156766
Director of Budget and Management may request additional 156767
information necessary for evaluating these requests, and the 156768
Director of Development shall provide the requested information to 156769
the Director of Budget and Management. Based on the information 156770
provided by the Director of Development, the Director of Budget 156771
and Management shall determine the amounts to be reappropriated, 156772
and those amounts are hereby reappropriated for fiscal year 2024. 156773

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 156774
PROGRAM (BEAD) 156775

The foregoing appropriation item 1956E4, Broadband Equity, 156776
Access, and Deployment Program (BEAD), shall be used to build 156777
infrastructure that supports the adoption of high-speed internet. 156778

On July 1, 2023, or as soon as possible thereafter, the 156779
Director of Development shall certify to the Director of Budget 156780
and Management the unexpended, unencumbered balance of 156781
appropriation item 1956E4, Broadband Equity, Access, and 156782

Deployment Program (BEAD), at the end of fiscal year 2023 to be 156783
reappropriated in fiscal year 2024. The amount certified is hereby 156784
reappropriated to the same appropriation item for the same purpose 156785
in fiscal year 2024. 156786

On July 1, 2024, or as soon as possible thereafter, the 156787
Director of Development shall certify to the Director of Budget 156788
and Management the unexpended, unencumbered balance of 156789
appropriation item 1956E4, Broadband Equity, Access, and 156790
Deployment Program (BEAD), at the end of fiscal year 2024 to be 156791
reappropriated in fiscal year 2025. The amount certified is hereby 156792
reappropriated to the same appropriation item for the same purpose 156793
in fiscal year 2025. 156794

HEAP WEATHERIZATION 156795

Up to twenty-five per cent of the federal funds deposited to 156796
the credit of the Home Energy Assistance Block Grant Fund (Fund 156797
3K90) may be expended from appropriation item 195614, HEAP 156798
Weatherization, to provide home weatherization services in the 156799
state as determined by the Director of Development. 156800

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 156801

General Revenue Fund 156802

GRF 320411 Special Olympics \$ 100,000 \$ 100,000 156803

GRF 320412 Protective Services \$ 3,700,000 \$ 4,265,000 156804

GRF 320415 Developmental \$ 25,875,000 \$ 22,625,000 156805

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322422 Multi System Youth \$ 5,000,000 \$ 5,000,000 156806

GRF 322423 Technology First \$ 3,200,000 \$ 3,200,000 156807

GRF 322508 Employment First \$ 2,700,000 \$ 2,700,000 156808

Initiative

GRF	322509	Community Supports and Rental Assistance	\$	700,000	\$	700,000	156809
GRF	322510	Best Buddies Ohio	\$	250,000	\$	250,000	156810
GRF	653321	Medicaid Program Support-State	\$	7,842,000	\$	7,842,000	156811
GRF	653407	Medicaid Services	\$	855,311,000	\$	1,004,334,000	156812
TOTAL GRF		General Revenue Fund	\$	904,678,000	\$	1,051,016,000	156813
Dedicated Purpose Fund Group							156814
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	156815
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	156816
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	156817
5EV0	653627	Medicaid Program Support	\$	2,540,000	\$	2,540,000	156818
5GE0	320606	Central Office Operating Expenses	\$	20,526,874	\$	20,526,874	156819
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000	156820
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	156821
5HC8	653698	DDD Home and Community Based Services	\$	114,711,600	\$	63,627,125	156822
5S20	653622	Medicaid Administration and Oversight	\$	31,000,000	\$	32,000,000	156823
5Z10	653624	County Board Waiver Match	\$	490,000,000	\$	508,000,000	156824
TOTAL DPF		Dedicated Purpose Fund Group	\$	728,028,474	\$	695,943,999	156825
Internal Service Activity Fund Group							156826

1520	653609	DC and Residential Facilities Operating Services	\$	31,000,000	\$	31,000,000	156827
TOTAL ISA Internal Service Activity							
		Fund Group	\$	31,000,000	\$	31,000,000	156828
Federal Fund Group							156829
3250	322612	Community Social Service Programs	\$	17,971,092	\$	14,671,092	156830
3A40	653654	Medicaid Services	\$	2,621,043,102	\$	2,988,335,147	156831
3A40	653655	Medicaid Support	\$	80,000,000	\$	80,000,000	156832
3A50	320613	Developmental Disabilities Council	\$	3,254,000	\$	3,254,000	156833
3HC8	653699	DDD Home and Community Based Services - Federal	\$	112,413,400	\$	110,997,875	156834
TOTAL FED Federal Fund Group							156835
TOTAL ALL BUDGET FUND GROUPS							156836

Section 261.20. SPECIAL OLYMPICS 156838

The foregoing appropriation item 320411, Special Olympics, 156839
shall be distributed by the Ohio Department of Developmental 156840
Disabilities to the Special Olympics of Ohio in support of the 156841
Ohio Special Olympics Summer Games. 156842

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 156843

LEASE-RENTAL BOND PAYMENTS 156844

The foregoing appropriation item 320415, Developmental 156845
Disabilities Facilities Lease Rental Bond Payments, shall be used 156846
to meet all payments during the period from July 1, 2023, through 156847
June 30, 2025, by the Department of Developmental Disabilities 156848
pursuant to leases and agreements made under section 154.20 of the 156849
Revised Code. These appropriations are the source of funds pledged 156850

for bond service charges on related obligations issued under 156851
Chapter 154. of the Revised Code. 156852

Section 261.40. MULTI-SYSTEM YOUTH 156853

Of the foregoing appropriation item 322422, Multi-System 156854
Youth, a portion may be used to provide a subsidy to eligible 156855
county boards of developmental disabilities for the provision of 156856
respite services and other services and supports for youth with 156857
complex or multi-system needs to enable them to remain in their 156858
homes with their families or in their communities. The Director of 156859
Developmental Disabilities shall establish the total amount 156860
available for the subsidy, a formula for distributing the subsidy 156861
to eligible county boards, and the eligibility requirements county 156862
boards must satisfy to receive the subsidy. Of the foregoing 156863
appropriation item, 322422, Multi-System Youth, the Director of 156864
Developmental Disabilities shall transfer up to \$1,000,000 in each 156865
fiscal year to the Ohio Department of Mental Health and Addiction 156866
Services to assist in the support of the Child and Adolescent 156867
Behavioral Health Center of Excellence at Case Western Reserve 156868
University. 156869

Section 261.45. TECHNOLOGY FIRST INITIATIVE 156870

Of the foregoing appropriation item 322423, Technology First 156871
Initiative, a portion may be used to increase access and 156872
utilization of innovative technology for people with developmental 156873
disabilities in accordance with the Technology First Policy 156874
established in section 5123.025 of the Revised Code. 156875

Section 261.50. EMPLOYMENT FIRST INITIATIVE 156876

The foregoing appropriation item 322508, Employment First 156877
Initiative, shall be used to increase employment opportunities for 156878
individuals with developmental disabilities through the Employment 156879

First Initiative in accordance with section 5123.022 of the Revised Code. 156880
156881

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments. 156882
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 156904
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156908

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 156909

The foregoing appropriation item 322509, Community Supports 156910

and Rental Assistance, may be used by the Director of 156911
Developmental Disabilities to provide funding to county boards of 156912
developmental disabilities for rental assistance to people with 156913
developmental disabilities receiving home and community-based 156914
services as defined in section 5123.01 of the Revised Code 156915
pursuant to section 5124.60 of the Revised Code or section 5124.69 156916
of the Revised Code and people with developmental disabilities who 156917
enroll in a Medicaid waiver component providing home and 156918
community-based services after receiving preadmission counseling 156919
pursuant to section 5124.68 of the Revised Code. The Director 156920
shall establish the methodology for determining the amount and 156921
distribution of such funding. 156922

Section 261.65. BEST BUDDIES OHIO 156923

The foregoing appropriation item 322510, Best Buddies Ohio, 156924
shall be provided to the Best Buddies Ohio program to support the 156925
delivery and expansion of inclusion services throughout Ohio 156926
colleges and communities. 156927

Section 261.70. MEDICAID SERVICES 156928

(A) As used in this section: 156929

(1) "Home and community-based services" has the same meaning 156930
as in section 5123.01 of the Revised Code. 156931

(2) "ICF/IID services" has the same meaning as in section 156932
5124.01 of the Revised Code. 156933

(B) Except as provided in section 5123.0416 of the Revised 156934
Code, the purposes for which the foregoing appropriation item 156935
653407, Medicaid Services, shall be used include the following: 156936

(1) Home and community-based services; 156937

(2) Implementation of the requirements of the agreement 156938
settling the consent decree in Sermak v. Manuel, Case No. 156939

C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	156940 156941
(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	156942 156943 156944 156945
(4) ICF/IID services; and	156946
(5) Other programs as identified by the Director of Developmental Disabilities.	156947 156948
Section 261.75. DIRECT CARE PAYMENT RATES	156949
Of the foregoing appropriation item 653407, Medicaid Services, \$42,990,146 in fiscal year 2024 and \$145,076,944 in fiscal year 2025, and of the foregoing appropriation item 653654, Medicaid Services, \$76,426,925 in fiscal year 2024 and \$257,914,568 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to \$17 per hour during fiscal year 2024 beginning on January 1, 2024, and \$18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Developmental Disabilities:	156950 156951 156952 156953 156954 156955 156956 156957 156958 156959
(A) Personal care services;	156960
(B) Adult day services;	156961
(C) ICF/IID services, as defined in section 5124.01 of the Revised Code.	156962 156963
Section 261.80. CENTRAL OFFICE OPERATING EXPENSES	156964
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	156965 156966 156967 156968

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 156969

As used in this section, "home and community-based services" 156970
has the same meaning as in section 5123.01 of the Revised Code. 156971

The Director of Developmental Disabilities shall establish a 156972
methodology to be used in fiscal year 2024 and fiscal year 2025 to 156973
estimate the quarterly amount each county board of developmental 156974
disabilities is to pay of the nonfederal share of home and 156975
community-based services that section 5126.0510 of the Revised 156976
Code requires county boards to pay. Each quarter, the Director 156977
shall submit to a county board written notice of the amount the 156978
county board is to pay for that quarter. The notice shall specify 156979
when the payment is due. 156980

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 156981

If a county board of developmental disabilities does not 156982
fully pay any amount owed to the Department of Developmental 156983
Disabilities by the due date established by the Department, the 156984
Director of Developmental Disabilities may withhold the amount the 156985
county board did not pay from any amounts due to the county board. 156986
The Director may use any appropriation item or fund used by the 156987
Department to transfer cash to any other fund used by the 156988
Department in an amount equal to the amount owed the Department 156989
that the county board did not pay. Transfers under this section 156990
shall be made using an intrastate transfer voucher. 156991

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 156992

(A) In fiscal year 2024 and fiscal year 2025, the Director of 156993
Developmental Disabilities may authorize the continuation or 156994
implementation of one or more innovative pilot projects that, in 156995
the judgment of the Director, are likely to assist in promoting 156996
the objectives of Chapter 5123. or 5126. of the Revised Code. 156997

Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services.

(b) The Medicaid recipient does not occupy a bed in the

ICF/IID that used to be included in the Medicaid-certified 157028
capacity of another ICF/IID certified by the Director of Health 157029
before June 1, 2003. 157030

(3) The ICF/IID services are provided by an ICF/IID whose 157031
Medicaid certification by the Director of Health was initiated or 157032
supported by a county board of developmental disabilities. 157033

(4) The provider of the ICF/IID services has a valid Medicaid 157034
provider agreement for the services for the time that the services 157035
are provided. 157036

(C) When required by division (B) of this section to pay the 157037
nonfederal share of a claim, the Director of Developmental 157038
Disabilities shall use the following funds to pay the claim: 157039

(1) Funds available from appropriation item 653407, Medicaid 157040
Services, that the Director allocates to the county board that 157041
initiated or supported the Medicaid certification of the ICF/IID 157042
that provided the ICF/IID services for which the claim is made; 157043

(2) If the amount of funds used pursuant to division (C)(1) 157044
of this section is insufficient to pay the claim in full, an 157045
amount of funds that are needed to make up the difference and 157046
available from amounts the Director allocates to other county 157047
boards from appropriation item 653407, Medicaid Services. 157048

Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 157049
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 157050

(A) As used in this section: 157051

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 157052
that converted some or all of its beds to providing home and 157053
community-based services under the IO Waiver pursuant to section 157054
5124.60 of the Revised Code. 157055

(2) "Developmental center" and "ICF/IID" have the same 157056
meanings as in section 5124.01 of the Revised Code. 157057

(3) "IO Waiver" means the Medicaid waiver component, as 157058
defined in section 5166.01 of the Revised Code, known as 157059
Individual Options. 157060

(4) "Medicaid provider" has the same meaning as in section 157061
5164.01 of the Revised Code. 157062

(5) "Public hospital" has the same meaning as in section 157063
5122.01 of the Revised Code. 157064

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 157065
whom all of the following apply: 157066

(a) The enrollee resided in a developmental center, converted 157067
facility, or public hospital immediately before enrolling in the 157068
IO Wavier. 157069

(b) The enrollee did not receive before July 1, 2011, routine 157070
homemaker/personal care services from the Medicaid provider that 157071
is to be paid the Medicaid rate authorized by this section for 157072
providing such services to the enrollee during the period 157073
specified in division (C) of this section. 157074

(c) The Director of Developmental Disabilities has determined 157075
that the enrollee's special circumstances (including the 157076
enrollee's diagnosis, service needs, or length of stay at the 157077
developmental center, converted facility, or public hospital) 157078
warrants paying the Medicaid rate authorized by this section. 157079

(B) The total Medicaid payment rate for each fifteen minutes 157080
of routine homemaker/personal care services that a Medicaid 157081
provider provides to a qualifying IO enrollee during the period 157082
specified in division (C) of this section shall be fifty-two cents 157083
higher than the Medicaid payment rate in effect on the day the 157084
services are provided for each fifteen minutes of routine 157085
homemaker/personal care services that a Medicaid provider provides 157086
to an IO enrollee who is not a qualifying IO enrollee. 157087

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2023, and ending July 1, 2025, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.150. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE OF MEDICAID SERVICES

As a result of the COVID-19 pandemic and extraordinary inflationary pressures within the economy, Ohio Medicaid direct care providers have been adversely impacted. The Department of Developmental Disabilities, in collaboration with the Department of Medicaid and the Department of Aging, have included funding in the budget to be used for provider rate increases. Provider rate increases shall be used to ensure workforce stability and greater access to care for Medicaid recipients through increased wages and needed workforce supports.

Section 261.160. (A) In fiscal years 2024 and 2025, a portion of funds from appropriation item 653624, County Board Waiver Match, and appropriation item 653654, Medicaid Services, may be used to implement the Direct Support Professional Quarterly Retention Payments Program. The program shall commence July 1, 2023, and shall conclude June 30, 2025. The Director of Developmental Disabilities shall administer the program by doing all of the following:

(1) Establishing criteria for eligible home and

community-based waiver providers to participate in the program;	157118
(2) Implementing an opt-in system by which providers can	157119
elect to participate in the program;	157120
(3) Developing provider requirements as prerequisites for	157121
program payments;	157122
(4) Establishing quarterly provider payments based on	157123
percentage of the provider's reimbursed claims during the	157124
preceding quarter;	157125
(5) Collecting program data.	157126
(B) The Director of Developmental Disabilities shall adopt	157127
rules in accordance with Chapter 119. of the Revised Code to	157128
implement the program. The Director shall consult with county	157129
boards of developmental disabilities, the Ohio Association of	157130
County Boards of Developmental Disabilities, and provider	157131
organizations to review the effectiveness of the program and make	157132
recommendations on continuing the program.	157133
 Section 265.10. EDU DEPARTMENT OF EDUCATION	157134
 General Revenue Fund	157135
GRF 200321 Operating Expenses \$ 16,022,000 \$ 16,411,000	157136
GRF 200420 Information Technology \$ 4,109,000 \$ 4,228,000	157137
Development and	
Support	
GRF 200422 School Management \$ 2,897,000 \$ 2,598,000	157138
Assistance	
GRF 200424 Policy Analysis \$ 603,000 \$ 613,000	157139
GRF 200426 Ohio Educational \$ 22,064,000 \$ 17,864,000	157140
Computer Network	
GRF 200427 Academic Standards \$ 4,460,000 \$ 4,598,000	157141
GRF 200437 Student Assessment \$ 46,534,000 \$ 49,441,000	157142
GRF 200439 Accountability/Report \$ 6,730,000 \$ 7,266,000	157143

		Cards				
GRF 200446	Education Management Information System	\$	9,268,000	\$	9,437,000	157144
GRF 200448	Educator Preparation	\$	14,348,000	\$	14,359,000	157145
GRF 200455	Community Schools and Choice Programs	\$	4,163,000	\$	4,232,000	157146
GRF 200457	STEM Initiatives	\$	1,000,000	\$	0	157147
GRF 200465	Education Technology Resources	\$	5,545,000	\$	5,583,000	157148
GRF 200478	Industry-Recognized Credentials High School Students	\$	26,000,000	\$	26,000,000	157149
GRF 200502	Pupil Transportation	\$	774,089,000	\$	823,647,000	157150
GRF 200505	School Meal Programs	\$	13,163,000	\$	13,163,000	157151
GRF 200506	Learning Acceleration	\$	0	\$	15,000,000	157152
GRF 200511	Auxiliary Services	\$	162,928,000	\$	166,853,000	157153
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	73,607,000	\$	75,381,000	157154
GRF 200540	Special Education Enhancements	\$	195,850,000	\$	196,850,000	157155
GRF 200545	Career-Technical Education Enhancements	\$	28,500,000	\$	32,575,000	157156
GRF 200550	Foundation Funding - All Students	\$	7,879,550,000	\$	8,198,797,000	157157
GRF 200566	Literacy Improvement	\$	74,400,000	\$	36,824,000	157158
GRF 200572	Adult Education Programs	\$	9,796,000	\$	9,822,000	157159
GRF 200574	Half-Mill Maintenance Equalization	\$	13,658,000	\$	10,358,000	157160
GRF 200597	Program and Project Support	\$	7,473,000	\$	6,723,000	157161
GRF 657401	Medicaid in Schools	\$	325,000	\$	327,000	157162

TOTAL GRF General Revenue Fund	\$	9,397,082,000	\$	9,748,950,000	157163
Dedicated Purpose Fund Group					157164
4520 200638 Charges and Reimbursements	\$	1,500,000	\$	1,500,000	157165
4L20 200681 Teacher Certification and Licensure	\$	14,386,000	\$	14,700,000	157166
5980 200659 Auxiliary Services Reimbursement	\$	650,000	\$	650,000	157167
5AD1 2006A2 Career-Technical Education Equipment	\$	50,000,000		50,000,000	157168
5H30 200687 School District Solvency Assistance	\$	2,000,000	\$	2,000,000	157169
5KX0 200691 Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000	157170
5MM0 200677 Child Nutrition Refunds	\$	550,000	\$	550,000	157171
5U20 200685 National Education Statistics	\$	180,000	\$	185,000	157172
5VS0 200604 Foundation Funding - All Students	\$	600,000,000	\$	600,000,000	157173
5Y00 200490 Interscholastic Athletics and Extracurricular Activities	\$	15,000,000	\$	15,000,000	157174
5Y00 200491 Public and Nonpublic Education Support	\$	50,000,000	\$	50,000,000	157175
6200 200615 Educational Improvement Grants	\$	600,000	\$	600,000	157176
TOTAL DPF Dedicated Purpose Fund Group	\$	736,116,000	\$	736,435,000	157177
Internal Service Activity Fund Group					157178
1380 200606 Information	\$	12,940,577	\$	13,911,120	157179

		Technology				
		Development and				
		Support				
4R70	200695	Indirect Operational	\$	8,501,941	\$	8,927,038
		Support				157180
4V70	200633	Interagency Program	\$	5,000,000	\$	5,000,000
		Support				157181
TOTAL ISA		Internal Service Activity	\$	26,442,518	\$	27,838,158
		Fund Group				157182
		State Lottery Fund Group				157183
7017	200611	Education Studies	\$	1,300,000	\$	800,000
						157184
7017	200612	Foundation Funding -	\$	1,263,645,000	\$	1,273,145,000
		All Students				157185
7017	200614	Accelerate Great	\$	1,500,000	\$	1,500,000
		Schools				157186
7017	200631	Quality Community and	\$	135,000,000	\$	135,000,000
		Independent STEM				157187
		Schools Support				
7017	200684	Community School	\$	87,055,000	\$	88,555,000
		Facilities				157188
TOTAL SLF		State Lottery Fund Group	\$	1,488,500,000	\$	1,499,000,000
		Federal Fund Group				157189
3670	200607	School Food Services	\$	12,989,661	\$	13,379,350
						157191
3700	200624	Education of	\$	1,750,000	\$	1,750,000
		Exceptional Children				157192
3AF0	657601	Schools Medicaid	\$	250,000	\$	250,000
		Administrative Claims				157193
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000
						157194
3EJ0	200622	Homeless Children	\$	3,600,000	\$	3,600,000
		Education				157195
3GE0	200674	Summer Food Service	\$	30,000,000	\$	30,000,000
		Program				157196

3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,145,074	\$	5,145,074	157197
3HF0	200649	Federal Education Grants	\$	6,831,327	\$	6,831,327	157198
3HI0	200634	Student Support and Academic Enrichment	\$	45,000,000	\$	48,000,000	157199
3HL0	200678	Comprehensive Literacy State Development Program	\$	14,630,000	\$	14,630,000	157200
3HS0	200640	Federal Coronavirus School Relief	\$	1,800,000,000	\$	0	157201
3L60	200617	Federal School Lunch	\$	443,762,110	\$	457,074,973	157202
3L70	200618	Federal School Breakfast	\$	168,250,583	\$	173,298,101	157203
3L80	200619	Child/Adult Food Programs	\$	114,461,866	\$	115,606,485	157204
3L90	200621	Career-Technical Education Basic Grant	\$	52,500,000	\$	54,500,000	157205
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	157206
3M20	200680	Individuals with Disabilities Education Act	\$	510,000,000	\$	520,000,000	157207
3T40	200613	Public Charter Schools	\$	2,300,000	\$	0	157208
3Y20	200688	21st Century Community Learning Centers	\$	45,000,000	\$	47,000,000	157209
3Y60	200635	Improving Teacher Quality	\$	77,000,000	\$	77,000,000	157210
3Y70	200689	English Language Acquisition	\$	11,500,000	\$	12,000,000	157211
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000	157212

3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000	157213
3Z30	200645	Consolidated Federal	\$	15,900,000	\$	15,900,000	157214
		Grant Administration					
TOTAL FED	Federal Fund Group		\$	3,978,670,621	\$	2,213,765,310	157215
TOTAL ALL BUDGET FUND GROUPS			\$	15,626,811,139	\$	14,225,988,468	157216

Section 265.20. OPERATING EXPENSES 157218

A portion of the foregoing appropriation item 200321, 157219
Operating Expenses, shall be used by the Department of Education 157220
to provide matching funds related to career-technical education 157221
under 20 U.S.C. 2321. 157222

Section 265.40. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT 157223
157224

The foregoing appropriation item 200420, Information 157225
Technology Development and Support, shall be used to support the 157226
development and implementation of information technology solutions 157227
designed to improve the performance and services of the Department 157228
of Education. Funds may be used for personnel, maintenance, and 157229
equipment costs related to the development and implementation of 157230
these technical system projects. Implementation of these systems 157231
shall allow the Department to provide greater levels of assistance 157232
to school districts and to provide more timely information to the 157233
public, including school districts, administrators, and 157234
legislators. Funds may also be used to support data-driven 157235
decision-making and differentiated instruction, as well as to 157236
communicate academic content standards and curriculum models to 157237
schools through web-based applications. 157238

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 157239

The foregoing appropriation item 200422, School Management 157240
Assistance, shall be used by the Department of Education to 157241
provide fiscal technical assistance and inservice education for 157242

school district management personnel and to administer, monitor, 157243
and implement the fiscal caution, fiscal watch, and fiscal 157244
emergency provisions under Chapter 3316. of the Revised Code. 157245

Section 265.60. POLICY ANALYSIS 157246

The foregoing appropriation item 200424, Policy Analysis, 157247
shall be used by the Department of Education to support a system 157248
of administrative and statistical education information to be used 157249
for policy analysis. Staff supported by this appropriation shall 157250
administer the development of reports, analyses, and briefings 157251
regarding current trends in education practice, efficient and 157252
effective use of resources, and evaluation of programs to improve 157253
education results. A portion of these funds shall be used to 157254
maintain a longitudinal database to support the assessment of the 157255
impact of policies and programs on Ohio's education and workforce 157256
development systems. The research efforts supported by this 157257
appropriation item shall be used to supply information and 157258
analysis of data to and in consultation with the General Assembly 157259
and other state policymakers, including the Office of Budget and 157260
Management and the Legislative Service Commission. 157261

A portion of the foregoing appropriation item, 200424, Policy 157262
Analysis, may be used by the Department to support the development 157263
and implementation of an evidence-based clearinghouse to support 157264
school improvement strategies as part of the Every Student 157265
Succeeds Act. 157266

The Department may use funding from this appropriation item 157267
to purchase or contract for the development of software systems or 157268
contract for policy studies that will assist in the provision and 157269
analysis of policy-related information. Funding from this 157270
appropriation item also may be used to monitor and enhance quality 157271
assurance for research-based policy analysis and program 157272
evaluation to enhance the effective use of education information 157273

to inform education policymakers. 157274

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 157275

The foregoing appropriation item 200426, Ohio Educational 157276
Computer Network, shall be used by the Department of Education to 157277
maintain a system of information technology throughout Ohio and to 157278
provide technical assistance for such a system. 157279

Of the foregoing appropriation item 200426, Ohio Educational 157280
Computer Network, up to \$9,686,658 in fiscal year 2024 and up to 157281
\$11,926,658 in fiscal year 2025 shall be used by the Department to 157282
support connection of all public school buildings and 157283
participating chartered nonpublic schools to the state's education 157284
network, to each other, and to the Internet. In each fiscal year, 157285
the Department shall use these funds to assist information 157286
technology centers or school districts with the operational costs 157287
associated with this connectivity. The Department shall develop a 157288
formula and guidelines for the distribution of these funds to 157289
information technology centers or individual school districts. As 157290
used in this section, "public school building" means a school 157291
building of any city, local, exempted village, or joint vocational 157292
school district, any community school established under Chapter 157293
3314. of the Revised Code, any college preparatory boarding school 157294
established under Chapter 3328. of the Revised Code, any STEM 157295
school established under Chapter 3326. of the Revised Code, any 157296
educational service center building used for instructional 157297
purposes, the Ohio School for the Deaf and the Ohio State School 157298
for the Blind, high schools chartered by the Ohio Department of 157299
Youth Services, or high schools operated by Ohio Department of 157300
Rehabilitation and Corrections' Ohio Central School System. 157301

Of the foregoing appropriation item 200426, Ohio Educational 157302
Computer Network, up to \$5,999,907 in fiscal year 2024 and up to 157303
\$5,359,907 in fiscal year 2025 shall be used, through a formula 157304

and guidelines devised by the Department, to support the 157305
activities of designated information technology centers, as 157306
defined by State Board of Education rules, to provide school 157307
districts and chartered nonpublic schools with computer-based 157308
student and teacher instructional and administrative information 157309
services, including approved computerized financial accounting, to 157310
ensure the effective operation of local automated administrative 157311
and instructional systems, and to monitor and support the quality 157312
of data submitted to the Department. 157313

Of the foregoing appropriation item 200426, Ohio Educational 157314
Computer Network, up to \$5,800,000 in fiscal year 2024 shall be 157315
used for middle mile connections for the information technology 157316
centers established under section 3301.075 of the Revised Code and 157317
select large urban districts to connect to the state broadband 157318
backbone managed by the Ohio Technology Consortium and for other 157319
connectivity upgrades necessary for K-12 school buildings with 157320
severely restricted broadband connections. "Select large urban 157321
districts" are those districts that connect to the state broadband 157322
backbone directly rather than through an information technology 157323
center. Upon request of the Superintendent of Public Instruction 157324
and approval by the Director of Budget and Management, an amount 157325
equal to the unexpended, unencumbered balance of the amount 157326
allocated in this paragraph at the end of fiscal year 2024 is 157327
hereby reappropriated to the Department for the same purpose in 157328
fiscal year 2025. 157329

The remainder of appropriation item 200426, Ohio Educational 157330
Computer Network, shall be used to support the work of the 157331
development, maintenance, and operation of a network of uniform 157332
and compatible computer-based information systems as well as the 157333
teacher student linkage/roster verification process and systems to 157334
support electronic sharing of student records and transcripts 157335
between entities. This technical assistance shall include, but not 157336

be restricted to, development and maintenance of adequate computer 157337
software systems to support network activities. In order to 157338
improve the efficiency of network activities, the Department and 157339
information technology centers may jointly purchase equipment, 157340
materials, and services from funds provided under this 157341
appropriation for use by the network and, when considered 157342
practical by the Department, may utilize the services of 157343
appropriate state purchasing agencies. 157344

Section 265.80. ACADEMIC STANDARDS 157345

The foregoing appropriation item 200427, Academic Standards, 157346
shall be used by the Department of Education to develop and 157347
communicate to school districts academic content standards and 157348
curriculum models and to develop professional development programs 157349
and other tools on the new content standards and model curricula. 157350

Section 265.90. STUDENT ASSESSMENT 157351

Of the foregoing appropriation item 200437, Student 157352
Assessment, up to \$1,200,000 in fiscal year 2025 shall be used to 157353
develop, field test, print, distribute, score, report results, and 157354
support other associated costs for the tests required under 157355
section 3323.251 of the Revised Code. 157356

Of the foregoing appropriation item 200437, Student 157357
Assessment, up to \$772,713 in each fiscal year shall be used to 157358
reimburse a portion of the costs associated with Advanced 157359
Placement and College-Level Examination Program tests for students 157360
from households with incomes at or below the statewide median 157361
household income. Of these funds, up to \$622,713 in each fiscal 157362
year shall be used to reimburse a portion of the costs associated 157363
with these tests for low-income students, as determined by the 157364
Department, and up to \$150,000 in each fiscal year shall be used 157365
to reimburse a portion of the costs associated with these tests 157366

for students whose family income exceeds low-income status but are 157367
at or below the statewide median household income, as determined 157368
by the Department. 157369

The remainder of appropriation item 200437, Student 157370
Assessment, shall be used to develop, field test, print, 157371
distribute, score, report results, and support other associated 157372
costs for the tests required under sections 3301.0710, 3301.0711, 157373
and 3301.0712 of the Revised Code and for similar purposes as 157374
required by section 3301.27 of the Revised Code. The funds may 157375
also be used to update and develop diagnostic assessments 157376
administered under sections 3301.079, 3301.0715, and 3313.608 of 157377
the Revised Code and to support readiness assessments for students 157378
in grades three and higher that assist districts and schools with 157379
identifying and benchmarking student progress. 157380

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 157381
ASSESSMENT 157382

In fiscal year 2024 and fiscal year 2025, if the 157383
Superintendent of Public Instruction determines that additional 157384
funds are needed to fully fund the requirements of sections 157385
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 157386
and this act for assessments of student performance, the 157387
Superintendent may recommend to the Director of Budget and 157388
Management the reallocation of unexpended and unencumbered General 157389
Revenue Fund appropriations within the Department of Education to 157390
appropriation item 200437, Student Assessment. If the Director 157391
determines that such a reallocation is required, the Director may 157392
transfer unexpended and unencumbered appropriations within the 157393
Department of Education as necessary to appropriation item 200437, 157394
Student Assessment. 157395

Section 265.100. ACCOUNTABILITY/REPORT CARDS 157396

Of the foregoing appropriation item 200439, 157397

Accountability/Report Cards, a portion in each fiscal year shall 157398
be used to train district and regional specialists and district 157399
educators in the use of the value-added progress dimension and in 157400
the use of data as it relates to improving student achievement. 157401
This training may include teacher and administrator professional 157402
development in the use of data to improve instruction and student 157403
learning, and teacher and administrator training in understanding 157404
teacher value-added reports and how they can be used as a 157405
component in measuring teacher and administrator effectiveness. A 157406
portion of this funding shall be provided to educational service 157407
centers to support training and professional development under 157408
this section consistent with section 3312.01 of the Revised Code. 157409

The remainder of appropriation item 200439, 157410
Accountability/Report Cards, shall be used by the Department of 157411
Education to incorporate a statewide value-added progress 157412
dimension into performance ratings for school districts and for 157413
the development of an accountability system that includes the 157414
preparation and distribution of school report cards, funding and 157415
expenditure accountability reports under sections 3302.03 and 157416
3302.031 of the Revised Code, the development and maintenance of 157417
teacher value-added reports, the teacher student linkage/roster 157418
verification process, and the performance management section of 157419
the Department's web site required by section 3302.26 of the 157420
Revised Code. 157421

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 157422

The foregoing appropriation item 200446, Education Management 157423
Information System, shall be used by the Department of Education 157424
to improve the Education Management Information System (EMIS). 157425

Of the foregoing appropriation item 200446, Education 157426
Management Information System, up to \$405,000 in each fiscal year 157427
shall be used to support grants to information technology centers 157428

to provide professional development opportunities to district and 157429
school personnel related to the EMIS, with a focus placed on data 157430
submission and data quality. 157431

Of the foregoing appropriation item 200446, Education 157432
Management Information System, up to \$950,000 in each fiscal year 157433
shall be distributed to designated information technology centers 157434
for costs relating to processing, storing, and transferring data 157435
for the effective operation of the EMIS. These costs may include, 157436
but are not limited to, personnel, hardware, software development, 157437
communications connectivity, professional development, and support 157438
services. 157439

The remainder of appropriation item 200446, Education 157440
Management Information System, shall be used to develop and 157441
support the data definitions and standards outlined in the EMIS 157442
guidelines adopted under section 3301.0714 of the Revised Code, to 157443
implement recommendations of the EMIS Advisory Council and the 157444
Superintendent of Public Instruction, to enhance data quality 157445
assurance practices, and to support responsibilities related to 157446
the school report cards prescribed by section 3302.03 of the 157447
Revised Code and value-added progress dimension calculations. 157448

Section 265.120. EDUCATOR PREPARATION 157449

(A) Of the foregoing appropriation item 200448, Educator 157450
Preparation, up to \$7,500,000 in each fiscal year shall be used by 157451
the Department of Education, in consultation with the Department 157452
of Higher Education, to provide awards to support graduate 157453
coursework for high school teachers to receive credentialing to 157454
teach College Credit Plus courses in a high school setting. 157455

The Department of Education, in consultation with the 157456
Department of Higher Education, shall develop an application 157457
process and criteria for awards. Priority shall be given to 157458
education consortia that include high schools identified as 157459

economically disadvantaged in which there are no or limited 157460
numbers of teachers currently credentialed to teach College Credit 157461
Plus courses, as determined by the Department of Education, and a 157462
public or private college or university in Ohio. Awards made by 157463
the Department of Education may support graduate coursework for 157464
high school teachers at a public or private college or university 157465
in Ohio leading to credentialing to teach college courses. 157466

Upon the request of the Superintendent of Public Instruction 157467
and the approval of the Director of Budget and Management, an 157468
amount equal to the unexpended, unencumbered balance of the amount 157469
allocated in this division at the end of fiscal year 2024 is 157470
hereby reappropriated for the same purpose in fiscal year 2025. 157471

(B)(1) Of the foregoing appropriation item 200448, Educator 157472
Preparation, up to \$3,225,000 in each fiscal year shall be used, 157473
in consultation with the Department of Veterans Services, to 157474
support the Ohio Military Veteran Educators Program, which shall 157475
do all of the following: 157476

(a) Administer a grant program for institutions of higher 157477
education to provide financial incentives and assistance for 157478
eligible military individuals, as defined in section 3319.285 of 157479
the Revised Code, to enroll in and complete an educator 157480
preparation program approved under section 3333.048 of the Revised 157481
Code; 157482

(b) Subsidize the costs for eligible military individuals 157483
associated with completing college coursework or professional 157484
development in pedagogy for the purpose of obtaining an 157485
alternative military educator license pursuant to section 3319.285 157486
of the Revised Code; 157487

(c) Provide funds to public schools to support activities to 157488
recruit eligible military individuals to work in public schools 157489
and support bonuses to public schools that hire eligible military 157490

individuals; 157491

(d) Reimburse public schools that pay financial bonuses to 157492
eligible military individuals who complete at least one year of 157493
employment with the school; 157494

(e) In consultation with the Department of Veterans Services, 157495
establish and support the Governor's Ohio Military Veteran 157496
Educators Fellowship Pilot Program to recruit and train eligible 157497
military individuals to become licensed to teach in low-performing 157498
public schools. 157499

(2) An amount equal to the unexpended, unencumbered balance 157500
of the amount allocated in division (B)(1) of this section at the 157501
end of fiscal year 2024 is hereby reappropriated for the same 157502
purpose in fiscal year 2025. 157503

(C) Of the foregoing appropriation item 200448, Educator 157504
Preparation, up to \$350,000 in fiscal year 2024 and up to \$358,000 157505
in fiscal year 2025 may be used by the Department of Education to 157506
monitor and support Ohio's State System of Support, as defined by 157507
the Every Student Succeeds Act. 157508

(D) Of the foregoing appropriation item 200448, Educator 157509
Preparation, up to \$73,000 in fiscal year 2024 and up to \$76,000 157510
in fiscal year 2025 may be used by the Department to support the 157511
Educator Standards Board under section 3319.61 of the Revised Code 157512
and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, 157513
and 3302.20 to 3302.22 of the Revised Code. 157514

(E) Of the foregoing appropriation item 200448, Educator 157515
Preparation, \$2,000,000 in each fiscal year shall be distributed 157516
to Teach For America to increase recruitment of potential corps 157517
members, to train and develop first-year and second-year teachers 157518
in the Teach for America program in Ohio, and to support the 157519
ongoing development and impact of Teach for America alumni working 157520
in Ohio. 157521

(F) Of the foregoing appropriation item 200448, Educator Preparation, \$200,000 in each fiscal year shall be used to support selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(G) Of the foregoing appropriation item 200448, Educator Preparation, \$500,000 in each fiscal year shall be distributed to the PAST Foundation for the STEM Educator Workforce Collaborative to provide professional development and strategic training for teachers in STEM fields that is tailored to each region of the state.

(H) Of the foregoing appropriation item 200448, Educator Preparation, up to \$500,000 in each fiscal year shall be used to support the SmartOhio Financial Literacy Program at the University of Cincinnati.

(I) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for the following periods of time according to guidelines established by the Department of Education:

(1) For awards under division (A) of this section, a period not to exceed four years from the date of the award;

(2) For awards under divisions (B), (E), (F), and (H) of this section, a period not to exceed two years from the date of the award.

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for the oversight and support of community schools established under Chapter 3314. of the Revised Code, community school sponsors, and nonpublic schools; and the administration of school

choice programs. The funds may be used to support the sponsor 157552
evaluation system in accordance with section 3314.016 of the 157553
Revised Code. 157554

STEM INITIATIVES 157555

The foregoing appropriation item 200457, STEM Initiatives, 157556
shall be distributed to the Alliance for Working Together 157557
Foundation to support ongoing STEM education. 157558

An amount equal to the unexpended, unencumbered balance of 157559
the foregoing appropriation item 200457, STEM Initiatives, at the 157560
end of fiscal year 2024 is hereby reappropriated for the same 157561
purpose in fiscal year 2025. 157562

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 157563

(A) Of the foregoing appropriation item 200465, Education 157564
Technology Resources, up to \$2,500,000 in each fiscal year shall 157565
be used for the Union Catalog and InfOhio Network and to support 157566
the provision of electronic resources with priority given to 157567
resources that support the teaching of state academic content 157568
standards in all public schools and resources in support of Ohio's 157569
Plan to Raise Literacy Achievement. The Department of Education 157570
shall consider coordinating the allocation of these moneys with 157571
the efforts of Libraries Connect Ohio, whose members include 157572
OhioLINK, the Ohio Public Information Network, and the State 157573
Library of Ohio. 157574

(B) Of the foregoing appropriation item 200465, Education 157575
Technology Resources, up to \$1,778,879 in each fiscal year shall 157576
be used by the Department to provide grants to educational 157577
television stations working with partner education technology 157578
centers to provide Ohio public schools with instructional 157579
resources and services, with priority given to resources and 157580
services aligned with state academic content standards. Such 157581

resources and services shall be based upon the advice and approval 157582
of the Department, with an emphasis in both literacy and 157583
mathematics, based on a formula developed in consultation with 157584
Ohio's educational television stations and educational technology 157585
centers. 157586

(C)(1) Of the foregoing appropriation item 200465, Education 157587
Technology Resources, up to \$500,000 in each fiscal year shall be 157588
used to provide state matching grants under the pilot project 157589
established in Section 733.30 of this act, provided further that 157590
the maximum amount of a state matching grant shall be as follows: 157591

(a) Five per cent of total eligible pre-discount costs for 157592
projects approved for a discount rate of 90 per cent under the 157593
federal E-Rate program; 157594

(b) 10 per cent of total eligible pre-discount costs for 157595
projects approved for a discount rate of less than 90 per cent 157596
under the federal E-Rate program. 157597

(2) An amount equal to the unexpended, unencumbered balance 157598
of the amount allocated in division (C)(1) of this section at the 157599
end of fiscal year 2024 is hereby reappropriated for the same 157600
purpose in fiscal year 2025. 157601

(D) The remainder of the foregoing appropriation item 200465, 157602
Education Technology Resources, may be used to support training, 157603
technical support, guidance, and assistance with compliance 157604
reporting to school districts and public libraries applying for 157605
federal E-Rate funds; for oversight and guidance of school 157606
district technology plans; for support to district technology 157607
personnel; and for support of the development, maintenance, and 157608
operation of a network of uniform and compatible computer-based 157609
information and instructional systems. 157610

Section 265.150. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 157611

STUDENTS 157612

Of the foregoing appropriation item 200478, 157613
Industry-Recognized Credentials High School Students, up to 157614
\$5,500,000 in each fiscal year may be used by the Department of 157615
Education to support payments to city, local, and exempted village 157616
school districts, community schools, STEM schools, and joint 157617
vocational school districts whose students earn an 157618
industry-recognized credential or receive a journeyman 157619
certification recognized by the United States Department of Labor 157620
in the school year preceding the fiscal year in which the funds 157621
are appropriated. The educating entity shall be required to inform 157622
students enrolled in career-technical education courses that lead 157623
to an industry-recognized credential about the opportunity to earn 157624
these credentials. The Department of Education shall work with the 157625
Department of Higher Education and the Governor's Office of 157626
Workforce Transformation to develop a schedule for reimbursement 157627
based on the testing fees for credentials included on the 157628
Department of Education's list of industry-recognized credentials. 157629
The educating entity shall pay for the cost of the credential and 157630
may claim and receive reimbursement for these testing fees. The 157631
educating entity may claim reimbursement for testing fees incurred 157632
on behalf of a student that earns a credential up to six months 157633
after the student has graduated from high school. If the amount 157634
appropriated is not sufficient, the Department shall prorate the 157635
amounts so that the aggregate amount appropriated is not exceeded. 157636

Of the foregoing appropriation item 200478, 157637
Industry-Recognized Credentials High School Students, up to 157638
\$10,000,000 in each fiscal year may be used by the Department of 157639
Education and the Governor's Office of Workforce Transformation to 157640
establish and operate the Work-based Learning Incentive Program. 157641
The program shall promote sustained interactions with industry or 157642
community professionals in workplace settings that foster 157643

in-depth, firsthand engagement with the tasks required in a given 157644
career field, in alignment with education programs. The Department 157645
shall pay each city, local, and exempted village school district, 157646
community school, STEM school, and joint vocational school 157647
district an amount equal to \$1,000 for each student participating 157648
in at least 250 hours of work-based learning, in accordance with 157649
guidelines and requirements established by the Department. If the 157650
amount appropriated is not sufficient, the Department shall 157651
prorate the amounts so that the aggregate amount appropriated is 157652
not exceeded. 157653

The remainder of the foregoing appropriation item 200478, 157654
Industry-Recognized Credentials High School Students, may be used 157655
by the Department of Education and the Governor's Office of 157656
Workforce Transformation to establish and operate the Innovative 157657
Workforce Incentive Program. In establishing the program, the 157658
Office of Workforce Transformation shall maintain a list of 157659
credentials that qualify for the program. The Department of 157660
Education shall pay each city, local, and exempted village school 157661
district, community school, STEM school, and joint vocational 157662
school district an amount equal to \$1,250 for each qualifying 157663
credential a student attending the district or school earned in 157664
the school year preceding the fiscal year in which the funds are 157665
appropriated. If the amount appropriated is not sufficient, the 157666
Department shall prorate the amounts so that the aggregate amount 157667
appropriated is not exceeded. 157668

Section 265.190. PUPIL TRANSPORTATION 157669

Of the foregoing appropriation item 200502, Pupil 157670
Transportation, up to \$1,088,930 in each fiscal year may be used 157671
by the Department of Education for training prospective and 157672
experienced school bus drivers in accordance with training 157673
programs prescribed by the Department. A portion of these funds 157674

may also be used to pay for costs associated with the enrollment 157675
of bus drivers in the retained applicant fingerprint database. 157676

Of the foregoing appropriation item 200502, Pupil 157677
Transportation, up to \$127,423,293 in fiscal year 2024 and up to 157678
\$138,038,039 in fiscal year 2025 may be used by the Department for 157679
special education transportation reimbursements to school 157680
districts, educational service centers, and county boards of 157681
developmental disabilities for transportation operating costs as 157682
provided in divisions (C) and (F) of section 3317.024 of the 157683
Revised Code. 157684

The remainder of the foregoing appropriation item 200502, 157685
Pupil Transportation, shall be used to distribute the amounts 157686
calculated for transportation aid under divisions (E), (F), (G), 157687
(H), and (I) of section 3317.0212, and division (A)(2) of section 157688
3317.019 of the Revised Code. 157689

PAYMENTS IN LIEU OF TRANSPORTATION 157690

For purposes of division (D) of section 3327.02 of the 157691
Revised Code, if a parent, guardian, or other person in charge of 157692
a pupil accepts an offer from a school district of payment in lieu 157693
of providing transportation for the pupil, the school district 157694
shall pay that parent, guardian, or other person an amount not 157695
less than fifty per cent and not more than the amount determined 157696
by the Department under division (C) of section 3317.0212 of the 157697
Revised Code for the most recent school year for which data is 157698
available. Payment may be prorated if the time period involved is 157699
only a part of the school year. 157700

Section 265.200. SCHOOL MEAL PROGRAMS 157701

The foregoing appropriation item 200505, School Meal 157702
Programs, shall be used to support the reimbursements required by 157703
section 3301.91 of the Revised code and provide matching funds to 157704

obtain federal funds for the school lunch program. 157705

Any remaining appropriation may be used to partially 157706
reimburse school buildings within school districts that are 157707
required to have a school breakfast program under section 3313.813 157708
of the Revised Code, at a rate decided by the Department. 157709

Section 265.210. LEARNING ACCELERATION 157710

The foregoing appropriation item 200506, Learning 157711
Acceleration, shall be used by the Department of Education to 157712
support the tutoring program established under section 3301.28 of 157713
the Revised Code, student access to high-quality tutoring programs 157714
on the list compiled under section 3301.136 of the Revised Code, 157715
and the provision of tutoring services to public and chartered 157716
nonpublic schools by institutions of higher education. 157717

A portion of the foregoing appropriation item 200506, 157718
Learning Acceleration, may be used to support common training, 157719
curricular tools, tutoring platforms, and program evaluation. The 157720
Department may collect data from public and chartered nonpublic 157721
schools, tutoring providers, institutions of higher education, and 157722
educational service centers for purposes of program evaluation. 157723

Section 265.230. AUXILIARY SERVICES 157724

Of the foregoing appropriation item 200511, Auxiliary 157725
Services, up to \$2,600,000 in each fiscal year may be used for 157726
payment of the College Credit Plus Program for nonpublic secondary 157727
school participants. The Department of Education shall distribute 157728
these funds according to rule 3333-1-65.8 of the Administrative 157729
Code, adopted by the Department of Higher Education pursuant to 157730
division (A) of section 3365.071 of the Revised Code. 157731

The remainder of the foregoing appropriation item 200511, 157732
Auxiliary Services, shall be used by the Department for the 157733
purpose of implementing sections 3317.06 and 3317.062 of the 157734

Revised Code. 157735

Section 265.240. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 157736

The foregoing appropriation item 200532, Nonpublic 157737
Administrative Cost Reimbursement, shall be used by the Department 157738
of Education for the purpose of implementing section 3317.063 of 157739
the Revised Code. Payments made by the Department for this purpose 157740
shall not exceed four hundred seventy-five dollars per student for 157741
each school year. 157742

Section 265.250. SPECIAL EDUCATION ENHANCEMENTS 157743

Of the foregoing appropriation item 200540, Special Education 157744
Enhancements, up to \$38,000,000 in each fiscal year shall be used 157745
to fund special education and related services at county boards of 157746
developmental disabilities for eligible students under section 157747
3317.20 of the Revised Code and at institutions for eligible 157748
students under section 3317.201 of the Revised Code. If necessary, 157749
the Department of Education shall proportionately reduce the 157750
amount calculated for each county board of developmental 157751
disabilities and institution so as not to exceed the amount 157752
appropriated in each fiscal year. 157753

Of the foregoing appropriation item 200540, Special Education 157754
Enhancements, up to \$1,350,000 in each fiscal year shall be used 157755
for parent mentoring programs. 157756

Of the foregoing appropriation item 200540, Special Education 157757
Enhancements, up to \$3,000,000 in each fiscal year may be used for 157758
school psychology interns. 157759

Of the foregoing appropriation item 200540, Special Education 157760
Enhancements, the Department shall transfer \$5,500,000 in fiscal 157761
year 2024 and \$6,500,000 in fiscal year 2025 to the Opportunities 157762
for Ohioans with Disabilities Agency. The transfer shall be made 157763
via an intrastate transfer voucher. The transferred funds shall be 157764

used by the Opportunities for Ohioans with Disabilities Agency as 157765
state matching funds to draw down available federal funding for 157766
vocational rehabilitation services. Total project funding shall be 157767
used to hire dedicated vocational rehabilitation counselors who 157768
shall work directly with school districts to provide transition 157769
services for students with disabilities. Services shall include 157770
vocational rehabilitation services such as person-centered career 157771
planning, summer work experiences, job placement, and retention 157772
services for mutually eligible students with disabilities. 157773

The Superintendent of Public Instruction and the Executive 157774
Director of the Opportunities for Ohioans with Disabilities Agency 157775
shall enter into an interagency agreement that shall specify the 157776
responsibilities of each agency under the program. Under the 157777
interagency agreement, the Opportunities for Ohioans with 157778
Disabilities Agency shall retain responsibility for all 157779
nondelegable functions, including eligibility and order of 157780
selection determination, individualized plan for employment (IPE) 157781
approval, IPE amendments, case closure, and release of vendor 157782
payments. 157783

Of the foregoing appropriation item 200540, Special Education 157784
Enhancements, up to \$2,000,000 in each fiscal year shall be used 157785
by the Department of Education to build capacity to deliver a 157786
regional system of training, support, coordination, and direct 157787
service for secondary transition services for students with 157788
disabilities beginning at fourteen years of age. These special 157789
education enhancements shall support all students with 157790
disabilities, regardless of partner agency eligibility 157791
requirements, to provide stand-alone direct secondary transition 157792
services by school districts. Secondary transition services shall 157793
include, but not be limited to, job exploration counseling, 157794
work-based learning experiences, counseling on opportunities for 157795
enrollment in comprehensive transition or post-secondary 157796

educational programs at institutions of higher education, 157797
workplace readiness training to develop occupational skills, 157798
social skills and independent living skills, and instruction in 157799
self-advocacy. Regional training shall support the expansion of 157800
transition to work endorsement opportunities for middle school and 157801
secondary level special education intervention specialists in 157802
order to develop the necessary skills and competencies to meet the 157803
secondary transition needs of students with disabilities beginning 157804
at fourteen years of age. 157805

The remainder of appropriation item 200540, Special Education 157806
Enhancements, shall be distributed by the Department of Education 157807
to school districts and institutions, as defined in section 157808
3323.091 of the Revised Code, for preschool special education 157809
funding under section 3317.0213 of the Revised Code. 157810

The Department may reimburse school districts and 157811
institutions for services provided by instructional assistants, 157812
related services, as defined in rule 3301-51-11 of the 157813
Administrative Code, physical therapy services provided by a 157814
licensed physical therapist or physical therapist assistant under 157815
the supervision of a licensed physical therapist, as required 157816
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 157817
Administrative Code, and occupational therapy services provided by 157818
a licensed occupational therapist or occupational therapy 157819
assistant under the supervision of a licensed occupational 157820
therapist, as required under Chapter 4755. of the Revised Code and 157821
Chapter 4755-7 of the Administrative Code. Nothing in this section 157822
authorizes occupational therapy assistants or physical therapist 157823
assistants to generate or manage their own caseloads. 157824

The Department shall require school districts, educational 157825
service centers, county boards of developmental disabilities, and 157826
institutions serving preschool children with disabilities to 157827
adhere to Ohio's early learning program standards, participate in 157828

the Step Up to Quality Program established pursuant to section 157829
5104.29 of the Revised Code, and document child progress using 157830
research-based indicators prescribed by the Department and report 157831
results annually. The reporting dates and method shall be 157832
determined by the Department. All programs shall be rated through 157833
the Step Up to Quality Program. 157834

Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 157835

Of the foregoing appropriation item 200545, Career-Technical 157836
Education Enhancements, up to \$12,250,000 in fiscal year 2024 and 157837
up to \$16,325,000 in fiscal year 2025 shall be used to pay career 157838
awareness and exploration funds pursuant to division (E) of 157839
section 3317.014 of the Revised Code. If the amount appropriated 157840
is not sufficient, the Department shall prorate the amounts so 157841
that the aggregate amount appropriated is not exceeded. 157842

Of the foregoing appropriation item 200545, Career-Technical 157843
Education Enhancements, up to \$2,750,000 in fiscal year 2024 and 157844
up to \$3,250,000 in fiscal year 2025 shall be used by the 157845
Department of Education to provide payments of up to \$50,000 in 157846
each fiscal year to each business advisory council established 157847
under section 3313.82 of the Revised Code designated as "high 157848
quality" by receiving a rating of three or four stars under the 157849
Department's business advisory council recognition initiative. 157850
Payments provided under this set-aside shall be used to support 157851
activities required under section 3313.82 of the Revised Code, 157852
increase career awareness and exploration activities for students, 157853
and expand access to work-based learning opportunities. 157854

Of the foregoing appropriation item 200545, Career-Technical 157855
Education Enhancements, up to \$2,563,000 in each fiscal year shall 157856
be used to fund secondary career-technical education at 157857
institutions and Ohio Deaf and Blind Education Services using a 157858
grant-based methodology, notwithstanding section 3317.05 of the 157859

Revised Code. 157860

Of the foregoing appropriation item 200545, Career-Technical 157861
Education Enhancements, up to \$2,686,000 in each fiscal year shall 157862
be used by the Department of Education to fund competitive grants 157863
to tech prep regional centers that expand the number of students 157864
with access to career-technical education. These grant funds shall 157865
be used to directly support career services provided to students 157866
enrolled in community schools, STEM schools, school districts, 157867
including joint vocational school districts, and affiliated higher 157868
education institutions. This support may include the purchase of 157869
equipment. 157870

Of the foregoing appropriation item 200545, Career-Technical 157871
Education Enhancements, up to \$3,001,000 in each fiscal year shall 157872
be used by the Department to support existing Making Schools Work 157873
sites, develop and support new sites, fund technical assistance, 157874
and support regional centers and middle school programs. The 157875
purpose of Making Schools Work is to combine challenging academic 157876
courses and modern career-technical studies to raise the academic 157877
achievement of students. Making Schools Work provides intensive 157878
technical assistance, focused staff development, targeted 157879
assessment services, and ongoing communications and networking 157880
opportunities. 157881

Of the foregoing appropriation item 200545, Career-Technical 157882
Education Enhancements, up to \$1,200,000 in each fiscal year shall 157883
be used by the Department to enable students in agricultural 157884
programs to enroll in a fifth quarter of instruction based on the 157885
agricultural education model of delivering work-based learning 157886
through supervised agricultural experience. The Department shall 157887
determine eligibility criteria and the reporting process for the 157888
Agriculture 5th Quarter Project and shall fund as many programs as 157889
possible given the set-aside. The eligibility criteria developed 157890
by the Department shall allow these funds to support supervised 157891

agricultural experience that occurs anytime outside of the regular 157892
school day. 157893

Of the foregoing appropriation item 200545, Career-Technical 157894
Education Enhancements, up to \$1,550,000 in fiscal year 2024 and 157895
up to \$1,050,000 in fiscal year 2025 may be used to support career 157896
planning and reporting through the OhioMeansJobs web site. 157897

Of the foregoing appropriation item 200545, Career-Technical 157898
Education Enhancements, \$500,000 in each fiscal year shall be used 157899
to prepare students for careers in culinary arts and restaurant 157900
management under the Ohio ProStart school restaurant program. 157901

Of the foregoing appropriation item 200545, Career-Technical 157902
Education Enhancements, \$2,000,000 in each fiscal year shall be 157903
used to support Jobs for Ohio's Graduates. 157904

Section 265.270. FOUNDATION FUNDING - ALL STUDENTS 157905

Of the portion of the formula aid distributed to city, local, 157906
and exempted village school districts, joint vocational school 157907
districts, community schools, and STEM schools under this section, 157908
an amount in each fiscal year, as calculated by the Department of 157909
Education, shall be used for the purposes of division (B) of 157910
section 3317.0215 of the Revised Code. 157911

Of the foregoing appropriation item 200550, Foundation 157912
Funding - All Students, up to \$5,357,606 in each fiscal year shall 157913
be used to fund gifted education at educational service centers. 157914
The Department shall distribute the funding through the unit-based 157915
funding methodology in place under division (L) of section 157916
3317.024, division (E) of section 3317.05, and divisions (A), (B), 157917
and (C) of section 3317.053 of the Revised Code as they existed 157918
prior to fiscal year 2010. 157919

Of the foregoing appropriation item 200550, Foundation 157920
Funding - All Students, up to \$45,650,000 in fiscal year 2024 and 157921

up to \$47,600,000 in fiscal year 2025 shall be reserved to fund 157922
the state reimbursement of educational service centers under 157923
section 3317.11 of the Revised Code. 157924

Of the foregoing appropriation item 200550, Foundation 157925
Funding - All Students, up to \$3,500,000 in each fiscal year shall 157926
be distributed to educational service centers for school 157927
improvement initiatives and for the provision of technical 157928
assistance to schools and districts consistent with requirements 157929
of section 3312.01 of the Revised Code. The Department may 157930
distribute these funds through a competitive grant process. 157931

Of the foregoing appropriation item 200550, Foundation 157932
Funding - All Students, up to \$7,000,000 in each fiscal year shall 157933
be reserved for payments under the section of this act entitled 157934
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 157935
sufficient, the Superintendent of Public Instruction may 157936
reallocate excess funds for other purposes supported by this 157937
appropriation item in order to fully pay the amounts required by 157938
that section, provided that the aggregate amount appropriated in 157939
appropriation item 200550, Foundation Funding - All Students, is 157940
not exceeded. 157941

Of the foregoing appropriation item 200550, Foundation 157942
Funding - All Students, up to \$4,000,000 in each fiscal year shall 157943
be used to support the administration of state scholarship 157944
programs. 157945

Of the foregoing appropriation item 200550, Foundation 157946
Funding - All Students, up to \$1,000,000 in each fiscal year shall 157947
be distributed to the Cleveland Municipal School District to 157948
provide tutorial assistance as provided in division (B) of section 157949
3313.979 of the Revised Code. The Cleveland Municipal School 157950
District shall report the use of these funds in the district's 157951
three-year continuous improvement plan as described in section 157952
3302.04 of the Revised Code in a manner approved by the 157953

Department. 157954

Of the foregoing appropriation item 200550, Foundation 157955
Funding - All Students, up to \$3,000,000 in each fiscal year may 157956
be used for payment of the College Credit Plus Program for 157957
students instructed at home pursuant to section 3321.04 of the 157958
Revised Code. 157959

Of the foregoing appropriation item 200550, Foundation 157960
Funding - All Students, an amount shall be available in each 157961
fiscal year to be paid to joint vocational school districts in 157962
accordance with sections 3317.16 and 3317.162 of the Revised Code 157963
and the section of this act entitled "FORMULA TRANSITION 157964
SUPPLEMENT." 157965

Of the foregoing appropriation item 200550, Foundation 157966
Funding - All Students, up to \$700,000 in each fiscal year shall 157967
be used by the Department for a program to pay for educational 157968
services for youth who have been assigned by a juvenile court or 157969
other authorized agency to any of the facilities described in 157970
division (A) of the section of this act entitled "PRIVATE 157971
TREATMENT FACILITY PROJECT." 157972

Of the foregoing appropriation item 200550, Foundation 157973
Funding - All Students, a portion may be used to pay 157974
college-preparatory boarding schools the per pupil boarding amount 157975
pursuant to section 3328.34 of the Revised Code. 157976

Of the foregoing appropriation item 200550, Foundation 157977
Funding - All Students, up to \$1,760,000 in each fiscal year may 157978
be used by the Department for duties and activities related to the 157979
establishment of academic distress commissions under section 157980
3302.10 of the Revised Code, to provide support and assistance to 157981
academic distress commissions to further their duties under 157982
Chapter 3302. of the Revised Code, and to provide technical 157983
assistance and tools to support districts subject to academic 157984

distress commissions. 157985

Of the foregoing appropriation item 200550, Foundation 157986
Funding - All Students, up to \$1,500,000 in each fiscal year shall 157987
be distributed to the Ohio STEM Learning Network to support the 157988
expansion of free STEM programming aligned to Ohio's STEM 157989
priorities, to create regional STEM supports targeting underserved 157990
student populations, and to support the Ohio STEM Committee's STEM 157991
school designation process. 157992

Of the foregoing appropriation item 200550, Foundation 157993
Funding - All Students, up to \$2,500,000 in each fiscal year shall 157994
be used to make supplemental payments under the section of this 157995
act entitled "E-SCHOOL FUNDING PILOT." If the amount appropriated 157996
is insufficient, the Department shall prorate the payments so that 157997
the aggregate amount appropriated in this section is not exceeded. 157998

The remainder of the foregoing appropriation item 200550, 157999
Foundation Funding - All Students, shall be used to distribute the 158000
amounts calculated for formula aid under division (A)(1) of 158001
section 3317.019, section 3317.022 of the Revised Code, and the 158002
section of this act entitled "FORMULA TRANSITION SUPPLEMENT." 158003

Appropriation items 200502, Pupil Transportation, and 200550, 158004
Foundation Funding - All Students, other than specific set-asides, 158005
are collectively used in each fiscal year to pay state formula aid 158006
obligations for school districts, community schools, STEM schools, 158007
college preparatory boarding schools, joint vocational school 158008
districts, and state scholarship programs under this act. The 158009
first priority of these appropriation items, with the exception of 158010
specific set-asides, is to fund state formula aid obligations. It 158011
may be necessary to reallocate funds among these appropriation 158012
items or use excess funds from other General Revenue Fund 158013
appropriation items in the Department of Education's budget, 158014
including appropriation item 200903, Property Tax Reimbursement - 158015
Education, in each fiscal year in order to meet state formula aid 158016

obligations. If it is determined that it is necessary to transfer 158017
funds among these appropriation items or to transfer funds from 158018
other General Revenue Fund appropriations in the Department's 158019
budget to meet state formula aid obligations, the Superintendent 158020
of Public Instruction shall seek approval from the Director of 158021
Budget and Management to transfer funds as needed. 158022

The Superintendent of Public Instruction shall make payments, 158023
transfers, and deductions, as authorized by Title XXXIII of the 158024
Revised Code in amounts substantially equal to those made in the 158025
prior year, or otherwise, at the discretion of the Superintendent, 158026
until at least the effective date of the amendments and enactments 158027
made to Title XXXIII of the Revised Code by this act. Any funds 158028
paid to districts or schools under this section shall be credited 158029
toward the annual funds calculated for the district or school 158030
after the changes made to Title XXXIII of the Revised Code in this 158031
act are effective. Upon the effective date of changes made to 158032
Title XXXIII of the Revised Code in this act, funds shall be 158033
calculated as an annual amount. 158034

Section 265.275. EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM 158035

Notwithstanding section 3310.032 of the Revised Code or any 158036
provision of law to the contrary, beginning July 1, 2023, the 158037
foregoing appropriation item 200550, Foundation Funding - All 158038
Students, may be used to administer the expansion of the 158039
Educational Choice Scholarship Pilot Program to students from 158040
families with an income level at or below four hundred fifty per 158041
cent of the federal poverty level for purposes of determining 158042
eligibility under division (A)(1) of section 3310.032 of the 158043
Revised Code. 158044

Section 265.280. PHASE-IN PERCENTAGES 158045

For purposes of division (X)(1) of section 3317.02 of the 158046

Revised Code, the General Assembly has determined that the general 158047
phase-in percentage for fiscal year 2024 shall be 50 per cent and 158048
the general phase-in percentage for fiscal year 2025 shall be 158049
66.67 per cent. 158050

For purposes of division (X)(2) of section 3317.02 of the 158051
Revised Code, the General Assembly has determined that the 158052
phase-in percentage for disadvantaged pupil impact aid for fiscal 158053
year 2024 shall be 50 per cent and the phase-in percentage for 158054
disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67 158055
per cent. 158056

Section 265.290. FORMULA TRANSITION SUPPLEMENT 158057

(A)(1) For fiscal years 2024 and 2025, the Department of 158058
Education shall pay a formula transition supplement to each city, 158059
local, and exempted village school district according to the 158060
following formula: 158061

(The district's funding base for fiscal year 2021) - (the 158062
district's payments for the fiscal year for which the supplement 158063
is calculated under sections 3317.019, 3317.022, and 3317.0212 of 158064
the Revised Code) 158065

If the computation made under division (A)(1) of this section 158066
for a fiscal year results in a negative number, the district's 158067
formula transition supplement for that fiscal year shall be zero. 158068

(2) For purposes of division (A)(1) of this section, a city, 158069
local, or exempted village school district's "funding base for 158070
fiscal year 2021" means the amount calculated as follows: 158071

(a) Compute the sum of the following: 158072

(i) The amount calculated for the district for fiscal year 158073
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 158074
133rd General Assembly after any adjustments required under 158075
Section 265.227 of H.B. 166 of the 133rd General Assembly and 158076

before any funding reductions authorized by Executive Order 158077
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 158078
issued on January 22, 2021; 158079

(ii) The amount calculated for the district for fiscal year 158080
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 158081
133rd General Assembly before any funding reductions authorized by 158082
Executive Order 2020-19D, issued on May 7, 2020, and Executive 158083
Order 2021-01D, issued on January 22, 2021; 158084

(iii) The amount calculated for the district for fiscal year 158085
2021 under division (B) of Section 265.220 of H.B. 166 of the 158086
133rd General Assembly; 158087

(iv) The district's payments for fiscal year 2021 under 158088
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 158089
Revised Code as those divisions existed for payments for fiscal 158090
year 2021; 158091

(v) The district's payments for fiscal year 2021 under 158092
section 3317.0219 of the Revised Code as that section existed for 158093
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 158094
the 133rd General Assembly. 158095

(b) Subtract from the amount calculated in division (A)(2)(a) 158096
of this section the sum of the following: 158097

(i) The payments deducted from the district and paid to a 158098
community school established under Chapter 3314. of the Revised 158099
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 158100
(d), (e), (f), and (g) of section 3314.08 of the Revised Code and 158101
division (D) of section 3314.091 of the Revised Code, as those 158102
divisions existed for deductions and payments for fiscal year 158103
2021, in accordance with division (A) of Section 265.230 of H.B. 158104
166 of the 133rd General Assembly, before any funding reductions 158105
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 158106
Executive Order 2021-01D, issued on January 22, 2021; 158107

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised

Code) 158140

If the computation made under division (B)(1) of this section 158141
for a fiscal year results in a negative number, the district's 158142
formula transition supplement for that fiscal year shall be zero. 158143

(2) For purposes of division (B)(1) of this section, a joint 158144
vocational district's "funding base for fiscal year 2021" means 158145
the sum of the following: 158146

(a) The district's payments for fiscal year 2021 under 158147
Section 265.225 of H.B. 166 of the 133rd General Assembly after 158148
any adjustments required under Section 265.227 of H.B. 166 of the 158149
133rd General Assembly; 158150

(b) The district's payments for fiscal year 2021 under 158151
divisions (D)(1) and (2) of section 3313.981 of the Revised Code, 158152
as those divisions existed for payments for fiscal year 2021; 158153

(c) The district's payments for fiscal year 2021 under 158154
section 3317.163 of the Revised Code as that section existed for 158155
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 158156
the 133rd General Assembly. 158157

(C)(1) For fiscal years 2024 and 2025, the Department of 158158
Education shall pay a formula transition supplement to each 158159
community school established under Chapter 3314. of the Revised 158160
Code according to the following formula: 158161

[(The school's funding base for fiscal year 2021 / the number of 158162
students enrolled in the school for fiscal year 2021) - (the 158163
school's payments for the fiscal year for which the supplement is 158164
calculated under sections 3317.022 and 3317.0212 of the Revised 158165
Code / the number of students enrolled in the school for the 158166
fiscal year for which the supplement is calculated)] X the number 158167
of students enrolled in the school for the fiscal year for which 158168
the supplement is calculated. 158169

If the computation made under division (C)(1) of this section 158170

for a fiscal year results in a negative number, the school's 158171
formula transition supplement for that fiscal year shall be zero. 158172

(2) For purposes of division (C)(1) of this section, a 158173
community school's "funding base for fiscal year 2021" means the 158174
sum of the following: 158175

(a) The amount calculated for the school for fiscal year 2021 158176
under division (C)(1) of section 3314.08 of the Revised Code as 158177
that section existed for payments for fiscal year 2021, before any 158178
funding reductions authorized by Executive Order 2020-19D, issued 158179
on May 7, 2020, and Executive Order 2021-01D, issued on January 158180
22, 2021; 158181

(b) The amount calculated for the school for fiscal year 2021 158182
under section 3314.085 of the Revised Code as that section existed 158183
for payments for fiscal year 2021; 158184

(c) The amount calculated for the school for fiscal year 2021 158185
under division (D)(1) of section 3314.091 of the Revised Code as 158186
that division existed for payments for fiscal year 2021; 158187

(d) The amount calculated for the school for fiscal year 2021 158188
under section 3314.088 of the Revised Code as that section existed 158189
for payments for fiscal year 2021 and under Section 20 of S.B. 310 158190
of the 133rd General Assembly. 158191

(D)(1) For fiscal years 2024 and 2025, the Department of 158192
Education shall pay a formula transition supplement to each 158193
science, technology, engineering, and mathematics school 158194
established under Chapter 3326. of the Revised Code according to 158195
the following formula: 158196

[(The school's funding base for fiscal year 2021 / the number of 158197
students enrolled in the school for fiscal year 2021) - (the 158198
school's payments for the fiscal year for which the supplement is 158199
calculated under section 3317.022 of the Revised Code / the number 158200
of students enrolled in the school for the fiscal year for which 158201

the supplement is calculated)] X the number of students enrolled 158202
in the school for the fiscal year for which the supplement is 158203
calculated. 158204

If the computation made under division (D)(1) of this section 158205
for a fiscal year results in a negative number, the school's 158206
formula transition supplement for that fiscal year shall be zero. 158207

(2) For purposes of division (D)(1) of this section, a 158208
science, technology, engineering, and mathematics school's 158209
"funding base for fiscal year 2021" means the sum of the 158210
following: 158211

(a) The amount calculated for the school for fiscal year 2021 158212
under section 3326.33 of the Revised Code as that section existed 158213
for payments for fiscal year 2021, before any funding reductions 158214
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 158215
Executive Order 2021-01D, issued on January 22, 2021; 158216

(b) The amount calculated for the school for fiscal year 2021 158217
under section 3326.41 of the Revised Code as that section existed 158218
for payments for fiscal year 2021; 158219

(c) The amount calculated for the school for fiscal year 2021 158220
under section 3326.42 of the Revised Code as that section existed 158221
for payments for fiscal year 2021 and under Section 20 of S.B. 310 158222
of the 133rd General Assembly. 158223

Section 265.310. POWER PLANT VALUATION ADJUSTMENT 158224

(A)(1) On or before May 15, 2024, the Tax Commissioner shall 158225
determine all of the following for each city, local, exempted 158226
village, and joint vocational school district that has at least 158227
one power plant located within its territory: 158228

(a) Whether the taxable value of all utility tangible 158229
personal property subject to taxation by the district in tax year 158230
2023 was less than the taxable value of such property during tax 158231

year 2017;	158232
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2022.	158233 158234 158235 158236
(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:	158237 158238 158239 158240 158241 158242
(a) The district's total taxable value for tax year 2023;	158243
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2023;	158244 158245
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	158246 158247 158248
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.	158249 158250 158251
(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:	158252 158253 158254 158255 158256 158257 158258 158259 158260
(a) The lesser of the following:	158261

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;	158262 158263 158264 158265
(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.	158266 158267
(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.	158268 158269
(B)(1) On or before May 15, 2025, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	158270 158271 158272 158273
(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2017;	158274 158275 158276 158277
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2023.	158278 158279 158280 158281
(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:	158282 158283 158284 158285 158286 158287
(a) The district's total taxable value for tax year 2024;	158288
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2024;	158289 158290
(c) The taxable value of the utility tangible personal	158291

property decrease, which shall be considered a change in valuation; 158292
158293

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 158294
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(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following: 158297
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(a) The lesser of the following: 158306

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019; 158307
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158310

(ii) The absolute value of the amount certified under division (B)(2)(b) of this section. 158311
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(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50. 158313
158314

(C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2024, and June 30, 2024, and the Department shall make payments under division (B)(3) of this section between June 1, 2025, and June 30, 2025. The Department shall not calculate or make payments under section 3317.028 of the Revised Code for fiscal years 2024 and 2025. 158315
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Section 265.320. E-SCHOOL FUNDING PILOT 158321

(A) As used in this section:	158322
(1) "Eligible internet- or computer-based community school" means an internet- or computer-based community school that participated in the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly in fiscal year 2023.	158323 158324 158325 158326
(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."	158327 158328 158329 158330
(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	158331 158332
(B) The Department of Education shall continue the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools for fiscal years 2024 and 2025.	158333 158334 158335 158336 158337
(C) For fiscal years 2024 and 2025, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under division (D) of this section.	158338 158339 158340 158341 158342
(D) For fiscal years 2024 and 2025, the Department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the pilot program, as follows:	158343 158344 158345 158346
(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:	158347 158348
(a) The formula amount X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;	158349 158350 158351

(b) The sum of the following: 158352

(i) A one-time payment of \$1,750. In the case of a student 158353
enrolled in the school for the first time for the 2023-2024 or 158354
2024-2025 school year, payment shall be made under division 158355
(D)(1)(b)(i) of this section at least thirty days after the 158356
student is considered to be enrolled in the school in accordance 158357
with division (H)(2) of section 3314.08 of the Revised Code, 158358
provided the student has been continuously enrolled in the school 158359
during that time, as determined by the Department. In the case of 158360
a student that was enrolled in the school for the 2023-2024 or 158361
2024-2025 school year, payment shall be made under division 158362
(D)(1)(b)(i) of this section at least thirty days after the 158363
student has started to participate in learning opportunities for 158364
the 2023-2024 or 2024-2025 school year, provided the student has 158365
been continuously enrolled in the school during that time, as 158366
determined by the Department. 158367

(ii) The formula amount $X (1/920) X$ the lesser of the number 158368
of hours the student participates in learning opportunities in 158369
that fiscal year or 920; 158370

(iii) The lesser of ($\$500 X$ either the number of courses 158371
completed by the student in that fiscal year, in the case of a 158372
student enrolled in grade eight, or the number of credits earned 158373
by the student in that fiscal year, in the case of a student 158374
enrolled in grades nine through twelve) or \$2,500. 158375

(2) Compute the sum of the amounts calculated under division 158376
(D)(1) of this section for all students enrolled in grades eight 158377
through twelve. 158378

(3) Compute the school's payment in accordance with the 158379
following formula: 158380
The amount determined under division (D)(2) of this section - (the 158381
number of full-time equivalent students enrolled in grades eight 158382

through twelve in the school X the formula amount) 158383

If the amount computed under division (D)(3) is a negative 158384
number, the school shall not receive a payment under this section. 158385

(E) The Department may complete a review of the enrollment of 158386
each eligible internet- or computer-based community school that 158387
chooses to participate in the pilot program in accordance with 158388
division (K) of section 3314.08 of the Revised Code. If the 158389
Department determines a school has been overpaid based on a review 158390
completed under division (E) of this section, the Department shall 158391
require a repayment of the overpaid funds and may require the 158392
school to establish a plan to improve the reporting of enrollment. 158393

Section 265.330. LITERACY IMPROVEMENT 158394

(A)(1) Of the foregoing appropriation item 200566, Literacy 158395
Improvement, up to \$21,500,000 in each fiscal year shall be used 158396
by the Department of Education to reimburse school districts, 158397
community schools established under Chapter 3314. of the Revised 158398
Code, and STEM schools established under Chapter 3326. of the 158399
Revised Code for stipends paid under division (A)(3) of this 158400
section to teachers to complete professional development in the 158401
science of reading and evidence-based strategies for effective 158402
literacy instruction. The Department shall provide professional 158403
development courses for this purpose. 158404

(2) Districts and schools shall require all teachers and 158405
administrators to complete a course provided by the Department 158406
under division (A)(1) of this section not later than June 30, 158407
2025, except that any teacher or administrator who has previously 158408
completed similar training, as determined by the Department, shall 158409
not be required to complete the course. Teachers shall complete 158410
the course at a time that minimizes disruptions to normal 158411
instructional hours. Districts and schools shall pay a stipend to 158412
each teacher who completes a professional development course under 158413

division (A)(2) of this section as follows:	158414
(a) \$600 for each of the following:	158415
(i) A teacher of grades kindergarten through five;	158416
(ii) An English language arts teacher of grades six through twelve;	158417 158418
(iii) An intervention specialist, English learner teacher, reading specialist, or instructional coach who serves any of grades pre-kindergarten through twelve.	158419 158420 158421
(b) \$200 for each teacher who teaches a subject area other than English language arts in grades six through twelve.	158422 158423
(3) Each district or school may apply to the Department, in a manner prescribed by the Department, for reimbursement of the cost of the stipends. The Department shall not reimburse any stipend paid to an administrator to complete a professional development course provided by the Department under division (A)(2) of this section.	158424 158425 158426 158427 158428 158429
(4)(a) The Department of Education shall work with the Department of Higher Education, institutions of higher education that offer educator preparation programs, and local professional development committees established under section 3319.22 of the Revised Code to help teachers and administrators who complete a professional development course under division (A)(2) of this section to earn college credit or to apply the coursework toward their licensure renewal requirements.	158430 158431 158432 158433 158434 158435 158436 158437
(b) The Department of Education shall collaborate with the Department of Higher Education and institutions of higher education that offer educator preparation programs to align the coursework of the programs with the science of reading and evidence-based strategies for effective literacy instruction.	158438 158439 158440 158441 158442
(5) An amount equal to the unexpended, unencumbered balance	158443

of the amount allocated in division (A)(1) of this section at the 158444
end of fiscal year 2024 is hereby reappropriated to the Department 158445
of Education for the same purpose in fiscal year 2025. 158446

(B)(1) Of the foregoing appropriation item 200566, Literacy 158447
Improvement, up to \$44,000,000 in fiscal year 2024 shall be used 158448
by the Department of Education to subsidize the cost for school 158449
districts, community schools, and STEM schools to purchase 158450
high-quality core curriculum and instructional materials in 158451
English language arts and evidence-based reading intervention 158452
programs from the lists established under section 3313.6028 of the 158453
Revised Code. An amount equal to the unexpended, unencumbered 158454
balance of the amount allocated in this division, at the end of 158455
fiscal year 2024 is hereby reappropriated to the Department for 158456
the same purpose in fiscal year 2025. 158457

(2) The Department shall conduct a survey to collect 158458
information on the core curriculum and instructional materials in 158459
English language arts in grades pre-kindergarten through five and 158460
the reading intervention programs in grades pre-kindergarten 158461
through twelve that are being used by public schools. Each school 158462
district, community school, and STEM school shall participate in 158463
the survey and shall provide the information requested by the 158464
Department. 158465

(C) Of the foregoing appropriation item 200566, Literacy 158466
Improvement, up to \$6,000,000 in fiscal year 2024 and up to 158467
\$12,000,000 in fiscal year 2025 shall be used for coaches to 158468
provide literacy supports to school districts, community schools, 158469
and STEM schools with the lowest rates of proficiency in literacy 158470
based on their performance on the English language arts 158471
assessments prescribed under section 3301.0710 of the Revised 158472
Code. The coaches shall have training in the science of reading 158473
and evidence-based strategies for effective literacy instruction 158474
and intervention and shall implement Ohio's Coaching Model, as 158475

described in Ohio's Plan to Raise Literacy Achievement. The 158476
coaches shall be under the direction of the Department but shall 158477
not be employed by the Department. 158478

(D) The remainder of the foregoing appropriation item 200566, 158479
Literacy Improvement, shall be used by the Department of Education 158480
to support early literacy activities to align state, local, and 158481
federal efforts in order to bolster all students' reading success. 158482
Funds shall be distributed to educational service centers to 158483
establish and support regional literacy professional development 158484
teams consistent with section 3312.01 of the Revised Code. A 158485
portion of the funds may be used by the Department for program 158486
administration, monitoring, technical assistance, support, 158487
research, and evaluation. 158488

Section 265.340. ADULT EDUCATION PROGRAMS 158489

Of the foregoing appropriation item 200572, Adult Education 158490
Programs, up to \$6,900,000 in each fiscal year shall be used to 158491
make payments under sections 3314.38, 3317.23, 3317.24, and 158492
3345.86 of the Revised Code. 158493

A portion of the foregoing appropriation item 200572, Adult 158494
Education Programs, shall be used in each fiscal year to make 158495
payments to institutions participating in the Adult Diploma Pilot 158496
Program under section 3313.902 of the Revised Code and to pay 158497
career-technical planning districts for the amounts reimbursed to 158498
students, as prescribed in this section. If funds are insufficient 158499
to make payments for the Adult Diploma Pilot Program, upon the 158500
request of the Superintendent of Public Instruction, the Director 158501
of Budget and Management may transfer appropriation from 158502
appropriation item 200550, Foundation Funding - All Students, to 158503
appropriation item 200572, Adult Education Programs, subject to an 158504
available balance in appropriation item 200550 and Controlling 158505
Board approval. Any appropriation so transferred shall be used to 158506

make payments to institutions participating in the Adult Diploma Pilot Program pursuant to section 3313.902 of the Revised Code. 158507
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Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be used to reimburse the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination. 158509
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Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction. 158526
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A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations 158535
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approved by the Department of Education. 158539

Section 265.350. HALF-MILL MAINTENANCE EQUALIZATION 158540

The foregoing appropriation item 200574, Half-Mill 158541
Maintenance Equalization, shall be used to make payments pursuant 158542
to section 3318.18 of the Revised Code. 158543

Section 265.355. PROGRAM AND PROJECT SUPPORT 158544

Of the foregoing appropriation item 200597, Program and 158545
Project Support, up to \$3,500,000 in each fiscal year shall be 158546
distributed to the Ohio Alliance of Boys and Girls Clubs to 158547
support the establishment and expansion of Boys and Girls Clubs in 158548
Ohio communities not already served by Boys and Girls Clubs, which 158549
shall use these funds to support after-school and summer 158550
programming. These funds shall also be used to support academic 158551
programs to address learning loss. 158552

Of the foregoing appropriation item 200597, Program and 158553
Project Support, up to \$1,500,000 in each fiscal year shall be 158554
used for purposes of the section of this act entitled "FINANCIAL 158555
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 158556

Of the foregoing appropriation item 200597, Program and 158557
Project Support, \$750,000 in fiscal year 2024 shall be used to 158558
support the J. Harrington & Marie E. Glidden Foundation to support 158559
the high school education of students with multiple disabilities, 158560
including Autism and Down Syndrome. An amount equal to the 158561
unexpended, unencumbered balance of this set aside at the end of 158562
fiscal year 2024, is hereby reappropriated for the same purpose in 158563
fiscal year 2025. 158564

Of the foregoing appropriation item 200597, Program and 158565
Project Support, up to \$598,000 in each fiscal year shall be used 158566
to support instruction in cardiopulmonary resuscitation and the 158567
use of an automated external defibrillator required for high 158568

school students pursuant to section 3313.6021 of the Revised Code, 158569
in a manner determined by the Department of Education. 158570

Of the foregoing appropriation item 200597, Program and 158571
Project Support, up to \$500,000 in each fiscal year shall be used 158572
for a pilot expansion of the City Connects program to at least 32 158573
schools. Funds shall be used to provide participating schools with 158574
resources and technical assistance to provide integrated student 158575
supports including, but not limited to, academic opportunities, 158576
mentoring programs, and critical nutritional, medical, and mental 158577
health services; build collaborative leadership structures; and 158578
strengthen wraparound services that support the needs of students, 158579
families, and neighborhoods. An amount equal to the unexpended, 158580
unencumbered balance of this set-aside at the end of fiscal year 158581
2024 is hereby reappropriated for the same purpose in fiscal year 158582
2025. 158583

Of the foregoing appropriation item 200597, Program and 158584
Project Support, up to \$225,000 in each fiscal year shall be used 158585
to support the Stark Education Partnership. 158586

Of the foregoing appropriation item 200597, Program and 158587
Project Support, up to \$200,000 in each fiscal year shall be 158588
distributed to Child and Adolescent Behavioral Health. 158589

Of the foregoing appropriation item 200597, Program and 158590
Project Support, \$100,000 in each fiscal year shall be distributed 158591
to the Ohio Valley Youth Network to support its Sycamore Youth 158592
Center Education Enrichment and Life Skills After Schools Program. 158593

Of the foregoing appropriation item 200597, Program and 158594
Project Support, up to \$100,000 in each fiscal year shall be 158595
distributed to the Girl Scouts of North East Ohio to support the 158596
Community Connection Team Building Program. 158597

Section 265.360. MEDICAID IN SCHOOLS PROGRAM 158598

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

Section 265.370. TEACHER CERTIFICATION AND LICENSURE

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education to administer and support teacher certification and licensure activities.

Section 265.375. CAREER-TECHNICAL EDUCATION EQUIPMENT

(A) Of the foregoing appropriation item 2006A2, Career-Technical Education Equipment, \$1,430,000 in fiscal year 2024 shall be used by the Medina County Career Center to construct a new fire training facility.

(B)(1) The remainder of the foregoing appropriation item 2006A2, Career-Technical Education Equipment, shall be used by the Department of Education, in consultation with the Governor's Office of Workforce Transformation and the Ohio Facilities Construction Commission, to establish a program to assist city, local, exempted village, and joint vocational school districts, community schools, and STEM schools in establishing or expanding career-technical education programs, with priority for career-technical education programs that support careers on Ohio's Top Jobs List, and establishing or expanding credentialing programs that qualify for the Innovative Workforce Incentive Program.

(2) An amount equal to the unexpended, unencumbered balance of the amount set aside in division (B)(1) of this section at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

(3) Notwithstanding any provision of law to the contrary, the

Department of Education may extend the period of availability of 158629
awards made under division (B) of this section up to two fiscal 158630
years according to guidelines established by the Department of 158631
Education. 158632

Section 265.380. SCHOOL DISTRICT SOLVENCY ASSISTANCE 158633

(A) The foregoing appropriation item 200687, School District 158634
Solvency Assistance, shall be allocated to the School District 158635
Shared Resource Account and the Catastrophic Expenditures Account 158636
in amounts determined by the Superintendent of Public Instruction. 158637
These funds shall be used to provide assistance and grants to 158638
school districts to enable them to remain solvent under section 158639
3316.20 of the Revised Code. Assistance and grants shall be 158640
subject to approval by the Controlling Board. Except as provided 158641
under division (C) of this section, any required reimbursements 158642
from school districts for solvency assistance shall be made to the 158643
appropriate account in the School District Solvency Assistance 158644
Fund (Fund 5H30). 158645

(B) Notwithstanding any provision of law to the contrary, 158646
upon the request of the Superintendent of Public Instruction, the 158647
Director of Budget and Management may make transfers to the School 158648
District Solvency Assistance Fund (Fund 5H30) from any fund used 158649
by the Department of Education or the General Revenue Fund to 158650
maintain sufficient cash balances in Fund 5H30 in fiscal years 158651
2024 and 2025. Any cash transferred is hereby appropriated. The 158652
transferred cash may be used by the Department to provide 158653
assistance and grants to school districts to enable them to remain 158654
solvent and to pay unforeseeable expenses of a temporary or 158655
emergency nature that the school district is unable to pay from 158656
existing resources. The Director shall notify the members of the 158657
Controlling Board of any such transfers. 158658

(C) If the cash balance of the School District Solvency 158659

Assistance Fund (Fund 5H30) is insufficient to pay solvency 158660
assistance in fiscal years 2024 and 2025, at the request of the 158661
Superintendent of Public Instruction, and with the approval of the 158662
Controlling Board, the Director of Budget and Management may 158663
transfer cash from the Lottery Profits Education Reserve Fund 158664
(Fund 7018) to Fund 5H30 to provide assistance and grants to 158665
school districts to enable them to remain solvent and to pay 158666
unforeseeable expenses of a temporary nature that they are unable 158667
to pay from existing resources under section 3316.20 of the 158668
Revised Code. Such transfers are hereby appropriated to 158669
appropriation item 200670, School District Solvency Assistance - 158670
Lottery. Any required reimbursements from school districts for 158671
solvency assistance granted from appropriation item 200670, School 158672
District Solvency Assistance - Lottery, shall be made to Fund 158673
7018. 158674

Section 265.390. FOUNDATION FUNDING - ALL STUDENTS 158675

(A) The foregoing appropriation item 200604, Foundation 158676
Funding - All Students, shall be used in conjunction with 158677
appropriation items 200550, Foundation Funding - All Students, and 158678
200612, Foundation Funding - All Students, to distribute the 158679
amounts calculated for disadvantaged pupil impact aid under 158680
sections 3317.022 and 3317.16 of the Revised Code and the portions 158681
of the state share of the base cost calculated under those 158682
sections that are attributable to the staffing cost for the 158683
student wellness and success component of the base cost, as 158684
determined by the Department of Education. 158685

(B) A district or school shall spend any remaining student 158686
wellness and success funds it received for fiscal year 2020 or 158687
fiscal year 2021 under section 3317.26 of the Revised Code, as 158688
that section existed prior to September 30, 2021, in accordance 158689
with that section. The Department may require districts and 158690

schools to report how all of those funds are spent. 158691

Section 265.400. SCHOOL BUS PURCHASE 158692

Notwithstanding any provision of law to the contrary, school 158693
bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 158694
may be used through fiscal year 2025. The Department may also 158695
extend the period of availability due to supply chain disruptions 158696
and delays. 158697

Section 265.405. INTERSCHOLASTIC ATHLETICS AND 158698
EXTRACURRICULAR ACTIVITIES 158699

Of the foregoing appropriation item 200490, Interscholastic 158700
Athletics and Extracurricular Activities, an amount equal to three 158701
per cent of the cash deposited into the Sports Gaming Profits 158702
Education Fund (Fund 5Y00) but not less than \$500,000 in each 158703
fiscal year shall be used by the Department of Education, in 158704
collaboration with the Adaptive Sports Program of Ohio, to fund 158705
adaptive sports programs in school districts across the state. 158706
After each quarterly deposit of cash into Fund 5Y00 in each fiscal 158707
year, the Superintendent of Public Instruction shall certify to 158708
the Director of Budget and Management three per cent of the amount 158709
deposited. The Director may authorize additional expenditures from 158710
appropriation item 200490, Interscholastic Athletics and 158711
Extracurricular Activities, equal to the amount certified. The 158712
amounts authorized by the Director are hereby appropriated. 158713

The remainder of the foregoing appropriation item 200490, 158714
Interscholastic Athletics and Extracurricular Activities, shall be 158715
distributed by the Department of Education on a per-pupil basis to 158716
reduce or eliminate pay-to-play fees for interscholastic athletics 158717
and extracurricular activities, as determined by the Department. 158718

Section 265.407. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 158719

The foregoing appropriation item 200491, Public and Nonpublic Education Support, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

Section 265.410. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

Section 265.420. EDUCATION STUDIES

Of the foregoing appropriation item 200611, Education Studies, a portion of the funds shall be used by the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to conduct an evaluation of the impact of student wellness and success funds on student measures such as school climate, attendance, discipline, and academic achievement, as determined by the department.

Of the foregoing appropriation item 200611, Education Studies, a portion of the funds shall be used by the Department of Education to conduct a study of access to all-day kindergarten across the state, including barriers to offering all-day

kindergarten and age cut-off dates. In conducting the study, the 158750
Department shall engage with superintendents and school treasurers 158751
from districts charging tuition for all-day kindergarten or not 158752
offering all-day kindergarten. The department shall submit 158753
recommendations to the Governor on the feasibility of requiring 158754
the availability of all-day kindergarten. 158755

Of the foregoing appropriation item 200611, Education 158756
Studies, up to \$500,000 in fiscal year 2024 shall be used by the 158757
Department of Education to conduct a study to determine the needs 158758
of Ohio's economically disadvantaged students, the most effective 158759
services for meeting those needs, and the cost of implementing 158760
those services using Ohio cost data, including all current 158761
expenditures and inputs supporting economically disadvantaged 158762
students. The Department shall issue a report on the results of 158763
the study, which shall include recommendations regarding the 158764
measures and parameters for determining student eligibility for 158765
the services identified by the study. The recommendations shall 158766
take into account existing state and federal resources used to 158767
provide such services. An amount equal to the unexpended, 158768
unencumbered balance of this set-aside at the end of fiscal year 158769
2024 is hereby reappropriated for the same purpose in fiscal year 158770
2025. 158771

ACCELERATE GREAT SCHOOLS 158772

The foregoing appropriation item 200614, Accelerate Great 158773
Schools, shall be used by the Department of Education to support 158774
the Accelerate Great Schools public-private partnership. 158775

Section 265.430. QUALITY COMMUNITY AND INDEPENDENT STEM 158776
SCHOOLS SUPPORT 158777

(A) The foregoing appropriation item 200631, Quality 158778
Community and Independent STEM Schools Support, shall be used for 158779
the Quality Community and Independent STEM School Support Program. 158780

Under the program, the Department of Education shall pay each 158781
community school established under Chapter 3314. of the Revised 158782
Code and designated as a Community School of Quality under this 158783
section and each STEM school established under Chapter 3326. of 158784
the Revised Code and designated as an Independent STEM School of 158785
Quality under this section an amount up to \$3,000 in each fiscal 158786
year for each pupil identified as economically disadvantaged and 158787
up to \$2,250 in each fiscal year for each pupil that is not 158788
identified as economically disadvantaged. The payment for the 158789
current fiscal year shall be calculated using the adjusted 158790
full-time equivalent number of students enrolled in the school for 158791
the current fiscal year as of the date the payment is made, as 158792
reported by the school under section 3314.08 of the Revised Code. 158793
The Department shall make the payment to each Community School of 158794
Quality or Independent STEM School of Quality not later than 158795
January 31 of each fiscal year. If the amount appropriated is not 158796
sufficient to pay the amounts calculated pursuant to this section, 158797
the Superintendent of Public Instruction may request the Director 158798
of Budget and Management to authorize expenditures in excess of 158799
the amounts appropriated. Upon approval by the Director of Budget 158800
and Management, the additional amounts are hereby appropriated to 158801
appropriation item 200631, Quality Community and Independent STEM 158802
Schools Support. 158803

(B) To be designated as a Community School of Quality, a 158804
community school shall satisfy at least one of the following 158805
conditions: 158806

(1) The community school meets all of the following criteria: 158807

(a) The school's sponsor was rated "exemplary" or "effective" 158808
on the sponsor's most recent evaluation conducted under section 158809
3314.016 of the Revised Code. 158810

(b) The school received a higher performance index score than 158811
the school district in which the school is located on the two most 158812

recent report cards issued for the school under section 3302.03 of the Revised Code. 158813
158814

(c) The school received a performance rating of four stars or higher for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a rating for the value-added progress dimension on the most recent report card. 158815
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(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department. 158822
158823
158824

(2) The community school meets all of the following criteria: 158825

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 158826
158827
158828

(b) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years. 158829
158830
158831

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section. 158832
158833
158834

(d) If the school has an operator, the operator received a "C" or better on its most recent performance report published under section 3314.031 of the Revised Code. 158835
158836
158837

(3) The community school meets all of the following criteria: 158838

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 158839
158840
158841

(b) The school contracts with an operator that operates 158842

schools in other states and meets at least one of the following	158843
criteria:	158844
(i) Has operated a school that received a grant funded	158845
through the federal Charter School Program established under 20	158846
U.S.C. 7221 within the five years prior to the date of application	158847
or received funding from the Charter School Growth Fund;	158848
(ii) Meets all of the following criteria:	158849
(I) One of the operator's schools in another state performed	158850
better than the school district in which the school is located, as	158851
determined by the Department.	158852
(II) At least fifty per cent of the total number of students	158853
enrolled in all of the operator's schools are economically	158854
disadvantaged, as determined by the Department.	158855
(III) The operator is in good standing in all states where it	158856
operates schools, as determined by the Department.	158857
(IV) The Department has determined that the operator does not	158858
have any financial viability issues that would prevent it from	158859
effectively operating a community school in Ohio.	158860
(c) The school is in its first year of operation.	158861
(C) To be designated as an Independent STEM School of	158862
Quality, a STEM school shall satisfy all of the following	158863
criteria:	158864
(1) The STEM school operates autonomously under section	158865
3326.031 of the Revised Code.	158866
(2) The STEM school does not have a STEM school equivalent	158867
designation under section 3326.032 of the Revised Code.	158868
(3) The STEM school is not governed by a school district	158869
under section 3326.51 of the Revised Code.	158870
(4) The STEM school is not a community school established	158871

under Chapter 3314. of the Revised Code. 158872

(5) The STEM school cannot levy taxes or issue tax-secured 158873
bonds in accordance with section 3326.49 of the Revised Code. 158874

(6) The STEM school satisfies the requirements prescribed by 158875
section 3326.03 of the Revised Code. 158876

(7) The STEM school satisfies the requirements described in 158877
the Quality Model for STEM and STEAM Schools established by the 158878
Department of Education in accordance with Chapter 3326. of the 158879
Revised Code. 158880

(D) A school designated as a Community School of Quality 158881
under division (B) of this section or Independent STEM school of 158882
Quality under division (C) of this section shall maintain that 158883
designation for the two fiscal years following the fiscal year in 158884
which the school was initially designated as a Community or 158885
Independent STEM School of Quality. 158886

(E) A school designated a Community or Independent STEM 158887
School of Quality may renew its designation each year that it 158888
satisfies the criteria under division (B)(1) or (C) of this 158889
section. The school shall maintain that designation for the two 158890
fiscal years following each fiscal year in which the criteria 158891
under division (B)(1) or (C) of this section are satisfied. This 158892
division applies to schools designated as a Community or 158893
Independent STEM School of Quality based on the report cards 158894
issued in accordance with sections 3302.03 and 3314.012 of the 158895
Revised Code for the 2017-2018 and 2018-2019 school years. 158896

(F) A school that was designated as a Community School of 158897
Quality for the first time for the 2019-2020 school year shall be 158898
considered to have maintained that designation for the 2022-2023 158899
school year and may renew its designation under division (D) of 158900
this section after that year. 158901

(G) If two or more community schools have merged or merge in 158902

accordance with division (B) of section 3314.0211 of the Revised Code on or after June 30, 2022, the surviving community school is eligible to receive funds under this program, provided it otherwise qualifies as a Community School of Quality under division (B)(1), (2), or (3) of this section. In such a case, the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the surviving community school under section 3314.08 of the Revised Code, regardless of whether those students were previously enrolled in a community school that was dissolved as part of the merger. A community school that was qualified to receive funds under the program prior to merging on or after June 30, 2022, and was dissolved due to the merger, shall be considered to have been eligible for funds under the program prior to the effective date of this section and shall not be required to return any funds received prior to that date.

Section 265.440. COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$1,000 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2024 and fiscal year 2025.

(C) On July 15, 2023, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,263,000,000 in fiscal year 2023.

(D) On July 15, 2024, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,424,000,000 in fiscal year 2024.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2024 and fiscal year 2025, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS

(A) On July 1, 2023, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2023 to be reappropriated to fiscal year 2024:

(1) The ARP - Homeless Children and Youth Fund (Fund 3HZ0);

(2) The ARP - Students with Disabilities Fund (Fund 3IA0). 158963

The Director of Budget and Management may approve up to the 158964
amounts certified. The approved amounts are hereby reappropriated 158965
to the same appropriation items and shall be used for the same 158966
purposes in fiscal year 2024. 158967

(B) On July 1, 2024, or as soon as possible thereafter, the 158968
Superintendent of Public Instruction may certify to the Director 158969
of Budget and Management amounts equal to the unexpended, 158970
unencumbered balances of appropriation items under the following 158971
funds at the end of fiscal year 2024 to be reappropriated to 158972
fiscal year 2025: 158973

(1) The Governor's Emergency Education Relief Fund (Fund 158974
3HQ0); 158975

(2) The Federal Coronavirus School Relief Fund (Fund 3HS0); 158976

(3) The ARP - Homeless Children and Youth Fund (Fund 3HZ0). 158977

The Director of Budget and Management may approve up to the 158978
amounts certified. The approved amounts are hereby reappropriated 158979
to the same appropriation items and shall be used for the same 158980
purposes in fiscal year 2025. 158981

Section 265.465. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS 158982
REALLOCATION 158983

(A) Of appropriation item 200651, Emergency Assistance to 158984
Non-Public Schools, up to \$1,000,000 in fiscal year 2024 shall be 158985
used to support the pilot program established in the section of 158986
this act entitled "PUPIL TRANSPORTATION PILOT PROGRAM." 158987

(B) The Department shall support the set-aside in division 158988
(A) of this section using reallocated federal Emergency Assistance 158989
to Non-Public Schools funds under Title III, section 312(d)(6) of 158990
the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 158991
116-260. 158992

Section 265.470. NEGATIVE FUND BALANCE DUE TO DELAY IN 158993
ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS 158994
REIMBURSEMENTS 158995

Notwithstanding any provision of law to the contrary, a 158996
school district, community school, or STEM school may have a 158997
deficit in the special revenue fund established to receive funds 158998
from the Elementary and Secondary School Emergency Relief Fund 158999
under the federal "Coronavirus Aid, Relief, and Economic Security 159000
Act," Pub. L. No. 116-136, the federal "Consolidated 159001
Appropriations Act, 2021," Pub. L. No. 116-260, and the federal 159002
"American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal 159003
year 2023, fiscal year 2024, or fiscal year 2025 when that deficit 159004
resulted from a temporary delay in the Department of Education's 159005
ability to process claims for reimbursement. 159006

Section 265.480. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 159007
ASSESSMENT OF EDUCATIONAL PROGRESS 159008

The General Assembly intends for the Superintendent of Public 159009
Instruction to provide for school district participation in the 159010
administration of the National Assessment of Educational Progress 159011
in accordance with section 3301.27 of the Revised Code. Each 159012
school and school district selected for participation by the 159013
Superintendent shall participate. 159014

Section 265.490. EARMARK ACCOUNTABILITY 159015

At the request of the Superintendent of Public Instruction, 159016
any entity that receives a budget earmark under the Department of 159017
Education shall submit annually to the Department a report that 159018
includes a description of the services supported by the funds, a 159019
description of the results achieved by those services, an analysis 159020
of the effectiveness of the program, and an opinion as to the 159021
program's applicability to other school districts. For an 159022

earmarked entity that received state funds from an earmark in the 159023
prior fiscal year, no funds shall be provided by the Department to 159024
an earmarked entity for a fiscal year until its report for the 159025
prior fiscal year has been submitted. 159026

Section 265.500. COMMUNITY SCHOOL OPERATING FROM HOME 159027

A community school established under Chapter 3314. of the 159028
Revised Code that was open for operation as a community school as 159029
of May 1, 2005, may operate from or in any home, as defined in 159030
section 3313.64 of the Revised Code, located in the state, 159031
regardless of when the community school's operations from or in a 159032
particular home began. 159033

Section 265.510. USE OF VOLUNTEERS 159034

The Department of Education may utilize the services of 159035
volunteers to accomplish any of the purposes of the Department. 159036
The Superintendent of Public Instruction shall approve for what 159037
purposes volunteers may be used and for these purposes may 159038
recruit, train, and oversee the services of volunteers. The 159039
Superintendent may reimburse volunteers for necessary and 159040
appropriate expenses in accordance with state guidelines and may 159041
designate volunteers as state employees for the purpose of motor 159042
vehicle accident liability insurance under section 9.83 of the 159043
Revised Code, for immunity under section 9.86 of the Revised Code, 159044
and for indemnification from liability incurred in the performance 159045
of their duties under section 9.87 of the Revised Code. 159046

Section 265.520. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 159047

In collaboration with the County Family and Children First 159048
Council, a city, local, or exempted village school district, 159049
community school, STEM school, joint vocational school district, 159050
educational service center, or county board of developmental 159051

disabilities that receives allocations from the Department of 159052
Education from appropriation item 200550, Foundation Funding - All 159053
Students, or appropriation item 200540, Special Education 159054
Enhancements, may transfer portions of those allocations to a 159055
flexible funding pool authorized by the section of this act 159056
entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 159057
Allocations used for maintenance of effort or for federal or state 159058
funding matching requirements shall not be transferred unless the 159059
allocation may still be used to meet such requirements. 159060

Section 265.530. PRIVATE TREATMENT FACILITY PROJECT 159061

(A) As used in this section: 159062

(1) The following are "participating residential treatment 159063
centers": 159064

(a) Private residential treatment facilities that have 159065
entered into a contract with the Department of Youth Services to 159066
provide services to children placed at the facility by the 159067
Department and which, in fiscal year 2024 or fiscal year 2025 or 159068
both, the Department pays through appropriation item 470401, 159069
RECLAIM Ohio; 159070

(b) Abraxas, in Shelby; 159071

(c) Paint Creek, in Bainbridge; 159072

(d) F.I.R.S.T., in Mansfield. 159073

(2) "Education program" means an elementary or secondary 159074
education program or a special education program and related 159075
services. 159076

(3) "Served child" means any child receiving an education 159077
program pursuant to division (B) of this section. 159078

(4) "School district responsible for tuition" means a city, 159079
exempted village, or local school district that, if tuition 159080

payment for a child by a school district is required under law 159081
that existed in fiscal year 1998, is the school district required 159082
to pay that tuition. 159083

(5) "Residential child" means a child who resides in a 159084
participating residential treatment center and who is receiving an 159085
educational program under division (B) of this section. 159086

(B) A youth who is a resident of the state and has been 159087
assigned by a juvenile court or other authorized agency to a 159088
residential treatment facility specified in division (A) of this 159089
section shall be enrolled in an approved educational program 159090
located in or near the facility. Approval of the educational 159091
program shall be contingent upon compliance with the criteria 159092
established for such programs by the Department of Education. The 159093
educational program shall be provided by a school district or 159094
educational service center, or by the residential facility itself. 159095
Maximum flexibility shall be given to the residential treatment 159096
facility to determine the provider. In the event that a voluntary 159097
agreement cannot be reached and the residential facility does not 159098
choose to provide the educational program, the educational service 159099
center in the county in which the facility is located shall 159100
provide the educational program at the treatment center to 159101
children under twenty-two years of age residing in the treatment 159102
center. 159103

(C) Any school district responsible for tuition for a 159104
residential child shall, notwithstanding any conflicting provision 159105
of the Revised Code regarding tuition payment, pay tuition for the 159106
child for fiscal year 2024 and fiscal year 2025 to the education 159107
program provider and in the amount specified in this division. If 159108
there is no school district responsible for tuition for a 159109
residential child and if the participating residential treatment 159110
center to which the child is assigned is located in the city, 159111
exempted village, or local school district that, if the child were 159112

not a resident of that treatment center, would be the school 159113
district where the child is entitled to attend school under 159114
sections 3313.64 and 3313.65 of the Revised Code, that school 159115
district, notwithstanding any conflicting provision of the Revised 159116
Code, shall pay tuition for the child for fiscal year 2024 and 159117
fiscal year 2025 under this division unless that school district 159118
is providing the educational program to the child under division 159119
(B) of this section. 159120

A tuition payment under this division shall be made to the 159121
school district, educational service center, or residential 159122
treatment facility providing the educational program to the child. 159123

The amount of tuition paid shall be: 159124

(1) The amount of tuition determined for the district under 159125
division (A) of section 3317.08 of the Revised Code; 159126

(2) In addition, for any student receiving special education 159127
pursuant to an individualized education program as defined in 159128
section 3323.01 of the Revised Code, a payment for excess costs. 159129
This payment shall equal the actual cost to the school district, 159130
educational service center, or residential treatment facility of 159131
providing special education and related services to the student 159132
pursuant to the student's individualized education program, minus 159133
the tuition paid for the child under division (C)(1) of this 159134
section. 159135

A school district paying tuition under this division shall 159136
not include the child for whom tuition is paid in the district's 159137
average daily membership certified under division (A) of section 159138
3317.03 of the Revised Code. 159139

(D) In each of fiscal years 2024 and 2025, the Department of 159140
Education shall reimburse, from appropriations made for the 159141
purpose, a school district, educational service center, or 159142
residential treatment facility, whichever is providing the 159143

service, that has demonstrated that it is in compliance with the 159144
funding criteria for each served child for whom a school district 159145
must pay tuition under division (C) of this section. The amount of 159146
the reimbursement shall be the amount appropriated for this 159147
purpose divided by the full-time equivalent number of children for 159148
whom reimbursement is to be made. 159149

(E) Funds provided to a school district, educational service 159150
center, or residential treatment facility under this section shall 159151
be used to supplement, not supplant, funds from other public 159152
sources for which the school district, service center, or 159153
residential treatment facility is entitled or eligible. 159154

(F) The Department of Education shall track the utilization 159155
of funds provided to school districts, educational service 159156
centers, and residential treatment facilities under this section 159157
and monitor the effect of the funding on the educational programs 159158
they provide in participating residential treatment facilities. 159159
The Department shall monitor the programs for educational 159160
accountability. 159161

Section 265.540. (A) Notwithstanding anything in the Revised 159162
Code to the contrary, the Superintendent of Public Instruction 159163
shall not establish any new academic distress commissions for the 159164
2023-2024 and 2024-2025 school years. 159165

(B) This section does not affect an academic distress 159166
commission established prior to the effective date of this 159167
section. 159168

Section 265.550. PUPIL TRANSPORTATION PILOT PROGRAM 159169

(A) The Department of Education shall establish a pilot 159170
program under which an educational service center shall provide 159171
transportation to students enrolled in community schools 159172
established under Chapter 3314. of the Revised Code, STEM schools 159173

established under Chapter 3326. of the Revised Code, and chartered 159174
nonpublic schools, in lieu of the students receiving 159175
transportation from their resident school district. The Department 159176
shall take a regional approach to the pilot program when possible. 159177

(B) Not later than August 1, 2023, the Department, 159178
collaborating with the Ohio Educational Service Center (ESC) 159179
Association Program Cabinet, shall select up to five educational 159180
service centers and a school district served by each service 159181
center to participate in the pilot program. Interested educational 159182
service centers shall apply to participate in the pilot program in 159183
a form and manner determined by the Department and the Ohio ESC 159184
Association Program Cabinet. The Department, Ohio ESC Association 159185
Program Cabinet, and selected service centers jointly shall 159186
identify community schools, STEM schools, and chartered nonpublic 159187
schools that enroll students from the district and for whom the 159188
service centers will provide transportation during the 2023-2024 159189
school year. No community school, STEM school, or chartered 159190
nonpublic school shall be required to participate in the pilot 159191
program. 159192

(C) During the 2023-2024 school year, the Department and the 159193
Ohio ESC Association Program Cabinet shall develop, and the 159194
participating service centers shall implement, the pilot program's 159195
transportation procedures and a payment structure for 159196
transportation funding between participating school districts, 159197
community schools, and STEM schools. 159198

(D) The participating educational service centers and school 159199
districts shall not be subject to section 3327.021 of the Revised 159200
Code during the 2023-2024 school year with regard to students 159201
enrolled in participating schools. Notwithstanding section 3314.46 159202
of the Revised Code, a participating service center may provide 159203
transportation to any participating community school it sponsors. 159204

(E) The educational service centers shall comply with all 159205

transportation requirements for students with disabilities as 159206
specified in the individualized education programs developed for 159207
the students pursuant to Chapter 3323. of the Revised Code. 159208

(F) The Department, in collaboration with the Ohio ESC 159209
Association Program Cabinet, shall evaluate the pilot program and 159210
issue a report of the program's findings and recommendations not 159211
later than July 1, 2024. The report shall include data on the 159212
impact the program had on attendance at the participating school 159213
districts and schools, the finances of the participating school 159214
districts and schools, and any other metrics determined by the 159215
Department and Ohio ESC Association Program Cabinet. The 159216
participating educational service centers and schools shall submit 159217
data and other information to the Department, in a manner 159218
determined by the Department, for the purpose of conducting the 159219
evaluation. 159220

Section 265.560. FINANCIAL LITERACY AND WORKFORCE READINESS 159221
PROGRAMMING INITIATIVE 159222

(A) The Financial Literacy and Workforce Readiness 159223
Programming Initiative is hereby established within the Department 159224
of Education. The Programming Initiative shall operate in fiscal 159225
years 2024 and 2025. The purpose of the Programming Initiative is 159226
to ensure the next generation's preparedness in financial 159227
literacy, workforce and career readiness, entrepreneurship, and 159228
other relevant skills to enter and be competitive in Ohio's future 159229
workforce economy. 159230

(B)(1) The Department shall distribute appropriated funds to 159231
the following organizations as part of the Programming Initiative: 159232

(a) Junior Achievement of North Central Ohio; 159233

(b) Junior Achievement of Greater Cleveland; 159234

(c) Junior Achievement of Mahoning Valley. 159235

(2) The participating organizations listed under division 159236
(B)(1) of this section shall collaborate with local schools, 159237
institutions of higher education, local, regional, and statewide 159238
employers and businesses, subject matter experts, community-based 159239
organizations, and other public-private entities or agencies to 159240
implement the Programming Initiative. 159241

(C) The Programming Initiative shall do all of the following: 159242

(1) Place specific emphasis on engagement with students, 159243
teachers, and schools primarily located in underserved 159244
communities, under-resourced urban and rural areas, or those with 159245
populations considered economically disadvantaged; 159246

(2) Increase capacity and resources that expand each of the 159247
participating organizations collective ability to offer more 159248
financial literacy, workforce readiness and entrepreneurship, or 159249
related programming such as work-based learning experiences 159250
designed to engage more students in the geographic areas to which 159251
the participating organizations provide services; 159252

(3) Increase the number of students measurably impacted by 159253
the participating organizations' services to up to one hundred ten 159254
thousand students in any of grades kindergarten through twelve in 159255
fiscal years 2024 and 2025; 159256

(4) Assist students enrolled in any of grades nine through 159257
twelve with direct entry into the workforce, access to higher 159258
education, or in-demand job training; 159259

(5) Increase each participating organization's ability to 159260
provide teacher-focused programming and support to assist in the 159261
greater integration of the organization's programming into up to 159262
three hundred schools located within its service area; 159263

(6) Strengthen each participating organization's capacity and 159264
resources to collectively provide up to ten student-focused 159265
engagement events involving students and teachers from multiple 159266

schools and communities in northeast and central portions of the 159267
state. The engagement events shall do both of the following: 159268

(a) Enhance and deepen participating students' ability to 159269
demonstrate mastery of financial literacy, workforce or career 159270
readiness, entrepreneurship, or related skills and knowledge vital 159271
to equipping and preparing students with the requisite skills, 159272
competencies, and knowledge to be competitive for in-demand jobs 159273
within the state and global workforce economy, particularly those 159274
that are considered high-growth jobs in the state of Ohio; 159275

(b) Be offered to all partnering schools and respective 159276
students, however the emphasis shall remain on the engagement of 159277
students and schools that meet the conditions prescribed under 159278
division (C)(1) of this section. 159279

Section 267.10. ELC OHIO ELECTIONS COMMISSION 159280

General Revenue Fund 159281

GRF 051321	Operating Expenses	\$	415,000	\$	432,000	159282
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TOTAL GRF	General Revenue Fund	\$	415,000	\$	432,000	159283
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Dedicated Purpose Fund Group 159284

4P20 051601	Operating Support	\$	210,000	\$	210,000	159285
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TOTAL DPF	Dedicated Purpose Fund	\$	210,000	\$	210,000	159286
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	625,000	\$	642,000	159287
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 159289

DIRECTORS 159290

Dedicated Purpose Fund Group 159291

4K90 881609	Operating Expenses	\$	1,444,500	\$	1,446,764	159292
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TOTAL DPF	Dedicated Purpose Fund	\$	1,444,500	\$	1,446,764	159293
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,444,500	\$	1,446,764	159294
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Section 269.20.	OPERATING EXPENSES				159296
Of the foregoing appropriation item 881609, Operating					159297
Expenses, up to \$92,000 in each fiscal year shall be used to					159298
employ an Automated Reporting and Preneed Payment Systems (ARPS)					159299
Administrator.					159300
Of the foregoing appropriation item 881609, Operating					159301
Expenses, up to \$80,000 in each fiscal year shall be used to					159302
employ an Indigent Burial and Cremation Support Program					159303
Administrator.					159304
Section 271.10.	PAY EMPLOYEE BENEFITS FUNDS				159305
Fiduciary Fund Group					159306
1240 995673	Payroll Deductions	\$ 900,725,600	\$ 927,747,368		159307
8060 995666	Accrued Leave Fund	\$ 125,489,317	\$ 129,253,996		159308
8070 995667	Disability Fund	\$ 26,672,965	\$ 27,471,726		159309
8080 995668	State Employee Health	\$ 1,008,347,532	\$ 1,008,157,697		159310
	Benefit Fund				
8090 995669	Dependent Care	\$ 4,483,500	\$ 4,483,500		159311
	Spending Account				
8100 995670	Life Insurance	\$ 2,123,113	\$ 2,123,113		159312
	Investment Fund				
8110 995671	Parental Leave	\$ 12,362,119	\$ 14,147,759		159313
	Benefit Fund				
8130 995672	Health Care Spending	\$ 14,904,666	\$ 14,904,666		159314
	Account				
TOTAL FID	Fiduciary Fund Group	\$ 2,095,108,812	\$ 2,128,289,825		159315
TOTAL ALL BUDGET FUND GROUPS		\$ 2,095,108,812	\$ 2,128,289,825		159316
Section 271.20.	PAYROLL DEDUCTION FUND				159318
The foregoing appropriation item 995673, Payroll Deductions,					159319
shall be used to make payments from the Payroll Deduction Fund					159320

(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 159321
is determined by the Director of Budget and Management that 159322
additional amounts are necessary, the amounts are hereby 159323
appropriated. 159324

ACCRUED LEAVE LIABILITY FUND 159325

The foregoing appropriation item 995666, Accrued Leave Fund, 159326
shall be used to make payments from the Accrued Leave Liability 159327
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 159328
If it is determined by the Director of Budget and Management that 159329
additional amounts are necessary, the amounts are hereby 159330
appropriated. 159331

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 159332

The foregoing appropriation item 995667, Disability Fund, 159333
shall be used to make payments from the State Employee Disability 159334
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 159335
Revised Code. If it is determined by the Director of Budget and 159336
Management that additional amounts are necessary, the amounts are 159337
hereby appropriated. 159338

STATE EMPLOYEE HEALTH BENEFIT FUND 159339

The foregoing appropriation item 995668, State Employee 159340
Health Benefit Fund, shall be used to make payments from the State 159341
Employee Health Benefit Fund (Fund 8080) pursuant to section 159342
124.87 of the Revised Code. If it is determined by the Director of 159343
Budget and Management that additional amounts are necessary, the 159344
amounts are hereby appropriated. 159345

DEPENDENT CARE SPENDING FUND 159346

The foregoing appropriation item 995669, Dependent Care 159347
Spending Account, shall be used to make payments from the 159348
Dependent Care Spending Fund (Fund 8090) to employees eligible for 159349
dependent care expenses pursuant to section 124.822 of the Revised 159350

Code. If it is determined by the Director of Budget and Management 159351
that additional amounts are necessary, the amounts are hereby 159352
appropriated. 159353

LIFE INSURANCE INVESTMENT FUND 159354

The foregoing appropriation item 995670, Life Insurance 159355
Investment Fund, shall be used to make payments from the Life 159356
Insurance Investment Fund (Fund 8100) for the costs and expenses 159357
of the state's life insurance benefit program pursuant to section 159358
125.212 of the Revised Code. If it is determined by the Director 159359
of Budget and Management that additional amounts are necessary, 159360
the amounts are hereby appropriated. 159361

PARENTAL LEAVE BENEFIT FUND 159362

The foregoing appropriation item 995671, Parental Leave 159363
Benefit Fund, shall be used to make payments from the Parental 159364
Leave Benefit Fund (Fund 8110) to employees eligible for parental 159365
leave benefits pursuant to sections 124.136 and 124.137 of the 159366
Revised Code. If it is determined by the Director of Budget and 159367
Management that additional amounts are necessary, the amounts are 159368
hereby appropriated. 159369

Notwithstanding any provision of section 124.136 of the 159370
Revised Code to the contrary, beginning July 1, 2023, the Director 159371
of Administrative Services may use the foregoing appropriation 159372
item 995671, Parental leave Benefit Fund, to pay parental leave to 159373
employees eligible for parental leave under that section for up to 159374
12 weeks, inclusive of the two week waiting period. 159375

HEALTH CARE SPENDING ACCOUNT FUND 159376

The foregoing appropriation item 995672, Health Care Spending 159377
Account, shall be used to make payments from the Health Care 159378
Spending Account Fund (Fund 8130) for payments pursuant to state 159379
employees' participation in a flexible spending account for 159380
nonreimbursed health care expenses and section 124.821 of the 159381

Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

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Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD

159385

General Revenue Fund

159386

GRF 125321	Operating Expenses	\$	4,421,000	\$	4,466,000	159387
TOTAL GRF	General Revenue Fund	\$	4,421,000	\$	4,466,000	159388

Dedicated Purpose Fund Group

159389

5720 125603	Training and Publications	\$	334,128	\$	162,149	159390
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TOTAL DPF	Dedicated Purpose Fund	\$	334,128	\$	162,149	159391
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	4,755,128	\$	4,628,149	159392
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Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

159394

Dedicated Purpose Fund Group

159395

4K90 892609	Operating Expenses	\$	1,233,994	\$	1,281,904	159396
TOTAL DPF	Dedicated Purpose Fund	\$	1,233,994	\$	1,281,904	159397

Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,233,994	\$	1,281,904	159398
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Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY

159400

General Revenue Fund

159401

GRF 715502	Auto Emissions E-Check Program	\$	13,865,000	\$	13,908,000	159402
TOTAL GRF	General Revenue Fund	\$	13,865,000	\$	13,908,000	159403

Dedicated Purpose Fund Group

159404

4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	159405
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Materials

4J00 715638	Underground Injection	\$	485,800	\$	485,800	159406
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		Control				
4K20	715648	Clean Air - Non Title	\$	5,086,300	\$	5,086,300 159407
		V				
4K30	715649	Solid Waste	\$	16,711,135	\$	16,698,529 159408
4K40	715650	Surface Water	\$	11,541,000	\$	12,966,000 159409
		Protection				
4K50	715651	Drinking Water	\$	7,709,664	\$	7,992,257 159410
		Protection				
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000 159411
4R50	715656	Scrap Tire Management	\$	3,431,065	\$	3,470,616 159412
4R90	715658	Voluntary Action	\$	1,143,598	\$	1,143,598 159413
		Program				
4T30	715659	Clean Air - Title V	\$	10,448,228	\$	10,377,528 159414
		Permit Program				
5000	715608	Immediate Removal	\$	750,000	\$	750,000 159415
		Special Account				
5030	715621	Hazardous Waste	\$	4,877,120	\$	4,877,120 159416
		Facility Management				
5050	715623	Hazardous Waste	\$	10,769,788	\$	10,769,788 159417
		Cleanup				
5050	715698	Response and	\$	3,715,000	\$	3,710,000 159418
		Investigations				
5320	715646	Recycling and Litter	\$	8,478,000	\$	8,508,000 159419
		Control				
5410	715670	Site Specific Cleanup	\$	1,271,193	\$	1,271,192 159420
5420	715671	Risk Management	\$	216,300	\$	220,470 159421
		Reporting				
5860	715637	Scrap Tire Market	\$	1,000,000	\$	1,000,000 159422
		Development				
5BC0	715622	Local Air Pollution	\$	2,100,000	\$	2,100,000 159423
		Control				
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600 159424
5BC0	715672	Air Pollution Control	\$	8,910,000	\$	8,910,000 159425

5BC0	715673	Drinking and Ground Water	\$	3,700,000	\$	3,700,000	159426
5BC0	715676	Assistance and Prevention	\$	2,082,000	\$	2,093,000	159427
5BC0	715677	Laboratory	\$	3,684,000	\$	3,684,000	159428
5BC0	715678	Corrective Actions	\$	1,211,000	\$	1,211,000	159429
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	159430
5BC0	715692	Administration	\$	17,000,000	\$	17,000,000	159431
5BC0	715694	Environmental Resource Coordination	\$	875,000	\$	875,000	159432
5BT0	715679	C&DD Groundwater Monitoring	\$	101,000	\$	101,000	159433
5PZ0	715696	Drinking Water Loan Fee	\$	3,950,988	\$	4,021,500	159434
5Y30	715685	Surface Water Improvement	\$	520,000	\$	520,000	159435
5YY0	715405	National Priorities List Remedial Support Fund	\$	500,000	\$	900,000	159436
6440	715631	Emergency Response Radiological Safety	\$	332,287	\$	332,287	159437
6760	715642	Water Pollution Control Loan Administration	\$	5,778,100	\$	5,830,000	159438
6760	715699	Water Quality Administration	\$	4,223,000	\$	4,223,000	159439
6790	715636	Emergency Planning	\$	2,981,352	\$	3,018,540	159440
6960	715643	Air Pollution Control Administration	\$	400,000	\$	500,000	159441
6990	715644	Water Pollution Control Administration	\$	310,000	\$	310,000	159442

6A10	715645	Environmental Education	\$	550,000	\$	550,000	159443
6H20	715695	H2Ohio	\$	31,350,000	\$	31,350,000	159444
TOTAL DPF		Dedicated Purpose Fund Group	\$	185,309,518	\$	187,673,125	159445
Internal Service Activity Fund Group							159446
1990	715602	Laboratory Services	\$	533,000	\$	533,000	159447
2190	715604	Central Support Indirect	\$	10,294,764	\$	10,294,764	159448
4A10	715640	Operating Expenses	\$	1,008,000	\$	1,008,000	159449
TOTAL ISA		Internal Service Activity Fund Group	\$	11,835,764	\$	11,835,764	159450
Federal Fund Group							159451
3530	715612	Public Water Supply	\$	2,998,150	\$	2,998,150	159452
3570	715619	Air Pollution Control - Federal	\$	7,019,706	\$	7,059,570	159453
3620	715605	Underground Injection Control - Federal	\$	180,815	\$	181,818	159454
3BU0	715684	Water Quality Protection	\$	34,064,930	\$	34,345,960	159455
3CS0	715688	Federal NRD Settlements	\$	201,000	\$	201,000	159456
3F30	715632	Federally Supported Cleanup and Response	\$	9,859,094	\$	10,056,289	159457
3HE0	715697	Volkswagen Clean Air Act Settlement	\$	3,085,000	\$	3,095,000	159458
3T30	715669	Drinking Water State Revolving Fund	\$	3,155,035	\$	3,255,035	159459
3V70	715606	Agencywide Grants	\$	940,000	\$	940,000	159460
TOTAL FED		Federal Fund Group	\$	61,503,730	\$	62,132,822	159461
TOTAL ALL BUDGET FUND GROUPS			\$	272,514,012	\$	275,549,711	159462

The Director of Environmental Protection may award grants 159465
from appropriation item 715687, Areawide Planning Agencies, to 159466
areawide planning agencies engaged in areawide water quality 159467
management and planning activities in accordance with Section 208 159468
of the "Federal Clean Water Act," 33 U.S.C. 1288. 159469

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO 159470
EMISSIONS TEST FUND 159471

The Director of Budget and Management, at the request of the 159472
Director of Environmental Protection, may transfer the remaining 159473
cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the 159474
Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024. 159475

H2OHIO FUND 159476

On July 1, 2024, or as soon as possible thereafter, the 159477
Director of Environmental Protection may certify to the Director 159478
of Budget and Management an amount up to the unexpended, 159479
unencumbered balance of the foregoing appropriation item, 715695, 159480
H2Ohio, at the end of fiscal year 2024 to be reappropriated in 159481
fiscal year 2025. The amount certified is hereby reappropriated to 159482
the same appropriation item for fiscal year 2025. 159483

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 159484

General Revenue Fund 159485
GRF 172321 Operating Expenses \$ 694,000 \$ 701,000 159486
TOTAL GRF General Revenue Fund \$ 694,000 \$ 701,000 159487
TOTAL ALL BUDGET FUND GROUPS \$ 694,000 \$ 701,000 159488

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 159490

General Revenue Fund 159491
GRF 935401 Statehouse News \$ 383,000 \$ 383,000 159492
Bureau
GRF 935402 Ohio Government \$ 2,233,000 \$ 2,233,000 159493

	Telecommunications				
	Services				
GRF 935410	Content Development,	\$ 3,909,000	\$ 3,909,000	159494	
	Acquisition, and				
	Distribution				
GRF 935430	Broadcast Education	\$ 4,041,000	\$ 4,041,000	159495	
	Operating				
TOTAL GRF General Revenue Fund		\$ 10,566,000	\$ 10,566,000	159496	
	Dedicated Purpose Fund Group			159497	
5FK0 935608	Media Services	\$ 500	\$ 500	159498	
5VB0 935650	Facility Rental	\$ 6,200	\$ 7,400	159499	
TOTAL DPF Dedicated Purpose Fund		\$ 6,700	\$ 7,900	159500	
	Internal Service Activity Fund Group			159501	
4F30 935603	Affiliate Services	\$ 4,000	\$ 4,000	159502	
TOTAL ISA Internal Service Activity		\$ 4,000	\$ 4,000	159503	
	Fund				
TOTAL ALL BUDGET FUND GROUPS		\$ 10,576,700	\$ 10,577,900	159504	
	Section 281.20. STATEHOUSE NEWS BUREAU			159506	
	The foregoing appropriation item 935401, Statehouse News			159507	
	Bureau, shall be used solely to support the operations of the Ohio			159508	
	Statehouse News Bureau.			159509	
	OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES			159510	
	The foregoing appropriation item 935402, Ohio Government			159511	
	Telecommunications Services, shall be used solely to support the			159512	
	operations of Ohio Government Telecommunications Services which			159513	
	include providing multimedia support to the state government and			159514	
	its affiliated organizations and broadcasting the activities of			159515	
	the legislative, judicial, and executive branches of state			159516	
	government, among its other functions.			159517	
	CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION			159518	

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$965,000 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$2,650,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$294,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

Section 283.10. ETH OHIO ETHICS COMMISSION				159550
General Revenue Fund				159551
GRF 146321	Operating Expenses	\$ 2,289,000	\$ 2,305,000	159552
TOTAL GRF General Revenue Fund				159553
Dedicated Purpose Fund Group				159554
4M60 146601	Operating Support	\$ 515,100	\$ 515,100	159555
TOTAL DPF Dedicated Purpose Fund				159556
Group				
TOTAL ALL BUDGET FUND GROUPS				159557
 Section 285.10. EXP OHIO EXPOSITIONS COMMISSION				159559
General Revenue Fund				159560
GRF 723403	Junior Fair Subsidy	\$ 380,000	\$ 380,000	159561
TOTAL GRF General Revenue Fund				159562
Dedicated Purpose Fund Group				159563
4N20 723602	Ohio State Fair	\$ 350,000	\$ 350,000	159564
Harness Racing				
5060 723601	Operating Expenses	\$ 16,515,000	\$ 16,626,000	159565
5060 723604	Grounds Maintenance	\$ 300,000	\$ 300,000	159566
and Repairs				
5ZN0 723605	EXPO 2050	\$ 95,000,000	\$ 95,000,000	159567
TOTAL DPF Dedicated Purpose Fund				159568
Group				
TOTAL ALL BUDGET FUND GROUPS				159569
STATE FAIR RESERVE				159570
The General Manager of the Expositions Commission, in				159571
consultation with the Director of Budget and Management, may				159572
submit a request to the Controlling Board to use available amounts				159573
in the State Fair Reserve Fund (Fund 6400) if revenues from either				159574
the 2023 or the 2024 Ohio State Fair are unexpectedly low.				159575

On July 1 of each fiscal year, or as soon as possible 159576
thereafter, the Director of Budget and Management, in consultation 159577
with the General Manager of the Expositions Commission, may 159578
determine that the Ohio Expositions Fund (Fund 5060) has a cash 159579
balance in excess of the anticipated operating costs of the 159580
Exposition Commission in that fiscal year. Notwithstanding section 159581
991.04 of the Revised Code, the Director of Budget and Management 159582
may transfer an amount up to the excess cash from Fund 5060 to 159583
Fund 6400 in each fiscal year. 159584

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 159585

General Revenue Fund 159586

GRF 230321 Operating Expenses \$ 11,626,000 \$ 12,098,000 159587

GRF 230401 Cultural Facilities \$ 31,000,000 \$ 31,000,000 159588

Lease Rental Bond

Payments

GRF 230500 Program and Project \$ 125,000 0 159589

Support

GRF 230908 Common Schools \$ 370,000,000 \$ 297,000,000 159590

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 412,751,000 \$ 340,098,000 159591

Dedicated Purpose Fund Group 159592

5AG1 230653 Accelerated School \$ 33,000,000 \$ 0 159593

Assistance Program

5CV3 230652 Career-Technical \$ 200,000,000 \$ 0 159594

Construction Program

TOTAL DPF Dedicated Purpose Fund \$ 233,000,000 \$ 0 159595

Group

Internal Service Activity Fund Group 159596

1310 230639 State Construction \$ 8,129,013 \$ 8,305,828 159597

Management Operations

TOTAL ISA Internal Service Activity \$ 8,129,013 \$ 8,305,828 159598
Fund

TOTAL ALL BUDGET FUND GROUPS \$ 653,880,013 \$ 348,403,828 159599

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 159601

PAYMENTS 159602

The foregoing appropriation item 230401, Cultural Facilities 159603
Lease Rental Bond Payments, shall be used to meet all payments 159604
during the period from July 1, 2023, through June 30, 2025, by the 159605
Ohio Facilities Construction Commission pursuant to leases and 159606
agreements for cultural and sports facilities made under section 159607
154.23 of the Revised Code. These appropriations are the source of 159608
funds pledged for bond service charges on related obligations 159609
issued under Chapter 154. of the Revised Code. 159610

PROGRAM AND PROJECT SUPPORT 159611

The forgoing appropriation item 230500, Program and Project 159612
Support, shall be distributed to the Village of Owensville for 159613
renovations to the Owensville Museum. 159614

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 159615

The foregoing appropriation item 230908, Common Schools 159616
General Obligation Bond Debt Service, shall be used to pay all 159617
debt service and related financing costs during the period from 159618
July 1, 2023, through June 30, 2025, on obligations issued under 159619
sections 151.01 and 151.03 of the Revised Code. 159620

ACCELERATED SCHOOL ASSISTANCE PROGRAM 159621

The foregoing appropriation item 230653, Accelerated School 159622
Assistance Program, shall be used by the Ohio Facilities 159623
Construction Commission to provide the state's portion of total 159624
funding for school facilities projects under the Accelerated 159625
School Assistance Program pursuant to section 3318.63 of the 159626
Revised Code. 159627

CAREER-TECHNICAL CONSTRUCTION PROGRAM 159628

(A) Of the foregoing appropriation item 230652, 159629
Career-Technical Construction Program, \$7,613,000 in fiscal year 159630
2024 shall be distributed to the Sandusky City School District to 159631
support the projects described in this division. Of these funds, 159632
\$2,785,500 in fiscal year 2024 shall be used for a new culinary 159633
facility and \$4,827,500 in fiscal year 2024 shall be used for a 159634
new welding facility. An amount equal to the unexpended, 159635
unencumbered balance of this set-aside at the end of fiscal year 159636
2024 is hereby reappropriated for the same purposes in fiscal year 159637
2025. 159638

(B)(1) The remainder of the foregoing appropriation item 159639
230652, Career-Technical Construction Program, shall be used by 159640
the Ohio Facilities Construction Commission to assist with 159641
construction projects that support establishing or expanding 159642
career-technical education programs. Funds shall be distributed to 159643
joint vocational school districts or city, local, and exempted 159644
village school districts designated as the lead district of a 159645
career-technical planning district according to guidelines 159646
established by the Executive Director of the Commission, in 159647
consultation with the Governor's Office of Workforce 159648
Transformation and the Department of Education. The guidelines 159649
shall consider establishing or expanding career-technical 159650
education programs that support the occupations on the Governor's 159651
Office of Workforce Transformation's Ohio's Top Jobs List or that 159652
qualify for the Innovative Workforce Incentive Program under the 159653
Department of Education. 159654

(2) An amount equal to the unexpended, unencumbered balance 159655
of the amount allocated in division (B)(1) of this section at the 159656
end of fiscal year 2024 is hereby reappropriated for the same 159657
purpose in fiscal year 2025. 159658

(3) As used in division (B) of this section, "construction 159659

project" means a project that will build, erect, alter, improve, 159660
or demolish any public educational facility, including any 159661
improvements to real property and the installation of heating, 159662
cooling, ventilating, or other specialized equipment necessary for 159663
educational purposes. 159664

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 159665
REAPPROPRIATION 159666

At the request of the Executive Director of the Ohio 159667
Facilities Construction Commission, the Director of Budget and 159668
Management may cancel encumbrances for school district projects 159669
from a previous biennium if the district has not raised its local 159670
share of project costs within thirteen months of receiving 159671
Controlling Board approval under section 3318.05 or 3318.41 of the 159672
Revised Code. The Executive Director of the Ohio Facilities 159673
Construction Commission shall certify the amounts of the canceled 159674
encumbrances to the Director of Budget and Management on a 159675
quarterly basis. The amounts of the canceled encumbrances are 159676
hereby appropriated. 159677

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 159678
APPROPRIATIONS 159679

On July 1, 2023, or as soon as possible thereafter, the 159680
Executive Director of the Ohio Facilities Construction Commission 159681
shall certify to the Director of Budget and Management the amount 159682
of cash receipts and related investment income, irrevocable 159683
letters of credit from a bank, or certification of the 159684
availability of funds that have been received from a county or a 159685
municipal corporation for deposit into the Capital Donations Fund 159686
(Fund 5A10) and that are related to an anticipated project. These 159687
amounts are hereby appropriated to appropriation item C37146, 159688
Capital Donations. Prior to certifying these amounts to the 159689

Director, the Executive Director shall make a written agreement 159690
with the participating entity on the necessary cash flows required 159691
for the anticipated construction or equipment acquisition project. 159692

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 159693
MAINTENANCE LEVY 159694

The Ohio Facilities Construction Commission shall amend the 159695
project agreement between the Commission and a school district 159696
that is participating in the Accelerated Urban School Building 159697
Assistance Program as of September 29, 2018, if the Commission 159698
determines that it is necessary to do so in order to comply with 159699
division (B)(3)(c) of section 3318.38 of the Revised Code. 159700

Section 287.60. Notwithstanding any other provision of law to 159701
the contrary, the Ohio Facilities Construction Commission may 159702
determine the amount of funding available for disbursement in a 159703
given fiscal year for any project approved under sections 3318.01 159704
to 3318.20 of the Revised Code in order to keep aggregate state 159705
capital spending within approved limits and may take actions 159706
including, but not limited to, determining the schedule for design 159707
or bidding of approved projects, to ensure appropriate and 159708
supportable cash flow. 159709

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 159710
DISTRICT 159711

Notwithstanding division (B) of section 3318.40 of the 159712
Revised Code, in each fiscal year in which funds are available for 159713
additional projects, the Ohio Facilities Construction Commission 159714
shall provide assistance to at least one joint vocational school 159715
district for the acquisition or improvement of classroom 159716
facilities in accordance with sections 3318.40 to 3318.45 of the 159717
Revised Code. 159718

Section 287.80. RETURNED OR RECOVERED FUNDS	159719
Notwithstanding any provision of law to the contrary, any moneys a school district transfers to the Ohio Facilities Construction Commission under division (C)(2) or (3) of section 3318.12 of the Revised Code as well as any moneys recovered from settlements with or judgments against parties relating to their involvement in a classroom facilities project shall be deposited into the fund from which the capital appropriation for the project was made. In any fiscal year in which the Commission has made a deposit under this section, the Executive Director of the Ohio Facilities Construction Commission may seek Controlling Board approval to increase appropriations from those funds and specified appropriation items in an amount equal to the amount of the funds deposited under this section. The additional amounts, if approved, shall be used in accordance with the purposes of Chapter 3318. of the Revised Code for projects pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon approval of the Controlling Board, the additional amounts are hereby appropriated.	159720 159721 159722 159723 159724 159725 159726 159727 159728 159729 159730 159731 159732 159733 159734 159735 159736 159737
Section 289.10. GOV OFFICE OF THE GOVERNOR	159738
General Revenue Fund	159739
GRF 040321 Operating Expenses \$ 3,219,000 \$ 3,219,000	159740
TOTAL GRF General Revenue Fund \$ 3,219,000 \$ 3,219,000	159741
Internal Service Activity Fund Group	159742
5AK0 040607 Government Relations \$ 662,798 \$ 662,798	159743
TOTAL ISA Internal Service Activity Fund Group \$ 662,798 \$ 662,798	159744
TOTAL ALL BUDGET FUND GROUPS \$ 3,881,798 \$ 3,881,798	159746
GOVERNMENT RELATIONS	159747
The Office of the Governor may issue an intrastate transfer	159748

voucher to charge any state agency of the executive branch such 159749
amounts necessary to represent the interests of Ohio to federal, 159750
state, and local government units and to cover the costs or 159751
membership dues related to Ohio's participation in national and 159752
regional associations. Amounts collected shall be deposited in the 159753
Government Relations Fund (Fund 5AK0). 159754

Section 291.10. DOH DEPARTMENT OF HEALTH 159755

General Revenue Fund 159756

GRF 440413 Local Health \$ 2,379,000 \$ 2,379,000 159757

Department Support

GRF 440416 Mothers and Children \$ 4,505,000 \$ 4,640,000 159758

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,750,000 \$ 1,750,000 159759

Services

GRF 440438 Breast and Cervical \$ 1,165,000 \$ 1,200,000 159760

Cancer Screening

GRF 440444 AIDS Prevention \$ 3,611,000 \$ 3,720,000 159761

GRF 440451 Public Health \$ 3,800,000 \$ 3,800,000 159762

Laboratory

GRF 440452 Child and Family \$ 623,000 \$ 641,000 159763

Health Services Match

GRF 440453 Health Care Quality \$ 6,427,000 \$ 6,619,000 159764

Assurance

GRF 440454 Environmental \$ 4,500,000 \$ 4,500,000 159765

Health/Radiation

Protection

GRF 440465 FQHC Primary Care \$ 2,686,000 \$ 2,686,000 159766

Workforce Initiative

GRF 440472 Alcohol Testing \$ 1,707,000 \$ 1,841,000 159767

GRF 440477 Emergency Preparation \$ 2,922,000 \$ 2,997,000 159768

and Response

GRF 440481	Lupus Awareness	\$	250,000	\$	250,000	159769
GRF 440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$	10,500,000	\$	10,000,000	159770
GRF 440483	Infectious Disease Prevention and Control	\$	5,981,000	\$	6,244,000	159771
GRF 440484	Public Health Technology Innovation	\$	1,353,000	\$	1,393,000	159772
GRF 440485	Health Program Support	\$	13,625,000	\$	13,625,000	159773
GRF 440505	Children and Youth with Special Health Care Needs	\$	12,115,000	\$	12,478,000	159774
GRF 440507	Targeted Healthcare Services - Over 21	\$	2,000,000	\$	2,000,000	159775
GRF 440527	Lead Abatement	\$	6,500,000	\$	6,500,000	159776
GRF 440530	Lead-Safe Home Fund Program	\$	1,000,000	\$	1,000,000	159777
GRF 440672	Youth Homelessness	\$	3,505,000	\$	3,610,000	159778
GRF 654453	Medicaid - State Health Program Support	\$	4,504,000	\$	4,639,000	159779
TOTAL GRF	General Revenue Fund	\$	97,408,000	\$	98,512,000	159780
Dedicated Purpose Fund Group						159781
4700 440647	Fee Supported Programs	\$	31,124,957	\$	32,650,080	159782
4710 440619	Certificate of Need	\$	550,000	\$	550,000	159783
4730 440622	Lab Operating Expenses	\$	8,986,199	\$	8,986,199	159784
4770 440627	Children and Youth with Special Health Care Needs Audit	\$	5,033,264	\$	5,033,264	159785
4D60 440608	Genetics Services	\$	3,316,583	\$	3,316,583	159786
4F90 440610	Sickle Cell Disease Control	\$	850,000	\$	850,000	159787
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	159788

4G00	440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	159789
4L30	440609	HIV Care and Miscellaneous Expenses	\$	40,702,842	\$	42,697,281	159790
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	159791
4V60	440641	Save Our Sight	\$	3,000,000	\$	3,000,000	159792
5AE1	440697	Hospital Relief	\$	54,558,000	\$	0	159793
5B50	440616	Quality, Monitoring, and Inspection	\$	753,830	\$	753,830	159794
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000	159795
5CN0	440645	Choose Life	\$	80,000	\$	80,000	159796
5D60	440620	Second Chance Trust	\$	1,607,317	\$	1,607,317	159797
5ED0	440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	159798
5G40	440639	Adoption Services	\$	100,000	\$	100,000	159799
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	159800
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	159801
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	159802
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	159803
5YS0	440491	Chiropractic Loan Repayment		25,000		25,000	159804
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	159805
6100	440626	Radiation Emergency Response	\$	1,405,870	\$	1,474,757	159806
6660	440607	Children and Youth with Special Health Care Needs - County	\$	24,060,298	\$	24,060,298	159807

Assessments				
6980	440634	Nurse Aide Training	\$ 126,686	\$ 126,686 159808
TOTAL DPF Dedicated Purpose Fund			\$ 193,940,846	\$ 142,971,295 159809
Group				
Internal Service Activity Fund Group				159810
1420	440646	Agency Health	\$ 5,315,107	\$ 5,575,547 159811
Services				
2110	440613	Central Support	\$ 38,286,929	\$ 38,286,929 159812
Indirect Costs				
TOTAL ISA Internal Service Activity			\$ 43,602,036	\$ 43,862,476 159813
Fund Group				
Highway Safety Fund Group				159814
4T40	440603	Child Highway Safety	\$ 200,000	\$ 200,000 159815
TOTAL HSF Highway Safety Fund Group			\$ 200,000	\$ 200,000 159816
Holding Account Fund Group				159817
R014	440631	Vital Statistics	\$ 129,883	\$ 155,859 159818
R048	440625	Refunds, Grants	\$ 20,000	\$ 20,000 159819
Reconciliation, and				
Audit Settlements				
TOTAL HLD Holding Account Fund			\$ 149,883	\$ 175,859 159820
Group				
Federal Fund Group				159821
3870	440602	Preventive Health	\$ 10,298,039	\$ 10,802,643 159822
Block Grant				
3890	440604	Women, Infants, and	\$ 220,190,613	\$ 220,190,613 159823
Children				
3910	440606	Medicare Survey and	\$ 20,783,006	\$ 21,801,373 159824
Certification				
3920	440618	Federal Public Health	\$ 111,061,407	\$ 116,503,416 159825
Programs				
3GD0	654601	Medicaid Program	\$ 37,000,000	\$ 37,000,000 159826
Support				

3GN0	440660	Public Health Emergency Preparedness	\$	57,983,775	\$	60,824,980	159827
3GN0	440683	ARPA - Crisis Response Workforce	\$	10,000,000	\$	10,000,000	159828
3HP0	440673	Public Health Emergency Response	\$	131,521,213	\$	9,707,387	159829
3HP0	440682	Epidemiology and Lab Capacity for School Testing (ARP)	\$	62,940,000	\$	66,024,060	159830
3HP0	440685	ELC Nursing Home & Long-Term Care Strike Teams	\$	5,375,935	\$	0	159831
3HP0	440686	ELC Strengthening HAI/AR Grant	\$	5,919,337	\$	3,159,489	159832
3HP0	440687	Healthier Communities	\$	8,000,000	\$	1,000,000	159833
3HP0	440688	Detection and Mitigation of COVID-19 - Confinement Facilities	\$	9,000,000	\$	1,000,000	159834
3HV0	440681	COVID-19 Vaccine Preparedness (ARP)	\$	10,000,000	\$	10,000,000	159835
TOTAL FED	Federal Fund Group		\$	700,073,325	\$	568,013,961	159836
TOTAL ALL BUDGET FUND GROUPS			\$	1,035,374,090	\$	853,735,591	159837

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 159839

Of the foregoing appropriation item 440416, Mothers and 159840
 Children Safety Net Services, up to \$200,000 in each fiscal year 159841
 may be used to assist families with hearing-impaired children 159842
 under twenty-six years of age in purchasing hearing aids and 159843
 hearing assistive technology. The Director of Health shall adopt 159844
 rules governing the distribution of these funds, including rules 159845

that do both of the following: (1) establish eligibility criteria 159846
to include families with incomes at or below four hundred per cent 159847
of the federal poverty guidelines as defined in section 5101.46 of 159848
the Revised Code and (2) develop a sliding scale of disbursements 159849
under this section based on family income. The Director may adopt 159850
other rules as necessary to implement this section. Rules adopted 159851
under this section shall be adopted in accordance with Chapter 159852
119. of the Revised Code. 159853

FREE CLINIC SAFETY NET SERVICES 159854

The foregoing appropriation item 440431, Free Clinic Safety 159855
Net Services, shall be provided to the Charitable Healthcare 159856
Network. Funds may be used to reimburse free clinics for health 159857
care services provided, as well as for administrative services, 159858
information technology costs, infrastructure repair, or other 159859
clinic necessities. Additionally, the Director of Health may 159860
designate up to five per cent of the appropriation in each fiscal 159861
year to pay the administrative costs the Department of Health 159862
incurs for operating the program. 159863

AIDS PREVENTION 159864

The foregoing appropriation item 440444, AIDS Prevention, 159865
shall be used to administer educational and other prevention 159866
initiatives. 159867

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 159868

Of the foregoing appropriation item 440454, Environmental 159869
Health/Radiation Protection, \$500,000 in each fiscal year shall be 159870
distributed to the Ohio Association of Radon Professionals to 159871
operate a pilot program to test for radon in school buildings 159872
operated by a school district, community school established under 159873
Chapter 3314., or STEM school established under Chapter 3326. of 159874
the Revised Code, and if necessary, to conduct radon mitigation in 159875
such schools. 159876

FQHC PRIMARY CARE WORKFORCE INITIATIVE 159877

The foregoing appropriation item 440465, FQHC Primary Care 159878
Workforce Initiative, shall be provided to the Ohio Association of 159879
Community Health Centers to administer the FQHC Primary Care 159880
Workforce Initiative. The Initiative shall provide medical, 159881
dental, behavioral health, physician assistant, and advanced 159882
practice nursing students with clinical rotations through 159883
federally qualified health centers. Additionally, the Director of 159884
Health may designate up to five per cent of the appropriation in 159885
each fiscal year to pay the administrative costs the Department of 159886
Health incurs for operating the program. 159887

EMERGENCY PREPARATION AND RESPONSE 159888

The foregoing appropriation item 440477, Emergency 159889
Preparation and Response, shall be used to support public health 159890
emergency preparedness and response efforts. This appropriation 159891
may also be used to support data infrastructure projects and other 159892
data analysis and analytics work. 159893

LUPUS AWARENESS 159894

The foregoing appropriation item 440481, Lupus Awareness, 159895
shall be distributed to the Lupus Foundation of America, Greater 159896
Ohio Chapter, Inc., to operate a lupus education and awareness 159897
program. 159898

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 159899

Of the foregoing appropriation item 440482, Chronic Disease, 159900
Injury Prevention and Drug Overdose, \$500,000 in fiscal year 2024 159901
shall be used for the development, maintenance, and staffing of a 159902
Parkinson's disease registry, in accordance with section 3701.25 159903
of the Revised Code, as enacted by this act. 159904

Of the foregoing appropriation item 440482, Chronic Disease, 159905
Injury Prevention and Drug Overdose, up to \$1,000,000 in each 159906

fiscal year shall be used, in consultation with the Department of 159907
Mental Health and Addiction Services and the Governor's 159908
RecoveryOhio Initiative, to support the continuation of the 159909
Emergency Department Comprehensive Care Initiative to enhance 159910
Ohio's response to the addiction crisis by creating a 159911
comprehensive system of care for patients who present in emergency 159912
departments with addiction. 159913

Of the foregoing appropriation item 440482, Chronic Disease, 159914
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 159915
2024 shall be used, in consultation with the Governor's 159916
RecoveryOhio Initiative, to support local health providers' harm 159917
reduction efforts to reduce overdose rates and deaths. 159918

INFECTIOUS DISEASE PREVENTION AND CONTROL 159919

On July 1, 2024, or as soon as possible thereafter, the 159920
Director of Health may certify to the Director of Budget and 159921
Management an amount up to the unexpended, unencumbered balance of 159922
the foregoing appropriation item 440483, Infectious Disease 159923
Prevention and Control, at the end of fiscal year 2024 to be 159924
reappropriated to fiscal year 2025. The amount certified is hereby 159925
reappropriated to the same appropriation item for fiscal year 159926
2025. 159927

HEALTH PROGRAM SUPPORT 159928

Of the forgoing appropriation item 440485, Health Program 159929
Support, \$7,500,000 in each fiscal year shall be used by the 159930
Department of Health, in consultation with the Department of 159931
Education, to support school-based health centers in high-need 159932
counties, as determined by the departments. 159933

Of the foregoing appropriation item 440485, Health Program 159934
Support, \$5,000,000 in each fiscal year shall be used for the 159935
Center for Community Health Worker Excellence in accordance with 159936
section 3701.0212 of the Revised Code. 159937

Of the foregoing appropriation item 440485, Health Program 159938
Support, \$1,000,000 in each fiscal year shall be distributed to 159939
Ohio organizations currently providing all of the following 159940
services: wraparound care, including multidisciplinary clinical 159941
care; local case management services by health care professionals; 159942
durable medical and augmentative communication devices; state and 159943
federal advocacy; and support groups and patient grants for those 159944
diagnosed with amyotrophic lateral sclerosis (ALS). The 159945
distribution of funds shall be based on each awarded 159946
organization's identified Ohio county coverage and by the 159947
prevalence rate of persons living with ALS using the most recent 159948
population estimates available from the United States Census 159949
Bureau. Funds shall be used to support persons living with ALS, 159950
including any of the followings: wraparound care, case management, 159951
purchase and distribution of durable medical equipment and 159952
augmentative communication devices, and patient grants for 159953
disease-related expenses. Funding is required to be designated in 159954
service to Ohioans and shall not be used for persons living 159955
outside of the state of Ohio. 159956

TARGETED HEALTH CARE SERVICES-OVER 21 159957

The foregoing appropriation item 440507, Targeted Health Care 159958
Services-Over 21, shall be used to administer the Cystic Fibrosis 159959
Program and to implement the Hemophilia Insurance Premium Payment 159960
Program. The Department of Health shall expend up to \$100,000 in 159961
each fiscal year to implement the Hemophilia Insurance Premium 159962
Payment Program. 159963

The foregoing appropriation item 440507, Targeted Health Care 159964
Services-Over 21, shall also be used to provide essential 159965
medications and to pay the copayments for drugs approved by the 159966
Department of Health and covered by Medicare Part D that are 159967
dispensed to Program for Children and Youth with Special Health 159968
Care Needs participants for the Cystic Fibrosis Program. 159969

The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services-Over 21. 159970
159971

LEAD ABATEMENT 159972

Of the foregoing appropriation item 440527, Lead Abatement, \$500,000 in each fiscal year shall be used by the Department of Health to distribute funds to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts. 159973
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LEAD-SAFE HOME FUND PROGRAM 159979

The foregoing appropriation item 440530, Lead-Safe Home Fund Program, shall be used by the Department of Health to make distributions to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts. 159980
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YOUTH HOMELESSNESS 159986

Of the foregoing appropriation item 440672, Youth Homelessness, \$900,000 in each fiscal year shall be distributed to the Star House for its Drop-In Centers and its Carol Stewart Village, or its other expansion projects, to provide services for homeless youth. 159987
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The remainder of appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing. 159992
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FEE SUPPORTED PROGRAMS 159996

Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health 159997
159998
159999

departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation. 160000
160001
160002

Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis. 160003
160004
160005
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160007

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 160008

The Children and Youth with Special Health Care Needs Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Program for Children and Youth with Special Health Care Needs recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of children and youth with special health care needs, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Program for Children and Youth with Special Health Care Needs. 160009
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160022

GENETICS SERVICES 160023

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency. 160024
160025
160026
160027
160028

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 160029

Of the foregoing appropriation item 440656, Tobacco Use 160030

Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 160031
year shall be used to award grants in accordance with the section 160032
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 160033

Of the foregoing appropriation item 440656, Tobacco Use 160034
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 160035
year shall be distributed to boards of health for the Baby and Me 160036
Tobacco Free Program. The Director of Health shall determine how 160037
the funds are to be distributed, but shall prioritize awards to 160038
boards that serve women who reside in communities that have the 160039
highest infant mortality rates in this state, as identified under 160040
section 3701.142 of the Revised Code. 160041

The remainder of appropriation item 440656, Tobacco Use 160042
Prevention, Cessation, and Enforcement, shall be used to 160043
administer tobacco use prevention and cessation activities and 160044
programs, to administer compliance checks, retailer education, and 160045
programs related to legal age restrictions, and to enforce the 160046
Ohio Smoke-Free Workplace Act. 160047

TOXICOLOGY SCREENINGS 160048

The foregoing appropriation item 440621, Toxicology 160049
Screenings, shall be used to reimburse county coroners in counties 160050
in which the coroner has performed toxicology screenings on 160051
victims of a drug overdose. The Director of Health shall transfer 160052
the funds to the counties in proportion to the numbers of 160053
toxicology screenings performed per county. 160054

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 160055
ASSESSMENTS 160056

The foregoing appropriation item 440607, Children and Youth 160057
with Special Health Care Needs - County Assessments, shall be used 160058
to make payments under division (E) of section 3701.023 of the 160059
Revised Code. 160060

HOSPITAL RELIEF 160061

The foregoing appropriation item 440697, Hospital Relief, 160062
shall be used in fiscal year 2024 to distribute funds as follows: 160063
\$30,000,000 for the Memorial Health System Belpre Medical Campus, 160064
\$10,000,000 for East Ohio Regional Hospital, \$4,000,000 for 160065
Fairfield Medical Center, \$4,000,000 for the University of 160066
Cincinnati Medical Center Emergency Department Critical Care 160067
Pavilion expansion, \$3,028,000 for the Timothy Freeman, MD, Center 160068
for Intellectual and Developmental Disabilities, \$2,500,000 for 160069
Coleman Health Services, and \$1,030,000 for the DDC Clinic. 160070

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 160071

(A) The Department of Health shall create the Moms Quit for 160072
Two Grant Program. Recognizing the significant health risks posed 160073
to women and their children by tobacco use during and after 160074
pregnancy, the Department shall award grants to private, nonprofit 160075
entities or government entities that demonstrate the ability to 160076
deliver evidence-based tobacco cessation interventions to women 160077
who reside in communities that have the highest incidence of 160078
infant mortality, as determined by the Director of Health, and who 160079
are pregnant or to other adults residing in the home with a 160080
pregnant woman. The Department may adopt any rules it considers 160081
necessary to administer the Program. 160082

(B) The Department shall create a grant application and 160083
develop a process for receiving and evaluating completed grant 160084
applications on a competitive basis. The Department shall give 160085
first preference to the entities described in division (A) of this 160086
section that are able to target the interventions to pregnant 160087
women and second preference to such entities that are able to 160088
target the interventions to other adults residing in a home with a 160089
pregnant woman. The Department's decision regarding a submitted 160090
grant application is final. 160091

(C) The Department shall establish performance objectives to 160092

be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

Section 291.40. WIC VENDOR CONTRACTS

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) The Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Dedicated Purpose Fund Group					
4610 372601	Operating Expenses	\$	12,500	\$	12,500
TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500

Group

TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$	12,500	160122
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Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS					160124
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General Revenue Fund					160125
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GRF 148321 Operating Expenses	\$	479,000	\$	490,000	160126
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TOTAL GRF General Revenue Fund	\$	479,000	\$	490,000	160127
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Dedicated Purpose Fund Group					160128
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6010 148602 Special Initiatives	\$	125,000	\$	125,000	160129
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TOTAL DPF Dedicated Purpose Fund	\$	125,000	\$	125,000	160130
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	604,000	\$	615,000	160131
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Section 297.10. OHS OHIO HISTORY CONNECTION					160133
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General Revenue Fund					160134
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GRF 360400 Holocaust and Genocide	\$	1,160,000	\$	1,190,000	160135
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Memorial and Education
Commission

GRF 360401 Ohio Commission for	\$	2,500,000	\$	5,000,000	160136
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the U.S.
Semiquincentennial

GRF 360402 UNESCO World Heritage	\$	1,200,000	\$	1,600,000	160137
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Sites

GRF 360501 Education and	\$	5,604,000	\$	5,882,000	160138
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Collections

GRF 360502 Site and Museum	\$	7,721,000	\$	9,002,000	160139
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Operations

GRF 360504 Ohio Preservation	\$	731,000	\$	738,000	160140
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Office

GRF 360505 National Afro-American	\$	728,000	\$	811,000	160141
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Museum

GRF 360506 Hayes Presidential	\$	597,000	\$	621,000	160142
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		Center				
GRF	360508	State Historical	\$	830,000	\$	730,000 160143
		Grants				
GRF	360509	Outreach and	\$	148,000	\$	151,000 160144
		Partnership				
TOTAL GRF		General Revenue Fund	\$	21,219,000	\$	25,725,000 160145
		Dedicated Purpose Fund Group				160146
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000 160147
		Check-off				
5PD0	360603	Ohio History License	\$	10,000	\$	10,000 160148
		Plate				
TOTAL DPF		Dedicated Purpose Fund	\$	160,000	\$	160,000 160149
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	21,379,000	\$	25,885,000 160150

SUBSIDY APPROPRIATION 160151

Upon approval by the Director of Budget and Management, the 160152
foregoing appropriation items shall be released to the Ohio 160153
History Connection in quarterly amounts that in total do not 160154
exceed the annual appropriations. The funds and fiscal records of 160155
the Ohio History Connection for fiscal year 2024 and fiscal year 160156
2025 shall be examined by independent certified public accountants 160157
approved by the Auditor of State, and a copy of the audited 160158
financial statements shall be filed with the Office of Budget and 160159
Management. 160160

The foregoing appropriations shall be considered to be the 160161
contractual consideration provided by the state to support the 160162
state's offer to contract with the Ohio History Connection under 160163
section 149.30 of the Revised Code. 160164

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 160165

The foregoing appropriation item 360400, Holocaust and 160166
Genocide Memorial and Education Commission, shall be used to 160167

support the operations of the Holocaust and Genocide Memorial and Education Commission established under section 197.03 of the Revised Code, including employment of a Director of the Office of the Commission and any other employees approved by the Commission.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$75,000 in each fiscal year shall be used to support scholarships to attend certificate coursework in Holocaust education offered in partnership with Yad Veshem, Ohio colleges and universities, or one of Ohio's Holocaust educational museums.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$125,000 in each fiscal year shall be used for recording the stories and testimonials of genocide survivors living in Ohio, as well as veterans or active duty military personnel involved in operations related to eliminating genocide.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$125,000 in each fiscal year shall be used for students, teachers, and community and university student leaders to attend educational programming that visits Holocaust sites. Funding may also be used by the Commission to host such programs in Europe, or at institutions approved by the Commission.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$175,000 in each fiscal year shall be used to create curriculum related to Holocaust education that is specific to Ohio. Funding shall also be used to make curricula and catalogued artifacts available online, indexed and searchable, for use by K-12 students, teachers, librarians, home schooled students and teachers, and other staff.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$200,000 in each fiscal year shall be used for Ohio K-12 students, or other individuals approved by the Commission, to visit one of Ohio's Holocaust education and memorial museums. Funding may be used for transportation, admission, security, and other related costs.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$250,000 in each fiscal year shall be used to support the development of teacher training courses at colleges and universities related to instruction on the Holocaust as well as other approved programming by the Commission. Funding may be used to provide funding as well as scholarships to students in graduate teaching programs to attend such courses.

The Commission, in partnership with the Department of Education and the Department of Higher Education, shall submit two reports of findings and recommendations to the general assembly and the governor not later than June 30 of each fiscal year regarding the impact of such funding, reach, and any recommended changes to the programming.

UNESCO WORLD HERITAGE SITES

The foregoing appropriation item 360402, UNESCO World Heritage Sites, shall be used for operating costs for approved United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage sites in Ohio.

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, \$350,000 in each fiscal year shall be used for the Western Reserve Historical Society, and \$350,000 in each fiscal year shall be used for the Cincinnati Museum Center.

Of the foregoing appropriation item 360508, State Historical

Grants, \$70,000 in fiscal year 2024 shall be used for the Marlboro 160230
Volunteers. 160231

Of the foregoing appropriation item 360508, State Historical 160232
Grants, \$30,000 in each fiscal year shall be used for the 160233
Rootstown Historical Society. 160234

Of the foregoing appropriation item 360508, State Historical 160235
Grants, \$30,000 in fiscal year 2024 shall be used for the 160236
Armstrong Air and Space Museum. 160237

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 160238

General Revenue Fund 160239

GRF 025321 Operating Expenses \$ 30,250,000 \$ 30,250,000 160240

TOTAL GRF General Revenue Fund \$ 30,250,000 \$ 30,250,000 160241

Internal Service Activity Fund Group 160242

1030 025601 House of \$ 1,433,664 \$ 1,433,664 160243

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 50,000 \$ 50,000 160244

TOTAL ISA Internal Service Activity 160245

Fund Group \$ 1,483,664 \$ 1,483,664 160246

TOTAL ALL BUDGET FUND GROUPS \$ 31,733,664 \$ 31,733,664 160247

OPERATING EXPENSES 160248

On July 1, 2023, or as soon as possible thereafter, the Chief 160249
Administrative Officer of the House of Representatives may certify 160250
to the Director of Budget and Management an amount up to the 160251
unexpended, unencumbered balance of the foregoing appropriation 160252
item 025321, Operating Expenses, at the end of fiscal year 2023 to 160253
be reappropriated to fiscal year 2024. The amount certified is 160254
hereby reappropriated to the same appropriation item for fiscal 160255
year 2024. 160256

On July 1, 2024, or as soon as possible thereafter, the Chief 160257

Administrative Officer of the House of Representatives may certify 160258
to the Director of Budget and Management an amount up to the 160259
unexpended, unencumbered balance of the foregoing appropriation 160260
item 025321, Operating Expenses, at the end of fiscal year 2024 to 160261
be reappropriated to fiscal year 2025. The amount certified is 160262
hereby reappropriated to the same appropriation item for fiscal 160263
year 2025. 160264

HOUSE REIMBURSEMENT 160265

If it is determined by the Chief Administrative Officer of 160266
the House of Representatives that additional appropriations are 160267
necessary for the foregoing appropriation item 025601, House of 160268
Representatives Reimbursement, the amounts are hereby 160269
appropriated. 160270

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 160271

Dedicated Purpose Fund Group 160272

5AZ0 997601 Housing Finance Agency \$ 16,861,741 \$ 17,433,489 160273

Personal Services

5ZM0 997602 Housing Finance Agency \$ 1,500,000 \$ 1,500,000 160274

- Landlord Credit

Score Cost Assistance

TOTAL DPF Dedicated Purpose Fund \$ 18,361,741 \$ 18,933,489 160275

Group

TOTAL ALL BUDGET FUND GROUPS \$ 18,361,741 \$ 18,933,489 160276

Section 301.20. Notwithstanding section 175.05 of the Revised 160278
Code, of the foregoing appropriation item 997602, Housing Finance 160279
Agency - Landlord Credit Score Cost Assistance, \$1,500,000 in each 160280
fiscal year shall be used by the Ohio Housing Finance Agency to 160281
establish and administer a pilot program to offset costs incurred 160282
by landlords for reporting the payment of rents using a 160283
third-party partner to credit monitoring services. Landlords of 160284

units participating in the Low-Income Housing Tax Credit program 160285
through the Ohio Housing Finance Agency or providing recovery 160286
housing that meets requirements under section 340.034 of the 160287
Revised Code are eligible for the program. 160288

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 160289

General Revenue Fund 160290

GRF 965321 Operating Expenses \$ 1,941,000 \$ 2,078,000 160291

TOTAL GRF General Revenue Fund \$ 1,941,000 \$ 2,078,000 160292

Internal Service Activity Fund Group 160293

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 160294

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 160295

General for BWC/OIC

TOTAL ISA Internal Service Activity \$ 825,000 \$ 825,000 160296

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,766,000 \$ 2,903,000 160297

Section 305.10. INS DEPARTMENT OF INSURANCE 160299

Dedicated Purpose Fund Group 160300

5540 820401 Examination \$ 10,661,691 \$ 10,784,725 160301

5540 820601 Operating Expenses - \$ 189,000 \$ 189,000 160302

OSHIIP

5540 820606 Operating Expenses \$ 32,465,978 \$ 33,063,978 160303

TOTAL DPF Dedicated Purpose Fund \$ 43,316,669 \$ 44,037,703 160304

Group

Federal Fund Group 160305

3U50 820602 OSHIIP Operating \$ 3,050,000 \$ 3,050,000 160306

Grant

TOTAL FED Federal Fund Group \$ 3,050,000 \$ 3,050,000 160307

TOTAL ALL BUDGET FUND GROUPS \$ 46,366,669 \$ 47,087,703 160308

Section 305.20.	MARKET CONDUCT EXAMINATION				160310
	When conducting a market conduct examination of any insurer				160311
	doing business in this state, the Superintendent of Insurance may				160312
	assess the costs of the examination against the insurer. The				160313
	Superintendent may enter into consent agreements to impose				160314
	administrative assessments or fines for conduct discovered that				160315
	may be violations of statutes or rules administered by the				160316
	Superintendent. All costs, assessments, or fines collected shall				160317
	be deposited to the credit of the Department of Insurance				160318
	Operating Fund (Fund 5540).				160319
Section 307.10.	JFS DEPARTMENT OF JOB AND FAMILY SERVICES				160320
	General Revenue Fund				160321
GRF 600410	TANF State Maintenance	\$ 149,268,000	\$ 149,268,000		160322
	of Effort				
GRF 600450	Program Operations	\$ 205,000,000	\$ 205,000,000		160323
GRF 600502	Child Support- Local	\$ 26,400,000	\$ 26,400,000		160324
GRF 600521	Family Assistance -	\$ 53,248,000	\$ 53,248,000		160325
	Local				
GRF 600533	Child, Family, and	\$ 13,500,000	\$ 13,500,000		160326
	Community Protection				
	Services				
GRF 600534	Adult Protective	\$ 9,720,000	\$ 9,720,000		160327
	Services				
GRF 600551	Job and Family Services	\$ 2,400,000	\$ 2,400,000		160328
	Program Support				
GRF 600561	Parenting and Pregnancy	\$ 7,000,000	\$ 7,000,000		160329
	Program				
GRF 600562	Adoption Grant Program	\$ 15,000,000	\$ 15,000,000		160330
GRF 655425	Medicaid Program	\$ 15,605,000	\$ 15,673,000		160331
	Support				

GRF 655522	Medicaid Program	\$	44,000,000	\$	49,000,000	160332
	Support - Local					
GRF 655523	Medicaid Program	\$	43,530,000	\$	43,530,000	160333
	Support - Local					
	Transportation					
TOTAL GRF	General Revenue Fund	\$	584,671,000	\$	589,739,000	160334
	Dedicated Purpose Fund Group					160335
4A80 600658	Public Assistance	\$	19,900,000	\$	19,900,000	160336
	Activities					
4A90 600607	Unemployment	\$	11,400,000	\$	11,400,000	160337
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	650,000	\$	650,000	160338
	Services Collections					
5AJ1 6006A8	Foodbanks	\$	15,000,000	\$	15,000,000	160339
5CV3 600460	Job and Family	\$	10,000,000	\$	10,000,000	160340
	Services ARPA					
5CV3 6006A5	Foodbank Assistance	\$	10,000,000	\$	0	160341
	ARPA					
5DM0 600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	160342
	Contingency					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	160343
5RX0 600699	Workforce Development	\$	500,000	\$	500,000	160344
	Projects					
5TZ0 600674	Childrens Crisis Care	\$	1,250,000	\$	1,500,000	160345
5U60 600663	Family and Children	\$	6,932,065	\$	7,787,465	160346
	Support					
TOTAL DPF	Dedicated Purpose Fund	\$	77,132,065	\$	68,237,465	160347
	Group					
	Internal Service Activity Fund Group					160348
5HL0 600602	State and County	\$	2,000,000	\$	2,000,000	160349
	Shared Services					

TOTAL ISA Internal Service Activity	\$	2,000,000	\$	2,000,000	160350
Fund Group					
Fiduciary Fund Group					160351
1920 600646 Child Support	\$	100,000,000	\$	100,000,000	160352
Intercept - Federal					
5830 600642 Child Support	\$	13,000,000	\$	13,000,000	160353
Intercept - State					
5B60 600601 Food Assistance	\$	4,000,000	\$	4,000,000	160354
Intercept					
TOTAL FID Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	160355
Holding Account Fund Group					160356
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	160357
Settlements					
TOTAL HLD Holding Account Fund	\$	500,000	\$	500,000	160358
Group					
Federal Fund Group					160359
3310 600615 Veterans Programs	\$	11,872,779	\$	11,893,147	160360
3310 600624 Employment Services	\$	30,454,022	\$	30,882,752	160361
3310 600686 Workforce Programs	\$	3,926,746	\$	3,980,332	160362
3840 600610 Food Assistance	\$	245,396,656	\$	236,482,931	160363
Programs					
3850 600614 Refugee Services	\$	23,157,277	\$	12,375,030	160364
3950 600616 Federal Discretionary	\$	8,367,273	\$	5,047,878	160365
Grants					
3960 600620 Social Services Block	\$	38,191,659	\$	38,280,049	160366
Grant					
3970 600626 Child Support -	\$	205,929,146	\$	205,192,248	160367
Federal					
3F01 655624 Medicaid Program	\$	220,005,026	\$	220,103,397	160368
Support - Federal					
3S50 600622 Child Support Projects	\$	534,050	\$	534,050	160369
3V00 600688 Workforce Innovation	\$	165,190,735	\$	165,578,756	160370

	and Opportunity Act				
	Programs				
3V40 600632	Trade Programs	\$ 29,560,798	\$ 29,727,681	160371	
3V40 600678	Federal Unemployment	\$ 132,198,612	\$ 131,184,431	160372	
	Programs				
3V40 600679	Unemployment	\$ 6,830,615	\$ 6,948,482	160373	
	Compensation Review				
	Commission - Federal				
3V60 600689	TANF Block Grant	\$ 814,044,607	\$ 818,722,142	160374	
TOTAL FED	Federal Fund Group	\$ 1,935,660,001	\$ 1,916,933,306	160375	
TOTAL ALL BUDGET FUND GROUPS		\$ 2,716,963,066	\$ 2,694,409,771	160376	

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 160378

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 160379
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(B) Of the foregoing appropriation item 600521, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 160383
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(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 160389
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(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 160393
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(1) Appropriation item 600521, Family Assistance - Local, and 160398
appropriation item 655522, Medicaid Program Support - Local; and 160399

(2) Appropriation item 655523, Medicaid Program Support - 160400
Local Transportation, and appropriation item 655522, Medicaid 160401
Program Support - Local. 160402

Section 307.30. NAME OF FOOD STAMP PROGRAM 160403

The Director of Job and Family Services is not required to 160404
amend rules regarding the Food Stamp Program to change the name of 160405
the program to the Supplemental Nutrition Assistance Program. The 160406
Director may refer to the program as the Food Stamp Program, the 160407
Supplemental Nutrition Assistance Program, or the Food Assistance 160408
Program in rules and documents of the Department of Job and Family 160409
Services. 160410

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 160411

Of the foregoing appropriation items 600410, TANF State 160412
Maintenance of Effort, 600658, Public Assistance Activities, and 160413
600689, TANF Block Grant, a total of up to \$22,050,000 in each 160414
fiscal year, and also the foregoing appropriation item 6006A8, 160415
Foodbanks, shall be used to provide funds to the Ohio Association 160416
of Food Banks to purchase and distribute food products, support 160417
Innovative Summer Meals programs for children, provide SNAP 160418
outreach and free tax filing services, and provide capacity 160419
building equipment for food pantries and soup kitchens. 160420

Notwithstanding section 5101.46 of the Revised Code and any 160421
other provision in this act, the Director of Job and Family 160422
Services shall provide assistance from eligible funds to the Ohio 160423
Association of Food Banks in an amount not less than \$39,550,000 160424
in each fiscal year. This amount includes the funds designated to 160425
the Ohio Association of Food Banks in the first paragraph of this 160426
section. 160427

Eligible nonfederal expenditures made by member food banks of 160428
the Association shall be counted by the Department of Job and 160429
Family Services toward the TANF maintenance of effort requirements 160430
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 160431
shall enter into an agreement with the Ohio Association of Food 160432
Banks, in accordance with sections 5101.80 and 5101.801 of the 160433
Revised Code, to carry out the requirements under this section. 160434

Section 307.41. TOLEDO SEAGATE FOODBANK 160435

Of the foregoing appropriation item 600689, TANF Block Grant, 160436
\$250,000 in each fiscal year shall be provided to the Toledo 160437
Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 160438
of the Revised Code. 160439

Section 307.43. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 160440

The Department of Job and Family Services shall enter into a 160441
subgrant agreement with the Ohio Association of Foodbanks to 160442
enable the Association to provide food distribution to low-income 160443
families and individuals via the statewide charitable emergency 160444
food provider network and to support transportation of meals for 160445
the Governor's Office of Faith-Based and Community Initiatives 160446
Innovative Summer Meals programs for children and provide capacity 160447
building equipment for food pantries and soup kitchens. 160448

The Ohio Association of Foodbanks shall do all of the 160449
following: 160450

(A) Purchase food for the Agriculture Clearance and Ohio Food 160451
Programs. Information regarding the food purchase shall be 160452
reflected in the plan for statewide distribution of food products 160453
to local food distribution agencies. 160454

(B) Support the Capacity Building Grant program and purchase 160455
equipment for partner agencies that is needed to increase their 160456
capacity to serve more families eligible under the Temporary 160457

Assistance for Needy Families program with perishable foods, 160458
fruits, and vegetables. This equipment purchase shall include, but 160459
is not limited to, shelving, pallet jacks, commercial 160460
refrigerators, and commercial freezers. 160461

(C) Submit a quarterly report to the Department of Job and 160462
Family Services not later than sixty days after the close of the 160463
quarter to which the report pertains. The quarterly report shall 160464
include all of the following: 160465

(1) A summary of the allocation and expenditure of grant 160466
funds; 160467

(2) Product type and pounds distributed by foodbank service 160468
region and county; 160469

(3) The number of households, households with children, a 160470
breakdown of individuals served by age, including those over the 160471
age of sixty, those between the ages of nineteen and fifty-nine, 160472
and those up to the age of eighteen, and the number of meals 160473
served. 160474

(D) Submit an annual report to the Agreement Manager at the 160475
Department of Job and Family Services not later than one hundred 160476
twenty days after the end of the fiscal year. The annual report 160477
shall include the following: 160478

(1) A summary of the allocation and expenditure of grant 160479
funds; 160480

(2) The number of households, households with children, a 160481
breakdown of individuals served by age, including those over the 160482
age of sixty, those between the ages of nineteen and fifty-nine, 160483
and those up to the age of eighteen, and the number of meals 160484
served. 160485

(3) The quantity and type of food distributed and the total 160486
per pound cost of the food purchased; 160487

(4) Information on the cost of storage, transportation, and processing; 160488
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(5) An evaluation of the success in achieving expected performance outcomes. 160490
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Section 307.45. FOODBANK ASSISTANCE ARPA 160492

The foregoing appropriation item 6006A5, Foodbank Assistance ARPA, shall be distributed to the Cleveland Foodbank. 160493
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Section 307.50. FOOD STAMPS TRANSFER 160495

On July 1, 2023, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 160496
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Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 160501

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities. 160502
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Section 307.70. TANF STATE MAINTENANCE OF EFFORT 160510

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$7,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk 160511
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children and enable youth to become responsible adults. Not less 160516
than \$150,000 in each fiscal year shall be provided to the Boys 160517
and Girls Club of Massillon. 160518

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK 160519
GRANT 160520

Of the foregoing appropriation item 600689, TANF Block Grant, 160521
up to \$13,535,000 in each fiscal year shall be used, in accordance 160522
with sections 5101.80 and 5101.801 of the Revised Code, to provide 160523
support to programs or organizations that provide services that 160524
align with the mission and goals of the Governor's Office of 160525
Faith-Based and Community Initiatives, as outlined in section 160526
107.12 of the Revised Code, and that further at least one of the 160527
four purposes of the TANF program, as specified in 42 U.S.C. 601. 160528

Of the foregoing appropriation item 600689, TANF Block Grant, 160529
\$2,800,000 in each fiscal year shall be provided, in accordance 160530
with sections 5101.80 and 5101.801 of the Revised Code, to Open 160531
Doors Academy to support out-of-school programs in northeast Ohio, 160532
Lima, Sandusky, and Mansfield, and to support other additional 160533
locations in the state. 160534

Of the foregoing appropriation item 600689, TANF Block Grant, 160535
\$2,250,000 in each fiscal year shall be allocated, in accordance 160536
with sections 5101.80 and 5101.801 of the Revised Code, to College 160537
Now to provide payments to family support specialists employed by 160538
the Say Yes to Education Cleveland program. 160539

Of the foregoing appropriation item 600689, TANF Block Grant, 160540
up to \$2,000,000 in each fiscal year shall be used, in accordance 160541
with sections 5101.80 and 5101.801 of the Revised Code, to support 160542
the Independent Living Initiative, including life skills training 160543
and work supports for older children in foster care and those who 160544
have recently aged out of foster care who meet TANF eligibility 160545
requirements. 160546

Of the foregoing appropriation item 600689, TANF Block Grant, 160547
up to \$1,000,000 in each fiscal year shall be provided, in 160548
accordance with sections 5101.80 and 5101.801 of the Revised Code, 160549
to the Ohio Children's Trust Fund. 160550

Of the foregoing appropriation item 600689, TANF Block Grant, 160551
\$3,750,000 in each fiscal year shall be provided, in accordance 160552
with sections 5101.80 and 5101.801 of the Revised Code, to the 160553
Children's Hunger Alliance to assist with meal sponsorship, early 160554
child care programs, child care, consultations and nutrition 160555
education, school district nutrition programs, after school 160556
nutrition programs, and summer nutrition programs. 160557

Of the foregoing appropriation item 600689, TANF Block Grant, 160558
\$1,000,000 in each fiscal year shall be provided, in accordance 160559
with sections 5101.80 and 5101.801 of the Revised Code, to Big 160560
Brothers Big Sisters of Central Ohio to provide mentoring services 160561
to children throughout the state who have experienced trauma in 160562
their lives, including parental incarceration. 160563

Of the foregoing appropriation item 600689, TANF Block Grant, 160564
\$1,500,000 in each fiscal year shall be provided, in accordance 160565
with sections 5101.80 and 5101.801 of the Revised Code, to the 160566
Waterford Institute to implement a pilot program for 160567
pre-kindergarten children. 160568

Of the foregoing appropriation item 600689, TANF Block Grant, 160569
\$1,500,000 in each fiscal year shall be provided, in accordance 160570
with sections 5101.80 and 5101.801 of the Revised Code, to the 160571
Ohio Council of YWCAs to support programs that prevent domestic 160572
violence, support victims of domestic violence, provide 160573
trauma-informed support for survivors, and support educational 160574
opportunities for at-risk youth. 160575

Of the foregoing appropriation item 600689, TANF Block Grant, 160576
\$1,200,000 in fiscal year 2024 shall be provided, in accordance 160577

with sections 5101.80 and 5101.801 of the Revised Code, to 160578
Birthing Beautiful Communities in Cleveland. 160579

Of the foregoing appropriation item 600689, TANF Block Grant, 160580
\$1,000,000 in each fiscal year shall be provided, in accordance 160581
with sections 5101.80 and 5101.801 of the Revised Code, to Produce 160582
Perks Midwest to expand Ohio's Nutrition Incentive Program. 160583

Of the foregoing appropriation item 600689, TANF Block Grant, 160584
\$1,000,000 in each fiscal year shall be used, in accordance with 160585
sections 5101.80 and 5101.801 of the Revised Code, to support the 160586
Somali Community Link's Social Service Program. 160587

Of the foregoing appropriation item 600689, TANF Block Grant, 160588
\$500,000 in each fiscal year shall be provided, in accordance with 160589
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 160590
Inc., to support programs that provide workforce development, life 160591
skills training, and parent education to improve healthy family 160592
formation, maintenance, and stability for young adult parents and 160593
financially disadvantaged couples. 160594

Of the foregoing appropriation item 600689, TANF Block Grant, 160595
\$400,000 in each fiscal year shall be used, in accordance with 160596
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 160597
YMCA day camps and before and after school programs to support 160598
students' academic achievement and development. 160599

Of the foregoing appropriation item 600689, TANF Block Grant, 160600
\$375,000 in fiscal year 2024 and \$600,000 in fiscal year 2025 160601
shall be provided, in accordance with sections 5101.80 and 160602
5101.801 of the Revised Code, to the Foundry Row, Sail, Dream 160603
Program. 160604

Of the foregoing appropriation item 600689, TANF Block Grant, 160605
\$300,000 in each fiscal year shall be provided, in accordance with 160606
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 160607
Clothes for Kids to further increase the number of children served 160608

in Cuyahoga County and surrounding counties. 160609

Of the foregoing appropriation item 600689, TANF Block Grant, 160610
\$300,000 in each fiscal year shall be provided, in accordance with 160611
sections 5101.80 and 5101.801 of the Revised Code, to support 160612
Inspirededucation's educational planning, financial literacy, and 160613
college and career counseling services to promote workforce 160614
development and reduce student loan debt. 160615

Of the foregoing appropriation item 600689, TANF Block Grant, 160616
\$250,000 in each fiscal year shall be provided, in accordance with 160617
sections 5101.80 and 5101.801 of the Revised Code, to the United 160618
Way of Greater Cincinnati to support the Project Lift Program in 160619
Brown and Clermont counties to help families remove barriers to 160620
secure sustainable income and achieve financial stability through 160621
critical short-term assistance and support, coaching, workforce 160622
development, and other resources. 160623

Of the foregoing appropriation item 600689, TANF Block Grant, 160624
\$200,000 in each fiscal year shall be provided, in accordance with 160625
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 160626
Works! Ohio in Dayton. 160627

Of the foregoing appropriation item 600689, TANF Block Grant, 160628
\$200,000 in each fiscal year shall be provided, in accordance with 160629
sections 5101.80 and 5101.801 of the Revised Code, to Bethany 160630
House Services. 160631

Of the foregoing appropriation item 600689, TANF Block Grant, 160632
\$200,000 in each fiscal year shall be provided, in accordance with 160633
sections 5101.80 and 5101.801 of the Revised Code, to MY Project 160634
USA to provide mentoring, leadership, and literacy programming for 160635
at-risk youth. 160636

Section 307.83. FAMILY STABILITY PROGRAMS 160637

Of the foregoing appropriation item, 600689, TANF Block 160638

Grant, up to \$1,500,000 in each fiscal year shall be provided, in 160639
accordance with sections 5101.80 and 5101.801 of the Revised Code, 160640
to the Siemer Institute to support family stability programs in 160641
collaboration with United Way affiliates on a quarterly basis. The 160642
funds shall be used to provide services and early interventions 160643
that are focused on improving family housing stability, increasing 160644
household income, reducing school mobility, and supporting 160645
two-generation programming to stabilize family units. 160646

Before any funds are reimbursed, the Siemer Institute or 160647
affiliates shall provide the Department of Job and Family Services 160648
with documentation showing the amount of private sector dollars 160649
that have been collected to support the family stability programs. 160650
The amount of each reimbursement provided by the Department to the 160651
Siemer Institute shall not exceed the amount documented and shall 160652
not exceed the amount of the earmark in each fiscal year. 160653

On July 1, 2023, or as soon as possible thereafter, the 160654
Director of Job and Family Services shall certify to the Director 160655
of Budget and Management the amount of the unexpended, 160656
unencumbered balance of the earmark in fiscal year 2023. The 160657
amount certified is hereby reappropriated to the same 160658
appropriation item for the same purpose in fiscal year 2024. 160659

Section 307.85. CAREER NAVIGATOR PILOT PROGRAM 160660

Of the foregoing appropriation item 600450, Program 160661
Operations, up to \$3,025,000 in each fiscal year shall be used to 160662
support a career navigator program that assists high school 160663
students with post-graduation planning. These funds shall be used 160664
as follows: 160665

(A) Up to \$3,000,000 in each fiscal year shall be used by the 160666
Department of Job and Family Services, in partnership with the 160667
Department of Education and the Governor's Office of Workforce 160668
Transformation, to establish a two-year pilot program to employ 160669

career navigators at select local workforce development boards, 160670
defined as "local board" in section 6301.01 of the Revised Code. 160671
The career navigators shall provide services to Ohio high school 160672
students. These services may include OhioMeansJobs registration, 160673
career planning information, and assistance with earning the 160674
OhioMeansJobs-Readiness Seal for graduation. When implementing the 160675
program, the career navigators and participating local workforce 160676
development boards shall coordinate with the business advisory 160677
council of a participating local school district. 160678

(B) Up to \$25,000 in each fiscal year shall be used by the 160679
Department of Job and Family Services, in partnership with the 160680
Department of Education and the Governor's Office of Workforce 160681
Transformation, to conduct an evaluation of the pilot program. 160682
This evaluation shall be completed not later than three months 160683
after the end date of the program. 160684

Section 307.90. CHILD SUPPORT COLLECTIONS PILOT 160685

Of the foregoing appropriation item 600450, Program 160686
Operations, up to \$2,000,000 in each fiscal year may be provided 160687
to assist up to ten county child support enforcement agencies that 160688
submit an approved plan to the Department of Job and Family 160689
Services to administer a pilot program to secure consistent child 160690
support payments in targeted non-payment child support cases and 160691
to participate in a study to identify strategies for highest 160692
success for obtaining collections. 160693

Section 307.95. LA SOUPE 160694

Of the foregoing appropriation item 600450, Program 160695
Operations, up to \$1,770,000 in fiscal year 2024 shall be provided 160696
to La Soupe, Inc. to expand and establish services in three new 160697
sites in Ohio. 160698

Section 307.100. ELEVATE NORTHLAND 160699

Of the foregoing appropriation item 600450, Program 160700
Operations, up to \$500,000 in fiscal year 2024 shall be allocated 160701
to Elevate Northland and used for the capital improvements to the 160702
Elevate Northland Center in the Northland area. 160703

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION 160704
SERVICES 160705

(A) The foregoing appropriation item 600533, Child, Family, 160706
and Community Protection Services, shall be distributed to county 160707
departments of job and family services. County departments shall 160708
use the funds distributed to them under this section as follows, 160709
in accordance with the written plan of cooperation entered into 160710
under section 307.983 of the Revised Code: 160711

(1) To assist individuals in achieving or maintaining 160712
self-sufficiency, including by reducing or preventing dependency 160713
among individuals with family income not exceeding two hundred per 160714
cent of the federal poverty guidelines; 160715

(2) Subject to division (B) of this section, to respond to 160716
reports of abuse, neglect, or exploitation of children and adults, 160717
including through the differential response approach program; 160718

(3) To provide outreach and referral services regarding home 160719
and community-based services to individuals at risk of placement 160720
in a group home or institution, regardless of the individuals' 160721
family income and without need for a written application; 160722

(4) To provide outreach, referral, application assistance, 160723
and other services to assist individuals to receive assistance, 160724
benefits, or services under Medicaid; Title IV-A programs, as 160725
defined in section 5101.80 of the Revised Code; the Supplemental 160726
Nutrition Assistance Program; and other public assistance 160727
programs. 160728

(B) Protective services may be provided to a child or adult 160729
as part of a response, under division (A)(2) of this section, to a 160730
report of abuse, neglect, or exploitation without regard to a 160731
child or adult's family income and without need for a written 160732
application. The protective services may be provided if the case 160733
record documents circumstances of actual or potential abuse, 160734
neglect, or exploitation. 160735

Section 307.130. ADULT PROTECTIVE SERVICES 160736

Of the foregoing appropriation item 600534, Adult Protective 160737
Services, \$7,040,000 in each fiscal year shall be used to provide 160738
an initial allocation of \$80,000 to each county. The remainder of 160739
appropriation item 600534 shall be provided to counties in 160740
accordance with the formula established in section 5101.14 of the 160741
Revised Code. 160742

Section 307.133. JOB AND FAMILY SERVICES PROGRAM SUPPORT 160743

Of the foregoing appropriation item 600551, Job and Family 160744
Services Program Support, \$2,250,000 in each fiscal year shall be 160745
allocated to College Now to provide payments to family support 160746
specialists employed by the Say Yes to Education Cleveland 160747
program. 160748

Of the foregoing appropriation item 600551, Job and Family 160749
Services Program Support, \$150,000 in each fiscal year shall be 160750
distributed to Men's Challenge in Stark County. 160751

Section 307.135. PARENTING AND PREGNANCY PROGRAM 160752

The foregoing appropriation item 600561, Parenting and 160753
Pregnancy Program, shall be used, in accordance with section 160754
5101.804 of the Revised Code, to support the Ohio Parenting and 160755
Pregnancy Program. 160756

Section 307.140. ADOPTION GRANT PROGRAM 160757

The foregoing appropriation item 600562, Adoption Grant 160758
Program, shall be used, in consultation with the Department of 160759
Children and Youth, to administer grants to adoptive parents 160760
through the Adoption Grant Program, in accordance with sections 160761
5101.191 and 5101.192 of the Revised Code. 160762

Section 307.150. FEDERAL DISCRETIONARY GRANTS 160763

Of the foregoing appropriation item 600616, Federal 160764
Discretionary Grants, up to \$195,000 in each fiscal year shall be 160765
used for the training of guardians ad litem and court-appointed 160766
special advocates as well as to conduct a study to demonstrate the 160767
impact of court-appointed special advocate volunteers on outcomes 160768
for children who are in child welfare custody as a result of 160769
abuse, neglect, or dependency. 160770

Section 307.210. CHILDRENS CRISIS CARE FACILITIES 160771

Of the foregoing appropriation item 600674, Childrens Crisis 160772
Care Facilities, up to \$265,000 in each fiscal year may be 160773
provided to Brigid's Path. 160774

The remainder of appropriation item 600674, Childrens Crisis 160775
Care Facilities, shall be allocated by the Department of Job and 160776
Family Services in each fiscal year to children's crisis care 160777
facilities as defined in section 5103.13 of the Revised Code. The 160778
Director of Job and Family Services shall allocate funds in each 160779
fiscal year based on the total length of stay or days of care for 160780
each child residing in the facility, which is determined by 160781
calculating the total days each child resides at the crisis care 160782
facility, including the date of admission, but not the day of 160783
discharge. A children's crisis care facility may decline to 160784
receive funds provided under this section. A children's crisis 160785

care facility that accepts funds provided under this section shall 160786
use the funds in accordance with section 5103.13 of the Revised 160787
Code and the rules as defined in rule 5101:2-9-36 of the 160788
Administrative Code. 160789

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 160790

The Fiduciary Fund Group and Holding Account Fund Group shall 160791
be used to hold revenues until the appropriate fund is determined 160792
or until the revenues are directed to the appropriate governmental 160793
agency other than the Department of Job and Family Services. Any 160794
Department of Job and Family Services refunds or reconciliations 160795
received or held by the Department of Medicaid shall be 160796
transferred or credited to the Refunds and Audit Settlement Fund 160797
(Fund R012). If receipts credited to the Support Intercept - 160798
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 160799
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 160800
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 160801
from the fund, the Director of Job and Family Services may request 160802
the Director of Budget and Management to authorize expenditures 160803
from the fund in excess of the amounts appropriated. Upon the 160804
approval of the Director of Budget and Management, the additional 160805
amounts are hereby appropriated. 160806

Section 307.240. (A)(1) The Department of Job and Family 160807
Services shall establish a two-year pilot program known as the 160808
Actionable Help and New Dignity for Upward Progression (A HAND UP) 160809
pilot program. Under the pilot program, the Department shall 160810
assist program participants in transitioning into the workforce as 160811
they become ineligible for public assistance benefits. 160812

(2) The Department shall select four counties in which to 160813
operate the pilot program. In selecting counties, the Department 160814
shall select one metropolitan county; one midsize county; and two 160815

rural counties, one of which is located in the Appalachian region 160816
of the state. 160817

(3) Individuals participating in the program shall do so for 160818
a maximum initial period of one year. Following an individual's 160819
initial participation in the program, the Department shall 160820
evaluate the progress made by the participant in meeting the goals 160821
of the program. Following an evaluation of a participant's 160822
progress, the Department may permit an individual to continue 160823
participating in the program for additional six-month periods. At 160824
the end of each six-month period, the Department shall evaluate 160825
the progress of the participant and determine whether the 160826
participant may continue in the program for another six-month 160827
period. 160828

(B) Not later than one hundred eighty days after the 160829
effective date of this section, the Department shall have the 160830
pilot program fully operational. The Department shall do all of 160831
the following in setting up the pilot program: 160832

(1) Establish eligibility criteria for individuals 160833
participating in the pilot program; 160834

(2) Establish conditions for continued participation in the 160835
pilot program; 160836

(3) Establish a competitive application process for employers 160837
seeking to participate in the pilot program; 160838

(4) Identify existing subsidized employment programs and 160839
provide training to program operators seeking to participate in 160840
the pilot program; 160841

(5) Establish an assessment tool to determine the success of 160842
employers participating in the pilot program; 160843

(6) Establish a process by which pilot program participants 160844
are connected with employers participating in the program; 160845

(7) Establish a mentorship program, including training for mentors, that connects pilot program participants with program mentors; 160846
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(8) Identify and establish a financial literacy program for pilot program participants. 160849
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(C) Under the pilot program, the Department shall do both of the following: 160851
160852

(1) Provide pilot program participants a stipend, on a sliding scale as determined by the Department, that each participant may use to pay for health care insurance premiums and deductibles or for child care expenses; 160853
160854
160855
160856

(2) Provide employers that participate in the pilot program with subsidies for employing pilot program participants. 160857
160858

(D) Not later than one hundred eighty days after the effective date of this section, the Department shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement the pilot program. 160859
160860
160861
160862

(E) To assist with the administration and operation of the pilot program, the Department shall establish a digital application that does all of the following: 160863
160864
160865

(1) Calculates a participant's income based on the individual's benefits received and income earned; 160866
160867

(2) Connects participants with pilot program resources; 160868

(3) Provides educational and motivational resources to participants; 160869
160870

(4) Connects participants with mentors or pilot program case workers. 160871
160872

In developing the digital application, the Department may work in collaboration with the Office of InnovateOhio. 160873
160874

(F) If a county department of job and family services 160875
representing a county selected to participate in the pilot program 160876
has established an individual development account program under 160877
section 329.12 of the Revised Code, the Department of Job and 160878
Family Services shall request a waiver from the United States 160879
Department of Health and Human Services to allow pilot program 160880
participants in those counties to use individual development 160881
account funds for purposes other than those specified in 45 C.F.R. 160882
263.22, such as rental assistance, moving costs, utilities, and 160883
transportation costs. 160884

(G)(1) As part of the pilot program, the Department of Job 160885
and Family Services shall study participants once they have 160886
completed participation in the program to determine all of the 160887
following: 160888

(a) Whether they are employed; 160889

(b) The type of employment in which they are engaged; 160890

(c) The amount of compensation they are receiving; 160891

(d) Whether their employer provides health insurance; 160892

(e) Whether and how often they have received public 160893
assistance since completing participation in the program; 160894

(f) Whether they are successfully self-sufficient. 160895

(2) The Department shall include the results of this study in 160896
the annual reports it submits to the General Assembly under 160897
division (H) of this section. 160898

(H) Beginning one year after the effective date of this 160899
section, the Department shall submit a report to the General 160900
Assembly. Thereafter, the Department shall submit an annual report 160901
to the General Assembly at the end of each calendar year in which 160902
the pilot program operates. The reports shall specify the outcomes 160903
of the pilot program, including data indicating the ways in which 160904

the pilot program is assisting participants in transitioning from receiving public assistance benefits to the workforce. The reports shall be submitted in accordance with section 101.68 of the Revised Code.

(I) The foregoing appropriation item 600460, Job and Family Services ARPA, shall be used to support the 'A Hand Up' pilot program in accordance with this section.

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029321	Operating Expenses	\$	610,000	\$	620,000
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TOTAL GRF	General Revenue Fund	\$	610,000	\$	620,000
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TOTAL ALL BUDGET FUND GROUPS		\$	610,000	\$	620,000
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OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing

appropriation item 029321, Operating Expenses, at the end of 160935
fiscal year 2024 to be reappropriated to fiscal year 2025. The 160936
amount certified is hereby reappropriated to the same 160937
appropriation item for fiscal year 2025. 160938

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 160939

General Revenue Fund 160940

GRF 048321 Operating Expenses	\$	408,000	\$	591,000	160941
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TOTAL GRF General Revenue Fund	\$	408,000	\$	591,000	160942
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TOTAL ALL BUDGET FUND GROUPS	\$	408,000	\$	591,000	160943
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OPERATING EXPENSES 160944

The foregoing appropriation item 048321, Operating Expenses, 160945
shall be used to support expenses related to the Joint Medicaid 160946
Oversight Committee created by section 103.41 of the Revised Code. 160947

On July 1, 2023, or as soon as possible thereafter, the 160948
Executive Director of the Joint Medicaid Oversight Committee may 160949
certify to the Director of Budget and Management an amount up to 160950
the unexpended, unencumbered balance of the foregoing 160951
appropriation item 048321, Operating Expenses, at the end of 160952
fiscal year 2023 to be reappropriated to fiscal year 2024. The 160953
amount certified is hereby reappropriated to the same 160954
appropriation item for fiscal year 2024. 160955

On July 1, 2024, or as soon as possible thereafter, the 160956
Executive Director of the Joint Medicaid Oversight Committee may 160957
certify to the Director of Budget and Management an amount up to 160958
the unexpended, unencumbered balance of the foregoing 160959
appropriation item 048321, Operating Expenses, at the end of 160960
fiscal year 2024 to be reappropriated to fiscal year 2025. The 160961
amount certified is hereby reappropriated to the same 160962
appropriation item for fiscal year 2025. 160963

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 160964

General Revenue Fund				160965
GRF 018321 Operating Expenses	\$	1,192,000	\$ 1,231,000	160966
TOTAL GRF General Revenue Fund	\$	1,192,000	\$ 1,231,000	160967
Dedicated Purpose Fund Group				160968
4030 018601 Ohio Jury	\$	616,853	\$ 674,109	160969
Instructions				
TOTAL DPF Dedicated Purpose Fund	\$	616,853	\$ 674,109	160970
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,808,853	\$ 1,905,109	160971
STATE COUNCIL OF UNIFORM STATE LAWS				160972
Notwithstanding section 105.26 of the Revised Code, of the				160973
foregoing appropriation item 018321, Operating Expenses, up to				160974
\$93,710 in fiscal year 2024 and up to \$97,458 in fiscal year 2025				160975
shall be used to pay the expenses of the State Council of Uniform				160976
State Laws, including membership dues to the National Conference				160977
of Commissioners on Uniform State Laws.				160978
OHIO JURY INSTRUCTIONS FUND				160979
The Ohio Jury Instructions Fund (Fund 4030) shall consist of				160980
grants, royalties, dues, conference fees, bequests, devises, and				160981
other gifts received for the purpose of supporting costs incurred				160982
by the Judicial Conference of Ohio in its activities as a part of				160983
the judicial system of the state as determined by the Judicial				160984
Conference Executive Committee. Fund 4030 shall be used by the				160985
Judicial Conference of Ohio to pay expenses incurred in its				160986
activities as a part of the judicial system of the state as				160987
determined by the Judicial Conference Executive Committee. All				160988
moneys accruing to Fund 4030 in excess of the amount appropriated				160989
for the current fiscal year are hereby appropriated for the				160990
purposes authorized. No money in Fund 4030 shall be transferred to				160991
any other fund by the Director of Budget and Management or the				160992
Controlling Board.				160993

Section 317.10. JSC THE JUDICIARY/SUPREME COURT				160994
General Revenue Fund				160995
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 200,343,000 \$	207,543,000 160996
GRF	005401	State Criminal Sentencing Commission	\$ 2,185,000 \$	2,481,000 160997
GRF	005406	Law-Related Education	\$ 375,000 \$	375,000 160998
GRF	005409	Ohio Courts Technology Initiative	\$ 3,843,000 \$	3,843,000 160999
TOTAL GRF	General Revenue Fund		\$ 206,746,000 \$	214,242,000 161000
Dedicated Purpose Fund Group				161001
4C80	005605	Attorney Services	\$ 11,653,424 \$	11,636,801 161002
5HT0	005617	Court Interpreter Certification	\$ 7,500 \$	8,000 161003
5SP0	005626	Civil Justice Grant Program	\$ 400,000 \$	400,000 161004
5T80	005609	Grants and Awards	\$ 90,760 \$	90,760 161005
6720	005601	Continuing Judicial Education	\$ 79,000 \$	79,000 161006
TOTAL DPF	Dedicated Purpose Fund Group		\$ 12,230,684 \$	12,214,561 161007
Fiduciary Fund Group				161008
5JY0	005620	County Law Library Resources Boards	\$ 308,500 \$	308,500 161009
TOTAL FID	Fiduciary Fund Group		\$ 308,500 \$	308,500 161010
Federal Fund Group				161011
3J00	005603	Federal Grants	\$ 1,746,957 \$	1,717,558 161012
TOTAL FED	Federal Fund Group		\$ 1,746,957 \$	1,717,558 161013
TOTAL ALL BUDGET FUND GROUPS			\$ 221,032,141 \$	228,482,619 161014

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 161016

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 161017
161018
161019
161020

LAW-RELATED EDUCATION 161021

Of the foregoing appropriation item 005406, Law-Related Education, \$225,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 161022
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161024
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Of the foregoing appropriation item 005406, Law-Related Education, \$150,000 in each fiscal year shall be used to promote information about candidates who have filed to run for judicial office. No funds shall be used for the endorsement or promotion of any candidate. 161029
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161031
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OHIO COURTS TECHNOLOGY INITIATIVE 161034

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform 161035
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standards, and to aid in the orderly adoption and comprehensive 161046
use of technology in Ohio courts. 161047

ATTORNEY SERVICES 161048

The Attorney Registration Fund (Fund 4C80) shall consist of 161049
money received by the Supreme Court (The Judiciary) pursuant to 161050
the Rules for the Government of the Bar of Ohio. In addition to 161051
funding other activities considered appropriate by the Supreme 161052
Court, the foregoing appropriation item 005605, Attorney Services, 161053
may be used to compensate employees and to fund appropriate 161054
activities of the following offices established by the Supreme 161055
Court: the Office of Disciplinary Counsel, the Board of 161056
Commissioners on Grievances and Discipline, the Clients' Security 161057
Fund, and the Attorney Services Division which include the Office 161058
of Bar Admissions. If it is determined by the Administrative 161059
Director of the Supreme Court that changes to the appropriation 161060
are necessary, the amounts are hereby appropriated. 161061

No money in Fund 4C80 shall be transferred to any other fund 161062
by the Director of Budget and Management or the Controlling Board. 161063
Interest earned on money in Fund 4C80 shall be credited to the 161064
fund. 161065

COURT INTERPRETER CERTIFICATION 161066

The Court Interpreter Certification Fund (Fund 5HT0) shall 161067
consist of money received by the Supreme Court (The Judiciary) 161068
pursuant to Rules 80 through 87 of the Rules of Superintendence 161069
for the Courts of Ohio. The foregoing appropriation item 005617, 161070
Court Interpreter Certification, shall be used to provide 161071
training, to provide the written examination, and to pay language 161072
experts to rate, or grade, the oral examinations of those applying 161073
to become certified court interpreters. If it is determined by the 161074
Administrative Director of the Supreme Court that changes to the 161075
appropriation are necessary, the amounts are hereby appropriated. 161076

No money in Fund 5HT0 shall be transferred to any other fund 161077
by the Director of Budget and Management or the Controlling Board. 161078
Interest earned on money in Fund 5HT0 shall be credited to the 161079
fund. 161080

CIVIL JUSTICE GRANT PROGRAM 161081

The Civil Justice Program Fund (Fund 5SP0) shall consist of 161082
(1) \$50 voluntary donations made as part of the biennium attorney 161083
registration process and (2) \$150 of the pro hac vice fees for 161084
out-of-state attorneys pursuant to Government of the Bar Rule 161085
amendments. The foregoing appropriation item 005626, Civil Justice 161086
Grant Program, shall be used by the Supreme Court of Ohio for 161087
grants to not-for-profit organizations and agencies dedicated to 161088
providing civil legal aid to underserved populations, to fund 161089
innovative programs directed at this purpose, and to increase 161090
access to judicial service to that population. If it is determined 161091
by the Administrative Director of the Supreme Court that changes 161092
to the appropriation are necessary, the amounts are hereby 161093
appropriated. 161094

No money in Fund 5SP0 shall be transferred to any other fund 161095
by the Director of Budget and Management or the Controlling Board. 161096
Interest earned on money in Fund 5SP0 shall be credited to the 161097
fund. 161098

GRANTS AND AWARDS 161099

The Grants and Awards Fund (Fund 5T80) shall consist of 161100
grants and other money awarded to the Supreme Court (The 161101
Judiciary) by the State Justice Institute, the Division of 161102
Criminal Justice Services, or other entities. The foregoing 161103
appropriation item 005609, Grants and Awards, shall be used in a 161104
manner consistent with the purpose of the grant or award. If it is 161105
determined by the Administrative Director of the Supreme Court 161106
that changes to the appropriation are necessary, the amounts are 161107

hereby appropriated. 161108

No money in Fund 5T80 shall be transferred to any other fund 161109
by the Director of Budget and Management or the Controlling Board. 161110
Interest earned on money in Fund 5T80 shall be credited or 161111
transferred to the General Revenue Fund. 161112

JUDICIARY/SUPREME COURT EDUCATION 161113

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 161114
consist of fees paid for attending judicial and public education 161115
on the law, reimbursement of costs for judicial and public 161116
education on the law, and other gifts and grants received for the 161117
purpose of judicial and public education on the law. The foregoing 161118
appropriation item 005601, Continuing Judicial Education, shall be 161119
used to pay expenses for judicial education courses for judges, 161120
court personnel, and those who serve the courts, and for public 161121
education on the law. If it is determined by the Administrative 161122
Director of the Supreme Court that changes to the appropriation 161123
are necessary, the amounts are hereby appropriated. 161124

No money in Fund 6720 shall be transferred to any other fund 161125
by the Director of Budget and Management or the Controlling Board. 161126
Interest earned on money in Fund 6720 shall be credited to the 161127
fund. 161128

COUNTY LAW LIBRARY RESOURCES BOARDS 161129

The Statewide Consortium of County Law Library Resources 161130
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 161131
to section 307.515 of the Revised Code into a county's law library 161132
resources fund and forwarded by that county's treasurer for 161133
deposit in the state treasury pursuant to division (E)(1) of 161134
section 3375.481 of the Revised Code. The foregoing appropriation 161135
item 005620, County Law Library Resources Boards, shall be used 161136
for the operation of the Statewide Consortium of County Law 161137
Library Resources Boards. If it is determined by the 161138

Administrative Director of the Supreme Court that changes to the 161139
appropriation are necessary, the amounts are hereby appropriated. 161140

No money in Fund 5JY0 shall be transferred to any other fund 161141
by the Director of Budget and Management or the Controlling Board. 161142
Interest earned on money in Fund 5JY0 shall be credited to the 161143
fund. 161144

FEDERAL GRANTS 161145

The Federal Grants Fund (Fund 3J00) shall consist of grants 161146
and other moneys awarded to the Supreme Court (The Judiciary) by 161147
the United States Government or other entities that receive the 161148
moneys directly from the United States Government and distribute 161149
those moneys to the Supreme Court (The Judiciary). The foregoing 161150
appropriation item 005603, Federal Grants, shall be used in a 161151
manner consistent with the purpose of the grant or award. If it is 161152
determined by the Administrative Director of the Supreme Court 161153
that changes to the appropriation are necessary, the amounts are 161154
hereby appropriated. 161155

No money in Fund 3J00 shall be transferred to any other fund 161156
by the Director of Budget and Management or the Controlling Board. 161157
However, interest earned on money in Fund 3J00 shall be credited 161158
or transferred to the General Revenue Fund. 161159

Section 319.10. LEC LAKE ERIE COMMISSION 161160

Dedicated Purpose Fund Group 161161

4C00 780601 Lake Erie Protection \$ 801,000 \$ 1,416,000 161162

6H20 780604 H2Ohio \$ 132,000 \$ 132,000 161163

TOTAL DPF Dedicated Purpose Fund \$ 933,000 \$ 1,548,000 161164

Group

Federal Fund Group 161165

3EP0 780603 LEC Federal Grants \$ 50,000 \$ 50,000 161166

TOTAL FED Federal Fund Group \$ 50,000 \$ 50,000 161167

TOTAL ALL BUDGET FUND GROUPS		\$	983,000	\$	1,598,000	161168
CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND						161169
On July 1 of each fiscal year, or as soon as possible						161170
thereafter, the Director of Budget and Management may transfer						161171
cash from the funds specified below, up to the amounts specified						161172
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may						161173
accept contributions and transfers made to the fund.						161174
Fund	Fund Name	User	FY 2024	FY 2025		161175
5BC0	Environmental	Environmental	\$25,000	\$25,000		161176
	Protection	Protection Agency				
6690	Pesticide,	Department of	\$25,000	\$25,000		161177
	Fertilizer and Lime	Agriculture				
4700	General Operations	Department of	\$25,000	\$25,000		161178
		Health				
1570	Central Support	Department of	\$25,000	\$25,000		161179
	Indirect Chargeback	Natural Resources				
7002	Highway Operating	Department of	\$25,000	\$25,000		161180
		Transportation				
1350	Supportive Services	Department of	\$25,000	\$25,000		161181
		Development				
H2OHIO FUND						161182
On July 1, 2024, or as soon as possible thereafter, the						161183
Director of the Lake Erie Commission may certify to the Director						161184
of Budget and Management an amount up to the unexpended,						161185
unencumbered balance of the foregoing appropriation item, 780604,						161186
H2Ohio, at the end of fiscal year 2024 to be reappropriated in						161187
fiscal year 2025. The amount certified is hereby reappropriated to						161188
the same appropriation item for fiscal year 2025.						161189
Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE						161190
General Revenue Fund						161191

GRF 028321	Legislative Ethics Committee	\$	713,000	\$	713,000	161192
TOTAL GRF	General Revenue Fund	\$	713,000	\$	713,000	161193
	Dedicated Purpose Fund Group					161194
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$	150,000	161195
5HN0 028602	Investigations and Financial Disclosure	\$	10,000	\$	10,000	161196
TOTAL DPF	Dedicated Purpose Fund Group	\$	160,000	\$	160,000	161197
TOTAL ALL BUDGET FUND GROUPS		\$	873,000	\$	873,000	161198

LEGISLATIVE ETHICS COMMITTEE 161199

Of the foregoing appropriation item 028321, Legislative Ethics Committee, up to \$87,717 in each fiscal year shall be used for the hiring of an additional staff attorney to assist the Joint Legislative Ethics Commission in carrying out the performance of its lawful functions. 161200-161204

On July 1, 2023, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024. 161205-161212

On July 1, 2024, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same 161213-161219

appropriation item for fiscal year 2025. 161220

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 161221

General Revenue Fund 161222

GRF 035321 Operating Expenses \$ 24,862,000 \$ 24,862,000 161223

GRF 035402 Legislative Fellows \$ 1,150,000 \$ 1,150,000 161224

GRF 035405 Correctional \$ 447,000 \$ 447,000 161225

Institution Inspection
 Committee

GRF 035409 National Associations \$ 600,000 \$ 600,000 161226

GRF 035410 Legislative \$ 13,713,000 \$ 13,713,000 161227

Information Systems

GRF 035501 Litigation \$ 1,250,000 \$ 0 161228

TOTAL GRF General Revenue Fund \$ 42,022,000 \$ 40,772,000 161229

Dedicated Purpose Fund Group 161230

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 161231

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 161232

Group

TOTAL ALL BUDGET FUND GROUPS \$ 42,032,000 \$ 40,782,000 161233

Section 323.20. OPERATING EXPENSES 161235

On July 1, 2023, or as soon as possible thereafter, the 161236

Director of the Legislative Service Commission may certify to the 161237

Director of Budget and Management an amount up to the unexpended, 161238

unencumbered balance of the foregoing appropriation item 035321, 161239

Operating Expenses, at the end of fiscal year 2023 to be 161240

reappropriated to fiscal year 2024. The amount certified is hereby 161241

reappropriated to the same appropriation item for fiscal year 161242

2024. 161243

On July 1, 2024, or as soon as possible thereafter, the 161244

Director of the Legislative Service Commission may certify to the 161245

Director of Budget and Management an amount up to the unexpended, 161246

unencumbered balance of the foregoing appropriation item 035321, 161247
Operating Expenses, at the end of fiscal year 2024 to be 161248
reappropriated to fiscal year 2025. The amount certified is hereby 161249
reappropriated to the same appropriation item for fiscal year 161250
2025. 161251

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 161252

On July 1, 2023, or as soon as possible thereafter, the 161253
Director of the Legislative Service Commission may certify to the 161254
Director of Budget and Management an amount up to the unexpended, 161255
unencumbered balance of the foregoing appropriation item 035405, 161256
Correctional Institution Inspection Committee, at the end of 161257
fiscal year 2023 to be reappropriated to fiscal year 2024. The 161258
amount certified is hereby reappropriated to the same 161259
appropriation item for fiscal year 2024. 161260

On July 1, 2024, or as soon as possible thereafter, the 161261
Director of the Legislative Service Commission may certify to the 161262
Director of Budget and Management an amount up to the unexpended, 161263
unencumbered balance of the foregoing appropriation item 035405, 161264
Correctional Institution Inspection Committee, at the end of 161265
fiscal year 2024 to be reappropriated to fiscal year 2025. The 161266
amount certified is hereby reappropriated to the same 161267
appropriation item for fiscal year 2025. 161268

LEGISLATIVE TASK FORCE ON REDISTRICTING 161269

An amount equal to the unexpended, unencumbered balance of 161270
the foregoing appropriation item 035407, Legislative Task Force on 161271
Redistricting, at the end of fiscal year 2023 is hereby 161272
reappropriated to the Legislative Service Commission for the same 161273
purpose for fiscal year 2024. 161274

An amount equal to the unexpended, unencumbered balance of 161275
the foregoing appropriation item 035407, Legislative Task Force on 161276
Redistricting, at the end of fiscal year 2024 is hereby 161277

reappropriated to the Legislative Service Commission for the same 161278
purpose for fiscal year 2025. 161279

LEGISLATIVE INFORMATION SYSTEMS 161280

On July 1, 2023, or as soon as possible thereafter, the 161281
Director of the Legislative Service Commission may certify to the 161282
Director of Budget and Management an amount up to the unexpended, 161283
unencumbered balance of the foregoing appropriation item 035410, 161284
Legislative Information Systems, at the end of fiscal year 2023 to 161285
be reappropriated to fiscal year 2024. The amount certified is 161286
hereby reappropriated to the same appropriation item for fiscal 161287
year 2024. 161288

On July 1, 2024, or as soon as possible thereafter, the 161289
Director of the Legislative Service Commission may certify to the 161290
Director of Budget and Management an amount up to the unexpended, 161291
unencumbered balance of the foregoing appropriation item 035410, 161292
Legislative Information Systems, at the end of fiscal year 2024 to 161293
be reappropriated to fiscal year 2025. The amount certified is 161294
hereby reappropriated to the same appropriation item for fiscal 161295
year 2025. 161296

LITIGATION 161297

The foregoing appropriation item 035501, Litigation, shall be 161298
used for any lawsuit in which the General Assembly, or either 161299
house of the General Assembly, is made a party. The chairperson 161300
and vice-chairperson of the Legislative Service Commission shall 161301
both approve the use of the appropriated moneys. 161302

An amount equal to the unexpended, unencumbered balance of 161303
the foregoing appropriation item 035501, Litigation, at the end of 161304
fiscal year 2023 is hereby reappropriated to the Legislative 161305
Service Commission for the same purpose for fiscal year 2024. 161306

An amount equal to the unexpended, unencumbered balance of 161307
the foregoing appropriation item 035501, Litigation, at the end of 161308

fiscal year 2024 is hereby reappropriated to the Legislative 161309
 Service Commission for the same purpose for fiscal year 2025. 161310

Section 325.10. LIB STATE LIBRARY BOARD 161311

General Revenue Fund 161312

GRF 350321 Operating Expenses \$ 4,527,000 \$ 4,527,000 161313

GRF 350401 Ohioana Library \$ 314,000 \$ 314,000 161314
 Association

GRF 350502 Regional Library \$ 494,000 \$ 494,000 161315
 Systems

TOTAL GRF General Revenue Fund \$ 5,335,000 \$ 5,335,000 161316

Dedicated Purpose Fund Group 161317

4590 350603 Services for \$ 6,818,338 \$ 6,818,338 161318
 Libraries

4S40 350604 Ohio Public Library \$ 6,009,243 \$ 6,009,243 161319
 Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 161320

TOTAL DPF Dedicated Purpose Fund \$ 14,101,775 \$ 14,101,775 161321

Group

Internal Service Activity Fund 161322

1390 350602 Services for State \$ 8,000 \$ 8,000 161323
 Agencies

TOTAL ISA Internal Service Activity \$ 8,000 \$ 8,000 161324

Fund Group

Federal Fund Group 161325

3130 350601 LSTA Federal \$ 5,432,653 \$ 5,432,653 161326

TOTAL FED Federal Fund Group \$ 5,432,653 \$ 5,432,653 161327

TOTAL ALL BUDGET FUND GROUPS \$ 24,877,428 \$ 24,877,428 161328

Section 325.20. OHIOANA LIBRARY ASSOCIATION 161330

Of the foregoing appropriation item 350401, Ohioana Library 161331

Association, \$195,000 in each fiscal year shall be used to support 161332

the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 161333
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The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 161335
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REGIONAL LIBRARY SYSTEMS 161339

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 161340
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OHIO PUBLIC LIBRARY INFORMATION NETWORK 161344

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 161345
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The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 161350
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(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting 161354
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this area of public access and service. 161364

(C) The Ohio Public Library Information Network, INFOhio, and 161365
OhioLINK shall, to the extent feasible, coordinate and cooperate 161366
in their purchase or other acquisition of the use of electronic 161367
databases for their respective users and shall contribute funds in 161368
an equitable manner to such effort. 161369

LIBRARY FOR THE BLIND 161370

The foregoing appropriation item 350605, Library for the 161371
Blind, shall be used for the statewide Talking Book Program to 161372
assist the blind and disabled. 161373

TRANSFER TO OPLIN TECHNOLOGY FUND 161374

Notwithstanding sections 5747.03 and 5747.47 of the Revised 161375
Code and any other provision of law to the contrary, in accordance 161376
with a schedule established by the Director of Budget and 161377
Management, the Director of Budget and Management shall transfer 161378
\$3,689,788 cash in each fiscal year from the Public Library Fund 161379
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 161380

TRANSFER TO LIBRARY FOR THE BLIND FUND 161381

Notwithstanding sections 5747.03 and 5747.47 of the Revised 161382
Code and any other provision of law to the contrary, in accordance 161383
with a schedule established by the Director of Budget and 161384
Management, the Director of Budget and Management shall transfer 161385
\$1,274,194 cash in each fiscal year from the Public Library Fund 161386
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 161387

Section 327.10. LCO LIQUOR CONTROL COMMISSION 161388

Dedicated Purpose Fund Group 161389

5LP0 970601 Commission Operating \$ 1,227,200 \$ 1,225,800 161390
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 1,227,200 \$ 1,225,800 161391

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,227,200 \$ 1,225,800 161392

Section 329.10. LOT STATE LOTTERY COMMISSION 161394

State Lottery Fund Group 161395

7044 950321 Operating Expenses \$ 61,967,164 \$ 64,686,040 161396

7044 950402 Advertising Contracts \$ 29,755,000 \$ 29,955,000 161397

7044 950403 Gaming Contracts \$ 109,197,677 \$ 120,685,198 161398

7044 950601 Direct Prize Payments \$ 179,366,000 \$ 182,106,000 161399

7044 950605 Problem Gambling \$ 4,850,000 \$ 4,850,000 161400

8710 950602 Annuity Prizes \$ 42,243,000 \$ 40,946,000 161401

TOTAL SLF State Lottery Fund Group \$ 427,378,841 \$ 443,228,238 161402

TOTAL ALL BUDGET FUND GROUPS \$ 427,378,841 \$ 443,228,238 161403

OPERATING EXPENSES 161404

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 161412

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

PROBLEM GAMBLING 161417

Notwithstanding sections 127.14 and 131.35 of the Revised Code, if the revenue from the one-half of one per cent dispersed from the video lottery sales agent commissions, as well as the surrendered funds pursuant to rule 3770:2-8-03 of the

Administrative Code, from the Voluntary Exclusion Program, exceeds 161422
the amount appropriated, the Director of the State Lottery 161423
Commission may certify to the Director of Budget and Management 161424
the amount in excess requesting to be increased in the foregoing 161425
appropriation item 950605, Problem Gambling, or to be transferred 161426
to support programs provided for gambling addiction and other 161427
related services through the Problem Gambling Services Fund (Fund 161428
5T90). If the Director of Budget and Management determines 161429
sufficient cash is available, the Director may transfer up to the 161430
amount certified. Any additional amounts approved by the Director 161431
pursuant to this section are hereby appropriated. 161432

ANNUITY PRIZES 161433

Upon request of the State Lottery Commission, the Director of 161434
Budget and Management may transfer cash from the State Lottery 161435
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 161436
an amount sufficient to fund deferred prizes. The Treasurer of 161437
State, from time to time, shall credit the Deferred Prizes Trust 161438
Fund (Fund 8710) the pro rata share of interest earned by the 161439
Treasurer of State on invested balances. 161440

Any amounts, in addition to the amounts appropriated in 161441
appropriation item 950602, Annuity Prizes, that the Director of 161442
the State Lottery Commission determines to be necessary to fund 161443
deferred prizes and interest are hereby appropriated. 161444

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 161445

Estimated transfers from the State Lottery Fund (Fund 7044) 161446
to the Lottery Profits Education Fund (Fund 7017) are to be 161447
\$1,424,000,000 in fiscal year 2024 and \$1,440,000,000 in fiscal 161448
year 2025. Transfers by the Director of Budget and Management to 161449
the Lottery Profits Education Fund shall be administered as the 161450
statutes direct. 161451

	Section 333.10.	MCD DEPARTMENT OF MEDICAID			161452
	General Revenue Fund				161453
GRF	651425	Medicaid Program	\$ 176,250,000	\$ 176,250,000	161454
		Support - State			
GRF	651525	Medicaid Health Care	\$ 5,576,963,000	\$ 6,264,542,000	161455
		Services - State			
		Medicaid Health Care	\$ 14,663,916,000	\$ 15,751,825,000	161456
		Services - Federal			
		Medicaid Health Care	\$ 20,240,879,000	\$ 22,016,367,000	161457
		Services - Total			
GRF	651526	Medicare Part D	\$ 645,860,000	\$ 724,638,000	161458
TOTAL GRF		General Revenue Fund			161459
		State	\$ 6,399,073,000	\$ 7,165,430,000	161460
		Federal	\$ 14,663,916,000	\$ 15,751,825,000	161461
		GRF Total	\$ 21,062,989,000	\$ 22,917,255,000	161462
	Dedicated Purpose Fund Group				161463
4E30	651605	Resident Protection	\$ 5,028,600	\$ 5,026,600	161464
		Fund			
5AN0	651686	Care Innovation and	\$ 77,673,500	\$ 86,650,700	161465
		Community Improvement			
		Program			
5DL0	651639	Medicaid Services -	\$ 953,417,800	\$ 1,098,017,800	161466
		Recoveries			
5DL0	651685	Medicaid Recoveries -	\$ 85,000,300	\$ 85,000,400	161467
		Program Support			
5DL0	651690	Multi-system Youth	\$ 26,250,000	\$ 27,562,500	161468
		Custody			
		Relinquishment			
5FX0	651638	Medicaid Services -	\$ 12,000,000	\$ 12,000,000	161469
		Payment Withholding			
5GF0	651656	Medicaid Services -	\$ 1,631,571,167	\$ 1,723,365,065	161470

		Hospital Franchise Fee				
5HC8	651698	MCD Home and Community Based Services	\$	86,027,329	\$	67,374,876 161471
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000 161472
5TN0	651684	Medicaid Services - HIC Fee	\$	1,063,227,900	\$	1,138,441,200 161473
5XY0	651694	Improvements for Priority Populations	\$	10,500,000	\$	10,500,000 161474
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	244,642,100	\$	136,707,750 161475
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,610,338,696	\$	4,805,646,891 161476
		Holding Account Fund Group				161477
R055	651644	Refunds and Reconciliation	\$	10,000,000	\$	10,000,000 161478
TOTAL HLD		Holding Account Fund Group	\$	10,000,000	\$	10,000,000 161479
		Federal Fund Group				161480
3ER0	651603	Medicaid and Health Transformation Technology	\$	787,100	\$	795,500 161481
3F00	651623	Medicaid Services - Federal	\$	11,013,604,990	\$	11,208,144,212 161482
3F00	651624	Medicaid Program Support - Federal	\$	538,250,300	\$	493,250,300 161483
3FA0	651680	Health Care Grants - Federal	\$	3,000,000	\$	3,000,000 161484
3G50	651655	Medicaid Interagency	\$	258,149,000	\$	258,149,000 161485

	Pass Through			
3HC8 651699	MCD Home and Community Based Services - Federal	122,897,812	\$ 121,350,266	161486
TOTAL FED	Federal Fund Group	\$11,936,689,202	\$12,084,689,278	161487
TOTAL ALL BUDGET FUND GROUPS		\$37,620,016,898	\$39,817,591,169	161488

Section 333.15. LODGING FOR FAMILIES 161490

Of the foregoing appropriation items 651425, Medicaid Program Support - State, and 651624, Medicaid Program Support - Federal, \$1,250,000 from each appropriation item in each fiscal year shall be used by the Medicaid Director to work with the Centers for Medicare and Medicaid Services to add lodging as an administrative service available for families with children who have special health care needs.

Section 333.17. FQHC RATE INCREASE 161498

Of the foregoing appropriation item 651525, \$20,780,000 in each fiscal year shall be used by the Department of Medicaid to increase payment rates to federally qualified health centers and federally qualified health center look-alikes, as defined in section 3701.047 of the Revised Code, for all services.

Section 333.20. MEDICAID HEALTH CARE SERVICES 161504

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

Section 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE CARE 161508

Of the foregoing appropriation item 651525, Medicaid Health Care Services, an allocation shall be made to provide an increase

in Medicaid provider payment rates for vision services and 161512
medically billed eye care provided to Medicaid recipients in 161513
fiscal year 2024. The increase shall be added to the Medicaid 161514
payment rates for those services in fiscal year 2023. The 161515
increased rate shall be maintained in fiscal year 2025. 161516

Section 333.27. DENTAL SERVICE REIMBURSEMENT 161517

Of the foregoing appropriation item 651525, Medicaid Health 161518
Care Services, \$122,144,375 in fiscal year 2024 and \$244,288,751 161519
in fiscal year 2025 shall be used to increase the reimbursement to 161520
dental service providers who are treating Medicaid patients. 161521

Section 333.29. DIRECT CARE PAYMENT RATES 161522

Of the foregoing appropriation item 651525, Medicaid Health 161523
Care Services, \$47,086,175 in fiscal year 2024 and \$194,924,947 in 161524
fiscal year 2025, shall be used in accordance with this section. 161525
The funds shall be used to increase the base payment rates to \$17 161526
per hour during fiscal year 2024 beginning on January 1, 2024, and 161527
\$18 per hour during fiscal year 2025, for the following services 161528
under Medicaid components administered by the Department of 161529
Medicaid or the Department of Aging: 161530

(A) Personal care services; 161531

(B) Adult day services; 161532

(C) Community behavioral health services; 161533

(D) Other waiver services under the Medicaid home and 161534
community-based services waiver components administered by the 161535
Department of Medicaid or the Department of Aging. 161536

Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 161537

Upon the request of the Medicaid Director, the Director of 161538
Budget and Management may transfer up to \$5,000,000 in 161539

appropriations in each fiscal year from appropriation item 651525, 161540
Medicaid Health Care Services, to appropriation items in the 161541
Department of Health for the purpose of lead abatement activities. 161542
The Medicaid Director may seek Controlling Board approval to 161543
transfer amounts in excess of \$5,000,000 in appropriations in each 161544
fiscal year to the Department of Health for lead abatement 161545
activities. The Director of Medicaid may transfer federal funds as 161546
the state's single state agency for Medicaid reimbursements, as 161547
drawn for these transactions. Amounts transferred are hereby 161548
appropriated. 161549

Section 333.50. MEDICARE PART D 161550

The foregoing appropriation item 651526, Medicare Part D, may 161551
be used by the Department of Medicaid for the implementation and 161552
operation of the Medicare Part D requirements contained in the 161553
"Medicare Prescription Drug, Improvement, and Modernization Act of 161554
2003," Pub. L. No. 108-173, as amended. Upon the request of the 161555
Medicaid Director, the Director of Budget and Management may 161556
transfer the state share of appropriations between appropriation 161557
item 651525, Medicaid Health Care Services, and appropriation item 161558
651526, Medicare Part D. If the state share of appropriation item 161559
651525, Medicaid Health Care Services, is adjusted, the Director 161560
of Budget and Management shall adjust the federal share 161561
accordingly. The Department of Medicaid shall provide notification 161562
to the Controlling Board of any transfers at the next scheduled 161563
Controlling Board meeting. 161564

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT 161565
PROGRAM 161566

(A) As used in this section: 161567

(1) "Nonprofit hospital agency" means a nonprofit hospital 161568
agency, as defined in section 140.01 of the Revised Code, that is 161569

affiliated with a state university as defined in section 3345.011 161570
of the Revised Code. 161571

(2) "Participating agency" means a nonprofit hospital agency 161572
or public hospital agency participating in the Care Innovation and 161573
Community Improvement Program. 161574

(3) "Public hospital agency" has the same meaning as in 161575
section 140.01 of the Revised Code. 161576

(B) Subject to approval by the Centers for Medicare and 161577
Medicaid Services, the Medicaid Director shall continue the Care 161578
Innovation and Community Improvement Program for the 2024-2025 161579
fiscal biennium. Any nonprofit hospital agency or public hospital 161580
agency may volunteer to participate in the program if the agency 161581
operates a hospital that has a Medicaid provider agreement. 161582

(C) Participating agencies are responsible for the state 161583
share of the program's costs and shall make or request the 161584
appropriate government entity to make intergovernmental transfers 161585
to pay for those costs. The Medicaid Director shall establish a 161586
schedule for making the intergovernmental transfers. 161587

(D) Each participating agency shall be eligible to receive 161588
supplemental payments under the Medicaid program for physician and 161589
other professional services that are covered by the Medicaid 161590
program and provided to Medicaid recipients. Any nonprofit 161591
hospital agency or public hospital agency seeking supplemental 161592
payment for physician or professional services shall be governed 161593
under the Care Innovation and Community Improvement Program. 161594
Eligibility for supplemental payments shall depend on all 161595
participating agencies meeting collective performance measures as 161596
established by the Director. The maximum amount of the potential 161597
supplemental payments shall equal the difference between the 161598
Medicaid payment rates for the services and the average commercial 161599
payment rates for the services. The Director may terminate, or 161600

adjust the amount of, the supplemental payments if the amount of 161601
the funds available for the Care Innovation and Community 161602
Improvement Program is inadequate. 161603

(E) Each participating agency shall work collaboratively with 161604
all other participating agencies on quality improvement 161605
initiatives that are approved by the Medicaid Director and that 161606
align with and advance the goals of the Department of Medicaid's 161607
quality strategy required under 42. C.F.R. 438.340. 161608

(F) The Medicaid Director shall maintain a process to 161609
evaluate the work done by participating agencies under division 161610
(E) of this section and the agencies' progress in meeting the 161611
goals of the Care Innovation and Community Improvement Program. 161612
The Director may terminate an agency's participation in the 161613
program if the Director determines that the agency is not 161614
participating as specified in division (E) of this section or 161615
making progress in meeting the program's quality improvement 161616
goals. 161617

(G) All intergovernmental transfers made under division (C) 161618
of this section shall be deposited into the Care Innovation and 161619
Community Improvement Program Fund created by Section 333.320 of 161620
H.B. 49 of the 132nd General Assembly. Money in the fund and the 161621
corresponding federal financial participation in the Health Care - 161622
Federal Fund created under section 5162.50 of the Revised Code 161623
shall be used to make supplemental payments under division (D) of 161624
this section. 161625

(H) If the amount of the foregoing appropriation item 651686, 161626
Care Innovation and Community Improvement Program, and the 161627
corresponding federal financial participation in appropriation 161628
item 651623, Medicaid Services - Federal, are inadequate to make 161629
the supplemental payments required by division (E) of this 161630
section, the Medicaid Director may request that the Director of 161631
Budget and Management authorize additional expenditures from the 161632

Care Innovation and Community Improvement Program Fund and the 161633
Health Care - Federal Fund as needed to make the supplemental 161634
payments. If the Director of Budget and Management authorizes the 161635
additional expenditures, the additional amounts are hereby 161636
appropriated. 161637

Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 161638
AND RECOVERIES FUND 161639

Of the amount received by the Department of Medicaid during 161640
fiscal year 2024 and fiscal year 2025 from the first installment 161641
of assessments paid under section 5168.06 of the Revised Code and 161642
intergovernmental transfers made under section 5168.07 of the 161643
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 161644
in each fiscal year into the state treasury to the credit of the 161645
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 161646

Section 333.80. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 161647
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 161648
TREATMENT FUND 161649

Upon the request of the Medicaid Director, the Director of 161650
Budget and Management may transfer up to \$2,200,000 cash in each 161651
fiscal year from the Health Care/Medicaid Support and Recoveries 161652
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 161653
(Fund 4750), used by the Department of Mental Health and Addiction 161654
Services. Any transferred funds shall be used to support Centers 161655
of Excellence and related activities. Any transferred amounts are 161656
hereby appropriated. 161657

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 161658
SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE 161659
OMBUDSMAN PROGRAM 161660

Upon the request of the Medicaid Director, the Director of 161661

Budget and Management may transfer up to \$1,000,000 cash in each 161662
fiscal year from the Health Care/Medicaid Support and Recoveries 161663
Fund (Fund 5DL0) to the Department of Aging. Any transferred funds 161664
shall be used to support the Ombudsman program. Any transferred 161665
amounts are hereby appropriated. 161666

Section 333.110. HOSPITAL CARE ASSURANCE MATCH 161667

If receipts credited to the Health Care Federal Fund (Fund 161668
3F00) exceed the amounts appropriated from the fund for making the 161669
hospital care assurance program distribution, the Medicaid 161670
Director may request the Director of Budget and Management to 161671
authorize expenditures from the fund in excess of the amounts 161672
appropriated. Upon the approval of the Director of Budget and 161673
Management, the additional amounts are hereby appropriated. 161674

The foregoing appropriation item 651649, Medicaid Services - 161675
Health Care Assurance Program, shall be used by the Department of 161676
Medicaid for distributing the state share of all hospital care 161677
assurance program funds to hospitals under section 5168.09 of the 161678
Revised Code. If receipts credited to the Hospital Care Assurance 161679
Program Fund (Fund 6510) exceed the amounts appropriated from the 161680
fund for making the hospital care assurance program distribution, 161681
the Medicaid Director may request the Director of Budget and 161682
Management to authorize expenditures from the fund in excess of 161683
the amounts appropriated. Upon the approval of the Director of 161684
Budget and Management, the additional amounts are hereby 161685
appropriated. 161686

Section 333.120. REFUNDS AND RECONCILIATION FUND 161687

If estimated receipts to the Refunds and Reconciliation Fund 161688
(Fund R055) exceed the amounts appropriated from the fund, the 161689
Medicaid Director may request the Director of Budget and 161690
Management to authorize expenditures from the fund in excess of 161691

the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Section 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE TRANSPORTATION

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$119,000,000 in each fiscal year shall be used to increase the overall Medicaid reimbursement rates for ambulance transportation services. An amount equal to the unexpended, unencumbered balance of the amount allocated in this section, at the end of fiscal year 2024, is hereby reappropriated to the same

appropriation item for the same purpose in fiscal year 2025. 161722

Section 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY 161723
BEHAVIORAL HEALTH SERVICES 161724

(A) As used in this section: 161725

(1) "Community behavioral health services" has the same 161726
meaning as in section 5164.01 of the Revised Code. 161727

(2) "Hospital" has the same meaning as in section 3727.01 of 161728
the Revised Code. 161729

(3) "Intermediate care facility for individuals with 161730
intellectual disabilities" has the same meaning as in section 161731
5124.01 of the Revised Code. 161732

(4) "Nursing facility" has the same meaning as in section 161733
5165.01 of the Revised Code. 161734

(B) Subject to division (C) of this section, the Department 161735
of Medicaid may establish Medicaid payment rates for community 161736
behavioral health services provided during fiscal year 2024 and 161737
fiscal year 2025 that exceed the authorized rates paid for the 161738
services under the Medicare program. 161739

(C) This section does not apply to community behavioral 161740
health services provided by any of the following: 161741

(1) Hospitals on an inpatient basis; 161742

(2) Nursing facilities; 161743

(3) Intermediate care facilities for individuals with 161744
intellectual disabilities. 161745

Section 333.150. HOME AND COMMUNITY BASED SERVICES 161746
APPROPRIATIONS - STATE 161747

The Director of Budget and Management may authorize 161748
additional expenditures in appropriation items 651698, MCD Home 161749

and Community Based Services, 653698, DDD Home and Community Based 161750
Services, 652698, MHA Home and Community Based Services, 655698, 161751
JFS Home and Community Based Services, and 656698, AGE Home and 161752
Community Based Services, as long as the additional expenditures 161753
are offset by equal expenditure reductions in another of these 161754
appropriation items. Any additional expenditures shall be used in 161755
accordance with Section 9817 of the "American Rescue Plan Act of 161756
2021," Pub. L. No. 117-2, and shall comply with the Department of 161757
Medicaid's Medicaid state plan approved by the Centers for 161758
Medicare and Medicaid Services (CMS) and any associated CMS 161759
guidance, reporting requirements, and certifications. Any 161760
additional expenditures are hereby appropriated. 161761

Section 333.160. HOME AND COMMUNITY BASED SERVICES 161762
APPROPRIATIONS - FEDERAL 161763

The Director of Budget and Management may authorize 161764
additional expenditures in appropriation items 651699, MCD Home 161765
and Community Based Services - Federal, 653699, DDD Home and 161766
Community Based Services - Federal, 652699, MHA Home and Community 161767
Based Services - Federal, 655699, JFS Home and Community Based 161768
Services - Federal, and 656699, AGE Home and Community Based 161769
Services - Federal. 161770

If additional expenditures are authorized in any of these 161771
appropriation items, the Director of Budget and Management shall 161772
make appropriation adjustments in any of the other items as 161773
necessary. Any additional expenditures shall be used in accordance 161774
with Section 9817 of the "American Rescue Plan Act of 2021," Pub. 161775
L. No. 117-2, and shall comply with the Department of Medicaid's 161776
Medicaid state plan approved by the Centers for Medicare and 161777
Medicaid Services (CMS) and any associated CMS guidance, reporting 161778
requirements, and certifications. Any additional expenditures are 161779
hereby appropriated. 161780

Section 333.170. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY POPULATIONS 161781
161782

(A) As used in this section: 161783

(1) "Care management system" and "enrollee" have the same meanings as in section 5167.01 of the Revised Code. 161784
161785

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 161786
161787

(B) There is hereby created the Ohio Invests in Improvements for Priority Populations (OIPP) Program. The program shall be a directed payment program for inpatient and outpatient hospital services provided to Medicaid care management system enrollees receiving care at state university-owned hospitals with less than three hundred inpatient beds. Participating hospitals shall receive payments directly for services provided under the program and remit to the Department of Medicaid, through intergovernmental transfer, the nonfederal share of those services. Transfers made for the program shall be deposited into the Hospital Directed Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek approval from the Centers for Medicare and Medicaid Services for the program in accordance with section 5162.07 of the Revised Code. 161788
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(C) The foregoing appropriation item 651694, Improvements for Priority Populations, and the corresponding federal share in appropriation item 651623, Medicaid Services - Federal, shall be used for the OIPP Program. 161802
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(D) If receipts credited to the Hospital Directed Payment Program Fund (Fund 5XY0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are 161806
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authorized, the Director of Budget and Management shall adjust, 161811
using the federal reimbursement rate, the appropriation in 161812
appropriation item 651623, Medicaid Services - Federal, 161813
accordingly. Any authorized amounts are hereby appropriated. 161814

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 161815
COSTS 161816

Upon the request of the Medicaid Director, the Director of 161817
Budget and Management may transfer state share appropriations in 161818
each fiscal year between appropriation item 651525, Medicaid 161819
Health Care Services, within the Department of Medicaid, and 161820
655522, Medicaid Program Support - Local, within the Department of 161821
Job and Family Services. If such a transfer occurs, the Director 161822
of Budget and Management shall adjust, using the federal 161823
reimbursement rate, the federal share appropriations of 161824
appropriation item 651525, Medicaid Health Care Services, within 161825
the Department of Medicaid, and appropriation item 655624, 161826
Medicaid Program Support - Federal, within the Department of Job 161827
and Family Services. Any increase in funding shall be provided to 161828
county departments of job and family services and shall only be 161829
used for costs related to transitioning to a new work community 161830
engagement program under the Medicaid program as prescribed by the 161831
Medicaid Director. These funds shall not be used for existing and 161832
ongoing operating expenses. The Medicaid Director shall establish 161833
criteria for distributing these funds and for county departments 161834
of job and family services to submit allowable expenses. 161835

Section 333.190. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 161836
PROGRAM 161837

(A) As used in this section: 161838

(1) "Expansion eligibility group" has the same meaning as in 161839
section 5163.01 of the Revised Code. 161840

(2) "Medical assistance recipient" has the same meaning as in section 5160.01 of the Revised Code.

(B) The Medicaid Director shall establish and implement a voluntary community engagement program in accordance with this section.

(C) The community engagement program shall be available to all medical assistance recipients. Participation in the program shall be voluntary.

(D) The community engagement program shall do all of the following:

(1) Encourage medical assistance recipients to work who are of working age and able-bodied;

(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work;

(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health.

(E) The community engagement program shall continue through the FY 2024 - FY 2025 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist.

(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY

During the FY 2024 - FY 2025 biennium, to facilitate the
resumption of routine Medicaid eligibility determinations in
accordance with federal guidance, counties shall proportionately
supplement their Medicaid eligibility determinations and
redeterminations with "American Rescue Plan Act of 2021," Pub. L.
No 117-2, funding received for that purpose. The Director of Job
and Family Services shall notify the Medicaid Director of any
transfer requests from the Medicaid Income Maintenance (IM)
Control allocation to other IM Control Programs (SNAP & TANF) or
other allocations that exceed those made in fiscal year 2023. The
Medicaid Director shall consult with the Director of Job and
Family Services to establish conditions and criteria regarding
when transfers may occur, including specifying which counties are
eligible for transfer of funds. In fiscal year 2024 up to
\$5,000,000 and in fiscal year 2025 up to \$10,000,000 of funds
within appropriation item 655522, Medicaid Program Support -
Local, may also be distributed based on performance criteria.
Performance based amounts and criteria, and criteria for transfer
approval may include but are not limited to timeliness and
accuracy of application and renewal processing.

Section 333.210. POST-COVID MEDICAID REDETERMINATION

(A) The Department or the Department's designee shall use
third-party data sources and systems to conduct eligibility
redeterminations of all Medicaid recipients in this state after
the conclusion of the emergency period due to COVID-19, as defined
in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the full extent permitted by state and federal law,
the Department, or the Department's designee shall verify Medicaid
recipient enrollment records against third-party data sources and
systems, including any records the Department considers
appropriate in order to strengthen program integrity, reduce

costs, and reduce fraud, waste, and abuse in the Medicaid program. 161902

(C) At the conclusion of the emergency period due to 161903
COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 161904
Department, or the Department's designee shall: 161905

(1) Conduct an eligibility review of Medicaid recipients for 161906
whom a redetermination has not been conducted in the past twelve 161907
months. The reviews shall be conducted on a schedule coinciding 161908
with what would have been the recipients' next eligibility review 161909
dates. 161910

(2) Conduct an eligibility review of Medicaid recipients for 161911
whom a redetermination has been conducted in the past twelve 161912
months. The reviews shall be conducted on a schedule coinciding 161913
with the recipients' next eligibility review dates. 161914

(D) The Department shall disenroll those recipients who are 161915
deemed no longer eligible for the Medicaid program under the 161916
eligibility review. 161917

(E) The Department shall oversee the county determinations 161918
and administration to ensure timely and accurate compliance with 161919
the provisions of this section and federal requirements. 161920

(F) The Department shall complete a report containing its 161921
findings under division (A) of this section, including any 161922
findings of fraud, waste, or abuse in the Medicaid program. 161923
Thirteen months after the conclusion of the emergency period due 161924
to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 161925
Department shall submit the report to the Joint Medicaid Oversight 161926
Committee. 161927

Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 161928
OF MEDICAID SERVICES 161929

Direct care providers under Ohio's Medicaid program have been 161930
adversely impacted by the COVID-19 pandemic and extraordinary 161931

inflationary pressures within the economy. The Department of 161932
Medicaid in collaboration with the Department of Aging and the 161933
Department of Developmental Disabilities has included funding in 161934
the budget to be used for provider rate increases. These provider 161935
rate increases shall be used to ensure workforce stability and 161936
greater access to care for Medicaid recipients through increased 161937
wages and needed workforce supports. 161938

Section 333.240. MEDICAID ASSISTED LIVING PROGRAM PAYMENT 161939
RATES 161940

(A) As used in this section: 161941

(1) "Assisted living program" and "assisted living services" 161942
have the same meanings as in section 173.51 of the Revised Code. 161943

(2) "Assisted living memory care service" means a service 161944
provided by a residential care facility to an individual with a 161945
documented diagnosis of any form of dementia who is residing in an 161946
assisted living memory care unit and being served by an assisted 161947
living Medicaid provider. 161948

(3) "Assisted living memory care unit" means a discrete unit 161949
or section in a residential care facility or an entire residential 161950
care facility that meets both of the following criteria: 161951

(a) The unit or facility is designated by the facility 161952
operator as a memory care unit. 161953

(b) The unit or facility is operated in compliance with rules 161954
applicable to memory care units adopted by the Department of 161955
Health under Chapter 3721. of the Revised Code. 161956

(4) "Direct care staff" includes nurses, resident care 161957
assistants, activities personnel, and social services personnel 161958
who are employed by or contracted with a residential care 161959
facility. 161960

(5) "Practitioner" means a health care provider engaging in 161961

activities authorized by the provider's license, certification, or registration. 161962
161963

(6) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 161964
161965

(B) The Department of Medicaid, in consultation with the Department of Aging, shall adopt rules, effective November 1, 2023, establishing an assisted living services base payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that shall be no less than one hundred thirty dollars per day. 161966
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(C) The Department of Medicaid and the Department of Aging shall adopt rules, effective November 1, 2023, establishing an assisted living memory care service payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program. This payment rate is based on additional costs that a provider may incur resulting from serving individuals with dementia and, except as provided in division (E) of this section, shall be at least twenty-five dollars per day more than the base payment rate established by rules adopted under division (B) of this section. The per diem for assisted living memory care service will only be available to assisted living providers if both the following conditions are met: 161972
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(1) The resident for whom the per diem is paid was assessed by a practitioner and was determined by the practitioner to need the services of a memory care unit. 161984
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(2) The memory care unit in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than other units in the residential care facility. If the memory care unit is an entire residential care facility, the facility in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than the 161987
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average direct care staff to resident ratio of a representative 161993
sample of residential care facilities participating in the 161994
Medicaid-funded component of the assisted living program or parts 161995
of those facilities that are not memory care units. 161996

(D) The Department of Medicaid and the Department of Aging 161997
shall adopt rules establishing an assisted living critical access 161998
payment rate for residential care facilities participating in the 161999
Medicaid-funded component of the assisted living program that 162000
averaged at least fifty per cent of their residents receiving 162001
Medicaid-funded services during the preceding state fiscal year or 162002
in the case of a new residential care facility, that projects to 162003
average at least fifty per cent of its residents receiving 162004
Medicaid-funded services during the state fiscal year in which the 162005
facility opens. The critical access payment rate shall be at least 162006
fifteen dollars per day more than the base payment rate 162007
established by rules adopted under division (B) of this section. 162008

(E) The assisted living memory care service payment rate for 162009
a residential care facility participating in the Medicaid-funded 162010
component of the assisted living program that receives a critical 162011
access payment rate under rules adopted under division (D) of this 162012
section shall be at least ten dollars higher than the critical 162013
access payment rate. 162014

(F) The Department of Medicaid, in consultation with the 162015
Department of Aging and stakeholders, shall adopt rules 162016
establishing a methodology for determining rates for assisted 162017
living services, including assisted living memory care services 162018
and critical access services, which at minimum provides for 162019
adjusting rates annually for changes in the Consumer Price Index 162020
for All Items for All Urban Consumers for the Midwest region, 162021
published by the U.S. Bureau of Labor Statistics. The Department 162022
shall adopt rules under this section no later than July 1, 2024. 162023

Section 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 162024
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 162025
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 162026

On July 1, 2023, or as soon as possible thereafter, upon the 162027
request of the Medicaid Director, in consultation with the 162028
Director of Mental Health and Addiction Services, the Director of 162029
Budget and Management may transfer appropriations between 162030
appropriation line item 652321, Medicaid Support, within the 162031
Department of Mental Health and Addiction Services and 162032
appropriation line item 651425, Medicaid Program Support - State, 162033
within the Department of Medicaid to fund Pre-Admission Screening 162034
Resident Reviews. If such a transfer occurs, the Director of 162035
Budget and Management shall adjust, using the federal 162036
reimbursement rate, the federal share of appropriations in 162037
appropriation line item 652636, Community Medicaid Legacy Support, 162038
within the Department of Mental Health and Addiction Services and 162039
appropriation line item 651624, Medicaid Program Support - 162040
Federal, within the Department of Medicaid. 162041

Section 333.260. PHYSICIAN DIRECTED PAYMENT PROGRAM 162042

(A) As used in this section, "directed payment program" means 162043
a payment program authorized by 42 C.F.R. 438.6(c) under which the 162044
Department of Medicaid regulates payment rates between Medicaid 162045
managed care organizations and certain Medicaid providers. 162046

(B)(1) The Medicaid Director may create a physician directed 162047
payment program for Medicaid managed care organization payments to 162048
nonpublic hospitals, and their related health systems, for 162049
physician services provided to Medicaid enrollees. Payment amounts 162050
under the program shall not exceed the average commercial level 162051
paid to participating health systems for physician and other 162052
professional services covered under the Medicaid program and 162053

provided to enrollees. 162054

(2) The program shall advance the maternal and child health 162055
goals established in the Department's quality strategy required by 162056
42 C.F.R. 438.340. 162057

(C) Under the program, participating hospitals shall receive 162058
payments directly for physician services provided to enrollees and 162059
remit to the Department the nonfederal share of those services 162060
through intergovernmental transfer. 162061

(1) Eligible public entities may transfer funds to be used by 162062
the Department for directed payments, as authorized by 42 C.F.R. 162063
433.51, through intergovernmental transfer pursuant to an 162064
interagency agreement with the Department. 162065

(2) Transfers made for the program shall be deposited into 162066
the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 162067
created under section 5162.52 of the Revised Code. 162068

(D) If receipts credited to the physician directed payment 162069
program exceed the amounts available in the fund, the director may 162070
either adjust any payment amounts under the program or terminate 162071
the program. 162072

Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS 162073

(A) As used in this section: 162074

(1) "Lockable container" means a container that meets both of 162075
the following requirements: 162076

(a) Has special packaging; 162077

(b) Has a locking mechanism that can be unlocked in any of 162078
the following ways: 162079

(i) Physically by using a key or other object capable of 162080
unlocking a locked container; 162081

(ii) Physically by entering a numeric or alphanumeric 162082

combination code that is selected by the patient or an individual acting on behalf of the patient; 162083
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(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient. 162085
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(2) "Drug used in medication-assisted treatment" has the same meaning as in section 5119.19 of the Revised Code. 162088
162089

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 162090
162091

(4) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. 162092
162093

(5) "Tamper-evident container" means a container that meets both of the following requirements: 162094
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(a) Has special packaging; 162096

(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened. 162097
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(B) Subject to division (C) of this section, during fiscal year 2024 and fiscal year 2025, the Department of Medicaid shall reimburse any pharmacist or prescriber that seeks reimbursement for expenses related to the following: 162100
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162103

(1) Pharmacists for costs related to dispensing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers; 162104
162105
162106

(2) Prescribers for costs related to personally furnishing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers. 162107
162108
162109

(C) Reimbursement may be sought for the period provided in division (B) of this section, or until funds appropriated for the reimbursement are expended, whichever occurs first. 162110
162111
162112

(D) Of the foregoing appropriation item 651525, Medicaid 162113
Health Care Services, \$500,000 state share in each fiscal year 162114
shall be used for the reimbursement described in this section. 162115

Section 333.280. MEDICAID IN SCHOOLS PROGRAM 162116

The Department of Medicaid shall request approval from the 162117
Centers for Medicare and Medicaid Services by December 31, 2023, 162118
to expand the Medicaid in Schools Program to authorize Medicaid 162119
payment for any covered service provided to an eligible individual 162120
by a qualified provider in a school. 162121

Section 333.290. NURSING FACILITY PAYMENT RATE NOTICES 162122

In its notice to each nursing facility with the facility's 162123
per Medicaid day payment rate for state fiscal year 2024, the 162124
Department of Medicaid shall include an explanation of how many 162125
quality points the facility would have received, based on calendar 162126
year 2022 data, for each of the quality measures under division 162127
(C)(1)(c) of section 5165.26 of the Revised Code, as amended by 162128
this act. 162129

Section 333.300. NURSING FACILITY BASE RATES 162130

For state fiscal years 2024 and 2025, the Department of 162131
Medicaid shall include in each nursing facility's base rate only 162132
forty per cent of the sum of the increase in its rate for direct 162133
care costs and its rate for ancillary and support costs that 162134
results from the rebasing conducted pursuant to section 5165.36 of 162135
the Revised Code. 162136

Section 333.310. MEDICAID BUY IN FOR WORKERS WITH 162137
DISABILITIES 162138

Upon approval of a state plan amendment by the United States 162139
Centers for Medicare and Medicaid Services authorizing Medicaid 162140

coverage for the optional eligibility group specified in section 162141
1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 U.S.C. 162142
1396a(a)(10)(A)(ii)(XIII) and authorized under sections 5163.06 162143
and 5163.063 of the Revised Code, the Medicaid Director may 162144
certify to the Director of Budget and Management the necessary 162145
amount to pay for the optional eligibility group described in this 162146
act in fiscal year 2025. Upon certification, the necessary 162147
amounts, both state and federal shares, are hereby appropriated to 162148
appropriation item 651525, Medicaid Health Care Services. 162149

Section 335.10. MED STATE MEDICAL BOARD 162150

Dedicated Purpose Fund Group 162151
5C60 883609 Operating Expenses \$ 13,791,789 \$ 14,315,005 162152
TOTAL DPF Dedicated Purpose Fund \$ 13,791,789 \$ 14,315,005 162153
Group
TOTAL ALL BUDGET FUND GROUPS \$ 13,791,789 \$ 14,315,005 162154

Section 335.20. LEGACY PAIN MANAGEMENT STUDY COMMITTEE 162156

(A) The Legacy Pain Management Study Committee is established 162157
to study and evaluate the care and treatment of patients suffering 162158
from chronic or debilitating pain, in particular those who have 162159
been prescribed opioids for lengthy periods of time, often 162160
referred to as legacy patients. In conducting its study and 162161
evaluation, the committee shall consider all of the following 162162
topics: 162163

(1) The needs of patients experiencing chronic or 162164
debilitating pain; 162165

(2) The challenges associated with tapering opioid doses for 162166
pain patients and the need for flexibility and tapering pauses 162167
when treating such patients; 162168

(3) The ways in which communications between patients and 162169
prescribers can be improved; 162170

(4) The availability of and patient access to pain management specialists in this state;	162171 162172
(5) Any other topic the committee considers relevant.	162173
(B) The committee consists of the following nine members:	162174
(1) Four members of the 135th General Assembly, two appointed by the Speaker of the House of Representatives and two appointed by the Senate President;	162175 162176 162177
(2) The Director of the Ohio Department of Mental Health and Addiction Services or the Director's designee;	162178 162179
(3) The President of the State Medical Board of Ohio or the President's designee;	162180 162181
(4) The Executive Director of the State Board of Pharmacy or the Executive Director's designee;	162182 162183
(5) Two public members, one who represents patients and is appointed by the Speaker of the House of Representatives and one who represents prescribers and is appointed by the Senate President.	162184 162185 162186 162187
The members shall be appointed not later than thirty days after the effective date of this section. The members shall select a chairperson from among the committee's membership and shall meet as necessary to satisfy the requirements of this section.	162188 162189 162190 162191
(C) Not later than December 1, 2024, the committee shall prepare and submit to the General Assembly a report of its recommendations for legislation addressing the care and treatment of legacy patients. The report shall be submitted in accordance with section 101.68 of the Revised Code. The State Medical Board shall provide to the committee the administrative support necessary to execute its duties.	162192 162193 162194 162195 162196 162197 162198
(D) The committee ceases to exist on the submission of the report described in division (C) of this section.	162199 162200

		Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION			162201
		SERVICES			162202
		General Revenue Fund			162203
GRF	336321	Program Support and Operations	\$ 54,807,000	\$ 57,100,000	162204
GRF	336402	Resident Trainees	\$ 450,000	\$ 450,000	162205
GRF	336406	Prevention and Wellness	\$ 7,000,000	\$ 7,000,000	162206
GRF	336412	Hospital Services	\$ 288,000,000	\$ 310,000,000	162207
GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$ 25,875,000	\$ 22,625,000	162208
GRF	336421	Continuum of Care Services	\$ 96,539,000	\$ 96,539,000	162209
GRF	336422	Criminal Justice Services	\$ 21,000,000	\$ 21,000,000	162210
GRF	336424	Recovery Housing	\$ 5,000,000	\$ 5,000,000	162211
GRF	336425	Specialized Docket Support	\$ 11,269,000	\$ 11,269,000	162212
GRF	336504	Community Innovations	\$ 11,250,000	\$ 11,250,000	162213
GRF	336510	Residential State Supplement	\$ 16,000,000	\$ 16,000,000	162214
GRF	336516	Appalachian Children Coalition	\$ 2,500,000	\$ 2,500,000	162215
GRF	336519	Community Projects	\$ 1,595,000	\$ 1,595,000	162216
GRF	336520	Digital Therapeutics	\$ 1,000,000	\$ 0	162217
GRF	652321	Medicaid Support	\$ 1,618,000	\$ 1,650,000	162218
	TOTAL GRF	General Revenue Fund	\$ 543,903,000	\$ 563,978,000	162219
		Dedicated Purpose Fund Group			162220
4750	336623	Statewide Treatment and Prevention	\$ 22,799,190	\$ 22,799,190	162221

4850	336632	Mental Health Operating	\$	15,000,000	\$	15,000,000	162222
5AA1	336661	988 Suicide and Crisis Response	\$	20,701,661	\$	25,831,020	162223
5AU0	336615	Behavioral Health Care	\$	19,000,000	\$	19,000,000	162224
5CV3	336648	ARPA Pediatric Behavioral Health	\$	1,200,000	\$	0	162225
5JL0	336629	Problem Gambling and Casino Addiction	\$	7,000,000	\$	7,000,000	162226
5T90	336641	Problem Gambling Services	\$	2,320,000	\$	2,320,000	162227
5TZ0	336600	Stabilization Centers	\$	6,000,000	\$	6,000,000	162228
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	162229
5VV0	336645	Transcranial Magnetic Stimulaton Pilot	\$	6,000,000	\$	0	162230
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	162231
6890	336640	Education and Conferences	\$	75,000	\$	75,000	162232
TOTAL DPF		Dedicated Purpose Fund Group	\$	111,445,851	\$	109,375,210	162233
		Internal Service Activity Fund Group					162234
1490	336609	Hospital Operating Expenses	\$	16,000,000	\$	16,000,000	162235
1490	336610	Operating Expenses	\$	7,350,000	\$	7,350,000	162236
1510	336601	Ohio Pharmacy Services	\$	105,755,000	\$	106,955,000	162237
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	162238
TOTAL ISA		Internal Service Activity Fund Group	\$	129,355,000	\$	130,555,000	162239
		Federal Fund Group					162240

3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	162241
3A70	336612	Social Services Block Grant	\$	8,000,000	\$	8,000,000	162242
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	162243
3A90	336614	Mental Health Block Grant	\$	45,940,000	\$	45,940,000	162244
3B10	652636	Community Medicaid Legacy Support	\$	4,000,000	\$	4,000,000	162245
3G40	336618	Substance Abuse Block Grant	\$	86,000,000	\$	86,000,000	162246
3H80	336606	Demonstration Grants	\$	16,000,000	\$	16,000,000	162247
3HB1	336644	State Opioid Response	\$	113,000,000	\$	113,000,000	162248
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	162249
TOTAL FED	Federal Fund Group		\$	299,440,000	\$	299,440,000	162250
TOTAL ALL BUDGET FUND GROUPS			\$	1,084,143,851	\$	1,103,348,210	162251

Section 337.20. PREVENTION AND WELLNESS 162253

The foregoing appropriation item 336406, Prevention and 162254
Wellness, shall be used as follows: 162255

(A) Up to \$1,250,000 in each fiscal year shall be distributed 162256
to boards of alcohol, drug addiction, and mental health services 162257
to purchase the provision of evidence-based prevention services 162258
from providers certified by the Department of Mental Health and 162259
Addiction Services. 162260

(B) Up to \$3,350,000 in each fiscal year shall be used to 162261
support suicide prevention efforts. 162262

(C) Up to \$2,250,000 in each fiscal year shall be used to 162263
increase access to early identification and intervention of 162264
behavioral health disorders across the lifespan. 162265

Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 162266

PAYMENTS 162267

The foregoing appropriation item 336415, Mental Health 162268
Facilities Lease Rental Bond Payments, shall be used to meet all 162269
payments during the period from July 1, 2023, through June 30, 162270
2025, by the Department of Mental Health and Addiction Services 162271
pursuant to leases and agreements made under section 154.20 of the 162272
Revised Code. These appropriations are the source of funds pledged 162273
for bond service charges on obligations issued pursuant to Chapter 162274
154. of the Revised Code. 162275

Section 337.40. CONTINUUM OF CARE SERVICES 162276

The foregoing appropriation item 336421, Continuum of Care 162277
Services, shall be used as follows: 162278

(A) A portion of this appropriation shall be allocated to 162279
boards of alcohol, drug addiction, and mental health services in 162280
accordance with a distribution methodology determined by the 162281
Director of Mental Health and Addiction Services for the boards to 162282
purchase mental health and addiction services permitted under 162283
Chapter 340. of the Revised Code. Boards may use a portion of the 162284
funds allocated: 162285

(1) To provide subsidized support for psychotropic medication 162286
needs of indigent citizens in the community to reduce unnecessary 162287
hospitalization due to lack of medication; and 162288

(2) To provide subsidized support for medication-assisted 162289
treatment costs. 162290

(B) A portion of this appropriation may be distributed to 162291
boards of alcohol, drug addiction, and mental health services, 162292
community addiction and/or mental health services providers, 162293
courts, or other governmental entities to provide specific grants 162294
in support of initiatives concerning mental health and addiction 162295
services. 162296

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, mental health crisis stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (A) of Section 337.130 of this act, to establish and administer crisis stabilization centers that have the ability to serve individuals with substance use and/or mental health needs. There shall be at least one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It serves individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It serves individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It serves individuals who present as needing the crisis stabilization services provided by the center.

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and

Addiction Services for approval a plan for establishing and 162328
administering crisis stabilization centers pursuant to division 162329
(C) of this section and division (A) of Section 337.130 of this 162330
act that meet the mental health and substance use needs of 162331
individuals within their service districts. 162332

(E) As used in division (C) of this section: 162333

(1) "State or local correctional facility" means any of the 162334
following: 162335

(a) A "state correctional institution," as defined in section 162336
2967.01 of the Revised Code; 162337

(b) A "local correctional facility," as defined in section 162338
2903.13 of the Revised Code; 162339

(c) A correctional facility that is privately operated and 162340
managed pursuant to section 9.06 of the Revised Code. 162341

(2) "State psychiatric hospital regions" means the six 162342
districts into which the Department of Mental Health and Addiction 162343
Services has divided the state pursuant to division (B)(2) of 162344
section 5119.14 of the Revised Code. 162345

(F) Of the foregoing appropriation item 336421, Continuum of 162346
Care Services, up to \$9,000,000 in each fiscal year shall be used 162347
to develop a strategic approach to strengthening cross-systems 162348
collaboration efforts to serve adults with serious mental illness 162349
who are involved in multiple behavioral health, developmental 162350
disabilities, human services, or criminal justice systems. 162351

(G) Of the foregoing appropriation item 336421, Continuum of 162352
Care Services, up to \$2,500,000 in each fiscal year shall be used 162353
to develop, evaluate, and expand crisis services infrastructure to 162354
provide support for adults, children, and families in a variety of 162355
settings. 162356

(H) Of the foregoing appropriation item 336421, Continuum of 162357

Care Services, up to \$6,500,000 in each fiscal year shall be used 162358
to support an evidence-informed intervention model that helps 162359
public children services agencies bring together caseworkers, 162360
behavioral health providers, and family peer mentors into teams 162361
dedicated to helping families struggling with co-occurring child 162362
maltreatment and substance use disorder. 162363

(I) Of the foregoing appropriation item 336421, Continuum of 162364
Care, up to \$1,000,000 in each fiscal year shall be used for 162365
operating expenses and critical repairs to improve the 162366
habitability of homes and quality of life for adults with severe 162367
mental illness living in class two and class three residential 162368
facilities. 162369

(J) Of the foregoing appropriation item 336421, Continuum of 162370
Care Services, up to \$4,000,000 in each fiscal year shall be used 162371
to expand statewide access to rapid mobile response and 162372
stabilization services provided to youth experiencing an emotional 162373
or behavioral health crisis and their families. 162374

(K) Of the foregoing appropriation item 336421, Continuum of 162375
Care Services, \$2,000,000 in each fiscal year shall be allocated 162376
to Bellefaire Jewish Children's Bureau to be used for support of 162377
its ongoing health care integration efforts to fund competitive 162378
compensation to recruit and retain front-line staffing positions 162379
across its core behavioral health programs including inpatient 162380
psychiatric care and outpatient physical health care and to 162381
maintain sufficient staff-to-client ratios for all programs. 162382

(L) Of the foregoing appropriation item 336421, Continuum of 162383
Care Services, \$375,000 in each fiscal year shall be provided to 162384
Arika's Angels and shall be used for addiction recovery and mental 162385
health behavioral supports. 162386

(M) Of the foregoing appropriation item 336421, Continuum of 162387
Care Services, \$150,000 in each fiscal year shall be distributed 162388

to Mental Health America of Ohio for the Perinatal Outreach and 162389
Encouragement for Moms (POEM) Program. 162390

(N) Of the foregoing appropriation item 336421, Continuum of 162391
Care Services, \$150,000 in each fiscal year shall be allocated to 162392
the "Save a Warrior" Foundation to be used to fund their program 162393
for first-responders suffering from severe forms of PTSD. 162394

(O) Of the foregoing appropriation item 336421, Continuum of 162395
Care Services, \$550,000 in each fiscal year shall be distributed 162396
to CHC Addiction Services, located in Akron, Ohio. Funds shall be 162397
used for their Rocco Antenucci Memorial Adult Residential Center 162398
(RAMAR). 162399

(P) Of the foregoing appropriation item 336421, Continuum of 162400
Care Services, \$350,000 in each fiscal year shall be distributed 162401
to the Star House for its Drop-In Centers and its Carol Stewart 162402
Village, or its other expansion projects, to provide services for 162403
homeless youth. 162404

(Q) Of the foregoing appropriation item 336421, Continuum of 162405
Care Services, \$250,000 in each fiscal year shall be allocated to 162406
Flying Horse Farms. 162407

(R) Of the foregoing appropriation item 336421, Continuum of 162408
Care Services, \$225,000 in each fiscal year shall be distributed 162409
to LifeTown Columbus to provide additional support for facility 162410
renovations and operations, including professional development, 162411
curriculum development, education materials, equipment, marketing, 162412
and recruitment. 162413

Section 337.45. HOSPITAL ACCESS FUND 162414

(A) As used in this section, "mentally ill person subject to 162415
court order" has the same meaning as in section 5122.01 of the 162416
Revised Code. 162417

(B) Of the foregoing appropriation item 336421, Continuum of 162418

Care, up to \$7,000,000 in each fiscal year shall be used to pay 162419
for the treatment of indigent mentally ill persons subject to 162420
court order in hospitals or inpatient units licensed by the 162421
Department of Mental Health and Addiction Services under section 162422
5119.33 of the Revised Code. 162423

Section 337.50. CRIMINAL JUSTICE SERVICES 162424

(A) Except as otherwise provided in this act, the foregoing 162425
appropriation item 336422, Criminal Justice Services, shall be 162426
used for all of the following: 162427

(1) The provision of forensic psychiatric evaluations to 162428
courts of common pleas; 162429

(2) The completion of evaluations of patients of forensic 162430
status in facilities operated or designated by the Department of 162431
Mental Health and Addiction Services prior to each patient's 162432
conditional release to the community; 162433

(3) Workforce, training, and technological initiatives that 162434
support the items specified in divisions (A)(1) and (2) of this 162435
section. 162436

A portion of this appropriation may be allocated through 162437
boards of alcohol, drug addiction, and mental health services to 162438
community addiction and/or mental health services providers in 162439
accordance with a distribution methodology determined by the 162440
Director of Mental Health and Addiction Services. 162441

(B) Of the foregoing appropriation item, 336422, Criminal 162442
Justice Services, up to \$5,000,000 in each fiscal year shall be 162443
allocated to the Behavioral Health Drug Reimbursement Program 162444
established in section 5119.19 of the Revised Code. 162445

On July 1, 2023, or as soon as possible thereafter, the 162446
Director of Mental Health and Addiction Services shall certify to 162447
the Director of Budget and Management the amount of the 162448

unexpended, unencumbered balance of this earmark in fiscal year 162449
2023. The amount certified is hereby reappropriated to the 162450
appropriation item in fiscal year 2024 for the same purpose. 162451

(C) The foregoing appropriation item 336422, Criminal Justice 162452
Services, may also be used to: 162453

(1) Provide forensic monitoring and tracking of individuals 162454
on conditional release; 162455

(2) Provide forensic and crisis response training; 162456

(3) Support projects that assist courts and law enforcement 162457
to identify and develop appropriate alternative services to 162458
incarceration for nonviolent mentally ill offenders; 162459

(4) Provide services to incarcerated individuals in jails, as 162460
defined in section 2929.01 of the Revised Code, with a substance 162461
use disorder, severe mental illness, or both, including screening 162462
and clinically appropriate treatment; 162463

(5) Link and provide behavioral health treatment and recovery 162464
supports to incarcerated individuals described in division (C)(4) 162465
of this section upon release from jail; 162466

(6) Provide specialized re-entry services to offenders 162467
leaving prisons and jails; 162468

(7) Provide specific grants in support of addiction services 162469
alternatives to incarceration; 162470

(8) Support therapeutic communities; 162471

(9) Support specialty dockets and expand or create new 162472
certified court programs; 162473

(10) Establish and administer outpatient competency 162474
restoration services. The services shall be provided by forensic 162475
centers described in section 5119.10 of the Revised Code or, to 162476
the extent a forensic center in a community does not provide 162477
outpatient competency restoration services, a psychiatric program 162478

or facility selected by a board of alcohol, drug addiction, and 162479
mental health services to provide such services. 162480

Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN 162481
SPECIALIZED DOCKET PROGRAMS 162482

(A) As used in this section: 162483

(1) "Community addiction services provider" has the same 162484
meaning as in section 5119.01 of the Revised Code. 162485

(2) "Community control sanction" has the same meaning as in 162486
section 2929.01 of the Revised Code. 162487

(3) "Drug used in medication-assisted treatment" means a drug 162488
approved by the United States Food and Drug Administration for use 162489
in medication-assisted treatment. 162490

(4) "Drug used in withdrawal management or detoxification" 162491
means a drug approved by the United States Food and Drug 162492
Administration for use in, or a drug in standard use for, 162493
mitigating alcohol or opioid withdrawal symptoms or assisting with 162494
detoxification. 162495

(5) "Medication-assisted treatment" has the same meaning as 162496
in section 340.01 of the Revised Code. 162497

(6) "Medication-assisted treatment drug court program" and 162498
"MAT drug court program" mean a session of any of the following 162499
that holds initial or final certification from the Supreme Court 162500
of Ohio as a specialized docket program for drugs and that uses 162501
medication-assisted treatment as part of its specialized docket 162502
program: a common pleas court, municipal court, or county court, 162503
or a division of any of those courts. 162504

(7) "Prescriber" has the same meaning as in section 4729.01 162505
of the Revised Code. 162506

(8) "Recovery supports" has the same meaning as in section 162507

5119.01 of the Revised Code. 162508

(9) "Substance use disorder treatment" has the same meaning 162509
as "alcohol and drug addiction services" as defined in section 162510
5119.01 of the Revised Code. 162511

(B)(1) The Department of Mental Health and Addiction Services 162512
shall conduct a program to provide substance use disorder 162513
treatment to persons who are eligible to participate in a 162514
medication-assisted treatment drug court program and are selected 162515
under this section to be participants in a MAT drug court program 162516
because of a substance use disorder. The substance use disorder 162517
treatment provided under the Department's program may include the 162518
following: 162519

(a) Drugs used in medication-assisted treatment; 162520

(b) Services involved in providing medication-assisted 162521
treatment; 162522

(c) Drugs used in withdrawal management or detoxification; 162523

(d) Services involved in providing withdrawal management or 162524
detoxification; 162525

(e) Recovery supports. 162526

(2) The Department shall conduct its program in collaboration 162527
with any counties in Ohio that are conducting MAT drug court 162528
programs. 162529

(3) In addition to conducting its program in accordance with 162530
division (B)(2) of this section, the Department may conduct its 162531
program in collaboration with any other court that is conducting a 162532
MAT drug court program. 162533

(C) In conducting its program, the Department shall 162534
collaborate with the Supreme Court, the Department of 162535
Rehabilitation and Correction, and any agency of the state that 162536
the Department of Mental Health and Addiction Services determines 162537

may be of assistance in accomplishing the objectives of the 162538
Department's program. The Department may collaborate with the 162539
boards of alcohol, drug addiction, and mental health services and 162540
with local law enforcement agencies that serve the counties in 162541
which a court participating in the Department's program is 162542
located. 162543

(D)(1) A MAT drug court program participating in the 162544
Department's program shall select the persons who are to be its 162545
participants for purposes of the Department's program. To be 162546
selected, a person must be a criminal offender, including an 162547
offender under a community control sanction, or be involved in a 162548
drug or family dependency court. A person shall not be selected to 162549
be a participant unless the person meets the legal and clinical 162550
eligibility criteria for the MAT drug court program and is an 162551
active participant in the MAT drug court program, or unless the 162552
offender is under a community control sanction with the program's 162553
participating judge. 162554

(2) After a MAT drug court program enrolls a person as a 162555
participant for purposes of the Department's program, the 162556
participant shall comply with all requirements of the MAT drug 162557
court program. 162558

(E) The substance use disorder treatment provided under the 162559
Department's program in collaboration with a MAT drug court 162560
program, including any recovery supports that are provided, shall 162561
be provided by a community addiction services provider. The 162562
provider shall do all of the following: 162563

(1) Provide treatment based on an integrated service delivery 162564
model that consists of the coordination of care between a 162565
prescriber and the community addiction services provider; 162566

(2) Conduct professional, comprehensive substance abuse and 162567
mental health diagnostic assessments of a person under 162568

consideration for selection as a program participant to determine 162569
whether the person would benefit from substance use disorder 162570
treatment and monitoring; 162571

(3) Determine, based on the assessment described in division 162572
(E)(2) of this section, the treatment needs of the program 162573
participants served by the community addiction services provider; 162574

(4) Develop, for program participants served by the community 162575
addiction services provider, individualized goals and objectives; 162576

(5) Subject to division (F) of this section, provide access 162577
to both of the following drug therapies to the extent they are 162578
included in the program's substance use disorder treatment: drugs 162579
used in medication-assisted treatment and drugs used in withdrawal 162580
management or detoxification; 162581

(6) Provide other types of therapies, including psychosocial 162582
therapies, for both substance use disorder and any disorders that 162583
are considered by the community addiction services provider to be 162584
co-occurring disorders; 162585

(7) Monitor program compliance through the use of regular 162586
drug testing, including urinalysis, of the program participants 162587
served by the community addiction services provider; 162588

(8) Provide access to time-limited recovery supports that 162589
help eliminate barriers to treatment and are specific to the 162590
participant's needs, including assistance with housing, 162591
transportation, child care, job training, obtaining a driver's 162592
license or state identification card, and any other matter 162593
considered relevant by the provider. 162594

(F) With regard to the drug therapies included in the 162595
substance use disorder treatment provided under the Department's 162596
program, both of the following apply: 162597

(1) One or more drugs may be used, but each drug that is used 162598

must constitute either or both of the following: 162599

(a) Long-acting antagonist therapy, partial agonist therapy, 162600
or full agonist therapy; 162601

(b) Alpha-2 agonist therapy for withdrawal management or 162602
detoxification. 162603

(2) If a drug constituting partial or full agonist therapy is 162604
used, the program shall provide safeguards to minimize abuse and 162605
diversion of the drug, including such safeguards as routine drug 162606
testing of program participants. 162607

(G) It is anticipated and expected that MAT drug court 162608
programs will expand their ability to serve more drug court 162609
participants as a result of increased access to commercial or 162610
publicly funded health insurance. In order to ensure that funds 162611
appropriated to support the Department's program are used in the 162612
most efficient manner with a goal of enrolling the maximum number 162613
of participants, the Medicaid Director, in collaboration with 162614
major Ohio health care plans, shall develop plans consistent with 162615
this division. There shall be no prior authorizations or step 162616
therapy for program participants to have access to any drug 162617
therapy included in the substance use disorder treatment provided 162618
under the Department's program. The plans developed under this 162619
division shall ensure all of the following: 162620

(1) The development of an efficient and timely process for 162621
review of eligibility for health benefits for all persons selected 162622
to participate in the program; 162623

(2) A rapid conversion to reimbursement for all health care 162624
services by the participant's health care plan following approval 162625
for coverage of health care benefits; 162626

(3) The development of a consistent benefit package that 162627
provides ready access to and reimbursement for essential health 162628
care services including, but not limited to, primary health care 162629

services, alcohol and opioid detoxification services, appropriate 162630
psychosocial services, drugs used in medication-assisted 162631
treatment, and drugs used in withdrawal management or 162632
detoxification; 162633

(4) The development of guidelines that require the provision 162634
of all treatment services, including medication, with minimal 162635
administrative barriers and within a time frame that meets the 162636
requirements of individual patient care plans. 162637

(H) Of the foregoing appropriation item 336422, Criminal 162638
Justice Services, up to \$5,000,000 in each fiscal year shall be 162639
used to support the substance use disorder treatment included in 162640
the Department's program for drug court specialized docket 162641
programs and to support the administrative expenses of courts and 162642
community addiction services providers participating in the 162643
Department's program. 162644

Section 337.70. RECOVERY HOUSING 162645

(A) As used in this section, "recovery housing residence" has 162646
the same meaning as in section 5119.01 of the Revised Code. 162647

(B) Of the foregoing appropriation item 336424, Recovery 162648
Housing, up to \$5,000,000 in each fiscal year shall be used as 162649
follows: 162650

(1) To expand, support access to, as well as assist the 162651
operators of recovery housing residences in their efforts to 162652
improve the quality of recovery housing residences in this state. 162653
The Director of Mental Health and Addiction Services may provide 162654
funds from this appropriation item to such operators for the 162655
purpose of defraying costs associated with attaining certification 162656
or accreditation, as applicable, under section 5119.39 of the 162657
Revised Code. 162658

(2) To implement sections 5119.39 to 5119.397 of the Revised 162659

Code. 162660

Section 337.80. SPECIALIZED DOCKET SUPPORT 162661

(A) The foregoing appropriation item 336425, Specialized 162662
Docket Support, shall be used to defray a portion of the annual 162663
payroll costs associated with the specialized docket of a common 162664
pleas court, municipal court, county court, juvenile court, or 162665
family court that meets all of the eligibility requirements in 162666
division (B) of this section, including a family dependency 162667
treatment docket. The foregoing appropriation item 336425, 162668
Specialized Docket Support, may also be used to defray costs 162669
associated with treatment services and recovery supports for 162670
participants. 162671

(B) To be eligible, the specialized docket must have received 162672
Supreme Court of Ohio initial or final certification and include 162673
participants with behavioral health needs in its target 162674
population. 162675

(C) Of the foregoing appropriation item 336425, Specialized 162676
Docket Support, the Department of Mental Health and Addiction 162677
Services shall use up to one per cent of the funds appropriated in 162678
each fiscal year to pay the cost it incurs in administering the 162679
duties established in this section. 162680

(D) The Department, in consultation with the Supreme Court of 162681
Ohio, may adopt funding distribution methodology, guidelines, and 162682
procedures as necessary to carry out the purposes of this section. 162683

Section 337.90. COMMUNITY INNOVATIONS 162684

The foregoing appropriation item 336504, Community 162685
Innovations, may be used by the Department of Mental Health and 162686
Addiction Services to make targeted investments in programs, 162687
projects, or systems operated by or under the authority of other 162688
state agencies, governmental entities, or private not-for-profit 162689

agencies that impact, or are impacted by, the operations and 162690
functions of the Department, with the goal of achieving a net 162691
reduction in expenditure of state general revenue funds and/or 162692
improved outcomes for Ohio citizens without a net increase in 162693
state general revenue fund spending. 162694

The Director shall identify and evaluate programs, projects, 162695
or systems proposed or operated, in whole or in part, outside of 162696
the authority of the Department, where targeted investment of 162697
these funds in the program, project, or system is expected to 162698
decrease demand for the Department or other resources funded with 162699
state general revenue funds, and/or to measurably improve outcomes 162700
for Ohio citizens with mental illness or with alcohol, drug, or 162701
gambling addictions. The Director shall have discretion to provide 162702
funds from this appropriation item to private not-for-profit 162703
entities in amounts, and subject to conditions, that the Director 162704
determines most likely to achieve state savings and/or improved 162705
outcomes. Distribution of funds from this appropriation item shall 162706
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 162707
Revised Code. 162708

The Department shall enter into an agreement with each 162709
recipient of community innovation funds, identifying: allowable 162710
expenditure of the funds; other commitment of funds or other 162711
resources to the program, project, or system; expected state 162712
savings and/or improved outcomes and proposed mechanisms for 162713
measurement of such savings or outcomes; and required reporting 162714
regarding expenditure of funds and savings or outcomes achieved. 162715

Of the foregoing appropriation item 336504, Community 162716
Innovations, up to \$3,000,000 in each fiscal year shall be used to 162717
support workforce development initiatives. 162718

Of the foregoing appropriation item 336504, Community 162719
Innovations, up to \$1,500,000 in each fiscal year shall be used to 162720
mitigate behavioral health disparities. 162721

Of the foregoing appropriation item 336504, Community 162722
Innovations, up to \$1,250,000 in each fiscal year shall be used to 162723
establish additional clubhouses in this state for the purpose of 162724
offering individuals with a mental illness or mental illness and 162725
co-occurring substance use disorder opportunities for employment, 162726
housing, education, and access to medical and psychiatric services 162727
in a single caring and safe environment. The clubhouses shall be 162728
operated in accordance with model standards and employment 162729
benchmarks selected by the Department of Mental Health and 162730
Addiction Services. 162731

Of the foregoing appropriation item 336504, Community 162732
Innovations, up to \$1,000,000 in each fiscal year shall be used by 162733
the Department of Mental Health and Addiction Services, in 162734
partnership with the Department of Rehabilitation and Correction 162735
and Ohio Housing Finance Agency, to establish a landlord incentive 162736
program. Under the program, the Department of Mental Health and 162737
Addiction Services shall do both of the following: 162738

(A) Issue incentive payments to landlords to encourage the 162739
leasing of rental units to individuals with a criminal record who 162740
have a mental illness, substance use disorder, or both, or are 162741
being discharged from a hospital as defined in section 5122.01 of 162742
the Revised Code. 162743

(B) Reimburse landlords for small repairs in rental units 162744
leased to individuals described in division (A) of this section to 162745
ensure that such units conform with Housing Quality Standards 162746
specified by the United States Department of Housing and Urban 162747
Development in 24 C.F.R. 982, et seq. 162748

The Department shall specify guidelines and a procedure for 162749
the distribution of funds pursuant to divisions (A) and (B) of 162750
this section. 162751

Of the foregoing appropriation item 336504, Community 162752

Innovations, \$250,000 in each fiscal year shall be allocated to 162753
either the Northeast Ohio Medical University (NEOMED) or another 162754
entity identified by the Department of Mental Health and Addiction 162755
Services to deliver statewide continuing training and education to 162756
professionals on the identification and treatment of alcohol and 162757
other substance use disorders with medications that are approved 162758
by the United States Food and Drug Administration. 162759

Section 337.95. MOBILE-BASED OPIOID USE DISORDER TREATMENT 162760

(A) As used in this section: 162761

(1) "Medication-assisted treatment" has the same meaning as 162762
in section 340.01 of the Revised Code. 162763

(2) "Medication unit" has the same meaning as in 42 C.F.R. 162764
8.2. 162765

(3) "Qualifying practitioner" has the same meaning as in 162766
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 162767
1970," 21 U.S.C. 823(g)(2)(G)(iii). 162768

(B) During fiscal years 2024 and 2025, the Department of 162769
Mental Health and Addiction Services shall operate a pilot program 162770
to provide opioid use disorder treatment to individuals in 162771
underserved regions of this state, selected by the Department, 162772
using medication units that are mobile. The purpose of the program 162773
is to extend access to medication-assisted treatment to areas of 162774
the state lacking opioid treatment programs licensed under section 162775
5119.37 of the Revised Code and qualifying practitioners. 162776

(C) The Department shall ensure that the services provided in 162777
mobile medication units used in the pilot program are those 162778
specified in relevant guidance issued by the United States 162779
Substance Abuse and Mental Health Services Administration. 162780

(D) Upon request of the Department, the State Board of 162781
Pharmacy, State Medical Board, Board of Nursing, and any other 162782

state agency that the Department determines may be of assistance 162783
in accomplishing the purpose of the pilot program, shall provide 162784
the requested assistance. 162785

(E) Not later than sixty days after the effective date of 162786
this section, the Department shall develop a plan for implementing 162787
and evaluating the pilot program. 162788

(F) Not later than six months after the conclusion of the 162789
pilot program, the Department shall complete a report of the 162790
findings obtained from the program. On completion, the Department 162791
shall submit the report to the Governor and to the General 162792
Assembly. The Department shall submit the report to the General 162793
Assembly in accordance with section 101.68 of the Revised Code. 162794

(G) Of the foregoing appropriation item 336504, Community 162795
Innovations, up to \$750,000 in each fiscal year shall be used to 162796
operate the pilot program established under this section. 162797

Section 337.100. RESIDENTIAL STATE SUPPLEMENT 162798

The foregoing appropriation item 336510, Residential State 162799
Supplement, may be used by the Department of Mental Health and 162800
Addiction Services to implement and operate the Residential State 162801
Supplement (RSS) Program required by section 5119.41 of the 162802
Revised Code. 162803

Section 337.103. APPALACHIAN CHILDREN COALITION 162804

The foregoing appropriation item 336516, Appalachian Children 162805
Coalition, shall be provided to the Appalachian Children Coalition 162806
to address systemic challenges children face in Appalachian Ohio. 162807
The Coalition shall use the funds as follows: 162808

(A) \$1,000,000 in each fiscal year shall be used to provide 162809
funding for training, hiring, and retention of entry-level child 162810
mental and behavioral health workers in school and health provider 162811

settings; 162812

(B) \$1,000,000 in each fiscal year shall be used to provide 162813
funding for research and facilitation of a publicly accessible 162814
database of child wellbeing indicators as well as provide capacity 162815
to child-serving entities in the region by way of grant writing 162816
support, community assessments, and mental and behavioral health 162817
workforce mapping; 162818

(C) \$250,000 in each fiscal year shall be used to enhance 162819
child mental health outcomes, promote implementation of 162820
whole-child models of care, and to expand the mental health 162821
workforce in the region; and 162822

(D) \$250,000 in each fiscal year shall be used to provide 162823
funding for prevention programming in the areas of teen suicide, 162824
substance misuse, human trafficking, bullying, and child abuse and 162825
neglect in the region. 162826

Section 337.105. COMMUNITY PROJECTS 162827

Of the foregoing appropriation item 336519, Community 162828
Projects, \$1,500,000 in each fiscal year shall be provided to the 162829
Ohio Alliance of Boys & Girls Clubs to support prevention and 162830
early intervention for underserved children, youth, and families 162831
in high-need and/or high-risk communities through the integration 162832
of evidence-based trauma-informed practices into Club programming 162833
and the provision of broader community partnerships for care 162834
management, direct services, clinical interventions, as well as 162835
additional support for addiction prevention and youth mental 162836
health. 162837

Of the foregoing appropriation item 336519, Community 162838
Projects, \$75,000 in each fiscal year shall be distributed to 162839
Fringe Industries. 162840

Of the foregoing appropriation item 336519, Community 162841

Projects, \$20,000 in each fiscal year shall be distributed to 162842
Natural Freedom Wellness Centers and shall be used for workforce 162843
development, transportation costs, and facility upgrades. 162844

Section 337.110. DIGITAL THERAPEUTICS 162845

(A) As used in this section, "prescription digital 162846
therapeutic approved or otherwise authorized for the treatment of 162847
substance use disorders" and "prescription digital therapeutic" 162848
means a class II medical device, as that term is described in 21 162849
C.F.R. 860.3, that has been approved or otherwise authorized by 162850
the United States Food and Drug Administration to deliver 162851
therapeutic interventions for the treatment of substance use 162852
disorders, including opioid use disorders. 162853

(B) The Department of Mental Health and Addiction Services 162854
shall acquire prescription digital therapeutics approved or 162855
otherwise authorized for the treatment of substance use disorders 162856
for the purpose of operating a pilot program to explore the 162857
effectiveness of prescription digital therapeutics. Under the 162858
pilot program, patients who have been diagnosed with a substance 162859
use disorder, including an opioid use disorder, and have been 162860
prescribed a digital therapeutic as part of treatment shall be 162861
provided the prescribed digital therapeutic at no cost to the 162862
patient. 162863

(C) Each treatment provider that participates in the pilot 162864
program shall identify patients who have been diagnosed with a 162865
substance use disorder, including an opioid use disorder, and who 162866
have been prescribed a digital therapeutic as part of treatment. 162867
Patients who elect to use the prescribed digital therapeutic shall 162868
be provided access to it by activating an access code. 162869

The Department and treatment providers shall make best 162870
efforts to include patient participants with varied demographic 162871
backgrounds and experiences with substance use and opioid use 162872

disorders. The use of prescription digital therapeutics by 162873
participating patients may be in addition to any other treatment 162874
for substance use and opioid use disorders, including 162875
medication-assisted treatment and other behavioral health 162876
services. 162877

(D) The pilot program shall begin as soon as practicable 162878
after the effective date of this section and shall be operated 162879
until December 31, 2024, or until funds appropriated for the 162880
program are expended, whichever occurs first. 162881

(E) Not later than March 31, 2025, the Department shall 162882
prepare a report, using data supplied by vendors of prescription 162883
digital therapeutics and aggregated claims data, describing its 162884
findings regarding the impact of the pilot program and submit it 162885
to the chairpersons and ranking minority members of the standing 162886
committees that consider health and human services issues in the 162887
House of Representatives and the Senate. The report shall describe 162888
all of the following: 162889

(1) The population included in the pilot program; 162890

(2) The successes and challenges of the program; 162891

(3) Treatment access for pilot program participants; 162892

(4) Participant satisfaction; 162893

(5) Participant treatment goals and whether those goals were 162894
achieved; 162895

(6) Impacts related to health equity; 162896

(7) A comparison of hospitalization for program participants 162897
as compared to other patients of participating treatment providers 162898
who are being treated for substance use and opioid use disorders; 162899

(8) Any recommendations for future coverage of prescription 162900
digital therapeutics. 162901

(F) The foregoing appropriation item 336520, Digital 162902

Therapeutics, shall be used for the pilot program established by 162903
this section. 162904

(G) An amount equal to the unexpended, unencumbered balance 162905
of appropriation item 336520, Digital Therapeutics, at the end of 162906
fiscal year 2024 is hereby reappropriated to the same 162907
appropriation item for the same purpose in fiscal year 2025. 162908

Section 337.120. MEDICAID SUPPORT 162909

The foregoing appropriation item 652321, Medicaid Support, 162910
shall be used to fund specified Medicaid Services as delegated by 162911
the state's single agency responsible for the Medicaid Program. 162912

Section 337.130. STABILIZATION CENTERS 162913

(A) Except as otherwise provided in this act, of the 162914
foregoing appropriation item 336600, Stabilization Centers, up to 162915
\$6,000,000 in each fiscal year shall be used to establish and 162916
administer, in collaboration with the other boards that serve the 162917
same state psychiatric hospital region, substance use 162918
stabilization centers or, upon approval from the Director of 162919
Mental Health and Addiction Services, boards may use these funds 162920
in conjunction with funds earmarked in division (C) of Section 162921
337.40 of this act to establish and administer crisis 162922
stabilization centers that have the ability to serve individuals 162923
with substance use and/or mental health needs. There shall be a 162924
minimum of one center located in each state psychiatric hospital 162925
region. 162926

(B) Boards of alcohol, drug addiction, and mental health 162927
services shall submit to the Director of Mental Health and 162928
Addiction Services for approval a plan for establishing and 162929
administering crisis stabilization centers pursuant to division 162930
(A) of this section and division (C) of Section 337.40 of this act 162931
that meet the needs of individuals within their service districts. 162932

(C) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

Section 337.135. 9-8-8 LIFELINE 162938

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.

(B) The foregoing appropriation item 336661, 988 Suicide and Crisis Response, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response.

Section 337.137. BEHAVIORAL HEALTH CARE 162950

Of the foregoing appropriation item 336615, Behavioral Health Care, \$1,000,000 in each fiscal year shall be distributed to The Centers in Cuyahoga County and used to offer continuing comprehensive behavioral health services.

Of the foregoing appropriation item 336615, Behavioral Health Care, \$500,000 in each fiscal year shall be distributed to the Nord Center in Lorain County and used to offer continuing comprehensive behavioral health services.

Section 337.140. ADAMHS BOARDS 162959

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as

follows: 162962

(1) Each board shall receive \$50,000 in each fiscal year for 162963
each of the counties that are part of the board's district. 162964

(2) Each board shall receive a percentage of any remaining 162965
amount to be determined by a formula developed by the Director of 162966
Mental Health and Addiction Services. 162967

(B) Of the foregoing appropriation item 336643, ADAMHS 162968
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 162969
a continuum of crisis stabilization and crisis prevention services 162970
and supports to allow individuals to be served in the least 162971
restrictive setting. 162972

(C) Boards of alcohol, drug addiction, and mental health 162973
services shall submit for approval by the Director of Mental 162974
Health and Addiction Services a plan for establishing and 162975
administering crisis services in conjunction with the plan 162976
submitted pursuant to division (D) of Section 337.40 and division 162977
(B) of Section 337.130 of this act. 162978

Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH 162979

The foregoing appropriation item 336648, ARPA Pediatric 162980
Behavioral Health, shall be distributed to St. Vincent Family 162981
Services for pediatric behavioral health workforce retention and 162982
development. 162983

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 162984

A portion of appropriation item 336629, Problem Gambling and 162985
Casino Addiction, shall be allocated to boards of alcohol, drug 162986
addiction, and mental health services in accordance with a 162987
distribution methodology determined by the Director of Mental 162988
Health and Addiction Services. 162989

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 162990

The foregoing appropriation item 336645, Transcranial 162991
Magnetic Stimulation Program, shall be used for the 162992
electroencephalogram (EEG) combined transcranial magnetic 162993
stimulation program as described in section 5902.09 of the Revised 162994
Code. These funds shall also be used to serve up to three hundred 162995
additional veterans and up to three hundred additional first 162996
responders and law enforcement officers. 162997

Section 337.170. ACCESS SUCCESS II PROGRAM 162998

To the extent cash is available, the Director of Budget and 162999
Management may transfer cash from a fund designated by the 163000
Medicaid Director, to the Sale of Goods and Services Fund (Fund 163001
1490), used by the Department of Mental Health and Addiction 163002
Services. The transferred cash is hereby appropriated. 163003

The Department of Mental Health and Addiction Services shall 163004
use the transferred funds to administer the Access Success II 163005
Program to help non-Medicaid patients in any hospital established, 163006
controlled, or supervised by the Department under Chapter 5119. of 163007
the Revised Code to transition from inpatient status to a 163008
community setting. 163009

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 163010
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 163011
FUND 163012

On a schedule determined by the Director of Budget and 163013
Management, the Director of Mental Health and Addiction Services 163014
shall certify to the Director of Budget and Management the amount 163015
of excess license reinstatement fees that are available pursuant 163016
to division (F)(2)(c) of section 4511.191 of the Revised Code to 163017
be transferred from the Indigent Drivers Alcohol Treatment Fund 163018

(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 163019
 4750). Upon certification, the Director of Budget and Management 163020
 may transfer cash from the Indigent Drivers Alcohol Treatment Fund 163021
 to the Statewide Treatment and Prevention Fund. 163022

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 163023

General Revenue Fund 163024

GRF 149321	Operating Expenses	\$	820,000	\$	839,000	163025
GRF 149501	Demonstration Grants	\$	1,352,000	\$	1,352,000	163026
GRF 149502	Lupus Program	\$	118,000	\$	118,000	163027
GRF 149503	Infant Mortality	\$	3,376,000	\$	3,391,000	163028

Health Grants

TOTAL GRF General Revenue Fund	\$	5,666,000	\$	5,700,000	163029
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Dedicated Purpose Fund Group 163030

4C20 149601	Minority Health	\$	35,000	\$	35,000	163031
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Conference

TOTAL DPF Dedicated Purpose Fund	\$	35,000	\$	35,000	163032
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	5,701,000	\$	5,735,000	163033
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Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 163035

Dedicated Purpose Fund Group 163036

4K90 865601	Operating Expenses	\$	698,657	\$	704,675	163037
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TOTAL DPF Dedicated Purpose Fund	\$	698,657	\$	704,675	163038
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	698,657	\$	704,675	163039
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Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 163041

General Revenue Fund 163042

GRF 725401	Division of	\$	1,700,000	\$	1,700,000	163043
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Wildlife-Operating
 Subsidy

GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	63,750,000	\$	63,750,000	163044
GRF	725456	Canal Lands	\$	118,000	\$	118,000	163045
GRF	725460	LWCF Recreation Lands	\$	250,000	\$	250,000	163046
GRF	725505	Healthy Lake Erie Program	\$	911,000	\$	911,000	163047
GRF	725507	Coal and Mine Safety Programs	\$	2,939,000	\$	2,939,000	163048
GRF	725520	Special Projects	\$	125,000	\$	125,000	163049
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	20,200,000	\$	16,800,000	163050
GRF	727321	Division of Forestry	\$	7,187,000	\$	7,187,000	163051
GRF	729321	Office of Information Technology	\$	508,000	\$	508,000	163052
GRF	730321	Parks and Recreation	\$	41,303,000	\$	41,303,000	163053
GRF	736321	Division of Engineering	\$	2,154,000	\$	2,154,000	163054
GRF	737321	Division of Water Resources	\$	1,752,000	\$	1,752,000	163055
GRF	738321	Office of Real Estate and Land Management	\$	749,000	\$	749,000	163056
GRF	741321	Division of Natural Areas and Preserves	\$	3,800,000	\$	3,800,000	163057
TOTAL GRF		General Revenue Fund	\$	147,446,000	\$	144,046,000	163058
		Dedicated Purpose Fund Group					163059
2270	725406	Parks Projects Personnel	\$	4,623,473	\$	4,803,589	163060
4300	725671	Canal Lands	\$	705,298	\$	705,298	163061
4S90	725622	NatureWorks Personnel	\$	304,121	\$	304,121	163062
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	163063

5090	725602	State Forest	\$	10,008,687	\$	10,008,687	163064
5110	725646	Ohio Geological Mapping	\$	6,650,000	\$	6,650,000	163065
5110	725679	Geographic Information System Centralized Services	\$	281,023	\$	288,575	163066
5120	725605	State Parks Operations	\$	40,113,609	\$	40,113,609	163067
5140	725606	Lake Erie Shoreline	\$	1,819,849	\$	1,858,936	163068
5160	725620	Water Management	\$	3,249,848	\$	3,466,288	163069
5180	725643	Oil and Gas Regulation and Safety	\$	31,150,571	\$	31,161,659	163070
5180	725677	Oil and Gas Well Plugging	\$	21,048,391	\$	21,048,391	163071
5180	7256A4	Oil and Gas Roadway Repair	\$	12,000,000	\$	0	163072
5210	725627	Off-Road Vehicle Trails	\$	478,400	\$	478,400	163073
5220	725656	Natural Areas and Preserves	\$	623,524	\$	650,700	163074
5290	725639	Mining Regulation and Safety	\$	5,300,000	\$	5,300,000	163075
5310	725648	Reclamation Forfeiture	\$	200,000	\$	200,000	163076
5CV3	7256A3	ARPA - Special Projects	\$	8,500,000	\$	0	163077
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	163078
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	163079
5P20	725634	Wildlife Boater Angler Administration	\$	5,225,000	\$	8,825,000	163080
5TD0	725514	Park Maintenance	\$	1,555,208	\$	1,555,208	163081
5TD0	725615	Parks and Watercraft Vehicles	\$	9,636,500	\$	6,415,000	163082
6150	725661	Dam Safety	\$	3,226,325	\$	5,024,778	163083

6970	725670	Submerged Lands	\$	715,054	\$	715,054	163084
6H20	725681	H2Ohio	\$	53,050,000	\$	53,050,000	163085
7015	740401	Division of Wildlife Conservation	\$	81,288,161	\$	81,288,161	163086
7086	725414	Waterways Improvement	\$	6,195,948	\$	6,170,948	163087
7086	739401	Watercraft Operations	\$	29,805,719	\$	29,405,719	163088
8150	725636	Cooperative Management Projects	\$	679,250	\$	679,250	163089
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	163090
8170	725655	Wildlife Conservation Checkoff	\$	2,750,000	\$	2,750,000	163091
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	163092
8190	725685	Ohio River Management	\$	150,000	\$	150,000	163093
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	163094
TOTAL DPF	Dedicated Purpose Fund Group		\$	346,012,844	\$	327,746,256	163095
Internal Service Activity Fund Group							163096
1550	725601	Departmental Projects	\$	1,501,591	\$	1,587,336	163097
1570	725651	Program Support	\$	25,665,438	\$	25,665,438	163098
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611	163099
TOTAL ISA	Internal Service Activity Fund Group		\$	27,356,640	\$	27,442,385	163100
Capital Projects Fund Group							163101
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	291,796	163102
TOTAL CPF	Capital Projects Fund Group		\$	301,796	\$	291,796	163103
Fiduciary Fund Group							163104
4M80	725675	FOP Contract	\$	20,219	\$	20,219	163105

TOTAL FID Fiduciary Fund Group	\$	20,219	\$	20,219	163106
Holding Account Fund Group					163107
R017 725659 Performance Cash Bond	\$	457,000	\$	457,000	163108
Refunds					
R043 725624 Forestry	\$	2,400,000	\$	2,400,000	163109
TOTAL HLD Holding Account Fund	\$	2,857,000	\$	2,857,000	163110
Group					
Federal Fund Group					163111
3320 725669 Federal Mine Safety	\$	335,000	\$	335,000	163112
Grant					
3B30 725640 Federal Forest	\$	780,000	\$	780,000	163113
Pass-Thru					
3B40 725641 Federal Flood	\$	108,000	\$	112,000	163114
Pass-Thru					
3B50 725645 Federal Abandoned	\$	61,150,000	\$	61,150,000	163115
Mine Lands					
3B60 725653 Federal Land and	\$	10,800,000	\$	10,800,000	163116
Water Conservation					
Grants					
3B70 725654 Reclamation -	\$	1,825,402	\$	1,825,402	163117
Regulatory					
3IK0 7256A1 Parks and Watercraft	\$	18,820,473	\$	16,548,566	163118
Fed Grants					
3P10 725632 Geological Survey -	\$	269,011	\$	269,011	163119
Federal					
3P20 725642 Oil and Gas - Federal	\$	154,350	\$	154,350	163120
3P20 725698 Oil And Gas - Federal	\$	25,000,000	\$	25,000,000	163121
Orphan Well Plug					
3P30 725650 Coastal Management -	\$	2,965,240	\$	3,024,545	163122
Federal					
3P40 725660 Federal - Soil and	\$	389,250	\$	405,600	163123
Water Resources					

3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	200,000	\$	200,000	163124
3Z50	725657	Federal Recreation and Trails	\$	2,000,000	\$	2,000,000	163125
TOTAL FED	Federal Fund Group		\$	124,796,726	\$	122,604,474	163126
TOTAL ALL BUDGET	FUND GROUPS		\$	648,791,225	\$	625,008,130	163127

Section 343.20. PROGRAM SUPPORT FUND 163129

The Department of Natural Resources shall use a methodology 163130
for determining each division's payments into the Program Support 163131
Fund (Fund 1570). The methodology used shall contain the 163132
characteristics of administrative ease and uniform application in 163133
compliance with federal grant requirements. It may include direct 163134
cost charges for specific services provided. Payments to Fund 1570 163135
shall be made using an intrastate transfer voucher. 163136

The foregoing appropriation item 725401, Division of 163137
Wildlife-Operating Subsidy, shall be used to pay the direct and 163138
indirect costs of the Division of Wildlife. 163139

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 163140

The foregoing appropriation item 725413, Parks and 163141
Recreational Facilities Lease Rental Bond Payments, shall be used 163142
to meet all payments during the period from July 1, 2023, through 163143
June 30, 2025, by the Department of Natural Resources pursuant to 163144
leases and agreements made under section 154.22 of the Revised 163145
Code. These appropriations are the source of funds pledged for 163146
bond service charges on related obligations issued under Chapter 163147
154. of the Revised Code. 163148

HEALTHY LAKE ERIE PROGRAM 163149

The foregoing appropriation item 725505, Healthy Lake Erie 163150
Program, shall be used by the Director of Natural Resources, in 163151
support of the following: (1) conservation measures in the Western 163152

Lake Erie Basin as determined by the Director; (2) funding 163153
assistance for soil testing, winter cover crops, edge of field 163154
testing, tributary monitoring, and animal waste abatement; and (3) 163155
any additional efforts to reduce nutrient runoff as the Director 163156
may decide. The Director shall give priority to recommendations 163157
that encourage farmers to adopt agricultural production guidelines 163158
commonly known as 4R nutrient stewardship practices. 163159

COAL AND MINE SAFETY PROGRAMS 163160

The foregoing appropriation item 725507, Coal and Mine Safety 163161
Programs, shall be used for the administration of the Mine Safety 163162
Program and the Coal Regulation Program. 163163

SPECIAL PROJECTS 163164

Of the foregoing appropriation item 725520, Special Projects, 163165
\$125,000 in each fiscal year shall be used to support the 163166
administrative costs and other expenses of the Indian Lake 163167
Watershed Project. 163168

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 163169

The foregoing appropriation item 725903, Natural Resources 163170
General Obligation Bond Debt Service, shall be used to pay all 163171
debt service and related financing costs during the period July 1, 163172
2023, through June 30, 2025, on obligations issued under sections 163173
151.01 and 151.05 of the Revised Code. 163174

Section 343.30. H2OHIO FUND 163175

On July 1, 2024, or as soon as possible thereafter, the 163176
Director of Natural Resources may certify to the Director of 163177
Budget and Management an amount up to the unexpended, unencumbered 163178
balance of the foregoing appropriation item, 725681, H2Ohio, at 163179
the end of fiscal year 2024 to be reappropriated in fiscal year 163180
2025. The amount certified is hereby reappropriated to the same 163181
appropriation item for fiscal year 2025. 163182

WELL LOG FILING FEES 163183

The Chief of the Division of Water Resources shall deposit 163184
fees forwarded to the Division pursuant to section 1521.05 of the 163185
Revised Code into the Water Management Fund (Fund 5160) for the 163186
purposes described in that section. 163187

PARKS CAPITAL EXPENSES FUND 163188

The Director of Natural Resources shall submit to the 163189
Director of Budget and Management the estimated design, 163190
engineering, and planning costs of capital-related work to be done 163191
by Department of Natural Resources staff for parks projects within 163192
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 163193
Director of Budget and Management approves the estimated costs, 163194
the Director may release appropriations from Fund 7035 163195
appropriation item C725E6, Project Planning, for those purposes. 163196
Upon release of the appropriations, the Department of Natural 163197
Resources shall pay for these expenses from the Parks Capital 163198
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 163199
reimbursed by Fund 7035 using an intrastate transfer voucher. 163200

NATUREWORKS CAPITAL EXPENSES FUND 163201

The Department of Natural Resources shall submit to the 163202
Director of Budget and Management the estimated design, planning, 163203
and engineering costs of capital-related work to be done by 163204
Department of Natural Resources staff for each capital improvement 163205
project within the Ohio Parks and Natural Resources Fund (Fund 163206
7031). If the Director of Budget and Management approves the 163207
estimated costs, the Director may release appropriations from Fund 163208
7031 appropriation item C725E5, Project Planning, for those 163209
purposes. Upon release of the appropriations, the Department of 163210
Natural Resources shall pay for these expenses from the Capital 163211
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 163212
reimbursed by Fund 7031 using an intrastate transfer voucher. 163213

OIL AND GAS ROADWAY REPAIR 163214

The foregoing appropriation item 7256A4, Oil and Gas Roadway Repair, shall be used to provide grants to county engineers and boards of township trustees for use in repairing roads. The Director of Natural Resources shall award grants to county engineers and boards of township trustees in the ten counties with the highest production of oil and natural gas from horizontal wells. The total amount distributed in each county shall be proportionate to each county's production of oil and natural gas from horizontal wells.

An amount equal to the unexpended, unencumbered balance remaining in appropriation item 7256A4 at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

ARPA - SPECIAL PROJECTS 163228

Of the foregoing appropriation item 7256A3, ARPA - Special Projects, \$5,000,000 in fiscal year 2024 shall be used by the Director of Natural Resources to support the Rock & Roll Hall of Fame and Museum.

Of the foregoing appropriation item 7256A3, ARPA - Special Projects, \$3,500,000 in fiscal year 2024 shall be used to support the Mentor Erosion Mitigation Project.

PARK MAINTENANCE 163236

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years

of deposits in the State Park Fund (Fund 5120) to the Director of 163244
Budget and Management. The Director of Budget and Management may 163245
transfer up to \$1,800,000 from Fund 5120 to the State Park 163246
Maintenance Fund (Fund 5TD0). 163247

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 163248

The foregoing appropriation item 725405, Clean Ohio Trail 163249
Operating, shall be used by the Department of Natural Resources in 163250
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 163251
to section 1519.05 of the Revised Code. 163252

Section 343.60. (A) As used in this section: 163253

(1) "Locally administer" means to supervise the design and 163254
construction of, and make contracts for the construction, 163255
reconstruction, improvement, enlargement, alteration, repair, or 163256
decoration of a capital facility project without the assistance of 163257
the Ohio Facilities Construction Commission. 163258

(2) "Capital facility project" means any activities, 163259
projects, or improvements described in division (B)(1) of section 163260
1501.011 of the Revised Code. 163261

(B) Notwithstanding section 123.21 of the Revised Code or any 163262
other provision of law to the contrary, for fiscal years 2024 and 163263
2025, the Department of Natural Resources may locally administer 163264
any capital facility project commenced within those fiscal years, 163265
regardless of estimated cost. 163266

(C) The Department shall do both of the following regarding a 163267
capital facility project that is locally administered: 163268

(1) Comply with the applicable procedures and guidelines 163269
established in Chapter 153. of the Revised Code; 163270

(2) Track all project information in the Ohio Administrative 163271
Knowledge System capital improvements application pursuant to Ohio 163272

Facilities Construction Commission guidelines as though the 163273
 Department is administering the project pursuant to section 163274
 123.211 of the Revised Code and all generally applicable laws. 163275

(D) Nothing in this section interferes with the powers of the 163276
 Department of Natural Resources authorized in Chapter 1501. of the 163277
 Revised Code. 163278

Section 345.10. NUR STATE BOARD OF NURSING 163279

Dedicated Purpose Fund Group 163280

4K90 884609 Operating Expenses \$ 13,045,656 \$ 13,032,656 163281

5AC0 884602 Nurse Education Grant \$ 1,513,000 \$ 894,000 163282
 Program

5P80 884601 Nursing Special \$ 500 \$ 500 163283
 Issues

TOTAL DPF Dedicated Purpose 163284

Fund Group \$ 14,559,156 \$ 13,927,156 163285

TOTAL ALL BUDGET FUND GROUPS \$ 14,559,156 \$ 13,927,156 163286

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 163288
AND ATHLETIC TRAINERS BOARD 163289

Dedicated Purpose Fund Group 163290

4K90 890609 Operating Expenses \$ 1,330,747 \$ 1,417,747 163291

TOTAL DPF Dedicated Purpose Fund \$ 1,330,747 \$ 1,417,747 163292
 Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,330,747 \$ 1,417,747 163293

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH 163295
DISABILITIES AGENCY 163296

General Revenue Fund 163297

GRF 415402 Independent Living \$ 252,000 \$ 252,000 163298
 Council

GRF 415406 Assistive Technology \$ 26,000 \$ 26,000 163299

GRF	415431	Brain Injury	\$	1,100,000	\$	1,100,000	163300
GRF	415506	Services for Individuals with Disabilities	\$	24,820,000	\$	30,015,000	163301
GRF	415508	Services for the Deaf	\$	527,000	\$	527,000	163302
GRF	415511	Centers for Independent Living	\$	500,000	\$	500,000	163303
GRF	415512	Visually Impaired Reading Services	\$	50,000	\$	50,000	163304
GRF	415513	Accessible Ohio	\$	500,000	\$	500,000	163305
GRF	415514	Independent Living Supplement	\$	1,000,000	\$	0	163306
GRF	415515	DeafBlind Fund	\$	100,000	\$	100,000	163307
TOTAL GRF	General Revenue Fund		\$	28,875,000	\$	33,070,000	163308
Dedicated Purpose Fund Group							163309
4670	415609	Business Enterprise Operating Expenses	\$	1,555,368	\$	1,555,368	163310
4680	415618	Third Party Services Funding	\$	11,680,000	\$	12,680,000	163311
4L10	415619	Services for Rehabilitation	\$	2,200,000	\$	2,200,000	163312
TOTAL DPF	Dedicated Purpose Fund Group		\$	15,435,368	\$	16,435,368	163313
Internal Service Activity Fund Group							163314
4W50	415606	Program Management	\$	18,521,716	\$	20,191,107	163315
TOTAL ISA	Internal Service Activity Fund Group		\$	18,521,716	\$	20,191,107	163316
Federal Fund Group							163317
3170	415620	Disability Determination	\$	84,500,000	\$	86,000,000	163318
3790	415616	Federal - Vocational Rehabilitation	\$	150,000,000	\$	164,500,000	163319

3GH0	415602	Personal Care Assistance	\$	3,238,884	\$	3,336,051	163320
3GH0	415604	Community Centers for the Deaf	\$	772,420	\$	772,420	163321
3GH0	415613	Independent Living	\$	737,411	\$	737,411	163322
3GH0	415627	Independent Living Projects	\$	250,000	\$	250,000	163323
3IL0	415629	Works4Me Disability Innovation Fund Grant	\$	2,000,000	\$	2,300,000	163324
3L10	415608	Social Security Vocational Rehabilitation	\$	11,500,000	\$	13,000,000	163325
3L40	415615	Federal - Supported Employment	\$	1,200,000	\$	1,200,000	163326
3L40	415617	Independent Living Older Blind	\$	2,158,988	\$	2,180,226	163327
TOTAL FED	Federal Fund Group		\$	256,357,703	\$	274,276,108	163328
TOTAL ALL BUDGET	FUND GROUPS		\$	319,189,787	\$	343,972,583	163329

Section 353.20. INDEPENDENT LIVING 163331

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 163332-163336

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities. 163337-163340

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan 163341-163343

for Independent Living.	163344
ASSISTIVE TECHNOLOGY	163345
The foregoing appropriation item 415406, Assistive	163346
Technology, shall be provided to Assistive Technology of Ohio to	163347
provide grants and assistive technology services for people with	163348
disabilities in the State of Ohio.	163349
BRAIN INJURY	163350
The foregoing appropriation item 415431, Brain Injury, shall	163351
be provided to The Ohio State University College of Medicine to	163352
support the Brain Injury Program established under section 3335.60	163353
of the Revised Code.	163354
SERVICES FOR INDIVIDUALS WITH DISABILITIES	163355
The foregoing appropriation item 415506, Services for	163356
Individuals with Disabilities, shall be used as state matching	163357
funds to provide vocational rehabilitation services to Ohioans	163358
with disabilities.	163359
SERVICES FOR THE DEAF	163360
The foregoing appropriation item 415508, Services for the	163361
Deaf, shall be used to support community centers for the deaf.	163362
VISUALLY IMPAIRED READING SERVICES	163363
The foregoing appropriation item 415512, Visually Impaired	163364
Reading Services, shall be used to support VOICEcorps Reading	163365
Services to provide reading services for blind individuals.	163366
INDEPENDENT LIVING SUPPLEMENT	163367
The foregoing appropriation item 415514, Independent Living	163368
Supplement, shall be distributed to the Ohio Statewide Independent	163369
Living Council. The Council shall distribute these funds to local	163370
centers for independent living to provide ramps, minor home	163371
modifications, and assistive technology to individuals with	163372

disabilities. 163373

An amount equal to the unexpended, unencumbered portion of 163374
the foregoing appropriation item 415514, Independent Living 163375
Supplement, at the end of fiscal year 2024 is hereby 163376
reappropriated to the same appropriation item for the same purpose 163377
in fiscal year 2025. 163378

DEAFBLIND FUND 163379

The foregoing appropriation item 415515, DeafBlind Fund, 163380
shall be distributed to the Columbus Speech and Hearing Center. 163381
Funds shall be used to establish a pilot program for the 163382
recruitment and training of support service providers and to 163383
connect support service providers with DeafBlind individuals. The 163384
Columbus Speech and Hearing Center shall establish guidelines to 163385
determine eligibility for services provided by support service 163386
providers through the pilot program. 163387

SIGHT CENTERS 163388

Of the foregoing appropriation item 415617, Independent 163389
Living Older Blind, \$30,000 in each fiscal year shall be used to 163390
contract in equal amounts with the Cleveland Sight Center, the 163391
Cincinnati Association for the Blind and Visually Impaired, and 163392
the Sight Center of Northwest Ohio to provide outreach to the 163393
community of individuals with blindness or low vision. 163394

Section 361.10. PEN PENSION SUBSIDIES 163395

General Revenue Fund 163396

GRF	090524	Police and Fire	\$	500	\$	500	163397
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Disability Pension
Fund

GRF	090534	Police and Fire Ad	\$	17,000	\$	17,000	163398
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Hoc Cost of Living

GRF	090554	Police and Fire	\$	165,500	\$	165,500	163399
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Survivor Benefits

GRF 090575 Police and Fire Death \$ 35,500,000 \$ 36,000,000 163400

Benefits

TOTAL GRF General Revenue Fund \$ 35,683,000 \$ 36,183,000 163401

TOTAL ALL BUDGET FUND GROUPS \$ 35,683,000 \$ 36,183,000 163402

POLICE AND FIRE DEATH BENEFIT FUND 163403

The foregoing appropriation item 090575, Police and Fire 163404
Death Benefits, shall be disbursed quarterly by the Treasurer of 163405
State at the beginning of each quarter of each fiscal year to the 163406
Board of Trustees of the Ohio Police and Fire Pension Fund, which 163407
serves as trustees of the Ohio Public Safety Officers Death 163408
Benefit Fund pursuant to section 742.62 of the Revised Code. The 163409
Treasurer of State shall certify such amounts quarterly to the 163410
Director of Budget and Management. By the twentieth day of June of 163411
each fiscal year, the Board of Trustees shall certify to the 163412
Treasurer of State the amount disbursed in the current fiscal year 163413
to make the payments required by sections 124.824 and 742.63 of 163414
the Revised Code and shall return to the Treasurer of State moneys 163415
received from this appropriation item but not disbursed. 163416

Notwithstanding any provision of section 124.824 of the 163417
Revised Code to the contrary, for each death benefit fund 163418
recipient who participates in health, medical, hospital, dental, 163419
surgical, or vision benefits under section 124.824 of the Revised 163420
Code, the Board of Trustees of the Ohio Police and Fire Pension 163421
Fund shall forward as a pass-through from the revenue received 163422
from the foregoing appropriation item 090575, Police and Fire 163423
Death Benefits, the percentage of the cost for the applicable 163424
benefits that would be paid by a state employer for a state 163425
employee who elects that coverage and any applicable 163426
administrative costs, which shall not exceed two per cent of the 163427
total cost of the benefits. The Board of Trustees shall also 163428
withhold from the benefits paid to a death benefit fund recipient 163429

under section 742.63 of the Revised Code the percentage of the 163430
 cost for such benefits that would be paid by a state employee, and 163431
 forward the withheld amounts to the Department of Administrative 163432
 Services from the revenue received from the foregoing 163433
 appropriation item 090575, Police and Fire Death Benefits. 163434

In fiscal year 2024 or 2025, if it is determined by the 163435
 Director of Administrative Services, in consultation with the 163436
 Chairperson of the Board of Trustees of the Ohio Police and Fire 163437
 Pension Fund, or designee, that additional amounts are necessary 163438
 to pay the cost of providing benefits under section 124.824 or 163439
 742.63 of the Revised Code, the Director of Administrative 163440
 Services may certify the additional amount necessary to the 163441
 Director of Budget and Management. The amount certified is hereby 163442
 appropriated. 163443

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK				163444
RELEASE COMPENSATION BOARD				163445
Dedicated Purpose Fund Group				163446
6910 810632	Petroleum Underground	\$ 1,616,900	\$ 1,638,600	163447
	Storage Tank Release			
	Compensation Board -			
	Operating			
TOTAL DPF Dedicated Purpose Fund		\$ 1,616,900	\$ 1,638,600	163448
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,616,900	\$ 1,638,600	163449

Section 367.10. PRX STATE BOARD OF PHARMACY				163451
Dedicated Purpose Fund Group				163452
4A50 887605	Drug Law Enforcement	\$ 50,000	\$ 50,000	163453
4K90 658605	OARRS Integration -	\$ 492,000	\$ 492,000	163454
	STATE			
4K90 887609	Operating Expenses	\$ 12,785,300	\$ 13,439,300	163455

5SG0 887612	Drug Database	\$	100,000	\$	100,000	163456
5SY0 887613	Medical Marijuana Control Program	\$	2,081,000	\$	0	163457
TOTAL DPF Dedicated Purpose Fund Group		\$	15,508,300	\$	14,081,300	163458
Federal Fund Group						163459
3HD0 887614	Pharmacy Federal Grants	\$	1,700,000	\$	1,765,000	163460
3HH0 658601	OARRS Integration - Federal	\$	1,392,000	\$	1,393,000	163461
3HM0 887615	Equitable Sharing Treasury	\$	5,000	\$	5,000	163462
3HN0 887616	Equitable Sharing Justice	\$	30,000	\$	30,000	163463
TOTAL FED Federal Fund Group		\$	3,127,000	\$	3,193,000	163464
TOTAL ALL BUDGET FUND GROUPS		\$	18,635,300	\$	17,274,300	163465
CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND						163466 163467
By August 1 of each fiscal year, or as soon as possible thereafter, upon request of the Executive Director of the State Board of Pharmacy, the Director of Commerce may certify to the Director of Budget and Management an amount determined by the Director of Commerce to assist with the operation of the drug database established and maintained by the State Board of Pharmacy pursuant to section 4729.75 of the Revised Code. Upon certification, the Director of Budget and Management may transfer that amount in cash from the Medical Marijuana Control Program Fund (Fund 5YS0), used by the Department of Commerce, to the Drug Database Fund (Fund 5SG0), used by the State Board of Pharmacy.						163468 163469 163470 163471 163472 163473 163474 163475 163476 163477 163478
Section 369.10. PSY STATE BOARD OF PSYCHOLOGY						163479
Dedicated Purpose Fund Group						163480

4K90 882609	Operating Expenses	\$	747,489	\$	757,489	163481
TOTAL DPF Dedicated Purpose						163482
Fund Group		\$	747,489	\$	757,489	163483
TOTAL ALL BUDGET FUND GROUPS						163484
 Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION						163486
General Revenue Fund						163487
GRF 019401	State Legal Defense	\$	9,766,000	\$	11,387,000	163488
Services						
GRF 019405	Training Account	\$	50,000	\$	50,000	163489
GRF 019501	County Reimbursement	\$	166,096,000	\$	171,912,000	163490
TOTAL GRF General Revenue Fund						163491
Dedicated Purpose Fund Group						163492
1010 019607	Juvenile Legal	\$	205,000	\$	205,000	163493
Assistance						
4060 019603	Training and	\$	75,000	\$	75,000	163494
Publications						
4070 019604	County Representation	\$	375,000	\$	375,000	163495
4080 019605	Client Payments	\$	800,000	\$	800,000	163496
4N90 019613	Gifts and Grants	\$	13,400	\$	13,400	163497
5740 019606	Civil Legal Aid	\$	30,000,000	\$	28,000,000	163498
5CX0 019617	Civil Case Filing Fee	\$	620,000	\$	620,000	163499
5DY0 019618	Indigent Defense	\$	23,904,000	\$	23,904,000	163500
Support - County						
Share						
5DY0 019619	Indigent Defense	\$	6,000,000	\$	6,000,000	163501
Support - State						
Office						
TOTAL DPF Dedicated Purpose Fund						163502
Group						
Federal Fund Group						163503
3S80 019608	Federal	\$	38,300	\$	38,300	163504

Representation

TOTAL FED Federal Fund Group	\$	38,300	\$	38,300	163505
TOTAL ALL BUDGET FUND GROUPS	\$	237,942,700	\$	243,379,700	163506

TRAINING ACCOUNT 163507

The foregoing appropriation item 019405, Training Account, 163508
shall be used by the Ohio Public Defender to provide legal 163509
training programs at no cost for private appointed counsel who 163510
represent at least one indigent defendant at no cost, and for 163511
state and county public defenders and attorneys who contract with 163512
the Ohio Public Defender to provide indigent defense services. 163513

INDIGENT DEFENSE SUPPORT 163514

The foregoing appropriation item 019501, County 163515
Reimbursement, shall be used to reimburse counties for the costs 163516
of operating county public defender offices, joint county public 163517
defender offices and county appointed counsel systems, the 163518
counties' costs and expenses of conducting the defense in capital 163519
cases, the counties' costs and expenses of appointed counsel 163520
covered by section 2941.51 of the Revised Code at an hourly rate 163521
not to exceed the greater of \$75 per hour or the rate established 163522
by the county as of April 1, 2023, pursuant to section 120.33 of 163523
the Revised Code, and the costs and expenses of contracting with 163524
the state public defender or with any nonprofit organization to 163525
provide legal representation to indigent persons. The intent of 163526
the General Assembly is to stabilize costs while allowing the task 163527
force to study indigent defense established in H.B. 150 of the 163528
134th General Assembly to issue its report. 163529

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 163530
FUND 163531

On July 1 of each fiscal year, or as soon as possible 163532
thereafter, the Director of Budget and Management shall transfer 163533
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 163534

Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies as follows: \$250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF	761403	Recovery Ohio Law Enforcement	\$	6,500,000	\$	6,500,000	163551
GRF	761409	eWarrant Local Integration	\$	2,500,000	\$	2,500,000	163552
GRF	761411	Ohio Narcotics Intelligence Center	\$	13,100,000	\$	13,100,000	163553
GRF	763403	EMA Operating	\$	7,976,000	\$	7,341,000	163554
GRF	763407	State Hazard Mitigation	\$	1,050,000	\$	1,050,000	163555
GRF	763408	State Disaster Relief	\$	2,875,000	\$	1,875,000	163556
GRF	763511	Local Disaster Assistance	\$	2,250,000	\$	0	163557
GRF	763513	Security Grants	\$	8,500,000	\$	8,500,000	163558
GRF	765401	Emergency Medical Services Operating	\$	5,465,000	\$	5,646,000	163559

GRF	767420	Investigative Unit Operating	\$	15,517,000	\$	15,517,000	163560
GRF	768425	Justice Program Services	\$	19,516,000	\$	19,527,000	163561
GRF	768435	Community Police Relations	\$	2,510,000	\$	2,398,000	163562
GRF	769406	Homeland Security - Operating	\$	4,600,000	\$	4,695,000	163563
GRF	769407	Driver Safety	\$	6,520,000	\$	6,520,000	163564
GRF	769412	Ohio School Safety Center	\$	9,140,000	\$	9,165,000	163565
TOTAL GRF	General Revenue Fund		\$	108,019,000	\$	104,334,000	163566
	Highway Safety Fund Group						163567
5TM0	762321	Operating Expense - BMV	\$	127,532,000	\$	129,981,000	163568
5TM0	762637	Local Immobilization Reimbursement	\$	200,000	\$	200,000	163569
5TM0	764321	Operating Expense - Highway Patrol	\$	367,816,000	\$	392,252,000	163570
5TM0	764605	Motor Carrier Enforcement Expenses	\$	940,000	\$	985,000	163571
5TM0	769636	Administrative Expenses - Highway Purposes	\$	51,648,000	\$	52,047,000	163572
8370	764602	Turnpike Policing	\$	13,827,000	\$	14,134,000	163573
83C0	764630	Contraband, Forfeiture, and Other	\$	1,214,000	\$	1,214,000	163574
83F0	764657	Law Enforcement Automated Data System	\$	6,230,000	\$	5,846,000	163575
83G0	764633	OMVI Enforcement/Education	\$	369,000	\$	369,000	163576
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	163577
8400	764607	State Fair Security	\$	2,063,000	\$	2,077,000	163578

8400	764617	Security and Investigations	\$	15,546,000	\$	15,806,000	163579
8400	764626	State Fairgrounds Police Force	\$	1,014,000	\$	1,029,000	163580
8460	761625	Motorcycle Safety Education	\$	4,175,000	\$	4,215,000	163581
8490	762627	Automated Title Processing Board	\$	16,501,000	\$	16,501,000	163582
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	163583
TOTAL HSF Highway Safety Fund Group			\$	614,875,000	\$	642,456,000	163584
Dedicated Purpose Fund Group							163585
4P60	768601	Justice Program Services	\$	227,000	\$	227,000	163586
4V30	763662	EMA Service and Reimbursements	\$	700,000	\$	700,000	163587
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	163588
5B90	766632	Private Investigator and Security Guard Provider	\$	2,100,000	\$	2,150,000	163589
5BK0	768687	Criminal Justice Services - Operating	\$	580,000	\$	595,000	163590
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	163591
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	163592
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	163593
5LM0	768431	Highway Patrol Training	\$	100,500	\$	100,500	163594
5LM0	768698	Criminal Justice Services Law	\$	851,000	\$	851,000	163595

		Enforcement Support					
5ML0	769635	Infrastructure	\$	83,000	\$	83,000	163596
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	163597
5RS0	768621	Community Police	\$	1,099,636	\$	0	163598
		Relations					
5Y10	764695	State Highway Patrol	\$	792,000	\$	792,000	163599
		Continuing					
		Professional Training					
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000	163600
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	163601
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,435,000	\$	1,449,000	163602
		Safety					
6810	763653	SARA Title III Hazmat	\$	297,000	\$	300,000	163603
		Planning					
TOTAL DPF	Dedicated Purpose Fund		\$	17,865,136	\$	16,847,500	163604
Group							
Fiduciary Fund Group							163605
5J90	761678	Federal Salvage/GSA	\$	600,000	\$	600,000	163606
5V10	762682	License Plate	\$	2,800,000	\$	2,900,000	163607
		Contributions					
TOTAL FID	Fiduciary Fund Group		\$	3,400,000	\$	3,500,000	163608
Group							
Group							163609
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	163610
		Vehicle Receipts					
R052	762623	Security Deposits	\$	50,000	\$	50,000	163611
TOTAL HLD	Holding Account Fund		\$	1,935,000	\$	1,935,000	163612
Group							

	Federal Fund Group					163613	
3370	763515	COVID Relief - Federal	\$	150,000,000	\$	150,000,000	163614
3370	763609	Federal Disaster Relief	\$	73,500,000	\$	73,500,000	163615
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	163616
3GL0	768619	Justice Assistance Grants	\$	12,500,000	\$	12,500,000	163617
3GR0	764693	Highway Patrol Justice Contraband	\$	500,000	\$	500,000	163618
3GS0	764694	Highway Patrol Treasury Contraband	\$	200,000	\$	200,000	163619
3GT0	767691	Investigative Unit Federal Equity Share	\$	100,000	\$	100,000	163620
3GU0	761610	Information and Education Grant	\$	300,000	\$	300,000	163621
3GU0	764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	163622
3GU0	764610	Highway Safety Programs Grant	\$	6,303,571	\$	6,108,501	163623
3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$	9,942,000	\$	10,129,000	163624
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	163625
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	163626
3GU0	769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000	163627
3GV0	761612	Traffic Safety Action Plan Grants	\$	31,700,000	\$	31,700,000	163628

3HT0 768699	Coronavirus Emergency	\$	850,000	\$	850,000	163629
	Supplemental Funding					
3L50 768604	Justice Program	\$	16,375,000	\$	16,375,000	163630
TOTAL FED	Federal Fund Group	\$	304,900,571	\$	304,892,501	163631
TOTAL ALL BUDGET FUND GROUPS		\$	1,050,994,707	\$	1,073,965,001	163632

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 163634

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program. 163635
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program. 163646
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data 163654
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analytics tools for Ohio narcotics task forces and law enforcement agencies. 163660
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OHIO NARCOTICS INTELLIGENCE CENTER 163662

The foregoing appropriation item 761411, Ohio Narcotics Intelligence Center, may be used to operate and maintain a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces and law enforcement agencies. 163663
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STATE HAZARD MITIGATION PROGRAM 163668

An amount equal to the unexpended, unencumbered balance of appropriation item 763407, State Hazard Mitigation Program, at the end of fiscal year 2024 is hereby reappropriated for fiscal year 2025. 163669
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STATE DISASTER RELIEF 163673

Of the foregoing appropriation item 763408, State Disaster Relief, up to \$1,000,000 in fiscal year 2024 shall be used to reimburse eligible response costs for emergency management and first responders in connection to the 2024 solar eclipse. The Ohio Emergency Management Agency shall develop and release guidance regarding eligibility. 163674
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On July 1, 2024, or as soon as possible thereafter, the Director Public Safety shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2024. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2025 for the same purpose. 163680
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LOCAL DISASTER ASSISTANCE 163686

Of the foregoing appropriation item 763511, Local Disaster Assistance, \$250,000 in fiscal year 2024 shall be distributed to the City of Columbiana for a mobile command post. 163687
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An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2023 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2024.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2024 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2025.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for all of the following purposes:

(1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism;

(2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers;

(3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism;

(4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local

emergency management agency, or local transportation agency, as applicable; 163721
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(5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts; 163723
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(6) Continuing coverage of costs that were authorized and paid for by a grant issued previously to the grantee in accordance with this section in previous bienniums under the program. 163727
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(B)(1) In addition to the purposes listed in division (A) of this section, a nonprofit organization that serves a broad community or geographic area may apply for and receive grants to provide antiterrorism related services for its serviced community or area, including providing armed security personnel. Prior to receiving a grant under division (B) of this section, the nonprofit organization shall provide the Emergency Management Agency with any appropriate compliance documentation. The Agency shall establish what compliance documentation is required prior to issuing grants under this division. 163730
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(2) If more than one nonprofit organization is located at the same address listed on the application, each nonprofit organization may apply for the full amount of a grant issued under this section. Each nonprofit organization shall explain in its application how it will use the grant money to address a different vulnerability than the other applicant nonprofit organizations that are located at the same address. 163740
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(C) The Emergency Management Agency shall administer and award the grants described in divisions (A) and (B) of this section. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for 163747
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distributing grants to recipients. The procedures shall require each applicant to do all of the following:

(1) Identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment.

The Agency shall consider all of the above factors in evaluating grant applications. The grantee shall have twenty-four months from the date of the first disbursement to meet program requirements. The Agency shall include information about the grants and the application process on its web site.

The Emergency Management Agency may prioritize a portion of funding, but not more than \$1,000,000 in each fiscal year, for innovative community-public safety partnerships addressing counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack.

(D) Any grant submission described in division (I) of section 163782
3313.536 of the Revised Code or section 149.433 of the Revised 163783
Code is not a public record under section 149.43 of the Revised 163784
Code and is not subject to mandatory release or disclosure under 163785
that section. 163786

(E) The Emergency Management Agency may use up to two and 163787
one-half per cent of the total amount appropriated to administer 163788
the program, a portion of which may be used to pay costs incurred 163789
by the Department of Public Safety to provide security-related or 163790
specialized assistance in reviewing vulnerability assessments and 163791
prioritizing grant applications. 163792

(F) As used in this section: 163793

(1) "Eligible security improvements" means any of the 163794
following: 163795

(a) Physical security enhancement equipment or inspection and 163796
screening equipment included on the Authorized Equipment List 163797
published by the United States Department of Homeland Security; 163798

(b) Attendance fees and associated materials, supplies, and 163799
equipment costs for security-related training courses and programs 163800
regarding the protection of critical infrastructure and key 163801
resources, physical and cyber security, target hardening, or 163802
terrorism awareness or preparedness. Personnel and travel costs 163803
associated with training shall not be considered an eligible 163804
expense of the grant; 163805

(c) The purchase, upgrade, or maintenance of high-speed 163806
internet for those utilizing it for security purposes. 163807

(2) "Nonprofit organization" means a corporation, 163808
association, group, institution, society, or other organization 163809
that is exempt from federal income taxation under section 163810
501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 163811
501(c)(3), as amended. 163812

(3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its employees, and anyone who is or in the future may be associated with it, as well as their families; to influence the policy of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool; and to affect the conduct of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool.

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.

(H) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

SECURITY GRANTS PILOT PROGRAMS

(A) Of the foregoing appropriation item 763513, Security Grants, \$197,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati for a mail room pilot program.

Of the foregoing appropriation item 763513, Security Grants,

\$150,000 in fiscal year 2024 shall be distributed to JFC Security, LLC to fund a community-focused antiterrorism cybersecurity pilot program. 163844
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Of the foregoing appropriation item 763513, Security Grants, \$95,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati, to fund a community-focused antiterrorism cybersecurity pilot program. 163847
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Of the foregoing appropriation item 763513, Security Grants, \$87,000 in fiscal year 2024 shall be distributed to the Mayerson Jewish Community Center Campus for a 911 Geo-Location pilot program. 163851
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(B) Funding recipients shall report to the Department of Public Safety by June 30 of each fiscal year, or as soon as possible thereafter, regarding best practices learned. Based on those reports, the Department of Public Safety shall make recommendations regarding increasing grant opportunities for the pilot program or including the pilot program as an eligible funding area within the security grants program. 163855
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EMERGENCY MEDICAL SERVICES OPERATING 163862

Of the foregoing appropriation item 765401, Emergency Medical Services Operating, \$300,000 in each fiscal year shall be distributed to Ohio Cardiac Arrest Registry to Enhance Survival for operating expenses. 163863
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JUSTICE PROGRAM SERVICES 163867

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs. 163868
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Of the foregoing appropriation item 768425, Justice Program 163873

Services, up to \$4,531,000 in fiscal year 2024 and \$4,542,000 in 163874
fiscal year 2025 shall be used by the Office of Criminal Justice 163875
Services to support anti-human trafficking efforts in the areas of 163876
prosecution, victim services to specifically include assistance 163877
for child victims, and prevention and policy to implement the 163878
priorities of the Governor's Ohio Human Trafficking Task Force. 163879

Of the foregoing appropriation item 768425, Justice Program 163880
Services, up to \$4,000,000 in each fiscal year shall be used by 163881
the Office of Criminal Justice Services to administer and 163882
distribute grants to state and local law enforcement agencies to 163883
assist local communities in reducing and preventing crime through 163884
the use of promising or proven crime reduction strategies. The use 163885
of the grants includes, but is not limited to, overtime, 163886
equipment, technical assistance, and analytical support to 163887
implement crime reduction strategies. 163888

Of the foregoing appropriation item 768425, Justice Program 163889
Services, up to \$3,000,000 in each fiscal year shall be provided 163890
to the Ohio Network of Children's Advocacy Centers to administer 163891
and distribute grants to child advocacy centers to coordinate the 163892
investigation, prosecution, and treatment of child sexual abuse 163893
while helping abused children heal. 163894

Of the foregoing appropriation item 768425, Justice Program 163895
Services, up to \$1,000,000 in each fiscal year shall be used by 163896
the Office of Criminal Justice Services to distribute grants to 163897
state and/or local law enforcement to conduct investigations on 163898
sexual assault kit testing results and related expenses. 163899

Of the foregoing appropriation item 768425, Justice Program 163900
Services, up to \$500,000 in each fiscal year shall be used by the 163901
Office of Criminal Justice Services to support state and local law 163902
enforcement agencies in the recruitment, hiring, and training of 163903
qualified individuals to serve as peace officers. 163904

Of the foregoing appropriation item 768425, Justice Program 163905
Services, up to \$200,000 in each fiscal year shall be used by the 163906
Office of Criminal Justice Services to implement recommendations 163907
of the Governor's Warrant Task Force. 163908

OHIO SCHOOL SAFETY CENTER 163909

The foregoing appropriation item 769412, Ohio School Safety 163910
Center, shall be used by the Department of Public Safety for the 163911
operations of the Ohio School Safety Center, including maintaining 163912
and promoting the Safer Ohio Schools Tip Line and assisting local 163913
schools and first responders in preventing, preparing for, and 163914
responding to threats and acts of violence, including self-harm, 163915
through a holistic, solutions-based approach to improving school 163916
safety. 163917

Section 373.30. CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY 163918
- HIGHWAY PURPOSES FUND 163919

The Director of Public Safety may certify to the Director of 163920
Budget and Management, on a quarterly basis, the amounts paid to 163921
deputy registrars pursuant to section 4507.49 of the Revised Code 163922
for identification cards and temporary identification cards issued 163923
or renewed without payment of any fees during the course of the 163924
preceding quarter. 163925

The Director of Public Safety may certify to the Director of 163926
Budget and Management, on a quarterly basis, the amount of fees 163927
not collected by the registrar of motor vehicles for 163928
identification cards and temporary identification cards issued or 163929
renewed by the registrar of motor vehicles pursuant to section 163930
4507.50 of the Revised Code without the payment of any fees during 163931
the course of the preceding quarter. 163932

Upon receipt of the certifications, the Director of Budget 163933
and Management may transfer cash, up to the certified amount, from 163934

the General Revenue Fund to the Public Safety - Highway Purposes Fund (Fund 5TM0). This amount is not to exceed \$4,000,000 per fiscal year.

MOTOR VEHICLE REGISTRATION

The Director of Public Safety may deposit revenues to meet the cash needs of the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code, obtained under section 4503.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this paragraph shall support in part appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, for payment of highway obligations and other statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - SHIPLEY UPGRADES

Pursuant to a plan submitted by the Director of Public Safety, or as otherwise determined by the Director of Budget and Management, the Director of Budget and Management, upon approval

of the Controlling Board, may make appropriate cash transfers on a 163967
pro-rata basis as approved by the Director of Budget and 163968
Management from other funds used by the Department of Public 163969
Safety, excluding the Public Safety Building Fund (Fund 7025), to 163970
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 163971
reimburse expenditures for capital upgrades to the Shipley 163972
Building. 163973

CASH BALANCE FUND REVIEW 163974

The Director of Public Safety shall review the cash balances 163975
for each fund in the State Highway Safety Fund Group, and may 163976
submit a request in writing to the Director of Budget and 163977
Management to transfer amounts from any fund in the State Highway 163978
Safety Fund Group to the credit of the Public Safety - Highway 163979
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 163980
request, and subject to the approval of the Controlling Board, the 163981
Director of Budget and Management may make appropriate transfers 163982
as requested by the Director of Public Safety or as otherwise 163983
determined by the Director of Budget and Management. 163984

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING 163985
FUND 163986

Notwithstanding any other provision of law to the contrary, 163987
the Director of Budget and Management, upon written request of the 163988
Director of Public Safety and approval of the Controlling Board, 163989
may approve the transfer of cash from the State Highway Patrol 163990
Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 163991
Security, Investigations and Policing Fund (Fund 8400). 163992

Notwithstanding any provision of law to the contrary, on July 163993
1, 2023, or as soon as possible thereafter, the Director of Budget 163994
and Management may, upon written request of the Director of Public 163995
Safety, approve the transfer of no more than \$2,000,000 in cash 163996
from the General Revenue Fund to the Security, Investigations, and 163997

Policing Fund (Fund 8400).	163998
COLLECTIVE BARGAINING INCREASES	163999
Notwithstanding division (D) of section 127.14 and division	164000
(B) of section 131.35 of the Revised Code, except for the General	164001
Revenue Fund, the Controlling Board may, upon the request of	164002
either the Director of Budget and Management, or the Department of	164003
Public Safety with the approval of the Director of Budget and	164004
Management, authorize expenditures in excess of appropriations and	164005
transfer appropriations, as necessary, for any fund used by the	164006
Department of Public Safety, to assist in paying the costs of	164007
increases in employee compensation that have occurred pursuant to	164008
collective bargaining agreements under Chapter 4117. of the	164009
Revised Code and, for exempt employees, under section 124.152 of	164010
the Revised Code. Any money approved for expenditure under this	164011
paragraph is hereby appropriated.	164012
VALIDATION STICKER REQUIREMENTS	164013
Validation stickers are required for the annual registration	164014
of passenger, commercial, motorcycle, and other vehicles and are	164015
produced in accordance with section 4503.191 of the Revised Code.	164016
Notwithstanding section 4503.191 of the Revised Code, the	164017
Registrar of Motor Vehicles may adopt rules authorizing validation	164018
stickers to be produced at any location.	164019
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT	164020
AGENCY SERVICE AND REIMBURSEMENT FUND	164021
On July 1 of each fiscal year, or as soon as possible	164022
thereafter, the Director of Budget and Management shall transfer	164023
\$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the	164024
Emergency Management Agency Service and Reimbursement Fund (Fund	164025
4V30).	164026
Of the foregoing appropriation item 763662, EMA Service and	164027
Reimbursements, \$250,000 in each fiscal year shall be distributed	164028

to the Ohio Task Force One - Urban Search and Rescue Unit to pay 164029
for its operating expenses and developing new programs. 164030

Of the foregoing appropriation item 763662, EMA Service and 164031
Reimbursements, \$200,000 in each fiscal year shall be distributed 164032
to the Ohio Task Force One - Urban Search and Rescue Unit, other 164033
similar urban search and rescue units around the state, and for 164034
maintenance of the statewide fire emergency response plan by an 164035
entity recognized by the Ohio Emergency Management Agency. 164036

STATE DISASTER RELIEF 164037

The State Disaster Relief Fund (Fund 5330) may accept 164038
transfers of cash or appropriations from Controlling Board 164039
appropriation items for the Ohio Emergency Management Agency 164040
disaster response costs and disaster program management costs, and 164041
may also be used for the following purposes: 164042

(A) To accept transfers of cash or appropriations from 164043
Controlling Board appropriation items for Ohio Emergency 164044
Management Agency recovery and mitigation program match costs to 164045
reimburse eligible local governments and private nonprofit 164046
organizations for costs related to disasters; 164047

(B) To accept transfers of cash or appropriations from 164048
Controlling Board appropriation items to cover costs incurred and 164049
to reimburse government entities for Emergency Management 164050
Assistance Compact (EMAC) missions; 164051

(C) To accept disaster related reimbursement from federal, 164052
state, and local governments. The Director of Budget and 164053
Management may transfer cash from reimbursements received by this 164054
fund to other funds of the state from which transfers were 164055
originally approved by the Controlling Board. 164056

(D) To accept transfers of cash or appropriations from 164057
Controlling Board appropriation items to fund the State Disaster 164058
Relief Program, for disasters that qualify for the program by 164059

written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2024 and 2025, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

HIGHWAY PATROL TRAINING

The foregoing appropriation item 768431, Highway Patrol Training, shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

STATE HIGHWAY PATROL CONTINUING PROFESSIONAL TRAINING

Notwithstanding sections 109.802 and 109.803 of the Revised Code, of the foregoing appropriation item 764695, State Highway Patrol Continuing Professional Training, \$420,000 in each fiscal year shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group				164089
4A30	870614	Grade Crossing Protection Devices-State	\$ 2,000,000 \$	1,700,000 164090
4L80	870617	Pipeline Safety-State	\$ 359,377 \$	359,377 164091
5610	870606	Power Siting Board	\$ 3,080,000 \$	3,180,000 164092
5F60	870622	Utility and Railroad Regulation	\$ 39,012,561 \$	39,012,561 164093
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$	85,000 164094
5LT0	870640	Intrastate Registration	\$ 210,661 \$	210,661 164095
5LT0	870641	Unified Carrier Registration	\$ 476,636 \$	476,636 164096
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 311,144 \$	311,114 164097
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 1,165,000 \$	1,165,000 164098
5LT0	870645	Motor Carrier Enforcement	\$ 6,400,372 \$	6,400,372 164099
5Q50	870626	Telecommunications Relay Service	\$ 1,020,000 \$	1,020,000 164100
5QR0	870646	Underground Facilities Protection	\$ 50,000 \$	50,000 164101
5QS0	870647	Underground Facilities Administration	\$ 500,000 \$	500,000 164102
TOTAL DPF Dedicated Purpose Fund Group			\$ 54,670,751 \$	54,470,721 164103
Federal Fund Group				164104
3330	870601	Gas Pipeline Safety	\$ 1,543,289 \$	1,543,289 164105
3500	870608	Motor Carrier Safety	\$ 15,710,777 \$	16,103,547 164106
3500	870648	Motor Carrier	\$ 750,000 \$	750,000 164107

		Administration High Priority Activities Grants and Cooperative Agreements				
3ID0	870649	Department of Energy Grid Resiliency	\$	7,122,706	\$	7,122,706 164108
3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$	414,031	\$	414,031 164109
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	32,300	\$	0 164110
TOTAL FED	Federal Fund Group		\$	25,573,103	\$	25,933,573 164111
TOTAL ALL BUDGET FUND GROUPS			\$	80,243,854	\$	80,404,294 164112
Section 377.10. PWC PUBLIC WORKS COMMISSION						164114
General Revenue Fund						164115
GRF	150904	Conservation General Obligation Bond Debt Service	\$	46,600,000	\$	40,900,000 164116
GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$	231,000,000	\$	236,000,000 164117
TOTAL GRF	General Revenue Fund		\$	277,600,000	\$	276,900,000 164118
Capital Projects Fund Group						164119
7038	150321	State Capital Improvements Program - Operating Expenses	\$	986,116	\$	971,376 164120
7056	150403	Clean Ohio Conservation	\$	328,705	\$	323,792 164121

Operating

TOTAL CPF Capital Projects Fund	\$	1,314,821	\$	1,295,168	164122
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	278,914,821	\$	278,195,168	164123

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 164125

SERVICE 164126

The foregoing appropriation item 150904, Conservation General 164127
Obligation Bond Debt Service, shall be used to pay all debt 164128
service and related financing costs during the period from July 1, 164129
2023, through June 30, 2025, on obligations issued under sections 164130
151.01 and 151.09 of the Revised Code. 164131

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 164132

SERVICE 164133

The foregoing appropriation item 150907, Infrastructure 164134
Improvement General Obligation Bond Debt Service, shall be used to 164135
pay all debt service and related financing costs during the period 164136
from July 1, 2023, through June 30, 2025, on obligations issued 164137
under sections 151.01 and 151.08 of the Revised Code. 164138

CLEAN OHIO CONSERVATION OPERATING 164139

The foregoing appropriation item 150403, Clean Ohio 164140
Conservation Operating, shall be used by the Ohio Public Works 164141
Commission in administering Clean Ohio Conservation Fund (Fund 164142
7056) projects pursuant to sections 164.20 to 164.27 of the 164143
Revised Code. 164144

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 164145

The foregoing appropriation item 150321, State Capital 164146
Improvements Program - Operating Expenses, shall be used by the 164147
Ohio Public Works Commission to administer the State Capital 164148
Improvement Program under sections 164.01 to 164.16 of the Revised 164149
Code. 164150

DISTRICT ADMINISTRATION COSTS 164151

The Director of the Public Works Commission is authorized to 164152
create a District Administration Costs Program from proceeds of 164153
the Capital Improvements Fund and Local Transportation Improvement 164154
Program Fund. The program shall be used to provide for the direct 164155
costs of district administration of the nineteen public works 164156
districts. Districts choosing to participate in the program shall 164157
only expend State Capital Improvements Fund moneys for State 164158
Capital Improvements Fund costs and Local Transportation 164159
Improvement Program Fund moneys for Local Transportation 164160
Improvement Program Fund costs. The District Administration Costs 164161
Program account shall not exceed \$1,235,000 per fiscal year. Each 164162
public works district may be eligible for up to \$65,000 per fiscal 164163
year from its district allocation as provided in sections 164.08 164164
and 164.14 of the Revised Code. 164165

The Director, by rule, shall define allowable and 164166
non-allowable costs for the purpose of the District Administration 164167
Costs Program. Non-allowable costs include indirect costs, elected 164168
official salaries and benefits, and project-specific costs. No 164169
district public works committee may participate in the District 164170
Administration Costs Program without the approval of those costs 164171
by the district public works committee under section 164.04 of the 164172
Revised Code. 164173

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 164174

The Director of the Public Works Commission is authorized to 164175
create a District Administration Costs Program for districts 164176
represented by natural resource assistance councils. This program 164177
shall be funded from proceeds of the Clean Ohio Conservation Fund. 164178
The program shall be used by natural resource assistance councils 164179
in order to provide for administration costs of the nineteen 164180
natural resource assistance councils for the direct costs of 164181
council administration. Councils choosing to participate in this 164182

program may be eligible for up to \$15,000 per fiscal year from its 164183
district allocation as provided in section 164.27 of the Revised 164184
Code. 164185

The Director shall define allowable and non-allowable costs 164186
for the purpose of the District Administration Costs Program. 164187
Non-allowable costs include indirect costs, elected official 164188
salaries and benefits, and project-specific costs. 164189

Section 379.10. RAC STATE RACING COMMISSION 164190

Dedicated Purpose Fund Group 164191

5620 875601 Thoroughbred \$ 1,100,000 \$ 1,100,000 164192
Development

5630 875602 Standardbred \$ 1,400,000 \$ 1,400,000 164193
Development

5650 875604 Racing Commission \$ 4,210,497 \$ 4,210,497 164194
Operating

5JK0 875610 Horse Racing \$ 10,500,000 \$ 10,500,000 164195
Development - Casino

5NL0 875611 Revenue \$ 10,500,000 \$ 10,500,000 164196
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 27,710,497 \$ 27,710,497 164197
Group

Fiduciary Fund Group 164198

5C40 875607 Simulcast Horse \$ 5,500,000 \$ 5,500,000 164199
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 5,500,000 \$ 5,500,000 164200

Holding Account Fund Group 164201

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 164202

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 164203

Group

TOTAL ALL BUDGET FUND GROUPS \$ 33,310,497 \$ 33,310,497 164204

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION				164206
General Revenue Fund				164207
GRF 235321	Operating Expenses	\$ 7,219,000	\$ 7,229,000	164208
GRF 235402	Sea Grants	\$ 308,000	\$ 317,000	164209
GRF 235406	Articulation and Transfer	\$ 2,070,000	\$ 2,225,000	164210
GRF 235408	Midwest Higher Education Compact	\$ 118,000	\$ 118,000	164211
GRF 235411	Teacher Apprenticeship Program	\$ 120,000	\$ 3,635,000	164212
GRF 235412	Textbook Affordability	\$ 455,000	\$ 455,000	164213
GRF 235414	Grants and Scholarship Administration	\$ 988,000	\$ 994,000	164214
GRF 235417	Technology Maintenance and Operations	\$ 5,503,000	\$ 5,782,000	164215
GRF 235419	Mental Health Support	\$ 10,000,000	\$ 10,000,000	164216
GRF 235421	IT Security Enhancements	\$ 1,872,000	\$ 1,930,000	164217
GRF 235425	Ohio Work Ready Grant	\$ 14,298,000	\$ 26,571,000	164218
GRF 235427	Adult Literacy Initiatives	\$ 1,035,000	\$ 1,035,000	164219
GRF 235428	Appalachian New Economy Workforce Partnership	\$ 4,243,000	\$ 4,455,000	164220
GRF 235438	Choose Ohio First Scholarship	\$ 30,000,000	\$ 32,000,000	164221
GRF 235443	Aspire - State	\$ 7,083,000	\$ 7,083,000	164222
GRF 235444	Ohio Technical Centers	\$ 22,464,000	\$ 23,138,000	164223
GRF 235474	Area Health Education Centers Program Support	\$ 899,000	\$ 926,000	164224
GRF 235492	Campus Safety and	\$ 675,000	\$ 700,000	164225

	Training				
GRF 235495	Northeast Ohio Medical University Dental School	\$ 2,000,000	\$ 2,000,000	164226	
GRF 235501	State Share of Instruction	\$ 2,106,000,000	\$ 2,136,000,000	164227	
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$ 17,800,000	\$ 20,600,000	164228	
GRF 235507	OhioLINK	\$ 6,140,000	\$ 6,447,000	164229	
GRF 235508	Air Force Institute of Technology	\$ 2,200,000	\$ 2,200,000	164230	
GRF 235510	Ohio Supercomputer Center	\$ 4,844,000	\$ 5,086,000	164231	
GRF 235511	The Ohio State University Extension Service	\$ 25,504,000	\$ 26,269,000	164232	
GRF 235514	Central State Supplement	\$ 12,036,000	\$ 12,397,000	164233	
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,039,000	\$ 2,039,000	164234	
GRF 235519	Family Practice	\$ 3,008,000	\$ 3,008,000	164235	
GRF 235520	Shawnee State Supplement	\$ 12,035,000	\$ 12,396,000	164236	
GRF 235525	Geriatric Medicine	\$ 496,000	\$ 496,000	164237	
GRF 235526	Primary Care Residencies	\$ 1,425,000	\$ 1,425,000	164238	
GRF 235533	Program and Project Support	\$ 7,325,000	\$ 6,430,000	164239	
GRF 235535	Ohio Agricultural Research	\$ 37,169,000	\$ 38,284,000	164240	

GRF 235536	The Ohio State University Clinical Teaching	\$	9,186,000	\$	9,186,000	164241
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,835,000	\$	7,835,000	164242
GRF 235538	University of Toledo Clinical Teaching	\$	5,889,000	\$	5,889,000	164243
GRF 235539	Wright State University Clinical Teaching	\$	2,861,000	\$	2,861,000	164244
GRF 235540	Ohio University Clinical Teaching	\$	2,766,000	\$	2,766,000	164245
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,845,000	\$	2,845,000	164246
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	500,000	\$	500,000	164247
GRF 235546	Central State Agricultural Research and Development	\$	5,828,000	\$	5,828,000	164248
GRF 235548	Central State Cooperative Extension Services	\$	5,168,000	\$	5,168,000	164249
GRF 235552	Capital Component	\$	1,584,000	\$	1,584,000	164250
GRF 235555	Library Depositories	\$	1,366,000	\$	1,407,000	164251
GRF 235556	Ohio Academic Resources Network	\$	3,262,000	\$	3,568,000	164252
GRF 235558	Long-term Care Research	\$	318,000	\$	327,000	164253
GRF 235563	Ohio College	\$	140,000,000	\$	175,000,000	164254

	Opportunity Grant				
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	5,150,000	\$	5,304,000 164255
GRF 235572	The Ohio State University Clinic Support	\$	750,000	\$	772,000 164256
GRF 235578	Federal Research Network	\$	8,698,000	\$	8,851,000 164257
GRF 235585	Educator Preparation Programs	\$	500,000	\$	500,000 164258
GRF 235591	Co-Op Internship Program	\$	1,365,000	\$	1,365,000 164259
GRF 235593	Voinovich Academy of Excellence in Public Service	\$	750,000	\$	750,000 164260
GRF 235595	Commercial Truck Driver Student Aid Program	\$	10,000,000	\$	10,000,000 164261
GRF 235598	Rural University Program	\$	412,000	\$	424,000 164262
GRF 235599	National Guard Scholarship Program	\$	18,400,000	\$	19,250,000 164263
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	250,000,000	\$	275,000,000 164264
TOTAL GRF	General Revenue Fund	\$	2,834,804,000	\$	2,950,650,000 164265
	Dedicated Purpose Fund Group				164266
2200 235614	Program Approval and Reauthorization	\$	875,000	\$	882,000 164267
4560 235603	Sales and Services	\$	199,250	\$	199,250 164268
4E80 235602	Higher Educational	\$	67,600	\$	67,600 164269

		Facility Commission					
		Administration					
5AH1	235688	Super RAPIDS	\$	100,000,000	\$	0	164270
5D40	235675	Conference/Special	\$	250,000	\$	250,000	164271
		Purposes					
5FR0	235650	State and Non-Federal	\$	1,402,150	\$	1,402,150	164272
		Grants and Award					
5NH0	235517	Talent Ready Grant	\$	25,000,000	\$	25,000,000	164273
		Program					
5P30	235663	Variable Savings Plan	\$	8,363,600	\$	8,522,034	164274
5YD0	235494	Second Chance Grant	\$	2,000,000	\$	2,000,000	164275
		Program					
5ZY0	235592	Grow Your Own Teacher	\$	5,000,000	\$	10,000,000	164276
		Program					
6450	235664	Guaranteed Savings	\$	1,099,122	\$	1,110,131	164277
		Plan					
6820	235606	Nursing Loan Program	\$	1,150,000	\$	1,200,000	164278
TOTAL DPF		Dedicated Purpose Fund	\$	145,406,722	\$	50,633,165	164279
		Group					
		Bond Research and Development Fund Group					164280
7014	235639	Research Incentive	\$	8,000,000	\$	8,000,000	164281
		Third Frontier - Tax					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	164282
		Development Fund Group					
		Federal Fund Group					164283
3120	235611	Gear-up Grant	\$	2,400,000	\$	2,400,000	164284
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	164285
		Grant/Plan					
		Administration					
3120	235641	Aspire - Federal	\$	18,600,000	\$	18,600,000	164286
3120	235669	Industry Credential	\$	300,000	\$	300,000	164287
		Transfer Assurance					

		Guides Initiative				
3BG0	235651	Gear Up Grant	\$	3,100,000	\$	3,100,000 164288
		Scholarships				
3N60	235658	John R. Justice	\$	128,000	\$	128,000 164289
		Student Loan				
		Repayment Program				
TOTAL FED	Federal Fund Group		\$	25,878,000	\$	25,878,000 164290
TOTAL ALL BUDGET FUND GROUPS			\$	3,014,088,722	\$	3,035,161,165 164291

Section 381.20. SEA GRANTS 164293

The foregoing appropriation item 235402, Sea Grants, shall be 164294
used to match federal dollars and leverage additional support by 164295
The Ohio State University's Sea Grant program, including Stone 164296
Laboratory, for research, education, and outreach to enhance the 164297
economic value, public utilization, and responsible management of 164298
Lake Erie and Ohio's coastal resources. 164299

Section 381.30. ARTICULATION AND TRANSFER 164300

The foregoing appropriation item 235406, Articulation and 164301
Transfer, shall be used by the Chancellor of Higher Education to 164302
maintain and expand the work of the Articulation and Transfer 164303
Network Advisory Council to develop a system of transfer policies 164304
to ensure that students at state institutions of higher education 164305
can transfer and have coursework apply to their majors and degrees 164306
at any other state institution of higher education without 164307
unnecessary duplication or institutional barriers under sections 164308
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 164309

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 164310

The foregoing appropriation item 235408, Midwest Higher 164311
Education Compact, shall be distributed by the Chancellor of 164312
Higher Education under section 3333.40 of the Revised Code. 164313

Section 381.60. TEACHER APPRENTICESHIP PROGRAM	164314
(A) The foregoing appropriation item 235411, Teacher Apprenticeship Program, shall be used by the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to develop and implement the Teacher Apprenticeship Program, which is hereby established.	164315 164316 164317 164318 164319
(B) Under the program, the Chancellor shall establish up to five teacher apprenticeship programs for different teaching licenses. The Chancellor may use the funds provided under this section to pay for the following, as determined appropriate by the Chancellor:	164320 164321 164322 164323 164324
(1) Program development;	164325
(2) Program participant support, including payment of tuition, fees, and apprentice salary;	164326 164327
(3) Stipends for supervising teachers;	164328
(4) Administrative and technology support;	164329
(5) Any other expenses necessary to operate the program.	164330
Section 381.70. TEXTBOOK AFFORDABILITY	164331
(A) The foregoing appropriation item 235412, Textbook Affordability, shall be used by the Chancellor of Higher Education to encourage the adoption of open educational resources and other innovative low- or no-cost teaching materials at Ohio's public institutions of higher education. Funds disbursed under this section shall be used in a manner consistent with the goal of creating or identifying low- or no-cost teaching materials to produce cost savings for students.	164332 164333 164334 164335 164336 164337 164338 164339
(B) In disbursing funds to create open educational resources under this section, the Chancellor shall consider at least the following factors:	164340 164341 164342

(1) The volume of students enrolled in specific courses, with 164343
a focus on converting teaching materials in high enrollment, 164344
general education courses included in the Ohio Transfer 36 as a 164345
first priority to broaden the scope of impact; 164346

(2) The likely rate of faculty adoption of materials produced 164347
under this section, and the level of institutional support for 164348
embracing open educational resources and other innovative low- or 164349
no-cost teaching materials; and 164350

(3) The extent to which resources produced under this section 164351
may be made available to institutions statewide for utilization. 164352
In considering this factor, the Chancellor may partner with the 164353
Ohio Open Ed Collaborative and OhioLINK and utilize or enhance 164354
electronic resources under their management to store and provide 164355
statewide access to materials. 164356

(C) The Chancellor and the faculty at state institutions of 164357
higher education, as defined in section 3345.011 of the Revised 164358
Code, in consultation with OhioLINK, shall collaborate to create 164359
the Ohio Educational Resources Database consisting of open 164360
educational resources that have been identified as meeting the 164361
learning objectives for Ohio Transfer 36 and Transfer Assurance 164362
Guides courses by, at a minimum: 164363

(1) Surveying all state institutions of higher education for 164364
open educational resources currently used in these courses; 164365

(2) Identifying faculty to review materials available in 164366
OpenStax, OER Commons, and other repositories of open educational 164367
resources; and 164368

(3) Establishing processes and procedures to maintain regular 164369
review and updating of materials to keep the database current. 164370

(D) State institutions of higher education, at the 164371
Chancellor's direction, shall pursue collaborative efforts focused 164372
on the goal of achieving wider acceptance and adoption of open 164373

educational materials. 164374

(E) Materials shall be accessible to all people in compliance 164375
with the "Americans with Disabilities Act of 1990," 42 U.S.C. 164376
12101 et. seq. 164377

(F) The Chancellor and Superintendent of Public Instruction 164378
shall promote opportunities to increase the use of open 164379
educational materials in College Credit Plus courses to reduce the 164380
cost of instructional materials to school districts. 164381

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 164382

The foregoing appropriation item 235414, Grants and 164383
Scholarship Administration, shall be used by the Chancellor of 164384
Higher Education to manage and administer student financial aid 164385
programs created by the General Assembly and grants for which the 164386
Department of Higher Education is responsible. The appropriation 164387
item also shall be used to support all state financial aid audits 164388
and student financial aid programs created by Congress, and to 164389
provide fiscal and administrative services for the Ohio National 164390
Guard Scholarship Program. 164391

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 164392

The foregoing appropriation item 235417, Technology 164393
Maintenance and Operations, shall be used by the Chancellor of 164394
Higher Education to support the development and implementation of 164395
information technology solutions designed to improve the 164396
performance and capacity of the Department of Higher Education. 164397
The information technology solutions may be provided by the Ohio 164398
Technology Consortium (OH-TECH). 164399

Of the foregoing appropriation item 235417, Technology 164400
Maintenance and Operations, a portion in each fiscal year may be 164401
used by the Chancellor to support the continued implementation of 164402
eStudent Services, a consortium organized under division (T) of 164403

section 3333.04 of the Revised Code to expand access to dual 164404
enrollment opportunities for high school students, continue the 164405
support of the statewide eTutoring program, and for any other 164406
strategic priorities of the Chancellor. 164407

Of the foregoing appropriation item 235417, Technology 164408
Maintenance and Operations, a portion in each fiscal year shall be 164409
used by the Chancellor to implement a high priority data 164410
warehouse, advanced analytics, and visualization integration 164411
services associated with the Higher Education Information (HEI) 164412
system. The services may be facilitated by OH-TECH. 164413

Of the foregoing appropriation item 235417, Technology 164414
Maintenance and Operations, \$150,000 in each fiscal year shall be 164415
used to support Ohio Reach to provide mentoring and support 164416
services to former foster youth attending college. 164417

Section 381.130. MENTAL HEALTH SUPPORT 164418

(A) The foregoing appropriation item 235419, Mental Health 164419
Support, shall be used by the Chancellor of Higher Education to 164420
provide resources and support to address behavioral health needs 164421
at state institutions of higher education as defined in section 164422
3345.011 of the Revised Code and private nonprofit institutions of 164423
higher education holding certificates of authorization under 164424
Chapter 1713. of the Revised Code. The Chancellor shall use the 164425
funds to prioritize behavioral health services, including, but not 164426
limited to, expansion of telehealth options, increased awareness 164427
of telephone and text message care line services, expansion of 164428
certified peer educator programs, and direct aid to students who 164429
are unable to afford care. 164430

(B) In allocating funds under this section, the Chancellor 164431
shall consider at least the following factors: 164432

(1) The relative severity of needs expressed and associated 164433

risks involved;	164434
(2) The extent to which funds awarded will increase campus-wide knowledge and awareness of available care options;	164435
(3) The extent to which funds awarded will increase access to, and availability of, care options;	164437
(4) The extent to which funds awarded will remove barriers to care options; and	164439
(5) The extent to which funds awarded will be leveraged to create long-term sustainability on campus and support collaborative, community-based programs and initiatives that can be sustained with community resources.	164441
(C) The Chancellor may consult with the Department of Mental Health and Addiction Services, RecoveryOhio, local and regional behavioral health providers, and other stakeholders as determined by the Chancellor to be appropriate when allocating funds under this section.	164445
(D) An institution receiving funds under this section shall not make changes to mental health support services offered by the institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section. An institution receiving funds under this section shall maintain the same level of mental health support services that the institution provided in the most recent academic year in the aggregate to all students or on a per-student basis.	164450
Section 381.140. IT SECURITY ENHANCEMENTS	164458
(A) The foregoing appropriation item 235421, IT Security Enhancements, shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services.	164459
(B) Enhanced security operations and services shall benefit	164463

all members of OH-TECH and may include but not be limited to:	164464
(1) Establishing an enterprise security operations center;	164465
(2) Configuration management in the area of data loss prevention;	164466 164467
(3) Endpoint patch and compliance;	164468
(4) Log aggregation;	164469
(5) Web application firewall;	164470
(6) Vulnerability management across the consortium; and	164471
(7) Other critical security enhancement services as determined appropriate by the Chancellor.	164472 164473
(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.	164474 164475 164476 164477 164478 164479 164480 164481
Section 381.160. OHIO WORK READY GRANT	164482
The foregoing appropriation item 235425, Ohio Work Ready Grant, shall be used by the Chancellor of Higher Education to establish and operate the Ohio Work Ready Grant Program pursuant to section 3333.24 of the Revised Code.	164483 164484 164485 164486
Section 381.170. ADULT LITERACY INITIATIVES	164487
(A) The foregoing appropriation item 235427, Adult Literacy Initiatives, shall be used by the Chancellor of Higher Education to implement strategies designed to increase literacy among Ohio's adult population.	164488 164489 164490 164491

(B) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support evidence-based literacy professional development and training opportunities for college and university faculty at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education that have a certificate of authorization pursuant to Chapter 1713. of the Revised Code, with priority for those faculty that teach reading instruction. The Chancellor shall allocate funds in the manner the Chancellor prescribes, consistent with the goal of encouraging faculty to increase their knowledge, awareness, and adoption of evidence-based literacy approaches, including the science of reading.

(C) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support all of the following:

(1) Literacy instruction for students not eligible for Aspire services due to National Reporting System assessment standards, as determined by the Chancellor;

(2) Instructional services for adult English language learners; and

(3) Evidence-based and high-quality professional development initiatives for Aspire instructors that support all levels of adult learners to create an impact of literacy instruction being delivered across the state of Ohio by all instructors to all levels of learners.

(D) Not later than March 31, 2024, the Chancellor shall do all of the following:

(1) Conduct a review of all educator preparation programs at state and private nonprofit institutions of higher education and

develop a summary of the curriculum used at those institutions to 164523
provide training in the pedagogy of literacy, including the extent 164524
to which the curriculum is aligned with the science of reading; 164525

(2) Conduct an analysis of curriculum used in Aspire 164526
programming for alignment with best practices for literacy 164527
education; and 164528

(3) Conduct an analysis, in consultation with the Director of 164529
Job and Family Services, of Aspire programs available in Ohio, 164530
with emphasis on communities with the highest unemployment and 164531
underemployment rates and lowest rates of high school completion. 164532
Upon completion of this analysis, the Chancellor and Director of 164533
Job and Family Services shall do all of the following: 164534

(a) Assess and develop recommended best practices on how the 164535
Department of Job and Family Services connects those on 164536
unemployment, Supplemental Nutrition Assistance Program, and other 164537
public benefits programs, as appropriate, to Aspire program 164538
options to ensure that Aspire opportunities are well known to as 164539
many potential beneficiaries as possible; and 164540

(b) Develop strategies to implement the best practices 164541
identified in division (D)(3)(a) of this section and consider 164542
mechanisms of accountability to encourage those enrolled in public 164543
benefits programs to complete Aspire programming. 164544

(E) On July 1, 2024, or as soon as possible thereafter, the 164545
Chancellor shall certify to the Director of Budget and Management 164546
an amount up to the unexpended, unencumbered balance of the 164547
foregoing appropriation item 235427, Adult Literacy Initiatives, 164548
at the end of fiscal year 2024 to be reappropriated to fiscal year 164549
2025. The amount certified is hereby reappropriated to the same 164550
appropriation item in fiscal year 2025. 164551

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 164552

PARTNERSHIP 164553

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center.

The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 164566

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.200. ASPIRE 164578

The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort

requirements for the state-administered grant program. 164582

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 164583

The foregoing appropriation item 235444, Ohio Technical 164584
Centers, shall be used by the Chancellor of Higher Education to 164585
support post-secondary adult career-technical education. The 164586
Chancellor shall provide coordination for Ohio Technical Centers 164587
through program approval processes, data collection of program and 164588
student outcomes, and subsidy disbursements from the foregoing 164589
appropriation item 235444, Ohio Technical Centers. 164590

(A)(1) As soon as possible in each fiscal year, in accordance 164591
with instructions of the Chancellor, each Ohio Technical Center 164592
shall report its actual data, consistent with the definitions in 164593
the Higher Education Information (HEI) system's files, to the 164594
Chancellor. 164595

(a) In defining the number of full-time equivalent students 164596
for state subsidy purposes, the Chancellor shall exclude all 164597
students who are not residents of Ohio. 164598

(b) A full-time equivalent student shall be defined as a 164599
student who completes 450 hours. Those students that complete some 164600
portion of 450 hours shall be counted as a partial full-time 164601
equivalent for funding purposes, while students that complete more 164602
than 450 hours shall be counted as proportionally greater than one 164603
full-time equivalent. 164604

(c) In calculating each Ohio Technical Center's full-time 164605
equivalent students, the Chancellor shall use a three-year 164606
average. 164607

(d) Ohio Technical Centers shall operate with, or be an 164608
active candidate for, accreditation by an accreditor authorized by 164609
the United States Department of Education to be eligible to 164610
receive subsidies from the foregoing appropriation item 235444, 164611

Ohio Technical Centers. 164612

(2) In each fiscal year, 25 per cent of the allocation for 164613
Ohio Technical Centers shall be distributed based on the 164614
proportion of each Center's full-time equivalent students to the 164615
total full-time equivalent students who complete a post-secondary 164616
technical workforce training program approved by the Chancellor 164617
with a grade of C or better or a grade of pass if the program is 164618
evaluated on a pass/fail basis. 164619

(3) In each fiscal year, 20 per cent of the allocation for 164620
Ohio Technical Centers shall be distributed based on the 164621
proportion of each Center's full-time equivalent students to the 164622
total full-time equivalent students who complete 50 per cent of a 164623
program of study as a measure of student retention. 164624

(4) In each fiscal year, 50 per cent of the allocation for 164625
Ohio Technical Centers shall be distributed based on the 164626
proportion of each Center's full-time equivalent students to the 164627
total full-time equivalent students who have found employment, 164628
entered military service, or enrolled in additional post-secondary 164629
education and training in accordance with the placement 164630
definitions of the Strengthening Career and Technical Education 164631
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 164632
calculation for eligible full-time equivalent students shall be 164633
based on the per cent of Perkins placements for students who have 164634
completed at least 50 per cent of a program of study. 164635

(5) In each fiscal year, five per cent of the allocation for 164636
Ohio Technical Centers shall be distributed based on the 164637
proportion of each Center's full-time equivalent students to the 164638
total full-time equivalent students who have earned a credential 164639
from an industry-recognized third party. 164640

(B) Of the foregoing appropriation item 235444, Ohio 164641
Technical Centers, up to 2.38 per cent in each fiscal year may be 164642

distributed by the Chancellor to the Ohio Central School System, 164643
up to \$48,000 in each fiscal year may be utilized for assistance 164644
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 164645
year may be distributed by the Chancellor to Ohio Technical 164646
Centers that provide customized training and business consultation 164647
services with matching local dollars, with preference to 164648
industries on the in-demand jobs list created under section 164649
6301.11 of the Revised Code, industries in regionally emerging 164650
fields, or local businesses and industries. Each center meeting 164651
this requirement shall receive at least \$25,000 but not more than 164652
a maximum amount determined by the Chancellor. 164653

(C) The remainder of the foregoing appropriation item 235444, 164654
Ohio Technical Centers, in each fiscal year shall be distributed 164655
in accordance with division (A) of this section. 164656

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 164657
SUPPORT 164658

The foregoing appropriation item 235474, Area Health 164659
Education Centers Program Support, shall be used by the Chancellor 164660
of Higher Education to support the medical school regional area 164661
health education centers' educational programs for the continued 164662
support of medical and other health professions education and for 164663
support of the Area Health Education Center Program. 164664

Section 381.230. CAMPUS SAFETY AND TRAINING 164665

The foregoing appropriation item 235492, Campus Safety and 164666
Training, shall be used by the Chancellor of Higher Education for 164667
the purpose of developing model best practices for preventing and 164668
responding to sexual violence on campus. The Chancellor, in 164669
consultation with state institutions of higher education as 164670
defined in section 3345.011 of the Revised Code and private 164671
nonprofit institutions of higher education holding certificates of 164672

authorization under Chapter 1713. of the Revised Code, shall 164673
continue to develop model best practices in line with emerging 164674
trends, research, and evidence-based training for preventing and 164675
responding to sexual violence and protecting students and staff 164676
who are victims of sexual violence on campus. The Chancellor shall 164677
convene state institutions of higher education and private 164678
nonprofit institutions of higher education in the training and 164679
implementation of best practices regarding campus sexual violence. 164680

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL 164681

The foregoing appropriation item 235495, Northeast Ohio 164682
Medical University Dental School, shall be distributed to 164683
Northeast Ohio Medical University to support the creation and 164684
operation of its dental school, which shall meet all of the 164685
accreditation standards of the Commission on Dental Accreditation 164686
to train dental students and award only a Doctor of Dental Surgery 164687
(D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Northeast 164688
Ohio Medical University shall report to the Chancellor of Higher 164689
Education how it is using moneys it received from the foregoing 164690
appropriation item 235495, Northeast Ohio Medical University 164691
Dental School. 164692

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 164693

The Chancellor of Higher Education shall establish procedures 164694
to allocate the foregoing appropriation item 235501, State Share 164695
of Instruction, based on the formulas detailed in this section 164696
that utilize the enrollment, course completion, degree attainment, 164697
and student achievement factors reported annually by each state 164698
institution of higher education participating in the Higher 164699
Education Information (HEI) system. 164700

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 164701
COMPLETIONS 164702

(1) As soon as possible during each fiscal year of the 164703
 biennium ending June 30, 2025, in accordance with instructions of 164704
 the Department of Higher Education, each state institution of 164705
 higher education shall report its actual data, consistent with the 164706
 definitions in the Higher Education Information (HEI) system's 164707
 enrollment files, to the Chancellor. 164708

(2) In defining the number of full-time equivalent students 164709
 for state subsidy instructional cost purposes, the Chancellor 164710
 shall exclude all undergraduate students who are not residents of 164711
 Ohio or who do not meet the definition of residency for state 164712
 subsidy and tuition surcharge purposes, except those charged 164713
 in-state fees in accordance with reciprocity agreements made under 164714
 section 3333.17 of the Revised Code or employer contracts entered 164715
 into under section 3333.32 of the Revised Code. 164716

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 164717

For purposes of calculating state share of instruction 164718
 allocations, the total instructional costs per full-time 164719
 equivalent student shall be: 164720

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	\$9,893	\$10,116	164721
ARTS AND HUMANITIES 2	\$14,268	\$14,590	164722
ARTS AND HUMANITIES 3	\$17,722	\$18,123	164723
ARTS AND HUMANITIES 4	\$25,215	\$25,785	164724
ARTS AND HUMANITIES 5	\$41,603	\$42,543	164725
ARTS AND HUMANITIES 6	\$37,838	\$38,694	164726
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,726	\$9,946	164727
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,403	\$9,616	164728
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,825	\$13,115	164729
BUSINESS, EDUCATION &	\$15,305	\$15,651	164730

SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	\$23,170	\$23,694	164732
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	\$25,931	\$26,517	164733
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	\$33,864	\$34,629	164734
SOCIAL SCIENCES 7			
DOCTORAL 1	\$47,980	\$49,065	164735
DOCTORAL 2	\$52,103	\$53,280	164736
SCIENCE, TECHNOLOGY,	\$9,801	\$10,023	164737
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	\$12,983	\$13,277	164738
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	\$14,919	\$15,257	164739
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	\$17,268	\$17,658	164740
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$21,746	\$22,238	164741
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$20,099	\$20,553	164742
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$26,404	\$27,001	164743
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$42,099	\$43,051	164744
ENGINEERING, MATHEMATICS,			
MEDICINE 8			

SCIENCE, TECHNOLOGY, \$56,307 \$57,580 164745
ENGINEERING, MATHEMATICS,
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 164746
accordance with division (D)(2) of this section. 164747

Medical I and Medical II models shall be allocated in 164748
accordance with divisions (D)(3) and (D)(4) of this section. 164749

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 164750
AND GRADUATE WEIGHTS 164751

For the purpose of implementing the recommendations of the 164752
2006 State Share of Instruction Consultation and the Higher 164753
Education Funding Study Council that priority be given to 164754
maintaining state support for science, technology, engineering, 164755
mathematics, medicine, and graduate programs, the costs in 164756
division (B) of this section shall be weighted by the amounts 164757
provided below: 164758

Model	Fiscal Year 2024	Fiscal Year 2025	
ARTS AND HUMANITIES 1	1.0000	1.0000	164759
ARTS AND HUMANITIES 2	1.0000	1.0000	164760
ARTS AND HUMANITIES 3	1.0000	1.0000	164761
ARTS AND HUMANITIES 4	1.0000	1.0000	164762
ARTS AND HUMANITIES 5	1.0425	1.0425	164763
ARTS AND HUMANITIES 6	1.0425	1.0425	164764
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	164765
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	164766
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	164767
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	164768
BUSINESS, EDUCATION &	1.0425	1.0425	164769
BUSINESS, EDUCATION &	1.0425	1.0425	164770

SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	1.0425	1.0425	164771
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	164772
SOCIAL SCIENCES 7			
DOCTORAL 1	1.0000	1.0000	164773
DOCTORAL 2	1.0000	1.0000	164774
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	164775
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	164776
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	164777
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	164778
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	164779
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	164780
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	164781
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	164782
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.1361	1.1361	164783

MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA	164784
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES	164785
(1) Of the foregoing appropriation item 235501, State Share	164786
of Instruction, 50 per cent of the appropriation for universities,	164787
as established in division (A)(2) of the section of this act	164788
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND	164789
2025," in each fiscal year shall be reserved for support of	164790
associate, baccalaureate, master's, and professional level degree	164791
attainment.	164792
The degree attainment funding shall be allocated to	164793
universities in proportion to each campus's share of the total	164794
statewide degrees granted, weighted by the cost of the degree	164795
programs. The degree cost calculations shall include the model	164796
cost weights for the science, technology, engineering,	164797
mathematics, and medicine models as established in division (C) of	164798
this section.	164799
For degrees including credits earned at multiple	164800
institutions, degree attainment funding shall be allocated to	164801
universities in proportion to each campus's share of the	164802
student-specific cost of earned credits for the degree. Each	164803
institution shall receive its prorated share of degree funding for	164804
credits earned at that institution. Cost of credits not earned at	164805
a university main or regional campus shall be credited to the	164806
degree-granting institution for the first degree earned by a	164807
student at each degree level. The cost credited to the	164808
degree-granting institution shall not be eligible for at-risk	164809
weights and shall be limited to 12.5 per cent of the	164810
student-specific degree costs. However, the 12.5 per cent	164811
limitation shall not apply if the student transferred 12 or fewer	164812
credits into the degree granting institution.	164813
In calculating the subsidy entitlements for degree attainment	164814

for universities, the Chancellor shall use the following count of 164815
degrees and degree costs: 164816

(a) The subsidy eligible undergraduate degrees shall be 164817
defined as follows: 164818

(i) The subsidy eligible degrees conferred to students 164819
identified as residents of the state of Ohio in any term of their 164820
studies, as reported through the Higher Education Information 164821
(HEI) system student enrollment file, shall be weighted by a 164822
factor of 1. 164823

(ii) The subsidy eligible degrees conferred to students 164824
identified as out-of-state residents during all terms of their 164825
studies, as reported through the Higher Education Information 164826
(HEI) system student enrollment file, who remain in the state of 164827
Ohio at least one year after graduation, as calculated based on 164828
the three-year average in-state residency rate using the 164829
Unemployment Wage data for out-of-state graduates at each 164830
institution, shall be weighted by a factor of 50 per cent. 164831

(iii) Subsidy eligible associate degrees are defined as those 164832
earned by students attending any state-supported university main 164833
or regional campus. 164834

(b) In calculating each campus's count of degrees, the 164835
Chancellor shall use the three-year average associate, 164836
baccalaureate, master's, and professional degrees awarded for the 164837
most recent completed three-year period that is practicable as 164838
agreed to by the Inter-University Council and the Chancellor. 164839

(i) If a student is awarded an associate degree and, 164840
subsequently, is awarded a baccalaureate degree, the amount funded 164841
for the baccalaureate degree shall be limited to either the 164842
difference in cost between the cost of the baccalaureate degree 164843
and the cost of the associate degree paid previously, or if the 164844
associate degree has a higher cost than the baccalaureate degree, 164845

the cost of the credits earned by the student after the associate degree was awarded. 164846
164847

(ii) If a student earns an associate degree then, 164848
subsequently, earns a baccalaureate degree, the associate degree 164849
granting institution shall only receive the prorated share of the 164850
baccalaureate degree funding for the credits earned at that 164851
institution after the associate degree is awarded. 164852

(iii) If a student earns more than one degree at the same 164853
institution at the same degree level in the same fiscal year, the 164854
funding for the highest cost degree shall be prorated among 164855
institutions based on where the credits were earned and additional 164856
degrees shall be funded at 25 per cent of the cost of the degrees. 164857

(c) Associate degrees and baccalaureate degrees earned by a 164858
student defined as at-risk based on academic under-preparation, 164859
age, minority status, financial status, or first generation 164860
post-secondary status based on neither parent completing any 164861
education beyond high school, shall be defined as degrees earned 164862
by an at-risk student and shall be weighted by the following: 164863

A student-specific degree completion weight, where the weight 164864
is calculated based on the at-risk factors of the individual 164865
student, determined by calculating the difference between the 164866
percentage of students with each risk factor who earned a degree 164867
and the percentage of non-at-risk students who earned a degree. 164868

(2) Of the foregoing appropriation item 235501, State Share 164869
of Instruction, up to 11.78 per cent of the appropriation for 164870
universities, as established in division (A)(2) of the section of 164871
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164872
2024 AND 2025," in each fiscal year shall be reserved for support 164873
of doctoral programs to implement the funding recommendations made 164874
by representatives of the universities. The amount so reserved 164875
shall be referred to as the doctoral set-aside. 164876

In each fiscal year, the doctoral set-aside funding 164877
allocation shall be allocated to universities as follows: 164878

(a) 25 per cent of the doctoral set-aside shall be allocated 164879
to universities in proportion to their share of the statewide 164880
total earnings of each state institution's three-year average 164881
course completions. The subsidy eligible enrollments by model 164882
shall equal only those FTE students who successfully complete the 164883
course as defined and reported through the Higher Education 164884
Information (HEI) system course enrollment file. Course completion 164885
earnings shall be determined by multiplying the amounts listed 164886
above in divisions (B) and (C) of this section by the 164887
subsidy-eligible FTEs for the most recent completed three-year 164888
period that is practicable as agreed to by the Inter-University 164889
Council and the Chancellor for all doctoral enrollments in 164890
graduate-level models. 164891

(b) 50 per cent of the doctoral set-aside shall be allocated 164892
to universities in proportion to each campus's share of the total 164893
statewide doctoral degrees, weighted by the cost of the doctoral 164894
discipline. In calculating each campus's doctoral degrees the 164895
Chancellor shall use the three-year average doctoral degrees 164896
awarded for the most recent completed three-year period that is 164897
practicable as agreed to by the Inter-University Council and the 164898
Chancellor. 164899

(c) 25 per cent of the doctoral set-aside shall be allocated 164900
to universities in proportion to their share of research grant 164901
activity. Funding for this component shall be allocated to 164902
eligible universities in proportion to their share of research 164903
grant activity published by the National Science Foundation. Grant 164904
awards from the Department of Health and Human Services shall be 164905
weighted at 50 per cent. 164906

(3) Of the foregoing appropriation item 235501, State Share 164907
of Instruction, 6.41 per cent of the appropriation for 164908

universities, as established in division (A)(2) of the section of 164909
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164910
2024 AND 2025," in each fiscal year shall be reserved for support 164911
of Medical II FTEs. The amount so reserved shall be referred to as 164912
the medical II set-aside. 164913

The medical II set-aside shall be allocated to universities 164914
in proportion to their share of the statewide total of each state 164915
institution's three-year average Medical II FTEs as calculated in 164916
division (A) of this section. 164917

In calculating the core subsidy entitlements for Medical II 164918
models only, students repeating terms may be no more than five per 164919
cent of current year enrollment. 164920

(4) Of the foregoing appropriation item 235501, State Share 164921
of Instruction, 1.48 per cent of the appropriation for 164922
universities, as established in division (A)(2) of the section of 164923
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164924
2024 AND 2025," in each fiscal year shall be reserved for support 164925
of Medical I FTEs. The amount so reserved shall be referred to as 164926
the medical I set-aside. 164927

The medical I set-aside shall be allocated to universities in 164928
proportion to their share of the statewide total of each state 164929
institution's three-year average Medical I FTEs as calculated in 164930
division (A) of this section. 164931

(5) In calculating the course completion funding for 164932
universities, the Chancellor shall use the following count of FTE 164933
students: 164934

(a) The subsidy eligible enrollments by model shall equal 164935
only those FTE students who successfully complete the course as 164936
defined and reported through the Higher Education Information 164937
(HEI) system course enrollment file; 164938

(b) Those undergraduate FTE students with successful course 164939

completions, identified in division (D)(5)(a) of this section, 164940
that are defined as at-risk based on academic under-preparation or 164941
financial status shall have their eligible completions weighted by 164942
the following: 164943

(i) Institution-specific course completion indexes, where the 164944
indexes are calculated based upon the number of at-risk students 164945
enrolled during the prior three calendar years; and 164946

(ii) A statewide average at-risk course completion weight 164947
determined for each subsidy model. The statewide average at-risk 164948
course completion weight shall be determined by calculating the 164949
difference between the percentage of traditional students who 164950
complete a course and the percentage of at-risk students who 164951
complete the same course. 164952

(c) The course completion earnings shall be determined by 164953
multiplying the amounts listed above in divisions (B) and (C) of 164954
this section by the subsidy-eligible FTEs for the most recent 164955
completed three-year period that is practicable as agreed to by 164956
the Inter-University Council and the Chancellor for all models 164957
except Medical I and Medical II. 164958

(d) For universities, the Chancellor shall compute the course 164959
completion earnings by dividing the appropriation for 164960
universities, established in division (A)(2) of the section of 164961
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 164962
2024 AND 2025," less the degree attainment funding as calculated 164963
in division (D)(1) of this section, less the doctoral set-aside, 164964
less the medical I set-aside, and less the medical II set-aside, 164965
by the sum of all campuses' instructional costs as calculated in 164966
division (D)(5) of this section. 164967

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 164968
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 164969

(1) Of the foregoing appropriation item 235501, State Share 164970

of Instruction, 50 per cent of the appropriation for 164971
state-supported community colleges, state community colleges, and 164972
technical colleges as established in division (A)(1) of the 164973
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 164974
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 164975
for course completion FTEs as aggregated by the subsidy models 164976
defined in division (B) of this section. 164977

The course completion funding shall be allocated to campuses 164978
in proportion to each campus's share of the total sector's course 164979
completions, weighted by the instructional cost of the subsidy 164980
models. 164981

To calculate the subsidy entitlements for course completions 164982
at community colleges, state community colleges, and technical 164983
colleges, the Chancellor shall use the following calculations: 164984

(a) In calculating each campus's count of FTE course 164985
completions, the Chancellor shall use a three-year average for 164986
course completions for the three-year period ending in the prior 164987
year for students identified as residents of the state of Ohio in 164988
any term of their studies, as reported through the Higher 164989
Education Information (HEI) system student enrollment file. 164990

(b) The subsidy eligible enrollments by model shall equal 164991
only those FTE students who successfully complete the course as 164992
defined and reported through the Higher Education Information 164993
(HEI) system course enrollment file. 164994

(c) Those students with successful course completions, that 164995
are defined as access students based on financial status, minority 164996
status, age, or academic under-preparation shall have their 164997
eligible course completions weighted by a statewide access weight. 164998
The weight given to any student that meets any access factor shall 164999
be 15 per cent for all course completions. 165000

(d) The model costs as used in the calculation shall be 165001

augmented by the model weights for science, technology, 165002
engineering, mathematics, and medicine models as established in 165003
division (C) of this section. 165004

(2) Of the foregoing appropriation item 235501, State Share 165005
of Instruction, 25 per cent of the appropriation for 165006
state-supported community colleges, state community colleges, and 165007
technical colleges as established in division (A)(1) of the 165008
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 165009
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 165010
for colleges in proportion to their share of college student 165011
success factors. 165012

Student success factors shall be awarded at the institutional 165013
level for each subsidy-eligible student that successfully: 165014

(a) Completes a college-level math course within the first 30 165015
hours of completed coursework. 165016

(b) Completes a college-level English course within the first 165017
30 hours of completed coursework. 165018

(c) Completes 12 semester credit hours of college-level 165019
coursework. 165020

(d) Completes 24 semester credit hours of college-level 165021
coursework. 165022

(e) Completes 36 semester credit hours of college-level 165023
coursework. 165024

(3) Of the foregoing appropriation item 235501, State Share 165025
of Instruction, 25 per cent of the appropriation for 165026
state-supported community colleges, state community colleges, and 165027
technical colleges as established in division (A)(1) of the 165028
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 165029
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 165030
for completion milestones. 165031

Completion milestones shall include baccalaureate degrees, 165032
associate degrees, technical certificates over 30 credit hours as 165033
designated by the Department of Higher Education, and students 165034
transferring to any four-year institution with at least 12 credit 165035
hours of college-level coursework earned at that community 165036
college, state community college, or technical college. 165037

The completion milestone funding shall be allocated to 165038
colleges in proportion to each institution's share of the sector's 165039
total completion milestones, weighted by the instructional cost of 165040
the degree, certificate, or transfer models. Costs for technical 165041
certificates over 30 hours shall be weighted at one-half of the 165042
associate degree model costs and transfers with at least 12 credit 165043
hours of college-level coursework shall be weighted at one-fourth 165044
of the average cost for all associate degree model costs. 165045

(4) To calculate the subsidy entitlements for completions at 165046
community colleges, state community colleges, and technical 165047
colleges, the Chancellor shall use the following calculations: 165048

(a) In calculating each campus's count of completions, the 165049
Chancellor shall use a three-year average for completion 165050
milestones awarded to students identified as subsidy eligible in 165051
any term of their studies, as reported through the Higher 165052
Education Information (HEI) system student enrollment file. 165053

(b) The subsidy eligible completion milestones by model shall 165054
equal only those students who successfully complete a 165055
baccalaureate or an associate degree, or technical certificate 165056
over 30 credit hours, or transfer to any four-year institution 165057
with at least 12 credit hours of college-level coursework as 165058
defined and reported in the Higher Education Information (HEI) 165059
system. Student completions reported in HEI shall have an 165060
accompanying course enrollment record in order to be subsidy 165061
eligible. 165062

(c) Those students with successful completions for 165063
baccalaureate or associate degrees, technical certificates over 30 165064
credit hours, or transfer to any four-year institution with at 165065
least 12 credit hours of college-level coursework, identified in 165066
division (E)(3) of this section, that are defined as access 165067
students based on financial status, minority status, age, or 165068
academic under-preparation shall have their eligible completions 165069
weighted by a statewide access weight. The weight shall be 25 per 165070
cent for students with one access factor, 66 per cent for students 165071
with two access factors, 150 per cent for students with three 165072
access factors, and 200 per cent for students with four access 165073
factors. 165074

(d) For those students who complete more than one completion 165075
milestone, funding for each additional degree or technical 165076
certificate over 30 credit hours designated as such by the 165077
Department of Higher Education shall be funded at 50 per cent of 165078
the model costs as defined in division (E)(3) of this section. 165079

(5) For purposes of the calculations made in division (E) of 165080
this section, the Chancellor shall only include subsidy-eligible 165081
students identified as residents of the state of Ohio in any term 165082
of their studies, as reported through the Higher Education 165083
Information (HEI) system student enrollment file. The Chancellor 165084
shall be prohibited from including nonresident students as 165085
subsidy-eligible except for those students otherwise identified as 165086
subsidy-eligible in division (A)(2) of this section. 165087

(F) CAPITAL COMPONENT DEDUCTION 165088

After all other adjustments have been made, state share of 165089
instruction earnings shall be reduced for each campus by the 165090
amount, if any, by which debt service charged in H.B. 16 of the 165091
126th General Assembly, H.B. 699 of the 126th General Assembly, 165092
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 165093
General Assembly for that campus exceeds that campus's capital 165094

component earnings. The sum of the amounts deducted shall be 165095
transferred to appropriation item 235552, Capital Component, in 165096
each fiscal year. 165097

(G) EXCEPTIONAL CIRCUMSTANCES 165098

Adjustments may be made to the state share of instruction 165099
payments and other subsidies distributed by the Chancellor to 165100
state colleges and universities for exceptional circumstances. No 165101
adjustments for exceptional circumstances may be made without the 165102
recommendation of the Chancellor and the approval of the 165103
Controlling Board. 165104

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 165105
INSTRUCTION 165106

The standard provisions of the state share of instruction 165107
calculation as described in the preceding sections of temporary 165108
law shall apply to any reductions made to appropriation item 165109
235501, State Share of Instruction, before the Chancellor has 165110
formally approved the final allocation of the state share of 165111
instruction funds for any fiscal year. 165112

Any reductions made to appropriation item 235501, State Share 165113
of Instruction, after the Chancellor has formally approved the 165114
final allocation of the state share of instruction funds for any 165115
fiscal year, shall be uniformly applied to each campus in 165116
proportion to its share of the final allocation. 165117

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 165118

The state share of instruction payments to the institutions 165119
shall be in substantially equal monthly amounts during the fiscal 165120
year, unless otherwise determined by the Director of Budget and 165121
Management pursuant to section 126.09 of the Revised Code. 165122
Payments during the first six months of the fiscal year may be 165123
based upon the state share of instruction appropriation estimates 165124
made for the various institutions of higher education, and 165125

payments during the last six months of the fiscal year may be 165126
based on the final data from the Chancellor. If agreed to by the 165127
Chancellor and the Inter-University Council, payments to 165128
universities in each month of a fiscal year shall be based on 165129
final data in the higher education information system for the 165130
selected three-year period that is acceptable to both parties. 165131

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 165132
2024 AND 2025 165133

(A) The foregoing appropriation item 235501, State Share of 165134
Instruction, shall be distributed according to the section of this 165135
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 165136

(1) Of the foregoing appropriation item 235501, State Share 165137
of Instruction, \$484,972,000 in fiscal year 2024 and \$491,887,000 165138
in fiscal year 2025 shall be distributed to state-supported 165139
community colleges, state community colleges, and technical 165140
colleges. 165141

(2) Of the foregoing appropriation item 235501, State Share 165142
of Instruction, \$1,619,028,000 in fiscal year 2024 and 165143
\$1,642,113,000 in fiscal year 2025 shall be distributed to 165144
state-supported university main and regional campuses. 165145

(B) Any increases in the amount distributed to an institution 165146
from appropriation item 235501, State Share of Instruction, above 165147
the prior year may be used by the institution to provide 165148
need-based aid and to provide counseling, support services, and 165149
workforce preparation services to students. 165150

TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 165151
AGENCY 165152

Notwithstanding any provision of law to the contrary, upon 165153
the request of the Chancellor of Higher Education, the Director of 165154
Budget and Management may transfer \$2,000,000 in appropriations in 165155

each fiscal year from appropriation item 235501, State Share of 165156
Instruction, to the Opportunities for Ohioans with Disabilities 165157
Agency for the College2Careers Program. Amounts transferred are 165158
hereby appropriated. 165159

Section 381.260. RESTRICTION ON FEE INCREASES 165160

(A) In fiscal years 2024 and 2025, the boards of trustees of 165161
state institutions of higher education shall restrain increases in 165162
in-state undergraduate instructional and general fees. 165163

(1) For the 2023-2024 and 2024-2025 academic years, all of 165164
the following shall apply: 165165

(a) Each state university or college, as defined in section 165166
3345.12 of the Revised Code, and university regional campus shall 165167
not increase its in-state undergraduate instructional and general 165168
fees over what the institution charged for the previous academic 165169
year. 165170

(b) Each community college established under Chapter 3354., 165171
state community college established under Chapter 3358., or 165172
technical college established under Chapter 3357. of the Revised 165173
Code may increase its in-state undergraduate instructional and 165174
general fees by not more than five dollars per credit hour over 165175
what the institution charged for the previous academic year. 165176

(c) For state institutions of higher education, as defined in 165177
section 3345.011 of the Revised Code, increases for all other 165178
special fees, including the creation of new special fees, shall be 165179
subject to the approval of the Chancellor of Higher Education. 165180

(2) The limitations under division (A)(1) of this section do 165181
not apply to student health insurance, fees for auxiliary goods or 165182
services provided to students at the cost incurred to the 165183
institution, fees assessed to students as a pass-through for 165184
licensure and certification examinations, fees in elective courses 165185

associated with travel experiences, elective service charges, 165186
fines, and voluntary sales transactions. 165187

(B) The limitations under this section shall not apply to 165188
increases required to comply with institutional covenants related 165189
to their obligations or to meet unfunded legal mandates or legally 165190
binding obligations incurred or commitments made prior to the 165191
effective date of this section with respect to which the 165192
institution had identified such fee increases as the source of 165193
funds. Any increase required by such covenants and any such 165194
mandates, obligations, or commitments shall be reported by the 165195
Chancellor to the Controlling Board. These limitations may also be 165196
modified by the Chancellor, with the approval of the Controlling 165197
Board, to respond to exceptional circumstances as identified by 165198
the Chancellor. 165199

(C) Institutions offering an undergraduate tuition guarantee 165200
pursuant to section 3345.48 of the Revised Code may increase 165201
instructional and general fees pursuant to that section. 165202

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 165203

(A) Funds appropriated for instructional subsidies at 165204
colleges and universities may be used to provide such branch or 165205
other off-campus undergraduate courses of study and such master's 165206
degree courses of study as may be approved by the Chancellor of 165207
Higher Education. 165208

(B) In providing instructional and other services to 165209
students, boards of trustees of state institutions of higher 165210
education shall supplement state subsidies with income from 165211
charges to students. Except as otherwise provided in this act, 165212
each board shall establish the fees to be charged to all students, 165213
including an instructional fee for educational and associated 165214
operational support of the institution and a general fee for 165215
noninstructional services, including locally financed student 165216

services facilities used for the benefit of enrolled students. The 165217
instructional fee and the general fee shall encompass all charges 165218
for services assessed uniformly to all enrolled students. Each 165219
board may also establish special purpose fees, service charges, 165220
and fines as required; such special purpose fees and service 165221
charges shall be for services or benefits furnished individual 165222
students or specific categories of students and shall not be 165223
applied uniformly to all enrolled students. A tuition surcharge 165224
shall be paid by all students who are not residents of Ohio. 165225

The board of trustees of a state institution of higher 165226
education shall not authorize a waiver or nonpayment of 165227
instructional fees or general fees for any particular student or 165228
any class of students other than waivers specifically authorized 165229
by law or approved by the Chancellor. This prohibition is not 165230
intended to limit the authority of boards of trustees to provide 165231
for payments to students for services rendered the institution, 165232
nor to prohibit the budgeting of income for staff benefits or for 165233
student assistance in the form of payment of such instructional 165234
and general fees. 165235

Each board may authorize a lower differential tuition rate of 165236
instructional or general fees equal to the default rate options 165237
provided under the College Credit Plus Program pursuant to Chapter 165238
3365. of the Revised Code or equal to rates established pursuant 165239
to an agreement for an alternative payment structure pursuant to 165240
section 3365.07 of the Revised Code for nonpublic and home 165241
schooled students participating in that program that are not 165242
publicly funded. Each board may establish a lower differential 165243
tuition rate for in-state undergraduate instructional fees or 165244
general fees for students enrolled exclusively in online courses, 165245
as well as a lower differential tuition rate for the surcharge for 165246
nonresidents enrolled exclusively in online courses, provided a 165247
surcharge is still assessed. 165248

Each state institution of higher education in its statement 165249
of charges to students shall separately identify the instructional 165250
fee, the general fee, the tuition charge, and the tuition 165251
surcharge. Fee charges to students for instruction shall not be 165252
considered to be a price of service but shall be considered to be 165253
an integral part of the state government financing program in 165254
support of higher educational opportunity for students. 165255

(C) The boards of trustees of state institutions of higher 165256
education shall ensure that faculty members devote a proper and 165257
judicious part of their work week to the actual instruction of 165258
students. Total class credit hours of production per academic term 165259
per full-time faculty member is expected to meet the standards set 165260
forth in the budget data submitted by the Chancellor. 165261

(D) The authority of government vested by law in the boards 165262
of trustees of state institutions of higher education shall in 165263
fact be exercised by those boards. Boards of trustees may consult 165264
extensively with appropriate student and faculty groups. 165265
Administrative decisions about the utilization of available 165266
resources, about organizational structure, about disciplinary 165267
procedure, about the operation and staffing of all auxiliary 165268
facilities, and about administrative personnel shall be the 165269
exclusive prerogative of boards of trustees. Any delegation of 165270
authority by a board of trustees in other areas of responsibility 165271
shall be accompanied by appropriate standards of guidance 165272
concerning expected objectives in the exercise of such delegated 165273
authority and shall be accompanied by periodic review of the 165274
exercise of this delegated authority to the end that the public 165275
interest, in contrast to any institutional or special interest, 165276
shall be served. 165277

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 165278
CHILDREN SCHOLARSHIPS 165279

The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The

amounts certified for State Share of Instruction reconciliation 165311
are hereby appropriated to appropriation item 235505, State Share 165312
of Instruction Reconciliation. 165313

Section 381.300. OHIOLINK 165314

The foregoing appropriation item 235507, OhioLINK, shall be 165315
used by the Chancellor of Higher Education to support OhioLINK, a 165316
consortium organized under division (T) of section 3333.04 of the 165317
Revised Code to serve as the state's electronic library 165318
information and retrieval system, which provides access statewide 165319
to an extensive set of electronic databases and resources, the 165320
library holdings of Ohio's public and participating private 165321
nonprofit colleges and universities, and the State Library of 165322
Ohio. 165323

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 165324

(A) Of the foregoing appropriation item 235508, Air Force 165325
Institute of Technology, \$75,000 in each fiscal year shall be 165326
allocated to the Aerospace Professional Development Center in 165327
Dayton for statewide workforce development services in the 165328
aerospace industry. 165329

(B) The remainder of the foregoing appropriation item 235508, 165330
Air Force Institute of Technology, shall be used to do both of the 165331
following: 165332

(1) Strengthen the research and educational linkages between 165333
the Wright Patterson Air Force Base and institutions of higher 165334
education in Ohio; and 165335

(2) Support the Defense Associated Graduate Student 165336
Innovators, an engineering graduate consortium of Wright State 165337
University, the University of Dayton, and the Air Force Institute 165338
of Technology, with the participation of the University of 165339
Cincinnati and The Ohio State University. 165340

Section 381.320. OHIO SUPERCOMPUTER CENTER 165341

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 165355

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.340. CENTRAL STATE SUPPLEMENT 165361

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 165368

MEDICINE 165369

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 381.360. FAMILY PRACTICE 165377

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

Section 381.370. SHAWNEE STATE SUPPLEMENT 165382

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

Section 381.380. GERIATRIC MEDICINE 165389

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines.

Section 381.390. PRIMARY CARE RESIDENCIES 165393

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on

each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field. 165396
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Section 381.410. PROGRAM AND PROJECT SUPPORT 165398

(A)(1) Of the foregoing appropriation item 235533, Program and Project Support, \$1,000,000 in each fiscal year shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers. The purpose of this program is to help create a "Culture of Innovation" in Ohio schools, to encourage students to continue their educations and careers in Ohio, to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the application of science, technology, engineering, and mathematics and related fields, and to prepare students for the future through the development of research, innovation, and entrepreneurial mindsets and critical thinking skills that will be needed in the future by Ohio's workforce and job creators. 165399
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(2) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall include: 165415
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(a) A comprehensive professional development program for teachers in grades 5-12 to help them develop a "Culture of Innovation" in their schools; 165418
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(b) In-school and local STEM Research, Innovation, and Entrepreneurship programs for students in grades 5-12 that include student incentive awards for competition winners and related curriculum, content, resources, and other program support to teachers and students; 165421
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(c) Mentoring and service programs in collaboration with Ohio colleges and universities, industry practitioners, content experts, and other innovation or entrepreneurship organizations, with a special emphasis on underserved urban and rural schools;

(d) Qualifying and statewide STEM Research, Innovation, and Entrepreneurship competitions, open to the winners and qualifiers of related in-school and local competitions, that includes scholarships to attend any Ohio college, university, or post-secondary career center.

(3) All aspects of the STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall be open to any Ohio student in grades 5-12, with an emphasis on minority, rural and economically disadvantaged students.

(4) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall collaborate with Ohio's colleges and universities, and existing STEM research, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

(B) Of the foregoing appropriation item 235533, Program and Project Support, \$1,000,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(C) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be distributed to The Ohio State University to support research on the effects of turfgrass management practices on water quality in the state.

(D) Of the foregoing appropriation item 235533, Program and Project Support, \$400,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through

the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding.

(E) Of the foregoing appropriation item 235533, Program and Project Support, \$250,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of the unmanned aviation STEM pilot program in Clark County.

(F) Of the foregoing appropriation item 235533, Program and Project Support, \$200,000 in each fiscal year shall be used to support the University of Dayton Statehouse Civic Scholars Program.

(G) Of the foregoing appropriation item 235533, Program and Project Support, \$125,000 in fiscal year 2024 and \$330,000 in fiscal year 2025 shall be distributed to TECH CORPS to provide technical training for rural high school students under the Student TECH CORPS program.

(H) Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be distributed to S.U.C.C.E.S.S. for Autism to administer an interprofessional collaborative pilot program for the purpose of training professionals in The S.U.C.C.E.S.S. Approach, a transdisciplinary neurodevelopmental model to assess, educate, and treat children and adults with autism.

(I) Of the foregoing appropriation item 235533, Program and Project Support, \$2,000,000 in each fiscal year shall be provided to People Working Cooperatively for the Safe and Healthy at Home Initiative. The funds shall be used to make critical home modifications and emergency repairs for low-income and elderly

homeowners and for health care and housing partnerships to address chronic housing related health care issues.

(J) Of the foregoing appropriation item 235533, Program and Project Support, \$600,000 in fiscal year 2024 shall be allocated to support the Ashland University Military and Veterans Resource Center Project.

(K) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in fiscal year 2024 shall be distributed to the Ashland University Center for Addictions Project.

(L) Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be used to support the Clearance Ready Program at Wright State University.

(M) Of the foregoing appropriation item 235533, Program and Project Support, \$150,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program.

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH

The foregoing appropriation item 235535, Ohio State Agricultural Research, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT 165517
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The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university. 165519
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Section 381.450. CAPITAL COMPONENT 165524

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes. 165525
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Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component. 165539
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Section 381.460. LIBRARY DEPOSITORIES 165547

The foregoing appropriation item 235555, Library 165548
Depositories, shall be distributed to the state's five regional 165549
depository libraries for the cost-effective storage of and access 165550
to lesser-used materials in university library collections. The 165551
depositories shall be administrated by the Chancellor of Higher 165552
Education, or by OhioLINK at the discretion of the Chancellor. 165553

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 165554

The foregoing appropriation item 235556, Ohio Academic 165555
Resources Network, shall be used by the Chancellor of Higher 165556
Education to support the operations of the Ohio Academic Resources 165557
Network, a consortium organized under division (T) of section 165558
3333.04 of the Revised Code, which shall include support for 165559
Ohio's colleges and universities in maintaining and enhancing 165560
network connections, using new network technologies to improve 165561
research, education, and economic development programs, and 165562
sharing information technology services. To the extent network 165563
capacity is available, OARnet shall support allocating bandwidth 165564
to eligible programs directly supporting Ohio's economic 165565
development. 165566

Section 381.480. LONG-TERM CARE RESEARCH 165567

The foregoing appropriation item 235558, Long-term Care 165568
Research, shall be disbursed to Miami University for long-term 165569
care research. 165570

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 165571

(A)(1) As used in this section: 165572

(a) "Eligible institution" means any institution described in 165573
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 165574

Code. 165575

(b) The three "sectors" of institutions of higher education 165576
consist of the following: 165577

(i) A main campus at a state university, as defined in 165578
section 3345.011 of the Revised Code; 165579

(ii) Eligible private nonprofit institutions of higher 165580
education; 165581

(iii) Eligible private for-profit career colleges and 165582
schools. 165583

(2) Notwithstanding anything to the contrary in the Revised 165584
Code, if the Chancellor of Higher Education determines the amounts 165585
appropriated for support of the Ohio College Opportunity Grant 165586
Program are inadequate to provide grants to all eligible students 165587
in the amounts specified in division (D) of section 3333.122 of 165588
the Revised Code, the Chancellor shall determine a method to 165589
calculate awards under that section for students attending 165590
eligible institutions in each fiscal year based on the amounts 165591
appropriated from the foregoing appropriation item 235563, Ohio 165592
College Opportunity Grant. For students attending an eligible 165593
institution year-round, awards may be distributed on an annual 165594
basis. 165595

(3) If the Chancellor determines that reductions in award 165596
amounts are necessary, the Chancellor shall reduce the award 165597
amounts proportionally among the sectors of institutions specified 165598
in division (A)(1) of this section in a manner determined by the 165599
Chancellor. The Chancellor shall notify the Controlling Board of 165600
the distribution method. Any formula calculated under this 165601
division shall be complete and established to coincide with the 165602
start of each academic year. 165603

(B) Prior to determining the amount of funds available to 165604
award under this section, the Chancellor shall use the foregoing 165605

appropriation item 235563, Ohio College Opportunity Grant, to pay 165606
for waivers of tuition and student fees for eligible students 165607
under the Ohio Safety Officer's College Memorial Fund Program 165608
under section 3333.26 of the Revised Code. 165609

In each fiscal year, with the exception of sections 3333.121 165610
and 3333.124 of the Revised Code and the section of this act 165611
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 165612
shall not distribute or obligate or commit to be distributed an 165613
amount greater than what is appropriated under the foregoing 165614
appropriation item 235563, Ohio College Opportunity Grant. 165615

(C) The Chancellor shall establish, and post on the 165616
Department of Higher Education's web site, award tables based on 165617
the amounts determined under division (A) of this section. The 165618
Chancellor shall notify students and institutions of any 165619
reductions in awards. 165620

(D) Notwithstanding section 3333.122 of the Revised Code, no 165621
student shall be eligible to receive an Ohio College Opportunity 165622
Grant for more than ten semesters, fifteen quarters, or the 165623
equivalent of five academic years, less the number of semesters or 165624
quarters in which the student received an Ohio Instructional 165625
Grant. 165626

(E) During each fiscal year, the Chancellor, as soon as 165627
possible after cancellation, may certify to the Director of Budget 165628
and Management the amount of canceled prior-year encumbrances in 165629
appropriation item 235563, Ohio College Opportunity Grant. Upon 165630
receipt of the certification, the Director of Budget and 165631
Management may transfer cash, up to the certified amount, from the 165632
General Revenue Fund to the Ohio College Opportunity Grant Program 165633
Reserve Fund (Fund 5PU0). 165634

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF 165635
VETERINARY MEDICINE SUPPLEMENT 165636

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

Section 381.520. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

Section 381.525. EDUCATOR PREPARATION PROGRAMS

(A)(1) Of the foregoing appropriation item 235585, Educator

Preparation Programs, \$250,000 in each fiscal year shall be used 165666
by the Chancellor of Higher Education to award competitive grants 165667
of up to \$10,000 to institutions of higher education to promote 165668
student teacher placement with teachers who: 165669

(a) Received instruction in evidenced-based strategies 165670
aligned to the science of reading; 165671

(b) Use high quality instructional materials aligned to the 165672
science of reading; and 165673

(c) Implement a structured literacy approach in their 165674
classrooms. 165675

(2) The Chancellor shall establish procedures and criteria 165676
for awarding the grants under this division. 165677

(B) Of the foregoing appropriation item 235585, Educator 165678
Preparation Programs, \$175,000 in each fiscal year shall be used 165679
by the Chancellor to award competitive grants of up to \$20,000 to 165680
institutions of higher education to assist with aligning their 165681
teacher preparation programs with the science of reading. The 165682
Chancellor shall establish procedures and criteria for awarding 165683
grants under this division. 165684

(C) The remainder of the foregoing appropriation item 235585, 165685
Educator Preparation Programs, shall be used by the Chancellor 165686
pursuant to section 3333.048 of the Revised Code. 165687

Section 381.530. CO-OP INTERNSHIP PROGRAM 165688

Of the foregoing appropriation item 235591, Co-Op Internship 165689
Program, \$300,000 in each fiscal year shall be used to support 165690
students who attend institutions of higher education in Ohio and 165691
are participating in The Washington Center Internship Program or 165692
the short-term programs of The Washington Center. 165693

Of the foregoing appropriation item 235591, Co-Op Internship 165694
Program, \$165,000 in each fiscal year shall be used to support the 165695

operations of Ohio University's Voinovich School. 165696

Of the foregoing appropriation item 235591, Co-Op Internship 165697
Program, \$75,000 in each fiscal year shall be used to support the 165698
Model United Nations Program and the operations of the Center for 165699
Liberal Arts Student Success at Wright State University. 165700

Of the foregoing appropriation item 235591, Co-Op Internship 165701
Program, \$75,000 in each fiscal year shall be used to support the 165702
operations of The Ohio State University's John Glenn College of 165703
Public Affairs. 165704

Of the foregoing appropriation item 235591, Co-Op Internship 165705
Program, \$75,000 in each fiscal year shall be used to support the 165706
Bliss Institute of Applied Politics at the University of Akron. 165707

Of the foregoing appropriation item 235591, Co-Op Internship 165708
Program, \$75,000 in each fiscal year shall be used to support the 165709
Center for Public Management and Regional Affairs at Miami 165710
University. 165711

Of the foregoing appropriation item 235591, Co-Op Internship 165712
Program, \$75,000 in each fiscal year shall be used to support the 165713
Ohio Center for the Advancement of Women in Public Service at the 165714
Levin College of Public Affairs and Education at Cleveland State 165715
University. 165716

Of the foregoing appropriation item 235591, Co-Op Internship 165717
Program, \$75,000 in each fiscal year shall be used to support the 165718
University of Cincinnati Internship Program. 165719

Of the foregoing appropriation item 235591, Co-Op Internship 165720
Program, \$75,000 in each fiscal year shall be used to support the 165721
Kent State University Washington Program in National Issues. 165722

Of the foregoing appropriation item 235591, Co-Op Internship 165723
Program, \$75,000 in each fiscal year shall be used to support the 165724
Kent State University Columbus Program. 165725

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Regional Economic Development Initiative at Youngstown State University.

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used by the Chancellor of Higher Education to administer and provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.

Section 381.550. RURAL UNIVERSITY PROGRAM

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$103,000 in each fiscal year to support their respective programs.

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of Higher Education shall disburse funds from 165755
appropriation item 235599, National Guard Scholarship Program. 165756
During each fiscal year, the Chancellor, as soon as possible after 165757
cancellation, may certify to the Director of Budget and Management 165758
the amount of canceled prior-year encumbrances in appropriation 165759
item 235599, National Guard Scholarship Program. Upon receipt of 165760
the certification, the Director of Budget and Management may 165761
transfer cash, up to the certified amount, from the General 165762
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 165763
5BM0). 165764

Section 381.570. PLEDGE OF FEES 165765

Any new pledge of fees, or new agreement for adjustment of 165766
fees, made in the biennium ending June 30, 2025, to secure bonds 165767
or notes of a state institution of higher education for a project 165768
for which bonds or notes were not outstanding on the effective 165769
date of this section, to secure a refund of prior debt that is 165770
anticipated to increase the total cost of retiring the original 165771
debt, or to extend the period in which that full debt is retired 165772
shall be effective only after approval by the Chancellor of Higher 165773
Education, unless approved in a previous biennium. 165774

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 165775
DEBT SERVICE 165776

The foregoing appropriation item 235909, Higher Education 165777
General Obligation Bond Debt Service, shall be used to pay all 165778
debt service and related financing costs during the period from 165779
July 1, 2023, through June 30, 2025, for obligations issued under 165780
sections 151.01 and 151.04 of the Revised Code. 165781

Section 381.590. SALES AND SERVICES 165782

The Chancellor of Higher Education is authorized to charge 165783

and accept payment for the provision of goods and services. Such 165784
charges shall be reasonably related to the cost of producing the 165785
goods and services. Except as otherwise provided by law, no 165786
charges may be levied for goods or services that are produced as 165787
part of the routine responsibilities or duties of the Chancellor. 165788
All revenues received by the Chancellor shall be deposited into 165789
Fund 4560 and may be used by the Chancellor to pay for the costs 165790
of producing the goods and services. 165791

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 165792
ADMINISTRATION 165793

The foregoing appropriation item 235602, Higher Educational 165794
Facility Commission Administration, shall be used by the 165795
Chancellor of Higher Education for operating expenses related to 165796
the Chancellor's support of the activities of the Ohio Higher 165797
Educational Facility Commission. Upon the request of the 165798
Chancellor, the Director of Budget and Management may transfer 165799
cash in an amount up to the amount appropriated from the foregoing 165800
appropriation item 235602, Higher Educational Facility Commission 165801
Administration, in each fiscal year from the HEFC Operating 165802
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 165803
4E80). 165804

Section 381.630. TALENT READY GRANT PROGRAM 165805

(A) The foregoing appropriation item 235517, Talent Ready 165806
Grant Program, shall be used by the Chancellor of Higher Education 165807
to fund the Talent Ready Grant program to support workforce 165808
credential and certificate programs under thirty credit hours at a 165809
community college, state community college, technical college, 165810
university regional campus, or less than 900 clock hours at an 165811
Ohio Technical Center. Such funding shall be used to do all of the 165812
following: 165813

(a) Award needs-based financial aid to students who are 165814
enrolled in a credit or non-credit program that may be completed 165815
in less than one year and for which a certificate or 165816
industry-recognized credential is awarded in an in-demand job; 165817

(b) Establish and operate workforce credential and 165818
certificate programs under thirty credit hours or less than 900 165819
clock hours; 165820

(c) Provide additional support to short-term certificate 165821
programs. 165822

(B) The Chancellor shall allocate funds among eligible 165823
entities in approximate proportion to each entity's share of 165824
eligible short-term certificate programs while also considering 165825
student enrollments, completions, and past utilization of 165826
short-term certificate funding disbursed under this line item, 165827
among other factors. For purposes of allocating funds between 165828
community colleges, state community colleges, and technical 165829
colleges, the Chancellor shall allocate the funding to each campus 165830
in proportion to each campus's share of the total sector's course 165831
completions for the most recent available year, as reported 165832
through the Higher Education Information System student enrollment 165833
file, weighted by the instructional cost of the subsidy models. 165834

(C) The Chancellor, in collaboration with eligible entities 165835
under this section, shall conduct a study on the types of data 165836
that should be submitted to the Higher Education Information 165837
System regarding workforce credentials and technical certificates 165838
that may be earned in less than thirty credit hours or less than 165839
900 clock hours. The study and associated recommendations shall be 165840
completed not later than June 30, 2024. 165841

Section 381.635. SUPER RAPIDS 165842

(A) Of the foregoing appropriation item 235688, Super RAPIDS, 165843

\$4,280,000 in fiscal year 2024 shall be distributed to Fairfield 165844
County to support building improvements, equipment purchases, and 165845
operating expenses for programs of the Fairfield County Workforce 165846
Center. 165847

(B)(1) The remainder of the foregoing appropriation item 165848
235688, Super RAPIDS, shall be used by the Governor's Office of 165849
Workforce Transformation and the Chancellor of Higher Education to 165850
support collaborative projects among qualifying institutions to 165851
strengthen education and training opportunities that maximize 165852
workforce development efforts in defined areas of the state. These 165853
funds shall be used to support efforts that build capacity, remove 165854
employment and training barriers for prospective and unemployed 165855
workers, develop and strengthen business-led strategies in the 165856
impacted industries, and provide local guided solutions to 165857
employment for communities in economic transition. Under the 165858
program, the Chancellor shall distribute funds to Ohio regions or 165859
subsets of regions, as defined by the Governor's Office of 165860
Workforce Transformation. 165861

(2) Of the foregoing appropriation item 235688, Super RAPIDS, 165862
a portion in each fiscal year may be used by the Governor's Office 165863
of Workforce Transformation to meet urgent workforce development 165864
and job creation needs throughout the state. 165865

(3) The Governor's Office of Workforce Transformation shall 165866
consult with the Department of Development, the Chancellor, and 165867
other stakeholders as determined to be appropriate, when defining 165868
regions and awarding funds under this section. 165869

(4) The Chancellor and the Governor's Office of Workforce 165870
Transformation shall develop and use a proposal and review process 165871
to award funds under the program. In reviewing proposals and 165872
making awards, priority shall be given to proposals that 165873
demonstrate all of the following: 165874

(a) Clear compliance with all applicable state and federal rules and regulations;	165875 165876
(b) Collaboration between and among state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other education and workforce-related entities as determined to be appropriate by the Governor's Office of Workforce Transformation and the Department of Higher Education;	165877 165878 165879 165880 165881 165882
(c) Evidence of meaningful business support and engagement;	165883
(d) Identification of targeted occupations and industries supported by data, which sources shall include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;	165884 165885 165886 165887 165888
(e) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region; and	165889 165890 165891
(f) Evidence of a strong commitment to invest in one or more of the following areas:	165892 165893
(i) Broadband/5G;	165894
(ii) Cybersecurity;	165895
(iii) Healthcare;	165896
(iv) Transportation;	165897
(v) Advanced manufacturing;	165898
(vi) Trades.	165899
(5) As used in this section:	165900
(a) "Qualifying institution" means any of the following:	165901
(i) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	165902 165903

(ii) An Ohio Technical Center, as defined in section 3333.94 165904
of the Revised Code; 165905

(iii) Other secondary and postsecondary education and 165906
workforce-related entities, as determined by the Chancellor. 165907

Section 381.640. STATE FINANCIAL AID RECONCILIATION 165908

By the first day of September in each fiscal year, or as soon 165909
as possible thereafter, the Chancellor of Higher Education shall 165910
certify to the Director of Budget and Management the amount 165911
necessary to pay any outstanding prior year obligations to higher 165912
education institutions for the state's financial aid programs. The 165913
amounts certified are hereby appropriated to appropriation item 165914
235618, State Financial Aid Reconciliation, from revenues received 165915
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 165916

Section 381.650. SECOND CHANCE GRANT PROGRAM 165917

The foregoing appropriation item 235494, Second Chance Grant 165918
Program, shall be distributed by the Chancellor of Higher 165919
Education to qualifying institutions of higher education and Ohio 165920
Technical Centers to provide grants to eligible students under the 165921
Second Chance Grant Program established in section 3333.127 of the 165922
Revised Code. 165923

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 165924

The foregoing appropriation item 235592, Grow Your Own 165925
Teacher Program, shall be used by the Chancellor of Higher 165926
Education to implement and administer the Grow Your Own Teacher 165927
Program pursuant to sections 3333.393 and 3333.394 of the Revised 165928
Code. 165929

Section 381.660. NURSING LOAN PROGRAM 165930

The foregoing appropriation item 235606, Nursing Loan 165931

Program, shall be used to administer the nurse education 165932
assistance program. 165933

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 165934

The foregoing appropriation item 235639, Research Incentive 165935
Third Frontier - Tax, shall be used by the Chancellor of Higher 165936
Education to advance collaborative research at institutions of 165937
higher education. Of the foregoing appropriation item 235639, 165938
Research Incentive Third Frontier - Tax, up to \$2,500,000 in each 165939
fiscal year may be allocated toward research regarding the 165940
improvement of water quality, up to \$1,500,000 in each fiscal year 165941
may be allocated for spinal cord research, up to \$1,000,000 in 165942
each fiscal year may be allocated toward research regarding the 165943
reduction of infant mortality, up to \$1,000,000 in each fiscal 165944
year may be allocated toward research regarding opiate addiction 165945
issues in Ohio, up to \$750,000 in each fiscal year may be 165946
allocated toward research regarding cyber security initiatives, up 165947
to \$300,000 in each fiscal year may be allocated toward the 165948
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 165949
be allocated toward the Ohio Innovation Exchange program. 165950

Section 381.680. VETERANS PREFERENCES 165951

The Chancellor of Higher Education shall work with the 165952
Department of Veterans Services to develop specific veterans 165953
preference guidelines for higher education institutions. These 165954
guidelines shall ensure that the institutions' hiring practices 165955
are in accordance with the intent of Ohio's veterans' preference 165956
laws. 165957

Section 381.690. (A) As used in this section: 165958

(1) "Board of trustees" includes the managing authority of a 165959
university branch district. 165960

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.700. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

Section 381.710. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's

university and college faculty in a variety of fields, including, 165991
but not limited to, engineering, biomedicine, and information 165992
technology, and to identify institutional research equipment 165993
available in the state. 165994

Section 381.720. COLLEGE CREDIT PLUS PROGRAM 165995

(A) The Chancellor of Higher Education, in consultation with 165996
the Superintendent of Public Instruction, may take action as 165997
necessary to ensure that public colleges and universities and 165998
school districts are fully engaging and participating in the 165999
College Credit Plus Program as required by Chapter 3365. of the 166000
Revised Code. Such actions may include publicly displaying program 166001
participation data by district and institution. 166002

(B) For the purposes of model pathways required under section 166003
3365.13 of the Revised Code, the Chancellor and Superintendent 166004
shall work with public secondary schools and partnering public 166005
colleges and universities, as necessary, to encourage the 166006
establishment of model pathways that prepare participants to 166007
successfully enter the workforce in certain fields, which may 166008
include any of the following: 166009

(1) Engineering technology and other fields essential to the 166010
superconductor industry; 166011

(2) Nursing, with particular emphasis on models that 166012
facilitate a participant's potential progression through different 166013
levels of nursing; 166014

(3) Teaching and other related education professions; 166015

(4) Social and behavioral or mental health professions; 166016

(5) Law enforcement or corrections; and 166017

(6) Other fields as determined appropriate by the Chancellor 166018
and Superintendent, in consultation with the Governor's Office of 166019

Workforce Transformation.				166020
Section 383.10. DRC DEPARTMENT OF REHABILITATION AND				166021
CORRECTION				166022
General Revenue Fund				166023
GRF 501321	Institutional	\$ 1,317,065,000	\$ 1,395,734,000	166024
	Operations			
GRF 501405	Halfway House	\$ 78,832,000	\$ 84,676,000	166025
GRF 501406	Adult Correctional	\$ 72,500,000	\$ 68,500,000	166026
	Facilities Lease			
	Rental Bond Payments			
GRF 501407	Community	\$ 67,530,000	\$ 67,530,000	166027
	Nonresidential			
	Programs			
GRF 501408	Community Misdemeanor	\$ 9,620,000	\$ 9,620,000	166028
	Programs			
GRF 501501	Community Residential	\$ 94,545,000	\$ 99,657,000	166029
	Programs - Community			
	Based Correctional			
	Facilities			
GRF 503321	Parole and Community	\$ 119,720,000	\$ 128,654,000	166030
	Operations			
GRF 504321	Administrative	\$ 27,304,000	\$ 28,530,000	166031
	Operations			
GRF 505321	Institution Medical	\$ 332,434,000	\$ 352,380,000	166032
	Services			
GRF 506321	Institution Education	\$ 41,228,000	\$ 45,339,000	166033
	Services			
TOTAL GRF General Revenue Fund		\$ 2,160,778,000	\$ 2,280,620,000	166034
Dedicated Purpose Fund Group				166035
4B00 501601	Sewer Treatment	\$ 600,000	\$ 600,000	166036
	Services			

4D40	501603	Prisoner Programs	\$	400,000	\$	400,000	166037
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000	166038
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000	166039
5AF0	501609	State and Non-Federal Awards	\$	1,300,000	\$	1,300,000	166040
5H80	501617	Offender Financial Responsibility	\$	1,860,000	\$	1,860,000	166041
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,250,000	\$	5,250,000	166042
5ZQ0	501505	Local Jail Grants	\$	100,000,000	\$	100,000,000	166043
TOTAL DPF		Dedicated Purpose Fund Group	\$	116,520,000	\$	116,520,000	166044
		Internal Service Activity Fund Group					166045
1480	501602	Institutional Services	\$	2,850,000	\$	2,850,000	166046
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000	166047
4830	501605	Leased Property Maintenance and Operating	\$	7,500,000	\$	7,500,000	166048
5710	501606	Corrections Training Maintenance and Operating	\$	940,000	\$	940,000	166049
5L60	501611	Information Technology Services	\$	500,000	\$	500,000	166050
TOTAL ISA		Internal Activity Fund Group	\$	58,305,000	\$	58,305,000	166051 166052
		Federal Fund Group					166053
3230	501619	Federal Grants	\$	3,540,000	\$	3,540,000	166054
3CW0	501622	Federal Equitable Sharing	\$	300,000	\$	300,000	166055
TOTAL FED		Federal Fund Group	\$	3,840,000	\$	3,840,000	166056 166057

TOTAL ALL BUDGET FUND GROUPS	\$ 2,339,443,000 \$ 2,459,285,000	166058
EXPEDITED PARDON INITIATIVE		166059
Of the foregoing appropriation item 501321, Institutional Operations, up to \$750,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to support projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency.		166060 166061 166062 166063 166064 166065
FELONY OFFENSE COST REIMBURSEMENTS		166066
Of the foregoing appropriation item 501321, Institutional Operations, the Department of Rehabilitation and Correction shall allocate an amount not to exceed \$250,000 in each fiscal year to reimburse counties for their costs incurred in the prosecution of felonies that occur on the grounds of state correctional institutions operated by the Department. Eligible reimbursement costs include those incurred by the prosecuting attorney, indigent defense counsel, courts of common pleas, clerk of courts of common pleas, and the sheriff.		166067 166068 166069 166070 166071 166072 166073 166074 166075
OSU MEDICAL CHARGES		166076
Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.		166077 166078 166079 166080 166081 166082 166083 166084 166085 166086
TRANSITIONAL HOUSING FUNDING		166087
Of the foregoing appropriation item 501405, Halfway House,		166088

priority shall be given to residential providers that accept and place individuals released from institutions operated by the Department of Rehabilitation and Correction to the supervision of the Adult Parole Authority who were previously rejected by all other residential providers.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

ANCHORED TO HOPE PILOT PROGRAM

Of the foregoing appropriation item 503321, Parole and Community Operations, \$500,000 in fiscal year 2024 shall be distributed directly to Anchored to Hope to fund a pilot program that will test the effectiveness of providing a full range of treatment services in reducing the recidivism of offenders in community-based correctional facilities and halfway houses. The services shall include medically assisted treatment, cognitive behavioral therapy, and behavioral intervention technologies. Anchored to Hope shall submit a report of its findings from the pilot program to the General Assembly by June 30, 2025.

REENTRY EMPLOYMENT GRANTS

Of the foregoing appropriation item 503321, Parole and Community Operations, \$400,000 in grants each fiscal year may be awarded by the Department of Rehabilitation and Correction to nonprofit organizations operating reentry employment programs meeting all of the following criteria:

(1) Serve parolees, releasees, and probationers assessed by 166120
the Department as moderate or high risk to recidivate and referred 166121
by the Adult Parole Authority or probation for services; 166122

(2) Provide job readiness training, transitional employment, 166123
job coaching and placement, and post-placement retention services; 166124

(3) Have been independently and rigorously evaluated and 166125
shown to reduce recidivism; 166126

(4) Have the ability to serve multiple large jurisdictions 166127
across the state. 166128

INSTITUTION EDUCATION SERVICES 166129

Of the foregoing appropriation item 506321, Institution 166130
Education Services, \$700,000 in fiscal year 2024 shall be used for 166131
the Ashland University Correctional Education Expansion Program. 166132

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 166133

The foregoing appropriation item 501610, Probation 166134
Improvement and Incentive Grants, shall be allocated by the 166135
Department of Rehabilitation and Correction to municipalities as 166136
Probation Improvement and Incentive Grants with an emphasis on: 166137
(1) providing services to those addicted to opiates and other 166138
illegal substances, and (2) supplementing the programs and 166139
services funded by grants distributed from the foregoing 166140
appropriation item 501407, Community Nonresidential Programs. 166141

LOCAL JAIL GRANTS 166142

The foregoing appropriation item 501505, Local Jail Grants, 166143
shall be used by the Department of Rehabilitation and Correction 166144
to provide grants for county jail construction and renovation 166145
projects. The Department shall accept and review applications and 166146
designate the projects involving the construction and renovation 166147
of county jails in the same manner as the Department administers 166148
funds appropriated for the same purpose from the Adult 166149

Correctional Building Fund. The Department may consider 166150
 applications for the reimbursement of county jail construction and 166151
 renovation project expenditures that were incurred on or after 166152
 July 1, 2021. 166153

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 166154

General Revenue Fund Group 166155

GRF 110908 Property Tax \$ 642,160,000 \$ 647,900,000 166156
 Reimbursement - Local
 Government

GRF 200903 Property Tax \$ 1,214,756,000 \$ 1,238,032,000 166157
 Reimbursement -
 Education

TOTAL GRF General Revenue Fund \$ 1,856,916,000 \$ 1,885,932,000 166158
 Group

Revenue Distribution Fund Group 166159

5JG0 110633 Gross Casino Revenue \$ 179,057,966 \$ 183,534,415 166160
 Payments-County

5JH0 110634 Gross Casino Revenue \$ 114,908,119 \$ 117,780,822 166161
 Payments- School
 Districts

5JJ0 110636 Gross Casino Revenue \$ 17,554,703 \$ 17,993,571 166162
 - Host City

7047 200902 Property Tax \$ 60,386,576 \$ 53,927,487 166163
 Replacement Phase
 Out-Education

7050 762900 International \$ 23,000,000 \$ 23,000,000 166164
 Registration Plan
 Distribution

7051 762901 Auto Registration \$ 365,000,000 \$ 372,000,000 166165
 Distribution

7065 110965 Public Library Fund \$ 505,000,000 \$ 530,000,000 166166

7066	800966	Undivided Liquor Permits	\$	14,600,000	\$	14,600,000	166167
7069	110969	Local Government Fund	\$	505,000,000	\$	530,000,000	166168
7081	110907	Local Government Property Tax Replacement - Business	\$	6,829,862	\$	6,488,369	166169
7082	110982	Horse Racing Tax	\$	50,000	\$	50,000	166170
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	166171
TOTAL RDF Revenue Distribution							166172
Fund Group			\$	1,792,387,226	\$	1,850,374,644	166173
Fiduciary Fund Group							166174
4P80	001698	Cash Management Improvement Fund	\$	1,000,000	\$	1,000,000	166175
5VR0	110902	Municipal Net Profit Tax	\$	180,000,000	\$	180,000,000	166176
6080	001699	Investment Earnings	\$	350,000,000	\$	350,000,000	166177
7001	110996	Horse Racing Tax Local Government Payments	\$	200,000	\$	200,000	166178
7062	110962	Resort Area Excise Tax Distribution	\$	2,164,084	\$	2,164,084	166179
7063	110963	Permissive Sales Tax Distribution	\$	3,662,800,000	\$	3,975,300,000	166180
7067	110967	School District Income Tax Distribution	\$	710,666,667	\$	774,000,000	166181
7085	800985	Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	166182
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	166183
7094	110641	Wireless 9-1-1 Government Assistance	\$	27,637,500	\$	27,775,688	166184
7095	110995	Municipal Income Tax	\$	15,450,000	\$	15,913,500	166185

7099 762902	Permissive Tax	\$ 242,000,000	\$ 242,000,000	166186
	Distribution - Auto			
	Registration			
TOTAL FID	Fiduciary Fund Group	\$ 5,193,218,251	\$ 5,569,653,272	166187
	Holding Account Fund Group			166188
R045 110617	International Fuel	\$ 70,698,838	\$ 72,819,803	166189
	Tax Distribution			
TOTAL HLD	Holding Account Fund	\$ 70,698,838	\$ 72,819,803	166190
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 8,913,220,315	\$ 9,378,779,739	166191

Section 387.20. ADDITIONAL APPROPRIATIONS 166193

Appropriation items in Section 387.10 of this act shall be 166194
used for the purpose of administering and distributing the 166195
designated revenue distribution funds according to the Revised 166196
Code. If it is determined that additional appropriations are 166197
necessary for this purpose in any appropriation items in Section 166198
387.10 of this act, such amounts are hereby appropriated. 166199

GENERAL REVENUE FUND TRANSFERS 166200

Notwithstanding any provision of law to the contrary, in 166201
fiscal year 2024 and fiscal year 2025, the Director of Budget and 166202
Management may transfer from the General Revenue Fund to the Local 166203
Government Tangible Property Tax Replacement Fund (Fund 7081) and 166204
the School District Tangible Property Tax Replacement Fund (Fund 166205
7047) in the Revenue Distribution Fund Group, those amounts 166206
necessary to reimburse local taxing units and school districts 166207
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 166208
fiscal year 2024 and fiscal year 2025, the Director of Budget and 166209
Management may make temporary transfers from the General Revenue 166210
Fund to ensure sufficient balances in the Local Government 166211
Tangible Property Tax Replacement Fund (Fund 7081) and the School 166212
District Tangible Property Tax Replacement Fund (Fund 7047) and to 166213

replenish the General Revenue Fund for such transfers. 166214

PROPERTY TAX REIMBURSEMENT - EDUCATION 166215

The foregoing appropriation item 200903, Property Tax 166216
Reimbursement - Education, is appropriated to pay for the state's 166217
costs incurred because of the homestead exemption, the property 166218
tax rollback, and payments required under division (C) of section 166219
5705.2110 of the Revised Code. In cooperation with the Department 166220
of Taxation, the Department of Education shall distribute these 166221
funds directly to the appropriate school districts of the state, 166222
notwithstanding sections 321.24 and 323.156 of the Revised Code, 166223
which provide for payment of the homestead exemption and property 166224
tax rollback by the Tax Commissioner to the appropriate county 166225
treasurer and the subsequent redistribution of these funds to the 166226
appropriate local taxing districts by the county auditor. 166227

Upon receipt of these amounts, each school district shall 166228
distribute the amount among the proper funds as if it had been 166229
paid as real or tangible personal property taxes. Payments for the 166230
costs of administration shall continue to be paid to the county 166231
treasurer and county auditor as provided for in sections 319.54, 166232
321.26, and 323.156 of the Revised Code. 166233

Any sums, in addition to the amount specifically appropriated 166234
in appropriation item 200903, Property Tax Reimbursement - 166235
Education, for the homestead exemption and the property tax 166236
rollback payments, and payments required under division (C) of 166237
section 5705.2110 of the Revised Code, which are determined to be 166238
necessary for these purposes, are hereby appropriated. 166239

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 166240

The foregoing appropriation item 110908, Property Tax 166241
Reimbursement-Local Government, is hereby appropriated to pay for 166242
the state's costs incurred due to the Homestead Exemption, the 166243
Manufactured Home Property Tax Rollback, and the Property Tax 166244

Rollback. The Tax Commissioner shall distribute these funds 166245
directly to the appropriate local taxing districts, except for 166246
school districts, notwithstanding the provisions in sections 166247
321.24 and 323.156 of the Revised Code, which provide for payment 166248
of the Homestead Exemption, the Manufactured Home Property Tax 166249
Rollback, and Property Tax Rollback by the Tax Commissioner to the 166250
appropriate county treasurer and the subsequent redistribution of 166251
these funds to the appropriate local taxing districts by the 166252
county auditor. 166253

Upon receipt of these amounts, each local taxing district 166254
shall distribute the amount among the proper funds as if it had 166255
been paid as real property taxes. Payments for the costs of 166256
administration shall continue to be paid to the county treasurer 166257
and county auditor as provided for in sections 319.54, 321.26, and 166258
323.156 of the Revised Code. 166259

Any sums, in addition to the amounts specifically 166260
appropriated in appropriation item 110908, Property Tax Allocation 166261
- Local Government, for the Homestead Exemption, the Manufactured 166262
Home Property Tax Rollback, and the Property Tax Rollback 166263
payments, which are determined to be necessary for these purposes, 166264
are hereby appropriated. 166265

MUNICIPAL INCOME TAX 166266

The foregoing appropriation item 110995, Municipal Income 166267
Tax, shall be used to make payments to municipal corporations 166268
under section 5745.05 of the Revised Code. If it is determined 166269
that additional appropriations are necessary to make such 166270
payments, such amounts are hereby appropriated. 166271

MUNICIPAL NET PROFIT TAX 166272

The foregoing appropriation item 110902, Municipal Net Profit 166273
Tax, shall be used to make payments to municipal corporations 166274
under section 718.83 of the Revised Code. If it is determined that 166275

additional amounts are necessary to make such payments, such 166276
amounts are hereby appropriated. 166277

During fiscal year 2024 and fiscal year 2025, if the Tax 166278
Commissioner determines that there is insufficient cash in the 166279
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 166280
distribution obligations under section 718.83 of the Revised Code, 166281
the Tax Commissioner shall certify to the Director of Budget and 166282
Management the amount of additional cash necessary to satisfy 166283
those obligations. In addition, the Commissioner shall submit a 166284
plan to the Director requesting the necessary cash be transferred 166285
from one or a combination of the following funds: the Municipal 166286
Income Tax Administrative Fund, the Local Sales Tax Administrative 166287
Fund, the General School District Income Tax Administrative Fund, 166288
the Motor Fuel Tax Administrative Fund, the Property Tax 166289
Administrative Fund, or the General Revenue Fund. This plan shall 166290
include a proposed repayment schedule to reimburse those funds for 166291
any cash transferred in accordance with this section. After 166292
receiving the certification and funding plan from the Tax 166293
Commissioner and if the Director determines that sufficient cash 166294
is available, the Director may transfer the cash to the Municipal 166295
Net Profit Tax Fund in accordance with the plan submitted by the 166296
Tax Commissioner or as otherwise determined by the Director of 166297
Budget and Management. The Director of Budget and Management may 166298
transfer cash from the Municipal Net Profit Tax Fund to reimburse 166299
the funds from which cash was transferred for the purpose outlined 166300
in this section. 166301

PUBLIC LIBRARY FUND 166302

Notwithstanding the requirement in division (B) of section 166303
131.51 of the Revised Code that the Director of Budget and 166304
Management shall credit to the Public Library Fund one and 166305
sixty-six one-hundredths per cent of the total tax revenue 166306
credited to the General Revenue Fund during the preceding month, 166307

the Director shall instead calculate these amounts during fiscal 166308
year 2024 and fiscal year 2025 using one and seven-tenths as the 166309
percentage. 166310

LOCAL GOVERNMENT FUND 166311

Notwithstanding the requirement in division (A) of section 166312
131.51 of the Revised Code that the Director of Budget and 166313
Management shall credit to the Local Government Fund one and 166314
sixty-six one-hundredths per cent of the total tax revenue 166315
credited to the General Revenue Fund during the preceding month, 166316
the Director shall instead calculate these amounts during fiscal 166317
year 2024 and fiscal year 2025 using one and seven-tenths as the 166318
percentage. 166319

Section 391.10. OSB DEAF AND BLIND EDUCATION SERVICES 166320

General Revenue Fund 166321

GRF 226321	Operations	\$	30,214,000	\$	30,634,000	166322
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TOTAL GRF	General Revenue Fund	\$	30,214,000	\$	30,634,000	166323
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Dedicated Purpose Fund Group 166324

4H80 226602	Blind School State	\$	260,000	\$	260,000	166325
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Grants

4M00 226400	Deaf School	\$	300,000	\$	300,000	166326
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Educational Program

Expenses

4M10 226401	Deaf School State	\$	195,000	\$	195,000	166327
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Grants

4M50 226601	Blind School	\$	313,952	\$	315,608	166328
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Educational Program

Expenses

5H60 226402	Early Childhood	\$	53,000	\$	53,000	166329
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Education

5NJ0 226622	Employee Food Service	\$	22,000	\$	22,000	166330
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Charges			
TOTAL DPF Dedicated Purpose Fund Group	\$	1,143,952	\$ 1,145,608 166331
Federal Fund Group			166332
3100 226626 Blind School Federal Grants	\$	1,058,848	\$ 1,061,679 166333
3110 226403 Deaf School Federal Grants	\$	570,000	\$ 535,030 166334
3DT0 226621 Ohio Transition Collaborative	\$	150,000	\$ 150,000 166335
3P50 226643 Medicaid Professional Services Reimbursement	\$	215,000	\$ 215,000 166336
TOTAL FED Federal Fund Group	\$	1,993,848	\$ 1,961,709 166337
TOTAL ALL BUDGET FUND GROUPS	\$	33,351,800	\$ 33,741,317 166338
Section 395.10. SOS SECRETARY OF STATE			166340
General Revenue Fund			166341
GRF 050321 Operating Expenses	\$	890,000	\$ 890,000 166342
GRF 050407 Poll Workers Training	\$	0	\$ 500,000 166343
GRF 050509 County Voting Systems Lease Rental Payments	\$	12,200,000	\$ 12,200,000 166344
TOTAL GRF General Revenue Fund	\$	13,090,000	\$ 13,590,000 166345
Dedicated Purpose Fund Group			166346
4120 050609 Notary Commission	\$	500,000	\$ 500,000 166347
4S80 050610 Board of Voting Machine Examiners	\$	14,400	\$ 14,400 166348
5990 050603 Business Services Operating Expenses	\$	23,818,137	\$ 24,850,878 166349
5990 050629 Statewide Voter Registration Database	\$	700,000	\$ 700,000 166350
5990 050630 Elections Support	\$	2,960,000	\$ 3,090,000 166351

		Supplement				
5990	050631	Precinct Election	\$	0	\$	500,000 166352
		Officials Training				
5990	050636	County Election	\$	220,000	\$	240,000 166353
		Official Training				
5SN0	050626	Address	\$	200,000	\$	200,000 166354
		Confidentiality				
TOTAL DPF		Dedicated Purpose Fund	\$	28,412,537	\$	30,095,278 166355
		Group				
		Holding Account Fund Group				166356
R002	050606	Corporate/Business	\$	85,000	\$	85,000 166357
		Filing Refunds				
TOTAL HLD		Holding Account Fund	\$	85,000	\$	85,000 166358
		Group				
		Federal Fund Group				166359
3AS0	050616	Help America Vote Act	\$	1,500,000	\$	1,500,000 166360
		(HAVA)				
TOTAL FED		Federal Fund Group	\$	1,500,000	\$	1,500,000 166361
TOTAL ALL		BUDGET FUND GROUPS	\$	43,087,537	\$	45,270,278 166362

Section 395.20. POLL WORKERS TRAINING 166364

The foregoing appropriation item 050407, Poll Workers 166365
 Training, shall be used to provide funding to county boards of 166366
 elections for precinct election official (PEO) training pursuant 166367
 to section 3501.27 of the Revised Code. 166368

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 166369

The foregoing appropriation item 050509, County Voting 166370
 Systems Lease Rental Payments, shall be used to make payments 166371
 during the period from July 1, 2023, through June 30, 2025, 166372
 pursuant to leases and agreements entered into under Section 4 of 166373
 S.B. 135 of the 132nd General Assembly with respect to financing 166374
 the costs associated with the acquisition, development, 166375

installation, and implementation of county voting systems. 166376

BOARD OF VOTING MACHINE EXAMINERS 166377

The foregoing appropriation item 050610, Board of Voting 166378
Machine Examiners, shall be used to pay for the services and 166379
expenses of the members of the Board of Voting Machine Examiners, 166380
and for other expenses that are authorized to be paid from the 166381
Board of Voting Machine Examiners Fund (Fund 4S80) created in 166382
section 3506.05 of the Revised Code. Moneys not used shall be 166383
returned to the person or entity submitting equipment for 166384
examination. If it is determined by the Secretary of State that 166385
additional appropriation amounts are necessary, the Secretary of 166386
State may request that the Director of Budget and Management 166387
approve such amounts. Upon approval of the Director of Budget and 166388
Management, such amounts are hereby appropriated. 166389

BALLOT ADVERTISING COSTS 166390

Notwithstanding division (G) of section 3501.17 of the 166391
Revised Code, upon requests submitted by the Secretary of State, 166392
the Controlling Board may approve cash and appropriation transfers 166393
from the Controlling Board Emergency Purposes/Contingencies Fund 166394
(Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) 166395
in order to pay for the cost of public notices associated with 166396
statewide ballot initiatives. 166397

ABSENT VOTER'S BALLOT APPLICATION MAILING 166398

Notwithstanding division (B) of section 111.31 of the Revised 166399
Code, upon the request of the Secretary of State, the Controlling 166400
Board may approve cash and appropriation transfers from the 166401
Controlling Board Emergency Purposes/Contingencies Fund (Fund 166402
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 166403
5RG0) to be used by the Secretary of State to pay the costs of 166404
printing and mailing unsolicited applications for absent voters' 166405
ballots for the general election to be held in November 2024. 166406

ADDRESS CONFIDENTIALITY PROGRAM	166407
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$200,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).	166408 166409 166410 166411
CORPORATE/BUSINESS FILING REFUNDS	166412
The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.	166413 166414 166415 166416 166417 166418 166419 166420
HAVA FUNDS	166421
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.	166422 166423 166424 166425
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.	166426 166427 166428 166429
Section 397.10. SEN THE OHIO SENATE	166430
GRF 020321 Operating Expenses \$ 20,000,000 \$ 20,000,000	166431
TOTAL GRF General Revenue Fund \$ 20,000,000 \$ 20,000,000	166432
Internal Service Activity Fund Group	166433
1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800	166434
4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497	166435
TOTAL ISA Internal Service Activity	166436

Fund Group	\$	460,297	\$	460,297	166437
TOTAL ALL BUDGET FUND GROUPS	\$	20,460,297	\$	20,460,297	166438

OPERATING EXPENSES 166439

On July 1, 2023, or as soon as possible thereafter, the Clerk 166440
of the Senate may certify to the Director of Budget and Management 166441
an amount up to the unexpended, unencumbered balance of the 166442
foregoing appropriation item 020321, Operating Expenses, at the 166443
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 166444
The amount certified is hereby reappropriated to the same 166445
appropriation item for fiscal year 2024. 166446

On July 1, 2024, or as soon as possible thereafter, the Clerk 166447
of the Senate may certify to the Director of Budget and Management 166448
an amount up to the unexpended, unencumbered balance of the 166449
foregoing appropriation item 020321, Operating Expenses, at the 166450
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 166451
The amount certified is hereby reappropriated to the same 166452
appropriation item for fiscal year 2025. 166453

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 166454

General Revenue Fund 166455

GRF 866321 CSV Operations	\$	685,000	\$	694,000	166456
TOTAL GRF General Revenue Fund	\$	685,000	\$	694,000	166457

Dedicated Purpose Fund Group 166458

5GN0 866605 Serve Ohio Support	\$	13,000	\$	13,000	166459
TOTAL DPF Dedicated Purpose Fund	\$	13,000	\$	13,000	166460

Group

Federal Fund Group 166461

3R70 866617 AmeriCorps Programs	\$	13,868,066	\$	13,897,793	166462
TOTAL FED Federal Fund Group	\$	13,868,066	\$	13,897,793	166463
TOTAL ALL BUDGET FUND GROUPS	\$	14,566,066	\$	14,604,793	166464

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 166466

Debt Service Fund Group				166467
7070 155905 Third Frontier Research and Development Bond Retirement Fund	\$	196,260,000	\$	0 166468
7072 155902 Highway Capital Improvement Bond Retirement Fund	\$	155,000,000	\$ 136,000,000	166469
7073 155903 Natural Resources Bond Retirement Fund	\$	20,200,000	\$ 16,800,000	166470
7074 155904 Conservation Projects Bond Retirement Fund	\$	46,600,000	\$ 40,900,000	166471
7076 155906 Coal Research and Development Bond Retirement Fund	\$	18,340,000	\$	0 166472
7077 155907 State Capital Improvement Bond Retirement Fund	\$	231,000,000	\$ 236,000,000	166473
7078 155908 Common Schools Bond Retirement Fund	\$	370,000,000	\$ 297,000,000	166474
7079 155909 Higher Education Bond Retirement Fund	\$	250,000,000	\$ 275,000,000	166475
7080 155901 Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$	4,995,000	\$ 4,995,000	166476
TOTAL DSF Debt Service Fund Group	\$	1,292,395,000	\$ 1,006,695,000	166477
TOTAL ALL BUDGET FUND GROUPS	\$	1,292,395,000	\$ 1,006,695,000	166478
ADDITIONAL APPROPRIATIONS				166479
Appropriation items in this section are for the purpose of				166480
paying debt service and financing costs during the period from				166481
July 1, 2023, through June 30, 2025, on bonds or notes of the				166482

state issued under the Ohio Constitution, Revised Code, and acts 166483
of the General Assembly. If it is determined that additional 166484
amounts are necessary for this purpose, such amounts are hereby 166485
appropriated. 166486

Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS 166487
BOARD 166488
Dedicated Purpose Fund Group 166489
4K90 123609 Operating Expenses \$ 647,461 \$ 652,461 166490
TOTAL DPF Dedicated Purpose Fund \$ 647,461 \$ 652,461 166491
Group
TOTAL ALL BUDGET FUND GROUPS \$ 647,461 \$ 652,461 166492

Section 407.10. BTA BOARD OF TAX APPEALS 166494
General Revenue Fund 166495
GRF 116321 Operating Expenses \$ 2,085,000 \$ 2,296,000 166496
TOTAL GRF General Revenue Fund \$ 2,085,000 \$ 2,296,000 166497
TOTAL ALL BUDGET FUND GROUPS \$ 2,085,000 \$ 2,296,000 166498

Section 409.10. TAX DEPARTMENT OF TAXATION 166500
General Revenue Fund 166501
GRF 110321 Operating Expenses \$ 60,141,000 \$ 60,530,000 166502
GRF 110404 Tobacco Settlement \$ 154,000 \$ 154,000 166503
Enforcement
TOTAL GRF General Revenue Fund \$ 60,295,000 \$ 60,684,000 166504
Dedicated Purpose Fund Group 166505
2280 110628 CAT Administration \$ 11,336,886 \$ 11,336,886 166506
4350 110607 Local Tax \$ 32,467,356 \$ 33,100,095 166507
Administration
4360 110608 Motor Vehicle Audit \$ 1,509,168 \$ 1,509,168 166508
Administration
4380 110609 School District \$ 9,098,829 \$ 9,168,747 166509

		Income Tax				
		Administration				
4C60	110616	International	\$	726,464	\$	726,464 166510
		Registration Plan				
		Administration				
4R60	110610	Tire Tax	\$	180,000	\$	180,000 166511
		Administration				
5BP0	110639	Wireless 9-1-1	\$	302,244	\$	302,244 166512
		Administration				
5JM0	110637	Casino Tax	\$	125,000	\$	125,000 166513
		Administration				
5N50	110605	Municipal Income Tax	\$	200,000	\$	200,000 166514
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 166515
		Administration				
5NY0	110643	Petroleum Activity	\$	1,010,356	\$	1,010,356 166516
		Tax Administration				
5V70	110622	Motor Fuel Tax	\$	6,118,069	\$	6,118,069 166517
		Administration				
5V80	110623	Property Tax	\$	5,108,681	\$	5,108,681 166518
		Administration				
5YQ0	110651	Sports Gaming Tax	\$	100,000	\$	100,000 166519
		Administration				
		Operating Expenses				
5ZA0	110650	Ohio Tax System	\$	3,000,000	\$	5,000,000 166520
		Operating Expenses				
6390	110614	Cigarette Tax	\$	1,300,000	\$	1,300,000 166521
		Enforcement				
6880	110615	Local Excise Tax	\$	511,916	\$	511,916 166522
		Administration				
TOTAL	DPF	Dedicated Purpose Fund	\$	73,194,969	\$	75,897,626 166523
		Group				
		Fiduciary Fund Group				166524

4250	110635	Tax Refunds	\$ 2,853,345,225	\$ 3,082,043,652	166525
5CZ0	110631	Vendor's License	\$ 500,000	\$ 500,000	166526
		Application			
TOTAL FID	Fiduciary Fund Group		\$ 2,853,845,225	\$ 3,082,543,652	166527
	Holding Account Fund Group				166528
R010	110611	Tax Distributions	\$ 25,000	\$ 25,000	166529
R011	110612	Miscellaneous Income	\$ 500	\$ 500	166530
		Tax Receipts			
TOTAL HLD	Holding Account Fund		\$ 25,500	\$ 25,500	166531
	Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 2,987,360,694	\$ 3,219,150,778	166532

Section 409.20. TAX REFUNDS 166534

The foregoing appropriation item 110635, Tax Refunds, shall 166535
be used to pay refunds under section 5703.052 of the Revised Code. 166536
If it is determined that additional appropriations are necessary 166537
for this purpose, such amounts are hereby appropriated. 166538

VENDOR'S LICENSE PAYMENTS 166539

The foregoing appropriation item 110631, Vendor's License 166540
Application, shall be used to make payments to county auditors 166541
under section 5739.17 of the Revised Code. If it is determined 166542
that additional appropriations are necessary to make such 166543
payments, such amounts are hereby appropriated. 166544

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 166545

The foregoing appropriation item 110616, International 166546
Registration Plan Administration, shall be used under section 166547
5703.12 of the Revised Code for audits of persons with vehicles 166548
registered under the International Registration Plan. 166549

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 166550

Of the foregoing appropriation item 110607, Local Tax 166551
Administration, the Tax Commissioner may disburse funds, if 166552

available, for the purposes of paying travel expenses incurred by 166553
members of Ohio's delegation to the Streamlined Sales Tax Project, 166554
as appointed under section 5740.02 of the Revised Code. Any travel 166555
expense reimbursement paid for by the Department of Taxation shall 166556
be done in accordance with applicable state laws and guidelines. 166557

TOBACCO SETTLEMENT ENFORCEMENT 166558

The foregoing appropriation item 110404, Tobacco Settlement 166559
Enforcement, shall be used by the Tax Commissioner to pay costs 166560
incurred in the enforcement of divisions (F) and (G) of section 166561
5743.03 of the Revised Code. 166562

OHIO TAX SYSTEM SUPPORT FUND 166563

The foregoing appropriation item 110650, Ohio Tax System 166564
Operating Expenses, shall be used to pay costs incurred in the 166565
maintenance and support of the department's Ohio Tax System. The 166566
Tax Commissioner shall submit a plan to the Director of Budget and 166567
Management requesting the necessary cash be transferred to the 166568
Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created 166569
in the state treasury. Cash shall be transferred from one or a 166570
combination of the following funds: the Revenue Enhancement Fund, 166571
Local Sales Tax Administrative Fund, General School District 166572
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 166573
Property Tax Administration Fund, STARS Development and 166574
Implementation Fund, and the Motor Fuel Tax Administration Fund. 166575
This plan shall include a schedule of cash transfers. After 166576
receiving the funding plan from the Tax Commissioner and if the 166577
Director determines that sufficient cash is available, the 166578
Director may transfer the cash to the Ohio Tax System Support Fund 166579
with the plan submitted by the Tax Commissioner or as otherwise 166580
determined by the Director of Budget and Management. The transfers 166581
of cash to the Ohio Tax System Support Fund shall not exceed 166582
\$8,000,000 in the fiscal year 2024-2025 biennium. 166583

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION				166584
General Revenue Fund				166585
GRF	772455	DriveOhio and UAS Center EV Workforce Transformation	\$ 500,000 \$	1,500,000 166586
GRF	772456	Unmanned Aerial Systems Center	\$ 5,500,000 \$	5,500,000 166587
GRF	776465	Rail Development	\$ 6,000,000 \$	6,000,000 166588
GRF	777471	Airport Improvements - State	\$ 12,500,000 \$	12,500,000 166589
TOTAL GRF General Revenue Fund			\$ 24,500,000 \$	25,500,000 166590
Dedicated Purpose Fund Group				166591
5QT0	776670	Ohio Maritime Assistance Program	\$ 20,000,000 \$	20,000,000 166592
5ZR0	776673	Connect4Ohio	\$ 1,000,000,000 \$	0 166593
5AC1	776674	Airport Development Grants	\$ 50,000,000 \$	0 166594
TOTAL DPF Dedicated Purpose Fund Group			\$ 1,070,000,000 \$	20,000,000 166595
TOTAL ALL BUDGET FUND GROUPS			\$1,094,500,000 \$	45,500,000 166596

Section 411.15. OHIO MARITIME ASSISTANCE PROGRAM 166598

The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used to provide grants under the Ohio Maritime Assistance Program established under section 5501.91 of the Revised Code. 166599
166600
166601
166602

The Director of Budget and Management, on July 1 or as soon as possible thereafter in each fiscal year, shall transfer \$20,000,000 cash from the General Revenue Fund to the Ohio Maritime Assistance Fund (Fund 5QT0). 166603
166604
166605
166606

Section 411.30. CONNECT4OHIO 166607

The foregoing appropriation item 776673, Connect4Ohio, shall 166608
be used to administer the Connect4Ohio Program created under 166609
Section 755.30 of this act. The unexpended, unencumbered portion 166610
of appropriation item 776673, Connect4Ohio, at the end of fiscal 166611
year 2024 is hereby reappropriated for the same purpose in fiscal 166612
year 2025. 166613

Of the foregoing appropriation item 776673, Connect4Ohio, the 166614
amounts below shall be used as follows: 166615

(A) Up to \$200,000,000 of funding available under 166616
appropriation item 776673, Connect4Ohio, shall be used to complete 166617
qualifying bridge replacement projects as described under division 166618
(C)(3) of Section 755.30 of this act. 166619

(B) Up to \$200,000,000 of funding available under 166620
appropriation item 776673, Connect4Ohio, shall be used to provide 166621
necessary matching funds under division (D)(3) of Section 755.30 166622
of this act. 166623

(C) Up to \$24,000,000 in fiscal year 2024 under appropriation 166624
item 776673, Connect4Ohio, shall be allocated in the following 166625
manner: up to \$14,400,000 shall be allocated to the Licking County 166626
Board of Commissioners, up to \$3,600,000 shall be allocated to the 166627
City of Newark, up to \$3,600,000 shall be allocated to the City of 166628
Johnstown, and up to \$2,400,000 shall be allocated to the City of 166629
Heath. These allocations shall be used for road improvements 166630
including road expansion, road development, bridges, culverts, and 166631
right-of-way acquisitions in support of the Intel economic 166632
development project. 166633

(D) Up to \$6,200,000 in fiscal year 2024 under appropriation 166634
item 776673, Connect4Ohio, shall be allocated to the Fayette 166635
County Engineer for road improvement projects. 166636

(E) Up to \$1,000,000 of funding available under appropriation 166637
item 776673, Connect4Ohio, shall be used to conduct a feasibility 166638
study to examine granting right-of-way access along State Route 11 166639
connecting two deep sea ports in Ashtabula County with a deep sea 166640
port in Columbiana County. 166641

(F) At least thirty-three per cent of the funding available 166642
under appropriation item 776673, Connect4Ohio, notwithstanding the 166643
allocations in divisions (A), (B), (C), (D), and (E) of this 166644
section, shall be used for qualifying projects under division (A) 166645
of Section 755.30 of this act. 166646

Section 411.40. AIRPORT DEVELOPMENT GRANTS 166647

Of the foregoing appropriation item 776674, Airport 166648
Development Grants, \$3,000,000 in fiscal year 2024 shall be used 166649
to support runway improvements and extensions for the 166650
Youngstown-Warren Regional Airport in Trumbull County. 166651

The remainder of the foregoing appropriation item 776674, 166652
Airport Development Grants, shall be used for commercial airport 166653
improvements in the state. An amount equal to the unexpended, 166654
unencumbered portion of this appropriation at the end of fiscal 166655
year 2024 is hereby reappropriated for the same purposes in fiscal 166656
year 2025. 166657

Section 413.10. TOS TREASURER OF STATE 166658

General Revenue Fund					166659	
GRF 090321	Operating Expenses	\$	6,478,000	\$	5,432,000	166660
GRF 090406	Treasury Management	\$	1,120,000	\$	1,120,000	166661
	System Lease Rental					
	Payments					
TOTAL GRF	General Revenue Fund	\$	7,598,000	\$	6,552,000	166662
	Dedicated Purpose Fund Group					166663

4E90	090603	Securities Lending	\$	10,022,465	\$	11,068,905	166664
		Income					
4X90	090614	Political Subdivision	\$	35,000	\$	35,000	166665
		Obligation					
5770	090605	Investment Pool	\$	1,700,000	\$	1,700,000	166666
		Reimbursement					
5C50	090602	County Treasurer	\$	250,000	\$	250,000	166667
		Education					
6050	090609	Treasurer of State	\$	1,800,000	\$	1,800,000	166668
		Administrative Fund					
TOTAL DPF Dedicated Purpose							166669
Fund Group			\$	13,807,465	\$	14,853,905	166670
Fiduciary Fund Group							166671
4250	090635	Tax Refunds	\$	12,000,000	\$	12,000,000	166672
TOTAL FID Fiduciary Fund Group			\$	12,000,000	\$	12,000,000	166673
TOTAL ALL BUDGET FUND GROUPS			\$	33,405,465	\$	33,405,905	166674

Section 413.20. TAX REFUNDS 166676

The foregoing appropriation item 090635, Tax Refunds, shall 166677
be used to pay refunds under section 5703.052 of the Revised Code. 166678
If the Director of Budget and Management determines that 166679
additional amounts are necessary for this purpose, such amounts 166680
are hereby appropriated. 166681

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 166682
PAYMENTS 166683

The foregoing appropriation item 090406, Treasury Management 166684
System Lease Rental Payments, shall be used to make payments 166685
during the period from July 1, 2023, through June 30, 2025, 166686
pursuant to leases and agreements entered into under Section 166687
701.20 of H.B. 497 of the 130th General Assembly and other prior 166688
acts of the General Assembly with respect to financing the costs 166689

associated with the acquisition, development, implementation, and 166690
integration of the Treasury Management System. 166691

Section 414.10. VTO VETERANS' ORGANIZATIONS 166692

General Revenue Fund 166693

VAP AMERICAN EX-PRISONERS OF WAR 166694

GRF 743501 State Support \$ 40,000 \$ 40,000 166695

VAN ARMY AND NAVY UNION, USA, INC. 166696

GRF 746501 State Support \$ 75,000 \$ 75,000 166697

VKW KOREAN WAR VETERANS 166698

GRF 747501 State Support \$ 75,000 \$ 75,000 166699

VJW JEWISH WAR VETERANS 166700

GRF 748501 State Support \$ 55,000 \$ 55,000 166701

VCW CATHOLIC WAR VETERANS 166702

GRF 749501 State Support \$ 75,000 \$ 75,000 166703

VPH MILITARY ORDER OF THE PURPLE HEART 166704

GRF 750501 State Support \$ 75,000 \$ 75,000 166705

VVV VIETNAM VETERANS OF AMERICA 166706

GRF 751501 State Support \$ 275,000 \$ 275,000 166707

VAL AMERICAN LEGION OF OHIO 166708

GRF 752501 State Support \$ 450,000 \$ 450,000 166709

VII AMVETS 166710

GRF 753501 State Support \$ 450,000 \$ 450,000 166711

VAV DISABLED AMERICAN VETERANS 166712

GRF 754501 State Support \$ 450,000 \$ 450,000 166713

VMC MARINE CORPS LEAGUE 166714

GRF 756501 State Support \$ 190,000 \$ 190,000 166715

V37 37TH DIVISION VETERANS' ASSOCIATION 166716

GRF 757501 State Support \$ 15,000 \$ 15,000 166717

VFW VETERANS OF FOREIGN WARS 166718

GRF 758501 State Support \$ 450,000 \$ 450,000 166719

TOTAL GRF General Revenue Fund \$ 2,675,000 \$ 2,675,000 166720

TOTAL ALL BUDGET FUND GROUPS		\$	2,675,000	\$	2,675,000	166721
Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES						166723
General Revenue Fund						166724
GRF 900321	Veterans' Homes	\$	48,972,000	\$	51,374,000	166725
GRF 900402	Hall of Fame	\$	105,000	\$	112,000	166726
GRF 900408	Department of Veterans Services	\$	4,794,000	\$	4,837,000	166727
GRF 900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,560,000	\$	1,560,000	166728
GRF 900901	Veterans Compensation General Obligation Bond Debt Service	\$	4,995,000	\$	4,995,000	166729
TOTAL GRF General Revenue Fund		\$	60,426,000	\$	62,878,000	166730
Dedicated Purpose Fund Group						166731
4840 900603	Veterans' Homes Services	\$	700,000	\$	700,000	166732
4E20 900602	Veterans' Homes Operating	\$	14,000,000	\$	14,000,000	166733
5DB0 900643	Military Injury Relief Program	\$	55,800	\$	55,800	166734
5NX0 900646	State Opioid Response	\$	1,000,000	\$	1,000,000	166735
5YP0 900650	Sports Gaming - Veterans	\$	125,000	\$	125,000	166736
5Z00 900411	Veterans Homes Modernization	\$	65,000,000		0	166737
TOTAL DPF Dedicated Purpose Fund Group		\$	80,880,800	\$	15,880,800	166738
Debt Service Fund Group						166739
7041 900615	Veteran Bonus Program - Administration	\$	229,024	\$	205,643	166740

7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 4,770,976	\$ 4,794,357	166741
TOTAL DSF Debt Service				166742
Fund Group		\$ 5,000,000	\$ 5,000,000	166743
Federal Fund Group				166744
3680 900614	Veterans Training	\$ 936,491	\$ 963,333	166745
3BX0 900609	Medicare Services	\$ 1,000,000	\$ 1,000,000	166746
3L20 900601	Veterans' Homes Operations - Federal	\$ 30,500,000	\$ 30,500,000	166747
TOTAL FED Federal Fund Group				166748
TOTAL ALL BUDGET FUND GROUPS				166749
VETERANS ORGANIZATIONS' RENT				166750
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.				166751 166752 166753 166754
USA CARES - OHIO				166755
Of the foregoing appropriation item 900408, Department of Veterans Services, \$750,000 in each fiscal year shall be used for USA Cares - Ohio.				166756 166757 166758
VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS				166759
Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2024 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.				166760 166761 166762 166763 166764 166765 166766
SAVE A WARRIOR				166767

Of the foregoing appropriation item 900408, Department of 166768
Veterans Services, \$100,000 in each fiscal year shall be 166769
distributed to Save a Warrior to provide post-traumatic stress 166770
rehabilitation services to Ohio veterans at their facility located 166771
in Highland County. 166772

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 166773

The foregoing appropriation item 900901, Veterans 166774
Compensation General Obligation Bond Debt Service, shall be used 166775
to pay all debt service and related financing costs during the 166776
period from July 1, 2023, through June 30, 2025, on obligations 166777
issued under Section 2r of Article VIII, Ohio Constitution. 166778

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 166779

Dedicated Purpose Fund Group 166780

4K90 888609 Operating Expenses \$ 444,000 \$ 448,000 166781

5YG0 888603 Veterinarian Student \$ 0 \$ 250,000 166782

Debt Assistance
Program

TOTAL DPF Dedicated Purpose 166783

Fund Group \$ 444,000 \$ 698,000 166784

Internal Service Activity Fund Group 166785

5BU0 888602 Veterinary Student \$ 20,000 \$ 20,000 166786

Loan Program

TOTAL ISA Internal Service Activity 166787

Fund Group \$ 20,000 \$ 20,000 166788

TOTAL ALL BUDGET FUND GROUPS \$ 464,000 \$ 718,000 166789

Section 419.10. VPB STATE VISION PROFESSIONALS BOARD 166791

Dedicated Purpose Fund Group 166792

4K90 129609 Operating Expenses \$ 608,684 \$ 619,684 166793

TOTAL DPF Dedicated Purpose Fund \$ 608,684 \$ 619,684 166794

Group

TOTAL ALL BUDGET FUND GROUPS \$ 608,684 \$ 619,684 166795

Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES 166797

General Revenue Fund 166798

GRF 470401 RECLAIM Ohio \$ 195,000,000 \$ 196,000,000 166799

GRF 470412 Juvenile Correctional \$ 15,300,000 \$ 18,500,000 166800

Facilities Lease

Rental Bond Payments

GRF 470510 Youth Services \$ 16,702,000 \$ 16,702,000 166801

GRF 472321 Parole Operations \$ 11,318,000 \$ 11,822,000 166802

GRF 477321 Administrative \$ 16,427,000 \$ 16,775,000 166803

Operations

TOTAL GRF General Revenue Fund \$ 254,747,000 \$ 259,799,000 166804

Dedicated Purpose Fund Group 166805

1470 470612 Vocational Education \$ 1,482,700 \$ 1,482,700 166806

1750 470613 Education Services \$ 3,718,100 \$ 3,915,300 166807

4790 470609 Employee Food Service \$ 21,400 \$ 21,400 166808

4A20 470602 Child Support \$ 95,000 \$ 95,000 166809

4G60 470605 Juvenile Special \$ 115,000 \$ 115,000 166810

Revenue - Non-Federal

5BN0 470629 E-Rate Program \$ 59,000 \$ 59,000 166811

TOTAL DPF Dedicated Purpose 166812

Fund Group \$ 5,491,200 \$ 5,688,400 166813

Federal Fund Group 166814

3210 470601 Education \$ 1,263,900 \$ 1,046,900 166815

3210 470603 Juvenile Justice \$ 2,716,500 \$ 2,747,300 166816

Prevention

3210 470606 Nutrition \$ 1,055,000 \$ 1,055,000 166817

3210 470614 Title IV-E \$ 3,506,000 \$ 1,406,000 166818

Reimbursements

3210 470691 COVID Mitigation and \$ 2,076,800 \$ 246,100 166819

	Detection				
3V50 470604	Juvenile	\$	1,912,400	\$	1,912,500 166820
	Justice/Delinquency				
	Prevention				
TOTAL FED	Federal				166821
Fund Group		\$	12,530,600	\$	8,413,800 166822
TOTAL ALL BUDGET FUND GROUPS		\$	272,768,800	\$	273,901,200 166823

COMMUNITY PROGRAMS 166824

For purposes of implementing juvenile sentencing reforms, and 166825
notwithstanding any provision of law to the contrary, the 166826
Department of Youth Services may use up to \$1,375,000 of the 166827
unexpended, unencumbered balance of the portion of appropriation 166828
item 470401, RECLAIM Ohio, that is allocated to juvenile 166829
correctional facilities in each fiscal year to expand Targeted 166830
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 166831
other evidence-based community programs. 166832

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 166833

The foregoing appropriation item 470412, Juvenile 166834
Correctional Facilities Lease Rental Bond Payments, shall be used 166835
to meet all payments during the period from July 1, 2023, through 166836
June 30, 2025, by the Department of Youth Services under the 166837
leases and agreements for facilities made under Chapters 152. and 166838
154. of the Revised Code. These appropriations are the source of 166839
funds pledged for bond service charges on related obligations 166840
issued under Chapters 152. and 154. of the Revised Code. 166841

EDUCATION SERVICES 166842

The foregoing appropriation item 470613, Education Services, 166843
shall be used to fund the operating expenses of providing 166844
educational services to youth supervised by the Department of 166845
Youth Services. Operating expenses include, but are not limited 166846
to, teachers' salaries, maintenance costs, and educational 166847

equipment.					166848
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES					166849
In collaboration with the county family and children first					166850
council, the juvenile court of that county that receives					166851
allocations from one or both of the foregoing appropriation items					166852
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer					166853
portions of those allocations to a flexible funding pool as					166854
authorized by the section of this act titled "FAMILY AND CHILDREN					166855
FIRST FLEXIBLE FUNDING POOL."					166856
Section 423.10. KID DEPARTMENT OF CHILDREN AND YOUTH					166857
General Revenue Fund					166858
GRF 830400	Child Care	\$ 93,636,000	\$ 93,636,000		166859
	State/Maintenance of Effort				
GRF 830401	Foster Care	\$ 952,000	\$ 952,000		166860
GRF 830402	Healthy Beginnings at Home	\$ 16,000,000	\$ 1,000,000		166861
GRF 830403	Help Me Grow	\$ 46,500,000	\$ 55,000,000		166862
GRF 830404	Infant Vitality	\$ 16,361,000	\$ 17,800,000		166863
GRF 830405	Part C Early Intervention	\$ 24,402,000	\$ 24,402,000		166864
GRF 830406	Strong Families Strong Communities	\$ 4,500,000	\$ 4,500,000		166865
GRF 830407	Early Childhood Education	\$ 130,316,000	\$ 130,316,000		166866
GRF 830408	Early Learning Assessment	\$ 2,760,000	\$ 2,760,000		166867
GRF 830409	Childcare Licensing	\$ 3,823,000	\$ 3,863,000		166868
GRF 830410	Family and Children First	\$ 2,706,000	\$ 2,706,000		166869
GRF 830411	Imagination Library	\$ 8,000,000	\$ 8,000,000		166870

GRF	830500	Early Care and Education	\$	141,285,000	\$	141,285,000	166871
GRF	830501	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	166872
GRF	830502	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	166873
GRF	830503	Adoption Services	\$	23,992,000	\$	23,992,000	166874
GRF	830504	Infant Health Grants	\$	1,587,000	\$	1,587,000	166875
GRF	830505	Early Childhood Mental Health (ECMH)	\$	6,250,000	\$	6,250,000	166876
GRF	830506	Family and Children Services	\$	252,212,000	\$	266,601,000	166877
TOTAL GRF	General Revenue Fund		\$	777,282,000	\$	786,650,000	166878
Dedicated Purpose Fund Group							166879
							166880
1980	830600	Children's Trust Fund	\$	5,777,313	\$	5,682,251	166881
2320	830613	Family and Children First	\$	2,389,999	\$	2,400,019	166882
4F10	830607	Family and Children Activities	\$	655,000	\$	655,000	166883
5AK1	830614	Child Care Infrastructure	\$	15,000,000	\$	15,000,000	166884
5KT0	830606	Early Childhood Education	\$	20,000,000	\$	20,000,000	166885
TOTAL DPF	Dedicated Purpose Fund Group		\$	43,822,312	\$	43,737,270	166886
							166887
Federal Fund Group							166888
3200	830608	Maternal and Child Health Block Grant	\$	26,632,123	\$	27,937,097	166889
3250	830609	Community Social Service Programs	\$	17,303,908	\$	17,303,908	166890
3270	830601	Child Welfare	\$	30,452,109	\$	30,662,072	166891

3980	830612	Adoption Program	\$	191,010,421	\$	196,784,786	166892
3C50	830610	Preschool Special	\$	14,026,864	\$	14,026,864	166893
		Education					
3D30	830602	Children's Trust Fund	\$	6,966,717	\$	6,978,646	166894
3H70	830604	Child Care	\$	594,570,212	\$	594,897,934	166895
3HF0	830611	Head Start	\$	225,000	\$	225,000	166896
		Collaboration					
3N00	830603	Foster Care Program	\$	334,844,117	\$	336,851,933	166897
3V60	830605	TANF Block Grant	\$	240,131,211	\$	240,131,211	166898
TOTAL FED	Federal						166899
Fund Group			\$	1,456,162,682	\$	1,465,799,451	166900
TOTAL ALL BUDGET FUND GROUPS			\$	2,277,266,994	\$	2,296,186,721	166901

Section 423.20. INFANT VITALITY GRANTS AND PROGRAMS 166903

Of the foregoing appropriation item 830402, Healthy Beginnings at Home, up to \$15,000,000 in fiscal year 2024 shall be used, in coordination with the Department of Health, to support stable housing initiatives for pregnant mothers and to improve maternal and infant health outcomes. 166904
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Of the foregoing appropriation item, 830402, Healthy Beginnings at Home, up to \$1,000,000 in each fiscal year shall be used for Move to Prosper efforts. 166909
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Of the foregoing appropriation item, 830404, Infant Vitality, up to \$2,500,000 in each fiscal year shall be used, in consultation with the Governor's Office of Children's Initiatives, to support programming by community and local faith-based service providers that invests in maternal health programs, provides services and support to pregnant mothers, and improves both maternal and infant health outcomes. 166912
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Of the foregoing appropriation item 830404, Infant Vitality, \$2,000,000 in each fiscal year shall be distributed to Brigid's Path to support their infant and maternal health programs that 166919
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improve health outcomes for infants who are born 166922
substance-exposed, support family resiliency, and prevent 166923
placements in the child welfare system. 166924

Beginning in state fiscal year 2024, the Department of 166925
Children and Youth, in coordination with the Department of 166926
Medicaid, shall establish a bundle of funding for nonmedical 166927
maternal and child health programmatic services provided by 166928
residential infant care centers to infants born substance-exposed 166929
and their families. The Department of Children and Youth and the 166930
Department of Medicaid shall establish a permanent reimbursement 166931
model for services provided by residential infant care centers not 166932
later than June 30, 2025. The permanent reimbursement model shall 166933
include reimbursement for medical services in accordance with the 166934
Medicaid program's coverage of the optional eligibility group 166935
specified in division (I) of section 5163.06 of the Revised Code 166936
and reimbursement for nonmedical services in accordance with this 166937
section. 166938

The remainder of appropriation item 830404, Infant Vitality, 166939
shall be used to fund a multi-pronged population health approach 166940
to address infant mortality. This approach may include the 166941
following: increasing awareness, including awareness regarding 166942
respiratory syncytial virus; supporting data collection; analysis 166943
and interpretation to inform decision-making and ensure 166944
accountability; targeting resources where the need is greatest; 166945
and implementing quality improvement science and programming that 166946
is evidence-based or based on emerging practices. Measurable 166947
interventions may include activities related to safe sleep, 166948
community engagement, group prenatal care, preconception 166949
education, continuous support for women during pregnancy and 166950
childbirth, patient navigators, community health workers, early 166951
childhood home visiting, newborn screening, safe birth spacing, 166952
gestational diabetes, smoking cessation tailored for pregnant 166953

women, breastfeeding, care coordination, and progesterone. 166954

The foregoing appropriation item 830504, Infant Health 166955
Grants, shall be used by the Department of Children and Youth, in 166956
consultation and coordination with the Commission on Minority 166957
Health, to support the continuation or expansion of a pathways 166958
community HUB model that has the primary objective of reducing 166959
infant mortality. 166960

Section 423.25. PART C EARLY INTERVENTION 166961

Of the foregoing appropriation item 830405, Part C Early 166962
Intervention, \$1,000,000 in total in each fiscal year shall be 166963
used to contract with the Cleveland Sight Center, the Cincinnati 166964
Association for the Blind and Visually Impaired, and the Sight 166965
Center of Northwest Ohio to provide early intervention special 166966
instruction services and family support to children under the age 166967
of three with blindness or low vision. 166968

Section 423.30. CHILDREN'S MENTAL HEALTH 166969

Of the foregoing appropriation item 830406, Strong Families 166970
Strong Communities, up to \$4,500,000 in each fiscal year shall be 166971
used to provide funding for community projects across the state 166972
that focus on support for families, assisting families in avoiding 166973
crisis, and crisis intervention. 166974

The foregoing appropriation item 830505, Early Childhood 166975
Mental Health, shall be used to promote identification and 166976
intervention for early childhood mental health and to enhance 166977
healthy social emotional development in order to reduce preschool 166978
to third grade classroom expulsions. Funds shall be used by the 166979
Department of Children and Youth, in coordination with Department 166980
of Mental Health and Addiction Services, to support early 166981
childhood mental health credentialed counselors and consultation 166982
services, as well as administration and workforce development for 166983

the program. 166984

Section 423.40. EARLY CHILDHOOD EDUCATION 166985

Of the foregoing appropriation item 830606, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to achieve the goals described in division (C) of section 5104.29 of the Revised Code. 166986
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Of the foregoing appropriation item 830407, Early Childhood Education, up to \$1,100,000 in each fiscal year shall be used for the Supporting Partnerships to Assure Ready Kids (SPARK) program in Ohio. 166991
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The Department of Children and Youth, in coordination with the Department of Education, shall distribute the remainder of appropriation item 830407, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers. 166995
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(A) As used in this section: 167000

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school established under Chapter 3314. of the Revised Code that is sponsored by an exemplary rated sponsor; notwithstanding anything to the contrary in Chapter 3326. of the Revised Code, a STEM school that is established under that chapter; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph. 167001
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(2) In the case of a city, local, or exempted village school 167013

district or early childhood education child care provider licensed 167014
under Chapter 5104. of the Revised Code, "new eligible provider" 167015
means a provider that did not receive state funding for Early 167016
Childhood Education in the previous fiscal year or demonstrates a 167017
need for early childhood programs as defined in division (D) of 167018
this section. 167019

(3) In the case of a community school, "new eligible 167020
provider" means either of the following: 167021

(a) A community school established under Chapter 3314. of the 167022
Revised Code that is sponsored by a sponsor rated "exemplary" in 167023
accordance with section 3314.016 of the Revised Code that offers a 167024
child care program in accordance with sections 3301.50 to 3301.59 167025
of the Revised Code that did not receive state funding for Early 167026
Childhood Education in the previous fiscal year; 167027

(b) A community school established under Chapter 3314. of the 167028
Revised Code that satisfies all of the following criteria: 167029

(i) It has received, on its most recent report card, either 167030
of the following: 167031

(I) If the school offers any of grade levels four through 167032
twelve, a performance rating of three stars or higher for 167033
achievement under division (D)(3)(b) of section 3302.03 of the 167034
Revised Code and progress under division (D)(3)(c) of section 167035
3302.03 of the Revised Code; 167036

(II) If the school does not offer a grade level higher than 167037
three, a performance rating of three stars or higher for early 167038
literacy under division (D)(3)(e) of section 3302.03 of the 167039
Revised Code. 167040

(ii) It offers a child care program in accordance with 167041
sections 3301.50 to 3301.59 of the Revised Code. 167042

(iii) It did not receive state funding for Early Childhood 167043

Education in the previous fiscal year. 167044

(4) "Eligible child" means a child who is at least three 167045
years of age, is not of the age to be eligible for kindergarten, 167046
and whose family earns not more than two hundred per cent of the 167047
federal poverty guidelines as defined in division (A)(3) of 167048
section 5101.46 of the Revised Code. Children with an 167049
Individualized Education Program and where the Early Childhood 167050
Education program is the least restrictive environment may be 167051
enrolled on their third birthday. 167052

(5) "Early learning program standards" means early learning 167053
program standards for school readiness developed by the Department 167054
to assess the operation of Children and Youth programs. 167055

(6) "Children and Youth programs" has the same meaning as in 167056
section 5104.29 of the Revised Code. 167057

(B) In each fiscal year, up to two per cent of the total 167058
appropriation may be used by the Department for program support 167059
and technical assistance. The Department shall distribute the 167060
remainder of the appropriation in each fiscal year to serve 167061
eligible children. 167062

(C) The Department of Children and Youth shall provide an 167063
annual report to the Governor, the Speaker of the House of 167064
Representatives, and the President of the Senate and post the 167065
report to the Department's web site, regarding early childhood 167066
education programs operated under this section and the early 167067
learning program standards. 167068

(D) After setting aside the amounts to make payments due from 167069
the previous fiscal year, in fiscal year 2024, the Department 167070
shall distribute funds first to recipients of funds for early 167071
childhood education programs under Section 265.20 of H.B. 110 of 167072
the 134th General Assembly in the previous fiscal year and the 167073
balance to new eligible providers of early childhood education 167074

programs or to existing providers to serve more eligible children 167075
pursuant to division (E) of this section or for purposes of 167076
program expansion, improvement, or special projects to promote 167077
quality and innovation, including piloting all-day programming. 167078

After setting aside the amounts to make payments due from the 167079
previous fiscal year, in fiscal year 2025, the Department shall 167080
distribute funds first to providers of early childhood education 167081
programs under this section in the previous fiscal year and the 167082
balance to new eligible providers or to existing providers to 167083
serve more eligible children as outlined under division (E) of 167084
this section or for purposes of program expansion, improvement, or 167085
special projects to promote quality and innovation, including 167086
piloting all-day programming. 167087

(E)(1) The Department shall distribute any new or remaining 167088
funding to existing providers of early childhood education 167089
programs or any new eligible providers in an effort to invest in 167090
high quality early childhood programs where there is a need as 167091
determined by the Department. The Department shall distribute the 167092
new or remaining funds to existing providers of early childhood 167093
education programs or any new eligible providers to serve 167094
additional eligible children based on community economic 167095
disadvantage, limited access to high quality preschool or 167096
childcare services, and demonstration of high quality preschool 167097
services. 167098

(2) Awards under divisions (D) and (E) of this section shall 167099
be distributed on a per-pupil basis, and in accordance with 167100
division (I) of this section. The Department may adjust the 167101
per-pupil amount so that the per-pupil amount multiplied by the 167102
number of eligible children enrolled and receiving services on the 167103
first day of December or the business day closest to that date 167104
equals the amount allocated under this section. 167105

(F) Funds awarded under this section must be used to support 167106

expenses directly related to the operation of an early childhood education program. Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the

Department or obtained by the early childhood education program. 167139
The Department may withhold funding pending corrective action. If 167140
an early childhood education program fails to satisfactorily 167141
complete a corrective action plan, the Department may deny 167142
expansion funding to the program or withdraw all or part of the 167143
funding to the program and establish a new eligible provider 167144
through a selection process established by the Department. 167145

(H)(1) If the early childhood education program is not highly 167146
rated, as determined by the Director of Children and Youth, under 167147
the Step Up to Quality program established pursuant to section 167148
5104.29 of the Revised Code, the program shall do all of the 167149
following: 167150

(a) Meet teacher qualification requirements prescribed by 167151
section 3301.311 of the Revised Code; 167152

(b) Align curriculum to the early learning content standards 167153
developed by the Department; 167154

(c) Meet any child or program assessment requirements 167155
prescribed by the Department; 167156

(d) Require teachers, except teachers enrolled and working to 167157
obtain a degree pursuant to section 3301.311 of the Revised Code, 167158
to attend a minimum of twenty hours every two years of 167159
professional development as prescribed by the Department; 167160

(e) Document and report child progress as prescribed by the 167161
Department; 167162

(f) Meet and report compliance with the early learning 167163
program standards as prescribed by the Department; 167164

(g) Participate in the Step Up to Quality program established 167165
pursuant to section 5104.29 of the Revised Code. 167166

(2) If the program is highly rated, as determined by the 167167
Director of Children and Youth, under the Step Up to Quality 167168

program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to

family income levels, and the number of families and students 167201
charged tuition and fees for the early childhood program. 167202

(K) If an early childhood education program voluntarily 167203
waives its right for funding, or has its funding eliminated for 167204
not meeting financial standards or the early learning program 167205
standards, the provider shall transfer control of title to 167206
property, equipment, and remaining supplies obtained through the 167207
program to providers designated by the Department and return any 167208
unexpended funds to the Department along with any reports 167209
prescribed by the Department. The funding made available from a 167210
program that waives its right for funding or has its funding 167211
eliminated or reduced may be used by the Department for new grant 167212
awards or expansion grants. The Department may award new grants or 167213
expansion grants to eligible providers who apply. The eligible 167214
providers who apply must do so in accordance with the selection 167215
process established by the Department. 167216

(L) Eligible expenditures for the Early Childhood Education 167217
Program shall be claimed each fiscal year to help meet the state's 167218
TANF maintenance of effort requirement. The Superintendent of 167219
Public Instruction, Director of Children and Youth, and the 167220
Director of Job and Family Services shall enter into an 167221
interagency agreement to carry out the requirements under this 167222
division, which shall include developing reporting guidelines for 167223
these expenditures. 167224

(M)(1) The Department of Children and Youth and the 167225
Department of Job and Family Services shall continue to work 167226
toward establishing the following in common between early 167227
childhood education programs and publicly funded child care: 167228

(a) An application; 167229

(b) Program eligibility; 167230

(c) Funding; 167231

(d) An attendance policy;	167232
(e) An attendance tracking system.	167233
(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	167234 167235 167236 167237
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this section.	167238 167239 167240 167241 167242
Section 423.50. EARLY LEARNING STUDENT ASSESSMENT	167243
Of the foregoing appropriation item 830408, Early Learning Assessment, up to \$2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.	167244 167245 167246 167247
CHILD CARE LICENSING	167248
The foregoing appropriation item 830409, Child Care Licensing, shall be used by the Department of Children and Youth, in consultation and coordination with the Department of Education, to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.	167249 167250 167251 167252 167253
Section 423.60. COURT APPOINTED SPECIAL ADVOCATES	167254
Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to \$333,333 in each fiscal year shall be used to support administrative costs associated with existing court-appointed special advocate programs.	167255 167256 167257 167258
Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to \$666,667 in each fiscal year shall be	167259 167260

used to establish court-appointed special advocate programs in 167261
areas of the state that are not served by an existing program and 167262
to support existing programs. 167263

Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES 167264

Of the foregoing appropriation item 830506, Family and 167265
Children Services, up to \$25,000,000 in each fiscal year shall be 167266
provided to assist with the expense of providing services to youth 167267
requiring support from multiple systems. These funds may be used 167268
for youth currently in the custody of a public children services 167269
agency or to prevent children from entering into the custody of a 167270
public children services agency by custody relinquishment or 167271
another mechanism. The Director of Children and Youth shall adopt 167272
rules in accordance with section 111.15 of the Revised Code to 167273
administer the funding. 167274

Of the foregoing appropriation item 830506, Family and 167275
Children Services, up to \$10,000,000 in each fiscal year may be 167276
used to incentivize best practices. The Director of Children and 167277
Youth shall adopt rules in accordance with section 111.15 of the 167278
Revised Code to administer the funding. 167279

Of the foregoing appropriation item, 830506, Family and 167280
Children Services, up to \$145,040,010 in fiscal year 2024 and up 167281
to \$155,040,010 in fiscal year 2025 shall be provided by the 167282
Department of Children and Youth, in coordination with the 167283
Department of Job and Family Services, to public children services 167284
agencies. Of that amount, \$17,600,000 in each fiscal year shall be 167285
used to provide an initial allocation of \$200,000 to each county 167286
and the remainder shall be provided using the formula in section 167287
5101.14 of the Revised Code. 167288

If the funds available for distribution under section 5101.14 167289
of the Revised Code in fiscal year 2024 and fiscal year 2025 167290
exceed the amount appropriated in fiscal year 2019, each county 167291

contributing local funds in county fiscal year 2019 to the county 167292
children services fund shall contribute moneys to the children 167293
services fund described in section 5101.144 of the Revised Code. 167294

The Director of Children and Youth, in consultation and 167295
coordination with the Director of Job and Family Services shall 167296
adopt rules, in accordance with section 111.15 of the Revised 167297
Code, to determine the amount of local funds each county must 167298
contribute to the children services fund based on past 167299
contributions. Rules must include a hardship provision identifying 167300
circumstances in which the county contribution may be waived or 167301
reduced. 167302

The foregoing appropriation item 830607, Family and Children 167303
Activities, shall be used to expend miscellaneous foundation funds 167304
and grants to support family and children services activities. 167305

Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM 167306

Of the foregoing appropriation item 830506, Family and 167307
Children Services, up to \$8,500,000 in each fiscal year shall be 167308
used to support the Kinship Care Navigator Program, and may be 167309
used to match eligible federal Title IV-E funds. 167310

Section 423.90. WENDY'S WONDERFUL KIDS 167311

Of the foregoing appropriation items 830506, Family and 167312
Children Services, 830601, Child Welfare, and 830612, Adoption 167313
Program, a total of up to \$12,000,000 in each fiscal year may be 167314
used to provide funds to the Dave Thomas Foundation for Adoption 167315
to implement statewide the Wendy's Wonderful Kids program of 167316
professional recruiters who use a child-focused model to find 167317
permanent homes for children in Ohio foster care. 167318

Section 423.100. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 167319
POOL 167320

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Children and Youth, in consultation and coordination with the Department of Job and Family Services, from the foregoing appropriation item 830506, Family and Children Services, or 830502, Court Appointed Special Advocates, may transfer a portion

of either or both allocations to a flexible funding pool as 167352
authorized by this section. 167353

Section 423.105. CHILD CARE INFRASTRUCTURE 167354

The foregoing appropriation item 830614, Child Care 167355
Infrastructure, shall be used to award child care infrastructure 167356
grants to entities to assist them in providing safe and 167357
developmentally appropriate child care for infants and toddlers in 167358
Appalachian communities and communities with high infant mortality 167359
rates. The Director of Children and Youth, in collaboration with 167360
the Director of Job and Family Services and members of the Early 167361
Childhood Advisory Council, shall review and evaluate grant 167362
applications. The review process shall consider the needs of 167363
applicants and the ability of the communities in which applicants 167364
are located to serve publicly funded child care eligible infants 167365
and toddlers in developmentally appropriate child care settings. 167366

These grants may be used to provide workforce supports, 167367
family engagement and support, mental health services, 167368
professional development and technical assistance, facilities 167369
improvement, and classroom supplies. Applicants may include, but 167370
are not limited to, early childhood collaboratives, nonprofit and 167371
for-profit programs, early head start programs, local government 167372
entities and child care resources and referral organizations. 167373

Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS 167374

A portion of the foregoing appropriation item 830609, 167375
Community Social Service Programs, in coordination with the 167376
Department of Developmental Disabilities, may be used by the Early 167377
Intervention Services Advisory Council for the following purposes: 167378

(A) In addition to other necessary and allowed uses of funds 167379
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 167380
Services Advisory Council established pursuant to section 167381

5123.0422 of the Revised Code, may, in its discretion, use	167382
budgeted funds to do all of the following:	167383
(1) Conduct forums and hearings;	167384
(2) Reimburse council members for reasonable and necessary	167385
expenses, including child care expenses for parent	167386
representatives, for attending council meetings and performing	167387
council duties;	167388
(3) Pay compensation to a council member if the member is not	167389
employed or must forfeit wages from other employment when	167390
performing official council business;	167391
(4) Hire staff;	167392
(5) Obtain the services of professional, technical, and	167393
clerical personnel as necessary to carry out the performance of	167394
its lawful functions.	167395
(B) Except as provided in division (A) of this section,	167396
council members shall serve without compensation or reimbursement.	167397
Section 423.120. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES	167398
BLOCK GRANT	167399
Of the foregoing appropriation item 830605, TANF Block Grant,	167400
up to \$5,500,000 in each fiscal year shall be provided, in	167401
accordance with sections 5101.80 and 5101.801 of the Revised Code,	167402
to the Ohio Commission on Fatherhood.	167403
Of the foregoing appropriation item 830605, TANF Block Grant,	167404
\$500,000 in each fiscal year shall be provided, in accordance with	167405
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus,	167406
Inc., to support programs that provide early learning and	167407
behavioral health services for at-risk youth.	167408
Section 423.130. PUBLICLY FUNDED CHILD CARE ELIGIBILITY	167409

Beginning on the effective date of this section and through 167410
June 30, 2025, all of the following apply to a family's 167411
eligibility for publicly funded child care as described in 167412
division (A) of section 5104.38 of the Revised Code: 167413

(A) The maximum amount of income that a family may have for 167414
initial eligibility shall not exceed one hundred sixty per cent of 167415
the federal poverty line; 167416

(B) The maximum amount of income that a family may have for 167417
continued eligibility shall not exceed three hundred per cent of 167418
the federal poverty line. 167419

Section 423.140. (A) On July 1, 2023, the Department of 167420
Children and Youth is created. The Director of the Department of 167421
Children and Youth shall be a member of the Governor's cabinet, 167422
appointed by the Governor with the advice and consent of the 167423
Senate. The Department of Children and Youth shall coordinate and 167424
facilitate the delivery in this state of children's services as 167425
described in section 5180.01 of the Revised Code as enacted by 167426
this act. 167427

(B) The directors of the Departments of Children and Youth, 167428
Job and Family Services, Education, Health, Developmental 167429
Disabilities, Medicaid, Mental Health and Addiction Services, and 167430
Development, or their designees, shall work together to identify 167431
duties, functions, programs, and staff resources within those 167432
departments that provide children's services as described in 167433
section 5180.01 of the Revised Code as enacted by this act. 167434

The directors or their designees shall develop a detailed 167435
organizational plan to implement the transfer of children's 167436
services duties, functions, programs, and staff to the Department 167437
of Children and Youth by January 1, 2025. 167438

The directors shall enter into a memorandum of understanding 167439

with the Director of the Department of Children and Youth to 167440
transfer all duties, functions, programs, and staff resources as 167441
recommended by the directors. 167442

(C) Any business commenced but not completed by January 1, 167443
2025, within the departments identified in division (B) of this 167444
section that is planned to be transferred pursuant to this section 167445
shall be completed by the Department of Children and Youth or its 167446
Director in the same manner and with the same effect as if 167447
completed by the identified departments. 167448

(D) The Director of Children and Youth and the Directors of 167449
the Departments of Job and Family Services, Education, Health, 167450
Developmental Disabilities, Medicaid, Mental Health and Addiction 167451
Services, and Development may jointly or separately enter into one 167452
or more contracts with public or private entities for staff 167453
training and development to facilitate the transfer of the duties, 167454
functions, programs, and staff resources to the Department of 167455
Children and Youth. Division (B) of section 127.16 of the Revised 167456
Code does not apply to contracts entered into under this division. 167457

(E) All employees and staff resources identified by the 167458
workgroup in division (B) of this section are transferred to the 167459
Department of Children and Youth on January 1, 2025, or on an 167460
earlier date identified by the directors of the respective 167461
departments under division (B) of this section. Subject to the 167462
lay-off provisions of sections 124.321 to 124.381 of the Revised 167463
Code, employees who are transferred retain their same positions 167464
and all benefits accruing thereto. Once transferred to the 167465
Department of Children and Youth, changes to positions or benefits 167466
for employees not subject to Chapter 4117. of the Revised Code 167467
shall be controlled by Chapter 124. of the Revised Code, or other 167468
applicable Revised Code or Administrative Code sections. 167469

(1) Notwithstanding the foregoing, the Director of Children 167470
and Youth has the authority to establish, change, and abolish 167471

positions for the Department of Children and Youth, and to assign, 167472
reassign, classify, reclassify, transfer, reduce, promote, or 167473
demote all employees of the Department of Children and Youth who 167474
are not subject to Chapter 4117. of the Revised Code. 167475

(2) The authority granted under division (E)(1) of this 167476
section includes assigning or reassigning an exempt employee, as 167477
defined in section 124.152 of the Revised Code, to a bargaining 167478
unit classification if the Director of Children and Youth 167479
determines that the bargaining unit classification is the proper 167480
classification for that employee. If an employee in the E-1 pay 167481
range is to be assigned, reassigned, classified, reclassified, 167482
transferred, reduced, or demoted to a position in a lower 167483
classification, the Director of Children and Youth or in the case 167484
of a position transferred outside of the Department, the Director 167485
of Administrative Services, shall assign the employee to the 167486
appropriate classification and place the employee in Step X. The 167487
employee shall not receive any increase in compensation until the 167488
maximum rate of pay for that classification exceeds the employee's 167489
compensation. 167490

(3) Actions taken under division (E) of this section are not 167491
subject to appeal to the State Personnel Board of Review. 167492

(F) Notwithstanding sections 4117.08 and 4117.10 of the 167493
Revised Code, the creation of the Department of Children and 167494
Youth, the transfer of programs and employees under this section, 167495
and the reassignment of certain functions and duties, are not 167496
appropriate subjects for collective bargaining under Chapter 4117. 167497
of the Revised Code. 167498

(G) Notwithstanding section 145.297 of the Revised Code, the 167499
Directors of the Departments of Job and Family Services, 167500
Education, Health, Developmental Disabilities, Medicaid, Mental 167501
Health and Addiction Services, and Development may, with the 167502
approval of the Office of Budget and Management, establish a 167503

retirement incentive plan for eligible employees of those agencies 167504
who are members of the Public Employee Retirement System whose job 167505
duties will be transferred to the Department of Children and 167506
Youth. Any retirement incentive plan established pursuant to this 167507
section shall remain in effect until December 31, 2024. 167508

(H) No validation, cure, right, privilege, remedy, 167509
obligation, or liability is lost or impaired by reason of the 167510
transfer required by this section but shall be administered by the 167511
Department of Children and Youth. No action or proceeding pending 167512
on the effective date of the transfer of duties, functions, and 167513
programs to the Department is affected by the transfer, and shall 167514
be prosecuted or defended in the name of the Department or 167515
Director, as appropriate. In all such actions for those 167516
transferred duties, functions, and programs, the Department or 167517
Director shall be substituted as a party. 167518

(I) Effective January 1, 2025, or on an earlier date 167519
determined by the directors under division (B) of this section, 167520
all records, documents, files, equipment, assets, and other 167521
materials of the programs and staff resources transferred under 167522
this section are transferred to the Department of Children and 167523
Youth. 167524

(J) All rules, orders, and determinations made or undertaken 167525
related to children's services programs transferred to the 167526
Department of Children and Youth shall continue in effect as 167527
rules, orders, and determinations of the Department until modified 167528
or rescinded by the Department of Children and Youth. On and after 167529
January 1, 2025, if necessary to ensure the integrity of the 167530
numbering of the Administrative Code, the Director of the 167531
Legislative Service Commission shall renumber the rules related to 167532
children's services programs transferred to the Department of 167533
Children and Youth to reflect this transfer. 167534

(K) Notwithstanding any provision of law to the contrary, on 167535

or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and programs to the Department of Children and Youth as described in this section, including administrative organization, program transfers, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2024 and 2025 in the appropriate funds and appropriation items for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of children's services programs and appropriations provided in Section 423.10 of this act, the Director of Budget and Management may transfer appropriations between the Department of Children and Youth, and the Departments of Job and Family Services, Education, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein.

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be

determined in conformity with the appropriate sections of law and 167568
paid in accordance with procedures specified by the Office of 167569
Budget and Management. Expenditures from appropriation item 167570
070601, Public Audit Expense - Intra-State, may be exempted from 167571
the requirements of this section. 167572

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 167573
AGAINST THE STATE 167574

Except as otherwise provided in this section, an 167575
appropriation in this act may be used for the purpose of 167576
satisfying judgments, settlements, or administrative awards 167577
ordered or approved by the Court of Claims or by any other court 167578
of competent jurisdiction in connection with civil actions against 167579
the state. This authorization does not apply to appropriations to 167580
be applied to or used for payment of guarantees by or on behalf of 167581
the state, or for payments under lease agreements relating to, or 167582
debt service on, bonds, notes, or other obligations of the state. 167583
Notwithstanding any other statute to the contrary, this 167584
authorization includes appropriations from funds into which 167585
proceeds of direct obligations of the state are deposited only to 167586
the extent that the judgment, settlement, or administrative award 167587
is for, or represents, capital costs for which the appropriation 167588
may otherwise be used and is consistent with the purpose for which 167589
any related obligations were issued or entered into. Nothing 167590
contained in this section is intended to subject the state to suit 167591
in any forum in which it is not otherwise subject to suit, and is 167592
not intended to waive or compromise any defense or right available 167593
to the state in any suit against it. 167594

Section 503.30. CAPITAL PROJECT SETTLEMENTS 167595

This section specifies an additional and supplemental 167596
procedure to provide for payments of judgments and settlements if 167597

the Director of Budget and Management determines, pursuant to 167598
division (C)(4) of section 2743.19 of the Revised Code, that 167599
sufficient unencumbered moneys do not exist in the fund to support 167600
a particular appropriation to pay the amount of a final judgment 167601
rendered against the state or a state agency, including the 167602
settlement of a claim approved by a court, in an action upon and 167603
arising out of a contractual obligation for the construction or 167604
improvement of a capital facility if the costs under the contract 167605
were payable in whole or in part from a state capital projects 167606
appropriation. In such a case, the Director may either proceed 167607
pursuant to division (C)(4) of section 2743.19 of the Revised Code 167608
or apply to the Controlling Board to increase an appropriation or 167609
create an appropriation out of any unencumbered moneys in the 167610
state treasury to the credit of the capital projects fund from 167611
which the initial state appropriation was made. The amount of an 167612
increase in appropriation or new appropriation approved by the 167613
Controlling Board is hereby appropriated from the applicable 167614
capital projects fund and made available for the payment of the 167615
judgment or settlement. 167616

If the Director does not make the application authorized by 167617
this section or the Controlling Board disapproves the application, 167618
and the Director does not make application under division (C)(4) 167619
of section 2743.19 of the Revised Code, the Director shall for the 167620
purpose of making that payment make a request to the General 167621
Assembly as provided for in division (C)(5) of that section. 167622

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 167623

In order to provide funds for the reissuance of voided 167624
warrants under section 126.37 of the Revised Code, there is hereby 167625
appropriated, out of moneys in the state treasury from the fund 167626
credited as provided in section 126.37 of the Revised Code, that 167627
amount sufficient to pay such warrants when approved by the Office 167628

of Budget and Management. 167629

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 167630
BALANCES OF OPERATING APPROPRIATIONS 167631

(A) Notwithstanding the original year of appropriation or 167632
encumbrance, the unexpended balance of an operating appropriation 167633
or reappropriation that a state agency lawfully encumbered prior 167634
to the close of fiscal year 2023 or fiscal year 2024 is hereby 167635
reappropriated on the first day of July of the following fiscal 167636
year from the fund from which it was originally appropriated or 167637
reappropriated for the period of time listed in this section and 167638
shall remain available only for the purpose of discharging the 167639
encumbrance: 167640

(1) For an encumbrance for personal services, maintenance, 167641
equipment, or items for resale not otherwise identified in this 167642
section, for a period of not more than five months from the end of 167643
the fiscal year; 167644

(2) For an encumbrance for an item of special order 167645
manufacture not available on state contract or an item not 167646
available in the open market, for a period of not more than five 167647
months from the end of the fiscal year or, with the written 167648
approval of the Director of Budget and Management, for a period of 167649
not more than twelve months from the end of the fiscal year; 167650

(3) For an encumbrance for reclamation of land or oil and gas 167651
wells, for a period ending when the encumbered appropriation is 167652
expended provided such period does not extend beyond the FY 2024 - 167653
FY 2025 biennium; 167654

(4) For an encumbrance for any other type of expense not 167655
otherwise identified in division (A)(1), (2), or (3) of this 167656
section, for such period as the Director approves, provided such 167657
period does not extend beyond the FY 2024 - FY 2025 biennium. 167658

(B) Any operating appropriations for which unexpended 167659
balances are reappropriated in fiscal year 2024 or fiscal year 167660
2025 pursuant to division (A)(2) of this section shall be reported 167661
to the Controlling Board by the Director of Budget and Management 167662
by the thirty-first day of December of each year. The report shall 167663
include the item, the cost of the item, and the name of the 167664
vendor. The report shall be updated on a quarterly basis for 167665
encumbrances remaining open. 167666

(C) Upon the expiration of the reappropriation period set out 167667
in division (A) of this section, a reappropriation made by this 167668
section lapses and the Director of Budget and Management shall 167669
cancel the encumbrance of the unexpended reappropriation not later 167670
than the end of the weekend following the expiration of the 167671
reappropriation period. 167672

(D) If the Controlling Board approved a purchase, that 167673
approval remains in effect so long as the appropriation used to 167674
make that purchase remains encumbered. 167675

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 167676

(A) The Director of Budget and Management may correct 167677
accounting errors committed by the staff of the Office of Budget 167678
and Management, such as reestablishing encumbrances or 167679
appropriations canceled in error, during the cancellation of 167680
operating encumbrances in November and of non-operating 167681
encumbrances in December. 167682

(B) The Director of Budget and Management may at any time 167683
correct accounting errors committed by staff or a state agency or 167684
state institution of higher education, as defined in section 167685
3345.011 of the Revised Code, such as reestablishing prior year 167686
non-operating encumbrances canceled or modified in error. The 167687
reestablished encumbrance amounts are hereby appropriated. 167688

Section 503.70. TEMPORARY REVENUE HOLDING 167689

The Director of Budget and Management may create funds in the 167690
state treasury solely for the purpose of temporarily holding 167691
revenue required to be credited to a fund in the state treasury, 167692
whose disposition is not immediately known at the time of receipt. 167693
Once identified, the Director shall credit the revenue to the 167694
appropriate fund in the state treasury. 167695

Notwithstanding section 153.63 of the Revised Code or any 167696
other provision of law to the contrary, upon certification by a 167697
director or head of a state agency, in lieu of banks, buildings 167698
and loan associations, or other institutions, the Director of 167699
Budget and Management may create funds in the state treasury on 167700
behalf of an agency when the agency is required by law to detain 167701
funds in escrow. All investment earnings of the fund shall be 167702
credited to the fund while the detained amounts remain in escrow. 167703
The Director of Budget and Management may transfer cash between 167704
funds within the state treasury to satisfy escrow requirements. 167705

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 167706
RE-ESTABLISHMENT OF ENCUMBRANCES 167707

Any cash transferred by the Director of Budget and Management 167708
under section 126.15 of the Revised Code is hereby appropriated. 167709
Any amounts necessary to re-establish appropriations or 167710
encumbrances under section 126.15 of the Revised Code are hereby 167711
appropriated. 167712

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 167713

The Director of Budget and Management may transfer 167714
appropriations between the Third Frontier Research and Development 167715
Fund (Fund 7011) and the Third Frontier Research and Development 167716
Taxable Bond Fund (Fund 7014) as necessary to maintain the 167717

exclusion from the calculation of gross income for federal income 167718
taxation purposes under the Internal Revenue Code with respect to 167719
obligations issued to fund projects appropriated from the Third 167720
Frontier Research and Development Fund (Fund 7011). 167721

The Director may also create new appropriation items within 167722
the Third Frontier Research and Development Taxable Bond Fund 167723
(Fund 7014) and make transfers of appropriations to them for 167724
projects originally funded from appropriations made from the Third 167725
Frontier Research and Development Fund (Fund 7011). 167726

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 167727

There are hereby appropriated out of any moneys in the state 167728
treasury to the credit of the General Revenue Fund, which are not 167729
otherwise appropriated, funds sufficient to make any payment 167730
required by division (B)(2) of section 5747.03 of the Revised 167731
Code. 167732

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 167733
APPROVED BY THE CONTROLLING BOARD 167734

Any money that the Controlling Board approves for expenditure 167735
or any increase in appropriation that the Controlling Board 167736
approves under sections 127.14, 131.35, and 131.39 of the Revised 167737
Code or any other provision of law is hereby appropriated for the 167738
period ending June 30, 2025. 167739

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 167740
RESIDENCE 167741

If the Governor's Residence Fund (Fund 4H20) receives payment 167742
for use of the residence pursuant to section 107.40 of the Revised 167743
Code, the amounts so received are hereby appropriated to 167744
appropriation item 100604, Governor's Residence Gift. 167745

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 167746

Certain appropriations are in this act for the purpose of 167747
paying debt service and financing costs on general obligation 167748
bonds or notes of the state issued pursuant to the Ohio 167749
Constitution, Revised Code, and acts of the General Assembly. If 167750
it is determined that additional appropriations are necessary for 167751
this purpose, such amounts are hereby appropriated. 167752

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 167753

Certain appropriations are in this act for the purpose of 167754
making lease rental payments pursuant to leases and agreements 167755
relating to bonds, notes, or other obligations issued by or on 167756
behalf of the state pursuant to the Ohio Constitution, Revised 167757
Code, and acts of the General Assembly. If it is determined that 167758
additional appropriations are necessary for this purpose, such 167759
amounts are hereby appropriated. 167760

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 167761
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 167762

The Office of Budget and Management shall process payments 167763
from general obligation and lease rental payment appropriation 167764
items during the period from July 1, 2023, through June 30, 2025, 167765
relating to bonds, notes, or other obligations issued by or on 167766
behalf of the state pursuant to the Ohio Constitution, Revised 167767
Code, and acts of the General Assembly. Payments shall be made 167768
upon certification by the Treasurer of State of the dates and the 167769
amounts due on those dates. 167770

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 167771

If it is determined that a payment is necessary in the amount 167772
computed at the time to represent the portion of investment income 167773

to be rebated or amounts in lieu of or in addition to any rebate 167774
amount to be paid to the federal government in order to maintain 167775
the exclusion from gross income for federal income tax purposes of 167776
interest on those state obligations under section 148(f) of the 167777
Internal Revenue Code, such an amount is hereby appropriated from 167778
those funds designated by or pursuant to the applicable 167779
proceedings authorizing the issuance of state obligations. 167780

Payments for this purpose shall be approved and vouchered by 167781
the Office of Budget and Management. 167782

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 167783

Whenever the Director of Budget and Management determines 167784
that an appropriation made to a state agency from a fund of the 167785
state is insufficient to provide for the recovery of statewide 167786
indirect costs under section 126.12 of the Revised Code, the 167787
amount required for such purpose is hereby appropriated from the 167788
available receipts of such fund. 167789

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 167790
COST ALLOCATION PLAN 167791

The total transfers made from the General Revenue Fund by the 167792
Director of Budget and Management under this section shall not 167793
exceed the amounts transferred into the General Revenue Fund under 167794
section 126.12 of the Revised Code. 167795

The director of an agency may certify to the Director of 167796
Budget and Management the amount of expenses not allowed to be 167797
included in the Statewide Indirect Cost Allocation Plan under 167798
federal regulations, from any fund included in the Statewide 167799
Indirect Cost Allocation Plan, prepared as required by section 167800
126.12 of the Revised Code. 167801

Upon determining that no alternative source of funding is 167802
available to pay for such expenses, the Director of Budget and 167803

Management may transfer cash from the General Revenue Fund into 167804
the fund for which the certification is made, up to the amount of 167805
the certification. The director of the agency receiving such funds 167806
shall include, as part of the next budget submission prepared 167807
under section 126.02 of the Revised Code, a request for funding 167808
for such activities from an alternative source such that further 167809
federal disallowances would not be required. 167810

The director of an agency may certify to the Director of 167811
Budget and Management the amount of expenses paid in error from a 167812
fund included in the Statewide Indirect Cost Allocation Plan. The 167813
Director of Budget and Management may transfer cash from the fund 167814
from which the expenditure should have been made into the fund 167815
from which the expenses were erroneously paid, up to the amount of 167816
the certification. 167817

The director of an agency may certify to the Director of 167818
Budget and Management the amount of expenses or revenues not 167819
allowed to be included in the Statewide Indirect Cost Allocation 167820
Plan under federal regulations, for any fund included in the 167821
Statewide Indirect Cost Allocation Plan, for which the federal 167822
government requires payment. If the Director of Budget and 167823
Management determines that an appropriation made to a state agency 167824
from a fund of the state is insufficient to pay the amount 167825
required by the federal government, the amount required for such 167826
purpose is hereby appropriated from the available receipts of such 167827
fund, up to the amount of the certification. 167828

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 167829

Notwithstanding any provision of law to the contrary, on or 167830
before the first day of September of each fiscal year, the 167831
Director of Budget and Management, in order to reduce the payment 167832
of adjustments to the federal government, as determined by the 167833
plan prepared under division (A) of section 126.12 of the Revised 167834

Code, may designate such funds as the Director considers necessary 167835
to retain their own interest earnings. 167836

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 167837

Pursuant to the plan for compliance with the Federal Cash 167838
Management Improvement Act required by section 131.36 of the 167839
Revised Code, the Director of Budget and Management may cancel and 167840
re-establish all or part of encumbrances in like amounts within 167841
the funds identified by the plan. The amounts necessary to 167842
re-establish all or part of encumbrances are hereby appropriated. 167843

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 167844

Notwithstanding section 113.09 of the Revised Code, the 167845
Director of Budget and Management may designate any fund within 167846
the state treasury that receives federal revenue to be credited 167847
with investment earnings to comply with federal law. 167848

Section 505.70. REPAYMENT OF FEDERAL FUNDS 167849

Any unexpended federal revenue received into the state 167850
treasury remaining at the end of its applicable period for 167851
expenditure which must be returned in compliance with federal law, 167852
is hereby appropriated to the fund in which it was received, for 167853
that purpose. 167854

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS 167855

Amounts equal to the unexpended portions of appropriation 167856
items under the following recovery and relief funds, at the end of 167857
fiscal year 2024, are hereby reappropriated to the same 167858
appropriation items and shall be used for the same purposes in 167859
fiscal year 2025: Governor's Emergency Education Relief Fund (Fund 167860
3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental 167861
Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 167862

5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital 167863
Projects Fund (Fund 5CV5), and the Health and Human Services 167864
Reserve Fund (Fund 5SA4). 167865

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND 167866

INTEREST EARNED 167867

Notwithstanding any provision of law to the contrary, the 167868
Director of Budget and Management, through June 30, 2025, may 167869
transfer interest earned by any state fund to the General Revenue 167870
Fund. This section does not apply to funds whose source of revenue 167871
is restricted or protected by the Ohio Constitution, federal tax 167872
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 167873
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 167874

NON-GRF FUNDS 167875

Notwithstanding any provision of law to the contrary, the 167876
Director of Budget and Management may transfer up to \$200,000,000 167877
cash, during the biennium ending June 30, 2025, from non-General 167878
Revenue Funds that are not constitutionally restricted to the 167879
General Revenue Fund. 167880

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND 167881

TOURISM FUND 167882

On July 1, 2023, or as soon as possible thereafter, the 167883
Director of Budget and Management shall transfer up to \$20,000,000 167884
cash from the General Revenue Fund to the Tourism Fund (Fund 167885
5MJ0). 167886

CREDIT SCORE COST ASSISTANCE FUND 167887

On July 1, 2023, or as soon as possible thereafter, the 167888
Director of Budget and Management shall transfer \$3,000,000 cash 167889
from the General Revenue Fund to the Credit Score Cost Assistance 167890
Fund (Fund 5ZM0), which is hereby created in the state treasury. 167891

TARGETED ADDICTION PROGRAM FUND	167892
Notwithstanding any provision of law to the contrary, the	167893
Director of Budget and Management may transfer up to \$24,500,000	167894
cash in fiscal year 2024 and \$24,750,000 cash in fiscal year 2025	167895
from the General Revenue Fund to the Targeted Addiction Program	167896
Fund (Fund 5TZ0).	167897
PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND	167898
On July 1 of each fiscal year, or as soon as possible	167899
thereafter, the Director of Budget and Management shall transfer	167900
\$5,000,000 cash from the General Revenue Fund to the Persian Gulf,	167901
Afghanistan, Iraq Compensation Fund (Fund 7041).	167902
TOBACCO USE PREVENTION FUND	167903
On July 1, 2023, or as soon as possible thereafter, the	167904
Director of Budget and Management shall transfer \$29,000,000 cash	167905
from the General Revenue Fund to the Tobacco Use Prevention Fund	167906
(Fund 5BX0).	167907
FOUNDATION FUNDING - ALL STUDENTS FUND	167908
Notwithstanding any provision of law to the contrary, the	167909
Director of Budget and Management may transfer up to \$600,000,000	167910
cash, in each fiscal year, from the General Revenue Fund to the	167911
Foundation Funding - All Students Fund (Fund 5VS0).	167912
TEACHER CERTIFICATION FUND	167913
On July 1, 2023, or as soon as possible thereafter, the	167914
Director of Budget and Management shall transfer \$10,000,000 cash	167915
from the General Revenue Fund to the State Board of Education	167916
Licensure Fund (Fund 4L20).	167917
OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND	167918
On July 1, 2023, or as soon as possible thereafter, the	167919
Director of Budget and Management shall transfer \$50,000,000 cash	167920
from the General Revenue Fund to the OhioMeansJobs Workforce	167921

Development Revolving Loan Fund (Fund 5NH0) to support the Talent Ready Grant Program. 167922
167923

TEACHER LOAN REPAYMENT FUND 167924

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$25,000,000 cash from the General Revenue Fund to the Teacher Loan Repayment Fund (Fund 5W00) created in section 3319.58 of the Revised Code. 167925
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SECOND CHANCE GRANT PROGRAM FUND 167929

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$4,000,000 cash from the General Revenue Fund to the Second Chance Grant Program Fund (Fund 5YD0). 167930
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GROW YOUR OWN TEACHER PROGRAM FUND 167934

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 cash from the General Revenue Fund to the Grow Your Own Teacher Program Fund (Fund 5ZY0), which is hereby created in the state treasury. 167935
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On July 1, 2024, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$10,000,000 cash from the General Revenue Fund to the Grow Your Own Teacher Program Fund (Fund 5ZY0). 167939
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INFORMATION TECHNOLOGY DEVELOPMENT FUND 167943

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to \$2,500,000 cash in each fiscal year from the General Revenue Fund to the Information Technology Development Fund (Fund 5LJ0) to support the operations of the Office of InnovateOhio. 167944
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PROFESSIONAL DEVELOPMENT FUND 167949

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$6,600,000 cash 167950
167951

from the General Revenue Fund to the Professional Development Fund 167952
(Fund 5L70). 167953

WILDLIFE FUND 167954

On July 1 of each fiscal year, or as soon as possible 167955
thereafter, the Director of Budget and Management shall transfer 167956
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 167957
(Fund 7015). 167958

CAREER-TECHNICAL EDUCATION EQUIPMENT FUND 167959

On July 1 of each fiscal year, or as soon as possible 167960
thereafter, the Director of Budget and Management shall transfer 167961
\$50,000,000 cash from the General Revenue Fund to the 167962
Career-Technical Education Equipment Fund (Fund 5AD1), which is 167963
hereby created in the State Treasury. 167964

CAPITAL FUND TRANSFERS 167965

Up to the remaining amount authorized in Section 529.10 of 167966
H.B. 687 of the 134th General Assembly, but not yet transferred as 167967
of June 30, 2023, shall remain in the General Revenue Fund until 167968
deemed necessary to be transferred in accordance with that 167969
section. 167970

MEAT PROCESSING INVESTMENT PROGRAM FUND 167971

On July 1, 2023, or as soon as possible thereafter, the 167972
Director of Budget and Management shall transfer \$14,000,000 cash 167973
from the General Revenue Fund to the Meat Processing Investment 167974
Program Fund (Fund 5XX0). 167975

SPORTS EVENT GRANT FUND 167976

On July 1, 2023, or as soon as possible thereafter, the 167977
Director of Budget and Management shall transfer \$6,100,000 cash 167978
from the General Revenue Fund to the Sports Event Grant Fund (Fund 167979
5UY0). 167980

BROWNFIELD REMEDIATION FUND 167981

On July 1 of each fiscal year, or as soon as possible 167982
thereafter, the Director of Budget and Management shall transfer 167983
\$175,000,000 cash from the General Revenue Fund to the Brownfield 167984
Remediation Fund (Fund 5YE0). 167985

BUILDING DEMOLITION AND SITE REVITALIZATION FUND 167986

On July 1, 2023, or as soon as possible thereafter, the 167987
Director of Budget and Management shall transfer \$150,000,000 cash 167988
from the General Revenue Fund to the Building Demolition and Site 167989
Revitalization Fund (Fund 5YF0). 167990

NEXT GENERATION 911 167991

The Director of Budget and Management shall transfer from the 167992
General Revenue Fund to the Next Generation 911 Fund (Fund 5AB1) 167993
up to \$28,180,270 cash in fiscal year 2024 and up to \$17,765,277 167994
cash in fiscal year 2025. 167995

988 SUICIDE AND CRISIS RESPONSE 167996

The Director of Budget and Management shall transfer from the 167997
General Revenue Fund to the 988 Suicide and Crisis Response Fund 167998
(Fund 5AA1) up to \$20,701,661 cash in fiscal year 2024 and up to 167999
\$25,831,020 cash in fiscal year 2025. 168000

BEHAVIORAL HEALTH CARE-CHILDREN 168001

On July 1 of each fiscal year, or as soon as possible 168002
thereafter, the Director of Budget and Management shall transfer 168003
\$500,000 cash from the General Revenue Fund to the Behavioral 168004
Health Care-Children Fund (Fund 5AU0). 168005

BEHAVIORAL HEALTH CARE-CHILDREN 168006

On July 1 of each fiscal year, or as soon as possible 168007
thereafter, the Director of Budget and Management shall transfer 168008
\$1,000,000 cash from the General Revenue Fund to the Behavioral 168009
Health Care-Children Fund (Fund 5AU0). 168010

Section 513.10. FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING	168011
BALANCE	168012
The Director of Budget and Management shall determine the	168013
surplus General Revenue Fund revenue that existed on June 30,	168014
2023. Notwithstanding section 131.44 of the Revised Code or any	168015
other provision of law to the contrary, the remaining surplus	168016
revenue, except for the transfers listed in this section, shall	168017
remain in the General Revenue Fund. The Director shall transfer	168018
cash, not to exceed the amount of the remaining surplus revenue	168019
from the General Revenue Fund in the following order:	168020
(A) Up to \$500,000,000 cash to the All Ohio Future Fund (Fund	168021
5XM0);	168022
(B) Up to \$307,196,000 cash to the H2Ohio Fund (Fund 6H20);	168023
(C) Up to \$200,000,000 cash to the Local Jails Grant Fund	168024
(Fund 5ZQ0);	168025
(D) Up to \$190,000,000 cash to the EXPO 2050 Fund (Fund	168026
5ZN0);	168027
(E) Up to \$25,000,000 cash to the Innovation Hubs Fund (Fund	168028
5ZK0);	168029
(F) Up to \$65,000,000 cash to the Veterans Homes	168030
Modernization Fund (Fund 5Z00);	168031
(G) Up to \$102,000,000 cash to the Local Projects Fund (Fund	168032
5ZZ0);	168033
(H) Up to \$50,000,000 cash to the Controlling Board Emergency	168034
Purposes/Contingencies Fund (Fund 5KM0);	168035
(I) Up to \$150,000,000 cash to the Downtown Development Grant	168036
Fund (Fund 5ZU0);	168037
(J) Up to \$50,000,000 cash to the Township Development Grant	168038
Fund (Fund 5ZV0);	168039

(K) Up to \$25,000,000 cash to the Cultural Center Grant Fund	168040
(Fund 5ZW0);	168041
(L) Up to \$25,000,000 cash to the County and Independent	168042
Fairs Grant Fund (Fund 5ZX0);	168043
(M) Up to \$196,260,000 cash to the Third Frontier Research	168044
and Development Bond Retirement Fund (Fund 7070);	168045
(N) Up to \$18,340,000 cash to the Coal Research and	168046
Development Bond Retirement Fund (Fund 7076);	168047
(O) \$54,558,000 cash to the Hospital Relief Fund (Fund 5AE1),	168048
which is hereby created in the state treasury;	168049
(P) Up to \$50,000,000 cash to the Airport Development Grants	168050
Fund (Fund 5AC1);	168051
(Q) Up to \$1,000,000,000 cash to the Connect4Ohio Fund (Fund	168052
5ZR0);	168053
(R) Up to \$100,000,000 cash to the Super RAPIDS Fund (Fund	168054
5AH1), which is hereby created in the state treasury;	168055
(S) Up to \$33,000,000 cash to the Accelerated School	168056
Assistance Program Fund (Fund 5AG1), which is hereby created in	168057
the state treasury;	168058
(T) \$30,000,000 cash to the Child Care Infrastructure Fund	168059
(Fund 5AK1), which is hereby created in the state treasury;	168060
(U) Up to \$50,000,000 cash to the Broadband Pole Replacement	168061
Fund (Fund 5AI1);	168062
(V) Up to \$30,000,000 cash to the Foodbanks Fund (Fund 5AJ1),	168063
which is hereby created in the state treasury; and	168064
(W) Up to \$5,000,000 cash to the Ohio Aviation Workforce	168065
Innovation Fund (Fund 5AF1), which is hereby created in the state	168066
treasury.	168067

Section 513.20. FISCAL YEAR 2024 GENERAL REVENUE FUND ENDING 168068
 BALANCE 168069

Notwithstanding section 131.44 of the Revised Code, the cash 168070
 balance of the General Revenue Fund on June 30, 2024, shall remain 168071
 in the General Revenue Fund. 168072

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 168073

Unless the agency and nuclear electric utility mutually agree 168074
 to a higher amount by contract, the maximum amounts that may be 168075
 assessed against nuclear electric utilities under division (B)(2) 168076
 of section 4937.05 of the Revised Code and deposited into the 168077
 specified funds are as follows: 168078

<u>Fund</u>	<u>User</u>		<u>FY 2024</u>	<u>FY 2025</u>	
Utility	Department of	\$	109,800	\$	112,900
Radiological	Agriculture				
Safety Fund					
(Fund 4E40)					
Radiation	Department of	\$	1,405,870	\$	1,474,757
Emergency	Health				
Response Fund					
(Fund 6100)					
ER Radiological	Environmental	\$	332,287	\$	332,287
Safety Fund	Protection Agency				
(Fund 6440)					
Emergency	Department of	\$	1,435,000	\$	1,449,000
Response Plan	Public Safety				
Fund (Fund 6570)					

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 168084

(A) On July 1, 2023, or as soon as possible thereafter, the 168085
 Director of Budget and Management shall transfer the cash balance 168086
 from each of the funds as indicated in the table below to the fund 168087

also indicated in the table below. Upon completion of each 168088
transfer and on the effective date of its repeal by this act, 168089
where applicable, the fund from which the cash balance was 168090
transferred is hereby abolished. 168091

User	Transfer from:	Transfer to:	
Agency	Fund Fund Name	Fund Fund Name	
COM	5470 Real Estate Education/Research Fund	5490 Division of Real Estate Operating Fund	168092
COM	5VC0 Real Estate Home Inspector Operating Fund	5490 Division of Real Estate Operating Fund	168093
COM	5SE0 Cemetery Grant Program Fund	4H90 Cemetery Registration Fund	168094
COM	5SU0 Manufactured Homes Regulation Fund	5490 Division of Real Estate Operating Fund	168095
COM	6A40 Real Estate Appraiser Operating Fund	5490 Division of Real Estate Operating Fund	168096
DAS	1880 State EEO Fund	1250 Human Resources Services Fund	168097
DAS	5JQ0 Professionals Licensing System Fund	4K90 Occupational Licensing and Regulatory Fund	168098
DEV	3BJ0 TANF Heating Assistance Fund	1350 Supportive Services Fund	168099
DEV	5RD0 Local Government Safety Capital Grant Fund	1350 Supportive Services Fund	168100
DEV	5RQ0 Lakes in Economic Distress Fund	1350 Supportive Services Fund	168101
DEV	5X10 Exempt Facility Inspection Fund	1350 Supportive Services Fund	168102
			168103
			168104

DEV	7008	Logistics and Distribution Infrastructure Fund	GRF	General Revenue Fund	168105
DMH	1500	Special Education Fund	1490	Sale of Goods and Services Fund	168106
DPS	3390	Personnel Administration Subdivisions Fund	3370	Federal Disaster Relief Fund	168107
DPS	5TJ0	Security Grants Fund	7021	Public School Building Fund	168108
ETC	3X80	Assistive Technology Infusion Fund	GRF	General Revenue Fund	168109
ETC	5D30	High Definition Television Fund	GRF	General Revenue Fund	168110
FCC	5S60	Classroom Facility Loan Guarantee Fund	GRF	General Revenue Fund	168111
INS	5550	Superintendent's Examination Fund	5540	Department of Insurance Operating Fund	168112
INS	5PT0	Captive Insurance Regulation and Supervision Fund	5540	Department of Insurance Operating Fund	168113
JFS	4Z70	Human Services Stabilization Fund	5RY0	Human Services Projects Fund	168114
JFS	5DP0	Adoption Assistance Loan Fund	5RY0	Human Services Projects Fund	168115
PUB	4X70	Trumbull County-County Share Fund	4C70	Multi-County County Share Fund	168116

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name			168119
DEV	5LU0	Racetrack Facility Community Economic Redevelopment Fund			168120

DMH	3FR0	RTTT Early Learning Challenge Fund	168121
DMH	3HB0	21st Century Cures Opioid State Targeted Response Fund	168122
DMH	3J80	Medicaid Fund	168123
DMH	5CH0	Residential State Supplemental Fund	168124
DMH	5DU0	Energy Projects Fund	168125
EPA	6780	Toxic Chemical Release Reporting Fund	168126

(C) On the effective date of this section or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund 1150) to the Accounting and Budgeting Fund (Fund 1050). Upon completion of the transfer, Fund 1150 is abolished. The Director shall cancel any existing encumbrances against appropriation item 100632, Central Service Agency, and reestablish them against either appropriation item 042603, Financial Management, or appropriation item 042620, Shared Services Operating. The reestablished encumbrance amounts are hereby appropriated.

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Section 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND

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The Health and Human Services Fund (Fund 5SA4) created under Section 751.40 of H.B. 64 of the 131st General Assembly is hereby renamed the Health and Human Services Reserve Fund.

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Section 525.10. On the effective date of the amendments to section 125.22 (126.42) of the Revised Code as renumbered and amended by this act, or as soon as reasonably possible thereafter, the Central Service Agency is abolished. The administration of all duties performed by the Agency shall be transferred from the Department of Administrative Services to the Office of Budget and Management. Employment records and actions shall be transferred with the employee, and all equipment and assets shall be

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transferred from the Department of Administrative Services to the 168150
Office of Budget and Management. 168151

Business related to the Central Service Agency commenced but 168152
not completed by the Department of Administrative Services shall 168153
be completed by the Office of Budget and Management, as 168154
appropriate consistent with the amendments to section 125.22 168155
(126.42) of the Revised Code as renumbered and amended by this act 168156
and with the amendments to section 126.25 of the Revised Code as 168157
amended by this act. 168158

Whenever the Department of Administrative Services, Director 168159
of Administrative Services, or Central Service Agency is referred 168160
to in any law, contract, or other document, related to the Central 168161
Service Agency, the reference shall be deemed to refer to the 168162
Office of Budget and Management or the Director of Budget and 168163
Management, whichever is appropriate in context. 168164

Section 525.20. (A)(1) On or before December 31, 2023, the 168165
Department of Commerce and the State Board of Pharmacy shall 168166
transfer regulation of the Medical Marijuana Control Program to 168167
the Division of Marijuana Control in the Department of Commerce. 168168
Until the transfer is complete, the State Board of Pharmacy 168169
retains regulatory authority over licensing of retail 168170
dispensaries, registering patients and caregivers, and related 168171
duties. 168172

(2) Upon completion of the transfer, the Medical Marijuana 168173
Control Program in the State Board of Pharmacy is abolished. All 168174
records of the Medical Marijuana Control Program in the State 168175
Board of Pharmacy shall be transferred to the Division, and all of 168176
its other assets and liabilities relating to the Medical Marijuana 168177
Control Program shall be transferred to the Division. The Division 168178
is successor to, and assumes the obligations of the Medical 168179

Marijuana Control Program in the State Board of Pharmacy. Any 168180
business commenced, but not completed by the State Board of 168181
Pharmacy Medical Marijuana Control Program on the date of the 168182
completion of the transfer shall be completed by the Division in 168183
the same manner, and with the same effect, as if completed by the 168184
State Board of Pharmacy. No validation, cure, right, privilege, 168185
remedy, obligation, or liability is lost or impaired by reason of 168186
the transfer required by this section. 168187

(B) Upon this transfer, the Division is responsible for 168188
adopting rules establishing standards and procedures for the 168189
Medical Marijuana Control Program. The rules regulating the 168190
Medical Marijuana Control Program in existence on the effective 168191
date of this section continue in effect until repealed or amended 168192
by the Division of Marijuana Control. 168193

(C) On or before March 1, 2024, the Division shall review and 168194
propose revisions to the rules in the Administrative Code related 168195
to medical marijuana retail dispensaries. 168196

(D) A license to operate as a retail dispensary issued by the 168197
State Board of Pharmacy pursuant to section 3796.10 of the Revised 168198
Code as it existed immediately prior to the effective date of this 168199
section, and a registration issued by the State Board of Pharmacy 168200
pursuant to section 3796.08 of the Revised Code as it existed 168201
immediately prior to the effective date of this section, remain in 168202
effect for the remainder of the license's or registration's term, 168203
unless earlier suspended or revoked. Renewals shall be issued by 168204
the State Board of Pharmacy until the transfer is complete, at 168205
which time renewals shall be issued by the Division of Marijuana 168206
Control. 168207

(E) Any form of medical marijuana approved by the State Board 168208
of Pharmacy under section 3796.061 of the Revised Code as it 168209
existed immediately prior to the effective date of this section 168210
remains approved until that approval is revoked by the Division of 168211

Marijuana Control, after giving notice to the petitioner described 168212
in section 3796.061 of the Revised Code. The Division shall post 168213
notice of that revocation on its web site. 168214

Section 525.30. (A) "State schools" means the State School 168215
for the Deaf and the State School for the Blind. 168216

(B) On the effective date of this section, all records of the 168217
state schools shall be transferred to Ohio Deaf and Blind 168218
Education Services established in section 3325.01 of the Revised 168219
Code, and all of their other assets and liabilities shall be 168220
transferred to Ohio Deaf and Blind Education Services. Ohio Deaf 168221
and Blind Education Services is the successor to, and assumes the 168222
obligations of, the state schools. 168223

(C) Any business commenced, but not completed by the state 168224
schools or their superintendents on the effective date of this 168225
section shall be completed by the superintendent of Ohio Deaf and 168226
Blind Education Services in the same manner, and with the same 168227
effect, as if completed by the state schools or their 168228
superintendents. No validation, cure, right, privilege, remedy, 168229
obligation, or liability is lost or impaired by reason of the 168230
transfer required under this section. 168231

(D) Subject to the lay-off provisions of sections 124.321 to 168232
124.328 of the Revised Code, all of the employees of the state 168233
schools are transferred to Ohio Deaf and Blind Education Services 168234
and retain their positions and all of the benefits accruing 168235
thereto. 168236

(E) On and after the effective date of this section, pursuant 168237
to section 126.15 of the Revised Code, the Director of Budget and 168238
Management shall transfer the balance of all appropriations made 168239
to the state schools to Ohio Deaf and Blind Education Services. 168240

(F) Wherever the state schools or their superintendents are 168241

referred to in any law, contract, or other document, the reference 168242
shall be deemed to refer to Ohio Deaf and Blind Education Services 168243
or its superintendent, whichever is appropriate. 168244

(G) No action or proceeding pending on the effective date of 168245
this section is affected by the transfer, and any such action or 168246
proceeding shall be prosecuted or defined in the name of Ohio Deaf 168247
and Blind Education Services or its superintendent. In all such 168248
actions and proceedings, the superintendent or Ohio Deaf and Blind 168249
Education Services, on application to the court, shall be 168250
substituted as a party. 168251

Section 610.10. That Sections 213.10, 237.10 (as amended by 168252
H.B. 45 of the 134th General Assembly), 237.13 (as amended by H.B. 168253
45 of the 134th General Assembly), 237.15, and 237.30 of H.B. 687 168254
of the 134th General Assembly be amended to read as follows: 168255

Sec. 213.10. 168256

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 168257

Building Improvement Fund (Fund 5KZ0) 168258

C10035 Building Improvement \$ 45,436,000 168259

TOTAL Building Improvement Fund \$ 45,436,000 168260

Administrative Building Taxable Bond Fund (Fund 7016) 168261

C10041 MARCS - Taxable \$ 16,888,000 168262

C10055 Highland County MARCS Tower \$ 750,000 168263

C10056 BGSU Public Safety Radio System - MARCS \$ 175,000 168264

TOTAL Administrative Building Taxable Bond Fund \$ 17,813,000 168265

Administrative Building Fund (Fund 7026) 168266

C10000 Governor's Residence \$ 1,436,000 168267

C10020 North High Building Complex Renovation \$ 14,209,000 168268

C10021 Office Space Planning \$ 24,907,000 168269

C10034 Aronoff Center Systems Replacements and \$ 375,000 168270

Upgrades

C10036	Rhodes Tower Renovations	\$	7,131,000	168271
C10038	Riffe Renovations	\$	10,470,000	168272
C10042	IT Projects	\$	24,345,375	168273
C10051	Fleet Sustainability	\$	500,000	168274
TOTAL Administrative Building Fund		\$	83,373,375	168275
Capital IT Projects Fund (Fund 7091)				168276
C10054	Statewide IT Projects	\$	33,085,524	168277
TOTAL Capital IT Projects Fund		\$	33,085,524	168278
TOTAL ALL FUNDS		\$	179,707,899	168279

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 168280

(A) There is hereby continued a Multi-Agency Radio 168281
Communications System (MARCS) Steering Committee consisting of all 168282
of the following members: 168283

(1) The directors, or designees thereof, of the Directors of 168284
Administrative Services, Public Safety, Natural Resources, 168285
Transportation, Rehabilitation and Correction, and Budget and 168286
Management, and the State Fire Marshal or the State Fire Marshal's 168287
designee; 168288

(2) The following members appointed by the Governor: 168289

(a) One representative of the Ohio Chapter of the Association 168290
of Public Safety Communications Officials or its successor 168291
organization; 168292

(b) One representative of the Buckeye State Sheriff's 168293
Association or its successor organization; 168294

(c) One representative of the Ohio Association of Chiefs of 168295
Police or its successor organization; 168296

(d) One representative of the Ohio Fire Chiefs' Association 168297
or its successor organization. 168298

(3) Two members of the House of Representatives appointed by 168299
the Speaker of the House of Representatives, one from the majority 168300

party and one from the minority party; 168301

(4) Two members of the Senate appointed by the President of 168302
the Senate, one from the majority party and one from the minority 168303
party. The 168304

(B) The Director of Administrative Services or the Director's 168305
designee shall chair the Committee. ~~The~~ 168306

(C) The Committee shall provide assistance to the Director of 168307
Administrative Services for effective and efficient implementation 168308
of MARCS as well as develop policies for the ongoing management of 168309
the system. Upon dates prescribed by the Directors of 168310
Administrative Services and Budget and Management, the MARCS 168311
Steering Committee shall report to the Directors on the progress 168312
of MARCS implementation and the development of policies related to 168313
the system. 168314

(D) The Committee shall establish a subcommittee to represent 168315
MARCS users on the local government level. The chairperson of the 168316
subcommittee shall serve as a member of the MARCS Steering 168317
Committee. 168318

(E) The foregoing appropriation item C10041, MARCS - Taxable, 168319
shall be used to purchase or construct the components of MARCS 168320
that are not specific to any one agency. The equipment may 168321
include, but is not limited to, computer and telecommunications 168322
equipment used for the functioning and integration of the system, 168323
communications towers, tower sites, tower equipment, and linkages 168324
among towers. The Director of Administrative Services shall, with 168325
the concurrence of the MARCS Steering Committee, determine the 168326
specific use of funds. Expenditures from this appropriation shall 168327
not be subject to Chapters 123. and 153. of the Revised Code. 168328

Sec. 237.10. 168329

FCC FACILITIES CONSTRUCTION COMMISSION 168330

State Fiscal Recovery Fund (Fund 5CV3)			168331
C230GF	ARPA School Security	\$ 100,000,000	168332
TOTAL	State Fiscal Recovery Fund	\$ 100,000,000	168333
Administrative Building Fund (Fund 7026)			168334
C23016	Energy Conservation Projects	\$ 2,000,000	168335
C230E5	State Agency Planning/Assessment	\$ 2,800,000	168336
TOTAL	Administrative Building Fund	\$ 4,800,000	168337
Cultural and Sports Facilities Building Fund (Fund 7030)			168338
C23024	OHS - Statewide Site Exhibit Renovation	\$ 475,000	168339
C23025	OHS - Statewide Site Repairs	\$ 1,600,000	168340
C23028	OHS - Basic Renovations and Emergency Repairs	\$ 1,000,000	168341
C23032	OHS - Ohio Historical Center Rehabilitation	\$ 3,000,000	168342
C23033	OHS - Stowe House State Memorial	\$ 1,500,000	168343
C23034	OHS - National Afro-American Museum	\$ 900,000	168344
C23057	OHS - Online Portal to Ohio's Heritage	\$ 400,000	168345
C230C8	OHS - Serpent Mound	\$ 750,000	168346
C230E6	OHS - Exhibits Native American Sites	\$ 250,000	168347
C230EN	OHS - Storage Facility Expansion	\$ 5,000,000	168348
C230EO	OHS - Poindexter Village Museum	\$ 1,000,000	168349
C230FM	Cultural and Sports Facilities Projects	\$ 52,044,000	168350
C230FS	OHS - Ohio River Museum New Building	\$ 3,000,000	168351
C230FT	OHS - Statewide Site Security System	\$ 400,000	168352
C230FY	OHS - National Road Museum	\$ 500,000	168353
C230GG	OHS - Start Westward Monument	\$ 500,000	168354
C230W7	OHS - Lundy House Restoration	\$ 1,250,000	168355
C230X1	OHS - Site Energy Conservation	\$ 300,000	168356
TOTAL	Cultural and Sports Facilities Building Fund	\$ 73,869,000	168357
School Building Program Assistance Fund (Fund 7032)			168358
C23002	School Building Program Assistance	\$ 600,000,000	168359
<u>C230GD</u>	<u>Accelerated Appalachian School Building</u>	\$ <u>300,000,000</u>	168360

Assistance

TOTAL School Building Program Assistance Fund	\$	600,000,000	168361
		<u>900,000,000</u>	
Capital IT Projects Fund (Fund 7091)			168362
C230GF Data Management Solution	\$	3,000,000	168363
TOTAL Capital IT Projects Fund	\$	3,000,000	168364
TOTAL ALL FUNDS	\$	781,669,000	168365
		<u>1,081,669,000</u>	

ARPA SCHOOL SECURITY 168366

(A) The foregoing appropriation item C230GF, ARPA School Security, shall be used by the Facilities Construction Commission to award grants of up to \$100,000 per school building to eligible public school districts and chartered nonpublic schools. Grants shall be awarded according to guidelines adopted by the Commission after consultation with the Ohio Department of Education and the division of Homeland Security of the Department of Public Safety. In awarding grants, the Commission may consider applications submitted by eligible public school districts in response to similar grant programs operated by the Commission that have not been awarded if such applications comply with guidelines adopted under this division. 168367
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(B) All grants awarded under division (A) of this section shall comply with requirements of the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2. 168379
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(C) As used in division (A) of this section: 168382

(1) "Eligible public school district" means any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code. 168383
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(2) "School building" means a classroom facility serving the 168388

educational needs of students that has not had construction 168389
completed within the prior five years under any of the programs 168390
authorized under Chapter 3318. of the Revised Code and that has 168391
not received grant funding under the School Safety Grant Program 168392
established in S.B. 310 of the 133rd General Assembly and funded 168393
by appropriation item C23020, School Safety Grant Program. 168394

(3) "Chartered nonpublic school" means a school that meets 168395
standards for nonpublic schools prescribed by the State Board of 168396
Education for nonpublic schools pursuant to section 3301.07 of the 168397
Revised Code. 168398

ENERGY CONSERVATION PROJECTS 168399

The foregoing appropriation item C23016, Energy Conservation 168400
Projects, shall be used to perform energy conservation 168401
renovations, including the United States Environmental Protection 168402
Agency's Energy Star Program, in state-owned facilities. Prior to 168403
the release of funds for renovation, state agencies shall have 168404
performed a comprehensive energy audit for each project. The 168405
Facilities Construction Commission shall review and approve 168406
proposals from state agencies to use these funds for energy 168407
conservation. Public school districts and state-supported and 168408
state-assisted institutions of higher education are not eligible 168409
for funding from this item. 168410

STATE AGENCY PLANNING/ASSESSMENT 168411

Capital appropriations in H.B. 687 of the 134th General 168412
Assembly made from appropriation item C230E5, State Agency 168413
Planning/Assessment, shall be used by the Facilities Construction 168414
Commission to provide assistance to any state agency for 168415
assessment, capital planning, and maintenance management. 168416

Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS 168417

The foregoing appropriation item C230FM, Cultural and Sports 168418

Facilities Projects, shall be used to support the projects listed		168419
in this section.		168420
Project List		168421
Columbus Symphony Orchestra	\$2,000,000	168422
Findlay Market Garage	\$2,000,000	168423
Toledo Museum of Art	\$1,250,000	168424
Cincinnati Museum Center STEM - Biomedical and Early Childhood Exhibits	\$1,200,000	168425
Allen County Memorial Hall Improvements	\$1,000,000	168426
Historic Newark Arcade Renovation	\$1,000,000	168427
Eric Mendelsohn Park Synagogue Campus Restoration	\$1,000,000	168428
Playhouse Square	\$1,000,000	168429
Port Regal Theatre	\$1,000,000	168430
Pro Football Hall of Fame	\$1,000,000	168431
Rock and Roll Hall of Fame Expansion	\$1,000,000	168432
Cleveland Museum of Art Horace Kelley Art Foundation Lobby Renovation Phase II	\$900,000	168433
Cleveland Museum of Natural History	\$900,000	168434
A.B. Graham Memorial at I-70 and SR 72	\$750,000	168435
American Sign Museum	\$750,000	168436
James A. Garfield Memorial Preservation	\$750,000	168437
Springfield Art Museum	\$750,000	168438
Central Presbyterian Church	\$650,000	168439
Emery Theater Restoration	\$650,000	168440
Salmon Carter House	\$625,000	168441
Athens Hall of Honor Veterans Memorial	\$600,000	168442
DeYor Performing Arts Center	\$600,000	168443
Fremont Amphitheater Park	\$600,000	168444
National Museum of the Great Lakes Expansion Project	\$600,000	168445
OH WOW! The Roger and Gloria Jones Children's Center for Science and	\$600,000	168446

Technology		
Akron Art Museum-Center for Creative Learning	\$500,000	168447
Canton Township Palace Theater	\$500,000	168448
Champaign Aviation Museum Improvements	\$500,000	168449
Crawford Auto-Aviation Museum	\$500,000	168450
Day Air Credit Union Ballpark Professional Development License Facility Standard Improvements	\$500,000	168451
Dayton Institute of Art	\$500,000	168452
Fort Recovery Opera House	\$500,000	168453
Friends of the St. Marys Theater and Grand Opera House Downtown Revitalization Project	\$500,000	168454
International Soap Box Derby	\$500,000	168455
Lyric Theater Renovation	\$500,000	168456
Miami Valley Veterans Museum	\$500,000	168457
National Aviation Hall of Fame Innovation Laboratory	\$500,000	168458
National Voice of America Museum of Broadcasting	\$500,000	168459
Ohio Aerospace Institute Building Repair Project	\$500,000	168460
Stan Hywet Hall and Garden	\$500,000	168461
The Barn at Stratford	\$500,000	168462
York Mason Building Renovation	\$500,000	168463
Brown-Harris Historic Cemetery Preservation Schuster Center	\$450,000	168464
Taft Museum of Art Preservation Phase II	\$450,000	168466
Clifton Cultural Arts Center	\$400,000	168467
Orange Township Veterans Memorial	\$400,000	168468
Columbus Museum of Art	\$350,000	168469
Fort Laurens Restoration	\$330,000	168470
Cleveland Center for Arts and Technology	\$325,000	168471

Vandalia Art Park Amphitheater	\$300,000	168472
Butler Art Museum	\$300,000	168473
Champaign County Historical Society-Museum Additions and Renovation	\$300,000	168474
Gloria Theatre and the Urbana Youth Center Improvements	\$300,000	168475
Historic Washington Auditorium Renovation	\$300,000	168476
Jackson Amphitheater	\$300,000	168477
New Franklin Tudor House	\$300,000	168478
Robert (Sonny) Hill Community Center Expansion and Redevelopment Project	\$300,000	168479
Rockwell District Cultural and Arts Amphitheater - Whitehall	\$300,000	168480
Steubenville Grand Theater	\$300,000	168481
Veterans Memorial Lake Park	\$300,000	168482
Oak Harbor Riverfront	\$275,000	168483
City of Orrville Market West Historic Area	\$250,000	168484
Cranz Farm at Hale Farm and Village	\$250,000	168485
Everts Athletic and Arts Community Center	\$250,000	168486
Findlay Market Infrastructure Renovations	\$250,000	168487
Holmes Center for the Arts	\$250,000	168488
New London Hileman Community Building Project	\$250,000	168489
Piqua Arts - The Bank	\$250,000	168490
Rickenbacker Boyhood Home	\$250,000	168491
Sandusky State Theatre	\$250,000	168492
Toledo School for the Arts Expansion	\$250,000	168493
Youngstown Heritage Manor <u>Area Jewish Federation</u>	\$250,000	168494
Preble County Historical Society Restoration and Nature Reserve	\$240,000	168495
Pickaway County Memorial Hall	\$225,000	168496
Beck Center	\$200,000	168497

Cincinnati Carriage House Renovations	\$200,000	168498
Complete Cozad - Health Hospitality Campus	\$200,000	168499
East Liverpool Revitalization Project	\$200,000	168500
Grant Sawyer Carriage House	\$200,000	168501
Lorain Palace Theatre	\$200,000	168502
Marion Heritage Hall	\$200,000	168503
Painesville Amphitheater	\$200,000	168504
Karamu House Educational Wing Renovations	\$175,000	168505
McDowell-Phillips House Museum	\$175,000	168506
McKinley Presidential Library Upgrades	\$171,000	168507
Grafton Veterans Memorial	\$150,000	168508
Historic Ohio State Reformatory Tour Site	\$150,000	168509
Upgrade and Expansion		
Johnstown Amphitheater	\$150,000	168510
Marion Women's Club	\$150,000	168511
Necco Center Campus	\$150,000	168512
Nuestra Gente Community Center	\$150,000	168513
Powell Education Center	\$150,000	168514
St. Clairsville Train Depot	\$150,000	168515
Tecumseh! Actors Village Improvements	\$150,000	168516
Van Wert Area Performing Arts Annex	\$150,000	168517
Workshop		
Village of Richwood Opera House Restoration	\$150,000	168518
Woodsfield Monroe Theatre	\$135,000	168519
Pump House Center for the Arts	\$127,000	168520
Beach Park Railway Museum	\$125,000	168521
Ensemble Theatre of Cincinnati	\$125,000	168522
Forever Dads Historic Building Restoration	\$125,000	168523
John and Iris Hathaway Education and	\$125,000	168524
Community Center		
Logan Theater Renovation	\$125,000	168525
Anchorage Rehabilitation Phase III	\$100,000	168526
Armstrong Air and Space Museum	\$100,000	168527

Barker House Stabilization Project	\$100,000	168528
Boonshoft Museum of Discovery	\$100,000	168529
Bowling Green Oak Street Theater	\$100,000	168530
Chagrin Falls Historical Society	\$100,000	168531
Columbus College of Art and Design Youth and Community Learning Hub	\$100,000	168532
Dairy Barn Arts Center	\$100,000	168533
Delaware Arts Castle Mason Repairs	\$100,000	168534
Downtown Marion Community Culture and Entertainment Zone	\$100,000	168535
Dublin Arts Council - Muirfield Drive Project	\$100,000	168536
Evendale Cultural Arts Center - ADA Compliance	\$100,000	168537
Fayette County Museum	\$100,000	168538
Federal Valley Resource Center Improvements	\$100,000	168539
Firelands Historical Society Expansion	\$100,000	168540
Galion Big Four Depot Renovation	\$100,000	168541
Historic Hoover Auditorium Renovation	\$100,000	168542
Historic Sidney Theater Phase II	\$100,000	168543
Hotel McArthur	\$100,000	168544
Jacob Miller Tavern	\$100,000	168545
Kol Israel Foundation Holocaust Memorial	\$100,000	168546
Lilly Weston House	\$100,000	168547
Louis Sullivan Building	\$100,000	168548
Macedonia Missionary Baptist Church Renovation	\$100,000	168549
Middletown Entertainment and Sports Venue	\$100,000	168550
North Ridgeville Veterans Memorial	\$100,000	168551
Port Clinton Arts Garage	\$100,000	168552
Portage Riverwalk Arts Infrastructure - Oak Harbor	\$100,000	168553
Ro-Na Theater Entertainment and Performing	\$100,000	168554

Arts Theater		
Strand Theatre	\$100,000	168555
Swanton Memorial Park Improvements	\$100,000	168556
Walnut Hills Creative Campus	\$100,000	168557
Wellston Sport Complex	\$100,000	168558
Dennison Community Auditorium Accessibility	\$95,000	168559
Arts and Education Campus Improvements - Silverton	\$90,000	168560
Georgetown Hall - Adena	\$90,000	168561
Sugarcreek Township Veterans Memorial	\$90,000	168562
Case Barlow Farm	\$80,000	168563
Highland House Museum	\$77,000	168564
Boys and Girls Club - HVAC and Roof Repair - Orrville	\$75,000	168565
Danny Thomas Park Amphitheater	\$75,000	168566
Hudson Historic Boy Scout Cabin	\$75,000	168567
Pleasant Square Community Center	\$75,000	168568
Tarlton Community Building	\$75,000	168569
Warren County Community Services	\$75,000	168570
Massillon Museum Fire Monitoring System	\$68,000	168571
Pike Heritage Museum	\$60,000	168572
Allen County Museum	\$50,000	168573
Willoughby Arts Education and Performing Arts Center	\$50,000	168574
Fairfield County Historical Society Goslin Room	\$50,000	168575
G.A.R. Hall Historic Rehabilitation	\$50,000	168576
Gallipolis Railroad Freight Station Museum	\$50,000	168577
Grand Army of the Republic Hall	\$50,000	168578
Grant Memorial Building, Phase II	\$50,000	168579
Grant Presidential Sculpture	\$50,000	168580
History Manor Renovation and Reinterpretation - Wauseon	\$50,000	168581

Libbey House	\$50,000	168582
Mansard Building Project	\$50,000	168583
Mansfield Art Center Pavilion	\$50,000	168584
O.P. Chaney/Historic Mill	\$50,000	168585
Oviatt House	\$50,000	168586
Railroad Museum Upgrades - Bradford	\$50,000	168587
SAM Center Upgrades	\$50,000	168588
Spring Hill	\$50,000	168589
Trumpet in the Land Outdoor Drama Tower Project	\$50,000	168590
Westfield Center Community Center ADA Improvement Project	\$50,000	168591
Zanesville Gateway District	\$50,000	168592
Zanesville Museum of Art Facility EIFS Repairs and HVAC Replacement	\$50,000	168593
Hardin County Armory	\$45,000	168594
Genoa One Room School House	\$40,000	168595
Victorian House Museum	\$35,000	168596
Convoy Opera House Annex Restoration	\$31,000	168597
Stuart's Opera House	\$30,000	168598
Dayton Contemporary Dance Arts and Cultural Center	\$25,000	168599
Ohio Glass Museum	\$25,000	168600
Peoples Bank Theatre	\$25,000	168601
Poland Historical Society	\$25,000	168602
Village of Garrettsville Cemetery	\$25,000	168603
Scioto County Heritage Museum Restoration	\$10,000	168604

Sec. 237.15. SCHOOL BUILDING PROGRAM ASSISTANCE 168605

Capital appropriations in this act made from appropriation 168606
item C23002, School Building Program Assistance, shall be used by 168607
the Facilities Construction Commission to provide funding to 168608
school districts that receive conditional approval from the 168609

Commission pursuant to Chapter 3318. of the Revised Code. 168610

ACCELERATED APPALACHIAN SCHOOL BUILDING ASSISTANCE 168611

Capital appropriations in this act made from appropriation 168612
item C230GD, Accelerated Appalachian School Building Assistance, 168613
shall be used by the Facilities Construction Commission to provide 168614
funding to school districts that receive conditional approval from 168615
the Commission pursuant to section 3318.33 of the Revised Code. 168616

Sec. 237.30. The Ohio Public Facilities Commission is hereby 168617
authorized to issue and sell, in accordance with Section 2n of 168618
Article VIII, Ohio Constitution, and Chapter 151. and particularly 168619
sections 151.01 and 151.03 of the Revised Code, original 168620
obligations in an aggregate principal amount not to exceed 168621
~~\$470,100,000~~ \$770,100,000 in addition to the original issuance of 168622
obligations heretofore authorized by prior acts of the General 168623
Assembly. These authorized obligations shall be issued, subject to 168624
applicable constitutional and statutory limitations, as needed to 168625
provide sufficient moneys to the credit of the School Building 168626
Program Assistance Fund (Fund 7032) to pay the state share of the 168627
costs of constructing classroom facilities pursuant to Chapter 168628
3318. of the Revised Code. 168629

Section 610.11. That existing Sections 213.10, 237.10 (as 168630
amended by H.B. 45 of the 134th General Assembly), 237.13 (as 168631
amended by H.B. 45 of the 134th General Assembly), 237.15, and 168632
237.30 of H.B. 687 of the 134th General Assembly are hereby 168633
repealed. 168634

Section 610.20. That Section 21 of H.B. 790 of the 120th 168635
General Assembly, as amended by Section 11 of H.B. 670 of the 168636
121st General Assembly, is hereby repealed. 168637

Section 610.30. That Sections 280.12, 280.28, and 285.12 of 168638

H.B. 45 of the 134th General Assembly be amended to read as 168639
follows: 168640

Sec. 280.12. The foregoing appropriation item 042628, Adult 168641
Day Care, shall be used by the Director of Budget and Management 168642
to administer grants to eligible adult day care providers during 168643
the current state fiscal year, and the remaining \$4,000,000 shall 168644
be reappropriated and administered during the next state fiscal 168645
year. 168646

Sec. 280.28. NURSING FACILITY WORKFORCE SUPPORT FOR ITEMS NOT 168647
COVERED BY MEDICAID OR MEDICAID MANAGED CARE CONTRACTS 168648

(A) As used in this section: 168649

(1) "Ancillary and support costs," "direct care costs," 168650
"nursing facility," and "operator" have the same meanings as in 168651
section 5165.01 of the Revised Code. 168652

(2) "CMS" means the United States Centers for Medicare and 168653
Medicaid Services. 168654

(3) "Long-stay resident" means an individual who has resided 168655
in a nursing facility for at least one hundred one days. 168656

(4) "Nursing home" has the same meaning as in section 3721.01 168657
of the Revised Code. 168658

(5) "Nursing facilities for which a quality score was 168659
determined" includes nursing facilities that are determined to 168660
have a quality score of zero. 168661

(B) The foregoing appropriation item 042636, Nursing Facility 168662
Workforce Support, shall be used by the Office of Budget and 168663
Management to provide a lump sum payment to nursing ~~facilities~~ 168664
~~that are Medicaid providers homes~~, for general relief and items 168665
not covered by Medicaid managed care organization contracts or 168666
general Medicaid rates. Nursing ~~facility providers~~ home operators 168667

shall use the funds from the lump sum payment to make workforce relief payments in accordance with this section. The Office of Budget and Management shall distribute the appropriated funds as soon as practicable after December 31, 2022, ~~but not later than April 1, 2023,~~ as follows:

(1) Forty per cent of the appropriated funds shall be made as payments to nursing facilities based on each facility's total number of Medicaid days in calendar year 2021. Nursing homes that are not nursing facilities shall receive payments under this division based on the median number of medicaid days for all nursing facilities in this state during calendar year 2021.

(2) Sixty per cent of the funds shall be made as quality payments to nursing ~~facilities~~ homes, to be determined in accordance with division (C) and (E) of this section.

(C) The Office of Budget and Management shall determine each nursing facility's quality payment under division (B)(2) of this section as follows:

(1) Determine the sum of the quality scores determined under division (D) of this section for all nursing facilities.

(2) Determine the value per quality point by determining the quotient of the following:

(a) The number that is sixty per cent of the appropriation made in this section;

(b) The sum determined under division (C)(1) of this section.

(3) Multiply the value per quality point determined under division (C)(2) of this section by the nursing facility's quality score determined under division (D) of this section.

(D) ~~A~~ Except as provided in division (E) of this section, a nursing facility's quality score shall be calculated as follows:

(1) Calculate the sum of the total number of points that CMS

assigned to the nursing facility under CMS's nursing facility 168698
five-star quality rating system for the following quality metrics 168699
based on the four-quarter average for calendar year 2021 in the 168700
database maintained by CMS and known as care compare: 168701

(a) The percentage of the nursing facility's long-stay 168702
residents at high risk for pressure ulcers who had pressure 168703
ulcers; 168704

(b) The percentage of the nursing facility's long-stay 168705
residents who had a urinary tract infection; 168706

(c) The percentage of the nursing facility's long-stay 168707
residents whose ability to move independently worsened; 168708

(d) The percentage of the nursing facility's long-stay 168709
residents who had a catheter inserted and left in their bladder. 168710

(2) If the nursing facility was in the lowest percentile for 168711
any of the measures specified in division (D)(1) of this section, 168712
reduce the facility's points to zero for that measure. 168713

(3) To the sum calculated under divisions (D)(1) and (2) of 168714
this section, add seven and one-half points if the nursing 168715
facility's occupancy rate during calendar year 2021 was 168716
seventy-five per cent or more. 168717

(E) A new nursing facility, or a nursing home that is not a 168718
nursing facility, shall receive a quality score that equals the 168719
median quality score for all nursing facilities for which a 168720
quality score was determined. 168721

(F) A nursing ~~facility provider~~ home operator shall use the 168722
funds received under this section only for workforce expenses. 168723

Sec. 285.12. ELECTRONIC POLLBOOKS 168724

The foregoing appropriation item 050638, Electronic 168725
Pollbooks, shall be used by the Secretary of State to pay 168726

eighty-five per cent of the calculated allocation cost of 168727
acquiring electronic pollbooks, as defined in section 3506.05 of 168728
the Revised Code, and ancillary equipment, for county boards of 168729
elections in accordance with this section. 168730

An amount equal to the unexpended, unencumbered portion of 168731
the foregoing appropriation item 050638, Electronic Pollbooks, at 168732
the end of fiscal year 2023 is hereby reappropriated to the 168733
Secretary of State for the same purpose in fiscal year 2024. 168734

~~On the effective date of this section~~ the effective date of 168735
this section, or as soon as possible thereafter, the Director of 168736
Budget and Management shall transfer \$7,500,000 cash from the 168737
General Revenue Fund to the Electronic Pollbook Fund (Fund 5ZE0), 168738
which is hereby created in the state treasury. 168739

When required, pursuant to state purchasing requirements and 168740
at the request of the Secretary of State, the Office of 168741
Procurement Services within the Department of Administrative 168742
Services shall initiate a competitive solicitation for the purpose 168743
of identifying and securing contracts with qualified vendors that 168744
can provide electronic pollbooks, as defined in section 3506.05 of 168745
the Revised Code, and ancillary equipment, for the county boards 168746
of elections in accordance with this section. 168747

The Secretary of State shall calculate the portion of 168748
appropriation item 050638, Electronic Pollbooks, to be allocated 168749
to each county board of elections in proportion to the number of 168750
registered voters in each county as recorded in the statewide 168751
voter registration database as of July 1, 2022. The Secretary of 168752
State, in conjunction with the Office of Procurement Services 168753
within the Department of Administrative Services, shall use the 168754
funding allocated to each county board of elections ~~for the~~ 168755
~~purchase of~~ to reimburse them for the cost of acquiring electronic 168756
pollbooks and ancillary equipment as follows: 168757

(A) For electronic pollbooks and ancillary equipment to be 168758
~~purchased~~ acquired from vendors identified through competitive 168759
solicitation by the Office of Procurement Services within the 168760
Department of Administrative Services after ~~the effective date of~~ 168761
~~this section~~ the effective date of this section, upon request by a 168762
county board of elections, the Secretary of State shall provide a 168763
list of the vendors and electronic pollbooks certified in 168764
accordance with section 3506.05 of the Revised Code. The board of 168765
elections shall select electronic pollbooks from this list, ~~and~~ 168766
notify the ~~Office of Procurement Services~~ Secretary of State of 168767
its selection. ~~The Office,~~ and shall ~~purchase~~ acquire the selected 168768
electronic pollbooks and any other necessary equipment ~~on behalf~~ 168769
~~of the board of elections and shall transfer those pollbooks and~~ 168770
~~equipment to the board.~~ The board of elections shall enter into a 168771
memorandum of understanding with the applicable board of county 168772
commissioners and the ~~Department of Administrative Services~~ 168773
Secretary of State concerning those ~~purchases~~ acquisitions. The 168774
Secretary of State shall reimburse the board of elections for the 168775
lesser amount of either eighty-five per cent of the cost of those 168776
~~purchases~~ acquisitions, or the amount of the allocation as 168777
determined by the Secretary of State under this section. 168778

(B) If, prior to ~~the effective date of this section~~ the 168779
effective date of this section and after the date of December 31, 168780
2019, a board of elections ~~purchased~~ acquired electronic pollbooks 168781
or ancillary equipment and is otherwise in compliance with all 168782
applicable directives and statutes, the Secretary of State shall 168783
reimburse the board of elections for the lesser amount of either 168784
eighty-five per cent of the cost of that ~~purchase~~ acquisition, or 168785
the amount of the allocation as determined by the Secretary of 168786
State under this section. Reimbursement shall be paid to the 168787
county ~~general fund~~ board of elections. 168788

Section 610.31. That existing Sections 280.12, 280.28, and 168789

285.12 of H.B. 45 of the 134th General Assembly are hereby 168790
repealed. 168791

Section 610.50. That Section 207.14 of H.B. 597 of the 134th 168792
General Assembly be amended to read as follows: 168793

Sec. 207.14. 168794

LTC JAMES RHODES STATE COLLEGE 168795

Reappropriations

Higher Education Improvement Taxable Fund (Fund 7024) 168796

C38125 Workforce Based Training and Equipment - \$226,284 168797
Taxable

TOTAL Higher Education Improvement Taxable Fund \$226,284 168798

Higher Education Improvement Fund (Fund 7034) 168799

C38100 Basic Renovations \$758,498 168800

C38116 Center for Health Science Education and \$128,978 168801
Innovation

C38117 IT Infrastructure \$976,395 168802

C38122 Campus Safety Upgrades \$103,238 168803

C38123 St. Rita's Medical Center \$500,000 168804

C38124 Allen County Airport ~~Communications~~ \$300,000 168805

Facilities Improvements

C38126 Campus Safety Grant Program \$161,200 168806

TOTAL Higher Education Improvement Fund \$2,928,309 168807

TOTAL ALL FUNDS \$3,154,593 168808

BASIC RENOVATIONS 168809

The amount reappropriated for the foregoing appropriation 168810

item C38100, Basic Renovations, is the unencumbered balance as of 168811

June 30, 2022, in appropriation item C38100, Basic Renovations, 168812

plus \$74,715. Prior to the expenditure of this appropriation, 168813

James Rhodes State College shall certify to the Director of Budget 168814

and Management canceled encumbrances in the amount of at least 168815
\$74,715. 168816

Section 610.51. That existing Section 207.14 of H.B. 597 of 168817
the 134th General Assembly is hereby repealed. 168818

Section 610.60. That Section 5 of H.B. 371 of the 134th 168819
General Assembly is hereby repealed. 168820

Section 610.70. That Section 3 of H.B. 669 of the 133rd 168821
General Assembly, as amended by Section 4 of S.B. 102 of the 134th 168822
General Assembly, is hereby repealed, effective January 1, 2024. 168823

Section 610.80. That Sections 125.10 and 125.11 of H.B. 59 of 168824
the 130th General Assembly (as amended by H.B. 110 of the 134th 168825
General Assembly) be amended to read as follows: 168826

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 168827
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 168828
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 168829
repealed, effective October 16, ~~2023~~ 2025. 168830

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 168831
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 168832
Code are hereby repealed, effective October 1, ~~2023~~ 2025. 168833

Section 610.81. That existing Sections 125.10 and 125.11 of 168834
H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of 168835
the 134th General Assembly) are hereby repealed. 168836

Section 610.90. That Section 5 of H.B. 29 of the 134th 168837
General Assembly be amended to read as follows: 168838

Sec. 5. (A) The ~~Joint Committee~~ Study commission on ~~Sports~~ 168839

the Future of Gaming in Ohio is established. The Committee Study Commission consists of ~~six~~ the following eleven members. ~~The Speaker of the House of Representatives shall appoint to the Committee three;~~

(1) Three members of the House of Representatives, ~~and the President of the Senate shall appoint to the Committee three~~ appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(3) Three members of the Senate appointed by the President of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

(5) The chairperson of the State Lottery Commission or the chairperson's designee;

(6) The chairperson of the Ohio Casino Control Commission or the chairperson's designee;

(7) The chairperson of the State Racing Commission or the chairperson's designee. ~~Not more than two members appointed from each chamber may be members of the same political party. The~~

The Speaker of the House of Representatives and the President of the Senate shall designate co-chairpersons of the Committee Study Commission.

(B) The Committee Study Commission shall ~~monitor~~ do all of the following:

(1) Examine the current status of the statewide lottery and the future of the lottery industry and make recommendations to the General Assembly concerning the statewide lottery;

(2) Examine the implementation of sports gaming under ~~this~~

~~act H.B. 29 of the 134th General Assembly and the future of the~~ 168869
~~sports gaming industry and shall report its~~ 168870
~~make recommendations,~~ 168871
~~if any,~~ to the General Assembly concerning sports gaming in this 168872
state;

(3) Examine the current status of casino gaming in this state 168873
and the future of the casino gaming industry and make 168874
recommendations to the General Assembly concerning casino gaming 168875
in this state; 168876

(4) Examine the current status of horse racing in this state 168877
and the future of the horse racing industry and make 168878
recommendations to the General Assembly concerning horse racing in 168879
this state. 168880

(C) Any ~~study, or any~~ expense incurred, in furtherance of the 168881
~~Committee's~~ Study Commission's objectives shall be paid for from, 168882
or out of, the Casino Control Commission Fund or other 168883
appropriation provided by law. The members shall receive no 168884
additional compensation, but shall be reimbursed for actual and 168885
necessary expenses incurred in the performance of their official 168886
duties. 168887

(D) The ~~Committee~~ Study Commission shall submit a report of 168888
its findings and recommendations to the General Assembly not later 168889
than June 30, 2024. After it submits its report, the Study 168890
Commission ceases to exist ~~on the date that is two years after the~~ 168891
~~effective date of this section.~~ 168892

Section 610.91. That existing Section 5 of H.B. 29 of the 168893
134th General Assembly is hereby repealed. 168894

Section 700.10. Section 5.2320 of the Revised Code shall be 168895
known as Brenna's Law. 168896

Section 701.10. The Tax Commissioner and Treasurer of State, 168897

or their appointed representatives, shall jointly study and design 168898
a tax-favored savings program for home purchases and related home 168899
improvements. The study may consider the potential for family 168900
member and employer contributions, lifetime caps, eligibility 168901
requirements, and any other items the Commissioner and Treasurer 168902
of State, or their representatives, find appropriate. 168903

Section 701.20. As soon as practicable after the effective 168904
date of this section, the Director of the Legislative Service 168905
Commission shall remove rules adopted before the effective date of 168906
this section by a state institution of higher education or its 168907
governing body that the state institution of higher education 168908
posted on its web site in accordance with section 3345.033 of the 168909
Revised Code from the electronic Administrative Code published by 168910
or under contract with the Director. 168911

Section 701.30. (A) Not later than one hundred twenty days 168912
after the effective date of this section, the Department of 168913
Development shall conduct a study to determine if the Ohio State 168914
Fairgrounds should be relocated to an alternative location while 168915
redeveloping the existing site of the Ohio State Fairgrounds and 168916
Ohio Highway Patrol Training Facility. The Department shall 168917
provide a copy of the completed study to the President of the Ohio 168918
Senate, the Speaker of the Ohio House of Representatives, and the 168919
Governor. 168920

(B) The study shall be conducted prior to the expenditure of 168921
any state funds on the redevelopment of the existing Ohio State 168922
Fairgrounds and Ohio Highway Patrol Training Facility site, 168923
including any engineering and architectural plans, infrastructure 168924
development, building demolition, and building construction on the 168925
current Ohio State Fairgrounds and Ohio Highway Patrol Training 168926
Facility site. 168927

(C) The study shall determine the following: 168928

(1) The value of the existing Ohio State Fairgrounds and Ohio Highway Patrol Training Facility site and how the sale, lease, and rental of all or part of the current Ohio State Fairgrounds and Ohio Highway Training Facility site can assist in the funding of the development of an alternative Ohio State Fairgrounds site inside Franklin County or a contiguous county. 168929
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(2) The economic development benefits using an input-output model for the redevelopment of the existing Ohio State Fairgrounds and Ohio Highway Patrol Training Facility site into a mixed-use or other private sector development that may or may not include existing Ohio Exposition Commission facilities. 168935
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(3) A plan, potential cost, and financing structure for the development of an alternative Ohio State Fairgrounds site inside Franklin County or a contiguous county. 168940
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Section 733.10. Notwithstanding anything in the Revised Code or Administrative Code to the contrary, any school district community school, STEM school, or chartered nonpublic school that is subject to section 3301.163 of the Revised Code that retained a student in the third grade under that section or section 3313.608 of the Revised Code for the 2023-2024 school year based solely on a student's score on the assessment prescribed under section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of third grade in the 2022-2023 school year shall promote such a student to the fourth grade on the effective date of this section. 168943
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Section 733.20. The enactment of section 3313.7117 of the Revised Code and related changes shall be known as "Sarah's Law for Seizure Safe Schools." 168954
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Section 733.30. (A) As used in this section: 168957

(1) "E-Rate" means the federal Universal Service Fund's 168958
Schools and Libraries program. 168959

(2) "Other public school" has the same meaning as in section 168960
3301.0711 of the Revised Code. 168961

(B) The Department of Education shall establish and 168962
administer a pilot project that provides state matching grants in 168963
fiscal year 2024 and fiscal year 2025 to school districts, 168964
educational service centers, other public schools, or libraries 168965
that meet the requirements of this section. 168966

(C) To be eligible for a matching grant under the pilot 168967
project, a school district, educational service center, other 168968
public school, or library shall first be approved for E-Rate 168969
funding and for special construction broadband expansion meeting 168970
the Federal Communications Commission's long term targets for 168971
E-Rate by the Federal Communications Commission or other entity 168972
empowered to grant approval. 168973

(D) The Department shall establish processes for accepting 168974
applications and making eligibility determinations for the pilot 168975
project that are consistent with E-Rate, provided that the 168976
Department shall not establish eligibility criteria more stringent 168977
than what is required under division (C) of this section. 168978

(E) The Department shall begin to accept applications for the 168979
pilot project through the Department's web site or other publicly 168980
accessible platform not later than ninety days after the effective 168981
date of this section. 168982

(F) The Department may establish rules to carry out the pilot 168983
project pursuant to Chapter 119. of the Revised Code. 168984

(G) Notwithstanding any provision of section 121.95 of the 168985
Revised Code to the contrary, a regulatory restriction contained 168986

in a rule adopted under this section is not subject to sections 168987
121.95 to 121.953 of the Revised Code. 168988

Section 737.10. (A) Not later than thirty days after the 168989
effective date of this section, the State Lottery Commission shall 168990
publish all of its operating procedures adopted under section 168991
3770.03 of the Revised Code, as amended by this act, on the 168992
Commission's official web site. 168993

(B) Notwithstanding division (A)(5) of section 3770.03 of the 168994
Revised Code, as amended by this act, the State Lottery Commission 168995
may eliminate any rule of the Commission that it replaces with an 168996
operating procedure on or before the date that is thirty days 168997
after the effective date of this section, without rescinding the 168998
rule in accordance with section 111.15 or Chapter 119. of the 168999
Revised Code, as applicable. The State Lottery Commission shall 169000
notify the Director of the Legislative Service Commission of any 169001
such eliminated rule, and the Director of the Legislative Service 169002
Commission shall remove the rule from the Ohio Administrative 169003
Code. 169004

Section 737.20. Section 3772.031 of the Revised Code, as 169005
amended by Section 101.01 of this act, applies to any threat, 169006
attempted threat, or illegal activity that impacts the integrity 169007
of sports gaming, regardless of whether it occurs before, during, 169008
or after a sporting event. This section enhances and in no way 169009
decreases the Ohio Casino Control Commission's already existing 169010
broad powers and broad authority in this area. 169011

Section 737.30. The Director of Health may begin implementing 169012
Chapter 3724. of the Revised Code, including issuing 169013
registrations, prior to adopting rules under section 3724.13 of 169014
the Revised Code. 169015

Section 741.10. Not later than ninety days after the 169016
effective date of this section, the Ohio nuclear development 169017
authority nominating council shall provide the governor with a 169018
list of possible initial appointees. 169019

Section 745.10. (A) The Public Safety - Highway Purposes Fund 169020
Study Committee is established, consisting of the following 169021
members: 169022

(1) Three members appointed by the Governor, including all of 169023
the following: 169024

(a) One member representing the Department of Public Safety 169025
other than the Bureau of Motor Vehicles and the Ohio State Highway 169026
Patrol; 169027

(b) One member representing the Bureau of Motor Vehicles; 169028

(c) One member representing the Ohio State Highway Patrol; 169029

(2) Three members of the Senate appointed by the Senate 169030
President and comprised of two Republicans and one Democrat; 169031

(3) Three members of the House of Representatives appointed 169032
by the Speaker of the House of Representatives and comprised of 169033
two Republicans and one Democrat. 169034

(B) The Committee shall complete a study of long-term issues 169035
facing the Public Safety - Highway Purposes Fund created under 169036
section 4501.06 of the Revised Code and, by July 1, 2024, submit a 169037
report of its findings and recommendations to the Speaker of the 169038
House of Representatives and the President of the Senate. 169039

(C) Upon submission of the report, the Committee ceases to 169040
exist. 169041

Section 747.10. Individuals, who are members of the 169042
Architects Board before the effective date of section 4703.01 of 169043

the Revised Code as amended in this act, may continue to hold that office until the expiration of the terms to which they were appointed, unless removed in accordance with that section. Upon the next vacancy on the Architects Board, the Governor shall appoint an individual who is a member of the general public, and who is not an architect, to the Architects Board.

Section 747.20. (A) As used in this section, "board-certified music therapist" means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or obtained certification by that Board on January 1, 1985, and remains actively certified by the Certification Board for Music Therapists.

(B) Notwithstanding section 4787.04 of the Revised Code, as enacted by this act, individuals appointed to the Music Therapy Advisory Committee need not be licensed as required under that section during the first year after the effective date of this section.

(C) For a period of one year beginning on the effective date of this section, the State Medical Board shall waive the examination requirement under section 4787.05 of the Revised Code, as enacted by this act, that an individual must satisfy to obtain a license to practice as a music therapist if the individual demonstrates to the Board that the individual either is a board-certified music therapist or is designated as a registered music therapist, certified music therapist, or advanced certified music therapist and in good standing with the National Music Therapy Registry.

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund 169074
(Fund 7002), used by the Department of Transportation, a Diesel 169075
Emissions Reduction Grant Program. The Director of Environmental 169076
Protection shall administer the program and shall solicit, 169077
evaluate, score, and select projects submitted by public and 169078
private entities that are eligible for the federal Congestion 169079
Mitigation and Air Quality (CMAQ) Program. The Director of 169080
Transportation shall process Federal Highway 169081
Administration-approved projects as recommended by the Director of 169082
Environmental Protection. 169083

In addition to the allowable expenditures set forth in 169084
section 122.861 of the Revised Code, Diesel Emissions Reduction 169085
Grant Program funds also may be used to fund projects involving 169086
the purchase or use of hybrid and alternative fuel vehicles that 169087
are allowed under guidance developed by the Federal Highway 169088
Administration for the CMAQ Program. 169089

Public entities eligible to receive funds under section 169090
122.861 of the Revised Code and CMAQ shall be reimbursed from 169091
moneys in Fund 7002 designated for the Department of 169092
Transportation's Diesel Emissions Reduction Grant Program. 169093

Private entities eligible to receive funds under section 169094
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 169095
direction of the local public agency sponsor and upon approval of 169096
the Department of Transportation, through direct payments. These 169097
reimbursements shall be made from moneys in Fund 7002 designated 169098
for the Department of Transportation's Diesel Emissions Reduction 169099
Grant Program. Total expenditures from Fund 7002 for the Diesel 169100
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 169101
both fiscal year 2024 and fiscal year 2025. 169102

Any allocations under this section represent CMAQ program 169103
moneys within the Department of Transportation for use by the 169104
Diesel Emissions Reduction Grant Program by the Environmental 169105

Protection Agency. These allocations shall not reduce the amount 169106
of such moneys designated for metropolitan planning organizations. 169107

The Director of Environmental Protection, in consultation 169108
with the Director of Transportation, shall develop guidance for 169109
the distribution of funds and for the administration of the Diesel 169110
Emissions Reduction Grant Program. The guidance shall include a 169111
method of prioritization for projects, acceptable technologies, 169112
and procedures for awarding grants. 169113

Section 755.20. For purposes of adjusting the membership of 169114
the Transportation Review Advisory Council in accordance with 169115
section 5512.07 of the Revised Code, as amended by this act, all 169116
of the following shall occur not later than sixty days after the 169117
effective date of this section: 169118

(A) The Governor shall remove one member from the Council who 169119
was appointed by the Governor prior to that effective date. 169120

(B) The President of the Senate shall appoint one additional 169121
member to the Council who shall assume the remainder of the 169122
five-year term of the member removed by the Governor under 169123
division (A) of this section. 169124

(C) The Speaker of the House of Representatives shall appoint 169125
one additional member to the Council who shall serve a five-year 169126
term from the date of appointment in accordance with section 169127
5512.07 of the Revised Code. 169128

Section 755.30. (A) As used in this section, "rural county" 169129
means a county that does not contain a municipal corporation with 169130
a population greater than sixty-five thousand residents according 169131
to the most recent federal decennial census. 169132

(B) The Connect4Ohio Program is created, and the Department 169133
of Transportation shall administer the Program. The purpose of the 169134
Program is to assist in creating seamless transportation 169135

connections throughout all of Ohio and, by doing so, to make it 169136
easier for all Ohio workers to commute from their homes to 169137
employment centers. 169138

(C) As part of the Program, the Department, the 169139
Transportation Review Advisory Council (TRAC), and the Public 169140
Works Commission shall work together to prioritize all of the 169141
following: 169142

(1) Completing existing corridor projects, particularly 169143
corridor projects that benefit two or more connected rural 169144
counties; 169145

(2) Eliminating traffic impediments on county, township, 169146
state, and federal highway routes, particularly within rural 169147
counties; 169148

(3) Replacing not less than one existing bridge in each rural 169149
county with a population of not more than ninety thousand 169150
residents, with preference given to bridges that have already had 169151
a general appraisal and that have been identified by either the 169152
Department or the county engineer as requiring replacement. 169153

(D) The Department shall use money appropriated for purposes 169154
of the Program as follows: 169155

(1) Funding projects that align with the priorities 169156
established under division (C) of this section; 169157

(2) Funding such projects at one hundred per cent of the 169158
project cost, when appropriate, particularly for projects that are 169159
located in a rural county or that extend between two or more 169160
connected rural counties; 169161

(3) Providing the necessary matching funds to receive TRAC 169162
approval for any construction projects that are related to the 169163
Program and its purpose. 169164

(E) The Director of Transportation shall establish any 169165

procedures and requirements necessary to administer this section. 169166

Section 757.10. Notwithstanding section 5743.15 of the 169167
Revised Code, any license issued under division (B), (C), or (F) 169168
of that section that is active on the effective date of the 169169
amendment by this act of that section shall remain valid until 169170
June 1, 2024, rather than May 27, 2024. 169171

Section 757.20. BUSINESS INCENTIVE TAX CREDITS 169172

In order to facilitate an understanding of business incentive 169173
tax credits, as defined in section 107.036 of the Revised Code, 169174
the following table provides an estimate of the amount of credits 169175
that may be authorized in each fiscal year of the 2024-2025 169176
biennium, an estimate of the credits expected to be claimed in 169177
each fiscal year of that biennium, and an estimate of the amount 169178
of credits authorized that will remain outstanding at the end of 169179
that biennium. In totality, this table provides an estimate of the 169180
state revenue forgone due to business incentive tax credits in the 169181
2024-2025 biennium and future biennium. 169182

Biennial Business Incentive Tax Credit Estimates 169183

	Estimate of total		Estimate of tax		Expected	169185
	value of tax credits		credits		Outstanding	
	authorized		issued/claimed		credits	
			(All figures in			169186
			thousands of			
			dollars)			169187
Tax Credit	FY 2024	FY 2025	FY 2024	FY 2025	End of	169188
					Biennium	
						169189
Job Creation	\$160,000	\$165,000	\$151,000	\$155,000	\$705,000	169190

Tax Credit						169191
Job Retention	\$0	\$0	\$28,700	\$20,300	\$23,000	169192
Tax Credit						169193
Historic Preservation	\$120,000	\$60,000	\$98,000	\$95,000	\$240,000	169194
Tax Credit						169195
Motion Picture	\$40,000	\$40,000	\$51,000	\$46,000	\$110,000	169196
Tax Credit						169197
New Markets	\$10,000	\$10,000	\$7,500	\$6,600	\$39,600	169198
Tax Credit						169199
R&D Loan Tax Credit	\$0	\$0	\$1,450	\$1,450	\$5,000	169200
InvestOhio Tax Credit	\$4,900	\$5,000	\$3,675	\$3,750	\$7,500	169201 169202
Ohio Rural Business	\$0	\$0	\$22,500	\$11,250	\$22,500	169203 169204
Ohio Opportunity Zone	\$50,000	\$25,000	\$50,000	\$25,000	\$0	169205 169206
Transformational Mixed-Use Development	\$100,000	\$100,000	\$60,300	\$66,200	\$255,200	169207

Section 757.30. All amended reports and applications for refund filed pursuant to section 5733.031 of the Revised Code, as

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amended by this act, must be received by the Department of 169210
Taxation on or before December 31, 2023. The Department shall deny 169211
all applications for refund related to reports amended pursuant to 169212
that section and received after December 31, 2023, and any such 169213
denial is not subject to appeal. The Department shall not issue 169214
any assessments related to any amended report filed pursuant to 169215
that section if the amended report is received by the Department 169216
after December 31, 2023. For purposes of this section, a report or 169217
application is "received" on or before December 31, 2023, if it is 169218
postmarked on or before that date. 169219

Section 757.40. (A) As used in this section: 169220

(1) "Qualified property" means real property for which a 169221
covenant not to sue was issued under section 3746.12 of the 169222
Revised Code in 2020 and that is subject to the exemption 169223
authorized by section 5709.87 of the Revised Code beginning for 169224
tax year 2022. 169225

(2) "Exempt portion" means the portion of the assessed value 169226
of improvements, buildings, fixtures, and structures that would be 169227
exempt from taxation if they qualified for the exemption 169228
authorized by section 5709.87 of the Revised Code for the 169229
applicable tax year, as described in division (C)(1)(a) of that 169230
section. 169231

(B) Notwithstanding section 5709.87 of the Revised Code, a 169232
person that owned qualified property for tax year 2020 or 2021 may 169233
file an application with the Tax Commissioner, on a form 169234
prescribed by the Commissioner, on or before the date that is one 169235
year after the effective date of this section, requesting both of 169236
the following: 169237

(1) That unpaid property taxes, penalties, and interest on 169238
the exempt portion of the qualified property for tax years 2020 169239

and 2021 be abated;	169240
(2) That all paid taxes, penalties, and interest on the exempt portion of the qualified property for those tax years be credited or paid to the applicant;	169241 169242 169243
(3) That, notwithstanding division (C)(1)(a) of section 5709.87 of the Revised Code, the exemption for the qualified property authorized by that division that began for tax year 2022 end after tax year 2029.	169244 169245 169246 169247
(C) Upon receipt of the application and after consideration of it, the Commissioner shall determine if the property is qualified property and, if so, shall issue an order directing both of the following:	169248 169249 169250 169251
(1) That all unpaid taxes, penalties, and interest described under division (B)(1) of this section be abated;	169252 169253
(2) That all taxes, penalties, and interest described in division (B)(2) of this section be regarded as an overpayment of taxes under section 5715.22 of the Revised Code and be credited or paid to the applicant in accordance with that section;	169254 169255 169256 169257
(3) That, notwithstanding division (C) of section 5709.87 of the Revised Code, the exemption for the property authorized by that division that began for tax year 2022 end after tax year 2029.	169258 169259 169260 169261
If the Commissioner finds that the property is not qualified property the Commissioner shall issue an order denying the application.	169262 169263 169264
(E) Nothing in this section authorizes the Tax Commissioner to abate, credit, or pay any portion of the tax on the portion of the assessed value of qualified property that is not the exempt portion.	169265 169266 169267 169268
Section 757.50. The Tax Commissioner shall not make	169269

adjustments in 2023 or 2024 to the income amounts in divisions 169270
(A)(2) and (3) of section 5747.02 of the Revised Code, as 169271
otherwise required by division (A)(5) of that section, or make 169272
adjustments in 2023 or 2024 to the personal exemption amounts 169273
prescribed in division (A) of section 5747.025 of the Revised 169274
Code, as otherwise required by divisions (B) and (C) of that 169275
section. 169276

Section 757.60. (A) The Joint Committee on Property Tax 169277
Review and Reform is created, composed of the following members: 169278

(1) Five members of the Senate, three of whom are members of 169279
the majority party appointed by the President of the Senate and 169280
two of whom are members of the minority party appointed by the 169281
Minority Leader of the Senate; 169282

(2) Five members of the House of Representatives, three of 169283
whom are members of the majority party appointed by the Speaker of 169284
the House of Representatives and two of whom are members of the 169285
minority party appointed by the Minority Leader of the House of 169286
Representatives; 169287

The Committee shall be co-chaired by one majority party 169288
member of the Senate, appointed by the President of the Senate, 169289
and one majority party member of the House of Representatives, 169290
appointed by the Speaker of the House of Representatives. 169291

(B) The Committee shall review the history and purpose of all 169292
aspects of Ohio's property tax law, including the forms of levies, 169293
exemptions, and local subdivision budgeting. The Committee may 169294
hold hearings on pending legislation related to property taxation 169295
and make recommendations regarding that legislation. The Committee 169296
shall hold its first meeting not later than ninety days after the 169297
effective date of this section. 169298

The Committee shall produce a report describing the 169299

activities and findings of the Committee and making 169300
recommendations on reforms to Ohio's property tax law and shall 169301
submit this report to the President of the Senate, the Speaker of 169302
the House of Representatives, and the Minority Leaders of the 169303
Senate and the House of Representatives not later than December 169304
31, 2024. 169305

(C) Members of the Committee shall serve at the pleasure of 169306
the appointing authority and without compensation. 169307

(D) The Committee ceases to exist upon the submission of the 169308
report required under division (B) of this section. 169309

Section 759.10. FLYOHIO TETHERED DRONES PILOT PROGRAM 169310

(A) The Office of Aviation within the Department of 169311
Transportation shall conduct a pilot program to field test the use 169312
of tethered drones over rural campsite areas and urban or suburban 169313
areas to gauge the feasibility and cost-effectiveness of sharing 169314
data collected from these overflights to emergency responders, 169315
public safety professionals, and infrastructure security 169316
professionals. 169317

This pilot project shall examine both mobile and permanent 169318
tethered drones, including deployment in all weather and hazard 169319
conditions through the purchase and use of tethered drones by the 169320
Mandel Jewish Community Center in the city of Cleveland at its 169321
main campus site as well as at the Center's campsite at Camp Wise 169322
in Geauga County. 169323

(B) The Office may use up to \$247,500 from GRF appropriation 169324
item 772456, Unmanned Aerial Systems Center, for purposes of 169325
administering and implementing the pilot program. Up to three 169326
percent of this funding may be used to pay administrative and 169327
reporting costs of the pilot project. 169328

(C) The Office of Aviation shall issue a report of its 169329

findings on July 1, 2024, and July 1, 2025. Upon submission of the 169330
report on July 1, 2025, the pilot program is abolished. 169331

Section 803.10. The amendment by this act of division 169332
(D)(3)(c)(ii) of section 718.01 of the Revised Code applies to 169333
taxable years beginning on or after January 1, 2023. In accordance 169334
with division (A) of section 718.04 of the Revised Code, each 169335
municipal corporation that levies a tax on income shall adopt an 169336
ordinance or resolution incorporating that amendment and applying 169337
it to taxable years beginning on or after January 1, 2023. 169338

The amendment by this act of division (C)(15) of section 169339
718.01 of the Revised Code applies to taxable years beginning on 169340
or after January 1, 2024. In accordance with division (A) of 169341
section 718.04 of the Revised Code, each municipal corporation 169342
that levies a tax on income shall adopt an ordinance or resolution 169343
incorporating that amendment and applying it to taxable years 169344
beginning on or after January 1, 2024. 169345

Section 803.20. The amendment by this act of sections 1710.06 169346
and 3706.12 of the Revised Code shall not be construed or 169347
otherwise interpreted in derogation of any issuance of a bond or 169348
note by the Ohio air quality development authority, the levy of 169349
any special assessment by a municipal corporation or special 169350
improvement district, or the assignment or remittance of any such 169351
assessment to the authority, issued, levied, assigned, or remitted 169352
before the effective date of this section. 169353

Section 803.30. The amendment by this act of section 5751.033 169354
of the Revised Code is intended to be remedial in nature and to 169355
clarify the law as it existed prior to that amendment, and shall 169356
be construed accordingly. 169357

Section 803.40. The amendment by this act of section 5753.031 169358

of the Revised Code applies to sports gaming receipts received on 169359
and after July 1, 2023. 169360

Section 803.50. The amendment by this act of section 5739.02 169361
of the Revised Code applies on and after October 1, 2023. 169362

Section 803.60. The amendment by this act of division (E) of 169363
section 5747.07 of the Revised Code applies to filings and 169364
payments due on or after January 1, 2024. 169365

Section 803.70. The amendment by this act of section 5726.01 169366
of the Revised Code is intended to be remedial in nature and to 169367
clarify the law as it existed prior to that amendment, and shall 169368
be construed accordingly. 169369

Section 803.80. The amendment by this act of section 718.84 169370
of the Revised Code applies beginning to the first report required 169371
to be filed under division (B) of that section on or after the 169372
effective date of that amendment. 169373

Section 803.90. The amendment by this act of section 323.152 169374
of the Revised Code applies to tax year 2023 and every tax year 169375
thereafter. The amendment by this act of section 4503.065 of the 169376
Revised Code applies to tax year 2024 and every tax year 169377
thereafter. 169378

Section 803.100. The amendment by this act of sections 169379
718.05, 718.27, 718.85, and 718.89 of the Revised Code applies to 169380
tax returns required to be filed for taxable years ending on or 169381
after January 1, 2023. 169382

Section 803.110. The provisions of this act pertaining to the 169383
certificate of need program, as they are established by the 169384

amendment of sections 3702.511, 3702.52, 3702.532, 3702.54, 169385
3702.544, 3702.55, 3702.57, 3702.60, and 3702.61 of the Revised 169386
Code and the repeal of section 3702.541 of the Revised Code and 169387
Section 5 of H.B. 371 of the 134th General Assembly, apply 169388
retroactively to the following extent: 169389

(A) The provisions apply to any certificate of need that was 169390
granted prior to the effective date of this section and is still 169391
valid on the effective date of this section. 169392

(B) The provisions apply to any application for a certificate 169393
of need that is pending on the effective date of this section. 169394

(C) The provisions apply to any action for the imposition of 169395
civil penalties or other sanctions, including any appeal of such 169396
an action, that is pending on the effective date of this section 169397
for a violation of sections 3702.51 to 3702.62 of the Revised 169398
Code. 169399

Section 803.120. The amendment by this act of section 4301.62 169400
and the enactment of section 4303.188 of the Revised Code apply 169401
beginning on January 1, 2024. 169402

Section 803.130. The amendment or enactment by this act of 169403
divisions (A) and (G) of section 5727.47 of the Revised Code 169404
applies to petitions for reassessment filed for tax year 2024 and 169405
thereafter. 169406

Section 803.140. The amendment by this act of divisions 169407
(B)(1) and (10) of section 5739.02 of the Revised Code is a 169408
remedial measure intended to clarify existing law and applies to 169409
all cases pending on a petition for reassessment or on further 169410
appeal, or transactions subject to an audit by the Department of 169411
Taxation, on or after the effective date of this section. 169412

Section 803.150. The amendment or enactment by this act of sections 5743.06 and 5743.53 of the Revised Code apply to bad debts charged off as uncollectible on the books and records of a wholesale dealer, distributor, or vapor distributor on or after January 1, 2024.

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Section 803.160. The amendment or enactment by this act of division (A)(39) of section 5747.01 and division (F)(2)(ss) of section 5751.01 of the Revised Code applies to taxable years or tax periods beginning on or after January 1, 2023.

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Section 803.170. The amendment by this act of section 5747.501 of the Revised Code applies on and after July 1, 2023.

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Section 803.180. The enactment by this act of section 5747.64 of the Revised Code applies to taxable years beginning on and after January 1, 2023.

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Section 803.190. The enactment by this act of divisions (F)(2)(rr) and (tt) of section 5751.01 of the Revised Code applies to tax periods ending on or after the effective date of this section.

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Section 803.200. The amendment by this act of Section 280.28 of H.B. 45 of the 134th General Assembly is intended to be remedial in nature and applies on and after January 6, 2023.

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Section 803.210. The amendment by this act of section 5747.02 of the Revised Code applies to taxable years beginning in or after 2023.

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Section 803.220. The enactment by this act of divisions (A)(40) and (41) of section 5747.01 and section 5747.84 of the

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Revised Code apply to taxable years beginning on or after January 1, 2024. 169439
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Section 806.10. SEVERABILITY 169441

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application. 169442
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Section 809.10. NO EFFECT AFTER END OF BIENNIUM 169448

An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2025, unless its context clearly indicates otherwise. 169449
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Section 812.10. SUBJECT TO REFERENDUM 169453

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date. 169454
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Section 812.11. (A) The following sections of this act take effect six months after the effective date of this section: 169460
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(1) The amendment or enactment of sections 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 169462
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3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 169466
3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 169467
3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 169468
of the Revised Code; 169469

(2) The repeal of section 3121.46 of the Revised Code. 169470

(B) During the six-month period after the effective date of 169471
this section, the Ohio Department of Job and Family Services shall 169472
perform system changes, create rules and forms, and make any other 169473
changes as necessary to implement the amendments, enactments, and 169474
repeals listed in this section. 169475

Section 812.20. The amendment or enactment by this act of the 169476
sections listed below is exempt from the referendum under Ohio 169477
Constitution, Article II, section 1d and section 1.471 of the 169478
Revised Code and therefore takes effect immediately when this act 169479
becomes law or, if a later effective date is specified below, on 169480
that date. 169481

Sections 122.4017, 122.4037, 122.4040, 5165.158, 5747.501, 169482
5751.02, 5753.031, 5913.01, and 5922.01 of the Revised Code. 169483

Section 812.30. Sections of this act prefixed with numbers in 169484
the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are 169485
exempt from the referendum under Ohio Constitution, Article II, 169486
Section 1d, and therefore take immediate effect when this act 169487
becomes law. 169488

Section 812.40. The enactment by this act of section 5163.063 169489
of the Revised Code takes effect one year after the effective date 169490
of this section. 169491

Section 820.10. The General Assembly, applying the principle 169492
stated in division (B) of section 1.52 of the Revised Code that 169493
amendments are to be harmonized if reasonably capable of 169494

simultaneous operation, finds that the following sections, 169495
presented in this act as composites of the sections as amended by 169496
the acts indicated, are the resulting versions of the sections in 169497
effect prior to the effective date of the sections as presented in 169498
this act: 169499

Section 109.42 of the Revised Code as amended by both H.B. 169500
343 and S.B. 288 of the 134th General Assembly. 169501

Section 109.57 of the Revised Code as amended by both H.B. 169502
405 and S.B. 288 of the 134th General Assembly. 169503

Section 109.572 of the Revised Code as amended by both H.B. 169504
509 and S.B. 288 of the 134th General Assembly. 169505

Section 119.12 of the Revised Code as amended by both H.B. 52 169506
and H.B. 64 of the 131st General Assembly. 169507

Section 121.95 of the Revised Code as amended by both H.B. 29 169508
and S.B. 9 of the 134th General Assembly. 169509

Section 122.073 of the Revised Code as amended by both H.B. 169510
487 and S.B. 314 of the 129th General Assembly. 169511

Section 127.16 of the Revised Code as amended by both H.B. 169512
442 and S.B. 276 of the 133rd General Assembly. 169513

Section 149.43 of the Revised Code as amended by H.B. 45, 169514
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 169515
134th General Assembly. 169516

Section 317.08 of the Revised Code as amended by both H.B. 9 169517
of the 130th General Assembly and H.B. 141 of the 131st General 169518
Assembly. 169519

Section 718.01 of the Revised Code as amended by H.B. 228 and 169520
S.B. 217 of the 134th General Assembly, and H.B. 197 and S.B. 276 169521
of the 133rd General Assembly. 169522

Section 2101.16 of the Revised Code as amended by both H.B. 169523
45 and H.B. 281 of the 134th General Assembly. 169524

Section 2109.21 of the Revised Code as amended by both S.B. 117 and S.B. 124 of the 129th General Assembly.	169525 169526
Section 2929.18 of the Revised Code as amended by both H.B. 343 and H.B. 462 of the 134th General Assembly.	169527 169528
Section 2930.16 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.	169529 169530
Section 2953.32 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.	169531 169532
Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly.	169533 169534
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	169535 169536
Section 3310.41 of the Revised Code as amended by both H.B. 509 and H.B. 554 of the 134th General Assembly.	169537 169538
The version of section 3319.22 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	169539 169540 169541
Section 3328.24 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	169542 169543
Section 3509.05 of the Revised Code as amended by both H.B. 45 and H.B. 458 of the 134th General Assembly.	169544 169545
Section 4507.06 of the Revised Code as amended by both H.B. 74 and H.B. 281 of the 134th General Assembly.	169546 169547
Section 4513.17 of the Revised Code as amended by both H.B. 30 and S.B. 224 of the 134th General Assembly.	169548 169549
Section 4715.30 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	169550 169551
Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.	169552 169553

Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.	169554 169555
The version of section 4765.55 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	169556 169557 169558
Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	169559 169560
Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly.	169561 169562
Section 5153.163 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.	169563 169564
Section 5321.01 of the Revised Code as amended by both H.B. 281 and H.B. 430 of the 134th General Assembly.	169565 169566
Section 5725.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	169567 169568
Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.	169569 169570
Section 5739.09 of the Revised Code as amended by S.B. 310 of the 133rd General Assembly and H.B. 110 of the 134th General Assembly.	169571 169572 169573
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	169574 169575
Section 5739.99 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	169576 169577
Section 5747.01 of the Revised Code as amended by H.B. 45, H.B. 110, H.B. 150, H.B. 515, S.B. 33, and S.B. 246, all of the 134th General Assembly.	169578 169579 169580
Section 5747.98 of the Revised Code as amended by both H.B. 45 and H.B. 66 of the 134th General Assembly.	169581 169582